

# Egg Harbor Township

## Ordinance No. 10

2022

**An ordinance to amend Chapter 225 of the Code of the Township of Egg Harbor, specifically Section 225-99, entitled Timber Ridge Redevelopment Area**

**WHEREAS**, Ordinance 29 of 2021 was adopted by Township Committee on July 21, 2021 creating a new section in the Code of the Township of Egg Harbor Section 225-99, entitled "Timber Ridge Redevelopment Area"; and

**WHEREAS**, The Pineland Commission noted inconsistencies upon review of the Timber Ridge Redevelopment Area;

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey as follows:

**SECTION 1:** Chapter 225 of the Code of the Township of Egg Harbor specifically **Section 225-99** entitled "Timber Ridge Redevelopment Area" is hereby amended by deleting it in its entirety and replacing it with the following:

### **§ 225-99. Timber Ridge Redevelopment Area**

- A. Pursuant to N.J.S.A. 40A:12A-7 d., the document entitled Timber Ridge Redevelopment Plan, Black Horse Pike, Block 1223, Lots 5, 6 and 8 & Block 1305, Lot 7, prepared by Polistina & Associates (dated February, 2022), is found to be consistent with the Egg Harbor Township Master Plan, as updated via Reexamination through 2017.
- B. Pursuant to N.J.S.A. 40A:12A-7, such Timber Ridge Redevelopment Plan, Black Horse Pike, Block 1223, Lots 5, 6 and 8 & Block 1305, Lot 7, is hereby adopted as an Ordinance of the Township of Egg Harbor.
- C. The Zoning Map of the Township of Egg Harbor, as established under Chapter 225 of the Township Code, is hereby amended to incorporate the provisions of the Timber Ridge Redevelopment Plan, Black Horse Pike, Block 1223, Lots 5, 6 and 8 & Block 1305, Lot 7, and Township Engineer is instructed to physically amend such Zoning Map.
- D. The provisions of the adopted Timber Ridge Redevelopment Plan, Black Horse Pike, Block 1223, Lots 5, 6 and 8 & Block 1305, Lot 7, shall supplement the provisions of the development regulations of the Township of Egg Harbor to the extent set forth in such Redevelopment Plan.

**SECTION 2:** All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

**SECTION 3:** Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

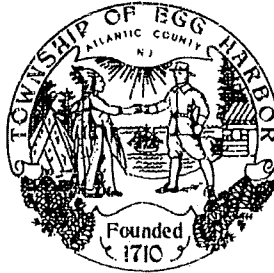
**SECTION 4:** This Ordinance shall become effective immediately upon final adoption and publication according to law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE TOWNSHIP COMMITTEE OF EGG HARBOR TOWNSHIP, IN THE COUNTY OF ATLANTIC, STATE OF NEW JERSEY, HELD MARCH 2, 2022, AND WILL BE FURTHER CONSIDERED FOR FINAL PASSAGE AFTER A PUBLIC HEARING THEREON AT A REGULAR MEETING OF SAID TOWNSHIP COMMITTEE TO BE HELD IN THE MUNICIPAL BUILDING, IN SAID TOWNSHIP, ON APRIL 6, 2022.

Dated: March 2, 2022

  
Eileen M. Tedesco, RMC  
Township Clerk

# TOWNSHIP OF EGG HARBOR ATLANTIC COUNTY



## TIMBER RIDGE REDEVELOPMENT PLAN

BLACK HORSE PIKE  
BLOCK 1223, LOTS 5, 6 & 8  
BLOCK 1305, LOT 7

Prepared for:  
Egg Harbor Township Planning Board



February, 2022

PA# 2000.39

Recommended by the Planning Board by Resolution # \_\_, adopted on \_\_\_\_;

Adopted by the Governing Body by Ordinance # \_\_ on \_\_\_\_;

Certified by the Pinelands Commission on \_\_\_\_.

Prepared by:

**POLISTINA**  
Associates, LLC  
Engineers & Planners

6684 Washington Avenue  
Egg Harbor Township, NJ 08234  
Phone 609-646-2950

# **Timber Ridge Redevelopment Plan**

**6602 & 6606 BLACK HORSE PIKE**

**2509 & 2512 SPRUCE AVENUE**

**BLOCK 1223, LOTS 5, 6 & 8**

**BLOCK 1305, LOT 7**

Prepared For:

Egg Harbor Township Committee & Planning Board

3515 Bargaintown Road

Egg Harbor Township, New Jersey 08234

Prepared By:

Polistina & Associates, LLC

6684 Washington Avenue

Egg Harbor Township, NJ 08234

PA Job No. 2103.81

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Vincent J. Polistina, PE, PP

New Jersey Professional Planner License No. 5595

## **Members of the Township Committee - 2022**

Mr. Paul W. Hodson..... Mayor  
Ms. Laura Pfrommer..... Deputy Mayor  
Mr. Joe Cafero ..... Committee Member  
Mr. Ray Ellis, Jr..... Committee Member  
Mr. Joe O'Donaghue..... Committee Member  
Ms. Donna Markulic..... Township Administrator  
Ms. Rosemarie Fedeli ..... Administrative Secretary

## **Members of the Planning Board - 2022**

Mr. Manuel "Manny" Aponte, Chairperson ..... Class IV Member  
Mr. Paul Rosenberg, Vice-Chairperson..... Class IV Member  
Mr. Paul W. Hodson, Mayor..... Class I Member  
Mr. Edward Bertino, Patrolman, Community Policing Officer..... Class II Member  
Ms. Laura Pfrommer, Deputy Mayor ..... Class III Member  
Mr. Charles Eykyn, 2<sup>nd</sup> Vice-Chairperson..... Class IV Member  
Mr. Stephen Mazur..... Class IV Member  
Ms. Victoria Schiffler..... Class IV Member  
Mr. Riaz Rajput..... Class IV Member  
Mr. James Galvin..... Alternate I

## **Planning Board Staff - 2022**

Ms. Terry Wilbert..... Land Use Administrator  
Mr. James Varallo..... Land Use Clerk

## **Planning Board Professionals - 2022**

Mr. John Ridgway, Esq..... Board Solicitor  
Mr. Vincent J. Polistina, PE, PP ..... Township Planner  
Mr. James A. Mott, PE / Robert Watkins, PE..... Township Engineer

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## EXECUTIVE SUMMARY

The Redevelopment Area includes three tax parcels, Lots 5, 6 and 8 in Block 1223, located in the Township's HB Highway Business zoning district and one parcel, Lot 7 in Block 1305, located in the RG-4 Residential zoning district. The parcels in Block 1223 are bounded by the Black Horse Pike, Spruce Avenue and Fork Road. A total of 4 tax lots, with a total area of 48.45 acres, comprise the Redevelopment Area. To the east of the Redevelopment Area, there are existing commercial businesses, including Bob's Garden Center. The lots to the west of the Redevelopment Area along the Black Horse Pike are a mix of commercial businesses. To the north of the Redevelopment Area, there are residentially developed lots and the Davenport School and the Atlantic City Expressway. The lots to the south of the Redevelopment Area are commercially developed lots along the Black Horse Pike.

Based on the uses permitted and the state of existing uses, this area of the Township has been underutilized. The Township of Egg Harbor recognizes the importance of improving this area and has taken steps to study and effectuate the improved development of the area. On April 19, 2021, the Egg Harbor Township Planning Board held a public hearing and determined that the Study Area, Block 1223, Lots 5, 6 & 8 and Block 1305, Lot 7, qualifies as an "Area in need of Redevelopment" as memorialized by unnumbered Resolution. The Township adopted the Planning Board's determination by Resolution No. 247 on May 5, 2021. The designation of a Non-condemnation Redevelopment Area permits the Township of Egg Harbor to use all the powers provided for in the Local Redevelopment and Housing Law, except that the use of eminent domain shall not be permitted.

The Township has determined that use of the redevelopment planning tools will help to strengthen the Township's economic base by improving the conditions and redevelopment opportunities in the in the Highway Business and RG-4 Residential zoning districts. Block 1223, Lot 5, 6 & 8 and Block 1305, Lot 7 are underutilized and offer the Township an opportunity to spur economic revitalization to effectuate the goals of the Township's Highway Business and RG-4 Residential zoning districts. Therefore, Egg Harbor Township Planning Board has prepared this Redevelopment Plan for consideration and adoption by the Egg Harbor Township Committee.

This Redevelopment Plan aims to support redevelopment of the vacant parcels with a mixed-use development consisting of commercial development along the Black Horse Pike and a residential development consisting of garden apartments along Spruce Avenue. The site is currently vacant and has been determined to be an "Area in Need of Redevelopment" since it has remained vacant for a significant period of time despite the investment and improvements nearby. The commercial and residential developments will enhance the local area and benefit the community.

**This Redevelopment Plan is designed specifically for the Properties located at 6602 & 6606 Black Horse Pike and 2509 & 2512 Spruce Avenue, also known as Block 1223, Lots 5, 6 & 8 and Block 1305, Lot 7, hereafter referred to as the "Timber Ridge Redevelopment Plan."**

## INTRODUCTION

### *Egg Harbor Township*

Egg Harbor Township is located on the Great Egg Harbor Bay at the southern tip of Atlantic County, New Jersey. Per the 2010 United States Census, the Township's population was 43,323, reflecting an increase of 12,597 (+41.0 percent) from the 30,726 counted in the 2000 Census, which had in turn increased by 6,182 (+25.2 percent) from the 24,544 counted in the 1990 Census. Since 2010, the population is estimated to have declined slightly to 42,249 as of 2019.

The Township is bordered by the Great Egg Harbor Bay to the south, Hamilton Township to the west, Galloway Township and the City of Absecon to the north and Absecon Island to the east. Portions of the Township, notably the West Atlantic City, Anchorage Poynte and Seaview Harbor neighborhoods, are not contiguous to the main body of the municipality, having been separated from the mainland portion of the Township as the region's municipalities were formed in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries.

Egg Harbor Township includes the unincorporated villages of Bargaintown (the Township's seat of government), Cardiff, English Creek, Farmington, Scullville (formerly known as Jeffers), Steelmanville and West Atlantic City, as well as part of McKee City. Other localities and place names located partially or completely within the Township include Devenshire, English Creek Landing, Greenwood, Idlewood, Jeffers Landing, Jobs Point, Jones Island, McKee City Station, Mount Calvary, Pleasantville Terrace, Pork Island, Rainbow Islands and Sculls Landing.

The Township is one of 56 New Jersey municipalities that are partially or wholly located within the regulated New Jersey Pinelands Area and the Pinelands National Reserve. The Pinelands Area is a protected natural area of unique ecology and water quality covering 1,100,000 acres, that was established as the nation's first national reserve by an act of Congress in 1978. The Pinelands has also been classified as a United States Biosphere Reserve. The Pinelands Comprehensive Management Plan provides the foundations for land use planning within the Pinelands Area and includes seven management areas. The Township is designated a Pinelands Regional Growth Area with the Pinelands Area located west of the Garden State Parkway and north of Ocean Heights Avenue.

### ***Redevelopment Area - Block 1223, Lots 5, 6 & 8 and Block 1305, Lot 7***

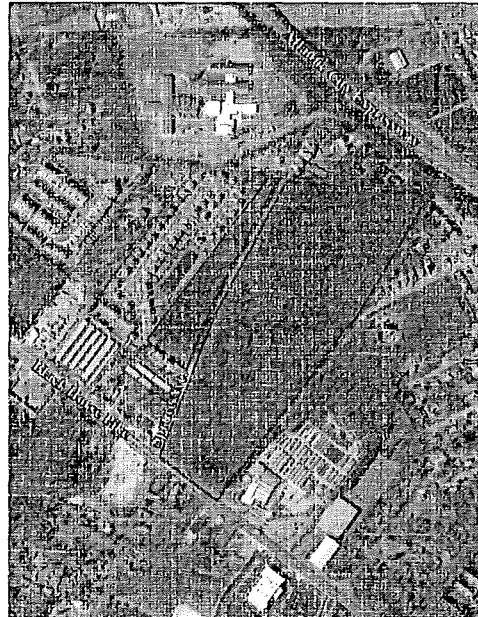
The Township Committee of Egg Harbor Township adopted Resolution No. 116 on February 3, 2021 authorizing the Planning Board to undertake an investigation of the Study Area, Block 1223, Lots 5, 6 & 8 and Block 1305, Lot 7 to determine if it meets the criteria under the New Jersey Local Redevelopment and Housing Law - N.J.S.A. 40A:12A-1 et seq. (LRHL) as an area in need of redevelopment.



The Egg Harbor Township Planning Board held a public hearing and determined that the above mentioned parcel satisfied the criteria under the LRHL as an area in need of redevelopment by an unnumbered Resolution adopted on April 19, 2021. The Township Committee adopted the Planning Board's determination by Resolution No. 247 of 2021 on May 5, 2021.

## **DESCRIPTION OF REDEVELOPMENT AREA**

This report focuses on Block 1223, Lots 5, 6 & 8 and Block 1305, Lot 7, hereafter "Redevelopment Area." The Redevelopment Area consists of the four vacant parcels with frontage on the Black Horse Pike and Spruce Avenue.



Lot 5 in Block 1223 is a 18.71 acre parcel located in the HB Highway Business zoning district. The lot has frontage on the Black Horse Pike and Fork Road. The lot also has approximately 73 feet of frontage on Goldenrod Lane. The lot is currently wooded and vacant.

Lot 6 in Block 1223 is a 17.33 parcel located in the HB Highway Business zoning district. The lot has frontage on the Black Horse Pike and Spruce Avenue. The lot is currently wooded and vacant.

Lot 8 in Block 1223 is a 5.74 acre parcel located in the HB Highway Business zoning district. The lot has frontage on Spruce Avenue. The lot is wooded and vacant.

Lot 7 in Block 1305 is a 6.67 acre parcel located in the RG-4 Residential zoning district. The lot has frontage on Spruce Avenue. The lot is adjacent to an existing single-family development. The lot is wooded and vacant.

## **EXISTING ZONING REQUIREMENTS**

The Redevelopment Area includes Block 1223, Lot 5, 6 & 8 located in the Township's Highway Business zoning district and Block 1305, Lot 7 located in the RG-4 Residential zoning district.

The intent and purpose of the Highway Business Zone is to provide and encourage the development of commercial uses along the Black Horse Pike to provide services to the

residents and those traveling through Egg Harbor Township. The permitted uses in the HB zoning district include restaurants, including drive-in and quick-food restaurants; professional or business offices; banks; private or public schools, clubs and eleemosynary uses; food markets and supermarkets, delicatessens, bakeries; liquor stores; personal service establishments limited to shoe shops, laundries, barbershops, beauty parlors, hardware shops and drugstores; business services limited to shops of plumbers, carpenters, electricians, painters or similar tradesmen; warehouses and office buildings; furniture, furnishings and household appliance stores; commercial recreation facilities, including outdoor and indoor theaters, miniature golf and golf driving ranges, batting cages, bowling alleys, indoor soccer, skating rinks and other similar uses; funeral homes; shopping centers; banks chartered under state or federal law, not including drive-in facilities; retail sales and retail services; personal wireless telecommunications facility not to exceed 120 feet in height; car wash; home improvement stores, including the sale of building materials and lumber; fast-food restaurants; drive-in banking facilities; and a public garage, new motor sales or leasing agency or used motor vehicle sales agency (provided that it is incidental to the sale of new motor vehicles).

The intent and purpose of the RG-4 Residential zoning district is to provide residential development within in the Pineland's Regional Growth Area at a maximum permitted density of six (6) dwelling units per acre. The permitted uses in the RG-4 Residential zoning district include single-family detached dwellings; public parks, playgrounds, active and passive recreation; and two-family dwellings. Single-family attached dwellings are permitted in the RG-4 zoning district providing that the minimum tract size is three acres, no single-family attached dwelling will front on a public street, a ten-foot wide perimeter buffer is provided, no more than eight (8) single-family attached dwellings shall be contained in any one continuous structure and public sewer must be provided.

Based on the current RG-4 zoning, a total of forty (40) units could be developed on Block 1305, Lot 7 based on the 6.67 acres at a density of six (6) units per acre. The RG-4 ordinance would also provide for a twenty percent (20%) set-aside for affordable housing units within the development or a total of eight (8) affordable units. The Timber Ridge redevelopment should include provisions for the eight (8) affordable units within the proposed plan.

Redeveloping the Study Area will be beneficial to the Township and overall community because the site is currently underutilized and is not currently contributing to the economic base of the Township.

## **REDEVELOPMENT PLAN GOALS AND OBJECTIVES**

The primary goal of this Redevelopment Plan is to strengthen the Township's economic base by improving and broadening redevelopment opportunities within the Redevelopment Area. Block 1223 Lots 5, 6 & 8 and Block 1305 Lot 7 are underutilized, are served by transportation routes, and have access to infrastructure and utilities. As such the property presents an opportunity for an economic revitalization and an opportunity to realize the goals of the Township's Highway Business and RG-4 Residential zoning districts.

## **REDEVELOPMENT PLAN**

The Redevelopment Plan is designed to address the redevelopment of the properties located at 6602 & 6606 Black Horse Pike and 2509 & 2512 Spruce Avenue, also known as Block 1223, Lots 5, 6 & 8 and Block 1305, Lot 7. This redevelopment area shall be referred to as the Timber Ridge Redevelopment Area.

### ***Definitions***

The definitions provided in N.J.S.A. 40A:12A-3 are incorporated into this plan by reference. Further the definitions located in section 225-3 of the Township Code are also incorporated into the Redevelopment Plan.

### ***Land Use and Building Requirements***

In order to effectuate the goals and objectives, it is necessary to create land use and building requirements applicable at the subject property. The new overlay district entitled "Timber Ridge Redevelopment Area Overlay District" as provided for in this redevelopment plan shall overlay the existing zoning and is applicable only for the designated redevelopers.

As required by N.J.S.A. 40A:12A-7c, the zoning map will be amended to include the "Timber Ridge Redevelopment Area Overlay District" for the subject properties.

All other design criteria specified in the Township Land Development Ordinance are applicable to the future development unless specifically modified below.

### **Timber Ridge Redevelopment Area Overlay District**

#### **A. Permitted Principal Uses:**

1. Retail shops and retail services
2. Restaurants, including drive-thru and quick food restaurants
3. Professional and business offices

4. Medical offices, urgent care facilities, and other outpatient medical services
5. Banks
6. Food markets and supermarkets, delicatessens, bakeries
7. Liquor stores
8. Personal service establishments limited to shoe shops, laundries, barbershops, beauty parlors and salons, hardware shops, and pharmacies
9. Business services limited to shops of plumbers, carpenters, electricians and similar tradesmen
10. Commercial recreation facilities, including outdoor and indoor theaters, miniature golf and golf driving ranges, batting cages, bowling alleys, indoor soccer, skating rinks and other similar uses;
11. Shopping centers
12. Banks chartered under state or federal law, not including drive-in facilities
13. Fast-food restaurants with drive-through
14. Drive-through banking facilities
15. Multifamily/Apartment Dwellings (Garden Apartments)

**B. Permitted Accessory Uses:** Permitted accessory uses shall be uses and buildings customary and incidental to the principal use or building, including but not limited to:

1. Personal wireless telecommunications equipment facility not to exceed fifteen feet (15') in height
2. Recreational and community facilities and buildings including but not limited to: tennis courts, swimming pools, hot tubs, spas, basketball courts, shuffleboard courts, gyms, walking and jogging trails, playgrounds and tot lots, passive recreation space.
3. Off street parking facilities to serve the development
4. Electric vehicle charging facilities
5. Stormwater management facilities to serve the development

6. Loading spaces and facilities to serve the development
7. Signs to serve the development
8. Enclosures for trash and recyclables
9. Outdoor seating areas

C. **Bulk Standards:** The following standards supersede and replace any such standards in the Township's Zoning Ordinance for redevelopment projects. All other design criteria of the Zoning Ordinance are applicable to future development unless specifically modified below.

1. Commercial Development:

- a. The minimum lot area designated for the commercial development shall be five (5) acres.
- b. Minimum Lot Width – 200 feet
- c. Minimum Front Yard Setback to a State right of way – 50 feet
- d. Minimum Front Yard Setback to a Township right of way -- 50 feet
- e. Minimum Rear Yard Setback – 30 feet
- f. Minimum Rear Yard Setback to a Residential Zone – 35 feet
- g. Minimum Side Yard Setback – 20 feet
- h. Minimum Side Yard Setback to a Residential Zone -- 25 feet
- i. Maximum Building Height – 45 feet
- j. Maximum Impervious Coverage – 70%
- k. Minimum Gross Floor Area – 2,500 square feet
- l. Minimum Distance Between Buildings -- 25 feet

2. Garden Apartment Residential Development:

- a. The minimum lot area designated for the residential development shall be seven (7) acres.

- b. Garden apartments shall be oriented towards and primarily access from internal private roadways.
  - c. Minimum Perimeter Buffer – 20 feet
  - d. Maximum Number of Units per Building – 12 units
  - e. Maximum Building Length – 120 feet
  - f. Number of Affordable Units – 8 Units
  - g. Maximum Density – 4.5 dwelling units per gross acre. With a total area of 48.45 acres at a maximum density of 4.5 units per acre, the total number of market rate units will be 218. A total of eight (8) affordable units shall also be included within the development for a total residential development of 226 units.
  - h. Minimum Front Yard Setback — 25 feet
  - i. Minimum Rear Yard Setback – 25 feet
  - j. Maximum Impervious Coverage – 50%
  - k. Minimum Distance Between Buildings – 50 feet
  - l. Maximum height – 35 feet
- D. **Buffers and Landscaping:** The Applicant must comply with Chapter 94 Design Standards for buffers and landscaping unless modified herein.
- E. **Signage:** The Applicant must comply with Chapter 225-62.G for standards for signage for the residential component and Chapter 225-63 for signage for the commercial component of the project, unless modified herein.
- F. **Design Criteria:** The Applicant must comply with Chapter 94 Design Standards unless modified herein.
- 1. The proposed development design shall be substantially similar to that depicted on the Overall Plan and Site Plans (3 sheets) prepared by Dixon Associates, not dated, as included as Exhibit II.
  - 2. The building design shall be substantially similar to the elevations prepared by \_\_\_\_ (no date), relative to building height, façade treatments, windows and architectural features.

3. Curb and sidewalk shall be provided along the Black Horse Pike and Spruce Avenue frontages. Curb and sidewalk shall be provided from the Black Horse Pike to the proposed entrance to the residential portion of the development on Fork Road in accordance with the Township Design Standards.
4. An outdoor private living space for each ground floor unit shall be provided. Adequate visual screening of such living space from all other neighboring dwelling units, outdoor living spaces, parking areas and roadways shall be provided.
5. All mechanical equipment shall be identified on the site plan and screened from view with evergreen landscaping or architectural fencing.
6. Pedestrian paths or sidewalk shall be designed to provide safe access from the residential buildings to the commercial buildings.

**G. Parking:**

1. Parking for the residential units shall be in accordance with the Residential Site Improvement Standards. For Garden Apartments, the following parking shall be provided:
  - a. One-Bedroom – 1.8 spaces/unit
  - b. Two-Bedroom – 2.0 spaces/unit
  - c. Three-Bedroom – 2.1 spaces/unit
2. Parking for the commercial component of the development shall be as follows:
  - a. Restaurant: One (1) parking space per four (4) seats, includes employee parking
  - b. Retail: One (1) parking space for each two hundred (200) square foot gross floor area
  - c. Off-street parking for all other uses shall be provided in accordance with §225-56 Minimum Parking Requirements.
3. Minimum Parking Setbacks:
  - a. Minimum Front Yard Parking Setback to State Right of Way – 20 feet
  - b. Minimum Front Yard Parking Setback to Township Right of Way – 20 feet

- c. Minimum Rear Yard Parking Setback – 20 feet
- d. Minimum Rear Yard Parking Setback to Residential Zone – 30 feet
- e. Minimum Side Yard Parking Setback – 20 feet
- f. Minimum Side Yard Parking Setback to Residential Zone – 30 feet

**H. General Requirements:**

- 1. Within the commercial portion of the site, multiple buildings are permitted on one parcel of land when they are designed in a coordinated manner, under common ownership, and with shared maintenance, access, and parking.
- 2. Within the commercial portion of the site, subdivisions for financing or conveyance may be proposed without the need for variances that may result from the creation of internal lot lines as long as the commercial lots will be subject to cross access and parking easements and as long as there is a common maintenance agreement among the commercial lots.
- 3. Eight (8) residential units shall be set-aside as affordable housing units in accordance with the Township Affordable Housing Requirements under §225-46.1 of the Township Ordinance.
- 4. Affordable housing units shall conform to the bedroom distribution requirements of the Uniform Housing and Affordability Controls (N.J.A.C. 5:80-26.1 et seq.).
- 5. Recreation amenities are required as set forth in Township Code section §94-28.
- 6. Recreation amenities shall be provided on site and may include the facilities set forth in section B(2) above. Consideration shall be given towards construction of a recreation center/community multipurpose building within the residential community. The community building and amenities should be within walking distance of most of the residents they are intended to serve and/or be accessible by bicycle.
- 7. An area shall be provided for public transportation access including a bus shelter and benches, and if appropriate, a pull-off from the highway in coordination with New Jersey Department of Transportation to serve the site.

- I. **Site Plan Approval / Submission Criteria:** All site plan / submission criteria is required unless modified herein.



**J. Affordable Housing Requirements**

1. Eight (8) residential units shall be set-aside as affordable housing units. The development is subject to the requirements of the Township Ordinance, including but not limited to, the income distribution and bedroom mix of the affordable units therein, and any other applicable regulations under the Uniform Housing and Affordability Controls (U.H.A.C.), (N.J.A.C. 5:80-26.1 et seq.).
2. All affordable housing units shall be marketed and administered in accordance with the Township's Administrative Procedures Manual and Affirmative Marketing Plan in accordance with the requirements of U.H.A.C.
3. Construction and administration of all affordable housing units shall comply with the requirements of the Township Code, along with all U.H.A.C. requirements, except as modified by the terms of a Settlement Agreement between the Township and Fair Share Housing Center ("FHSC").
4. All non-residential development shall comply with the Statewide Non-Residential Development Fee Act, N.J.S.A. 40:55D-8.1 et seq., unless an exemption applies.

**K. Public Electric Vehicle Charging Stations:** The Applicant shall provide proposed locations within the Timber Ridge Redevelopment District for public electric vehicle charging infrastructure within the project area in a manner that appropriately connects with an essential public charging network. This provision shall not require any redeveloper to install vehicle charging stations.

**L. Pinelands Development Credits:** The redeveloper will be required to redeem Pinelands Development Credits for twenty-five (25%) of the total number of market rate units within the development. The 8 units of low- and moderate-income housing required as set forth in Section H(3) may be excluded from the Pinelands Development Credit calculation. Based on the total of 218 market rate units, 55 rights (13.75 PDCs) must be purchased and redeemed by the redeveloper.

**M. Clustering:** In order for the redeveloper to be able to provide some commercial space and open space as part of the development, the Township will allow clustering of the residential units within the development provided that the total of 226 units (218 market rate units and 8 affordable units) is not exceeded.

The amount of commercial space provided shall not be more than two (2) times the amount of open space provided in conjunction with the development.

## ***General Provisions***

The continued revitalization of this area is important to the Township. In order to facilitate the revitalization of these properties the following actions may be permissible under the plan:

1. The use of short term tax abatements or exemptions as authorized by State statute N.J.S.A. 40A:21-1 et seq. is permitted. The tax abatement or exemption program will encourage property owners to make improvements without suffering the initial cost associated with the increased assessment.
2. The use of long term tax exemptions as authorized by State statute N.J.S.A. 40A:20-1 et seq. is permitted. The long term tax exemption would permit a payment in-lieu of taxes (PILOT) for up to 30 years as determined and approved by the Township Committee acting as the Redevelopment Entity. In accordance with the statute, the long term exemption would apply to the value of the new improvements, not the value of the land.
3. Undertake redevelopment projects, and for this purpose issue bonds in accordance with the provisions of section 29 of P.L. 1992, c.79 (C.40A:12A-29).
4. Prepare or arrange by contract for the provision of professional services and the preparation of plans by registered architects, licensed professional engineers or planners, or other consultants for the carrying out of redevelopment projects.
5. Arrange or contract with public agencies or redevelopers for the planning, construction, or undertaking of any project or redevelopment work, or any part thereof; negotiate and collect revenue from a redeveloper to defray the costs of the redevelopment entity, including where applicable the costs incurred in conjunction with bonds, notes or other obligations issued by the redevelopment entity, and to secure payment of such revenue; as part of any such arrangement or contract, provide for extension of credit, or making of loans, to redevelopers to finance any project or redevelopment work, or upon a finding that the project or redevelopment work would not be undertaken but for the provision of financial assistance, or would not be undertaken in its intended scope without the provision of financial assistance, provide as part of an arrangement or contract for capital grants to redevelopers; and arrange or contract with public agencies or redevelopers for the opening, grading or closing of streets, roads, roadways, alleys, or other places or for the furnishing of facilities or for the acquisition by such agency of property options or property rights or for the furnishing of property or services in connection with a redevelopment area. (N.J.S.A. 40A:12A8).
6. Variances and/or waivers may be granted from any of the requirements set forth herein pursuant to the provisions of the Municipal Land Use Law in the reasonable discretion of the Planning or Zoning Board, with the exception of any deviations

requiring a variance pursuant to N.J.S.A. 40:55D-70(d)(1) or a deviation to allow a use not specifically permitted within the Redevelopment Area.

Any development that occurs within the Redevelopment Area shall comply with the following as required by N.J.S.A. 40A:12A-1 et seq.:

1. The Township of Egg Harbor and any redeveloper shall comply with all statutes of the State of New Jersey governing development and redevelopment including but not limited to N.J.S.A. 40:55D-1 et seq., and N.J.S.A. 40A:12A-1 et seq.
2. The Township of Egg Harbor or redeveloper shall agree to comply with all applicable application submission requirements, design standards and development regulations of the Township of Egg Harbor, County of Atlantic and State of New Jersey except where variances and waivers are properly approved. (N.J.S.A. 40A:12A-13 et seq).
3. The Township of Egg Harbor Planning Board shall review and approve all plans and specifications for development with respect to conformance with this Redevelopment Plan and the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.).
4. The redeveloper shall be required to furnish escrows and performance guarantees as required by the Township of Egg Harbor Planning Board, (N.J.S.A. 40:55D-53).
5. Any affordable housing obligations that may result from any development in the Area shall be addressed in accordance with the requirements of the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), the rules and regulations of the N.J. Council on Affordable Housing (COAH), as now existing or hereafter amended, the housing element of the Township's Master Plan and any Development Ordinances. Contributions by Redevelopers towards any COAH obligations of the Township shall be addressed in a redevelopment agreement between the Redeveloper and the Township.

### ***Relocation***

There are no housing units located within the limits of the subject property for this redevelopment plan being relocated; therefore there is no need to make accommodations for the temporary or permanent relocation of residents. (N.J.S.A. 40A:12A-7a(3))

### ***Acquisition***

The site has been designated as a non-condemnation redevelopment area and is not subject to taking by eminent domain. All acquisition will be through private agreement and sale.

### ***Affordable Housing***

There are no housing units existing within the limits of the subject property for this redevelopment plan, therefore there is no need for an inventory of units or an affordable housing replacement plan. (N.J.S.A. 40A:12A-7a(7))

## **RELATIONSHIP TO OTHER PLANS**

An important requirement of a Redevelopment Plan is consistency with the goals and objectives of already adopted plans for the area. This Redevelopment Plan is specifically designed to promote redevelopment of the subject property. The overall goal of the Township's Master Plan is to continue development patterns that reduce trip generation, create livable communities and to enhance the overall quality of life for the residents of Egg Harbor Township. This redevelopment plan is specifically designed to promote the redevelopment of the subject property and advances the goals of the Township's master plan. (N.J.S.A. 40A:12A7a(1)).

### ***Township Plans - (N.J.S.A. 40A:12A-7d)***

The Master Plan for the Township of Egg Harbor was adopted on April 15, 2002, with a Reexamination Report in October 2008 and June 2017. This Redevelopment Plan helps to achieve the following Master Plan Goals:

- To promote the establishment of appropriate locations within the Township for agricultural, residential, recreational/open space, governmental, commercial and industrial uses.
- To promote the appropriate population densities and concentrations which promote the well-being of residents, neighborhoods, the regions, and the preservation of the environment.
- To encourage a balance of land residential, commercial, industrial, and agricultural development, in areas and at intensities compatible with environmental and natural resource capabilities.
- To encourage development near existing or readily extendable infrastructure, particularly sanitary sewers and public water distribution systems.
- To maintain, preserve and upgrade the quality of existing residential and commercial areas.
- To provide the reasonable opportunity for an appropriate variety and choice of housing to meet the needs, desires and resources of all categories of people who desire to live within the municipality.

- To recognize existing patterns and densities of development and encourage future growth that is contiguous with existing developed areas and compatible with its established character and consistent with present health and environmental requirements pertaining to on-site septic disposal.
- To promote the purposes of the State Development and Redevelopment Plan, including limiting sprawl by concentrating development in cores, nodes, and /or centers.

***County Plans - (N.J.S.A. 40A:12A-7a(5)(b))***

The following goals and objectives of the Atlantic County Master Plan adopted in May 2018 are advanced by the proposed redevelopment:

- Promote quality growth and development in areas where capital facilities are available.
- To discourage growth in areas that would require unplanned extension of capital facilities.
- Promote lands for a diversity of economic development opportunities within the communities of Atlantic County

The proposed redevelopment plan is therefore consistent with the Master Plan of Atlantic County.

***State Development and Redevelopment Plan - (N.J.S.A. 40A:12A-7a(5)(c))***

Any redevelopment is also consistent with the State Development and Redevelopment Plan. The redevelopment area is located in a Pinelands Regional Growth Area. In 1999, the State Planning Commission recognized through a Memorandum of Agreement with the New Jersey Pinelands Commission that a Pinelands Regional Growth Zone was equivalent to a Planning Area 2 (Suburban). The following goals relating to PA2 areas are achieved through the implementation of this Redevelopment Plan:

- Provide for much of the State's future redevelopment;
- Revitalize cities and towns;
- Promote growth in Centers and other compact forms; and
- Protect the character of existing stable communities.

The Redevelopment Plan is consistent with the State Development and Redevelopment Plan.

## **ADMINISTRATION**

### ***General Provisions***

The definitions provided in N.J.S.A. 40A:12A-3 are incorporated into this plan by reference. Any plans or plats approved by the Township of Egg Harbor or its agencies and subsidiaries prior to the adoption of this redevelopment plan shall not be subject to the requirements of this redevelopment plan.

### ***Redevelopment Entity***

As permitted under N.J.S.A. 40A:12A-4, the Governing Body is hereby designated the entity to implement this redevelopment plan. When necessary for the implementation of this plan, the Township of Egg Harbor may enter into an agreement with a redeveloper for any construction or other work to carry out this redevelopment plan. (N.J.S.A. 40A:12A-4-(c))

### ***Agreements with Redevelopers***

In accordance with N.J.S.A. 40A:12A-9, the following shall apply to all redeveloper agreements:

1. All agreements, leases, deeds and other instruments between the redevelopment entity and a redeveloper shall contain a covenant running with the land requiring that the owner shall construct only the uses established in the current redevelopment plan. All agreements shall include a provision requiring the redeveloper to begin the building of the improvements for those uses within a period of time which the redevelopment entity fixes as reasonable.
2. The redeveloper shall agree to retain interest in the project until the completion of construction and development of the specific project. If the redeveloper requires a third party financing agreement, the redeveloper shall manage the project through completion. If the redeveloper is required to relinquish any interest in the project to a third party, the approval of the redevelopment entity is required. The redeveloper shall agree not to lease, sell or transfer interest or any part thereof without prior written approval of the redevelopment entity.
3. Upon completion of the required improvements, the conditions determined to exist at the time the area was determined to be in need of redevelopment shall be deemed to no longer exist. Thus, the land and improvements thereon shall no longer be subject to this plan and the Local Redevelopment and Housing Law.
4. The covenants, provisions and controls shall be deemed satisfied upon termination of the agreements and covenants entered into by the redeveloper to construct the improvements and to perform the redevelopment. The rights of any third party

acquired prior to termination of the agreements, including, but not limited to, any tax exemption or abatement granted pursuant to law, shall not be negatively affected by termination and satisfaction of the covenants.

### ***Time Limits***

The redeveloper of a specific project within the redevelopment area shall begin the development of land and construction of improvements within a reasonable period of time to be determined in an agreement between Township of Egg Harbor and a duly designated redeveloper. (N.J.S.A. 40A:12A-8(f)). The Redevelopment Plan does not have an expiration date. Once a redevelopment project has been completed in accordance with the Redevelopment Plan and Redevelopment Agreement, and the Redevelopment Entity has affirmed that all obligations have been satisfied; the conditions that warranted the redevelopment area designation shall be deemed to no longer exist. This shall also be reflected in covenants established between the Township/Redevelopment Entity and a redeveloper in accordance with N.J.S.A. 40A:12A-9.

### ***Discrimination Ban***

No covenant, lease conveyance or other instrument shall be executed by the redevelopment entity or the redeveloper whereby land or structures with this redevelopment is restricted upon the basis of race, creed, color, gender, marital status, age, disability, familial status or national origin. The termination of this plan shall in no way permit the land or structures of the redevelopment area to be restricted on the basis of race, creed, color, gender, marital status, age, disability, familial status or national origin.

### ***Deviations from Provisions of Approved Redevelopment Plan***

The Planning Board may review and retain jurisdiction over applications requiring relief for deviations from this Redevelopment Plan or other Township development ordinances, except as set forth below. Accordingly, an amendment to the Redevelopment Plan shall not be necessary if the selected developer(s) desires to deviate from the bulk provisions set forth in this Redevelopment Plan or the pertinent sections of the Egg Harbor Township Development Regulations and Zoning Ordinance, the HB Highway Business zoning district, or from the design standards set forth in this Redevelopment Plan or other Township development ordinances so long as the Redeveloper obtains an appropriate variance from the Planning Board. All requests for such relief shall be made to the Planning Board accompanied by a complete application for development as otherwise required by Township ordinance. Decisions on such requests shall be made in accordance with the legal standards set forth in N.J.S.A. 40:55D-70(c) in the case of requests for relief from zoning standards, and in accordance with the legal standards set forth in N.J.S.A. 40:55D-51 in the case of requests for relief from design standards.

No deviations shall be granted that result in any of the following effects or conditions:

1. To allow a use not specifically permitted within the Redevelopment Area;
2. Deviation from the contractual obligations of the redeveloper to the Redevelopment Entity;
3. Any Deviation requiring a variance pursuant to N.J.S.A. 40:55D-70(d)(1).

### ***Amendments to Approved Redevelopment Plan***

This Redevelopment Plan may be amended from time to time in accordance with the provisions of the Local Redevelopment and Housing Law of 1992, as may be amended.

### ***Repeal and Severability Statements***

All ordinances or parts of ordinances inconsistent with this Redevelopment Plan are repealed to the extent of such inconsistency only. If any provision or regulation of this redevelopment plans should be judged invalid by a court of competent jurisdiction, such order or plan shall not affect the remaining portions of this plan which shall remain in full force and effect.

## **CONCLUSION**

The Redevelopment Plan supports and encourages transformation and development of the Redevelopment Area with a commercial component along the Black Horse Pike and a residential community east of the commercial area. This development will result in a balanced site that will create productive uses on the property that are well designed and responsive to market conditions. The site is currently vacant and has been determined to be an "Area in need of Redevelopment" since it has remained vacant for time period greater than ten years despite the improvement and investment in the surrounding area, availability of infrastructure and geographic advantage. . This area has seen a lack of investment and the proposed facilities would provide a benefit to the Township as a whole by providing commercial development for the Township and a housing options at a variety of price points to meet residential demand. .



## **EXHIBIT I – Redevelopment Map**

BLOCK 1223, LOTS 5, 6 & 8  
BLOCK 1305, LOT 7  
REDEVELOPMENT AREA

BLOCK 1305  
LOT 7

BLOCK 1223  
LOTS 5, 6 & 8

BLACKHORSE PIKE

SPRUCE AVENUE

FORK ROAD

Legend  
Study Area

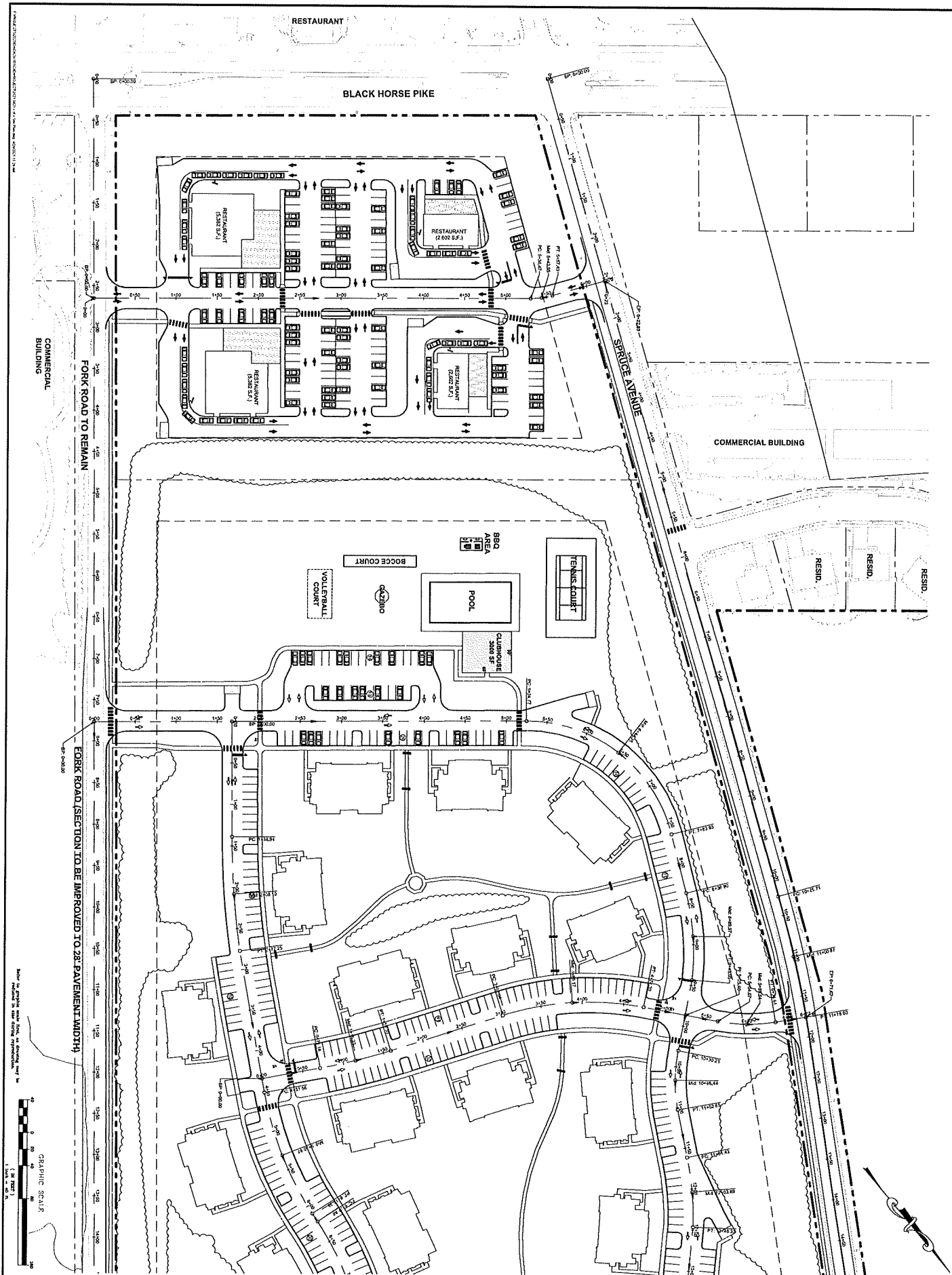


## **EXHIBIT II – Conceptual Site Plans**









THIS PLAN IS NOT VALID UNLESS A RAISED SEAL IS AFFIXED HERETO

**DIXON**  
ASSOCIATES  
ENGINEERING, LLC

**KEVIN J. DIXON, P.E.**  
PROFESSIONAL ENGINEER  
N.J. LIC. NO. 28874

**SITE PLAN**  
**TIMBER RIDGE**  
BLOCK 1223 LOTS 5, 6 & 8  
BLOCK 1305 LOT 7  
TOWNSHIP OF EGG HARBOR  
ATLANTIC COUNTY, NEW JERSEY