

Township of Egg Harbor
Atlantic County, New Jersey

Master Plan Reexamination Report



Prepared For:

Egg Harbor Township Planning Board
3515 Bargaintown Road
Egg Harbor Township, New Jersey 08234

October 2008

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Mr. James A. Mott, PE.....	Township Engineer

Several previously adopted planning documents were utilized in the preparation of this Master Plan Reexamination. These referenced documents are included as follows:

Several previously adopted planning documents were utilized in the preparation of this Master Plan. These documents are listed as an inventory of master plan documents and included for references as indicated below:

- 1982 Master Plan by E. Eugene Oross Associates
- 1988 Reexamination Report by Adams, Rehmann, Heggan Associates
- 1988 Land Use Element by Adams, Rehmann, Heggan Associates
- 1991 Natural Resources Inventory by Adams, Rehmann, Heggan Associates
- 1992 Land Use Element by Adams, Rehmann, Heggan Associates
- 1993 Open Space and Recreation Plan by Adams, Rehmann, Heggan Associates
- 1994 Reexamination Report by Randall E. Scheule
- 1996 Housing Element by Randall E. Scheule
- 1998 Housing Element and Fair Share Plan by Randall E. Scheule
- 2000 Reexamination Report by James A. Mott
- 2002 Master Plan by Vincent J. Polistina, Mott, Polistina & Associates

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Master Plan Reexamination Report

Introduction:

The statutory requirements for the Master Plan are established in NJSA 40:55D-28 (Municipal Land Use Law). At a minimum, in order for the Township to establish valid zoning and land development standards, the Master Plan must contain the following:

- 1) *A statement of the objectives, principles, assumptions, policies and standards upon which the constituent proposals for the physical, economic and social development of the municipality are based.*
- 2) *A land use plan element (a) taking into account and stating its relationship to the statement provided for in paragraph (1) hereof, and other master plan elements provided for in paragraphs (3) through (13) hereof and natural conditions, including, but not necessarily limited to, topography, soil conditions, water supply, drainage, flood plain areas, marshes, and woodlands; (b) showing the existing and proposed location, extent and intensity of development of land to be used in the future for varying types of residential, commercial, industrial, agricultural, recreational, educational and other public and private purposes or combination of purposes; and stating the relationship thereof to the existing and any proposed plan and zoning ordinance; and (c) showing the existing and proposed location of any airports and the boundaries of any airport safety zones delineated pursuant to the "Air Safety and Zoning Act of 1983," P.L. 1983, c. 260 (C. 6:1-80 et seq.); and (d) including a statement of the standards of population density and development intensity recommended for the municipality;*
- 3) *A housing plan element pursuant to section 10 of P.L. 1985, c. 222 (C. 52:27D-310), including, but not limited to, residential standards and proposals for the construction and improvement of housing.*

The Master Plan must also contain a specific policy statement indicating the relationship of the proposed development of the municipality, as developed in the master plan to (1) the master plans of contiguous municipalities, (2) the master plan of the county in which the municipality is located, (3) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," sections 1 through 12 of P.L. 1985, c. 398 (C. 52:18A-196 et seq.) and (4) the district solid waste management plan required pursuant to the provisions of the "Solid Waste Management Act," P.L. 1970, c. 39 (C. 13:1E-1 et seq.) of the county where the municipality is located. Various other elements including the circulation element, utility service plan element, community facilities plan element, recreation plan element, conservation plan element, economic plan element, historic preservation plan element, recycling plan element, and farmland preservation plan element are optional components of a municipality's Master Plan.

The Master Plan provides a vision for the municipality. The Master Plan provides direction and guidance for the growth, preservation, and land use decisions. A good comprehensive plan recognizes the needs of the municipality; the municipality's relationship to neighboring

communities, the County, State and other regional agencies; and existing constraints and opportunities such as circulation patterns, environmental conditions, and development patterns; and includes projections and anticipated development trends. The Master Plan is a document that is adopted by the municipal Planning Board. After the plan is adopted, implementation of the plan is achieved by means of three (3) interrelated actions: legislative action by the governing body, capital improvement planning and continuing planning efforts.

As indicated in the Egg Harbor Township Master Plan report of July, 2002, significant changes in State legislation along with continued pressure from the growth mandated by the Pinelands Commission have resulted in the need for Egg Harbor Township to review its current Master Plan and development regulations. The Planning Board of the Township of Egg Harbor adopted its current Master Plan on 2002 and changes were made to some of the City's zoning regulations. Updates were made to the problems and objectives identified by the Master Plan. The Planning Board has determined that an update and reexamination to the existing Master Plan is appropriate at this time.

In Accordance with section N.J.S.A. 40:55D-89 of the Municipal Land Use Law (MLUL),

The governing body shall, at least every six years, provide for a general reexamination of its master plan and development regulations by the planning board which shall prepare and adopt by resolution a report on the findings of such reexamination, a copy of which report and resolution shall be sent to the county planning board and the municipal clerk of each adjoining municipality.

The re-examination of a municipality's master plan ensures periodic review of information and changing conditions in the interest of keeping municipal planning efforts current.

The statute requires that the report address five (5) specific areas. These requirements are set forth herein and are followed by the appropriate response statements.

Required Provisions of Periodic Reexamination Reports

Part I - Major Problems and Objectives

The first provision stated in N.J.S.A 40:55D-89a of the Municipal Land Use Law or MLUL states that a re-examination report shall include: *The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.*

The Master Plan for the Township of Egg Harbor included the following major problems as identified in the 2002 Master Plan Report (p. 14-1).

Egg Harbor Township has experienced an unprecedented level of growth over the past twenty (20) years. The Township has had a 55 percent increase in population since 1980 with no end in the foreseeable future. Growth in the Township is projected to continue at a consistent pace through the next two (2) decades so that growth management and fiscal stability have become the Township's most pressing concerns.

This statement continues to be valid as growth continues at levels consistent with projected levels identified in the 2002 Master Plan Report. Growth management and municipal fiscal stability continues to be the Township's utmost challenge and concern.

The Master Plan for the Township included the following statement and twenty-one (21) short term and long term goals and objectives to address problems as identified in "Chapter 14: Recommendations" within the 2002 Master Plan (pp. 14-1 – 14-4):

The proposed Land Use Element (Chapter 12) of this Master Plan will help the Township by providing for a reduction in density mandated by the Pinelands Commission and promoting additional commercial zoning. The recommendations contained in this Chapter of the Master Plan are intended to supplement the proposed land use plan in an effort geared towards growth management, preservation of open space and traffic / transportation concerns.

- 1) *The Township should continue efforts to prepare a complete Utility Service Element of the Master Plan in order to delineate areas of existing / proposed infrastructure. Proposed areas for future infrastructure installation should take into account the Township's zoning scheme and attempt to provide the appropriate infrastructure in those areas that will experience the most growth. The Utility Service Element has been authorized to be completed and is anticipated by February, 2003.*
- 2) *The Township should prepare a complete Circulation Element of the Master Plan in order to delineate existing problem areas and prepare for future improvements. The traffic in the Township has been increasing exponentially over the last*

several years due to continued development in Egg Harbor Township and the growth areas of Hamilton Township and Galloway Township. In conjunction with the Circulation Element, the Township should prepare the necessary Capital Improvement Program so that off tract contributions can be required of developers during the Planning Board process. The Circulation Element has been authorized to be completed and is anticipated by February, 2003.

- 3) *The Township should explore the possibility of providing a direct access from the Garden State Parkway to the Shore Mall. The existing traffic patterns in and around the Shore Mall contribute to extreme congestion along the Black Horse Pike and Tilton Road in this area. A direct access to the mall will limit the trips on the adjacent roadways and ease some of the congestion in the area. In addition, the ability to easily access the Shore Mall from the Parkway will help the development of the mall into a regional business center.*
- 4) *The Township should continue to assist the owners of the Shore Mall with the traffic signal proposed on the Black Horse Pike at the entrance to the mall. This signal is long overdue to control the traffic utilizing the Black Horse Pike and entering and exiting the mall.*
- 5) *The Township should consider providing a connection between West Jersey Avenue and Reega Avenue along Fernwood Avenue. The existing Middle School and signal at Fernwood Avenue and the Black Horse Pike warrant a transportation corridor along Fernwood Avenue through the railroad bed.*
- 6) *The Township should continue to request that the New Jersey Department of Transportation provide a long-term plan to provide for the elimination of the existing unsafe cut-throughs on the Black Horse Pike.*
- 7) *The Township should continue to request that Atlantic County assume ownership and maintenance of those roadways that no longer should be municipal streets due to geography or traffic volumes. These roads include Doughty Road from the City of Pleasantville to Delilah Road, Hingston Avenue from Old Egg Harbor Road to Fire Road and West Jersey Avenue from the Shore Mall to Hamilton Township.*
- 8) *The Township must continue to explore transportation and intersection improvements at various locations throughout the Township. The intersections of Fire Road and Mill Road, Spruce Avenue and Mill Road, Mill Avenue and Ridge Avenue, English Creek Avenue and Dogwood Avenue, Fire Road and Hingston Avenue, Ocean Heights and Leap Street, and Bargaintown Road / Steelmanville Road/ Poplar Avenue have already exhibited some level of capacity problems and will need improvements. Other problem areas will be detailed in the Circulation Element of the Master Plan.*

- 9) *The Township should aggressively continue their efforts towards open space acquisition. Land is being developed so rapidly that acquisition has become extremely difficult and expensive so the Township must continue efforts with all available means of funding.*
- 10) *The Township should continue to pursue the proposed Timed Growth Legislation. This legislation will provide for a phasing of growth or capital contributions from developers and could be an important component of the Township's continued development.*
- 11) *The Township should develop a new Zoning Ordinance (Chapter 225) in order to incorporate some of the recommendations of the Land Use Element and clean up existing conflicts and ambiguities within the zoning ordinance.*
- 12) *The Township should revise the Design and Performance Standards (Chapter 94) in order to make the ordinance compatible with decisions / changes the Planning Board has been authorizing during the approval process. The Township should eliminate provisions in the ordinance that generate repeated design waivers granted by the Planning Board and update certain design standards.*
- 13) *The Township should consider the implementation of the proposed River Conservation (RC) zone overlay contemplated in the River Management Plan in order to provide greater protection for the Great Egg Harbor River and its tributaries.*
- 14) *The Township should continue to work with the Environmental Commission on the established of a green beltway and trail network that will allow for non-motorized methods of transportation throughout the Township.*
- 15) *The Township should continue efforts to work with the Egg Harbor Township Board of Education on the siting of new schools and expansion to existing schools. The 56 million-bond referendum recently authorized for improvements to existing schools and a new intermediate school is just the beginning of the necessary building program by the Board of Education.*
- 16) *The Township should continue to monitor the expansion of the FAA Technical Facility and Atlantic City Airport in order to provide opportunities for development around the Airport Circle that will be necessary for the continued operation of the facility.*
- 17) *The Township should explore the feasibility of a regional stormwater plan for the area along English Creek Avenue in the DeCarlo tract watershed. This regional plan could help to ease some of the existing problems experienced in stormwater basins in the English Creek area and provide a mechanism for the elimination of some of the malfunctioning basins in the area.*

- 18) *The Township should pursue funding through the Federal Emergency Management Act and Flood Mitigation Plan to ease some of the problems experienced in West Atlantic City.*
- 19) *The Township should continue the cooperative effort undertaken with the Casino Reinvestment Development Authority for the redevelopment of West Atlantic City.*
- 20) *The Township should continue to work with the Economic Development Commission in order to create an atmosphere within the municipality which is conducive toward the retention of existing businesses and the attraction of new businesses within the appropriate zoning districts.*

The Township should explore methods and policies which will enable its commercial and industrial districts to be more competitive with the challenge and benefits presented by enterprise zones in other municipalities.

- 21) *The Township should develop a sub-committee made up of members of the Planning Board, Governing Body and Township residents to study the intersection of Bargaintown Road, Steelmanville Road and Poplar Avenue in an effort to create the most appropriate zoning for this intersection. Although a change in zoning is not part of this Master Plan, the Township should remain committed to the improvements necessary to upgrade this intersection along with developing a zoning scheme that is compatible with the surrounding residential community and existing non-conforming businesses in this area.*

Part II - Status of Major Problems and Objectives

The second provision stated in N.J.S.A 40:55D-89b of the Municipal Land Use Law or MLUL states that a re-examination report shall include: *The extent to which such problems and objectives have been reduced or have increased subsequent to such date.*

The current status of specific recommendations, problems and objectives identified in the 2002 Master Plan is as follows:

- 1) *The Township should continue efforts to prepare a complete Utility Service Element of the Master Plan in order to delineate areas of existing / proposed infrastructure. Proposed areas for future infrastructure installation should take into account the Township's zoning scheme and attempt to provide the appropriate infrastructure in those areas that will experience the most growth. The Utility Service Element has been authorized to be completed and is anticipated by February, 2003.*

A limited Utility Service Element that details existing infrastructure was completed and incorporated into the 2002 Master Plan. To date, a complete Utility Service Element of the Master Plan has not been prepared and adopted by the Planning Board. It is recommended that this objective remains valid.

- 2) *The Township should prepare a complete Circulation Element of the Master Plan in order to delineate existing problem areas and prepare for future improvements. The traffic in the Township has been increasing exponentially over the last several years due to continued development in Egg Harbor Township and the growth areas of Hamilton Township and Galloway Township. In conjunction with the Circulation Element, the Township should prepare the necessary Capital Improvement Program so that off tract contributions can be required of developers during the Planning Board process. The Circulation Element has been authorized to be completed and is anticipated by February, 2003.*

The Circulation Element has been completed as recommended and shall be eliminated from the problems and objectives.

- 3) *The Township should explore the possibility of providing a direct access from the Garden State Parkway to the Shore Mall. The existing traffic patterns in and around the Shore Mall contribute to extreme congestion along the Black Horse Pike and Tilton Road in this area. A direct access to the mall will limit the trips on the adjacent roadways and ease some of the congestion in the area. In addition, the ability to easily access the Shore Mall from the Parkway will help the development of the mall into a regional business center.*

No direct access from the Garden State Parkway to the Shore Mall has been planned. Congestion along the Black Horse Pike and Tilton Road continues to be

problematic, and this problem continues to worsen as growth in the area occurs. The Shore Mall area continues to be underutilized as a potential regional business center. It is recommended that this objective remains valid.

- 4) *The Township should continue to assist the owners of the Shore Mall with the traffic signal proposed on the Black Horse Pike at the entrance to the mall. This signal is long overdue to control the traffic utilizing the Black Horse Pike and entering and exiting the mall.*

The traffic signal improvements as well as internal site circulation improvements have been completed and this item shall be eliminated from the problems and objectives.

- 5) *The Township should consider providing a connection between West Jersey Avenue and Reega Avenue along Fernwood Avenue. The existing Middle School and signal at Fernwood Avenue and the Black Horse Pike warrant a transportation corridor along Fernwood Avenue through the railroad bed.*

This issue has been addressed as the connector has been completed and this item shall be removed from the goals and objectives.

- 6) *The Township should continue to request that the New Jersey Department of Transportation provide a long-term plan to provide for the elimination of the existing unsafe cut-throughs on the Black Horse Pike.*

A comprehensive plan to address this situation has been prepared by the NJDOT and is currently being implemented. To date, work has included elimination or blocking of numerous “cut-throughs” with reflective traffic barriers. This issue has been addressed and shall be removed from the goals and objectives.

- 7) *The Township should continue to request that Atlantic County assume ownership and maintenance of those roadways that no longer should be municipal streets due to geography or traffic volumes. These roads include Doughty Road from the City of Pleasantville to Delilah Road, Hingston Avenue from Old Egg Harbor Road to Fire Road and West Jersey Avenue from the Shore Mall to Hamilton Township.*

This issue has not been addressed. It is recommended that this objective remains valid.

- 8) *The Township must continue to explore transportation and intersection improvements at various locations throughout the Township. The intersections of Fire Road and Mill Road, Spruce Avenue and Mill Road, Mill Avenue and Ridge Avenue, English Creek Avenue and Dogwood Avenue, Fire Road and Hingston Avenue, Ocean Heights and Leap Street, and Bargaintown Road / Steelmanville Road/ Poplar Avenue have already exhibited some level of capacity problems and*

will need improvements. Other problem areas will be detailed in the Circulation Element of the Master Plan.

Intersection improvements have been completed at Fire Road and Mill Road. This issue has not been addressed for other identified problematic areas. It is recommended that this objective remains valid for those areas that have not been addressed. The English Creek Avenue and West Jersey Avenue intersection has also been identified as being problematic and shall be added as an intersection in need of improvements. The Bargaintown Road and Zion Road Intersection is also been identified as being problematic and it this location is also recommended for intersection improvements including pursuit of additional lands to facilitate turning lanes.

- 9) *The Township should aggressively continue their efforts towards open space acquisition. Land is being developed so rapidly that acquisition has become extremely difficult and expensive so the Township must continue efforts with all available means of funding.*

Over the past, six years, the Township has purchased numerous open space parcels and continues to be aggressive in securing open space. It is recommended that this objective remains valid as open space acquisition should continue to remain an important goal and objective of the master plan.

- 10) *The Township should continue to pursue the proposed Timed Growth Legislation. This legislation will provide for a phasing of growth or capital contributions from developers and could be an important component of the Township's continued development.*

This issue has not been addressed. It is recommended that this objective remains valid.

- 11) *The Township should develop a new Zoning Ordinance (Chapter 225) in order to incorporate some of the recommendations of the Land Use Element and clean up existing conflicts and ambiguities within the zoning ordinance.*

A new zoning ordinance has not been prepared. The Township has incorporated many changes to the existing Zoning Ordinance to address the existing conflicts and ambiguities. It is recommended that this objective remains valid.

- 12) *The Township should revise the Design and Performance Standards (Chapter 94) in order to make the ordinance compatible with decisions / changes the Planning Board has been authorizing during the approval process. The Township should eliminate provisions in the ordinance that generate repeated design waivers granted by the Planning Board and update certain design standards.*

The Design and Performance Standards (Chapter 94) have been revised to eliminate many of the recurring design waivers granted by the Planning Board and the regulations were updated to incorporate new design standards including stormwater regulations consistent with new NJDEP and Pinelands Commission standards. This item shall be removed from the goals and objectives.

- 13) *The Township should consider the implementation of the proposed River Conservation (RC) zone overlay contemplated in the River Management Plan in order to provide greater protection for the Great Egg Harbor River and its tributaries.*

This issue has not been addressed. It is recommended that this objective remains valid.

- 14) *The Township should continue to work with the Environmental Commission on the established of a green beltway and trail network that will allow for non-motorized methods of transportation throughout the Township.*

This issue has not been addressed. It is recommended that this objective remains valid.

- 15) *The Township should continue efforts to work with the Egg Harbor Township Board of Education on the siting of new schools and expansion to existing schools. The 56 million-bond referendum recently authorized for improvements to existing schools and a new intermediate school is just the beginning of the necessary building program by the Board of Education.*

The constructions of new schools at Davenport and Slaybaugh sites has been completed and these schools were opened for the 2007/2008 school year. Construction of Egg Harbor Township High School expansion has been started with an anticipated completion date of 2009. This item shall remain valid and efforts to meets this goal shall continue as the Township continues to grow.

- 16) *The Township should continue to monitor the expansion of the FAA Technical Facility and Atlantic City Airport in order to provide opportunities for development around the Airport Circle that will be necessary for the continued operation of the facility.*

The Township is involved with both the South Jersey Transportation Authority and the Federal Aviation Administration (FAA) in future development of this area. It is recommended that this objective remains valid.

- 17) *The Township should explore the feasibility of a regional stormwater plan for the area along English Creek Avenue in the DeCarlo tract watershed. This regional plan could help to ease some of the existing problems experienced in stormwater*

basins in the English Creek area and provide a mechanism for the elimination of some of the malfunctioning basins in the area.

This issue has not been addressed. It is recommended that this objective remains valid.

- 18) *The Township should pursue funding through the Federal Emergency Management Act and Flood Mitigation Plan to ease some of the problems experienced in West Atlantic City.*

A flood mitigation plan was completed and stormwater system improvements have been completed by the Township. This issue has been addressed as the and this item shall be removed from the goals and objectives.

- 19) *The Township should continue the cooperative effort undertaken with the Casino Reinvestment Development Authority for the redevelopment of West Atlantic City.*

Redevelopment plan for West Atlantic City was adopted by the Planning Board and Council in August of 2008. The Township continues to pursue redevelopment of this area. It is recommended that this objective remains valid.

- 20) *The Township should continue to work with the Economic Development Commission in order to create an atmosphere within the municipality which is conducive toward the retention of existing businesses and the attraction of new businesses within the appropriate zoning districts.*

The Township should explore methods and policies which will enable its commercial and industrial districts to be more competitive with the challenge and benefits presented by enterprise zones in other municipalities.

The Township and Township Economic Commission continues to work with businesses to provide an atmosphere that is conducive to attracting new businesses. It is recommended that this objective remains valid.

- 21) *The Township should develop a sub-committee made up of members of the Planning Board, Governing Body and Township residents to study the intersection of Bargaintown Road, Steelmanville Road and Poplar Avenue in an effort to create the most appropriate zoning for this intersection. Although a change in zoning is not part of this Master Plan, the Township should remain committed to the improvements necessary to upgrade this intersection along with developing a zoning scheme that is compatible with the surrounding residential community and existing non-conforming businesses in this area.*

This issue has not been addressed. It is recommended that this objective remains valid.

As part of the Master Plan reexamination, the problems, goals and objectives identified as being valid shall remain and objectives identified as addressed shall be removed as detailed above. This section serves as an update to the problems, goals and objectives identified in the 2002 Master Plan.

Part III - Changes in Assumptions, Policies and Objectives

The third provision of a reexamination is contained in 40:55 D-89c of the MLUL and requires that a reexamination report address: *The extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation, collection, disposition, and recycling of designated recyclable materials and changes in State, County, and Municipal policies and objectives.*

Reexamination of Population, Land Use, Housing Conditions and Circulation Trends:

Whereas it has been determined that population, land use, housing conditions, and circulation trends continue to follow projections identified in the 2002 Master Plan, no further specific study is warranted.

Re-examination of State Development and Redevelopment Plan (State Plan)

On January 2, 1986, the New Jersey Legislature enacted the New Jersey State Planning Act. As part of this Act, the New Jersey State Planning Commission was created and directed to prepare and adopt a statewide plan for growth and redevelopment in New Jersey. The premise of this plan was to develop a plan for the New Jersey that reflects agreement between all levels of government – municipalities, counties and the State – and provides a blueprint for "smart growth" throughout the State.

In 1992, the Commission released the *State Development and Redevelopment Plan* (State Plan). Incorporated into the State Plan is a Resource Planning and Management Structure. This structure identified five (5) basic "planning areas", outside of the Pinelands areas, based on physical size, population densities, availability of infrastructure, and pattern of existing land uses. These planning areas are mapped on the Resource Planning and Management Map (RPMM). The Pinelands areas remained unchanged with the introduction of this plan. As stated earlier, the majority of the Borough lies in the Forest & Preservation Area, with small portions of Pinelands Village and Agricultural Production.

As required by law, all governmental agencies are required to reexamine their planning documents every six (6) years. In 1997 the State Planning Commission began a reexamination of the State Plan. On March 31, 1999, the State Planning Commission approved the *New Jersey State Development and Redevelopment Plan: Interim Plan*. A new State Plan was approved in 2001.

This reexamination of the State Plan has provided municipalities, county agencies, and citizens with the opportunity to provide comments on the previously adopted State Plan and make suggestions and recommendations. Municipal and county agencies are also

offered an additional chance to request changes in policy and / or request modifications to the RPMM.

Implementation of State Plan by State Agencies

When the State Plan was adopted in 1997, the plan was to serve as an advisory document providing recommendations that would result in "smart growth" or a pattern of "preferred growth" throughout the State. In her 1998 State of the Union address, Governor Whitman clearly stated that one of her goals is that all State agencies use the State Plan as a basis for their policy and decision making process. Decisions regarding funding, priority of improvements / maintenance, and implementation of new projections or extensions of existing systems should now be required to be based on the principals and concepts contained in the State Plan.

The State agencies that have integrated the State Plan into their policies and decision-making processes include the Department of Community Affairs (NJDCA), Department of Environmental Protection (NJDEP), and Council on Affordable Housing (COAH). All of these agencies potentially impact the Township.

Re-examination of the Pinelands Comprehensive Management Plan

The New Jersey Administrative Code (NJAC) requires that the Pinelands Comprehensive Management Plan be re-examined at least every five (5) years. This re-examination report calls for a comprehensive review of the impact of the Commission's regulations over the past ten (10) years. The "Third Progress Report on Plan Implementation" was released in January 2002.

Council on Affordable Housing (COAH):

On December 20, 2004, the Council on Affordable Housing (COAH)'s third round (1999-2014) substantive and procedural rules became effective in accordance with N.J.A.C. 5:94 and Procedural Rules can be found at N.J.A.C. 5:95. These rules use a new methodology, known as growth share, to calculate a municipality's new construction affordable housing obligation. Under growth share, a municipality's affordable housing obligation is based on actual growth taking place in the municipality over time, and the affordable housing obligation is assigned as a proportion of that growth.

Based on The COAH Handbook, Second Edition, August 2006, New Jersey Council on Affordable Housing, the third round changes are as follows:

The third round methodology represents a substantial departure from the first and second round methodologies in four important respects. First, it adopts a growth share methodology, which bases the need for affordable housing upon growth projected by a municipality and assigns an affordable housing responsibility as a proportion of that

growth. Second, it tightens the definition of realistic opportunity by requiring all participating municipalities to actually construct or otherwise realistically provide for affordable housing, not just zone for it. Third, it provides more flexibility for each municipality to meet its affordable housing obligation. And finally, it encourages municipalities to plan for future growth and ensures that sound planning at the local level drives the provision of affordable housing.

Under this new growth share methodology, municipalities are no longer assigned a specific number of new construction affordable units to provide independent of growth taking place in the municipality. Now, the municipalities' affordable housing obligation is determined based upon your actual level of residential and non-residential growth as follows:

For every five market-rate units constructed in your municipality, the municipality is responsible for providing one affordable housing unit.

For every 16 jobs created, as measured by new or expanded non-residential construction, one (1) affordable unit must be provided.

The third round rules increase flexibility in satisfying your affordable housing obligation. They continue prior programs, eliminate some restrictions for obtaining credits, and introduce new options to create affordable housing. COAH encourages you to consider innovative programs or approaches provided they are consistent with performance standards in the rules. The third round rules also permit you to increase the cap on development fees from one-half to one percent of equalized assessed value, the coverage amount of the Home Owner Warranty document of a for-sale unit, or the appraised value on the document utilized for construction financing for a rental unit for residential development, and from one to two percent of the equalized assessed value or the appraised value on the document utilized for construction financing for nonresidential development.

The new rules are consistent with the New Jersey State Development and Redevelopment Plan (the State Plan). Under the growth share methodology, municipalities that experience growth are required to provide affordable housing in proportion to their overall residential and nonresidential growth, ensuring that the provision of affordable housing is tied to actual growth in the appropriate locations.

Egg Harbor Township's affordable housing obligation is cumulative, and includes affordable housing need for the period 1987 to 2014. The affordable housing obligation consists of three components:

The rehabilitation share (2000)

The prior round obligation (1987-1999)

Growth share (1999-2018)

Egg Harbor Township is currently subject to affordable housing obligations through court

jurisdiction as identified by New Jersey Council on Affordable Housing (COAH) (<http://www.state.nj.us/dca/coah/status3.xls>). Obligations have not been determined to date.

Atlantic County:

The Atlantic County Master Plan was adopted in October 2000. There have been no changes to the Master Plan that would affect the assumptions, goals and objectives identified in this reexamination report.

This section identifies the specific objectives of the previously adopted Master Plan, providing a framework for balancing preservation and economic development. The following specific objectives advance the broader goals of this Master Plan, which are to protect the public health, safety, morals and general welfare.

Objectives:

1. To encourage decision-makers and/or municipal action to guide the appropriate use or development of lands within the Township.
2. To secure safety from fire, flood, panic and other natural and man-made disasters.
3. To provide adequate light, air, and open space.
4. To ensure that development within the Township that does not conflict with the development and general welfare of neighboring municipalities, the County, the State, Federal Aviation Administration, the Pinelands Comprehensive Management Plan, and CAFRA as a whole.
5. To promote the establishment of appropriate locations within the Township for agricultural, residential, recreational/open space, governmental, commercial and industrial uses.
6. To promote the conservation of open space and valuable natural resources and to prevent urban sprawl and degradation of the environment through improper use of land.
7. To promote a desirable visual environment through conservation and preservation of valuable natural features.
8. To promote the conservation of historic sites, open space and valuable natural resources, and to prevent sprawl and the degradation of the environment that may occur through improper use of land.
9. To encourage a balance of land residential, commercial, industrial, and agricultural development, in areas and at intensities compatible with environmental and natural resource capabilities.
10. To promote appropriate population densities and concentrations which promote the well being of the residents, neighborhoods, the regions, and the preservation of the environment.
11. To encourage the location and design of transportation routes which promote the free flow of traffic on the Township's primary roads.

There have been no significant changes that would affect or require changes in these objectives. These objectives remain consistent with those identified in this reexamination report and therefore the 2002 Master Plan objectives shall remain unchanged.

The following policies and principals provide the basis for the Land Use Plan (2002 Master Plan, Chapter 9):

Policies and Principles:

1. To guide residential development into areas which are accessible and either suitable for on-site septic systems or serviced by existing and/or future public sewerage facilities.
2. To encourage development near existing or readily extendable infrastructure, particularly sanitary sewers and public water distribution systems.
3. To maintain, preserve and upgrade the quality of existing residential and commercial areas.
4. 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.
5. 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.
6. To protect and enhance the quality of life and living environment which has historically been an essential part of the character of the community.
7. To consider and evaluate innovative development proposals that would enhance and protect environmental features, minimize energy usage and encourage a creative design that is also consistent with the other policies of the Township.
8. To advance innovative public and private partnerships that coordinate procedures and activities that lessens the cost of development and promote the most efficient use of land.
9. To discourage development in flood hazard areas, wetlands areas, areas with soils having poor drainage characteristics, and environmentally sensitive areas.
10. To encourage and protect the continued development of agricultural uses within the Township.
11. To recognize the ecologically sensitive characteristics of the Pinelands and to encourage only those uses which would be compatible with the Pinelands Comprehensive Management Plan.

12. To promote the preservation and conservation of open space and environmentally sensitive areas through coordination of the Township's planning efforts with other entities and governmental agencies.
13. To provide, in conjunction with other governmental entities, a circulation system designed to alleviate congestion and promote safe circulation.
14. To provide land for commercial and industrial development that is convenient to a regional circulation system.
15. To promote the purposes of the State Development and Redevelopment Plan, including limiting sprawl by concentrating development in cores, nodes, and /or centers.
16. To promote and foster a "sense of community" through physical design. This would be accomplished by permitting mixed uses, design of a good circulation system for all modes of transportation, recognition and accommodation of the pedestrian, and the development of different uses in close proximity to public spaces and civic buildings as community focal points.

There have been no significant changes that would affect or require changes in these policies and principles. These policies and principles remain consistent with those identified in this reexamination report and therefore the 2002 Master Plan policies and principles shall remain unchanged.

The following assumptions were identified in the Land Use Plan (2002 Master Plan, Chapter 9):

Assumptions:

1. The casino industry and development at the FAATC facility and Atlantic City International Airport will continue to affect growth in Egg Harbor Township.
2. The population of Egg Harbor Township and Atlantic County will continue to grow.
3. The Township will be able to guide its growth in accordance with the Municipal Land Use Law and will have a major input into any proposed County, State or regional development policies that may affect the Township.
4. Planning for public sewerage facilities over the next six (6) years will provide sufficient capacity to accommodate new growth that is orderly and avoids sprawl. Expansion of these facilities will be a function of private land development, documented health hazards and policy decisions by State, County and local agencies.
5. The Township's critical environmental areas will be maintained by governmental legislation affecting growth and development.

It has been determined that based on current trends in the Township's density and distribution of population and land uses, housing conditions, circulation, conservation, collection, disposition, and recycling of designated recyclable materials and changes in State, County, and Municipal policies and objectives, these assumptions remain valid and no changes are required in the stated assumptions.

Part IV - Recommended Changes for Master Plan or Development Regulations:

The fourth provision of a reexamination is contained in N.J.A.C. 40:55 D-89(d) of the MLUL and requires that a reexamination report address: *The specific changes recommended for master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.*

The Planning Board and Planning Board Reexamination Subcommittee has held several publicly advertised meetings regarding the re-examination of its Master Plan. The Planning Board has determined that the Township should seek to implement the following recommendations:

- 1) A Livable Communities Plan was prepared for the Township by citizens of the community in response to their interest of shaping the Township's future. The Planning Board recognizes that the "Livable Community Plan, Egg Harbor Township", dated March 2007 is important in planning for the Township and desires to include and prioritize the following ten (10) recommendations indicated in the Livable Community Plan as recommended by the Visioning Team Subcommittee. Additional recommendation may be incorporated into the master plan at a later date. The following recommendations indicated in Section 7 are incorporated herewith:

A. Improve intersections (Section 7, Item 17p. 106)

Recent intersection improvements, such as Zion Road and Ocean Heights avenue have demonstrated that substantial improvements to traffic operations can be achieved without major widening of the arterial roads. The Visioning team and Township residents suggested intersections in many additional locations. The County should initiate traffic studies that include conceptual design and cost estimates for each intersection. Required improvements will likely range from adding new striping and changing traffic light timing to providing new traffic signals and adding additional turning lanes.

The Township and County are currently working on improvements to key intersections. This must be an-ongoing process with priority given to the most inefficient intersections.

B. Initiate Redevelopment Plan (Section 7, Item 33, pp. 113-114)

The Township should initiate a redevelopment investigation of the Bayview District as soon as possible. The plan should target properties

on the north side of the Black Horse Pike. Once a redevelopment plan has been developed, it will allow the municipality to create new regulatory standards to guide future development. The redevelopment plan should encourage higher building heights to take advantage of the views of Lakes Bay and Atlantic City. Hotel construction would be ideal along this corridor because of the close proximity to Atlantic City and resulting tax revenue that could be generated without school-aged children. The township will also be able to leverage the support of the Casino Redevelopment Authority, which has committed \$3 million to the effort to redevelop West Atlantic City.

The Township must declare an area in need of redevelopment before they can adopt a redevelopment plan. A preliminary investigation is the first step in this process. The Township with its professional planner should meet with the residents from West Atlantic City to delineate the boundaries of the area to be investigated. The preliminary investigation should then be initiated. The OSG should expedite a change in the State Redevelopment and Development Plan in this area from Planning Area 5 to Planning Area 1.

The Township Planning Board and Township Committee have found this area to be in need of redevelopment based on the completed study. The Township should continue to develop and implement the Redevelopment Plan.

C. Develop Green Roads Code (Section 7, Item 34, p. 114)

The Green Roads technique should be adopted to limit site disturbance along the edge of scenic roadways. Tree cutting, grubbing and grading along these roadways should be severely restricted. Sidewalks should be placed within wooded areas instead of directly adjacent to the roadway. For preservation purposes, large trees within 30 feet of the edge of the road pavement should be protected by allowing removal only with approval from the Township. Driveways will be limited to one entrance onto a roadway and the width of the drive may not exceed 12 feet within the 30 foot setback. Any new structure within the scenic buffer must be sited to minimize the removal of trees. Future disturbance should be prevented through deed restrictions or similar enforceable covenants. Sidewalks must be constructed around trees. The Township may wish to add additional sections of roadway to those proposed or require greater setbacks on roads with special significance.

The Township should further review the standards proposed above, determine the appropriate design standards and implement this recommendation.

D. Develop new sidewalks (Section 7, Item 18, pp. 107-108)

Sidewalk improvements, on at least one side of the road, should be made on the following arterial roads:

- *Black Horse Pike,*
- *English Creek Avenue (from Black Horse Pike to Ocean Heights Avenue), and*
- *Ocean heights Avenue (from English Creek Avenue to Steelmanville Road).*

The Township is encouraged to implement this recommendation and explore cost saving measures such as asphalt paths in the interim.

E. Develop bike path on utility right-of-ways (Section 7, Item 13, p. 104)

Recreation trails should be constructed along utility right-of-ways in the Township. Between Tremont Avenue and Filmore Avenue, north of Ocean Heights Avenue to the Black Horse Pike, an asphalt path ten feet wide should be constructed for bicyclists, walkers, joggers and rollerbladers. This stretch or ROW is roughly 20,100 feet (3.5 miles).

The Township should begin the process of establishing a path along the utility right-of-way as indicated above.

F. Enforce lot disturbance standards (Section 7, Item 3, pp. 99-100)

Section 94-36 Lot Disturbance of Egg Harbor Township Code provides restrictions for the removal of trees during the planning and construction phases of development. Subsection D provides an applicant the option of using a landscaping plan if they are not able to meet the standards for preserving the existing trees. Most developers use the landscaping plan option to clear a lot of all vegetation prior to development. Removal of trees should be “limited to the clearing necessary to construct all roadways and drainage facilities only... (§94-36.C.)” Subsection D should be removed from the Township’s Code.

Primary responsibility for ensuring that the Township’s Lot Disturbance Standards are enforced rests with the Planning Board and the professionals that advise the Planning Board. At the technical review stage of the application process, Township representatives should communicate to

applicants that the Planning Board will be strictly enforcing the lot disturbance standards set forth in Code Section 94-36. Additionally, it is recommended that Code Section 94-36D be eliminated or amended. This section provides that an applicant has the option of a landscaping plan if it is not able to satisfy the standards for the preservation of existing trees. As past development applications have shown, most developers have used the landscaping compensation option to clear a lot of all vegetation prior to development. Additionally, the Township should ensure to the maximum extent possible, that major residential developments are not clear cut and that individual lots are only cleared as building permits are issued.

G. Assess fines for removing trees (Section 7, Item 4, p. 100)

Fines should be assessed for removing trees that have been agreed to be saved in the subdivision design process. Proceeds should be used to fund inspection activity as part of enforcement. A Violations and Penalties section must be added to Chapter 94 of the Township Code to allow fines to be assessed.

The Township should amend the EHT Code to include a section assessing monetary penalties for the removal of trees in violation of land use approvals. The Code provision should provide that the ordinance violations be prosecuted in the EHT Municipal Court. Additionally, the Code provision should provide for the assessment of a per tree monetary penalty up to a specified maximum amount, to be assessed at the discretion of the court. Additional options should be included to provide for varying penalty amounts depending on the size and/or species of tree removed. The provision should also specify a minimum penalty to be assessed per tree. Additionally the provision should require compensatory mitigation by requiring the violator to replace trees with like-kind replacements at a 3:1 ratio. The Township should designate an individual or entity responsible for enforcement of the Township tree clearing ordinances. A lot clearing permit to clear a lot based on its size should be implemented. Proceeds from violations should be used to pay for inspector to designate which trees can and should be cleared and those that cannot, and verify compliance after clearing has been performed.

H. Enforce specimen tree protection regulation (Section 7, Item 5, p. 100)

Specimen Trees are defined as significant trees listed by the state but can also be designated by the Egg Harbor Township Environmental Commission (§94-32). The Township Code states that during the

development process, specimen trees may not be removed. To ensure specimen trees are protected on a proposal development site, an applicant should be required to submit a letter from the Environmental Commission with a major development application. The Township Planner or Township Zoning Officer, who is responsible for enforcing the protection of specimen trees, should consider any application that does not have a letter from the Environmental Commission incomplete.

Primary responsibility for enforcement of the Township's Specimen Tree Protection Regulation falls with the Planning Board and professionals who advise the Board. At the technical review stage of the application process, Township representatives should communicate to applicants that the Planning Board will be strictly enforcing the lot disturbance standards set forth in Code Section 94-32. EHT Code Section 94-32 provides the Environmental Commission with the authority to designate a particular tree a specimen tree. The Township should consult with the environmental Commission to ensure their review of development applications considers the presence of specimen trees.

I. Preserve Existing Farms (Section 7, Item 6, pp. 100-101)

Four specific properties were recommended for preservation by the Visioning Team and residents of the Township during public meetings. These include the Reed Farm (65 acres), the Patcong Farm (72 acres), the Police Athletic League (PAL) property on Mays Landing Somers Point Road (92 acres), and the Broadway Tract (numerous parcels, many owned by the Township, in excess 100 acres). The Reed farm and Patcong farm are eligible to participate in New Jersey State Agriculture Development Committee's Farmland Preservation Program or State Acquisition Program. The Office of Smart Growth should facilitate a meeting between the property owners and SADC. If the property owners are interested in pursuing one of the state's programs, the OSG should ask for prioritized funding for the preservation of the farms. Atlantic County should also assist in the preservation efforts through the Atlantic County Open Space Preservation Fund. The projected cost for preserving the farms are approximated at \$14 million at an estimated cost of \$100,000 an acre.

The Township should coordinate with the above referenced agencies to preserve existing farms as indicated above.

J. Develop a Black Horse Corridor Plan (Section 7, Item 31, pp. 112-113)

Because of the importance of the Black Horse Pike to the Township, a corridor plan should be initiated that addresses land use, pedestrian and

vehicular circulation, open space, connections to adjacent residential areas, and the physical streetscape on the Pike. Financial and technical support for this effort should be provided by the Pinelands Commission, Atlantic County, the ACIA, CRDA and NJDOT.

It is recommended that a comprehensive corridor plan be implemented by the Township.

- 2) Landscaping requirements contained in section 94-22 should be revised to be more specific regarding plantings. Sections regarding buffers (94-22C), parking area landscaping (94-22D), stormwater management basin landscaping (94-22E) can be revised to be more specific regarding number and sizes of evergreens and shrub planting requirements (similar to size and number requirements existing for shade trees). This would address landscaping concerns for PO, HB, RCD and other commercial zones.
- 3) To address unsatisfactory and non-viable plantings that continue to occur for buffering residential stormwater construction, it is recommended that new land development regulations be implemented to require irrigation for residential development, including stormwater basin landscaping, Section 94-22A(10) should be revised accordingly.
- 4) The southwest side of Ocean Heights Avenue between English Creek Avenue and Zion Road contains the NB district at the English Creek Road intersection, CB district at the Zion Road intersection and R-1 district between in the vicinity of the “Twisted Dunes” golf course area. It has been recommended that this corridor is not appropriate for residences on Ocean Heights and area is more appropriate for commercial uses. Those lots fronting on Ocean Heights Avenue currently in R1 district are as follows:

Block 6001, Lot 35.01	27.85 acres
Block 6001, Lot 35	221.74 acres (golf course)
Block 6001, Lot 38	1.4 acres (sf dwelling)
Block 6001, Lot 39	1 acre± (sf dwelling)
Block 6001, Lot 40	0.9 acre± (sf dwelling)
Block 6001, Lot 1.81	52.74 acres (open space)
Block 6101, Lot 3	2.75 acres (library)
Block 6101, Lot 4	30.66 acres (park)

warranted, implementation of zoning to allow neighborhood commercial uses that would service the neighborhood residential areas with uses such as: restaurants; professional offices; banks; private or public schools; food markets; delicatessens; bakeries; liquor stores; business service uses. Elimination of the Auto Overlay Zone and incorporate original residential zoning should also be a consideration.

- 6) It is anticipated that Delilah Road corridor near Westcoat Road will see commercial growth as large scale “Pulte” residential subdivision is developed. Delilah Road corridor between Garden State Parkway and Atlantic City Expressway is primarily zoned General Commercial GC with a portion zoned M-1 Light industrial District. The GC zoning permits a broad range of commercial uses including retail services, banks, personal services, medical, professional and business offices, convenience stores and other such uses which are complementary to the anticipated residential development.

It was requested to analyze if it is possible to zone additional portions of the M-1 area (possibly lots fronting on Delilah Road specifically near Westcoat Road) to GC to facilitate broader commercial uses. PA performed analysis of this area and finds that the M-1 area fronting on Delilah or Westcoat Road is government owned. No change in zoning is recommended for this area.

The Delilah Road corridor east of the Garden State Parkway is currently zoned M-1. The GC zone allows for some light industrial uses which may be compatible with existing uses as well as more commercial uses compatible with neighborhood commercial services. It may be appropriate to zone this area GC. Additional study of development is recommended to determine if zoning change is appropriate. This study area should also include all M-1 zoned areas south of Delilah Road and east of Garden State Parkway.

- 7) It was recommended that an enhanced architectural review development standard for commercial development be developed. Standards should include controls such as building style and materials, lengths and offset requirements, roof types, solid waste and mechanical enclosures, and building address identification.
- 8) It is recommended that parking requirements contained in the land development standards be revised for large scale commercial developments including shopping centers. The parking requirements appear to be too conservative and often result in developments with large expanses of asphalt parking that are not utilized and therefore not consistent with the goals and objectives of the master plan.
- 9) It was recommended that the Re-examination address compliance and enforcement of improvements required of developers including clearing and required tree replacement. The Livable Community Plan makes recommendations that include enforcement of lot disturbance standards (Sec. 94-36), assessment of fines for tree removal and utilization of fines to fund enforcement, and other similar recommendations that may address this issue.

- 10) It is recommended that the Township continues to pursue compliance and certification with the Third round affordable housing requirements of the New Jersey Council on Affordable Housing (COAH).
- 11) The “Morris Beach” area contains approximately twenty five single family dwellings on lots that range from approximately 4,000 square feet to 10,000 square feet and is currently zoned as Conservation Recreation Wetlands which has a minimum lot size requirement of 5 acres. Rehabilitation of existing homes in this area has necessitated Zoning Board of Adjustment approvals. Development of this area is historically significant and facilitation of appropriate zoning is an objective to facilitate rehabilitation of this neighborhood. It is recommended to rezoning this area R-6, which permits 5,000 square feet minimum lot area.
- 12) Limited access to the Atlantic County Bike path along West Jersey Avenue is recognized as a problem which potentially limits the use of this path from abutting residential neighborhoods. It is recommended that the Township pursue additional access points along the path to encourage use.
- 13) Objectives from the 2002 Master Plan identified in Part II of this reexamination as remaining valid shall continue to be goals set forth as part of the Master Plan.
- 14) It is recommended that based on the underlying objectives, policies and standards, preparation of a new master plan is not appropriate at this time and a reexamination of the existing master plan is warranted.

Part V - Recommended Redevelopment Plans:

The fifth provision of a reexamination is contained in N.J.A.C. 40:55 D-89(e) of the MLUL and requires that a reexamination report address: *The recommendations of the Planning Board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," P.L. 1992, c. 79 (C 40 A: 12 A-1 et seq.) into the Land Use Element of the municipal Master Plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.*

On July, 28, 2008, the Planning Board has approved a recommendation of determination of a redevelopment area for a portion of the area known as West Atlantic City. The Board found that portions of the study area met the criteria for "Area in Need of Redevelopment" pursuant to N.J.S.A. 40A:12A-5,6 and recommended to the Township Committee that a portion of the study area, which properties are located on the north side of the White Horse Pike be determined to be a Redevelopment Area pursuant to the "Local Redevelopment and Housing Law".

On August 13, 2008, Township Council unanimously approved that this specific area consisting of 42 lots on the north side of the White Horse Pike in the West Atlantic City portion of the Township be determined as a Redevelopment Area.

A Redevelopment Plan will be prepared for this area in the near future. It is recommended that any recommendations for changes to the local land use and development standards necessary for the Redevelopment Area be incorporated in the process of preparing the Redevelopment Plan.

Reexamination Report Adoption

This report shall serve as a Periodic Reexamination Report. The absence of the adoption of a reexamination report by the planning board shall constitute a rebuttable presumption that the municipal development regulations are no longer reasonable.

This report was Adopted after a public hearing by Resolution #_____ by the Township of Egg Harbor Planning Board on _____, 2008.

The original of this document has been signed and sealed in accordance with N.J.A.C. 13:41-13.b.