

# Egg Harbor Township

## Ordinance No. 30

2019

### **An ordinance to adopt the Redevelopment Plan for the Margate Causeway Redevelopment Area**

**WHEREAS** pursuant to Resolution No. 191, adopted on April 18, 2018, the Egg Harbor Township Committee (“Township Committee”) directed the Egg Harbor Township Planning Board (“Planning Board”) to conduct the necessary Preliminary (Redevelopment) Investigation and hold a public hearing to determine whether the property shown on the Egg Harbor Township Tax Map as Block 9701 Lot 8 & Block 9801 Lots 14 and 15, as well as adjacent rights-of-way as depicted on the Official Tax Map of the Township of Egg Harbor (herein referred to as the “Study Area”), qualified as an “Area in Need of Redevelopment” as such term is defined in the New Jersey Local Redevelopment & Housing Law at N.J.S.A. 40A:12A-1, et seq.; and

**WHEREAS**, the Planning Board was assisted in such Preliminary Investigation by Vincent Polistina, Polistina & Associates, a licensed Professional Planner in the State of New Jersey; and

**WHEREAS**, Polistina & Associates conducted an analysis of the Study Area and submitted to the Planning Board a Determination of Need Report, dated June 2018 (“Determination of Need”); and

**WHEREAS**, on July 16, 2018, the Planning Board conducted its public hearing on the matter pursuant to N.J.S.A. 40A:12A-6b., with mailed and published notice for the purpose of hearing all persons interested in or who would be affected by a determination that the Study Area qualified as an “Area in Need of Redevelopment”; and

**WHEREAS**, Mr. Vincent Polistina, a licensed Professional Planner in the State of New Jersey, was qualified as an expert witness and presented Polistina & Associates’ Determination of Need; and

**WHEREAS**, Mr. Polistina testified based on the Determination of Need report that the Study Area qualifies as an “Area in Need of Redevelopment” pursuant to N.J.S.A. 40A:12A-5(a), (b), (d) and (h), and that redevelopment of the Study Area is consistent with the Local Redevelopment Housing Law and certain Smart Growth Planning Principles adopted by the State of New Jersey pursuant to law or regulation; and

**WHEREAS**, pursuant to Mr. Polistina's analysis and findings set forth in the Determination of Need, it was recommended:

That the Planning Board find, and upon such finding, recommend to the Egg Harbor Township Committee, the Study Area, Block 9701, Lot 8 & Block 9801, Lots 14 and 15 exhibit conditions which conform with Criterion "a", "b", "d" and "h", of the Local Redevelopment & Housing Law;

That upon such finding, the Planning Board recommend to the Egg Harbor Township Committee that the Study Area, Block 9701, Lot 8 & Block 9801, Lots 14 and 15, be declared to be an “Area in Need of Redevelopment” in accordance with N.J.S.A. 40A:12A-5;

That the Planning Board recommend to the Egg Harbor Township Committee that, should the Township Committee designate the Study Area, Block 9701, Lot 8 & Block 9801, Lots 14 and 15, to be an “Area in Need of Redevelopment”, that the Committee authorized the Planning Board to prepare a Redevelopment Plan for the Redevelopment Area; and

**WHEREAS**, the Planning Board considered the testimony of the expert and comments made by the public in attendance, as well as the Determination of Need and all other exhibits; and

**WHEREAS**, the Planning Board made the following Findings of Fact based on the substantial credible evidence presented at the hearing as follows:

The Study Area contains conditions in which the generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions; thereby satisfying Statutory Criterion “a” as indicated in the Determination of Need.

The Study Area contains the discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable; thereby satisfying Statutory Criterion “b” as indicated in the Determination of Need.

The Study Area contains areas with buildings and improvements which, by reason of dilapidation, obsolescence, faulty arrangement and design, excessive land coverage, deleterious land use, obsolete layout and other factors, alone and in combination, are detrimental to the health, safety and welfare of the community; thereby satisfying Statutory Criterion “d” as indicated in the Determination of Need.

The Study Area contains lands designated by State Planners to be in an area designated as a PA-5 (Environmental Sensitive Planning Area) and redevelopment of this area would be consistent with PA-5 Policy Objectives 1 and 3; thereby being consistent with smart growth planning principals adopted pursuant to law or regulation and satisfying Statutory Criterion “h” as indicated in the Determination of Need.

**WHEREAS**, Pursuant to N.J.S.A. 40A:12A-6b(5), and based on the foregoing findings, the Planning Board, via an unnumbered resolution dated July 16, 2018, recommended to the Township Committee that the Study Area , Block 9701, Lot 8 & Block 9801, Lots 14 and 15, be determined to be a "Non-Condemnation Redevelopment Area" pursuant to the Statutory Criterion set forth in N.J.S.A. 40A:12A-5 and 6, and specifically Criterion 5a, 5b, 5d and 5h; and

**WHEREAS**, the Planning Board further recommended that such findings and recommendations, along with the Determination of Need and other exhibits entered into evidence at the public hearing, be forwarded to the Egg Harbor Township Committee, in accordance with the referenced statute, and, if the Township Committee designated the Study Area, Block 9701, Lot 8 & Block 9801, Lots 14 and 15, or a portion thereof, to be a “Non-Condemnation Redevelopment Area”, that the Township Committee then authorize the Planning Board to prepare a Redevelopment Plan for the Redevelopment Area; and

**WHEREAS**, the Township Committee received and carefully reviewed the Determination of Need report, exhibits and recommendations of the Planning Board as embodied in the unnumbered Planning Board Resolution dated July 16, 2018 and on July 18, 2018, via Resolution No. 313, declared Block 9701, Lot 8 & Block 9801, Lots 14 and 15, on the official tax map of the Township of Egg Harbor, along with certain adjacent rights-of-way, to be a Non-Condemnation Area In Need of Redevelopment; designating this area a Redevelopment Area; and

**WHEREAS**, Resolution No. 313 further instructed the Planning Board to prepare a Non- Condemnation Redevelopment Plan for the Redevelopment Area; and

**WHEREAS**, as required by N.J.S.A. 40A:12A-6, Resolution No. 313-2018 was transmitted to the Commissioner of the New Jersey Department of Community Affairs and the Redevelopment Area designation was approved on July 31, 2018; and

**WHEREAS**, Polistina & Associates has prepared a document entitled Margate Causeway Redevelopment Plan, 124 & 125 Margate Boulevard, Block 9701 Lot 8 & Block 9801 Lots 14 & 15, Egg Harbor Township, Atlantic County, New Jersey (dated September 3, 2019 ~ “Redevelopment Plan”); and

**WHEREAS**, N.J.S.A. 40A:12A-7 e. requires that, prior to adoption of a Redevelopment Plan by a municipal Governing Body, such Redevelopment Plan be reviewed by the municipal Planning Board, after which a recommendation regarding the Redevelopment Plan is to be transmitted to the Governing Body; and

**WHEREAS**, N.J.S.A. 40A:12A-7 d. requires that “All provisions of [a] redevelopment plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan; but the municipal governing body may adopt a redevelopment plan which is inconsistent with or not designed to effectuate the master plan by affirmative vote of a majority of its full authorized membership with the reasons for so acting set forth in the redevelopment plan”; and

**WHEREAS**, the Egg Harbor Township Planning Board did receive and review the Redevelopment Plan and did, on September 16, 2019, hold a public hearing regarding the matter. At said public hearing, the Planning Board did hear a presentation of the Redevelopment Plan by Mr. Craig Hurless, P.E., P.P. of Polistina & Associates and, at that self same public hearing, did solicit and hear comments regarding the Redevelopment Plan from members of the public in attendance; and

**WHEREAS**, the Planning Board has carefully considered the provisions of the Redevelopment Plan, the presentation by Polistina & Associates and comments from members of the public; and

**WHEREAS**, the most recent Master Plan for Egg Harbor Township was adopted in April, 2002, with the last Reexamination adopted in June 2017; and

**WHEREAS**, the 2017 Master Plan Re-Examination included a recommendation for the Township 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”; and

**WHEREAS**, at the conclusion of the Planning Board’s public hearing on September 16, 2019, the Board adopted an unnumbered Resolution, thereby:

Finding and determining that the actions contemplated by the Margate Causeway Redevelopment Plan, 124 & 125 Margate Boulevard, Block 9701 Lot 8 & Block 9801 Lots 14 & 15 are fully consistent with, and are designed to effectuate the 2002 Township Master Plan, as revised via reexamination in 2017, and therefore satisfies the statutory requirements for a Redevelopment plan under the *Local Redevelopment and Housing Law*; and

Recommending that the Egg Harbor Township Committee adopt the Margate Causeway Redevelopment Plan, 124 & 125 Margate Boulevard, Block 9701 Lot 8 & Block 9801 Lots 14 & 15, dated September 3, 2019, as an Ordinance of the Township; and

**WHEREAS**, the Township Committee received and carefully reviewed the Redevelopment Plan and the recommendations of the Planning Board as embodied in its unnumbered Resolution of September 16, 2019;

**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 entitled "Zoning" is hereby amended by creating a new Section, Section 225-98, entitled "Margate Causeway Redevelopment Area".

§225-98A Pursuant to N.J.S.A. 40A:12A-7 d., the document entitled Margate Causeway Redevelopment Plan, 124 & 125 Margate Boulevard, Block 9701 Lot 8 & Block 9801 Lots 14 & 15, prepared by Polistina & Associates (dated September 3, 2019), is found to be consistent with the Egg Harbor Township Master Plan, as updated via Reexamination through 2017.

§225-98B Pursuant to N.J.S.A. 40A:12A-7, such Margate Causeway Redevelopment Plan, 124 & 125 Margate Boulevard, Block 9701 Lot 8 & Block 9801 Lots 14 & 15 is hereby adopted as an Ordinance of the Township of Egg Harbor.

§225-98C The Zoning Map of the Township of Egg Harbor, as established under Chapter 255 of the Township Code, is hereby amended to incorporate the provisions of the Margate Causeway Redevelopment Plan, 124 & 125 Margate Boulevard, Block 9701 Lot 8 & Block 9801 Lots 14 & 15, and Township Engineer is instructed to physically amend such Zoning Map.

§225-98D The provisions of the adopted Margate Causeway Redevelopment Plan, 124 & 125 Margate Boulevard, Block 9701 Lot 8 & Block 9801 Lots 14 & 15 shall supersede 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 and parts of Ordinances 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 SEPTEMBER 18, 2019 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 TOWNSHIP HALL, IN SAID TOWNSHIP ON OCTOBER 16, 2019.

Dated: September 18, 2019

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Eileen M. Tedesco, RMC  
Township Clerk