

Egg Harbor Township

Ordinance No. 29

2021

An ordinance to adopt the Redevelopment Plan for the Timber Ridge Redevelopment Area

WHEREAS pursuant to Resolution No. 116, adopted on February 3, 2021, 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 1223, Lots 5, 6 and 8 & Block 1305, Lot 7, 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 February 2021 (“Determination of Need”); and

WHEREAS, on April 19, 2021, 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(c) and 40A:12A-3, 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 as follows:

That the Planning Board find, and upon such finding, recommend to the Egg Harbor Township Committee, the Study Area, Block 1223, Lots 5, 6 and 8 & Block 1305, Lot 7, exhibit conditions which conform with Criterion "c" 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 1223, Lots 5, 6 and 8 & Block 1305, Lot 7, be declared to be an “Area in Need of Redevelopment” in accordance with N.J.S.A. 40A:12A-5 and 40A:12A-3;

That the Planning Board recommend to the Egg Harbor Township Committee that, should the Township Committee designate the Study Area, Block 1223, Lots 5, 6 and 8 & Block 1305, Lot 7, 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 land that is owned by the municipality, the county, local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital; thereby satisfying Statutory Criterion “c” 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 April 19, 2021, recommended to the Township Committee that the Study Area, Block 1223, Lots 5, 6 and 8 & Block 1305, Lot 7, 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 5c; 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 1223, Lots 5, 6 and 8 & Block 1305, Lot 7, 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 April 19, 2021 and on May 5, 2021, via Resolution No. 247, declared Block 1223, Lots 5, 6 and 8 & Block 1305, Lot 7, on the official tax map of the Township of Egg Harbor, to be a Non-Condemnation Area In Need of Redevelopment; designating this area a Redevelopment Area; and

WHEREAS, Resolution No. 247 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. 247-2021 was transmitted to the Commissioner of the New Jersey Department of Community Affairs and the Redevelopment Area designation was approved on May 21, 2021; and

WHEREAS, Polistina & Associates has prepared a document entitled Timber Ridge Redevelopment Plan, Black Horse Pike, Block 1223, Lots 5, 6 and 8 & Block 1305, Lot 7, Egg Harbor Township, Atlantic County, New Jersey (dated May 21, 2021 ~ “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 June 21, 2021, hold a public hearing regarding the matter. At said public hearing, the Planning Board did hear a presentation of the Redevelopment Plan by Mr. Vincent Polistina, 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 June 21, 2021, the Board adopted an unnumbered Resolution, thereby:

Finding and determining that the actions contemplated by the Timber Ridge Redevelopment Plan, Black Horse Pike, Block 1223, Lots 5, 6 and 8 & Block 1305, Lot 7, 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 Timber Ridge Redevelopment Plan, Black Horse Pike, Block 1223, Lots 5, 6 and 8 & Block 1305, Lot 7, dated May 21, 2021, 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 June 21, 2021;

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 225-99, entitled “Timber Ridge Redevelopment Area”.

§225-99A 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 May 21, 2021), is found to be consistent with the Egg Harbor Township Master Plan, as updated via Reexamination through 2017.

§225-99B 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.

§225-99C 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.

§225-99D The provisions of the adopted Timber Ridge Redevelopment Plan, Black Horse Pike, Block 1223, Lots 5, 6 and 8 & Block 1305, Lot 7, 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 JUNE 23, 2021 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 JULY 21, 2021.

Dated: June 23, 2021

Eileen M. Tedesco, RMC
Township Clerk