

REDEVELOPMENT PLAN for the WEST ATLANTIC CITY REDEVELOPMENT AREA

Egg Harbor Township, Atlantic County, New Jersey



Prepared for:

Prepared by:



**The Township of
Egg Harbor**



**REMINGTON
VERNICK
WALBERG
ENGINEERS**

June 2, 2009



EGG HARBOR TOWNSHIP PLANNING BOARD

James Garth, Sr., Chairman
Manuel E. Aponte, Vice Chairman
Joseph Lisa, 2nd Vice Chairman
Charles Eykyn
Robert Levy
Dorothy Saslav
Jane Flipping, Alternate I
Frank Kearns, Alternate II
Mayor James J. McCullough, Jr.
Committeeman John Carman, Jr.
Peter J. Miller, Township Administrator

Theresa Wilbert, Board Secretary
Christopher Brown, Board Solicitor

EGG HARBOR TOWNSHIP COMMITTEE

James J. McCullough, Jr., Mayor
Stanley Glassey, Deputy Mayor
John Carman, Jr., Committeeman
Paul Hodson, Committeeman
John W. Risley, Jr., Committeeman

Peter J. Miller, Township Administrator
Eileen M. Tedesco, Township Clerk
Marc Friedman, Township Solicitor
John Daniels, Township Redevelopment Counsel

The original of this document has been signed
and sealed pursuant to N.J.S.A. 45:14A-12.

Respectfully Submitted:
REMINGTON, VERNICK & WALBERG ENGINEERS
By:

Stuart B. Wiser, P.P., AICP
NJ Professional Planners License # LI005598

Edward J. Walberg, P.E., P.P., C.M.E.
NJ Professional Planners License # LI005444





TABLE OF CONTENTS

1.0	INTRODUCTION.....	1
1.1	Background	1
1.1.1	Local Redevelopment & Housing Law	1
1.1.2	Preliminary Redevelopment Investigation.....	2
1.1.3	Subsequent Legal Decision.....	5
1.2	Authorization & Purpose.....	6
2.0	DEFINITIONS.....	7
3.0	WEST ATLANTIC CITY REDEVELOPMENT AREA.....	16
3.1	Existing Conditions.....	16
3.2	Pre-Existing Zoning.....	17
3.3	Regulatory Environment.....	17
3.3.1	Environmental Considerations	17
3.3.2	State Planning Considerations.....	18
3.3.3	Other Jurisdictions.....	18
3.3.4	Governmental Approvals.....	18
4.0	STATEMENT OF PURPOSE AND INTENT	20
4.1	General Statement	20
4.2	Municipal Goals & Objectives.....	22
5.0	ANTICIPATED REDEVELOPMENT ACTIONS	26
5.1	Redeveloper Selection & Designation.....	26
5.2	Redevelopment Agreement.....	27
5.3	Acquisition & Conveyance.....	28
5.4	Property Designated Not-To-Be-Acquired	29
5.5	Actions Subsequent to Conveyance	30
6.0	REDEVELOPMENT PROVISIONS.....	31
6.1	Review Procedures	31
6.2	Standards and Controls of General Applicability.....	32
6.2.1	Permitted Uses	34
6.2.2	Prohibited Uses	34
6.2.3	Pre-Existing Uses / Structures	35
6.2.4	Variances & Deviations	36
6.2.5	Council on Affordable Housing.....	37
6.3	Parcelization Plan.....	39
6.4	Development Regulations	41
6.4.1	Development Parcels	42
	A. Permitted Principal Uses	42
	B. Permitted Ancillary Uses (as applicable).....	42
	C. Construction Staging & Sales Trailers.....	42
	D. Building Limit Controls.....	45



**Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.**

6.4.2	Conservation Parcels	52
	A. Permitted Principal Uses	52
	B. Permitted Ancillary Uses.....	52
	C. Building Limit Controls	52
6.5	Architectural Controls	52
6.5.1	General Controls	53
6.5.2	Vertical Redevelopment Projects	54
6.5.3	Horizontal Development Projects.....	55
6.5.4	Parking Garages, Loading & Storage Facilities	56
6.5.5	Rooftop Treatments.....	57
6.6	Circulation, Parking & Loading Plan.....	58
6.6.1	Circulation Plan	58
6.6.2	Cross-Parcel Connectors	59
6.6.3	Parking	60
6.6.4	Loading.....	62
6.6.5	Final Circulation, Parking & Loading Plans	62
6.7	Utility & Easement Controls.....	63
6.8	Landscaping, Streetscaping, Lighting & Signage Provisions.....	65
6.8.1	Landscaping	66
6.8.2	Streetscaping	67
6.8.3	Cross-Parcel Connectors	68
6.8.4	Lighting	69
6.8.5	Signage	69
6.8.6	Final Landscaping, Streetscaping, Lighting & Signage Plan	72
6.9	Environmental Protection Measures	72
7.0	EQUAL OPPORTUNITY	74
8.0	PROVISIONS NECESSARY TO MEET STATUTORY REQUIREMENTS.....	76
8.1	Redevelopment Area Designation	76
8.2	Redevelopment Plan	76
8.3	Relationship to Definite Local Objectives.....	76
8.3.1	Appropriate Land Uses.....	76
8.3.2	Density of Population	76
8.3.3	Public Transportation and Traffic	77
8.3.4	Public Utilities	77
8.3.5	Recreational and Community Facilities	77
8.3.6	Other Public Improvements.....	77
8.4	Proposed Land Uses and Building Requirements	78
8.5	Provision for Temporary and Permanent Relocation	78
8.6	Identification of Property-To-Be-Acquired	79
8.7	Significant Relationships of the Redevelopment Plan to Other Plans	80
8.7.1	Proposed Zoning Changes.....	80
8.7.2	Master Plans of Contiguous Municipalities	83
	A. City of Atlantic City.....	84
	B. City of Pleasantville	85





**Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.**

8.7.3	Atlantic County	87
8.7.4	State of New Jersey	87
	A. State Development & Redevelopment Plan	87
	B. Plan Endorsement	90
8.8	Affordable Housing.....	91
8.9	Relationship to Pertinent Municipal Development Regulations	91
8.10	Consistency with Municipal Master Plan.....	92
9.0	GENERAL CONSTRUCTION, PLAN INTERPRETATION & APPLICATION OF PLAN PROVISIONS.....	93
9.1	Deviation Allowance	93
10.0	EFFECTIVE DATE, DURATION OF PROVISIONS & AMENDMENT PROVISIONS.....	95
10.1	Effective Date	95
10.2	Duration of Provisions	95
10.3	Procedures for Amending the Approved Redevelopment Plan	95
11.0	CERTIFICATE OF COMPLETION AND COMPLIANCE	96
12.0	EXHIBITS	98





1.0 INTRODUCTION

1.1 Background

There exists in the Township of Egg Harbor, Atlantic County, New Jersey (“Township”) an approximately 298-acre, 304-lot area located between the City of Atlantic City and the City of Pleasantville, known locally as West Atlantic City.¹ Given its unique location overlooking scenic wetlands and adjacent Lakes Bay, and with direct access from the Black Horse Pike, West Atlantic City should be one of the region’s most attractive places to live and work. Unfortunately, while certain portions of West Atlantic City host handsome single-family homes, condominiums and successful businesses, the major defining characteristic of this section of the Township is the presence of abandoned properties and aging, obsolescent motels along the Black Horse Pike.

In the opinion of Township Policymakers, such conditions ~ along with the demonstrated history of criminal activity and other social ills associated with these conditions ~ have had a chilling effect on private sector initiatives to redevelop this area. This opinion is supported by an independent analysis conducted by the New Jersey Pinelands Commission under its Livable Communities Program², which recognized, inter alia, the “enormous potential for economic redevelopment because of [West Atlantic City’s] close proximity to Atlantic City and beautiful views of Lakes Bay”³ and that “[t]here are numerous underutilized and obsolescent properties that are well suited for redevelopment”.

The Livable Communities Plan concluded⁴ that “[t]he Township should use regulations contained in the New Jersey *Local Redevelopment and Housing Law* to revitalize this area.

1.1.1 Local Redevelopment & Housing Law⁵

The New Jersey Legislature has empowered municipalities in their efforts to reverse conditions as exist in West Atlantic City by adopting the *Local Redevelopment and Housing Law*, whose purpose is to provide municipalities with the tools and powers necessary to (re)plan abandoned, deteriorated, obsolescent or unproductive / under-productive portions of a municipality and to actively redevelop said areas into assets for the community.

¹ “West Atlantic City” (Exhibit 1, Exhibit 2, Exhibit 3, Exhibit 4 & Exhibit 5)

² Livable Community Plan, Egg Harbor Township. Prepared for the New Jersey Pinelands Commission by Vollmer (with Phillips Preiss Shapiro Associations, Inc. & Hillier Architecture). March 2007. (“Livable Community Plan”)

³ Livable Community Plan. p. 79

⁴ Livable Community Plan. p. 90

⁵ N.J.S.A. 40A:12A-1 et seq. (“Redevelopment Statute”)



**Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.**

Utilizing the comprehensive set of planning tools and techniques available *only* under the *Redevelopment Statute*, municipalities may reprogram lands and buildings for specific desired uses, provide for the clearance of said lands or the renovation of said buildings, install infrastructure and/or other site improvements, provide favorable tax and other financial incentives for development, acquire real property (through negotiations or condemnation) deemed necessary to effectuate such redevelopment and solicit for, negotiate with and transfer lands to private entities in order to promote development that will be conducive to the social and economic improvement of the municipality.

Operating under the belief that the conditions in West Atlantic City can only be addressed through the tools and techniques available under the *Redevelopment Statute*, the Mayor and Township Committee of Egg Harbor Township⁶ determined that it was in the best interest of the community to pursue a Redevelopment Area designation for West Atlantic City.

1.1.2 Preliminary Redevelopment Investigation

On May 30, 2007, via Township Resolution No. 249 of 2007, the Governing Body directed the Egg Harbor Township Planning Board⁷ to conduct the necessary investigations, make the requisite public notice and hold the Statutorily-mandated public hearing to determine whether or not any portion of West Atlantic City, more particularly described as all Lots in Blocks 4201, 4202, 4203, 4204, 4205, 4206, 4207, 4208, 4209, 4210, 4211, 4212, 4213, 4214, 4215, 4216, 4217, 4218, 4219, 4220, 4221, 4222, 4223, 4301, 4302, 4303, 4304, 4305 and 4306 on the Official Tax Map of the Township of Egg Harbor, along with the rights-of-way adjacent thereto, qualified as a “Redevelopment Area” under the Redevelopment Statute.

The Township Committee engaged the services of Remington, Vernick and Walberg (RV&W”), licensed Professional Planners in the State of New Jersey, to assist the Planning Board with this Investigation.

Pursuant to N.J.S.A. 40A:12A-6b (1), the Planning Board, via an unnumbered Resolution adopted June 18, 2007, directed that a map of the area to be investigated, depicting the boundaries of the area and the individual lots therein, along with a statement setting forth the Township’s basis for such investigation, be prepared and placed on file with the Township Clerk.

RV&W conducted its analysis and submitted its a Report of Findings, Preliminary (Redevelopment) Investigation, West Atlantic City Study Area, Egg Harbor Township, Atlantic County, New Jersey (dated June 20, 2008).⁸

⁶ “Governing Body”

⁷ “Planning Board”

⁸ “Report of Findings”





**Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.**

Pursuant to N.J.S.A. 40A:12A-6b (2) and (3), the Planning Board scheduled the public hearing on this matter for July 28, 2008 and mailed notices of the hearing to all persons within West Atlantic City whose names appear on the Township's Tax Assessment records for each parcel within the Study Area. Such notices informed the recipients that "[a]ny and all interested persons may attend the Planning Board hearing and provide testimony, ask questions, state objections or express support to the Planning Board in regard to this matter" and further included a statement informing the recipients that "The designation that a particular property is In Need of Redevelopment operates as a finding of public purpose and authorizes the Township to take the property against the owner's will (that is, by eminent domain) for an approved Redevelopment project. Property owners who wish to contest such a Redevelopment Area designation shall have a presumptive time limit of 45 days from the date the Township Committee makes such a designation to take legal action to challenge such designation".

Also pursuant to N.J.S.A. 40A:12A-6b (3), notices of the public hearing were published in *The Press of Atlantic City* on July 11, 2008 and July 18, 2008.

On July 28, 2008, the Planning Board held its public hearing on the matter, at which time it reviewed the Report of Findings, heard a presentation of the Report of Findings from RV&W, and heard from all persons in attendance who were interested in or who would be affected by a determination that West Atlantic City, or any part thereof, qualified as an "Area in Need of Redevelopment".

At the end of the public hearing, the Planning Board, after careful consideration of the Report of Findings, the testimony of RV&W and the testimony from the members of the public in attendance, and after due and careful deliberation, adopted an unnumbered Resolution dated July 28, 2008,⁹ which found, based on the substantial credible evidence presented at the public hearing:

- A. the properties in West Atlantic City exhibit conditions which, variously, satisfy Statutory (Redevelopment) Criteria "5a", "5b", "5c", "5d", "5e" & "5h".
- B. to the extent that a particular West Atlantic City lot not to conform with any of the Criterion required for Redevelopment Area designation, and where such lot may be located in an area where otherwise conforming lots are located, exclusion of such lot from any resultant Redevelopment Area would significantly limit the Township's ability to generate a comprehensive and effective Redevelopment program for the remaining, qualifying lands. Accordingly, the inclusion of such lot, if any, was determined to be necessary, with or without change in its condition, for the effective redevelopment of West Atlantic City (thus satisfying the statutory definition of a Redevelopment Area); and

⁹ Exhibit 6



**Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.**

- C. recommended to the Township Committee that that portion of West Atlantic City to the north of the Black Horse Pike, more particularly described as all Lots located on Blocks 4205, 4206 and 4301 on the official tax map of the Township of Egg Harbor, having been found to conform with Redevelopment Criterion 5a, 5b, 5c, 5d, 5e and 5h, be declared to be an Area In Need of Redevelopment pursuant to N.J.S.A. 40A:12A-5 and 6.

The Township Committee received the Resolution and recommendations of the Planning Board, along with the Report of Findings and all relevant exhibits and materials. Additionally, the Township Committee, as a public body in an official, noticed Committee meeting, attended the Planning Board's July 28, 2008 public hearing on the West Atlantic City Preliminary Investigation, and did hear the Report of Findings, the testimony of RV&W, the testimony from the members of the public in attendance and the deliberations of the Planning Board.

After carefully considering the analyses, findings and recommendations contained in the Report of Findings, the testimony of RV&W at the Planning Board's public hearing, the testimony from the members of the public in attendance at the Planning Board's public hearing, and the deliberations of the Planning Board, as well as the determinations and recommendations of the Planning Board as embodied in its (unnumbered) July 28, 2008 Resolution, the Governing Body, after due and careful deliberation, on August 13, 2008, adopted Resolution No. 376-2008,¹⁰ thereby declaring all lots in Blocks 4205, 4206 and 4301 on the official tax map of the Township of Egg Harbor, along with certain adjacent rights-of-way, to be an Area In Need of Redevelopment; designating this area the West Atlantic City Redevelopment Area.

Included in Resolution No. 376-2008 was a determination that Blocks 4205, 4206 and 4301, as described, contain lands and buildings which, due to their location, relationship to other Lots within said Blocks and other factors, are found necessary, with or without change in their condition, for the effective planning and redevelopment of said Blocks, thereby satisfying the Statutory definition of a Redevelopment Area as contained in the *Local Redevelopment and Housing Law*.

Resolution No. 376-2008 further instructed the Planning Board to prepare a Redevelopment Plan for the Redevelopment Area.

As required by N.J.S.A. 40A:12A-6, Resolution No. 376-2008 was transmitted to the Commissioner of the New Jersey Department of Community Affairs for his approval of the designated Redevelopment Area. By letter dated September 17, 2008,¹¹ the Township received such approval from NJDCA's Office of Smart Growth.

¹⁰ Exhibit 7

¹¹ Exhibit 8



1.1.3 Subsequent Legal Decision

On August 7, 2008, the Appellate Division of the Superior Court of New Jersey handed down a decision in City of Long Branch v. Anzalone, et als., etc.,¹² which reinforced and expanded the constitutional standards necessary to support a “Redevelopment Area” determination as mandated by the New Jersey Supreme Court in Gallenthin Realty v. Borough of Paulsboro.¹³

One of the many issues addressed by the Appellate Division in Long Branch was the extent to which lands, buildings or improvements which of themselves are not detrimental to the public health, safety or welfare, can be included within a Redevelopment Area if such lands are found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part. While not definitively addressing this issue, the Appellate Division did include in its decision (p.62)

It stands to reason that the more remote the location from the core of a blighted area, the weaker the case for inclusion.

As a result of the Governing Body’s decision to limit the Redevelopment Area to that section of West Atlantic City east of Palermo Avenue (and north of the Black Horse Pike), Block 4205, Lots 1, 2 & 3 and Block 4206, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 & 10 find themselves on the western edge of the Redevelopment Area. These parcels, taken as a group, satisfied significantly fewer Redevelopment Criteria than the balance of the designated Redevelopment Area and were included in the Redevelopment Area because they were found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part.

Based on the heightened standard established by the Appellate Division in Long Branch, and after reevaluating the conditions of Block 4205, Lots 1, 2 & 3 and Block 4206, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 & 10 and their basis for inclusion in the Redevelopment Area, the Governing Body, on September 10, 2008, adopted Resolution No. 415-2008,¹⁴ thereby amending Township Resolution No. 376-2008 and eliminating such Lots from the designated Redevelopment Area.

As required by N.J.S.A. 40A:12A-6, Resolution No. 415-2008 was transmitted to the NJDCA Commissioner for his approval. By letter dated October 6, 2008,¹⁵ the Township received such approval.

¹² No. A-0067-06T2, etc, (App. Div. August 7, 2008) (“Long Branch”)

¹³ 191 N.J. 344(2007) (“Gallenthin”)

¹⁴ Exhibit 9

¹⁵ Exhibit 10



*Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.*

1.2 Authorization & Purpose

- 1.2.1 Having determined that a portion of West Atlantic City is In Need of Redevelopment, and acknowledging that the conditions which caused the Township to make such a determination are amenable to correction and amelioration by the concerted effort of responsible public bodies ~ and are not likely to be corrected or ameliorated solely by private effort ~ the purpose of this Redevelopment Plan is to provide a mechanism for the orderly (re)planning and (re)development of the West Atlantic City Redevelopment Area consistent with the Municipal Goals & Objectives established herein.
- 1.2.2 This Redevelopment Plan satisfies all statutory requirements under the Redevelopment Statute and, upon adoption by the Governing Body, shall constitute the legal prerequisite for the Redevelopment Actions outlined herein.



2.0 DEFINITIONS

For the purposes of this Redevelopment Plan, and in addition to any terms defined within the body of this document, the following terms shall have the meaning as set forth in this section.

Terms not defined herein shall have the meaning set forth in the Township Code. Terms presented as singular or plural, masculine or feminine, shall be construed within the context in which they occur.

- 2.1 “ADA” shall mean the Americans with Disabilities Act.
- 2.2 “Age-Restricted Housing” shall be limited to independent living units for active-seniors as defined by applicable Federal Housing legislation, and shall not be construed as a Nursing Home, or as an Assisted Living Facility, Congregate Senior Residence, Adult Intermediate Care Facility or other supervised facility where residential oversight, cases management, medical care or other similar services are provided.
- 2.3 “Ancillary Use” or “Ancillary Building” shall mean an Accessory Use or Building as defined in the Township Code, except that an Ancillary Use or Building need not be on the same lot as the Principal Use it supports. A building containing living space shall never be considered an Ancillary Use or Building.
- 2.4 “Black Horse Pike” shall mean U.S. 40/322.
- 2.5 “CAFRA” shall mean the New Jersey *Coastal Area Facilities Review Act* and shall be construed herein to include the Coastal Zone Management Rules¹⁶ and other pertinent environmental regulations promulgated by the New Jersey Department of Environmental Protection.
- 2.6 “Conditional Redeveloper” shall mean the Corporation, partnership or other entity or entities selected by the Township to pursue negotiations leading a Redevelopment Agreement with the Township for the purposes of advancing this Redevelopment Plan, but whose Redevelopment Agreement has yet to be executed.
- 2.7 “Condominium Buildings” and “Residential Condominium Buildings” shall mean multi-family structures of such heights as specifically defined herein, which may include incorporated parking. Such structures shall be designed for residential occupancy by multiple independent families or household units, situated on a common Master Lot with dwelling units on individual subordinate lots with each such unit having the ability to be individually owned, and having vertical and/or horizontal common party walls (i.e., dwellings next to and above one another).

¹⁶ N.J.A.C. 7:7E et. seq.



**Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.**

Each dwelling unit within such a Condominium Building shall be designed and intended solely for owner-occupancy, and shall have independent sleeping, cooking, sanitary and general living facilities.

Multiple Condominium Buildings on a single Master Lot shall be permitted, provided that such design can be accomplished in accordance with the Building Limit Controls established herein.

- 2.8 “Condominium Units” shall mean individually-owned lodging units located within a Hotel, or Condominium structure, as defined, which conform with the provisions for such Units under section 2.6 or section 2.11 herein.

Such Condominium Units shall contain not less than 1,000 s.f. of net habitable floor area consisting of, at a minimum, one (1) bedroom, one (1) separate bathroom (which shall be internal to the Unit), kitchen facilities and, at the discretion of the unit owner, in-room laundry facilities.¹⁷

- 2.9 “Egg Harbor Township” shall mean the Township of Egg Harbor, a body corporate and politic, and unless otherwise indicated, includes its Governing Body, elected officials, officers and staff.¹⁸

- 2.10 “FEMA” shall mean the Federal Emergency Management Agency.

- 2.11 “Governing Body” shall mean the Township Committee of Egg Harbor Township.¹⁸

- 2.12 “Horizontal Redevelopment” shall mean a Redevelopment Project which does not exceed the lower of 3 stories or 40’.

- 2.13 “Hotel” shall mean a structure which contains, but is not necessarily solely comprised of, Hotel Units¹⁹ which are designed, designated and intended to be used, let or hired out for compensation for transient occupancy to the general public by reservation or walk-up without reservation, but in any case without lease, for occupancy in periods of not less than 1 night and not more than 20 continuous nights; except that resident management shall not be subject to the occupancy limitation.

A. In addition to the Uses and Building Limit Controls detailed in sections 6.4.1 A, B, C & D herein, Hotels under this Redevelopment Plan shall:

¹⁷ Reserved.

¹⁸ Within the context of the various sections of this document, the terms “Egg Harbor Township”, “Township” and “Governing Body” shall also mean the Governing Body of the Township of Egg Harbor, acting in its capacity as Redevelopment Entity for the West Atlantic City Redevelopment Area.

¹⁹ As defined in section 2.14 herein.





**Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.**

1. Maintain one or more common public lobbies or registration (check in) and information stations (front desk) serving the guest rooms with in-house staff available on a 24-hour basis.
 2. Provide that access to all units be solely through one or more common public lobby areas via elevator or other conveyance system;
 3. Maintain a linen closet, ice machine and beverage / snack-food vending area on each floor;
 4. Provide amenities such as Restaurants, banquet or dining rooms, conference rooms, (indoor) swimming pools and other aquatic facilities designed for use on a year-round basis, room service, linen service and other elements normal and customary to a full service Hotel;
 5. Be designed with back-of-house linen and trash chutes accessing all floors;
 6. Maintain full-time on-site staff and management;
 7. Maintain a published business phone number and advertise daily rentals and hotel-like services to the general public. Rentals on less than a daily basis shall be prohibited;
- B. This Redevelopment Plan recognizes that a Hotel within the Redevelopment Area may benefit from the inclusion of some number of Condominium Units in addition to traditional Hotel Units, either as traditional, owner-occupied dwelling units or as renter-occupied investment units.

However, this Redevelopment Plan also recognizes that certain conflicts are inherent when mixing Hotel and Condominium uses, and that such conflicts have the potential be detrimental to the overall success of the Redevelopment Project.²⁰ Accordingly, this Redevelopment Plan permits the inclusion of Condominium Units within the Hotels, subject to the following limitations:

1. In order to minimize conflicts between the Hotel and Condominium components of a Hotel, provide for continuity in Condominium Unit rental pricing, maximize efficiency in Condominium Unit and Hotel Unit operations²¹ and coordinate advertising for Condominium Unit rentals, all Condominium Units within a Hotel made available by the Unit owner for rental when not in use by such owner shall be placed under the Hotel Management Entity for such purposes.

²⁰ Such conflicts include, but are not limited to, the differing expectations of owners vs. renters regarding the vacation experience.

²¹ e.g., reservations, registration, check in, check out, etc.



Condominium Units shall be permanently and irrevocably restricted against rental by any entity other than the Hotel Management Entity.

In addition to the regulations contained in this Redevelopment Plan, the Redevelopment Agreement for a Hotel shall require that an appropriate restriction to such effect be placed in each individual deed for each individual Condominium Unit as well as in the Master Deed for the Hotel, which deeds shall be properly recorded with the Atlantic County Clerk.

2. As stated, this Redevelopment Plan recognizes that certain conflicts are inherent when mixing Hotel and Condominium Uses and that such conflicts have the potential to be detrimental to the overall success of the Redevelopment Project. Accordingly, the Redevelopment Agreement for a Hotel shall contain a provision requiring that all legal documents governing the establishment and/or operation of any condominium, homeowner or similar association attendant to any Condominium Unit in the Hotel contain a stipulation that such association may not, by vote of association members or other mechanism, modify the use of the Redevelopment Project whereas such use is out of conformance with any provision of this Redevelopment Plan, the Redevelopment Agreement or the approved Site Plan.

To effectuate this requirement, all such documents shall contain a requirement that any proposed modification be approved by the Planning Board as an amendment to the Project's Site Plan Approval. Additionally, an appropriate restriction shall be placed in each individual deed for each individual Hotel Unit or Condominium Unit, as well as in the Master Deed for the Hotel, which deeds shall be properly recorded with the Atlantic County Clerk.

This definition shall specifically be construed to prohibit Hotel Units from being occupied or otherwise used as multiple dwellings as defined by the New Jersey Department of Community Affairs under the *Hotel and Multiple-Dwelling Law*²².

- 2.14 "Hotel Management Entity" shall mean the entity responsible for the operation and general administration for the Hotel, including guest room rental.
- 2.15 "Hotel Units" shall mean lodging units located within a Hotel, as defined, which are designed, designated and intended to be used, let or hired out for compensation for transient occupancy to the general public by reservation or walk-up without reservation, but in any case without lease, for occupancy in periods of not less than 1 night and not more than 20 continuous nights; except that resident management shall not be subject to the occupancy limitation.

In addition to requirements for Hotel under definition 2.12 herein, Hotel Units shall:

²² N.J.S.A. 55:13A-1 et seq.



- A. Contain, at a minimum, one (1) bedroom and one (1) separate bathroom, which shall be internal to the Hotel Unit;
- B. Contain not less than 400 s.f. of net habitable floor area;
- C. Other than an iron/ironing board, contain no in-room laundry facilities;
- D. While a stove-top, coffee maker, small (typical bar size) refrigerator, microwave or honor bar may be permitted, no Hotel Units shall contain an oven, broiler or similar device for the preparation, cooking or heating of food.

The Redevelopment Agreement for a Hotel shall indicate that the Hotel Units which do not contain facilities for the preparation, cooking or heating of food shall be permanently and irrevocably restricted against future installation of such facilities via an appropriate restriction, placed in each individual deed for each individual Hotel Unit, as well as in the Master Deed for the Hotel, which deeds shall be properly recorded with the Atlantic County Clerk.

Nothing herein shall prohibit the Redeveloper from designing a Hotel such that Hotel Units without cooking facilities are located adjacent to and contiguous with Hotel Units with cooking facilities with a common door between units such that, when opened, a multi-bedroom suite is created. Such configuration shall be independently securable when the units are not used as a suite.

This definition shall specifically be construed to prohibit Hotel Units from being occupied or otherwise used as multiple dwellings as defined by the New Jersey Department of Community Affairs under the *Hotel and Multiple-Dwelling Law*.²³

- 2.16 “Independent Component of a Project” see Project.
- 2.17 “*Local Redevelopment and Housing Law*” shall mean N.J.S.A. 40A:12A-1 et seq.
- 2.18 “Municipal Land Use Law” shall mean the New Jersey *Municipal Land Use Law* (N.J.S.A. 40:55D-1 et seq.).
- 2.19 “Nightlife Establishments” shall mean Nightclubs, Dinner Theaters and related facilities offering live or recorded music. For the purposes of this Redevelopment Plan, Nightlife Establishments shall be permitted to serve alcoholic beverages, provided that food is served.
- 2.20 “NJDCA” shall mean the New Jersey Department of Community Affairs, and shall include all departments and agencies thereof.

²³ N.J.S.A. 55:13A-1 et seq.



**Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.**

- 2.21 “NJDEP” shall mean the New Jersey Department of Environmental Protection, and shall include all departments and agencies thereof.
- 2.22 “NJDOT” shall mean the New Jersey Department of Transportation, and shall include all departments and agencies thereof.
- 2.23 “OSG” shall mean the Office of Smart Growth (formerly known as the Office of State Planning) operating out of the New Jersey Department of Community Affairs.
- 2.24 “P.I.L.O.T.” shall mean a program of Payment-In-Lieu-of-Taxes as permitted under applicable state statutes.
- 2.25 “Planning Board” shall mean the Planning Board of Egg Harbor Township, established pursuant to section 23 of the *Municipal Land Use Law* and operating pursuant to the various regulations of the Township Code.
- 2.26 “Principal Use” or “Principal Building” shall mean the Use which is the main or primary activity on the Parcel or the Building in which such Use takes place.
- 2.27 “Project” shall mean the construction of buildings and/or other improvements in the Redevelopment Area by the designated Redeveloper in accordance with this Redevelopment Plan. Nothing herein shall limit the Project from being developed in Phases or Subphases. Accordingly, the term “Project” shall be construed to include any Phases or Subphases thereof.

For the purposes of issuing a Certificate of Completion and Compliance pursuant to section 11.0 herein, an “Independent Component of a Project” shall mean any portion of a Project, or Phase or Subphase thereof, which can stand alone and be considered complete without completion of any connecting or non-connecting portion of a Project, Phase or Subphase thereof.

- 2.28 “Project Concept” shall mean the preliminary depiction of a Project, or individual Phase or Subphase thereof, proposed by a Redeveloper, and shall include, at a minimum, a conceptual site plan, color renderings of all building elevations, floor plans, budgetary information and associated narrative Description of Project Elements sufficient to provide the Township with an understanding of such Project, or Phase or Subphase thereof.
- 2.29 “Project Elements” shall mean any component of a Redevelopment Project.
- 2.30 “Project Plan” shall mean a detailed depiction of a Project, or individual Phase or Subphase thereof, as proposed by a Redeveloper and shall include all submission requirements for making application to the Planning Board pursuant to the Township’s existing Subdivision and Site Plan application procedures.



**Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.**

- 2.31 "Publication" shall mean the date printed on the cover of this Redevelopment Plan, which shall signify the date this Redevelopment Plan was finalized for submission to the Planning Board.
- 2.32 "Redeveloper" shall mean the Corporation, partnership or other entity or entities designated by the Township as Redeveloper pursuant to N.J.S.A. 40A:12A-1 et seq., and having entered into a Redevelopment Agreement with the Township for the purposes of advancing this Redevelopment Plan.

Nothing herein shall prohibit the Township from acting as Redeveloper if and when appropriate or convenient.

Within the context of this Redevelopment Plan, references to Redeveloper shall apply to Alternate Redeveloper pursuant to sections 5.2.2 and 5.2.3 herein.

- 2.33 "Redevelopment Agreement" shall mean a contract made by and between a designated Redeveloper and the Township which shall detail the specific rights, responsibilities and obligations of both parties related to the development of a Project under this Redevelopment Plan.

It is recognized that the West Atlantic City Redevelopment Area may be redeveloped as multiple Projects with multiple Redevelopers being designated. However, there shall be only one (1) Redeveloper for each such Project.

Subject to the provisions of a Redevelopment Agreement, nothing in this Redevelopment Plan shall be construed to prohibit a Project from being developed as multiple buildings constructed in phases over time, and nothing herein shall limit an entity from being designated Redeveloper for more than one (or all) Redevelopment Parcel(s).

- 2.34 "Redevelopment Entity" shall mean the Township of Egg Harbor, acting as the implementing agent for this Redevelopment Plan in accordance with and under the provisions of N.J.S.A. 40A:12A-1 et seq.²⁴
- 2.35 "Redevelopment Parcel" or "Parcel" shall mean any of the several Redevelopment Parcels developed pursuant to the Parcelization Plan (section 6.3) herein.
- 2.36 "Redevelopment Plan" shall mean this instant document entitled Redevelopment Plan for the West Atlantic City Redevelopment Area, Egg Harbor Township, Atlantic County, New Jersey prepared by Remington, Vernick & Walberg Engineers (date indicated on cover).

²⁴ Within the context of the various sections of this document, the terms "Egg Harbor Township", "Township" and "Governing Body" shall also mean the Governing Body of the Township of Egg Harbor, acting in its capacity as Redevelopment Entity for the West Atlantic City Redevelopment Area.





**Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.**

Upon adoption by the Governing Body, this Redevelopment Plan shall satisfy all statutory requirements of the *Local Redevelopment and Housing Law* and shall constitute a Redevelopment Plan under N.J.S.A. 40A:12A-3 and 12A-7.

- 2.37 “Redevelopment Statute” shall have the same meaning as *Local Redevelopment and Housing Law*.
- 2.38 “Report of Findings” shall mean the Report of Findings, Preliminary (Redevelopment) Investigation, West Atlantic City Study Area, Egg Harbor Township, Atlantic County, New Jersey prepared by Remington, Vernick, & Walberg Engineers (dated June 20, 2008).
- 2.39 “RSIS” shall mean the New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21).
- 2.40 “Retail” shall mean any number of uses whereby individuals are able to purchase goods and/or services directly from establishments in a “cash-and-carry” manner, including tangible items, personal services (e.g., hair and nail salons) and food and beverage service (e.g., restaurants, bars and taverns).
- 2.41 “Review & Approval” shall mean the review and approval by the Egg Harbor Township Planning Board of an application for Site Plan Approval, Subdivision Approval and/or Redevelopment Plan Conformance as may be required to effectuate the Project.
- 2.42 “State Plan” shall mean the New Jersey *State Development and Redevelopment Plan*, Adopted March, 2001.
- 2.43 “toc” shall mean top of curb as relates to Building Height (section 6.4.1 D. 10 herein).
- 2.44 “Townhomes” and “Townhouse Structures” shall mean single-family structures designed for residential owner-occupancy by not less than four (4) and not more than eight (8) independent families or household units on individual lots with common (vertical) party wall between dwelling units. Such structures may be constructed over ground-level incorporated parking. Each Townhome shall be side-by-side (not stacked) and shall be situated on an individual lot. Each such dwelling unit shall have its own sleeping, cooking, sanitary and general living facilities.
- 2.45 “Township” shall have the same meaning as Egg Harbor Township.²⁵

²⁵ Within the context of the various sections of this document, the terms “Egg Harbor Township”, “Township” and “Governing Body” shall also mean the Governing Body of the Township of Egg Harbor, acting in its capacity as Redevelopment Entity for the West Atlantic City Redevelopment Area.



**Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.**

- 2.46 "Township Code" shall mean Chapter 94 (Design, Performance, and Improvement Standards) and Chapter 225 (Zoning) of the Township Code of Egg Harbor Township, as same may be amended from time-to-time.
- 2.47 "Township Clerk" shall mean the municipal Clerk for the Township of Egg Harbor, who is the statutorily-mandated repository for all municipal records.
- 2.48 "Vertical Redevelopment" shall mean that portion of a Redevelopment Project above the lower of 3 stories or 40'.
- 2.49 "West Atlantic City" shall mean the approximately 290-acre, 304-Lot portion of Egg Harbor Township located between the City of Atlantic City and the City of Pleasantville, as depicted on Exhibit 3 and Exhibit 4 herein.
- 2.50 "West Atlantic City Redevelopment Area" shall mean the 34.4-acre, 24-Lot portion of West Atlantic City located between the City of Atlantic City and Venice Avenue on the northern side of the Black Horse Pike, as further described in sections 1.0 and 3.0 herein;²⁶ said area having been designated as a Redevelopment Area via Township Resolution No. 376-2008²⁷ (amended by Township Resolution No. 415-2008²⁸).

²⁶ Exhibit 4 and Exhibit 5

²⁷ Exhibit 7

²⁸ Exhibit 9



3.0 WEST ATLANTIC CITY REDEVELOPMENT AREA²⁹

The West Atlantic City Redevelopment Area is a 24-lot,³⁰ 34.4-acre³¹ tract of land containing 21.5 acres in the form of tax lots and approximately 12.9 acres of rights-of-way³² located in Egg Harbor Township, Atlantic County, New Jersey.

The Redevelopment Area abuts the Black Horse Pike (U.S. 40/322), functioning as an east-west spine through the Area and connecting West Atlantic City to Pleasantville and the mainland to the west and Atlantic City and the balance of Absecon Island³³ to the east.

3.1 Existing Conditions

As detailed in the Report of Findings, West Atlantic City hosted:

- Automotive Service & Related Operations³⁴
- Civic / Institutional / Governmental³⁵
- 17 Commercial Operations³⁶
- 19 Lodging Facilities
- 26 Multi-Family Residential³⁷
- 174 Single Family Residential Uses
- Other Uses³⁸
- 26 Vacant Parcels

²⁹ Exhibit 1, Exhibit 2, Exhibit 3, Exhibit 4 & Exhibit 5

³⁰ As is common in municipalities throughout New Jersey, the Township's Tax Assessor employs a practice of merging contiguous tax lots under common ownership in order to reduce the number of line-items in the Assessor's (MOD IV) database; thereby streamlining the tax billing process. This process is not reflected on the Tax Maps, resulting in a discrepancy between the number of 'mapped' lots and the number of 'assessed' lots.

As a result, the statistical attributes of each individual lot (i.e. acreage, tax assessments, etc.) have been combined into the merged lots, reflecting the sum of each such attribute. For the purposes of this Redevelopment Plan, and unless otherwise indicated, the term "Lots" shall mean merged lots, with land attributes based accordingly.

³¹ Lots only.

³² Acreage calculations were developed from scaled measurements taken from digitized reproductions of the Township's tax maps. Information is therefore deemed accurate to the level of the scale. A Boundary Survey of the West Atlantic City Redevelopment Area and the individual lots therein, performed by a licensed Land Surveyor, is required for precise measurements.

³³ Ventnor, Margate and Longport

³⁴ Including Automobile Repair & Fuel Service Station uses

³⁵ Including a School Bus Staging facility.

³⁶ Including Automobile Dealers, Office, Retail & Restaurant uses.

³⁷ Does not include residential uses in roadside motels.

³⁸ 1 Light Industrial Use, 1 Mixed (Commercial / Residential) Use & 1 small garage.



One of the major defining characteristics of West Atlantic City is the presence of aging, obsolescent motels along the north side of the Black Horse Pike.

3.2 **Pre-Existing Zoning**³⁹

At Publication, the Redevelopment Area was zoned in the Township's Special Highway Development (SHD) Zoning District. Purposes and Permitted Uses for this District is found in Exhibit 12 herein.

3.3 **Regulatory Environment**

3.3.1 Environmental Considerations

West Atlantic City is situated in New Jersey's Coastal Zone on a narrow stretch of land linking Atlantic County's Mainland communities with Absecon Island. Geographically a peninsula, the Area is physically connected to the City of Pleasantville to the west, but is separated from neighboring Atlantic City to the east by "Jonathan's Thorofare".⁴⁰

Development in the environmentally-sensitive coastal zone is subject to regulation by the New Jersey Department of Environmental Protection under New Jersey's Coastal Area Facilities Review Act through its Coastal Zone Management ("CZM") Rules.

A review of wetlands information derived from County GIS mapping⁴¹ finds the West Atlantic City Redevelopment Area to consist predominately of developable Uplands, with one small pocket of Saline Marshlands and one small pocket of Deciduous Scrub / Shrub Wetlands within the boundaries of the Redevelopment Area. However, the Redevelopment Area is surrounded by a combination of deciduous scrub and herbaceous wetlands, and is directly proximate to C-1 classified waters. Finally, the Redevelopment Area is located near Lakes Bay and its associated beach and dune areas. In addition to commercial shellfishing,⁴² the Lakes Bay area serves as a resource for water-related recreation.

These conditions will require that any Project within the Redevelopment Area employ environmentally sensitive design and construction techniques, including, but not limited to, a combination of wetlands buffering, wetlands mitigation and specialized drainage.

³⁹ Exhibit 11

⁴⁰ Exhibit 3 & Exhibit 4.

⁴¹ Atlantic County Department of Regional Planning & Development (Exhibit 13)

⁴² commercial bay clams



3.3.2 State Planning Considerations

The New Jersey Office of Smart Growth has promulgated the equivalent of a master plan to guide development in the state. Entitled the *New Jersey State Development and Redevelopment Plan*, this document is an outline of the State's policies related to Smart Growth and planning principles. Prepared as an interdepartmental effort between various State offices charged with managing growth in New Jersey⁴³, the "State Plan" is the controlling policy guide regarding growth-related issues on a statewide level.

While the State Plan classifies West Atlantic City as a 'PA~5 (Environmentally Sensitive) Planning Area',⁴⁴ the Office of Smart Growth has recognized the conditions in West Atlantic City and has endorsed a change to 'PA~1 (Metropolitan) Planning Area'.⁴⁵ Metropolitan Planning Areas are designed to provide for much of the state's future redevelopment through revitalization of cities and towns; promotion of growth in compact forms; stabilization of older suburbs; redesign of areas of sprawl; and protection of the character of existing stable communities.⁴⁶ Accordingly, development of the Redevelopment Area will require balancing the goals of the Metropolitan Planning Areas against the goals of the Coastal Zone regulations.

3.3.3 Other Jurisdictions

As a Federal right-of-way, the Black Horse Pike is under the jurisdiction of the New Jersey Department of Transportation. Modifications to this right-of-way, including adjustments to traffic signalization as well as roadway geometry necessary to support a Redevelopment Project, require NJDOT approval.

3.3.4 Governmental Approvals

Based on the information available to the Township at Publication, Governmental Approvals known or believed to be applicable to the Redevelopment Area include, but are not necessarily limited to:

- the Egg Harbor Township Planning Board for Subdivision, Site Plan and Redevelopment Plan Conformance approvals;
- the Atlantic County Soil Conservation District for soil erosion and sediment control approval;

⁴³ Principally, but not exclusively, NJDCA and NJDEP.

⁴⁴ Exhibit 14.

⁴⁵ Exhibit 8

⁴⁶ The full list of State Plan Policy Objectives for PA~1 Planning Areas may be found in Exhibit 15.



*Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.*

- the Atlantic County Utilities Authority and Egg Harbor Township Municipal Utilities Authority for sanitary sewer permitting;
- the NJDEP for wetlands, waterfront development and other environmental permitting (including CAFRA), sewer and water extension permitting, riparian title issues and flood hazard area permitting;
- the NJDOT for Highway Access Permits; and
- United States Army Corps of Engineers, the U.S. Environmental Protection Agency and/or the U.S. Fish & Wildlife Service for Federal regulations which may be applicable.



4.0 STATEMENT OF PURPOSE AND INTENT

4.1 General Statement

- 4.1.1 This document constitutes a Redevelopment Plan under the provisions of the *Local Redevelopment and Housing Law*.

The purpose of this Redevelopment Plan is to provide the mechanism ~ via a public / private partnership ~ to create one or more mixed-use Project(s) with classic architectural expression within the West Atlantic City Redevelopment Area and thereby achieve the Municipal Goals & Objectives detailed herein.

- 4.1.2 Upon adoption of this Redevelopment Plan, the Township will be statutorily empowered to solicit for, negotiate and enter into Redevelopment Agreements with selected Redevelopers for the purposes of advancing the Municipal Goals & Objectives detailed herein.

- 4.1.3 This Redevelopment Plan does not attempt to anticipate every possible Project Concept or land use solution. The provisions of this Plan have been generated to be as flexible as possible in order to foster a quality Redevelopment Project(s) which achieves the following Municipal Goals & Objectives.

- 4.1.4 Township Policymakers recognize the financial and planning realities related to the redevelopment of the Redevelopment Area, and are in a position to make available such assistance as may be at their disposal ~ through the powers of the Redevelopment Statute and/or other pro-development agencies and programs ~ should a particular Project so merit. Such assistance may include, but need not be limited to, endorsing and/or [with the Redeveloper(s)] making joint application for state and federal grant funds; endorsing and/or [with the Redeveloper(s)] making joint application for state / federal environmental / other permits required to advance a Project, negotiating favorable property tax mechanisms;⁴⁷ and amending the provisions of this Redevelopment Plan should such actions, in the sole opinion of the Township, be reasonably necessary to produce a superior product.

Any such assistance shall be addressed within the context of the Redevelopment Agreement to be negotiated between the Township and each respective Conditional Redeveloper.

- 4.1.5 Township Policymakers further recognize that certain environmental issues may exist within, on, under or adjacent to Redevelopment Area properties. Such issues may include, but need not be limited to, wetlands, threatened or endangered species, asbestos, underground storage tanks, subsurface contamination, mold and/or structural or other building-related issues attributable to these properties.

⁴⁷ i.e., the granting of tax abatement under Chapter 201 of the Township Code or Payment-In-Lieu-of-Taxes under applicable programs.



**Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.**

The Township makes no warrants regarding these or other conditions.

Responsibility (financial or otherwise), for the remediation of any conditions found on any Redevelopment Area property, or for compliance with any State or Federal requirements related thereto, shall be issues to be addressed between the Redeveloper and the current property owner in accordance with all applicable laws and regulations. To the extent pertinent, such issues shall be recognized and addressed within the context of the Redevelopment Agreement to be negotiated between the Township and each (Conditional) Redeveloper.

4.1.6 This Redevelopment Plan has been crafted to advance the following pertinent Purposes of the New Jersey *Municipal Land Use Law*:

- Guiding the appropriate use and redevelopment of the West Atlantic City Redevelopment Area in a manner which will promote the public health, safety, morals, and general welfare;
- Providing for the redevelopment of the Redevelopment Area in a manner which is safe and secure from fire, flood, panic and other natural and man-made disasters;
- Insuring that the redevelopment of the Redevelopment Area will provide adequate light, air and open space;
- Establishing appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions while preserving the environment;
- Encouraging the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
- Providing sufficient space in appropriate locations for residential and commercial uses as well as open space, according to their respective environmental requirements;
- Promoting development on existing transportation routes; thereby promoting the free flow of traffic and avoiding congestion or blight and preventing urban sprawl and degradation of the environment through improper use of land;
- Promoting a desirable visual environment through creative development techniques and good civic design and arrangement;
- Promoting the conservation of open space and valuable natural resources by preserving high quality wetlands within the Redevelopment Area and by helping to return spoiled wetlands to a more natural condition;



**Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.**

- Encouraging planned unit developments which will incorporate the best features of design and will relate the type, design and layout of residential commercial and recreational development to the Redevelopment Area; and
- Encouraging senior citizen community housing construction.

4.2 **Municipal Goals & Objectives**

The Municipal Goals & Objectives articulated herein shall constitute the guiding principles for the activities under this Redevelopment Plan. Township Policymakers recognize that it may be necessary to subordinate a particular Municipal Goal or Objective, or certain aspects of a particular Municipal Goal or Objective, in order to achieve other, more imperative, Municipal Goals or Objectives.

The quantitative or qualitative value of any of the following Municipal Goals & Objectives, as well as their relative importance to the Township and thus this Redevelopment Plan, shall be determined exclusively by the Governing Body, acting in its capacity as Redevelopment Entity for this Redevelopment Plan. Readers should therefore attach no importance to the order in which these Goals and Objectives are presented.

- 4.2.1 Stabilize West Atlantic City by eliminating negative and/or blighting influences; prevent the spread of such influences by the application of comprehensive Redevelopment Plan controls.
- 4.2.2 Reverse or remove the documented conditions which led the Township to designate the West Atlantic City Redevelopment Area and An Area In Need of Redevelopment under the *Local Redevelopment and Housing Law*.⁴⁸
- 4.2.3 Renovate, rehabilitate or replace substandard and/or underproductive buildings or improvements in the Redevelopment Area which, singularly or in combination, represent conditions detrimental to the safety, health and welfare of the community.
- 4.2.4 Remove and replace substandard buildings or improvements where renovation or rehabilitation is not practicable, including where such buildings or improvements do not lend themselves to reuse in a manner consistent with this Redevelopment Plan.
- 4.2.5 Remove substandard dwelling units within the Redevelopment Area. Replace such units with decent, safe and sanitary housing, including both rental and ownership housing, and housing for a variety of age groups and affordability ranges. Where necessary and appropriate, such replacement housing may be located outside of the Redevelopment Area.

⁴⁸ Details related thereto may be found in the Report of Findings, on file with the Egg Harbor Township Clerk.



**Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.**

- 4.2.6 Activate underutilized lands which represent a lost opportunity for valuable contribution to the welfare of the community.
- 4.2.7 Stimulate private development by allowing maximum flexibility in land use, project design and building regulations while protecting the natural environment to the maximum extent practicable.
- 4.2.8 Reorganize (replan) the Redevelopment Area by consolidating multiple, separate tax lots into Parcels of appropriate size and shape to facilitate market-driven Projects designed to advance and achieve the Municipal Goals & Objectives of this Redevelopment Plan.
- 4.2.9 Establish Development Regulations which will (re)organize and (re)plan the permitted uses and building controls within the Redevelopment Area in order to maximize the development potential of the Area consistent with the Municipal Goals & Objectives of this Redevelopment Plan; thereby maximizing the attractiveness of this opportunity to the Development Community. Within this context:
- A. Institute land use, building controls and other provisions to promote the redevelopment of the Redevelopment Area via one or more planned, mixed-use Projects in a mutually supportive environment consistent with Smart Growth / New Urbanism Principles⁴⁹ while remaining sensitive to the surrounding environmental conditions and the adjacent residential communities.
 - B. Provide for an appropriate mix of commercial, office, residential and other uses where necessary in order to fully achieve these Municipal Goals & Objectives.
- 4.2.10 Minimize, to the maximum extent practicable, fiscal and operational impacts to Township residents which may result from a substantial Project in the Redevelopment Area. Such impacts may include, but are not limited to, provision of municipal services, reallocation of local purpose taxes due to a reduction of the ratable base in the Redevelopment Area and increase in school district taxes related to an increase in the number of students enrolled in the Township's school system arising from a Redevelopment Project.
- 4.2.11 Maximize tax revenue, generate new tax ratables or otherwise provide for substantial return to the public sector⁵⁰ by the (re)development and active (re)use of unutilized or underutilized lands, buildings and improvements which, singularly or in combination, represent a lost opportunity for valuable contribution to the welfare of the community.

⁴⁹ Exhibit 16

⁵⁰ via P.I.L.O.T. or other appropriate mechanisms.



***Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.***

- 4.2.12 Stimulate, strengthen and enhance the Township's economic base and provide for increased employment and business opportunities resulting from development and operation of a significant Redevelopment Project in the Redevelopment Area, including, but not be limited to, creation of new businesses in the Township, expansion of existing Township businesses and creation of jobs targeting the full spectrum of skill-levels; thereby supporting the widest possible employment base for Township and non-Township residents both during construction and (as applicable) operation of the Redevelopment Project(s).
- 4.2.13 Encourage business retention, expansion and attraction by providing for the reorganization, consolidation and, where necessary, relocation of existing operations to suitable locations elsewhere in the Township; thereby allowing for the development and growth of facilities which are design-appropriate to the particular use and insuring that uses are compatible with their surroundings.
- 4.2.14 Develop a Circulation, Parking & Loading Plan which will:
- promote a Project design which will result in as seamless a linkage as possible 1) among and between the individual Redevelopment Parcels within the Redevelopment Area and 2) between each such Parcel and the portions of West Atlantic City not included within the Redevelopment Area; thereby using the (various) Redevelopment Project(s) as a unifying anchor for the larger revitalization of this section of the Township;
 - within this context, ensure appropriate internal circulation and external access to the Redevelopment Area from the Black Horse Pike for vehicles (including delivery vehicles), (recreational) bicycles and pedestrians;
 - provide for adequate (surface and/or structured) parking to support the Redevelopment Project(s) anticipated for the Redevelopment Area; and
 - minimize disruption to existing traffic patterns.
- 4.2.15 Strengthen and support the Township's code enforcement efforts to ensure that all buildings in the Redevelopment Area conform, at Publication and into the future, to acceptable property maintenance and other appropriate standards.
- 4.2.16 Where appropriate, utilize zoning, tax abatement and other financial and non-financial incentives and programs to achieve these Municipal Goals & Objectives.
- 4.2.17 Provide for, in accordance with State Law, the relocation of residents, businesses and occupants within the Redevelopment Area which as be required to effectuate this Redevelopment Plan.



*Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.*

- 4.2.18 To the extent reasonably practicable, work with the designated Redeveloper(s) to minimize disruption of the residential and business communities both within and adjacent to the Redevelopment Area during construction activities.
- 4.2.19 To the maximum extent reasonably practicable during construction and use, avoid and protect the undisturbed, pristine lands that may exist within or adjacent to the Redevelopment Area.
- 4.2.20 Establish, where required by NJDEP, such Environmental Protection Measures as may be necessary and appropriate to allow for, to the maximum extent practicable within the context of the Redevelopment Project(s) proposed:
- the preservation of undisturbed, pristine lands as may exist within the Redevelopment Area.
 - the restoration of formerly environmentally sensitive lands which have been disturbed or spoiled by previous activity.
 - the provision of open space and recreation areas of appropriate size and function to compliment the Redevelopment Project(s) proposed.



5.0 ANTICIPATED REDEVELOPMENT ACTIONS

The Redevelopment Actions anticipated under this Redevelopment Plan consist of the (re)planning of the lands within the West Atlantic City Redevelopment Area into distinct Redevelopment Parcels and the establishment of Development Regulations for each such Parcel in order to effectuate the Municipal Goals & Objectives of this Redevelopment Plan.

The Redevelopment Provisions (section 6.0) of this Redevelopment Plan establish Uses, Building Limit Controls and other regulations governing the Redevelopment Area. Such Provisions combine to address the form and function of the Projects anticipated.

5.1 Redeveloper Selection & Designation

5.1.1 Upon adoption of this Redevelopment Plan, the Township will be statutorily empowered to negotiate with and enter into a Redeveloper's Agreement with a designated Redeveloper for the purposes of advancing the Municipal Goals & Objectives of this Redevelopment Plan.

5.1.2 It is anticipated that, upon adoption of this Redevelopment Plan, the Township will issue one or more formal Request-for-Qualifications / Request-for-Proposals⁵¹ solicitation(s) for select portions (or all) of the Redevelopment Area. Such solicitation(s) shall invite all interested parties to submit Expressions of Interest for the offered portion(s). Candidates for Redeveloper designation shall be selected from among those submitting Expressions of Interest.

The portion(s) of the Redevelopment Area to be marketed under the RFQ&P, the order in which such portion(s) are marketed and the timing of such solicitation(s) shall be determined by and at the sole discretion of Township Policymakers.

5.1.3 Section 5.1.2 herein notwithstanding, recent experience reveals a trend in the marketing of real estate wherein capable developers are increasingly reticent to participate in public RFQ&P-style competitions. While the reasons vary⁵², this trend has resulted in a lack of response to several recent ~ and otherwise attractive ~ public real estate (Redevelopment) opportunities.

Accordingly, the Township reserves the right to undertake a selection process different from than that described in section 5.1.2 herein ~ including negotiating directly with a known development entity ~ should it be in the Township's best interest to do so.

⁵¹ "RFQ&P"

⁵² some developers are averse to investing the time and monies required to successfully compete in an open, public process while others are simply not willing ~ or are corporately not in a position ~ to expose their proprietary or financial information under a process whereby submissions are made public documents.



- 5.1.4 The Township shall evaluate all Expressions of Interest when received and, at its sole discretion, may select one or more Conditional Redeveloper(s) from among those submissions. Conditional Redevelopers shall be entities whose Expression(s) of Interest, in the sole opinion of the Township, offer(s) the greatest net advantage to the municipality.

Successful Expressions of Interest shall reflect a Project which is designed to achieve the Municipal Goals & Objectives of this Redevelopment Plan AND provide the Township with demonstrated evidence of the authors' superior experience and qualifications in developing and, as appropriate, operating the type, size and scope of the Project proposed.

- 5.1.5 The Township reserves the right to interpret the components of an Expression of Interest as it sees fit, and to rank authors of submitted Expressions of Interest accordingly based on the Municipal Goals & Objectives of this Redevelopment Plan.

Nothing herein shall be construed to imply that the Township shall be required to designate the author of any Expression of Interest as Conditional Redeveloper.

- 5.1.6 Expressions of Interest must include, at a minimum:

1. Financial capability and ability to obtain the financing required to develop the Project(s) proposed.
2. Demonstrated success in developing and marketing the Project(s) proposed.
3. Organizational strength, business reputation and professional capability to develop, manage and/or operate the Project(s) proposed.
4. Ability to comply with / achieve the Municipal Goals & Objectives specified herein.
5. Project Concept(s) and Description of Project Elements.
6. Additional information as may be deemed necessary and appropriate.

5.2 **Redevelopment Agreement**

- 5.2.1 Upon selection of a Conditional Redeveloper, the Township shall commence negotiations leading to a Redevelopment Agreement⁵³ with such entity. Redevelopment Agreements shall include, at a minimum:

- A. The Project Concept(s) and Description of Project Elements for the undertakings proposed.
- B. Statements regarding compliance with the Municipal Goals & Objectives of this Redevelopment Plan.

⁵³ "Redeveloper" designation shall be conferred by the Township only upon execution of a Redevelopment Agreement.



- C. A schedule for the commencement and completion of improvements.
 - D. Provisions for termination of Redeveloper status in the event of default by the Redeveloper.
 - E. Issues identified within the body of this Redevelopment Plan as being subject to such negotiations.
 - F. Such other provisions as may arise during negotiations or which may be required by law.
- 5.2.2 While it is the intention of the Township to negotiate in good faith with each Conditional Redeveloper to address all planning, financial and other issues which may become part of the Redevelopment Agreement(s), the Township reserves the right ~ should a Conditional Redeveloper propose a Project which, in the sole opinion of the Township, does not meet the Municipal Goals & Objectives of this Redevelopment Plan, or should the Township and a Conditional Redeveloper otherwise not be able to consummate a mutually-acceptable Redevelopment Agreement ~ to rescind Redeveloper status from such entity and to identify and enter into negotiations with an Alternate Redeveloper.
- 5.2.3 In the event the Township is placed in a position where it must designate an Alternate Redeveloper, the Township reserves the right, at its sole discretion, to 1) designate such Alternate Redeveloper from among those parties who have submitted an Expression of Interest, 2) undertake an additional competitive, public solicitation process as detailed under section 5.2.1 herein or 3) negotiate directly with a known development entity.
- 5.3 Acquisition & Conveyance**
- 5.3.1 Upon adoption of this Redevelopment Plan, the Township will be statutorily permitted⁵⁴ to acquire real property within the Redevelopment Area either through good-faith negotiations with the owners of such property or, upon failure of such good-faith negotiations, through condemnation (eminent domain), and to convey such lands to a Redeveloper in furtherance of an approved Redevelopment Project in order to effectuate this Redevelopment Plan.
- 5.3.2 The Township shall not commence any condemnation action for any property within the Redevelopment Area unless and until a Redeveloper for the subject lands has been designated and a Redevelopment Agreement therewith executed. All costs associated with such acquisition and conveyance shall be born by the Redeveloper; it being the intent that no direct Township funds be used for such purposes.

⁵⁴ N.J.S.A. 40A:12A-8b, c & g and 40A:12A-15



5.3.3 Details related such acquisition and conveyance shall be determined within the context of the Redevelopment Agreement to be negotiated between the Township and the respective Conditional Redeveloper(s).

5.3.4 Additional Acquisition

Under the *Local Redevelopment and Housing Law*,⁵⁵ a municipality is permitted to pursue Redevelopment activities ONLY within a designated Redevelopment Area. Accordingly, the Township is not in a position to acquire any property outside of the Redevelopment Area without first undertaking a public process similar to that outlined in section 1.0 herein.

The above notwithstanding, nothing herein shall prohibit the Redeveloper, on his own account, from pursuing the ***voluntary acquisition*** of lands outside of the Redevelopment Area and developing such lands as a component of or complement to a Redevelopment Project.

It is expressly understood that the Township shall have no responsibility, financial or otherwise, in relation to any such private acquisition and shall not be responsible for any relocation of persons, businesses or public utilities resulting therefrom.

5.3.5 Regardless of the method of acquisition, all property within the Redevelopment Area shall be subject to the provisions of this Redevelopment Plan. All property outside of the Redevelopment Area shall remain subject to the zoning and land use provisions of the Township Code.⁵⁶

5.4 **Property Designated Not-To-Be-Acquired**⁵⁵

5.4.1 As detailed in section 1.1.3 herein, the boundaries of the Redevelopment Area were amended to exclude properties which, when taken as a group, satisfied significantly fewer Redevelopment Criteria than the balance of the [then] designated Redevelopment Area or did not rise to the heightened standard for inclusion in a Redevelopment Area established by the Appellate Division under the Long Branch decision.

Accordingly, all lands in the Redevelopment Area as designated by Township Resolution No. 415-2008⁵⁷ are subject to acquisition under section 5.3 herein.

⁵⁵ N.J.S.A. 40A:12A-8b & 8c

⁵⁶ Chapters 94 and 225

⁵⁷ Exhibit 9



5.5 Actions Subsequent to Conveyance

- 5.5.1 Upon acquisition and conveyance of lands within the Redevelopment Area pursuant to section 5.3 herein, and subject to the provisions of a negotiated Redevelopment Agreement(s) addressing same, the designated Redeveloper(s) shall be responsible for all taxes which become due and owing on all property so conveyed; for all demolition and site work; and for all planning, permitting and other activities (including compliance with all applicable Township and other codes and regulations) necessary for the construction of the Redevelopment Project(s) in accordance with this Redevelopment Plan.
- 5.5.2 Subject to the provisions of the negotiated Redevelopment Agreement, the Township may agree to provide tax abatement, an arrangement for PILOT (consistent with law) and/or other financial assistance should a particular Project merit and require such assistance.
- 5.5.3 Provisions for the acquisition, ownership and maintenance of the Conservation Parcels (section 6.3 herein), and any improvements thereon, shall be determined within the context of the Redevelopment agreement between the Township and the Conditional Redeveloper(s).



6.0 REDEVELOPMENT PROVISIONS

The Redevelopment Provisions of this Redevelopment Plan are comprised of the Review Procedures, Standards and Controls of General Applicability, Parcelization Plan, Development Regulations, Architectural Controls, Circulation, Parking & Loading Plan, Utility & Easement Controls, Landscaping, Streetscaping, Lighting & Signage Provisions and Environmental Protection Measures.

6.1 Review Procedures

6.1.1 The controls and regulations governing land use and structural form specified herein are designed to promote the redevelopment of the West Atlantic City Redevelopment Area in accordance with the Municipal Goals & Objectives of this Redevelopment Plan. As such, they are intended to provide a setting within which Redeveloper(s) and their designers are encouraged to generate detailed plans to produce Projects of outstanding design and superior quality.

6.1.2 As the Redevelopment Entity, the Governing Body shall review and approve the Project Concepts and Description of Project Elements proposed for each Redevelopment Project. Such approval shall both accept the Project for the community and insure that the Project is consistent with this Redevelopment Plan.

Understanding that Project(s) of the magnitude envisioned for the Redevelopment Area necessarily evolve from concept to final plans, the following dual approval process is established:

A. The action of designating the author of an Expression of Interest as Conditional Redeveloper shall serve as the Governing Body's approval of the Project Concepts and Description of Project Elements, and as its conditional certification of the Project's consistency with this Redevelopment Plan.

B. The action of entering into a Redevelopment Agreement with the Conditional Redeveloper shall serve as the Governing Body's final approval of the Project Concepts and Description of Project Elements, and as its final certification of the Project's consistency with this Redevelopment Plan.

6.1.3 Consistent with its responsibilities under the Redevelopment Statute⁵⁸, the Planning Board shall review and approve the Project Plans for each Redevelopment Project in accordance with the requirements for review and approval of subdivisions and site plans set forth by the Township Code and the *Municipal Land Use Law*.

⁵⁸ N.J.S.A. 40A:12A-13



**Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.**

Within this context, the Planning Board shall retain authority for the interpretation or clarification of the Standards & Controls of General Applicability; Parcelization Plan; Development Regulations (with the exception of Permitted Uses); Architectural Controls; Circulation, Parking & Loading Plan; Utility Controls; and the Landscaping, Streetscaping, Lighting & Signage Provisions of this Redevelopment Plan.

Appeal of any such interpretation shall be made to the Governing Body, acting in its capacity as Redevelopment Entity for this Redevelopment Plan.

- 6.1.4 The Governing Body shall retain sole authority for the interpretation or clarification of the permissibility of any use proposed for the Redevelopment Area.
- 6.1.5 No Project Plans shall be heard by the Planning Board until the Governing Body has granted final approval of the Project Concepts and Description of Project Elements in accordance with section 6.1.2 herein.
- 6.1.6 The Planning Board shall retain the right, at time of Site Plan Review & Approval, to require such off-site and/or off-tract improvements as may be lawful, necessary and proportionate to ensure the free flow of traffic, to mitigate other possible impacts to the public safety and welfare arising from a particular Redevelopment Project and to otherwise ensure the effective implementation of this Redevelopment Plan consistent with the Municipal Goals & Objectives specified herein.

Appeal of a Planning Board interpretation of “necessary” and “proportionate” shall be made by the Governing Body, acting in its capacity as Redevelopment Entity for this Redevelopment Plan.

- 6.1.7 Unless Planning Board approval is required by this Redevelopment Plan or by applicable sections of the Township Code, land use approvals shall be governed by the procedures established in the Township Code.
- 6.1.8 The provisions of this section 6.1 notwithstanding, NJDEP shall retain authority over the Environmental Protection Measures of this Redevelopment Plan.

6.2 Standards and Controls of General Applicability

- A. All Projects in the Redevelopment Area shall be governed by the Redevelopment Provisions detailed herein, which were crafted to produce Projects which advance the Municipal Goals & Objectives of this Redevelopment Plan and are intended to provide for multiple, complimentary Projects within the Redevelopment Area.



***Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.***

- B. The provisions of this Redevelopment Plan are those of the Township of Egg Harbor and do not substitute for any law, code, rule or regulation established by any State or Federal agency. All development within the Redevelopment Area shall comply with such laws, codes, rules and regulations as applicable.
- C. Except where otherwise modified by this Redevelopment Plan, the Redevelopment Area shall be governed by the standards and regulations contained in the Township Code. By reference herewith, said provisions are included in and adopted by this Redevelopment Plan.

Should a local code or regulation (other than those found in the Township Code) contain comparable but less restrictive provisions than set forth in this Redevelopment Plan, the standards set forth herein shall govern.

Interpretation or clarification of any conflicts or inconsistencies between provisions of the Township Code and this Redevelopment Plan shall be made by the Governing Body, acting in its capacity as Redevelopment Entity for this Redevelopment Plan.

- D. For Vertical Redevelopment Projects (definition 2.37 herein), no residential use shall be located at the ground floor, which shall be reserved for a non-residential Permitted Principle Uses.

No residential use above a ground-floor Permitted Principle Use shall contain less than 1,000 s.f.

- E. No Townhome dwelling unit shall contain less than 1,600 s.f. of total floor area (including garage space).
- F. No dwelling unit shall contain less than 1 bedroom and 1 bathroom, which shall be internal to the unit. Studio apartments are prohibited.
- G. The Township recognizes that certain environmental issues may exist on, in or under lands or buildings within the Redevelopment Area. Such issues may include, but may not be limited to, underground (fuel) storage tanks, soils contamination and asbestos contamination. Property-owners and Redevelopers, at their sole cost and expense, shall comply with all State and Federal regulations for the treatment and or remediation of such issues and shall be responsible for all actions and costs related thereto.

While the Township is not in the position to provide direct financial assistance for the remediation of any environmental contamination (or other issues) found to exist in the Redevelopment Area, Policymakers shall cooperate with and support Redevelopers in their efforts to obtain such assistance as may be available through appropriate Brownsfields and/or other pro-development programs.



All such cooperation and support shall be addressed within the context of the Redevelopment Agreement to be negotiated between the Township and each respective Conditional Redeveloper.

- H. Redevelopment Projects shall incorporate “Green” building technology to the maximum extent practicable. Redevelopers are encouraged to incorporate environmentally-friendly LEED⁵⁹ building systems and technologies in all Projects.
- I. The use of roll-down security doors shall be prohibited. Internal security “curtains” may be permitted, provided that the curtain is transparent such that the interior of the subject space is visible through the window.
- J. Delivery and loading areas, mechanical equipment, trash and recycling storage and similar back-of-the-house functions shall not be visible from any public right-of-way or adjacent property.

6.2.1 Permitted Uses

- A. Other than as specified under section 6.2.13 herein, Permitted Uses in the Redevelopment Area shall be limited to the Permitted Principal or Ancillary Uses enumerated under sections 6.4.1 A & B and 6.4.2 A & B herein. Redevelopers may engage in such uses themselves, or may lease a portion or portions of a Project to a third party operator who will undertake such uses.
- B. Multiple Permitted Uses shall be allowed as Principal or Ancillary uses within a Redevelopment Project, provided that each such use is a Permitted Use under this Redevelopment Plan, and further provided that each such Use is located within an independently-leased and separately-identifiable space (it being the Township’s intention to prohibit a lessee from subleasing a portion of an office [desk] or other area within a single leased space).
- C. Retail uses may be located above the ground floor where appropriate. To the extent appropriate and practicable (with the exception of parking), all non-retail uses within the Redevelopment Area shall be located above the ground-floor.
- D. Other than Townhome structures, residential uses shall be located above ground-floor space.

6.2.2 Prohibited Uses

- A. Permitted Uses within the Redevelopment Area are designed to provide for a critical mass of diverse yet complementary activities in order to achieve the Municipal Goals & Objectives of this Redevelopment Plan.

⁵⁹ “Leadership in Energy & Environmental Design” (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>).



**Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.**

- B. Prohibited Uses ensure that activities within the Redevelopment Area are appropriate for the widest possible patron-base; thereby maximizing the market attractiveness of the Area.
- C. This Redevelopment Plan adopts the Declaration and Findings of Policy contained in § 225-75 of the Township Code.

Within this context, Tattoo Parlors and Sexually-Oriented Businesses including, but not limited to, adult: arcades, bookstores, video stores, cabarets, motels, theaters, motion-picture theatres, commercial displays, massage parlors, model studios and like and similar uses, as specifically defined in §225-74 or, if not specifically defined in §225-74, then meeting the spirit of §225-74, **are EXPRESSLY PROHIBITED.**

- D. The provisions of section 6.2.12 herein notwithstanding, **the aforementioned use prohibitions extend to the entire West Atlantic City Redevelopment Area**, regardless of whether a Use is Pre-Existing (in accordance with section 6.2.13 herein) or not.
- E. Subject to interpretation or clarification as permitted under section 9.0 herein, **uses not specifically enumerated as Permitted shall be prohibited.**
- F. Dwelling units containing less than 1 bedroom and 1 bathroom are prohibited. Studio apartments are prohibited.

6.2.3 Pre-Existing Uses / Structures

- A. Township Policymakers recognizes that the majority of the buildings within the Redevelopment Area are owned by private entities who either actively operate the properties themselves or lease these properties for active use.

This Redevelopment Plan acknowledges these as Pre-Existing Uses / Structures.

The condition of many (if not all) of these Pre-Existing Structures is poor and, due to a combination of age, elevation and code-related issues,⁶⁰ the scope of renovations required to bring these Structures to acceptable condition makes such renovations impracticable.

- B. Township Policymakers further recognize that the Redevelopment Actions anticipated by this Redevelopment Plan are likely to be accomplished in multiple phases, over the course of several years.

⁶⁰ Reference Report of Findings



**Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.**

Rather than acquire all property in the Redevelopment Area, demolish the buildings *and then* seek Redevelopers to undertake Projects, sound redevelopment planning counsels the approach outlined in section 5.1 of this Redevelopment Plan; namely the solicitation of qualified Redevelopers *prior* to the acquisition of property.

- C. As a result of the aforementioned approach, certain properties within the Redevelopment Area may remain unacquired for an unspecifiable period of time. Rather than allowing such buildings to sit idle until a Redeveloper is designated and the land acquired, the Township will permit existing buildings in the Redevelopment Area to continue to be used until the properties are acquired.
- D. In regulating the land use of Pre-Existing Structures, and subject to the provisions of section 6.2.14 herein, the requirements of Township Code Chapters 94 and 225 ~ existing prior to the adoption of this Redevelopment Plan ~ remain in place.
- E. The provisions of section 6.2.13 D. shall apply only to existing buildings / uses and to remedial construction required to insure public safety or to cure code-related deficiencies. All new construction shall be in accordance with the Building Limit Controls of this Redevelopment Plan.

Nothing herein shall be construed to limit a property-owner's ability to perform normal maintenance on an existing structure.

- F. Within the context of this section 6.2.13, existing and prospective property owners, business owners and residential occupants in the West Atlantic City Redevelopment Area shall be aware that **Redevelopment Area designation operates as a finding of public purpose and authorizes the Township to take property against the owner's will (that is, by eminent domain) for an approved Redevelopment project.** Accordingly, all property within the Redevelopment Area is subject to potential acquisition.

Such entities are strongly advised to carefully consider any investment (other than routine maintenance on their buildings) in the Redevelopment Area in light of such designation and this Redevelopment Plan.

6.2.4 Variances & Deviations

The Redevelopment Provisions adopted under this Redevelopment Plan flow from the Township's power to (re)plan designated Redevelopment Areas under an adopted Redevelopment Plan pursuant to the *Local Redevelopment and Housing Law*⁶¹ and not from the Township's power to zone under the *Municipal*

⁶¹ N.J.S.A. 40A:12A-8



Land Use Law.⁶² It is therefore within the context of the *Local Redevelopment and Housing Law* and not the *Municipal Land Use Law* that the Township has adopted the Development Regulations (section 6.4) of this Redevelopment Plan, and further incorporated specific components of the Township Code into this Redevelopment Plan (section 6.2.13 D herein). Accordingly:

- A. This Redevelopment Plan does not recognize the ‘use (‘d’) variance’ process under the *Municipal Land Use Law*⁶³. Uses proposed but not permitted by this Redevelopment Plan shall require a formal Plan amendment pursuant to law.

Certain Ancillary Uses, or specific elements or components of a Principal Use, proposed by a Redeveloper but not envisioned by this Redevelopment Plan may be permitted upon petition to the Governing Body and the Governing Body’s determination that such use is consistent with the Municipal Goals & Objectives of this Redevelopment Plan.

- B. This Redevelopment Plan does not recognize the ‘bulk (‘c’) variance’ process under the *Municipal Land Use Law*⁶⁴. The process for deviating from specific Building Limit Controls are addressed in section 9.1 of this Redevelopment Plan.

- C. Pre-Existing Structures may retain, but shall not expand, any use or structural⁶⁵ nonconformity existing prior to the adoption of this Redevelopment Plan. New uses, new structures, or new uses or components to existing structures must respect the Permitted Uses and Building Limit Controls established herein.

6.2.5 Council on Affordable Housing⁶⁶

- A. Under the Third Round Substantive Rules promulgated by the New Jersey Council on Affordable Housing, municipalities incur a “Growth Share Obligation” of one (1) Affordable Housing Unit for every four (4) Market-Rate Units constructed and one (1) Affordable Housing Unit for every 16 jobs generated by non-residential construction between January 1, 2004 and December 31, 2018.

- B. COAH-qualifying units are to be deed restricted for low- and moderate-income residents. The length of the restriction varies, based on the unit created.

⁶² N.J.S.A. 40:55D-62

⁶³ N.J.S.A. 40:55d-70 d

⁶⁴ N.J.S.A. 40:55d-70 c

⁶⁵ Space, bulk, yard, coverage, height, etc.

⁶⁶ “COAH”



**Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.**

- C. Under COAH's First and Second Round Rules, a municipality's affordable housing obligation was based on a complex formula factoring the number of existing affordable housing units in the municipality, the need for affordable housing in the municipality and the lands available in the municipality to provide such housing units. The Third Round Rules⁶⁷ base a municipality's obligation on actual residential and commercial growth.
- D. According to COAH's formulae, the Township has an obligation to build 2,033 affordable homes by 2018. At Publication, Township Policymakers were developing a plan to comply with COAH requirements.
- E. Additionally, in July 2008, the New Jersey Legislature adopted the *Statewide Non-Residential Development Fee Act*,⁶⁸ which imposes a statewide development fee of 2.5% on non-residential construction or improvements in order to raise revenue for the construction and rehabilitation of affordable and workforce housing. The fee amount is to be estimated at the time of filing of a building permit and collected in increments of 50% at time of filing for a Building Permit and 50% upon issue of Certificate of Occupancy.

At Publication, the Township was exploring implications of this law as applied to the Redevelopment Area.

- F. Township Policymakers recognize that some form of affordable housing obligation will be imposed on the Township and has adopted a Housing Element and Fair Share Plan in December of 2008 to address these issues.
- G. In light of the foregoing, this Redevelopment Plan defers discussion of any affordable housing obligation in the Redevelopment Area until such time as the various lawsuits are concluded. Such deferment shall not prohibit, nor shall it be interpreted as a signal to deter, a Redeveloper from including affordable housing within its Project Concept on a voluntary basis.
- H. Given the projected schedule for adoption of this Redevelopment Plan and completion of the Redeveloper solicitation process, Township Policymakers expect to have a clearer understanding of the municipality's affordable housing obligation by the time the Township is ready to commence negotiations of a Redevelopment Agreement with the Conditional Redeveloper(s). Accordingly, issues related to the provision of affordable housing in the Redevelopment Area shall be negotiated within the context of the Redevelopment Agreements between the Township and each Conditional Redeveloper.

⁶⁷ At Publication, such Rules were under challenge by the New Jersey League of Municipalities (acting on behalf of approximately 237 New Jersey municipalities) and by several Builder-related associations. Until resolution of this litigation, these Rules remain applicable to the Township's Redevelopment activities.

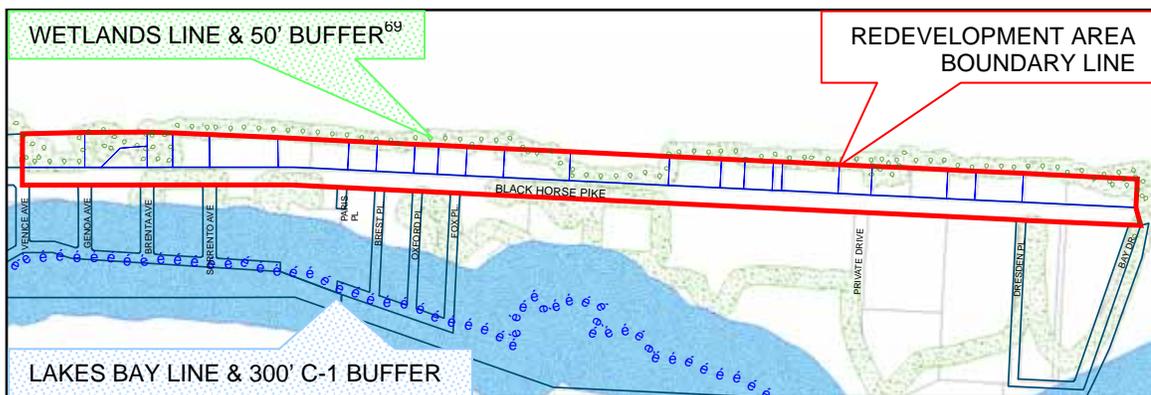
⁶⁸ P.L. 2008, Chapter 46



6.3 Parcelization Plan

6.3.1 As detailed in section 3.5.1 herein, the Redevelopment Area is surrounded by a combination of deciduous scrub and herbaceous wetlands, and is directly proximate to NJDEP-classified C-1 waters. Additionally, pockets of Saline Marshlands and Deciduous Scrub / Shrub Wetlands exist within the boundaries of the Redevelopment Area.

The NJDEP has established a schedule of buffers from wetlands based on their resource value. These buffers are 50' minimum for degraded wetlands of minimal resource value, 150' for wetlands of moderate resource value and 300' for C-1 waters and wetlands of high value. Similarly, a 300' buffer is required where Threatened and Endangered Species are present.



While a Wetlands Quality analysis has not been conducted for this Redevelopment Plan, the majority of the wetlands in and around the Redevelopment Area are believed to be of low quality and minimal resource value, requiring a 50' buffer. Lakes Bay, by definition, is a C-1 waterbody requiring a 300' buffer.

6.3.2 Parcelization Plan A⁷⁰

The Parcelization Plan divides the Redevelopment Area into three (3) Development Parcels (12.32 gross acres, equating to 57% of the Redevelopment Area) and four (4) Conservation Parcels (9.19 gross acres, equating to 38.4% of the Redevelopment Area).⁷¹

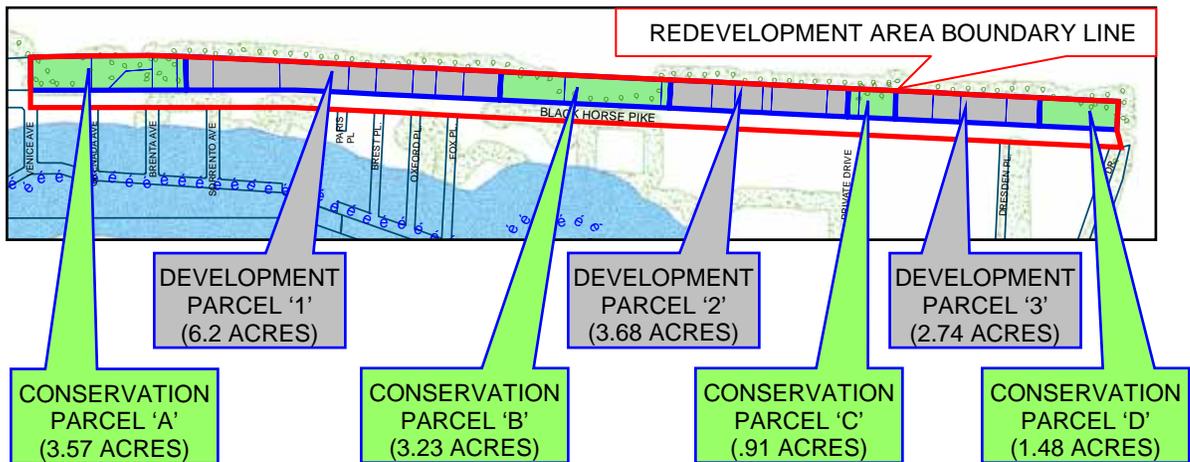
⁶⁹ Redevelopment Area wetlands line established by Mott Associates, LLC as depicted on drawings entitled Township of Egg Harbor, Atlantic County, New Jersey, Redevelopment: West Atlantic City (5 sheets) dated 5/8/05. Lakes Bay line based on NJDEP mapping. Both are assumed accurate but not verified. A formal Wetlands Delineation is required to be filed with NJDEP to confirm precise limits.

⁷⁰ See also Exhibit 17

⁷¹ Figures rounded. Assumes limited mitigation wherein new wetlands / buffers minimally encroach into a Development Parcels.



**Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.**

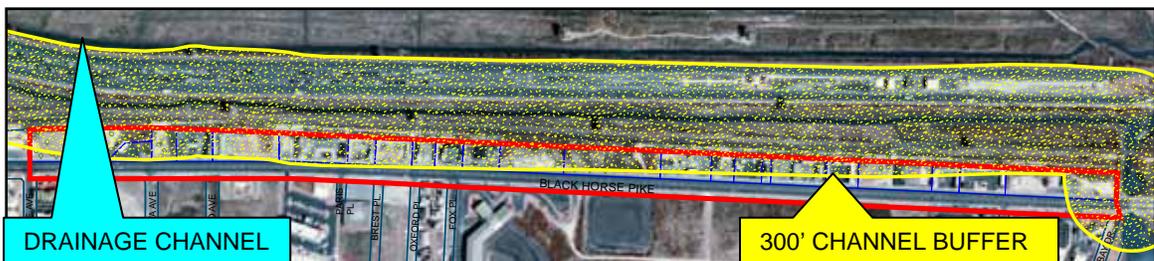


6.3.3 Additional Buffering

A. This Redevelopment Plan recognizes that a man-made, stormwater drainage channel exists to the north of the Redevelopment Area; spanning the Area's entire width. At Publication, it was not possible to know how this channel would be classified under NJDEP regulations (C-1 waters or other).



The shallow depth of the Redevelopment Area⁷² significantly constrains the buffering possible ***if a viable Redevelopment Project is to be achieved.*** While this Redevelopment Plan assumes that the Lakes Bay C-1 buffer will remain at 300', imposing a 300' buffer from this drainage channel eliminates the practical developability of the Redevelopment Area.



⁷² Lots ranging from 153' to 186' deep.





- B. While a Threatened and Endangered Species (“T&E”) Analysis has not been conducted for this Redevelopment Plan, such species have been identified in proximity to the Redevelopment Area.

NJDEP regulations provide for a discretionary buffer of up to 300’ from locations where T&E Species are found to exist.

Again, the shallow depth of the Redevelopment Area constrains the buffering possible ***if a viable Redevelopment Project is to be achieved.*** Imposing a significant buffer for T&E Species, if any are found to exist in the Redevelopment Area, will likely eliminate the practical developability of the Redevelopment Area.

- C. In light of the foregoing, this Parcelization Plan, and the Building Limit Controls to follow, are subject to modification based on the Township’s negotiations with NJDEP.

6.3.4 While Parcelization Plan A was crafted so that each Redevelopment Parcel could be developed as a separate Project, the Township reserves the right to permit Projects on any combination of Redevelopment Parcels, to permit the creation or reconfiguration⁷³ of one or more Redevelopment Parcels or to permit one or more Alternate Parcelization Plans should a particular proposal merit such action.

6.3.5 Where a Redevelopment Parcel Line coincides with a Lot Line, the Parcel Line is intended to conform with the such Lot Line. Where a Parcel Line does not coincide with a Lot Line, the Parcel Line is intended to follow the geographic features of the land and/or buffers required by NJDEP regulations.

6.3.6 Mapped Parcel Lines following geographic features or buffers shall be flexibly interpreted, and may be adjusted by the Redeveloper at time of Review & Approval to more accurately coincide with wetlands, buffers or other physical features.

6.3.7 Where environmental mitigation results in a relocation of wetlands or wetlands buffers, the Parcel line may be adjusted accordingly.

6.4 Development Regulations

The West Atlantic City Redevelopment Area shall be governed by the Development Regulations detailed herein, which provide standards for the physical redevelopment of the Redevelopment Area. Within the framework, Redevelopers and their designers are encouraged to exercise maximum ingenuity and creativity in order to achieve the Municipal Goals & Objectives of this Redevelopment Plan.

⁷³ Via subdivision or consolidation.



The Permitted Uses, Building Limit Controls and other design elements of these Regulations were crafted to work within the framework of the Parcelization Plan (section 6.3) detailed herein in order to provide for multiple, complimentary Projects within the Redevelopment Area.

6.4.1 Development Parcels

A. *Permitted Principal Uses*

1. Hotels, including Timeshare Hotels, as defined;
2. Multi-Family, Multi-Story Residential Condominium Buildings, as defined, including, but not limited to, Age-Restricted Housing for qualifying individuals;
3. Townhomes, as defined;
4. Fully-enclosed or open-air eating and drinking establishments and specialty food and beverage outlets⁷⁴, including fast-food and drive-through facilities, permitting service in a dine-in or take-out manner, including those which may serve alcoholic beverages;
5. Bars, Taverns and Nightlife Establishments;⁷⁵
6. Financial institutions, banks and loan offices;
7. General Business, Professional, Medical, Administrative or Consulting service offices;
8. General Commercial Uses and Activities, defined as uses designed to provide the needs of the citizens of West Atlantic City as well as those of surrounding communities, including: supermarkets, grocery / specialty food stores; pharmacies; convenience stores, with or without fuel dispensing facilities; furniture, appliance, hardware or home improvement stores; general retail / dry-goods stores; video rental and sales; boutique and/or specialty retail outlets;⁷⁶
9. General Personal Service Uses and Activities, defined as uses designed to provide the needs of the citizens of West Atlantic City as well as those of surrounding communities, including: hair / nail salons, barber / beauty shops, specialized day spas, fitness centers, retail dry cleaning (no commercial cleaning on the premises) and similar personal service establishments;

⁷⁴ Coffee houses / coffee bars, ice cream parlors and like and similar facilities.

⁷⁵ Nightlife establishments shall be permitted, provided that food is served.

⁷⁶ goods shops; hobby shops; book stores; pet shops; jewelry stores; fabric stores; gift shops; greeting card / stationary / florist shops; and like and similar activities.



**Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.**

10. Cultural centers; libraries; museums (cultural or popular); art galleries; studios for artists, musicians, photographers and other artisans; and like and similar activities;
11. Retail liquor stores, provided that they obtain an appropriate license from the New Jersey Division of Alcoholic Beverage Control and maintain same in good standing;
12. Public utility facilities as may be required to service West Atlantic City;
13. Such facilities as may be necessary and convenient to the provision of municipal services by the Township.
14. Such environmental protection measures as may be required by relevant governmental agencies having jurisdiction over the Project.

B. Permitted Ancillary Uses (as applicable)

1. Employee lounge and cafeteria functions and other back-of-the-house facilities normal and customary to Permitted Principal Uses.
2. Limited retail and food and beverage sales typically associated with Permitted Principal Uses, including, but not limited to, product sales; coffee shops, cafés, snack bars and/or concession stands;
3. Such amenities as are normal and customary to residentially-oriented Principal Permitted Uses, including, but not limited to, swimming pools, tennis courts, fitness centers / health clubs, club houses / community rooms, coffee shops / cafés, snack bars / concession stands, restaurants, lounges / bars;
4. Subject to the provisions of the Circulation, Parking & Loading Plan (section 6.6) herein, surface or structured parking to support uses within a specific Redevelopment Parcel or uses within the larger Redevelopment Area.⁷⁷
5. Passive Public open space.

C. Construction Staging & Sales Trailers

1. Subject to the jurisdiction by any applicable governmental agency, staging for the construction of a Redevelopment Project, including materials storage, construction trailers for office use, sales trailers, parking and all other activities normally associated with development shall be permitted on the Development Parcels.

⁷⁷ Any Project combining Parcels shall provide for surface and/or structured parking sufficient to, at a minimum, fully support all uses in the combined Parcel. The provision of additional structured parking to support uses within the larger Redevelopment Area will be considered favorably by the Township when reviewing the Project Concept submitted with an Expression of Interest.



**Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.**

2. In addition to any conditions placed on a Construction Staging Area by a governmental agency or any terms or conditions addressed within the context of the Redevelopment Agreement, any such use shall be conditioned upon the following:
 - (a) Construction Staging Areas shall be enclosed by a lockable construction fence, which shall be removed upon completion of the Project, or Phase or Subphase thereof, for which the Staging Area is intended;
 - (b) any and all property belonging to any contractor shall be removed upon the completion of the work by said contractor, regardless of whether the totality of construction is completed;
 - (c) the Construction Staging Area shall be returned to its pre-construction condition upon completion of the Project, or Phase or Subphase thereof, for which Construction Staging Area is intended;
 - (d) in no case shall a Construction Staging Area, construction fence or the storage of equipment or materials remain in place for longer than one (1) week after issue of the last Certificate of Completion and Compliance (section 11.0 herein) for the last Phase or Subphase of the Project for which the Area, fence, equipment or materials are intended.
3. To effectuate the foregoing, the Redeveloper or other entity responsible for a Construction Staging Area shall post a bond, performance guarantee or other surety with the Township, in an amount to be established by the Township Engineer, sufficient to compensate the Township for any costs incurred by the Township in returning the area to its pre-development condition.
4. In the event that the entity responsible for removing the Construction Staging Area and returning such Area to its pre-development condition fails to do so as required herein, the Township shall claim payment under the bond, performance guarantee or other surety, as the case may be, for the cost of the actions required to remove the Construction Staging Area and return the Area to its pre-development condition, including all legal and administrative costs related thereto.
5. Staging for construction of an off-tract improvement (i.e. construction outside the Redevelopment Area) shall be permitted on a Development Parcel, provided such construction directly relates to the Redevelopment Area, including, but not limited to, traffic, infrastructure or parking-related improvements. Staging for construction of an off-tract improvement not related to the Redevelopment Area shall require approval of the Governing Body.



**Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.**

6. Unless Planning Board approval is required by this Redevelopment Plan or by the Township Code, Construction Staging activities shall be approved by the Township's Construction Official (in consultation with the Township Planner or other officials as he may deem appropriate), who may impose such restrictions and/or conditions as may be deemed reasonable and appropriate for the protection of Township infrastructure, the environmentally sensitive lands within or adjacent to the Redevelopment Area, and adjacent properties and land uses ~ both within or outside of the Redevelopment Area.

Such conditions may include, but need not be limited to, buffering and screening, provisions concerning hours of operation, vehicular and delivery access and site lighting.

7. Interpretation of any provision of this section shall be made by the Zoning Officer, which shall be exercised in accordance with the standards set forth herein for the protection of the public and the natural environment.

D. Building Limit Controls

1. The Building Limit Controls established herein provide standards for the physical redevelopment of the Redevelopment Area by establishing appropriate regulations for the Development Parcels. Within their framework, the Redeveloper and his designers are encouraged to exercise maximum ingenuity, creativity and freedom of design consistent with the Municipal Goals & Objectives of this Redevelopment Plan.
2. The Township has not attempted, in drafting these Building Limit Controls, to anticipate every possible Project design or land use solution. These Controls are intended to provide a setting within which the Redeveloper and his designers are encouraged to generate specific plans in order to produce Redevelopment Projects of outstanding design and superior quality.
3. The following Building Limit Controls are based on Parcelization Plan A (section 6.3 herein) and are applicable to permanent components of a Redevelopment Project only.

Temporary Structures related to Construction Staging Areas shall be reviewed within the context of their particular size and use requirements.

4. Should, in accordance with section 6.3.4 herein, a Project Concept based on an Alternate Parcelization Plan be submitted, designers shall adhere to these Building Limit Controls to the maximum extent possible, with any specific departure therefrom limited to that deemed absolutely necessary to achieve the Alternate Parcelization Plan.



**Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.**

A written justification,⁷⁸ detailing the reasons for each such departure, shall be submitted along with the Project Concept attendant to the Expression of Interest (section 5.1 herein).

The Township reserves the right, in its sole discretion as Redevelopment Entity for the Redevelopment Area, to accept or reject any such departure (or multiple departures) as consistent or inconsistent with this Redevelopment Plan, or to permit a departure(s) conditioned upon a future amendment(s) to this Redevelopment Plan.

Details relating thereto shall be addressed within the context of the negotiations attendant to the Redevelopment Agreement(s) between the Township and Conditional Redeveloper(s).

5. Minimum Lot Area: No Minimum Established. Each Redevelopment Parcel shall be developed as a single development site, which shall constitute the Minimum Lot Area.
6. Minimum Lot Width: No Minimum Established. The geometry of each Redevelopment Parcel as established herein shall constitute the Minimum Lot Width for such Parcel.
7. Minimum Lot Depth: No Minimum Established. The geometry of each Redevelopment Parcel as established herein shall constitute the Minimum Lot Depth for such Parcel.
8. Building Setbacks⁷⁹
 - (a) Setbacks shall be clear, unoccupied and unobstructed space measured at right angles between a lot line or Redevelopment Parcel boundary line⁸⁰ and a building envelope, and shall extend from grade to maximum building height.

Encroachments into setbacks are permitted in accordance with the following schedule, provided that such encroachments do not inhibit the free flow of pedestrian or motor vehicle traffic (other than what is necessary for access drives and parking areas) and further provided that such setbacks conform with NJDEP regulations pertaining to wetlands and wetland buffering:

⁷⁸ Such justification to generally conform with the requirement for a 'c' variance under the MLUL, which otherwise would be required were the Project not developed under this Redevelopment Plan.

⁷⁹ Exhibit 18

⁸⁰ Which may or may not coincide with a lot line.



**Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.**

(1) The following elements may encroach into established setbacks without limitation:

- Awnings* & Canopies*;
- Flag / Banner Poles;
- Bicycle Racks*, Benches*, Trash Receptacles* & Other Street Furniture*;
- Parking Areas & Access Drives Thereto;
- Landscaping* & Lighting;
- And like and similar features.

(2) The following elements may encroach into established setbacks to a maximum of 33% (measured linearly from the subject Principal Structure) of the subject setback:

- Ornamental Architectural Features*;
- Tables for Alfresco Dining*;
- Pedestrian Walkways & Breezeways;
- And like and similar features.

(3) The following elements may encroach into established setbacks to a maximum of 50% (measured linearly from the subject Principal Structure) of the subject setback:

- Porte-Cocheres*;
- Fences & Signage.

(b) Such permitted encroachments shall apply to at-grade setbacks, as well as to the stair-step setback associated with Maximum Building Height.

(c) Setbacks shall be construed as minimum distances. Greater setbacks are permitted, provided that the specific distances and design relate to the architecture of the subject building elevation, and further provided that the setback area is heavily treated with a combination of elements designated by asterisk (*) in section 6.4.1 D 8 (a) herein.

(1) To the extent possible, all parking areas shall be to the north, eastern or western sides of a building.

(2) Multiple Principal Structures within an individual Redevelopment Parcel shall be permitted.

(3) Unless physically attached, no Principal Structure with a building height of 25' or less shall be situated closer than 15' from an adjacent Principal Structure.



**Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.**

For Principal Structures between 25' and 45' in height, the distance between Structures shall be not less than 25'.

For Principal Structures above 45', the distance between Structures shall be not less than the greater of the taller of the two adjacent Structures.

Such regulation shall apply to adjacent Structures within a single Redevelopment Parcel or to adjacent Structures on separate Redevelopment Parcels.

(4) Black Horse Pike:

- i. For that portion of a building between toc and 40' from toc: 25'
- ii. For that portion of a building between 40' from toc and maximum building height: 50'
- iii. Setbacks may be decreased in direct proportion to any increase in Rear Yard Setback necessitated by NJDEP requirements. Such increase shall be located and sized to correspond to such Rear Yard Setback.

(5) Side Yards:

- i. Development Parcel 1: The western Side Yard Setback shall consist of Conservation Parcel A. The eastern Side Yard Setback shall consist of the western half of Conservation Parcel B.
- ii. Development Parcel 2: The western Side Yard Setback shall consist of the eastern half of Conservation Parcel B. The eastern Side Yard Setback shall consist of the western half of Conservation Parcel C.
- iii. Development Parcel 3: The western Side Yard Setback shall consist of the eastern half of Conservation Parcel C. The eastern Side Yard Setback shall consist of Conservation Parcel D.
- iv. Distance between Buildings: The aforementioned Side Yard Setback regulations notwithstanding, distances between buildings shall be in accordance with section 6.4.1 D. 8 (c) (3) herein.

Consistent with section 6.8 herein, it is the intention of this regulation that such area(s) between buildings be decoratively



treated as Landscaped Plazas / Breezeways. The design of such Plazas / Breezeways shall be complementary to the design of the Project for the subject Parcel.

- (6) Rear Yard: The Rear Yard Setback shall consist of the buffer requirement established by NJDEP.

9. Coverage Limits

- (a) In developing Coverage Limits for the Redevelopment Area, the Township was required to balance the (limited) opportunity for meaningful development presented by the conditions in the Redevelopment Area against the environmental constraints in this section of the Township.
- (b) The West Atlantic City Redevelopment Area totals 21.6 acres of land. Factoring the wetlands and wetlands buffers results in 12.32-acres of land available for development. This geometry is operationalized in Parcelization Plan A.
- (c) Applying CAFRA's 70% Impervious Coverage Limit to each Development Parcel in Parcelization Plan A results in 8.62 acres of Coverage, or 39.9% of the Redevelopment Area.⁸¹
- (d) Given the checker-boarded nature of ownership within the Redevelopment Area, the cost of land assembly and the specialized design required of any significant Project in this environmentally-sensitive location (including, but not limited to, parking issues), limiting Projects to a total of 39.9% Coverage will not create the critical mass of development necessary to achieve the Municipal Goals and Objectives of this Redevelopment Plan.

Township Policymakers believe that the Coverage Limits established by this Redevelopment Plan are critical if the Township is to achieve the Municipal Goals and Objectives established herein.

- (e) In order to address the Coverage within the context of the overall Redevelopment Area, this Redevelopment Plan employs the concept of Coverage Averaging.

⁸¹ Development Parcel 1: 6.20 acres x 70% = 4.34 acres
Development Parcel 2: 3.68 acres x 70% = 2.37 acres
Development Parcel 3: 2.74 acres x 70% = 1.92 acres
8.62 acres



**Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.**

Under Coverage Averaging, the Township has established higher coverages for the developable lands than what would ordinarily be permitted in exchange for reducing (eliminating) coverage on adjacent (environmentally-sensitive) lands. Such averaging will permit the Township to maximize the use of the Development Parcels while preserving necessary open space on the Conservation Parcels.

Applying 90% Average Impervious Coverage to the (12.32-acre combined) Development Parcels results in a Total Impervious Coverage of 11.08 acres (51.3%) if distributed across the entire Redevelopment Area. Similarly, applying 70% Average Building Coverage (combined) Development Parcels results in a Total Building Coverage of 8.62 acres, (39.9%) if distributed across the Redevelopment Area. **Such coverages are recognized as being substantially lower than what would otherwise be considered appropriate for a PA~1 Planning Area.**⁸²

- (f) Development Parcels (each)
 - i. Maximum Building Coverage: 70%
 - ii. Maximum Impervious Surface Coverage: 90%

10. Maximum Building Height⁸³

- (a) This Redevelopment Plan provides for a combination of maximum Building Height and Building Setbacks (section 6.4.1 D. 8 herein) to facilitate both Horizontal and Vertical Redevelopment Projects while providing for appropriate light, air and open space with within and between Redevelopment Parcels.

Further, these Building Height regulations are designed to satisfy Coastal Zone Management Rules as relates to the West Atlantic City area.⁸⁴ Accordingly, the building heights established herein may ultimately be affected by NJDEP / CAFRA regulations.

- (b) Building Height shall be measured from the top of the curb (“toc”) of the Black Horse Pike wherein the subject Structure fronts. Where the height of such curb varies, toc shall be the average of the two points at either end of the length of the curb (parallel with the side Parcel lines) and the point at the median of the curb length.

⁸² Which might typically see 80% Impervious and 60% Building Coverage

⁸³ Exhibit 19

⁸⁴ N.J.A.C. 7:7E-7.14 (High Rise Structures) & N.J.A.C. 7:7E-8.12 (Scenic Resources & Design Rule)



(c) Subject to the Architectural Controls (section 6.5) herein:

- i. That portion of a Project abutting the Black Horse Pike and extending to the interior of a Development Parcel 25' from the Front Yard Building Setback Line (i.e., 50' from the Property Line): The lower of 3 stories or 40' from toc.
- ii. That portion of a Project abutting a Conservation Parcel and extending to the interior of the Parcel 12' from the Side Yard Building Setback Line: The lower of 3 stories or 40' from toc.
- iii. For that portion of a Project abutting the northern Parcel Line and extending to the interior of the Parcel 12' from the Rear Yard Building Setback Line: The lower of 3 stories or 40' from toc.
- iv. For the balance of the Project's building envelope: The lower of 15 stories or 180' from toc.

(d) Subject to the approval of appropriate governmental agencies, parapets; chimneys; ornamental architectural features such as skylights, spires, cupolas and similar features; fully screened open-air equipment, stair towers, elevator rooms and mechanical rooms may exceed the stated Maximum Building Heights upon approval by the Governing Body without formal amendment to this Redevelopment Plan. Antennae, lightning rods and flag-poles shall be exempt from such maximums.

Any request to exceed the stated Building Height shall be accompanied by written justification to the Governing Body in accordance with sections 6.2.7 and 9.1 herein.

11. Maximum Residential Density:

Township Policymakers recognize the need for appropriate population densities in the Redevelopment Area in order to make permitted Residential Condominium and Townhome Projects, if proposed, economically viable. Rather than mandate specific density numbers for the Redevelopment Area, this Redevelopment Plan shall rely on the expertise of the individual Redevelopers to determine the most advantageous mix of Commercial, office and residential space within the Parcel(s) under their development control within the context of the Building Heights, Setbacks, Coverage Limits and unit sizes established by this Redevelopment Plan.



6.4.2 Conservation Parcels⁸⁵

The following regulations recognize that, due to the environmentally sensitive nature of the Conservation Parcels, NJDEP / CAFRA will permit no development on these Lands and may condition approvals for a Redevelopment Project on the Development Parcels on the institution of certain Environmental Protection Measures on the Conservation Parcels.⁸⁶

A. *Permitted Principal Uses*

1. Public utility facilities as may be required to service West Atlantic City.
2. Active or passive public open space.
3. Such environmental protection measures as may be required by relevant governmental agencies having jurisdiction over the Project.

B. *Permitted Ancillary Uses*

Active or passive public open space attendant to a Redevelopment Project on any of the Development Parcels.

C. *Building Limit Controls*

While general development on the Conservation Parcels is prohibited, this Redevelopment Plan shall permit the construction of such environmental protection measures as may be required by any of the various governmental agencies with jurisdiction over a Redevelopment Project.

6.5 **Architectural Controls**

- A. In conceptualizing their Redevelopment Projects, Redevelopers and designers shall recognize the significance of this development opportunity for the Township and are encouraged to exercise appropriate latitude in selecting and implementing designs which are necessary and appropriate to achieve the Municipal Goals & Objectives of this Redevelopment Plan.
- B. Township Policymakers recognize that a variety of factors will influence the final design of each Redevelopment Project, that the character of each Project will depend on a variety of economic, non-economic and regulatory factors, and that individual Projects will likely vary from Parcel to Parcel.

⁸⁵ Exhibit 17

⁸⁶ section 6.9 herein



- C. As such, this Redevelopment Plan does not mandate a specific building design or site plan configuration. Rather, the following Architectural Controls have been established in order to provide for the creation of an attractive and inviting, environment in the Redevelopment Area.

- D. While this Redevelopment Plan permits Redevelopers the latitude to select and implement a design vocabulary which, in the judgment of the Redevelopers, is necessary to create the Redevelopment Project envisioned, designers are strongly encouraged to recognize the waterfront location and historic maritime setting of West Atlantic City when selecting such design vocabulary, and to employ building layouts and architectural features that take full advantage of the Area's amenities.

**SIZE AND INTENSITY, WITHOUT CONTEXT,
SHALL NOT BE PERMITTED.**

6.5.1 General Controls

- A. Exterior building architecture⁸⁷ shall coordinate design elements to achieve design harmony and continuity for all building elevations, both within a single structure and between separate structures.

- B. All building elevations, regardless of building height, shall be considered Primary Elevations, with facades and appurtenances treated accordingly.

- C. By way of interpretation of subsections A. and B. herein, each building façade, in its entirety and regardless of height, shall be qualitatively comparable to the 'best' treatment found on any other building façade.

This shall not be construed to mean that such treatment shall be *the same* as the 'best' façade ~ or that the level of detail at higher building levels shall be the same as the level of detail at the pedestrian level, but rather that all facades shall display equivalent design and detailing appropriate to a *prominent facade* of a building located in a *heavily-traveled, tourist environment*.

- D. In considering façade treatment, Redevelopers are encouraged to include a combination of rich detailing, texture, shadow lines and color.

The use of dramatic corporate icons, architectural brand theming and outdoor theatrical lighting is encouraged throughout the Redevelopment Area. The use of motion, change and surprise are encouraged.

⁸⁷ Form, materials, color, massing and detailing elements for building facades, windows, awnings, lighting, signage, etc.



- E. Excessive runs of blank, unarticulated or unadorned exterior walls, defined as exterior walls with an uninterrupted horizontal run along a single plane of more than 50 l.f. and an uninterrupted vertical run of more than 24 l.f. shall be avoided, both at the pedestrian level and above. Combinations of horizontal and vertical building and roofline articulation, façade differentiation, generous use of doors and windows (faux or real), architectural detailing and ornamentation shall be employed to create an attractive and exciting design on all building facades.
- F. While glass elements are permitted as architectural features, blank walls and unadorned glass / curtain wall construction is prohibited.
- G. Requirements governing the entry- and exitways to surface parking lots and structured parking garages are detailed under section 6.6.3 herein.
- H. Mechanical equipment and similar back-of-the-house functions, whether at grade or on the Structure's roof, shall be appropriately screened so as to not be visible from the public right-of-way or an adjacent property.

6.5.2 Vertical Redevelopment Projects

- A. In order to ensure that a Vertical Redevelopment Project fosters an attractive and inviting setting, the entire first floor of the Black Horse Pike frontage of such a Project shall be devoted to Principal Permitted Uses (6.4.1 A) 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12 & 13, which shall be oriented to the Black Horse Pike, or shall be designed as a decorative streetscape with such treatment and features as may be required to provide a sense of excitement and vibrancy along an otherwise lifeless façade.
- B. Black Horse Pike frontage architecture shall be of a pedestrian scale, with clear storefront glass to display the nature of the use within and produce an interesting pedestrian streetscape.

Windows may be either typical commercial (large, single pane) or traditional (multiple smaller pane separated by mullions) design.

Each individual use shall have its own entryway which shall be independent from the host structure such that patrons may access such use without entering the larger structure. Such uses may additionally have access from the structure if desired.⁸⁸

The frontages of such uses may either have identical designs to reinforce the building architecture or varied designs to express the individuality of the uses.

⁸⁸ By way of example, if the host structure is a Hotel, each Black Horse Pike fronting commercial establishment shall have its own entryway such that patrons need not enter the Hotel lobby to go to that establishment. However, each such establishment may have additional access from the Hotel lobby if desired.



- C. Above the first floor, the entire Black Horse Pike frontage at the 25' setback line⁸⁹ shall be devoted to Permitted Principal Uses (6.4.1 A) 1, 2, 4-13 or Permitted Ancillary Uses (6.4.1 B) 2 & 3.
- D. This Redevelopment Plan recognizes that the limited size and shallow geometry of the Development Parcels may require structured parking as part of the pedestal of a Vertical Redevelopment Project, and that such parking might, of necessity, need to extend into the 50' Black Horse Pike Setback established under section 6.4.1 D. 8 (4) herein.

6.5.3 Horizontal Development Projects

- A. While the structural shell of a building may be metal, block or other utilitarian material, the exterior of all buildings shall be clad with horizontal and/or decorative natural wood siding or synthetic product designed to approximate the look of wood. Exterior Insulation Finish Systems (EIFS), split-faced concrete block (CMU), stucco⁹⁰ or stucco-like products (Dryvit or similar) may be used for architectural accent or ornamental purposes.

Alternatively, building exteriors may be clad with EIFS, split-faced CMU, stucco or stucco-like products with wood or wood-like products used for architectural accent or ornamental purposes should such materials produce a more aesthetic design.

The use of barnboard (T-111) and pre-fabricated steel panels is prohibited in the Redevelopment Area.

- B. Glass, metal or non-natural-looking material shall be limited to accent elements in order to provide interest to the structure while maintaining an aesthetic appearance.
- C. Exposed chimneys shall be clad with brick, organic or manufactured stone, stucco or other appropriate material.
- D. Colors shall be neutral, earthtone palates in order to provide a visual harmony with the surrounding environment. More vibrant colors may be used for accent purposes.
- E. While buildings may functionally have entrances on the side, rear or interior of the Project, all buildings shall be designed to give the appearance that their primary (front) elevation faces the Black Horse Pike.

⁸⁹ Exhibit 18

⁹⁰ Other than as permitted under section 6.5.6 J herein.



- F. Windows shall provide the appearance of being double-hung traditional design⁹¹ at regular placement, including the side and rear elevations. Window trim shall be natural wood or other synthetic product designed to approximate wood.

Bay windows and ornamental windows are permitted to maximize building aesthetics.

- G. For non-residential structures, the incorporation of awning and similar elements is encouraged.
- H. For residential (Townhome) structures, the incorporation of traditional covered front porches and balconies that maximize waterfront views are encouraged. Such elements should be sufficiently sized to accommodate comfortable outdoor seating.
- I. Roofs shall be shingled, moderately-pitched,⁹² with dormers and cornices as are common to the seashore environment. Standing-seam metal roofs are prohibited.
- J. While buildings may be constructed on pilings, exterior foundation walls shall surround all buildings from grade to start of the siding material. Foundation walls, whether structural or not, shall be treated with latticework, brickwork, stucco or organic or manufactured stone to a height of two feet (2') from finished grade. Above 2', foundations shall be finished with the same materials and in the same architectural fashion as the balance of the subject elevation.

6.5.4 Parking Garages, Loading & Storage Facilities

- A. Parking Garages shall either be designed as part of the Redevelopment Project or, if separate, shall be physically attached to the Project by means of an enclosed walkway.
- B. Ground-floor garage entry- and exit-ways shall be located along the sides or rear of the Project and not along the Project's Black Horse Pike frontage.
- C. It is the intent of this Redevelopment Plan not to permit traditional, open parking decks within the Redevelopment Area. Garage elevations, regardless of height, shall be surrounded by active Permitted Uses or, if such actual uses are not practicable, shall either:

⁹¹ multiple small panes separated by mullions. Such windows need not operate as traditional double hung windows.

⁹² 1::1 to 1::2



1. provide the illusion of active Permitted Uses by use of window-like cutouts and/or other architectural / theatrical elements so as to resemble ground-floor commercial uses or above-ground Hotel Units while providing for necessary garage ventilation; or
2. be heavily treated with architectural or sculptural elements so as to avoid a monolithic façade both during the day and nighttime hours;

Such treatment shall be in-place and in-effect for the full 12 months of the year.

6.5.5 Rooftop Treatments

- A. All flat roofs which are less than the tallest habitable level in the Redevelopment Area and therefore visible from above, including the rooftop decks of parking structures and decks and balconies when accessible as common open spaces, shall be treated with decorative roofing materials in order to create an aesthetic appearance from above.

Alternatively, such rooftops may be aesthetically developed with gardens or other decorative treatment for use as café seating, pedestrian accessible promenades, rooftop gardens and/or active or passive recreation areas as appropriate.

Such areas may be common open space or may be proprietary to a Permitted Use within the Redevelopment Project.

- B. Where said surfaces are pedestrian accessible, a minimum of thirty-five percent (35%) of the total exposed surface area shall be landscaped as roof gardens, which may or may not include live vegetation.

Such 35% shall be in addition to any activity area (i.e., swimming pools, tennis courts, sunbathing areas, etc.), which shall be decoratively treated as appropriate for such use.

- C. The balance of all accessible flat roof surfaces shall be treated in such a way as to blend with the roof gardenscape in an aesthetically acceptable manner. Said areas shall be constructed of non-reflective material in order to secure an agreeable visual condition. Surfaces which are not pedestrian accessible shall be treated with non-reflective, decorative materials in order to secure an agreeable visual condition.

- D. Pergolas, trellises and/or other screening devices are required where exposed flat roofs are used for rooftop mechanical systems, parked vehicles or other utilitarian elements.



6.6 Circulation, Parking & Loading Plan⁹³

A. Township Planners recognize that circulation issues in the Redevelopment Area are dominated by the Black Horse Pike⁹⁴ and constrained by the wetlands and buffers between Redevelopment Parcels. Accordingly, options for circulation improvements, outside of the Development Parcels ~ which might otherwise include right-of-way vacations / dedications / modifications, the granting of air rights or subsurface rights, internal access drives and utility easements ~ are quite limited.

However, Township Planners are open to discussing recommendations for specific circulation improvements that might be necessary to address the requirements of the individual Redevelopment Projects proposed. Such recommendations shall be identified by the Redevelopers within the context of the Project Concepts to be submitted with the Expressions of Interest.

- B. This Circulation, Parking & Loading Plan has been generated in order to maximize efficiency in land utilization and traffic management within the Development Parcels and to promote the seamless integration of the Redevelopment Projects with the Black Horse Pike right-of-way.
- C. All pre-existing rights-of-way are depicted on Exhibit 20.
- D. Easements may be vacated only upon relocation of existing utility lines therein. Such vacations shall be limited to that portion of an within a Parcel under Redevelopment Agreement ~ unless a full vacation may be accomplished without impact to any remaining properties serviced by such easement. Any utility relocation shall be the responsibility of the Redeveloper, at his sole cost and expense.

6.6.2 Circulation Plan

- A. This Circulation Plan maintains the existing Black Horse Pike right-of-way as a two-way arterial with portions divided by a center median.
- B. The northern curblines of the Black Horse Pike shall be maintained as a uniform curblines throughout the Redevelopment Area.
- C. Curb-cuts on the Black Horse Pike shall be minimized. Where multiple existing lots (with multiple curb cuts) are consolidated into a single Development Parcel, a centralized system of ingress and egress points shall be established. Resultant excess curb cuts shall be eliminated.

⁹³ Exhibit 20

⁹⁴ owned and controlled by NJDOT



- D. At Publication, the “Jersey Barrier” center median along the Black Horse Pike did not include Redevelopment Area.⁹⁵

While it is not anticipated that any Project in the Redevelopment Area will require a new length of Jersey Barrier in the Redevelopment Area, certain cartway improvements may be required to permit access to a Project from the Pike’s east-bound cartway. Such improvements may include, but need not be limited to, modifications in the paving striping and traffic signage to limit cross-traffic movements to Project ingress points as well as to mechanisms to regulate left-turn movements exiting a Redevelopment Project.

Additionally, certain improvements may be required to permit safe pedestrian crossing of the Black Horse Pike. Such improvements may include, but need not be limited to, installation of at-grade pedestrian crosswalks, traffic signals and/or other physical and/or mechanical elements to regulate pedestrian and traffic movements.

While this Redevelopment Plan recognizes that such improvements are beyond the control of the Township and therefore beyond the scope of this Redevelopment Plan, Township Policymakers will provide Redevelopers such assistance (other than financial) as may be necessary to negotiate such improvements with NJDOT.

6.6.2 Cross-Parcel Connectors

- A. Parcelization Plan A⁹⁶ recognizes that existing wetlands and wetland buffers meander throughout the Redevelopment Area and establishes Development and Conservation Parcels to respect these environmentally-sensitive features.

Where Redevelopers employ Parcelization Plan A, and subject to approval by NJDEP, Redevelopers shall create Cross-Parcel Connectors between Development Parcels as internal accessways in order to provide interconnectivity between Development Parcels and thereby remove traffic from the Black Horse Pike.⁹⁷

- B. Where Redevelopers employ an Alternate Parcelization Plan in accordance with section 6.3.4 herein, and subject to approval by NJDEP, Redevelopers shall explore the relocation of existing wetlands features in order to create such internal access across the Redevelopment Area.

⁹⁵ The western such barrier ending at Athens Avenue and the eastern such barrier commencing at Jonathan’s Throrofare

⁹⁶ Exhibit 17

⁹⁷ Exhibit 20



- C. Unless an alternate design is required by NJDEP, such Connectors shall be constructed to Township standards and, upon recommendation of acceptance by the Township Engineer, be dedicated as permanent public easements.
- D. Details related to such Connectors shall be determined within the context of the Project Plans submitted for the Development Parcels.

6.6.3 Parking

- A. Parking within the Redevelopment Area is governed by the parking requirements of the Township Code, the New Jersey Residential Site Improvement Standards and the Coastal Zone Management Rules via CAFRA. By reference herewith, said regulations are included in and adopted by this Redevelopment Plan.

The above notwithstanding, and consistent with the intent of this Redevelopment Plan to utilize Smart Growth / New Urbanism Principals, said regulations are expressly intended to serve as a guide. To the extent permitted by the relevant permitting agencies, Redevelopers shall include provisions for such parking as may reasonably be necessary for a particular Project, and may petition such agencies for relief from such standards at time of permitting. Redevelopers requesting such relief shall provide clear justification as to why such standards should be relaxed.

Within this context, Redevelopers are **strongly** encouraged to utilize shared parking and other innovative parking solutions as part of their Final Circulation, Parking & Loading Plans.

- B. Parking for the Redevelopment Project may be accomplished via any combination of surface parking lot(s) or structured parking garage(s).

C. *Horizontal Redevelopment Projects*

1. For Townhome projects, individual unit driveways and associated parking garages, common building (multi-car) parking garages and surface parking lots shall be located to the rear of or internal to the building(s) and shall therefore not be visible from the Black Horse Pike frontage.
2. To the extent applicable, internal circulation aisles, loop-roads accessed by end-unit driveways or other similar accessways shall be employed.
3. Redevelopers may petition the Planning Board for relief from these standards at time of Site Plan Review & Approval. Any request for such relief shall require clear justification as to why the standard should be relaxed.⁹⁸

⁹⁸ Such justification to generally conform with the requirement for a 'c' variance under the MLUL, which otherwise would be required were the Project not developed under this Redevelopment Plan.



D. Vertical Redevelopment Projects ~ Parking Structures

1. It is the intent of this Redevelopment Plan not to permit traditional, open parking decks. With the exception of ground-floor garage entry- and exit-ways, the ground-floor facades of parking structures shall be devoted to active Permitted Uses.
2. Above the ground-floor, elevations should present the illusion of an active Permitted Use⁹⁹ if such actual use is not practicable.
3. Entry- and exit-ways to structured parking garages shall be from the side (east or west) or rear (north) of the Vertical Redevelopment Project.
4. The CZM Rules require development in the coastal zone to provide parking at a ratio of *two (2) spaces per residential unit*.¹⁰⁰ Hotel and condominium units are considered by CAFRA to be residential units.

While such ratio may be appropriate for truly residential development where family-oriented occupancy may be expected to result in multi-car use, requiring two (2) parking spaces for tourist-oriented Hotel uses is viewed by the Township as unnecessary and excessive.

Additionally, the 2 parking space::1 (residential) unit requirement works in opposition to CZM regulations designed to protect against undue building height and encroachments into scenic resources. More (structured) parking requires increased building height and massing, necessitating building designs which are difficult to permit and costly to construct.

In 1993, the New Jersey Legislature directed¹⁰¹ the Department of Community Affairs to promulgate design standards for residential development throughout the State. The resultant Residential Site Improvement Standards¹⁰² include specific parking requirements for residential uses based on structural form and unit (bedroom) size.

This Redevelopment Plan adopts the RSIS Standards for the Hotel and Condominium component of the Redevelopment Projects as follows:

⁹⁹ Window-like cutouts and/or other architectural elements so as to resemble offices or residential uses while providing for necessary garage ventilation.

¹⁰⁰ N.J.A.C. 7:7E-8.14

¹⁰¹ Via N.J.S.A. 40:55D-40.1 et seq.

¹⁰² N.J.A.C. 5:21-1 et seq.



- 1 bedroom: 0.8 spaces per unit
- 2 bedrooms: 1.3 spaces per unit
- 3 bedrooms: 1.9 spaces per unit

The total parking requirement for the Redevelopment Area shall be the sum total of the number of spaces required for each individual use. Where the calculation of total parking requirement results in a fraction of a parking space, such fraction shall be rounded to the higher number.

6.6.4 Loading

- A. All loading and deliveries for the Redevelopment Area, including removal of refuse and recycling material, shall be accommodated via loading areas of such size and number of spaces as may be appropriate for the uses such spaces are intended to service.
- B. All loading areas shall be oriented in such a fashion as to create the least possible interference with traffic movement, both internal and external to the subject Redevelopment Parcel.
- C. All loading areas shall be totally within a Development Parcel such that the vehicle(s) being loaded / off-loaded shall be off of the public right-of-way.
- D. For Horizontal Redevelopment Projects: all loading areas shall be appropriately screened from view so as to be aesthetically pleasing and unobtrusive when not in use.
- E. For Vertical Redevelopment Projects: no external loading docks or at-grade storage structures are permitted. Delivery, loading and storage facilities shall be physically incorporated into the Vertical Redevelopment Project as necessary and shall not be visible from the public right-of-way or adjoining property.

This regulation shall not be interpreted to prohibit cabanas, food & beverage refrigerators, supply sheds or other similar units designed to service outdoor swimming pools, outdoor cafés or other amenities.

- F. Specific delivery, loading and trash and recycling removal programs for each Redevelopment Project shall be determined within the context of the site constraints existing for such Project at time of Site Plan Review & Approval.

6.6.5 Final Circulation, Parking & Loading Plans

- A. A Final Circulation, Parking & Loading Plan, addressing all pertinent issues, shall be more fully developed as Redevelopers refine their Project Concepts and designs.



- B. Each such Plan shall be approved by the Planning Board at time of Review & Approval for the Project, and shall address, as appropriate:
- municipal dedications and vacations;
 - Parking for residents as well as visitors.
 - Internal circulation of vehicles and Pedestrians; and
 - other actions related to improved traffic and Pedestrian circulation to, from and through the Redevelopment Area.
- C. Nothing herein shall prohibit a Redeveloper from pursuing circulation, parking or other improvements as off-tract improvements for the subject Redevelopment Project. Any such improvements will be, by definition, on lands outside of the Redevelopment Area. Land use requirements will therefore fall under the jurisdiction of the Township Code and not this Redevelopment Plan. However, all such improvements shall be consistent with and designed to augment this Circulation, Parking & Loading Plan.
- D. Details related to specific actions shall be included in the Redevelopment Agreement between the Township and each respective Redeveloper Candidate. Said Agreement shall condition any municipal action related thereto upon Planning Board approval under the Site Plan Review & Approval process.

6.7 Utility & Easement Controls

- 6.7.1 Utility services¹⁰³ to the Redevelopment Area are available from the Black Horse Pike. A storm water management (drainage) canal is located within the wetlands to the north of the Redevelopment Area, and a subsurface sanitary sewer line is located to the north of the Redevelopment Area, with a Township pump station located on Block 4301, Lot 11.¹⁰⁴
- 6.7.2 While subsurface utilities and related easements are believed to be present within the Redevelopment Area itself, a Utilities Survey, performed by a licensed Land Surveyor, is required for precise locations of subsurface elements and to locate at-grade or overhead lines.
- 6.7.3 While it is believed that there is available capacity in each system to accommodate the intensity of development anticipated by this Redevelopment Plan, the Township makes no warrants as to the adequacy of any existing utility service vis-à-vis any proposed Project.

¹⁰³ Including electric, gas, water, communications (telephone) and cable television systems.

¹⁰⁴ Exhibit 4



6.7.4 The exact locations for utility lines and easements shall be established at time of Planning Board Site Plan Review & Approval.

All easements shall comply with Township requirements.

6.7.5 Distribution lines for all utility systems feeding the Redevelopment Area shall be placed underground. Existing above ground utilities shall be incorporated into the underground systems at the boundaries of the subject Redevelopment Parcel as improvements are undertaken.

Redevelopers and their engineers are herewith put on notice that many, if not all, of the utilities servicing the Redevelopment Area feed off of trunk lines servicing Atlantic City and the balance of Absecon Island.

This Redevelopment Plan will permit no interruption of service to these communities. Redevelopers shall comply with the requirements of each individual utility to insure uninterrupted service.

6.7.6 All infrastructure improvements and related easements shall comply with Township standards. All such improvements shall be inspected by the Township Engineer for compliance with such standards and shall be certified as compliant prior to municipal acceptance of same.

6.7.7 The Township's Municipal Utilities Authority¹⁰⁵ has long expressed an interest in relocating the sanitary force main from its present location along the northern property lines of the Parcels fronting the north side of the Black Horse Pike to the southern property lines of these same Parcels in order to improve access and therefore the MUA's ability to service these lines.

While no specific improvement plan has been developed, each Redeveloper shall work with the MUA to determine the feasibility of incorporating the proposed relocation into their Project Plans. Details relating to such discussions shall be formalized within the context of the Redevelopment Agreement between the Township and each individual Redeveloper, with final design issues being addressed within the context of the Review & Approval process.

6.7.8 Final Utility & Easement Plan

A Final Utility & Easement Plan for each Project, depicting exact locations for utility lines and easements, and specifically addressing storm water management, sanitary sewer, potable water and solid waste, shall be approved by the Planning Board at time of Planning Board Site Plan Review & Approval.

¹⁰⁵ "MUA"



6.8 Landscaping, Streetscaping, Lighting & Signage Provisions

- A. A Landscaping, Streetscaping, Lighting & Signage Plan, prepared by a New Jersey Certified Landscape Architect,¹⁰⁶ shall be submitted as part of the Site Plan Review & Approval process. Such Plan shall be in sufficient scale and detail to clearly depict the location, placement, size, scope and quantity of all landscaping / streetscaping elements and materials, and shall address the aesthetic treatment for all publicly-visible portions of the Redevelopment Area (whether public access is permitted or not), including open space, sidewalks, parking lots, drainage basins, lighting and signage.
- B. All lands within the Redevelopment Area shall be appropriately landscaped and/or streetscaped with such natural and manmade materials as may be appropriate to the type and scale of the Redevelopment Project proposed. Such landscaping / streetscaping shall be provided in all areas not covered by buildings or active driveways.

Landscaping / streetscaping elements may include, but need not be limited to, street trees, flowers, shrubbery, decorative paving elements, benches and other street furniture, decorative lighting (both pedestrian and architectural), and like and similar features to provide color, texture and mass for each building within the Redevelopment Project as well as buffers and screening elements between buildings as appropriate.

- C. In addition to traditional landscaping / streetscaping components, each Development Parcel shall include appropriate elements of public art.

Township Policymakers recognize that public art is an inherently subjective topic, and therefore, other than as follows, have not included specific arts-related regulations in this Redevelopment Plan. Accordingly, in developing an appropriate public arts package¹⁰⁷, Redevelopers and their designers are directed to the Sygnus Creative Centre, which is the Township's Local Arts Agency, for guidance and direction (approval of the arts package shall remain with the Planning Board). Sygnus' contact information will be provided at the appropriate point in the design process.

All such works of public art shall be visible to the general public such that individuals can approach and enjoy a work whether or not they are guests or patrons of the particular Redevelopment Project the work is intended to augment. Accordingly, all such works shall be located in the (Black Horse Pike) frontage or in the side yard(s) of a Redevelopment Project, or may be painted on, or otherwise applied to the Redevelopment Structure itself.

¹⁰⁶ Augmented by a New Jersey Licensed Civil and/or Electrical Engineer, as appropriate.

¹⁰⁷ Number, type(s), location(s), size(s) and other aspects of this public art requirement.



In order to provide for an appropriate number of public art pieces, works shall be required at a ratio of two (2) pieces per gross acre of Development Parcel. Where a Development Parcel includes a fraction of an acre, traditional rules of rounding shall apply.

A Redeveloper may petition the Planning Board for a reduction in this number where the size or scale of the proposed piece compensates for a smaller number of pieces.

6.8.1 Landscaping

- A. To the extent possible, all natural vegetation shall be preserved, and may be augmented with new plant material.
- B. New material shall consist of native species as well as those species traditionally found in New Jersey seashore communities, and shall be provided in all areas not covered by buildings or impervious surface.

Non-native species may be employed to provide aesthetic appeal.

- C. Plant selection shall be varied to avoid a monoculture, with species selected for their ability to thrive in the salt-spray, waterfront (yet urbanized) environment of the Redevelopment Area.
- D. All landscaping shall be irrigated by an automatic / mechanical irrigation system.
- E. Surface parking lots shall be appropriately treated with a minimum 5' perimeter landscaping strip designed to buffer / screen neighboring use and interior traffic islands to mitigate against uninterrupted spans of impervious coverage.
- F. The exterior wall(s) of all parking structures shall be heavily landscaped and buffered from adjacent uses.
- G. Additional buffers shall be developed around mechanical equipment, trash collection / recycling storage areas and similar back-of-the-house functions, which shall be enclosed with masonry walls which are compatible with the architectural styling of the building such areas service, and shall be screened so as not to be visible from any public right-of-way or adjacent property.
- H. Security gates and fencing is permitted. Where fencing is employed, such fencing shall be ornamental with a height appropriate to the intended use.

Fence height shall be determined by the Planning Board during the Review & Approval process. Such fencing shall be consistent in location and design throughout each Development Parcel.



6.8.2 Streetscaping

- A. Shall address the decorative treatment of all impervious surfaces both internal to a Redevelopment Project and within the public right-of-way adjacent to a Redevelopment Project.
- B. Shall consist of decorative paving elements,¹⁰⁸ street furniture and related items to demarcate public spaces and to help the Project blend in with the surrounding natural environment. Elements shall be appropriate to the Project proposed and shall be constructed of non-reflective materials.
- C. Curbing and sidewalks shall be provided along all public rights-of-way and are encouraged along all internal circulation-ways.
- D. Sidewalks shall be pedestrian friendly and shall be lined with street trees to provide shade, aesthetics and cohesion.
- E. Café seating and open-air gathering places are encouraged throughout the Redevelopment Area.
- F. Consistent with subsection E. above, and as a goal in-and-of-itself, all accessible open space areas, including flat rooftops, may be developed as café seating, pedestrian promenades and/or active or passive recreation areas. Treatment may include gardens or other decorative elements to create an attractive setting. Such areas may be common open space or may be proprietary to a Permitted Use within the Redevelopment Project.
- G. The exposed surface area of all flat roofs ~ including the rooftop decks of parking structures and decks and balconies when accessible as public open spaces ~ which are less than the Maximum Building Height within the Redevelopment Area and therefore visible from taller buildings, shall be treating with decorative materials in order to create an aesthetic appearance from above.

Where said surfaces are pedestrian accessible, a minimum of thirty-five percent (35%) of the total exposed surface area which is not developed as an active use (i.e., outdoor café area) shall be landscaped as roof gardens. Said treatment may or may not include live vegetation.

- H. The balance of all accessible flat roof surfaces shall be treated in such a way as to blend with the roof gardenscape in an aesthetically acceptable manner. Said areas shall be constructed of non-reflective material in order to secure an agreeable visual condition.

¹⁰⁸ Such decorative treatment may include, but need not be limited to, a combination of scored concrete, paver accents and such non-traditional / New Urbanist landscape design as curvilinear or meandering sidewalks with enhanced planting beds, rain gardens and other similar aesthetic treatment.



- I. Pergolas, trellises or other screening above parked vehicles is required where exposed flat roofs are used as parking decks.

6.8.3 Cross-Parcel Connectors

- A. As specified under section 6.6.2 herein, Cross-Parcel Connectors, dedicated by easement, shall be constructed between Development Parcels in order to provide interconnectivity between the various Parcels within the Redevelopment Area.
- B. In addition to serving as pedestrian and vehicular accessways, such Connectors shall constitute urban pocket-parks, providing passive open space for the Redevelopment Area. As such, Connectors shall be fully landscaped / streetscaped with plant materials and street furniture, shall be well lighted and shall be designed in accordance with the Americans with Disabilities Act.
- C. The landscape design of such Connectors shall be sensitive to and fully compatible with any wetlands and wetlands buffers in the surrounding / adjacent Conservation Parcels.
- D. In addition to the Cross-Parcel Connectors, Redevelopers are encouraged to provide appropriate pedestrian Plazas and Breezeways as internal passive elements to their Projects.
- E. In order to ensure that the Cross-Parcel Connectors are completed, each Redeveloper shall, as a condition of Planning Board Approval for his Redevelopment Project, be required to construct one or more Cross-Parcel Connectors on either side of his designated Development Parcel prior to issuance of a Certificate of Occupancy for his Redevelopment Project.

Where Redevelopers have been designated for Development Parcels on both sides of a Conservation Parcel, the costs of design, construction and ongoing maintenance shall be borne equally between the two (2) entities.

Where a Redeveloper has been designated for a Development Parcel on one side of a Conservation Parcel only, the costs of design, construction and ongoing maintenance shall be borne by said Redeveloper, who shall be reimbursed for design and construction by the neighboring Redeveloper upon execution of the Redevelopment Agreement for such neighboring Redeveloper. Thereupon, costs for ongoing maintenance shall be borne equally between the two (2) entities.

In addition to being a condition of Planning Board Approval under this Redevelopment Plan, the Township shall include such requirement in the Redevelopment Agreement(s) with each Conditional Redeveloper.



6.8.4 Lighting

- A. A comprehensive Lighting Plan shall be submitted for each Redevelopment Project shall address all public areas, parking lots, open spaces and building illumination in order to provide security and safe movement of pedestrians and vehicles as well as to enhance the architecture (detailing, texture, shadow lines and color) of the individual Projects within the Redevelopment Area.

Such Plan shall depict the location, type and wattage of all luminaries, with i.s.o. footcandle radii and light cutoff angles indicated. Where pole mounted lighting is employed, pole design, height, foundation and support information is required.

- B. Site and building lighting shall be designed to blend with the architecture of the Project such lighting serves. Such lighting shall be shielded, buffered and directed to prevent light spillover, glare or reflection from impacting adjoining properties, including wetlands.
- C. Architectural lighting shall illuminate aspects of the building, landscaping and other Project elements to provide for an aesthetically-pleasing environment.
- D. Security lighting shall illuminate all windows, doors, access drives to parking areas and other public spaces as required.

6.8.5 Signage

- A. This Redevelopment Plan recognizes that the signage regulations for the SHD as contained in the Township Code may not be adequate for the types of Redevelopment Projects anticipated. Accordingly, Redevelopers and their designers shall include, as part of the Project Plans submitted to the Planning Board, a Signage Plan reflecting signage they consider appropriate for the type and scale of Project proposed.
- B. Such Plan shall include all text and iconographic elements proposed for all buildings as well as the entirety of the site within each Redevelopment Project, addressing the size, placement, style, lettering, color, illumination and method of installation for all signage proposed for the Redevelopment Area.
- C. Sign size, height and placement shall generally conform with Township Code Article VIII. However, said regulations are expressly intended to serve as a guide. Redevelopers shall feel free to propose a signage package that is considered appropriate to the Project as envisioned, and may petition the Planning Board for relief from Ordinance standards ~ to a maximum of double Article VIII regulations ~ during Review & Approval.



When requesting such relief, the Redeveloper shall provide clear justification as to why such standards should be relaxed.

- D. The Planning Board shall evaluate such Signage Plan as part of the Site Plan Review & Approval process. The Board reserves the right to require modification to the Signage Plan if necessary to balance the signage needs of the individual Projects with the aesthetic and other needs of the Redevelopment Area and West Atlantic City as a whole.
- E. All exterior Project signs shall identify uses, activities or functions of the subject Redevelopment Project. No advertising of any product, use or activity outside of the Redevelopment Area shall be permitted.
- F. To the extent practicable, signage for similar Project elements shall be coordinated and similarly themed to provide a unifying style. This regulation shall not be construed to mean that all signs must be identical or to prohibit unique sign designs where necessary and appropriate, but rather that, absent specific justification,¹⁰⁹ sign design shall be complimentary and consistent.
- G. No vacant signs or sign boxes shall be permitted. Where vacancies occur, corresponding signage shall be immediately replaced with general Project or other appropriate signage. Similarly, any sign which falls into a state of disrepair shall immediately be repaired or replaced.
- H. All signs shall be professionally designed and constructed. Homemade-type plywood or cardboard signs or home-computer generated-type signs are expressly prohibited.
- I. At the first-floor levels, sand-blasted wood-type¹¹⁰ signage, illuminated by direct down lighting, is encouraged. Internally-illuminated, rectangular sign boxes with 'plexi-glass type' sign faces are discouraged.

Similarly, internal site (directional and other) signage shall be carved or sand-blasted wood-type¹¹⁰ signage at such size, color and content as to conform with the Federal Highway Administration's Manual on Uniform Traffic Control Devices.¹¹¹

- J. Attention-getting signage featuring color and animation ~ providing motion, change and surprise ~ and the use of dramatic corporate icons and outdoor theatrical lighting is encouraged.

¹⁰⁹ i.e., branding / theming requirements for themed retail outlets or food & beverage outlets.

¹¹⁰ Or comparable synthetic material.

¹¹¹ "MUTCD"



- K. Sign lighting shall be appropriate for the type and style of sign proposed, and may include LED, neon or other illumination.
- L. The use of neon lighting or similar material to create sculptural logo or iconographic images is encouraged.

Such elements may serve as works of public art pursuant to section 6.8.3 herein, provided that such works are visible in an acceptable, artistic form 24 hours per day for the full 12 months of the year.

Determination of acceptability as public art shall be made by the Planning Board upon endorsement by the Sygnus Creative Centre.

- M. No restrictions are established for Interior Project Signage.¹¹² The Redeveloper is encouraged to establish a creative interior sign package consistent with the type and scope of Redevelopment Project proposed.
- N. Consistent with the intent of section B of definition 2.12 herein, no exterior real estate sales or rental signs or sales or rental equipment¹¹³ are permitted within the Redevelopment Area.

O. For Vertical Redevelopment Projects

1. Each elevation of a Vertical Redevelopment Project may have one (1) Project Identification Sign showing the name of the Project as well as appropriate branding iconography (i.e., logo). While the size, location and configuration of such signage shall be appropriate to the elevation on which such sign is located, such sign shall be located at the uppermost section of the building, but shall be no higher than the roofline of the wall supporting such sign, and shall have a total sign area not exceeding 25% of the total surface area of the building elevation on which it is affixed.
2. Each Permitted Principal Use (i.e. operation) in the Vertical Redevelopment Project, including the host operation (i.e., Hotel or condominium) itself, may have one (1) Identification Sign mounted above the storefront of such Use (or the entryway to the Hotel / Condominium), containing the name of the Use, the logo or corporate icon of the use and any specialty information for such Use. Such signage may be building mounted or may be part of an awning or canopy.

¹¹² Defined as the interior areas of a Redevelopment Project, whether within an enclosed structure or on the inward-facing facades of a building internal to the Project.

¹¹³ e.g., flier stands, lock boxes or related items



Each such individual sign shall not exceed the length of the storefront over which it is attached, and shall not project below the parapet / canopy on which it is affixed or above the 50' building setback (section 6.4.1 D. 8 (c) (4) herein). The bottom edge of such parapet / canopy shall be no lower than the bottom of the wall to which it is attached.

3. Building-mounted directional signage indicating entrances to porte-cocheres, parking garages, loading and delivery areas and other locations as required may be cantilevered from the building if necessary for visibility. The bottom edge of such signage shall be no lower than the bottom of the wall to which it is attached.

6.8.6 Final Landscaping, Streetscaping, Lighting & Signage Plan

A Final Landscaping, Streetscaping, Lighting & Signage Plan for each Redevelopment Project shall be submitted for approval as part of the Planning Board Site Plan Review & Approval process.

Such Plan shall address all landscaping, streetscaping, lighting and signage, and shall indicate:

- the scientific and common names of all plant species proposed;
- the number, location and size (at planting and maturity) of all such materials;
- all appropriate planting details and instructions; and
- the exact locations, quantities and sizes for all non-plant elements.

6.9 **Environmental Protection Measures**

6.9.1 It is the goal of this Redevelopment Plan to maximize buildout on the Development Parcels in order to create the most productive Redevelopment Project(s) possible; thereby achieving the Municipal Goals & Objectives established herein. Within this context, Township Policymakers recognize that environmental regulations outside the jurisdiction of this Redevelopment Plan¹¹⁴ will ultimately govern the size and scope of the Project(s).

6.9.2 It is anticipated that the various governmental agencies with jurisdiction over the Project may require certain Environmental Protection Measures as a condition of their approvals. Such Measures may include, but need not be limited to:

- A. acquisition, conservation and preservation of wetlands and associated protective buffering as public open space;

¹¹⁴ Principally, but not exclusively, the Coastal Zone Management Rules.



*Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.*

- B. acquisition of undeveloped uplands for open space preservation and/or active or passive recreation purposes; conversion of such uplands to wetlands for mitigation purposes;
 - C. at-grade pathways, elevated boardwalks, scenic overlooks and/or environmental education / interpretative facilities or features.
- 6.9.2 The design of such Environmental Protection Measures, if required at all, shall be determined within the context of the governmental approvals granted by the applicable governmental agencies.
- 6.9.3 Such mandated Environmental Protection Measures notwithstanding, areas at or near wetlands or wetlands buffers shall be sensitively treated. Any disruption of or damage to the natural vegetation system caused during construction or operation of a Redevelopment Project shall be repaired / replaced as required by the appropriate permitting agencies.

The foregoing does not relieve a Redeveloper or his contractors of any requirement related to environmental preservation and mitigation measures which may be imposed by CAFRA or other applicable State and/or Federal agencies during the permitting process.



7.0 EQUAL OPPORTUNITY¹¹⁵

7.1 All activities in furtherance of this Redevelopment Plan, whether by the Redevelopment Entity, a respondent to a Redeveloper Solicitation, a (Conditional) Redeveloper, any contractor or subcontractor to a (Conditional) Redeveloper, or any successors in interest to any of the foregoing (collectively referred to herein as “Responsible Party”), shall conform with all mandatory Equal Employment Opportunity language contained in Referenced Law.¹¹⁶

By way of example and not limitation as to the requirements of Referenced Law, all Redevelopment Agreements or other contracts in furtherance of this Redevelopment Plan shall include language to the effect that:

7.1.1 No Responsible Party engaged in activities under this Redevelopment Plan will discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except as provided by Referenced Law, Responsible Parties will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such equal employment opportunity shall include, but not be limited to: employment, promotion, demotion, transfer, recruitment, recruitment advertising, layoff, termination, rates of pay or other forms of compensation, and selection for training (including apprenticeship).

Responsible Parties shall post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

7.1.2 Where applicable, all solicitations or advertisements for employees of a Responsible Party shall state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

7.1.3 Where applicable, Responsible Party shall comply with all regulations promulgated by the Treasurer pursuant to Referenced Law and with the Americans with Disabilities Act.

¹¹⁵ For the purposes of this section, the terms “Public Agency Compliance Officer”, “Treasurer” and “Division” are defined in N.J.S.A. 10:5-31 et seq. or N.J.A.C. 17:27.

¹¹⁶ For the purposes of this section, the term “Referenced Law” shall refer to N.J.S.A. 10:5-31 et seq. and/or N.J.A.C. 17:27.



**Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.**

- 7.1.4 Responsible Parties shall make good faith efforts to afford equal employment opportunities to minority and women workers consistent with Good Faith efforts to meet targeted county employment goals established in Referenced Law.
- 7.1.5 Responsible Parties shall inform in writing their appropriate recruitment agencies that they do not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that they will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.
- 7.1.6 When hiring or scheduling workers in each construction trade, Responsible Parties shall make good faith efforts to employ minority and women workers in each construction trade consistent with the targeted employment goal prescribed by N.J.A.C. 17:27-7.2; provided, however, that the Division may, in its discretion, exempt a Responsible Party from such compliance as long as the Division is satisfied that the Responsible Party is employing workers provided by a union which provides evidence that its percentage of active “card carrying” members who are minority and women workers is equal to or greater than the targeted employment goal established in accordance with N.J.A.C. 17:27-7.2.
- 7.1.7 Responsible Parties shall furnish such reports or other documents to the Division of Public Contracts Equal Employment Opportunity Compliance as may be requested by the Division from time to time in order to carry out the purposes of Referenced Law, and public agencies shall furnish such information as may be requested by the Division of Public Contracts Equal Employment Opportunity Compliance for conducting a compliance investigation pursuant to N.J.A.C. 17:27-10.
- 7.2 No covenant, agreement, lease, conveyance or other instrument shall be effected or executed by the Redevelopment Entity or by a Redeveloper (or any successors in interest) whereby the land or improvements in the Redevelopment Area are restricted, either by the Redevelopment Entity or such Redeveloper (or any successors in interest) upon the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex in the sale, lease, use or occupancy thereof.
- 7.3 The provisions of this section 7, as well as the provisions of N.J.S.A. 40A:12A-9, shall be implemented by appropriate covenants or other provisions in the Redevelopment Agreement and/or disposition instruments as covenants running with the land.



8.0 PROVISIONS NECESSARY TO MEET STATUTORY REQUIREMENTS

8.1 Redevelopment Area Designation

The Egg Harbor Township Committee, via Resolution No. 376-2008 (adopted August 13, 2008) and Resolution No. 415-2008 (adopted September 10, 2008)¹¹⁷ declared the West Atlantic City Redevelopment Area to be an "Area in Need of Redevelopment" pursuant to the Redevelopment Statute.

Redevelopment Area designation is a prerequisite for the promulgation of a Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7.

8.2 Redevelopment Plan

Upon adoption by the Governing Body, this document shall constitute a Redevelopment Plan under the provisions of the *Local Redevelopment and Housing Law*. It includes an outline for the (re)planning and (re)development of the West Atlantic City Redevelopment Area as follows:

8.3 Relationship to Definite Local Objectives¹¹⁸

This Redevelopment Plan has been crafted to achieve the Municipal Goals & Objectives detailed under section 4.0 herein.

8.3.1 Appropriate Land Uses

Permitted and Prohibited land uses for the Redevelopment Area are detailed (generally) in section 6.2.12, section 6.4.1 herein.

8.3.2 Density of Population

A. Despite not being permitted under current zoning, at Publication, the Redevelopment Area contained residential uses in the form of motel rooms used as dwelling units.

Since the number of motel rooms used as residences varies from time to time, it is not possible to determine the residential density within the Redevelopment Area existing at Publication.

B. Residential Density established within the Redevelopment Area under this Redevelopment Plan is addressed in section 6.4.1 D. 11 herein.

¹¹⁷ Exhibit 7 & Exhibit 9

¹¹⁸ N.J.S.A. 40A:12A-7a(1)



8.3.3 Public Transportation and Traffic

- A. New Jersey Transit provides regional bus service via the Black Horse Pike to (from) Atlantic City to (from) various locations throughout Atlantic County and, via connections, various points north, south and west.

West Atlantic City is located on several New Jersey Transits' Black Horse Pike Bus routes.¹¹⁹ The Redevelopment Area is therefore well served by Public Transportation.

- B. Pursuant to section 6.6.5 herein, issues related to improved traffic circulation for the Redevelopment Area shall be addressed as the individual Redevelopers refine their Final Circulation, Parking & Loading Plans for each individual Redevelopment Project.

8.3.4 Public Utilities

Utility service and the Redevelopers' requirements relating thereto are outlined in the Utility & Easement Controls (section 6.7) herein.

8.3.5 Recreational and Community Facilities

- A. This Redevelopment Plan causes no change to the Recreational and Community facilities servicing West Atlantic City from those which existed prior to the adoption of this Redevelopment Plan.

- B. The Redevelopment Area is located in proximity to the Lakes Bay waterfront, offering an opportunity for all manner of water-related activities, including self-directed¹²⁰ fishing, boating, swimming and other recreational activities.

- C. Residents of the Redevelopment Area are encouraged to take advantage of the several programs available to all Township residents as part of the municipality's active recreation program.

8.3.6 Other Public Improvements

- A. Public improvements contemplated by this Redevelopment Plan include improvements related to the Environmental Protection Measures (section 6.9 herein) and storm sewer relocation (section 6.7.8 herein), as well as other utility improvements which may be necessary for a particular Redevelopment Project.

¹¹⁹ NJ Transit Bus Routes 507, 508 & 509, variously connecting West Atlantic City with Atlantic City (and, via connections, Ventnor, Margate, Longport and Brigantine to the east) and Pleasantville, Absecon, the balance of Egg Harbor Twp., Galloway Twp., Hamilton Twp., Linwood, Northfield, Somers Point and Ocean City (and, via connections other western, northern and southern locations).

¹²⁰ i.e., not administered or sponsored by the Township. Activities are at the individual's own risk. Explicitly, Lakes Bay is not a protected swimming area and the Township provides no lifeguards to guarantee safety.



Such utility improvements may have the added benefit of providing upgraded service to properties outside ~ but in the vicinity of ~ the Redevelopment Area.

To the extent that such improvements benefit parties other than the Redevelopers, they may be considered *Other Public Improvements*.

- B. While no other public improvements are contemplated, this Redevelopment Plan permits such improvements as may be necessary to support a Redevelopment Project.
- C. Consistent with section 6.1.6 herein, the Planning Board shall retain the right, at time of Site Plan Review and Approval, to require such off-site improvements as may be necessary for the effective implementation of this Redevelopment Plan.

8.4 **Proposed Land Uses and Building Requirements**¹²¹

The Review Procedures, Standards and Controls of General Applicability, Parcelization Plan, Development Regulations, Architectural Controls, Circulation, Parking & Loading Plan, Utility & Easement Controls, Landscaping, Streetscaping, Lighting & Signage Provisions and Environmental Protection Measures are outlined in the Redevelopment Provisions (section 6.0) of this Redevelopment Plan.

8.5 **Provision for Temporary and Permanent Relocation**¹²²

- 8.5.1 As stated in section 5.3.1 herein, upon adoption of this Redevelopment Plan, the Township will be statutorily permitted¹²³ to acquire real property in the Redevelopment Area through good-faith negotiations with the owners of such property or, upon failure of such good-faith negotiations, through condemnation (eminent domain), and to convey such lands to a Redeveloper in furtherance of an approved Redevelopment Project.

The Redevelopment Statute¹²⁴ requires that a Redevelopment Plan include “adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market”.

¹²¹ N.J.S.A. 40A:12A-7a(2)

¹²² N.J.S.A. 40A:12A-7a(3)

¹²³ N.J.S.A. 40A:12A-8b, c & g and 40A:12A-15

¹²⁴ N.J.S.A. 40A:12A-7a(3)



As detailed in section 6.2.15 herein, the Township adopted a Housing Element and Fair Share Plan in December of 2008. Such a Fair Share Plan contains information similar to that required under the Redevelopment Statute. Accordingly, this Redevelopment Plan shall rely on the Township's analyses as relates to COAH to determine the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market".

8.5.2 The above notwithstanding, pursuant to applicable New Jersey Statutes regarding the use of eminent domain,¹²⁵ owners of properties taken by such action are entitled to Fair Market Value for their property. Full-time, permanent occupants of such properties are entitled to certain Relocation Assistance or Moving Expenses.

Prior to displacing any occupants as a result of eminent domain action, if at all, a Workable Relocation Assistance Plan¹²⁶ must be filed with and approved by the New Jersey Department of Community Affairs. Accordingly, if and when the Township is in a position to exercise its powers of eminent domain in such a way as to affect an eligible occupant of a property to be acquired, a WRAP will be prepared and filed with NJDCA.

No action to displace any such eligible occupant shall occur until such WRAP has been approved.

8.6 **Identification of Property-To-Be-Acquired**¹²⁷

As detailed in section 1.1.3 herein, the boundaries of the Redevelopment Area were amended via Township Resolution No. 415-2008¹²⁸ to exclude properties which, when taken as a group, satisfied significantly fewer Redevelopment Criteria than the balance of the [then] designated Redevelopment Area or did not rise to the heightened standard for inclusion in a Redevelopment Area established by the Appellate Division under the Long Branch decision.

Accordingly, all properties within the Redevelopment Area ~ as constituted at Publication¹²⁹ ~ are subject to acquisition in order to achieve the Municipal Goals & Objectives of this Redevelopment Plan.

¹²⁵ C. 20:3-1 et seq.

¹²⁶ "WRAP"

¹²⁷ N.J.S.A. 40A:12A-7a(4)

¹²⁸ Exhibit 9

¹²⁹ Exhibit 4



8.7 Significant Relationships of the Redevelopment Plan to Other Plans¹³⁰

A. Prior to the adoption of this Redevelopment Plan, the lands and buildings within the Redevelopment Area were subject to:

- The Egg Harbor Township Master Plan & Township Code;
- The Atlantic County Master Plan;
- The State Plan; and
- CAFRA and other State and Federal regulatory agencies.

B. Upon adoption of this Redevelopment Plan, the lands and buildings within the Redevelopment Area shall be subject to:

- This Redevelopment Plan;
- The Egg Harbor Township Master Plan and Township Code as specified in section 6.2.3 herein;
- The Atlantic County Master Plan;
- The State Plan; and
- CAFRA and other State and Federal regulatory agencies.

8.7.1 Proposed Zoning Changes

A. Prior to the adoption of this Redevelopment Plan, the Redevelopment Area was located in the Township's Special Highway Development ("SHD") Zone. Land Use regulations for the SHD zone are contained in §225-37.1 of the Township Code.

B. Upon adoption of this Redevelopment Plan, the Redevelopment Provisions detailed in section 6.0 herein¹³¹ shall govern all land use and structural form within the Redevelopment Area.

A comparison of the Principal Uses permitted under SHD Zoning against the Principal Permitted Uses under this Redevelopment Plan is as follows:¹³²

¹³⁰ the master plans of contiguous municipalities, the County Master Plan and the State Development and Redevelopment Plan [N.J.S.A. 40A:12A-7a(5)a]

¹³¹ Review Procedures; Standards & Controls of General Applicability; Parcelization Plan; Development Regulations; Architectural Controls; Circulation, Parking & Loading Plan; Utility Controls; Landscaping, Streetscaping, Lighting & Signage Provisions; and Environmental Protection Measures.

¹³² The order in which these uses appear are not the order in which they appear in Township Code §225-37.1 or in section 6.4.1 A of this Redevelopment Plan. In certain instances, the language describing these uses has been modified for brevity.



**Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.**

SHD ZONING	REDEVELOPMENT PLAN
Motels, as defined	Hotels, including Timeshare Hotels, as defined
Restaurants, not including drive-in and quick-food restaurants	Fully-enclosed or open-air eating and drinking establishments and specialty food and beverage outlets, including fast-food and drive-through facilities, (dine-in or take-out), including those which may serve alcoholic beverages
	Bars, Taverns and Nightlife Establishments
	Multi-Family, Multi-Story Residential Condominium Buildings, including, Age-Restricted Housing for qualifying individuals
	Townhomes, as defined
Banks	Financial institutions, banks and loan offices
Professional or business offices; office buildings	General Business, Professional, Medical, Administrative or Consulting service offices
Food markets, delicatessens, bakeries, furniture, furnishings & household appliance stores, hardware shops, drugstores	Included within General Commercial Uses and Activities
Laundries, barbershops, beauty parlors	Included within General Personal Service Uses and Activities, along with specialized day spas, fitness centers and similar
liquor stores	Retail liquor stores
Gasoline filling stations	Permitted when combined with convenience store
New and used car sales dealers	Automobile, boat or watercraft sales through franchise dealers
	Cultural centers; libraries; museums (cultural or popular); art galleries; studios for artists, musicians, photographers and other artisans; and like and similar activities
	Bicycle, beach, and water-sport accessory sales and rental, including sales or rental venues for off-site pickup or activity



**Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.**

SHD ZONING	REDEVELOPMENT PLAN
	Public utility facilities as may be required to service West Atlantic City
	Such facilities as may be necessary and convenient to the provision of municipal services by the Township
Recreation facilities, campgrounds, outdoor & indoor theatres, miniature golf, driving ranges, batting cages, bowling alleys, indoor soccer, skating rinks and similar	
Business services for tradesmen, provided that no merchandise shall be carried other than that intended to be sold at retail on the premises	
Warehouses	
Automotive repair and service uses	
Private or public schools, clubs and eleemosynary uses	
Shoe shops	
Personal wireless telecommunications facility not to exceed 120' in height	
Car wash	

- C. While certain specific uses permitted under SHD zoning are not permitted under this Redevelopment Plan and certain specific uses permitted under this Redevelopment Plan are not permitted under SHD zoning, the overall character of uses permitted under the Redevelopment Plan do not materially differ from the overall character of uses permitted in the Redevelopment Area under SHD zoning prior to the adoption of this Plan.
- D. The Building Limit Controls for the Redevelopment Area have been substantially modified from the Area and Bulk requirements established under SHD Zoning. Specifically:
1. Minimum Lot Area, Lot Width and Lot Depth have been modified to reflect the geometry of the Development Parcels pursuant to section 6.41. D. 4 herein.
 2. Building Setbacks have been modified to reflect the wetlands and wetlands buffers required to the north of the Development Parcels, the Conservation Parcels to the east, west and between the Development Parcels and to permit appropriate building massing for Vertical Redevelopment Projects fronting the Black Horse Pike.



**Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.**

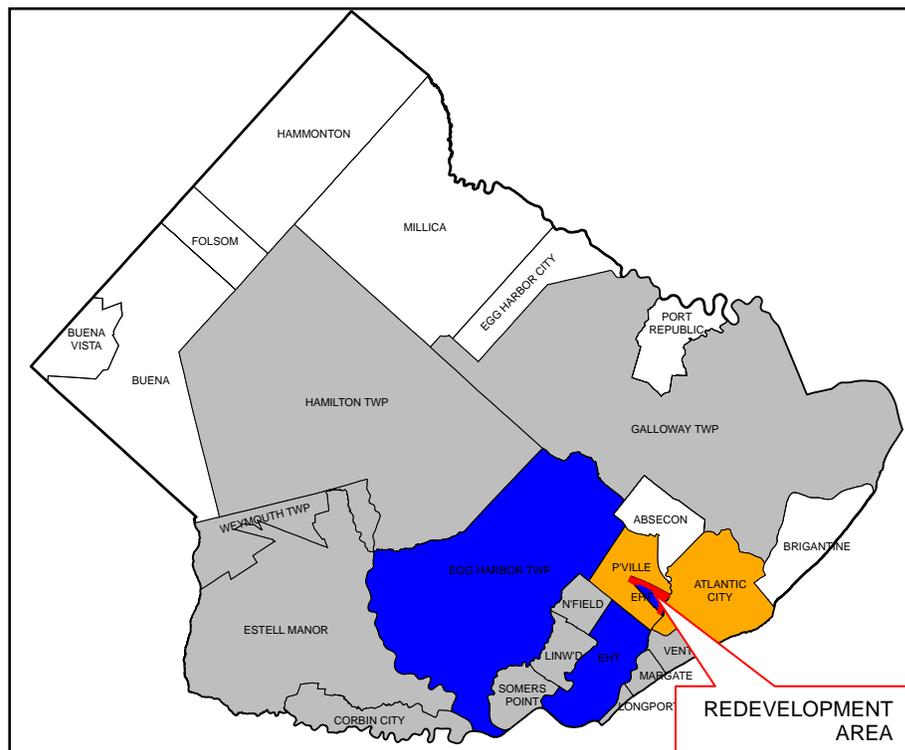
3. Maximum Building Height has been increased to those heights specified under section 6.4.1 D. 10 herein in order to provide for the flexibility required to achieve the Municipal Goals & Objectives of this Redevelopment Plan.
4. Lot Coverages has been established at 70% Building Coverage and 90% Total Impervious Coverage in order to provide for the flexibility required to achieve the Municipal Goals & Objectives of this Redevelopment Plan.

These Building Limit Controls differ substantially from the regulations governing land use in West Atlantic City in place prior to the adoption of this Redevelopment Plan. Such existing regulations do not contemplate the type or scale of Redevelopment Projects envisioned by this Redevelopment Plan. Departure from such existing regulations is therefore viewed as critical if the Township is to achieve the Goals & Objectives established herein.

6.7.2 Master Plans of Contiguous Municipalities

Municipalities continuous to Egg Harbor Township are Atlantic City, Corbin City, Estell Manor, Galloway Township, Hamilton Township, Linwood, Longport, Margate, Northfield, Pleasantville, Somers Point, Ventnor and Weymouth Township.

Given the geometry of the Township; as a practical matter, the activities anticipated under this Redevelopment Plan may only be expected to have an impact on Atlantic City and Pleasantville.





A. *City of Atlantic City*

1. Master Plan

Atlantic City adopted a new Master Plan September 2008. At Publication, amendments to the City's Development Ordinance were pending. While such Master Plan is largely silent regarding West Atlantic City, it has been a long-held position of Atlantic City's planners and business community that the Township take action to address conditions in West Atlantic City.

The Atlantic City municipal boundary abuts the Redevelopment Area's eastern boundary at Jonathan's Thorofare. However, such boundary is located within the marine tidal marsh. Other than narrow uplands fronting the Black Horse Pike, the Redevelopment Area is approximately 1.8 miles east (along the Black Horse Pike) from any inhabited or significantly-developable lands in the Chelsea Heights section of the City.¹³³ This 1.8-mile area provides a significant buffer between the Redevelopment Actions anticipated within the Redevelopment Area and the City of Atlantic City.

Accordingly, it is not anticipated that such actions will have any direct impact on the City of Atlantic City or its Master Plan.

2. Bader Field

At Publication, the City of Atlantic City was in the process of marketing the municipally-owned, 142.25-acre Bader Field (former airport) site to prospective developers. It is anticipated that up to four (4) casino mega-resorts could be developed at this location. Responses to the City's Request for Proposals ("RFP") were originally due on January 14, 2009. At Publication, the response date had been extended to June 30, 2009. The RFP does not include a date by which a developer or multiple developers will be selected.

While it is not possible to know, at Publication, the scope or timing of any proposed Bader Field project(s), and while this Redevelopment Plan is not likely to impact any such project(s) directly, development of Bader Field has the ability to both positively and negatively impact the Township's plans for the West Atlantic City Redevelopment Area. Specifically:

¹³³ Development west of Chelsea Heights and east of the Redevelopment Area consists of the Atlantic City Public Works building, an abandoned automobile dealership, a liquor-store / nightclub building, a gas station, a small automobile repair facility, a tour-bus staging facility, the Atlantic City High School campus and a roadside motel. Remaining lands, while advertised for sale, are likely undevelopable.



**Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.**

Positive Impact: The development of Bader Field as anticipated would shift the center of gravity of the Atlantic City tourism industry from the diffused Boardwalk ‘strip’ and the centralized Marina District to Bader Field; thereby creating an exceptional opportunity for attracting (re)development projects to West Atlantic City.

Negative Impact: Such a shift in Atlantic City’s center of gravity would place tremendous pressures on the single right-of-way servicing Bader Field. In order to accommodate the patron and workforce traffic anticipated, it is likely that a widening of the Black Horse Pike west of Bader Field would be required. Any such widening on the northern side of the cartway in West Atlantic City would reduce the already limited lands available for a Redevelopment Project in the Redevelopment Area; thereby reducing the developability and thus the marketability of the Redevelopment Area.

Issues related to Bader Field are beyond the scope of this Redevelopment Plan. However, it is recommended that the Township continue to monitor this situation and bring whatever pressures is can to bear in order to insure that the Bader Field project not negatively impact West Atlantic City.

B. City of Pleasantville

Pleasantville adopted a new Master Plan in November 2008 (adoption of related development Ordinances are not expected until the second to third quarter of 2009). While such Master Plan is silent regarding West Atlantic City, Pleasantville’s policymakers support the Township’s efforts to address the conditions in this section of the Township.

The Pleasantville municipal boundary line abuts the Redevelopment Area’s northern boundary at the J.P. Rail (railroad) right-of-way. However, such boundary is located within the marine tidal marsh. As a practical matter, the Redevelopment Area is approximately 0.68 miles¹³⁴ from the developed portion of Pleasantville (the intersection of the Black Horse Pike and Lyons Court).

¹³⁵Township zoning between the Redevelopment Area and the City of Pleasantville is Special Highway development (“SHD”) for the properties fronting the Black Horse Pike to the north of the Pike, and Single-Family Residential (“R-5”) for the properties north of the SHD Zone and south of the Black Horse Pike.

¹³⁴ Along the Black Horse Pike

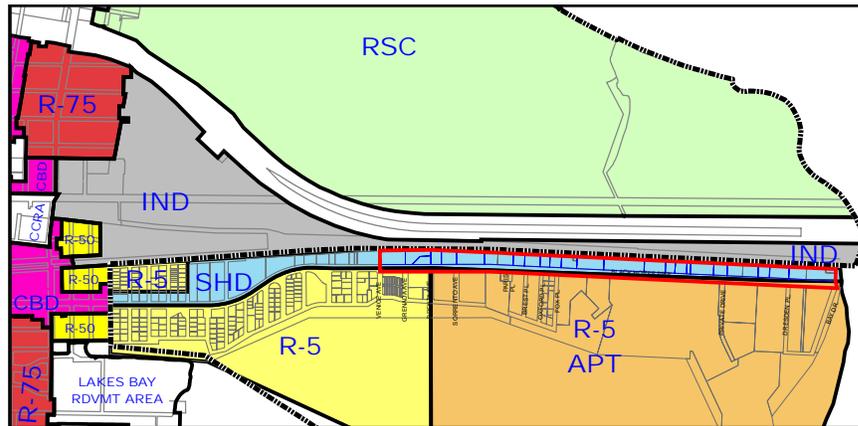
¹³⁵ Exhibit 11





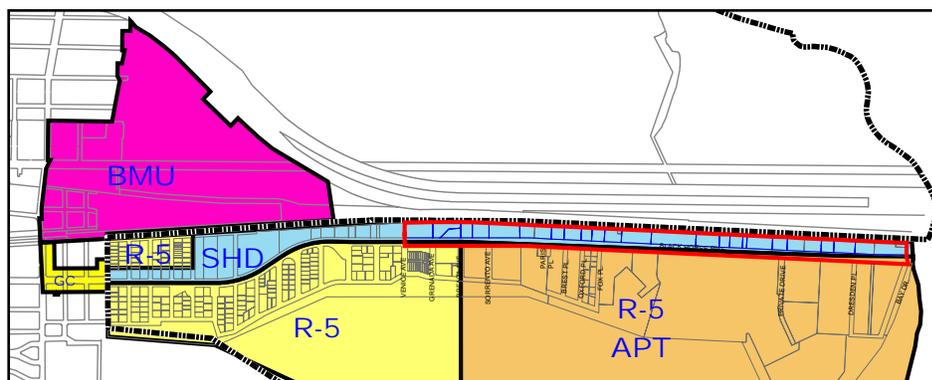
*Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.*

¹³⁶Pleasantville zoning for the blocks adjacent to the municipal boundary with West Atlantic City at the Black Horse Pike is Single-Family Residential (“SFR-50”) to the north and south of the Pike, and Central Business District (“CBD”) along the Pike-fronting properties.



¹³⁷Township SHD Zoning permits uses which are very similar to the uses permitted in Pleasantville’s Central Business District (although the area and bulk standards reflect different settings and municipal priorities) and Township R-5 Zoning permits uses which are very similar to uses permitted in Pleasantville’s R-50 Residential Zoning Districts. Such zoning provides a buffer between the Redevelopment Actions anticipated within the Redevelopment Area and the City of Pleasantville.

The recommendations contained in the City’s 2008 Comprehensive Master Plan Update include rezoning the Black Horse Pike frontage blocks between Franklin Boulevard and the City’s eastern boundary at Lyon’s Court to General Commercial (“GC”) and rezoning the western portion of Industrial zone to Bayside Mixed Use (“BMU”).



¹³⁶ Pleasantville’s 2008 Comprehensive Master Plan Update recommends changing the Black Horse Pike’s CBD zoning to General Commercial (“GC”) and further recommends amending the existing Industrial Zone north of the railroad tracks to Bayside Mixed Use (“BMU”). While the proposed GC zoning is not materially different from CBD regulations, BMU zoning will permit land uses and development intensity similar to that proposed by this Redevelopment Plan.

¹³⁷ Exhibit 12





Such proposed General Commercial Zoning does not materially differ from uses currently permitted in Pleasantville's Central Business District (although the area and bulk standards reflect different settings and municipal priorities).

Such BMU Zoning permits uses which are very similar to uses proposed for the West Atlantic City Redevelopment Area.

Upon adoption of this Redevelopment Plan, Township R-5 and SHD zoning will continue to provide a buffer between the City of Pleasantville and the Redevelopment Area. It is therefore not anticipated that the Redevelopment Actions proposed herein will have any material impact on the City of Pleasantville or its Master Plan.

6.7.3 Atlantic County

Atlantic County last reexamined its Master Plan in 2000. While such Reexamination is largely silent regarding specific projects within West Atlantic City, the County strongly supports the Township's Redevelopment actions in this portion of the municipality. Such support has recently been expressed in the Township / County partnership to amend the State Plan's designation of West Atlantic City from a PA~5 (Environmentally Sensitive) Planning Area to a PA~1 (Metropolitan) Planning Area (sections 3.5.2 & 8.7.4. F. herein).

6.7.4 State of New Jersey

A. *State Development & Redevelopment Plan*

The New Jersey Office of Smart Growth has promulgated the *State Development and Redevelopment Plan*¹³⁸ as the equivalent of a statewide Master Plan. Prepared as an interdepartmental effort between various offices charged with managing development in New Jersey¹³⁹, the State Plan is the controlling policy guide regarding growth-related issues on a statewide level.

The current version of the State Plan was adopted in March of 2001. At Publication, the State was undertaking, but had not completed, a reexamination of the State Plan. The 2001 version of the State Plan is therefore the active Development and Redevelopment Plan for the State.

The State Plan *originally* classified West Atlantic City as a PA~5 (Environmentally Sensitive) Planning Area¹⁴⁰ and a Proposed Center.

¹³⁸ "State Plan"

¹³⁹ Principally, but not exclusively, NJDCA and NJDEP.

¹⁴⁰ Exhibit 14



Environmentally Sensitive Planning Areas contain large contiguous land areas with valuable ecosystems, geological features and wildlife habitat characterized by pristine watersheds, trout streams and drinking water supply reservoirs; recharge areas for potable water aquifers; habitats of endangered and threatened plant and animal species; coastal and freshwater wetlands; prime forested areas; scenic vistas; and other significant topographical, geological or ecological features, particularly coastal barrier spits and islands. Even in areas which have experienced advanced levels of development, these lands remain highly vulnerable to natural forces.¹⁴¹

Environmentally Sensitive Planning Areas are designed to protect environmental resources by protecting large contiguous areas of land; accommodating growth in Centers; protecting the character of existing stable communities; confining programmed sewers and public water services to Centers; and revitalizing cities and towns¹⁴²

Centers are compact forms of development that consume less land, deplete fewer natural resources and are more efficient in the delivery of public services. The concept of Centers is the key organizing principle for development and redevelopment¹⁴³

Pertinent State Plan Policy Objectives for PA~5 Planning Areas include:¹⁴⁴

Land Use: Protect natural systems and environmentally sensitive features by guiding development and redevelopment into Centers and establishing Center Boundaries and buffers and greenbelts around these boundaries. Maintain open space networks, critical habitat and large contiguous tracts of land in the Environs by a variety of land use techniques. Development and redevelopment should use creative land use and design techniques to ensure that it does not exceed the capacity of natural and infrastructure systems and protects areas where public investments in open land preservation have been made. Development and redevelopment in the Environs should maintain and enhance the natural resources and character of the area.

¹⁴¹ State Plan (p. 185).

¹⁴² State Plan (p. 187).

¹⁴³ State Plan (p.10).

¹⁴⁴ State Plan (pp. 188 & 188). A full list of State Plan Policy Objectives for the PA~5 Planning Area may be found in Exhibit 15.



Economic Development: Support appropriate recreational and natural resource-based activities in the Environs and locate economic development opportunities that are responsive to the needs of the surrounding region and the travel and tourism industry in Centers. Any economic development in the Environs should be planned and located to maintain or enhance the cultural and scenic qualities and with minimum impacts on environmental resources.

Transportation: Maintain and enhance a transportation system that protects the Environs from scattered and piecemeal development and links Centers to each other within and between Planning Areas. Encourage alternatives to the single-occupancy vehicle whenever feasible. Accommodate the seasonal demands of travel and tourism that support recreational and natural resource-based activities. In Centers emphasize the use of public transportation systems and alternatives to private cars where appropriate and feasible and maximize circulation and mobility options throughout.

Redevelopment: Encourage environmentally appropriate redevelopment in existing Centers and existing developed areas that have the potential to become Centers or in ways that support Center-based development to accommodate growth that would otherwise occur in the Environs. Redevelop with intensities sufficient to support transit, a range of uses broad enough to encourage activity beyond the traditional workday, efficient use of infrastructure, and physical design features that enhance public safety, encourage pedestrian activity and reduce dependency on the automobile to attract growth otherwise planned for the Environs.

Significantly, “[t]he State Plan acknowledges that growth and economic development will occur in environmentally sensitive areas. It’s policies state that growth be guided into well-planned Centers with appropriately scaled public facilities and services.”¹⁴⁵

¹⁴⁵ State Plan (p. 190)



**Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.**

The Redevelopment of West Atlantic City is intended to provide for the replanning and revitalization of a Proposed Center within a generally-developed Environmentally Sensitive Planning Area with existing sewer and other infrastructure. Such actions are fully consistent with the State Plan.

B. Plan Endorsement

“Plan Endorsement” is the tool developed by State Planners to assist municipalities, counties and regional and State agencies in developing and implementing plans that will achieve the goals, policies and strategies of the State Plan. Under this voluntary review process, technical assistance is provided by the Office of Smart Growth and other State agencies in order to insure that planning-related decision-making at the local level is coordinated between municipalities, counties and other agencies; thereby ensuring consistency with the State Plan.

Egg Harbor Township commenced the Plan Endorsement Process in 2004. After initial review of the Township’s application, the Office of Smart Growth issued a Consistency Report dated May 23, 2006.¹⁴⁶ As relates to West Atlantic City, the Consistency Report states, in pertinent part:

The State agencies generally support the change to *Metropolitan Planning Area (PA~1)* for West Atlantic City, as this area is adjacent to Atlantic City and future redevelopment activity should meet the criteria of the State Plan.

Metropolitan Planning Areas are designed to provide for much of the state’s future growth by revitalizing cities and towns; promoting growth in compact forms; stabilizing older suburbs; redesigning areas of sprawl; and protecting the character of existing stable communities.¹⁴⁷ To accomplish these goals, the following Policy Objectives have been established:

Land Use: Promote redevelopment and development in Cores and Neighborhoods of Centers and in Nodes that have been identified through cooperative regional planning efforts. Promote diversification of land uses, including housing where appropriate, in single-use developments and enhance their linkages to the rest of the community. Ensure efficient and

¹⁴⁶ Exhibit 21

¹⁴⁷ State Plan (pp.155-156). A full list of State Plan Policy Objectives for the PA~1 Planning Area may be found in Exhibit 15.



beneficial utilization of scarce land resources throughout the Planning Area to strengthen its existing diversified and compact nature.

Economic Development: Promote economic development by encouraging strategic land assembly, site preparation and infill development, public / private partnerships and infrastructure improvements that support an identified role for the community within the regional marketplace...

Transportation: Maintain and enhance a transportation system that capitalizes on high density settlement patterns by encouraging the use of public transit systems, walking, and alternative modes of transportation to reduce automobile dependency, link Centers and Nodes, and create opportunities for transit oriented redevelopment. Facilitate efficient goods movement through strategic investments and intermodal linkages...

Redevelopment: Encourage redevelopment at intensities sufficient to support transit, a broad range of uses and efficient use of infrastructure. Promote design that enhances public safety, encourages pedestrian activity and reduces dependency on the automobile.

Accordingly, the Redevelopment Actions proposed herein fully support and advance the Policy Objectives of the State Plan.

8.8 **Affordable Housing**¹⁴⁸

Issues related to affordable housing in the Redevelopment Area are addressed in section 6.2.15 herein.

8.9 **Relationship to Pertinent Municipal Development Regulations**¹⁴⁹

8.9.1 The relationship of this Redevelopment Plan to pertinent municipal development regulations is outlined in the Development Regulations (section 6.4), the Proposed Zoning Changes (section 8.7.3) herein and the relationship to Master Plans / State Plan (section 8.7.4 F.).

¹⁴⁸ N.J.S.A. 40A:12A-7a(5)b

¹⁴⁹ N.J.S.A. 40A:12A-7a(5)c



**Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.**

8.9.2 Any Ordinance adopting this Redevelopment Plan shall contain language indicating that this Plan is an explicit amendment to the Township's Zoning District Map and the land use and development provisions of the Township Code. Upon adoption, the Township's Zoning Map shall be immediately modified to reflect this Redevelopment Plan.

8.10 Consistency with Municipal Master Plan¹⁵⁰

The Redevelopment Statute provides that "All provisions of [a] redevelopment plan...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".

8.10.1¹⁵¹The Township's original Comprehensive Development Plan was adopted in 1965. The Township's first Master Plan¹⁵² was enacted in 1975. Subsequent Master Plans, Master Plan Reexaminations and specific Master Plan Elements were adopted in 1982, 1988, 1992, 1993, 1994, 1996, 1998 & 2000.

The most recent Township Master Plan was adopted April 15, 2002. This document was revised in October 2002 and amended in November 2002, and underwent a general (6-year) reexamination in 2008 (with the Reexamination Report adopted by the Planning Board in November of that year).

8.10.2 The 2002 Master Plan included a recommendation for the Township to "continue the cooperative effort undertaken with the Casino Reinvestment Development Authority for the redevelopment of West Atlantic City".

The 2008 Reexamination includes a similar recommendation.

8.10.3 While the 2002 Master Plan and 2008 Reexamination contained no details as to the direction that such "redevelopment" should take, this Redevelopment Plan is in direct response to such recommendation and is accordingly designed to effectuate the duly adopted Master Plan of the Township of Egg Harbor, as amended via the November 2008 Reexamination.

¹⁵⁰ N.J.S.A. 40A:12A-7 d

¹⁵¹ Egg Harbor Township Master Plan, Mott, Polistina & Associates (c. 2002)

¹⁵² under the *Municipal Land Use Law*





9.0 GENERAL CONSTRUCTION, PLAN INTERPRETATION & APPLICATION OF PLAN PROVISIONS

9.0.1 The provisions of this Redevelopment Plan, including all Review Procedures, Standards & Controls of General Applicability, Development Regulations and related Controls, provisions and/or restrictions imposed, shall be applicable to all real property and improvements within the West Atlantic City Redevelopment Area.

9.0.2 By adopting a negotiated Redevelopment Agreement for each individual Conditional Redeveloper, the Township shall have approved the Project Concept and Description of Project Elements proposed by such Conditional Redeveloper.

Accordingly, the Governing Body shall have sole authority for the interpretation or clarification of the permissibility of any use proposed for the Redevelopment Area. Such authority shall include whether or not any proposed use conforms with or falls under any of the several categories of Permitted Uses enumerated in sections 6.4.1 and 6.4.2 of this Redevelopment Plan, or whether such proposed use is a Prohibited Use under section 6.2.12 herein.

9.0.3 Consistent with standard operating procedure, the Township's Technical Review Committee shall review all Project Plans prior to such plans being deemed Complete for Planning Board Review and Approval.

9.0.4 Section 9.2 herein notwithstanding, pursuant to N.J.S.A. 40A:12A-13, the Planning Board shall have the authority to determine conformance of a Redeveloper's Project Plans with this Redevelopment Plan.

Within this context, and with the exception of Permitted Uses and Environmental Protection Measures under the jurisdiction of NJDEP or other governmental agency, the Planning Board shall have the authority to interpret or clarify the Development Regulations, Architectural Controls, Circulation, Parking & Loading Plan, Utility & Easement Controls and Landscaping, Streetscaping, Lighting & Signage Provisions of this Redevelopment Plan.

9.1 Deviation Allowance

9.1.1 With the exception of regulations pertaining to Maximum Building Height, Building Setbacks and Signage, the Planning Board may, at time of Site Plan Review and Approval and without formal amendment to this Redevelopment Plan, approve departures from the Building Limit Controls (section 6.4.1 D) and Architectural Controls (section 6.5) herein as may be requested by a Redeveloper ~ to a maximum of twenty percent (20%) of the subject regulation, for a Project whose totality of architecture exhibits, in the sole opinion of the Governing Body, superior design and quality, and further provided that such Deviation(s) are, in the opinion of the Planning Board, consistent with the intent of this Redevelopment Plan.



***Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.***

Unless specifically permitted by this Redevelopment Plan, requests beyond 20% shall require a formal Plan amendment pursuant to law.

- 9.1.2 Such Deviation Allowance shall apply to departure from the Building Limit Controls for new development on the various Development Parcels as detailed under sections 6.4.1 D and 6.5 herein, as well as departures from the regulations of the Township Code for Pre-Existing Structures as detailed under section 6.2.13 herein.
- 9.1.3 Proposed deviation(s) of 20% or less ~ but which are deemed by the Planning Board to be inconsistent with the intent of this Redevelopment Plan ~ shall not be approved by the Planning Board and shall require a formal amendment to this Redevelopment Plan.
- 9.1.4 The provisions of sections 9.1.1, 9.1.2 and 9.1.3 herein notwithstanding, Deviations from the Building Limit Controls necessitated to bring a Redevelopment Project into conformance with NJDEP (or other pertinent governmental) regulations may be permitted without formal Plan amendment, regardless of the percentage Deviation required, provided that such Deviation(s) are reviewed and accepted by the Planning Board within the context of the affected Project element.
- Any such Deviation not accepted by the Planning Board shall require a formal Plan Amendment.
- 9.1.5 Appeals of Planning Board decisions related to this section 9.0 shall be made to the Governing Body, acting in its capacity as Redevelopment Entity for this Redevelopment Plan.



10.0 EFFECTIVE DATE, DURATION OF PROVISIONS & AMENDMENT PROVISIONS

10.1 Effective Date

The Effective Date of this Redevelopment Plan shall be the date the Ordinance adopting this Plan becomes effective.

10.2 Duration of Provisions

10.2.1 Subject to the provisions of section 11.0 herein, this Redevelopment Plan, as it may be amended from time-to-time, shall be in effect for a period of ten (10) years from the Effective Date; unless however, there is a portion of a Redevelopment Project or Independent Component thereof which has commenced construction but has yet to receive a Certificate of Completion and Compliance. In such case, this Redevelopment Plan shall remain in effect for any such area until the issuance of said Certificate of Completion and Compliance.

10.2.2 Nothing herein shall be construed to limit the ability of the Governing Body to extend the duration of this Redevelopment Plan beyond that described in section 10.2.1 herein upon adoption of an Ordinance authorizing same.

10.3 Procedures for Amending the Approved Redevelopment Plan

10.3.1 This Redevelopment Plan may be amended from time-to-time upon compliance with all applicable laws and statutes and upon approval of the Governing Body.

10.3.2 In addition to any other requirements, including but not limited to those imposed by N.J.S.A. 40A:12A-13, and any applicable provisions of a Redevelopment Agreement, mutual agreement between the Township and a Redeveloper is required where a Redevelopment Agreement is in place and where any amendment thereto would change the controls governing the use of lands under said Agreement.



11.0 CERTIFICATE OF COMPLETION AND COMPLIANCE

- 11.1 Upon completion of construction of a Redevelopment Project or any Independent Component thereof, and at the request of the Redeveloper, the Township¹⁵³ shall issue the Redeveloper a Certificate of Completion and Compliance for said Project or said Independent Component thereof, certifying that the Project, or the Independent Component thereof, was completed in accordance with this Redevelopment Plan AS WELL AS the Project Plans approved by the Planning Board as part of the Site Plan Review and Approval process;¹⁵⁴ and further certifying that the applicable provisions of the Redevelopment Agreement, including provisions related to N.J.S.A. 40A:12A-9a, have been satisfied.

Each such request made by a Redeveloper shall be accompanied by as-built plans of the Redevelopment Project or Independent Component thereof which is subject of the request, prepared, signed and sealed by the appropriate design professional, depicting the final constructed configuration of the Redevelopment Project or Independent Component thereof.

- 11.2 Upon the issuance of the final such Certificate of Completion and Compliance for the final Component of the subject Redevelopment Project, the conditions determined to exist at the time the specific portion of the Redevelopment Area (i.e., the subject Development Parcel) was declared to be In Need of Redevelopment shall, by definition, no longer exist. At such time, the controls contained in this Redevelopment Plan for such Development Parcel, with the exception of the Development Regulations (section 6.4.1) and the Equal Opportunity provisions (section 7.0), shall terminate and the subject Development Parcel shall revert to such Township Zoning as may be adopted at that time pursuant to N.J.S.A. 40:55D-1 et seq.
- 11.3 Similarly, upon the issuance of the final such Certificate of Completion and Compliance for the final Component of the final Redevelopment Project to be constructed within the Redevelopment Area, or at the expiration of this Redevelopment Plan pursuant to section 10.2 herein, whichever shall occur last, the conditions determined to exist at the time the entire West Atlantic City Redevelopment Area was declared to be In Need of Redevelopment shall, by definition, no longer exist. At such time, the controls contained in this Redevelopment Plan, with the exception of the Development Regulations (section 6.4.1) and the Equal Opportunity provisions (section 7.0), shall terminate and the entirety of the Redevelopment Area, including all Conservation Parcels, shall revert to such Township Zoning as may be adopted at that time pursuant to N.J.S.A. 40:55D-1 et seq.

¹⁵³ acting in its capacity as Redevelopment Entity

¹⁵⁴ Including, but not limited to, improvements not covered by the Certificate of Occupancy, e.g., public improvements, landscaping, etc.



***Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.***

- 11.4 Unless otherwise addressed by an affirmative action of the Governing Body, the appropriate sections of the Township Code shall hereby be amended to include the Development Regulations (section 6.4.1) and the Architectural Controls (section 6.5) herein, which shall survive the expiration of this Redevelopment Plan.
- 11.5 The Certificate of Completion and Compliance process shall be independent of, and shall not substitute for, the standard municipal Certificate of Occupancy process. Within this context, the Township¹⁵⁵, at its discretion, may issue a Certificate of Completion and Compliance either before, simultaneous with or after issue of a Certificate of Occupancy.

¹⁵⁵ acting in its capacity as Redevelopment Entity



12.0 EXHIBITS

1. STATEWIDE CONTEXT MAP
2. COUNTY CONTEXT MAP
3. TOWNSHIP CONTEXT MAP
4. REDEVELOPMENT AREA MAP
5. REDEVELOPMENT AREA AERIAL MAP
6. (UNNUMBERED) PLANNING BOARD RESOLUTION (JULY 28, 2008)
RECOMMENDING REDEVELOPMENT AREA DESIGNATION
7. TOWNSHIP RESOLUTION NO. 376-2008
8. NJDCA REDEVELOPMENT AREA CORRESPONDENCE (SEPTEMBER 17, 2008)
9. TOWNSHIP RESOLUTION NO. 415-2008
10. NJDCA REDEVELOPMENT AREA LETTER (OCTOBER 6, 2008)
11. PRE-EXISTING ZONING MAP
12. PRE-EXISTING ZONING REGULATIONS
13. SOILS MAPPING
14. STATE PLAN POLICY MAP
15. STATE PLAN POLICY OBJECTIVES
16. SMART GROWTH / NEW URBANISM PRINCIPLES
17. PARCELIZATION PLAN
18. SETBACK & MASSING PLAN: PLAN VIEW
19. SETBACK & MASSING PLAN: TYPICAL ELEVATION VIEWS
20. CIRCULATION, PARKING & LOADING PLAN
21. OSG CONSISTENCY REPORT (MAY 23, 2006)



EXHIBITS



*Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.*

STATEWIDE CONTEXT MAP



EXHIBIT
1

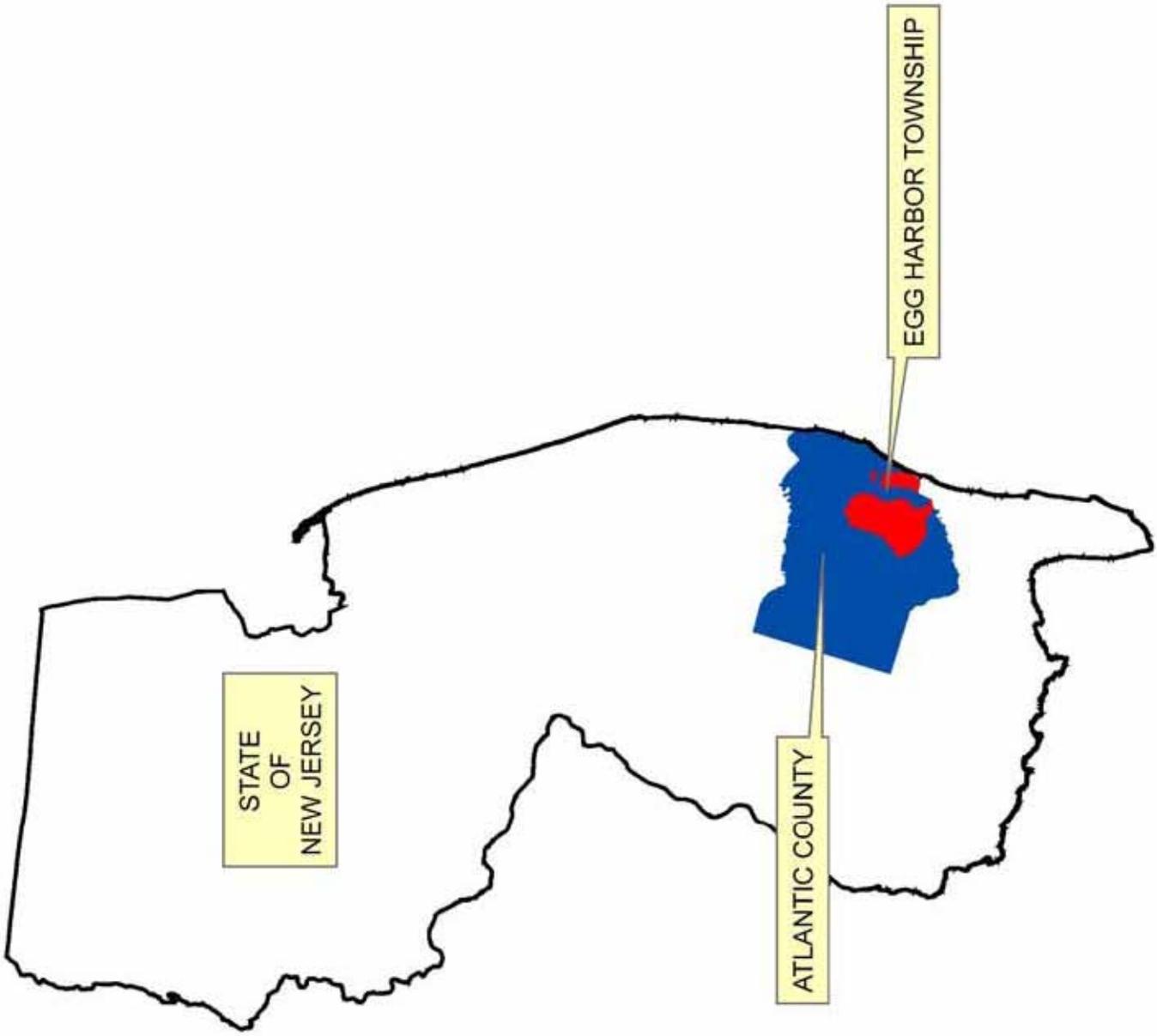
REDEVELOPMENT PLAN
WEST ATLANTIC CITY
REDEVELOPMENT AREA
STATEWIDE CONTEXT MAP

REV.	DATE

REVISIONS
DATE: 12/2/08
SCALE: N.T.S.



REMINGTON, VERNICK & WALBERG ENGINEERS
856 N. MAIN STREET, PEASANTVILLE, NJ 08025
908.965.7110 FAX 908.965.0420
WEB SITE: WWW.RVE.COM
ENGINEERING EXCELLENCE SINCE 1901





*Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.*

COUNTY CONTEXT MAP



EXHIBIT
2

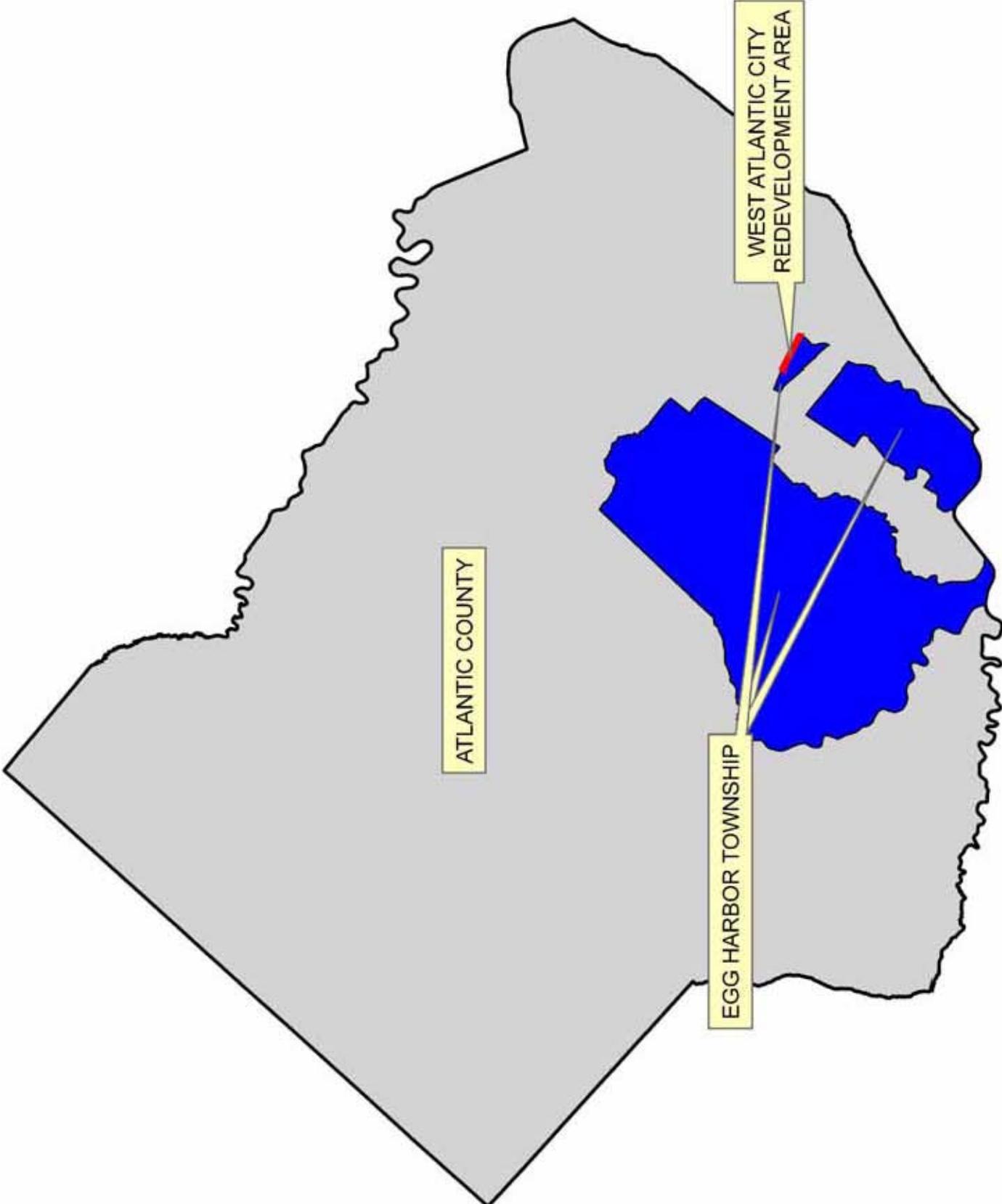
REDEVELOPMENT PLAN
WEST ATLANTIC CITY
REDEVELOPMENT AREA
COUNTY CONTEXT MAP

REV.	DATE

REVISIONS
DATE: 12/2/08
SCALE: N.T.S.



REMINGTON, VERNICK & WALBERG ENGINEERS
854 N. MAIN STREET, ROCKAWAYVILLE, NJ 08086
908.945.7110 FAX 908.945.7078
WEB: WWW.RVW.COM
ENGINEERING EXCELLENCE SINCE 1901





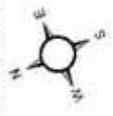
*Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.*

TOWNSHIP CONTEXT MAP





REMINGTON, VERNICK & WALBERG ENGINEERS
 ENGINEERING EXCELLENCE SINCE 1901
 504 N. MAIN STREET, PHILADELPHIA, PA 19106
 215.575.7170 FAX 215.575.2078
 WWW.RVE.COM



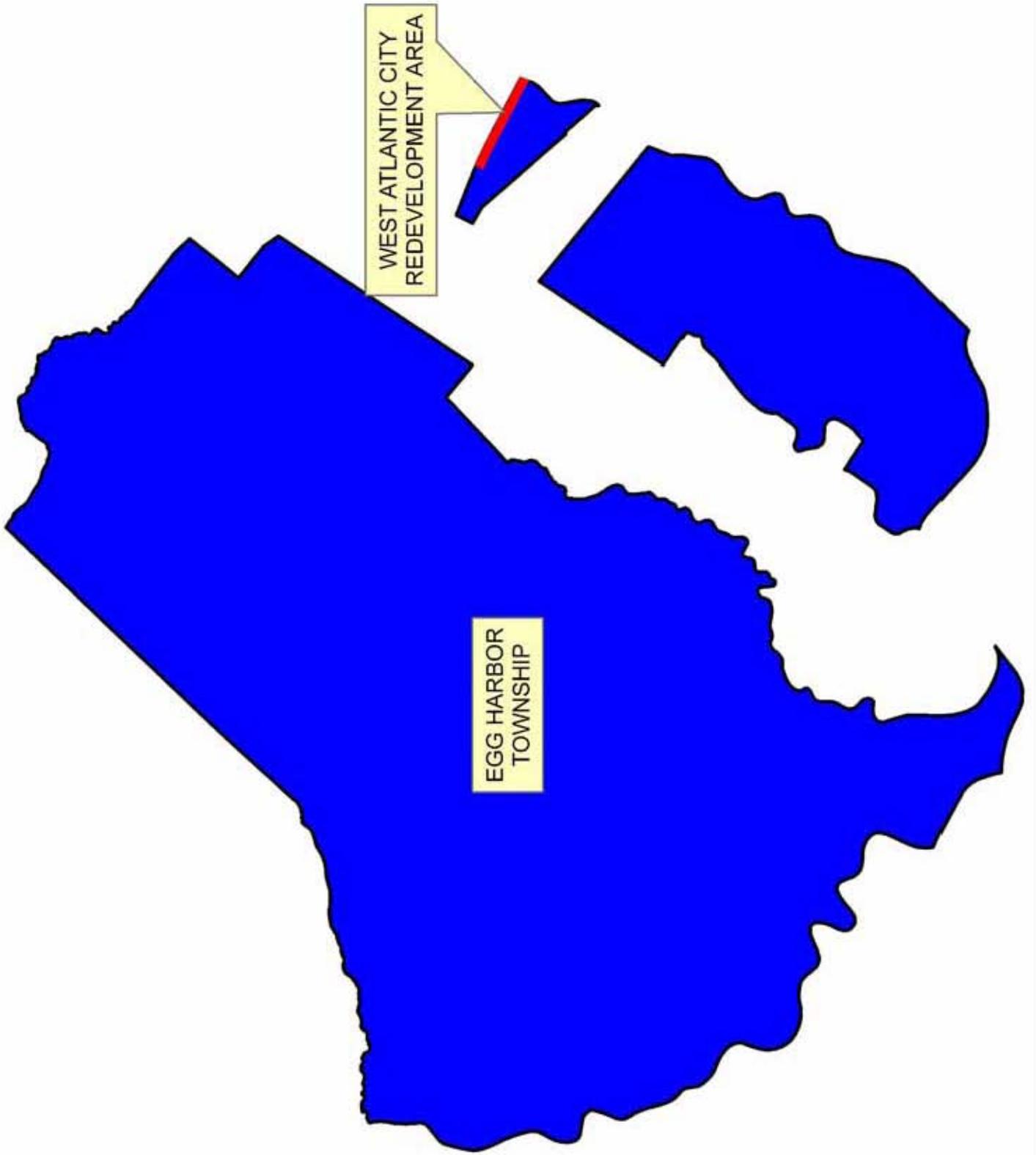
DATE: 12/2/08
 SCALE: N.T.S.

REVISIONS

REV. DATE

REDEVELOPMENT PLAN
 WEST ATLANTIC CITY
 REDEVELOPMENT AREA
 COUNTY CONTEXT MAP

EXHIBIT
 3





*Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.*

REDEVELOPMENT AREA MAP



EXHIBIT
4

REDEVELOPMENT PLAN
WEST ATLANTIC CITY
REDEVELOPMENT AREA
REDEVELOPMENT AREA MAP

REV. DATE

REVISIONS

DATE: 12/2/08

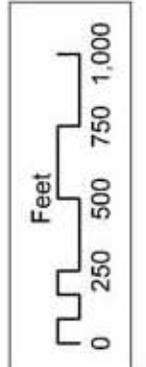
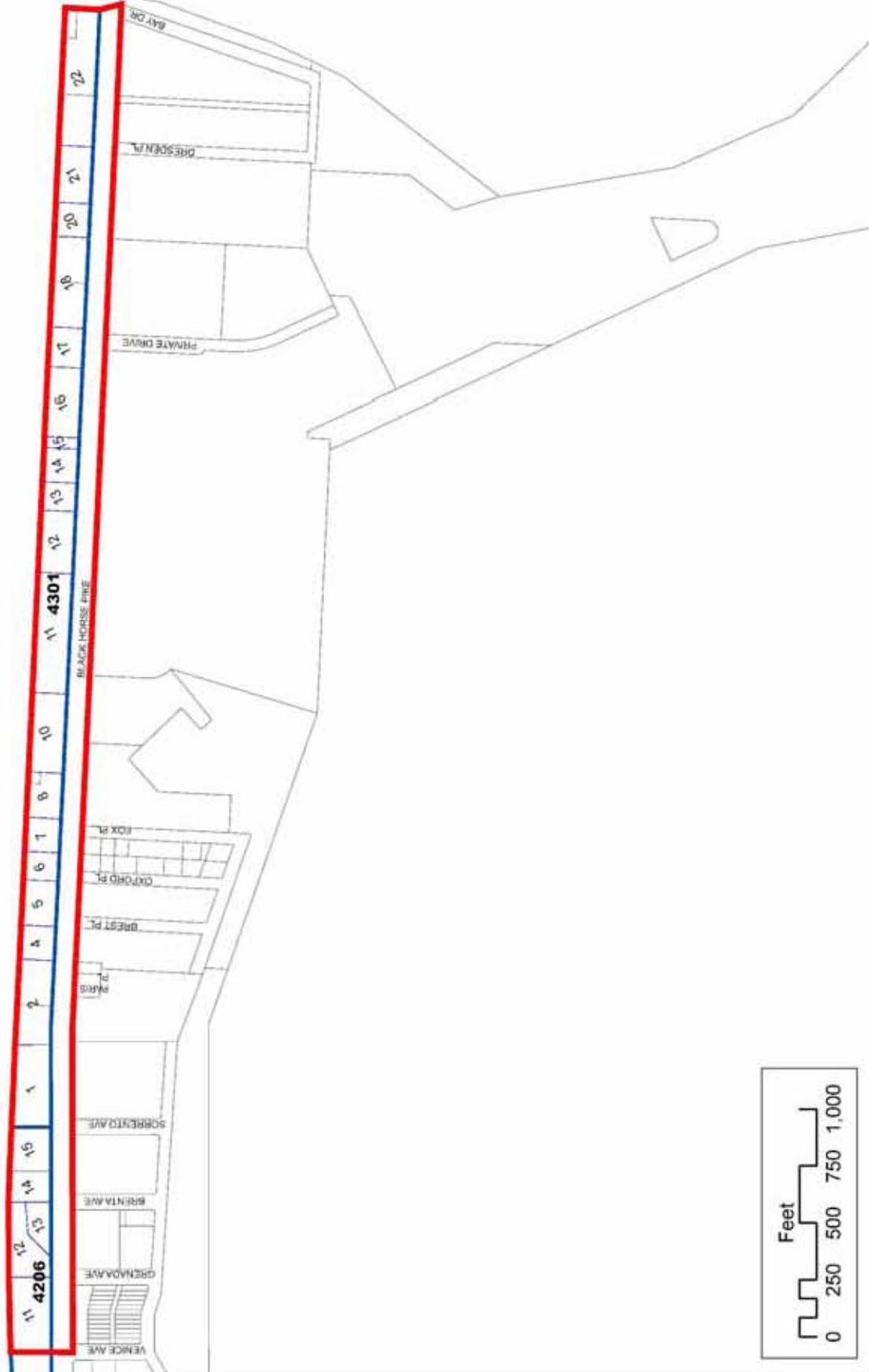
SCALE: As Shown



REMINGTON, VERNICK & WALBERG ENGINEERS
ENGINEERING EXCELLENCE SINCE 1901
854 N MAIN STREET, PLEASANTVILLE, NJ 08223
TEL: 908.625.7100 FAX: 908.625.7078
WEB SITE: WWW.RVW.COM



WEST ATLANTIC CITY REDEVELOPMENT AREA





*Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.*

REDEVELOPMENT AREA AERIAL MAP





REMINGTON, VERNICK & WALBRUG ENGINEERS
 834 N. MAIN STREET, ROCKAWAYVILLE, NJ 08086
 (609) 485-7790 FAX (609) 485-7078
 WEB SITE: WWW.RVE.COM
 ENGINEERING EXCELLENCE SINCE 1901



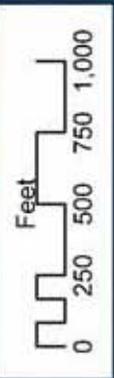
DATE: 12/2/08
 SCALE: As Shown

REVISIONS

REV. DATE

REDEVELOPMENT PLAN
 WEST ATLANTIC CITY
 REDEVELOPMENT AREA
 REDEVELOPMENT AREA AERIAL

EXHIBIT 5



WEST ATLANTIC CITY REDEVELOPMENT AREA





*Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.*

**(UNNUMBERED)
PLANNING BOARD RESOLUTION
(JULY 28, 2008) RECOMMENDING
REDEVELOPMENT AREA DESIGNATION**



Christopher A. Brown, Esquire
LAW FIRM OF CHRISTOPHER A. BROWN
3123 Atlantic Avenue - Suite 201
Atlantic City, New Jersey 08401
(609) 344-8270

Attorneys for the Egg Harbor Township Planning Board

RECOMMENDATION OF
DETERMINATION OF A
REDEVELOPMENT AREA TOWNSHIP
COMMITTEE RESOLUTION NO. 249 OF
2007 FOR BLOCKS 4205, 4206, 4301

*TOWNSHIP OF EGG HARBOR
PLANNING BOARD*

Application No.

DECISION AND RESOLUTION

THIS MATTER, having been heard by the Egg Harbor Township Planning Board ("Planning Board") on Monday, July 28, 2008, at a special meeting at the Egg Harbor Township Community Center, 5045 English Creek Avenue, Egg Harbor Township, New Jersey 08234 and said hearing having been conducted with a quorum present on this matter as presented by Remington, Vernick & Walberg ("RV&W"), licensed professional planners in the State of New Jersey; and

WHEREAS, pursuant to Resolution No. 249 adopted on May 30, 2007, the Egg Harbor Township Committee ("Township Committee") directed the Planning Board to conduct the necessary preliminary investigations and hold a public hearing to determine whether all or a part of the property shown on the Egg Harbor Township Tax Map as Blocks 4201, 4202, 4203, 4204, 4205, 4206, 4207, 4208, 4209, 4210, 4211, 4212, 4213, 4214, 4215, 4216, 4217, 4218, 4219, 4220, 4221, 4222, 4223, 4301, 4302, 4303, 4304, 4305 and 4306, as well as adjacent rights-of-way as depicted on the Official Tax Map of the Township of Egg harbor, and this area may also be described as that portion of Egg Harbor Township located between the City of Atlantic City and the City of Pleasantville, known as West Atlantic City (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 did, pursuant to the above-referenced statute and Township Committee authorization and direction, have a map prepared of the area to be investigated and a redevelopment study conducted by RV&W; and

WHEREAS, the Planning Board in response to the authorization and direction of the Township Committee, did conduct said public hearing on July 28, 2008; and

WHEREAS, notices of said hearing were mailed on July 16, 2008 as required by N.J.S.A. 40A:12A-6b., to all personal within the Study Area whose names appear on the Township Tax Assessment records for each parcel within the Study Area as prepared by the Tax Assessor's office of Egg Harbor Township; and

WHEREAS, notices of said hearing were published in *The Press of Atlantic City* on July 11, 2008 and July 18, 2008; and

WHEREAS, legal notice of the change in location from the Municipal Building to the Egg Harbor Township Community Center at 5045 English Creek Avenue, Egg Harbor Township, Atlantic County, New Jersey 08234 was published in *The Press* and *Courier-Post* on July 25, 2008, along with two display ads published in *The Press* on July 25, 2008 and July 28, 2008; and

WHEREAS, a letter dated July 22, 2008 from Mayor McCullough was mailed to all resident/property owners as set forth in the list prepared by the Tax Assessor's office within the Study Area, that also advised of the change in location of the public hearing and notice of the change in location was also posted on all doors of the Municipal Building; and

WHEREAS, said public hearing as conducted 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 delineated on the map prepared on behalf of the Planning Board qualifies as an "Area in Need of Redevelopment"; and

WHEREAS, the Planning Board has also been provided with a report entitled "Report of Findings: Preliminary Redevelopment Investigation, West Atlantic City Study Area, Egg Harbor Township, Atlantic County, New Jersey" prepared by RV&W Engineers (dated June 20, 2008) which has been marked as Planning Board Exhibit 1;

WHEREAS, Mr. Stuart B. Wisner, Professional Planner of the State of New Jersey, of the firm of RV&W Engineers, was qualified as an expert witness; and

WHEREAS, the attached list of exhibits as noted in the record, are incorporated into the record of this proceeding; and

WHEREAS, Mr. Wisner testified based on the Report of Findings of the West Atlantic City Study Area, that the Study Area qualifies as an "Area in Need of Redevelopment" pursuant to N.J.S.A. 40A:12A-5a, b, c, d, e and h, and that the Study Area is consistent with the State of New Jersey Smart Growth Planning Principles adopted pursuant to law or regulation; and

WHEREAS, pursuant to Mr. Wisner's analysis and findings set forth in the Report of Findings, he herewith recommended:

1. That the Planning Board find, and upon such finding, recommend to the Egg Harbor Township Committee, that portions of the West Atlantic City Study Area as depicted on Exhibit 8.34 of the Report of Findings, herein exhibits conditions which conform with Criterion "a", Criterion "b", Criterion "c", Criterion "d", Criterion "e" and Criterion "h" of the Local Redevelopment & Housing Law;

2. That the Planning Board find, and upon such finding, recommend to the Egg Harbor Township Committee, that to the extent that a particular lot within the West Atlantic City Study Area may be determined not to conform with any of the Statutory Criteria required for Redevelopment Area, would significantly limit the Township's ability to generate a comprehensive and effective redevelopment program for the remaining qualifying lands. Accordingly, the inclusion of such lot, if any, is recommended to be necessary with or without change in its condition for the effective redevelopment of the Area;
3. That upon such finding, the Planning Board recommend to the Egg Harbor Township Committee that the West Atlantic City Study Area be declared to be an "Area in Need of Redevelopment" in accordance with N.J.S.A. 40A:12A-5 and 6;
4. That the Planning Board recommend to the Egg Harbor Township Committee that, should the Township Committee designate the West Atlantic City Study Area, or any portion thereof, 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, NO attorneys representing property owners in the Study Area, appeared; and

WHEREAS, other property owners and members of the public testified, including: (SEE LIST OF PEROPERTY OWNERS AND MEMBERS OF THE PUBLIC WHO TESTIFIED ATTACHED as Exhibit 2); and

WHEREAS, the Planning Board has considered the testimony of the expert and comment by the public, as well as the Redevelopment Study and all other exhibits; and

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

1. A generality of buildings being, alone and in combination, substandard unsafe unsanitary, dilapidated and obsolescent, as well as being conducive to unwholesome living or working conditions (thus satisfying Statutory Criterion "a" for the Parcels as indicated).
2. A discontinuance of the use of commercial buildings and buildings (thus satisfying Statutory Criterion "b" for the Parcels as indicated).
3. Land that is owned by the Township and unimproved vacant land that has remained so for a period of ten years, and that by reason of its location, lack of means of access, topography and nature of the soil, is not likely to be developed through the instrumentality of private capital (thus satisfying Statutory Criterion "c" for the Parcels as indicated).
4. 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 (thus satisfying Statutory Criterion "d" for the Parcels as indicated).

5. A lack of proper utilization of areas caused by diverse ownership of the real property there, a longstanding lack of building maintenance by such ownership and a high incidence of reported criminal activity, resulting in a stagnant and not fully productive condition of land with a demonstrated potential to be useful and valuable for contributing to and serving the public health, safety and welfare (thus satisfying Statutory Criterion "e" for the Parcels as indicated).
6. Lands designated by State Planners to be in an area to be re-designated as a PA-1 (Metropolitan Planning Area) and a Proposed Smart Growth Area; thereby being consistent with smart growth planning principals adopted pursuant to law or regulation (thus satisfying Statutory Criterion "h").
7. To the extent that a particular Study Area lot may be determined not to conform with any of the Statutory Criterion required for Redevelopment Area designation, and where such lot may be located in an area where otherwise conforming lots are located, exclusion of such lot from any resultant Redevelopment Area would significantly limit the Township's ability to generate a comprehensive and effective Redevelopment program for the remaining, qualifying lands. Accordingly, the inclusion of such lot, if any, is determined to be necessary, with or without change in its condition, for the

effective redevelopment of the Study Area (thus satisfying the statutory definition of Redevelopment Area).

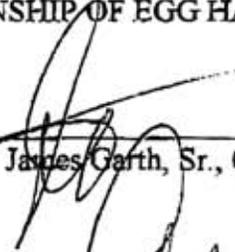
NOW, THEREFORE, BE IT RESOLVED by the EGG HARBOR TOWNSHIP PLANNING BOARD, pursuant to N.J.S.A. 40A:12A-6b(5), that based on the foregoing findings the Egg Harbor Township Planning Board hereby recommends to the Township Committee that a portion of the Study Area as set forth in Exhibit 1 attached to this Resolution, which properties are all located on the north side of the Black Horse Pike, and incorporated herein by reference, be determined to be a Redevelopment Area pursuant to the Statutory Criterion set forth in N.J.S.A. 40A:12A-5 and 6, and specifically Criterion 5a, 5b, 5c, 5d, 5e and 5h; and

BE IT FURTHER RESOLVED that the above shall constitute the recommendation or determination of the Egg Harbor Township Planning Board to the Egg Harbor Township Committee as required by N.J.S.A. 40A:12A-6b(5) and that a copy of this recommendation and referenced and noted exhibits shall be forwarded to the Egg Harbor Township Committee, in accordance with the referenced statute, and, if the Township Committee designates the West Atlantic City Study Area, or a portion thereof, to be an "Area in Need of Redevelopment", that the Township Committee authorize the Planning Board to prepare a Redevelopment Plan for the Redevelopment Area; and

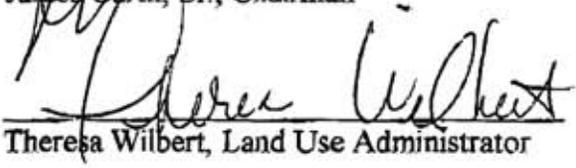
BE IT FURTHER RESOLVED that the Notice of Adoption of the above Resolution shall be published in *the Press of Atlantic City*.

TOWNSHIP OF EGG HARBOR PLANNING BOARD

By:


James Garth, Sr., Chairman

By:


Theresa Wilbert, Land Use Administrator

Dated: 7-28-08

VOTING IN FAVOR OF
AN AREA IN NEED OF
REDEVELOPMENT:

ABSTENTIONS:

OPPOSED:

None

Aponte

Carman

Eykyn

Flipping

Garth

Levy

Lisa

McCulough

Miller

Exhibit 1

BLOCK	LOT
4205.00	1.00
4205.00	2.00
4205.00	3.00
4206.00	1.00
4206.00	2.00
4206.00	3.00
4206.00	6.00
4206.00	7.00
4206.00	11.00
4206.00	12.00
4301.00	4.00
4301.00	5.00
4301.00	6.00
4301.00	7.00
4301.00	10.00
4301.00	11.00
4301.00	12.00
4301.00	13.00
4301.00	14.00
4301.00	15.00
4301.00	16.00
4301.00	17.00
4301.00	20.00
4301.00	21.00
4206.00	14.00
4206.00	13.00
4206.00	15.00
4301.00	1.00
4206.00	4.00
4206.00	8.00
4301.00	18.00
4301.00	22.00
4301.00	8.00
4301.00	2.00

Exhibit 2

Speakers

Mrs. Dougherty

Mr. Black

Ms. Pepe

Mr. Johnson

Ms. Mishler

Mr. Dougherty

Mr. Rajpup

Mr. Dand

Ms. Callaghan

Ms. Makwana

Mr. Sween

Ms. Morrow

Mr. Dougherty

Ms. Broom-Smith

Mr. Aesch

Ms. Johnson

Mr. Rogers

Ms. Martin

Mr. Patel

Mr. Israel

Mr. Pitkow



*Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.*

**TOWNSHIP RESOLUTION
NO. 376-2008**



Egg Harbor Township

Resolution No. 376

2008

ACCEPTING THE RECOMMENDATIONS OF THE PLANNING BOARD DESIGNATIVE ALL LOTS IN BLOCKS 4205,4206 AND 4301 OF THE OFFICIAL TAX MAP OF THE TOWNSHIP OF EGG HARBOR, AS WELL AS ADJACENT RIGHTS-OF-WAY, AS AN "AREA IN NEED OF REDEVELOPMENT" PURSUANT TO THE NEW JERSEY LOCAL REDEVELOPMENT AND HOUSING LAW; & DIRECTING THAT THE PLANNING BOARD PREPARE A REDEVELOPMENT PLAN FOR SUCH REDEVELOPMENT AREA.

WHEREAS, there exists in the Township of Egg Harbor in Atlantic County, New Jersey ("Township"), an approximately 290-acre, 304-lot area located between the City of Atlantic City and the City of Pleasantville known locally as West Atlantic City ("West Atlantic City"); and

WHEREAS, on May 30, 2007, the Egg Harbor Township Committee adopted Township Resolution No. 249 of 2007, thereby directing the Egg Harbor Township Planning Board to conduct the necessary investigations, make the requisite public notice and hold the Statutorily-mandated public hearing to determine whether or not the West Atlantic City Study Area, more particularly described as all properties in Blocks 4201, 4202, 4203, 4204, 4205, 4206, 4207, 4208, 4209, 4210, 4211, 4212,4213, 4214, 4215, 4216, 4217, 4218, 4219, 4220, 4221, 4222, 4223, 4301, 4302, 4303, 4304, 4305 and 4306 on the Official Tax Map of the Township of Egg Harbor, along with the rights-of-way adjacent thereto, qualify as an "Area in Need of Redevelopment" as such term is defined in the New Jersey Local Redevelopment & Housing Law (N.J.S.A. 40A:12A-1 et seq. - "Redevelopment Statute"); and

WHEREAS, Resolution No. 249 of 2007 further directed that, at the conclusion of the Preliminary Investigation, the Planning Board shall submit its findings and recommendations to the Township Committee in the form of a Resolution with supportive documentation; and

WHEREAS, the Township Committee engaged the services of Remington, Vernick and Walberg ("RV&W"), licensed Professional Planners in the State of New Jersey, to assist the Planning Board with this Investigation; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-6b (1), the Planning Board, via an unnumbered Resolution adopted June 18, 2007, directed that a map of the area to be investigated, depicting the boundaries of the area and the individual lots therein, along with a statement setting forth the Township's basis for such investigation, be prepared and placed on file with the Township Clerk; and

WHEREAS, RV&W conducted its analyses and submitted to the Planning Board a Report of Findings: Preliminary (Redevelopment) Investigation, West Atlantic City Study Area, Egg Harbor Township, Atlantic County, New Jersey (dated June 20, 2008) ["Report of Findings" ~ marked "Planning Board Exhibit 1"]; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-6b (2), the Planning Board scheduled the public hearing on this matter for July 28, 2008; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-6b (3), the Planning Board, on July 16, 2008, mailed notices of the July 28, 2008 public hearing to all persons within West Atlantic City whose names appear on the Township's Tax Assessment records for each parcel within West Atlantic City as prepared by the Tax Assessor's office of Egg Harbor Township; and

WHEREAS, such mailed public notice informed the recipients that "Any and all interested persons may attend the Planning Board hearing and provide testimony, ask questions, state objections or express support to the Planning Board in regard to this matter" and further included a statement informing the recipients that "The designation that a particular property is In Need of Redevelopment operates as a finding of public purpose and authorizes the Township to take the property against the owner's will (that is, by eminent domain) for an approved Redevelopment project. Property owners who wish to contest such a Redevelopment Area designation shall have a presumptive time limit of 45 days from the date the Township Committee makes such a designation to take legal action to challenge such designation"; and

WHEREAS, also pursuant to N.J.S.A. 40A:12A-6b (3), notices of the public hearing were published in *The Press of Atlantic City* on July 11, 2008 and July 18, 2008; and

WHEREAS, in order to accommodate the expected audience for the public hearing, the Planning Board elected to move the location of the hearing from the Egg Harbor Township Municipal Building at 3515 Bargaintown Road, Egg Harbor Township, Atlantic County, New Jersey to the larger Township Community Center at 5045 English Creek Avenue, Egg Harbor Township, Atlantic County, New Jersey 08234; and

WHEREAS, legal notice of such change in location was published in *The Press of Atlantic City* and the *Courier-Post* on July 25, 2008, along with two display ads published in *The Press of Atlantic City* on July 25, 2008 and July 28, 2008; and

WHEREAS, a letter dated July 22, 2008 from the Mayor of the Township was mailed to all resident/property owners within West Atlantic City as set forth on the list prepared by the Tax Assessor's office; which letter advised of the change in location of the public hearing; and

WHEREAS, notice of the change in location was posted on the doors of the Egg Harbor Township Municipal Building at 3515 Bargaintown Road; and

WHEREAS, on July 28, 2008, the Planning Board reviewed the Report of Findings and held the public

hearing regarding said analysis. At the public hearing, the Planning Board heard a presentation of the Report of Findings from Mr. Stuart B. Wiser, P.P., AICP, of RV&W, under whose direction the Report of Findings was prepared; and

WHEREAS, both the Report of Findings and a power-point presentation of the Report of Findings were entered into the public record by Mr. Wiser; and

WHEREAS, also at the public hearing, the Planning Board heard from all persons in attendance who were interested in or who would be affected by a determination that West Atlantic City, or any part thereof, qualifies as an "Area in Need of Redevelopment". All statements of opposition and support of such a determination were received, carefully considered and made part of the public record; and

WHEREAS, at the end of the public hearing, the Planning Board, after careful consideration of the Report of Findings, the testimony of Mr. Wiser and the testimony from the members of the public in attendance, and after due and careful deliberation, adopted an unnumbered Resolution dated July 28, 2008 ("PB Resolution" ~ incorporated herein as if reprinted in full), which Resolution found that, based on the substantial credible evidence presented at the public hearing, West Atlantic City exhibits:

1. A generality of buildings being, alone and in combination, substandard unsafe, unsanitary, dilapidated and obsolescent, as well as being conducive to unwholesome living or working conditions (thus satisfying Redevelopment Criterion "a" for the Parcels as indicated in the Report of Findings);
2. A discontinuance of the use of commercial buildings and buildings (thus satisfying Redevelopment Criterion "b" for the Parcels as indicated in the Report of Findings);
3. Land that is owned by the Township, and unimproved vacant land that has remained so for a period of ten years, and that by reason of its location, lack of means of access, topography and nature of the soil, is not likely to be developed through the instrumentality of private capital (thus satisfying Redevelopment Criterion "c" for the Parcels as indicated in the Report of Findings);
4. 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 (thus satisfying Redevelopment Criterion "d" for the Parcels as indicated in the Report of Findings);
5. A lack of proper utilization of areas caused by diverse ownership of the real property there, a longstanding lack of building maintenance by such ownership and a high incidence of reported criminal activity, resulting

in a stagnant and not fully productive condition of land with a demonstrated potential to be redeveloped and valuable for contributing to and serving the public health, safety and welfare (thus satisfying Redevelopment Criterion "e" for the Parcels as indicated in the Report of Findings);

6. Lands designated by State Planners to be in an area to be re-designated as a PA-1 (Metropolitan Planning Area) and a Proposed Smart Growth Area; thereby being consistent with smart growth planning principals adopted pursuant to law or regulation (thus satisfying Redevelopment Criterion "h" for the entirety of West Atlantic City); and
7. To the extent that a particular West Atlantic City lot may be determined not to conform with any of the Criterion required for Redevelopment Area designation, and where such lot may be located in an area where otherwise conforming lots are located, exclusion of such lot from any resultant Redevelopment Area would significantly limit the Township's ability to generate a comprehensive and effective Redevelopment program for the remaining, qualifying lands. Accordingly, the inclusion of such lot, if any, is determined to be necessary, with or without change in its condition, for the effective redevelopment of West Atlantic City (thus satisfying the statutory definition of a Redevelopment Area); and

WHEREAS, after full and careful consideration of the Report of Findings, the testimony of Mr. Wisner and the testimony from the members of the public in attendance, and after due and careful deliberation, the Planning Board, via the PB Resolution, recommended to the Township Committee that that portion of West Atlantic City described as all properties located on Blocks 4205, 4206 and 4301 on the official tax map of the Township of Egg Harbor (see attached), having been found to conform with Redevelopment Criterion 5a, 5b, 5c, 5d, 5e and 5h, be declared to be an Area In Need of Redevelopment pursuant to N.J.S.A. 40A:12A-5 and 6; and

WHEREAS, the PB Resolution further ordered that a copy of the recommendation and referenced and noted exhibits be forwarded to the Egg Harbor Township Committee, in accordance with N.J.S.A. 40A:12A-6b (5), along with a recommendation that, if the Township Committee designates any portion of West Atlantic City to be an "Area in Need of Redevelopment", that the Township Committee authorize the Planning Board to prepare a Redevelopment Plan for the Redevelopment Area; and

WHEREAS, the PB Resolution further ordered that the Notice of Adoption of the Planning Board's Resolution be published in *the Press of Atlantic City*; and

WHEREAS, the Township Committee has received the Resolution and recommendations of the Planning Board, along with the Report of Findings and all referenced and noted exhibits, and has carefully considered same; and

WHEREAS, in addition to the aforementioned material, the Township Committee at a public hearing in an official, noticed Committee meeting, attended the Planning Board's July 28, 2008 public hearing on the West Atlantic City Preliminary Investigation, and did hear the Report of Findings, the testimony of Mr. Wisner, the testimony from the members of the public in attendance and the deliberations of the Planning Board;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Egg Harbor, County of Atlantic, State of New Jersey, that having carefully considered the analyses, findings and recommendations contained in the Report of Findings, the testimony of Mr. Wisner at the Planning Board's public hearing, the testimony from the members of the public in attendance at the Planning Board's public hearing, and the deliberations of the Planning Board, as well as the determinations and recommendations of the Planning Board as embodied in the PB Resolution, Township Committee, after due and careful deliberation, hereby finds and determines that:

1. All properties located on Blocks 4205, 4206 and 4301 on the official tax map of the Township of Egg Harbor exhibit conditions which, variously conform with Criterion 'a', Criterion 'b', Criterion 'c', Criterion 'd', Criterion 'e' and Criterion 'h' of the *Local Redevelopment and Housing Law*.
2. Blocks 4205, 4206 and 4301, as described, contain lands and buildings which, due to their location, relationship to other lots within said Blocks and other factors, are found necessary, with or without change in their condition, for the effective planning and redevelopment of said Blocks, thereby satisfying the Statutory definition of a Redevelopment Area as contained in the *Local Redevelopment and Housing Law*.

BE IT FURTHER RESOLVED, that the Township Committee concurs with the recommendations of the Planning Board and herewith declares all lots in Blocks 4205, 4206 and 4301 on the official tax map of the Township of Egg Harbor, along with certain adjacent rights-of-way, as depicted on Exhibit 1 hereto, to be an Area In Need of Redevelopment pursuant to the *Local Redevelopment and Housing Law*; and designates this area the West Atlantic City Redevelopment Area.

BE IT FURTHER RESOLVED, that the Planning Board is herewith directed to prepare a Redevelopment Plan for the West Atlantic City Redevelopment Area.

Dated: August 13, 2008

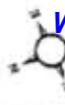
Attest:

Eileen M. Tedesco, RMC
Township Clerk

James J. McCullough, Mayor



REMINGTON, VERNICK & WALBERG ENGINEERS
200 N. WALBERT RD. SUITE 200
EGG HARBOR TOWNSHIP, NJ 08224
TEL: 856-895-1100 FAX: 856-895-1101
WWW.RVWENGINEERS.COM



DATE: 8/26/08
SCALE: AS SHOWN

REVISIONS

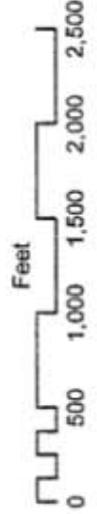
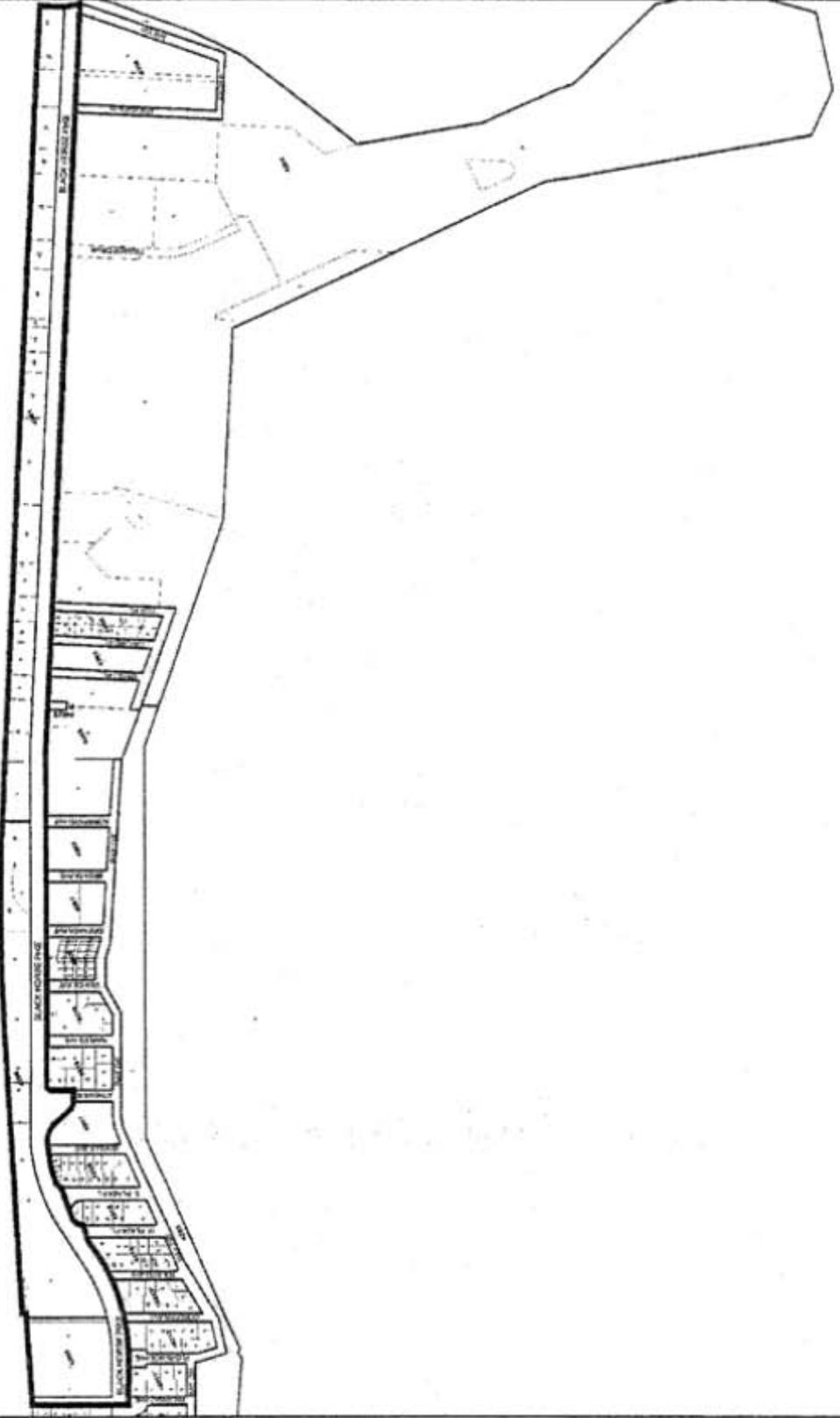
REV. DATE

REV.	DATE

WEST ATLANTIC CITY
REDEVELOPMENT AREA
REDEVELOPMENT AREA MAP

EXHIBIT
1

WEST ATLANTIC CITY
REDEVELOPMENT AREA





*Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.*

**NJDCA REDEVELOPMENT AREA
CORRESPONDENCE
(SEPTEMBER 17, 2008)**





State of New Jersey
 DEPARTMENT OF COMMUNITY AFFAIRS
 OFFICE OF SMART GROWTH
 101 SOUTH BROAD STREET
 PO BOX 204
 TRENTON NJ 08625-0204

*C: Terry Wilbert, LUA
 James MOH, Engineer*

R E C E I V E D
 SEP 22 2008

TOWNSHIP OF EGG HARBOR
 OFFICE OF THE GOVERNING BODY

*JOSEPH V. DORIA, JR.
 Commissioner*

*BENJAMIN L. SPINELLI
 Executive Director*

JON S. CORZINE
Governor

September 17, 2008

The Honorable James J. McCullough
 Mayor of Egg Harbor Township
 3515 Bargaintown Road
 Egg Harbor Township, New Jersey 08234-8321

Re: Review of Area in Need of Redevelopment Designation

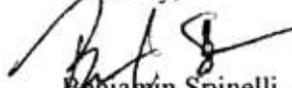
Dear Mayor McCullough:

We are in receipt of Resolution 2008-376 designating the area located between the City of Atlantic City and the City of Pleasantville, as an area in need of redevelopment pursuant to N.J.S.A. 40A:12A-6. The Office of Smart Growth (OSG), according to the State Development and Redevelopment Plan has determined that a portion of the designated area is situated in both an Environmentally Sensitive Planning Area (PA-5), an area in which development and redevelopment is not encouraged, and a portion in the Metropolitan Planning Area (PA-1) where development and redevelopment is encouraged.

However, the PA-5 portion of the site was slated to change to PA-1 during the cross acceptance process. Pursuant to the Local Redevelopment & Housing Law, DCA approves this designation of an area in need of Redevelopment. The approval of this designation by the Department of Community Affairs is based upon the geographic location of the proposed redevelopment area in relation to the State Planning Act and State Development and Redevelopment Plan. The Department's approval of this designation should not be construed as, and does not constitute, a determination by the Department that the decision of the local governing body that the area in question is an area in need of redevelopment otherwise complies with the pertinent requirements of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., and other applicable legal principles governing the designation of areas in need of redevelopment under that Law.

As you take the next steps in the redevelopment process, I encourage you to contact the Office of Smart Growth who can provide technical assistance to assist your community in advancing these efforts. Please feel free to contact the Office of Smart Growth at (609) 292-7156 if you need further assistance.

Sincerely,


 Benjamin Spinelli
 Executive Director

BS:km

cc: Peter Miller, Township Administrator, Egg Harbor Township
 John Peterson, Atlantic County Planner
 Emily Templeton, Division of Codes and Standards





*Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.*

**TOWNSHIP RESOLUTION
NO. 415-2008**



Egg Harbor Township

Resolution No. 415

2008

**RESOLUTION AMENDING TOWNSHIP RESOLUTION NO. 376-2008 TO REDUCE THE
SIZE OF THE WEST ATLANTIC CITY REDEVELOPMENT AREA BY EXCLUDING
PREVIOUSLY INCLUDED BLOCK 4205, LOTS 1,2 & 3 AND BLOCK 4206, LOTS 1, 2, 3,
4, 5, 6, 7, 8, 9 AND 10.**

WHEREAS, there exists in the Township of Egg Harbor in Atlantic County, New Jersey ("Township"), an approximately 290-acre, 304-lot area located between the City of Atlantic City and the City of Pleasantville known locally as West Atlantic City ("West Atlantic City"); and

WHEREAS, on May 30, 2007, the Egg Harbor Township Committee adopted Township Resolution No. 249 of 2007, thereby directing the Egg Harbor Township Planning Board to conduct the necessary investigations, make the requisite public notice and hold the Statutorily-mandated public hearing to determine whether or not the West Atlantic City Study Area, more particularly described as all properties in Blocks 4201, 4202, 4203, 4204, 4205, 4206, 4207, 4208, 4209, 4210, 4211, 4212, 4213, 4214, 4215, 4216, 4217, 4218, 4219, 4220, 4221, 4222, 4223, 4301, 4302, 4303, 4304, 4305 and 4306 on the Official Tax Map of the Township of Egg Harbor, along with the rights-of-way adjacent thereto, qualify as an "Area in Need of Redevelopment" as such term is defined in the New Jersey *Local Redevelopment & Housing Law* (N.J.S.A. 40A:12A-1 et seq. - "Redevelopment Statute"); and

WHEREAS, the Township Committee engaged the services of Remington, Vernick and Walberg ("RV&W"), licensed Professional Planners in the State of New Jersey, to assist the Planning Board with this Investigation; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-6b (1), the Planning Board, via an unnumbered Resolution adopted June 18, 2007, directed that a map of the area to be investigated, depicting the boundaries of the area and the individual lots therein, along with a statement setting forth the Township's basis for such investigation, be prepared and placed on file with the Township Clerk; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-6b (2), the Planning Board scheduled the public hearing on this matter for July 28, 2008; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-6b (3), the Planning Board, on July 16, 2008, mailed notices of the July 28, 2008 public hearing to all persons within West Atlantic City whose names appear on the Township's Tax Assessment records for each parcel within West Atlantic City as prepared by the Tax Assessor's office of Egg Harbor Township; and

WHEREAS, such mailed public notice informed the recipients that "Any and all interested persons may attend the Planning Board hearing and provide testimony, ask questions, state objections or express support to the Planning Board in regard to this matter" and further included a statement informing the recipients that "The designation that a particular property is In Need of Redevelopment operates as a finding of public purpose and authorizes the Township to take the property against the owner's will (that is, by eminent domain) for an approved

action to challenge such designation”; and

WHEREAS, also pursuant to N.J.S.A. 40A:12A-6b (3), notices of the public hearing were published in *The Press of Atlantic City* on July 11, 2008 and July 18, 2008; and

WHEREAS, on July 28, 2008, the Planning Board held its public hearing on the matter, at which time it reviewed a Report of Findings: Preliminary (Redevelopment) Investigation, West Atlantic City Study Area, Egg Harbor Township, Atlantic County, New Jersey (dated June 20, 2008) prepared by RV&W, heard a presentation of the Report of Findings from RV&W, and heard from all persons in attendance who were interested in or who would be affected by a determination that West Atlantic City, or any part thereof, qualifies as an “Area in Need of Redevelopment”; and

WHEREAS, at the end of the public hearing, the Planning Board, after careful consideration of the Report of Findings, the testimony of RV&W and the testimony from the members of the public in attendance, and after due and careful deliberation, adopted an unnumbered Resolution dated July 28, 2008 (“PB Resolution” ~ incorporated herein as if reprinted in full), which Resolution found that, based on the substantial credible evidence presented at the public hearing, the properties in West Atlantic City exhibit conditions which, variously, satisfy Redevelopment Criteria “5a”, “5b”, “5c”, “5d”, “5e” & “5h” of the Redevelopment Statute; and

WHEREAS, the Planning Board further found that, to the extent that a particular West Atlantic City lot may be determined not to conform with any of the Criterion required for Redevelopment Area designation, and where such lot may be located in an area where otherwise conforming lots are located, exclusion of such lot from any resultant Redevelopment Area would significantly limit the Township’s ability to generate a comprehensive and effective Redevelopment program for the remaining, qualifying lands. Accordingly, the inclusion of such lot, if any, is determined to be necessary, with or without change in its condition, for the effective redevelopment of West Atlantic City (thus satisfying the statutory definition of a Redevelopment Area); and

WHEREAS, after full and careful consideration of the Report of Findings, the testimony of RV&W and the testimony from the members of the public in attendance, and after due and careful deliberation, the Planning Board, via the PB Resolution, recommended to the Township Committee that that portion of West Atlantic City to the north of the Black Horse Pike, more particularly described as all properties located on Blocks 4205, 4206 and 4301 on the official tax map of the Township of Egg Harbor, having been found to conform with Redevelopment Criterion 5a, 5b, 5c, 5d, 5e and 5h, be declared to be an Area In Need of Redevelopment pursuant to N.J.S.A. 40A:12A-5 and 6; and

WHEREAS, the Township Committee received the Resolution and recommendations of the Planning Board, along with the Report of Findings and all relevant exhibits and materials, and carefully considered same; and

WHEREAS, in addition to the aforementioned materials, the Township Committee, as a public body in an official, noticed Committee meeting, attended the Planning Board’s July 28, 2008 public hearing on the West Atlantic City Preliminary Investigation, and did hear the Report of Findings, the testimony of RV&W, the testimony from the members of the public in attendance and the deliberations of the Planning Board; and

WHEREAS, after carefully considering the analyses, findings and recommendations contained in the Report of Findings, the testimony of RV&W at the Planning Board’s public hearing, the testimony from the members of the public in attendance at the Planning Board’s public hearing, and the deliberations of the Planning Board, as well as the determinations and recommendations of the Planning Board as embodied in the PB Resolution, Township Committee, after due and careful deliberation, adopted Resolution No. 376-2008, thereby declaring all lots in Blocks

as described, contain lands and buildings which, due to their location, relationship to other lots within said Blocks and other factors, are found necessary, with or without change in their condition, for the effective planning and redevelopment of said Blocks, thereby satisfying the Statutory definition of a Redevelopment Area as contained in the *Local Redevelopment and Housing Law*; and

WHEREAS, on August 7, 2008, the Appellate Division of the Superior Court of New Jersey handed down a decision in City of Long Branch v. Anzalone, et als., etc., No. A-0067-06T2, etc., (App. Div. August 7, 2008), which reinforced and expanded the constitutional standards necessary to support a "Redevelopment Area" determination as mandated by the New Jersey Supreme Court in Gallenthin Realty v. Borough of Paulsboro, 191 N.J. 344(2007); and

WHEREAS, one of the many issues addressed by the Appellate Division in Long Branch was the extent to which lands, buildings or improvements which of themselves are not detrimental to the public health, safety or welfare, can be included within a Redevelopment Area if such lands are found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part. While not definitively addressing this issue, the Appellate Division did include in its decision (p.62)

It stands to reason that the more remote the location from the core of a blighted area, the weaker the case for inclusion; and

WHEREAS, as a result of the Township Committee's actions in limiting the West Atlantic City Redevelopment Area to the that section of West Atlantic City east of Palermo Avenue (and north of the Black Horse Pike), Block 4205, Lots 1, 2 & 3 and Block 4206, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 & 10, are on the western edge of the Redevelopment Area; and

WHEREAS, these lots, taken as a group, satisfied significantly fewer Redevelopment Criteria than the balance of the designated Redevelopment Area and were included in the Redevelopment Area because they were found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Egg Harbor, County of Atlantic, State of New Jersey, that based on the heightened standards set forth by the Appellate Division in City of Long Branch v. Anzalone, and after reevaluating the conditions of Block 4205, Lots 1, 2 & 3 and Block 4206, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 & 10 and their inclusion in the West Atlantic City Redevelopment Area, it is ordered that these lots be removed from the West Atlantic City Redevelopment Area.

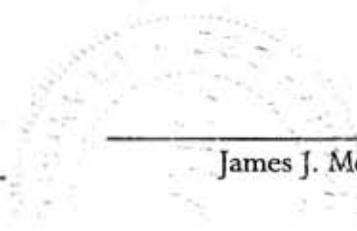
BE IT FURTHER RESOLVED, that the boundaries of the Redevelopment Area are to be as depicted on the attached map.

BE IT FURTHER RESOLVED, that Township Resolution No. 376-2008 is hereby amended to the extent detailed herein.

Dated: September 10, 2008

Attest:

Eileen M. Tedesco, RMC



James J. McCullough, Mayor



*Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.*

**NJDCA REDEVELOPMENT AREA
CORRESPONDENCE
(OCTOBER 6, 2008)**





State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS

OFFICE OF SMART GROWTH

101 SOUTH BROAD STREET

PO BOX 204

TRENTON NJ 08625-0204

October 6, 2008

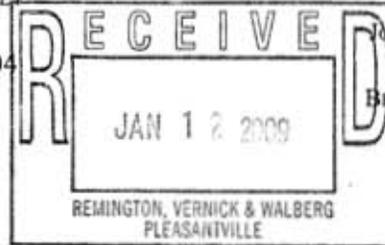
C: E. Tedesco
S. Weiser, R+U

RECEIVED

TOWNSHIP OF EGG HARBOR
ADMINISTRATIVE SERVICES

JON S. CORZINE
Governor

The Honorable James J. McCullough
Mayor of Egg Harbor Township
3515 Bargaintown Road
Egg Harbor Township, New Jersey 08234-8321



JOSEPH V. DORIA, JR.
Commissioner

BENJAMIN L. SPINELLI
Executive Director

Re: Review of Area in Need of Redevelopment Designation

Dear Mayor McCullough:

We are in receipt of Resolution 2008-415 designating the area located between the City of Atlantic City and the City of Pleasantville, as an area in need of redevelopment pursuant to N.J.S.A. 40A:12A-6. The Office of Smart Growth (OSG), according to the State Development and Redevelopment Plan has determined that a portion of the designated area is situated in both an Environmentally Sensitive Planning Area (PA-5), an area in which development and redevelopment is not encouraged, and a portion in the Metropolitan Planning Area (PA-1) where development and redevelopment is encouraged.

However, the PA-5 portion of the site was slated to change to PA-1 during the cross acceptance process. Pursuant to the Local Redevelopment & Housing Law, DCA approves this designation of an area in need of Redevelopment. The approval of this designation by the Department of Community Affairs is based upon the geographic location of the proposed redevelopment area in relation to the State Planning Act and State Development and Redevelopment Plan. The Department's approval of this designation should not be construed as, and does not constitute, a determination by the Department that the decision of the local governing body that the area in question is an area in need of redevelopment otherwise complies with the pertinent requirements of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., and other applicable legal principles governing the designation of areas in need of redevelopment under that Law.

As you take the next steps in the redevelopment process, I encourage you to contact the Office of Smart Growth who can provide technical assistance to assist your community in advancing these efforts. Please feel free to contact the Office of Smart Growth at (609) 292-7156 if you need further assistance.

Sincerely,

Benjamin Spinelli
Executive Director

BS:km

- cc: Peter Miller, Township Administrator, Egg Harbor Township
- John Peterson, Atlantic County Planner
- Emily Templeton, Division of Codes and Standards
- Atlantic County Redevelopment Folder





State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS
OFFICE OF SMART GROWTH
101 SOUTH BROAD STREET
PO BOX 204
TRENTON NJ 08625-0204

JON S. CORZINE
Governor

JOSEPH V. DORIA, JR.
Commissioner

BENJAMIN L. SPINELLI
Executive Director

October 6, 2008

The Honorable James J. McCullough
Mayor of Egg Harbor Township
3515 Bargaintown Road
Egg Harbor Township, New Jersey 08234-8321

Re: Review of Area in Need of Redevelopment Designation

Dear Mayor McCullough:

We are in receipt of Resolution 2008-415 designating the area located between the City of Atlantic City and the City of Pleasantville, as an area in need of redevelopment pursuant to N.J.S.A. 40A:12A-6. The Office of Smart Growth (OSG), according to the State Development and Redevelopment Plan has determined that a portion of the designated area is situated in both an Environmentally Sensitive Planning Area (PA-5), an area in which development and redevelopment is not encouraged, and a portion in the Metropolitan Planning Area (PA-1) where development and redevelopment is encouraged.

However, during the cross-acceptance process in 2007, this portion of Egg Harbor Township was the subject of a great deal of analysis. After review by the Office of Smart Growth staff, all relevant state agencies and representatives from Atlantic County, amendments to the draft State Plan Map were proposed. These amendments would re-designate additional areas of the West Atlantic City portion of Egg Harbor Township as Metropolitan Planning Area (PA-1). Although these changes will not officially occur until the final adoption of the 2008 update of the State Plan, they have been reviewed through the cross-acceptance process and the subject of public hearings. For this reason we are considering this area of your community appropriate for redevelopment.

Pursuant to the Local Redevelopment & Housing Law, DCA approves this designation of an area in need of Redevelopment. The approval of this designation by the Department of Community Affairs is based upon the geographic location of the proposed redevelopment area in relation to the State Planning Act and State Development and Redevelopment Plan. The Department's approval of this designation should not be construed as, and does not constitute, a determination by the Department that the decision of the local governing body that the area in question is an area in need of redevelopment otherwise complies with the pertinent requirements of the Local Redevelopment and

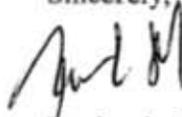


The Honorable James J. McCullough
Page Two
October 6, 2008

Housing Law, N.J.S.A. 40A:12A-1 et seq., and other applicable legal principles governing the designation of areas in need of redevelopment under that Law.

As you take the next steps in the redevelopment process, I encourage you to contact the Office of Smart Growth who can provide technical assistance to assist your community in advancing these efforts. Please feel free to contact the Office of Smart Growth at (609) 292-7156 if you need further assistance.

Sincerely,



Benjamin Spinelli
Executive Director

BS:km

cc: Peter Miller, Township Administrator, Egg Harbor Township
John Peterson, Atlantic County Planner
Emily Templeton, Division of Codes and Standards
Atlantic County Redevelopment Folder



*Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.*

PRE-EXISTING ZONING MAP





WEST ATLANTIC CITY REDEVELOPMENT AREA

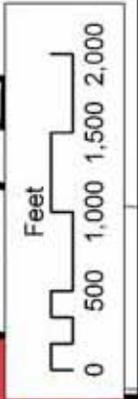
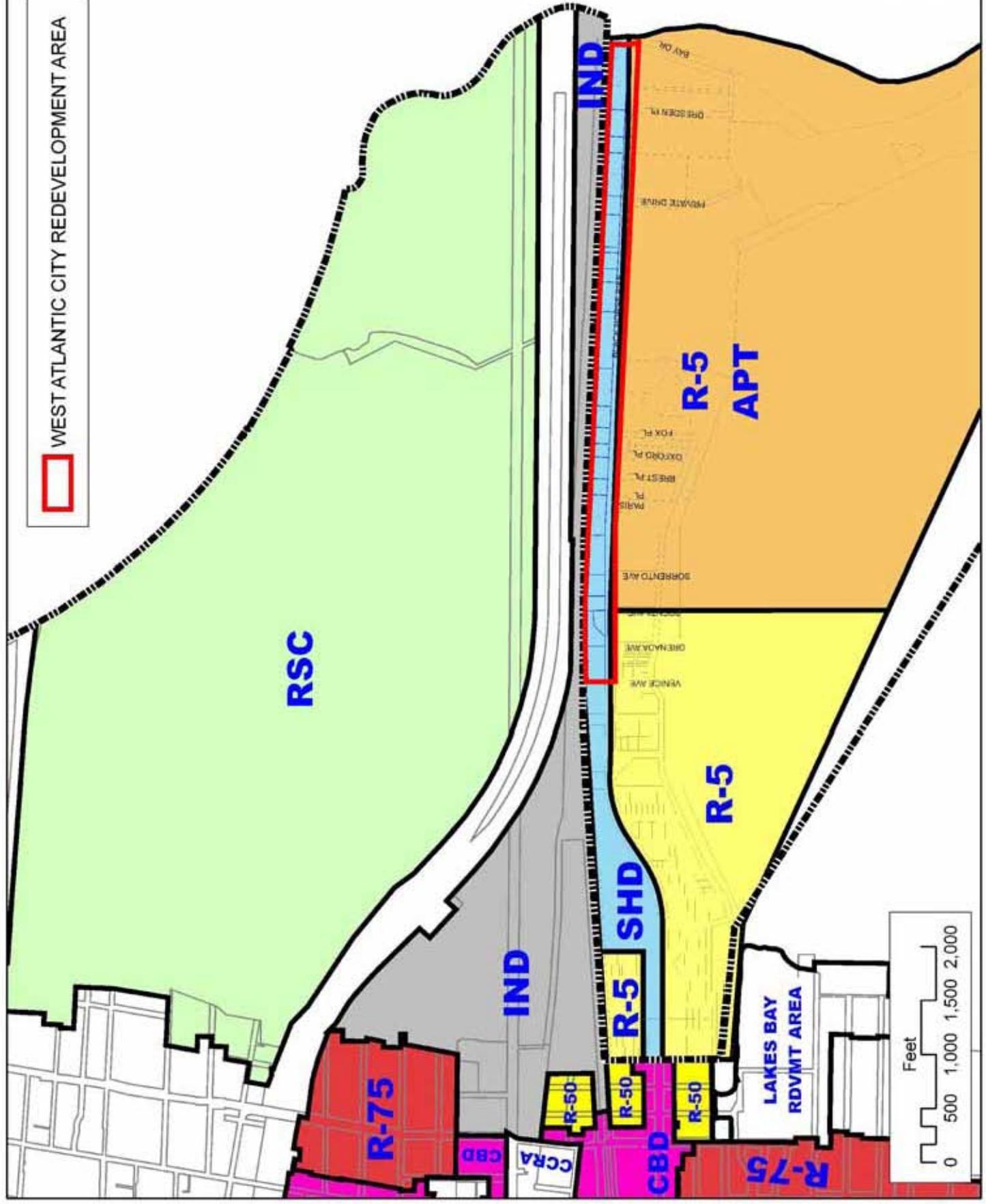


EXHIBIT 11(a)

REDEVELOPMENT PLAN
WEST ATLANTIC CITY
REDEVELOPMENT AREA
PROPOSED ZONING -
CITY OF PLEASANTVILLE

REV. DATE

REVISIONS

DATE: 12/2/08

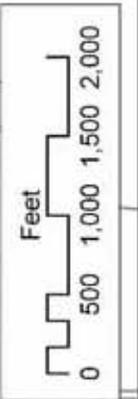
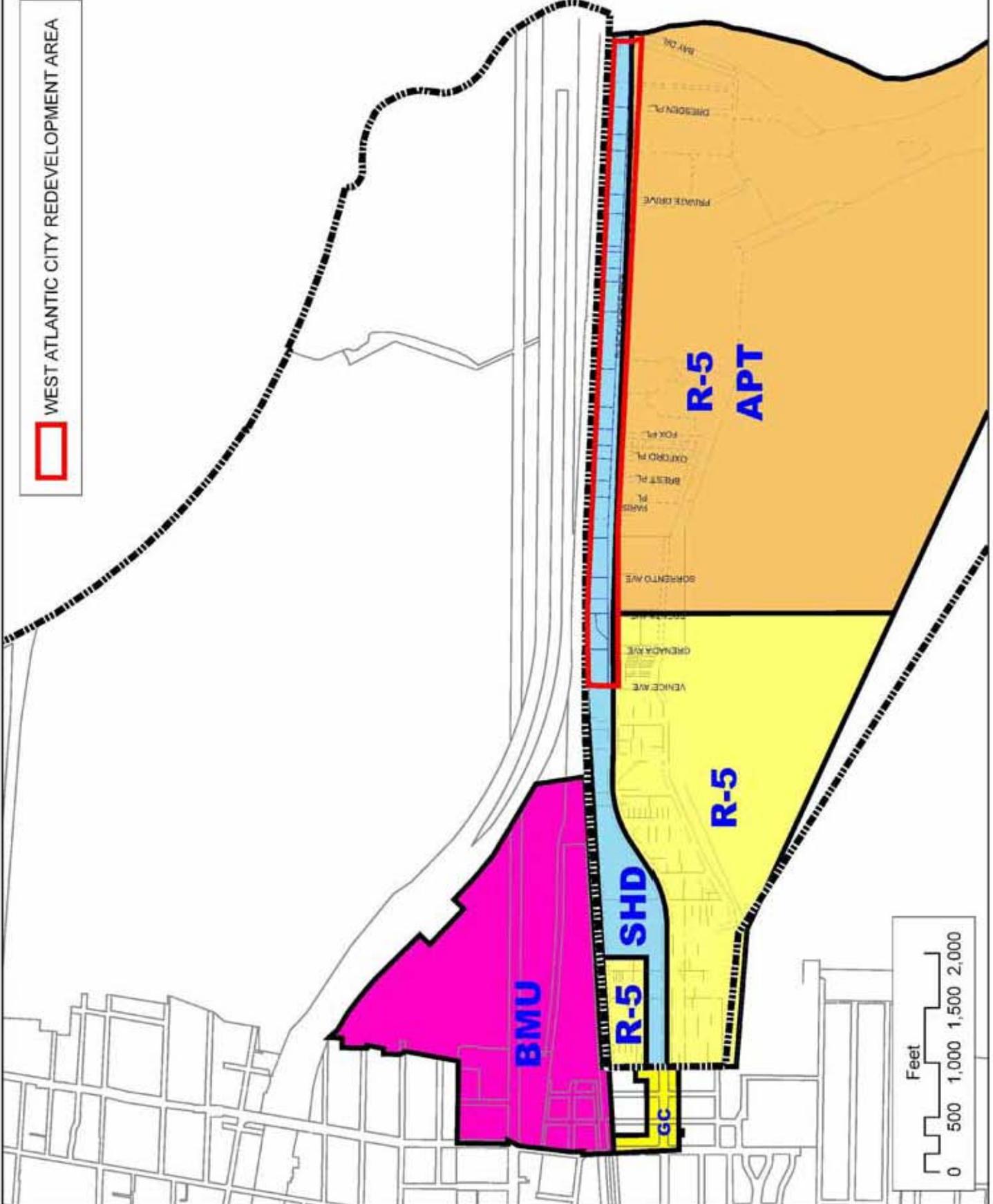
SCALE: As Shown



REMINGTON, VERNICK & WALBERG ENGINEERS
ENGINEERING EXCELLENCE SINCE 1901
854 N. MAIN STREET, PLEASANTVILLE, NJ 08228
908-645-7110 FAX 908-645-7078
WEB SITE: WWW.RVW.COM



WEST ATLANTIC CITY REDEVELOPMENT AREA





*Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.*

PRE-EXISTING ZONING REGULATIONS





*Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.*

**EGG HARBOR TOWNSHIP
§225-37.1: SPECIAL HIGHWAY DEVELOPMENT (SHD)
ZONING DISTRICT REGULATIONS**

A. Permitted principal uses shall be:

- (1) All those principal uses permitted in the NB Zone.
- (2) Motels, as defined in this chapter.
- (3) Warehouses and office buildings.
- (4) Automotive repair and service uses.
- (5) New and used car sales dealers, provided that no outdoor storage for sale vehicles is located closer than 25 feet from the street line.
- (6) Furniture, furnishings and household appliance stores.
- (7) Resort recreation uses, limited to commercial swimming pools, miniature golf and golf driving ranges, campgrounds, bowling alleys and indoor theaters.
- (8) Gasoline filling stations.
- (9) Personal wireless telecommunications facility not to exceed 120 feet in height.
- (10) Car wash.

B. Permitted accessory uses shall be:

- (1) Uses and buildings customary and incidental to the principal use or building.
- (2) A single dwelling unit or apartment unit, provided that the same is physically attached to the principal building.
- (3) Personal wireless telecommunications equipment facility not to exceed 15 feet in height.

C. Area, yard and building requirements shall be as specified in § 225-7.

D. Permitted modifications and conditional uses shall be: none.

E. Other requirements shall be:

- (1) Same as § 225-35E.





**Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.**

Area and Bulk Requirements:

REGULATION	REQUIREMENT
Minimum Lot Size	80,000 SF
Minimum Lot Width	200'
Minimum Front Yard Setback	
From State ROW	50'
From County ROW	50'
From Twp. ROW	50'
Minimum Rear Yard Setback	
From County ROW	30'
Rear Lot Line	30'
Residential Zone	30'
Minimum Side Yard Setback	20' (ea)
Maximum Building Height	
Principal Structure	30'
Accessory Structure	15'
Maximum Building Coverage	70%
Minimum Gross Floor Area	2,500 s.f.
Minimum Required Yard Depths	
Front Yard	
State ROW	20'
County ROW	20'
Twp. ROW	20'
Rear Yard	
County ROW	20'
Rear Lot Line	20'
Residential Zone	20'
Side Yard	
Side Lot Line	10'
Residential Zone	20'



*Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.*

**CITY OF PLEASANTVILLE
RESIDENTIAL SINGLE-FAMILY (R-50)
ZONING DISTRICT REGULATIONS**

§ 290-9 Intent; applicable regulations

- A. Intent. The intent shall be to permit residential development within the City of Pleasantville with sufficient controls and development guidelines to protect both the natural resources and the health, welfare and safety of the residents and to provide a realistic opportunity to provide housing in a fair and equitable manner...
- B. Regulations in district. The use, height and area regulations of §§ 290-1- through 290-22, inclusive, and those regulations set forth elsewhere in this chapter where applicable to these sections shall be the regulations applying in the single-family residential districts.

§ 290-10 Permitted Uses

A. Principal uses:

- (1) Single-family detached dwellings.
- (2) Educational uses, subject to site plan approval by the Planning Board.
- (3) Places of worship, subject to site plan approval by the Planning Board.
- (4) Parks, playgrounds and similar recreation uses operated by the City of Pleasantville.
- (5) City fire stations.
- (6) Professional offices shall be permitted as part of a residential structure and are subject to site plan approval by the Planning Board.
- (7) Medical complexes subject to site plan approval by the Planning Board.
- (8) Professional office facilities subject to site plan approval by the Planning Board.
- (9) Signs as outlined in Article XII, §290-50.
- (10) Family day-care homes as per N.J.S.A. 40:55D-66.4 and §290-17.

B. Accessory Uses:

- (1) Private auto garages for the exclusive use of the residents.
- (2) Greenhouses, garden houses, toolsheds, playhouses, courts for tennis or similar games and swimming pools.
- (3) Fences and walls.

C. Public utility substations, subject to site plan review by the Planning Board.





*Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.*

§ 290-11 Area and Bulk Requirements:

REGULATION	REQUIREMENT
Minimum Lot Size	5,000 SF
Minimum Lot Width	50'
Minimum Lot Depth	50'
Minimum Front Yard Setback	20'
Minimum Side Yard Setback	6' minimum 20' total
Minimum Rear Yard Setback	30'
Maximum Building Height	2½ stories or 35'
Maximum Building Coverage	60%



*Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.*

**CITY OF PLEASANTVILLE
CENTRAL BUSINESS DISTRICT (CBD)
ZONING DISTRICT REGULATIONS**

§ 290-39 Intent; applicable regulations

A. Statement of intent. It is the intent of these regulations to:

- (1) Safeguard the history of Pleasantville.
- (2) Promote a sound, long-range economy by preserving a substantial part of the City which reflects elements of its cultural, social, economic and architectural history.
- (3) Stabilize and improve property values.
- (4) Foster civic beauty and pride.
- (5) Promote the use of this area for the education, pleasure and welfare of both citizens of the City and its visitors, using as a guide all buildings erected before January 1930.
- (6) It is the intent of this district to recognize that there may be more than one use per building.

B. Use regulations:

- (1) Uses permitted in this district will be many are varied. There may be more than one permitted use per building. For the purpose of clarification, the primary use will be that use which occupies at a minimum the first floor facing the front street side of the structure. Any and all other uses will be considered secondary.
- (2) Permitted primary uses:
 - a. Places of worship.
 - b. Schools, public and/or private.
 - c. Medical.
 - d. Retail stores and service establishments, including pickup stations for laundries and cleaners where the work is done off the premises.
 - e. Banks
 - f. General business and professional offices.
 - g. Fully enclosed eating and drinking establishments.
 - h. Personal service establishments, including but not limited to barber- and beauty shops, tailor and similar facilities.





**Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.**

- i. Minor repair operations for televisions, radios, watches, shoes and appliances.
- j. Motion-picture theaters, bowling alleys and other commercial entertainment establishments in a fully enclosed structure.
- k. Public buildings operated by the City; government buildings.
- l. Quasi-public establishments.
- m. Retail shops or stores engaging in the limited fabrication or processing of goods.
- n. Commercial Centers.
- o. Existing gasoline service stations present at the time of passage of current zoning.
- p. Automotive sale and service establishments.
- q. Hotels and motels.
- r. Child-care center as per the guidelines of § 290-32G.
- s. Parking lots and/or facilities, commercial parking lots.
- t. Loading facilities.

(3) Permitted secondary uses:

- a. Residential use, subject to any and all applicable building codes.
- b. Any primary use may also be a permitted secondary use

(4) All other uses not specifically permitted are prohibited

(5) Accessory uses:

- (a) Garages for the residents.
- (b) Storage sheds, tool sheds or other maintenance-related structures
- (c) Accessory uses which are considered and accepted as necessary and related to the primary and/or secondary use of the property.
- (d) Signs as per Sign Schedule.

REGULATION	REQUIREMENT
Minimum Lot Size	10,000 SF
Minimum Lot Width	100'
Minimum Lot Depth	100'
Minimum Front Yard Setback	20'
Minimum Side Yard Setback	10' (ea)
Minimum Rear Yard Setback	20'
Maximum Building Height	3 stories and 35'
Maximum Lot Coverage	30%





*Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.*

**CITY OF PLEASANTVILLE
2008 COMPREHENSIVE MASTER PLAN UPDATE
RECOMMENDATIONS**

The following uses are proposed in the 2008 Comprehensive Master Plan Update. Bulk regulations are pending.

Proposed General Commercial (GC) Zoning District

Permitted Uses to include:

- A. Neighborhood-Oriented Commercial and Service Activities, defined as uses designed to provide for the routine needs of the residents living in the vicinity of the subject use. Examples include: grocery / specialty food stores; convenience stores without fuel dispensing facilities; video rental / sales; non-“big box” general retail / dry goods stores; fabric stores; hair and nail salons / barber and beauty shops; tailor shops; greeting card / stationary / florist shops; retail dry cleaners (no commercial cleaning on premises); shoe repair; and like and similar activities.
- B. General Commercial and Service Activities, defined as uses designed to provide for the routine needs of the citizens of Pleasantville. Examples include: pharmacies (including drive-through); convenience stores with fuel dispensing facilities; non-“big box” general retail / appliance / hardware stores; non-‘chain’ / non-franchise hobby shops, sporting goods shops, pet shops and book shops; antique / boutique / clothing / jewelry / gift shops; and like and similar activities.
- C. Professional, administrative or consulting services offices.
- D. Medical and Dental Complexes
- E. Appliance Repair
- F. Self-Service Laundry (Laundromats), including washing, drying, folding and other operations conducted by employees of the facility.
- G. Window-service for ice-cream or similar takeout fare
- H. Fully-enclosed eating establishments (restaurants: both eat-in and take-out), including drive-through facilities.
- I. Bars¹⁵⁶ and Taverns.¹⁵⁷

¹⁵⁶ Defined as an establishment serving alcoholic beverages but not food

¹⁵⁷ Defined as an establishment serving alcoholic beverages and cooked-to-order food which is prepared and served on the premises.





*Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.*

- J. Administrative offices and related facilities as may be necessary and convenient to the provision of municipal, county, state or Federal governmental services.
- K. Fraternal, social, educational, charitable or eleemosynary facilities.
- L. Public or private training facilities offering life skills, trades or career educational courses.
- M. automobile fueling stations, with or without automotive and/or marine engine, body or interior repair, which may or may not include convenience stores on premises;
- N. Automated or manual car washes;
- O. Automobile, boat or watercraft sales through franchise dealers;
- P. Commercial Parking Facilities owned and/or operated by the City of Pleasantville Parking Utility.
- Q. Child-care centers as a conditional use.
- R. Commercial Centers.
- S. Hotels and motels.

Proposed Bayside Mixed-Use (BMU) Zoning District

8 to 12 story, multi-family (condominium) development along the eastern-edge to middle-core of the proposed zone and commercial uses similar to those proposed for the Central Business District along the Franklin Boulevard and Milan Avenue edges.



*Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.*

SOILS MAPPING





*Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.*

STATE PLAN POLICY MAP



EXHIBIT 14

REDEVELOPMENT PLAN
WEST ATLANTIC CITY
REDEVELOPMENT AREA
STATE PLAN MAPPING

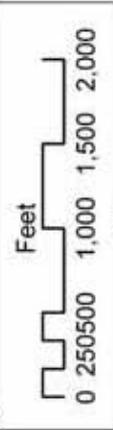
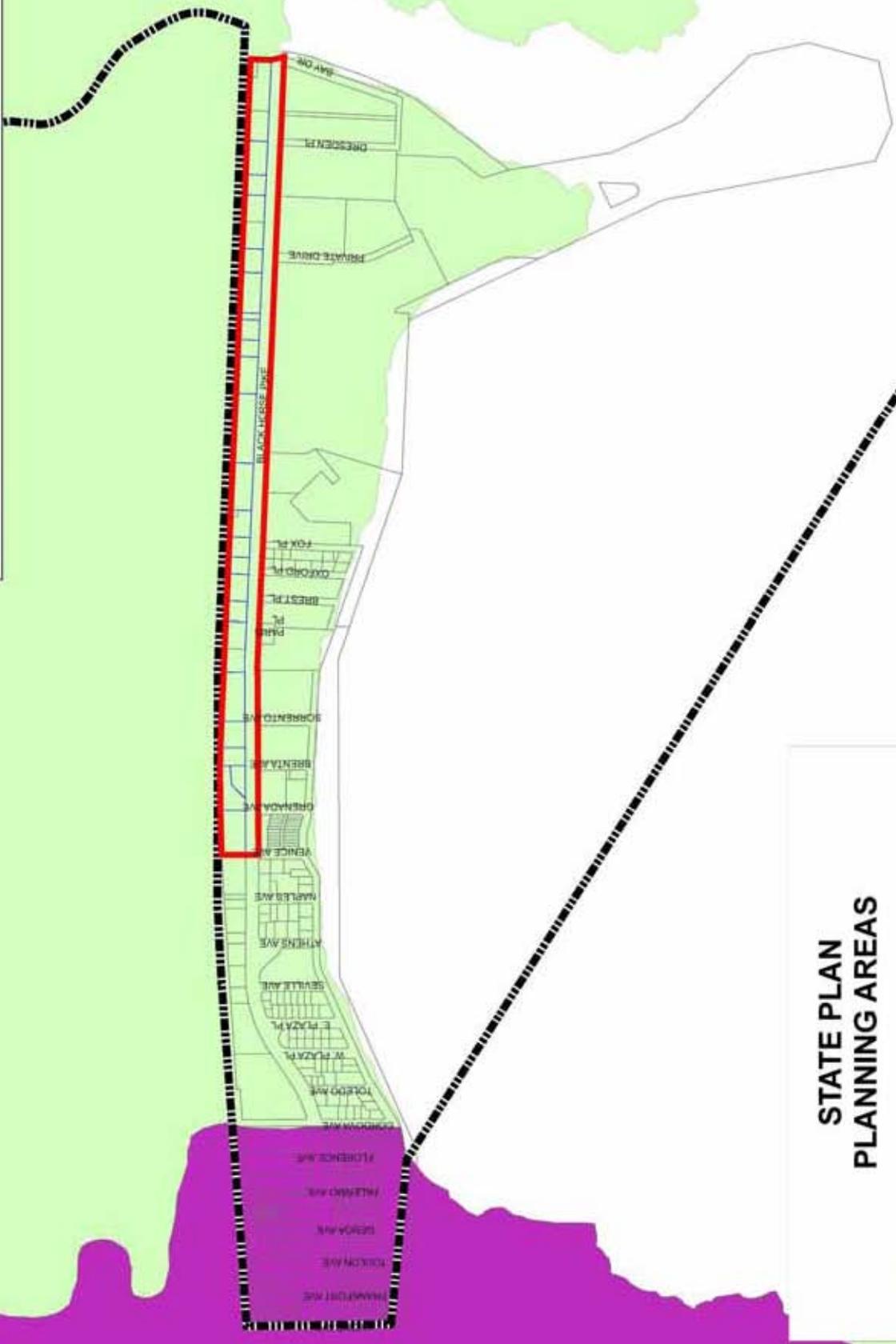
REV. DATE
REVISIONS
DATE: 12/2/08
SCALE: As Shown



REMINGTON, VERNICK & WALBRUG ENGINEERS
ENGINEERING EXCELLENCE SINCE 1901
854 N MAIN STREET, PLAZA/VILLE, NJ 08221
908-945-7100 FAX 908-946-0278
WEB SITE: WWW.MVE.COM



WEST ATLANTIC CITY REDEVELOPMENT AREA



STATE PLAN PLANNING AREAS

- ENVIRONMENTALLY SENSITIVE (PA-5)
- METROPOLITAN (PA-1)



*Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.*

STATE PLAN POLICY OBJECTIVES





*Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.*

**METROPOLITAN (PA~1)
PLANNING AREAS¹⁵⁸**

Policy Objectives

The following set of Policy Objectives should be used to guide the application of the State Plan's Statewide Policies in the Metropolitan Planning Area, the criteria for designation of any existing or new Centers appropriate in this Planning Area, the optional delineation of Center Boundaries around Centers, and local and State agency planning.

Land Use: Promote redevelopment and development in Cores and Neighborhoods of Centers and in Nodes that have been identified through cooperative regional planning efforts. Promote diversification of land uses, including housing where appropriate, in single-use developments and enhance their linkages to the rest of the community. Ensure efficient and beneficial utilization of scarce land resources throughout the Planning Area to strengthen its existing diversified and compact nature.

Housing: Provide a full range of housing choices through redevelopment, new construction, rehabilitation, adaptive reuse of non-residential buildings, and the introduction of new housing into appropriate non-residential settings. Preserve the existing housing stock through maintenance, rehabilitation and flexible regulation.

Economic Development: Promote economic development by encouraging strategic land assembly, site preparation and infill development, public/private partnerships and infrastructure improvements that support an identified role for the community within the regional marketplace. Encourage job training and other incentives to retain and attract businesses. Encourage private sector investment through supportive government regulations, policies, and programs, including tax policies and expedited review of proposals that support appropriate redevelopment.

Transportation: Maintain and enhance a transportation system that capitalizes on high density settlement patterns by encouraging the use of public transit systems, walking, and alternative modes of transportation to reduce automobile dependency, link Centers and Nodes, and create opportunities for transit oriented redevelopment. Facilitate efficient goods movement through strategic investments and intermodal linkages. Preserve and stabilize general aviation airports and, where appropriate, encourage community economic development and promote complementary uses for airport property such as business centers.

Natural Resource Conservation: Reclaim environmentally damaged sites and mitigate future negative impacts, particularly to waterfronts, scenic vistas, wildlife habitats and to Critical Environmental Sites and Historic and Cultural Sites. Give special emphasis to improving air quality. Use open space to reinforce neighborhood and community identity, and protect natural linear systems, including regional systems that link to other Planning Areas.

¹⁵⁸ State Plan (pp. 156 - 158)





*Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.*

Agriculture: Use development and redevelopment opportunities wherever appropriate and economically feasible to meet the needs of the agricultural industry for intensive agricultural production, packaging and processing, adding value operations, marketing, exporting and other shipping. Provide opportunities for farms, greenhouses, farmers markets and community gardens.

Recreation: Provide maximum active and passive recreational opportunities and facilities at the neighborhood, local and regional levels by concentrating on the maintenance and rehabilitation of existing parks and open space while expanding and linking the system through redevelopment and reclamation projects.

Redevelopment: Encourage redevelopment at intensities sufficient to support transit, a broad range of uses and efficient use of infrastructure. Promote design that enhances public safety, encourages pedestrian activity and reduces dependency on the automobile.

Historic Preservation: Encourage the preservation and adaptive reuse of historic or significant buildings, Historic and Cultural Sites, neighborhoods and districts in ways that will not compromise either the historic resource or the area's ability to redevelop. Coordinate historic preservation with tourism efforts.

Public Facilities and Services: Complete, repair or replace existing infrastructure systems to eliminate deficiencies and provide capacity for sustainable development and redevelopment in the region. Encourage the concentration of public facilities and services in Centers and Cores.

Intergovernmental Coordination: Regionalize as many public services as feasible and economical to enhance the cost-effective delivery of those services. Establish Multi-jurisdictional policy and planning entities to guide the efforts of State, county and municipal governments to ensure compatible and coordinated redevelopment.



**ENVIRONMENTALLY SENSITIVE
(PA~5) PLANNING AREAS¹⁵⁹**

Policy Objectives

The following Policy Objectives should be used to guide the application of the State Plan's Statewide Policies in the Environmentally Sensitive Planning Area, the criteria for designation of existing or new Centers, the policies for delineating Center Boundaries, and local and State agency planning.

Land Use: Protect natural systems and environmentally sensitive features by guiding development and redevelopment into Centers and establishing Center Boundaries and buffers and greenbelts around these boundaries. Maintain open space networks, critical habitat and large contiguous tracts of land in the Environs by a variety of land use techniques. Development and redevelopment should use creative land use and design techniques to ensure that it does not exceed the capacity of natural and infrastructure systems and protects areas where public investments in open land preservation have been made. Development and redevelopment in the Environs should maintain and enhance the natural resources and character of the area.

Housing: Provide for a full range of housing choices primarily in Centers at appropriate densities to accommodate projected growth. Ensure that housing in general — and in particular affordable, senior citizen, special needs and family housing — is developed with access to a range of commercial, cultural, educational, recreational, health and transportation services and facilities. Focus multi-family and higher-density, single-family housing in Centers. Any housing in the Environs should be planned and located to maintain or enhance the cultural and scenic qualities and with minimum impacts on environmental resources.

Economic Development: Support appropriate recreational and natural resource-based activities in the Environs and locate economic development opportunities that are responsive to the needs of the surrounding region and the travel and tourism industry in Centers. Any economic development in the Environs should be planned and located to maintain or enhance the cultural and scenic qualities and with minimum impacts on environmental resources.

Transportation: Maintain and enhance a transportation system that protects the Environs from scattered and piecemeal development and links Centers to each other within and between Planning Areas. Encourage alternatives to the single-occupancy vehicle whenever feasible. Accommodate the seasonal demands of travel and tourism that support recreational and natural resource-based activities. In Centers emphasize the use of public transportation systems and alternatives to private cars where appropriate and feasible and maximize circulation and mobility options throughout.

¹⁵⁹ State Plan (pp. 188 & 190)



*Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.*

Natural Resource Conservation: Protect and preserve large, contiguous tracts and corridors of recreation, forest or other open space land that protects natural systems and sensitive natural resources, including endangered species, ground and surface water resources, wetland systems, natural landscapes of exceptional value, critical slope areas, scenic vistas and other significant environmentally sensitive features.

Agriculture: Promote agricultural practices that prevent or minimize conflicts with sensitive environmental resources. Guide development to ensure the viability of agriculture and the retention of farmland in agricultural areas. Encourage farmland retention and minimize conflicts between agricultural practices and the location of Centers. Ensure the availability of adequate water resources and large, contiguous tracts of land with minimal land use conflicts. Actively promote more intensive, new-crop agricultural enterprises and meet the needs of the agricultural industry for intensive packaging, processing, value-added operations, marketing, exporting and other shipping through development and redevelopment.

Recreation: Provide maximum active and passive recreational and tourism opportunities at the neighborhood and local levels by targeting the acquisitions and development of neighborhood and municipal parkland within Centers. Provide regional recreation and tourism opportunities by targeting parkland acquisitions and improvements that enhance large contiguous open space systems. Ensure meaningful access to public lands.

Redevelopment: Encourage environmentally appropriate redevelopment in existing Centers and existing developed areas that have the potential to become Centers or in ways that support Center-based development to accommodate growth that would otherwise occur in the Environs. Redevelop with intensities sufficient to support transit, a range of uses broad enough to encourage activity beyond the traditional workday, efficient use of infrastructure, and physical design features that enhance public safety, encourage pedestrian activity and reduce dependency on the automobile to attract growth otherwise planned for the Environs.

Historic Preservation: Encourage the preservation and adaptive reuse of historic or significant buildings, Historic and Cultural Sites, neighborhoods and districts in ways that will not compromise either the historic resource or the ability for a Center to develop or redevelop. Outside Centers, coordinate historic preservation needs with open space preservation efforts. Coordinate historic preservation with tourism efforts.

Public Facilities and Services: Phase and program for construction as part of a dedicated capital improvement budget or as part of a public/private development agreement the extension or establishment of public facilities and services, particularly wastewater systems, to establish adequate levels of capital facilities and services to support Centers; to protect large contiguous areas of environmentally sensitive features and other open spaces; to protect public investments in open space preservation programs; and to minimize conflicts between Centers and the Environs. Encourage private investments and facilitate public/ private partnerships to provide adequate facilities and services, particularly wastewater systems, in Centers. Make community wastewater treatment a feasible and cost effective alternative.





*Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.*

Intergovernmental Coordination: Coordinate efforts of State agencies, county and municipal governments to ensure that State and local policies and programs support environmental protection by examining the effects of financial institution lending practices, government regulation, taxation and other governmental policies and programs.



*Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.*

**SMART GROWTH /
NEW URBANISM PRINCIPLES**





*Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.*

SMART GROWTH PRINCIPALS

The following is a brief overview of key Smart Growth principals. These concepts should be considered as guidelines for effective land use planning and design.

1. Collaborate on Solutions
 - community & stakeholder collaboration in development decision-making
2. Mixing of Land Uses
3. Encourage Infill Development & Redevelopment
 - future development strengthened & directed to existing communities using existing infrastructure
4. Plan & Build Master Planned Communities
 - compact, clustered community design
 - walkable neighborhoods
 - distinctive, attractive communities offering a sense of place
5. Conserve Open Space
 - open space, farmland, & scenic resource preservation
6. Provide Transportation Choices.
7. Provide Housing Opportunities
 - range of housing choice & opportunity
8. Lower Barriers & Provide Opportunities for Smart Development
- B. Utilize High Quality Design/Planning Techniques
 - predictable, fair & cost-effective development decisions



*Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.*

NEW URBANISM PRINCIPLES

'New Urbanism' is a return to the principals that made neighborhoods successful as communities. Elements of New Urbanism hearken back to the days when neighbors new each other and the street corner and front porch were venues for friendly interaction. While all of these elements may not be appropriate for every application, they should be viewed as guides for good urban design.

1. The neighborhood has a discernable center of mixed or multi-use buildings.
2. Most of the dwellings are within a 5-minute (2,000-ft.) walk of the center.
3. A variety of dwelling types are available.
4. Shops and offices can be found at the edge of neighborhoods, of sufficient variety to meet the weekly needs of households.
5. A small ancillary building is permitted in the backyard of each house for purposes of rental or work.
6. An elementary school is close enough for most children to walk to school.
7. Small playgrounds are convenient to every dwelling.
8. Streets within the neighborhood form a connected network.
9. Streets are relatively narrow to promote traffic calming.
10. Buildings in the neighborhood are placed close to the street.
11. Parking lots and garages rarely front the street.
12. Certain prominent streets at the termination of street vistas or in the neighborhood center are reserved for civic buildings.
13. The neighborhood is organized to be self-governing.



*Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.*

PARCELIZATION PLAN

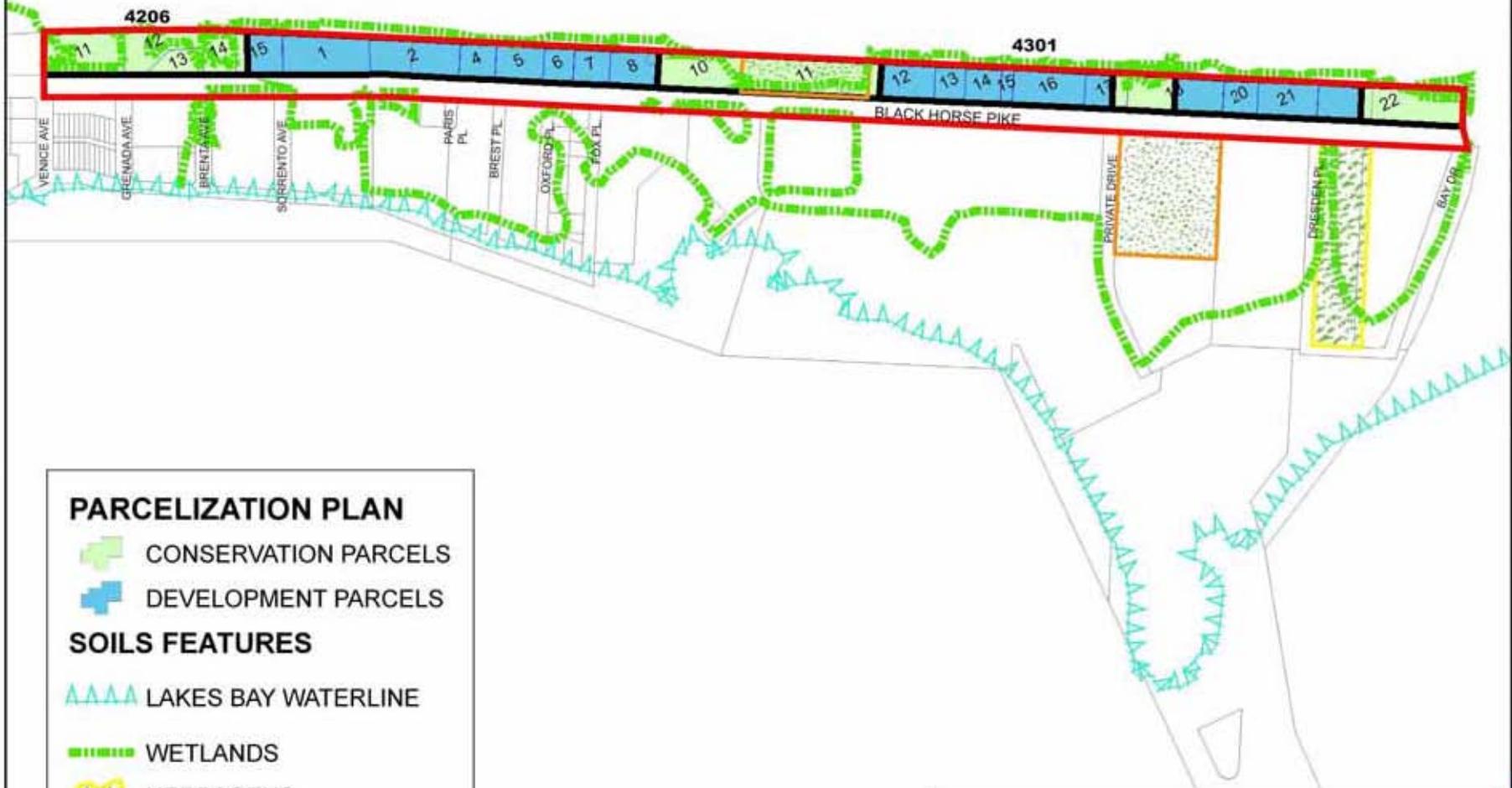




WEST ATLANTIC CITY REDEVELOPMENT AREA

EXHIBIT
17

REDEVELOPMENT PLAN
WEST ATLANTIC CITY
REDEVELOPMENT AREA
PARCELIZATION PLAN



PARCELIZATION PLAN

- CONSERVATION PARCELS
- DEVELOPMENT PARCELS

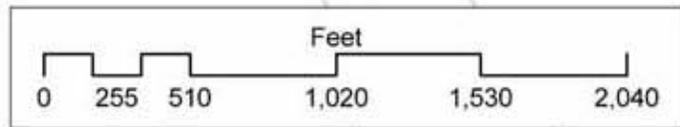
SOILS FEATURES

- LAKES BAY WATERLINE
- WETLANDS
- HERBACEOUS
- SCRUB/SHRUB

REV. DATE

REVISIONS

DATE: 12/2/08
SCALE: As Shown



REMINGTON, VERNICK & WALLBERG ENGINEERS

814 N. MAIN STREET, PLUMMERVILLE, NJ 08123
908.645.7710, FAX 908.646.7070
WEB SITE: WWW.RVW.COM

ENGINEERING EXCELLENCE SINCE 1901





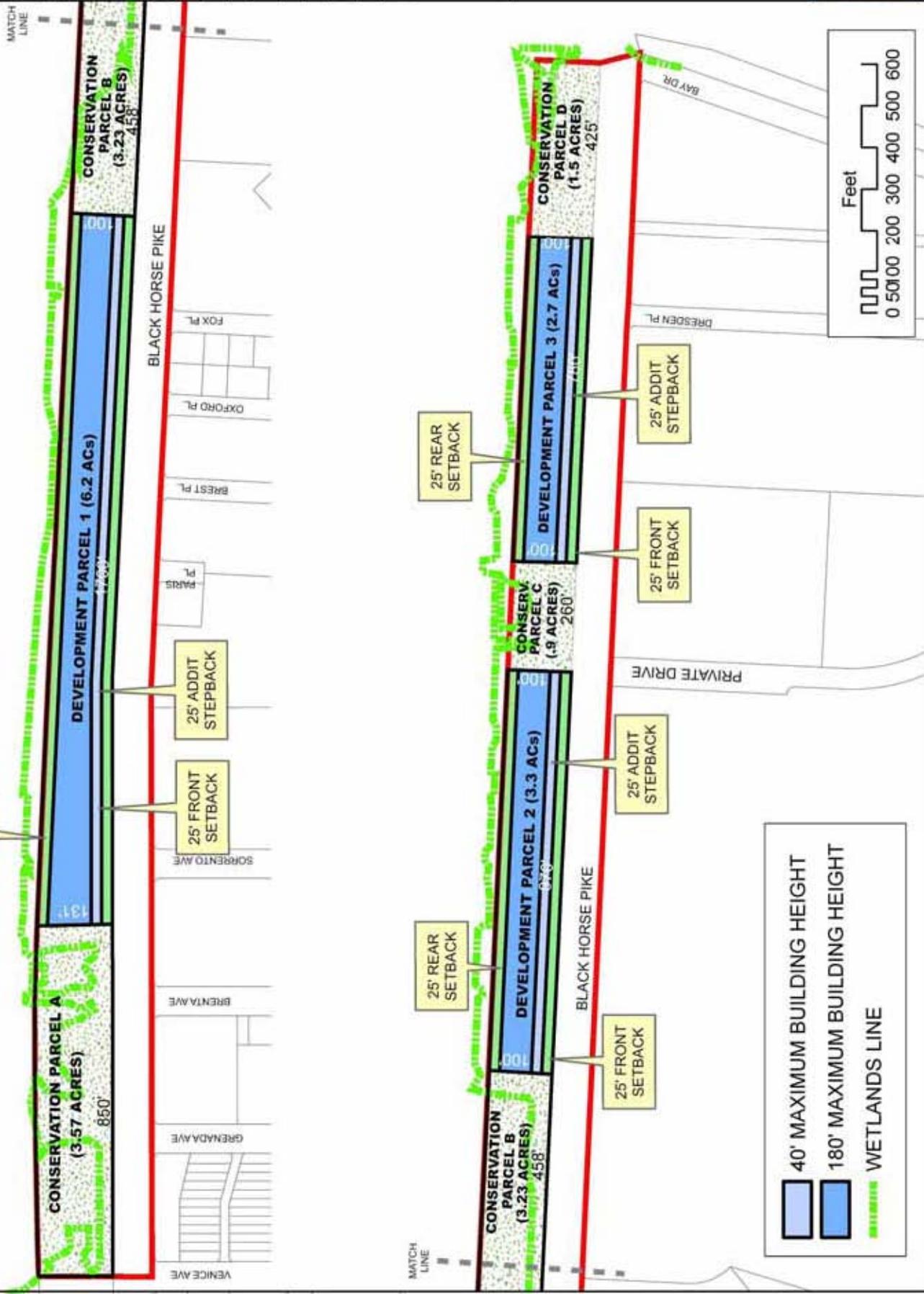
*Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.*

**SETBACK & MASSING PLAN:
PLAN VIEW**

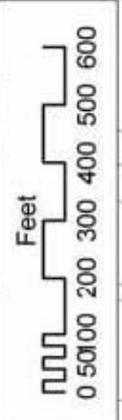




WEST ATLANTIC CITY REDEVELOPMENT AREA



40' MAXIMUM BUILDING HEIGHT
 180' MAXIMUM BUILDING HEIGHT
 WETLANDS LINE



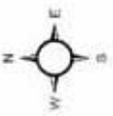


*Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.*

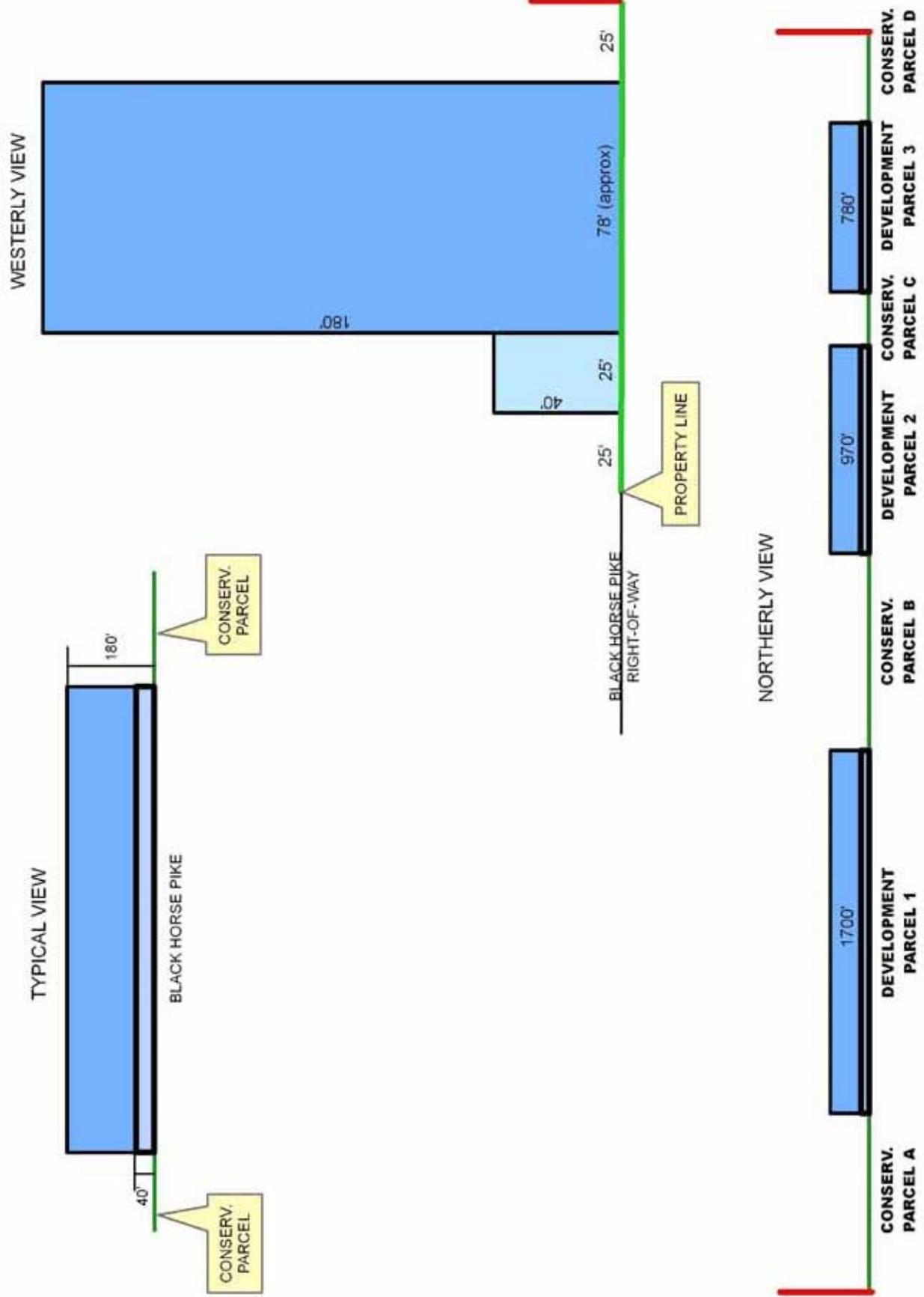
**SETBACK & MASSING PLAN:
TYPICAL ELEVATION VIEWS**



REV. DATE	
REVISIONS	
DATE: 12/2/08	
SCALE: As Shown	



WEST ATLANTIC CITY REDEVELOPMENT AREA





*Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.*

CIRCULATION, PARKING & LOADING PLAN

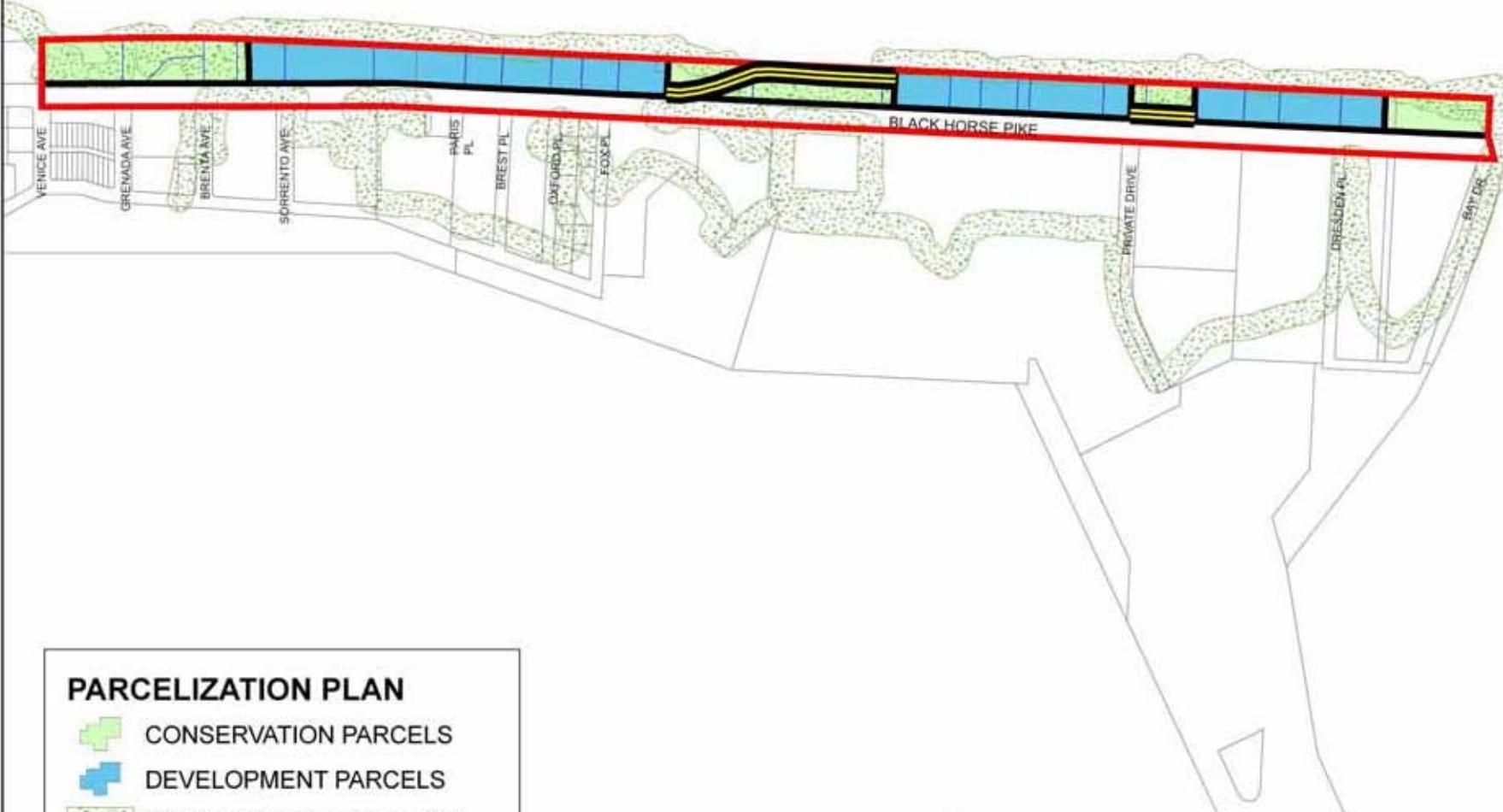




WEST ATLANTIC CITY REDEVELOPMENT AREA

EXHIBIT
20

REDEVELOPMENT PLAN
WEST ATLANTIC CITY
REDEVELOPMENT AREA
CIRCULATION, PARKING
& LOADING PLAN



REV. DATE

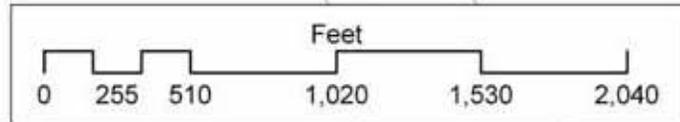
REVISIONS

DATE: 12/2/08
SCALE: As Shown



PARCELIZATION PLAN

-  CONSERVATION PARCELS
-  DEVELOPMENT PARCELS
-  50' WETLANDS BUFFERING
-  CROSS-PARCEL CONNECTOR



REMINGTON, VERNICK & WALBERG ENGINEERS

814 N. MAIN STREET, PALM SPRINGS, NJ 08853
908.445.7110 FAX 908.446.7076
WEB SITE: WWW.RVE.COM

ENGINEERING EXCELLENCE SINCE 1901





*Redevelopment Plan
for the
West Atlantic City Redevelopment Area
Egg Harbor Township, N.J.*

**OSG CONSISTENCY REPORT
(May 23, 2006)**





State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
OFFICE OF SMART GROWTH
101 SOUTH BROAD STREET
PO BOX 204
TRENTON, NJ 08625-0204

JON S. CORZINE
Governor

SUSAN BASS LEVIN
Commissioner
EILEEN SWAN
Executive Director

May 23, 2006

The Honorable James J. McCullough
Mayor of Egg Harbor Township
3515 Bargaintown Road
Egg Harbor Township, NJ 08234

Re: Egg Harbor Township Petition for Initial Plan Endorsement – Consistency Report

Dear Mayor McCullough:

The Office of Smart Growth (OSG) and our state agency partners have substantively reviewed the petition submitted by the Township of Egg Harbor for Initial Plan Endorsement and would like to commend the Township for its active participation and dedication to the plan endorsement process. However, significant consistency issues remain that need to be resolved prior to OSG recommendation for endorsement.

Pursuant to the Policy Directive approved by the State Planning Commission on April 19, 2006 regarding the plan endorsement process for CAFRA municipalities that had petitions that were deemed complete prior to March 15, 2006, I have outlined the additional information that is required in order for OSG to recommend your petition for endorsement by the State Planning Commission (SPC). These items are summarized below and will be addressed by the attached Draft Action Plan.

OSG and our state agency partners are committed to working with the Township to establish a timeline to address the consistency issues outlined in this report in order for Egg Harbor Township to receive plan endorsement from the State Planning Commission and to achieve CAFRA Center designation subsequently from the Department of Environmental Protection (DEP).

State Agency Consistency Review

The SPC reviews petitions for plan endorsement and endorses them on the basis of their consistency with the goals, policies and strategies of the State Plan. Upon review of the petition, OSG and the state agencies have identified areas of concern that need to be addressed before OSG can make a recommendation to the SPC finding the petition consistent with the State Plan.

In order for DEP to amend the Coastal Zone Management Rules to make centers endorsed by the SPC into a CAFRA Center, DEP must be able to make a finding that the center is consistent with the purposes of the Coastal Area Facility Review Act (CAFRA) and the Coastal Zone Management Rules. DEP must



determine whether accepting a center would result in unacceptable harm to the coastal ecosystem or the resources of the built or natural environment.

Attached are two documents, "Requirements for Municipal Plan Endorsement Consistency" and "Requirements for CAFRA Consistency" that provide guidance on what is needed in order to achieve plan endorsement by the SPC and to achieve CAFRA center designation from DEP subsequently thereafter. You can find these and other Plan Endorsement-related documents online at the OSG web site, <http://www.nj.gov/dca/osg/plan/endorsement.shtml>.

Policy for Implementing the approved SPC Policy Directive

The Policy Directive provides a six-month extension for OSG and the state agencies to work with the CAFRA municipalities to resolve consistency issues. Pursuant to the Policy Directive, the six-month time extension begins at the issuance this Consistency Report by OSG. The extension is subject to agreement through a Memorandum of Understanding (MOU) between the Township and the SPC.

Accompanying the Consistency Report is a Draft Action Plan that provides timelines for completing tasks outlined in the Report. The timelines within the Draft Action Plan are subject to agreement between the petitioning municipality and OSG. Once agreement is reached regarding timelines within the Action Plan, and the MOU is authorized by the petitioning municipality's governing body, the timelines within the Action Plan will be binding and non-negotiable.

Should the Township choose not to enter into the MOU to resolve the consistency issues contained in the Consistency Report, the six-month extension shall become null and void, and OSG will forward the Consistency Report to the SPC for review in accordance with N.J.A.C. 5:85-7.6. Furthermore, in the event that the Township fails to meet the timelines agreed to in the Action Plan, the petitioning municipality will be deemed to have defaulted in its obligations under the terms of the MOU and the petitioning municipality's petition for Initial Plan Endorsement will be evaluated for consistency with the State Plan as of the date of such default.

Consistency Issues

Egg Harbor Town Center

The Township is requesting to expand the Egg Harbor Coastal Town Center into a largely undeveloped area. Currently, this area contains R1, R2 and R3 zones that provide for one to three residential units per acre, which does not correspond with the delineation criteria for Town Centers outlined in the State Plan. The center therefore falls short in terms of the quantitative criteria in the State Plan, as it is much larger than the 2 square mile standard and also less dense. The Township should consider a more compact center which contains higher residential densities that contrast with low-density environs outside. Transfer of Development Rights (TDR) may be a mechanism to help achieve this land use pattern.

Development patterns are similar within and outside of the proposed centers, and the petition does not distinguish how future land use will vary between the centers and environs. The Township does not provide much detail as to what is planned for this expansion except for noting the need for commercial uses and impervious surface coverage. Justification for the Town Center must go beyond impervious coverage limits. While impervious cover is an important factor with regard to development, the Township should have a true planning vision for the center. In other words, if the Township had the impervious coverage it seeks, what would it do to create a mixed-use pedestrian-friendly center?

The proposed expansion also contains various resource and capacity constraints. Significant wetlands exist in Rural Planning Area (PA4) section of the proposed center. Furthermore, most of this additional area lacks sewer service.

Planning Area Changes

The state agencies generally support the change to Metropolitan Planning Area (PA1) for West Atlantic City, as this area is adjacent to Atlantic City and future redevelopment activity should meet the criteria of the State Plan.

The Township also proposes to change the Egg Harbor Coastal Town from PA2 and PA4 to PA1. As cited above, the PA4 section is largely undeveloped and those areas of the proposed center that are already developed are developed at a density below that recommended for a PA1.

Land Use & Zoning

The petition makes it apparent that residential development pressure in the Pinelands Regional Growth Area is a driving factor for the creation of Town Centers. While the petition states that the Township's objective is to provide commercial mixed-use development in the proposed Centers, the Master Plan and zoning generally do not encourage mixed uses. The petition should provide more detail on how new commercial development will be accessible to residents in the centers and the Regional Growth Area in a way that will mitigate the potential amount of traffic generation. Discussion should include consideration for alternative modes of access such as walking or bicycling. Road connections between the Regional Growth Area and the commercial sections of Egg Harbor Town Center should be designed in a manner to maximize road capacity.

Through the PIA, the zoning will need to be revised to accommodate development in Centers and restrict development outside. Most of the Environmentally Sensitive Planning Area (PA5) in the Township is zoned Rural Agricultural and Conservation Recreation Wetland. These zoning districts permit some forms of development that are incompatible with a PA5 designation.

Community Design

The Township and the Pinelands Commission recently kicked off a public visioning and design process as part of the Pinelands Excellence Project. Since the project will help address a number of issues discussed in this review (Town Center, Land Use, Transportation), the Township, OSG and the Pinelands Commission shall work together to implement the project's recommendations as appropriate into the Plan Endorsement process and the PIA.

Transportation

Both developable and existing developed areas should be addressed with regard to creating pedestrian-friendly environments. Recently, a number of neighborhoods in the Township have signed on to the "Keep Kids Alive" program, an indication that there is great local public demand for safer roads for pedestrians and bicyclists. While the program signs may help to some degree, the long-term solution is to incorporate land use patterns and road design features that will slow down traffic.

The Township should work with OSG and NJDOT to identify potential solutions. This issue should be addressed to some degree in the discussion of Centers and new development prior to endorsement. Formal action items can be identified through this process and incorporated into the PIA.

Housing

The primary source of housing information in this petition is the Housing Element and Fair Share Plan from 1998. The Township had submitted this housing plan for second-round COAH substantive certification. As this plan was not satisfactory to COAH in 1998 and is in need of an update, the Township must provide information on how it will accommodate affordable housing. Even though the Township is not participating in the COAH process, affordable housing will be a key issue for OSG's review and the State Planning Commission's consideration of this petition. The petition must clarify how the Township will accommodate its fair share of affordable housing throughout the Township and especially in the Centers.

Sewer Service

The sewer service area currently extends into PA5. Any unutilized sewer service area in PA5 should be removed.

Emergency Planning

The petition should include formal evidence that the Township has an Emergency Operating Plan approved by the NJ State Police. OSG expects that the approval letter, rather than the full plan, will be part of the petition. As the Township is a gateway for a number of municipalities on the bay and the shore, coordination is an important matter. Opportunities for enhanced coordination can be addressed in the PIA.

DEP CAFRA Consistency Issues

In addition to the zoning ordinance, discussed in part above, DEP will need to find the following items consistent in order to support a center(s) with regard to its CAFRA rules. DEP will provide technical assistance to complete the CAFRA requirements discussed below. These items will be early action items in the PIA, unless the Township can address them prior to endorsement.

Zoning Ordinance

The Zoning Ordinance revisions and/or new ordinances must implement the policies and recommendations of the Master Plan, and accurately reflect center boundaries and/or planning area changes and ordinances that implement appropriate Critical Environmental Site and environs protection measures, including zoning, resource protection, and site plan and subdivision ordinance revisions that are consistent with coastal goals and wastewater management plans. There should be a clear distinction between Centers and Environs. Zoning within the Centers should provide for more intense mixed-use development, including affordable housing, while PA4 and PA5 outside of the centers should be less dense.

Water Supply

The Township appears to be near its allocation for water supply. The Township must provide documentation that water supply capacity exists to accommodate the growth projected in the Master Plan. The Township must provide documentation that water supply capacity exists for the amount of growth detailed in the Master Plan. This documentation must identify existing and proposed water supply sources. For existing public water sources, the Township should identify the available approved

allocations and firm capacity. In addition, the Township must identify local water conservation measures required to ensure efficient use of available resources and methods to be used to promote wastewater reuse.

Wastewater Management Plan

As the Township's Wastewater Management Plan is outdated, it should work with DEP to update the document.

Coastal Consistency Statement

This statement must address natural resource protection and coastal management in Barnegat Township through demonstration of consistency of local plans and ordinances with the goals of the Coastal Zone Management Program found in the Coastal Zone Management rules at N.J.A.C.7:7E. Municipal plans must also be consistent with any existing DEP rule, permit or plan including Municipal Stormwater Regulations and Federal River Management Plans.

Planning and Implementation Agreement (PIA)

Generally, the PIA should be formatted by subject and with numbering. OSG will provide a template for this format. Through negotiations, the timeframes in the PIA will be revised to be more specific (i.e. time periods or dates).

For PIA entries that require NJDOT assistance, the state assistance column should have an asterisk denoting the following: "When requested, NJDOT will give priority consideration to providing technical assistance consistent with program requirements and subject to the availability of state resources."

General

- The Township shall submit drafts of all new and revised planning documents required by this PIA to OSG, DEP, and the Pinelands Commission.
- Upon fulfillment of DEP's CAFRA consistency requirements, DEP shall publish in the New Jersey Register a notice of its determination to accept, reject, or reject and revise the boundaries of any centers, cores, nodes or planning areas that are part of Plan Endorsement.
- The Township shall submit a biennial report to OSG and the public concerning the terms of this PIA and related efforts pursuant to NJAC 5:85-7.12(c). Due to the volume of significant PIA items likely to be addressed in the first year, OSG will recommend to the State Planning Commission that the first review be pushed up to a year after endorsement.
- Coordinate with planning efforts of adjoining municipalities, the County and State and regional planning efforts particularly concerning: regional planning, transportation, economic development, tourism, natural resource protection and open space and recreation.

Zoning

- In addition to revising the zoning ordinance as mentioned above, the Township shall provide copies of its annual report of zoning activities per the MLUL requirement outlined in N.J.S.A. 40:55D-70.1

Board of Education Five-Year Facilities Plan

- In light of the amount of development occurring, the Board of Education shall prepare an updated Five-Year Facilities Plan to help implement the Master Plan and support growth.

Economic Development

- The Atlantic City International Airport recently surpassed 1-million mark for annual passenger volume, reflecting growing consumer preference for smaller, more convenient airports. The William J. Hughes Technical Center is a significant generator of high-skill technology jobs. OSG would like to know if the Township has considered an economic development strategy related to these facilities, especially in terms of suppliers and workforce training. If there is opportunity here, this is a project that OSG is interested in pursuing with the Township and other municipalities in the region.
- On the physical planning side, the Atlantic County Improvement Authority currently has an RFQ for an Aviation Research and Technology Park either within or near the Technical Center. The Township should consider coordinating with the Technical Center to explore opportunities for related commercial development outside of the Center.

Coordination with adjacent municipalities

- The petition notes that it has not reached out to other municipalities due to the timeframe provided by the CAFRA rule. In light of issues such as emergency planning and economic development as well as the costs of servicing new development, the Township should explore opportunities for shared services with adjacent municipalities.

Transportation

- Goods movement: As part of the Circulation Plan update, incorporate a strategy for dealing with retail, commercial or truck freight traffic along state, county and municipal roadways as it relates to existing and future land use patterns.
- The Division of Project Planning and Development is working on a study of the Route 40/322 area from Cologne Avenue to Fire Road. The PIA should contain an action item to coordinate any transportation initiatives in that area of the Township with this project.
- It should be noted that discussion of proposed traffic control devices within the petition or other accompanying documents should not be construed as a guarantee that DOT would approve such controls should the plan become endorsed. Each proposal would need individual study to determine if it meets the necessary criteria and does not conflict with other traffic control measures on the system.

Environmental

- The Township adopted a Stormwater Management Plan in April 2005. DEP will seek documentation in order to monitor and provide assistance to the Township in its compliance with the Municipal Stormwater Regulation Program, including Municipal Stormwater Permit and Stormwater Management requirements.
- Develop a Stream Corridor Protection Plan establishing the basis for a municipal Stream Corridor Protection Ordinance. This plan should build upon the existing Great Egg Harbor River Management Plan. The plan shall consider all waterways within or forming the boundary of a municipality and any State-required stream setback, wetland transition area, and riparian buffer. The plan shall also:
 - establish a comprehensive waterways map which will denote the standard limits of construction disturbance for each waterway based upon the best currently available information.
 - identify areas where existing or proposed development patterns conflict with and any State required stream setback, wetlands transition area, and riparian buffer.
 - provide for a systematic procedure to allow for alternative stream corridor construction setbacks based on an evaluation of the specific stream corridors in the study area to determine the extent of the features critical to supporting the functions of a healthy riparian buffer for the stream corridors in question and the requirements of applicable State statutes and regulations.
 - identify and prioritize locations for rehabilitation of areas with disturbed stream corridors.
- Develop a Wellhead Protection Plan that builds upon the Stormwater Management Plan, which identifies areas the Township has targeted for wellhead protection but does not provide detail on how the Township will protect these areas. The Wellhead Protection Plan shall manage potential sources of contamination and threatening activities that occur within a source water protection area. Plans shall include delineation of the source water protection area, an inventory of known and potential contamination sources, a determination of water supply system susceptibility to these contaminants, public outreach and education about threats, implementation measures to prevent, reduce or eliminate threats, and contingency planning strategies to address with water supply contamination or service interruption emergencies. Source Water Protection Plans can be developed for the protection of either groundwater supplies of drinking water, wellhead protection areas or surface water supplies, intakes and reservoirs and their drainage.

Per the standard PIA items listed in DEP's CAFRA Consistency Requirements, the petitioner should also consider including the following in its PIA:

- Develop a Habitat Conservation Plan specifying conservation requirements and implementation measures to protect habitat of Federal and State listed threatened and endangered species. Conservation Plan requirements may include a mix of options that include the creation, enhancement, restoration, acquisition or preservation of habitat and/or monetary contributions for these purposes.
- Develop a Water Conservation Plan that shall:
 - reduce water consumption levels
 - reduce the loss and waste of water
 - improve efficiency in the use of water
 - increase recycling and reuse in the water supply

- extend the life of current water supplies by reducing the rate of growth in demand
- Develop a Septic Management Plan establishing the strategies and implementation measures necessary to ensure that septic systems are properly maintained and that new systems are located, designed, installed and maintained in accordance with State statute and regulation so as to protect ground water quality and to ensure the continuing viability of this means of wastewater management.
- [NOTE: DEP will provide the status on environmental justice issues when the Township comes in to meet about the consistency review and action plan.] In the event that the data provided by DEP indicate environmental justice issues, a Municipal Environmental Justice Plan shall be prepared. The plan shall address whether the sites are causing adverse consequences for any residential communities, and ensure that municipal planning does not adversely and/or disproportionately affect minority and low-income individuals. DEP will provide technical assistance to municipalities.

Conclusion

Pursuant to N.J.A.C. 5:85-7.5 (f), the Township must submit the additional information requested above in order for your plan to be evaluated for consistency with the goals, policies and strategies of the State Plan. OSG and our state agency partners will work with the Township to revise the petition to include the items identified within this letter and to help the Township achieve plan endorsement no later than March 15, 2007. Again, we look forward to meeting with you to discuss the next steps.

Thank you again for your commitment to the Plan Endorsement process. If you have any questions or concerns, please feel free to contact Jung Kim, Area Planner for Atlantic County, at (609)-633-6139 or via email at jkim@dca.state.nj.us.

Sincerely,



Eileen Swan
Executive Director

Attachments

ES:jk

c: Stanley Glassey, Deputy Mayor
Patricia Indrieri, RMC, Municipal Clerk
Peter J. Miller, Township Administrator
Elena Fisher, Planner, Remington & Vernick Engineers
Joe I. Donald, PP, Deputy Executive Director, OSG
Jung Kim, Area Planner, OSG