

ORDINANCE # 1899-2014

ORDINANCE RESCINDING THE INTRODUCTION OF ORDINANCE 1896-2014 AND AUTHORIZING AN AMENDMENT TO THE TOWNSHIP OF GALLOWAY REDEVELOPMENT PLAN FOR BLOCK 453, LOT 1 AND BLOCK 314, LOT 1 KNOWN AS THE WHITE HORSE PIKE CORRIDOR PHASE I – TILTON ROAD REDEVELOPMENT PLAN

WHEREAS, the Township of Galloway, (the "Township"), in the County of Atlantic, State of New Jersey, has designated an area within the Township, known as the White Horse Pike Corridor Phase I Redevelopment Area ("Redevelopment Area"), as being in need of redevelopment pursuant to N.J.S.A. 40A:12-1 *et seq.*; and

WHEREAS, in order to stimulate redevelopment the Township, via Ordinance 1810-2010, has adopted the "White Horse Pike Corridor Phase I – Tilton Road Redevelopment Plan" ("Plan"); and

WHEREAS, the Plan provides a broad overview for the planning, development, redevelopment and rehabilitation of the Redevelopment Area; and

WHEREAS, the Township Council has determined that more specific plans are necessary in order to effectuate the redevelopment of Block 453, Lots 1.01 and 1.03, the "Lenox Tract", within the larger Redevelopment Area; and

WHEREAS, the Township Council introduced Ordinance 1896-2014 at its October 14, 2014 public meeting in order to set forth those specific plans and has determined that it must be rescinded in order to further refine the plans to best effectuate the redevelopment of the Lenox Tract; and

WHEREAS, Bulk and Area Standards for the Lenox Tract must be set forth and/or refined in order to encourage development; and

WHEREAS, the Township Council has determined that it is in the best interest of the Township to adopt the amendment to the Plan, as set forth in the amendment entitled "Redevelopment Plan, Amendment, White Horse Pike Corridor, Phase I – Tilton Road Lenox Tract – Block 453, Lots 1.01 & 1.03," ("Plan Amendment") on file with the Township Clerk's office, to effectuate the redevelopment of the Lenox Tract within the Redevelopment Area; and

WHEREAS, the Planning Board has reviewed and approved this Ordinance.

NOW THEREFORE BE IT ORDAINED by the Township Council of the Township of Galloway as follows:

Section 1. The Township hereby rescinds the introduction of Ordinance 1896-2014.

Section 2. The Township hereby adopts the Plan Amendment for the Lenox Tract, known as Block 453, Lots 1.01 and 1.03 in the Township of Galloway.

Section 3. Council declares and determines that said plan meets the criteria, guidelines and conditions set forth in N.J.S.A. 40A:12A-7, provides realistic opportunities for the redevelopment of the Lenox Tract in the designated area and is otherwise in conformance with N.J.S.A. 40A:12A-1, et seq.

Section 4. The governing body of the Township of Galloway shall have, be entitled to, and is hereby vested all power and authority granted by the aforementioned statutory provisions to effectuate the Redevelopment Plan.

Section 5. The Redevelopment Plan shall act as an overlay to the existing zoning district and not replace any other local development regulation, except as set forth in the Redevelopment Plan, and the Township of Galloway Zoning Map is hereby amended to conform with the provisions of the Redevelopment Plan; and

Section 6. All ordinances, Ordinance 1896-2014, or parts of ordinances inconsistent with this Ordinance are hereby rescinded (Ordinance 1896-2014) or repealed to the extent of such inconsistency.

Section 7. In the event any clause section or paragraph of the ordinance is deemed invalid or unenforceable for any reason, it is the intent of Township Council that the balance of the Ordinance remains in full force and effect to the extent it allows the Township to meet the goals of the Ordinance.

Section 8. This Ordinance shall take effect after final adoption and publication according to law.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed the first reading at a meeting of the Township Council of the Township of Galloway, County of Atlantic and State of New Jersey, held on October 28, 2014, and said Ordinance will be further considered for final passage and adoption at a public hearing to be held at the Municipal Complex located at 300 East Jimmy Leeds Road, Galloway, New Jersey 08205, on November 12, 2014 at 6:30 p.m. or as soon thereafter as the matter may be reached.

ATTEST:

TOWNSHIP OF GALLOWAY

Kelli Danieli, Acting Township Clerk

DON PURDY, Mayor

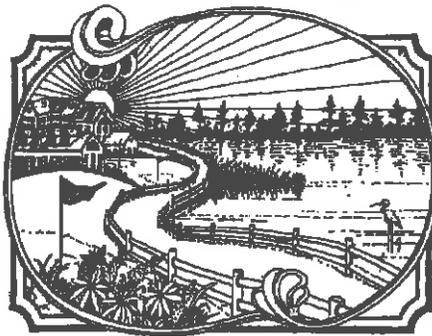
Recorded Vote:	MOTIONS	AYE	NAY	ABSTAIN	ABSENT
Coppola					
Gargione					
Gorman					
Maldonado					
Meadows					
Tyrrell					
Purdy					

**REDEVELOPMENT PLAN
AMENDMENT**

**WHITE HORSE PIKE CORRIDOR
PHASE I - TILTON ROAD
LENOX TRACT – BLOCK 453, LOTS 1.01 & 1.03**

GALLOWAY TOWNSHIP, ATLANTIC COUNTY

**Prepared for:
Galloway Township**



**TOWNSHIP OF GALLOWAY
300 E. JIMMIE LEEDS ROAD,
GALLOWAY, NJ 08205**

**As recommended by the Planning Board on May 6, 2010;
Adopted by the Governing Body on May 11, 2010;
Certified by the Pinelands Commission on September 10, 2010.**

Amended

**As recommended by the Planning Board on ____;
Adopted by the Governing Body on ____;
Certified by the Pinelands Commission on ____.**

**REDEVELOPMENT PLAN
AMENDMENT**

**WHITE HORSE PIKE CORRIDOR
PHASE I - TILTON ROAD
LENOX TRACT – BLOCK 453, LOTS 1.01 & 1.03
GALLOWAY TOWNSHIP, ATLANTIC COUNTY**

MAYOR

Don Purdy

COUNCIL MEMBERS

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Timothy Meadows
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Don Purdy, Mayor
Charles Wimberg

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The original of this document was signed and sealed in accordance with NJAC 13:41-1.3.b

TABLE OF CONTENTS

INTRODUCTION	1
DESCRIPTION OF REDEVELOPMENT AREA	2
GOALS AND OBJECTIVES	2
PLAN PROPOSALS	3
Definitions	3
Land Use and Building Requirements.....	3
Proposed Redevelopment Actions	6
Supplementary Requirements for Redevelopment Projects	7
Relocation.....	8
Property Acquisition	8
Affordable Housing	8
RELATIONSHIP TO OTHER PLANS	8
Township Plans – (N.J.S.A. 40A:12A-7d).....	9
Plans of Surrounding Municipalities - (N.J.S.A. 40A:12A-7a(5)(a))	9
County Plans - (N.J.S.A. 40A:12A-7a(5)(b)).....	10
State Development and Redevelopment Plan - (N.J.S.A. 40A:12A-7a(5)(c))	10
ADMINISTRATION.....	11
General Provisions	11
Redeveloper Entity.....	11
Agreements with Redevelopers	11
Time Limits.....	12
Discrimination Ban	12
Deviations from Provisions of Approved Redevelopment Plan	12
Amendments to Approved Redevelopment Plan.....	13
Repeal and Severability Statements.....	13
CONCLUSION.....	13

Exhibits

Exhibit I – Barrette Outdoor Living Facility Phase 1, Overall Site Plan, dated October 23, 2014, prepared by Adams Rehmman and Heggan

Exhibit II – Filed Plat Block 453, Lot 1

INTRODUCTION

On July 14, 2009 the Galloway Township Council by Resolution #209-2009 had directed the Planning Board to investigate properties along the White Horse Pike and surrounding area to determine if they were in Need of Rehabilitation or Redevelopment in accordance with the New Jersey Local Housing and Redevelopment Law N.J.S.A. 40A:12A-1 et. Seq. (LHRL). On April 15, 2010, the Galloway Township Planning Board held a public hearing and determined that Block 314, Lot 1 and Block 453, Lot 1 satisfied the criteria under the LHRL as an area in need of redevelopment by Resolution # 7-2010. The Township Council adopted the Planning Board's determination on April 27, 2010 pursuant to Resolution # 108-2010.

A redevelopment plan is necessary in order to improve the conditions that have resulted in this determination; therefore the Galloway Township Planning Board had prepared and recommended the adoption of a Redevelopment on May 6, 2010 by Resolution # 9-2010. The Galloway Township Council adopted the Redevelopment Plan for the Lenox Redevelopment Area on May 11, 2010 by Ordinance # 1810-2010. The plan was designed to encourage investment into the Phase II Redevelopment Area through economic incentives and modified land use regulations.

In 2014 the Galloway Township Council appointed Railing Dynamics, Inc. as the Conditional Redeveloper for Block 453, lot 1 ("Lenox property") by Resolution # 82-14. In 2010 by Resolution # 1-10, the Planning Board approved a minor subdivision approval for the subject property which subdivided Block 453, Lot 1 into three parcels identified as Block 453, Lots 1.01 (containing the Lenox Building), 1.02 and 1.03.

The proposed redevelopment of the property requires amendments to the Redevelopment Plan that would permit the re-use and expansion of the existing structure and the development of a new facility on a portion of the subject property.

This Redevelopment Plan is designed specifically for the former Lenox Property on Block 453, Lots 1.01 & 1.03-. This is a part of the entire Phase I Redevelopment Area. The approved Redevelopment Plan remains applicable to the balance of the property in the Redevelopment Area for Phase I.

DESCRIPTION OF REDEVELOPMENT AREA

The Phase I Redevelopment Area includes the Lenox property located at 545 Tilton Road and the vacant parcel to the northwest. The Redevelopment area is bisected by Prague Avenue, which is presently unimproved. It is bordered to the north by the intersection of Aloe Street and Tilton Road; to the northeast by Aloe Street; and to the south by Blue Heron Pines, a closed golf course that has an approval for over 900 age-restricted residential units. The Redevelopment area includes Block 453, Lots 1.01, 1.02 & 1.03 (former Block 453, Lot 1) and Block 314, Lot 1 on the Galloway Township tax maps. The area in this plan is zoned as I (Industrial) in the Pinelands Regional Growth Area.

Block 453, Lots 1.01, 1.02 and 1.03, the former Lenox property, is 55.981 acres (2,438,541 square feet). The site contains a one story masonry warehouse/office building consisting of approximately 415,000 square feet. Other improvements include a 14,425 square foot metal warehouse; a 5,000 square foot Quonset hut (now removed) and drum storage area; and a 130-foot tall water tower with cellular antennas. The primary structure was originally constructed in 1954 with additions added in 1964, 1968 and 1979 to increase the building to its current configuration and size. This property received a minor subdivision approval in March of 2010 to create a total of three parcels out of the one existing tract. The purpose of the subdivision was to isolate the environmental contamination and create a buildable parcel of land in addition to maintaining the existing warehouse facility.

Block 314, Lot 1 consists of 16.10 acres and is owned by Ole Hansen and Sons, Incorporated. This is a vacant parcel that is marginally impacted by wetlands and buffers. These two properties combined form the largest available tract for industrial or commercial development in the Township's Industrial zoning district.

GOALS AND OBJECTIVES

The primary objectives of this Plan are to encourage the revitalization and redevelopment of non-residential land uses along Tilton Road, to enhance the Township's non-residential land uses and economic base and to encourage the creation of new jobs. In order to fulfill these purposes the following goals are created for the Redevelopment Area:

- Provide for the renewal and revitalization of the existing Lenox building and surrounding property.
- Encourage opportunities for new commercial and industrial development.
- Create new job opportunities.

- Capitalize upon the NextGen Aviation facility and the planned expansion of the Atlantic City International Airport.

PLAN PROPOSALS

This Redevelopment Plan is designed to address the redevelopment on Block 453, Lots 1.01 & 1.03, and shall be referred to as the Lenox Tract Redevelopment District. The subject parcel was the former Lenox Factory. The redevelopment for the remaining parcels in the Phase I Redevelopment Area will be the subject to the existing Redevelopment Plan approved in 2010 by Ordinance 1810-2010.

Definitions

The definitions provided in N.J.S.A. 40A:12A-3 are incorporated into this plan by reference.

Land Use and Building Requirements

In order to effectuate the goals and objectives it is necessary to adjust the bulk and use requirements of the existing Industrial (I) zoning district. The primary objective of this plan is to encourage the revitalization of the former Lenox property and encourage new economic development on the adjoining parcel. This redevelopment plan shall act as an overlay to the existing zoning district and not replace the current zoning requirements.

It is therefore recommended that the parcels identified in the Redevelopment Area be subject to the existing I-Industrial land use criteria of the local ordinances with the following exceptions and additional provisions:

1. **Permitted Uses:** On Block 453, Lot 1.01 & 1.03: Manufacturing, designing, assembling, constructing, storing and shipping via truck and rail; of vinyl, wood building products and any and all related products and materials. Outdoor storage is a permitted component of this use.
2. **Bulk Standards:** The following standards supersede and replace any such standards in the Land Management ordinance.
 - a. Minimum lot size: 5 acres
 - b. Minimum lot width: 200 feet
 - c. Minimum lot depth: 200 feet
 - d. Maximum building coverage of 60%
 - e. Maximum site coverage of 75%

- f. A perimeter setback of 50 feet shall be provided along Aloe Street and Tilton Road. If Prague Road is improved as a Township street a 30-foot setback shall be provided along this street frontage.
 - g. Side and rear yard setbacks shall conform to the required perimeter setbacks above. Setbacks between uses in the Redevelopment area shall not be required if the development includes cross-easements for shared parking, drainage, access and other infrastructure.
3. **Buffers and Landscaping shall be provided in accordance with the following:** The following standards supersede and replace any such standards in the Land Management ordinance.
- a. All required buffers shall be incorporated into the required perimeter setbacks.
 - b. A minimum 50-foot buffer shall be maintained along the southern property line (common lot line with Block 453, Lot 2) where any new improvements or expansions of existing facilities are proposed. The 50-foot buffer shall be enhanced, as appropriate so as to minimize any clearing, with berming (minimum of 3-feet in height) and landscaping to provide a year round visual screen. The landscaping shall consist of evergreen trees, shade trees and shrub plantings. In areas where the buffer contains adequate existing vegetation, buffer enhancement requirements will be evaluated by the Planning Board to determine the most appropriate treatment of these areas. Clearing shall be permitted within the perimeter setback provided the cleared area is re-vegetated with a landscaped berm.
 - c. A landscape plan shall be provided which includes parking lot landscaping, shade trees, street trees, foundation plantings and perimeter landscaping. The amount of landscaping provided shall be sufficient to adequately screen adjoining land uses and enhance the appearance of the site from Tilton Road and Aloe Street. Internal landscaping shall be provided where customer or visitor access is proposed.
 - d. Section 233-11.D requiring one 2.5 caliper tree for every 8 parking spaces is not required for the employee parking lot. The perimeter of the employee parking lot shall be adequately screened with landscaping along Tilton Road and Prague Avenue (if improved).
 - e. The requirements of Section 233-52.F(4)(C) to provide one tree for every four parking spaces and of Section 233-56C(1) for perimeter plantings shall not apply. The standards provided herein shall apply.

- f. The shade tree requirements of Section 233-51A are not required provided the existing trees remain along Tilton Road.
 - g. The development of the parcel is exempt from the requirements of Section 233-52 of the Land Use Ordinance. Existing trees are not required to be located on the plan except where they are proposed to remain as part of a required landscape buffer.
4. **Design Criteria:** The following standards supersede and replace any such standards in the Land Management ordinance.
- a. Fencing is permitted at a maximum height of eight (8) feet. The fencing may encroach past the front building line. The fencing shall maintain a setback of 50-feet from Tilton Road. The fencing may extend to the Prague Avenue right-of-way provided there are no driveway or access aisles and clear sight triangles are maintained.
 - b. Sidewalk is not required along Aloe Street or Tilton Road.
 - c. Lighting standards located in a rear yard (between the building and Aloe Street) shall have a maximum height of 30-feet.
 - d. Existing structures and utilities are not required to conform to Section “233-41.Utilities” of the land use ordinance. All new construction shall conform to the standards unless waived by the Planning Board.
5. **Parking:** The following standards supersede and replace any such standards in the Land Management ordinance.
- a. The total parking required shall be equal to 1 space for every 200 square feet of building area exclusive of warehouse, storage space and loading dock space.
 - b. The minimum parking stall size shall be 9-feet by 18-feet.
6. **Site Plan Approval/Submission Criteria**
- a. The subject parcel is located within the Pinelands Management Area and is subject to the rules and regulations of the Pinelands Comprehensive Management Plan. Therefore the applicant is not required to prepare and submit an Environmental Impact Statement pursuant to Section 233-30.1A(28)(a) or Section 233-59 of the ordinance.

- b. The subject parcel is not required to submit a Community Impact Statement in accordance with the requirements of Section 233-30.1A(28)(c) of the ordinance.

7. Any provision of Chapter 233 Land Management shall apply unless modified above.

As required by N.J.S.A. 40A:12A-7c the zoning map will be amended to include the Lenox Tract Redevelopment Overlay district.

By not substantially changing the permitted land uses or bulk and design standards the redevelopment plan recognizes that the existing zoning is appropriate for the corridor, and that it needs incentives to encourage the improvement of the existing building.

Proposed Redevelopment Actions

1. The use of short term tax abatements or exemptions as authorized by State statute N.J.S.A. 40A:21-1 et seq. are permitted. The tax abatement or exemption program will encourage property owners to make improvements without suffering the initial cost associated with the increased assessment.
2. The use of long term tax exemptions as authorized by State statute N.J.S.A. 40A:20-1 et seq. are permitted. The long term tax exemption would permit a payment in-lieu of taxes (PILOT) for up to 30 years as determined and approved by the Township Redevelopment Entity. In accordance with the statute, the long term exemption would apply to the value of the new improvements, not the value of the land.
3. Undertake redevelopment projects, and for this purpose issue bonds in accordance with the provisions of section 29 of P.L. 1992, c.79 (C.40A:12A-29).
4. Prepare or arrange by contract for the provision of professional services and the preparation of plans by registered architects, licensed professional engineers or planners, or other consultants for the carrying out of redevelopment projects.
5. Arrange or contract with public agencies or redevelopers for the planning, construction, or undertaking of any project or redevelopment work, or any part thereof; negotiate and collect revenue from a redeveloper to defray the costs of the redevelopment entity, including where applicable the costs incurred in conjunction with bonds, notes or other obligations issued by the redevelopment entity, and to secure payment of such revenue; as part of any such arrangement or

contract, provide for extension of credit, or making of loans, to redevelopers to finance any project or redevelopment work, or upon a finding that the project or redevelopment work would not be undertaken but for the provision of financial assistance, or would not be undertaken in its intended scope without the provision of financial assistance, provide as part of an arrangement or contract for capital grants to redevelopers; and arrange or contract with public agencies or redevelopers for the opening, grading or closing of streets, roads, roadways, alleys, or other places or for the furnishing of facilities or for the acquisition by such agency of property options or property rights or for the furnishing of property or services in connection with a redevelopment area. (N.J.S.A. 40A:12A-8)

Supplementary Requirements for Redevelopment Projects

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

1. The Township of Galloway and any redeveloper shall comply with all statutes of the State of New Jersey governing development and redevelopment including but not limited to N.J.S.A. 40:55D-1 et seq., N.J.S.A. 40A:12A-1 et seq. and N.J.A.C. 7:50-1 et. seq.
2. The Township of Galloway or redeveloper shall agree to comply with all applicable application submission requirements, design standards and development regulations of the Township of Galloway, County of Atlantic and State of New Jersey except where variances and waivers are properly approved. (N.J.S.A. 40A:12A-13 et seq).
3. The Township of Galloway Planning Board shall review and approve all plans and specifications for development with respect to conformance with this Redevelopment Plan and the Municipal Land Use Law (N.J.S.A. 40:55D-1 et.seq.).
4. The redeveloper shall be required to furnish escrows and performance guarantees as required by the Township of Galloway Planning Board. (N.J.S.A. 40:55D-53).
5. Any affordable housing obligations that may result from any development in the Area shall be addressed in accordance with the requirements of the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), the rules and regulations of the N.J. Council on Affordable Housing (COAH), as now existing or hereafter amended, the housing element of the Township's Master Plan and any Development Ordinances. Contributions by Redevelopers towards any COAH obligations of

the Township shall be addressed in a redevelopment agreement between the Redeveloper and the Township.

6. **Site Remediation** – The Area contains environmentally contaminated property that shall be remediated in accordance with all applicable laws and regulations. All site remediation is subject to New Jersey Department of Environmental Protection or USEPA approval, which will be given complete deference in determining remedial impacts on site development.
7. **State and Federal Environmental Regulation** – Portions of the Area and its redevelopment are subject to State and Federal jurisdiction with regard to environmentally sensitive areas (e.g., wetlands, flood plains, etc.). The Township will work cooperatively with appropriate State and Federal agencies to assure that these resources are given adequate consideration.

Relocation

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

Property Acquisition

There is no proposal to acquire property in this redevelopment plan. (N.J.S.A. 40A:12A-7a(4))

Affordable Housing

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

RELATIONSHIP TO OTHER PLANS

An important requirement of a Redevelopment Plan is consistency with the goals and objectives of already adopted plans for the area. The Redevelopment Plan is not proposing any new land uses, and is promoting the existing I-Industrial zoning designation. The recognition that the existing zoning remains appropriate for the area but is not being realized enhances the fact that the redevelopment plan is consistent with local objectives. (N.J.S.A. 40A:12A-7a(1)).

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

The Master Plan for the Township of Galloway was prepared adopted on March 1, 2001, with a subsequent Reexamination and update on March 22, 2007 and July 12, 2007. This Redevelopment Plan helps to achieve the following Master Plan Goals. These are as follows:

- Promote infill and redevelopment in appropriate locations and at appropriate densities.
- Ensure compatibility wherever possible between existing and proposed land uses.
- Establish a strong non-residential ratable tax base without negatively impacting the quality of life for residents.
- Encourage the development or relocation of small or incubator businesses that will enhance the diversity of products or markets offered to the residents of the Township and region.
- Capitalize on proximity to or location of major transportation corridors such as the White Horse Pike, U.S. Route 9, and the Garden State Parkway.
- Establish zoning categories and intensities which reflect the availability of infrastructure and recognizes different environmental conditions.
- Encourage site design standards that will minimize impacts on properties in surrounding zoning districts.
- Create performance standards that will help to mitigate potential conflicts for proposed development.
- Promote non-residential development in appropriate locations.
- Promote the Township as a premier business location because of the close proximity to the casino industry in Atlantic City and the William J. Hughes FAATC, Atlantic City International Airport, and the New Jersey Commuter rail service.

More specifically the March 22, 2007 Reexamination Report and Master Plan Update recommended the Township look into the possibility of creating a redevelopment plan for the Lenox property on Tilton Road.

Plans of Surrounding Municipalities - (N.J.S.A. 40A:12A-7a(5)(a))

The redevelopment area does not border any nearby municipality. It is in close proximity to the Atlantic City International Airport and the FAA Tech Center. This past year the Next Generation Aviation Research and Technology Park facility began site work in preparation of a the development of up to 400,000 square feet of advanced research facilities. This facility is located in Egg Harbor Township (EHT). The zoning in EHT along the Township's boundary is Industrial, similar to the zoning in Galloway. Further the EHT Master Plan includes a goal "to continue to monitor the expansion of the FAA

Technical Facility and Atlantic City Airport in order to provide opportunities for development around the Airport Circle that will be necessary for the continued operation of the facility.” This redevelopment plan is consistent with this goal and the ongoing developments in EHT.

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

The following goals and objectives of the Atlantic County Master Plan adopted in October of 2000 are advanced by the proposed redevelopment:

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

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

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

Any redevelopment is also consistent with the State Development and Redevelopment Plan. Approximately 69% (removing waterways from the Township’s total land area) of the total land area in the Township of Galloway is subject to the rules and regulations of the Pinelands Comprehensive Management Plan (all land west of the Garden State Parkway). Of the total area within the Pinelands, 3,025 acres or 11% is within a Pinelands Regional Growth Area.

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

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

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

ADMINISTRATION

General Provisions

The definitions provided in N.J.S.A. 40A:12A-3 are incorporated into this plan by reference.

Any plans or plats approved by the Township of Galloway or its agencies and subsidiaries prior to the adoption of this redevelopment plan shall not be subject to the requirements of this redevelopment plan.

Redeveloper Entity

As permitted under N.J.S.A. 40A:12A-4, the Township Council is hereby designated the entity to implement this redevelopment plan. When necessary for the implementation of this plan, the Township of Galloway shall enter into a contract with a redeveloper for any construction or other work forming a part of this redevelopment plan. (N.J.S.A. 40A:12A-4-(c))

Agreements with Redevelopers

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

1. All agreements, leases, deeds and other instruments between the redevelopment entity and a redeveloper shall contain a covenant running with the land requiring that the owner shall construct only the uses established in the current redevelopment plan. All agreements shall include a provision requiring the redeveloper to begin the building of the improvements for those uses within a period of time which the redevelopment entity fixes as reasonable.
2. The redeveloper shall agree to retain interest in the project until the completion of construction and development of the specific project. The redeveloper shall agree not to lease, sell or transfer interest or any part thereof without prior written approval of the redevelopment entity.

3. Upon completion of the required improvements, the conditions determined to exist at the time the area was determined to be in need of redevelopment shall be deemed to no longer exist. Thus, the land and improvements thereon shall no longer be subject to this plan and the Local Redevelopment and Housing Law.
4. The covenants, provisions and controls shall be deemed satisfied upon termination of the agreements and covenants entered into by the redeveloper to construct the improvements and to perform the redevelopment. The rights of any third party acquired prior to termination of the agreements, including, but not limited to, any tax exemption or abatement granted pursuant to law, shall not be negatively affected by termination and satisfaction of the covenants.

A lease to a redeveloper may provide that all improvements shall become the property of the municipality or redevelopment entity. The execution of a lease with that provision shall not impose upon the municipality or redevelopment entity any liability for the financing, construction, management or operation of any redevelopment project, or any part thereof.

Time Limits

The redeveloper of a specific project within the development area shall begin the development of land and construction of improvements within a reasonable period of time to be determined in a contract between Township of Galloway and a duly designated redeveloper. (N.J.S.A. 40A:12A-8(f)). The provisions and regulations specified in this plan shall continue in effect for a period of 15 years from the date of the adoption of this plan by the governing body of the Township of Galloway.

Discrimination Ban

No covenant, lease conveyance or other instrument shall be executed by the redevelopment entity or the redeveloper whereby land or structures with this redevelopment is restricted upon the basis of race, creed, color, gender, marital status, age, disability, familial status or national origin.

The termination of this plan shall in no way permit the land or structures of the redevelopment area be restricted on the basis of race, creed, color, gender, marital status, age, disability, familial status or national origin.

Deviations from Provisions of Approved Redevelopment Plan

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

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

1. To allow a use not specifically permitted within the Project Area;
2. Deviation from the phasing plan for public improvements or other contractual obligations of the redeveloper to the Redevelopment Authority.

Amendments to Approved Redevelopment Plan

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

Repeal and Severability Statements

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

CONCLUSION

The Redevelopment Plan for Phase I – Tilton Road is designed to encourage the revitalization of existing facilities and surrounding parcels. This specific amendment will provide for the re-use and improvement of the former Lenox factory. The improvements to the property will contribute to the economic health of the Township and the surrounding neighborhoods. By providing incentives for property owners to improve existing facilities, expand operations or to improve available vacant land the Redevelopment Plan will improve not only the economic health but begin to restore the balance to the Township's economic base and create new job opportunities.

