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Proposed amendments: June 11, 2020

ADDITIONS: *shown in bold and italics*

DELETIONS: ~~shown in strikethrough~~



## REDEVELOPMENT PLAN

11 Devins Lane  
Block 432, Lot 1  
Former Press Redevelopment Plan

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# INTRODUCTION

In 1992, the New Jersey Legislature passed the Local Housing and Redevelopment Law (40A:12A-1 et al). In their Findings, Determinations, and Declarations, the law states:

*“There exist, have existed and persist in various communities of this State conditions of deterioration in housing, commercial and industrial installations, public services and facilities and other physical components and supports of community life, and improper, or lack of proper, development which result from forces which are amenable to correction and amelioration by concerted effort of responsible public bodies, and without this public effort are not likely to be corrected or ameliorated by private effort.”*

Since the adoption of the Local Housing and Redevelopment Law (LHRL), municipalities throughout the state of New Jersey have utilized the processes and procedures to ignite and guide redevelopment, revitalization, and rehabilitation within respective communities.

The LHRL allows municipalities to establish areas in need of redevelopment and areas in need of rehabilitation within municipal boundaries. A portion of the LHRL allows municipalities to establish “Areas in Need of Rehabilitation” using the following criteria from Section 40A:12A-14, Conditions for determination of need for rehabilitation:

A delineated area may be determined to be in need of rehabilitation if the governing body of the municipality determines by resolution that a program of rehabilitation, as defined in section 3 of P.L. 1992, c.79 (C.40A:12A-3), may be expected to prevent further deterioration and promote the overall development of the community; and that there exist in that area any of the following conditions such that:

1. A significant portion of structures therein are in a deteriorated or substandard condition,
2. More than half of the housing stock in the delineated area is at least 50 years old,
3. There is a pattern of vacancy, abandonment or underutilization of properties in the area,
4. There is a persistent arrearage of property tax payments on properties in the area,
5. Environmental contamination in discouraging improvements and investment in properties in the area,
6. A majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance,

Where warranted by consideration of the overall conditions and requirements of the community, a finding of need for rehabilitation may extend to the entire area of a municipality.

In December 2002, the Council of the City of Pleasantville passed Resolution No. 273-2002, which designated the entire City as an “area in need of rehabilitation” in accordance with N.J.S.A. 40A:12A-14. Once designated, any property within the area is eligible to adopt a plan designed to rehabilitate, redevelop, and revitalize the site. This Redevelopment Plan is based upon the Rehabilitation Area designation established for The City of Pleasantville. This document constitutes a redevelopment plan by statute and has been prepared in accordance with N.J.S.A. 40A: 12A-7 which states that "no redevelopment projects shall be undertaken or carried out except in accordance with a Redevelopment Plan adopted by ordinance of the municipal governing body."

This Redevelopment Plan establishes an overlay with permitted land uses and development standards that will be applicable to 11 Devins Lane (Block 432, Lot 1). This document establishes the framework for redevelopment.

The City has previously used Redevelopment as a tool in many areas. There are 8 areas within the City that are designated as either areas in need of redevelopment or areas in need of rehabilitation, in addition to the city-wide rehabilitation area. These areas include lands along Narcissus Avenue, California Avenue, the Woodland Terrace-New Hope Community, Cambria Avenue, City Center Area, Gateway, and Lakes Bay Waterfront. Several of these designated areas include an adopted Redevelopment Plan that establishes standards for future land uses and development on properties within their boundaries.

This Redevelopment Plan is based upon the Rehabilitation Area designation established for The City of Pleasantville. This document constitutes a redevelopment plan by statute and has been prepared in accordance with N.J.S.A. 40A: 12A-7 which states that "no redevelopment projects shall be undertaken or carried out except in accordance with a Redevelopment Plan adopted by ordinance of the municipal governing body."

This Redevelopment Plan establishes an overlay with permitted land uses and development standards that will be applicable to 11 Devins Lane (Block 432, Lot 1). This document establishes the framework for redevelopment.

#### Rehabilitation Compared to Redevelopment

Rehabilitation and redevelopment are defined terms in the Local Redevelopment and Housing Law. Rehabilitation is:

*"An undertaking, by means of extensive repair, reconstruction, or renovation of existing structures, with or without the introduction of new construction or the enlargement of existing structures, in any area that has been determined to be in need of rehabilitation or redevelopment, to eliminate structural or housing conditions and arrest the deterioration of that area."*

The governing body designated the entire City of Pleasantville as an Area in Need of Rehabilitation by resolution with no public or individual notice to property owners. A critical distinction between rehabilitation and redevelopment is that land in an area designated for rehabilitation is precluded from being acquired by eminent domain.

This Plan envisions adaptive reuse on an existing site within the Pleasantville Area in Need of Rehabilitation.

#### Relationship of Plan to the City of Pleasantville Ordinances

This Redevelopment Plan establishes new use and bulk provisions in Chapter 300: Land Management (adopted by the City Council of the City of Pleasantville 7-16-2012 by Ord. No. 9-2012) for the site unless existing Ordinance provisions are specifically referenced. Other City regulations affecting development that are in conflict are superseded by this Plan as well. However, existing engineering standards, performance standards, and definitions shall apply.

Final adoption of this Redevelopment Plan by the Pleasantville City Council shall be considered an amendment to the Official Zoning Map to depict the Rehabilitation Area. Unless otherwise defined in the Plan, terms used in this Plan shall have the same meaning as defined in the City's Land Management Ordinance.

## DESCRIPTION OF REHABILITATION AREA

The former Press of Atlantic City property, also referred to as the former Press site, is located at 11 Devins Lane in the City of Pleasantville. It is identified as Block 432, Lot 1 by the Atlantic County Tax Map. The parcel is bound by Washington Avenue (County Road 608) to the north, Devins Lane to the east, the West Jersey and Seashore Railroad right-of-way to the south and the municipal boundary of Egg Harbor Township to the west. The tract is approximately 9.74 acres in size and contains two existing multi-story vacant buildings with an adjoining wall that totals approximately 80,000 square feet.

The Pleasantville Master Plan, which was updated in 2016, contains the adopted Land Use Element prepared by Rutala Associates, and identifies the property zoned as RC, Regional Commercial Zoning District:

*"The Regional Commercial Zoning District provides for an appropriate mix of retail-oriented commercial, office and other uses, with supportive residential above, designed to support the needs of the residents and businesses of the City of Pleasantville as well as those of eastern Atlantic County. The RC district is located on either side of the Black Horse Pike." (p.11)*

Uses in the immediate area include the Atlantic Press building on the opposite side of Washington Avenue and the Life Point Church and an oil distributor across Devins Lane. Just beyond the railroad right-of-way to the south is a Maaco autobody shop and a vacant strip shopping center, while a wooded area with a railroad spur lies to the west.

The site is under active remediation and has been assigned a site identification number of 583960 by the New Jersey Department of Environmental Protection.

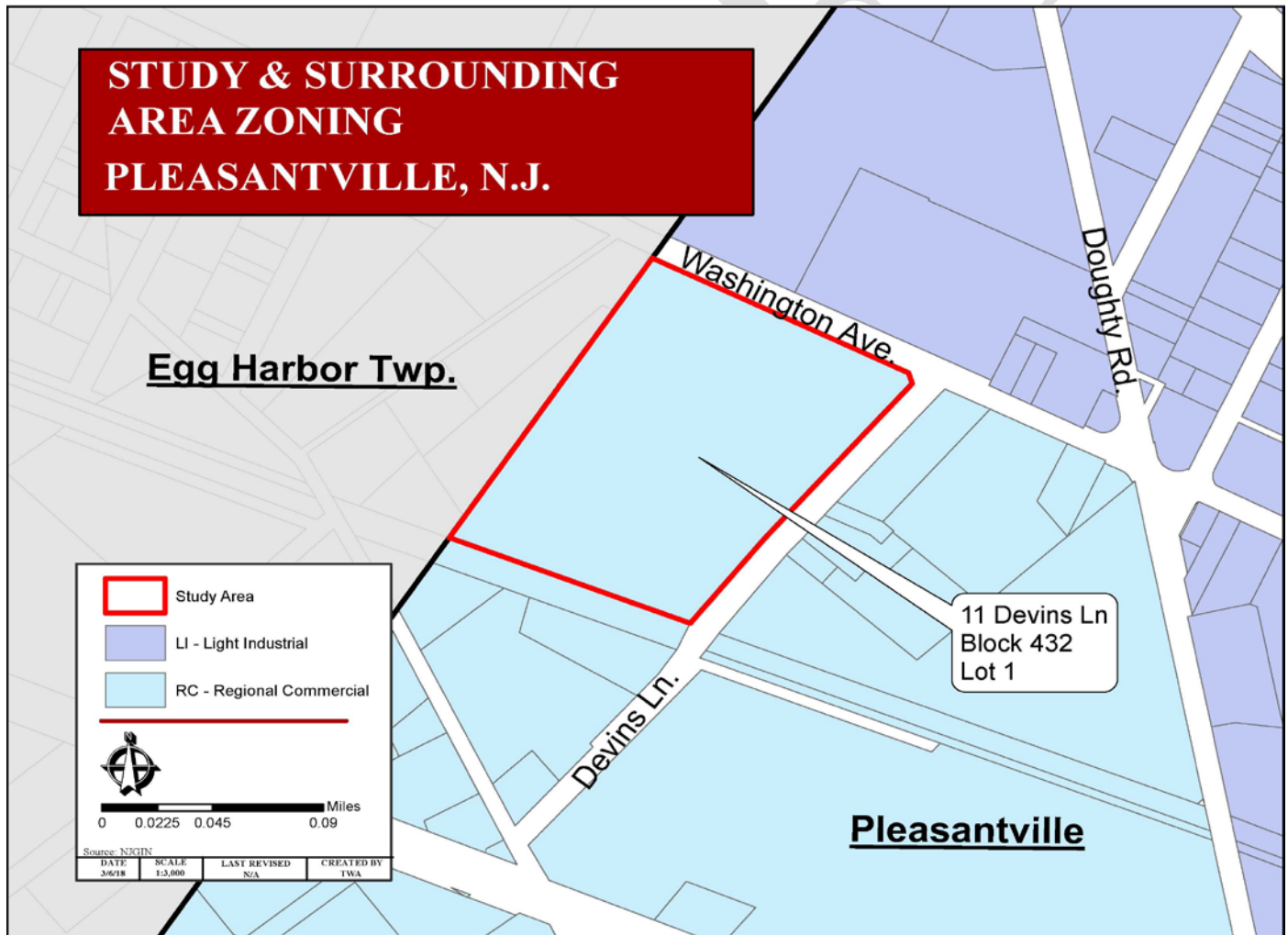


Aerial Photograph of 11 Devins Lane, Pleasantville, NJ





Primary vehicular entrance to the former Press site at 11 Devins Lane, Pleasantville, NJ



The parcel is also located within Pleasantville's Urban Enterprise Zone (UEZ).

# GOALS AND OBJECTIVES

The primary objectives of this Plan are:

- To encourage the revitalization and redevelopment of a dormant commercial property;
- To expand the economic base; and
- To encourage the creation of new jobs.

## PLAN PROPOSALS

### Definitions

The definitions provided in N.J.S.A. 40A:12A-3 and Chapter 300: Land Management are incorporated into this plan by reference.

### Land Use and Building Requirements

The standards for the land use, building, and bulk criteria for the rehabilitation area are based on criteria found in the Light Industrial (L-I) zoning jurisdiction as defined in §300-24 of the Land Management Ordinance, with some additions. The L-I jurisdiction is contiguous to redevelopment parcel to the north. The following standards apply to the site:

#### Light Industrial (L-I) Zoning District:

The Light Industrial Zoning District was crafted to provide for and encourage light industrial concentrations (limited to those uses specifically enumerated) in locations which will adequately accommodate such development, while not negatively impacting the public health, safety, and general welfare of adjacent residential neighborhoods or the natural environment in close proximity to such (light industrial) uses.

#### Permitted principal structures and uses:

- (a) Light industrial operations, as defined in §300-10 ("Industrial, light"), within a completely enclosed building;
- (b) Fully enclosed warehouse or storage establishments;
- (c) Research and design laboratories;
- (d) Administrative offices, open-air yard storage and other municipally sponsored facilities, uses, and activities as may be necessary and convenient to the provision of municipal, county, state or federal governmental services or the support of the general welfare of the community by the City of Pleasantville;
- (e) Public utility (central) substations;
- (f) Self-operated rental (mini) storage facilities, including rental of moving vehicles and equipment (trucks, vans, lifts, etc.);
- (g) Automobile repair establishments, including auto-body repair and car washes;
- (h) Contractor's warehouse and offices, including material or design showrooms;
- (i) Wholesale distribution centers, including contractor's wholesale supply facilities and wholesale produce or other food-related wholesale operation;



- (j) Indoor agriculture and agrarian uses
- (k) Assembly of wood, vinyl or metal products including, but not limited to, fences and railings;
- (l) Preparation and packaging of construction related, landscaping related, medical related and other products associated with uses permitted in this Redevelopment Plan;
- (m) Retail or wholesale distribution centers, including contractor's wholesale supply facilities where products and/or materials are brought to or leave the site via rail or roadways;
- (n) Indoor recreation
- (o) Food processing
- (p) Business and professional office
- (q) Railroad Right of Way and related infrastructure and improvements.
- (r) All non-residential uses or businesses approved by the State of New Jersey.
- (s) ***Class A & B & C Recycling Facility on Block 432; Lot 1.02, as per the subdivision approved by the City of Pleasantville, with all processing and sorting to take place inside the principal building and with no outdoor storage of material except within closed rail container cars and covered roll-off truck containers. This use shall specifically comply with all standards and requirements of this redevelopment plan. No deviations, variances or waivers shall be permitted.***

Permitted accessory structures and uses:

- (a) Employee lounge and cafeteria functions and other back-of-the-house facilities normal and customary to an otherwise permitted use;
- (b) Outdoor or garaged storage of vehicles, limited to those incidental to an approved permitted use;
- (c) Enclosed storage and maintenance areas incidental to the permitted principal permitted use;
- (d) Over-the-counter retail sales to the public, provided that such retail sales are incidental to an approved permitted use, subject to the bulk regulations of §300-23G(5);
- (e) Subject to site plan approval by the Planning Board: exterior storage of merchandise, products, equipment or similar material incidental to a principal permitted use, provided that such storage is screened from view from any public right-of-way or adjacent residential property by a fence or wall, as well as by an appropriate combination of plant material in order to soften the appearance of said fence or wall. The adequacy and acceptability of the landscaping plan shall be determined by the approving Board;
- (f) Off-street parking lots/parking facilities. In addition to any requirements specified in §300-51, off-street parking shall be provided as detailed in §300-55, ***with applicable exemptions permitted herein;***
- (g) Off-street loading facilities. In addition to any requirements specified in §300-51, off-street loading shall be provided as detailed in §300-56, ***with applicable exemptions permitted herein;***
- (h) Fences and walls;
- (i) Signs;
- (j) Telecommunications/satellite dish antennas and related systems;

- (k) Solar energy systems;
- (l) Automated teller/cash-dispensing machines (ATMs,) provided that, if accessed from the exterior of a building, such machines shall be installed within the wall of the building; it being the intent not to permit freestanding exterior ATM kiosks. ATM kiosks wholly located and accessed from the interior of a building are permitted;
- (m) Public utility cabinets.
- (n) ***Outdoor Scales with optional accessory weigh house/office of 1,000square feet or less,***

Permitted conditional structures and uses:

- (a) Multiple principal uses within a single building shall be allowed, provided that each such use is a permitted principal use within the Light Industrial Zoning District, and further provided that each such use is located within a separately identifiable and fully securable space (it being the City's intention to prohibit an entity from subleasing a small portion of a larger, single floor area). Within this context, multiple corporate entities may operate out of a single space, provided that such entities are subsidiaries or related companies.
- (b) Administrative office uses when accessory to a permitted principal or conditional use. While accessory in nature, such offices shall be subject to the bulk requirements for conditional uses and not the 500 square feet maximum for accessory structures.
- (c) Open-air lots or enclosed storage facilities for inventoried vehicles intended for on- or off-site sale or rental, provided that the vehicles are not vertically stacked.
- (d) Open-air lots for the temporary storage of towed vehicles provided that the vehicles stored are towed by, or under a contract with, the City of Pleasantville and in accordance with applicable provisions of §269 Towing.
- (e) All conditional uses and structures are subject to the same bulk and area requirements as permitted uses and structures.

Bulk requirements for principal structures:

|  |                                       |
|--|---------------------------------------|
| Minimum lot area                                     | 43,560 square feet (1 acre)           |
| Minimum lot width                                    | 100 feet                              |
| Minimum lot depth                                    | 100 feet                              |
| Front yard   | 20 feet                               |
| Side yards   | 20 feet (each)                        |
| <b><i>Side Yard (between Lots 1.01 and 1.02)</i></b> | <b><i>5 feet</i></b>                  |
| Rear yard  | 40 feet                               |
| Maximum building height                              | The lower of 3 1/2 stories or 48 feet |
| Maximum coverage:                                    |                                       |
| Principal structure                                  | 60%                                   |
| Impervious   | 80%                                   |

Bulk requirements for accessory structures:

|            |  |
|------------|--|
| Front yard | Not permitted in front yard, <b><i>except that accessory scales and accessory weigh house are permitted between the Street and principal building when a minimum setback of 20 feet is provided.</i></b> |
| Side yard  | 10 feet  |
| Rear yard  | 10 feet  |

|                          |                                       |
|--------------------------|---------------------------------------|
| Maximum building height  | The lower of 1 1/2 stories or 20 feet |
| Maximum coverage:        |                                       |
| All accessory structures | 500 square feet                       |

The minimum lot size, width, and depth may be reduced for permitted uses by the Planning Board to allow for pad-site development when cross-easements are proposed for shared parking, drainage, access, and other infrastructure.

Side and rear yard setbacks for individual lots shall conform to the required perimeter setbacks. Setbacks between uses shall not be required if the development includes cross-easements for shared parking, drainage, access and other infrastructure.

No setback shall be required between buildings that share a common wall.

No accessory structure shall be located between a lot's front lot line and a line drawn parallel to the rear line of the principal building or structure on such lot and extending to the side lot lines of such lot, ***except for the front yard exception listed above.***

### ***Parking and Loading Standards***

***All development within the LI Zoning District shall comply with the Parking standards as set forth in §300-55 and 56, with the applicable exemptions outlined herein.***

***The parking requirements shall be guided by the City of Pleasantville Land Use Ordinance requirements however, since this is a redevelopment area, the following option shall apply for light industrial uses:***

***Light Industrial- 1 space / 800 square feet of principal building or 1 space per maximum number of employees per shift, whichever is greater.***

***For the recycling center, loading and unloading shall occur inside the principal structure, so standard loading parameters shall not apply. For this facility, interior truck and rail container use and exterior rail car storage on rail tracks is permitted with Planning Board review and approval, provided a rail spur is constructed to serve the interior of the principal building.***

Design standards:

All structures in the LI Zoning District shall comply with the design standards as set forth in §300-51, ***with the applicable exemptions outlined herein.***

A minimum 25-foot landscaped buffer zone is required as detailed in §300-69F(4), except that only 15 feet shall be required along Devins Lane, ***and; except that opaque screen fencing instead of a buffer is permitted along the municipal boundary between the City of Pleasantville and Egg Harbor Township.*** No parking areas are permitted within the perimeter buffer ***when one is required.*** The minimum required perimeter buffer shall not be applicable to drainage facilities, access driveways, or similar improvements.

As per §300-55 (1) (a) Off-Street Parking, No part of any surface parking lot, other than driveways for ingress and egress, shall be located closer to its street frontage than the minimum front yard setback, including setbacks applicable for corner lots, required for a principal building in the

relevant zoning district or the front facade of the principal building on the lot in question, whichever is greater. Lots that have a width of less than 150 feet, shall be required to place parking beyond the minimum front yard setback, but not be required to place parking beyond the setback of the principal building's front facade. A minimum of 10 feet of evergreen landscaping shall be placed between the property line and the proposed parking when this exemption is applied.

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 adjacent streets. Internal landscaping shall be provided where customer or visitor access is proposed.

### ***Additional Recycling Center Development Standards and Requirements***

***All recycling center uses including Class A and/or Class B and/or Class C shall comply with the following development standards:***

***(a) Material permitted to be accepted***

- i. Class A – Non-putrescible metal, glass, paper, plastic containers, and corrugated and other cardboard.***
- ii. Class B- Source separated recyclable material which is subject to the New Jersey Department of Environmental Protection approval prior to receipt, storage, processing or transfer at a recycling center in accordance with N.J.S.A 13:1E-99.34b. , and which included, but is not limited to, the following:***
  - 1. Source separated, non-putrescible, waste concrete, asphalt, brick, block, asphalt-based roofing scrap and wood waste;***
  - 2. Source separated, non-putrescible, waste materials resulting from construction, remodeling, repair and demolition operations on houses, commercial buildings, pavements and other structures;***
  - 3. Source separated whole trees, tree trunks, tree parts, tree stumps, brush and leaves provided that they are not composted;***
  - 4. Source separated scrap tires;***
- iii. Class C –Source separated compostable material which is subject to Department approval prior to the receipt, storage, processing or transfer at a recycling center in accordance with N.J.S.A. 13:1E-99.34b, and which includes, but is not limited to, organic materials such as:***
  - 1. Source separated yard trimmings***

***(b) Materials specifically prohibited from being accepted***

- 1. petroleum contaminated soil;***
- 2. food waste;***
- 3. vegetative food waste;***
- 4. Dry sewage sludge***
- 5. Discarded automobiles, trucks, trailers and large vehicle parts;***
- 6. Waste material consisting of incinerator ash or ash containing waste;***
- 7. Hazardous Material.***

- (c) *Description of Operations - A written Operations Plan detailing the licensing and residency review process of facility users, and the on-site delivery process including the process of entry, drop-off, and exit of vehicles, trucks and rail cars shall be submitted in conjunction with any Site Plan application for this use.*
- (d) *Principal Building Design*
- i. *The building shall not be temporary in nature, meaning that it shall not be comprised of fabric, plastic or canvas. At a minimum it shall have the capacity to be totally enclosed and contain a concrete floor, metal or masonry walls, garage doors and a ceiling.*
- (e) *Landscaping and beautification along the Washington Avenue frontage*
- i. *There shall be a minimum of twenty-five (25) feet of dense vegetative landscaping containing screen fencing, evergreen trees and evergreen bushes along Washington Avenue.*
  - ii. *Screen fencing and landscaping shall be required to screen on-site activities to the satisfaction of the Planning Board.*
- (f) *On-Site Drop-off Queuing Requirements -*
- i. *The initial check-in and scale location shall be situated far enough within the site to insure that there will be no queuing on Washington Avenue.*
  - ii. *The use is not permitted to incur queuing within the public R-O-W of Washington Avenue*
  - iii. *A management plan shall be submitted to identify how material drop offs will be handled to divert or re-schedule deliveries in order to insure there is no queuing.*
  - iv. *Driveway signage shall be provided on-site at the driveway entrance to: (1) inform patrons that Washington Avenue overflow queuing is not permitted, and; (2) inform patrons how to proceed in that instance based on the Management Plan.*
  - v. *This driveway signage shall be of a non-illuminated monument type sign, no higher than 3 ½ feet and no greater than 20 square feet in area. It shall be setback a minimum of 5 feet from the front and side lot lines in a visible location not blocking the sight triangle. The message shall be permitted on both sides of the sign.*
- (g) *Interior processing and sorting -*
- i. *All processing and sorting shall take place inside the principal building*
  - ii. *Material accepted into the facility and exiting the facility shall be non-hazardous and odorless*
- (h) *Outdoor storage of recyclable material or waste material is prohibited -*
- i. *All material shall remain interior to the building except that it may be moved into rail container cars and truck containers while inside the principal building.*
  - ii. *After the container is filled it shall be closed and covered and the rail car (for waster) and truck container (for recyclable material) can then be moved outside the building.*
- (i) *The queuing area for the rail cars shall be completely screened from view along the adjacent southeastern property line and screened from view along*

*Washington Avenue incorporating opaque fencing of a height equal to or taller than the rail car height combined with evergreen tree landscaping.*

- (j) The staging area for the truck containers shall be completely screened from view along adjacent property lines incorporating opaque fencing of a height equal to or taller than the container height and if found necessary by the Planning Board, combined with evergreen tree landscaping.*

## Supplementary Requirements for Redevelopment Projects

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

1. The City of Pleasantville 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. and 40A:12A-1 et seq.
2. The City of Pleasantville or redeveloper shall agree to comply with all applicable application submission requirements, design standards and development regulations of the City of Pleasantville, 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 City of Pleasantville Planning Board shall review and approve all plans and specifications for development with respect to conformance with this Redevelopment Plan.
4. The redeveloper shall be required to furnish escrows and performance guarantees as required by the City of Pleasantville Planning Board. (N.J.S.A. 40:55D-53)
5. The designated redeveloper shall agree to comply with all design standards and development regulations established in this plan for the Rehabilitation Area.
6. 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, as now existing or hereafter amended, the housing element of the City's master plan and any Development Ordinances. Contributions by Redevelopers towards any COAH obligations of the City shall be addressed in a redevelopment agreement between the Redeveloper and Pleasantville.
7. 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.
8. State and Federal Environmental Regulation: Portions of the Area and its redevelopment may be subject to State and Federal jurisdiction with regard environmentally sensitive areas (e.g., wetlands, flood plains, etc.). The redeveloper will work cooperatively with appropriate State and Federal agencies to assure that any existing resources are given adequate consideration.

## 9. Phasing

- a) The Subject Site may be constructed in one or more sections in accordance with a phasing plan approved by the City. A phasing plan map is included in Appendix D.
- b) Each phase of the development shall be self-sustaining with respect to parking, utilities, and overall design. Any deficiencies with respect to a phase shall be satisfied through the use of cross easements, if applicable.

## Relocation

There are no housing units located within the limits of the rehabilitation 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 rehabilitation 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

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

The City of Pleasantville adopted several Master Plan Elements in 2016. This Redevelopment Plan helps to advance the goals of the 2016 Land Use Plan Element. Relevant goals of the Element include:

- Encourage the development of retail, office and industrial areas consistent with the Master Plan.
- Provide incentives for both new development and redevelopment.
- Promote business retention and expansion.
- Promote infill development and redevelopment opportunities.
- Create marketable parcels for redevelopment by re-planning lands, infrastructure improvements, land consolidation, and subdivision.
- Utilize the City's redevelopment powers to encourage business retention, expansion, and attraction by providing for land reorganization, consolidation of properties and, where necessary, relocation.
- Generate new tax ratables by returning to productive land uses that are currently vacant or underutilized.

The following goals from the 2015 Master Plan Reexamination Report are also applicable to this Redevelopment Plan:



- Redevelopment in the City should utilize all state and federal programs to assist in the City's revitalization.
- Use local redevelopment powers, UEZ, and other development programs to support economic development within the City.

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

The rehabilitation area borders Egg Harbor Township (EHT) to the north. EHT recently completed a Master Plan Reexamination Report in 2017. The zoning in EHT along the Township's boundary with the site is Industrial, similar to the proposed zoning in Pleasantville. This redevelopment plan is consistent with ongoing developments in Egg Harbor Township as evidenced by the Land Use Map (See Exhibit III).

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

In August of 2017, Atlantic County adopted a revised Master Plan. In the Executive Summary, the Plan states the following:

Since 2000, when the current County Master Plan was adopted, the County's demographics have changed, the economic climate has changed, and the principles of sustainability and resiliency have moved to the forefront of the planning field. Superstorm Sandy served as the impetus to undertake this planning work, but there have been other weather events including Tropical Storm Irene, the Derechos of 2012, nor'easters and snow storms, and nuisance flooding that have forced the County to confront these issues.

The County's economic base, which has long depended on tourism and Atlantic City casinos, has been eroded by the national housing crisis and worldwide economic recession and by increased competition for casino gaming dollars in surrounding states. The County's unemployment rate and economic recovery have lagged behind the rest of the state, and the latest trends show that the size of the workforce has diminished. One of the main challenges moving forward is to explore new industry sectors that can boost the County's economy and provide new high quality jobs.

The proposed redevelopment plan is consistent with the 2017 Atlantic County New Jersey Master Plan.

The following goals and objectives of the previous 2000 Atlantic County New Jersey Master Plan still apply today and to the Press site in particular:

- 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.

***Atlantic County Solid Waste Management Plan, last revised June 20, 2019***

***A Solid Waste Management Plan for the County of Atlantic is required by N.J.S.A. 13:1E-1 et seq., The Solid Waste Advisory Council (SWAC) is established to assist in the biennial review of the plan required***

*by statute and to provide advice and assistance to county officers and agencies on any other matter concerning solid waste as such officers and agencies, through the County Executive, may request. To assist the SWAC in performing its functions, the agencies responsible for implementing the Solid Waste Management Plan shall be represented to provide information on implementation activities.*

*Any use permitted within this redevelopment plan that is within the jurisdictional of the Atlantic County Solid Waste Management Plan controls must seek inclusion in the Plan and comply with the Atlantic County Utility Authority Rules and Regulations for Use of Solid Waste and Recycling Facilities, effective January 1, 2020.*

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

The rehabilitation area is located in the Metropolitan Area (PA1) of the New Jersey State Development and Redevelopment Plan (2001). The area “provides for growth, compact development, redevelopment, and stabilizing and protecting the character of existing communities.”

In 2012, the state developed a draft of the State Strategic Plan, which was intended to be an update to the 2001 State Development and Redevelopment Plan. Some of the stated policy goals of this draft plan include targeted economic growth and effective regional planning. One of the stated objectives is to prioritize redevelopment, including infill around existing infrastructure, over greenfield development. Another stated goal is to provide for investment and business opportunities in areas with existing infrastructure. This draft plan however was not officially adopted, and remains as a draft only.

This Redevelopment Plan has no detrimental effect on the Master Plans of contiguous municipalities, the Master Plan of the County of Atlantic or the State Development and Redevelopment Plan.

## ADMINISTRATION

### General Provisions

Any plans or plats approved by the City of Pleasantville, 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 Selection

The following restrictions and controls on redevelopment are hereby imposed in connection with the selection of a redeveloper(s) for any property or properties included in this Redevelopment Plan and shall apply notwithstanding the provisions of any zoning or building ordinance or other regulations now or hereafter in force:

- The redeveloper will be obligated to carry out the specified improvements in accordance with this Redevelopment Plan.

- The redeveloper, its successors or assignees shall develop the Rehabilitation Area in accordance with the uses and building requirements specified in this Redevelopment Plan.
- Until the required improvements are completed and a certificate of completion is issued, the redeveloper covenants provided for in N.J.S.A. 40A:12A-9 and imposed on any redevelopment agreement, lease, deed or other instruments shall remain in full force and effect.
- No development of the Plan Area may be undertaken unless and until the developer is designated as the redeveloper by the City Council, and the redeveloper and the City Council enter into a Redevelopment Agreement.
- The Redevelopment Agreement(s) shall contain provisions to assure the timely construction of the redevelopment project and any other provisions necessary to assure the successful completion of the project.

## Redeveloper Designation

It is the intention of the City, upon adoption of this Redevelopment Plan, to immediately accept Expressions of Intent from entities interested in developing a project on Lot 1. Candidates for Redeveloper designation shall be selected from among those submitting Expressions of Interest.

The City shall evaluate all Expressions of Interest when received and, at its sole discretion, may select and Conditional Redeveloper from among those submissions. The Conditional Redeveloper shall be the entity whose Expression(s) of Interest, in the sole opinion of the City, 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 and objectives of this Redevelopment Plan and provide the City with demonstrated evidence of the author's superior experience and qualifications in developing and, as appropriate, operating the type, size and scope of the Project proposed.

The City 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 and objectives of this Redevelopment Plan. Nothing herein shall be construed to imply that the City shall be required to designate the author of any Expression of Interest as Conditional Redeveloper.

Expressions of Interest shall include, at a minimum:

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

## Redeveloper Agreement

Upon selection of a Conditional Redeveloper, the City shall commence negotiations leading to a Redevelopment Agreement with such entity. The Redevelopment Agreement shall include, at a minimum:

1. The Project Concept(s) and Description of Project Elements for the undertakings proposed.
2. Statements regarding compliance with the municipal goals and objectives of this Redevelopment Plan.
3. A schedule for the commencement and completion of improvements.
4. Provisions for the termination of Redeveloper status and the return of Lot 1 in the event of default by the Redeveloper.
5. Issues identified within the body of this Redevelopment Plan as being subject to such negotiations.
6. Such other provisions as may arise during negotiations or which may be required by law.

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. 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.
3. 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.

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.

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.

While it is the intention of the City to negotiate in good faith with the Conditional Redeveloper to address all planning, financial and other issues which may become part of the Redevelopment Agreement, should a Conditional Redeveloper propose a Project which, in the sole opinion of the City, does not meet the municipal goals and objectives of this Redevelopment Plan, or should the

City and the Conditional Redeveloper otherwise not be able to consummate a mutually-acceptable Redevelopment Agreement, the City reserves the right to rescind Conditional Redeveloper status from such entity and to identify and enter into negotiations with an Alternate Redeveloper.

In the event that the City is placed in a position where it must designate an Alternate Redeveloper, the City reserves the right to designate such entity from among those parties who have submitted an Expression of Interest or may, at its sole discretion, either negotiate directly with a development entity known to the City or undertake such competitive, public solicitation process as it may deem appropriate.

## Redevelopment Entity

As permitted under N.J.S.A. 40A:12A-4, the City Council is the designated redevelopment entity for the implementation of this redevelopment plan. The City Council, acting as the redevelopment entity, shall review all proposed redevelopment projects within the Rehabilitation Area to ensure that such project(s) is consistent with the Redevelopment Plan and relevant redeveloper agreement(s). Such review shall occur prior to the hearing on the redevelopment project(s) by the Planning Board. As part of its review, the City Council may require the redeveloper to submit its proposed project to a technical review committee or subcommittee of the City Council. The technical review committee may include members of the City Council and any other members or professionals as determined necessary and appropriate by the City. The technical review committee shall make its recommendations to the City Council.

In undertaking its review, the City Council shall determine whether the proposal is substantially consistent with this Redevelopment Plan and redeveloper agreement(s), subject to deviations, exceptions and waivers that may be granted by the Planning Board.

When necessary for the implementation of this plan, the City of Pleasantville 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))

### Proposed Redevelopment Actions

The continued revitalization of this area is important to the City of Pleasantville. In order to facilitate the revitalization of these properties the following actions are permissible under the plan pursuant to N.J.S.A. 40A:12A-8 and may be used as applicable by the Redevelopment Entity:

1. Acquire property pursuant to subsection i. of section 22 of P.L. 1992, c.79 (C.40A:12A-29).
2. Clear any area owned or acquired and install, construct or reconstruct streets, facilities, utilities, and site improvements essential to the preparation of sites for use in accordance with the redevelopment plan.
3. 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.
4. 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.

5. Lease or convey property or improvements to any other party pursuant to this section, without public bidding and at such prices and upon such terms as it deems reasonable, provided that the lease or conveyance is made in conjunction with a redevelopment plan, notwithstanding the provisions of any law, rule, or regulation to the contrary.
6. Enter upon any building or property in any redevelopment area in order to conduct investigations or make surveys, sounding or test borings necessary to carry out the purposes of this act.
7. Make, consistent with the redevelopment plan: (1) plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements; and (2) plans for the enforcement of laws, codes, and regulations relating to the use and occupancy of buildings and improvements, and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements.
8. Publish and disseminate information concerning any redevelopment area, plan or project.
9. Do all things necessary or convenient to carry out its powers.

## Planning Board Review Process

Pursuant to N.J.S.A. 40A:12A-13, all development applications for development of sites governed by this Redevelopment Plan shall be submitted to the Planning Board for review and approval. The following provisions shall govern review of any proposed redevelopment projects for the Redevelopment Area:

- No building permit shall be issued by the construction or zoning official for any work resulting in a change of intensity of development or change of use for any properties or buildings within the area of the Redevelopment Plan without prior review and approval of the work by the City Council and the Planning Board.
- Regular maintenance and minor repair shall not require Planning Board review and approval.
- The Planning Board shall conduct site plan and subdivision review, if applicable, pursuant to N.J.S.A. 40:55D-1 et seq. and the City's Land Use Ordinance.
- As part of site plan approval, the Planning Board may require the redeveloper to furnish performance guarantees pursuant to N.J.S.A. 40:55D-53 and as required in the City's Land Use Ordinance. The performance guarantees shall be in favor of the City of Pleasantville, and the City Engineer shall determine the amount of any performance guarantees, in accordance with N.J.S.A. 40:55D-1 et seq.
- Any subdivision of lots or parcels of land within the Redevelopment Area shall be in compliance with the Redevelopment Plan and reviewed by the Planning Board pursuant to the LRHL and N.J.S.A. 40:55D-1 et seq.

- Once a property has been redeveloped in accordance with the Redevelopment Plan, it may not be converted to any use not expressly permitted in this Redevelopment Plan. No non-conforming use, building, or structure may be expanded or made more non-conforming in nature after adoption of this Redevelopment Plan. A use or structure not conforming to the requirements of this Redevelopment Plan may not be reconstructed in the event of its destruction. The Planning Board shall determine the issue of whether the non-conforming use or building structure has been "destroyed."
- The Planning Board may grant (a) exceptions, waivers, or variances from design standards and from the requirements for site plan or subdivision approval, and (b) deviations from this Redevelopment Plan. Any exceptions, waivers, or variances granted shall be reasonable within the general purposes and intent of the provisions for site plan review and/or subdivision approval within this Redevelopment Plan. No deviations may be granted under the terms of this section unless such deviations can be granted without resulting in substantial detriment to the public good and will not substantially impair the intent and purpose of this Redevelopment Plan.
- No deviations may be granted which will result in permitting a use that is not a permitted use within this Redevelopment Plan. Any deviation from standards of this Redevelopment Plan that results in a "D" variance pursuant to N.J.S.A. 40:55D-70d may only be addressed as an amendment to the Redevelopment Plan by the City Council rather than via variance relief through the City's Land Use Board. All development must be approved by the Planning Board and shall be submitted through the normal site plan and subdivision procedures as identified by N.J.S.A. 40:55D, et seq. Final adoption of this Redevelopment Plan by the City Council shall be considered an amendment to the City of Pleasantville Land Use Ordinance and Zoning Map. Unless otherwise defined in the Redevelopment Plan, terms used in this Redevelopment Plan shall have the same meaning as defined in the City's Land Use Ordinance.
- The regulations and controls of this Redevelopment Plan shall be implemented, where applicable, by appropriate covenants, or other provisions and through agreements between the redeveloper and City pursuant to N.J.S.A. 40A:12A-8 and 40A:12A-9.
- The extent of the redeveloper's responsibility for any installation or upgrade of infrastructure related to the development of the Redevelopment Area, or contribution thereto, shall, whether on-site or off-site, be subject to a redeveloper's agreement with Pleasantville City, as the municipal redevelopment agency.
- Any and all definitions contained within this Redevelopment Plan shall prevail. In the absence of a definition, the definition found within the City's Land Use Ordinance shall prevail. Any and all definitions inconsistent with N.J.S.A. 40A:12A-3 shall be considered invalid.
- A redeveloper shall be required to pay all applicable escrow fees and other required charges in accordance with applicable provisions of the City's Land Use Ordinance and State law. Additionally, a redeveloper shall be required to pay their proportional share of the cost of any studies, plans, reports, or analysis prepared by the City or its designated redevelopment entity as part of this Redevelopment Plan. Any such payments required to reimburse the City shall be specified in the redevelopment agreement.

The above provisions are all subject to approval by ordinance and/or resolution according to law. If a court of competent jurisdiction finds any word, phrase, clause, section, or provision of this Redevelopment Plan to be invalid, illegal, or unconstitutional, the word, phrase, clause, section, or provision shall be deemed severable, and the remainder of the Redevelopment Plan and



implementing ordinances shall remain in full force and effect.

## 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 City of Pleasantville 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 City of Pleasantville.

## 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 rehabilitation area be restricted on the basis of race, creed, color, gender, marital status, age, disability, familial status, or national origin.

## Procedures for Amending the Plan

This plan may be amended or revised from time to time in accordance with the requirements of law, provided that, when the revision or amendment materially affects an owner with an interest in the Rehabilitation Area, the City holds public hearings with notice to owners whose interest therein is materially affected. Procedures for amending the plan shall be as regulated in the "Local Redevelopment and Housing Law." (N.J.S.A. 40A: 12A-7)

## Repeal and Severability Statements

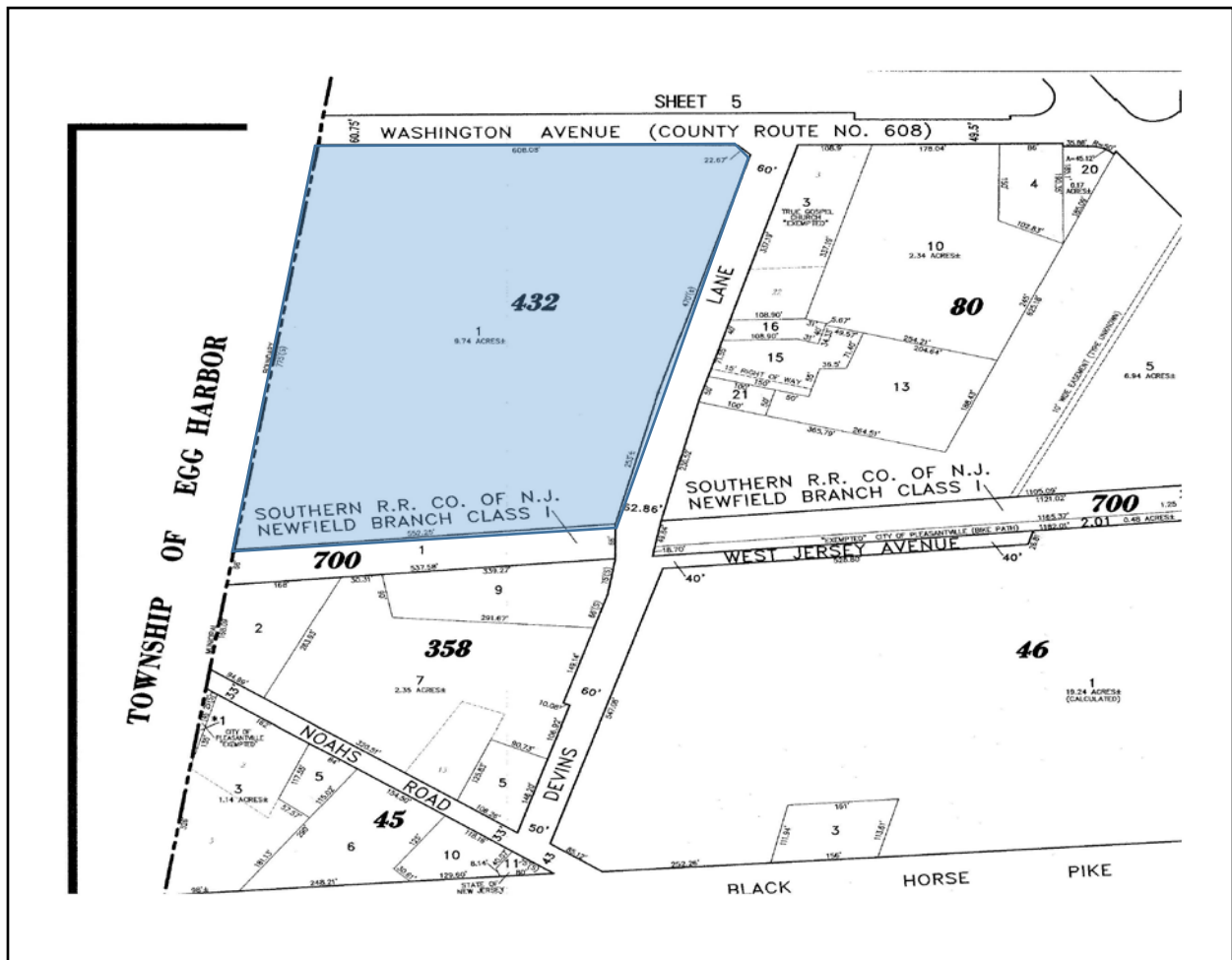
All ordinances or parts of ordinances inconsistent with this Redevelopment Plan are repealed to the extent of such inconsistency only. If any provision or regulation of this redevelopment plans should be judged invalid by a court of competent jurisdiction; such order or plan shall not affect the remaining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

## CONCLUSION

The Redevelopment Plan for 11 Devins Lane is designed to encourage the revitalization of existing facilities and surrounding parcels. This area will contribute to the economic health of the City 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 Pleasantville's economic base and create new job opportunities.

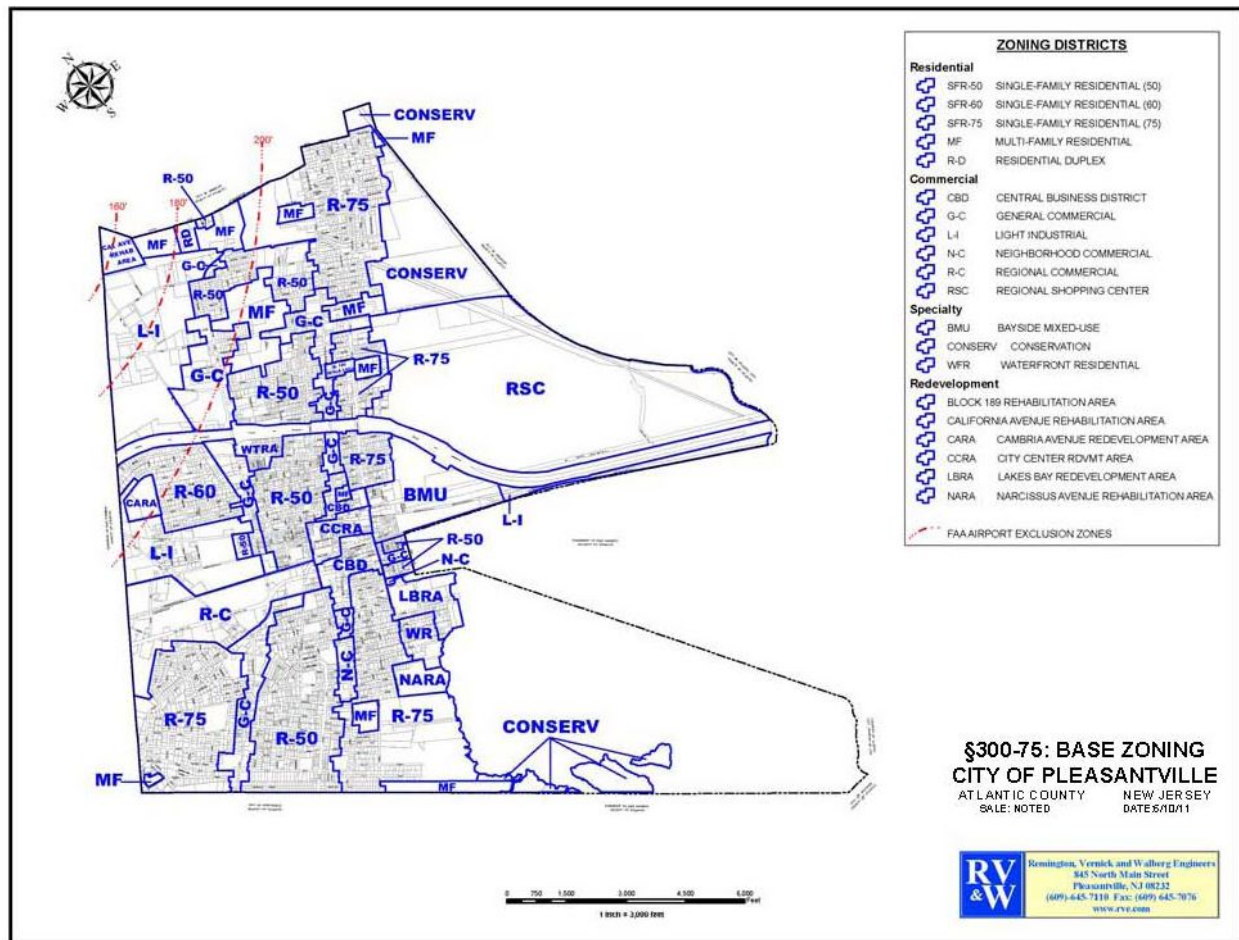
# Exhibits

## Exhibit I – Redevelopment Parcel Tax Map-Block 432, Lot 1



Source: NJ Property Fax

## Exhibit II – Pleasantville Zoning Map



## Exhibit III – Land Use Map

