

2008 COMPREHENSIVE MASTER PLAN UPDATE CITY OF PLEASANTVILLE Atlantic County N.J.



VOLUME 1 of 2

**Statement of Objectives,
Principles, Assumptions,
Policies & Standards**

Land Use Plan Element

Housing Plan Element

VOLUME 2 of 2

Circulation Plan Element

**Utility Service Plan
Element**

**Community Facilities Plan
Element**

**Open Space & Recreation
Plan Element**

Prepared by



Prepared for the



September 8, 2008
Approved November 13, 2008

**Pleasantville
Planning Board**



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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. Wisner, P.P., AICP
N.J. Professional Planners License # LI005598

Edward J. Walberg, P.E., P.P., C.M.E.
N.J. Professional Planners License # LI0544





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VOLUME 2 of 2

SPECIFIC COMPONENTS OF THE FOLLOWING MASTER PLAN ELEMENTS ARE, OF NECESSITY, DEPENDENT UPON THE RECOMMENDATIONS ADOPTED AS PART OF THE LAND USE PLAN ELEMENT OF A MUNICIPAL MASTER PLAN.

ACCORDINGLY, THE FOLLOWING ELEMENTS SHALL BE ADDRESSED IN VOLUME 2 OF 2 OF THIS COMPREHENSIVE MASTER PLAN UPDATE, WHICH SHALL BE UNDERTAKEN UPON ADOPTION OF THE RECOMMENDATIONS CONTAINED IN VOLUME 1 OF 2 HEREIN.

- 10.0 CIRCULATION PLAN ELEMENT**.....
- 11.0 UTILITY PLAN ELEMENT**.....
- 12.0 COMMUNITY FACILITIES PLAN ELEMENT**
- 13.0 OPEN SPACE & RECREATION PLAN ELEMENT**
- 14.0 EXHIBITS (Volume 2 of 2)**.....



ACKNOWLEDGEMENTS

In addition to the City's Governing Body and the members of the Pleasantville Planning Board, the authors wish to acknowledge the contributions of the following individuals, who have made invaluable contributions to this effort.

CITY OF PLEASANTVILLE

Marvin D. Hopkins, City Administrator
Debra Washington,
Superintendent of Recreation

Brian Vigue, Tax Assessor
Alfred R. Scerni, City Solicitor

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REMINGTON, VERNICK & WALBERG ENGINEERS

Daniel DePasquale, P.E., P.P., C.M.E.
Edward Dennis, Jr. P.E.

Eric Gundrum, P.P., AICP
Christopher Brown, Planner



1.0 INTRODUCTION

1.0.1 The City of Pleasantville is in a transition period. Once a thriving residential and commercial community, the City has, over the past decades, seen considerable social and economic decline; to the point where Pleasantville has been ranked as one of New Jersey's the most distressed communities.¹ Statistically, the City is suffering from high unemployment, an extremely high percentage of low income and welfare recipient households and relatively low property values as compared to the balance of the County and the State. Businesses have left the City and significant portions of the municipality exhibit physical and social blight.

Over the years Pleasantville Policymakers have commissioned numerous planning and economic development studies designed to identify the root causes of this decline and to reverse these conditions. These actions have resulted in the City making application to numerous state and federal agencies for financial and technical assistance. As a result of this proactive effort, the City of Pleasantville is the only New Jersey Municipality to receive every designation of distress that the State is empowered to confer. Specifically, Pleasantville is a(n):

- Special Urban Area designation under NJ's Urban Aid legislation.
- NJ Economic Development Authority Urban Initiatives.
- Urban Enterprise Zone (select portions of the municipality).
- Transit Village (downtown).
- Urban Coordinating Council area (Waterfront District).
- Neighborhood Preservation Program area (Waterfront & Midtown Districts).
- State of New Jersey Abbott School District.

Additionally, the Federal government has declared Pleasantville to be:

- A Federal Weed and Seed Community.
- A Federal Housing and Urban Development Hope VI Community.

Finally, the City itself has declared sections of the community as being In Need of Redevelopment while designating the entire municipality as being be In Need of Rehabilitation under the New Jersey *Local Redevelopment and Housing Law*.²

1.0.2 As a result of the City's actions, Pleasantville is beginning to see a trend toward revitalization. Residential property values are escalating and developers are again showing interest. Clearly, programs made possible by the aforementioned designations are proving successful.

¹ Pleasantville was ranked the State's 39th most distressed community in the most recent update (1996).

² N.J.S.A. 40A:12A-1 et seq.



1.0.3 The ability of Pleasantville as a community to respond to these trends is critical if the City is to take full advantage of these improving conditions. Without proper planning, growth trends can reverse themselves or, alternatively, can escalate beyond the City's ability to manage the change.

1.1 **Municipal Master Plan**

1.1.1 The New Jersey *Municipal Land Use Law*³ requires municipalities to adopt a municipal Master Plan before it enacts a municipal development ordinance and municipal zoning. As specified in *MLUL* section 28, a municipal Master Plan is a report (with maps, diagrams and text) addressing two (2) mandatory and 11 optional development-related planning topics.⁴ It is prepared for and adopted by the municipal Planning Board as a policy document, and typically includes a series of recommended actions. Said recommendations have no force or effect however, until they are enacted by the municipal Governing Body by ordinance.

1.1.2 After initial adoption, the *MLUL*⁵ requires a municipality to periodically conduct a reexamination of its master plan and development regulations as follows:

The governing body shall, at least every six years, provide for a general reexamination of its master plan and development regulations by the planning board, which shall prepare and adopt by resolution a report on the findings of such reexamination. The reexamination report shall state:

- The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
- The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- The extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.

³ N.J.S.A. 40:55D-1 et seq. ("MLUL")

⁴ While optional under N.J.S.A. 40:55D-28, a Housing Plan Element is required by N.J.S.A. 40:55D-62 before a municipality may enact a Zoning Ordinance, thereby effectively making it a Mandatory Master Plan Element.

⁵ N.J.S.A. 40:55D-89



- The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.
- The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the *Local Redevelopment and Housing Law*, 40A:12A-1 et al. into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

1.1.3 The City of Pleasantville first adopted a municipal Master Plan in 1979. This document was “reviewed” and “revised” in June of 1993,⁶ and further amended via reexamination in 1999 as required by law.⁷

The City’s original Zone Plan was adopted after adoption of the 1979 Master Plan. The current Zone Plan, along with companion development regulations, was adopted in 1987. Both have been modified periodically since initial adoption, the latest amendment to the Zoning Ordinance taking place in 2005 and the latest amendment to the Zoning Map taking Place in 2008.

1.2 **2008 Comprehensive Master Plan Update**

1.2.1 A Periodic General Reexamination of a municipal Master Plan is designed to 1) review the assumptions, policies, objectives and problems facing a municipality *since the last such reexamination* as well as within the context of current conditions, and 2) recommend changes in policies / regulations to address such conditions.

Such analyses, by definition, take an incremental approach to problem identification and problem solving and are filtered by past efforts. Accordingly, there are times when a fresh look at a community is advisable.

This Comprehensive Master Plan Update is designed to take such a fresh look by approaching each (addressed) Master Plan Element as if new. While previous efforts have been reviewed for background and context, the assumptions, policies and objectives forming the basis for the recommendations contained herein have not been constrained by prior decision making.

1.2.2 With the foregoing as background, this Comprehensive Master Plan Update is in full conformance with the requirements for municipal Master Plans under section 28 of the *Municipal Land Use Law* as well as the provisions for general periodic Master Plan Reexaminations under *MLUL* section 89.

⁶ 1999 Reexamination (p. 3).

⁷ N.J.S.A. 40:55D-89



- 1.2.3 Upon completion and adoption by the Pleasantville Planning Board, this document shall serve as the operative Master Plan for the City of Pleasantville.
- 1.2.4 Upon adoption by the Pleasantville Planning Board, recommendations concerning the City's development regulations contained herein may be enacted in the form of amendment(s) to the Chapter 290 (Zoning & Land Use) of the Pleasantville City Code, or such other regulatory or policy documents as may be necessary and appropriate. Such amendment(s) require adoption by the City Council by ordinance(s).
- 1.2.5 After adoption by the Planning Board, a copy of this Comprehensive Master Plan Update, with accompanying Planning Board Resolution, shall be sent to the County Planning Board and the municipal clerk of each municipality adjoining the City of Pleasantville.



2.0 DEFINITIONS

- 2.01 For the purposes of this Comprehensive Master Plan Update, 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.
- 2.02 Terms presented as singular or plural, masculine or feminine, or present or past tense shall be construed within the context in which they occur.
- 2.1 “ADA” shall mean the Americans with Disabilities Act (42 U.S.C.A. ~ 12101 et. seq.).
- 2.2 “Black Horse Pike” shall mean U.S. Route 40/322.
- 2.3 “CAFRA” shall mean the specific body of environmental regulations administered by the New Jersey Department of Environmental Protection under the Coastal Area Facilities Review Act (N.J.A.C. 7:7E et seq.)
- 2.4 “California Avenue” a.k.a. County Road 636.
- 2.5 "Chapter 290" shall mean Chapter 290 of the Pleasantville City Code, otherwise known as the Zoning & Land Use Ordinance of the City of Pleasantville, as may be amended from time-to-time.
- 2.6 “City” shall have the same meaning as Pleasantville.⁸
- 2.7 “City Council” shall mean the municipal Governing Body of the City of Pleasantville.⁸
- 2.8 “City Clerk” shall mean the City Clerk of the City of Pleasantville, whose office is assigned to maintain the official files of the municipality.
- 2.9 “Comprehensive Master Plan Update” shall have the same meaning as 2008 Comprehensive Master Plan Update.
- 2.10 “COAH” shall mean the New Jersey Council on Affordable Housing within the New Jersey Department of Community Affairs.
- 2.11 “County” shall mean the County of Atlantic, State of New Jersey.
- 2.12 “Delilah Road” a.k.a. Atlantic County Road 646.
- 2.13 “FEMA” shall mean the Federal Emergency Management Agency.
- 2.14 “Governing Body” shall mean the City Council of the City of Pleasantville.⁸

⁸ Within the context of the various sections of this document, the terms “Pleasantville”, “City” and “Governing Body” shall mean the City Council of the City of Pleasantville.



- 2.15 "Land Use Ordinance" shall have the same meaning as "Chapter 290"
- 2.16 "*Local Redevelopment and Housing Law*" shall mean the New Jersey *Local Redevelopment and Housing Law* (N.J.S.A. 40A:12A-1 et seq.).
- 2.17 "Main Street" a.k.a. County Road 585.
- 2.18 "*Municipal Land Use Law*" or "*MLUL*" shall mean the New Jersey *Municipal Land Use Law* (N.J.S.A. 40:55D-1 et seq.).
- 2.19 "New Road" a.k.a. State Route 9.
- 2.20 "NJDCA" shall mean the New Jersey Department of Community Affairs and, by extension, shall include the individual divisions and/or offices within NJDCA, including the Office of Smart Growth and the Urban Enterprise Zone Authority.
- 2.21 "NJDEP" shall mean the New Jersey Department of Environmental Protection and, by extension, shall include the individual divisions within NJDEP responsible for implementation of the Coastal Zone Management Rules, CAFRA and other environmental regulations.
- 2.22 "NJDOT" shall mean the New Jersey Department of Transportation.
- 2.23 "OSG" shall mean the Office of Smart Growth (formerly known as the Office of State Planning) within the New Jersey Department of Community Affairs.
- 2.24 "PHA" shall have the same meaning as the Pleasantville Housing Authority.
- 2.25 "Planning Board" shall mean the Planning Board of the City of Pleasantville, established pursuant to section 23 of the Municipal Land Use Law and operating pursuant to the various regulations of the Land Use Ordinance.
- 2.26 "Pleasantville" shall mean the City of Pleasantville, a body corporate and politic, and unless otherwise indicated, includes its Governing Body, elected officials, officers and staff.⁸
- 2.27 "Pleasantville Housing Authority" shall mean the Housing Authority of the City of Pleasantville, an independent agency of the City charged with administering Federally-sponsored⁹ low income housing programs on behalf of the City.
- 2.28 "Pleasantville Urban Enterprise Zone" or "PUEZ" shall mean the Pleasantville Urban Enterprise Zone, operating under the "New Jersey Urban Enterprise Zones Act" (C.52:27 H-60 et seq.) and unless otherwise indicated, includes its appointed Board of Trustees, officers and staff.

⁹ Under the auspices of the United States Department of Housing & Urban Development ("HUD")



- 2.29 “Publication” shall mean the date printed on the cover of this Comprehensive Master Plan Update, which shall signify the date this document was finalized for submission to the Planning Board.
- 2.30 “Redevelopment Statute” shall have the same meaning as the *Local Redevelopment and Housing Law*.
- 2.31 “SJTA” shall mean the South Jersey Transportation Authority, the owner and operator of the Atlantic City Expressway.
- 2.32 “State Plan” shall mean the New Jersey State Development and Redevelopment Plan, Adopted March, 2001.
- 2.33 “Urban Enterprise Zone Authority” or “UEZA” shall mean the New Jersey Urban Enterprise Zone Authority, the state overseer of Urban Enterprise Zone activities under C.52:27H-60 et. seq.
- 2.34 “1979 Master Plan” shall mean the Master Plan of the City of Pleasantville, adopted in December of 1979.
- 2.35 “1993 Update” shall mean the reexamination of the 1979 Master Plan prepared by Remington & Vernick Engineers and adopted in November 10, 1993.
- 2.36 “1999 Reexamination” shall mean the reexamination of the 1979 Master Plan (as updated through the 1993 Reexamination) prepared by Remington & Vernick Engineers and adopted in July of 1999.
- 2.37 “2008 Comprehensive Master Plan Update” or “Comprehensive Master Plan Update” shall mean this instant document entitled 2008 Comprehensive Master Plan Update for the City of Pleasantville, Atlantic County, N.J., prepared by Remington, Vernick & Walberg Engineers (with date as appearing on the front cover hereof), including all appendices and related documents included herein by reference.



3.0 HISTORICAL OVERVIEW

3.1 The Rise of Pleasantville

Located in Atlantic County in southeastern New Jersey, the City of Pleasantville was originally settled in the 1700s by European fishermen as a series of small villages located around the Great Egg Harbor River and Lakes Bay. Whalers and shell-fishers, moving to the region from Cape May congregated in hamlets such as Adamstown, Risleytown, Lakestown and Smith's Landing.

Spurred by their location as the gateway to Atlantic City, these separate villages grew until they became a unified community in the latter-half of the 19th century. During this period, railroads ~ and to a lesser extent (stagecoach) roadways ~ brought passengers and freight through Pleasantville on the way from Philadelphia to Atlantic City. On December 18th, 1888, Risleyville, Pleasantville, Mt. Pleasant and Smith's Landing consolidated into the Borough of Pleasantville¹⁰.

Pleasantville's economy continued to prosper with the advent of regional trolley service in 1903. As passenger transit lines linked Absecon to Somers Point and the 'Mainland' to Atlantic City, Pleasantville's Main Street began to grow. Soon schools, banks and stores lined the streets and public institutions (firehouse, post office, etc.) were built. Shoppers came from throughout the region to buy vegetables and fruits from farmers who sold their goods in the City.

This growth continued through the early 1920s, when the City's population doubled from 5,887 to over 12,000. What was once a former pass-through on the way to Atlantic City became the hub of commerce for the Mainland. Unfortunately, this prosperity was not to last.

3.2 The City's Decline

Pleasantville's economic decline mirrors that of many urban communities in the post-World War II era. Highway construction (principally the Garden State Parkway and the Atlantic City Expressway) allowed residents to move away from the City to new suburban areas. These new roadways decimated the passenger rail and freight rail industries on which the City's economy was based. Pleasantville soon lost its importance as a regional transportation hub.

Following the trend nationally, shoppers fled Pleasantville's commercial downtown, opting instead for the large shopping malls and strip-type developments located outside of the City¹¹. Businesses followed their customers, and the resultant loss in ratables devastated the municipality.

¹⁰ Pleasantville adopted a 'City' form of government in April of 1914.

¹¹ Except for the Pleasantville Shopping Center, which continued to survive, if not thrive, through the 1980s.



As businesses closed on Main Street, empty and deteriorated storefronts brought an image of the City as unsafe and crime ridden. Real estate values dropped, more affluent homeowners fled, and poorer residents, many of them renters, moved in.

As the City's business district became less-and-less attractive as a shopping destination, downtown property-owners were forced to lease space at less expensive rates and to whatever businesses were willing to locate in Pleasantville. As a result, the City's downtown became home to light-industrial and other non-retail uses, and the critical mass of retail and service establishments required for Main Street commerce to thrive began to vanish.

This cycle quickly began to feed on itself, and image soon became reality. Over time, the City simply could not rebound.

3.3 The Atlantic City Factor

In addition to what may be described as indigenous factors contributing to Pleasantville's economic and social decline, forces from outside the City added negative pressures on Pleasantville's population and economic base. In an ironic twist of fate, the byproducts of the urban renaissance in Atlantic City fueled the decline of neighboring Pleasantville.

What has come to be known locally as the 'Casino-era' began in 1976, with the passage of the statewide referendum approving casino gaming for Atlantic City. The first Casino-Hotel opening in 1978. Between 1976 and the mid-1980s, land speculation caused an increase in housing prices and rental rates, while voluntary and arson-related demolitions resulted in a reduction in housing inventory. With excellent access to public transportation and an existing inventory of relatively inexpensive housing units, Pleasantville became the residential location of choice for many casino, hotel and service employees.

Atlantic City's redevelopment began in earnest in 1988 with the adoption of the Northeast Inlet Redevelopment Plan. Funded by the Casino Reinvestment Development Authority,¹² this Redevelopment Plan required the near-total demolition of the hundreds of deteriorated residential units in the 101-acre Redevelopment Area. Residents of the demolished units were required to relocate into replacement housing.

With an insufficient housing inventory inside of Atlantic City to accommodate the dislocated residents, many of whom were on the lower end of the income scale, a considerable number of households followed earlier trends and relocated to Pleasantville.

¹² The state agency charged with administering the casino's urban reinvestment obligation ("CRDA")



While it would be wrong to hold these relocatees fully responsible for all of Pleasantville’s Casino-era economic and social ills, their impact on the socioeconomic profile of the City can not be denied.

CENSUS	TOTAL POPULATION	POVERTY	LOW INCOME HOUSEHOLDS	UNEMPLOYMENT RATE	IN LABOR FORCE
1970	13,790	16.1%	18.4%	6.0%	59.3%
1980	13,435	14.6%	25.3%	10.4%	60.2%
1990	16,027	12.0%	18.5%	8.6%	68.8%
2000	19,012 ¹³	15.8%	23.0%	10.2%	61.2%

3.4 Pleasantville Today

The statistical impact of Pleasantville’s decline is significant:¹⁴

- The City’s median household income is \$37,355, which is 79.5% of that for Atlantic County.¹⁵ More than 17% of households have incomes less than \$15,000. Approximately 30% of households have incomes less than \$24,999, 47% less than \$34,999 and 65% under \$49,999.¹⁶
- 22.9% of Pleasantville’s households are considered low-income or lower as defined by the State of New Jersey, with 17.38% in poverty. This compares to 7.4% for Atlantic County.¹⁷
- Unemployment rate is 8%, compared to 5.7% for Atlantic County.¹⁸
- The City was ranked 39th on the state’s (last) municipal distress index¹⁹.
- 9.1% Of the City’s 6,559 housing units are vacant. Of the 5,960 occupied housing units, 2,235 are rental and 3,725 are owner-occupied. This results in a rental :: owner-occupancy ration of 37.5 :: 62.5.
- Pleasantville consistently ranks 1st or 2nd in the County²⁰ in terms of percentage of population receiving public assistance.

¹³ Updated to 18,982 as of July 1, 2006 (<http://www.wnjpin.net/OneStopCareerCenter/LaborMarketInformation/Imi02/mcd/atlest06.htm>)

¹⁴ Unless otherwise indicated, data as reported in the 2000 Federal Census (Exhibit 5)

¹⁵ Claritus (2004) (Obtained from the Pleasantville Housing Authority)

¹⁶ Pleasantville Housing Authority.

¹⁷ Council on Affordable Housing, Third Round Substantive Rules (N.J.A.C. 5:94-1.4)

¹⁸ Current through 2006 (<http://www.wnjpin.net/OneStopCareerCenter/LaborMarketInformation/Imi11/mun06.xls>)

¹⁹ Pursuant to NJDCA rankings (last updated in 1996)

²⁰ Alternating with Egg Harbor City.



These conditions have resulted in Pleasantville's designations as detailed in section 1.01 herein.

3.5 Prior Master Planning Efforts

3.5.1 Pleasantville's original Master Plan was adopted in December 1979. Known Reexaminations were adopted in 1993²¹ and 1999. The City's current Zone Plan and related development regulations were adopted in November of 1987 and have been modified periodically since, with the last change occurring in April 2008.

3.5.2 Numerous attempts to locate the 1979 Master Plan proved unsuccessful.²² However, the 1993 Update did include references to issues identified in 1979.

Based on a review of the 1993 Update as well as conversations with City officials, business leaders and members of the Community, it is the professional opinion of Remington, Vernick & Walberg Engineers that the problems, policies and objectives identified in the 1979 Master Plan have either been addressed by the City in the intervening years or have evolved into the problems, policies and objectives identified in this 2008 Comprehensive Master Plan Reexamination.

3.5.3 This 2008 Comprehensive Master Plan Update relies heavily on the information, analyses and conclusions contained in both the 1993 Update & the 1999 Reexamination, as same may have been updated to the present time.

3.5.4 Recreation Master Plan

In July 2001, the City commissioned a Recreation Master Plan designed to address existing conditions and recommendations regarding Recreation Programs, Lands and Facilities.

3.6 Community Planning Activities

The City of Pleasantville has taken a very active approach to planning over the past several years. Recognizing its declining economic position, its deteriorating physical stock and the toll these conditions have taken on the City's social fabric, local Policymakers, alone and in conjunction with state and federal agencies, have developed various strategies aimed at reversing these trends. Taking advantage of the state and federal designations detailed in section 1.01 herein, such efforts include, but are not limited to, strategies embodied in the:

²¹ While titled "1993 Master Plan Update", this effort was actually a Master Plan Reexamination under N.J.S.A. 40:55D-89.

²² Attempts to locate a copy of the document from 1) the Pleasantville City Clerk, 2) the Pleasantville Planning Board Secretary, 3) the offices of the Municipal Planner and Municipal Engineer, 4) the Atlantic County Clerk, 5) the Atlantic County Department of Planning and Economic Development and other sources were unsuccessful.

The above notwithstanding, the *Municipal Land Use Law* requires that a Master Plan Reexamination be based on issues faced by a municipality *from the time of the last reexamination report [emphasis added]* (N.J.S.A. 40:55D-89). This effort fully addresses the issues raised in the 1999 Reexamination and thus satisfies the statutory requirements for a Master Plan Reexamination.



- Zone Development Plan for the Pleasantville Urban Enterprise Zone
- Transit Village Development Plan
- Revitalization Plan for the Urban Coordinating Council Area
- Neighborhood Preservation Program Plan (Waterfront district)
- Neighborhood Preservation Program Plan (Midtown district)
- Weed and Seed Program Plan
- Rehabilitation Plan for the City-Owned Land Disposition Program
- Amended & Restated Redevelopment Plan for the Lakes Bay Waterfront Redevelopment Area
- Amended & Restated Redevelopment Plan for the Cambria Avenue Redevelopment Area
- Redevelopment Plan for the Expanded City Center Area
- Redevelopment Plan for the Narcissus Avenue Rehabilitation Area
- Redevelopment Plan for the California Avenue Tract
- Rehabilitation Plan for the Woodland Terrace ~ New Hope Community

3.7 **2008 Comprehensive Master Plan Update**

The *MLUL*²³ provides that a municipal Master Plan shall generally comprise land use and development proposals, with maps, diagrams and text, addressing:

Mandatory Elements

- (1) Statement of Objectives, Principles, Assumptions, Policies & Standards

Municipal Vision Statement / philosophical underpinnings upon which physical, economic and social development of the municipality are based.

This Element will satisfy N.J.S.A. 40:44D-a, b. & c. as relates to the requirements for a Master Plan Reexamination under the *MLUL*.

- (2) Land Use Plan Element

Analyses of the relationship between land uses and development patterns in the City both as an independent function and against the Objectives, Principles, Assumptions, Policies and Standards and other Master Plan Elements developed as part of this Master Planning process, with specific attention paid to:

²³ N.J.S.A. 40:55D-28 & 62



- (a) *natural conditions, including, but not necessarily limited to, topography, soil conditions, water supply, drainage, flood plain areas, marshes, and woodlands;*
- (b) *existing and proposed location, extent and intensity of development of land to be used in the future for varying types of residential, commercial, industrial, agricultural, recreational, educational and other public and private purposes; and stating the relationship to the existing and any proposed zone plan and zoning ordinance;*
- (c) *showing the location of any airports and the boundaries of any airport safety zones pursuant to the "Air Safety and Zoning Act of 1983," PL 1983, c. 260 (6:1-80 et seq.);*
- (d) *including a statement of the standards of population density and development intensity recommended for the municipality;*

This Element will satisfy *MLUL* section 40:44D-89 d & e as relates to these requirements for a Master Plan Reexamination.

Optional Elements

(3) Housing Plan Element²⁴

Residential standards and proposals for the construction and improvement of housing, including:

- (a) *An inventory of city's housing stock by age, condition, purchase or rental value, occupancy characteristics and type;*
- (b) *A projection of the city's housing stock, including the probable future construction of low and moderate income housing, for the next six years;*
- (c) *An analysis of the city's demographic characteristics, including household size, income level and age;*
- (d) *An analysis of the existing and probable future employment characteristics of the city; and*
- (e) *A determination of the city's present and prospective fair share for low and moderate income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low and moderate income housing.*

²⁴ While N.J.S.A. 40:55D-28 lists a Housing Plan Element among the Optional Elements of a Municipal Master Plan, N.J.S.A. 40:55D-62 requires a Housing Plan Element prior to the adoption of a Zoning Ordinance.



As part of this Comprehensive Master Plan Update, a Housing Plan Element was prepared in anticipation of a policy discussion related to the City's position regarding the filing of a Fair Share Plan with the New Jersey Council on Affordable Housing.²⁵

The document was nearing completion when the New Jersey Appellate Division, responding to an appeal brought by affordable housing advocacy groups, invalidated COAH's Third Round Rules, finding that the regulations were based on invalid calculations, arbitrary rules and unconstitutional provisions. Under the Court's ruling, all actions related to COAH's Third Round were stayed, including the preparation of new municipal Fair Share Housing Plans, until COAH adopts revised regulations. While the Court ordered that such regulations were to be completed within six (6) months from the ruling (approximately July 2007), COAH has missed this deadline.

COAH published its amended Third Round Methodology and Rules in the N.J. Register in January 2008, with comments due by mid-March 2008. The rules were adopted in June 2008, with an effective date of December 2008.

Such Rules provide for, inter alia, a Growth Share Obligation of one affordable housing unit for every four (4) market rate units constructed and one affordable housing unit for every 16 jobs created. These regulations are viewed as overly onerous on a City like Pleasantville, with its overabundance of low and moderate income households and its need for economic revitalization. Pleasantville's comments submitted to COAH expand on the City's situation and seek relief from any Growth Share Obligation. At Publication, no COAH response to the City's comments were received.

The City is receptive and sensitive to the need for affordable housing (including workforce housing to support the growth expected in neighboring Atlantic City) in the region, has a history of supporting such efforts in Pleasantville and anticipates continuing this policy, just not at the level mandated by COAH. The Housing Plan Element of this Comprehensive Master Plan Update (section 7.0 herein) outlines the City's efforts in this regard. The companion Fair Share Plan has been prepared to meeting the City's obligations in a manner deemed appropriate to Pleasantville.

(4) Circulation Plan Element

Analyses of the location and types of facilities required for the efficient movement of people and goods into, about, and through the municipality, taking into account the functional highway classification system of the Federal Highway Administration and the types, locations, conditions and availability of existing and proposed transportation facilities, including air, water, road and rail.

²⁵ "COAH"



A Circulation Plan Element is required if the City wishes to create a Parking Authority or Parking Utility and adopt of “in-lieu-of” parking fees as part of its efforts to permit increased building height for development, or to adopt regulations requiring developers to pay for off-tract street improvements as a component of Subdivision and Site Plan approval process.

Additionally, a Circulation Plan Element typically forms the basis for a municipality’s future capital programs.

(5) Utility Service Plan Element

Addresses the general location of current infrastructure and analyzes the need for future systems, including water supply and distribution facilities, drainage and flood control, sewerage and waste water treatment, solid waste disposal and other related utilities.

Upon completion, this Element may be used by the City for development of a Storm Water Management Plan pursuant to N.J.S.A. 40:55D-93 et. seq.

(6) Community Facilities Plan Element²⁶

Addresses existing and proposed educational and cultural facilities, historic sites, libraries, hospitals, firehouses, police stations and other public and quasi-public institutions as well as significant private community amenities.

(7) Open Space & Recreation Plan Element²⁶

Addresses the City’s public (municipal and Board of Education) and, as appropriate, private sites for active and passive recreation, describing existing facilities and identifying needed upgrades.

(8) Conservation Plan Element

Analyses the opportunities for the preservation, conservation and utilization of the municipality’s natural resources, including, to the extent appropriate, energy, open space, water supply, forests, soil, marshes, wetlands, harbors, rivers and other waters, fisheries, endangered or threatened species, wildlife and other resources as well as the impact of each Master Plan Element on resources.

(9) Economic Plan Element

Analyses the economic development goals of the City and addresses, among other issues, employment requirements, availability of labor pool and the stability and diversity of the economic development program to be promoted.

²⁶ Community Facilities Plan Elements, Open Space & Recreation Plan Elements and Conservation Plan Elements work best when crafted together to provide for a coordinated system of public facilities while directing the efficient use of public funds.



(10) Historic Preservation Plan Element

Identifies the location and significance of historic sites and historic districts within a municipality, identifies the standards used to assess worthiness for historic site or historic districts and analyzes the impact of each Master Plan Element on the preservation of historic sites and districts.

This Element may be expected to serve as the basis for architectural or other policy guidelines the City may wish to consider in order to preserve the character of the City (or specific sections therein).

(11) Recycling Plan Element

Incorporating the State Recycling Plan goals, including provisions for the collection, disposition and recycling of recyclable materials designated in the municipal recycling ordinance, and for the collection, disposition and recycling of recyclable materials within any development proposal for the construction of 50 or more units of single-family residential housing or 25 or more units of multi-family residential housing and any commercial or industrial development proposal for 1,000 square foot or more of land.

(12) Farmland Preservation Plan Element

Including an inventory of farm properties and a map illustrating significant areas of agricultural land; a statement showing that municipal ordinances support and promote agriculture as a business; and a plan for preserving as much farmland as possible in the short term by leveraging monies made available by 13:8C-1 et al. through a variety of mechanisms including, but not limited to, utilizing option agreements, installment purchases, and encouraging donations of permanent development easements.

(13) Development Transfer Plan Element

Addressing the public purposes, location of sending and receiving zones and the technical details of a development transfer program based on the provisions of N.J.S.A. 40:55D-141.

(14) Educational Facilities Plan Element²⁷

Incorporating the purposes and goals of the "long-range facilities plan" required to be submitted to the Commissioner of Education by a school district pursuant to N.J.S.A. 18A: 7G-4.

²⁷ Element added to Municipal Land Use Law in 2008.



(15) Green Buildings and Environmental Sustainability Plan Element²⁷

Providing for, encouraging and promoting the efficient use of natural resources and the installation and usage of renewable energy systems by considering the impact of buildings on the local, regional and global environment; allowing ecosystems of function naturally; conserving and reusing water; on-site treatment of storm water; and optimizing climatic conditions through site orientation and design.

- 3.8 With this section 3.0 as context, this Comprehensive Master Plan Update satisfies all statutory requirements for a Master Plan and Master Plan Reexamination pursuant to N.J.S.A. 40:55D-28 and 89, respectfully, and shall serve as the operative Master Plan for the City of Pleasantville.



4.0 METHODOLOGY

4.1 This Comprehensive Master Plan Update bases its findings and recommendations on, among other sources:

- The Atlantic County Master Plan prepared by the Atlantic County Department of Planning Board (July 2002).
- The State Development and Redevelopment Plan (“State Plan”) prepared by the New Jersey State Planning Commission (March 2001).
- Rules on Coastal Zone Management as promulgated by the New Jersey Department of Environmental Protection (as amended).
- Census Data compiled and released by the US Census Bureau.²⁸
- South Jersey Transportation Planning Organization (“SJTPO”) 2030 Population & Employment Projections by Municipality, June, 2006.
- Elements of the 1979 Master Plan as cited in the 1993 Update.
- The 1993 Update and 1999 Reexamination prepared by Remington & Vernick Engineers.
- Amendments to Chapter 290 enacted as a result of the 1999 Reexamination.
- City of Pleasantville, Urban Enterprise Zone 5-Year Strategic Plan prepared by Remington & Vernick Engineers (1996) as updated through the Amended & Restated Zone Development Plan, Urban Enterprise Zone, City of Pleasantville prepared by Remington, Vernick & Walberg Engineers (2002).
- Electronic Tax mapping prepared by Remington, Vernick & Walberg Engineers and MOD IV parcel data retained by the City’s Tax Assessor;²⁹
- Visual inspections of the City conducted for this Master Planning process;
- Comparison of the City’s existing land use and development patterns³⁰ with the City’s current Zone Plan³¹.
- Conversations with City officials, business leaders and Community members.
- Other pertinent data and planning documents (footnoted as appropriate).

4.2 Unless otherwise noted, Ordinances, Resolutions, Reports and other documents of the City of Pleasantville or its municipal agencies are on file with the Pleasantville City Clerk.

²⁸ <http://factfinder.census.gov>

²⁹ Both current through the 2nd Quarter 2007

³⁰ Exhibit 7 & Exhibit 8

³¹ Exhibit 6



5.0 STATEMENT OF OBJECTIVES, PRINCIPLES, ASSUMPTIONS, POLICIES & STANDARDS³²

5.01 The *Municipal Land Use Law* requires that municipal Master Plan include a “Statement of Objectives, Principles, Assumptions, Policies and Standards upon which the constituent proposals for the physical, economic and social development of the municipality are based”.

5.02 The 1993 Update and the 1999 Reexamination detailed at length the historical issues and [then current] trends facing the City.

This Comprehensive Master Plan Update utilizes these efforts as background, and updates the Statement based on current conditions and policy direction.

5.03 In addition to satisfying the statutory requirement for the required Statement, this section will satisfy N.J.S.A. 40:44D-a, b. & c. as relates to the requirements for a Master Plan Reexamination under the *Municipal Land Use Law*.

5.04 For organizational purposes, issues comprising this Statement shall be classified via the various Master Plan Elements specified in the *Municipal Land Use Law*³³ ~ as applicable to Pleasantville.

A review of the issues facing the City reveals certain themes which overlap into various Subject headings. To eliminate duplication, to the extent possible, this section presents such recurring items as single entries when appropriate ~ but separately where the focus of the entry is materially different.

Accordingly, the following sections must be read as a single Statement.

5.1 General

5.1.1 Principle: The *Municipal Land Use Law*³⁴ grants municipalities the power to control the physical development of the lands within their corporate boundaries and provides fifteen (15) guiding purposes to be achieved by their land use / development regulations.

The City of Pleasantville affirms its commitment to these purposes and adopts same as general guidelines for this Comprehensive Master Plan Update, the Land Use Ordinance, policies and practices for all appropriate municipal agencies in the administration of their duties and responsibilities. Specifically:

³² “Statement”

³³ N.J.S.A. 40:55D-28

³⁴ N.J.S.A. 40:55D-2



1. Encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;
2. Secure safety from fire, flood, panic and other natural and man-made disasters;
3. Provide adequate light, air and open space;
4. Ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole;
5. Promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;
6. Encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
7. Provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;
8. Encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;
9. Promote a desirable visual environment through creative development techniques and good civic design and arrangement;
10. Promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land;



11. Encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development to the particular site;
 12. Encourage senior citizen community housing construction;
 13. Encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;
 14. Promote utilization of renewable energy resources;
- and
15. Promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs.

5.1.2 Principle: Pleasantville recognizes the City's need to manage growth while protecting against the potential negative impacts of growth.³⁵

The State of New Jersey, through the State Plan, has designated nearly all of Pleasantville³⁶ as a PA-1: Metropolitan Planning Area. Metropolitan Planning Areas are designed to provide for much of the state's future growth 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.³⁷

While growth in general ~ and commercial growth in particular ~ is welcomed in Pleasantville, the ability to manage growth so as not to overburden City services is anticipated to remain a concern in perpetuity.

- A. *Objective*: City Planners affirm to use all of the tools and programs at their disposal to ensure that growth in Pleasantville is comprehensively planned and managed in as orderly a fashion as possible.

³⁵ The 1999 Reexamination is silent on this issue.

³⁶ Exhibit 7

³⁷ State Plan (pp.155-156)



5.1.3 Principle: Pleasantville recognizes that the economic and development environment in the City has undergone a rapid transformation over the past several years, and that the City's planning and development-related policies have not always been able to keep pace.

In June 2003, the City commissioned the City Engineer to prepare new and updated Tax Maps utilizing current digital / electronic technology and reflecting the most recent lot geometry (subdivisions and consolidations). While such process was required as a prerequisite to the [then] pending Citywide tax assessment revaluation project, it is the City's intention to utilize such new mapping as the base map for all future City mapping projects, many of which, heretofore, utilized old, manually-drawn maps. Such maps were completed and approved for use by the State's Division of Taxation, Department of Treasury, in October 2007.

- A. *Objective*: Review and update municipal policies and regulations on an ongoing basis to ensure that Policymakers are working with the most up-to-date information.
- B. *Objective*: Utilize the updated Pleasantville tax maps as the basis for the new Zoning Map to be created as part of this Comprehensive Master Plan Update. Adjust Zoning District Boundary Lines adjusted to reflect current parcel geometry.
- C. *Objective*: Continue to update the City's tax maps as necessary as the base map for all other pertinent City mapping. Continue to update the City's Zoning and other maps as necessary in order to maintain the most up-to-date reference documents.

5.1.4 Principle: Pleasantville recognizes that as an older, nearly built-out community, growth and improvement will generally be in the form of redevelopment and that the State of New Jersey and the Federal Government has several tools to assist the City in its efforts toward revitalization.

- A. *Objective*: Maximize use of the tools available from the State and Federal governments in the revitalization of the City; principally, but not exclusively, the New Jersey *Local Redevelopment and Housing Law* and the New Jersey Urban Enterprise Zone program.
- B. *Objective*: Reverse or remove conditions which has caused the City, in whole or in part, to be designated, variously, an Area In Need of Redevelopment or an Area In Need of Rehabilitation under the *Local Redevelopment and Housing Law*.
- C. *Objective*: Eliminate blighting influences and prevent the spread of blight by the application of comprehensive Redevelopment Plan and other appropriate controls.



- D. *Objective:* Provide for the activation of underutilized lands which represent a lost opportunity for valuable contribution to the welfare of the community.
- E. *Objective:* Provide for the renovation, rehabilitation or replacement of substandard and/or underproductive buildings or improvements where such conditions, singularly or in combination, are detrimental to the safety, health and welfare of the community.
- F. *Objective:* Provide for the removal and replacement of substandard buildings or improvements where renovation or rehabilitation is not practicable, including where such structures do not lend themselves to reuse in a manner consistent with these Principles and Objectives.
- G. *Objective:* Protect and enhance lands and buildings which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which under the City's redevelopment efforts is necessary, with or without change in their condition, for the effective revitalization of a particular area.

5.2 Land Use Policy

- 5.2.1 Principle: Pleasantville recognizes the need for the City to encourage a varied mix of land uses in order to ensure that the quality of life for City residents is maintained.

At Publication, extensive efforts by the City to attract various types of growth ~ in various sections of the City ~ have been implemented, with others scheduled to commence in the near future. These efforts include residential growth in the Lakes Bay Waterfront, commercial redevelopment in the City Center Area and light industrial uses at the Cambria section of the City. These initiatives are not viewed as ends in-and-of themselves, but as the beginning of Pleasantville's renaissance. As such, they are anticipated to serve as anchors for the continued redevelopment of the City.

- A. *Objective:* Encourage a variety of land uses and building types in order to attract a diverse population of residents and businesses; thereby affording the best chance to comprehensively redevelop the City.
 - B. *Objective:* City Planners affirm to use all of the tools and programs at their disposal to encourage a mix of varied land uses to ensure that the quality of life for the residents of the City is maintained.
- 5.2.2 Principle: Pleasantville recognizes the need to maximize, to the extent practicable, Smart Growth Planning Principles in the revitalization of the community. Specifically:

- A. *Objective:* Collaborate on Solutions: Community and stakeholder collaboration is critical in development decision-making.



- B. *Objective:* Provide for an appropriate mixing of Land Uses.
- C. *Objective:* Encourage infill development and redevelopment. Strengthen and direct future development to areas of existing infrastructure.
- D. *Objective:* Plan and build master planned communities utilizing compact, clustered design, walkable neighborhoods and distinctive, attractive amenities offering a sense of place.
- E. *Objective:* Conserve and preserve open space and scenic resources.
- F. *Objective:* Provide transportation and housing choice and opportunities.
- G. *Objective:* Lower barriers and provide opportunities for smart development.
- H. *Objective:* Utilize High Quality Planning and design Techniques in order to create an environment for predictable, fair and cost-effective development decisions.

5.2.3 Principle: Pleasantville recognizes the need to maximize use of the State Plan's designation of Pleasantville as a 'PA-1 (Metropolitan) Planning Area' in order to support growth and (re)development.

- A. *Objective:* Support economic development activity designed to make appropriate use of the City's resources.
- B. *Objective:* Employ the Redevelopment Statute where applicable to achieve these and other municipal objectives.
- C. *Objective:* Recognizing the urban, fully-developed nature of the City, the special nature of Pleasantville's location vis-à-vis the marine tidal marshes and the Atlantic City Skyline and the opportunities presented by these elements, explore modification in the City's development regulations in order to take advantage of Pleasantville's assets and designations while appropriately protecting the natural environment.
- D. *Objective:* Within the context of Objective 5.2.3 C. herein, explore Vertical Development as a means to provide for the creation of housing units and service a segment of the housing market not currently represented in the City, increase homeownership opportunities and to support the economic and other Policies of this Comprehensive Master Plan Update, including Policies and Objectives designed to support the redevelopment of the City's commercial downtown.
- E. *Objective:* Within the context of objectives A. through D, and as an objective in-and-of itself, discourage inappropriate and incompatible land uses where such uses would serve to negatively impact existing development patterns.



F. *Objective:* Within the context of objectives A. through E, and to the extent practical, modify existing Zone Boundary Lines to eliminate instances where a zone boundary line bisects a lot or block.

5.2.4 Principle: Pleasantville recognizes the need to maximize use of the *Local Redevelopment and Housing Law* as a tool for its revitalization.

A. *Objective:* Reorganize and replan lands within the City via a combination of infrastructure improvements, land consolidation and subdivision and other mechanisms in order to create marketable parcel(s) for redevelopment purposes.

B. *Objective:* Institute land use and building controls to promote the redevelopment while remaining sensitive to the surrounding environmental conditions and stakeholders.

C. *Objective:* Remove obstacles to land disposition and development; provide for land uses which are not detrimental to the safety, health, morals, or welfare of the community; and eliminate permitted land uses which have the potential to cause disruption to adjacent communities.

5.2.5 Principle: Pleasantville recognizes that development applications often ignore architectural detail in favor of less expensive, often bland, stark and utilitarian façade designs which detract from the aesthetics of the City.

While the Planning and Zoning Boards have seen some success in encouraging developers to design buildings with more variety and interest, their power to compel better design is somewhat limited. Although nominally an aesthetic issue, such architecture impacts the stability of neighborhoods and is recognized by the *Municipal Land Use Law* as one of the purposes of that act.

A. *Objective:* Formally endorse and maximize use of the Design Criteria for the Central Business District prepared by the City's Urban Enterprise Zone (section 6.3.2 A. (5) g. ii herein) as a tool for the Planning Board, Zoning Board and the Zoning Officer.

B. *Objective:* Establish within the Land Use Plan and Land Use Ordinance, as appropriate, additional Architectural design standards to promote a desirable visual environment and ensure the continued visual integrity of the commercial³⁸ and residential sections of the City.

5.2.5 *Policies and Standards* related to land use in Pleasantville are more fully detailed in the Land Use Plan Element (Section 6.0) of this Comprehensive Master Plan Update.

³⁸ Outside of the Central Business District



5.3 Housing Policy

5.3.1 Principle: Pleasantville recognizes the need to stabilize and protect its residential neighborhoods and to undertake efforts to insure decent, safe and sanitary housing for all its residents.

- A. *Objective*: Strengthen and support the City's code enforcement efforts to ensure that all buildings in the City conform to acceptable property maintenance and other appropriate standards.
- B. *Objective*: Stabilize existing residential neighborhoods by eliminating negative influences and preventing the spread of such influences by the application of comprehensive controls.
- C. *Objective*: Adopt a deconversion Ordinance as part of the City's code enforcement efforts to insure that large single-family residential structures are not illegally converted into rooming houses or apartment buildings and to require deconversion where illegal conversions are found to exist.
- D. *Objective*: Maintain the adopted Land Use Plan and Land Use Ordinance as a rational plan to regulate development patterns and reinforce the integrity of the City's residential neighborhoods and commercial districts.
- E. *Objective*: Establish within the Land Use Plan and Land Development Use, as appropriate, specific standards to ensure the continued integrity of the residential sections of the City.
- F. *Objective*: Maintain the City's efforts to reduce Residential Density in its single-family Zoning Districts to appropriate levels.

5.3.2 Principle: Pleasantville recognizes the need to provide for the creation of housing units to service a segment of the housing market not currently represented in the City as well as the need to provide for increased homeownership opportunities in the City.

- A. *Objective*: Provide for the renovation, rehabilitation or replacement of substandard dwelling units within the City with decent, safe and sanitary residential units, including both rental and ownership housing and housing for a variety of age groups and affordability ranges.

5.3.3 Principle: Pleasantville recognizes the need for affordable housing in the City, including workforce housing targeted toward the needs of the employee base in Atlantic City.

The active real estate market in the region has impacted the availability of lower cost housing in the City. The high price of real estate in neighboring



municipalities has made the relatively lower-priced Pleasantville housing market more attractive; thereby driving the price of City real estate to a point where it is becoming unaffordable to the traditional Pleasantville homebuyer.

In addition to being an optional Master Plan Element under the *Municipal Land Use Law*, a Housing Plan Element and Fair Share (Affordable Housing) Plan is required by the Fair Housing Act.³⁹ A Housing Element therefore became a *required* element of a municipal Master Plan in August 1988.

Pleasantville addressed affordable housing policy as part of the 1999 Reexamination by recognizing that the COAH “Second Round Substantive Rules” then in place did not provide for an Affordable Housing Obligation for the City. Accordingly, a reexamination to the City’s Housing Plan Element was deferred until the next [i.e. this] Master Plan effort.

In 2004, COAH’s “Third Round Methodology and Rules”, which imposed a Growth Share Obligation on municipalities in the form of one affordable housing unit for every 8 market rate units constructed and one affordable housing unit for every 25 jobs created ~ became effective in December 2004.

While the City’s Housing Element and Fair Share Plan were under development as part of this Comprehensive Master Plan Update, the New Jersey Court, Appellate Division, responding to an appeal brought by affordable housing advocacy groups, invalidated COAH’s Third Round Methodology and Rules, finding that the regulations were based on invalid calculations, arbitrary rules and unconstitutional provisions. Under the Court’s ruling, all municipal actions related to COAH’s Third Round were stayed ~ including the preparation of new Fair Share Housing Plans ~ until COAH adopted revised regulations.

COAH published its amended Third Round Methodology and Rules in the New Jersey Register in January 2008, with comments due by mid-March 2008. The rules were adopted in June 2008, with an effective date of December 2008.

Such Rules provide for, inter alia, a Growth Share Obligation of one affordable housing unit for every four (4) market rate units constructed and one affordable housing unit for every 16 jobs created. These regulations are viewed as overly onerous on a City like Pleasantville, with its overabundance of low and moderate income households and its efforts toward economic revitalization. Pleasantville’s comments submitted to COAH expand on the City’s situation and seek relief from any Growth Share Obligation.

Additionally, in July 2008, the legislature has adopted and the Governor has signed additional amendments to the COAH regulations.

³⁹ mandating that all municipalities that choose to enact and enforce zoning ordinances must prepare a Housing Element as part of the community’s Master Plan (N.J.S.A. 52:270-301 et seq.)



Finally, also in July 2008, the New Jersey League of Municipalities filed a notice of appeal with the Appellate Division of the Superior Court challenging the 2008 Third Round Rules.

The City remains sensitive to the need for affordable housing (including workforce housing to support the growth expected in neighboring Atlantic City) in the region, has a history of supporting such efforts in Pleasantville and anticipates continuing this policy, just not at the level mandated by COAH.

- 5.3.4 *Policies and Standards* related to Housing in Pleasantville will be more fully detailed in the Housing Plan Element of this Comprehensive Master Plan Update (section 7.0 herein), which shall be prepared to meet the City's obligations in a manner deemed appropriate to the overall needs of the City of Pleasantville.

5.4 **Circulation Policy**

- 5.4.1 Principle: Pleasantville recognizes a concern for the safe, orderly and efficient movement of vehicular traffic and pedestrians throughout the City.

The past several years have seen a growing number of incidents of vehicular accidents in various sections of the City. Included in these statistics is an alarming increase in the number of serious accidents involving pedestrians.

- A. *Objective*: Identify and address conditions which have caused serious and tragic incidents on the Black Horse Pike during the evening hours.
 - B. *Objective*: Identify and address conditions of conflict between vehicular traffic on New Road and Delilah Road and students going to and leaving from the school complex on Reading Avenue and Mill Road.
 - C. *Objective*: Identify and address conditions of conflict between vehicular / pedestrian and vehicular / bicycle traffic along Main Street (CR 585) in the City's downtown commercial areas.
- 5.4.2 Principle: Pleasantville recognizes the need for the City to promote mass transit to the maximum extent possible.
- A. *Objective*: Maximize the City Transit Village designation for developmental and programmatic improvements to the ½-mile area surrounding the Pleasantville Bus Station (operated by New Jersey Transit) and elsewhere in the City.
 - B. *Objective*: Promote the goals, objectives and program initiatives of the City's Transit Village,⁴⁰ including the creation of adequate parking supply in order to support jobs and business opportunities in the vicinity of the City Center Area.

⁴⁰ A Transit Village is a compact, transit-supportive, mixed-use district within walking distance of a mass transit station. The City was awarded Transit Village designation in 1998 under then-Governor Whitman's "Transportation Vision for the 21st Century".



- C. *Objective:* Utilize the tools and powers of the Redevelopment Statute and other pro-development regulations to encourage transit ridership.
- D. *Objective:* Utilize the tools and powers of the Local Redevelopment and Housing Law and other pro-development regulations to achieve Objectives i. and ii. herein.

5.4.3 Principle: Pleasantville recognizes that its north/south street system, as well as Delilah Road is inadequate to accommodate rush-hour traffic from Atlantic City to the County's bedroom communities.

- A. *Objective:* Review the feasibility of increasing the number of one-way paired streets in the City in an effort to reduce congestion on current two-way streets.

5.4.4 Principle: Pleasantville recognizes that the City's bicycle paths, while typically thought of as recreational facilities, have the ability to serve as transportation corridors, facilitating pedestrian and bicycle movement through the City and connecting Pleasantville with Northfield to the south and Egg Harbor Township to the west. At Publication, the City had completed bicycle paths from:

- Devin's Lane to New Road and then east to just before Block 59 / Lot 30.
- Ridgewood Avenue to the south side of the railroad bridge over the Black Horse Pike
- the north side of the railroad bridge to Chestnut Avenue / Second Street.

Additionally, improvements to the railroad bridge and Block 59 were pending funding approval from the UEZ. Completion is expected in the 3rd quarter 2008.

- A. *Objective:* Maximize the use of the bicycle paths as a means of circulation for the City's population. Encourage pedestrian and bicycle use as opposed to private automobiles on the City's street system.

5.4.5 Principle: Pleasantville recognizes that its inventory of parking spaces in the City's commercial downtown is inadequate to satisfy the demand generated at present, and will be increasingly inadequate as the City's downtown revitalization efforts become reality.

- A. *Objective:* Develop a comprehensive strategy to address parking issues in Pleasantville, specifically as relates to the Central Business District and surrounding areas.
- B. *Objective:* Institute parking requirements and create a Schedule of Required Parking Spaces per uses in the Central Business District, which currently has no parking requirement.



- C. *Objective:* Review existing parking requirements in the Schedule of Required Parking Spaces to insure their adequacy.
- D. *Objective:* Continue to utilize governmentally-owned land in strategic sections of the City for public parking. Explore the feasibility of developing one (1) or more structured parking garages on these lands.
- E. *Objective:* Utilize the municipal Parking Utility created in October 2002⁴¹ for operation of the parking lots / structures.
- F. *Objective:* In order to fund the centralized parking structures referenced in Objective 5.4.5 E. herein, institute “in-lieu-of” parking fees wherein developers could opt to “buy-down” some portion of their parking requirement by payment of an established amount which would be dedicated to the construction and/or ongoing operation of such parking facilities.

5.4.6 *Policies and Standards* related to circulation (and parking) in Pleasantville are more fully detailed in the Circulation Plan Element (Section 10.0) of this Comprehensive Master Plan Update.

5.5 Utilities & Infrastructure Policy

5.5.1 Principle: Pleasantville recognizes that its aging utility infrastructure is in general need of repair and may not be adequate to service the scope of development envisioned for the revitalized City.

A Storm Sewer Ordinance,⁴² regulating on-site and off-site storm water discharge for new development, in conjunction with NJDEP’s Storm Water Management (MS-4) Rules,⁴³ was adopted in July 2006.

- A. *Objective:* Prepare a 6-year capital improvement plan consistent with N.J.S.A. 40:55D-29&30 to include subsurface utilities under City control.
- B. *Objective:* In addition to any municipal program of capital improvements, continue the policy of utilizing Urban Enterprise Zone funds to underwrite infrastructure improvements required for economic development projects when eligible.
- C. *Objective:* Review and, if necessary, revise City Code Chapter 255 (Streets and Sidewalks) regarding regulations requiring developers to construct / reconstruct curbs and sidewalks surrounding their facilities and to resurface all adjacent roadways to the centerline of the street as part of the project.

⁴¹ Via Ordinance No. 34-2002

⁴² Ordinance No. 25-2006

⁴³ N.J.A.C. 7:8-1.2 et. seq. (as amended).



- D. *Objective:* Evaluate upgrades to the storm drainage system(s) in the City as appropriate. Evaluate tidal flooding problems and maintain, repair and replace stormwater facilities upon deterioration.
- E. *Objective:* Work with private utility providers⁴⁴ to insure adequate and appropriate upgrades to the City's infrastructure systems, including, but not limited to, finalizing planned improvements to the water distribution system as relates to fire protection throughout the City.

5.5.2 *Policies and Standards* related to utilities and infrastructure in Pleasantville are more fully detailed in the Utility Plan Element (Section 11.0) of this Comprehensive Master Plan Update.

5.6 Community Facilities, Open Space & Recreation Policy

5.6.1 Principle: Pleasantville recognizes that active and passive recreation is a critical component of a healthy residential community and that adequate recreation facilities and supporting amenities should be provided for City residents.

While the City can boast of a network of parks and playgrounds throughout the community, connecting bicycle paths and an active Recreation Department which sponsors programs for residents of all ages, the provision of adequate recreation for all City residents is anticipated to remain a concern in perpetuity.

- A. *Objective:* Continue to maintain the City's passive parks and active playgrounds with equipment designed for a use by a variety of age and ability levels.
- B. *Objective:* Provide for the appropriate illumination of all parks, playgrounds and bicycle paths to insure the safety of users.
- C. *Objective:* Create outdoor recreation opportunities based around the redeveloped municipal Marina. Provide for commercial, recreational, educational and other supporting uses to serve as amenities to the (new and existing) waterfront residential community and which are normal and customary to a full-service recreational marina.
- D. *Objective:* Prior to this Comprehensive Master Plan Update, the City leased the privately-owned land across Mulberry Avenue from the Pleasantville Recreation Center for Recreation Center parking. In or about July, 2007, the owner of this land made application to the City's Zoning Board for the construction of single-family homes on this lot. Accordingly, the City is required to find an alternate parking lot prior to commencement of construction.

⁴⁴ Electric, gas, communications, etc.



At Publication, the City had acquired the land necessary to replace the privately-owned parking area and had completed the design of the new parking lot. Construction was pending allocation of funding.

- 5.6.2 Principle: Pleasantville recognizes the need for the City to protect its natural resources while maximizing use of the State Plan's designation of Pleasantville as a 'PA-1 (Metropolitan) Planning Area' in order to support growth and (re)development.

Located in New Jersey's Coastal Zone, development in Pleasantville is regulated by CAFRA and the Coastal Zone Management Rules. Within the context of these and other environmental regulations, City Planners have expressed the desire to respect and protect the City's natural environment where appropriate and to foster resource-friendly development where possible.

- A. *Objective*: Support economic development activity designed to make appropriate use of the City's resources.
 - B. *Objective*: Employ the Redevelopment Statute where applicable to achieve these and other municipal objectives.
 - C. *Objective*: Recognizing the urban, fully-developed nature of the City, the special nature of Pleasantville's location vis-à-vis the marine tidal marshes and the Atlantic City Skyline and the opportunities presented by these elements, explore modification in the City's development regulations in order to take advantage of Pleasantville's assets and designations while appropriately protecting the natural environment.
 - D. *Objective*: Within the context of Objective 5.6.2 C herein, explore Vertical Development as a means to provide for the creation of housing units and service a segment of the housing market not currently represented in the City, increase homeownership opportunities and to support the economic and other Policies of this Comprehensive Master Plan Update, including Policies and Objectives designed to support the redevelopment of the City's commercial downtown.
 - E. *Objective*: Create a Conservation Zone along the City's eastern boundary where the bay and marine tidal marshlands make development unpermissible under NJDEP regulations.
- 5.6.3 Principle: Undertake a Green Buildings and Environmental Sustainability Plan Element to the Master Plan as funding becomes available. Until such time, address 'green' technologies within the context of Chapter 290.
- A. *Objective*: Encourage 'green' technologies (windmills, solar, geothermal, etc.) as accessory uses in new construction and building rehabilitation and as principal uses *at appropriate locations* within the City (i.e., where such uses do not conflict with neighboring land uses).



B. Objective: Encourage LEED (“Leadership in Energy & Environmental Design”) building systems and technologies in all Projects as appropriate.

5.6.3 Principle: Pleasantville recognizes that aspects of its current educational physical plant (schools) are aging, undersized or otherwise may no longer be appropriate to support the City’s current and projected School population.

A. *Objective*: Work with the Pleasantville Board of Education to address physical plant issues facing the school system, including, but not limited to, issues identified within the Board of Education’s Long Range Facilities Plan, provided that these proposals do not conflict with the City’s larger revitalization efforts.

B. *Objective*: Explore the appropriate adaptive reuse of buildings or redevelopment of lands currently used by the Board of Education (for schools or other purposes) if and when said buildings or lands are no longer required by the Board.

5.6.4 Principle: Pleasantville recognizes that the City has undergone a rapid transformation over the past decade, and that certain of the City’s policies and procedures have not been able to keep pace.

A. *Objective*: Update the City’s Open Space and Recreation Inventory (“ROSI”) to reflect current conditions.⁴⁵

5.6.5 *Policies and Standards* related to Community Facilities and Recreation in Pleasantville are more fully detailed in the Community Facilities Plan Element (Section 12.0) and the Open Space & Recreation Plan Element (Section 13.0) of this Comprehensive Master Plan Update.

5.7 Economic Development Policy

5.7.1 Principle: Pleasantville recognizes that its Urban Enterprise Zone is the lead agency for the promotion of economic development in the municipality and reaffirms its commitment to the goals and objectives of the PUEZ.

A. *Objective*: Expand the Urban Enterprise Zone Boundaries to facilitate economic growth and redevelopment projects as appropriate.

B. *Objective*: Provide for the redevelopment of lands and the establishment of businesses within the City’s Urban Enterprise Zone; thereby increasing the resources available to the Urban Enterprise Zone for economic development programs elsewhere in the City.

C. *Objective*: Amend the PUEZ 5-Year Zone Development Plan in order to remain consistent with the concepts adopted under this Comprehensive Master Plan Update.

⁴⁵ By letter dated March 26, 2008, NJDEP removed Block 430, Lot 25 from the ROSI in order for this lot to be used as part of the Board of Education’s Early Childhood Education Center.



- D. *Objective:* Utilize the Zone Development Plan as the Economic Plan Element for this Comprehensive Master Plan Update. Support and advance the goals, objectives and program initiatives of the PUEZ, including, but not limited to:
- the creation of jobs targeting the full spectrum of skill-levels; thereby providing the widest possible employment base for City residents; and
 - the creation of business opportunities in order to provide for the expansion of existing City businesses as well as to attract new businesses to Pleasantville.
- E. *Objective:* Assist the PUEZ in its efforts to encourage the growth of existing business and attract and develop new business opportunities; thereby increasing employment and job opportunities for the City.

5.7.2 Principle: Utilize all the tools and powers available to the City through the *Local Redevelopment and Housing Law*, Urban Enterprise Zone and other pro-development programs to support economic development in Pleasantville.

- A. *Objective:* Where appropriate, utilize zoning, tax abatement and other financial and non-financial incentives and programs to achieve these Principles and Objectives.
- B. *Objective:* Maximize commercially-zoned lands where appropriate.
- C. *Objective:* Encourage business retention, expansion and attraction by providing for the reorganization, consolidation and, where necessary, relocation of existing operations to suitable locations in the City; thereby allowing for the development of facilities appropriate for each such use and insuring that uses are compatible with their surroundings.
- D. *Objective:* Generate new tax ratables and maximize tax revenue by returning to productive use, lands which are currently unutilized / underutilized, undeveloped / underdeveloped, abandoned or deteriorated, including lands which are owned by the municipality, and which, for various reasons are not likely to be developed solely through the instrumentality of private capital.
- E. *Objective:* Recognizing the financial and planning realities related to urban redevelopment projects, make available such assistance as may be at the City's disposal ~ through the powers of the Redevelopment Statute, the Urban Enterprise Zone and/or other pro-development programs ~ to assist qualified Projects. Such assistance may include, but need not be limited to, the dedication, vacation and/or expansion of certain municipal rights-of-way, the granting of air- or subsurface rights thereto, making (or, with the [re]developer, making joint) application for state and/or federal grant funds, making (or, with the [re]developer, making joint) application for state and/or federal environmental and/or other permits required to advance a Project.



5.7.3 Principle: Pleasantville recognizes the need for the City to create a sense of identity for the municipality in general and the Downtown area specifically.

- A. *Objective*: Continue to establish standards for coordinated awning, lighting, signage and street furniture in order to provide a sense of place for various sections of the City, including the Building Façade Design Criteria (section 6.3.2 A. (5) g. ii)⁴⁶ generated by the Urban Enterprise Zone as guidelines for the external treatment of buildings.
- B. *Objective*: In conjunction with Objective B. i., utilize the City sponsored Redevelopment projects in the City Center, Cambria Avenue, Lakes Bay and Narcissus Avenue areas as templates for the branding of these areas; thereby not only improving the subject area, but providing a positive influence on adjacent blocks.
- C. *Objective*: Since before 2000, the City has employed the slogan “Pleasantville: A City Really on the Move” as the guiding philosophy for the revitalization of the municipality and as a tagline to reinforce the sense that Pleasantville is an attractive place for people to live, work and visit.

While this slogan has served the City well, it has been the sense of municipal policymakers that it was time to update this tagline.

In 2008, the City, through the Urban Enterprise Zone, commissioned a public relations firm to work on ‘re-branding’ concepts for Pleasantville and was working cooperatively with the Redeveloper for the City Center Area in ‘area-specific’ marketing concepts. At Publication, the City has adopted the phrase “Pleasantville, Feel the Energy” and the Urban Enterprise Zone has adopted “Join Us and Grow” for its new marketing campaigns.

This Comprehensive Master Plan Update recommends that the City continue these and other efforts to market Pleasantville as an attractive place to live, work, shop and enjoy.



⁴⁶ On file with the City's Construction Official.



5.7.4 *Policies and Standards* related to Economic Development in Pleasantville are more fully detailed in the PUEZ 5-Year Zone Development Plan on file at the Urban Enterprise Zone offices.

5.8 **Historic Preservation Policy**

5.8.1 Principle: Pleasantville recognizes that the City's history is not represented by historic buildings, but in the social history of the people and institutions.

Over the past several years, the architecturally significant First National Bank building at Main Street and Washington Avenue was demolished to make way for the Business Resource Center at 2 S. Main Street and the former Pleasantville High School at Franklin and Ansley Avenues was demolished as part of the Lakes Bay Waterfront Redevelopment project. While members of the community mourn the loss of these structures, their demolition was required in order to permit larger projects with significant positive impact for the overall revitalization of the City.

Accordingly, City Planners reaffirm that while a certain level of nostalgia may attach to certain buildings and development patterns, such emotion should not limit the City's ability to create or support projects with larger significance for the revitalization of the municipality.

*PHILOSOPHICALLY, THE PAST GETS A VOTE ~ **NOT A VETO.***



6.0 LAND USE PLAN ELEMENT

6.0.1 The *Municipal Land Use Law* requires that municipal Master Plan include a Land Use Plan Element, which is defined as an analyses of the relationship between land uses and development patterns in the City both as an independent function and against the Objectives, Principles, Assumptions, Policies and Standards and other Master Plan Elements developed as part of this Master Planning process, with specific attention paid to:

- (a) natural conditions, including, but not necessarily limited to, topography, soil conditions, water supply, drainage, flood plain areas, marshes and woodlands;
 - (b) existing and proposed location, extent and intensity of development of land to be used in the future for varying types of residential, commercial, industrial, agricultural, recreational, educational and other public and private purposes; and stating the relationship to the existing and any proposed zone plan and zoning ordinance;
 - (c) showing the location of any airports and the boundaries of any airport safety zones pursuant to the "Air Safety and Zoning Act of 1983," 6:1-80 et seq.;
 - (d) including a statement of the standards of population density and development intensity recommended for the municipality;
- 6.0.2 The 1993 Update and 1999 Reexamination detailed certain inadequacies of the City's existing Zone Plan and Land Use Ordinance and made recommendations regarding these issues. Based on these analyses, a series of revisions to the City's Zone Plan and accompanying zoning regulations were adopted. Addition amendments to the Land Use Ordinance been made from time-to-time.
- 6.0.3 This Comprehensive Master Plan Update utilizes these efforts as background, and updates the Land Use Plan based on current conditions and policy direction.
- 6.0.4 In addition to satisfying the statutory requirement for the required Land Use Plan Element, this section will satisfy N.J.S.A. 40:44D-d & e as relates to the requirements for a Master Plan Reexamination under the *Municipal Land Use Law*.
- 6.0.5 For organizational purposes, issues comprising this Land Use Plan shall be classified via the various requirements of a Land Use Plan Element as specified in the *Municipal Land Use Law*⁴⁷ ~ as applicable to Pleasantville.

⁴⁷ N.J.S.A. 40:55D-28



6.1 Natural Conditions

The *Municipal Land Use Law* requires that Land Use Plan Element address “natural conditions, including, but not necessarily limited to, topography, soil conditions, water supply, drainage, flood plain areas, marshes, and woodlands”.

6.1.1 Topography

As with most coastal plain areas, the topography of the City is relatively flat. The 10' Contour Quadrangle Maps prepared by the U.S. Geological Survey⁴⁸ reveals that the topography of the City has a gentle slope of (typically) less than 1% (less toward the bayside waterfront, marsh and wetland areas). Established U.S.G.S. Benchmarks along the Black Horse Pike, New Road, Delilah Road and Main Street list at-grade elevations between 8' and 31' above Mean Sea Level.

The bayside waterfront faces high tides twice daily, and is subject to tidal flooding when the seas exceed (approximately) 4' above Mean Sea Level.

6.1.2 Soil Conditions

Soils in the City consist of a variety of upland and lowland types, as described below, as well as those soils that fall somewhere in between. Upland soils are characterized by well drained, sandy composition with a relatively deep seasonal high water table. These soils usually occupy high positions in the landscape.

Lowland-type hydric soils, such as Tidal Marsh, drain poorly and are usually associated with low positions in the landscape such as stream corridors and tidal areas depressions. Coastal wetlands are marshland, meadows, banks and other low-lying areas that are subject to tidal flooding and have been delineated on official maps by the NJDEP. Inland wetlands, on the other hand, are commonly cedar and hardwood swamps, pitch pine lowlands, bogs, inland marshes, lakes, ponds, rivers and streams.

As a result of this soils composition, the center areas of the City are particularly well-suited for development, while the bayside water-edges of the City consist of meadow mat and other subsurface conditions which require special engineering for development.

Typical Soils located in the City are:⁴⁹

⁴⁸ “U.S.G.S.” (Exhibit 10)

⁴⁹ Exhibit 11



SOILS ⁵⁰		DESCRIPTION
Ac	Atsion Sand	Nearly level, poorly drained sandy soils with prominent, organically-stained subsoil located on broad flats, depressional areas and narrow drainageways. Occupy low positions in the landscape
ArA	Aura Sandy Loam (0% to 2% Slopes)	Nearly level or gently sloping, well-drained. Loamy soils with firm gravelly clay loam in lower part of subsoil located on highest hilltops and divides in landscape. Underlain by thin, cross-bedded sand or gravel deposits.
ArB	Aura Sandy Loam (2% to 5% Slopes)	
Bp	Berryland Sand	Nearly level, very poorly drained sandy soils with organically-stained subsoil located in wide depressional areas at low positions in landscape.
DoA	Downer Loamy Sand (0% to 5% Slopes)	Well drained, nearly level to gently sloping sandy or loamy soils occupying high positions in the landscape.
EvB	Evesboro Sand (0% to 5% Slopes)	Nearly level to gently sloping, excessively drained, loose and sandy soils occupying high positions in the landscape.
FL	Fill Land	Areas in the upland part of the county that have been filled with several feet or more of material, mainly quartz, sand and gravel.
FM	Fill Land over Tidal Marsh	Tidal marsh that have several feet or more of sandy fill material deposited or pumped thereon.
HaA	Hammonton Loamy Sand (0% to 3% Slopes)	Nearly level, moderately well drained soils located in depressional areas and on broad flats in intermediate positions on the landscape.
KmA	Klej Loamy Sand (0% to 3% Slopes)	Deep, nearly level, moderately well drained soils occupying intermediate position on the landscape with same amount of clay in subsoil as in surface layer.
ML	Made Land	
PIT		
Po	Pocomoke Sandy Loam	Broad, nearly level or depressional areas in narrow drainageways, poorly-to-very poorly drained. Sandy or loamy subsoil or organic soils underlain mainly by sand.
SaA	Sassafras Sandy Loam (0% to 2% Slopes)	Nearly level, gently sloping, well drained loamy soils occupying high positions in the landscape.
TD	Tidal Marsh, Deep	Mineral surface layer overly highly organic material. Complex sequences of mineral and muck strata underlain by sand. Almost continually saturated with low bearing capacities.
TM	Tidal Marsh, Moderately Deep	
TS	Tidal Marsh, Shallow	
W	Water	

⁵⁰ Soils Survey of Atlantic County (April 1978)





6.1.3 Water

A. Water Supply

Communities in southern New Jersey rely on both surface and subsurface water supply sources for their water needs. Surface water supplies are derived from various reservoirs, lakes and streams situated throughout Atlantic County,⁵¹ while subsurface sources are obtained from the unconfined Kirkwood-Cohansey and the “Atlantic City 800-Foot Sands”⁵² aquifer systems, which yield the majority of all water supplied throughout the County.

With the exception of a limited number of properties which rely on existing private wells for domestic water, the New Jersey American Water Company⁵³ provides potable and emergency (fire) water service to the developed portions of the City. In addition to Pleasantville, New Jersey American also serves the mainland communities of Absecon, Linwood, Northfield, Galloway Township, Egg Harbor Township and Somers Point.

New Jersey American - Atlantic Division⁵⁴ draws subsurface water from 22 wells drilled to a depth of 150’ to 200’ into the Kirkwood–Cohansey aquifer and purchases approximately 1.2 million gallons per day (“MGD”) of surface water supply from the ACMUA.

In Pleasantville, New Jersey American supplies a mix of well and ACMUA water⁵⁵ to the 1.0 million gallon elevated storage tank on Garfield Avenue and the 0.5 million gallon elevated storage tank located Woodland Avenue. From these “water towers”, potable and emergency water is transmitted through underground lines to properties throughout the City.

Due to homeland security concerns, NJ American does not provide information as to its operations, water capacity or allocation. It is therefore not possible to definitively assert that NJ American is able to service the scope of development envisioned by this Comprehensive Master Plan Update. However, NJ American is responsible for extending water service to undeveloped areas when development makes such service necessary.

⁵¹ primarily from the Kuehnle Pond and Doughty Pond reservoirs located along branches of the Absecon Creek and operated by the Atlantic City Municipal Utilities Authority (“ACMUA”)

⁵² The “Atlantic City 800-Foot Sands” aquifer underlies the Kirkwood-Cohansey formation, but is separated by a confining clay layer as thick as 400’ in certain areas. This aquifer is composed of sands, gravel and fragmented shell materials. It is the predominant source of water for public wells, pumping more than 1.0 million gallons per day (“MGD”) along the coastal communities.

⁵³ (“NJ American”) A public community water system (public utility) serving in excess of 2 million households in 177 communities throughout New Jersey. New Jersey American is a wholly-owned subsidiary of American Water, the largest private water services provider in North America.

⁵⁴ PWSID# 0119002

⁵⁵ The percentage of water from each source varies daily depending on system operations and daily demand.



B. Water Capacity / Water Quality

Homeland security concerns notwithstanding, the following information related to the City's water supply is known:

In 1990, average daily water usage within the Great Egg Harbor River Watershed (which includes Pleasantville) was estimated at 21 MGD, with average peak summer demand at approximately 45 MGD.⁵⁶ NJDEP estimates that, based on a projected county-wide population of 250,000 for the year 2040, water demand should increase by 58% (to at least 52 MGD). Such demand would result in the withdrawal of 33 MGD from the Kirkwood-Cohansey aquifer, 14 MGD from the Atlantic City 800-Foot Sands aquifer and 5 MGD from the ACMUA reservoirs.

The City Engineer has been able to determine that the City's water usage (June 2006 to June 2007) was 671,583,000 gallons, or approximately 1.84 MGD. Based on an estimate of 6,624 households in the City during that period (2000 Census data + reported residential building permits ~ Section 7.0 herein), this figure extrapolates to 1.9 MGD.

While it is not possible ~ at this time ~ to calculate the increase in the number of households in Pleasantville if the recommendations of this Comprehensive Master Plan Update are accepted, a doubling of the number of households would project a water usage of 3.8 MGD. This appears to be within NJ American's projected capacity.

Among the negative impacts of increased development (with its concomitant decrease of pervious surface area and use of storm sewers) are the reduction of natural stream flows resulting in the inability to properly control for dissolved solids in the water supply (thereby affecting water quality)⁵⁷, the reduction in wetlands habitat due to the lowering of groundwater tables and saltwater intrusion resulting from increased withdrawal and decreased recharge into the aquifer.

Of primary concern to those who study the region's hydrodynamics is the potential for the saltwater front to intrude further upstream and adversely impact the potable water supply.

Groundwater models prepared by the U.S.G.S. show that the potential exists for a continued increase in salt water intrusion in the Atlantic County region; thereby threatening the aquifer. According to information obtained from wells located on Absecon Island, the saltwater front is presently situated 10 miles

⁵⁶ NJ American

⁵⁷ The Atlantic County Health Department reports that instances of mercury and volatile organic compound contamination of individual (private) potable wells have increased in the late 1980s and early 1990s. While the County has responded by assisting homeowners in obtaining alternate water supplies or installing in-home treatment facilities, extension of the public water systems will be an important factor in determining future growth.



“offshore”. While “mainland” wells are not expected to be impacted through the study year of 2040, and while saltwater intrusion is a slow process, evidence suggests that the aquifer is not adequately recharging itself to maintain equilibrium to offset the advancement of the saltwater front.

Despite this concern, the quality of groundwater within the Kirkwood-Cohansey aquifer remains “good”. However, regional measures are required to ensure the long-term quality of this resource, and alternative means of providing potable water supplies beyond the Atlantic City 800-Foot Sands aquifer must be planned to satisfy present and projected regional demand.

While specific actions related to the aquifer do not fall within the jurisdiction of the City, the close relationship between the land use recommendations proffered under this Comprehensive Master Plan Update and water supply / water quality remain inexorably linked. Such issues must be recognized as the City plans for its future growth.

6.1.4 Drainage

During periods of prolonged rain, storm water from streets, rooftops, yards and parking lots (not directed to storm basins) begins to flow overland, eventually winding up either in the marshlands north of Leeds Avenue, Absecon Bay or Lakes Bay via outfalls of the underground stormwater systems. As stormwater travels across the land surface, it picks up animal waste, sediment and contaminants. At Publication, this mixture of pollutants receives no treatment other than what occurs via natural processes. Such non-point source pollution is a concern to City policymakers because it can contaminate receiving water-bodies. Significantly, recently adopted State Stormwater Rules require future development in excess of one (1) acre to be subject to stringent water quality standards.⁵⁸

In addition to tourism, Atlantic County relies on its ocean and bay waters for the commercial harvesting of shellfish. Accordingly, the quality of our estuarine and ocean waters is critical to the regions economic wellbeing. County and State health officials monitor recreational swimming areas and shell fishing grounds for water quality on a routine basis.⁵⁹ Significant to Pleasantville, Absecon Bay and Lakes Bay are approved for seasonal shell fishing.

The City’s Department of Public Works, Sewer Division, has the responsibility to maintain and repair the City’s storm sewer manholes, catch basins, drain pipes, drainage pathways (swales) & drainage basins, and performs routine cleaning of all such facilities. The City will continue to maintain, repair and replace aging storm water facilities as necessary.

⁵⁸ Ordinance No. 25-06, regulating on-site and off-site storm water discharge for new development, in conjunction with NJDEP’s Storm Water Management (MS-4) Rules (N.J.A.C. 7:8-1.2 et, seq. [as amended]), was adopted in July 5, 2006.

⁵⁹ Primarily fecal coli form bacterial counts.



In 2006 and 2007, as part of the HOPE VI project (section 6.3.7. A. (2) herein), the City, Pleasantville Housing Authority and the HOPE VI Redeveloper cooperated in a \$1.7 million improvement project which significantly upgraded an underperforming regional drainage system responsible for collecting storm water from the central core of the City to the outfall north of Delilah Road. Designed to the 100 Year Storm, this project has significantly alleviated flooding for a large section of the City. This project includes construction of eight (8) new aluminum arch culverts and a new engineered drainage channel from the Atlantic City Expressway north to Leeds Avenue; an area subject to routine flooding.

Atlantic County retains jurisdiction over the County roads within the City,⁶⁰ which have a separate stormwater drainage systems. At Publication, no major installation of new storm water drainage facilities were planned.

In 2004, the City undertook bulkhead improvements as part of the reconstruction of the municipal marina at Pleasantville Yacht Basin. While not totally alleviating the flooding in this section of Pleasantville, the new bulkhead has reduced the severity and frequency of bay-water flooding events. A continuation of this project to fully-enclose the Marina parking lot with bulkheading, was scheduled to commence in 2008. It is anticipated that additional drainage upgrades, including the installation of one-way “flex-valves” to protect against tidal backup into the outfall pipes⁶¹, will further improve conditions in this area.

6.1.5 Flood Plain Areas

As a coastal community, the City has been mapped by FEMA under its “Flood Insurance Rate Map program.” Information pertaining to Flood Elevation Zones and Base Flood Elevation can be found on Community Panel Nos. 340015-0001B, -0002B, -0003B and -0004B, as amended to January 19, 1983.⁶²

6.1.6 Marshes

Wetlands are exceptionally important ecosystems that perform functions such as purification of surface and ground waters, flood protection, flora and fauna habitat, and maintenance of baseflow to surface waters. Coastal Wetlands are marshland, meadows, banks and other low-lying areas that are subject to tidal flooding and have been delineated on official maps by the NJDEP. Inland Wetlands are commonly cedar and hardwood swamps, pitch pine lowlands, bogs, inland marshes, lakes, ponds, rivers and streams. Pleasantville contains both freshwater and coastal wetlands,⁶³ with the seasonal high water table at or near the topographic surface.

⁶⁰ Delilah Road (CR 646), California Avenue (CR 636), Washington Avenue (CR 608), Old Egg Harbor Road (CR 687), Margate – Northfield Blvd (CR 644), Old Turnpike (CR 697)

⁶¹ A condition of approval for Phase I of the Lakes Bay Waterfront Redevelopment Project (section 6.3.7. D. herein) imposed on the Redeveloper by the Planning Board.

⁶² Reproduced as Exhibit 12 herein.

⁶³ Exhibit 13



Wetlands in Pleasantville are regulated under the Wetlands Act of 1970, the Freshwater Wetlands Protection Act of 1987 and the Coastal Area Facility Review Act of 1973⁶⁴ administered through the New Jersey Department of Environmental Protection. Federal agencies, including the United States Army Corps of Engineers, Environmental Protection Agency, Fish & Wildlife Service and Soil Conservation Service also regulate wetlands in Pleasantville.

6.1.7 Flora & Fauna, Woodlands and Agricultural Areas

While a nearly built-out community, the location of Pleasantville within the State's "Coastal Zone" affords the City a unique combination of natural resources within its urban environment. In general, the City's inventory of indigenous species consists of those that can tolerate the salinity of the bay-waters and are adapted for life in saturated soil conditions; including, but not limited to, spartina, sea lavender, glasswort, sea myrtle, high tide bush and pines). As mapped by NJDEP,⁶⁵ pockets of vegetation include:

- Deciduous Scrub/Shrub and Wooded Wetlands;
- Disturbed Wetlands (Modified);
- Herbaceous Wetlands;
- Mixed Scrub/Shrub and Forested Wetlands (Deciduous & Coniferous); and
- Saline Marshes

Pleasantville has no agricultural areas.

6.2 **Land Use**

The *Municipal Land Use Law* requires that Land Use Plan Element address "existing and proposed location, extent and intensity of development of land to be used in the future for varying types of residential, commercial, industrial, agricultural, recreational, educational and other public and private purposes; and stating the relationship to the existing and any proposed zone plan and zoning ordinance".

6.2.1 Existing Land Use & Patterns

- A. One of the purposes of Zoning is to provide for the rational arrangement of land uses in such a manner as to promote the health, safety, morals and general welfare of a community. Zoning lines are to be drawn with reasonable consideration to the character of each district and its peculiar suitability for particular uses and to encourage the most appropriate (future) uses of land⁶⁶.

⁶⁴ CAFRA

⁶⁵ Exhibit 13

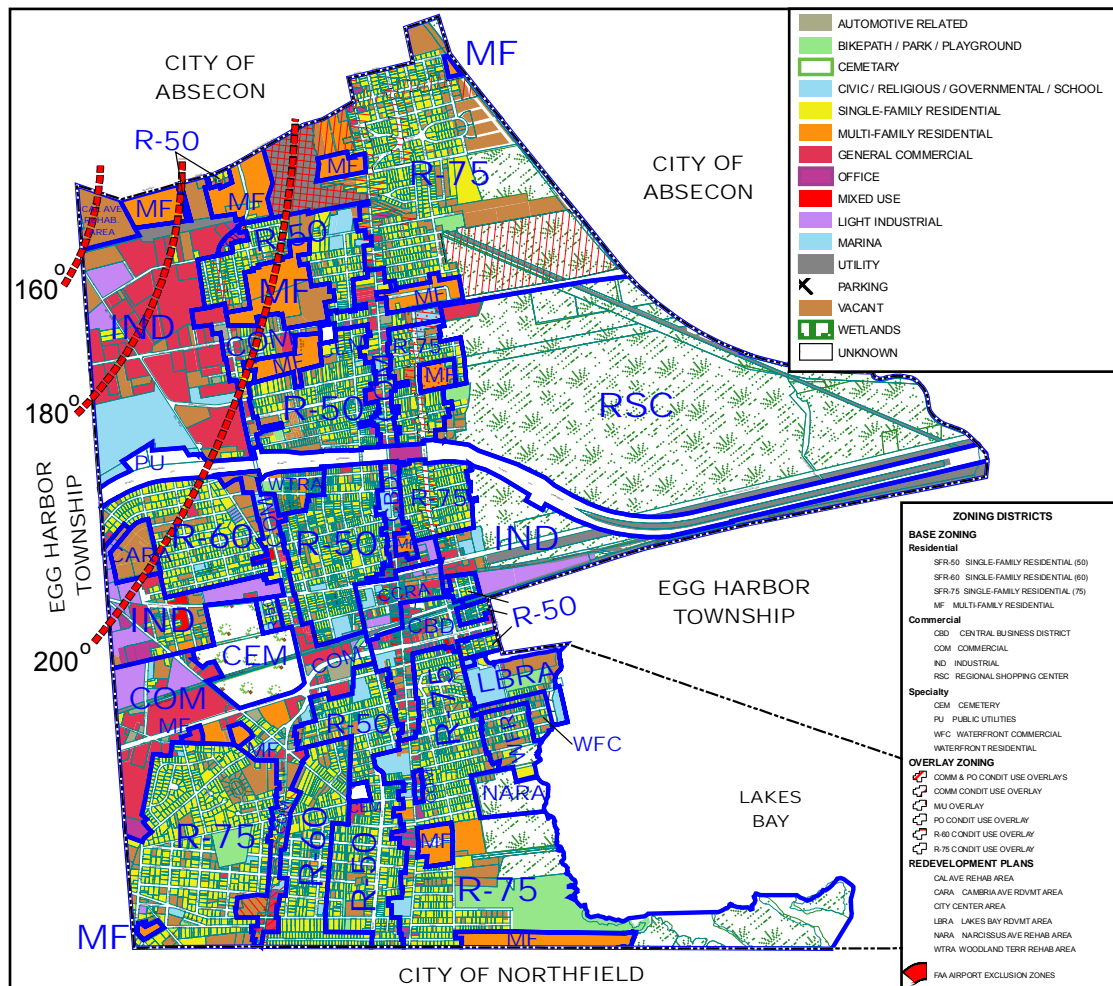
⁶⁶ N.J.S.A. 40:55D-62.



B. While development in Pleasantville has historically been ‘rational’, with defined residential neighborhoods and commercial or industrial districts, there are instances where commercial and even light industrial uses are located in residential areas and dwellings are located in commercial or industrial zones.

As part of this Comprehensive Master Plan Update, a visual survey of each property in the City was conducted in February 2005. The resultant Generalized Land Use Map⁶⁷ depicts existing development in Pleasantville as of that date.

By overlaying the Zone Plan on the Generalized Land Use map, it becomes possible to review existing land use patterns against current zoning and neighborhood conditions to determine the appropriateness of such Zoning relative to community character.⁶⁸



⁶⁷ Exhibit 7

⁶⁸ Exhibit 8





6.2.2 Preexisting Zoning

Pleasantville’s Zone Plan⁶⁹ includes Residential, Commercial, Industrial, Specialty and Overlay Zones, as well as designated Redevelopment Areas as follows:

RESIDENTIAL ZONING DISTRICTS	COMMERCIAL ZONING DISTRICTS
SFR-50 Single-Family Residential	CBD Central Business District
SFR-60 Single-Family Residential	COM Commercial
SFR-75 Single-Family Residential	IND Industrial
MF Multi-Family Residential	RSC Regional Shopping Center
WR ⁷⁰ Waterfront Residential	WC ⁷¹ Waterfront Commercial
SPECIALTY ZONING DISTRICTS	OVERLAY DISTRICTS
CEM Cemetery	Professional Office Overlay ⁷²
PU Public Utility	Limited Commercial Overlay ⁷³
	Franklin Boulevard Mixed-Use Overlay ⁷⁴
	New Road Residential Option ⁷⁵
REDEVELOPMENT / REHABILITATION PROGRAMS	
City-Owned Land Disposition Program Narcissus Avenue Rehabilitation Area California Avenue Tract Woodland Terrace ~ New Hope Community Cambria Avenue City Center Area Gateway Lakes Bay Waterfront Pleasantville West	

⁶⁹ adopted in November 1987, with amendments through June 2008 (reproduced herein as Exhibit 6)

⁷⁰ Various referred to in the Land Use Ordinance and on the City’s Zoning Map as “WFR”.

⁷¹ Various referred to in the Land Use Ordinance and on the City’s Zoning Map as “WFC”.

⁷² properties fronting Main Street, New Road & Franklin Boulevard

⁷³ properties fronting California Avenue, Delilah Road & New Road.

⁷⁴ properties fronting Franklin Boulevard

⁷⁵ properties fronting New Road between Lafayette Avenue and Ridgewood Avenue.





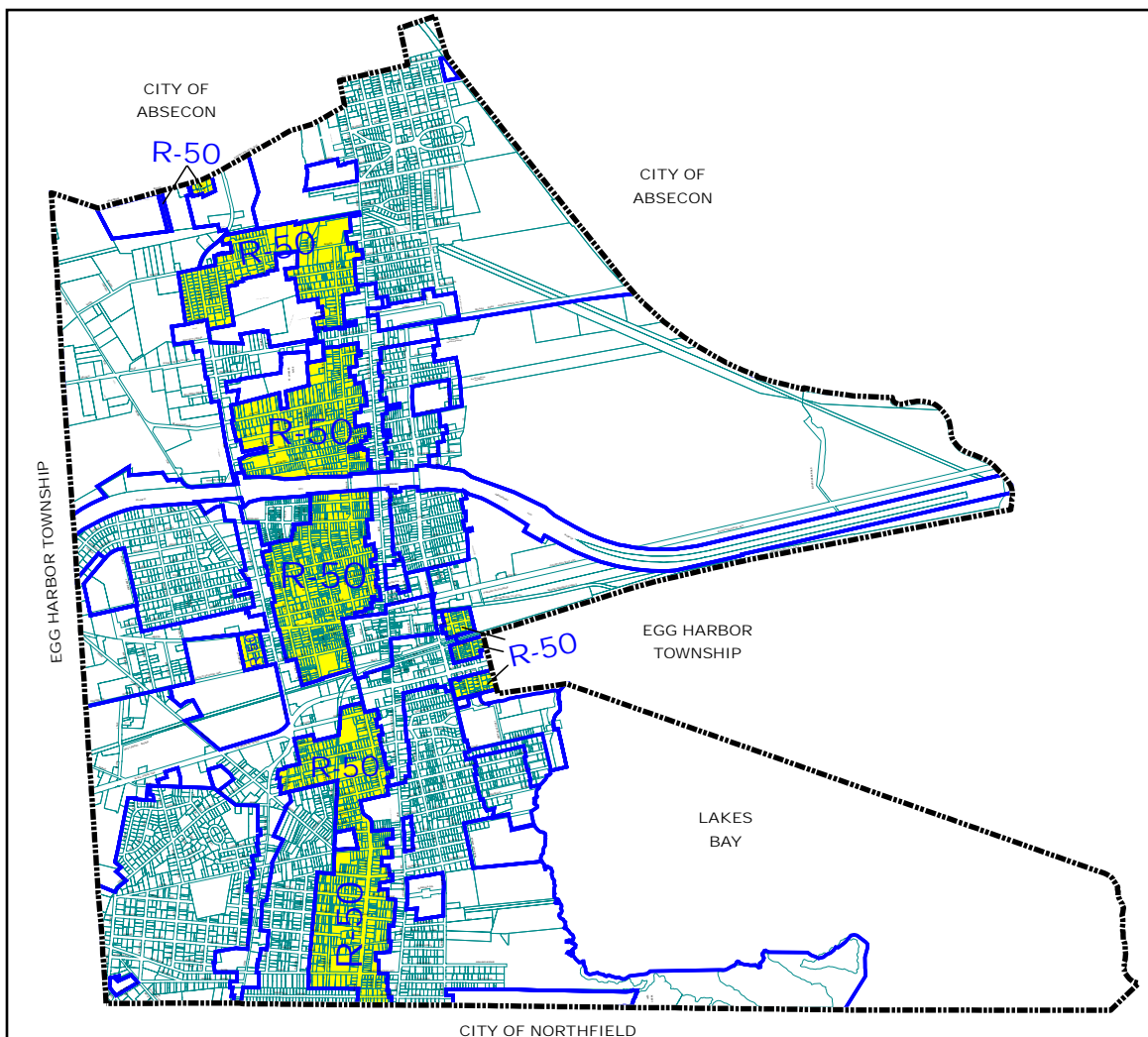
6.3 Land Use Plan

Based on a review of the City's existing Zone Plan, the current development patterns and the municipal policy objectives detailed in section 5.0 herein, the following analyses of the City's Zone Plan are offered:

6.3.1 Residential Zoning Districts

The intent of the City's Residential Zoning Districts is to permit residential development of varied sizes and densities within the City of Pleasantville in order to provide for a range of housing types throughout the community; thereby providing a realistic opportunity for residency, including home-ownership, to the full spectrum of socio-economic groups in as fair and equitable a manner as is practicable.

A. SFR-50 Single-Family Residential Zoning District





(1) The SFR-50 Zoning District was crafted to provide for relatively higher-density single-family residential development on 5,000 s.f. lots with 50' of street frontage / lot width.

(2) Permitted Uses in the SFR-50 Zoning District:

- a. Single-family detached dwellings.
- b. Educational uses.⁷⁶
- c. Places of Worship.⁷⁶
- d. Parks, playgrounds and similar recreation uses operated by the City.
- e. City fire stations.
- f. Professional offices shall be permitted as part of a residential structure.⁷⁶
- g. Medical complexes.⁷⁶
- h. Professional office facilities.⁷⁶
- i. Signs.
- j. Family day-care homes as per N.J.S.A. 40:55D-66.4 and §290-17.

(3) Accessory Uses in the SFR-50 Zoning District:

- a. Private auto garages for the exclusive use of the residents.
- b. Greenhouses, garden houses, tool sheds, playhouses, courts for tennis or similar games and swimming pools.
- c. Fences and walls.

(4) Conditional Uses in the SFR-50 Zoning District:

- a. Main Street, New Road and Franklin Boulevard frontage: Professional executive and administrative uses such as offices for doctors, architects, engineers, etc., provided that such practices are conducted in a manner so as not to exert a deleterious influence upon the surrounding residential neighborhood and further subject to bulk and aesthetic controls.
- b. California Avenue, Delilah Road and New Road: Limited commercial uses (undefined).
- c. Franklin Boulevard (Delilah Road to the Central Business District): Mixed commercial and retail uses, subject to specific bulk controls, as follows:

⁷⁶ Subject to site plan approval by the Planning Board.



- i. General Business and professional offices.
- ii. Restaurants.
- iii. Bed-and-Breakfasts.
- iv. Funeral Homes.
- v. Banks.
- vi. Drug Stores.

(5) Bulk requirements for Principal Structures in the SFR-50 Zoning District:

- a. Minimum Lot Size: 5,000 s.f. (translates to a density of 8.7 du/ac⁷⁷)
- b. Minimum Lot Width: 50'
- c. Minimum Lot Depth: 100'
- d. Minimum Setbacks: Front Yard: 20'
Side Yard: 6' minimum, 20' total
Rear Yard: 30'
- e. Maximum Building Height: 2½ stories or 35'
- f. Maximum Building Coverage (Primary Structure): 30%
- g. Maximum Impervious Coverage: 60%

(6) Recommendations:

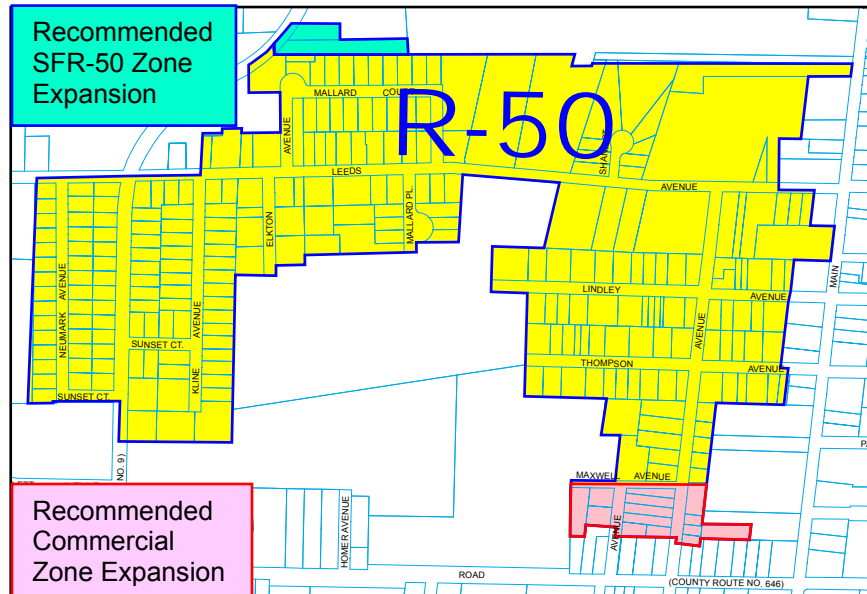
- a. At Publication, the section of the City to the west of Main Street between Delilah Road and Magnolia Avenue was zoned SFR-50.

Consistent with the City's policy to discourage inappropriate and incompatible land uses where such uses would serve to negatively impact existing development patterns (Objective 5.2.3 E. herein), it is recommended that the SFR-50 Zone be expanded to include the existing residential properties along New Road.

Consistent with the City's policy to maximize commercially-zoned lands where appropriate (Objective 5.7.2 B. herein), it is recommended that the area currently zoned commercial be expanded north along Delilah Road.⁷⁸

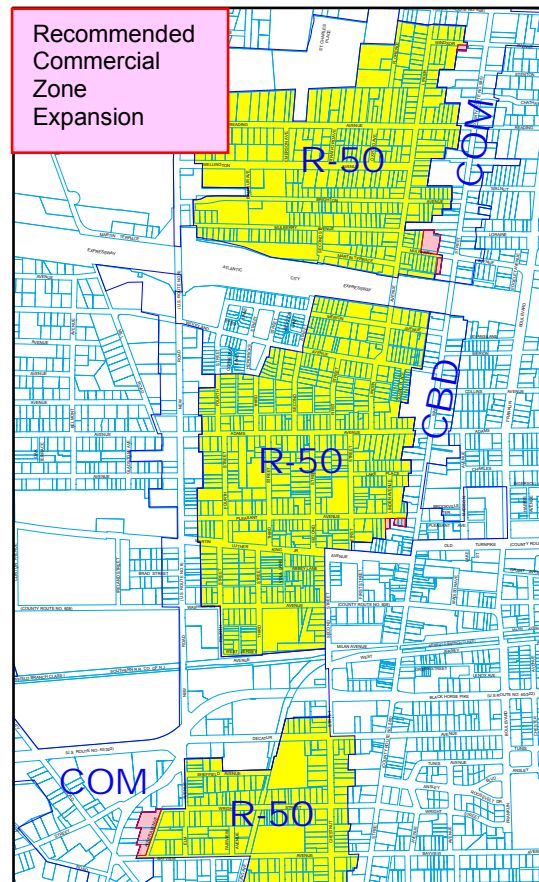
⁷⁷ "Dwelling Units Per Acre"

⁷⁸ Reference section 6.3.2. B. (7) herein for recommended treatment of Commercial Zone Expansion area(s).



b. At Publication:

- the western boundary line of the SFR-50 Zone to the east of New Road between Doughty Road and Wright Street was along the rear property lines of the parcels fronting New Road.
- the eastern boundary line of the SFR-50 Zone to the west of Main Street between Delilah Road and the Atlantic City Expressway was along the rear property lines of the parcels fronting Main Street;
- the eastern boundary line of the SFR-50 Zone to the west of Main Street between the Atlantic City Expressway and the J.P. Rail Line at Milan Avenue was along the rear property lines of the parcels fronting Main Street; and
- In several instances the properties abutting the Zone Boundary Line in the SFR-50 Zone were parking lots, vacant lands or vacant or underutilized buildings.

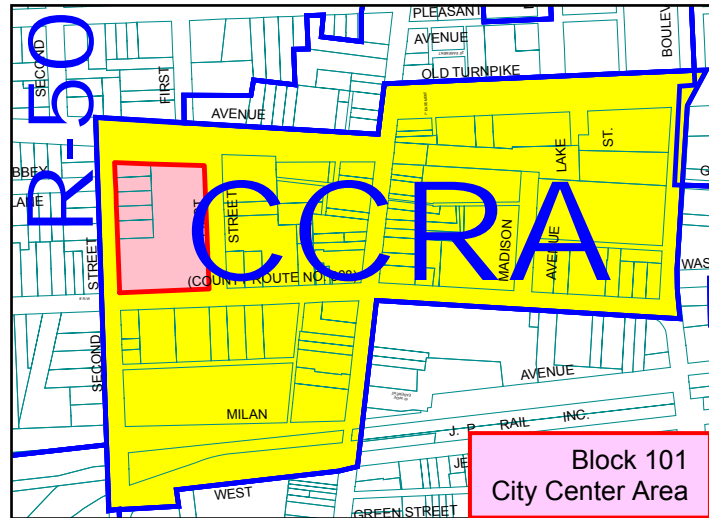




Consistent with the City's policy to maximize commercially-zoned lands where appropriate (Objective 5.7.2 B. herein), it is recommended that the area currently zoned commercial be expanded to include these lands.⁷⁸

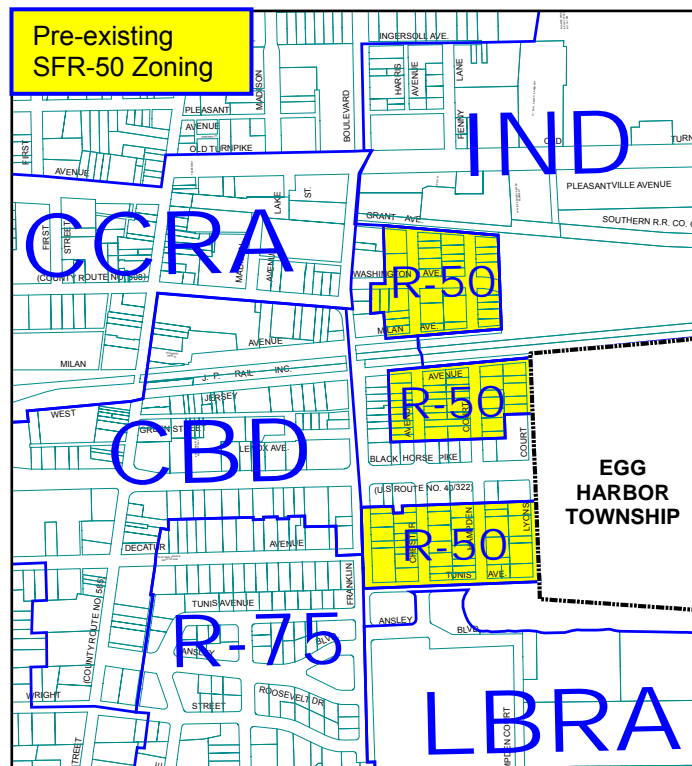
- c. At Publication, the City's official Zoning Map did not reflect modifications made to the portion of the SFR-50 Zoning District affecting Block 101 caused by the creation of the City Center Area (section 6.3.7 C. herein).

In accordance with the adopted Redevelopment Plan for the Expanded City Center area, the City's Zoning Map must be amended to reflect this adjustment.⁷⁹



- d. At Publication, there were three (3) SFR-50 Zoning Districts located to the east of Franklin Boulevard between Tunis Avenue and Grant Avenue.

Adjacent to these districts were, variously, the City Center Redevelopment Area (CCRA), Lakes Bay Redevelopment Area (LBRA), Central Business District (CBD), an Industrial (IND) Zone and an SFR-75 Zone.



⁷⁹ Reference section 6.3.7. C. (4) for additional recommendations concerning the City Center Area.



(East of the middle and southern-most R-50 Zone is the West Atlantic City portion of Egg Harbor Township. At Publication, the Township had designated a portion of West Atlantic City as being In Need of Redevelopment under the Redevelopment Statute.)

Section 6.3.2. C. (8) f. of this Comprehensive Master Plan Update recommends rezoning the area between the Atlantic City Expressway and the Milan Avenue railroad tracks from IND to “Bayside Mixed-Use” (BMU); thereby eliminating the northern-most SFR-50 Zoning District.

While it is anticipated that the middle and southern-most SFR-50 Zones may be impacted in some form by development in the surrounding Redevelopment Areas and the proposed BMU zone, it is not possible to know, at Publication, the nature or even scope of such impacts. Accordingly, it is recommended that conditions in these SFR-50 Zones be monitored and that the Master Planning for these areas be revisited once the impacts of surrounding development can be better understood.

e. At Publication, Principal Uses in the SFR-50, SFR-60 and SFR-75 Zoning Districts included:

i. “Educational uses”⁸⁰

It is recommended that such uses, as permitted under in §290-10 of the City’s Land Use Ordinance, are too vague and have led to confusion when applied to certain development applications.

Accordingly, it is recommended that §290-10 A. (2) be modified to read “Traditional public, private and parochial schools, serving grades pre-K-12, under the authority of the New Jersey Department of Education and subject to site plan approval by the Planning Board”. It is further recommended that the term “parochial schools” be defined in the definitions section of the revised §290.

ii. “Parks, play-grounds and similar recreation uses operated by the City of Pleasantville”.

It is recommended that §290-10 A. (4) be updated to read “Parks, play-grounds and public active or passive open space owned or operated by the City of Pleasantville”.

iii. “City fire stations”.

It is recommended that this term is too limited for the full range of municipal facilities which might be required in such zones, and that §290-10 A. (5) be revised to read “Municipal Service facilities”.

⁸⁰ “subject to site plan approval by the Planning Board”.



- iv. "Professional offices... as part of a residential structure"⁸⁰.

Such language allows facilities much larger than what is desirable in a residential neighborhood without appropriate bulk controls.

Accordingly, it is recommended that such uses be changed from Permitted to Conditional as follows "Professional offices as part of a residential-looking structure which may or may not contain residential living quarters, conditioned upon such bulk standards as may be appropriate to the use and type of structure proposed for the Zoning District in which the property is located.

- v. "Medical complexes" and "Professional office facilities".⁸⁰

Such language allows facilities much larger than what is desirable in a residential neighborhood without correcting for appropriate bulk controls. Additionally, including "Professional Office facilities" under to subsection A. (8) causes confusion vis-à-vis "Professional offices..." under subsection A. (6).

Accordingly, it is recommended that §290-10 A. (7) and (8) be deleted from the Residential Zones and added to an appropriate commercial zoning district(s).

- vi. "Signs" as a Principal Permitted Use.

Freestanding signage is not appropriate for a residential neighborhood. Accordingly, it is recommended that Signs be reclassified as an Accessory Use in these Zones.

- vii. "Family day-care homes as per N.J.S.A. 40:55D-66.4 and §290-17".

§290-17 regulates Customary Home Occupations. However, the *Municipal Land Use Law* requires that "Family day care homes...be a permitted use in all residential districts of a municipality. The requirements for family day care homes shall be the same as for single family dwelling units located within such residential districts"⁸¹.

Accordingly, it is recommended that the reference to §290-17 in §290-10 A. (10) be deleted.

- viii. "Public Utility Substations"⁸⁰ (undefined, and without reference to whether such use is Principal, Accessory or Conditional).

⁸¹ "N.J.S.A. 40:55D-66.5b. a"



It is recommended that the City create a definition for such uses which differentiates between a “central substation” and a “utility cabinet” and reclassify Substations as a Principal Use and Cabinets as an Accessory Use.

- f. At Publication, Conditional Uses in the SFR-50, SFR-60 and SFR-75 Zoning Districts⁸² are duplicative, both within the three subsections of §290-10. D and between §290-10. D and the permitted Professional Office categories of §290-10. A (6), (7) & (8).

It is recommended that these uses be correlated with the Professional Office Uses under section 6.3.1 (6) e. iv herein and with the modifications of the City’s Commercial Zoning Districts recommend elsewhere herein, with duplications eliminated.

- g. At Publication, parking requirements for Single-Family residential uses were:

UNIT SIZE	PARKING REQUIREMENT
2 & 3 bedrooms	1 space
4 & 5 bedrooms	2 spaces

Pursuant to N.J.S.A. 40:55D-40.1 et seq., the New Jersey legislature directed the New Jersey Department of Community Affairs to promulgate Residential Site Improvement Standards⁸³ for all residential uses in the State. RSIS standards include parking requirements for residential uses based on unit (bedroom) size. Specifically:

UNIT SIZE	PARKING REQUIREMENT
1 & 2 bedroom	1.5 spaces
3 & 4 bedrooms	2 spaces
5 bedrooms	3 spaces

Since RSIS standards override local zoning, it is recommended that the City adopt the RSIS standards for parking.

- h. No additional changes are recommended for the SFR-50 Zoning District.

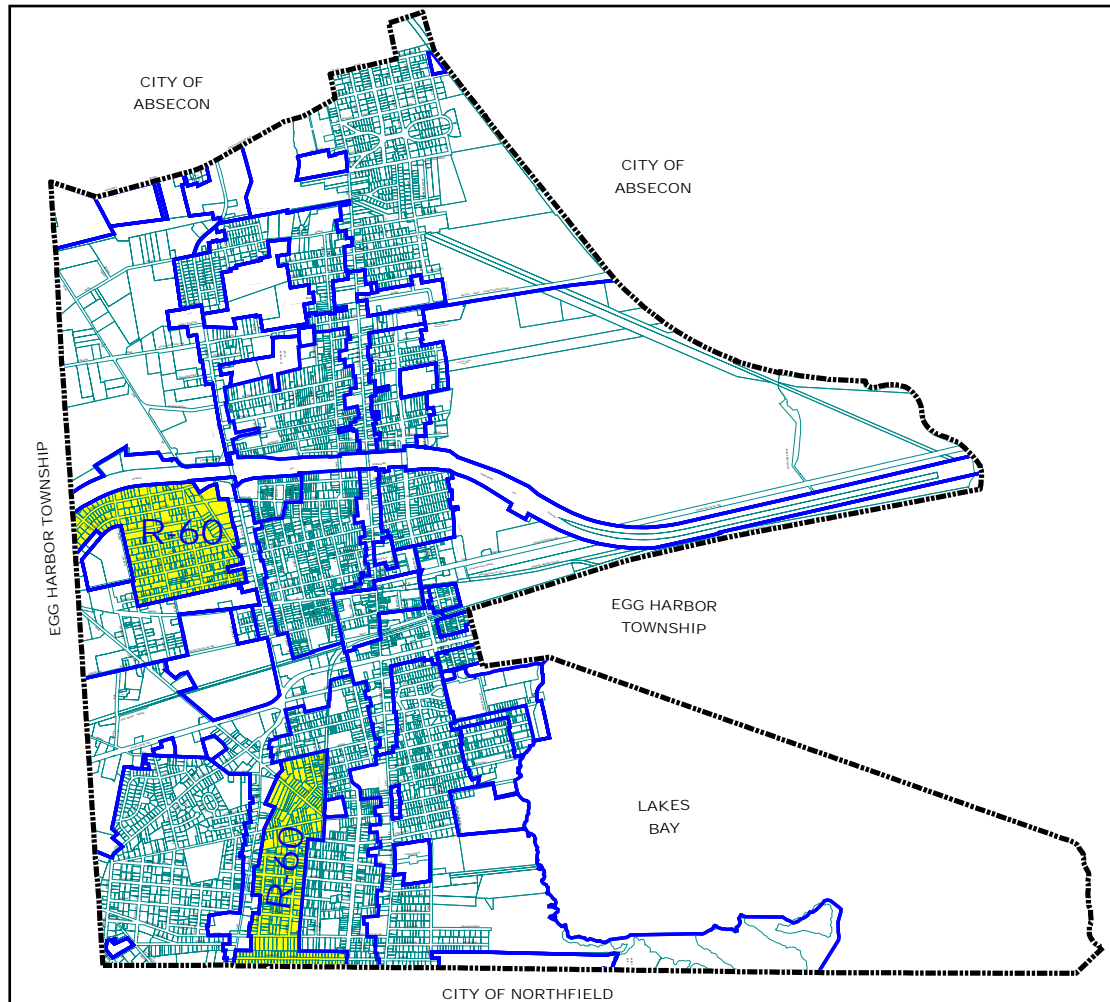
⁸² §290-10. D

⁸³ “RSIS” (N.J.A.C. 5:21-1 et seq.)



B. SFR-60 Single-Family Residential Zoning District

- (1) The SFR-60 Zoning District was crafted to provide for relatively moderate-density single-family residential development on 6,000 s.f. lots with 60' of street frontage / lot width.



(2) Permitted Uses in the SFR-60 Zoning District:

- a. Single-family detached dwellings.
- b. Educational uses.⁸⁴
- c. Places of Worship.⁸⁴
- d. Parks, play-grounds and similar recreation uses operated by the City.
- e. City fire stations.
- f. Professional offices shall be permitted as part of a residential structure.⁸⁴

⁸⁴ Subject to site plan approval by the Planning Board.



- g. Medical complexes.⁸⁴
- h. Professional office facilities.⁸⁴
- i. Signs.
- j. Family day-care homes as per N.J.S.A. 40:55D-66.4.

(3) Accessory Uses in the SFR-60 Zoning District:

- a. Private auto garages for the exclusive use of the residents.
- b. Greenhouses, garden houses, tool sheds, playhouses, courts for tennis or similar games and swimming pools.
- c. Fences and walls.

(4) Conditional Uses in the SFR-60 Zoning District:

- a. Main Street, New Road and Franklin Boulevard frontage: Professional executive and administrative uses such as offices for doctors, architects, engineers, etc., provided that such practices are conducted in a manner so as not to exert a deleterious influence upon the surrounding residential neighborhood and further subject to bulk and aesthetic controls.
- b. California Avenue, Delilah Road and New Road: Limited commercial uses (undefined).
- c. Franklin Boulevard (Delilah Road to the Central Business District): Mixed commercial and retail uses, subject to specific bulk controls, as follows:
 - i. General Business and professional offices.
 - ii. Restaurants.
 - iii. Bed-and-Breakfasts.
 - iv. Funeral Homes.
 - v. Banks.
 - vi. Drug Stores.

(5) Bulk requirements for Principal Structures in the SFR-60 Zoning District:

- a. Minimum Lot Size: 6,000 s.f. (translates to a density of 7.26 du/ac)
- b. Minimum Lot Width: 60'
- c. Minimum Lot Depth: 100'



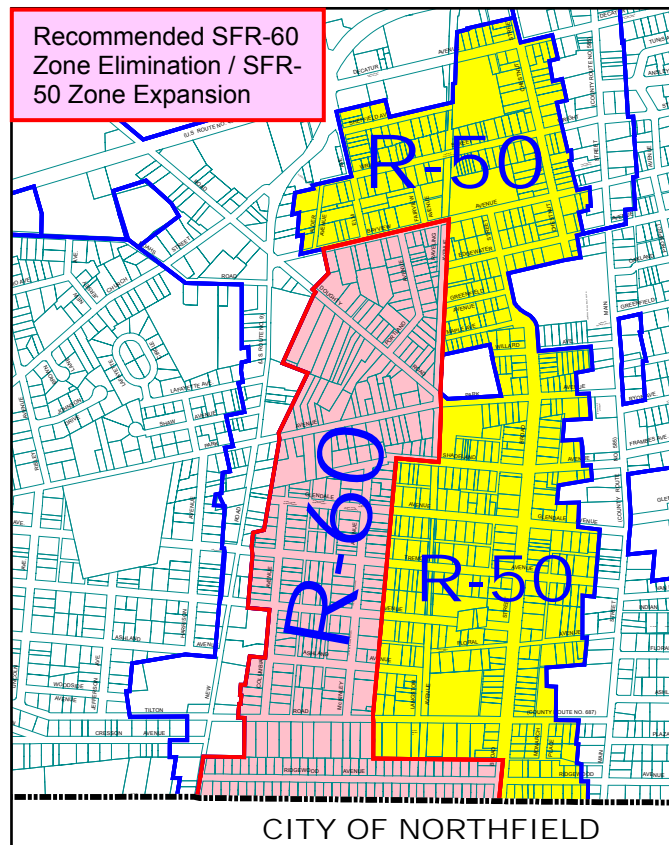
- d. Minimum Setbacks: Front Yard: 20'
Side Yard: 6' minimum, 15' total
Rear Yard: 30'
- e. Maximum Building Height: 2½ stories or 35'
- f. Maximum Building Coverage (Primary Structure): 30%
- g. Maximum Impervious Coverage: 60%

(6) Recommendations:

- a. At Publication, the vast majority of the residential lots in the SFR-60 Zoning District between Bayview Avenue and the southern boundary of the City were 50' wide (or wider) and 5,000 s.f. (or larger).

Accordingly, any land use application in this section of the City required Zoning Board approval for Lot Size or Lot Width.

Consistent with the purposes of zoning to provide reasonable consideration to the character of each district,⁸⁵ it is recommended that the SFR-60 Zone be deleted and that these lands be absorbed into the adjacent SFR-50 Zoning District.



⁸⁵ Section 6.7.1 (preface) herein.

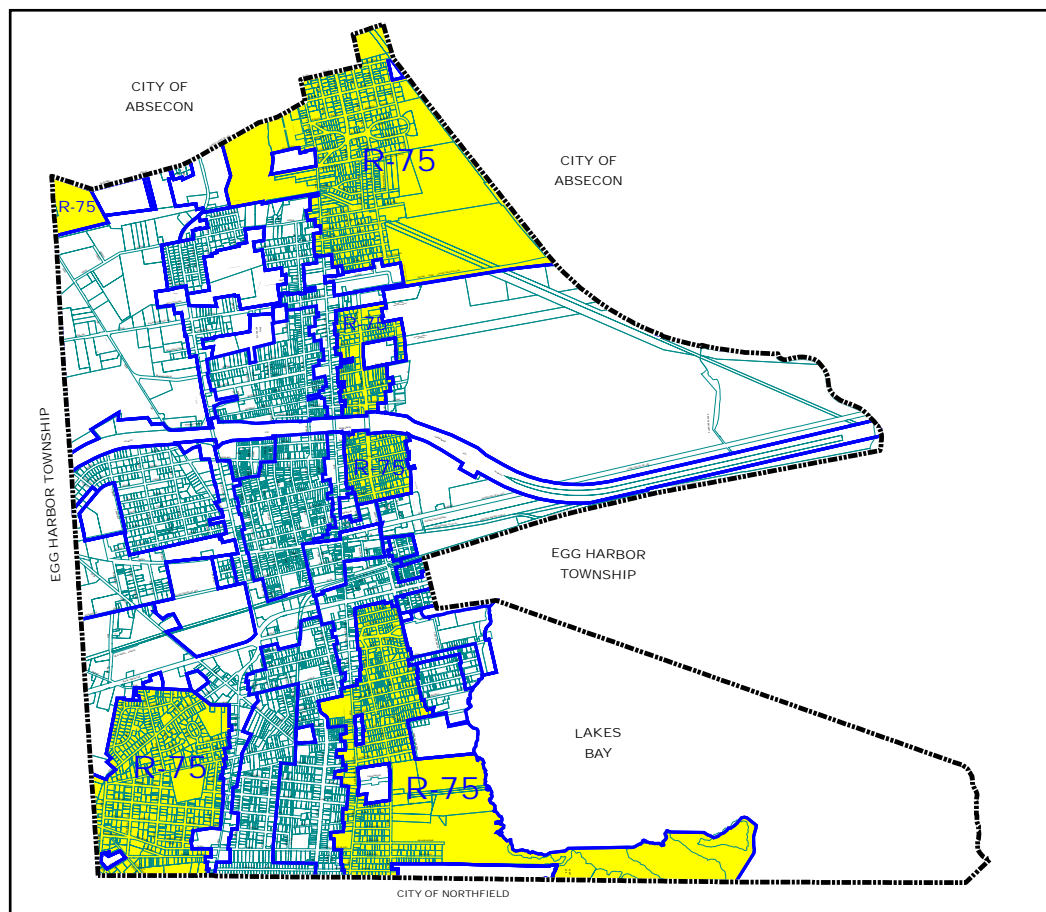


b. It is recommended that the recommendations contained in section 6.3.1 A. (6) e. - g. and section 6.3.2 B. (7) iii (b) herein be adopted for the remaining SFR-60 Zoning District(s).

c. No additional changes are recommended for the SFR-60 Zoning District.

C. SFR-75 Single-Family Zoning District

(1) The SFR-75 Zoning District was crafted to provide for relatively lower-density single-family residential development on 7,500 s.f. lots with 75' of street frontage / lot width.



(2) Permitted Uses in the SFR-75 Zoning District:

a. Single-family detached dwellings.

b. Educational uses.⁸⁶

c. Places of Worship.⁸⁶

⁸⁶ Subject to site plan approval by the Planning Board.



- d. Parks, play-grounds and similar recreation uses operated by the City.
- e. City fire stations.
- f. Professional offices shall be permitted as part of a residential structure.⁸⁶
- g. Medical complexes.⁸⁶
- h. Professional office facilities.⁸⁶
- i. Signs.
- j. Family day-care homes as per N.J.S.A. 40:55D-66.4.
- k. Public utility substations.⁸⁶

(3) Accessory Uses in the SFR-75 Zoning District:

- a. Private auto garages for the exclusive use of the residents.
- b. Greenhouses, garden houses, tool sheds, playhouses, courts for tennis or similar games and swimming pools.
- c. Fences and walls.

(4) Conditional Uses in the SFR-75 Zoning District:

- a. Main Street, New Road and Franklin Boulevard frontage: Professional executive and administrative uses such as offices for doctors, architects, engineers, etc., provided that such practices are conducted in a manner so as not to exert a deleterious influence upon the surrounding residential neighborhood and further subject to bulk and aesthetic controls.
- b. California Avenue, Delilah Road and New Road: Limited commercial uses (undefined).
- c. Franklin Boulevard (Delilah Road to the Central Business District): Mixed commercial and retail uses, subject to specific bulk controls, as follows:
 - i. General Business and professional offices.
 - ii. Restaurants.
 - iii. Bed-and-Breakfasts.
 - iv. Funeral Homes.
 - v. Banks.
 - vi. Drug Stores.

(5) Bulk requirements for Principal Structures in the SFR-75 Zoning District:

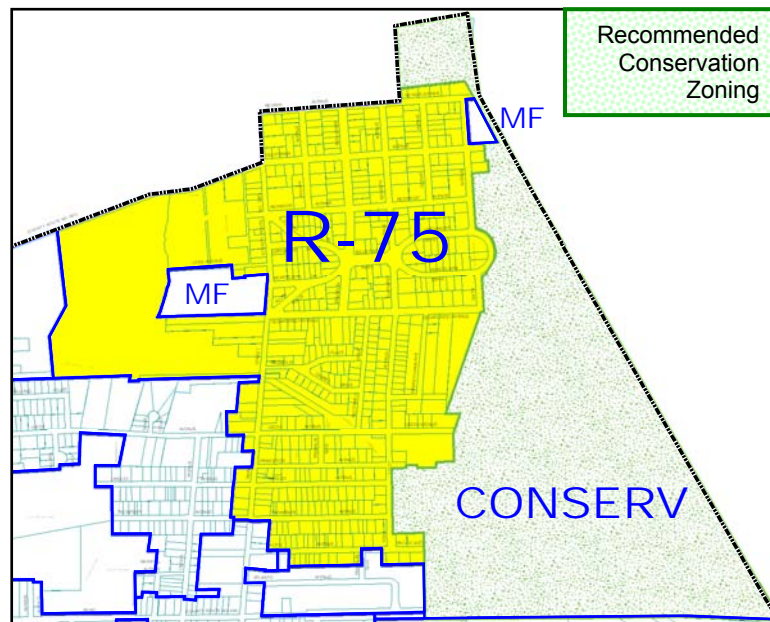


- a. Minimum Lot Size: 7,500 s.f. (translates to a density of 5.8 du/ac)
- b. Minimum Lot Width: 75'
- c. Minimum Lot Depth: 100'
- d. Minimum Setbacks: Front Yard: 20'
Side Yard: 6' minimum, 15' total
Rear Yard: 30'
- e. Maximum Building Height: 2½ stories or 35'
- f. Maximum Building Coverage (Primary Structure): 30%
- g. Maximum Impervious Coverage: 60%

(6) Recommendations:

- a. At Publication, the SFR-75 Zone along the northeast corner of the City includes a considerable amount of undevelopable wetlands.

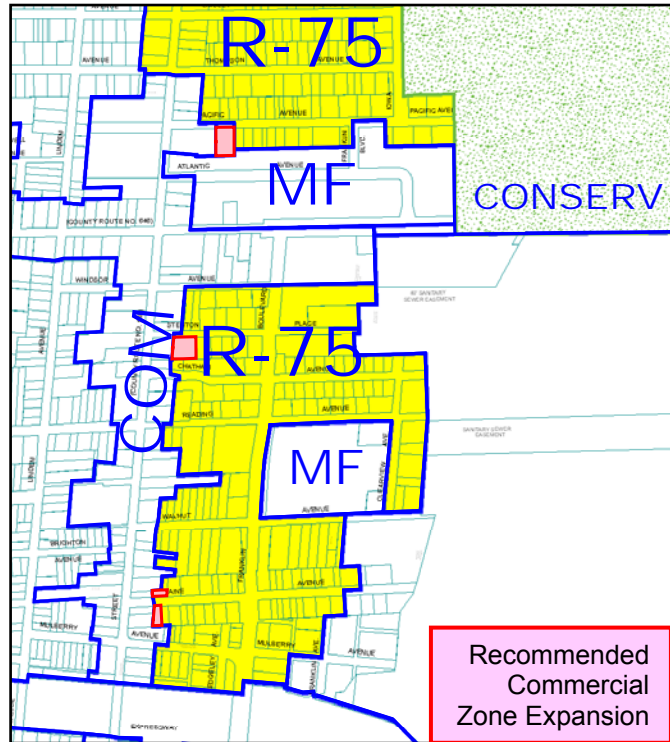
Accordingly, and consistent with the City's policies to protect its natural resources (Objective 5.6.2 E herein), it is recommended that these undeveloped wetlands be rezoned for conservation.



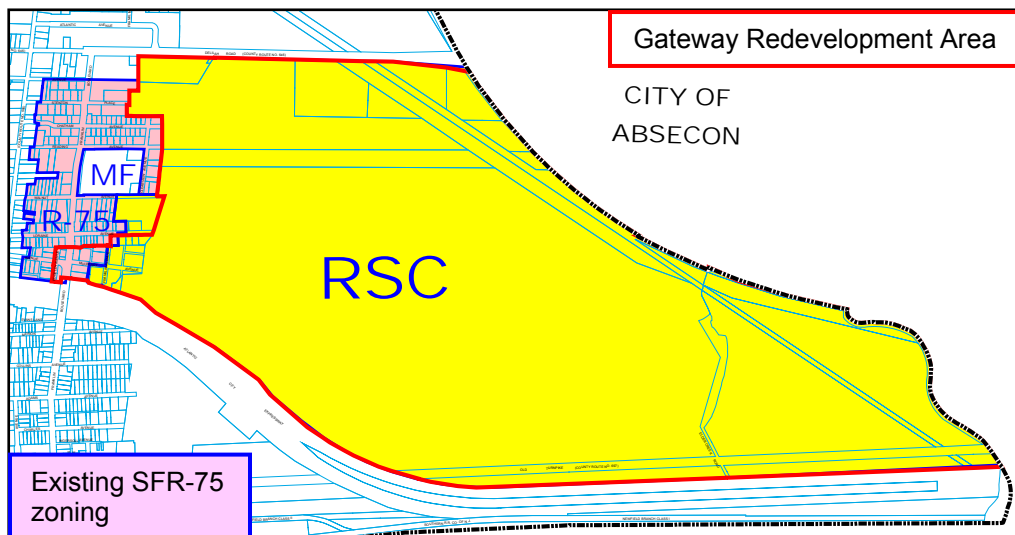
- b. At Publication, vacant properties in the SFR-75 Zone fronting Pacific Avenue and Stenton Place were contiguous with commercially-zoned land fronting Main Street. Additionally, the SFR-75 Zoning District to the north of the Atlantic City Expressway extends to the rear property lines of the properties fronting the eastern side of Main Street and included an underutilized warehouse / garage and a large side yard to a residential property.



Consistent with the City's policy to maximize commercially-zoned lands where appropriate (Objective 5.7.2 B. herein), it is recommended that the area currently zoned commercial be expanded to include these lands.⁸⁷



- c. At Publication, the City had declared portion of the SFR-75 Zoning District (along with a portion of the Regional Shopping Center (RSC) Zoning District) to the north of the Atlantic City Expressway and east of Franklin Boulevard to be an Area In Need of Redevelopment under the Redevelopment Statute as the Gateway Redevelopment Area (section 6.3.7. F. herein). Until such time as a Redevelopment Plan for this Redevelopment Area is adopted, the underlying SFR-75 (and RSC) Zoning remains in effect.



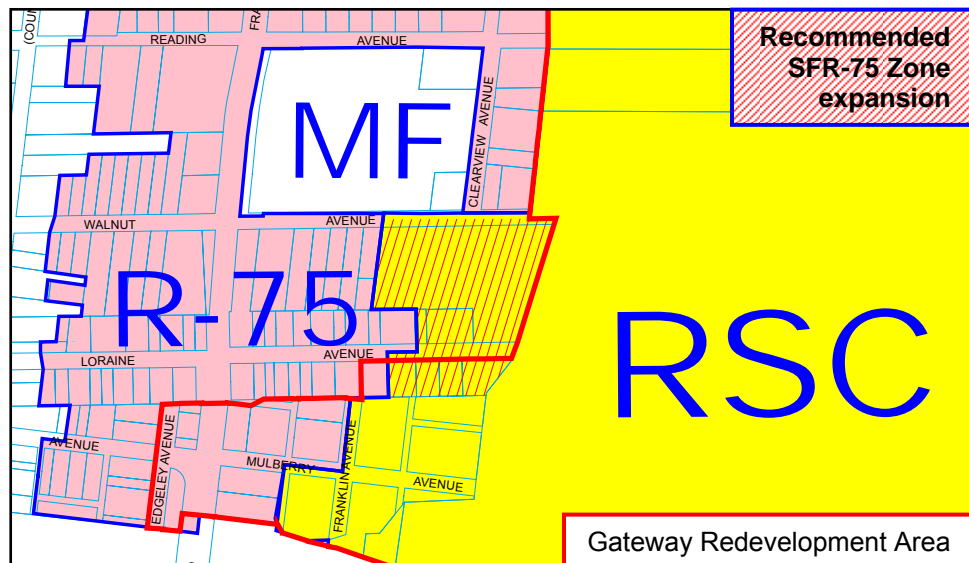
⁸⁷ Reference section 6.3.2. B. (7) herein for recommended treatment of Commercial Zone Expansion area(s).



- (1) At Publication, the City was reviewing various development options in preparation for crafting such a Redevelopment Plan. Accordingly, this Comprehensive Master Plan Update recommends that ~ with the exception of (1), (2) and (3) below ~ no changes be made to the land use or building controls for the area designated In Need of Redevelopment until such Plan has been adopted.
- (2) At the time of the designation, Block 273, Lots 49, 50 and 51 were zoned SFR-75. As vacant land, these lot were included in the Redevelopment Area (since that time, a single-family home was constructed on Lot 49).

Additionally, the RSC Zone (and thus the Redevelopment Area) included the City’s Walnut Avenue Park (Block 274, Lots 24 & 35) as well as six (6) residential lots (Block 273, 51, 52, 54 & 56 and Block 274, Lots 17 & 19) fronting Loraine Avenue.

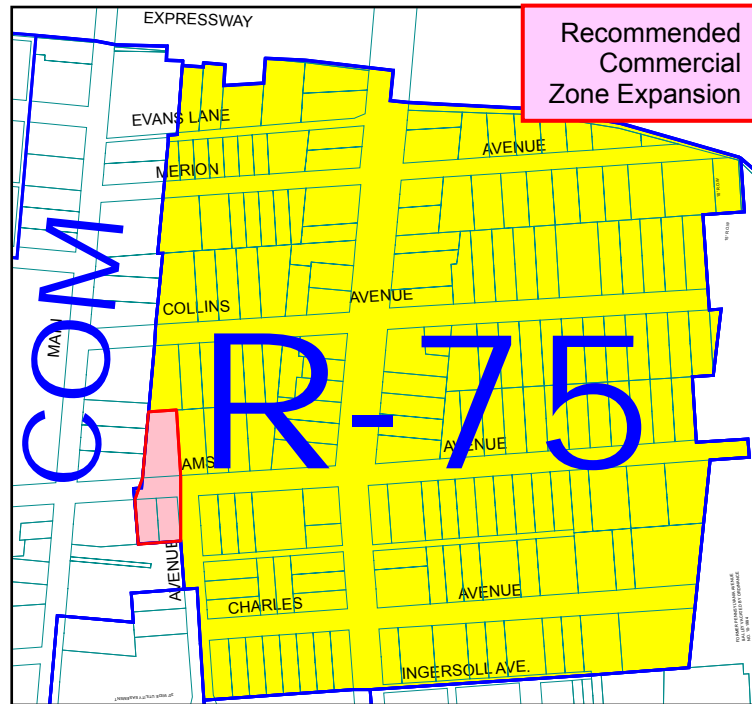
It is therefore recomemnded that the western boundary of the Gateway Redevelopment Area be modified to exclude such lots and that such lots be rezoned SFR-75.



- d. At Publication, the SFR-75 Zoning District to the south of the Atlantic City Expressway includes vacant lots to the rear of the properties fronting the eastern side of Main Street.

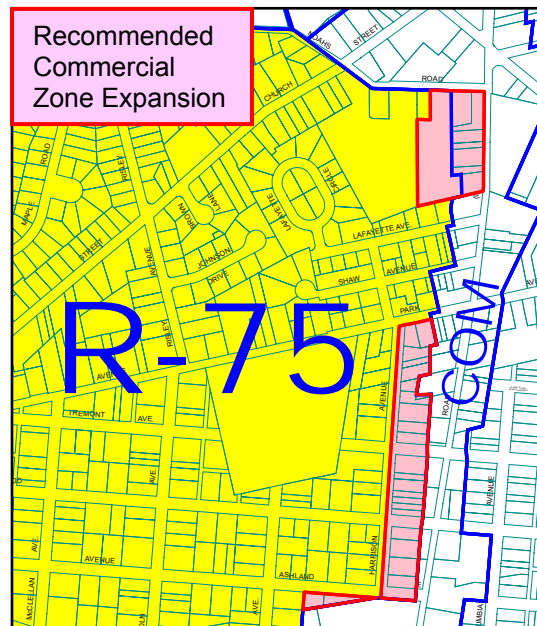
Consistent with the City’s policy to maximize commercially-zoned lands where appropriate (Objective 5.7.2 B. herein), it is recommended that the area currently zoned commercial be expanded to include these currently vacant SFR-75 lands.⁸⁸

⁸⁸ Reference section 6.3.2. B. (7) herein for recommended treatment of Commercial Zone Expansion area(s).



- e. At Publication, the SFR-75 Zoning District along the southwest corner of the City extends to the rear property lines of the properties fronting the western side of New Road and to Block 351, Lot 43, which is a commercial (office) use.

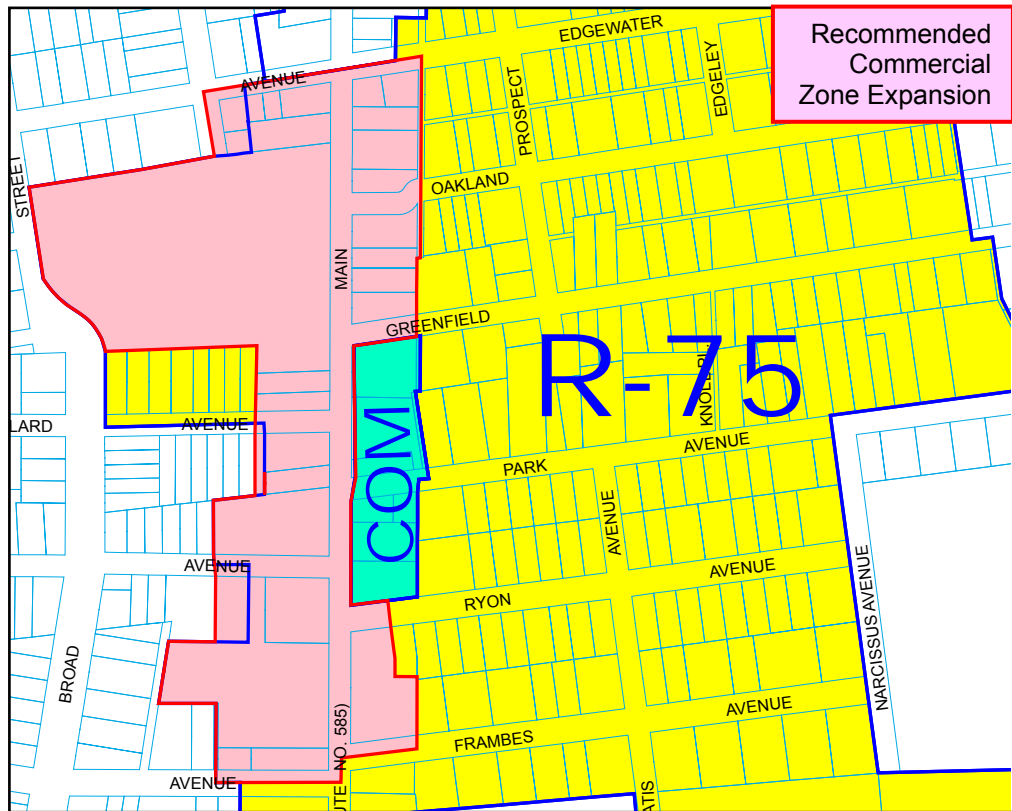
Consistent with the City's policies to maximize commercially-zoned lands where appropriate (Objective 5.7.2 E. herein), to discourage inappropriate and incompatible land uses where such uses would serve to negatively impact existing development patterns (Objective 5.2.3. E. herein) and to avoid bisecting blocks where practical, it is recommended that the area currently zoned commercial be expanded to include these lands.⁸⁸



- f. At Publication, the SFR-75 Zoning District along the southeast portion of the City includes properties fronting Main Street between (generally) Edgewater and Shadeland Avenues which surrounds a small Commercial Zone and includes several commercial uses and vacant lands.



Consistent with the City’s policies to maximize commercially-zoned lands where appropriate (Objective 5.7.2. B. herein) and to discourage inappropriate and incompatible land uses (Objective 5.2.3. E. herein) it is recommended that the area currently zoned commercial be expanded to include these SFR-75 lands.⁸⁹



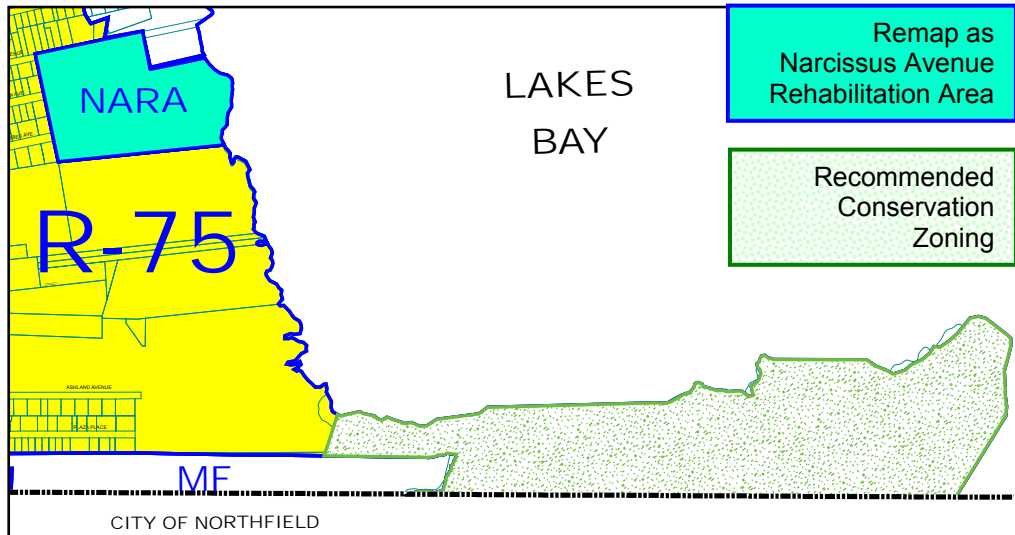
- g. At Publication, the SFR-75 Zoning District along the southeast portion of the City includes considerable undevelopable wetlands along the eastern edge of the City. This area generally takes the form of an archipelago of islands extending into Lakes Bay.

Consistent with the City’s policy to protect its natural resources (Objective 5.6.2. E. herein), it is recommended that the undeveloped wetlands along the eastern edge of the SFR-75 Zone be rezoned for Conservation.

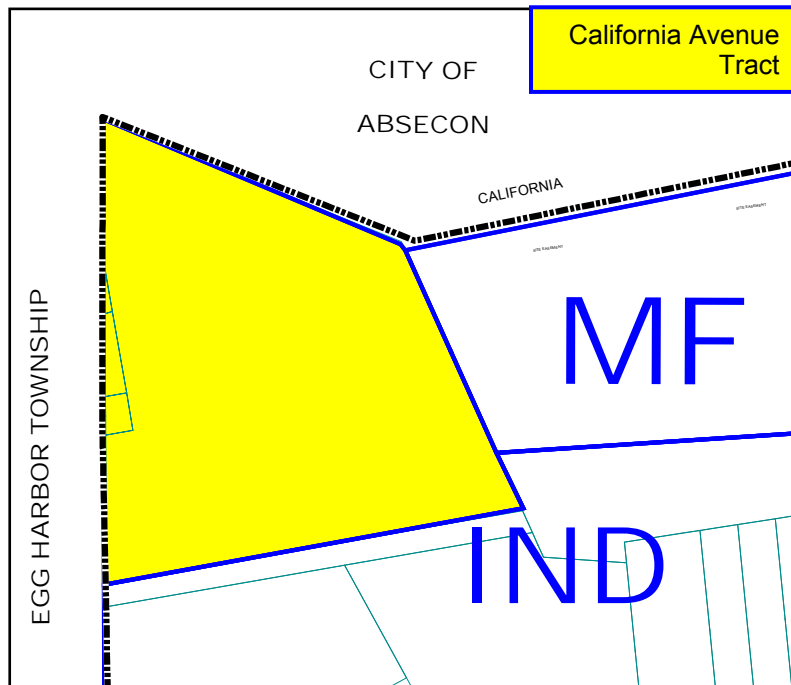
- h. At Publication, the City’s official Zoning Map did not reflect modifications made to the portion of the SFR-75 Zoning District affecting Block 4 caused by the creation of the Narcissus Avenue Redevelopment Plan.

In accordance with the adopted Redevelopment Plan, the City’s Zoning Map must be amended to reflect this adjustment.

⁸⁹ Reference section 6.3.2. B. (7) herein for recommended treatment of Commercial Zone Expansion area(s).



- i. There exists in the northwestern corner of the City a 20.3-acre tract of land located along California Avenue which had been City owned. The area is bordered by the municipal boundary line with Egg Harbor Township to the west and the municipal boundary line with the City of Absecon to the north.



The entirety of the area is wooded and undeveloped, and was formerly located within the City's IND Industrial Zoning District (section 6.3.2. C. herein), permitting a variety of light industrial uses.



In 2006, the City determined that these lands to be not needed for municipal purposes. If sold and developed, the area could provide the City with much needed funds in the form of the purchase price as well as ongoing revenues in the form of significant tax ratables. Additionally, development of these lands would transform this underutilized area into a productive and therefore positive asset for the community.

The City attempted to auction these lands on three (3) occasions in mid-2007 as required under the New Jersey *Local Lands & Buildings Law*⁹⁰. The City's auction terms required that development be consistent with the City's IND zoning for these lands. On each occasion the minimum bid was \$2 million, which was consistent on a dollar-per-acre basis with other IND-zoned lands the City has recently sold at auction. None of these auctions saw any interested bidders.

In analyzing potential reasons behind the City's lack of success at auction, it became apparent that, due to several factors, there is simply no market for a large light industrial development in the City.⁹¹ the City determined that the most effective way to achieve its goal of transforming its lands into productive assets for the community is to rezone this section of the City to SFR-75 zoning.

On March 17, 2008, the Governing Body adopted Ordinance No. 5-2008 on first reading; thereby beginning the process of amending the City's Zoning Map to change the area in from IND to SFR-75. As required by N.J.S.A. 40:55d-26 and 64, Ordinance No. 5-2008 was referred to the Planning Board for review and recommendation.

The Planning Board held a public hearing on Ordinance No. 5-2008 on April 1, 2008, wherein the Board heard a presentation of the Rezoning Analysis by the City's Planner. After considering the presentation by the Planner and the facts as outlined in the Rezoning Analysis, the Board adopted Via Resolution No. PB-2008-1; thereby finding that the proposed rezoning was not inconsistent with the 1993 Master Plan Update or the 1999 Reexamination, and recommending to the Governing Body that the area be rezoned to SFR-75.

Ordinance No. 5-2008 was adopted on second and final reading on April 7, 2008.

Subsequently, the City attempted to auction this tract under the new SFR-75 Zoning.

⁹⁰ N.J.S.A. 40A:12-1 et seq.

⁹¹ Reference Rezoning Analysis: California Avenue Tract, City of Pleasantville, Atlantic County, New Jersey. Prepared by Remington, Vernick & Walberg Engineers (dated March 24, 2008).



Prior to the auction, the City received correspondence from a developer known to be interested in these lands, which stated that, due to certain yet-to-be-quantified environmental constraints, it would not participate in an auction process whereby it would be required to place a significant investment (in the form of a non-refundable deposit and full payment within a 30-day period) at risk without assurances that it could develop an economically-viable project on the land.

Based on this information and a lack of demonstrated interest from others in the development community, the auction was cancelled.

As with Narcissus Avenue (section 6.3.7. A. (4) herein), the City determined that it could use the existing City-wide Rehabilitation designation to create a Redevelopment Plan for the area as a mechanism to (re)plan the lands and permit the City to legally negotiate development issues with a private Redeveloper.

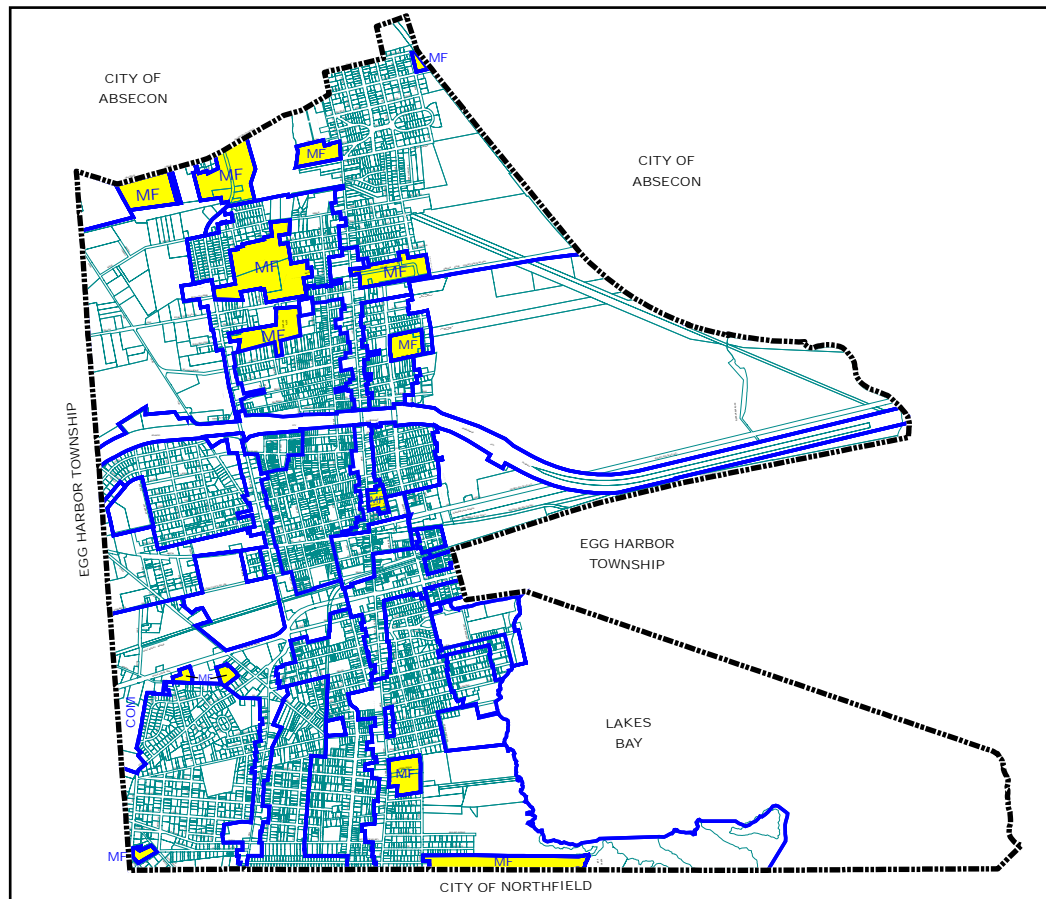
Details related to such effort may be found in section 6.3.7. A. (5) herein.

- j. It is recommended that the recommendations contained in sections 6.3.1 A. (6) d. - g. herein be adopted for the SFR-75 Zoning District.
- k. No additional changes are recommended for the SFR-75 Zoning District.

D. MF Multi-Family Residential Zoning District

- (1) At Publication, the stated intent of the MF Zone⁹² was “to permit residential development within the City of Pleasantville of such density and ownership so as to allow for multi-family residential units in such a manner as to facilitate housing affordable to all income levels”.
- (2) Permitted Uses in the MF Zoning District are Multi-Family residential housing units as apartments, townhouses, condominiums or public housing. Units may be in single-unit or multi-unit structures.
- (3) Accessory Uses in the MF Zoning District:
 - a. Garages for the use of the residents.
 - b. Greenhouses, garden houses, tool sheds, playhouses, courts for tennis, basketball or similar games, swimming pools, cabanas, public rest rooms and clubhouses for the use of the residents of the housing units.
 - c. Fences, retaining walls, landscape structures, stormwater management structures or related structures.

⁹² Land Use Ordinance §290-23.



(4) Bulk requirements for Principal Structures in the MF Zoning District are:

- a. Minimum Lot Size: 43,650 s.f. (1 acre)
- b. Minimum Lot Width: 100'
- c. Minimum Lot Depth: No minimum is established.
- d. Minimum Setbacks: 25' from all property lines. However, no structure may be located closer to a property line than a distance equal to $\frac{1}{3}$ of the height of the building.
- e. Maximum Building Height: 70'
- f. Maximum Building Coverage (Primary Structure): 30%
- g. Maximum Impervious Coverage: 60%
- h. Minimum distance between Buildings: Minimum distance between 2 exterior facing walls of primary structures containing window or door openings to habitable rooms: the greater of 40' or $\frac{1}{2}$ of the combined height of the facing walls, but in no case more than 100'. Where facing walls contain no windows other than [typically small] kitchen or bathroom windows or doors, minimum distance shall be 16', regardless



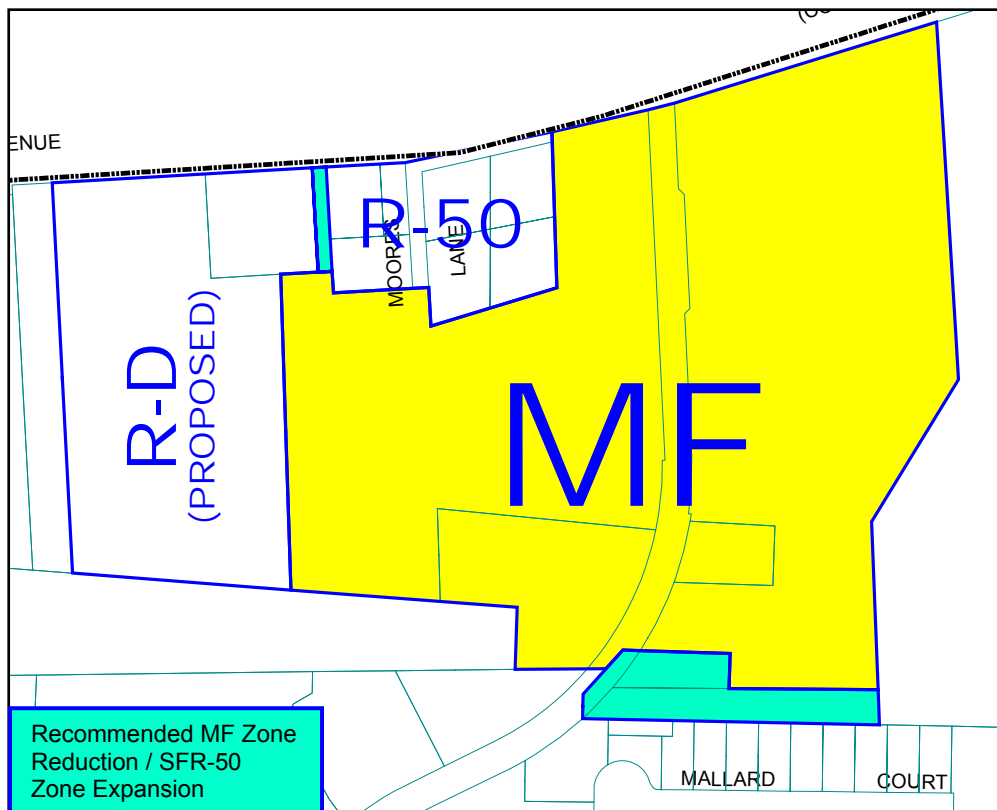
of wall height. Special exceptions may be granted where comparable standards of light, air, ventilation, safety and privacy may be obtained.

- i. Density: While no traditional dwelling unit per acre density figure is provided, density is regulated by minimum lot size (a. above) and minimum unit size as follows:
 - i. Single-family dwelling with 2+ bedrooms: 1,000 s.f., Single-family dwelling with 2 or fewer bedrooms: 850 s.f.
 - ii. Efficiency units or multi-unit structures with more than 2 dwelling units (less than 4 stories): 500 s.f.,
 - iii. Efficiency units or multi-unit structures with more than 2 dwelling units (4 stories or more): 450 s.f.
 - iv. Single-Room Occupancy (SRO): 300 s.f.

(5) Recommendations

- a. At Publication, the MF Zone along the City's northern boundary contained two (2) lots which are more appropriately zoned SFR-50 (section 6.3.1 A. herein) and a narrow portion of a lot between an existing SFR-50 Zone and the proposed R-D Zone (section 6.3.1 F. herein).

It is recommended that these areas be rezoned SFR-50.



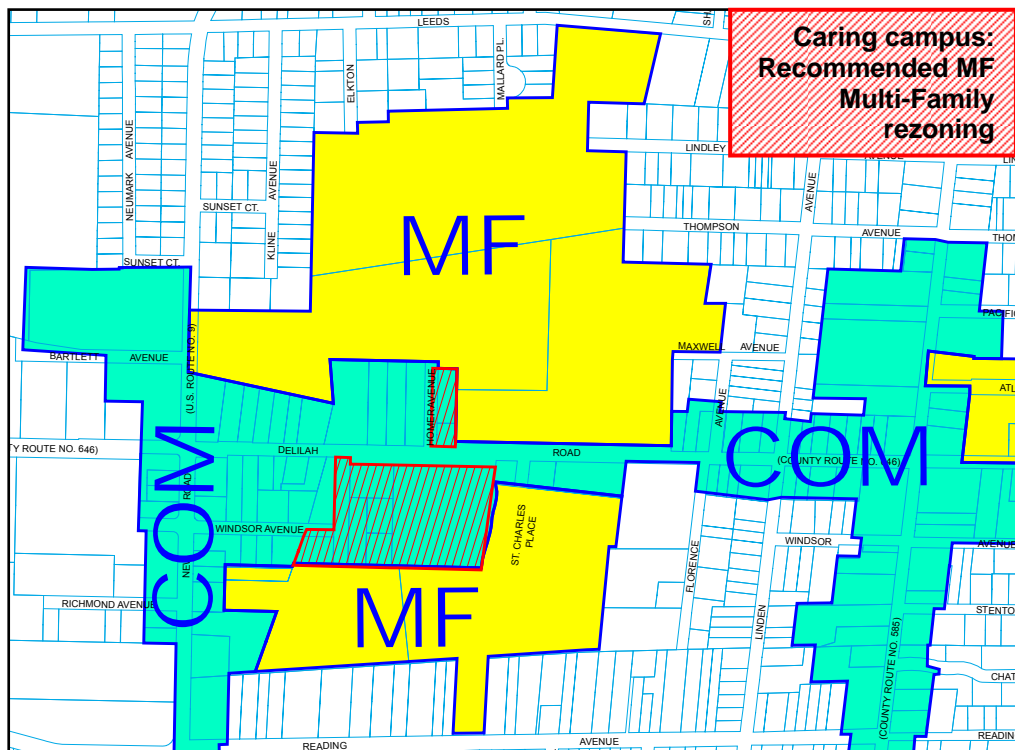


- b. At Publication, the primary campus of Caring, Inc, a non-profit, adult daycare / residential service provider, is located on the south side of Delilah Road, with additional residential units on the north side of Delilah Road at Homer Avenue; both within the COM Zone.

Over the past several years, Caring has been required to obtain ‘d-1’ (use) variance approval as it attempts to expand its facilities and improve its services, which is both time consuming and costly for this non-profit institution.

One of the purposes of the *Municipal Land Use Law*⁹³ is “[t]o encourage senior citizen community housing construction.” As such, the grant of variance relief for activities such as those undertaken by Caring approach ‘pro-forma’ status.

The type of facilities operated by Caring are “inherently beneficial” under relevant case law, meaning that they are so universally considered of community value that municipalities should be favorably disposed toward their inclusion.⁹⁴ Accordingly, in an attempt to assist Caring in its mission while eliminating the need to undertake the costly, time consuming (and arguably unnecessary) variance process, it is recommended that the Caring campus be included in the neighboring, existing Multi-Family (MF) zones.



⁹³ N.J.S.A. 40:55d-2.1.

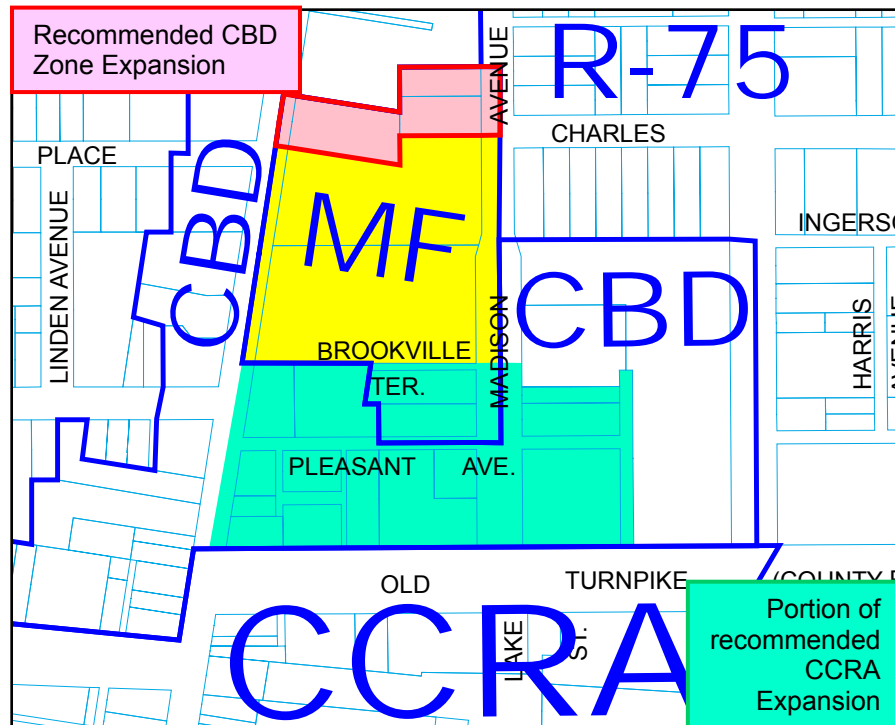
⁹⁴ Cox, 7.42





- c. At Publication, the MF Zone located along Main Street between Pleasant Avenue and Adams Avenue contained the Pleasantville Housing Authority’s Senior Mid-rise buildings, a small, aging rowhome structure at Brookville Terrace to the south and single-family homes and a commercial property to the north.

Consistent with the City’s policies to maximize commercially-zoned lands where appropriate (Objective 5.7.2 B herein), to discourage inappropriate and incompatible land uses (Objective 5.2.3. E herein) and to expand the City Center Redevelopment Area (section 6.3.7. C. (4) herein), it is recommended that this MF Zone be reduced, with the lands to the south of the Housing Authority incorporated into the expanded City Center Area and the lands to the north of the Authority rezoned within the adjoining Central Business District.

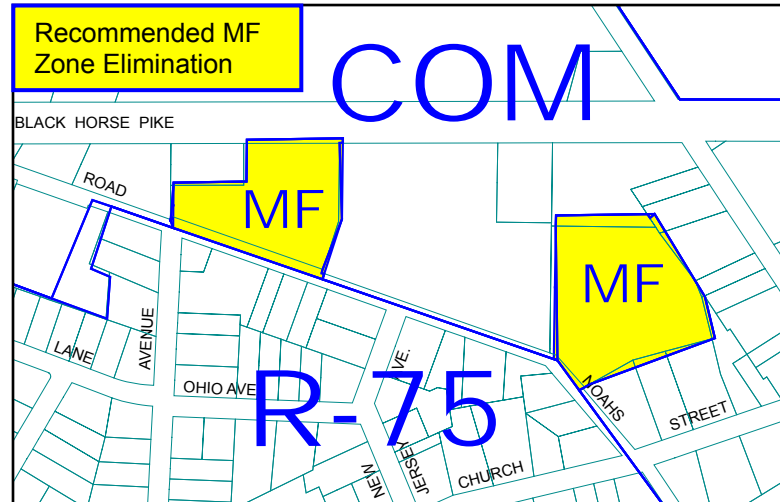


- d. At Publication, two (2) MF Zones were located along or near the Black Horse Pike (U.S. Route 40/322). Given the significant number of serious accidents involving pedestrians attempting to cross this heavily-traveled roadway, it has become evident that this area is inappropriate for residential use.

Consistent with the City’s policies to maximize commercially-zoned lands where appropriate (Objective 5.7.2. B. herein) and to discourage inappropriate and incompatible land uses (Objective 5.2.3. E. herein), it is recommended that these MF Zone be eliminated and the lands be rezoned for commercial purposes.



While it is not the City's intent to remove the existing residents from this area, it is the intent to make it attractive for market forces to correct this inappropriate zoning.



- e. At Publication, Permitted Uses in the MF Multi-Family Zoning District include “Public Utility Substations” without reference to whether such use is Principal, Accessory or Conditional. It is recommended that such use be reclassified as a Principal Use.
- f. At Publication, Permitted Uses in the MF Zoning District include apartments, townhouses, condominiums and public housing. “Apartment” is defined⁹⁵ as a dwelling unit in a multi-family building; “condominium” refers to a form of ownership which may be applied to residential or commercial units; and “public housing” refers to programs to fund affordable housing. As such, these terms do not refer to a ‘structural type’ or a ‘land use’ appropriate for inclusion in a schedule of Permitted Uses in a municipal Zoning Ordinance.

Further, at Publication, Chapter 290 defines:

DWELLING - Any building or portion thereof designed or used exclusively for one or more dwelling units.

DWELLING, MULTIPLE - A building designed for or containing three or more dwelling units, which are entirely separated from each other by vertical walls or horizontal floors, unpierced, except for access to the outside or a common cellar.

DWELLING, SINGLE-FAMILY - A detached building designed for the use of a single-household, including two or more people living as a family, wherein not more than one person is sheltered or fed for profit.

⁹⁵ §290-8



DWELLING, TWO-FAMILY - A detached building designed for or containing two dwelling units, which are entirely separated from each other by vertical walls or horizontal floors, unpierced, except for access to the outside or a common cellar.

DWELLING UNIT - A building or part thereof having cooking, sleeping and sanitary facilities designed for, or occupied by, one family and which is entirely separated from any other dwelling unit in the building by vertical walls or horizontal floors, unpierced, except for access to the outside or a common cellar.

MULTIFAMILY BUILDING - Any building containing two or more dwelling units, including townhouses, within a lot. Dwelling units within a multifamily building are classified as multifamily dwellings.

The definition of MULTIFAMILY BUILDING includes TWO-FAMILY DWELLINGS and does not place an upper limit on the number of units permissible on a single lot. As such, in addition to being internally contradictory, such a broad definition provides an inadequate regulatory framework vis-à-vis the various types of multi-family arrangements for land use (planning) purposes. As a result, Chapter 290 treats a duplex the same way it treats a 15 (or more) unit apartment complex.

Accordingly, it is recommended that references to multifamily buildings and multifamily residences in Chapter 290 be deleted and that §290-8 (Definitions) and elsewhere be modified as follows:

DWELLING or DWELLING UNIT - A room or series of connected rooms containing living, cooking, sleeping and sanitary facilities designed for and occupied by one (1) housekeeping unit which shall be self-contained and shall not require passage through another dwelling unit or other indirect route(s) to access any portion of the dwelling, nor shall there be shared facilities with another housekeeping unit.

HOUSEKEEPING UNIT(S) - One or more persons living together in a single Dwelling Unit on a non-seasonal basis and sharing living, sleeping, cooking and sanitary facilities on a non-profit basis.



Additionally, it is recommended that the various Structural Types of DWELLING UNITS be defined as follows:⁹⁶

SINGLE-FAMILY DETACHED - A freestanding structure designed for residential occupancy by a single family or housekeeping unit situated on an individual lot with no common party walls with other structures (or other uses within the same structure) and having sleeping, cooking, sanitary and general living facilities wherein not more than one (1) person is sheltered or fed for profit.

SINGLE-FAMILY SEMI-DETACHED (DUPLEX) - A structure designed for residential occupancy by two (2) independent families or housekeeping units with a (vertical) common party wall between the dwelling units. Each such dwelling unit shall have its own sleeping, cooking, sanitary and general living facilities wherein not more than one (1) person per household is sheltered or fed for profit. Such structures shall have not more than one (1) dwelling unit per 'Duplex side' for a total of two (2) dwelling units per building. Each 'Duplex Side' shall be of equal size and may be situated on a single lot or on individual lots.

2 FAMILY STACKED (MULTI-STORY) - A structure designed for residential occupancy by two (2) independent families or housekeeping units situated on a single lot placed in a horizontal configuration (i.e. one Dwelling Unit above the other). Each such dwelling unit shall have its own sleeping, cooking, sanitary and general living facilities wherein not more than one (1) person per household is sheltered or fed for profit.

Nothing herein shall preclude a single Dwelling Unit within such structure from occupying more than one (1) floor. However, no Dwelling Unit shall occupy less than an entire floor (defined as the area of the total footprint of the building).

⁹⁶ For the purposes of Chapter 290, and unless otherwise indicated, the following definitions of Structural Types of Dwelling Units do not address ownership form. Pursuant to N.J.S.A. 40:55D-58, all development regulations pursuant hereto shall be construed and applied with reference to the nature and use of a condominium or cooperative structures or uses without regard to the form of ownership. Accordingly, any of the following Structural Types of Dwelling Units may be held in fee-simple, condominium or cooperative ownership (i.e., Apartments may be owner-occupied as condominiums or rented as traditional apartments; Townhouses may be owned under a condominium, fee-simple or other arrangement).

Unless otherwise indicated, bulk standards for each such Structural Type shall be addressed under the appropriate section of the individual Zoning Districts as applicable.



3-4 FAMILY SEMI-DETACHED ('TRI' OR 'QUAD') - A structure designed for occupancy by three (3) or four (4) independent families or housekeeping units situated on a single lot with a (vertical) common party wall AND with one or both sides of the structure constructed in a horizontal configuration (i.e., one dwelling unit above the other) so as to contain not more than two (2) dwelling units per 'building side' for a total of 4 units per building.

Side-by-Side Triplex or '4-plex' Units are prohibited in this Structural Type.

Each dwelling unit shall have its own sleeping, cooking, sanitary and general living facilities wherein not more than one (1) person per household is sheltered or fed for profit.

Nothing herein shall preclude a single dwelling unit within such structure from occupying more than one (1) floor. However, no dwelling unit shall occupy less than an entire floor (defined as the area of the total footprint of the building).

ACCESSORY APARTMENT UNIT - A single additional Dwelling Unit within a Single-Family Detached Dwelling Unit or as a second floor of an attached or detached garage accessory to a Single Family Detached Dwelling Unit, which Unit shall contain at least two (2) rooms, be independently accessed and have sanitary and cooking facilities for the exclusive use of its occupant. Said unit shall be not more than twenty-five percent (25%) of the net habitable floor area of the principal dwelling unit and shall be a minimum of 500 s.f. in area.

MULTI-FAMILY BUILDING - A building containing three (3) or more Dwelling Units, as defined, designed for residential occupancy by three (3) or more housekeeping units living independently of each other and each with its own cooking and sanitary facilities wherein not more than one (1) person per household is sheltered or fed for profit.

TOWNHOUSE - A structures designed for occupancy by not less than three (3) and not more than eight (8) independent families or housekeeping units on individual lots with common (vertical) party wall



between dwelling units. Townhouse dwelling units shall be side-by-side (not stacked), with each unit sitting on an individual lot.

Individual Townhouse buildings shall contain not less than 3 and not more than 8 dwelling units. Each such Dwelling Unit shall have its own sleeping, cooking, sanitary and general living facilities wherein not more than one (1) person per household is sheltered or fed for profit.

Each such unit shall be a minimum of 24' wide.

Exterior (end) Townhouse units shall have a minimum 12' side yard setback, which shall be used as a driveway. In the alternative, exterior Townhouse units may be 24' wide, provided that an additional 12' Side Yard Setback (under some form of common ownership) is maintained.

Garages and off-street parking for Townhouses shall be accessed from the rear of the building, which shall be accessible from a loop road employing end-unit driveways.

GARDEN APARTMENTS - Multi-family structures designed to resemble Townhouses, except that, subject to applicable Building Controls, multiple Garden Apartment buildings may be constructed on a single lot, and further except that dwelling units in Garden Apartments may be placed in a horizontal configuration (i.e. one dwelling unit above the other ~ for a maximum of one first floor unit and one second floor unit).

Individual Garden Apartment buildings shall contain not less than three (3) and not more than eight (8) pairs of stacked dwelling units. Each dwelling unit shall have its own sleeping, cooking, sanitary and general living facilities wherein not more than one (1) person per household is sheltered or fed for profit.

Each Garden Apartment dwelling unit shall be a minimum of 1,000 s.f.

Off-street parking for Garden Apartments shall be to the rear of the buildings and shall be accessible from common driveways.



- g. At Publication, Accessory Uses in the MF Zoning District included “public rest rooms” along with “playhouses, courts for tennis, basketball or similar games, swimming pools, cabana and clubhouses for the use of the residents of the housing units. It is apparent that the intent is to provide for restrooms attendant to these enumerated uses for the private use of the residents of the multi-family complex, and not to permit restrooms for the general public. Accordingly, it is recommended that this language be revised to:

Greenhouses, garden houses, tool sheds, playhouses, courts for tennis, basketball or similar games, swimming pools, cabanas, clubhouses and like and similar facilities which are normal and customary amenities to multi-family housing complexes. Uses ancillary to such facilities, including restrooms, changing rooms and refreshment areas shall also be permitted.

- h. At Publication, parking requirements for Multi-Family uses are:

UNIT SIZE	PARKING REQUIREMENT
1-bedroom	1.8 spaces
2-bedroom	2.3 spaces
3-bedroom	2.5 spaces

As with Single-Family residential development (section 6.3.1 A. (6) g. herein), the RSIS standards include parking requirements for Multi-Family residential uses based on unit (bedroom) size. Specifically:

PARKING REQUIREMENT ⁹⁷				
Unit Size	Garden & Mid-rise Apartments	Townhouses	High-rise	Assisted Living
1-bedroom	1.8 spaces	1.8 spaces	0.8 spaces	0.5 spaces
2-bedroom	2.0 spaces	2.3 spaces	1.3 spaces	
3-bedroom	2.1 spaces	2.4 spaces	1.9 spaces	

Since the RSIS standards override local zoning, it is recommended that the City adopt the RSIS standards for parking.

- i. No additional changes are recommended for the MF Zoning District.

⁹⁷ Requirements for attached units (apartments, townhouses, etc) include provisions for guest-parking (0.5 spaces per dwelling unit). Guest parking must either be provided off-street or in common parking areas.



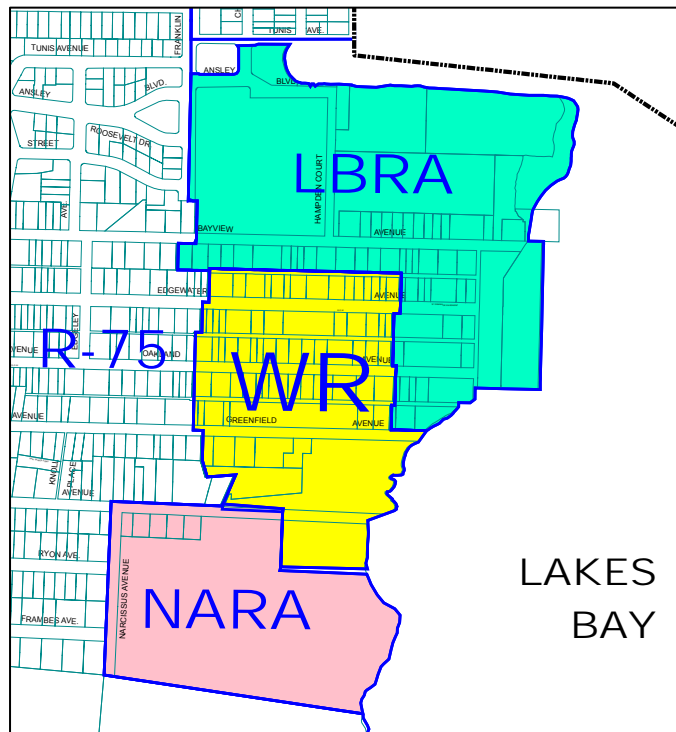
E. WR⁹⁸ Waterfront Residential Zoning District

(1) The WR Zoning District was crafted to encourage the planned residential redevelopment of the Lakes Bay waterfront.

(2) Permitted Uses in the WR Zoning District are limited to single-family residential dwellings.

(3) Accessory Uses in the WR Zoning District:

- a. Sheds (limited to a minimum of 120 s.f.).
- b. Private boat storage.
- c. Single car garages.



(4) Bulk requirements for Principal Structures in the WR Zoning District:

- a. Minimum Lot Size: 4,000 s.f. (translates to a density of 10.89 du/ac).
- b. Minimum Lot Frontage: 35'
- c. Minimum Setbacks: Front Yard: 25' measured from the street.
 Side Yard: 6' from each side (sheds: 5').
 Rear Yard: 25' measured from the property line.
- d. Minimum Distance between Buildings: 15'
- e. Maximum Building Height:
 - 0' to 300' west of Yacht Basin: 2½ stories or 35'
 - 301' to 600' west of Yacht Basin: 3 stories or 45'
 - 601' or greater west of Yacht Basin: 4 stories or 55'
- f. Floor Area Ratio: 0' to 300' west of Yacht Basin: 0.8
 301' to 600' west of Yacht Basin: 0.95
 601' or greater west of Yacht Basin: 1.265

⁹⁸ a.k.a. "WFR"



(5) Recommendations

- a. At Publication, the City's official Zoning Map did not reflect zoning modifications caused by the expansion of the Lakes Bay Waterfront Redevelopment Area to the north of the WR Zone and the creation of the Narcissus Avenue Rehabilitation Area to the south of such Zone.

In accordance with the Redevelopment Plans for these Areas, the City's Zoning Map must be amended to reflect these adjustments.

- b. In light of the changes in the real estate market since the adoption of WR Zoning in or about the year 2000, the strength of the City's housing market in general and the market-driven housing initiatives in the Lakes Bay Waterfront Redevelopment Area (section 6.3.7. F. herein) and Narcissus Avenue Rehabilitation Area (section 6.3.7. A. (4) herein), it is recommended that the City explore modifications to the WR Zone Plan in order to permit, either as base zoning or as an overlay, higher density market rate vertical development which could take advantage of Lakes Bay and the Atlantic City skyline as attractive amenities for the upscale residential market.

It is recommended that such modifications include 5 to 6 story, multi-family (condominium) development⁹⁹ along the western-edge to middle-core of the existing WR Zone, with low-rise but large Single-Family Detached, Single-Family Semi-Detached (Duplex), 2 Family Stacked (Multi-Story), 3-4 Family Semi-Detached ('Tri' Or 'Quad') and Townhouse dwellings toward the water's edge.

- c. A review of the bulk regulations for the WR Zoning District finds that this section of the Land Use Ordinance does not appear to have been crafted with the same level of detail as the City's other residential zones. It is therefore recommended that §290-41 be modified to be more consistent with other residential zoning regulations. Such modifications should include, but need not be limited to, inclusion of building and impervious coverage regulations, inclusion of parking regulations, deletion of outdoor boat storage as a permitted use and a general updating of Zone requirements appropriate to the permitted uses recommended under subsection b herein.

- d. No additional changes are recommended for the WR Zoning District.

F. Recommended Residential-Duplex (R-D) Zone

In September 2002, a development group known as Alper Investment Group L.L.C. ("Alper") applied for and received approval from the City's Planning Board

⁹⁹ Similar to that proposed for the Lakes Bay Waterfront Redevelopment Area.



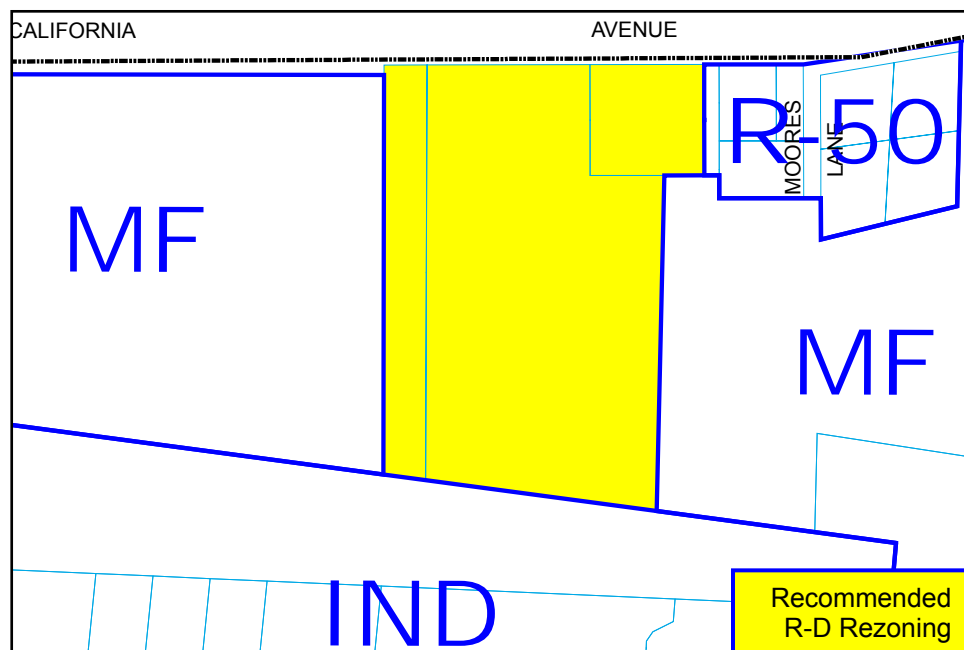
to construct a 66,369 s.f., three (3) building warehousing and office project on a 6.6-acre, vacant and heavily wooded parcel located on California Avenue to the west of New Road (Block 200, Lot 20) in the City's IND Industrial Zone.

Despite aggressive marketing, Alper was not able to lease or sell such space and no development under such approval took place.

On or about January 2003, Alper applied to the City's Zoning Board of Adjustment for use variance and site plan modification in order to permit administrative offices for the Association for Retarded Citizens on the site. Said Application was denied by the Zoning Board.

Having been unable to develop the site under light industrial or office use, Alper, in August 2003, made application to the Zoning Board for use variance approval in order to construct a 34 unit residential community (in 17 duplex structures) on the site. After presenting all required proofs for use variance relief as required under section 70d.1 of the *Municipal Land Use Law*, including evidence that there was no market for uses permitted under IND zoning, such Application was approved.

Rather than retain IND Industrial zoning, which would render the Alper project non-conforming, and consistent with the city's policy to discourage inappropriate and incompatible land uses where such uses would serve to negatively impact existing development patterns (Objective 5.2.3. E. herein) it is recommended that this parcel be rezoned Residential Duplex ("R-D"), with bulk standards equivalent to those of the Alper project.¹⁰⁰

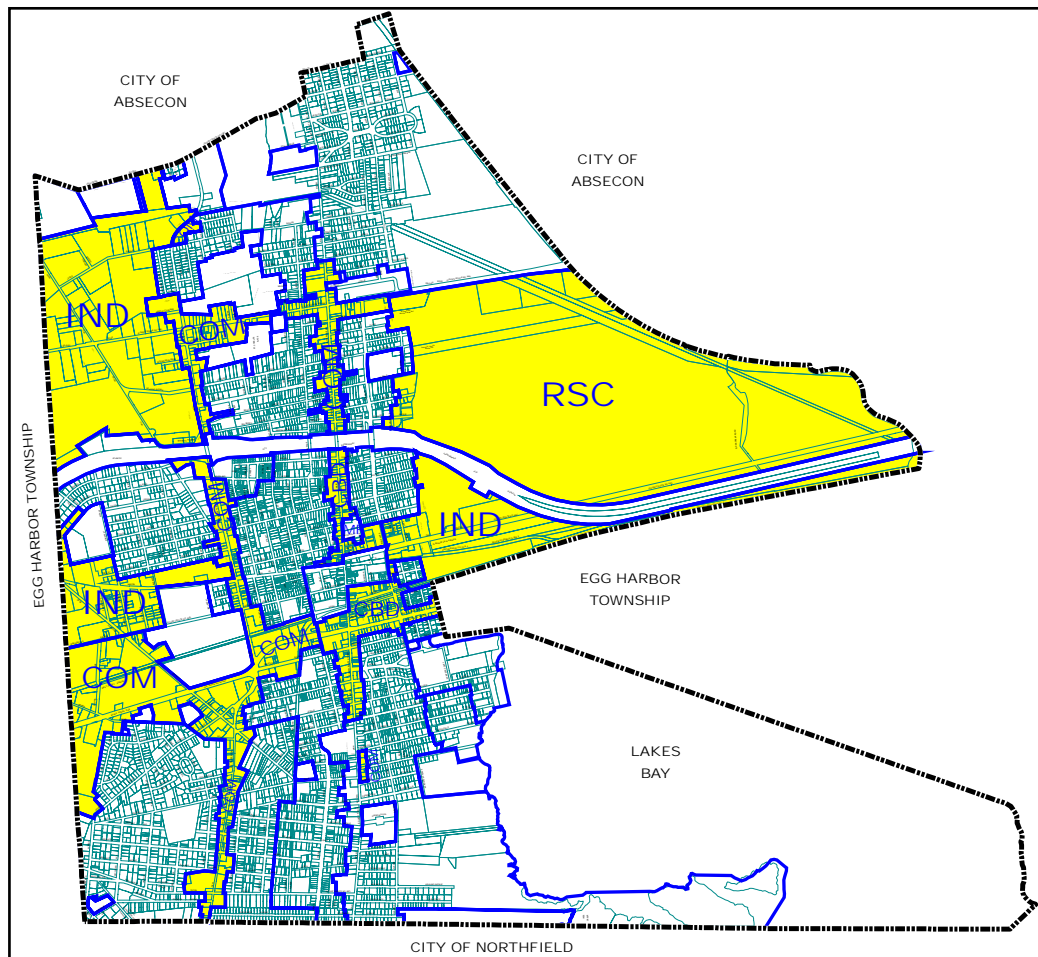


¹⁰⁰ Lot Size: 4,000 s.f.; Lot Width: 40'; Front Yard Setback: 25'; Side Yard Setback: 15' & 0'; Rear Yard Setback: 25'; Building Coverage: 30% & Building Height: 2½ stories/ 31'.



6.3.2 Commercial Zoning Districts

The intent of the City's Commercial Zoning Districts is to provide locations for a variety of Neighborhood- and Regionally-oriented commercial facilities, at varied and appropriate intensities, in order to supply goods and services to address the needs of the residents of the City of Pleasantville and the Greater Pleasantville Area, including goods and services to support the Atlantic City casino and general tourist industries; while protecting the City's residential neighborhoods.



A. CBD Central Business District

(1) The stated intent of the City's Central Business District¹⁰¹ is to:

- a. Safeguard the history of Pleasantville.
- b. 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.

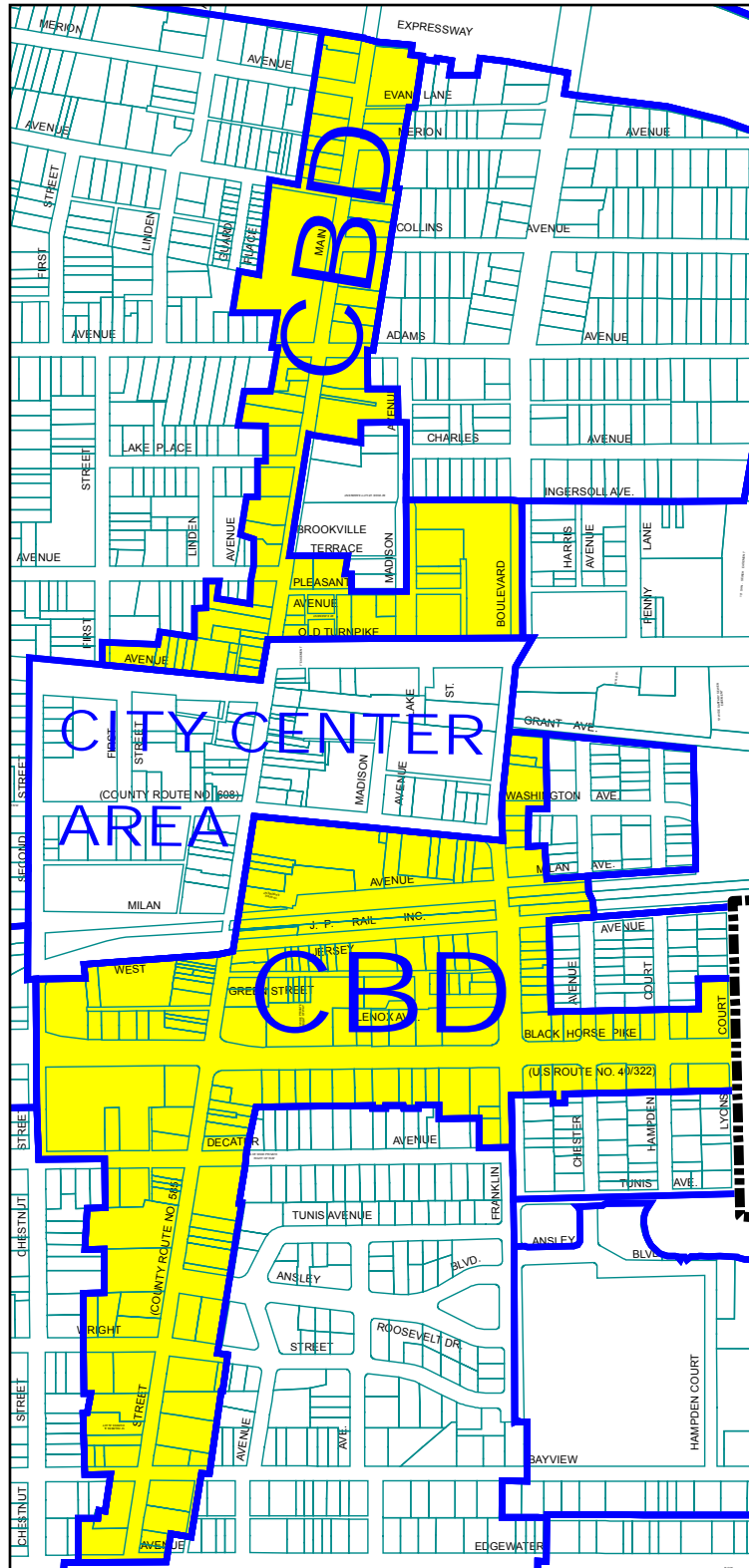
¹⁰¹ §290-3



- c. Stabilize and improve property values.
- d. Foster civic beauty and pride.
- e. 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.

(2) Permitted Uses in the Central Business District:¹⁰²

- 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 (if drive-through:¹⁰³).



¹⁰² There may be more than one use per building.

¹⁰³ Subject to site plan approval by the Planning Board.



- 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.
- 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 goods¹⁰³.
- n. Commercial Centers¹⁰³.
- o. Existing gasoline service stations present at the time of passage of current zoning.
- p. Automotive sale and service establishments¹⁰³.
- q. Hotels and motels.
- r. Child-care center as per the guidelines of § 290-32G.
- s. Parking lots and/or facilities, commercial parking lots¹⁰³.
- t. Loading facilities¹⁰³.
- u. Residential as a Permitted Secondary Use.

(3) Accessory Uses in the Central Business District:

- 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.

(4) Bulk requirements for Principal Structures in the Central Business District:

- a. Minimum Lot Size: 10,000 s.f.
- b. Minimum Lot Width: 100'
- c. Minimum Lot Depth: 100'

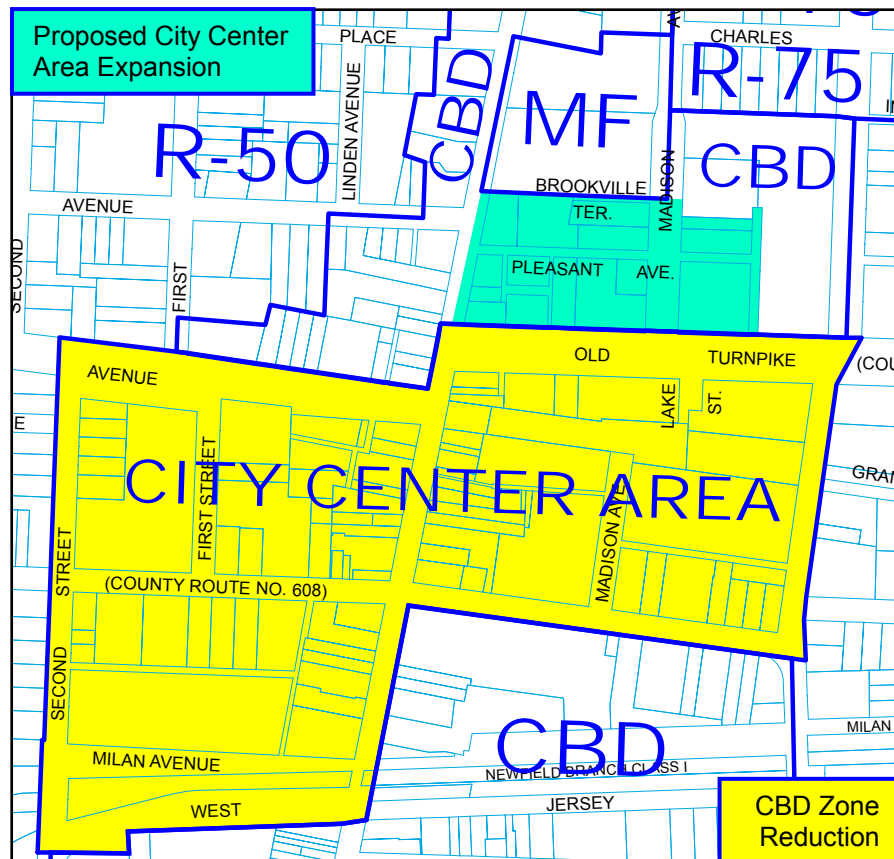


- d. Minimum Setbacks: Front Yard: 20'
Side Yard: 10 (each)
Rear Yard: 20'
- e. Maximum Building Height: 35' and 3 stories (accessory buildings: 20' and 1½ stories).
- f. Maximum Lot (Building) Coverage: 30%

(5) Recommendations:

- a. At Publication, the City's official Zoning Map did not reflect modifications made to the Central Business District caused by the creation of the expanded City Center Area (section 6.3.7. C herein). Also at Publication, the City was exploring a further expansion of the City Center Area between Main Street, Old Turnpike and the property owned by the Pleasantville Housing Authority.

Pursuant to the Redevelopment Plan for the Expanded City Center Area, the City's Zoning Map must be amended to reflect the City Center Area. Additionally, should the City's efforts to further expand the City Center Area prove successful, the Zoning Map must again be amended to reflect this change.

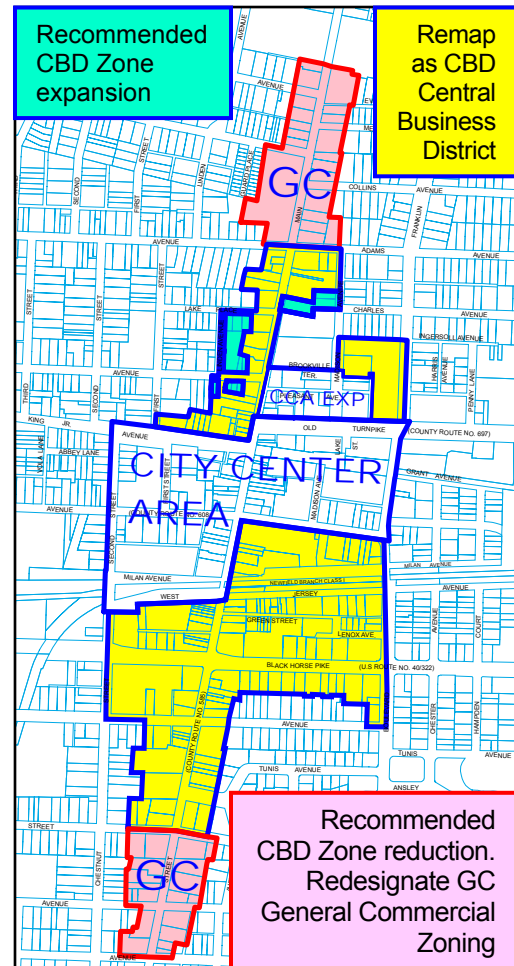




- b. At Publication, the City’s Central Business District extended north to the Atlantic City Expressway, south to Edgewater Avenue and west to Second Avenue and “jogged” around several properties fronting West Pleasant Avenue to the west of Main Street.

The City’s Planners believe that such an expansive CBD and the “jog” at Pleasant Avenue serve to negate the linkages between commercial establishments so necessary for a successful downtown commercial core.

Accordingly, it is recommended that the CBD be reduced to Adams Avenue to the north, Wright Street to the south and Franklin Boulevard to the east and extended to the west to include the “jogged” Pleasant Avenue properties as well as a vacant lot on Pleasant Avenue.

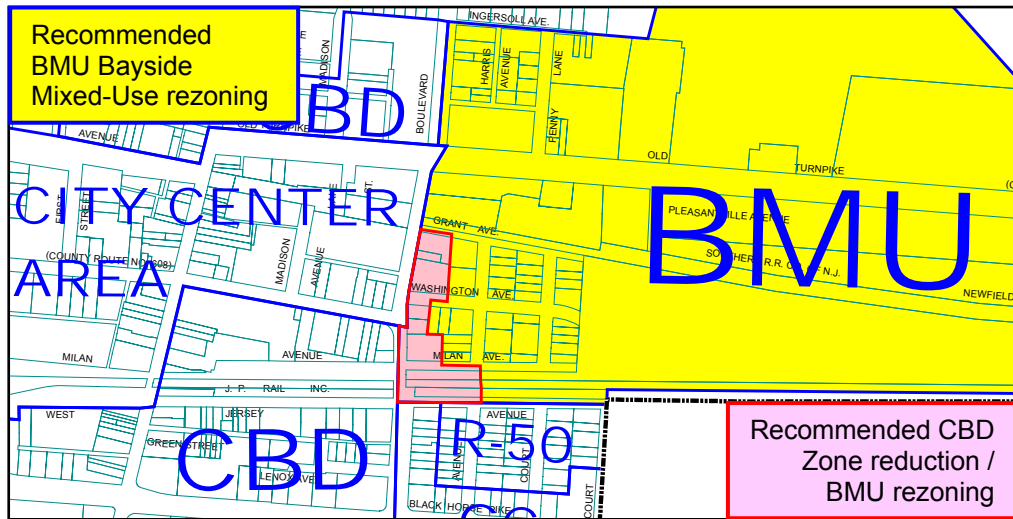


- c. At Publication, the Central Business District extended east to Lyons Court¹⁰⁴. Again, the City’s Planners believe that an expansive CBD serves to negate the linkages between commercial establishments so necessary for a successful downtown commercial core.

Additionally, this Comprehensive Master Plan Update (section 6.3.2. C. (8) f.) recommends rezoning the area between the Atlantic City Expressway and the Milan Avenue railroad tracks along the eastern edge of the City as a new “Bayside Mixed-Use” (BMU) Zone. Such new Zone includes the portion of the CBD along Franklin Boulevard between Grant and Milan Avenues.

It is therefore recommended that the section of the CBD between Grant and Milan Avenues be incorporated into the proposed Bayside Mixed-Use Zone.

¹⁰⁴ the municipal boundary with the West Atlantic City section of Egg Harbor Township.



While it is anticipated that the balance of this CBD Zone may be impacted in some form by development in the surrounding Redevelopment Areas and the proposed BMU zone, it is not possible to know, at Publication, the nature or even scope of such impacts. Accordingly, it is recommended that conditions in this CBD Zone be monitored and that the Master Planning for this area be revisited once the impacts of surrounding development can be better understood.

- d. At Publication, the stated intent of the Central Business District (section 6.3.2. A (1) herein) was deemed to be no longer appropriate for a modern, successful downtown commercial core. Accordingly, it is recommended that these items be eliminated in favor of:

The City’s Central Business District was crafted to provide for an appropriate mix of retail-oriented commercial, office and other uses, with supportive residential above, designed to strengthen and enhance the City’s economic base, generate significant employment opportunities (including opportunities for City residents) and stimulate new tax ratables in a transit-oriented, mixed-use community with a traditional urban fabric within the City’s historic downtown commercial core.

- e. At Publication, the Land Use Ordinance¹⁰⁵ indicates that uses permitted in the CBD will be “many and varied”, that “there may be more than one permitted use per building”, that “the primary use will be that use which occupies at a minimum the first floor facing the front street site of the structure. Any and all other uses will be considered secondary”.

¹⁰⁵ §290-39 B (1).



Further the Land Use Ordinance¹⁰⁶ allows that “any primary use may be a permitted secondary use”.

It is recommended that such language too vague and has led to applicants seeking to place wholly incompatible uses within the same building, and often within the same space. Accordingly, it is recommended that this language be eliminated in favor of:

Multiple Principal Uses within a single building shall be allowed, provided that each such use is a Permitted Use within the Central Business District, and further provided that each such use is located within an independently-leased, separately-identifiable and fully securable space (it being the City’s intention to prohibit an entity from leasing a portion of an office [desk] or other area within a single commercial space).

Within this context, multiple corporate entities may operate out of a single space, provided that such entities are subsidiaries or related companies.

- f. At Publication, Principal Uses in the included:
 - i. “Places of Worship”, “Schools, public and/or private” and “Medical”.

It is recommended that Places of Worship are not a productive commercial use for a Central Business District and that a bustling commercial corridor is not an appropriate location for school-age children.

Accordingly, it is recommended that this section be modified as to read “Public or private training facilities offering life skills or career educational courses, Medical and Dental Complexes.”

- ii. “Retail stores and service establishments, including pickup stations for laundries and cleaners where the work is done off the premises”, “Personal service establishments, including but not limited to barber-and beauty shops, tailor and similar facilities”, “Banks (if drive-through, subject to site plan approval by the Planning Board)”, “General business and professional offices”, “Minor repair operations for televisions, radios, watches, shoes and appliances” and “Retail shops or stores engaging in the limited fabrication or processing of goods”.

¹⁰⁶ §290-39 B (3) (b).



It is recommended that this language is antiquated and not fully reflective of the types of uses and level of intensity appropriate to a Central Business District. Accordingly, it is recommended that this language be eliminated in favor of:

Downtown-Oriented Commercial and Service Activities, defined as uses designed to provide for the workday convenience and post-workday entertainment of the employees and residents of the City's Central Business District. Examples include: grocery / specialty food stores; convenience stores without fuel dispensing facilities; video rental / sales; non-"big box" general retail / appliance / hardware stores; fabric stores; hair and nail salons / barber and beauty shops; tailor shops; non-'chain' / non-franchise hobby shops, sporting goods shops, pet shops and book shops; greeting card / stationary / florist shops; antique / boutique / clothing / jewelry / gift shops; retail dry cleaners (no commercial cleaning on premises); shoe repair; and like and similar activities.

iii. "General business and professional offices".

It is recommended that this language is antiquated and should be replaced by "Professional, administrative and consulting services offices".

iv. "Fully enclosed eating and drinking establishments" and "Motion-picture theaters, bowling alleys and other commercial entertainment establishments in a fully enclosed structure".

It is recommended that this language is not in conformance with the Transit Village designation of the majority of the CBD (section 10.0 herein) and that this language is antiquated and not fully reflective of recent trends in the retail-entertainment / 'eatertainment' industry. Accordingly, it is recommended that this language be eliminated in favor of:

Fully-enclosed eating and drinking establishments (both eat-in and take-out), excluding drive-through facilities.

Taverns.¹⁰⁷

¹⁰⁷ Defined as an establishment serving alcoholic beverages and cooked-to-order food which is prepared and served on the premises.



Specialized entertainment venues such as performing arts centers, theaters, movie theaters, and other like and similar attractions.

Within the context of these permitted uses, nightlife establishments that serve alcoholic beverages shall be permitted, provided that cooked-to-order food is prepared and served on the premises.¹⁰⁸

- v. "Public buildings operated by the City of Pleasantville; government buildings" and "Quasi-Public establishments".

It is recommended that this language is antiquated and that no satisfactory definition of "Quasi-Public" exists. Accordingly, it is recommended that this language be eliminated in favor of:

Administrative offices and related facilities as may be necessary and convenient to the provision of municipal, county, state or Federal governmental services.

- vi. "Existing gasoline service stations present at the time of passage of this chapter" and "Automotive sale and service establishments".

At Publication, no gasoline service stations or automotive sales establishments were existing within the recommended boundaries of the Central Business District.

It is recommended that automotive-related uses are not in conformance with the Transit Village designation of the majority of the CBD (section 10.0 herein) and that such uses therefore be deleted.

- vii. "Hotels and motels".

Given the relatively small lot sizes in the Central Business District and the specific commercial nature of this Zone, it is recommended that Hotels be eliminated as a permitted use in this District.

Since automotive-relates uses are not in conformance with the Transit Village designation of the majority of the CBD (section 10.0 herein), it is therefore recommended that Motels be eliminated as a permitted use in this District.

¹⁰⁸ By way of interpretation, restaurant facilities with entertainment [dinner theaters] shall be permitted while facilities which do not serve food [nightclubs] shall not be permitted.



viii. “Child-care center as per the guidelines of § 290-32G.”

N.J.S.A. 40:55D-66.6 requires that child-care centers for which a license is required from the Department of Human Services¹⁰⁹ shall be permitted in all non-residential districts. Child-care centers are therefore de-facto permitted uses in the CBD under state law.

However, given the relatively small lot sizes in the CBD and the extremely high level of traffic in this section of the City, such facilities must be designed with great care. Accordingly, it is recommended that any such centers be permitted in the CBD Central Business District, but as a Conditional Use under the guidelines established under §290-32G, and further conditioned upon the facility having:

- an appropriate porte-cochere area wherein enrolled children may be picked-up or dropped-off in a secured environment which is clearly separated from general street traffic;
- dedicated on site-parking for all employees as well as one (1) space for each four (4) enrolled children in order to provide parking for parents wishing to observe the operations or meet with facility staff;
- dedicated, fenced, fully secured and age appropriate ***lawn*** areas for outdoor recreation space for enrolled children of various age groups.

ix. Parking and Loading facilities.

At Publication, the Land Use Ordinance does not include a parking requirement for the Central Business District. This has caused a serious parking deficit in this section of the City.

Recognizing the need for parking and loading for CBD commercial operations, the Circulation Plan Element of this Comprehensive Master Plan Update (section 10.0 herein) details the City’s efforts to create municipal parking lots in the CBD.

Accordingly, it is recommended that Chapter 290 be amended to include appropriate parking and loading regulations under the building requirements for the Central Business District. Additionally, it is recommended that the Principal Uses in the CBD be amended to permit “Commercial Parking Facilities owned and/or operated by the City of Pleasantville Parking Utility”.¹¹⁰

¹⁰⁹ Pursuant to N.J.S.A. 30:5B-1 et seq.

¹¹⁰ Created via Ordinance No. 34-2002.



It is further recommended that proprietary “parking lots and/or facilities” and “loading facilities” be relocated as Accessory Uses in the CBD.

- x. “Residential use [as a secondary use], subject to any and all applicable building codes”,

§290-8 defines “Secondary Use” as “[th]e same as ‘[A]ccessory Use’”. However, §290-8 includes in the definition of “Accessory Use”: “a building containing living space shall never be considered an accessory building”. Such definitions appear contradictory and, at the very least, cause confusion as to precisely how residential uses in the CBD should be treated.

Accordingly, it is recommended that the use language for residential uses in the CBD be modified as follows:

Residential dwelling units, including, but not limited to, Age-Restricted Housing for qualifying individuals; limited to above ground-floor Permitted Uses, provided that the Residential Uses are functionally separated, by floor, by structural elements on a floor and by dedicated entranceway, from the commercial or other uses within the building.

- g. At Publication, §290-39 D of the Land Use Ordinance provided:
 - i. Before a building permit or certificate of occupancy shall be issued in the CBD Zone, a site plan review by the Planning Board shall be required.

Such language effectively requires *all actions* in the CBD, including normal maintenance (requiring a building permit) and de minimis change in use or ownership (requiring an occupancy permit) to obtain approval from the Planning Board after public hearing. Under the City’s Site Plan application process, plans must be prepared by architectural, engineering and/or other professionals and the Applicant (typically) must be represented by legal counsel.

It is recommended that such a requirement imposes undue costs on property owners and business and constitutes an onerous requirement on property owners desiring to do improve their buildings or businesses desiring to locate to the CBD.

Accordingly, it is recommended that such language be eliminated and that the threshold for Site Plan review in the CBD be no different than in other Zones in the City.



- ii. §290-39 D (1) of the Land Use Ordinance requires that exterior facades be maintained, and new construction be compatible with existing 1920's structures, districts and surrounding areas, with similar or compatible building materials. Under §290-39 D (3), if a structure does not meet the exterior criteria, a time schedule consisting of what activities must be undertaken and the time allotted to each activity, plus the total time necessary to comply with the criteria, not exceeding one year's duration, shall be submitted for site plan approval.

It is recommended that there remains very little 1920's architecture in the CBD which is worthy of emulating ~ and that what elements remain are not reflective of the 1920's per se, but are classical elements of varying vintage.

The City, through its Urban Enterprise Zone, has generated a set of preferred Design Criteria for the facades of buildings in the Central Business District. Such Criteria address, among other elements:

- Awnings;
- Architectural Filigree;
- Security Grates & Grills,
- Windows & Doors;
- Walls & Roofing;
- Coping, Fascia, Soffitts, Gutters & Downleaders;
- Color selection; and
- Other aesthetic elements required to create an attractive urban environment.

It is recommended that such Design Criteria be formally adopted for all buildings in the CBD.

- iii. §290-39 E (3) of the Land Use Ordinance outlines review procedures pertinent to the historical value of buildings and the compatibility of buildings with surrounding structures in accordance with §290-39 D (1) while §290-39 E (4) outlines procedures pertinent to the demolition and relocation of buildings of historic value.

Principle 5.8.1 of this Comprehensive Master Plan Update recognizes that the City's history is not represented by historic buildings, but in the social history of the people and institutions.



Further, Principle 5.8.1 reaffirms that while a certain level of nostalgia may attach to certain buildings and development patterns, such emotion should not limit the City's ability to create or support projects with larger significance for the revitalization of the municipality.

Accordingly, it is recommended that the requirements of §290-39 E (3) and (4) be eliminated.

- iv. §290-39 D (2) of the Land Use Ordinance contains performance standards which are appropriate to all uses within the City, not just those in the Central Business District.

It is therefore recommended that such standards be relocated from §290-39 D (2) to a more general section of the Ordinance.

- v. §290-39 E (1) and (2) of the Land Use Ordinance outline procedures under which the Zoning Officer is to process applications within the Central Business District. Such procedures are appropriate to all uses within the City, not just those in the Central Business District.

It is therefore recommended that such procedures be relocated from §290-39 E. (1) and (2) to a more general section of the Ordinance.

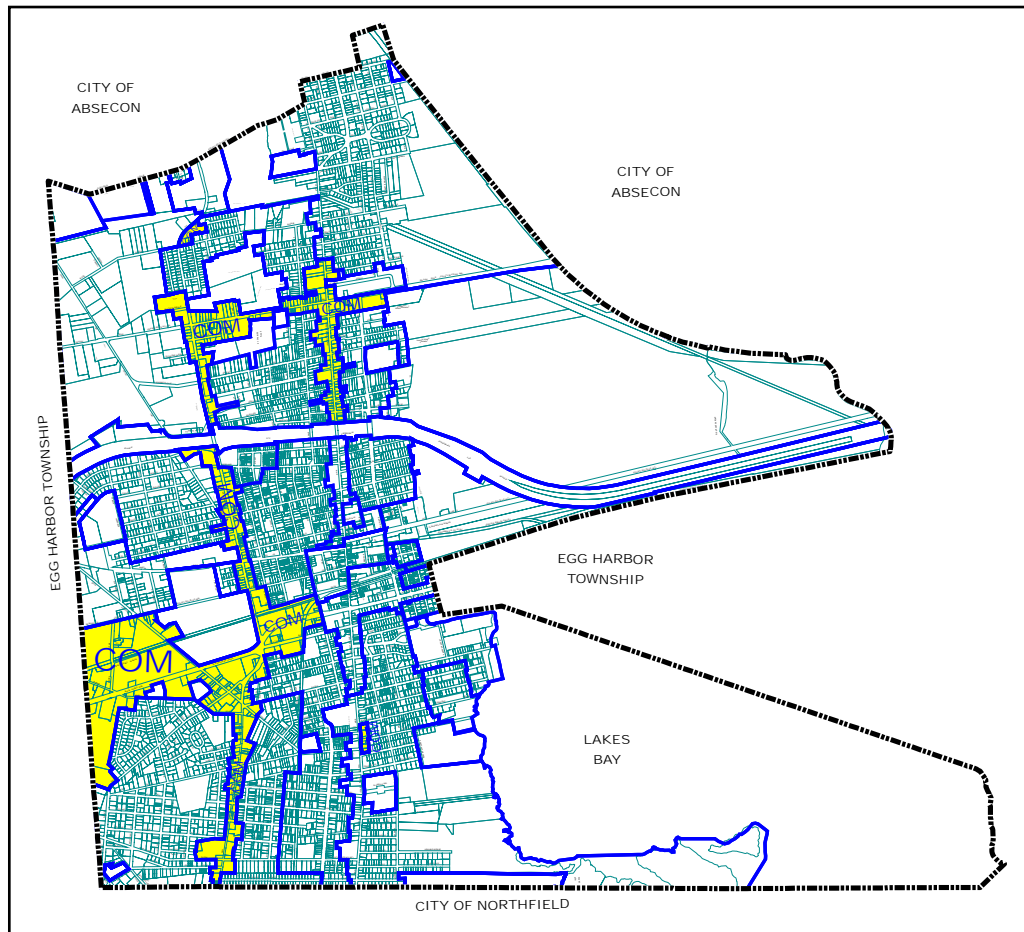
- vi. §290-39 D (4) and E. (5) provide for building controls in the Central Business District which are not consistent with current planning theories and practices for urban, downtown commercial districts. Maximum Building height is relatively low, Minimum Lot Size, Lot Width, Lot Depth and Setbacks are overly large and Maximum Coverage limits are quite restrictive.

Accordingly, it is recommended that the building controls for the Central Business District be reviewed with an eye toward an appropriate combination of more generous building heights, smaller minimum lot sizes, setbacks and increased coverage limits.

- h. No additional changes are recommended for the Central Business District.

B. COM Commercial Zoning District

- (1) The COM Zoning District was crafted to provide for all commercial uses outside of the City's Central Business District.



(2) Permitted Uses in the COM Zoning District:

- a. Retail stores and service establishments, including pickup stations for laundries and cleaners where the work is done off the premises.
- b. Banks (if drive-through:¹¹¹).
- c. General business and professional offices.
- d. Fully enclosed eating and drinking establishments.
- e. Personal service establishments, including but not limited to barber- and beauty shops, tailor and similar facilities.
- f. Minor repair operations for televisions, radios, watches, shoes and appliances.
- g. Motion-picture theaters, bowling alleys and other commercial entertainment establishments in a fully enclosed structure.
- h. Commercial parking lots.

¹¹¹ Subject to site plan approval by the Planning Board



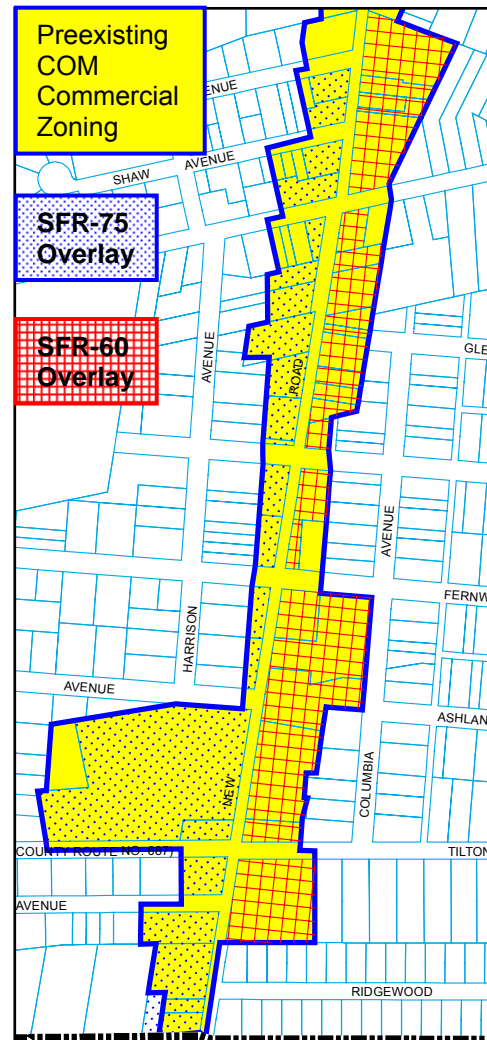
- i. Public buildings operated by the City of Pleasantville.
- j. Quasi-public establishments.
- k. Retail shops or stores engaging in the limited fabrication or processing of goods¹¹¹.
- l. Commercial Centers¹¹¹.
- m. Existing gasoline service stations present at the time of passage of current zoning.
- n. All existing residential structures present at the time of passage of current zoning.
- o. Automotive sale and service establishments¹¹¹.
- p. Hotels and motels.
- q. Child-care center as per the guidelines of §290-32G.

(3) Accessory Uses in the COM Commercial Zoning District:

- a. Parking Facilities¹¹¹.
- b. Loading Facilities¹¹¹.
- c. Accessory Buildings¹¹¹.

(4) Conditional Uses in the COM Zoning District:

- a. Single-Family detached dwellings on lots which front New Road from Lafayette Avenue south to the City Line as follows:
 - i. Property which is located on the west side of New Road is subject to the area and bulk requirements of the SFR-75 Zone.
 - ii. Property which is located on the east side of New Road is subject to the area and bulk requirements of the SFR-60 Zone.





- b. Designed Shopping Centers¹¹², limited to lands fronting the Black Horse Pike from Route 9 to the City's western boundary. Defined as:

An integrated development of such uses as retail stores and shops, personal service establishments, professional and business offices, banks, post offices, restaurants and auditoriums, and like and similar uses, housed in an enclosed building or buildings, utilizing such common facilities as customer parking, pedestrian walkways, truck-loading/-unloading space, utilities and sanitary facilities and having a minimum total floor area of 50,000 square feet.

(5) Bulk requirements in the COM Zoning District:

a. Principal Structures

- Minimum Lot Size: 10,000 s.f.
- Minimum Lot Width: 100'
- Minimum Lot Depth: 100'
- Minimum Setbacks: Front Yard: 20'
Side Yard: 10 (each)
Rear Yard: 20'
- Maximum Building Height: 30' or 2 stories
- Maximum Lot (Building) Coverage: 30%

b. Designed Shopping Centers

- Minimum Site Size: 5 acres
- Maximum Building Height: 40' or 2 stories
- Minimum Setbacks: 30' around all property lines.
- Maximum Lot (Building) Coverage: 30%

c. Gasoline service stations and automobile repair garages

- Minimum Site Size: 15,000 s.f.
- Minimum Lot Width: 100'
- Maximum Building Height: 25' or 1 story

¹¹² Subject to site plan approval by the Planning Board



- Minimum Setbacks: Front Yard: 50'
Side Yards: 15' each
Rear Yard: 30'
Underground Storage Tanks: 25'
Gasoline Pumps: 20'

d. Automobile Car Sales and Service Establishments

- Minimum Site Size: 1 acre
- Maximum Building Height: 35' or 2½ stories
- Minimum Setbacks: 50' around all property lines, with no automotive vehicle being displayed closer than 20' to the front property line.
- Maximum Lot (Building) Coverage: 25%

e. General business and office buildings

- Minimum Site Size: 10,000 s.f.¹¹³
- Minimum Lot Frontage: 100'¹¹⁴
- Maximum Building Height: 80' & 6 stories (Accessory: 15' & 1 story).
- Minimum Setbacks: Front Yard: 25'
Side Yards: 15' each
Rear Yard: 50'
- Maximum Site (Building) Coverage: 30%

f. Hotels/Motels

- Minimum Site Size: 1 acre
- Minimum Lot Frontage: 200'
- Maximum Building Height: 2 times the distance to the property line.
- Minimum Setbacks: Front Yard: 40'
Side Yards: 25' each
Rear Yard: 25'
- Maximum Site (Building) Coverage: 50%

(6) §290-32 H provides for a Mixed Use Overlay Zone for properties fronting Franklin Avenue (Boulevard) from Delilah Road to the Central Business District.

¹¹³ Same as for Principal Structures in the COM Zone.

¹¹⁴ Same as Lot *Width* for Principal Structures in the COM Zone.

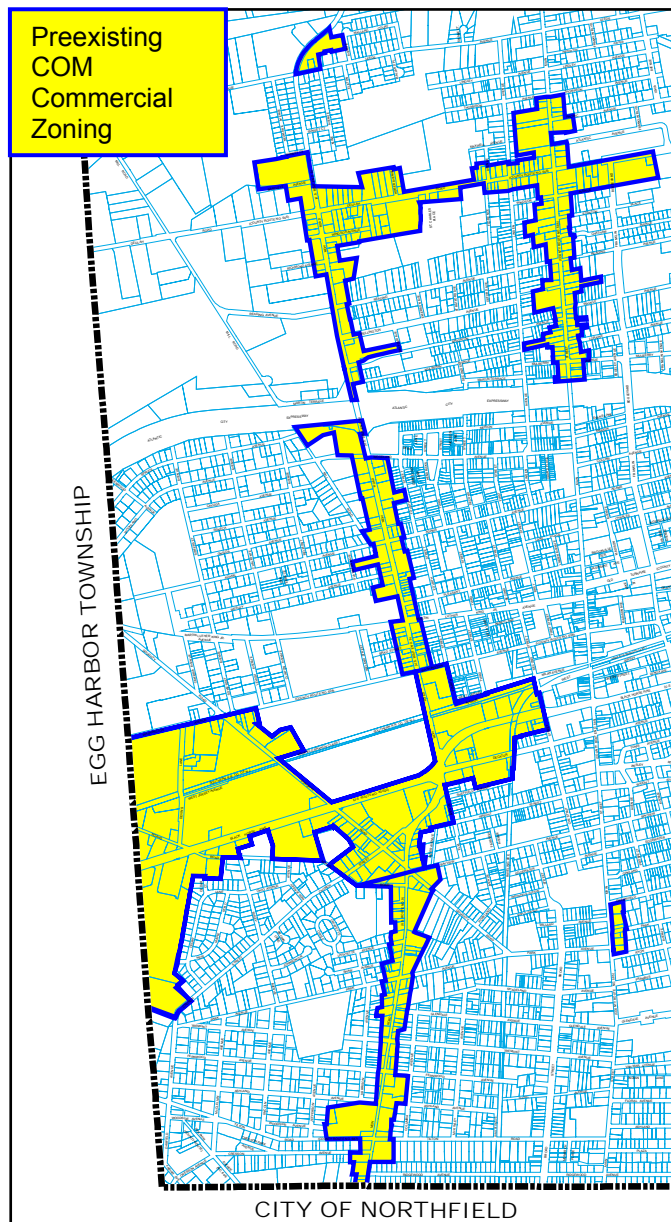


Issues related to such Overlay shall be addressed within the context of section 6.3.5. C. herein.

(7) Recommendations:

- a. At Publication, the COM Zone extended through various sections of the City and therefore encompassed lots of varying sizes and neighborhoods of varying character.

Despite these varying conditions, and with the exception of certain Conditional Uses and other regulations detailed below, the Use and Bulk standards established for the COM Zone apply to *all lands* within this District, regardless of lot size, configuration or neighborhood character.





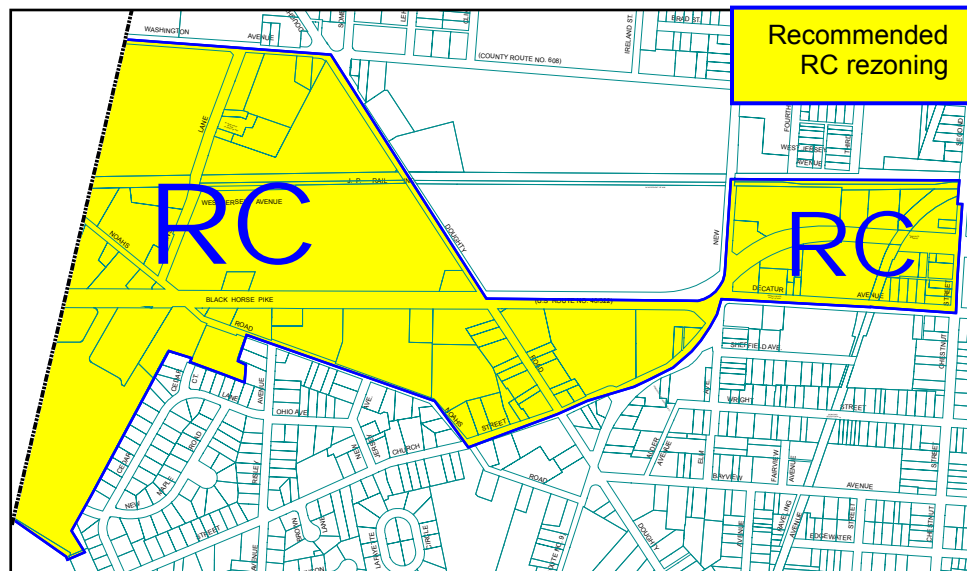
Accordingly, it is recommended that the unitary COM Zone be divided into Districts of varying development intensity, with Use and Bulk standards tailored to more appropriately conform with locational characteristics. Specifically:

i. *Proposed RC Regional Commercial Zone*

At Publication, the area along the Black Horse Pike between New Road and the City’s western boundary was zoned COM with a Designed Shopping Center Overlay.

Given the larger lot sizes in this section of the City and the significant traffic access available through the Black Horse Pike, existing COM Zoning does not take full advantage of this area’s potential to provide goods and services on a regional level.

Accordingly, it is recommended that the area along the Black Horse Pike between Second Street and the western edge of the City be rezoned RC Regional Commercial.



Recommended Permitted Uses in the proposed RC Zone are:

General Commercial and Service Activities, defined as uses designed to provide for the routine needs of the citizens of Pleasantville. Examples include: 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.

Regionally-Oriented Commercial and Service Activities, defined as uses designed to provide for the needs of the citizens of eastern Atlantic County. Examples include: supermarkets; pharmacies (including drive-through); convenience stores, including those with fuel dispensing facilities; package liquor stores; furniture stores; “big-box” retail / appliance or home improvement stores; department stores; ‘chain’ / franchise hobby stores, sporting goods stores, pet stores and book stores; general appliance repair; upholstery / furniture repair; financial institutions, banks and loan offices; professional, administrative or consulting service offices; and like and similar activities.

Professional, administrative or consulting services offices.

Medical and Dental Complexes.

Administrative offices and related facilities as may be necessary and convenient to the provision of municipal, county, state or Federal governmental services.

Fully-enclosed eating and drinking establishments (both eat-in and take out), including drive-through.

Bars¹¹⁵ and Taverns.¹¹⁶

Child-care center as per the guidelines of § 290-32G as Conditional Use, conditioned upon:

- an appropriate porte-cochere area wherein enrolled children may be picked-up or dropped-off in a secured environment which is clearly separated from general street traffic;

¹¹⁵ Defined as an establishment serving alcoholic beverages but not food

¹¹⁶ Defined as an establishment serving alcoholic beverages and cooked-to-order food which is prepared and served on the premises.



- dedicated on site-parking for all employees as well as one (1) space for each four (4) enrolled children in order to provide parking for parents wishing to observe the operations or meet with facility staff;
- dedicated, fenced, fully secured and age appropriate ***lawn*** areas for outdoor recreation space for enrolled children of various age groups.

Designed Shopping Centers, defined as an integrated development of such uses as retail stores and shops, personal service establishments, professional and business offices, banks, post offices, restaurants and auditoriums, and like and similar uses, housed in an enclosed building or buildings, utilizing such common facilities as customer parking, pedestrian walkways, truck-loading and-unloading space, utilities and sanitary facilities and having a minimum total floor area of 50,000 s.f.

Commercial Centers, defined as an integrated development consisting of a combination of uses otherwise individually permitted in the subject Zoning District, housed in an enclosed building or buildings on a single lot or collection of contiguous lots forming a single parcel, utilizing such common facilities as customer and employee parking, pedestrian walkways, truck-loading and -unloading space, utilities and sanitary facilities and having a maximum total floor area less than 50,000 s.f.

Automobile fueling stations, with or without automotive repair, provided that they include convenience stores on premises;

Automobile, boat or watercraft sales through franchise dealers;

Hotels and motels;

Commercial Parking Facilities owned and/or operated by the City of Pleasantville Parking Utility. Proprietary parking lots and/or facilities and loading facilities as Accessory Uses.

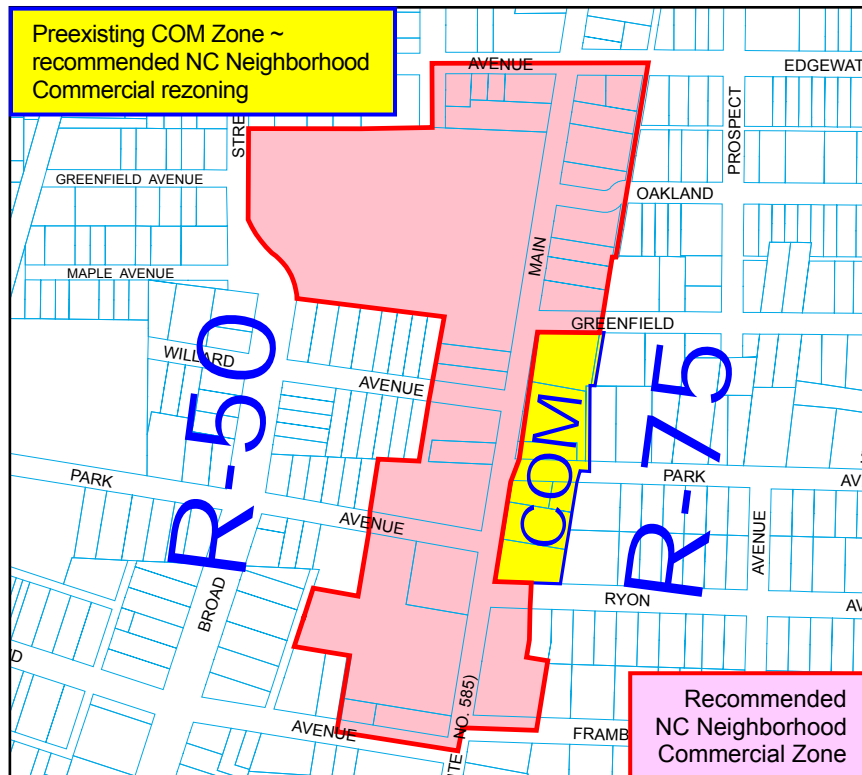


It is further recommended that bulk standards for the RC Zone be established to assure that they are appropriate for the type and scope of development envisioned; and that any proposed standards be made within the context of the amendments to the Land Use Ordinance resulting from this Comprehensive Master Plan Update.

ii. *Proposed NC Neighborhood Commercial Zone*

(a) At Publication, the area along Main Street between Greenfield and Ryon Avenues was zoned COM. However, much of the lands on both sides of Main Street to the north and the south of this COM Zone were in commercial use, despite SFR-75 zoning. Accordingly, and consistent with the City’s policy to maximize commercially-zoned lands where appropriate (Objective 6.7.2. B. herein), it is recommended that this COM Zone be expanded to include lands between Edgewater and Shadeland Avenues.

Consistent with the City’s policy to discourage inappropriate and incompatible land uses where such uses would serve to negatively impact existing development patterns (Objective 6.2.3. E. herein), it is recommended that these lands be zoned NC Neighborhood Commercial, whose intent is to provide for those lower impact (neighborhood-oriented) retail and service activities necessary to address the needs of the residents of the City without (generally) negatively impacting the surrounding residential neighborhoods.





Within this context, it is recommended that Permitted Uses within the NC Neighborhood Commercial Zone be limited to:

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.

Professional, administrative or consulting services offices.

Medical and dental offices, limited to buildings conforming with SFR-50 bulk regulations

Administrative offices and related facilities as may be necessary and convenient to the provision of municipal, county, state or Federal governmental services.

Small (carry in) appliance repair as a Conditional Use, conditioned upon floor plan area restrictions of 1,875 s.f.

Self-service laundry (Laundromats) as a Conditional Uses, conditioned upon a maximum number of 20 washers and 20 dryers wherein all washing, drying, folding and other operations are conducted solely by the patrons of the facility.

Fully-enclosed eating establishments (restaurants: both eat-in and take-out), excluding drive-through facilities.

Window-service for ice-cream or similar takeout fare



(b) Lakes Bay Waterfront Redevelopment Area¹¹⁷

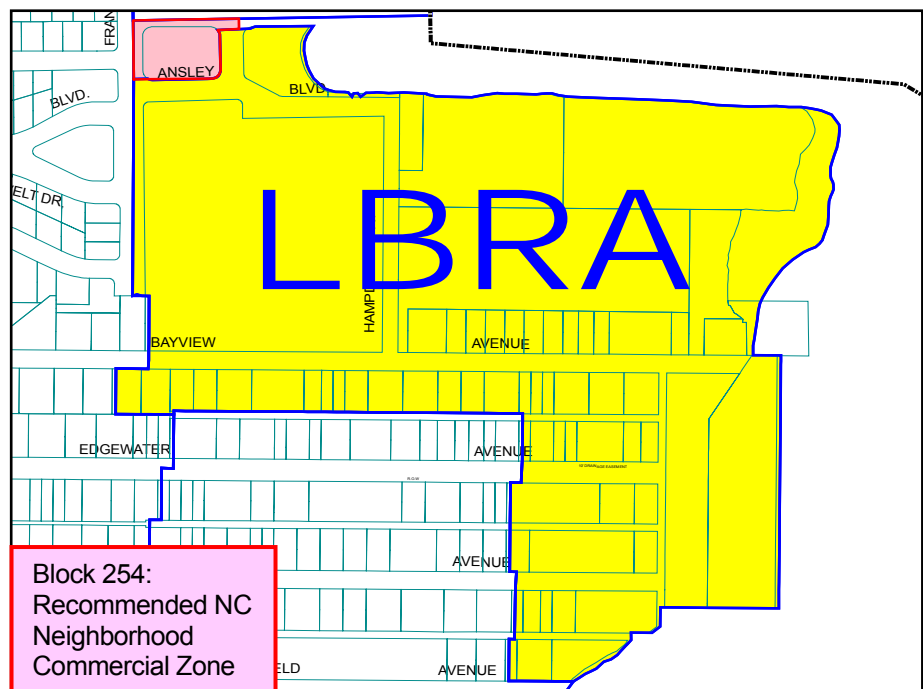
At Publication, the City’s official Zoning Map did not reflect the elimination of the WC¹¹⁸ Waterfront Commercial Zone in favor of the Lakes Bay Waterfront Redevelopment Area.

In accordance with the adopted Redevelopment Plan for the Expanded City Center area, the City’s Zoning Map must be amended to reflect this adjustment.

Additionally, during the process of amending the Redevelopment Plan for the Lakes Bay Waterfront Redevelopment Area, Block 254 (the site of the Epiphany Evangelical Lutheran Church) was deleted from the Redevelopment Area but never returned this block to standard zoning.

Block 254 is located at the intersection of Franklin Boulevard and Tunis Avenue, two of the primary access-ways to the Redevelopment Area. As such, this block would provide an ideal location for a neighborhood convenience center.

Accordingly, it is recommended that Block 254 be zoned NC Neighborhood Commercial.¹¹⁹



¹¹⁷ section 6.3.7. D. herein

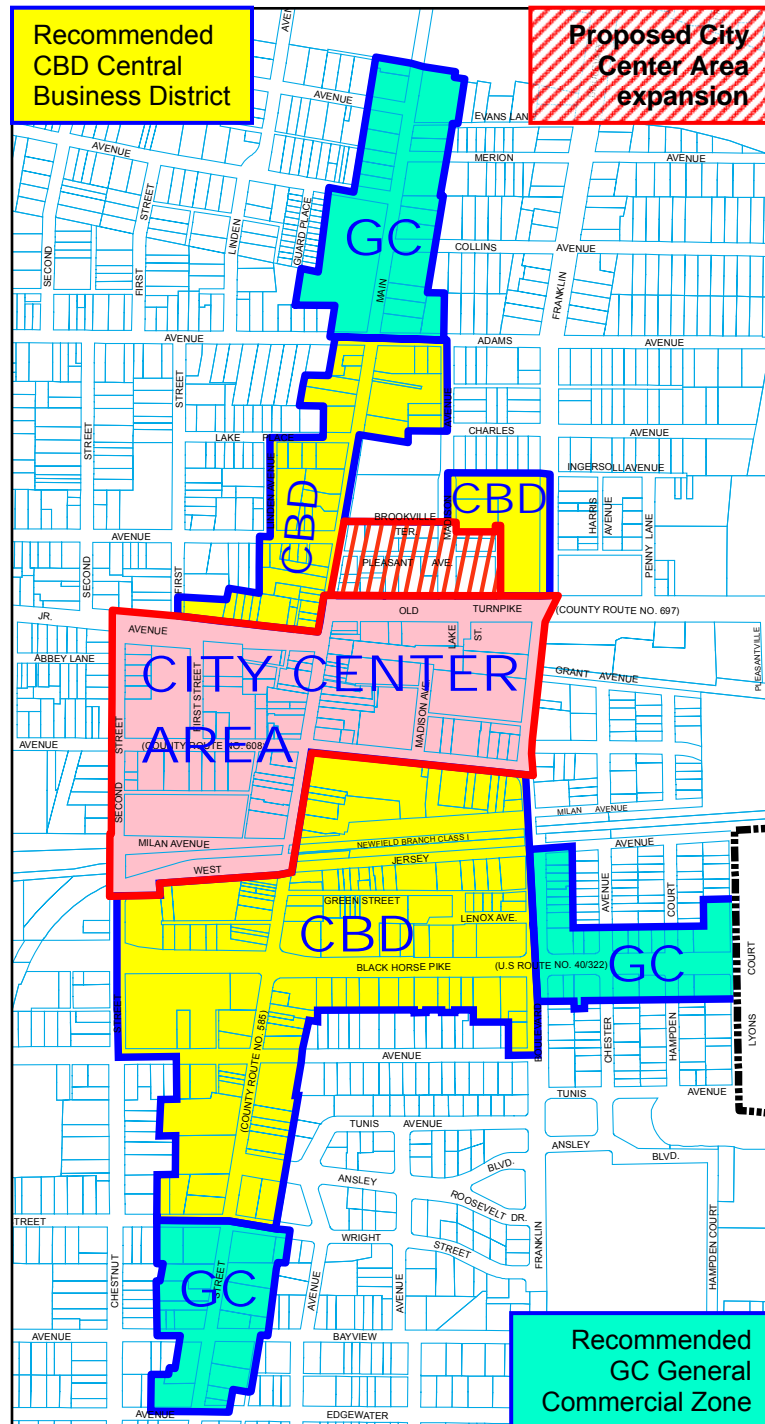
¹¹⁸ a.k.a. “WFC”

¹¹⁹ While it is not the City’s intent to remove the existing Church from this area, it is the intent to make the land attractive for market forces should the Church wish to relocate from this block.



iii. Proposed GC General Commercial Zone

(a) Section 6.3.2. A. (5) b. of this Comprehensive Master Plan Update recommends a reduction of the CBD from the Atlantic City Expressway to Adams Avenue to the north, from Edgewater Avenue to Wright Street to the south and from Lyons Avenue to Franklin Boulevard to the east.





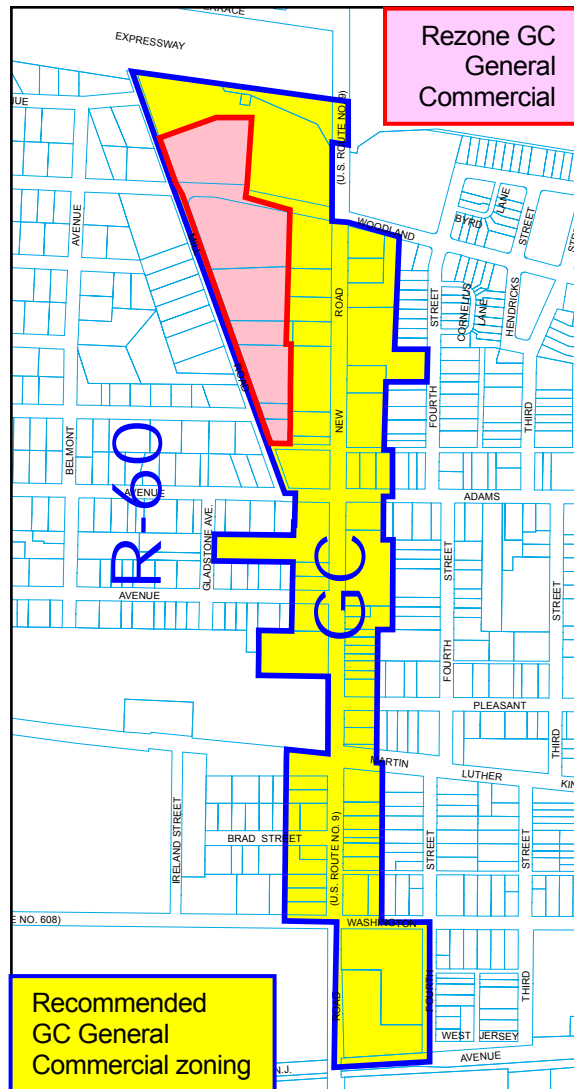
It is recommended that these areas be rezoned GC General Commercial.

Consistent with the City’s policy to maximize commercially-zoned lands where appropriate (Objective 5.7.2. B. herein), it is further recommended that the GC Zone be expanded to include contiguous vacant lands in other zoning districts.

- (b) At Publication, the section of the City fronting New Road between the Atlantic City Expressway and the J.P. Rail right-of-way at West Jersey Avenue was zoned COM Commercial.

Since the adoption of the current zoning map, certain lots along Mill Road in the adjacent SFR-60 Zoning District have been consolidated, creating larger parcels which are more appropriate for commercial development.

In light of such consolidations, and consistent with the City’s policies to maximize commercially-zoned lands where appropriate (Objective 5.7.2. B. herein) and to avoid bisecting blocks where practical (Objective 5.2.4. F. herein), it is recommended that this zone be expanded to Mill Road and designated a GC General Commercial Zoning District.



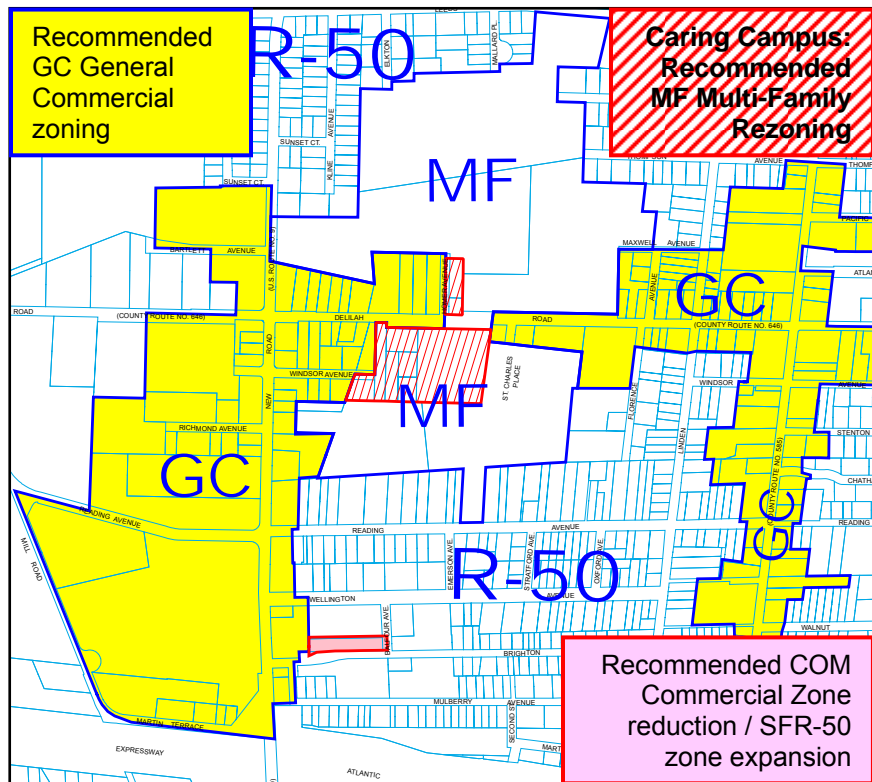


(c) At Publication:

- i. The COM Zone north of the Atlantic City Expressway included the lots fronting the east side of New Road between the Expressway and one lot north of Delilah Road and the lots fronting the west side of New Road between the Expressway and Sunset Court.

Such geometry does not take full advantage of the commercial potential along the west side of New Road¹²⁰ and extends the COM Zone into the residential neighborhood on the south side of New Road.¹²¹

Accordingly, it is recommended that the area between the Atlantic City Expressway and Delilah Road west of New Road be rezoned to commercial use and that the portion of the current COM Zone extending east into the residential neighborhood be rezoned SFR-50 and that such commercial zone be redefined as GC General Commercial.¹²²



¹²⁰ At Publication, zoned IND Industrial (section 6.3.2. C. herein)

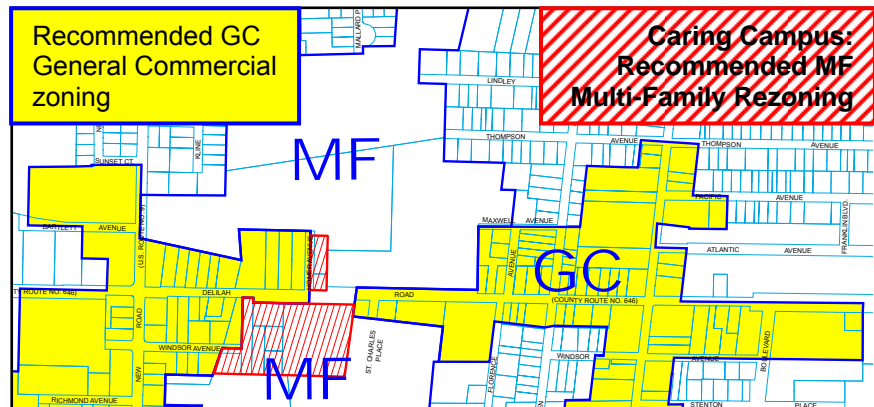
¹²¹ Such "extension" received 'd' variance relief in 2007 in order to permit residential construction in this area.

¹²² Consistent with the recommendation made in section 6.3.1. D. (5) b. herein, it is further recommended that the portion of the Delilah Road COM Zone encompassing the Caring adult daycare / residential campus be rezoned MF Multi-Family.



- ii. The COM Zone north of the Atlantic City Expressway extended along the lots fronting Delilah Road between New Road and Main Street.

The shallow “isthmus” of commercially-zoned land along Delilah Road limits commercial activity in this area to small offices (typically) housed in preexisting residential structures. As such, this geometry does not take full advantage of the commercial potential along heavily-traveled Delilah Road.

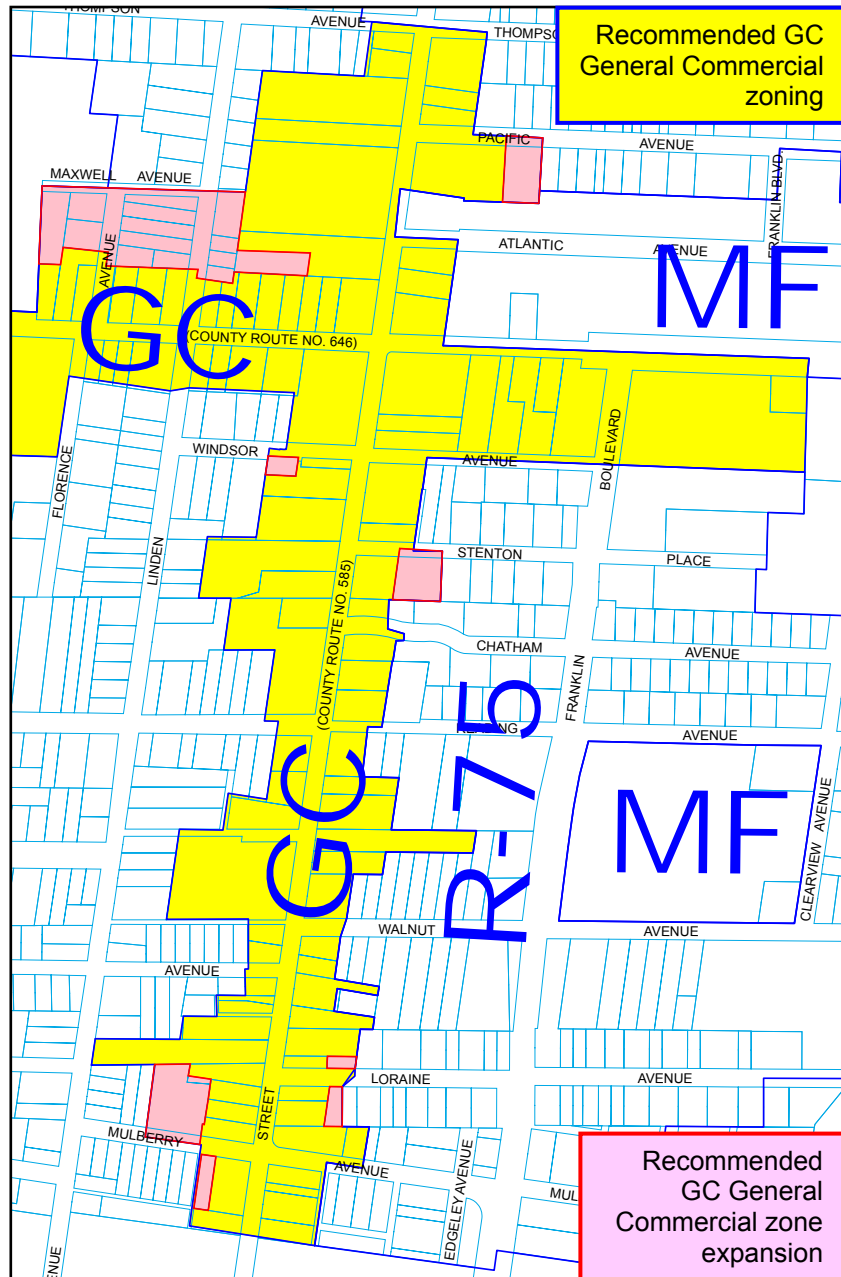


Consistent with the City’s policy to maximize commercially-zoned lands where appropriate (Objective 5.7.2. E. herein), it is recommended that the commercially zoned lands in this area be expanded to include contiguous lands north of Delilah Road, and that the zone be redefined as GC General Commercial.

- iii. At Publication, the boundary lines of the SFR-50 Zoning District to the east of Main Street and the SFR-75 Zoning District to the west of Main Street between Delilah Road and the Atlantic City Expressway were contiguous with the commercially-zoned land fronting Main Street. This area includes vacant lands and underutilized warehouse / garage space(s).

Consistent with the City’s policy to maximize commercially-zoned lands where appropriate (Objective 5.7.2. E. herein), it is recommended that the area currently zoned commercial be expanded to include these vacant or otherwise underutilized lands.

It is further recommended that the commercial zone be redefined as GC General Commercial.

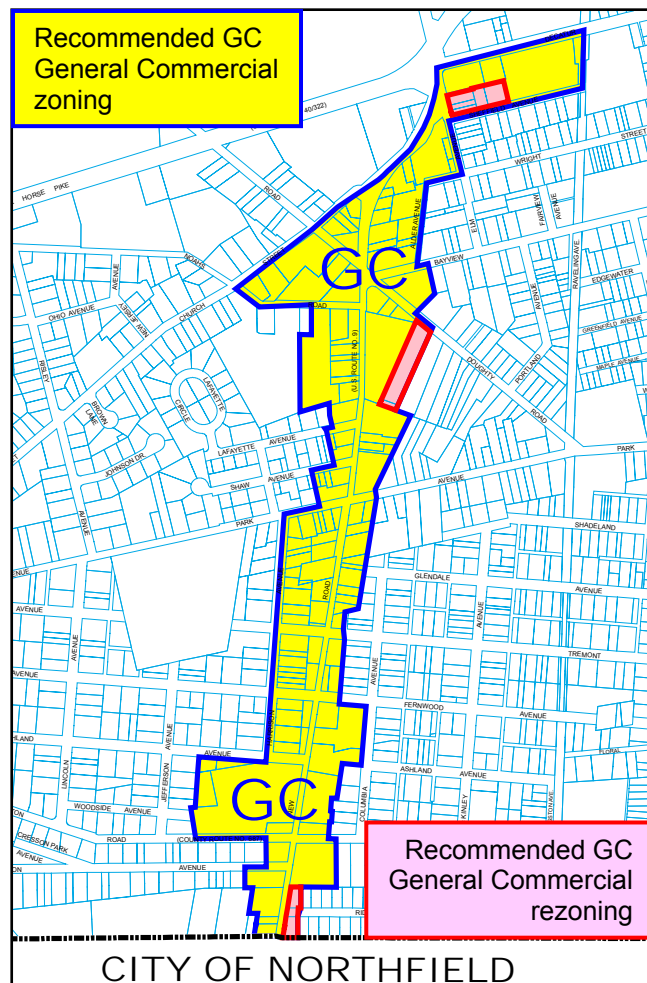


- iv. At Publication, the zone boundary lines separating the COM Zone from the SFR-60 Zone (east of New Road) and the SFR-75 Zone (west of New Road) ~ between Decatur Avenue / Church Street and the City's southern boundary ~ follows the rear property lines of the lots fronting New Road; thereby bisecting the blocks and resulting in relatively shallow lots in the COM Zone.

In many instances, the residentially-zoned lots abutting the COM Zone are vacant.



Consistent with the City's policies to maximize commercially-zoned lands where appropriate (Objective 5.7.2. B. herein), to discourage inappropriate and incompatible land uses where such uses would serve to negatively impact existing development patterns (Objective 5.2.3. E. herein) and to avoid bisecting blocks where practical (Objective 5.2.4. F. herein), it is recommended that this COM Zone be rezoned GC General Commercial and that such GC Zoning be expanded east and west along New Road to include vacant or other-wise underutilized lands to avoid bisecting blocks.



(d) Any portion of the existing COM Zone not addressed herein be redesignated GC General Commercial, without change to its geometry.

(e) At Publication, Permitted Uses in the COM Commercial Zone included:



- i. "Retail stores and service establishments, including pickup stations for laundries and cleaners where the work is done off the premises", "Personal service establishments, including but not limited to barber-and beauty shops, tailor and similar facilities", "Banks (if drive-through, subject to site plan approval by the Planning Board)", "General business and professional offices", "Minor repair operations for televisions, radios, watches, shoes and appliances" and "Retail shops or stores engaging in the limited fabrication or processing of goods".

It is recommended that this language is antiquated and not fully reflective of the types of uses and level of intensity appropriate to a General Commercial zoning district. It is therefore recommended that this language be eliminated in favor of:

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.

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.

Professional, administrative or consulting services offices.



Medical and Dental Complexes

Appliance Repair

Self-Service Laundry (Laundromats), including washing, drying, folding and other operations conducted by employees of the facility.

Window-service for ice-cream or similar takeout fare

- ii. "Fully enclosed eating and drinking establishments".

It is recommended that these uses be redefined for the GC Zone as:

Fully-enclosed eating establishments (restaurants: both eat-in and take-out), including drive-through facilities.

Bars¹²³ and Taverns.¹²⁴

- iii. Permitted Uses in the COM Commercial Zoning District included "Public buildings operated by the City of Pleasantville; government buildings" and "Quasi-Public establishments".

It is recommended that this language is antiquated and that no satisfactory definition of "Quasi-Public" exists. Accordingly, it is recommended that these uses be redefined for the GC Zone as:

Administrative offices and related facilities as may be necessary and convenient to the provision of municipal, county, state or Federal governmental services.

Fraternal, social, educational, charitable or eleemosynary facilities.

Public or private training facilities offering life skills, trades or career educational courses.

¹²³ Defined as an establishment serving alcoholic beverages but not food

¹²⁴ Defined as an establishment serving alcoholic beverages and cooked-to-order food which is prepared and served on the premises.



- iv. Permitted Uses in the COM Commercial Zoning District included “Existing gasoline service stations present at the time of passage of this chapter” and “Automotive sale and service establishments”¹²⁵.

It is recommended that gasoline service stations in the GC Zone not be limited to existing operations and that these uses be redefined as:

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;

Automated or manual car washes;

Automobile, boat or watercraft sales through franchise dealers;

- v. Permitted Uses in the COM Commercial Zoning District included “Commercial parking lots”¹²⁵.

Clearly, permitting a proliferation of commercial parking lots is not the highest and best use for land in the City.

The Circulation Plan Element of this Comprehensive Master Plan Update (section 10.0 herein) details the City’s efforts to create municipal parking lots in the Central Business District, with additional lots possible in other sections of the City.

It is recommended that the Principal Uses in the City’s commercial districts¹²⁶ be amended to permit “Commercial Parking Facilities owned and/or operated by the City of Pleasantville Parking Utility”¹²⁷ and that proprietary parking lots be limited to Accessory Uses.

- vi. Permitted Uses in the COM Commercial Zoning District included “All existing residential structures present at the time of the passage of this chapter” (i.e., November 16, 1987).

¹²⁵ Subject to Site Plan Approval by the Planning Board.

¹²⁶ Regional Commercial (R-C), Neighborhood Commercial (NC), General Commercial (GC) & Central Business District (CBD)

¹²⁷ Created via Ordinance No. 34-2002



By including this language, the City (presumably) sought to protect [then] existing residential uses from being deemed nonconforming due to their location in a commercial zone; thereby relieving such uses from the requirement of variance relief on a prospective basis.

While the language as adopted may 'protect' a residential property as to *use*, it does not afford any such 'protection' with respect to *bulk* standards.¹²⁸

Section 68 of the *Municipal Land Use Law* provides that "Any nonconforming use or structure existing at the time of the passage of an ordinance may be continued upon the lot or in the structure so occupied..."; thereby rendering the City's language as to pre-existing residential uses in the COM Zone moot. Accordingly, it is recommended that such language be deleted from Chapter 290.¹²⁹

- vii. Permitted Uses in the COM Commercial Zoning District included "Child-care center as per the guidelines of §290-32G."

N.J.S.A. 40:55D-66.6 requires that child-care centers for which a license is required from the Department of Human Services¹³⁰ shall be permitted in all non-residential districts. Child-care centers are therefore de-facto permitted uses in the City's COM Commercial Zone under state law.

However, given extremely high level of traffic along the Black Horse Pike, Delilah Road, New Road and Main Street, such facilities must be designed with great care.

Accordingly, it is recommended that any such centers be permitted in the GC General Commercial Zoning District, but as Conditional Uses under the guidelines established under §290-32G, and further conditioned upon the facility having:

¹²⁸ E.g., a property owner seeking to repair a 100 year old single-family dwelling on a 7,500 s.f. lot in the COM Zone may not require 'd-a' (use) variance relief for the residence, but would, under the adopted language, require 'c' variance relief for an undersized lot.

¹²⁹ With respect to such lawfully-preexisting nonconformities, the law provides that "[t]he prospective purchaser, prospective mortgagee, or any other person interested in any land upon which a nonconforming use or structure exists may apply in writing for the issuance of a certificate certifying that the use or structure existed before the adoption of the ordinance which rendered the use or structure nonconforming." Such a Certificate is a conclusive document providing the interested party the protection that the City's language otherwise sought.

An application for a Certificate of Nonconformity may be made to the administrative officer within one year of the adoption of the ordinance which rendered the use or structure nonconforming. After such year, application must be made to the Zoning Board of Adjustment. Evidence supporting such use/building configuration includes tax records, surveys, Sandborn or similar maps, utility bills and like and similar documents.

¹³⁰ Pursuant to N.J.S.A. 30:5B-1 et seq.



- an appropriate porte-cochere area wherein enrolled children may be picked-up or dropped-off in a secured environment which is clearly separated from general street traffic;
 - dedicated on site-parking for all employees as well as one (1) space for each four (4) enrolled children in order to provide parking for parents wishing to observe the operations or meet with facility staff;
 - dedicated, fenced, fully secured and age appropriate ***lawn*** areas for outdoor recreation space for enrolled children of various age groups.
- viii. Permitted Uses in the COM Commercial Zoning District included “Commercial Centers, subject to site plan approval by the Planning Board” and “Hotels and motels”. It is recommended that these uses be retained in the GC General Commercial Zoning District.
- ix. Outdoor storage of goods, articles, appliances and vehicles were prohibited in commercial districts unless items being stored were to be sold on the premises. The articles and goods, etc., were to be screened in a manner which prevents their being viewed from any residential property. Such provision did not apply to vehicles parked overnight that were necessary and required for the operation of the commercial establishment upon which said vehicles were located.
- It is recommended that such provision be redefined as an Accessory Use and relocated to such the appropriate section of the Land Use Ordinance.
- x. The Principles and Objectives forming the City’s Housing Policy (section 5.3 herein) contain statements with regard to:
- the need to provide for the creation of housing units to service a segment of the housing market not currently represented in the City;
 - the need to provide for increased homeownership opportunities in the City;
 - the need to provide for both rental and ownership housing and housing for a variety of age groups and affordability ranges.



The City's Planners recommend that an opportunity exists to achieve these goals ~ while providing for the critical mass of patrons necessary to support the City's economic base ~ by permitting residential dwelling units in the proposed NC, GC, CBD and RC zoning districts under the following conditions:

- All residential space shall be located above a ground-floor permitted use;
 - All residential units shall be accessed directly from an entryway independent of the building's commercial space, which entry shall be located on the building's primary street frontage;
 - Where commercial space and residential space are located on the same floor, all residential space shall be totally and clearly separated from and not accessible to the commercial space from within the building;
 - No dwelling unit shall contain less than 800 s.f. and have less than 1 bedroom and 1 bathroom (internal to the unit). Studio apartments shall be prohibited.
- xi. Chapter 290¹³¹ contains individual bulk and design standards for what are termed "special uses", specifically Designed Shopping Centers, Commercial Parking Lots, Gasoline Service Stations and automobile repair garages, automobile car sales and service establishments, general business and office buildings, hotels and motels and child-care centers.

While these requirements appear to rise to the level of *Conditional Use standards* for the "special uses", the "special uses" themselves are presented as Principal (and not Conditional) Uses ~ in the COM Zone.¹³²

This apparent contradictory language directly impacts the approval process for "special uses", most notably where a variance from specific bulk or design standards is required.¹³³

¹³¹ §290-32

¹³² §290-27

¹³³ Under the *Municipal Land Use Law* (N.J.S.A. 40:44D-60 & 70), a 'c' (bulk) variance may be granted by a municipal Planning Board as part of a site plan or subdivision approval, except where deviation from a conditional use standard is required. Such deviation may only be granted by way of 'd-3' variance relief by the municipal Zoning Board of Adjustment.



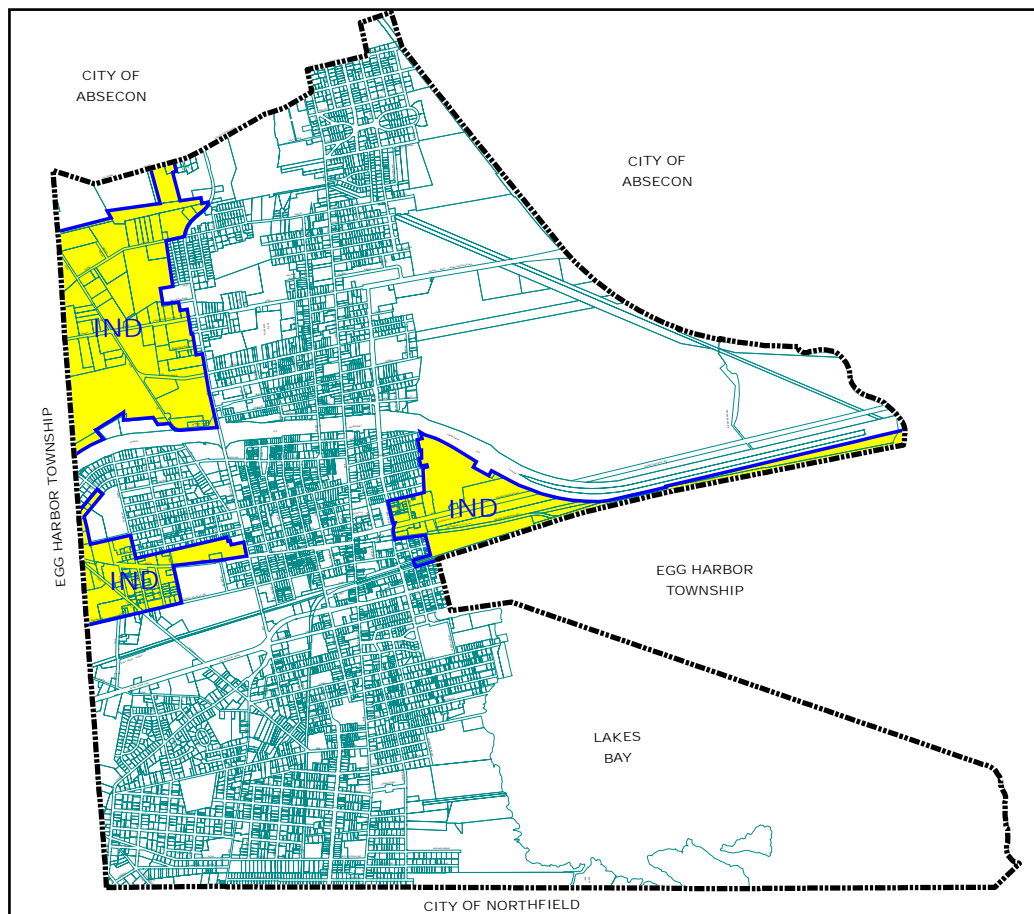
Additionally, the “special use” requirements as articulated in §290-32 are (variously) antiquated; internally inconsistent, contradictory and/or unnecessarily duplicative to other applicable sections of Chapter 290; or are otherwise so inartfully written as to require wholesale revision.

In light of the foregoing, this Comprehensive Master Plan Update recommends that the concept of “special uses” and “special use standards” in the various commercial zones be reviewed and modified as necessary.

- xii. No additional changes are recommended for the COM Commercial Zoning District.

C. IND Industrial Zoning District

- (1) The stated intent of the City’s IND Zone is to encourage light industrial concentrations with an emphasis on planned industrial areas while retaining natural resources and recognizing the development constraints of the area. Controls and design standards are constructed to encourage innovative project planning and construction.





(2) Permitted Uses in the IND Zone:

- a. Light industrial manufacture, processing, assembly or treatment of materials or products from previously prepared materials within a completely enclosed building wherein the activities conducted do not generate harmful or unpleasant pollutants.
- b. Research and design laboratories.
- c. Public utility structures and facilities.
- d. Restaurant facilities, including eat-in and take-out.
- e. Fully enclosed wholesale or storage establishments.
- f. Self-operated rental (mini) storage facilities, including rental of moving vehicles and equipment (trucks, vans, lifts, etc.)
- g. Gasoline service stations, automobile and truck repair establishments, including auto-body repair and car washes.
- h. Hotel/motels and conference centers, including uses normal and customary to the operation thereof.
- i. Contractor's warehouse and offices, including material or design showrooms.
- j. Designed shopping center, subject to site plan approval by the Planning Board.
- k. Wholesale distribution centers, including contractor's wholesale supply facilities and wholesale produce or other food-related wholesale operation.

(3) Conditional Uses in the IND Zoning District (subject to Site Plan approval):

- a. Open-air lots or enclosed storage facilities for inventoried vehicles intended for on- or off-site sale or rental.
- b. Open-air lots, limited to the temporary storage of towed vehicles by, or under a contract with, the City of Pleasantville.

If open-air, such lots shall conform to the City's parking lot design standards pursuant to §290-50 C. (1) (d) AND shall be 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.

If enclosed, such building shall be 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.

General commercial (fee based) parking lots are prohibited.

- c. While not listed as a permitted Conditional Use in the IND Zone¹³⁴, §290-38 permits gasoline service stations in the IND Zone, subject to certain bulk and design requirements.

(4) Accessory Uses in the IND Zoning District:

- a. Outdoor or garaged storage of vehicles, limited to those incidental to an approved Permitted Use.
- b. Enclosed storage incidental to the Principal Permitted Use.
- c. Signs.
- d. Parking Lots for employees and callers.
- e. Administrative offices incidental to an approved Principal Permitted Use.
- f. Over-the-counter retail sales to the public, provided that such retail sales are incidental to an approved Permitted Use.
- g. Subject to Site Plan approval by the Planning Board or Zoning Board of Adjustment, as appropriate, exterior storage of merchandise, products, equipment or similar material incidental to a Principal Permitted Use,...
- h. Employee cafeterias as part of a principal building or as an accessory building constructed for said purpose.

(5) Bulk requirements for Principal Structures in the IND Zoning District:

- a. Minimum Lot Size: 1 acre
- b. Minimum Lot Width: 100'
- c. Minimum Setbacks: Front & Rear Yards: 45'
Side Yard: 30 (each)
- d. Maximum Building Height: 35' and 2½ stories (Hotels & Motels: 2 times the distance to the property line).
- e. Maximum Lot (Building) Coverage: 60%

(6) Bulk requirements for Designed Shopping Centers in the IND Zoning District:

- a. Minimum Site Size: 5 acres

¹³⁴ §290-34B



- b. Maximum Building Height: 40' or 2 stories
- c. Minimum Setbacks: 30' around all property lines.
- d. Maximum Lot (Building) Coverage: 30%

(7) Bulk requirements for gasoline service stations in the IND Zoning District:

- a. Minimum Site Size: 15,000 s.f.
- b. Minimum Lot Width: 100'
- c. Maximum Building Height: 25' or 1 story
- d. Minimum Setbacks: Front Yard: 50'
Side Yards: 15' each
Rear Yard: 30'
Underground Tanks: 25', [Aboveground] Pumps: 20'

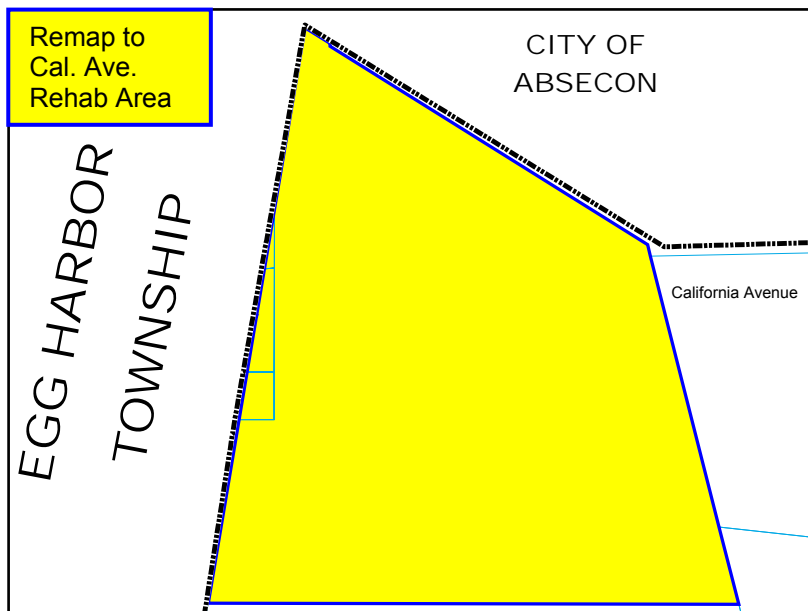
(8) Recommendations:

- a. As detailed in section 6.3.7. A (5) herein, the City rezoned a portion of the IND Zone abutting California Avenue and the municipal boundary line with Egg Harbor Township to SFR-75 via Ordinance No. 5-2008 in April 2008.

The City adopted the Redevelopment Plan for the Tract on June 30, 2008 (section 6.3.7. A (5) herein).¹³⁵

At Publication, the City had not amended its Zoning Map in accordance with the Redevelopment Plan.

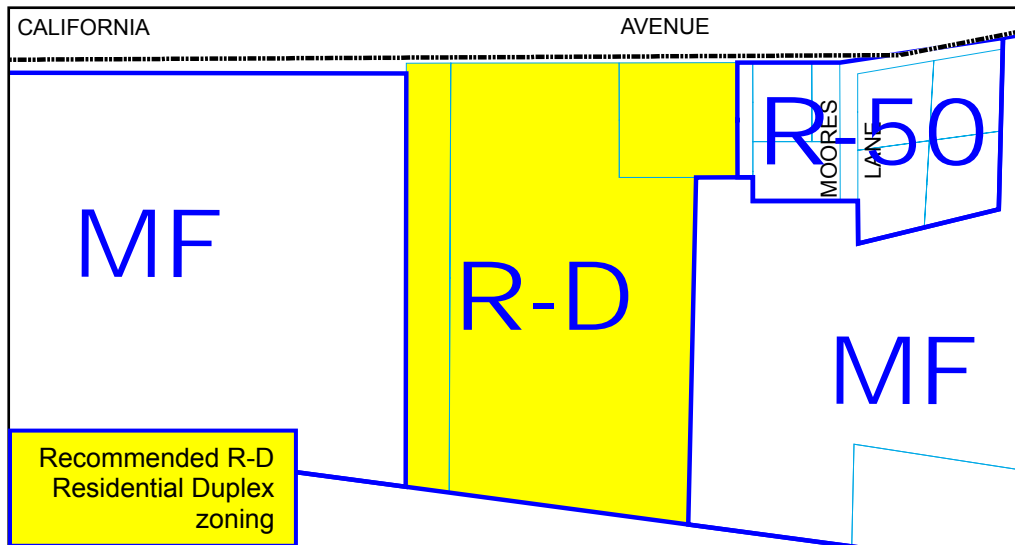
The Zoning Map must be amended to reflect this adjustment.



¹³⁵ Via Ordinance No. 15-2008



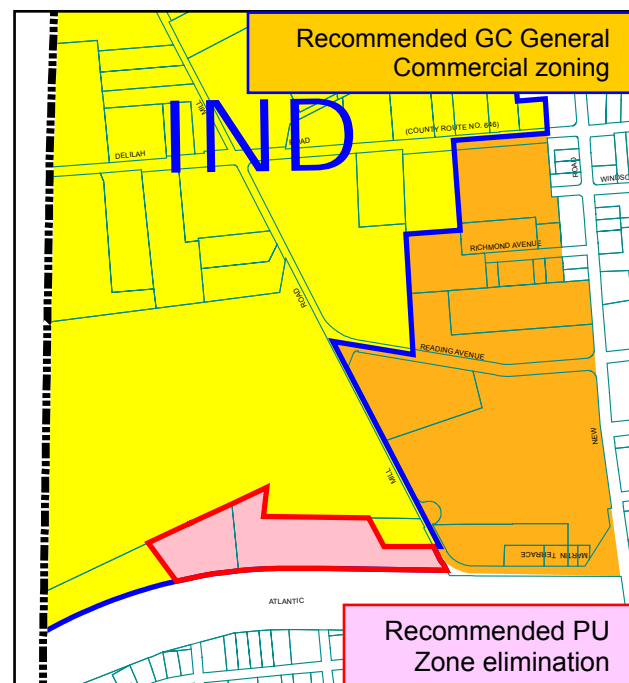
- b. Section 6.3.1 F. herein recommends rezoning a portion of the IND Zone along California Avenue to R-D Residential Duplex.



- c. Section 6.3.2 (c) i herein recommends rezoning the portion of the IND Zone fronting New Road north of the Atlantic City Expressway to GC General Commercial.

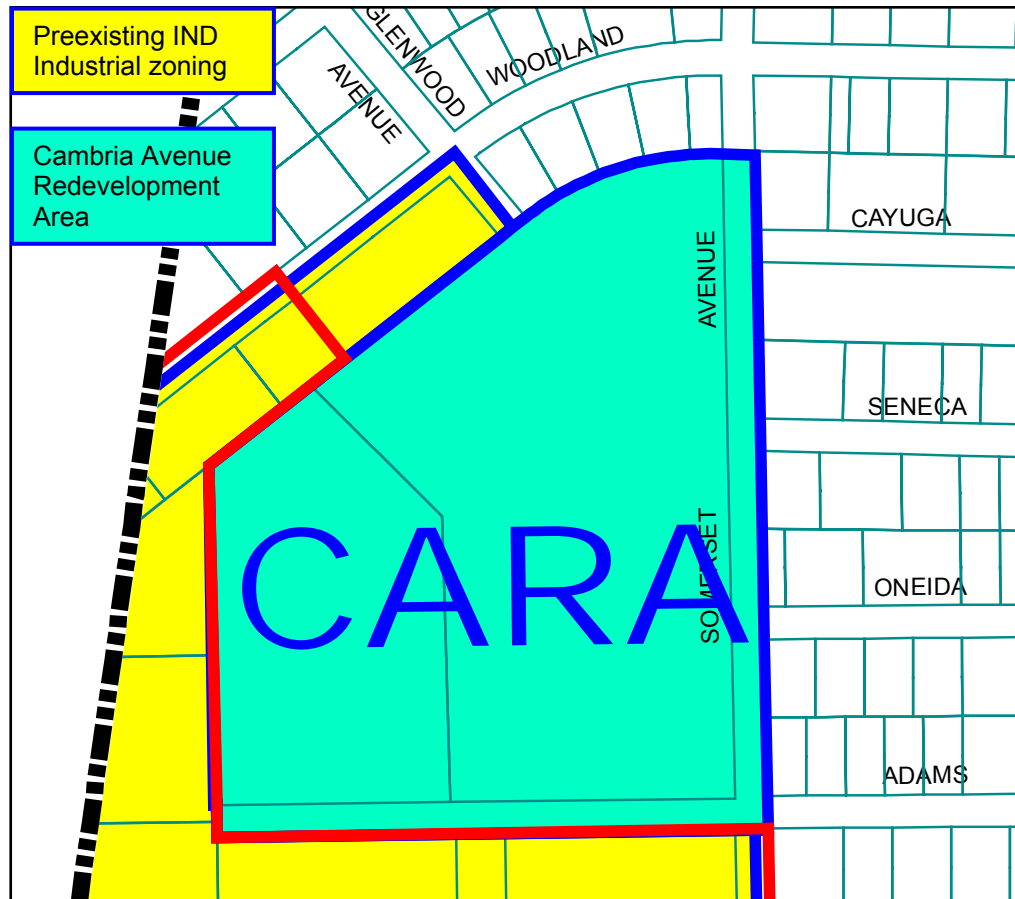
Additionally, at Publication, the City's Zoning Map contains a Public Utilities ("PU") Zoning District which encompasses the Atlantic City Expressway and the South Jersey Transportation Authority / NJDOT maintenance yard in Block 164.

Since the Expressway is a state-operated public right-of-way and therefore not subject to use and bulk regulations, and since the adjacent IND zone permits "public utility structures and facilities", it is recommended that the PU Zone be eliminated, that the Expressway not be 'zoned' and that the Expressway maintenance yard be included in the adjacent IND Zoning District.





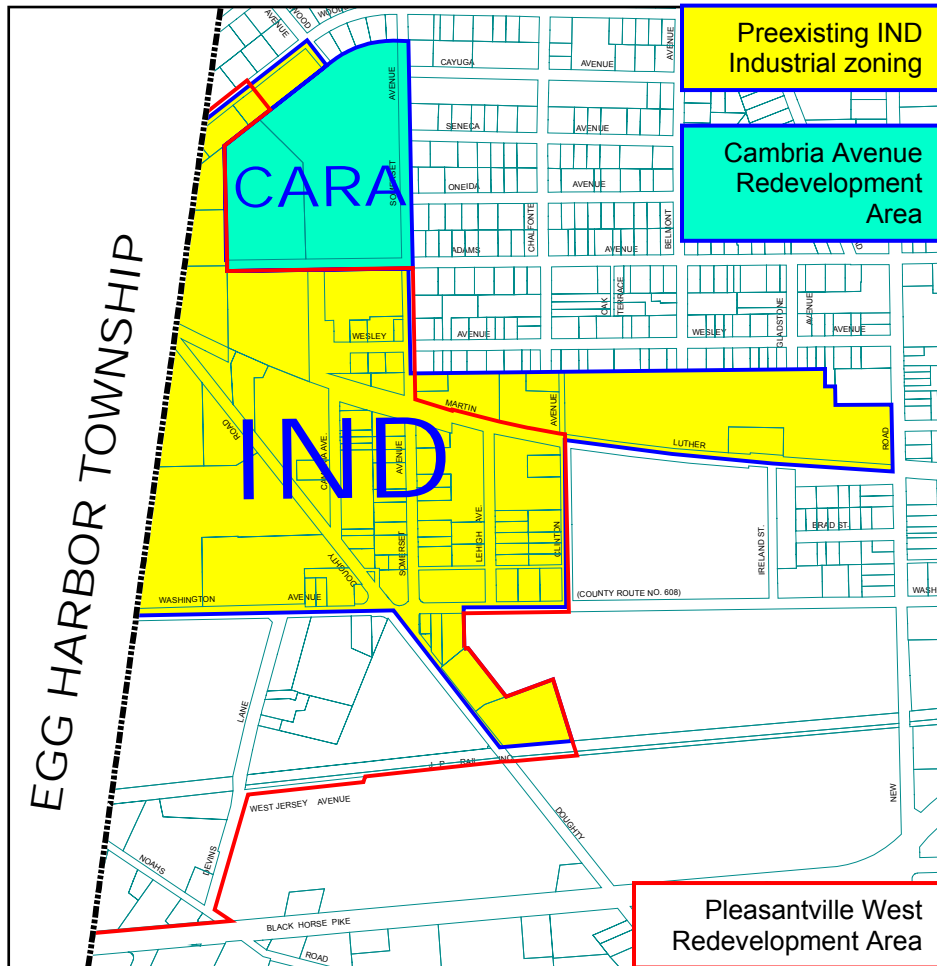
- d. At Publication, the City had declared 15 acres of the IND Zone south of the Atlantic City Expressway (formerly the City's municipal landfill) to be In Need of Redevelopment under the Redevelopment Statute. This Area, which was entirely City-owned, was designated the Cambria Avenue Redevelopment Area.



The City's purpose in designating the Cambria Avenue Redevelopment Area is to return this City-owned property to active and productive use by transferring the land to a private Redeveloper for the creation of a light industrial park. At Publication, approximately 10 of the 15-acre Redevelopment Area were actively under redevelopment by a private development entity.

Details as to the status of this Redevelopment Area may be found in section 6.3.7. B. herein.

- e. As detailed in section 6.3.7. E. herein, the City has declared the remaining portion of this IND Zone as well as other lands north of the Black Horse Pike to be In Need of Redevelopment as the Pleasantville West Redevelopment Area.



The City’s purpose in designating the Pleasantville West Redevelopment Area is to utilize the tools and powers available under the Redevelopment Statute, as well as the Area’s location vis-à-vis the Black Horse Pike (Pleasantville Shopping Center) in order to stimulate more meaningful and valuable development as a replacement to the patchwork of underproductive uses currently existing in this section of the City.

At Publication, no Redevelopment Plan had been adopted for the Pleasantville West Redevelopment Area. Until such time as a Redevelopment Plan is adopted, IND Zoning remains in effect.

Recommendations concerning the Pleasantville West Redevelopment Area may be found in section 6.3.7. E. (2) herein.

f. *Recommended Bayside Mixed-Use Zoning District*

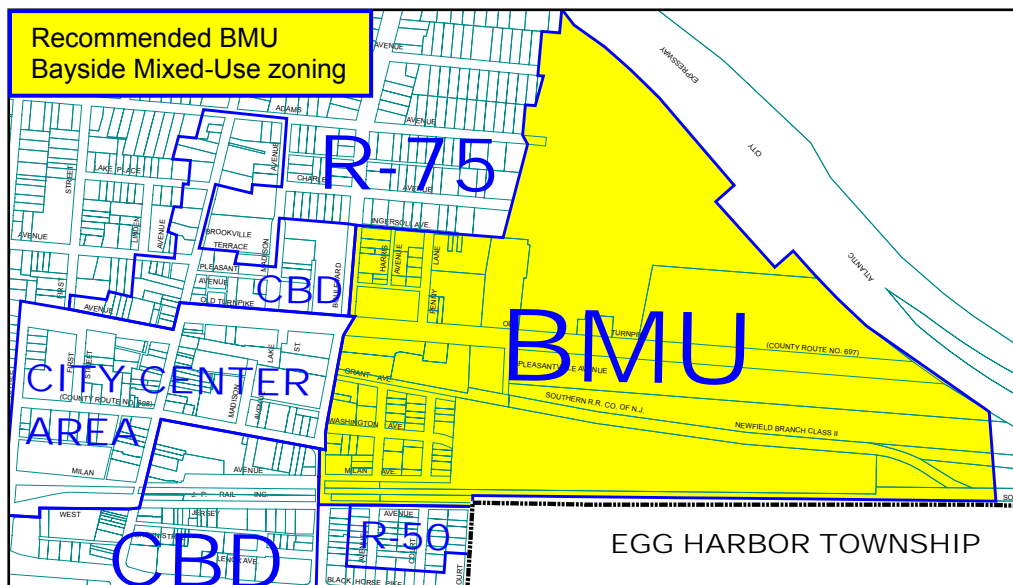
At Publication, a separate IND Zone extended from Franklin Boulevard to the City’s eastern boundary line south of the Atlantic City Expressway.



This area contains a mixture of environmentally sensitive wetlands and developable uplands. Uses in this area include a mix of outdoor storage, enclosed warehousing, single-family housing and vacant lands.

While the location of this area vis-à-vis environmentally-sensitive wetlands make this section of the City less-than ideally-suited to industrial development, the combination of bucolic meadow (and Atlantic City Skyline) views, proximity to the City’s mixed-use City Center Redevelopment Area and Central Business District, and access to the Atlantic City Expressway¹³⁶ make this area very attractive for higher density market rate vertical development which could take advantage of these amenities and maximize Pleasantville’s location, not as just the gateway to Atlantic City, but as a separate viable location in which people want to live, work and play.

Accordingly, it is recommended that the westerly portion of this IND Zone be redesignated as the Bayside Mixed-Use (“BMU”) zoning district, with permitted uses including 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 District¹³⁷ along the Franklin Boulevard and Milan Avenue edges.¹³⁸



¹³⁶ Exhibit 3, Exhibit 4, Exhibit 6 & Exhibit 13

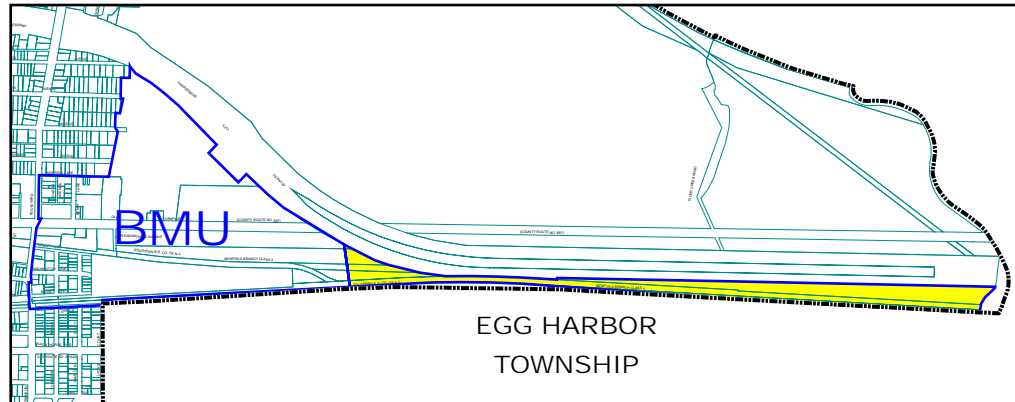
¹³⁷ Section 6.3.2 A. (2) herein

¹³⁸ Section 6.3.1 A. (6) d. herein notes the inclusion of an existing SFR-50 Zoning District within the proposed BMU Zone. Additionally, at Publication, a number of single-family homes were located within the IND Zone and will therefore be within a new BMU Zone.

It is not the intention of this Comprehensive Master Plan Update to remove or otherwise negatively impact existing residential uses in this section of the City absent a BMU project as envisioned herein. Accordingly, it is recommended that residential uses existing in the affected area at the time of adoption of the regulations establishing the BMU Zone be considered Permitted Principal Uses in such zone until such time as such uses are replaced by an otherwise conforming use.



- g. At Publication, one of the City's IND Zoning Districts extended from Franklin Boulevard to the City's eastern boundary line south of the Atlantic City Expressway.



The extremely narrow shape and general wetlands nature of the eastern 'tail' of this Zone and the lack of access thereto makes the area undevelopable. However, the Southern Railroad maintains an active freight rail-line through this area and it is anticipated that light-rail passenger service to Atlantic City might some day be established along this route.¹³⁹ Accordingly, it is recommended that this 'tail' remain under existing¹⁴⁰ industrial zoning, as such may be modified by the recommendations detailed elsewhere in this Comprehensive Master Plan Update.

- h. In 2005, the City's Zoning Board of Adjustment, acting on an application under N.J.S.A. 40:55d-70b, made an interpretation that the IND Zone permits multiple permitted uses on a single lot and that general business offices were permitted in the Zone.

While such interpretation was sought by a single Applicant based on the particulars of that Applicant's situation, the interpretation became applicable to all properties in the IND Zone.

While the concept of multiple uses on a single lot in the IND Zone is appropriate under certain circumstances on sufficiently-sized lots, multiple uses are not appropriate for every lot in the Zone, which is the result of the Zoning Board's action.

Accordingly, it is recommended that the following language be included in the IND section of the Land Use Ordinance; thereby clarifying the intent of the Ordinance and redirecting the Zoning Board's interpretation:

¹³⁹ Section 10.0 herein.

¹⁴⁰ Recommended to be redesignated LI Light Industrial pursuant to section 6.3.2. C. (8) i. herein.



Multiple Principal Uses on a single lot or within a single building shall be permitted, provided that each such use is a Permitted Use in the IND Zone, and further provided that each such use is located within an independently-leased and separately-identifiable space (unit) under unified management control. Within this context, multiple corporate entities may operate out of a single space (unit), provided that such entities are subsidiaries or related companies.

Additionally, it recommended that it was never the intent of the IND Zone to permit general business offices ~ independent of and unrelated to a Permitted Use in the Zone. Accordingly, it is recommended that any reference to “office use” be deleted from the Permitted Use section of the IND Zone regulations in the Land Use Ordinance and that such uses be added to the Accessory Use section for that Zone, and that a total area for such use not exceed 25% of the total floor space of the host building be established.¹⁴¹

- i. The designation of the IND Industrial Zone misrepresents the uses actually permitted in such Zoning District. As stated in the “intent” section of the Land Use Ordinance:

The purpose of the IND District is to encourage *light industrial* concentrations.

By designating this Zone “INDUSTRIAL”, the City may be inadvertently sending the signal that more intense uses would be acceptable. Accordingly, it is recommended that the name of this Zoning District be modified to “LI Light Industrial”, which more accurately describes the uses permitted in the Zone.

Additionally, it is noted that the foregoing purpose lacks the detail necessary to adequately describe the City’s intentions for this area. Accordingly, it is recommended that the following purpose be adopted:

The purpose of the LI District is 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

¹⁴¹ So as not to conflict with the Land Use Ordinance definition of Accessory Use, which limits such uses to 500 s.f.



the public health, safety and general welfare
of adjacent residential neighborhoods.

j. The following amendments to the Principal Uses permitted in the existing IND (proposed LI) Zoning District are recommended:

- (1) Light industrial manufacturing, processing, assembly or treatment of materials or products from previously prepared materials within a completely enclosed building wherein the activities conducted do not generate harmful or unpleasant pollutants.

It is recommended that this language is inadequate to protect the residential neighborhoods and environmentally-sensitive lands surrounding the City's (to-be-redesignated) Light Industrial zones. Accordingly, it is recommended that this language be revised as:

Assembly, bottling, compounding, fabrication, packaging, processing, production or repair of materials or products from previously prepared materials within a completely enclosed building wherein the activities conducted do not generate harmful or unpleasant dust, smoke, noise, odors pollutants or recognized deleterious substances.

- (2) Restaurant facilities, including eat-in and take-out.

It is recommended that this language is antiquated and does not fully describe the types of uses desired in this location. Accordingly, it is recommended that this language be eliminated in favor of:

Fully-enclosed eating and drinking establishments (both eat-in and take-out), including drive-through facilities but excluding Bars¹⁴² and Taverns.¹⁴³

- (3) Fully enclosed wholesale or storage establishments.

It is recommended that the term "wholesale" is in error and that the term should be replaced by "warehouse".

- (4) Designed Shopping Center, subject to site plan approval by the Planning Board.

¹⁴² Defined as an establishment serving alcoholic beverages but not food

¹⁴³ Defined as an establishment serving alcoholic beverages and cooked-to-order food which is prepared and served on the premises.



It is recommended that locating a shopping center in an industrial zone, even a light industrial zone, would invite conflicts between the casual shopper traversing the LI-zoned roadways in private automobiles and the truck driver operating '18-wheelers' and other heavy machinery. It is therefore recommended that such use is more appropriate to a Regional Commercial zone and therefore should be deleted from the LI Zone.

- (5) While not listed as a permitted Conditional Use in the IND Zone¹⁴⁴, §290-38 permits gasoline service stations in the IND Zone, subject to certain bulk and design requirements.

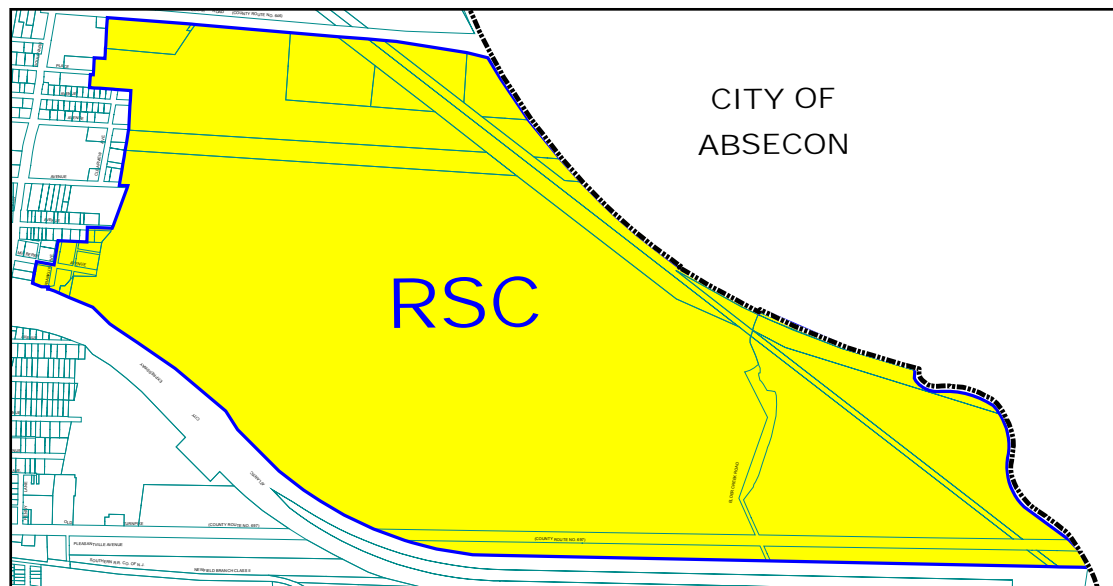
It is therefore recommended that such use be located under the Conditional Use section of the (proposed) LI Zoning District.

- (6) It is recommended that permitted uses in the LI Zoning District be limited to:

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 services or the support of the general welfare of the community by the City of Pleasantville.

- k. No additional changes are recommended for the IND Industrial Zoning District.

D. RSC Regional Shopping Center Zoning District



¹⁴⁴ §290-34B



- (1) The stated intent of the RSC Zone is to promote large-scale developments oriented to the shopping, resort, tourist and transportation needs of the region. A wide variety of uses, including motels, hotels, restaurants, shopping centers or plazas, transportation centers and like facilities are intended and should be well designed with a common focus and in an overall plan for the area.

- (2) Permitted Uses in the RSC Zone:
 - a. Bus parking, including drivers' convenience facilities and communications control offices.
 - b. Transportation and related uses, including all transportation uses permitted under the Atlantic County Transportation Authority¹⁴⁵ enabling legislation.
 - c. Recreational vehicle park, including offices, convenience retail stores, lounge offices and outdoor/indoor swimming pools and playgrounds.
 - d. General retail sales and related accessory services.
 - e. Personal service and custom craft uses.
 - f. Food produce uses, retail only.
 - g. Food and beverage uses only, including restaurants, bars, nightclubs and fast food facilities.
 - h. Plants (floral), animals (pet shops and kennels) and related uses.
 - i. Banks, and savings and loan uses.
 - j. Medical uses, including only chiropractic, dental and medical offices, medical clinics, psychiatric offices and outpatient surgeries.
 - k. General and professional offices, business services offices and related uses.
 - l. Communications and public or private utilities uses.
 - m. Educational uses, specifically excluding elementary, secondary and high schools, whether public or private.
 - n. Governmental and administrative support uses, including fire, police, security and visitors' informational facilities.
 - o. Cultural, recreational, park(s) and outdoor entertainment uses, specifically excluding amusement piers or parks; outdoor movie theaters; and convention and conference uses.
 - p. Hotels and motels.

¹⁴⁵ Subsequent to the adoption of the Chapter 290, the Atlantic County Transportation Authority was absorbed into the South Jersey Transportation Authority.



(3) Bulk requirements for hotels and motels in the RSC Zone are:

- a. Minimum Lot Size: 1 acre
- b. Minimum Setbacks: Front Yard: 40'
Side Yard: 20 (each)
Rear Yard: 40'
- c. Maximum Building Height: The greater of 20 stories or 2½ times the distance from the nearest residential structure.
- d. Maximum Lot (Building) Coverage: 40% without constructed parking;
50% with constructed parking.
- e. Floor Area Ratio: 3.5, exclusive of constructed parking.

(4) Bulk requirements for commercial/retail in the RSC Zone:

- a. Minimum Lot Size: 1½ acres
- b. Minimum Setbacks: Front Yard: 40'
Side Yard: 20 (each)
Rear Yard: 40'
- c. Maximum Building Height: The greater of 20 stories or 2½ times the distance from the nearest residential structure.
- d. Maximum Lot Coverage: 38%.

(5) Bulk requirements for office, administrative and educational buildings in the RSC Zone:

- a. Minimum Lot Size: 2½ acres
- b. Minimum Setbacks: Front Yard: 40'
Side Yard: 20 (each)
Rear Yard: 40'
- c. Maximum Building Height: The greater of 20 stories or 2½ times the distance from the nearest residential structure.
- d. Maximum Lot Coverage: 35%.
- e. Floor Area Ratio: 2.5.

(6) Bulk requirements for food and beverage in the RSC Zone:

- a. Minimum Lot Size: 1 acre
- b. Minimum Setbacks: Front Yard: 40'
Side Yard: 20 (each)
Rear Yard: 40'



- c. Maximum Building Height: The greater of 20 stories or 2½ times the distance from the nearest residential structure.
- d. Maximum Lot Coverage: 38%.

(7) Bulk requirements for [transportation-related uses] in the RSC Zone:

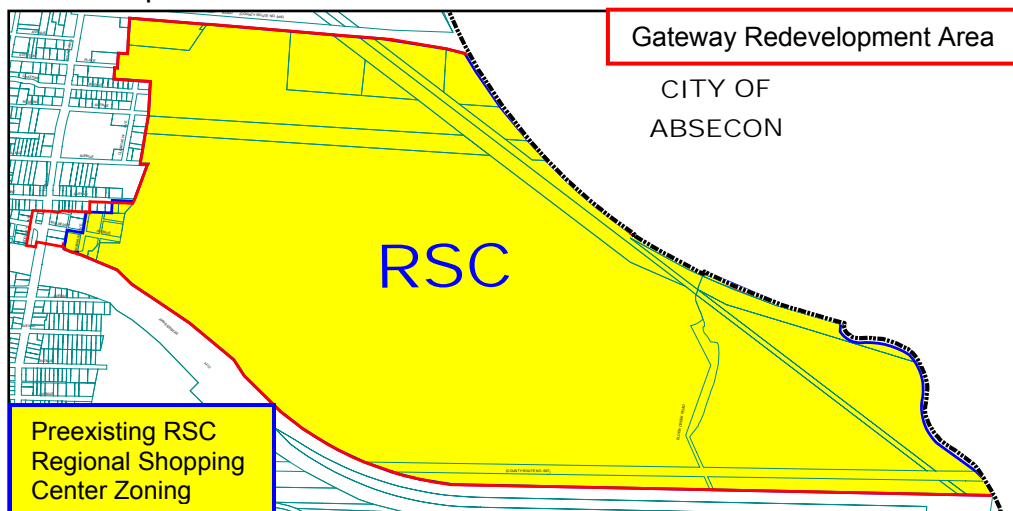
- a. Minimum Lot Size: 5 acres gross, including roadways
- b. Minimum Setbacks: Front Yard: 40'
Side Yard: 20 (each)
Rear Yard: 40'
- c. Maximum Building Height: 35' above mean sea level.
- d. Maximum Lot Coverage: 5%.

(8) Bulk requirements for cultural, recreational, park(s) and outdoor entertainment in the RSC Zone:

- a. Minimum Lot Size: 1½ acres
- b. Minimum Setbacks: Front Yard: 40'
Side Yard: 20 (each)
Rear Yard: 40'
- c. Maximum Building Height: 35' above mean sea level.
- d. Maximum Lot Coverage: 5%.
- e. Floor Area Ratio: 0.10.

(9) Recommendations:

- a. At Publication, the RSC Zone was included in the Gateway Redevelopment Area.¹⁴⁶



¹⁴⁶ Section 6.3.7. F. herein.



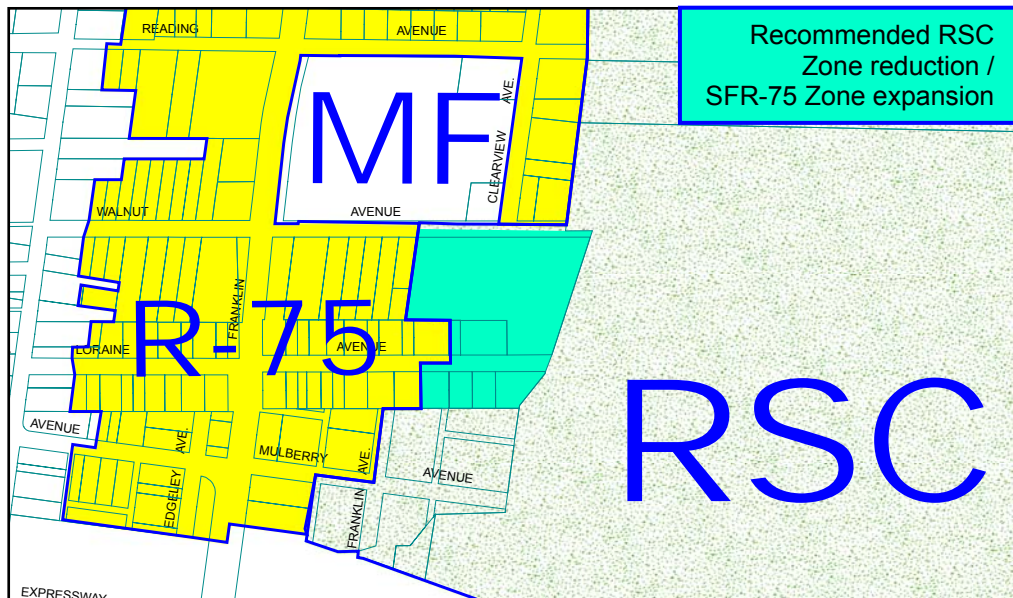
Existing uses in this area include single-family dwellings to the extreme west, with the majority of the area being vacant uplands, dredge spoils areas and wetlands.¹⁴⁷

The City’s purpose in designating the Gateway Redevelopment Area is to utilize the tools and powers available under the Redevelopment Statute, as well as the Area’s location vis-à-vis the bucolic meadows, Atlantic City skyline and proximity to the Atlantic City Expressway in order to stimulate meaningful and valuable development as a replacement to the patchwork of underutilized and underproductive uses currently existing in this section of the City.

At Publication, no Redevelopment Plan had been adopted for the Gateway Redevelopment Area. Until such time as a Redevelopment Plan is adopted, RSC Zoning remains in effect.¹⁴⁸

- b. As detailed in section 6.3.1. C. (6) c. 2. herein. at Publication, the RSC Zone included the City’s Walnut Avenue Park (Block 274, Lots 24 & 35) as well as six (6) residential lots (Block 273, 51, 52, 54 & 56 and Block 274, Lots 17 & 19) fronting Loraine Avenue.

It is therefore recommended that the western boundary of the RSC Zone be modified to exclude these properties and that these lots be rezoned SFR-75.



- c. No additional changes are recommended for the RSC Zoning District.

¹⁴⁷ Exhibit 7 & Exhibit 13

¹⁴⁸ Recommendations concerning the Gateway Redevelopment Area may be found in section 6.3.7. F. (4) herein.





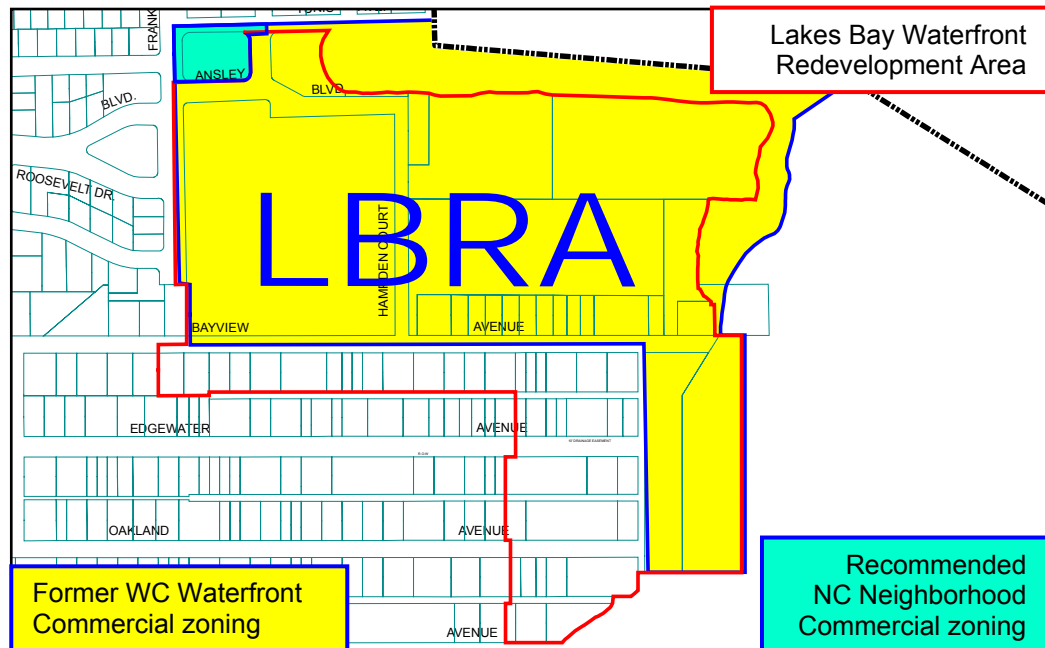
E. WC¹⁴⁹ Waterfront Commercial Zoning District

- (1) At Publication, the City’s official Zoning Map did not reflect the elimination of the WC Zone caused by the creation of the Lakes Bay Waterfront Redevelopment Area. With the exception of Block 254, the entirety of the WC Zone was superseded by the Redevelopment Area.

In accordance with the adopted Redevelopment Plan for the Expanded Lakes Bay Waterfront Redevelopment Area, the Zoning Map must be amended to reflect this adjustment.

- (2) As detailed under section 6.3.2 B. (7) a. ii (b) herein, during the process of amending the Redevelopment Plan for the Lakes Bay Waterfront Redevelopment Area, Block 254 (Epiphany Evangelical Lutheran Church) was deleted from the Redevelopment Area. However, the City apparently never returned this block to standard zoning.

Block 254 is located at the intersection of Franklin Boulevard and Tunis Avenue, two of the primary access-ways to the Redevelopment Area.¹⁵⁰ As such, this block would provide an ideal location for a neighborhood convenience center. Accordingly, it is recommended that Block 254 be zoned NC Neighborhood Commercial.



- (3) Recommendations (1) and (2) remove the Waterfront Commercial Zone from the City’s Zone Plan. No additional changes are therefore required.

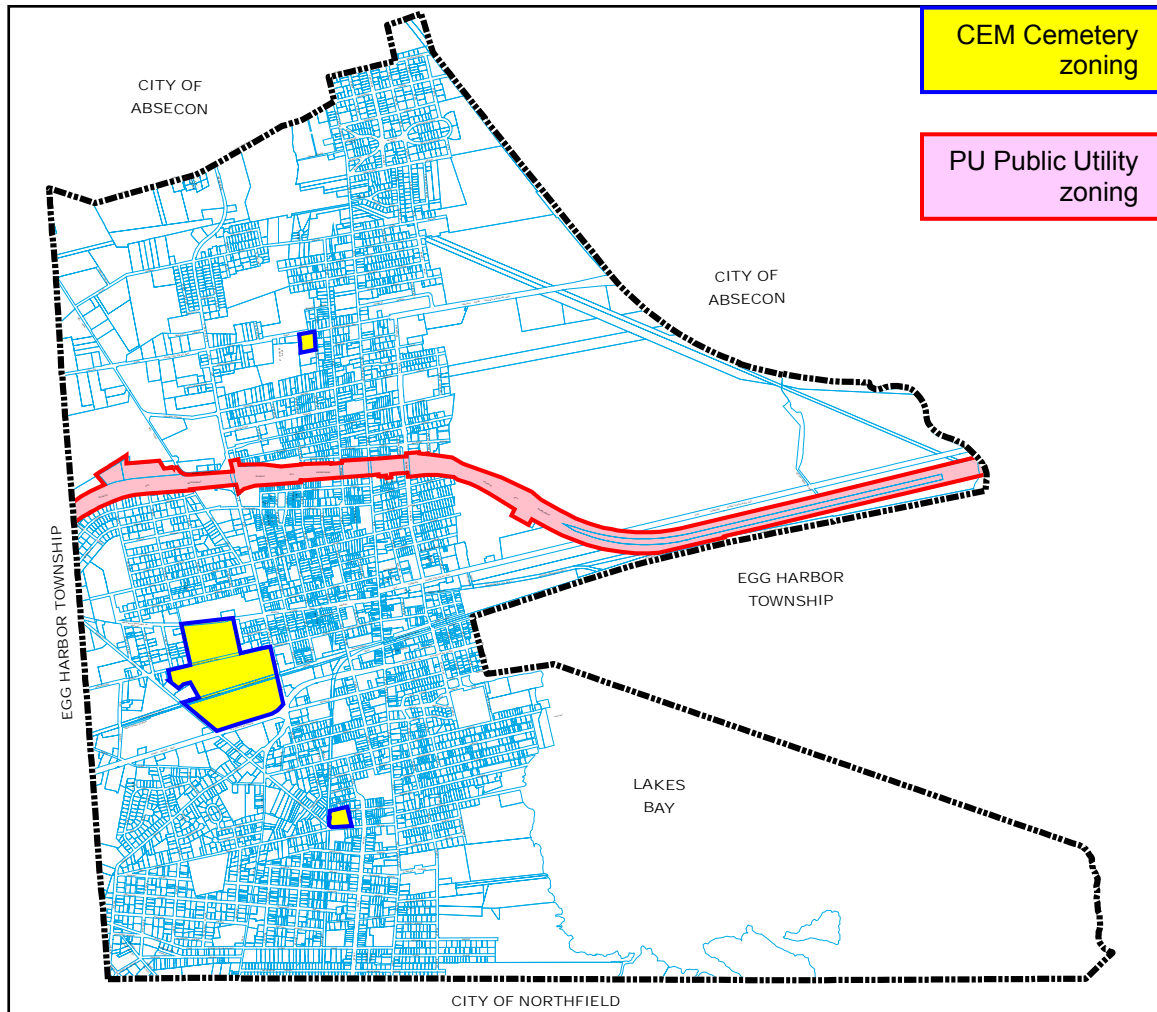
¹⁴⁹ a.k.a. “WC”

¹⁵⁰ The other being Bayview Avenue.



6.3.3 Specialty Zoning Districts

The 1999 Reexamination recommended that independent Cemetery and Public Utilities zones be created in order to permit and recognize uses which are special and unique, and which are not easily classified in other zoning districts in the City. Such zones were established via Ordinance No. 6-1999 as “Specialty Zoning Districts”.



A. CEM Cemetery Zoning District

- (1) Permitted Uses in the CEM Zone are above or below ground interment.
- (2) Accessory Uses in the CEM Zone:
 - a. Maintenance buildings.
 - b. Roads and pathways.
 - c. Directional signs.

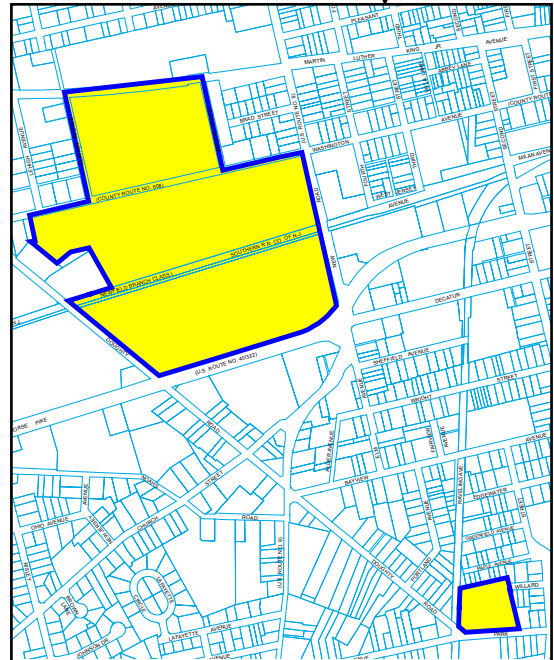
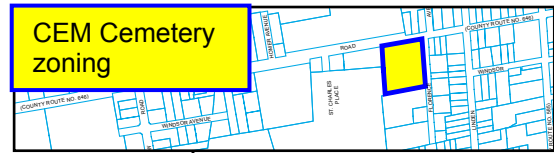


(3) Bulk requirements for the CEM Zone:

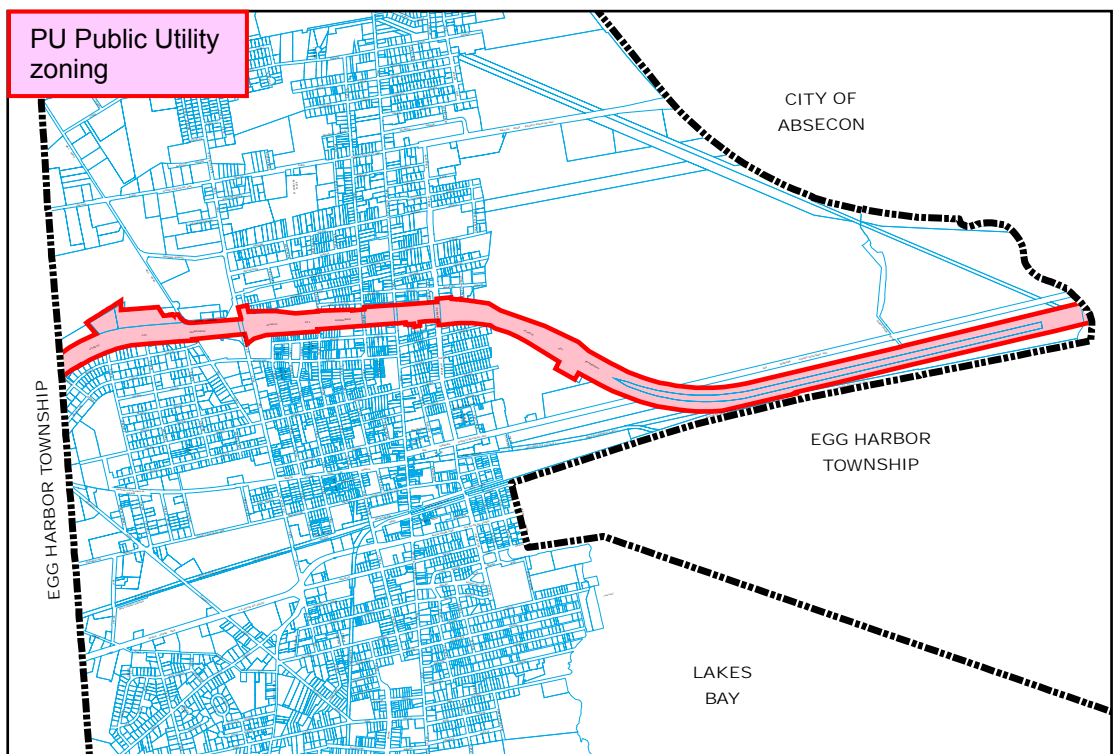
- a. Minimum Lot Size: 1 acre
- b. Minimum Lot Width: 200'
- c. Minimum Setbacks:
 - Underground burial sites: 10' from property line.
 - Above ground structures: 15'
- d. Maximum Building Height: 15'

(4) Recommendations:

- a. No changes are recommended for the CEM Zoning District.



B. PU Public Utilities Zoning District





(1) Permitted Uses in the PU Zone

- a. Limited access toll roads maintained and operated by state agencies.
- b. Publicly-owned and operated potable water-supply facilities.

(2) Accessory Uses in the PU Zone:

- a. Any use/structure which is required for the normal operation of the facility, i.e., tollbooths, maintenance garages, filtering lagoons or public restroom facilities.
- b. Parking and internal private roadways related to the normal operation of the facility.
- c. Any use directly related to the day-to-day operation of the facility.

(3) Conditional Uses in the PU Zone:

Advertising signs commonly referred to as “billboards”, subject to site plan review by the Planning Board and conforming to those regulations on outdoor advertising signs promulgated by the New Jersey Department of Transportation and other state regulations which may apply, are permitted on land owned by the South Jersey Transportation Authority.

(4) Bulk requirements for the PU Zone:

- a. Minimum Lot Size: 1 acre
- b. Minimum Lot Width: 200’
- c. Minimum Setbacks: 20’
- d. Maximum Building Height: Primary Structures: 2½ stories; 35’
Accessory Structures: 1 story; 15’
Advertising Signs: 60’

(5) Recommendations:

- a. The inclusion of “publicly owned and operated potable-water-supply facilities” as a permitted use under the PU Zone was apparently designed to recognize the water treatment facility located on north Main Street near the municipal boundary line with the City of owned and operated by the Atlantic City Municipal Utilities Authority¹⁵¹ located along North Main Street. However, the official Zoning Map does not include this area under PU Zoning.

¹⁵¹ “ACMUA”

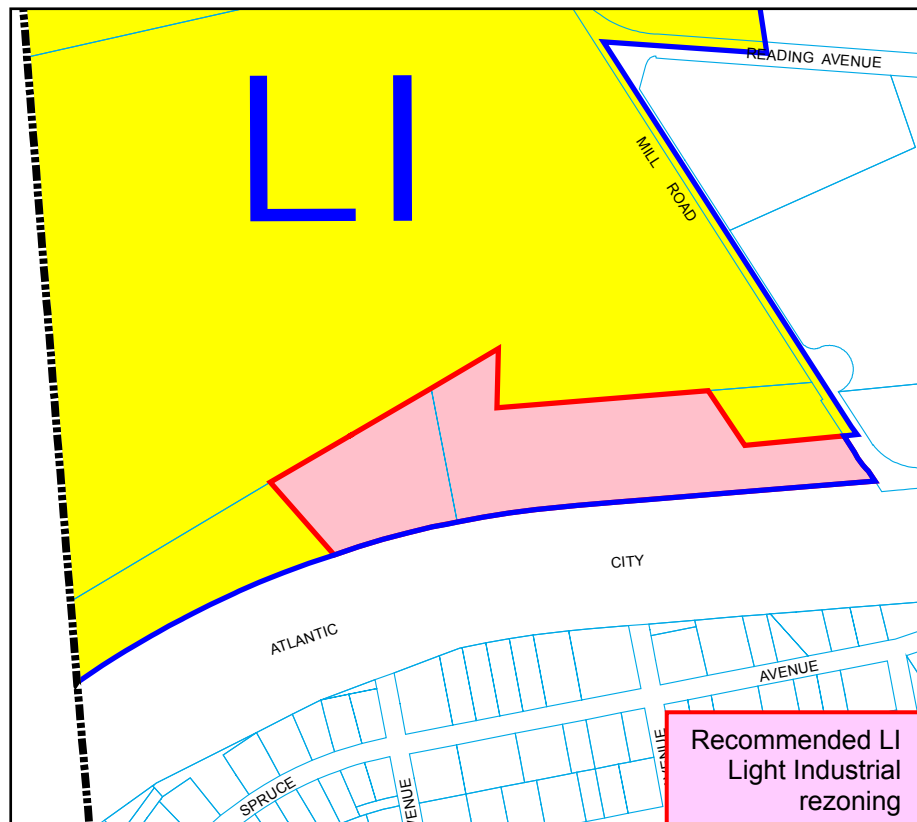


Permitted uses in the City’s SFR-75 Zoning District, wherein the ACMUA facility is located, include “Public Utility Substations, subject to site plan review by the Planning Board.”¹⁵²

Since the surrounding SFR-75 Zone permits the type of use operated by the ACMUA, it is recommended that this PU zone be eliminated and the ACMUA facility be included in the adjacent SFR-75 Zoning District.

- b. As detailed under section 6.3.2. H (8) c. herein, the PU Zoning District encompasses the Atlantic City Expressway and the South Jersey Transportation Authority / NJDOT maintenance yard in Block 164.

The Expressway, although owned and operated by the SJTA and listed on the City’s tax maps as a tax lot, is a public right-of-way and therefore not in need of traditional use and bulk regulations. Further, as a state agency, the activities of the SJTA are not subject to municipal review or approval. In light of the foregoing, and since the IND zone adjacent to the maintenance yard permits “public utility structures and facilities”, it is recommended that this PU zone be eliminated, that the Expressway not be ‘zoned’ and that the Expressway maintenance yard be included in the adjacent (proposed) LI Light Industrial Zoning District.

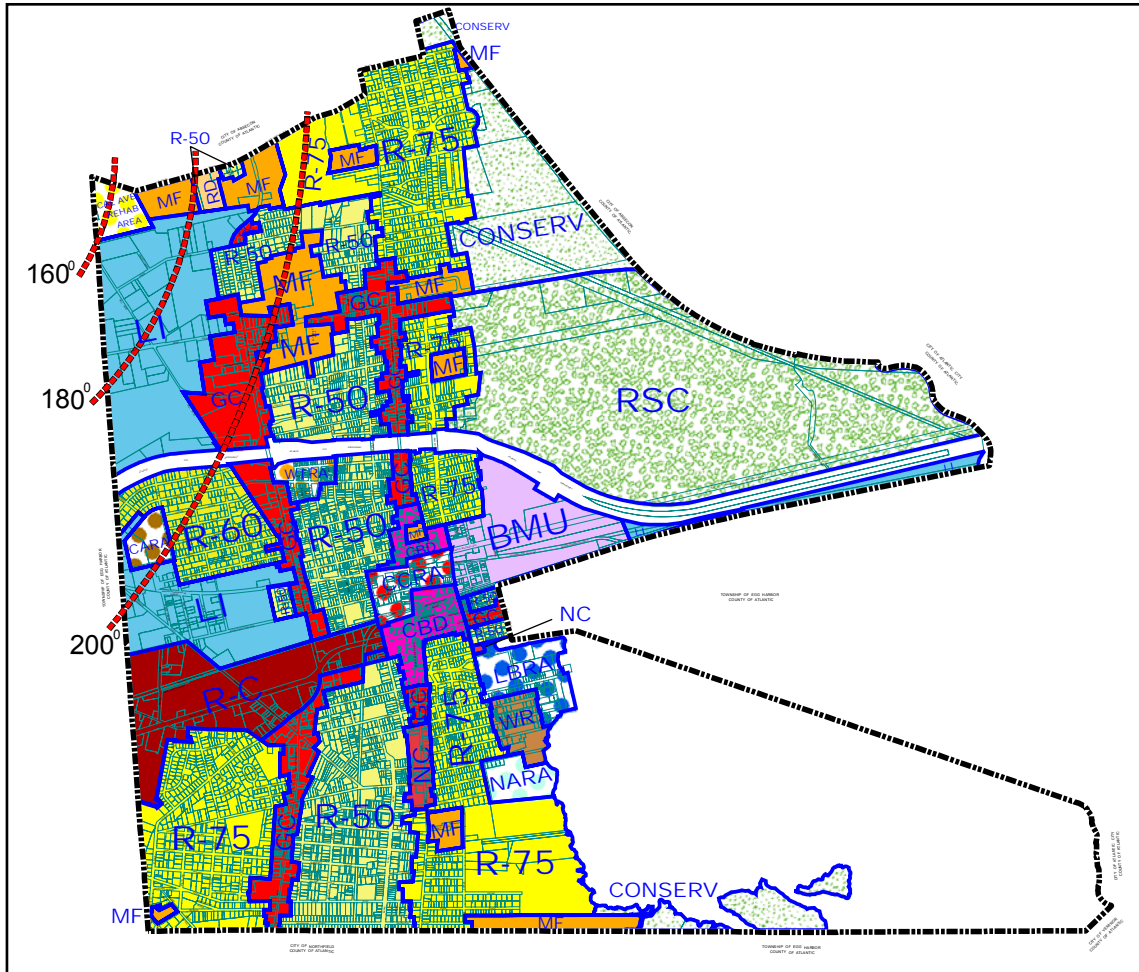


¹⁵² §290-10 C.



6.3.4 Proposed Zoning Map: Base Zoning

The recommendations detailed in this section 6.3 would result in the following Land Use Plan (Base Zoning) for the City of Pleasantville:

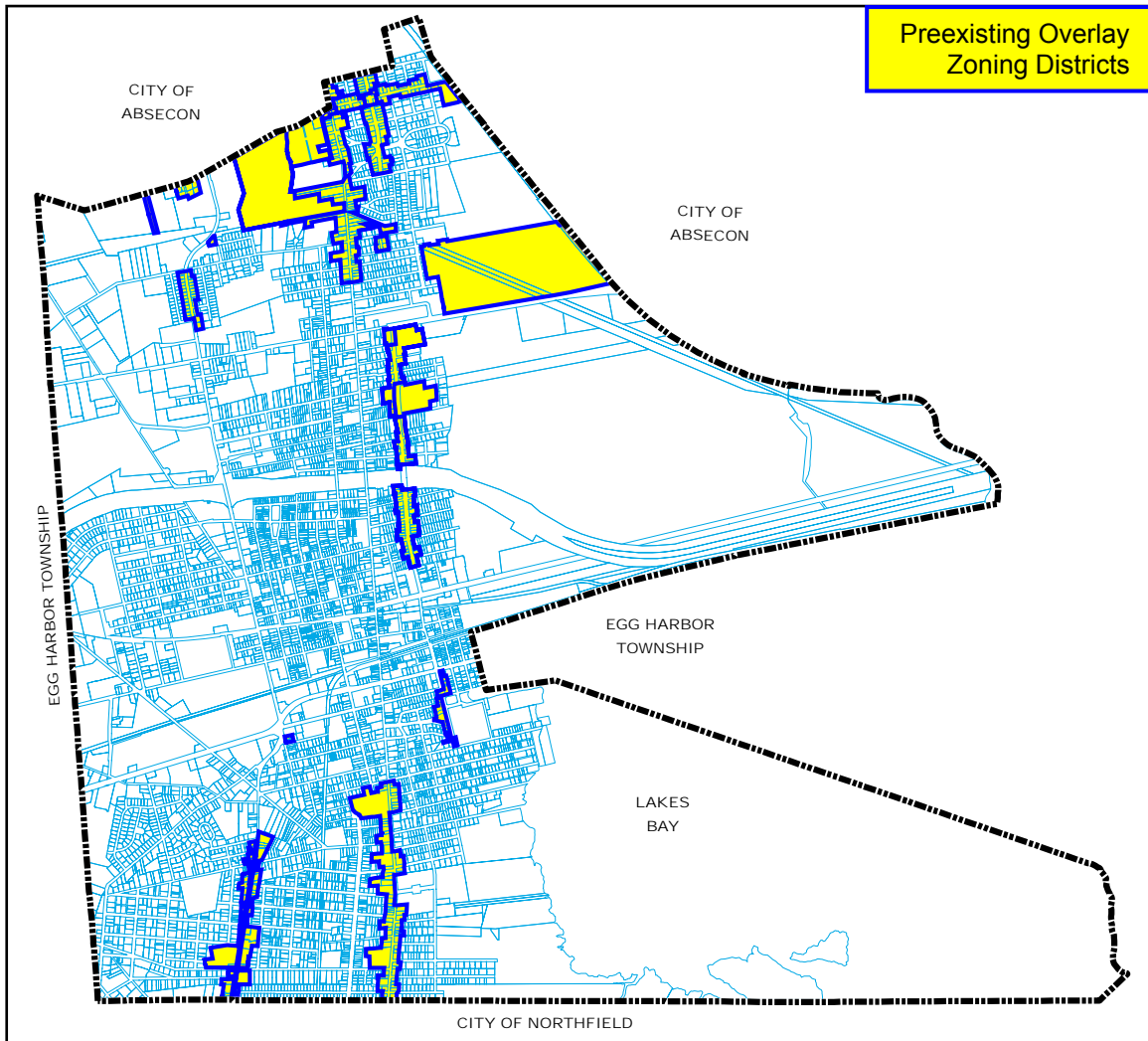


PROPOSED ZONING	
Residential	
	SFR-50 SINGLE-FAMILY RESIDENTIAL (50)
	SFR-60 SINGLE-FAMILY RESIDENTIAL (60)
	SFR-75 SINGLE-FAMILY RESIDENTIAL (75)
	MF MULTI-FAMILY RESIDENTIAL
	R-D RESIDENTIAL DUPLEX
Commercial	
	LI LIGHT INDUSTRIAL
	RSC REGIONAL SHOPPING CENTER
	NC NEIGHBORHOOD COMMERCIAL
	GC GENERAL COMMERCIAL
	CBD CENTRAL BUSINESS DISTRICT
	R-C REGIONAL COMMERCIAL
Specialty	
	CONSERV CONSERVATION
	BMU BAYSIDE MIXED-USE
	WFR WATERFRONT RESIDENTIAL
Redevelopment Plans	
	CALIFORNIA AVENUE REHABILITATION AREA
	CARA CAMBRIA AVE RDVMT AREA
	CCRA CITY CENTER AREA
	LBRA LAKES BAY RDVMT AREA
	NARA NARCISSUS AVE REHAB AREA
	WTRA WOODLAND TERR REHAB AREA
	FAA AIRPORT EXCLUSION ZONES



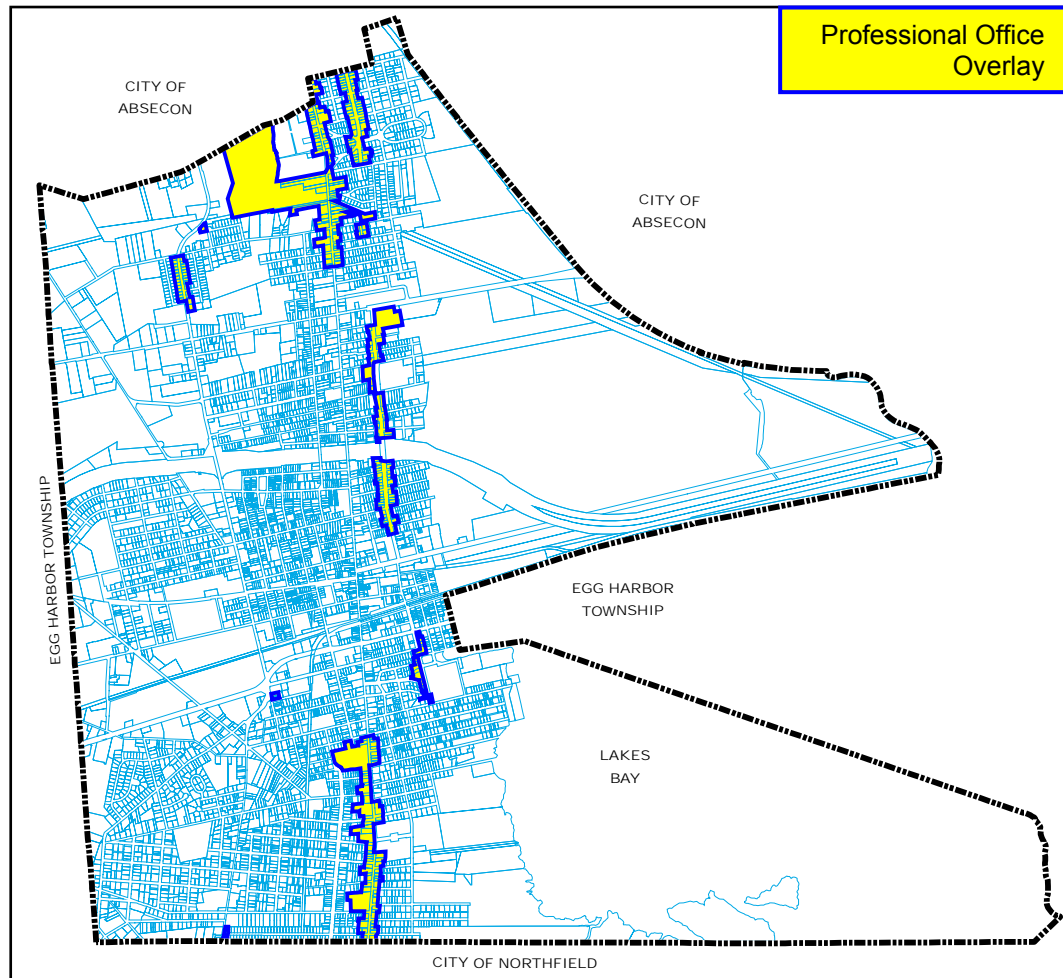
6.3.5 Zoning Overlay Districts

Over the course of time, the City has established several Overlay Districts to provide for particular desired uses in particular sections of the City. Specifically, certain commercial uses are permitted as a Zoning Overlay in residential sections of the City while certain residential uses are permitted as an Overlay in commercial areas.



A. Professional Office Overlay

- (1) §290-10 D. (1) and §290-18 permit professional uses in the SFR-50, SFR-60 and SFR-75 Zones where properties front Main Street, New Road and Franklin Boulevard, provided that the practice is conducted in a manner so as not to exert a deleterious influence upon the surrounding residential neighborhood and further provided that the building are architecturally constructed or rehabilitated to appear as residential structures.



(2) Permitted Uses under this Overlay are “Professional, executive and administrative offices, such as but not limited to doctors’ offices, architects’ offices, engineers’ offices, etc.

(3) Bulk requirements under this Overlay:

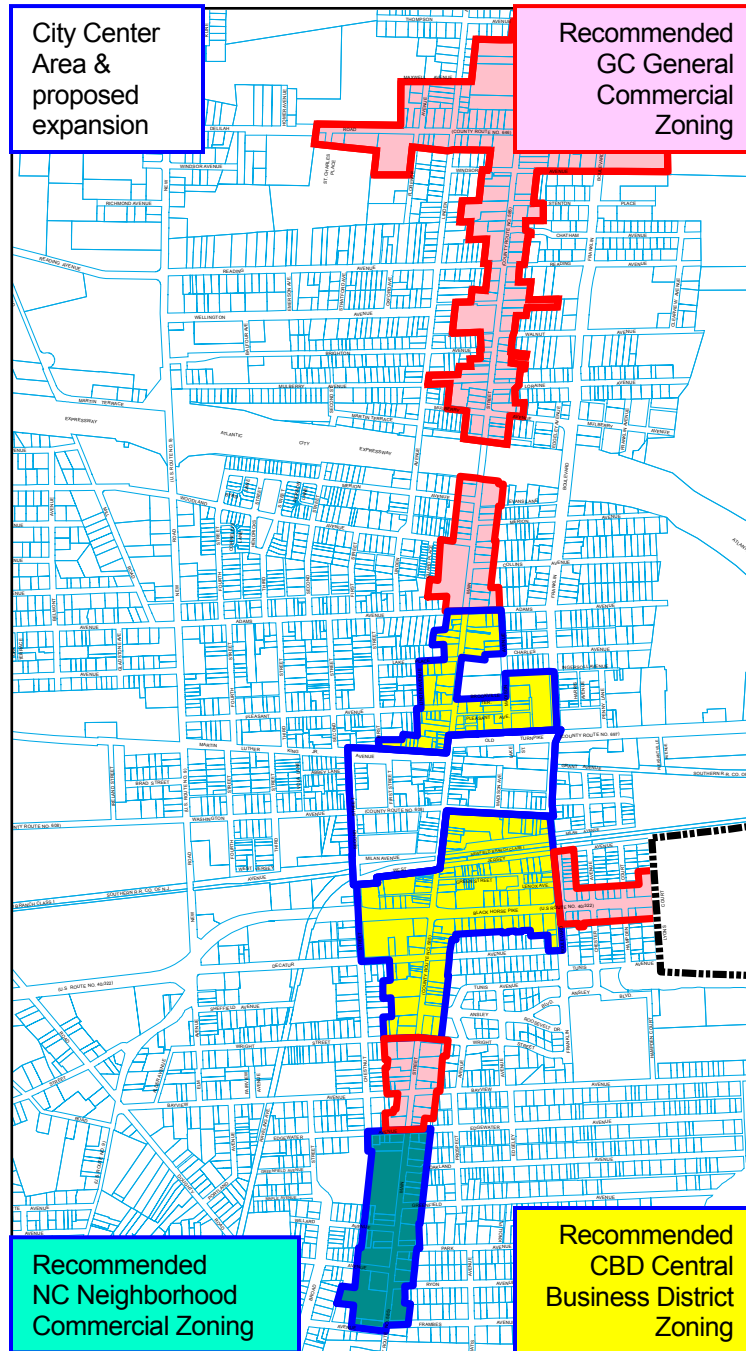
- a. Minimum Lot Size, Lot Width, Lot Depth and Front, Side and Rear Yard Setbacks: Consistent with SFR-50, SFR-60 or SFR-75 base zoning, as applicable.
- b. Maximum Building Height: 2½ stories and 25’
- c. Maximum Lot Coverage: 30%

(4) Recommendations:

- a. This Comprehensive Master Plan Update recommends that the base zoning on Main Street between Thompson Avenue and Edgewater Avenue be, from north to south, General Commercial, Central



Business District, City Center Redevelopment, Central Business District, General Commercial and Neighborhood Commercial. Such Zoning permits a variety of professional offices; thereby eliminating the need for the Professional Office Overlay in these areas.

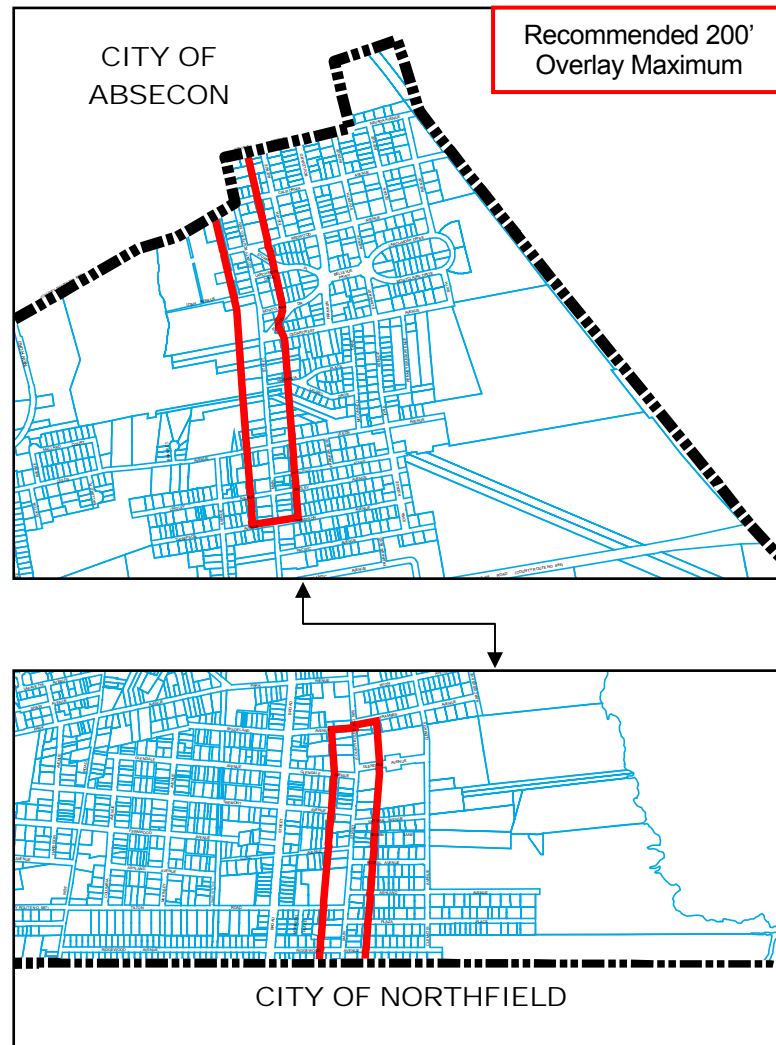


Should such recommendations be accepted, the need for a Professional Office Overlay in these area would be eliminated.



- b. At Publication, the geometry of certain lots in the remaining sections of the Professional Office Overlay extended deeply into the residential neighborhoods to the east and west of Main Street.

In order to protect these residential neighborhoods, it is recommended that the remaining Overlay extend the lesser of the depth of the Main Street Frontage Lot or 200' from the Main Street right-of-way.

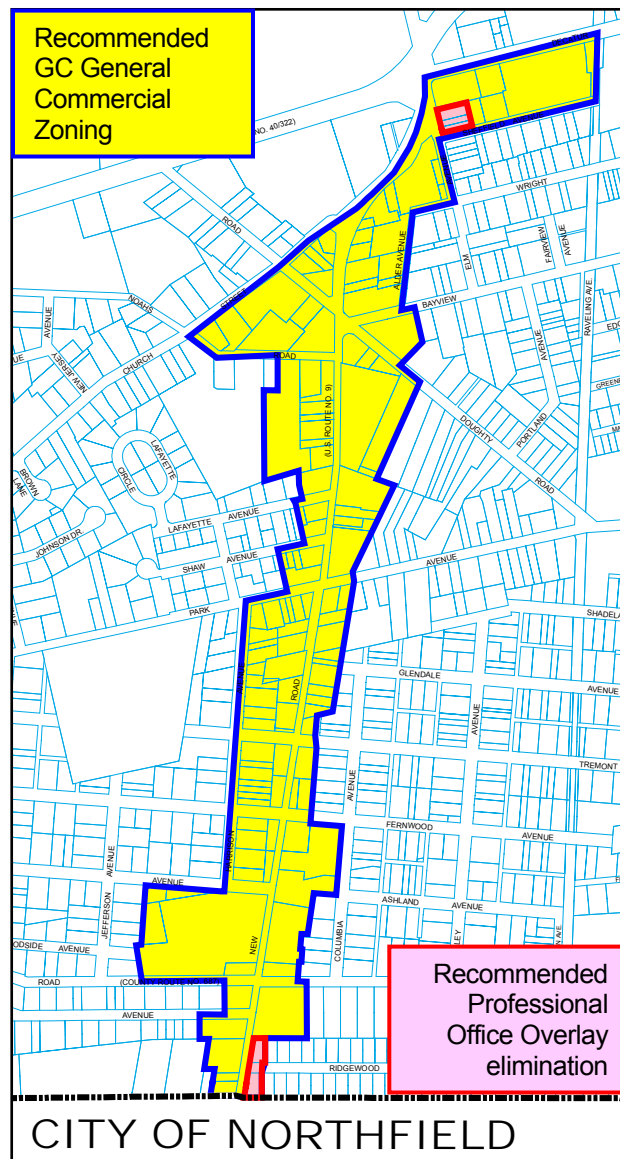


- c. Principle 5.7.2. B. herein is to expand commercially-zoned lands in Pleasantville. In order to accomplish this Objective, maximize the quality of commercial offerings along Main Street and thereby increase the goods and services available to the residents of the City, it is hereby recommended that the permitted uses under the remaining Main Street Overlay be expanded from Professional Office to a full Neighborhood Commercial orientation.



- d. At Publication, the City was exploring the relocation of the municipal complex from its present location to the City-owned land on the block bound by Main Street, Reading Avenue, Franklin Boulevard and Walnut Avenue in furtherance of the City Center Redevelopment Plan (section 6.3.7. C. herein). Such zoning would eliminate the need for the Professional Office Overlay in this area.
- e. Section 6.3.2. B. (7) a. iii. (c) iv. of this Comprehensive Master Plan Update recommends a GC General Commercial Zone on New Road between the Black Horse Pike / Decatur Avenue and the City's southern boundary line.

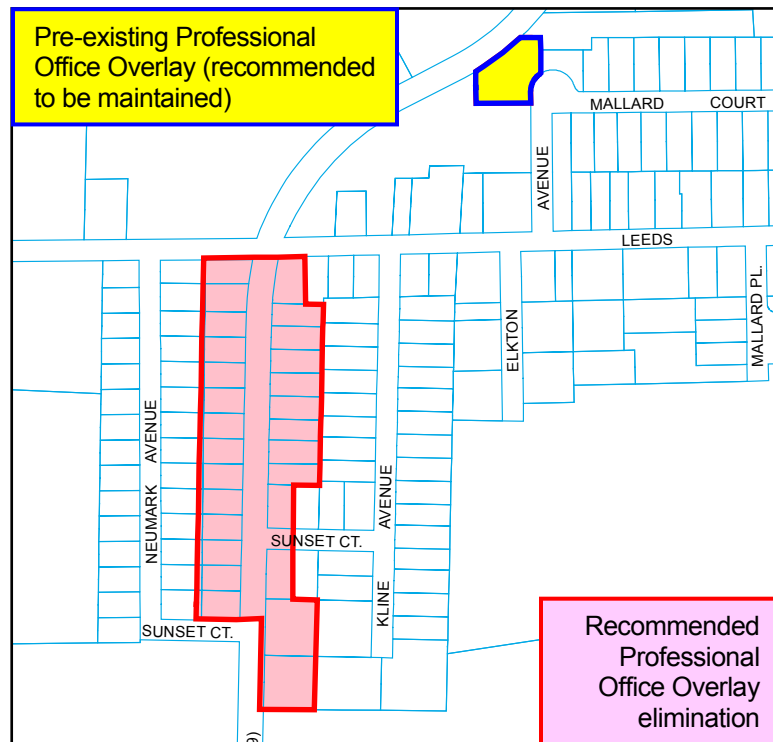
Should such recommendation be accepted, the need for a Professional Office Overlay in this area would be eliminated.





- f. At Publication, the Professional Office Overlay includes lands fronting New Road adjacent to Mallard Court and lands fronting New Road between Leeds and Bartlett Avenues.

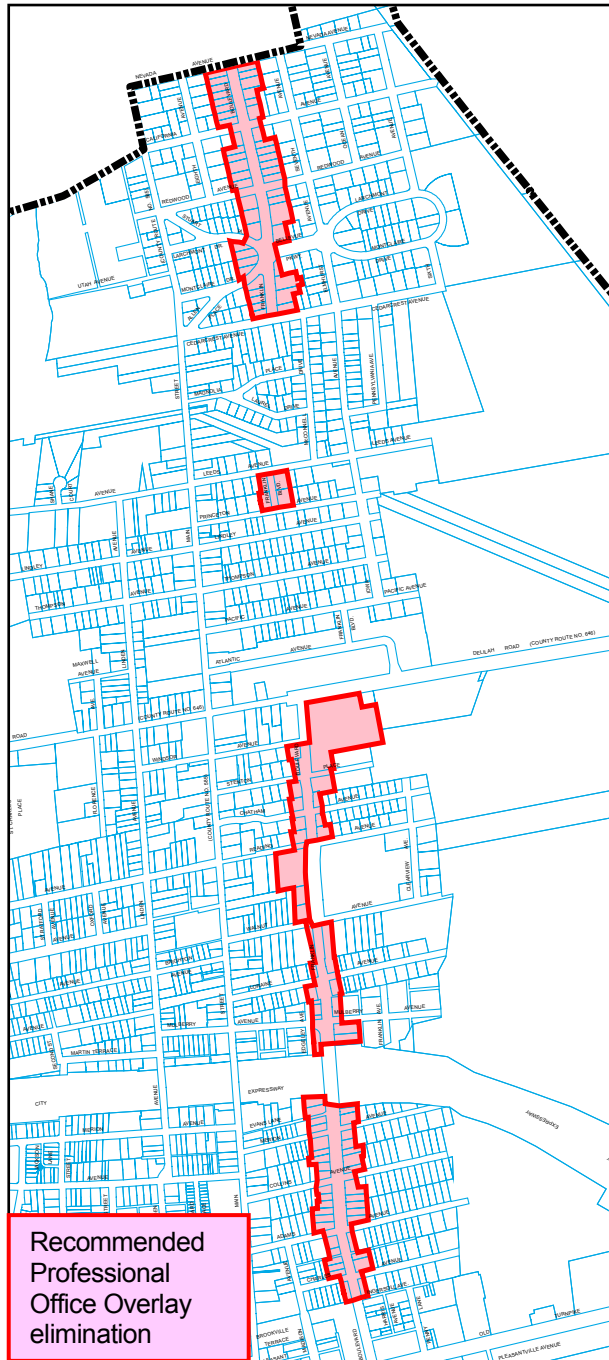
These lots host existing, well maintained single-family homes. While the structure and lot adjacent to Mallard Court is sufficiently large to serve as a Professional Office, the structures and lots between Leeds and Bartlett Avenues are too small for this purpose. Accordingly, it is recommended that the Professional Office Overlay be eliminated from the latter area.



- g. At Publication, the Professional Office Overlay includes lands fronting Franklin Boulevard between Nevada and Cedarcrest Avenues and Leeds and Princeton Avenues in the northern section of the City and between Delilah Road and Ingersoll Avenue in the center of the City.

The Nevada / Cedarcrest and Leeds / Princeton overlays are located within wholly-residential (SFR-75) neighbor-hoods wherein Professional Office uses as permitted by the Overlay are not appropriate. It is therefore recommended that the Professional Office Overlay be eliminated from these areas.

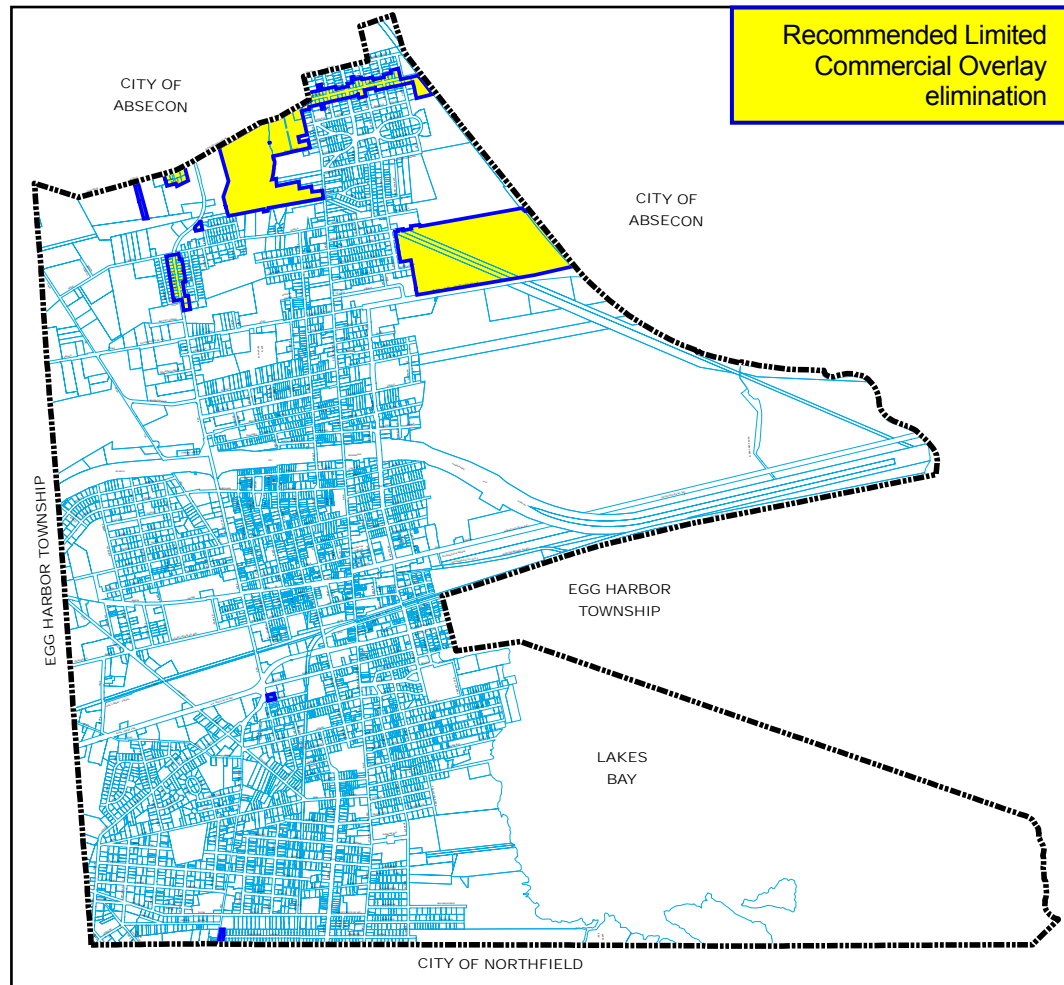
The Delilah / Ingersoll overlay is recommended to be replaced by the BMU Overlay pursuant to section 6.3.5. E. herein.



h. No additional changes are recommended for the Professional Office Overlay.

B. Limited Commercial Overlay

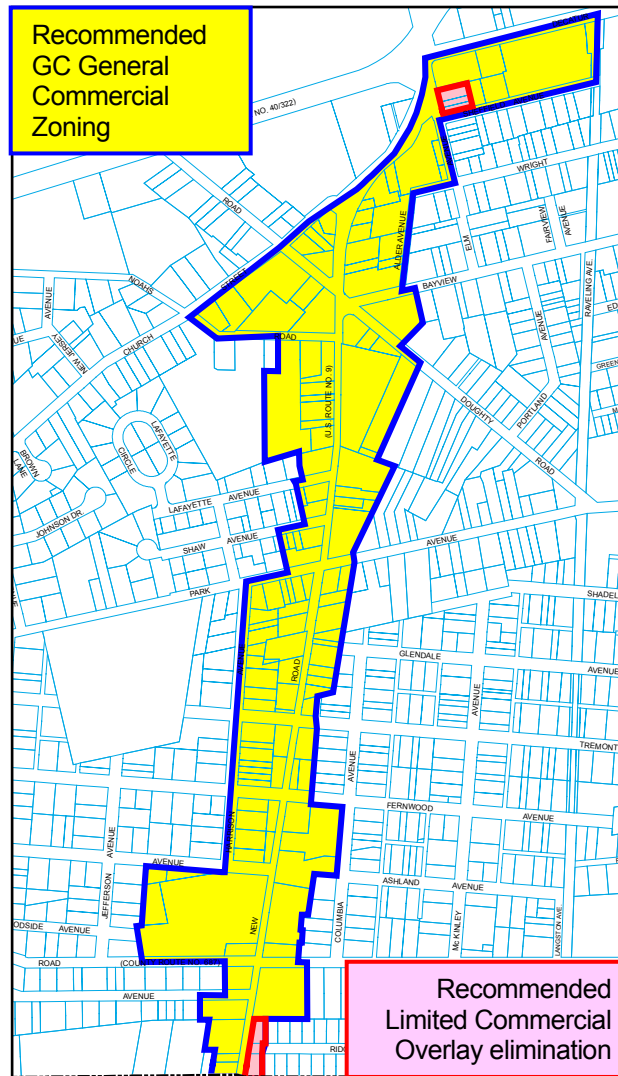
(1) §290-10 D. (2) and §290-50 permit “limited commercial uses” in the SFR-50, SFR-60 and SFR-75 Zones where properties front on California Avenue, New Road and Delilah Road.



- (2) With respect to Permitted Uses, the term “limited commercial uses” is undefined and no specific uses are included in the Land Use Ordinance.
- (3) No Bulk requirements for the Limited Commercial Overlay are included in the Land Use Ordinance.
- (4) Recommendations:
 - a. The area of the Limited Commercial Overlay fronting New Road is the same area as the Professional Office Overlay (section 6.3.5 A. herein).

As outlined in section 6.3.2 B. (7) a. iii. (c) iv. herein, this Comprehensive Master Plan Update recommends that the General Commercial Zone on New Road extend to include the lands between Decatur Avenue and the City’s southern boundary line.

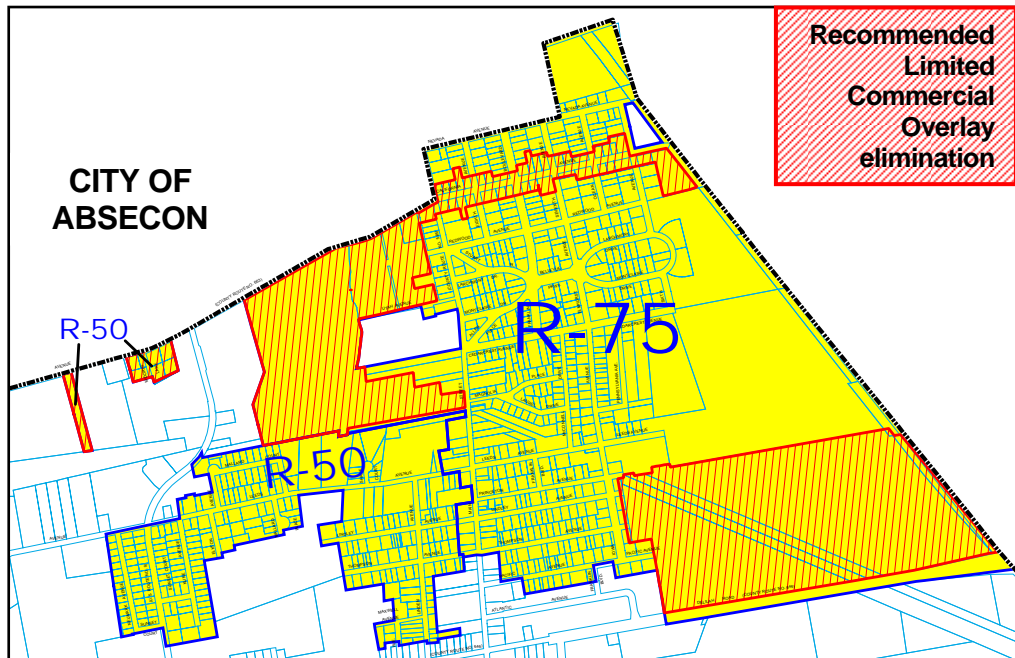
Such zoning would eliminate the need for the Limited Commercial Overlays at these locations.



- b. At Publication, the Limited Commercial Overlay included the small SFR-50 Zones along California Avenue west of New Road and the wholly-residential (SFR-75) neighborhood east of Main Street. The SFR-50-zoned lands are too small for meaningful commercial development and the SFR-75 neighborhood is not an appropriate location for commercial uses.

Additionally, the portion of the SFR-75 Zone abutting Delilah Road is recommended to be rezoned Conservation (section 6.3.1 C. (6) a herein).

Section 6.3.5 A. (4) a. of this Comprehensive Master Plan Update recommends an NC Neighborhood Commercial Overlay for Main Street north of Thompson Avenue. Should such recommendation be accepted, the need for a Limited Commercial Overlay in this area would be eliminated.



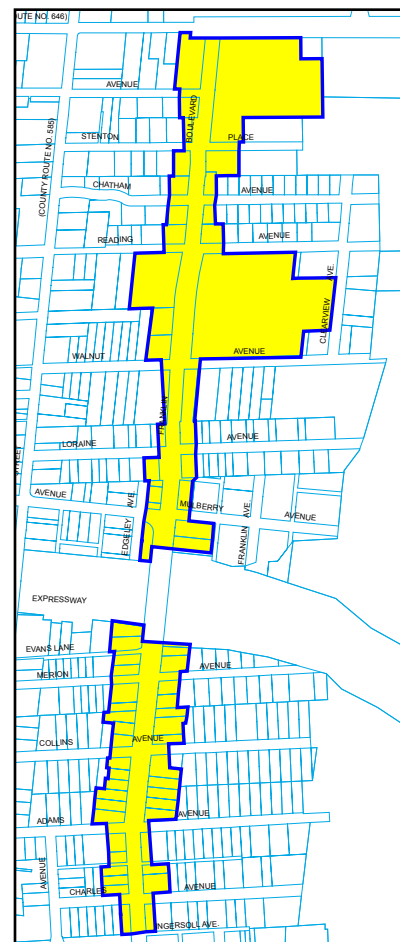
c. No additional changes are recommended for the Limited Commercial Overlay.

C. Franklin Boulevard¹⁵³ Mixed / Use Overlay

(1) Land Use Ordinance §290-10 D. (3) and §290-32H establishes a Mixed-Use Overlay Zone for the lands which front Franklin Boulevard from Delilah Road to the Central Business District. Such Overlay permits and encourages mixed commercial and retail uses in addition to the single-family and professional options which are permitted uses.

(2) Permitted Uses under this Overlay:

- a. General business and professional offices.
- b. Restaurants.
- c. Bed and Breakfasts.
- d. Funeral Homes.
- e. Banks
- f. Drug Stores.



¹⁵³ Formerly Franklin Avenue.



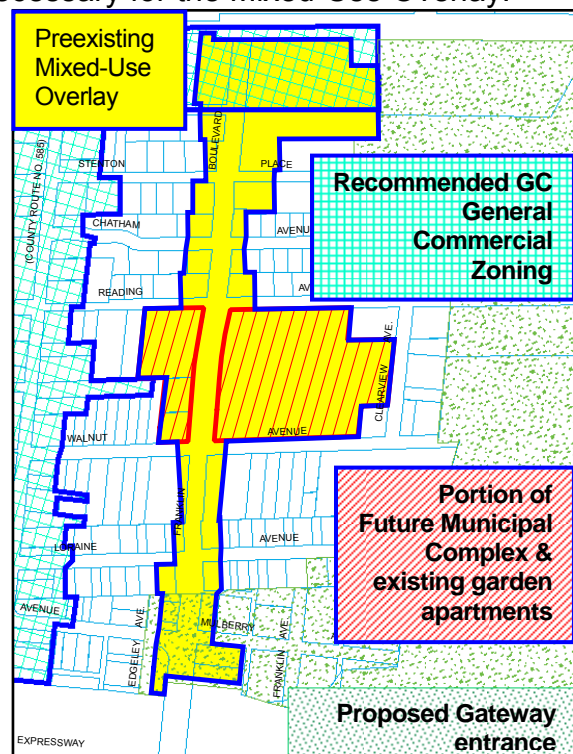


(3) Bulk requirements under this Overlay:

- a. Minimum Lot Size: 10,000 s.f.
- b. Minimum Lot Frontage: 100'
- c. Minimum Setbacks: Front Yard: 30'
Side Yard: 10' (each)
Rear Yard: 20'
- a. Maximum Building Height: 4 stories or 60'
- b. Maximum Building Coverage (Principal Structure): 30%
- c. Maximum Lot (Impervious) Coverage: 70%

(4) Recommendations:

- a. At Publication, the City was exploring the relocation of the municipal complex from its present location to the City-owned land on the block bound by Main Street, Reading Avenue, Franklin Boulevard and Walnut Avenue in furtherance of the City Center Redevelopment Plan (section 6.3.7. C. herein). Such zoning would eliminate the need for the Professional Office Overlay in this area.
- b. The area east of the Overlay between Reading and Walnut Avenues is fully developed as garden apartments (zoned MF Multi-Family). In light of such development and base zoning, it is highly unlikely that an entity could acquire the land necessary for the Mixed-Use Overlay.
- c. At Publication, the Overlay extended to the parcels within the COM Zone along Delilah Road which are included in the recommended GC Zone (section 6.3.2 B. (7) a. iii. (c) herein), thereby making the Mixed-Use Overlay redundant.
- d. The Gateway Redevelopment Area extended to the west of the properties fronting Franklin Boulevard from the Atlantic City Expressway to north of Mulberry Avenue. It is anticipated that this area will become a heavily-landscaped entryway to a future Gateway Project.



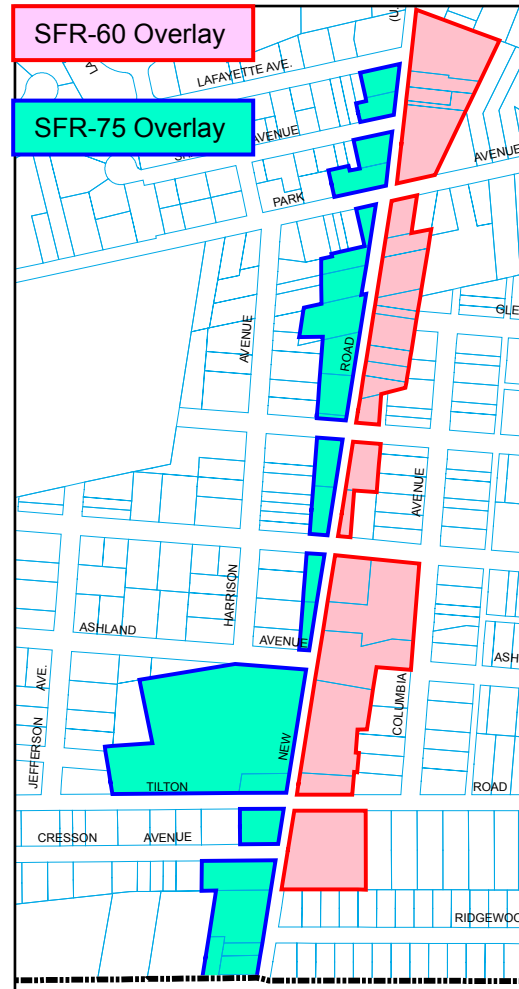


- e. Section 6.3.5. E. of this Comprehensive Master Plan Update recommends Bayside Mixed Use Overlay zoning for the east side of Franklin Boulevard between Ingersoll Avenue and Delilah Road. Accordingly, it is recommended that the Franklin Boulevard Mixed-Use Overlay be eliminated in favor of the aforementioned.
- f. No additional changes are recommended for the Limited Commercial Overlay.

D. New Road Residential Option¹⁵⁴

(1) Land Use Ordinance §290-27 C. permits single-family detached dwellings on lots which front on New Road from Lafayette Avenue south to the City Line as Conditional Uses in the COM Zone as follows:

- i. Property which is located on the west side of New Road is subject to the area and bulk requirements of the SFR-75 Zone.
- ii. Property which is located on the east side of New Road is subject to the area and bulk requirements of the SFR-60 Zone.



- (2) Section 6.3.2 B. (7) a. iii. (c) iv. herein recommends that New Road-frontage properties south of the Black Horse Pike be zoned GC General Commercial.
- (3) City Planners recommend that it is no longer appropriate to encourage single-family development on the increasingly-congested New Road, which, despite being State highway, is a single-lane¹⁵⁵ cartway in this section of the City. Accordingly, it is recommended that this Overlay be eliminated.

¹⁵⁴ While not labeled as Residential Option in the Land Use Ordinance, this is the only applicable reference found in the Ordinance.

¹⁵⁵ (each direction)



It is not the intention of this Comprehensive Master Plan Update to remove or otherwise negatively impact existing residential uses in this section of the City. Accordingly, it is recommended that residential uses existing in the affected area at the time of adoption of the regulations eliminating these Overlay Zones be considered Permitted Principal Uses in such zone until such time as such uses are replaced by an otherwise conforming use.

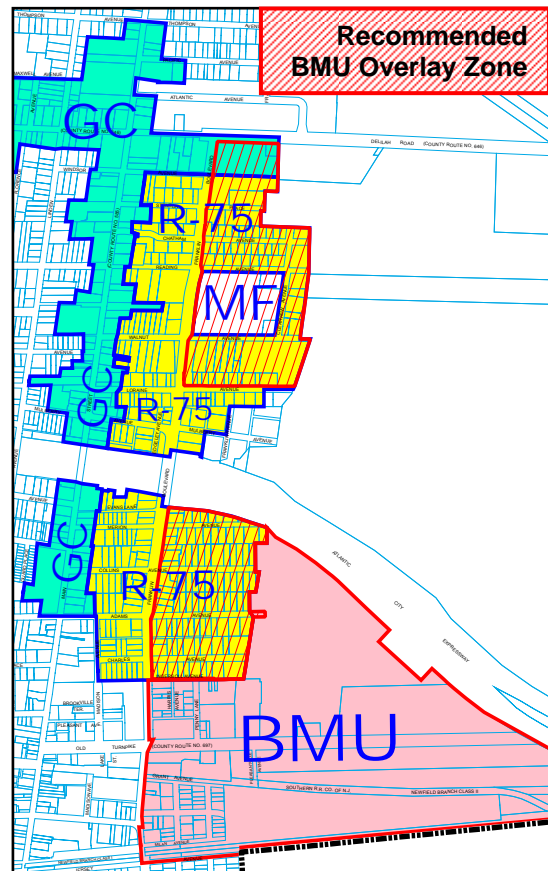
E. Recommended BMU Overlay Zone

- a. At Publication, the section of the City east of Franklin Boulevard ~ between the Atlantic City Expressway and Milan Avenue ~ contained a largely incompatible mixture of light industrial and older, neglected residential uses as well as a significant amount of undeveloped land. Section 6.3.2. C. (6) f. of this Comprehensive Master Plan Update recognizes that this area also contains a combination of amenities¹⁵⁶ which are viewed by developers as very attractive for (vertical) market rate residential development.

City Planners proposed to take advantage of this setting by rezoning this area “Bayside Mixed-Use” (BMU); thereby permitting 8 to 12 story, multi-family (condominium) development with commercial uses at grade.

The section of the City between (generally) Ingersoll Avenue and Delilah Road ~ east of Franklin Boulevard ~ contains these same amenities. However, unlike the proposed BMU Zoning District, the Ingersoll / Delilah / Franklin spine is characterized not by incompatible development and vacant land, but by single-family homes.

Accordingly, it is the intention of the City to create a **BMU Overlay Zone** along this Ingersoll / Delilah / Franklin spine in order to permit the type of vertical development so necessary for the City’s tax base (including luxury units targeted for the second home market as well as mid-priced units affordable to casino middle-management employees), while recognizing the existence of the viable residential neighborhood.



¹⁵⁶ in the form of meadow (and Atlantic City Skyline) views, favorable proximity to the City’s mixed-use City Center Redevelopment Area and Central Business District and access to the Atlantic City Expressway.



Unlike the proposed BMU Zoning District, which permits existing residential uses to continue as Permitted Principal Uses but does not permit new, nonconforming development, the BMU Overlay does not change underlying zoning. New development will continue to be permitted under existing SFR-75, MF and GC zoning regulations while BMU development will be permitted if Overlay regulations are met.

F. Recommended City Center Support Overlay Zone

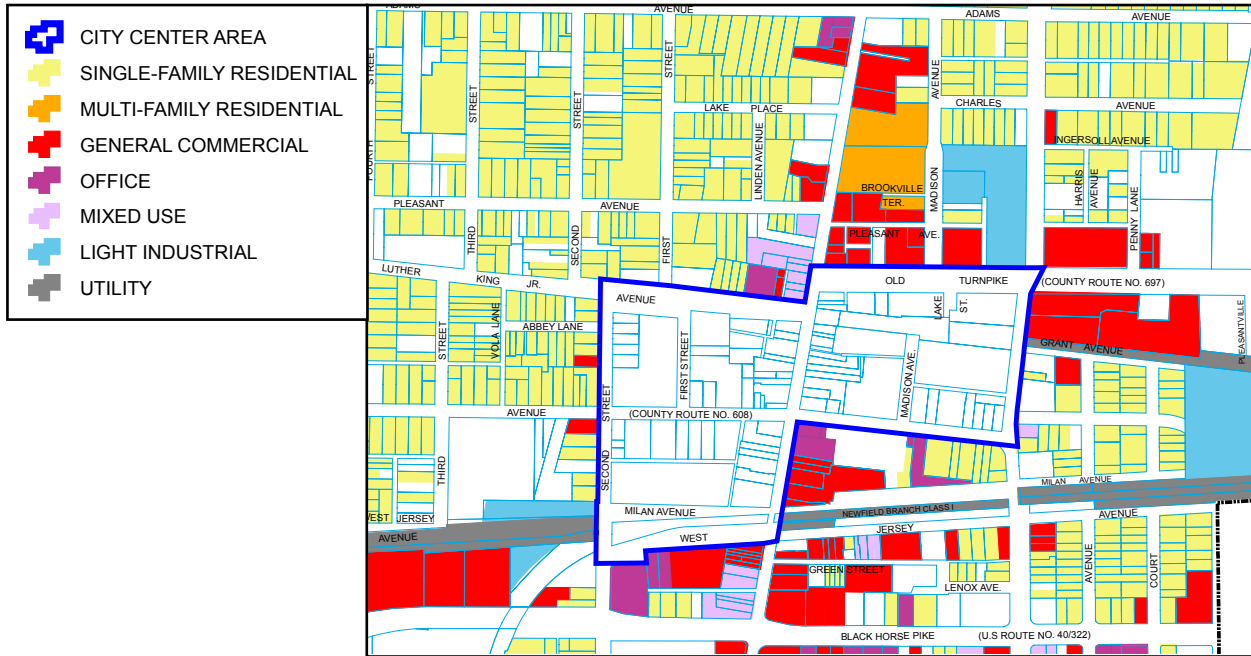
At Publication, the City and the designated Redeveloper for the City Center Area were working through a myriad of planning and other issues related to the Redevelopment Project (section 6.3.7. C. herein). Included within the scope of the discussions are methods to increase the number of housing units in the City's downtown area in order to support the commercial uses within The District; thereby making the project attractive to potential retailers.

While the Redeveloper is developing plans to maximize the number of units within The District, it has become apparent that additional units ~ beyond those supportable under the City Center Redevelopment Plan (i.e., *within* The District) ~ are required.

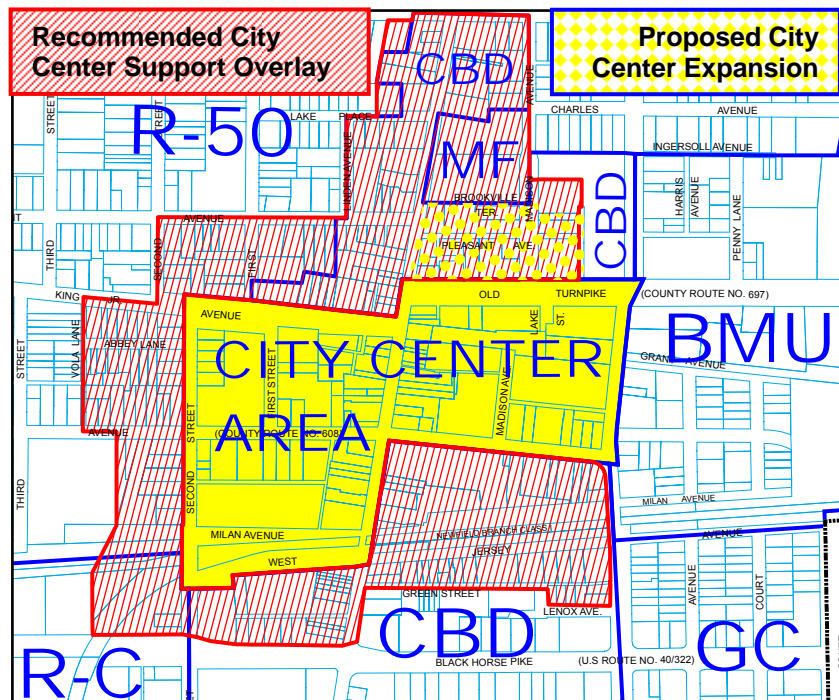
The City's concepts for the BMU Zoning District (section 6.3.2. C. (6) f.) and the BMU Overlay Zone (section 6.3.5 E. herein) are intended, in part, to increase the number of housing units available to support The District. However, environmental considerations and the land acquisition process for BMU-related development are likely to extend any such project into the longer-range timeframe. More immediately-achievable development is required.

Land Uses on the blocks surrounding the City Center Area may generally be classified as:

- General Commercial, Mixed-Use (commercial & residential) and Multi-Family along Main Street both north and south of the City Center Area and between the City Center Area and the Black Horse Pike;
- Single-Family Residential west of the Main Street commercial frontage north of the City Center Area;
- General Commercial and Light Industrial east of the Main Street commercial frontage north of the City Center Area;
- Single-Family Residential west of the City Center Area; and
- General Commercial and Single-Family Residential to the east of the City Center Area.



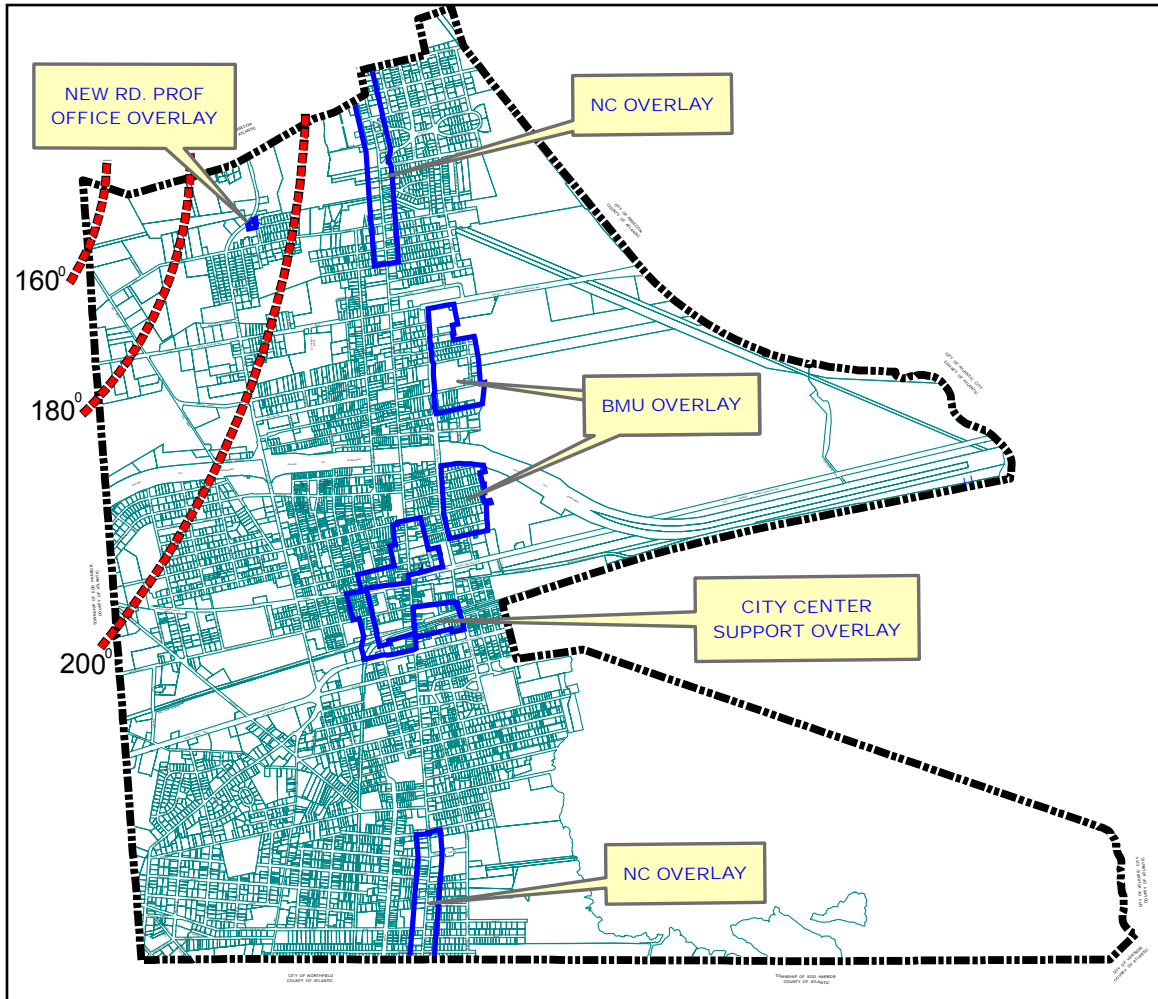
In order to address the issues as identified, and to provide an appropriate buffer between the more intense District development in the City Center Area and the less intense single-family development surrounding The District, this Comprehensive Master Plan Update recommends an Overlay Zone for the blocks surrounding the City Center Area, extending north along Main Street to Adams Avenue, with permitted uses being ground floor commercial with a combination of townhouse and/or residential flat dwelling units in 3 to 4 story buildings fronting Main Street, Second Street, Franklin Boulevard, West Jersey Avenue Milan Avenue, Martin Luther King Jr. Avenue, Old Turnpike and the Black Horse Pike (recognizing that the BMU Zoning District is proposed east of the City Center Area).





6.3.6 Proposed Zoning Map: Zoning Overlay Districts

The recommendations detailed in this section 6.3 would result in the following Land Use Plan (Overlay Zoning) for the City of Pleasantville:



6.3.7 Rehabilitation / Redevelopment Areas

A. Citywide Rehabilitation Area Designation

(1) City-Owned Land Disposition (Scattered Site) Program

The City, from time to time, takes ownership of land through tax title lien foreclosure, private donation or other means. Some of these parcels are considered 'buildable' from a zoning perspective, while others require variance relief in order to be developed. Rather than retaining ownership, the City's practice is to return these lands to private hands and thus make them productive assets for the community.



The City makes these parcels available by either disposing of them at public auction¹⁵⁷ or by transferring them to nonprofit organizations¹⁵⁸ ~ usually for below-market consideration ~ for the purpose of building new housing or rehabilitating existing housing for resale to qualified individuals.

Many such parcels, for reasons of size, location or other characteristics, do not command market prices or do not attract interest and are thus unsuccessful at auction. Additionally, the time, effort and costs involved in obtaining zoning variances to develop undersized parcels decreases their attractiveness. Accordingly, existing transfer mechanisms have not allowed the City to fully maximize its return on such lands, or insure that such parcels are restored to productive use.

On two (2) separate occasions in 2002, the City made 78 such parcels available to adjacent landowners pursuant to law. Less than 20% of these landowners expressed interest in purchasing these lots. While all of the lands so offered were undersized according to City zoning regulations, they were large enough to support modest residential construction.

The Redevelopment Statute allows the City to 'package' such parcels and make them available to the development community under an approved Redevelopment Plan.¹⁵⁹ A finding of Need for Redevelopment or Rehabilitation for the areas where the parcels are located is a prerequisite for such action. Given the scattered location of the lots in question, a Citywide Rehabilitation designation¹⁶⁰ was considered by the City to be the most effective means of returning these lands to productive use.

The Governing Body commenced this process in August 2002 by directing the Planning Board to conduct a Preliminary Investigation and make a recommendation regarding whether or not the City, or any part thereof, qualified as an Area In Need of *Rehabilitation* pursuant to section 14 of the *Local Redevelopment and Housing Law*.

The Planning Board completed its Investigation and, in December 2002, conducted its Public Hearing and formulated its recommendation that the City of Pleasantville, *in its entirety*, qualified as an Area In Need Rehabilitation.

The Governing Body reviewed the recommendations of the Planning Board and, concurring with its findings, declared the City of Pleasantville, *in its entirety*, to be In Need of Rehabilitation in December 2002. As part of this action, the City directed the Planning Board to prepare a Redevelopment

¹⁵⁷ Pursuant to N.J.S.A. 40A:12-1 et seq.

¹⁵⁸ Pursuant to N.J.S.A. 40A:12-21 (j).

¹⁵⁹ The Redevelopment Statute utilizes the term "Redevelopment Plan" for activities in both *Redevelopment* and *Rehabilitation* Areas.

¹⁶⁰ Where warranted by consideration of the overall conditions and requirements of a community, a finding of need for rehabilitation may extend to the entire area of a municipality (N.J.S.A. 40A:12A-14).



Plan for the City-owned properties under what was termed the City-Owned Land Disposition (a.k.a. the Scattered Site) Program.¹⁶¹

The Redevelopment Plan¹⁶² was prepared and reviewed by the Planning Board at a public hearing in January 2003. Upon recommendation by the Board, the City adopted the Redevelopment Plan¹⁶³ in February 2003.

The focus of the Redevelopment Plan is to create a mechanism to make undersized City-owned lots, both then in inventory and others which the City may obtain in the future, 'buildable' from a zoning perspective (thus increasing their value, marketability and post-sale ratable potential) and to transfer said lots to private builders / developers for development. While the City's primary goal is construction of dwelling units on these parcels, it may entertain mixed-use, commercial or other types of development under certain conditions and at certain locations.

The Redevelopment Plan also contains provisions to support the City's HOPE VI (Phase I) Project.

Since adoption of the Redevelopment Plan, the City has conducted several public auctions at which 29 undersized lots were sold to private developers, resulting in a total of \$1,060,900.00 in purchase price for the City. Said developers have submitted plans for single-family homes as required by the Redevelopment Plan. At Publication, approximately 17 approvals have been granted, with construction in varying stages of completion.

As a result of this process, the City has not only received a (one-time) financial benefit from the sale of the properties, but has ensured that otherwise non-productive lands will be returned to the tax roles to the benefit of future generations, stabilized existing neighborhoods and provided for home-ownership opportunities in the City.

No changes are recommended for the Scattered Site Program.

(2) HOPE VI¹⁶⁴ (Phase I): Scattered Site Housing

While the aforementioned efforts were underway, the Pleasantville Housing Authority was preparing an application to the United States Department of Housing & Urban Development for HOPE VI designation.

¹⁶¹ Via Resolution No. 273-2002.

¹⁶² Redevelopment Plan: Area In Need of Rehabilitation ~ City-owned Land Disposition Program prepared by Remington, Vernick & Walberg Engineers (Submitted for Approval January 13, 2003).

¹⁶³ via Ordinance No. 04-03.

¹⁶⁴ HOPE VI is a federal ("HUD") program designed to 'deinstitutionalize' public housing by demolishing traditional, large, centralized public housing projects and relocating [former project] residents into existing neighborhoods. When integrated into a municipality's general populace ~ at densities considerably lower than exist in traditional public housing ~ the negative influences of "project life" are removed. Without the stigma of public housing, residents more easily become a part of the fabric of the community.



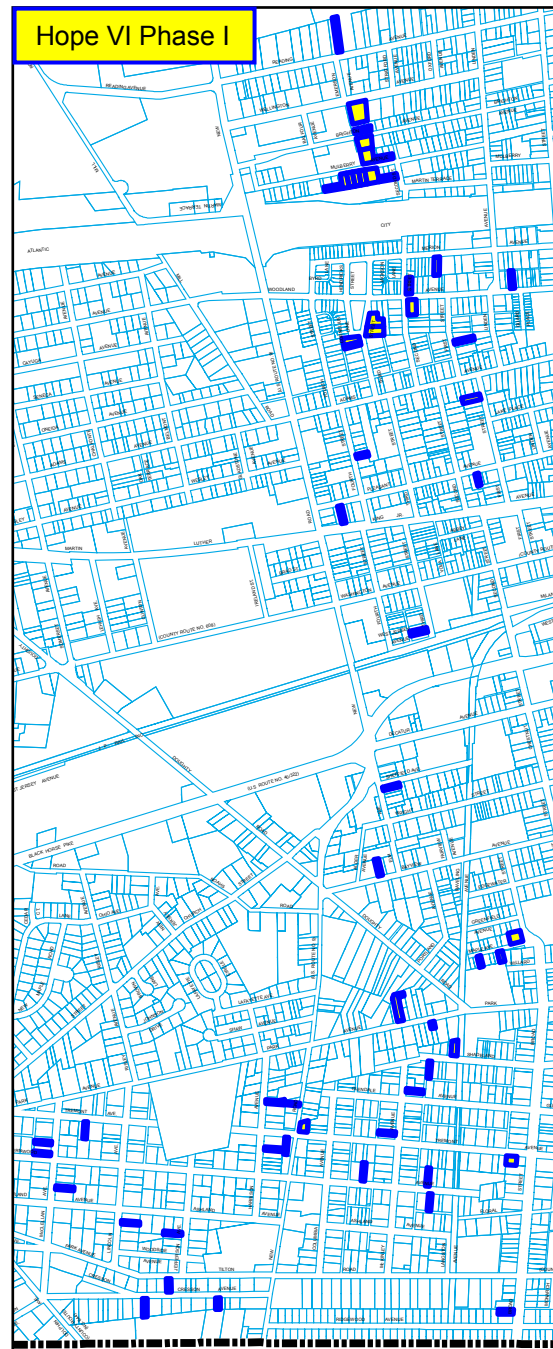
The Mayor and Governing Body, acting in partnership with PHA and thereby strengthening the HOPE VI application, agreed to donate such City-owned lots as may be necessary to develop 60 single-family detached and semi-detached (side-by-side duplex) housing units as part of the HOPE VI project. Such housing would be scattered throughout the HOPE VI district and be used primarily as a relocation resource for the residents of the Woodland Terrace public housing complex, which was to be demolished as part of the HOPE VI Program (although some land would be used for development of for-sale and market-rate rental units under the HOPE VI Program).

In order to develop the City-owned lots as desired without a myriad of variances (which would make the process too expensive and unwieldy), the City included Phase I of the HOPE VI Program under the City-Owned Land Disposition Program.

The HOPE VI application was filed with HUD in December 2002 and was approved in April 2003.

At Publication, Phase I of the HOPE VI project had been completed, resulting in the creation of 60 affordable single-family detached and attached (duplex) housing units in the form of:

- 32 rental units occupied by former residents of Woodland Terrace;
- 3 for-sale home ownership units occupied as by former residents of Woodland Terrace;
- 25 rental units occupied by non-former Woodland Terrace residents;



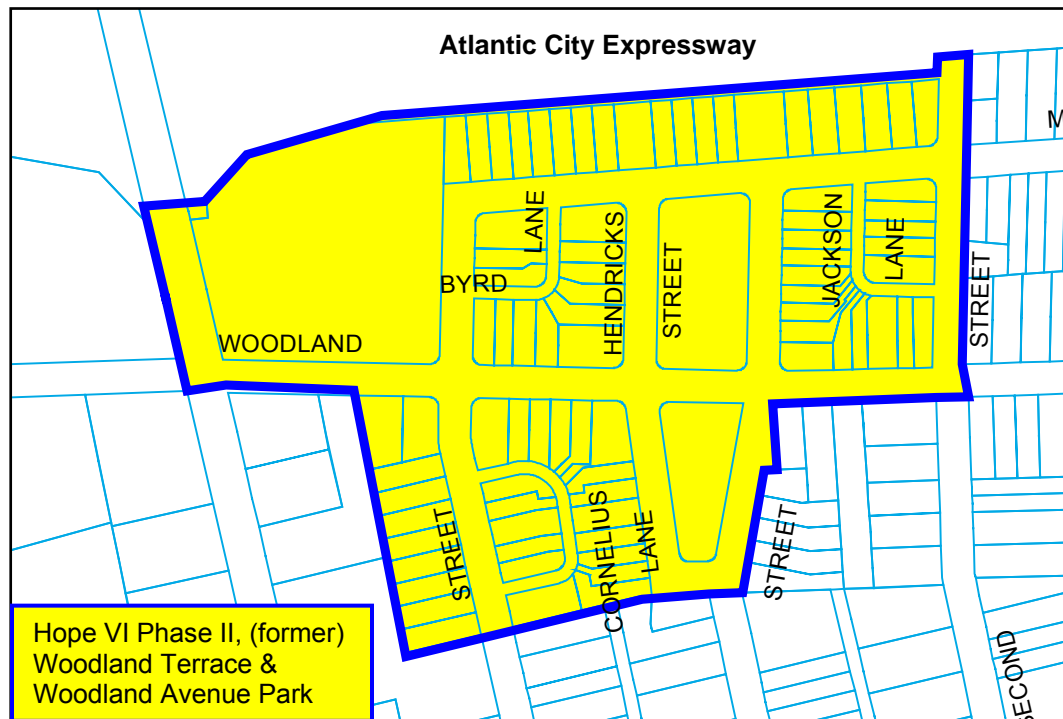


At Publication, the final outstanding issues for HOPE VI Phase I is for the Redeveloper to request and the City to issue a Certificate of Completion and Compliance for the project.

(3) HOPE VI (Phase II): Woodland Terrace ~ New Hope Community

While the Redevelopment Plan for the City Owned Land Disposition Program addressed the needs of Phase I of the HOPE VI Program, it did not address Woodland Terrace; the *raison d'être* of the HOPE VI Project.

The ultimate goal of the HOPE VI program was the demolition of the Woodland Terrace public housing complex and the (re)development of the Woodland site with 80 single-family detached and semi-detached dwellings, a community center and active and passive open space.¹⁶⁵



Prior to undertaking the HOPE VI (Phase II) project, the Woodland Terrace site was zoned MF Residential Multi-Family. While Permitted Uses in this zone included single-unit structures, minimum lot size was one (1) acre and setback and other regulations anticipate apartment-style multi-family construction.¹⁶⁶ As with the HOPE VI (Phase I) program, a myriad of variances would have been required in order to develop the site as envisioned. Additionally, MF zoning did not permit community centers.

¹⁶⁵ Planning for HOPE VI (Phase II) includes the reconfiguration of the existing, City-owned Woodland Avenue Park into a more neighborhood-friendly use of space.

¹⁶⁶ §290-24 A & 25.



To address these issues, the City agreed to create a Redevelopment Plan under the Citywide Rehabilitation designation (section 6.3.7 A. herein) in order to (re)plan both Woodland Terrace and Woodland Avenue Park to permit the type and scope of development envisioned by HOPE VI.

In November 2004, the Governing Body directed the Planning Board¹⁶⁷ to prepare a Redevelopment Plan for the Woodland Terrace site and adjoining lands. The Plan¹⁶⁸ was completed and reviewed by the Planning Board at a public hearing in January 2005. Upon recommendation by the Board, the City adopted the Redevelopment Plan in February 2005.¹⁶⁹

In March 2005, PHA and its Private Redevelopment Partner¹⁷⁰ received Preliminary Site Plan Approval and a determination of Redevelopment Plan Conformance for 80 single-family and duplex dwelling units, a community center and central landscaped commons on the Woodland Terrace Site. Final Subdivision and Site Plan Approval was granted in May 2006.

At Publication, all of the Phase II units had been completed and occupied and the Mayor Ralph Peterson Sr. Community Center was open and functioning. The final outstanding issues for the HOPE VI Phase II project is for the Redeveloper to request and the City to issue a Certificate of Completion and Compliance for the project. Upon issue of such Certificate, it is recommended that the Permitted Uses and Building Limit Controls contained in the Redevelopment Plan be instituted as the base-zoning for the New Hope Community.

While Phase I & II of HOPE VI have been completed, this Comprehensive Master Plan Update recognizes that HOPE VI includes a Phase III component, which consists of 13 home-ownership units on lots scattered throughout the City. At Publication, City participation in Phase III had not been finalized.

(4) Narcissus Avenue Rehabilitation Area¹⁷¹

At Publication, the City's inventory of City-owned, vacant land included a 4-lot (approximately 0.8-acre) tract located on Park Avenue adjacent to Narcissus Avenue¹⁷². The City has determined that this land, which is vacant and unimproved, is not necessary for municipal use.

¹⁶⁷ via Resolution No. 266-2004.

¹⁶⁸ Rehabilitation Plan for the Woodland Terrace ~ New Hope Community (HOPE VI ~ Phase II), City of Pleasantville, Atlantic County, NJ, (labeled "Submitted for Approval: January 12, 2005").

¹⁶⁹ Via Ordinance No. 4-2005.

¹⁷⁰ The Ingerman Group, a private sector developer contracted by PHA to plan, construct and manage the HOPE VI project.

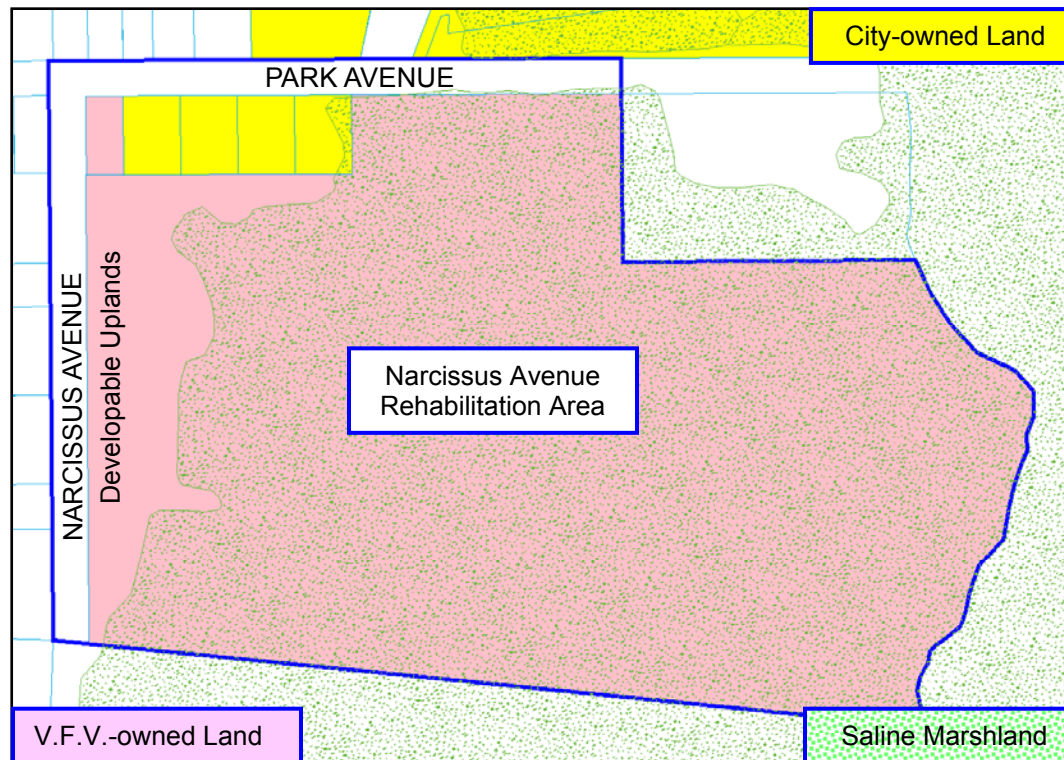
¹⁷¹ "NARA".

¹⁷² Block 4, Lots 29, 30, 31 & 32



This City-owned land is located directly adjacent to two lots¹⁷³ owned by a private entity¹⁷⁴ who wishes to develop a significant project in Pleasantville.

While the land owned by V.F.V. Property totals approximately 20.4 acres in area, the majority of these 2 lots consist of wetlands and wetlands buffers; thereby making it undevelopable.



Given the irregular shape of the *developable portion* of the V.F.V.-owned land, it is likely that development on these lots, absent active participation by the City, would be limited to approximately eight (8) single-family homes. However, if the V.F.V.-owned land were combined with the City-owned land, a substantial project could be created, resulting in far greater return to the City in terms of sales price and annual ratables than if the project were developed without the City-owned land.

Under the *Local Lands and Buildings Law*,¹⁷⁵ and absent the Redevelopment process, the City would be required to auction its land to the highest bidder. Under such scenario, there is no certainty that V.F.V. would be the successful bidder. Additionally, the auction process could potentially inflate

¹⁷³ Block 4, Lots 6 and 12

¹⁷⁴ "V.F.V. Property" or "V.F.V."

¹⁷⁵ N.J.S.A. 40A:12-1 et. seq.



the purchase price of the City-owned land to a point where the cost could not reasonably be supported by a market-driven project. In both cases, the degree of uncertainty injected into the process would likely undermine the transformation of this vacant and unutilized tract to productive use.

Further, both the City-owned land and the V.F.V.-owned land were, at the time of discussion, located in the City's SFR-75 Zoning District, which provides for single-family residential development on 7,500 s.f. lots with 75' of frontage. Given the irregular shape of the *developable portion* of the V.F.V.-owned land, it is likely that meaningful development would have required substantial variance relief. The cost and time required to obtain such relief, as well as the uncertainty injected into a project by the Application process, would likely have impacted the value of the City-owned land and reduce the marketability of the lots at auction.

Under the Redevelopment Statute, the City is able to use the existing City-wide Rehabilitation designation to create a Redevelopment Plan to provide for land use and building controls designed to maximize the use of this site while permitting a negotiated sales price with a designated Redeveloper.

In December 2006, the Governing Body directed the Planning Board¹⁷⁶ to prepare a Redevelopment Plan for the area as described, designating it the "Narcissus Avenue Rehabilitation Area".

The Redevelopment Plan¹⁷⁷ was completed and reviewed by the Planning Board at public hearings in March and May 2007. Upon recommendation by the Board, the City adopted the Redevelopment Plan in July 2007.¹⁷⁸

Upon adoption of the Redevelopment Plan, V.F.V. submitted an Expression of Interest in order to be designed Redeveloper Candidate as required by the Redevelopment Plan. After review of the Expression of Interest, the City designated V.F.V. as Redeveloper Candidate.

At Publication, the City had commenced negotiations but had not yet executed a Redevelopment Agreement with V.F.V. While communications between representatives of the City and V.F.V. confirm that design engineers have been engaged and that V.F.V. is proceeding with the project, the City is awaiting submission of a formal application to the Planning Board.

No changes are recommended for the Narcissus Avenue Rehabilitation Area.

¹⁷⁶ via Resolution No. 250-2006.

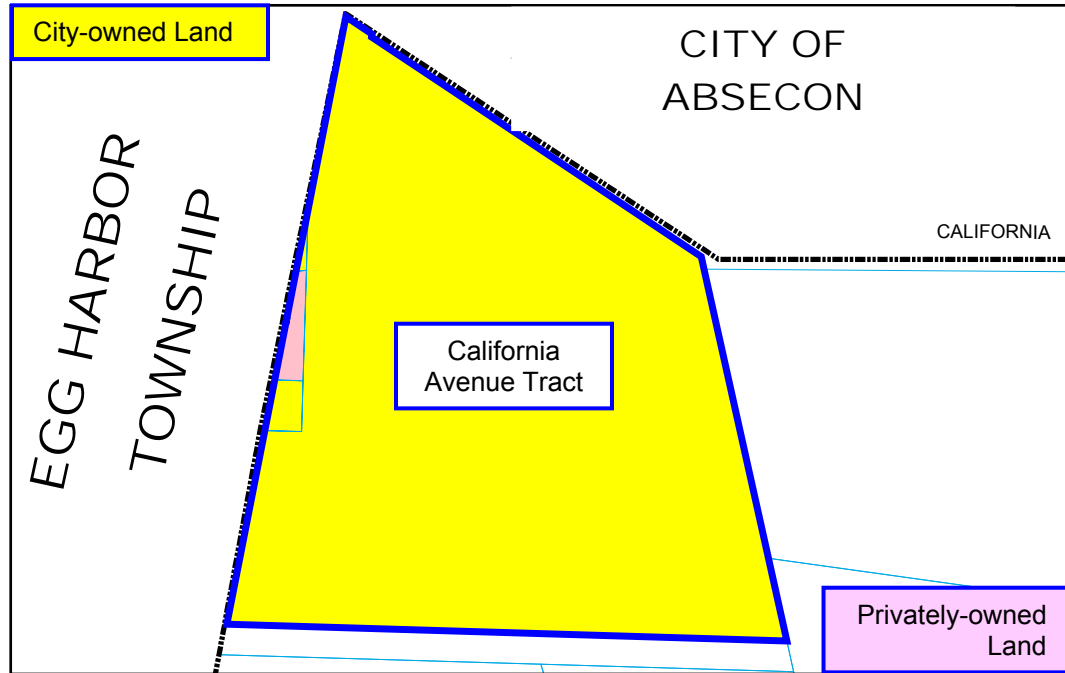
¹⁷⁷ Redevelopment Plan for the Narcissus Avenue Rehabilitation Area City of Pleasantville, Atlantic County, NJ (dated February 15, 2007).

¹⁷⁸ Via Ordinance No. 29-2007.



(5) California Avenue Tract¹⁷⁹

There exists along California Avenue in the northwestern corner of the City, an approximately 20-acre tract of City-owned land.¹⁸⁰ The entirety of this Tract is wooded and undeveloped.



Prior to the City’s actions of April 2008 as described herein, the California Avenue Tract was located within the City’s IND Industrial Zoning District, permitting a variety of light industrial uses.

The City had previously determined that the Tract could serve as a relocation resource for the non-Commercial uses to be removed from the City Center Area (section 6.3.7. C. herein), as well as other appropriate uses which could satisfy the intent of the [then] IND zoning. However, over the past several years, the private market has created several light industrial / ‘flex-space’ facilities which could serve as the desired relocation resource for the City Center Area.¹⁸¹ Accordingly, the City has determined that there is no longer a need to reserve the California Avenue Tract for such uses.

¹⁷⁹ “Cal Ave. Rehab. Area”.

¹⁸⁰ Block 200, Lot 4 & Block 441, Lots 1 & 10. Adjacent thereto is Block 441, Lot 3, an approximately 86 s.f. lot owned by a private individual.

¹⁸¹ including, but not limited to, the 175,000 s.f., City-sponsored Cambria Commerce Center in the Cambria Avenue Redevelopment Area (section 6.3.7. B. herein).



Without the need to reserve the California Avenue Tract for any potential City Center relocation, the City determined that its lands within the Tract were no longer needed for municipal purposes and that these lands, if sold and developed, could provide the City with much needed funds in the form of the purchase price as well as ongoing revenues in the form of significant tax ratables. Development of these lands would additionally transform an underutilized area into a productive and therefore positive asset for the community.

In the spring and fall of 2007, the City, on three (3) occasions, attempted to sell its lands within the California Avenue Tract at public auction as required under the *Local Lands & Buildings Law*¹⁸². Auctions were held in May, June and September 2007. Prior to these auctions, the City advertised the development opportunity by placing legal ads in multiple publications.

The City's auctions required that development be consistent with the City's [then] IND zoning for these lands. On each occasion the minimum bid was \$2 million, which was consistent on a dollar-per-acre basis with other IND-zoned lands the City had recently sold at auction.

Unfortunately, none of these auctions saw any interested bidders.

In analyzing the potential reasons behind this lack of success at auction, the City determined that there is simply no market for a large light industrial development in Pleasantville. The City further determined that the most effective way to achieve its goal of transforming its lands into productive assets for the community is to rezone this section of the City to Single-Family Residential-75 (SFR-75), which permits development of single family detached dwellings on 7,500 s.f. lots.¹⁸³ Such rezoning took place in April 2008.¹⁸⁴

In May 2008, the City again attempted to sell its lands within the now residentially-zoned California Avenue Tract at public auction. Again the City advertised this development opportunity in multiple publications.

Prior to the auction, the City received correspondence from a development entity known to be interested in the California Avenue Tract, which stated that, due to certain yet-to-be-quantified environmental constraints within the Tract, it would not participate in an auction process whereby it would be required to place a significant investment (in the form of a non-refundable deposit and full payment within a 30-day period) at risk without assurances that it could develop an economically-viable project on the Tract.

¹⁸² N.J.S.A. 40A:12-1 et. seq.

¹⁸³ See section 6.3.1. C. herein

¹⁸⁴ via Ordinance No. 5-2008.



Based on this information and a lack of demonstrated interest from others in the development community, the auction was cancelled.

As with Narcissus Avenue (section 6.3.7 A. (4) herein), the City determined that it could use the existing City-wide Rehabilitation designation to create a Redevelopment Plan for the California Avenue Tract as a mechanism to (re)plan the Tract and permit the City to legally negotiate development issues with a private Redeveloper. In this way, the City is legally able to address the uncertainty created by the environmental constraints on the Tract and reduce the risk to developers while permitting the flexibility in planning and design necessary to appropriately develop these lands and protect the precious natural resources existing thereon.

In May 2008, the Governing Body directed the Planning Board¹⁸⁵ to prepare a Redevelopment Plan for the California Avenue Tract.

The Plan¹⁸⁶ was completed and reviewed by the Planning Board at a public hearing in May 2008. Upon recommendation by the Board, the City adopted the Redevelopment Plan in June 2008.¹⁸⁷

Upon adoption of the Redevelopment Plan, the City received Expressions of Interest from 3 entities interested in developing the California Avenue Tract as required by the Plan. After review of all Expressions of Interest, the City designated Eastern New Homes as Redeveloper Candidate for the California Avenue Tract.

At Publication, the City had negotiated by had not yet executed a Redevelopment Agreement with the Redeveloper Candidate and was awaiting submission of an application to the Planning Board for the project.

No changes are recommended for the California Avenue Tract.

B. Cambria Avenue Redevelopment Area¹⁸⁸

- (1) In December 1999, the City declared¹⁸⁹ the approximately 17-acre former municipal landfill (generally bounded by Adams Avenue to the south; Islesworth Avenue¹⁹⁰ to the east; the rear property lines of the lots fronting Woodland Avenue to the north and the rear property lines of the lots fronting

¹⁸⁵ via Resolution No. 126-2008.

¹⁸⁶ Redevelopment Plan for the California Avenue Tract, City of Pleasantville, Atlantic County, N.J. (dated May 9, 2008).

¹⁸⁷ Via Ordinance No. 15-2008.

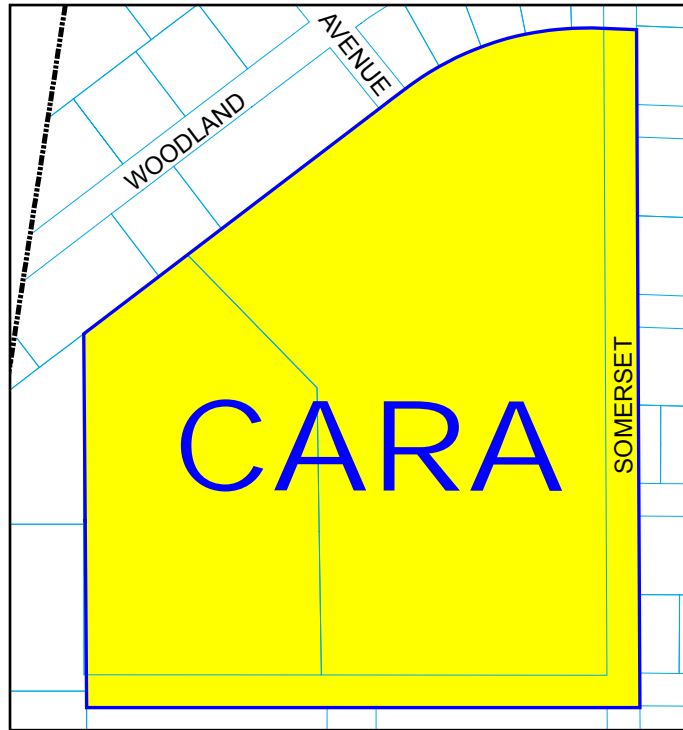
¹⁸⁸ "CARA".

¹⁸⁹ via Resolution No. 309-1999.

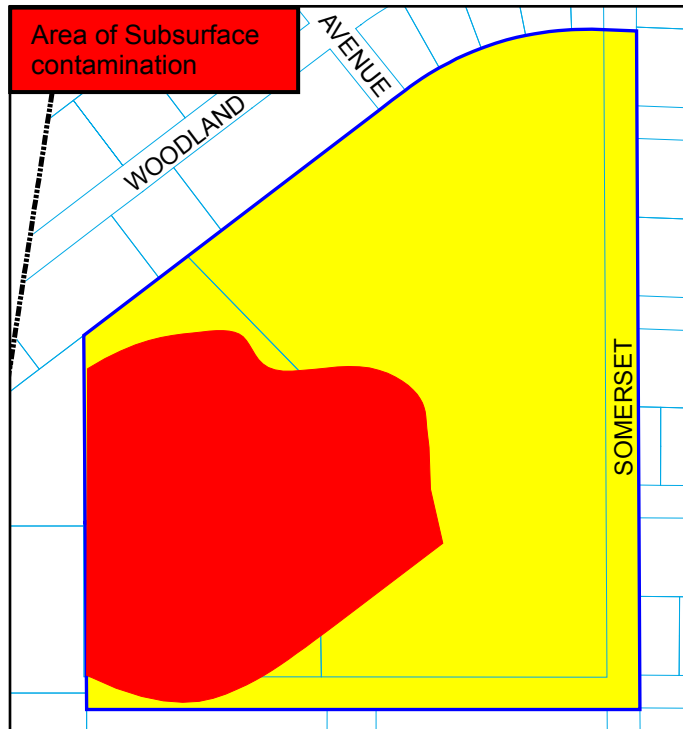
¹⁹⁰ Subsequently renamed Somerset Avenue.



the Egg Harbor Township Boarder to the west) to be In Need of Redevelopment pursuant to the Redevelopment Statute.



(2) After adoption of a Redevelopment Plan¹⁹¹, the City conducted a series of subsurface environmental analyses of the C.A.R.A. Such analyses¹⁹² found that subsurface contamination attributable to the (former) City landfill encompassed approximately five (5)-acres of the Redevelopment Area; generally to the southwestern portion of the site.



¹⁹¹ Revised Cambria Avenue Redevelopment Plan for the City of Pleasantville. Prepared by Peter P. Karabashian Associates, Inc. (30 November 1999). Adopted via Ordinance No. 50-1999.

¹⁹² Environmental Site Investigation Report for the City of Pleasantville; Proposed Cambria Avenue Industrial Park Site. Prepared by Remington & Vernick Engineers (8/10/99, with revisions 11/15/99 & 12/15/99).



To address such contamination, the City developed and filed with NJDEP a Remedial Action Work Plan¹⁹³ for the CARA.

(3) While working with NJDEP to develop the RAWP, the City was actively seeking Redevelopers for the uncontaminated portion of the CARA. Upon adoption of the Redevelopment Plan, the City listed the Redevelopment Area with local realtors and advertised this development opportunity in various real estate publications. As a result:

- In November 2000, the City entered into an Option / Right-of-First-Refusal Agreement with the [then] parent of the [then] Sands Hotel & Casino¹⁹⁴ for development of warehousing space. Said agreement lapsed in November 2001 without development taking place.
- In January 2002, the City entered into an Option / Right-of-First-Refusal Agreement with DCO Energy for development of a co-generation plant. Said agreement lapsed in mid-2002 without development taking place.

In March 2004, the City entered into a Temporary Use Agreement with AE Stone, owners of a construction debris / concrete recycling facility located adjacent to the CARA for the storage of the debris from the (October 2003) collapse of the Tropicana Parking Garage in Atlantic City, which was to be maintained in its unprocessed form until settlement of the various court cases arising from the collapse.

Significantly, in addition to the Temporary Use, AE Stone expressed an interest in purchasing a portion of the CARA for the outdoor storage of concrete prior to processing and recycling. While the City and AE Stone entered into a contract of sale for such purchase, closing was dependent on AE Stone receiving Planning Board approval for the proposed use. Community opposition expressed at the Planning Board hearing on this matter caused AE Stone to withdraw its application. The contract of sale with the City lapsed without further action.

After continued search, the City, in July 2005,¹⁹⁵ designated Matthew Finestone (d.b.a. 1409 LLC) as Redeveloper for what was considered to be the uncontaminated portion of the CARA. Subsequently, Mr. Finestone formed ACFD Development LLC for the specific purpose of developing said area. In September 2005, the City¹⁹⁶ recognized the formation of ACFD Development LLC and designated same as "Redeveloper" for said area.

¹⁹³ "RAWP"

¹⁹⁴ Greate Bay Hotel & Casino

¹⁹⁵ via Resolution No. 162-2005.

¹⁹⁶ via Resolution No. 197-2005.

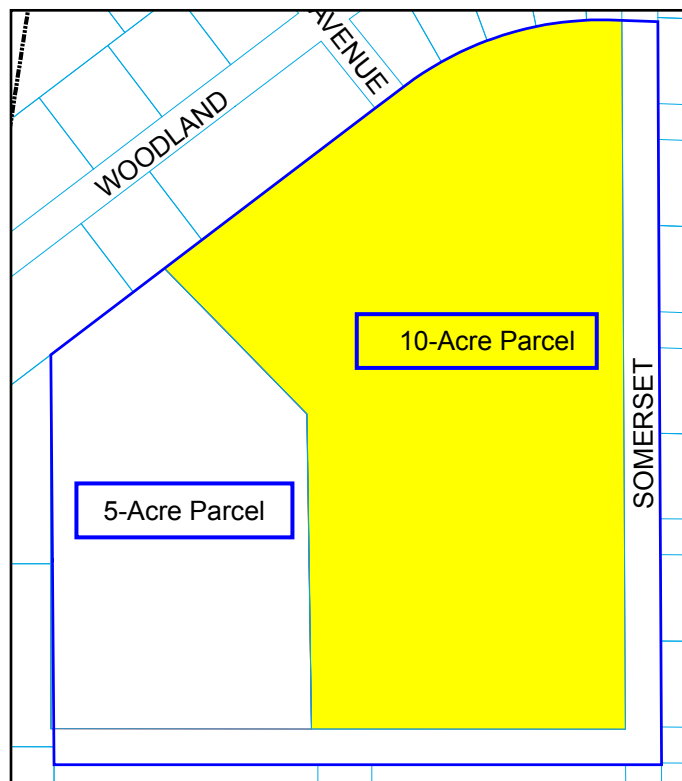


In conducting its due diligence in anticipation of financing the Redevelopment Project, the Redeveloper's financial institutions found that while the more serious contamination in the CARA is localized to approximately 5 acres in the southwest of the CARA, contamination extends over the [then existing] lot lines onto the lots on which the Redeveloper is planning to build. As such, the financial institutions classified the entirety of these lots as "contaminated", despite the fact that contamination levels were not considered significant.

This situation impacted the Redeveloper's ability to obtain the financing necessary to undertake the Redevelopment Project.

Accordingly, the Redeveloper, on behalf of the City, filed an application with the Planning Board to subdivide the CARA into a 4.79-acre lot ("5-Acre Parcel") and a 9.86-acre lot ("10-Acre Parcel") in order to permit the Redeveloper to begin construction on the larger Parcel while the City pursues remediation on the smaller Parcel in accordance with the RAWP.

The Planning Board approved the subdivision in November 2005.



While the subdivision was in process, the City proceeded to amend the Cambria Avenue Redevelopment Plan in order to provide for a Parcelization Plan and Land Use Plan which conformed to the post-subdivision configuration of the CARA and to facilitate the Redeveloper's plans for the Area. After review and recommendation by the Planning Board, an *Amended & Restated Redevelopment Plan for the Cambria Avenue Redevelopment Area*¹⁹⁷ was adopted in May 2006.¹⁹⁸

¹⁹⁷ Labeled "Submitted for Approval: February 28, 2006".

¹⁹⁸ via Ordinance No. 11-2006.



In July 2007, the City authorized the execution of a Redevelopment Agreement¹⁹⁹ and a Tax Abatement Agreement²⁰⁰ with ACFD Development LLC in order for Redeveloper to acquire the 10-Acre Parcel from the City and construct the Redevelopment Project. These Agreements were executed in March 2008.

In April 2007, Redeveloper made Application to the Planning Board for Preliminary Site Plan Approval and a determination of Redevelopment Plan Conformance in order to construct five (5) buildings with 175,000 s.f. of contractor's warehousing, office space and wholesale supply facilities on the 10-Acre Parcel. Preliminary Approval was granted in May 2007.

Final approval was granted in January 2008.

Construction commenced in March 2008. At Publication, the Redeveloper reports that four (4) of the five (5) buildings in the project were rented and under construction. Two buildings are expected to be completed by September 2008 and two by the end of 2008. Commencement of construction for the fifth building is pending tenanting.

- (4) While the Redeveloper was undertaking the aforementioned activities on the 10-Acre Parcel, the City was diligently working with NJDEP to investigate what would be required to obtain approval of the RAWP for the remaining 5-Acre Parcel, including continued monitoring of the subsurface conditions at the site. At Publication, a program of remediation and ongoing monitoring had been established and was being enacted.

Upon resolution of all outstanding subsurface contamination issues, the City anticipates utilizing the remaining lands within the CARA for the relocation of the municipal Public Works Maintenance Building and Storage Yard, currently located at the corner of New Road and Reading Avenue. Upon such relocation, the City will be in a position to market the New Road site for more appropriate (commercial) uses.

- (5) No changes are recommended for the Cambria Avenue Redevelopment Area.

Upon completion of construction on, individually, the 10-Acre Parcel and the 5-Acre Parcel, and the issuance by the City of Certificates of Completion and Compliance for each, it is recommended that the Permitted Uses and Building Limit Controls contained in the Redevelopment Plan be instituted as the base-zoning for the CARA.

¹⁹⁹ Via Ordinance No. 30-2007.

²⁰⁰ Via Ordinance No. 31-2007.



C. City Center Area

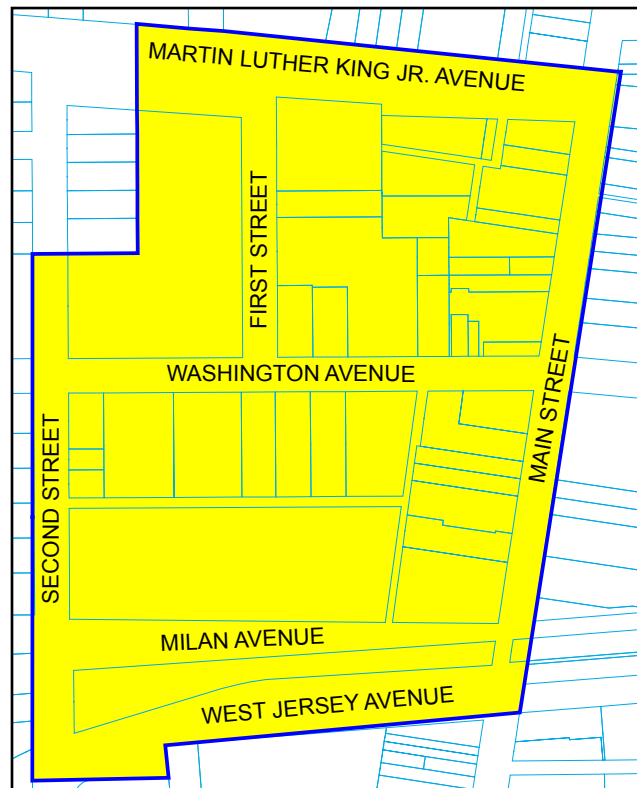
(1) The City began planning for the revitalization of its downtown commercial district in the late 1990s with a renewal program for the blocks housing the City’s municipal administrative building (City Hall), Police Department and Municipal Courts building, Fire Department and the former City Library. The City’s intent for this area was to construct a new Public Services Complex consisting of a new City Hall connecting to a renovated Police and Municipal Courts facility by way of a central plaza on the (to be vacated) First Street right-of-way. Additional projects included a new library, renovations to the City’s Fire Station and upgrades to the municipal offices located in the former library building.

Adjacent to these public uses are blocks which, at the time, hosted the Tri-County Construction Supply operation and which currently host the J.P. Railroad right-of-way.

Over the years, the City,²⁰¹ with the assistance of the State of New Jersey,²⁰² has held discussions with the owners of the Tri-County Site related to the relocation of the facility to a more advantageous site in another part of the City. Such a move would permit the City to better take advantage of the current downtown location for more appropriate center city uses.

Based on initial planning, City Policymakers hoped to use the revitalized Public Services Complex and development on the Tri-County site as anchors to spur new commercial activity in downtown Pleasantville.

(2) In August through November 2002, the City commenced the Redevelopment process for these blocks, focusing on the portion of downtown Pleasantville bounded by Main Street, Martin Luther King Jr. Avenue, Second Street and West Jersey Avenue.



²⁰¹ Through its Urban Enterprise Zone.

²⁰² Through its Redevelopment Authority.



City Council declared the area to be In Need of Redevelopment in July 2003.²⁰³

After years of subsequent planning,²⁰⁴ the City commenced preparation of a Redevelopment Plan for the Area in October 2005.

While preparing the Redevelopment Plan, the City became aware that A.C. Linen, an existing Atlantic City-based commercial laundry, was seeking to expand its operations and entered into a contract of sale with the owners of the property at 7 N. Franklin Boulevard²⁰⁵ for such purpose.

Conversations with A.C. Linen revealed that management was prepared to renovate the existing Hospitality Linen structure and immediately create a minimum of 75 jobs at this new facility. Additionally, Management anticipated that expansion of the facility could eventually result in the creation of approximately 300 jobs at that location.²⁰⁶ Such jobs would target the Pleasantville labor pool, which was (and continues to be) severely underserved by existing employment opportunities in the region.

It appeared to City Policymakers that a new A.C. Linen facility within the City Center Area will address several of the Municipal Goals & Objectives then being considered for the City Center Redevelopment Plan. Specifically:

- Providing for the reactivation of an underutilized building in the City Center Area which represents a lost opportunity for contributing to the welfare of the community.
- Instituting provisions and uses designed to strengthen and enhance the City's economic base, generate significant employment opportunities (including opportunities for City residents) and stimulate new tax ratables.
- Providing for the revitalization of lands and the establishment of businesses within the City's Urban Enterprise Zone; thereby increasing the resources available to the UEZ for economic development programs.

²⁰³ Via Resolution No. 146-2003.

²⁰⁴ Including two downtown parking studies and a Planning Retreat sponsored by the Urban Enterprise Zone designed to garner input and build consensus as to the direction the Redevelopment program. Invitees included City Policymakers, Planners, local property owners and business operators (both on file at the offices of the Pleasantville Urban Enterprise Zone).

²⁰⁵ a property which historically housed the American Eagle commercial laundry operation and, more recently, the Hospitality Linen commercial laundry.

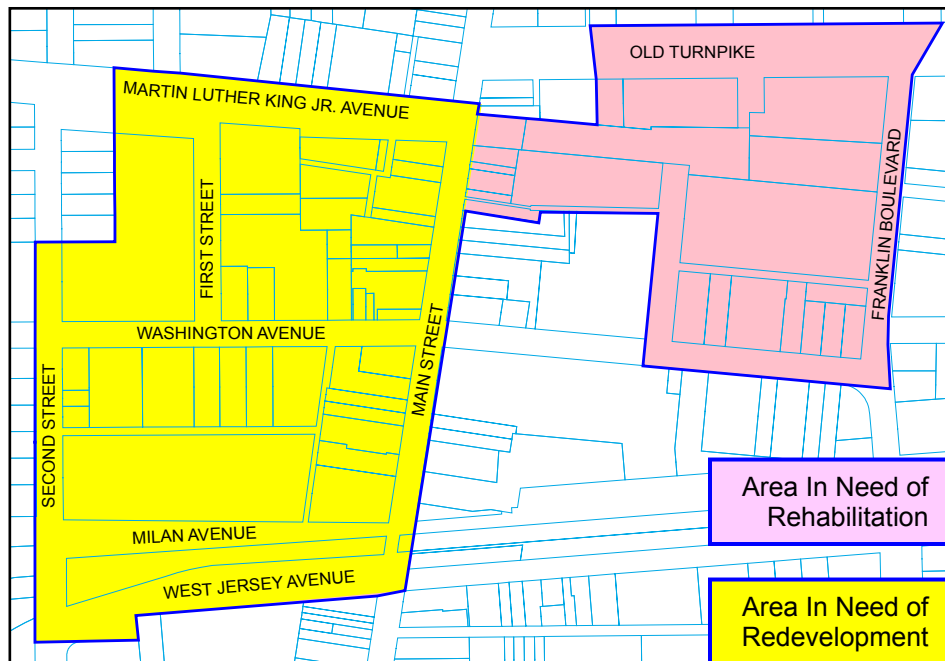
²⁰⁶ The proximity of the 7 N. Franklin Boulevard location to the Pleasantville Bus Station on West Jersey Avenue at Main Street, as well as to several New Jersey Transit Bus Routes, makes this property an ideal location for A.C. Linen's traditional labor pool, which typically relies on public transportation to get to and from work.



- Supporting and advancing the City’s Urban Enterprise Zone, including, but not limited to, creating jobs for City residents and business opportunities for existing and new businesses.
- Supporting and advancing the City’s Transit Village, including, but not limited to, creating of jobs and business opportunities which will maximize use of the mass transit stops in the vicinity of the City Center Area.

In light of the foregoing, City Policymakers decided to expand the area under the jurisdiction of the Redevelopment Plan to include 7 N. Franklin Boulevard as well as additional lands to accommodate A.C. Linen’s anticipated future expansion²⁰⁷, and to designate A.C. Linen as Redeveloper Candidate²⁰⁸ for 7 N. Franklin Boulevard and for such other (expansion) lands as required.

Rather than undertake the lengthy and expensive process to declare 7 N. Franklin Boulevard and surrounding areas to be In Need of Redevelopment, the City relied on the existing Citywide Rehabilitation Area designation (section 6.3.7. (4) herein) as the basis for inclusion in the Redevelopment Plan.²⁰⁹



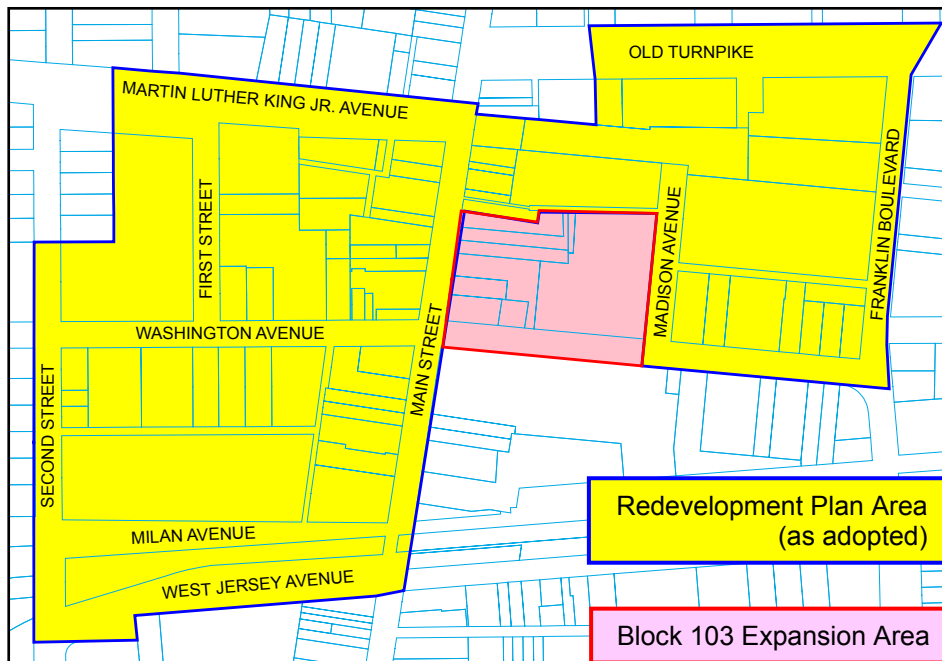
²⁰⁷ as then discussed

²⁰⁸ Pending submission of a formal Expression of Interest detailing its Project Concept and a negotiated Redeveloper’s Agreement with the City. At Publication, A.C. Linen had submitted its Expression of Interest and was designated Redeveloper upon execution of the Redeveloper’s Agreement (authorized via Ordinance No. 4-2007 and executed in April 2008).

²⁰⁹ The Redevelopment Statute defines a Redevelopment Plan as “a plan adopted by the governing body of a municipality for the *redevelopment or rehabilitation* of all or any part of a *redevelopment area*, or an *area in need of rehabilitation*, which plan shall be sufficiently complete to indicate its relationship to definite municipal objectives...; and to indicate proposed land uses and building requirements in the *redevelopment area or area in need of rehabilitation, or both.*” [emphasis added] Accordingly, a Redevelopment Plan is the statutory mechanism for addressing conditions in both a Rehabilitation Area and a Redevelopment Area.



Upon completion, the Redevelopment Plan²¹⁰ was submitted to the Planning Board for review and recommendation. At a public hearing, the Board heard comments from members of the public, who recommended, among other things, that the Redevelopment Area be expanded to include the properties bounded by Main Street, Washington Avenue, Madison Avenue and the southern line of the [then] Redevelopment Plan boundary on Block 103.



At conclusion of the public hearing, the Planning Board recommended²¹¹ that the City adopt the Redevelopment Plan with, among other technical changes, the expansion of the Redevelopment Area as described.

After considering the concerns as expressed by the Planning Board and the public, the City adopted the Redevelopment Plan for the east side of Main Street²¹² and directed the Planning Board to conduct a Preliminary (Redevelopment) Investigation for the Block 103 Area.

Additionally, the City conducted three (3) public workshop meetings to educate the community as to the goals and objectives of the redevelopment process and to solicit additional meaningful comment from the public at large; specifically as relates to the west side of Main Street. At the conclusion of these workshops, the City adopted the Redevelopment Plan for the West Side of Main Street.²¹³

²¹⁰ Redevelopment Plan for the City Center Area. Prepared by Remington, Vernick & Walberg Engineers (labeled "Submitted for Approval: April 28, 2006").

²¹¹ Via Planning Board Resolution No. PB-2006-02.

²¹² Via Ordinance No. 27-2006 (July 2006).

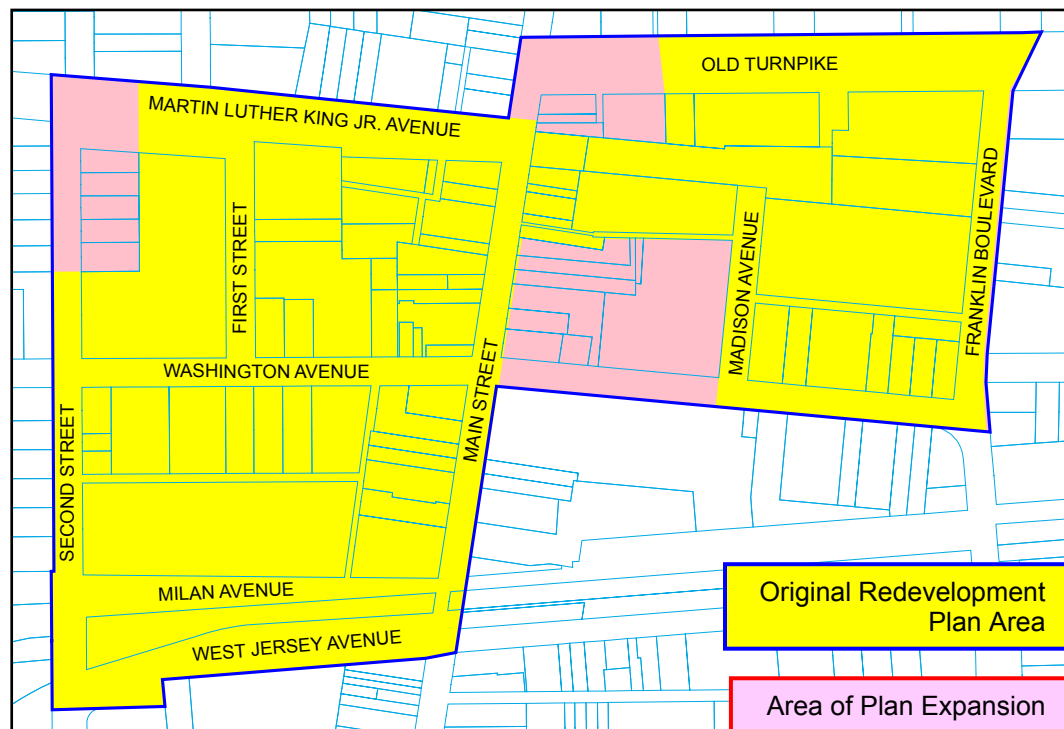
²¹³ Via Ordinance No. 35-2006 (September 2006).



Subsequently, the Planning Board commenced the Preliminary Investigation for the Block 103 Area. In December 2006, the Board received and reviewed a Report of Findings for the Area²¹⁴ and held a public hearing regarding this analysis. At the conclusion of said hearing, the Planning Board found and recommended to the City that:²¹⁵

- the Block 103 Area qualified as an Area In Need of Redevelopment and as such should be included under the City Center Redevelopment Plan; and
- certain 'Out-Parcels' [then] not under the Redevelopment Plan be included in the Plan under the Citywide Rehabilitation Area designation.

The City received the Resolution and recommendations of the Planning Board and, in December 2006²¹⁶ designated the Block 103 Study Area to be In Need of Redevelopment.



Upon such designation, the City prepared an amended Redevelopment Plan to include the areas recommended by the Planning Board.

²¹⁴ Report of Findings: Preliminary (Redevelopment) Investigation, Expansion of City Center Redevelopment Area ~ Block 103 Study Area. Prepared by Remington, Vernick & Walberg Engineers (October 18, 2006).

²¹⁵ via Resolution No. PB-2006-03.

²¹⁶ Via Resolution No. 254-2006.



After review and recommendation by the Planning Board, the Redevelopment Plan for the Expanded City Center Area²¹⁷ was adopted in March 2007.²¹⁸

- (3) Subsequently, the City issued a public Request-for-Qualifications & Proposals²¹⁹ solicitation seeking Redevelopers for the Expanded City Center Area. The RFQ&P, along with the (expanded) Redevelopment Plan, was mailed directly to over 100 developers, designers and other real estate professionals. In addition, the redevelopment opportunity was advertised in the commercial real estate sections of the New York Times (National Edition), Wall Street Journal (East Coast Edition [Maine to Florida]), Philadelphia Inquirer and Press of Atlantic City.

Despite the scope of the City's solicitation, only two (2) responses were received. After review, both responses were found to be incomplete and were therefore rejected.

Between July and October 2007, the City conducted an extensive outreach to the development community to determine, in part, what may have led to the lack of RFQ&P responses. Those contacted suggested that several factors, in combination, were instrumental in this result. Chief among these:

- The area under the Expanded Redevelopment Plan may be viewed as too small to create the critical mass necessary for a successful Redevelopment Project;
- The lands and buildings surrounding the area under the Expanded Redevelopment Plan contain conditions which, if not addressed, are viewed as detrimental to the success of a Redevelopment Project;
- The City's inability to exercise its powers of eminent domain for lands in the Rehabilitation portion of the Expanded Redevelopment Plan area introduces too great a level of uncertainty into the acquisition process for developers to feel comfortable in investing the sums necessary to insure a successful Redevelopment Project in the City's difficult real estate market (i.e., without the tool of eminent domain, the City could not insure acquisition of all lands necessary for a successful project); and
- Certain developers simply will not subject themselves to a competitive process wherein their financial and other proprietary information is subject to scrutiny by the public.

²¹⁷ Redevelopment Plan for the Expanded City Center Area. Prepared by Remington, Vernick & Walberg Engineers (January 31, 2007).

²¹⁸ Via Ordinance No. 11-2007.

²¹⁹ "RFQ&P"

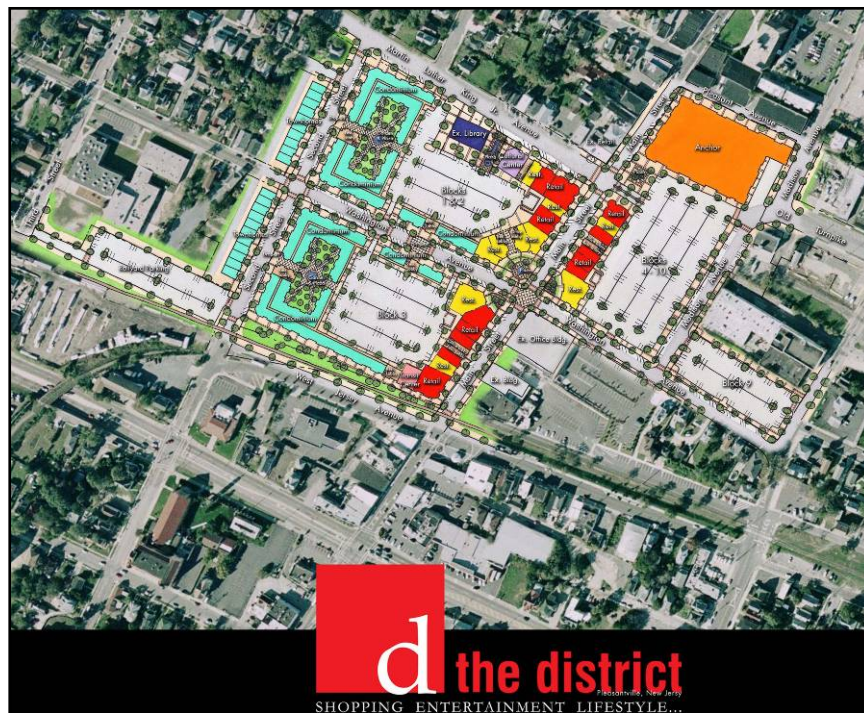


With this information in hand, the City commenced a *targeted* outreach to the development community in the hope of attracting one or more qualified redeveloper(s). Under this process, the City's Senior Staff made personal contact with not less than 35 members of the development community in order to more actively interest them in this development opportunity. This list was culled to approximately 10 development entities whom were interviewed by Senior Staff, who then created a short list of four (4) entities deemed to have the capacity to produce a successful Redevelopment Project.

Upon the recommendations of Senior Staff, the City's Planning and Development Committee made site visits to representative projects for each of the short-listed entities. Followup-interviews were subsequently conducted in which each entity outlined their plans for the City Center Area.

At the conclusion of this process, the Planning and Development Committee unanimously recommended to the full City Council that River Development LLC²²⁰ be designated Redeveloper Candidate and that their Project Concept, entitled The District,²²¹ be adopted for the City Center Area.

City Council formally designated River as Redeveloper Candidate and authorized Senior Staff of commence negotiations of a Redevelopment Agreement with River based on The District concept in February 2008²²². At Publication, such negotiations were ongoing.



²²⁰ "River"

²²¹ Exhibit x

²²² Via Resolution No. 53-2008.



(4) Recommendations for the City Center Area

The issues identified as leading to the lack of developer responses to the City's RFQ&P solicitation for the City Center Area are reflected in River's Project Concept for The District. In order to address these issues, this Comprehensive Master Plan Reexamination recommends the following:

- Explore further expansion of the area under the (expanded) City Center Redevelopment Plan to insure the critical mass of lands necessary for a successful Redevelopment Project, including, but not limited to, the lands north of Old Turnpike and west of Second Street which are outside of the (expanded) City Center Redevelopment Plan but which are included in The District Project Concept;
- Address the lands and buildings surrounding the area under the (expanded) Redevelopment Plan that exhibit conditions which, if not addressed, are viewed as detrimental to the success of The District. Mechanisms include changes in zoning as described under section 6.3.5. F. herein as well as potential expansion of the City Center Redevelopment Area;
- Address the City's inability to exercise its powers of eminent domain for lands in the Rehabilitation portion of the (expanded) Redevelopment Plan area by conducting a Preliminary Investigation to determine if such lands qualify under a Redevelopment Area designation. If so, designate such lands as being In Need of Redevelopment and include them in the (expanded) Redevelopment Plan.

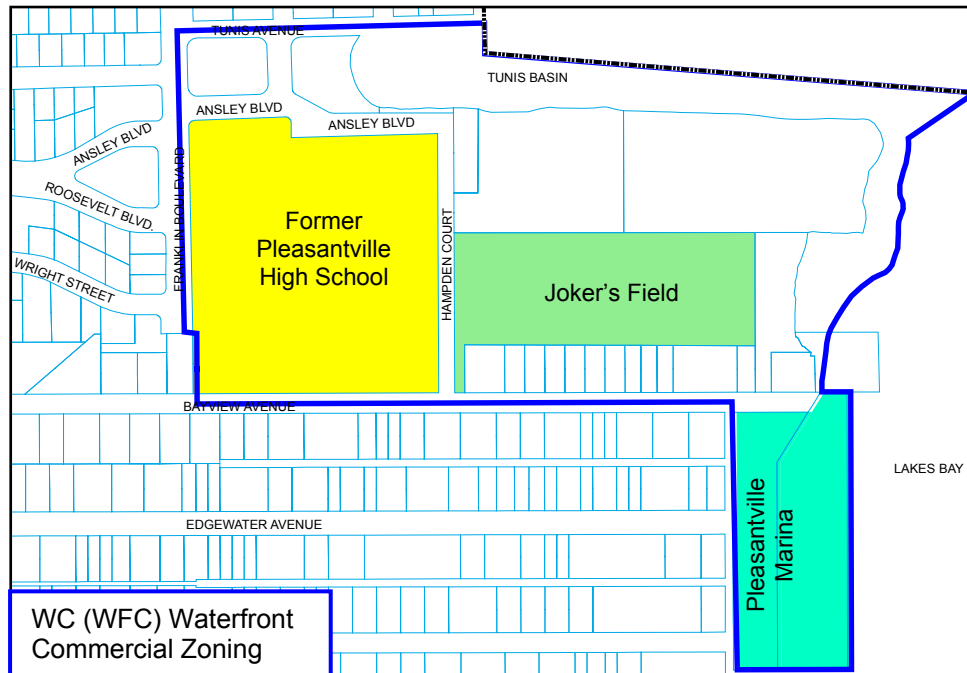
D. Lakes Bay Waterfront Redevelopment Area

- (1) As referenced in section 6.3.2. E. herein, prior to the actions designating the Lakes Bay Waterfront Redevelopment Area, the section of the City including the Pleasantville Yacht Basin, the former Pleasantville High School and the underutilized Joker's Field was zoned WC Waterfront Commercial.

The High School and athletic fields were abandoned in 1998 upon completion of a new High School Complex in another section of the City²²³. The Marina, then in a state of total disrepair, had been unused for decades.

Despite such favorable zoning, no development had taken place by the late 1990s.

²²³ The High School was relocated to Mill Road and the athletic fields to the Max Manning Recreational Complex.



(2) Recognizing that these lands represented significant development potential, especially if a renovated marina could serve as an anchor amenity, the City began actively planning for the revitalization of this 31-acre area in the late 1990s under a Smart Growth Grant from the New Jersey Department of Community Affairs. At that time, it was believed that the intervention of the municipal government in the form of development incentives and other programs available for areas determined to be In Need of Redevelopment was critical to the transformation of this area into what was then envisioned as a “Festival Marketplace”.

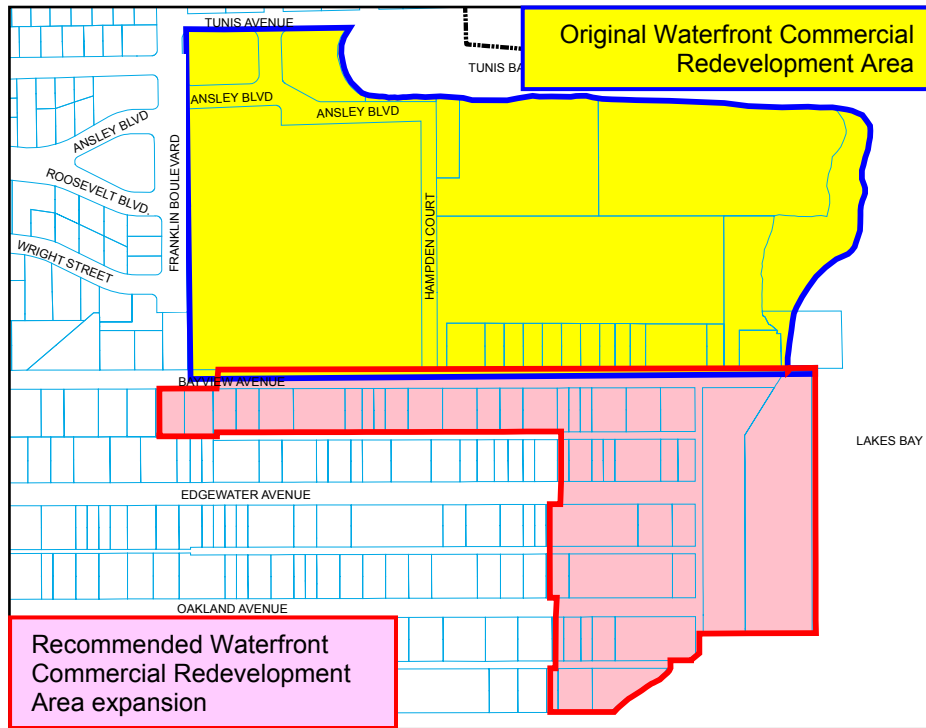
The City commenced the Redevelopment planning for this area in February 2001 and formally declared the area to be In Need of Redevelopment in June 2001²²⁴

Subsequent to such declaration, the City contracted with an economic redevelopment consultant to prepare a Redevelopment Plan for said area and requested economic and technical assistance from the state Economic Development Authority and the state Redevelopment Authority.²²⁵

In reviewing the planning scenarios for the WCRA, the City’s consultant and both NJEDA and NJRA staff recommended expanding the WCRA to include lands to the south of Bayview Avenue in order to provide for a more comprehensive and effective redevelopment program for the WCRA.

²²⁴ designating the area as the Waterfront Commercial Redevelopment Area (“WCRA”) via Resolution No. 190-2001.

²²⁵ Respectively “NJEDA” & “NJRA”



Upon such recommendation, the City commenced the process to declare the 42-lot tract to the south of Bayview Avenue to be In Need of Redevelopment, with the formal declaration being made in July 2003.²²⁶

- (3) While the aforementioned actions regarding the WCRA Expansion were underway, the City’s economic redevelopment consultant was preparing a Redevelopment Plan for the original Redevelopment Area. In April 2003, the Redevelopment Plan was completed and submitted to the City.²²⁷ After review and recommendation by the Planning Board, City Council adopted the Redevelopment Plan in June 2003.²²⁸

The focus of the Redevelopment Plan was to create a mixed-use residential neighborhood with supportive commercial uses in what was renamed the Lakes Bay Waterfront Redevelopment Area.²²⁹

²²⁶ It is believed that City Council reviewed the recommendations of the Planning Board at its regularly scheduled meeting on July 21, 2003 and, at that same meeting, adopted the resolution declaring the WCRA Expansion Area to be In Need of Redevelopment. However, while undertaking a review of the procedural history of the Waterfront Commercial Redevelopment Area, no evidence of such action could be found in the City’s files.

It was therefore determined to be in the best interest of the City to address this issue by adopting a confirming Resolution. Accordingly, the Governing Body, on August 2, 2004, adopted Resolution No. 185-2004; thereby recodifying the actions believed to be taken in July 2003.

²²⁷ Lakes Bay Waterfront Redevelopment Plan City of Pleasantville, Atlantic County, New Jersey. Prepared by EDAW, Inc., Schoor DePlama, Inc., Brown and Keener Urban design and The Williams Group (April 2003).

²²⁸ Via Ordinance No. 16-2003.

²²⁹ “LBWRA” or “LBRA”



- (4) Subsequent to the adoption of the Redevelopment Plan, the City issued a Request-for-Qualifications solicitation to targeted developers whom the City and its consultants determined to be capable of undertaking the type of Redevelopment Project envisioned.

After review of the responses received, it was determined that the joint venture partnership of Toll Brothers & Edgewood Properties Inc.²³⁰ was the most qualified candidate for Redeveloper designation. In January 2004,²³¹ the City designated such joint venture partnership as Redeveloper and immediately commenced negotiations of a Redevelopment Agreement, which was completed and executed in May 2005.

Upon execution of the Redevelopment Agreement, the Redeveloper generated a conceptual site plan designed to conform with the Redevelopment Plan. Such concept proposed approximately 434 dwelling units plus an additional (approximately) 22,000 s.f. of commercial space.

This Concept Plan was submitted to the relevant permitting agencies for informal review. Such review determined that the presence of environmentally-sensitive lands and associated buffering in the Redevelopment Area would required a substantial redesign of the Concept; all-but-eliminating the Expansion Area from development consideration and placing into question the inclusion of the existing 5-acre Joker's Field and surrounding lands.

Once it became clear that the permitting agencies would not support the largely single-family and townhouse-based design or the commercial component specified under the Redevelopment Plan, Toll Brothers exercised its rights under the Redevelopment Agreement and withdrew from the Joint Venture, assigning its rights as Redeveloper to JSM.

- (5) Based on its analysis of the information garnered through the aforementioned agency review as well as its understanding of the residential real estate market in and around the southern New Jersey seashore, JSM submitted a Revised Concept Plan to the City based on a multi-family, condominium unit model.

The Revised Concept anticipates that JSM will proceed with the construction of approximately 322 units on the (former) High School / Ty Helfrich Field Site as Phase I of the Redevelopment Project while exploring buildout of the balance of the Redevelopment Area in subsequent Phases in a cooperative effort with the relevant permitting agencies.

²³⁰ d.b.a. "JSM"

²³¹ via Resolution No. 31-2004.



As part of the negotiations related to an Amended & Restated Redevelopment Agreement between the City and JSM,²³² the City agreed to modify the Redevelopment Plan to allow Phase I development in accordance with the Revised Concept Plan and to permit additional project phases on the balance of the Redevelopment Area consistent with the City’s and JSM’s [then] current understanding of the environmental constraints on such lands.

An Amended & Restated Redevelopment Plan²³³ was prepared and submitted to the City in December 2006. After review and recommendation by the Planning Board, such Amended & Restated Redevelopment Plan, was adopted in March 2007.²³⁴

(6) Upon adoption of the Amended & Restated Redevelopment Plan, JSM submitted an application to the Planning Board for Preliminary and Final Site Plan approval and a determination of Redevelopment Plan Conformance in order to construct Phase I of the Revised Concept. Approvals were granted in June 2007.

²³² Required by the replanning of the project.

²³³ Amended & Restated Redevelopment Plan for the Lakes Bay Waterfront Redevelopment Area. Prepared by Remington, Vernick & Walberg Engineers. December 1, 2006.

²³⁴ Via Ordinance No. 12-2007.



Since receipt of such approvals, the Redeveloper has been refining his plans in anticipation of making application for relevant state approvals.

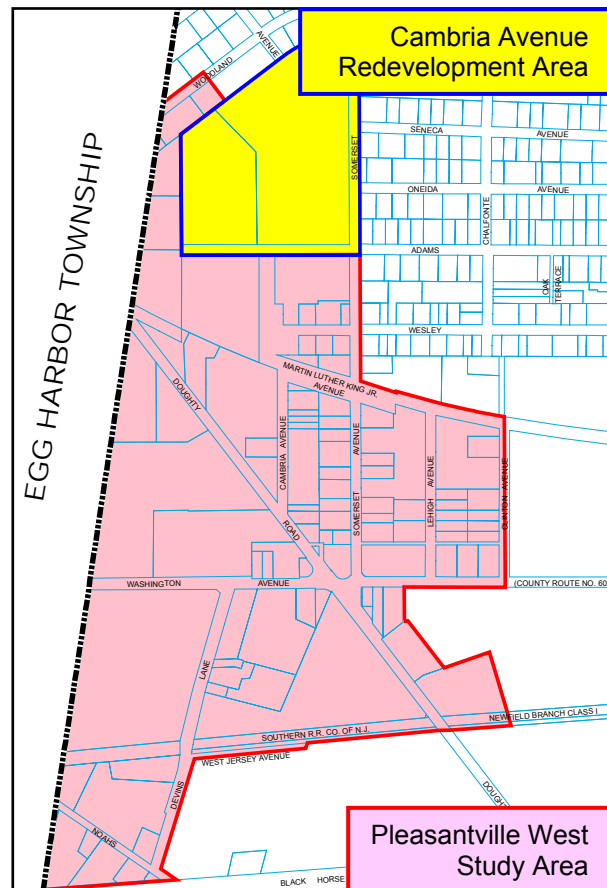
- (7) At Publication, the City and JSM were finalizing an Amended & Restated Redevelopment Agreement which reflects, among other issues, changes in construction scheduling related to the change in design.
- (8) No changes are recommended for the Amended & Restated Redevelopment Plan for the Lakes Bay Waterfront Redevelopment Area as *relates to Phase I of the Revised Concept*. However, City Planners recognize that negotiations between JSM and NJDEP / CAFRA as to future phases of the project are ongoing. Accordingly, this Comprehensive Master Plan Update recommends that the City maintain its flexibility with respect to modifications of the Amended & Restated Redevelopment Plan which may be required to facilitate such future phases.

E. Pleasantville West Redevelopment Area

- (1) In February 2002, the City resumed its Redevelopment planning for the lands generally to the south of the Cambria Avenue Redevelopment Area, designating it the Pleasantville West Area.

The Planning Board conducted the required Preliminary Investigation and, in July 2003, held a public hearing after which it found that conditions within what was termed the Pleasantville West Study Area met two (2) of the Statutory Criteria required for Redevelopment Area designation.²³⁵ This finding was referred to the Governing Body for action.

At that same July 2003 meeting, the Planning Board reviewed a draft Redevelopment Plan in order to provide a recommendation to the City should the Governing Body act to designate Pleasantville West as an Area In Need of Redevelopment.



²³⁵ criterion 'c' and criterion 'd'





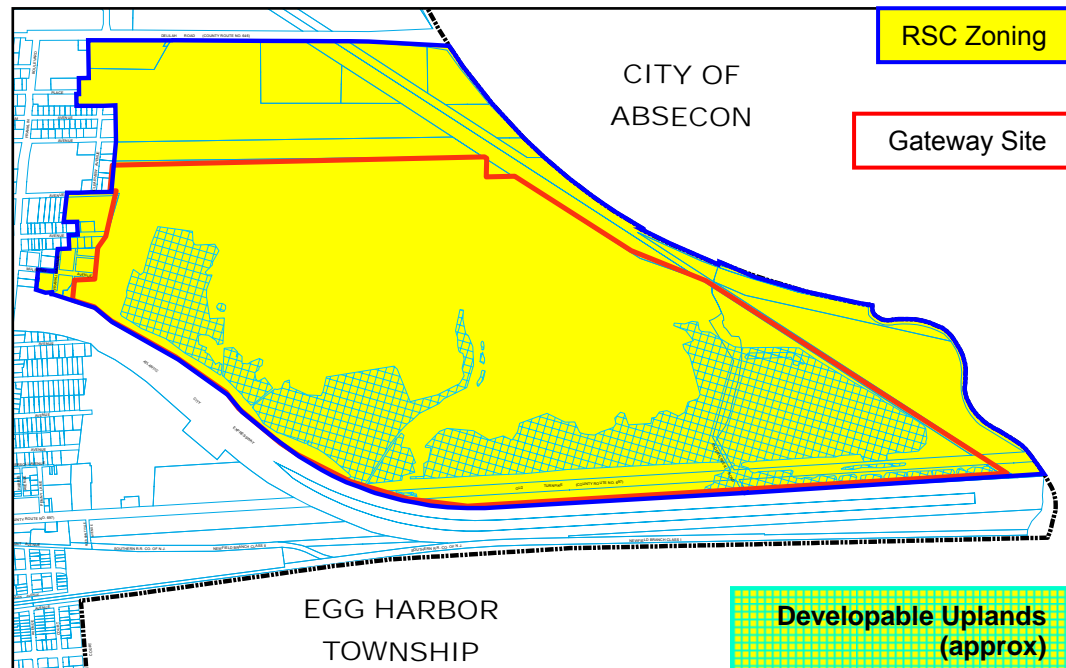
Public comment at the Planning Board hearing drew significant community opposition to the development concepts proposed under the draft Redevelopment Plan. Such opposition caused the City to delay consideration of the Redevelopment Plan pending further public input.

In August 2004, the City²³⁶ declared Pleasantville West to be an Area In Need of Redevelopment. However, due to other municipal priorities, no action on this project has occurred since.

- (2) Given the passage of time and the changes in case law regarding application of the various statutory criteria under which an area may be determined to be In Need of Redevelopment, it is recommended that the Redevelopment Area designation for Pleasantville West be voided and a new Preliminary Investigation be undertaken once municipal priorities so permit.

F. Gateway Redevelopment Area

- (1) There exists in the City an approximately 620-acre tract of land generally described as being on the eastern edge of the municipality, north of the Atlantic City Expressway.



Formerly coastal wetlands and currently comprised almost entirely of vacant land, this area took its present shape in 1963, when portions of the area were used as a dredge spoils site for the material generated by the construction of the Expressway.

²³⁶ Via Resolution No. 186-2004.



The major defining characteristic of this area is the presence of a 450-acre tract of land known locally as the Gateway Site.

(2) Since the early-1980s, the Gateway Site has been the subject of an evolving private sector development proposal. Specifically:

- In 1984/85, a private entity which owned land elsewhere in Pleasantville entered into a land exchange agreement with the City for the acquisition and development of the Gateway Site.²³⁷
- Subsequently, this owner entered into a Dredge Disposal Agreement with NJDEP for the placement of spoils from NJDEP's Lakes Bay Dredging Project onto the Gateway Site.
- Between 1984 and 1986, the owner was in negotiations with NJDEP officials regarding permitted development of the Gateway Site. Said negotiations culminated in a proposal for an eight- (8) hotel complex with commercial facilities on approximately 100 acres, a 115-acre wetlands mitigation area and, at NJDEP's urging,²³⁸ a 4,000 space passenger bus and private automobile parking facility.

In an attempt to support the Gateway Project, the City enacted favorable zoning²³⁹ and included what were considered to be Gateway's most developable parcels within the Pleasantville Urban Enterprise Zone, thereby making them eligible for a financial assistance and other pro-development incentives.

A CAFRA permit for the Gateway Project was issued in October 1989, and local approvals were granted in November 1989.

The issue of such approvals precipitated action by the American Littoral Society, which appealed the CAFRA permit and filed suit to stop the project. Litigation continued through 1997, when the New Jersey Supreme Court reaffirmed the validity of the CAFRA permit.

Responding to (State) public policy decisions designed to support the redevelopment of neighboring Atlantic City, the Gateway Project was revised several times ~ most notably replacing the remote parking facility with a retail (outlet) mall and 2,277 parking spaces.

²³⁷ 1985, the United States Army Corps of Engineers designated approximately 145 acres within the Gateway Site as uplands. In 1996, NJDEP determined that approximately 100 of the 145 acres were uplands.

²³⁸ NJDEP's then-current policy was to encourage remote parking facilities to provide for "intercept" parking for Atlantic City casino busses and employees in order to reduce air pollution and traffic congestion in the burgeoning resort. This component became a condition of the CAFRA approval.

²³⁹ Designating the Gateway Area as "RSC - Regional Shopping Center."



Despite these private sector initiatives and public sector actions, the Gateway Project never materialized. The Gateway Site and its surrounding lands has largely remained vacant, fallow and unproductive, with the only “use” being as dredge spoils disposal site.²⁴⁰

- (3) Recognizing this history of stagnation and underutilization, the City determined that there are forces at work affecting the developability of the Gateway Site which may be amenable to correction and amelioration by the concerted efforts of responsible public bodies, but without such public effort are not likely to be corrected or ameliorated (solely) by private effort.

In November 2003, the City²⁴¹ directed the Planning Board to undertake a Preliminary Investigation to determine if the Gateway Site and surrounding lands met any of the Criteria under which an area may be determined to be In Need of Redevelopment under the Redevelopment Statute.

The Planning Board conducted the required Preliminary Investigation and, in March 2004, held a public hearing after which it found that conditions within the Gateway Study Area met four (4) of the Statutory Criteria required for Redevelopment Area designation.²⁴² This finding was referred to the Governing Body in May 2004, which declared the Gateway Study Area to be In Need of Redevelopment.²⁴³

Over the remainder of 2004 and much of 2005, the City was in consultation with owner of the Gateway Site, who had entered into a contract of sale with a regionally-prominent developer. The City’s intentions were to generate a Redevelopment Plan to facilitate the developer’s project. Unfortunately, said contract lapsed in or about mid-2005.

(4) Recommendations

While the City has been made aware that owner of the Gateway Site has been in negotiations with other developers, no definitive development concept has been proposed and no further progress has been made toward completion of the Redevelopment Plan.

It is recommended that the City defer completion of the Redevelopment Plan until a definitive development concept is proposed, either by the owner of the Gateway Site or by a third party developer whom the City determines to be qualified to complete a project in this section of the City.

²⁴⁰ In 2002, NJDEP amended the Dredge Disposal Agreement to allow for the placement of spoils from a new dredging project onto the Gateway Site.

²⁴¹ via Resolution No. 216-2003.

²⁴² Via Planning Board Resolution No. 2004-01.

²⁴³ via Resolution No. 124-2004.



G. Proposed Zoning Map: Rehabilitation / Redevelopment Areas

As stated, the City of Pleasantville, in its entirety, has been designated as an Area In Need of Redevelopment under New Jersey's *Local Redevelopment and Housing Law*. At Publication, Redevelopment Plans have been adopted under this designation for several specific sections of the City.

In addition to this Citywide Rehabilitation effort, the City has adopted Redevelopment Plans under the more stringent Redevelopment Area designation for several specific sections of the City.

All such areas are depicted on the Proposed Zoning Map (section 6.3.4 and Exhibit 14) herein.

6.4 Additional Recommendations

As detailed throughout this Comprehensive Master Plan Update, the City's Land Use Ordinance is (variously) antiquated; internally inconsistent, contradictory and/or unnecessarily duplicative; or otherwise so inartfully written as to require wholesale revision. Accordingly, this Comprehensive Master Plan Update recommends a full review and redrafting of Chapter 290.

While the full inventory of revisions to Chapter 290 is beyond the scope of this section, the following specific recommendations are offered:

6.4.1 Determination of Completeness

- A. At Publication, section 48 of Chapter 290 contains the procedures for the Development Application Review Committee²⁴⁴ to determine the completeness of an application for development in accordance with N.J.S.A. 40:55D-10.3 which states, in pertinent part:

An application for development shall be complete for purposes of commencing the applicable time period for action by a municipal agency, when so certified by the municipal agency or its authorized committee or designee. In the event that the agency, committee or designee does not certify the application to be complete within 45 days of the date of its submission, the application shall be deemed complete upon the expiration of the 45-day period for purposes of commencing the applicable time period, unless: a. the application lacks information indicated on a checklist adopted

²⁴⁴ a.k.a. "Land Use Committee"



by ordinance and provided to the applicant; and b. the municipal agency or its authorized committee or designee has notified the applicant, in writing, of the deficiencies in the application within 45 days of submission of the application. *The applicant may request that one or more of the submission requirements be waived, in which event the agency or its authorized committee shall grant or deny the request within 45 days.* Nothing herein shall be construed as diminishing the applicant's obligation to prove in the application process that he is entitled to approval of the application...[emphasis added]

§290-8 defines the Land Development Application Review Committee as

A committee consisting of the Construction Code Official, Fire Chief or representative, Police Chief or representative, City Engineer or representative and the City Administrator / Mayor or representative. This Committee will be responsible for reviewing all land development applications that come into the city to determine their type, if and what variances are necessary, its completeness and which Board it should be processed to. This Committee will establish its own guidelines and procedures and will not have any policymaking authority, only review authority. It will make recommendations to the appropriate municipal agency as to the completeness of a particular application.

§290-48 provides:

All applications [for land use approval] submitted to the City will be reviewed by the Land Development Application Review Committee, hereinafter referred to as the "Committee". The Committee will determine the completeness of the application and recommend the proper procedure for approval.

A. Waiver of site plan review / administrative review. An administrative review by the Committee may replace site plan review when the development qualifies as an exempt development.²⁴⁵

²⁴⁵ Exempt Development is defined in §290-8



- B. Major Subdivisions and Site Plans. The administrative officer shall distribute one copy of the application and plan to the Committee, who shall review the major subdivision or major site plan application for the purpose of determining, within 45 days of its submission, whether said application is Complete.

Thereafter:

- (1) If said application is found to contain all of the information required by the checklists in this chapter, the Committee shall certify that said application is complete and direct the application to the appropriate Board. The Board secretary shall be responsible to collect the appropriate fees and schedule the application at a regularly scheduled Board meeting within 45 days of the Committee's notice of completeness...
 - (2) If said application is found to lack some of the information required by this chapter, the Committee shall either:
 - (a) Cause the applicant to be notified, in writing, that said application is incomplete, specifying the deficiencies in the application: or
 - (b) If the Committee reasonably concludes that the missing items of information are not necessary for them to make an informed decision on the application, the Committee may waive the requirement that said items be supplied as a prerequisite for completeness and certify that the application is [complete] notwithstanding the missing items.
- C. An applicant who has been notified that his application is incomplete may request a waiver of one or more of the submission requirements, and said request shall be granted or denied by the Planning Board or the Zoning Board of Adjustment, as the case may be, within 45 days.



- D. In the event that the City fails to act pursuant to Subsection B(2)(a) and (b) hereinabove within 45 days of the date of submission of the application, said application shall be deemed complete as of the 46th day following its submission.
- E. On the date that the aforesaid application is certified complete, or on the 46th day following the submission of the application, in the event that the City fails to make a determination of completeness, as the case may be, the applicable time period within which the Board must act upon the application shall commence. In any case, the applicant is obliged to prove that he or she is entitled to approval of the application. The Board may subsequently require correction of any information found to be in error, may require submission of additional information not specified in this chapter and/or may require revisions in the application documents as are reasonably necessary to make an informed decision as to whether the requirements for approval of the application have been met, provided that the application shall not be deemed incomplete for lack of any such addition information or revisions.
- F. Promptly after certification of completeness, the application shall be distributed by the administrative officer to [the appropriate Board and its professionals]...

B. Land Use Committee

- (1) Over the course of time, evidence suggests that the perceived role of the Land Use Committee has expanded from its ordained purpose of Completeness review as cited in §290-48 to include substantive review of an application. This appears to be an outgrowth of the language in §290-48, which empowers the Committee to determine “*if and what variances are necessary*”, and the composition of the Committee, which includes City policymakers as well as technical personnel.

While certain substantive issues may naturally be found when reviewing an application for Completeness, the limited time spent on each application ~ *to determine conformance with the City’s adopted checklists* ~ does not provide, nor is it intended to provide, a thorough review of an application.



- (2) Further, §290-8 is internally inconsistent with respect to the precise role of the Committee, stating:

This Committee will be responsible for reviewing all land development applications that come into the city to determine their type, if and what variances are necessary, *its completeness* and which Board it should be processed to [*emphasis added*].

and

[This Committee] will make recommendations to the appropriate municipal agency *as to the completeness of a particular application* [*emphasis added*].

- (3) As presently ordained, the Committee is comprised of the City's Construction Code Official (who, historically, has been the City's designated Zoning Officer), Fire Chief²⁴⁶, Police Chief²⁴⁶, City Engineer²⁴⁶ and City Administrator / Mayor²⁴⁶.

In practice, the Committee is comprised of the Construction Code Official, Fire Chief, City Planner, City Administrator, City Tax Assessor (who serves due to this individual's institutional knowledge of the City) and a member of the Governing Body.

At Publication, the Tax Assessor and Governing Body representative serve on the City's Planning Board (as Class II and Class III officers). The Committee includes no Zoning Board member.

While the current Tax Assessor does sit on the Planning Board, a municipal Fire Chief, Police Chief, Administrator or Tax Assessor are not positions which inherently entail land use background or expertise.

The Mayor and City Council representative, if serving on the Committee in their capacities as City officials (as opposed to Planning Board members), are policy-making positions which could potentially violate²⁴⁷ the independence of the land use review and approval process.

Conversely, the Mayor, City Council representative and or Class II Planning Board member, if serving on the Committee in their capacities as members of the Planning Board, run the risk²⁴⁷ of pre-judging an application before it has been referred to the Board for formal action.

²⁴⁶ or representative

²⁴⁷ real or perceived



- (4) For the reasons detailed, it is recommended that Completeness Review be reassigned from the Committee to the City's Zoning Officer, with assistance from the City Planner or City Engineer as required and that Chapter 290 be revised accordingly.
- (5) In addition to certifying Completeness, the Committee has, from time-to-time, been assigned specific functions under several of the City's Redevelopment Plans. Such functions include, but are not limited to, plot plan review under the City-Owned Land Disposition Program (section 6.3.7. A. (1) herein).

It is recommended that Chapter 290 be amended to modify the existing "Land Development Application Review Committee" into a technical "Land Use Committee" in order to continue these functions (and be available for other assignments as appropriate). Based on the nature of these (and other anticipated) functions, it is further recommended that the Committee structure be revised to consist of the Planning Board Chair or (Class IV) designee, the City Administrator or (Class II) designee, the City Planner or designee and a Class III member of the Planning Board. Additional technical assistance may be provided by the City Solicitor, City Engineer or other professionals as may be determined on a case-by-case basis.

C. Process

- (1) §290-48²⁴⁸ enumerates the process under which an application for development or other land use approval is to be received, determined to be Complete and assigned to the appropriate reviewing body for action.

It is recommended that §290-48 (preface) be revised as follows:

All applications for land use approval, including Site Plans, Subdivisions and Variances, shall be submitted to the Zoning Officer, who shall review the application against the appropriate City checklist for the purpose of determining, within 45 days of its submission, if such application is Complete or Incomplete as required under N.J.S.A. 40:55D-10.3.

- (2) §290-48 A. permits a waiver of site plan review and an administrative review by the Land Use Committee for Exempt Development. Exempt Development is defined by §290-8 as:
 - A. Construction, additions or alterations related to single-family detached dwellings or their accessory structures on individual lots, including private swimming pools.

²⁴⁸ reproduced as section 6.4.1 A. herein.



- B. Interior alterations which do not increase the required number of off-street parking spaces and which conform to the performance standards of this Chapter.
- C. Any change in occupancy which is not a change in use...
- D. Individual applications for accessory mechanical equipment, accessory storage structures and accessory uses not exceeding 1,000 s.f. in area, whose operation and location conform to the design and performance standards of this Chapter and whose installation is on a site already occupied by an active principal use for which site plan approval is not otherwise required.
- E. Sign(s) when installation is on a site already occupied by a principal use for which site plan approval is not otherwise required, provided that such sign(s) conform to the applicable design and zoning district regulations of this chapter and a permit is obtained.
- F. Construction of a parking lot or an addition to an existing parking lot, provided that the new lot or the proposed addition contains three spaces or fewer whose location and design conform to the standards and zoning district regulations of this chapter.
- G. Division of property and conveyances so as to combine existing lots, which are not considered to be subdivisions in accordance with the definition of "subdivision" contained in this article.
- H. Farm and accessory farm buildings and structures, provided that such buildings and structures are located on, operated in conjunction with and are necessary to the operation of a farm as defined by this chapter.

Where development is "exempt", no "waiver of site plan" is required. Accordingly, it is recommended that §290-48 A. be revised to read:



- A. Exempt Development / Administrative Review.
An administrative review by the Zoning Officer shall replace Site Plan Review by the Planning Board when the development qualifies as an Exempt Development under §290-8.

Additionally, since, at Publication, no farms existed in the City and farms are not permitted uses in any existing or proposed Zoning District, it is recommended that §290-8 be revised to eliminate subsection H from the definition of Exempt Development.

- (3) It is recommended that §290-48 B. is made redundant by the modifications to §290-48 recommended herein and may therefore be eliminated.
- (4) With the elimination of section §290-48 B, it is recommended that §290-48 C-E be modified as follows:

- B. (1) If said application is found to contain all of the information required by the appropriate checklist(s), the Zoning Officer shall certify that said application is Complete and shall direct the application to the appropriate Board Secretary to be scheduled for hearing.

The Board secretary shall be responsible to collect the appropriate fees and schedule the application at a regularly scheduled Board meeting under the timeframes established by the *Municipal Land Use Law*.²⁴⁹

The Board secretary shall distribute application packages as follows:

- (a) One (1) package to each member of the Planning Board or Zoning Board of Adjustment, as applicable;
- (b) One (1) package each to the applicable Board Planner, Board Engineer and Board Solicitor;
- (c) One (1) package to the Construction Official;
- (d) One (1) package to the City Clerk;

²⁴⁹ Including, but not limited to, N.J.S.A. 40:55D-46, 47, 48 & 50.



- (e) Additional copies to other City, county or state agencies (at the direction of the Planning Board or Zoning Board of Adjustment, as applicable).
- (2) If said application is found to lack some of the information required by the appropriate checklist(s), the Zoning Officer shall either:
 - (a) Cause the applicant to be notified, in writing, that said application is incomplete, specifying the deficiencies in the application: or
 - (b) If the Zoning Officer reasonably concludes that the missing items of information are not necessary for the Board to make an informed decision on the application, the Zoning Officer may waive the requirement that said items be supplied as a *prerequisite for completeness* and certify that the application is complete, notwithstanding the missing items. Such certification shall be for Completeness only, and does not limit the Board's right to demand such information if it, in its discretion, determines that such information is required to make an informed decision on the matter.
- C. An applicant who has been notified that his application is incomplete based on the Zoning Officer's denial of a request for submission item waiver, may appeal such decision of the Zoning Officer to the Zoning Board of Adjustment²⁵⁰ within 20 days of the action under dispute. The Zoning Board shall have 120 days from the filing of such an appeal to render a decision.

Upon decision of the appeal by the Board, the timeline for hearing established by the *Municipal Land Use Law*²⁴⁹ shall commence.

- (5) It is recommended that §290-48 F. is made redundant by the modifications to §290-48 proposed herein and may therefore be eliminated.

²⁵⁰ Pursuant to N.J.S.A. 40:55D-70 a, 72, 73 and 74.



- (6) It is recommended that portions of §290-48 not addressed herein be reviewed as part of the review of Chapter 290 subsequent to the adoption of this Comprehensive Master Plan update.

6.4.2 Fee Schedule

- A. Current practice is to permit applications to be reviewed by the Land Use Committee **prior to** an applicant's posting of the required Application and Escrow Fees. In cases where Completeness review uncovers a significant under-representation of the approvals required, applicants often elect not to proceed with their application.

In such cases, the City incurs a Completeness review cost which must be borne by the municipality.

Accordingly, it is recommended that §290-48 and §290-78 (Fees) be enforced such that no application shall be accepted by the Zoning Officer for review for Completeness until the Application and Escrow Fees for the items *stated in the application* are posted with the Board Secretary.

- B. Further, Applicants, whether intentionally or unintentionally, often under-represent the scope of the Application being submitted, resulting, among other things, in an under-funding of Application and Escrow Fees to be posted.

Accordingly, it is recommended that §290-48 and §290-78 (Fees) be enforced such that no application receive Final Plan Certification until the appropriate Application Fees for the approvals *as found to be required* are posted with the Board Secretary.

It is further recommended that no application receive Final Plan Certification until the Applicant has posted with the Zoning Officer sufficient Escrow funds to cover the full cost of the review of the application by the Board's professionals.

- C. The City last amended its Fee Schedule in 2003. It is recommended that a 5-year period is sufficient time for market conditions to render Fees and Escrows inadequate. As such, it is recommended that the City review the current Fee and Escrow Schedule to determine if increases are warranted.

6.4.3 Application Review Checklists

- A. The City's Development Application Review Checklists and Application Forms are antiquated, inadequate and often do not provide the Committee or the respective Boards with the information necessary to adequately evaluate an application.



Accordingly, this Comprehensive Master Plan Update recommends a full review and redrafting of these Checklists and Forms. Specifically, it is recommended that a more comprehensive set of instructions and submission information be required. Additionally, it is recommended that separate checklists for the following typical developmental applications be prepared:

- General Requirements & Instructions (applicable to all applications).
- Minor Subdivisions & Minor Site Plans.
- Preliminary Major Subdivisions & Preliminary Major Site Plans.
- Final Major Subdivisions & Final Major Site Plans.
- Appeal or Interpretation / Special Question pursuant to N.J.S.A. 40:55D-70a or 70b.
- Bulk, Use and Other Variance pursuant to N.J.S.A. 40:55D-70c or 70d.
- Certificate of Nonconformity.
- Certification for Redevelopment Plan Conformance.

B. Checklist Waivers vs. Site Plan Waiver

Applicants often request waivers from checklist items based on what information they perceive to be required to review the particular application and, presumably, the costs involved in preparing such information for submission. Unconnected ~ but often confused with such requests ~ are requests for Waiver of Site Plan Approval. The former is a request to be relieved of certain submission items as part of the Completeness process while the latter is a request to be relieved of a type of formal approval.

While the Land Use Committee has approved waivers from checklist items, Chapter 290 contains no provision for such an action. Additionally, only the Planning Board or Zoning Board may approve a Site Plan Waiver.

It is current practice for the Planning Board to “memorialize” any submission waiver as part of their approvals for an application. However, such action comes after Completeness is granted and is therefore an extraneous action.

Based on the foregoing, it is recommended that §290-48 be modified to include a process whereby the Zoning Officer is able to approve or reject a request for waiver of a checklist submission item, subject to the Planning or Zoning Board reserving the right to require such information if it is deemed necessary to make an informed decision on the application, and further subject to the applicant having the right to appeal a rejection of a waiver request to the Board under whose jurisdiction the application would fall.



6.4.4 Mapping

In June 2003, the City commissioned an update of its municipal tax maps utilizing digital / electronic technology. Such mapping was completed in April 2007 and approved by the State²⁵¹ in July 2007.

The degree of accuracy of these new maps is an order-of-magnitude more precise than the City's previous mapping.

It is the City's practice to update its tax maps²⁵² during the first quarter of each year. Accordingly, the tax maps are current (reflecting the most recent lot geometry) through April 2007.

The City's development application fee schedule²⁵³ provides for the payment of \$60.00 for each lot affected.

It is recommended that this new mapping be utilized as the base for the new zoning map to be produced from this Comprehensive Master Plan Update, and that any zone boundary line modifications caused by the updated lot geometry (and otherwise not addressed herein) be incorporated into such Zoning Map. Additionally, it is recommended that the City review the Zoning District Boundary Lines and correct for changes in lot geometry upon the annual updates of its tax maps.

It is further recommended that tax map modifications caused by lot subdivisions and/or consolidations be submitted to the City Engineer on a more frequent basis so that the accuracy of the maps may be maintained.

²⁵¹ Division of Taxation, Department of Treasury.

²⁵² To correct for lot subdivisions and/or consolidations.

²⁵³ §290-78



7.0 HOUSING PLAN ELEMENT

7.0.1 Regulatory Requirements

The *Municipal Land Use Law*²⁵⁴ provides that a municipal Master Plan may include a Housing Plan Element addressing, but not limited to, residential standards and proposals for the construction and improvement of housing.

Under the 1985 New Jersey Fair Housing Act²⁵⁵, all municipalities that choose to enact and enforce zoning ordinances must prepare a Housing Element as part of the community's Master Plan. As such, a Housing Plan Element became one of the *mandatory elements* of a municipal Master Plan²⁵⁶.

Required components of a Housing Plan Element are:

- (a) An inventory of City's housing stock by age, condition, purchase or rental value, occupancy characteristics and type;
- (b) A projection of the City's housing stock, including the probable future construction of low and moderate income housing, for the next six years;
- (c) An analysis of the City's demographic characteristics, including household size, income level and age;
- (d) An analysis of the existing and probable future employment characteristics of the City; and
- (e) A determination of the City's present and prospective fair share for low and moderate income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low and moderate income housing.

This Housing Plan Element is designed to:

- A. promote a variety of housing types over a spectrum of affordability ranges;
- B. encourage the ongoing maintenance of the City's existing housing stock; and
- C. recognize the City's constitutional obligation to provide a realistic opportunity for the provision of affordable housing to families of low and moderate incomes under regulations established by the New Jersey Council on Affordable Housing.²⁵⁷

²⁵⁴ N.J.S.A. 40:55D-28(b)(3)

²⁵⁵ C.52:27D-310 et seq.

²⁵⁶ Restated as such under the Municipal Land Use Law at N.J.S.A. 40:55D-62

²⁵⁷ "COAH"



7.1 Current Status

- 7.1.1 Neither the 1993 Update nor the 1999 Reexamination contained a Housing Plan Element as required by the *Municipal Land Use Law*. While the 1993 effort deferred such an Element until after publication of the [then pending] COAH “revised requirements”, the 1999 effort stated that the authors had reviewed the City’s demographics and the status of housing in Pleasantville, found that the City had no affordable housing requirement²⁵⁸ and therefore recommended that the City not file for COAH Certification of its Affordable Housing Plan.²⁵⁹
- 7.1.2 In December 2004, COAH’s “Third Round Methodology and Rules”²⁶⁰ became effective. Under such **2004** Third Round Rules, municipalities incurred a Growth Share Obligation of one (1) Affordable Housing Unit for every eight (8) Market-Rate Units constructed between January 1, 2004 and January 1, 2014 and one (1) Affordable Housing Unit for every 25 jobs generated by nonresidential construction occurring between January 1, 2004 and January 1, 2014.
- 7.1.3 As part of this Comprehensive Master Plan Update, it was the City’s intent to develop this Housing Plan Element as a policy analysis to determine what form any future Fair Share Plan would take. In this way, COAH-related issues could be identified and impacts evaluated while the ultimate form a Fair Share Plan could be debated.

Before this Housing Plan Element was completed the New Jersey Court, Appellate Division, responding to an appeal brought by affordable housing advocacy groups, invalidated COAH’s 2004 Third Round Rules, finding that the regulations were based on invalid calculations, arbitrary rules and unconstitutional provisions. Under the Court’s ruling, all municipal actions related to COAH’s Third Round were stayed ~ including the preparation of new Fair Share Housing Plans ~ until COAH adopted revised regulations.

Such revised regulations were adopted in May 2008 and became effective in June 2008.²⁶¹ Under such **2008** Third Round Rules, municipalities incur a Growth Share Obligation of one (1) Affordable Housing Unit for every four (4) Market-Rate Units constructed between January 1, 2004 and January 1, 2018 and one (1) Affordable Housing Unit for every 16 jobs generated by nonresidential construction occurring between January 1, 2004 and January 1, 2018.

²⁵⁸ 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. Based on this formula, Pleasantville’s obligation was 0 units of new construction housing and approximately 62 units of rehabilitation housing (much of which had been created utilizing Community Development Block Grant funds over several years).

²⁵⁹ Unfortunately, no details regarding such a plan have been found.

²⁶⁰ “2004 Third Round Rules”.

²⁶¹ “2008 Third Round Rules”.



- 7.1.4 The City submitted formal comments to COAH during the Public Comment Period attendant to the adoption of the 2008 Third Round Rules. The generality of public comments received caused COAH to propose further amendments to the 2008 Rules. At Publication, these amendments were in their Public Comment Period.

Additionally, legislation enacting significant additional amendments to the COAH regulations was signed into law in July 2008.

Finally, also in July 2008, the New Jersey League of Municipalities filed a notice of appeal with the Appellate Division of the Superior Court challenging the 2008 Third Round Rules. The League's action focuses on the economic imbalances in the regulations, and the flawed methodology comprising the vacant land analysis, the computation of jobs and housing projections through 2018.

In light of this challenge and the uncertainty regarding their continued validity, the League is seeking a limited and targeted suspension of any COAH deadline imposed by COAH for the completion and submission of the revised third round plans. If granted, it will allow municipalities to continue to satisfy their affordable housing obligations by imposing obligations on developers.

- 7.1.5 The City remains sensitive to the need for affordable housing (including workforce housing to support the growth expected in neighboring Atlantic City) in the region, has a history of supporting such efforts in Pleasantville and anticipates continuing this policy.

However, while recognizing that some form of revised affordable housing obligation will be enacted, City Planners believe that ***it is simply not possible to plan for affordable housing that will meet State regulations*** when the regulations are being challenged, already being proposed for change and further subject to change in light of the July 2008 legislation.

- 7.1.6 In light of the foregoing, this section constitutes a Housing Plan Element under the *Municipal Land Use Law*. A Fair Share Plan for the City will be developed as a companion to, but not part of, this Comprehensive Master Plan Update once the COAH rules have solidified.

7.2 Housing Analysis²⁶²

7.2.1 General Characteristics

The City's basic housing characteristics noticeably changed between the 1990 and 2000 Censuses. Population increased by just-under 19%, which translates to a 8.64% increase in the number of households and an increase in residential density of 9.19%

²⁶² Unless otherwise cited, data is derived from 1990 & 2000 Federal Censuses: Summary Files 1 and 3.



	1990	2000	CHANGE	
			(#)	(%)
Persons	16,027	19,012	2,985	18.62%
Households	5,893	6,402	509	8.64%
Density	2.72	2.97	0.25	9.19%
Housing Units	6,759	7,042	283	4.19%
Occupied	5,893	6,402	509	8.64%
Owner-Occupied	3,272	3,605	333	10.18%
Renter-Occupied	2,621	2,797	176	6.71%
Vacant	866	640	-226	-30.72%
For Sale or Rent	421	406	-15	-3.56%
Seasonal	120	62	-58	-48.33%
Other (Abandoned)	325	172	-153	-47.08%

While the City did not experience a significant increase in the production of new housing units in the intra-census years, the occupancy rate has increased by while the vacancy rate has decreased. Much of the increase in the occupancy may be attributed to sharp decreases in the number of seasonal and abandoned (not for sale or rent) vacant housing.

Figures indicate that Pleasantville has a relatively high level of renter-occupied housing, with 44% of all occupied housing being renter-occupied.²⁶³

Significantly, percentages of both renter-occupied (44%) and owner-occupied (56%) housing ~ as a function of all occupied housing units ~ have remained appreciably unchanged since 1990.

While home-ownership did increase during the intra-census years, that increase was relatively small. This figure however may not present a current picture for the City in terms of home ownership. An (anecdotal) review of the residential real estate market in Pleasantville finds a sharp increase in owner-occupied home purchases over the past (approximately) 5-year period.²⁶⁴

Vacant housing in the City decreased substantially during the intra-census years, with drastic improvement (decrease) in both seasonal (48%) and abandoned (47%) vacant units. Again, an (anecdotal) review of the residential real estate market in the City finds this trend continuing over the past (approximately) 5 years.²⁶³

²⁶³ Planning theory considers a 30%:70% renter:owner ratio to be health for a community.

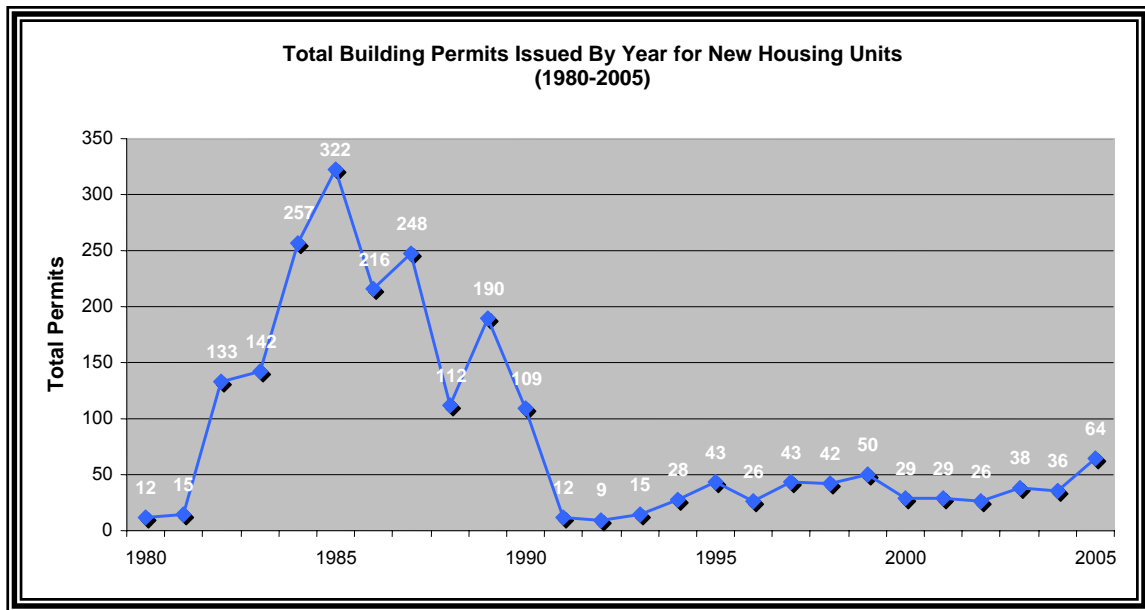
²⁶⁴ Evidence to support this supposition will not be available until the 2010 census results are released.



7.2.2 Housing Construction

An analysis of residential building permit data (1980-2005) finds that the City experienced an upsurge in annual housing construction in the 1980s, with the peak year for being 1985 (322 units).

New housing starts decreased sharply in the early 1990s, but have rebounded over the past ten years, when annual new construction has remained steady at (an average of) 38 units annually.²⁶⁵



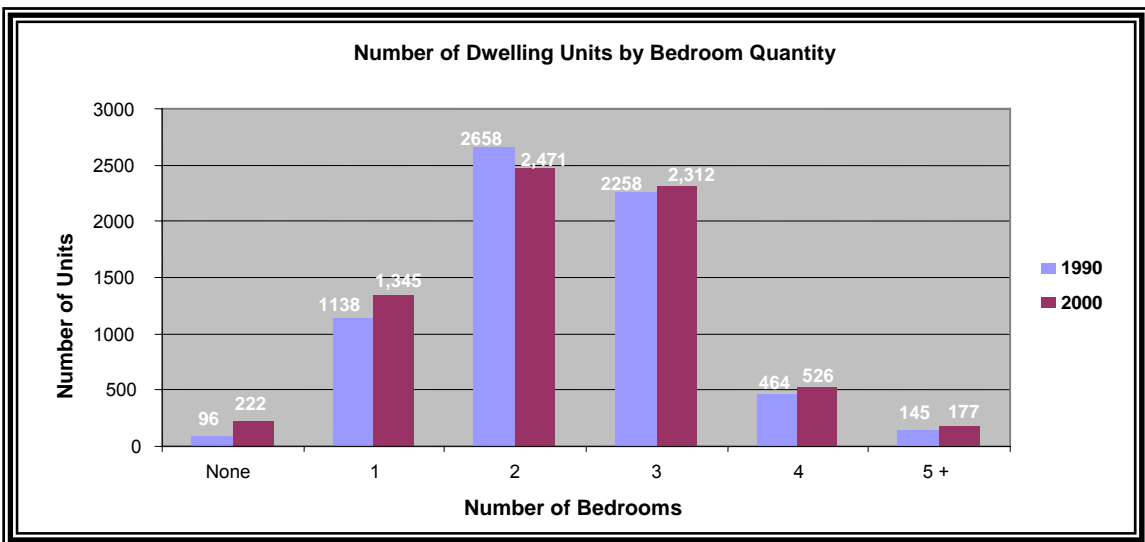
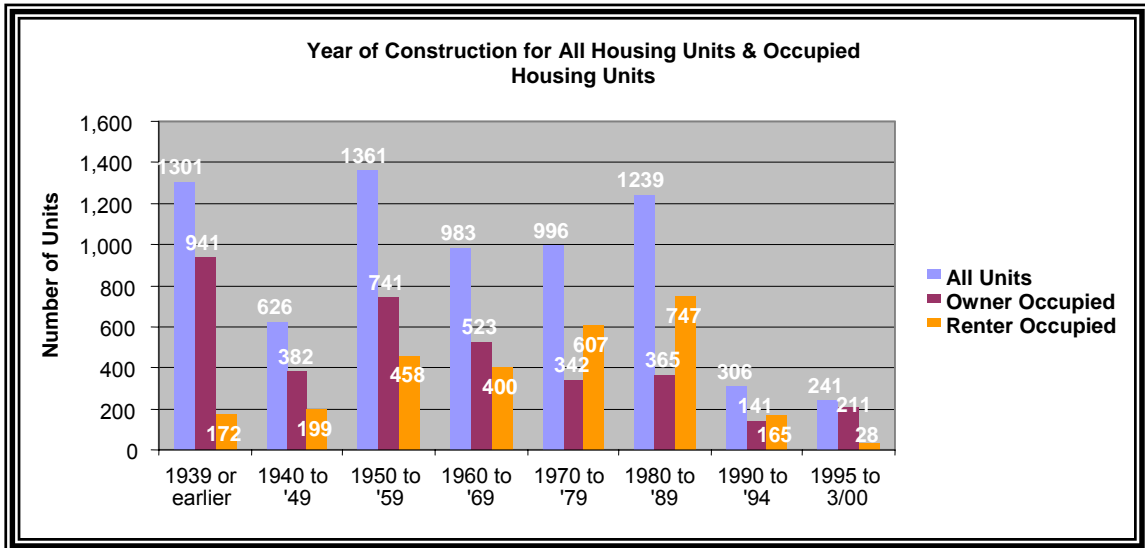
7.2.3 Age

While the median construction date for all housing units in Pleasantville is 1962, owner-occupied units tend to be older than rental units, with median construction dates of 1959 and 1973, respectively. This discrepancy reflects historic trends toward owner-occupied housing before 1970 and renter-focused construction in the more recent era.²⁶⁶

While the typical home in Pleasantville is a two-bedroom unit, this configuration was the only unit-type that decreased in quantity between 1990 and 2000.

²⁶⁵ Source: HUD State of the Cities Data System.

²⁶⁶ One would assume that the 2010 Census will depict a reversal toward home-ownership construction as suggested by the aforementioned (anecdotal) review of the residential real estate market in the City.



7.2.4 Substandard Units

Housing units are generally considered to be substandard where they lack basic facilities (such as complete plumbing or kitchens), or where they are overcrowded (generally defined as having, on average, more than one person per room). By analyzing Census data, one is able to calculate the City's "rehabilitation share" under COAH guidelines.

COAH begins with the amount of overcrowded units built prior to 1939 (Pleasantville has 61 such units) and adds to this figure the number of units lacking complete plumbing (35). The resultant figure is then multiplied by COAH's "low-moderate deterioration share"²⁶⁷ in order to arrive at a

²⁶⁷ provided by COAH for each county



municipality’s “Rehabilitation Share”. After various credits, the final (Adjusted) Rehabilitation Share is derived. Based on this formula, the City of Pleasantville has a total Adjusted Rehabilitation Share of 62 units.

CHARACTERISTIC	# UNITS
1. Overcrowded (1 ⁺ person per room)	678
1a. In Structures built prior to 1939	61
2. Lacking complete plumbing	35
3. Lacking complete kitchen	10
4. Deteriorated Housing (1a+2+3)	106
5. Rehabilitation Share (4x71.5% ²⁶⁷)	76 ²⁶⁸
5a. Minus Share Credits	0
5b. Minus Spontaneous Rehabs	10
6. Adjusted Rehab Share (5-5a-5b)	66

7.2.5 Value & Price

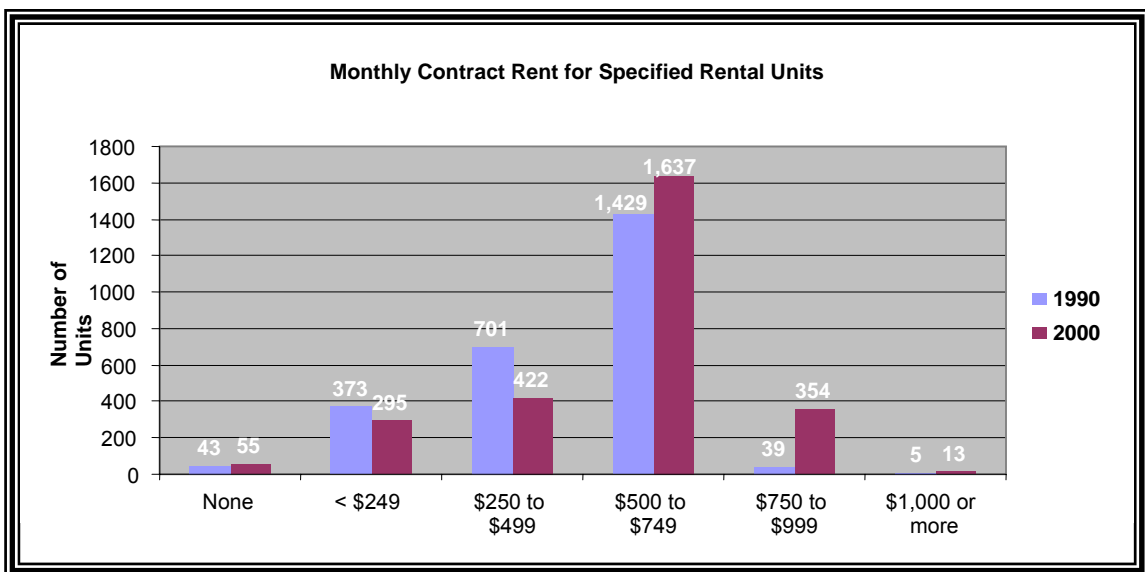
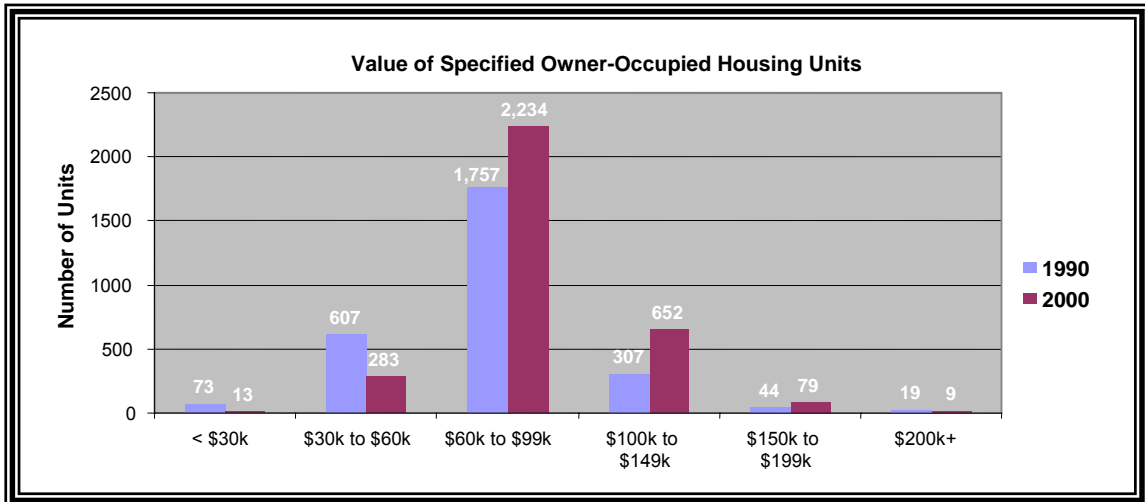
Both the median value of owner-occupied housing units and the ‘contract rent’²⁶⁹ for rental-occupied units in the City increased during the intra-census years. The median value of owner-occupied units in Pleasantville increased by nearly \$12,300 (17%) while the median monthly contract rent increased by \$81 (15%⁺).

While an increase in home values may be viewed as beneficial to the City’s existing homeowners, it could make entry into the home ownership market more difficult for first-time homebuyers as well as in-migrating and lower-income households. Additionally, the increase in rental rates has the same negative effect on affordability without having any benefit for existing residents (aside from those who own rental properties). Accordingly, the affordability of housing in the City will continue to grow in importance throughout the coming years and decades.

	1990	2000	CHANGE	
Median Value of Owner-Occupied Units	\$74,200	\$86,500	\$12,300	16.58%
Median Monthly Contract Rent	\$525	\$606	\$81	15.43%

²⁶⁸ Rounded

²⁶⁹ rent paid monthly during a lease, exclusive of utilities.



7.2.6 Affordability

National standards consider market-rate housing to be “affordable” at a given income level where a household does not spend more than 30% of its monthly income on direct housing expenses. This section considers units in the City which are “affordable” in this market-rate context.

COAH sets qualifying income levels by housing region (Pleasantville is in Region 6) and number of persons per household; and defines moderate-income households as households having not more than 80% of the COAH Region’s gross median household income and low-income households as those having not more than 50% of the Region’s gross median household income.



These definitions of low and moderate-income can be applied in a market context to provide a rough estimate of housing unit affordability in the City.²⁷⁰

COAH's (2008) median household income limits for COAH Region 6 are²⁷¹:

INCOME LEVEL	HOUSEHOLD SIZE				
	1 PERSON	2 PERSON	3 PERSON	4 PERSON	5 PERSON
MODERATE	\$45,355	\$51,834	\$58,314	\$64,793	\$69,976
LOW	\$22,678	\$25,917	\$29,157	\$32,397	\$34,988

Based on COAH standards, maximum monthly rental housing costs²⁷² at each income level are:

MONTHLY HOUSEHOLD AFFORDABILITY LIMITS	HOUSEHOLD SIZE				
	1 PERSON	2 PERSON	3 PERSON	4 PERSON	5 PERSON
MODERATE INCOME	\$1,134	\$1,296	\$1,458	\$1,620	\$1,749
LOW INCOME	\$567	\$648	\$729	\$810	\$875

Pleasantville's median household income is \$36,913²⁷³ (updated to \$37,355²⁷⁴ for 2004).

Pursuant to the 2000 Census²⁷⁵, the following numbers of *rental units* are affordable at the COAH-mandated income levels in the City:

²⁷⁰ The most recent comprehensive home cost data available for this analysis is from the 2000 Census, which differ slightly from the more recent COAH-defined (regional) income levels. This Housing Plan Element assesses unit affordability based on Census data in order to allow for an 'apples-to-apples' comparison.

The COAH-defined (regional) income levels are higher than those included in the 2000 Census for the City (for family sizes larger than 1 person). Accordingly, use of the Census figures makes the calculations included herein conservative estimates.

²⁷¹ <http://www.state.nj.us/dca/coah/incomelimits.pdf>

²⁷² COAH calculates Monthly Affordability Limits for Household Expenses as (annual income / 12) x 0.3

²⁷³ As reported in the 2000 Census.

²⁷⁴ Pleasantville Housing Authority 2004

²⁷⁵ The 2000 Census breaks out Gross Rent into cohorts of Less than \$200, \$200-\$299, \$300-\$499, \$500-\$749, \$750-\$999, \$1,000-\$1,499 and \$1,500 or more. It is therefore not possible to calculate a precise number of units at the Affordability Levels specified.

Accordingly, the true number of units affordable to low- and moderate-income households is believed to be somewhat higher than the Census data suggests.



# RENTAL UNITS MEETING COAH AFFORDABILITY LIMITS	HOUSEHOLD SIZE				
	1 PERSON	2 PERSON	3 PERSON	4 PERSON	5 PERSON
MODERATE INCOME UNITS	2,533	2,533	2,533	2,708	2,708
LOW INCOME UNITS	570	570	570	1,522	1,522

Calculating the number of affordable *owner-occupied* units in the City requires an assumption as to mortgage term, down payment and interest rate. For this analysis, a thirty-year mortgage with 5% down payment and 7% interest rate are assumed. Within this framework, a \$179,420 home would result in a monthly payment of \$1,134; thereby being ‘affordable’ at the moderate income level. Similarly, a \$89,710 home would result in a monthly payment of \$567; thereby being ‘affordable’ at the low income level.

Pursuant to the 2000 Census, 3,261 *home-ownership units* in Pleasantville are affordable to moderate income households (estimated unit value less than \$179,420) while 2,530 *home-ownership units* are affordable to low income households (estimated unit value less than \$89,710).²⁷⁶

7.2.7 Housing Stock Projection

A. The 2000 Census reports the number of housing units in Pleasantville as 7,053. As noted, the City has experienced steady (albeit small) increases in new housing units since the mid-1990s. The City issued 410 Certificates of Occupancy for Certified Housing Units (2000 through 2007). Factoring the 68 demolitions occurring over the same timeframe,²⁷⁷ the present number of dwelling units in the City can be estimated to be 7,395.²⁷⁸

Averaging the 410 Certificates of Occupancy over the eight-year timeframe results in an annual average of 51 Certificates of Occupancy issued. Subtracting an annual average of 9 demolitions over the same timeframe results in an estimated annual (average) projected growth of 42 units per year. Assuming that this general level of growth will continue for the period 2008 to 2018,²⁷⁹ an estimated 420 new units will be added to the City’s inventory, resulting in an estimated dwelling unit total of 7,473 units by the end of 2017.

For the purposes of this analysis, such figures represent “Background Growth”.

²⁷⁶ The 2000 Census breaks out Value for Home Ownership Units into cohorts of Less than \$50,000, \$50,000-\$99,999, \$100,000-\$149,999, \$150,000-\$199,999, \$200,000-\$299,999, \$300,000-\$499,999, \$500,000-\$999,999 and \$1,000,000 or more. Accordingly, it is not possible to calculate a precise number of units at the Affordability Levels specified.

²⁷⁷ as reported by NJDCA.

²⁷⁸ A true picture of demolitions and Certificates of Occupancy requires recognition of the 104 residential demolitions and 140 COs issued for the HOPE VI program sponsored by the Pleasantville Housing Authority (sections 6.3.7. A. (2) & (3) herein).

²⁷⁹ COAH’s Third Round timeframe





B. In considering Pleasantville's anticipated level of growth during the COAH Third Round timeframe, it is important to consider the potential impact of several large-scale Redevelopment projects currently either recently completed or in the planning stages. These projects, and others which may be proposed in the future, are not included in the Background Growth figures.

Specifically, and Based on COAH's (most recent) 2008 Third Round Formula:

- (1) Lakes Bay Waterfront Redevelopment Project²⁸⁰ generates a projected Growth Share Obligation of **81 COAH units**.
- (2) Cambria Avenue Redevelopment Area²⁸¹ generates a projected Growth Share Obligation of **16 COAH units**.
- (3) Narcissus Avenue Rehabilitation Area²⁸² generates a projected Growth Share Obligation of **9 COAH units**.
- (4) California Avenue Tract²⁸³ generates a projected Growth Share Obligation of **15 COAH units**.
- (5) Atlantic City Linen²⁸⁴ generates a projected Growth Share Obligation of **13 COAH units**.
- (6) The District²⁸⁴ generates a projected Growth Share Obligation of **135 COAH units**.
- (7) Franklin Square²⁸⁵ generates a projected Growth Share Obligation of **9 COAH units**.
- (8) Wellington Avenue²⁸⁶ generates a projected Growth Share Obligation of **8 COAH units**.
- (9) Additional projects identified but not specifically discussed in this Comprehensive Master Plan Update²⁸⁷ have the potential to generate a Growth Share Obligation of approximately **41 COAH units**.

²⁸⁰ Section 6.3.7. D. herein.

²⁸¹ Section 6.3.7. B. herein.

²⁸² Section 6.3.7. A. (4) herein.

²⁸³ Section 6.3.7. A. (5) herein.

²⁸⁴ Section 6.3.7. C. herein.

²⁸⁵ Section 6.3.1. F. herein.

²⁸⁶ Section 6.3.2 B. (7) iii (c) i. herein.

²⁸⁷ Carpino Delilah Road Senior Project, Balcerski Cambria Avenue warehouse project, Platinum Car Wash at Delilah and New Roads, Rose Project at New Road and Reading Avenue, Zell Project at New Road and Old Tilton Road and Simon/Cosenza Project at New Road and the Northfield municipal line.



(10) Gateway Redevelopment Area:²⁸⁸ While, at Publication, no specific redevelopment program has been proposed, this project has the potential to create a significant Growth Share Obligation for the City.

C. Likewise, in considering the Pleasantville's anticipated level of growth during the COAH Third Round timeframe, it is important to recognize the efforts the City has made over the years ~ and will continue to make into the future ~ to support affordable housing projects and programs in Pleasantville. Specifically:

(1) Pleasantville Housing Authority: 130 units of senior citizen public housing in two mid-rise structures: 80 units at 140 N. Main Street (constructed in 1969) and 50 units at 156 N. Main Street (constructed in 1984 and therefore eligible for COAH credit).

140 HOPE VI units (sections 6.3.7. A. (2) & (3) herein).

The Authority administers 400 HUD-issued housing voucher units in Pleasantville.

(2) Dekbon: Private non-profit affordable housing organization. At Publication, the City has donated lots for 6 scattered-site units (completed) and 16 units at Cayuga Avenue (planned).

(3) Caring, Inc: The City has actively supported Caring's ongoing construction of residential facilities in the City. Including:

- 3 Group homes for the Developmentally Disabled;
- 10 units at Homer Avenue;
- 10 Units at its main, Delilah Road campus (with an additional 26 units receiving approvals in 2008).

(4) Camden Archdiocese: With the active support of the City,²⁸⁹ the housing arm of the Archdiocese has recently been awarded a \$10,552,200 million HUD section 232 grant for the construction of 74 units of very low income senior housing at the site of the (former) St. Peter's Catholic School.

(5) Villa Raffaella: A 38 unit Senior Assisted Living Community owned and operated by the Hospitalier Sister's of Mercy on South Main Street.

²⁸⁸ Section 6.3.7. F. herein.

²⁸⁹ Via Resolution No. 107-2006.



7.2.8 Growth Share Projection: Housing

While COAH regulations require that Growth Share projections be based on the number of new housing units added in the ten-year period preceding January 1, 2004, annual data for Pleasantville is only readily available²⁹⁰ from 1996.

A. The following presents an annual summary of Certificates of Occupancy issued for new housing units as well as residential demolition permits issued in Pleasantville from 1996 to 2007.

Projections for 2008 to 2018 average 51 new units per year (section 7.2.7 herein) and 9 demolitions per year for a net of 420 units over the 10-year timeframe.

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006 & 2007 (est. ~ net of HOPE VI)	TOTAL (actual)	2008 to 2018 (est.)
COs: New Units	36	62	41	53	42	37	26	41	28	25	29	420	510
Demolition Permits	33	12	9	14	21	5	5	5	2	0	0	106	90
Net New Units	3	50	32	39	21	32	21	36	26	25	29	314	420

Based on this analysis, a simple projection of units to be added to the City's inventory during the COAH Third Round timeframe (2006 to 2018) is 449 (29 units 2006 & 2007 + 420 units projected). This figure, divided by the COAH standard of 1 affordable unit for every four market-rate units results in COAH Growth Share Obligation of **112 COAH units**.

While this projection is net of the residential COs and demolition permits caused by the HOPE VI program, it does not include increases to the City's inventory which may result from the Redevelopment projects outlined in section 7.2.7 B. herein. It is therefore recommended that a more detailed projection be undertaken once the revised COAH regulations have been adopted and the scope of these Redevelopment projects are more precisely known.

²⁹⁰ from NJDCA: Division of Codes and Standards.



- B. In order to verify the findings of the Simple Growth Projections detailed above, a second projection based on South Jersey Transportation Planning Organization²⁹¹ projections was undertaken.

In 2006, the SJTPO published a “Population and Employment Projections 2030” analysis of projected growth in the region. This analysis projects a population increase of 268 persons for Pleasantville between 2007 and 2020 (SJTPO projections are based on 5-year increments). Taking into account the average household size for Pleasantville (2.97 per 2000 Census data), such increase would equate to an additional (approximately) 90 housing units during that timeframe. 90 Units translates to an estimated Growth Share Obligation of **22 COAH units** (25% of 90).

The 22-Unit Obligation based on SJTPO projections is considerably lower than the 112-Unit Obligation based on Simple Growth Projections. We note that the SJTPO projections do not appear to account for the City’s rising level of residential development driven by market forces. And neither projection includes increases to the City’s housing inventory which may result from the Redevelopment projects outlined in section 7.2.7. B. herein. It is therefore recommended that a more detailed projection be undertaken once the revised COAH regulations have been adopted and the scope of these Redevelopment projects are more precisely known.

7.3 Employment Analysis

7.3.1 General Characteristics

Data from the 2000 Census indicates that Pleasantville’s civilian labor force numbered 8,500. Of employed residents, 16% worked within the City while 84% worked outside of Pleasantville.

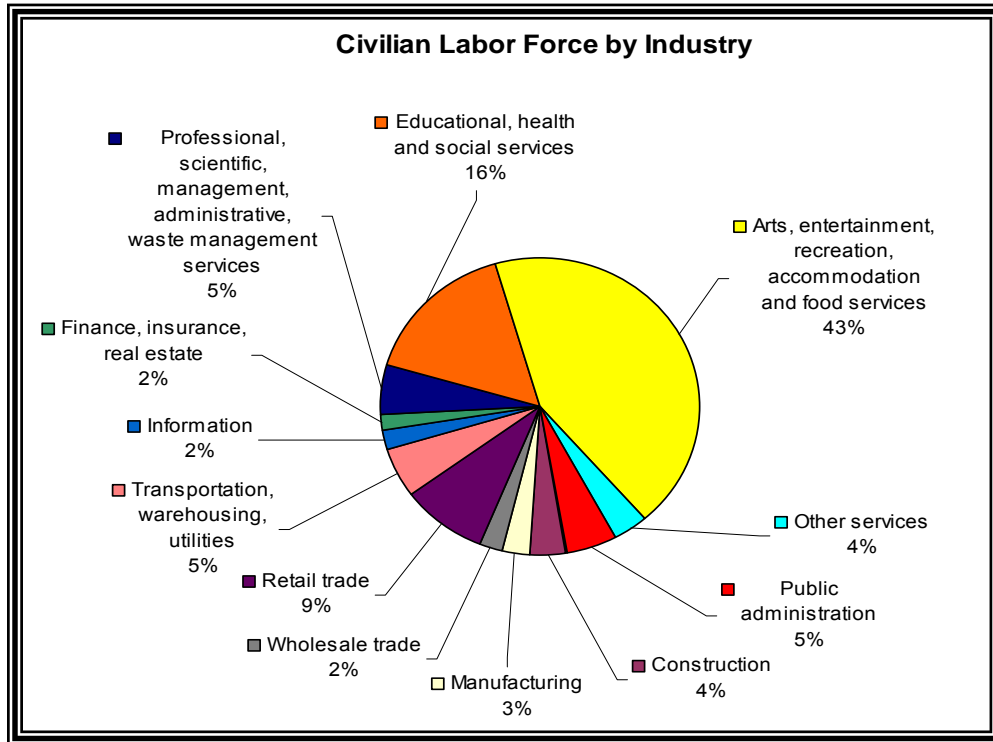
The Census classifies workers by industry. Given Pleasantville’s proximity to Atlantic City and its hotel-casino industry, it is not surprising that the largest single employment classification of City residents are the Arts, Entertainment, Recreation, Accommodation and Food Services classifications, employing 43% of Pleasantville’s Civilian workforce.

This employment pattern is expected to continue and strengthen with the expansion of the hotel-casino industry.

²⁹¹ “SJTPO”: the Metropolitan Planning Organization (“MPO”) for the Southern New Jersey Area.

MPOs are transportation policy-making organizations created by Congress in the early 1970s in order to ensure that existing and future expenditures for transportation projects and programs are based on a continuing, cooperative and comprehensive planning process.

MPO projections are accepted statistical analysis of conditions within the defined MPO area of responsibility.



Certain economic analyses released by the Census Bureau provide data pertaining to the jobs located within the City.²⁹² The most recent data released (1997) finds Approximately 1,279 jobs located within municipality.²⁹³ Specifically:

INDUSTRIES	ESTABLISHMENTS	EMPLOYEES
Wholesale Trade	32	429
Retail Trade	88	1,514
Information	8	645
Real Estate, Rental, Leasing	24	173
Professional, Scientific & Technical Services	34	175
Administrative, Support, Waste Management, Remediation Services	20	364
Educational Services	7	20-99
Health Care, Social Assistance	52	1,209
Arts, Entertainment, Recreation	1	0-19
Accommodation, Food Services	32	412
Other Services (except Public Administration)	41	196

²⁹² Unfortunately, these analyses do not provide data for every job classification. Pertinent to the City of Pleasantville, excluded are utilities, construction, transportation & warehousing, finance & insurance, management and all tax-exempt employment.

²⁹³ in industries for which data is provided. Since the data provides only a range of employees for certain occupational classes, a precise number cannot be determined. In such instances, the number of employees was estimated as the mid-point of this range.



Healthcare and Social Services is the largest single category of jobs in Pleasantville, providing in excess of 1,200 jobs within the municipality.

Another large source of employment in the City is the retail trade industry. The City's 88 retail establishments employed over 1,500 workers (in 2000).

7.3.2 Employment Projection

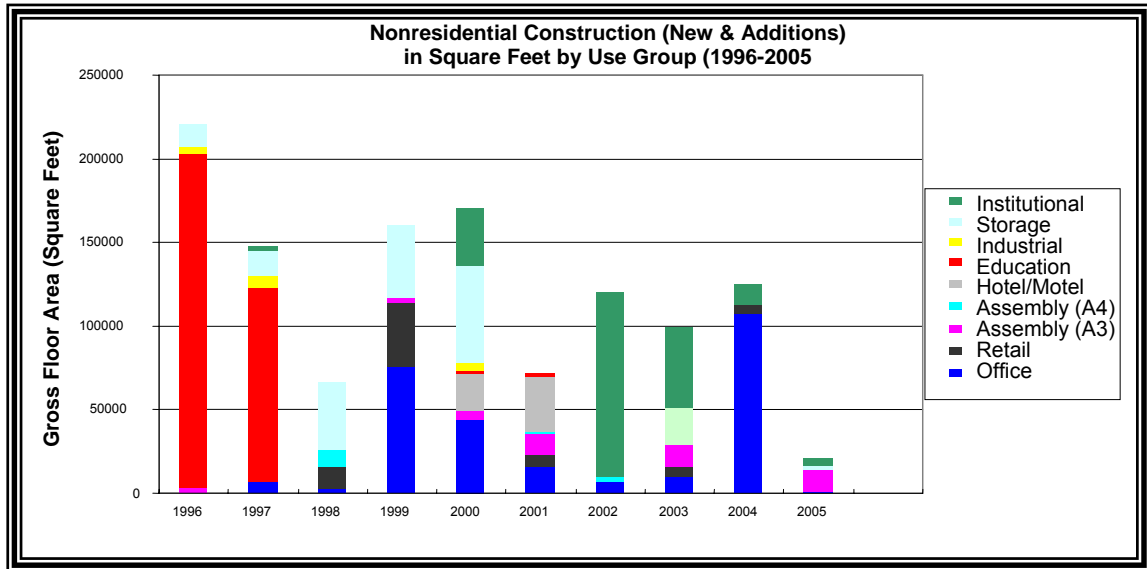
SJTPO's 2006 "Population and Employment Projections 2030" projects 5.2% job growth for Pleasantville during the COAH timeframe, with the number of jobs predicted to grow by 416 between 2007 and 2020 (SJTPO projections are based on 5-year increments).

7.3.3 Growth Share Projection: Employment

A. While COAH regulations require that such projections be based on nonresidential construction occurring in the ten-year period preceding January 1, 2004, annual data for Pleasantville is only readily available²⁹⁴ from 1996. The following presents an annual summary of nonresidential construction occurring in Pleasantville from 1997 to 2005 for use groups which experienced construction over that timeframe.

YEAR	AREA (S.F.) PER USE GROUP								
	OFFICE	RETAIL	ASSEMBLY		HOTELS/ MOTELS	EDUCATION	INDUSTRIAL	STORAGE	INSTITUTIONAL
			(A3)	(A4)					
1996	7,004	-	2,858	-	-	200,638	3,078	14,043	3,200
1997	2,620	-	-	-	-	115,982	6,891	14,843	-
1998	75,546	13,278	-	9,900	-	-	-	40,359	-
1999	43,525	38,240	3,389	-	-	-	-	43,126	34,073
2000	16,134	-	5,800	-	22,306	1,806	4,286	58,280	-
2001	6,740	6,800	12,284	1,272	33,280	1,806	-	-	-
2002	10,120	-	-	3,200	-	-	-	-	48,950
2003	107,334	-	-	-	-	-	-	21,343	12,267
2004	529	5,652	-	-	-	-	-	-	4,500
2005	70	-	13,379	-	-	-	-	2,400	-
TOTAL	269,622	69,660	37,710	14,372	55,586	320,232	14,255	191,994	213,839
Annual Avg.	26,962	6,966	3,771	1,437	5,559	32,023	1,426	19,199	21,384

²⁹⁴ from NJDCA: Division of Codes and Standards.



B. The following analysis of nonresidential floor area by year and use group (1996-2005) addresses both new construction and facility expansion 1996 and 2005.

COAH has established the following formula to calculate the number of jobs created for each square foot of nonresidential construction for each use group.²⁹⁵ As applied to the aforementioned Use Groups in Pleasantville:

USE GROUP	DESCRIPTION	S.F. GENERATING 1 AFFORDABLE UNIT	JOBS PER 1,000 S.F.
B	Office buildings.	8,333	3
M	Mercantile uses (Retail)	25,000	1
A3	Assembly uses.	8,333	3
A4	Assembly uses.	8,333	3
R1	Hotels and motels	31,250	0.8
E	Schools K – 12	25,000	1
F	Factories (industrial)	12,500	2
S	Storage uses	125,000	0.2
I	Institutional uses.	12,500	2

Based on the foregoing, a simple projection of nonresidential construction during the COAH Third Round timeframe (2006 to 2018) is as follows:

²⁹⁵ Appendix 'E' of COAH's Third Round Rules.



USE GROUP	ANNUAL AVERAGE (S.F.)	GROWTH SHARE (UNITS)	X MULTIPLIER (2006 – 2013)	PROJECTED GROWTH SHARE
Office	26,962	3.2	8	25.6
Retail	6,966	0.3		2.4
(A3)	3,771	0.45		3.6
(A4)	1,437	0.2		1.6
Hotels/Motels	5,559	0.28		2.2
Education	32,023	1.3		10.4
Industrial	1,426	0.1		0.8
Storage	19,199	0.15		1.2
Institutional	21,384	1.7		13.6
TOTAL				

In summary, a Growth Share Obligation of **62 COAH units** (rounded) is projected to be generated for the time period of 2006 through January 1, 2018.

As with the residential Growth Share projections, the aforementioned calculations are skewed by a lack of available data as to the square footage of nonresidential demolitions and by an increase in the City’s nonresidential inventory which may result from the Redevelopment projects outlined in section 7.2.7. B herein. It is therefore recommended that a more detailed projection be undertaken once the revised COAH regulations have been adopted and the scope of these Redevelopment projects are more precisely known.

- C. In order to verify the findings of the Simple Growth Projections detailed above, a second projection based on South Jersey Transportation Planning Organization projections was undertaken.

SJTPO’s 2006 “Population and Employment Projections 2030” projects an increase of 416 jobs for the City between 2007 and 2020. Dividing this number by 16²⁹⁶ yields a projected growth share obligation of **26 COAH units**.

The 26-Unit Obligation based on SJTPO projections is considerably lower than the 62-Unit Obligation based on Simple Growth Projections. The discrepancy is likely due, in part, to the lack of available data as to the square footage of nonresidential demolitions. Again, this number does not include any increase in the City’s nonresidential inventory which may result from the Redevelopment projects outlined in section 7.2.7. B. herein.

²⁹⁶ COAH’s Third Round Rules create an obligation of one affordable unit for every 16 jobs created.



It is therefore recommended that a more detailed projection be undertaken once the revised COAH regulations have been adopted and the scope of these Redevelopment projects are more precisely known.

7.3.4 Cumulative Growth Share Projection

A. *Simple Growth Projections (worse case projection)*

Combining the City's Projected Residential Growth Share Obligation of 112 units with the Projected Nonresidential Growth Share Obligation of 62 units results in a Round Three Obligation of 174 units. Add the 94 unit Rehabilitation Share arising from COAH Rounds 1 and 2, and the City's total obligation is **268 COAH units**.

B. *SJTPO Projections (best case projection)*

Combining the SJTPO's Projected Residential Growth Share Obligation of 22 units with the Projected Nonresidential Growth Share Obligation of 26 units results in a Round Three Obligation of 48 units. Add the 94 unit Rehabilitation Share arising from COAH Rounds 1 and 2, and the City's total obligation is **142 COAH units**.

Again, these projections do not include adjustments due to incomplete (nonresidential) demolition data and any obligations which may be generated by the City's various Redevelopment Programs. Accordingly, it is recommended that more detailed projections be undertaken once the revised COAH regulations have been adopted and the scope of these Redevelopment projects are more precisely known.

7.4 **Population Demographic Characteristics**²⁹⁷

7.4.1 Age

The median age of Pleasantville residents was 32.7 years in 2000.²⁹⁸

During the intra-census years (1990-2000), the composition of the City's population shifted towards families with school-age children, with a 59% increase of children aged 5 to 14 during this period.

This figure corresponds to a 48% increase in population aged 35 to 59. Taken together, these statistics would indicate that the City is attracting more families than in previous years.

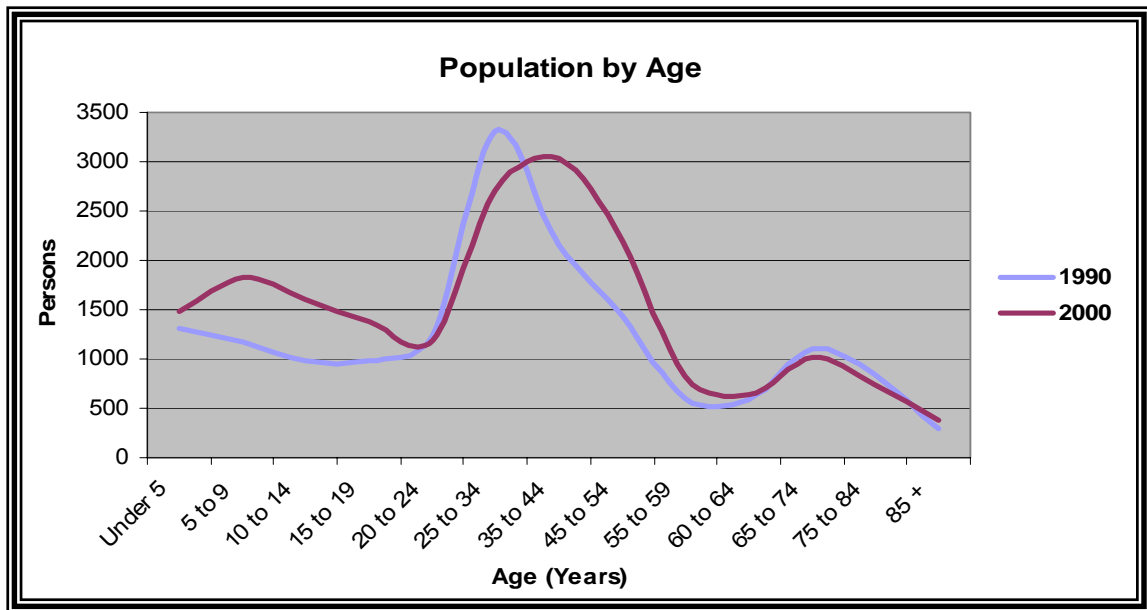
²⁹⁷ Exhibit 5

²⁹⁸ The 1990 Census does not provide a median age figure. An intra-census comparison is therefore not possible.



This conclusion is supported by the increase in Pleasantville's average number of persons per occupied housing unit, which increased from 2.72 to 2.97 between 1990 and 2000. While inconsistent with national trends toward smaller household sizes, such an increase in household size is supported by the increase of minority populations within the City, with their traditionally larger family sizes.

Conversely, Pleasantville's population of young adults and senior citizens is declining. The number of residents aged 20 to 34 fell by 14% while the number of residents 65 and older decreased 5%.

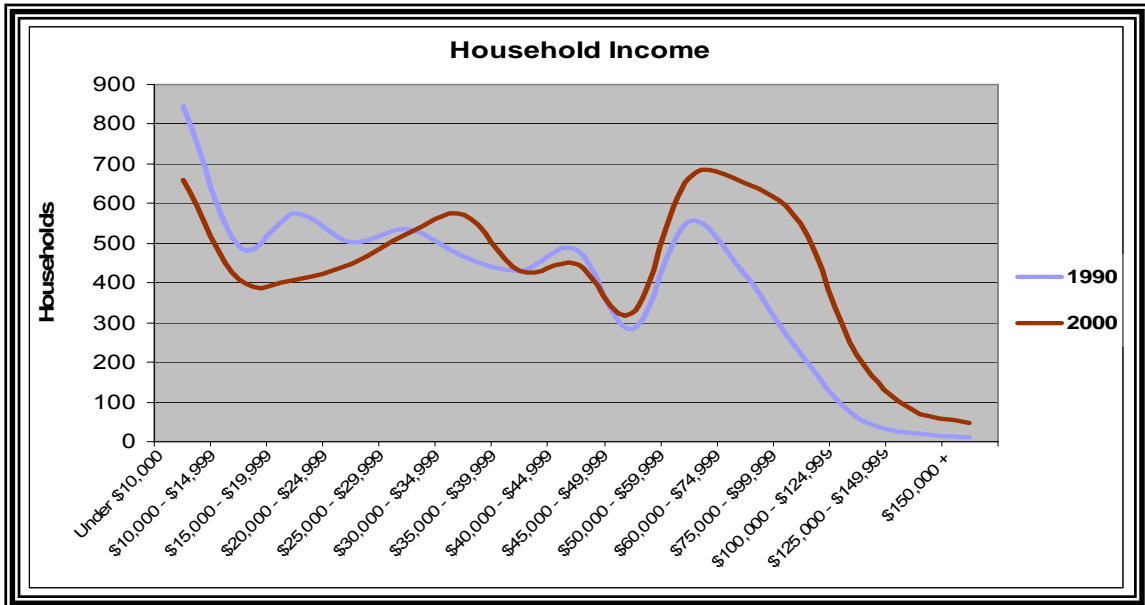


The trend toward families in Pleasantville underscores the importance of providing affordable housing alternatives for this increasing segment of the City's population.

7.4.2 Income

The City as a whole became more affluent during the intra-census years. Median *household* income increased by (approximately) 23% (\$30,037 in 1990 to \$36,913 in 2000) while the median *family* income increased by slightly over 16% (\$34,380 in 1990 to \$40,016 in 2000).

In a market setting, such increasing affluence will likely lead to more expensive housing than has been experienced in the City during previous years. Again, such a trend may be expected to decrease the number of housing units affordable to low and moderate income families.





8.0 STATUTORY PROVISIONS OF A MASTER PLAN

Pursuant to the *Municipal Land Use Law*²⁹⁹, a Master Plan “shall generally comprise a report or statement and land use and development proposals, with maps, diagrams and text, presenting, at least the following elements...

8.1 Mandatory Elements

- 1) A statement of objectives, principles, assumptions, policies and standards upon which the constituent proposals for the physical, economic and social development of the municipality are based;

Addressed in Section 5.0 herein.

- 2) A land use plan element (a) taking into account and stating its relationship to the statement provided for in 1) hereof, and other master plan elements provided for in 3) through 16) hereof and natural conditions, including, but not necessarily limited to, topography, soil conditions, water supply, drainage, flood plain areas, marshes, and woodlands; (b) showing the existing and proposed location, extent and intensity of development of land to be used in the future for varying types of residential, commercial, industrial, agricultural, recreational, educational and other public and private purposes or combination of purposes; and stating the relationship thereof to the existing and any proposed zone plan and zoning ordinance; and (c) showing the existing and proposed location of any airports and the boundaries of any airport safety zones delineated pursuant to the "Air Safety and Zoning Act of 1983,"... (C.6:1-80 et seq.); and (d) including a statement of the standards of population density and development intensity recommended for the municipality;

Addressed in Section 6.0 herein.

There are no Airports within the City of Pleasantville. The closest airport to the City is the Atlantic City International Airport in Egg Harbor Township. The Airport Safety Zone is delineated on the Existing and Proposed Zoning Maps (Exhibit 6, Exhibit 14 & Exhibit 15).

While the US Coast Guard Station in Atlantic City routinely handles helicopter traffic, the takeoff and landing approaches do not encroach into Pleasantville’s airspace.

²⁹⁹ N.J.S.A. 40:55D-28



8.2 Optional Elements

In addition, a Master Plan may include the following optional elements:

- 3) A housing plan element pursuant to (C.52:27D-310), including, but not limited to, residential standards and proposals for the construction and improvement of housing;

Addressed in Section 7.0 herein.

- 4) A circulation plan element showing the location and types of facilities for all modes of transportation required for the efficient movement of people and goods into, about, and through the municipality, taking into account the functional highway classification system of the Federal Highway Administration and the types, locations, conditions and availability of existing and proposed transportation facilities, including air, water, road and rail;

The specific components of a Circulation Plan Element are, of necessity, dependent upon the recommendations adopted as part of the Land Use Plan Element of a municipal Master Plan. Accordingly, issues related to Circulation within the City of Pleasantville shall be addressed in Volume 2 of 2 of this Comprehensive Master Plan Update, which shall be undertaken upon adoption of the recommendations contained in Volume 1 of 2 herein.

- 5) A utility service plan element analyzing the need for and showing the future general location of water supply and distribution facilities, drainage and flood control facilities, sewerage and waste treatment, solid waste disposal and provision for other related utilities, and including any storm water management plan required pursuant to the provisions of...(C.40:55D-93 et seq.). If a municipality prepares a utility service plan element as a condition for adopting a development transfer ordinance pursuant to (C.40:55D-140), the plan element shall address the provision of utilities in the receiving zone as provided thereunder;

The specific components of a Utility Plan Element are, of necessity, dependent upon the recommendations adopted as part of the Land Use Plan Element of a municipal Master Plan. Accordingly, issues related to Infrastructure within the City of Pleasantville shall be addressed in Volume 2 of 2 of this Comprehensive Master Plan Update,



which shall be undertaken upon adoption of the recommendations contained in Volume 1 of 2 herein.

- 6) A community facilities plan element showing the existing and proposed location and type of educational or cultural facilities, historic sites, libraries, hospitals, firehouses, police stations and other related facilities, including their relation to the surrounding areas;

Issues related to Infrastructure within the City of Pleasantville shall be addressed in Volume 2 of 2 of this Comprehensive Master Plan Update, which shall be undertaken upon adoption of the recommendations contained in Volume 1 of 2 herein.

- 7) A recreation plan element showing a comprehensive system of areas and public sites for recreation;

Issues related to Recreation and Open Space within the City of Pleasantville shall be addressed in Volume 2 of 2 of this Comprehensive Master Plan Update, which shall be undertaken upon adoption of the recommendations contained in Volume 1 of 2 herein.

- 8) A conservation plan element providing for the preservation, conservation, and utilization of natural resources, including, to the extent appropriate, energy, open space, water supply, forests, soil, marshes, wetlands, harbors, rivers and other waters, fisheries, endangered or threatened species wildlife and other resources, and which systemically analyzes the impact of each other component and element of the master plan on the present and future preservation, conservation and utilization of those resources.

Issues related to preservation, conservation, and utilization of natural resources are addressed within the context of the various other plan elements within this Comprehensive Master Plan Update.

- 9) An economic plan element considering all aspects of economic development and sustained economic vitality, including (a) a comparison of the types of employment expected to be provided by the economic development to be promoted with the characteristics of the labor pool resident in the municipality and nearby areas and (b) an analysis of the stability and diversity of the economic development to be promoted;



Issues related to economic development and sustained economic vitality are addressed within the City of Pleasantville, Urban Enterprise Zone 5-Year Strategic Plan prepared by Remington & Vernick Engineers (1996) as updated through the Amended & Restated Zone Development Plan, Urban Enterprise Zone, City of Pleasantville prepared by Remington, Vernick & Walberg Engineers (2002).

This Comprehensive Master Plan Update contains significant recommendations which will impact the economic development of the City of Pleasantville. Accordingly, it is recommended that the Amended & Restated Zone Development Plan for the Pleasantville Urban Enterprise Zone be updated upon adoption of this Master Plan Update.

- 10) A historic preservation plan element: (a) indicating the location and significance of historic sites and historic districts; (b) identifying the standards used to assess worthiness for historic site or district identification; and (c) analyzing the impact of each component and element of the master plan on the preservation of historic sites and districts;

Policies related to Historic Preservation are addressed in section 5.8 herein.

- 11) Appendices or separate reports containing the technical foundation for the master plan and its constituent elements;

Referenced documents not included as an Exhibit hereto are on file with the Pleasantville City Clerk and/or the Atlantic County Clerk.

- 12) A recycling plan element which incorporates the State Recycling Plan goals, including provisions for the collection, disposition and recycling of recyclable materials designated in the municipal recycling ordinance, and for the collection, disposition and recycling of recyclable materials within any development proposal for the construction of 50 or more units of single-family residential housing or 25 or more units of multi-family residential housing and any commercial or industrial development proposal for the utilization of 1,000 square feet or more of land;



Recycling in the City of Pleasantville is the responsibility of the Atlantic County Utilities Authority. While the City supports recycling efforts and includes a review of appropriate storage areas for recycling materials as part of its Planning Board and Zoning Board development reviews, a formal Recycling Plan Element is not applicable to this Comprehensive Master Plan Update.

- 13) A farmland preservation plan element, which shall include: an inventory of farm properties and a map illustrating significant areas of agricultural land; a statement showing that municipal ordinances support and promote agriculture as a business; and a plan for preserving as much farmland as possible in the short term by leveraging monies made available by (C.13:8C-1 et al.) through a variety of mechanisms...;

The City of Pleasantville contains no farmland. A Farmland Preservation Plan Element is thus not applicable to this Comprehensive Master Plan Update.

- 14) A development transfer plan element which sets forth the public purposes, the location of sending and receiving zones and the technical details of a development transfer program based on the provisions of N.J.S.A. 40:55D-141;

The City of Pleasantville has no lands it wishes to protect from development by means of the transfer of development rights. A Development Transfer Plan Element is thus not applicable to this Comprehensive Master Plan Update.

- 15) An educational facilities plan element which incorporates the purposes and goals of the "long-range facilities plan" required to be submitted to the Commissioner of Education by a school district pursuant to N.J.S.A. 18A: 7G-4;

Objective 5.6.3 A. recommends that the City work with the Pleasantville Board of Education to address physical plant issues facing the school system, including, but not limited to, issues identified within the Board of Education's Long Range Facilities Plan, provided that these proposals do not conflict with the City's larger revitalization efforts.



- (16) A green buildings and environmental sustainability plan element which shall provide for, encourage and promote the efficient use of natural resources and the installation and usage of renewable energy systems by considering the impact of buildings on the local, regional and global environment; allowing ecosystems of function naturally; conserving and reusing water; on-site treatment of storm water; and optimizing climatic conditions through site orientation and design;

A Green Buildings and Environmental Sustainability Plan Element became an optional element to a municipal Master Plan as this Comprehensive Master Plan Update was being finalized for printing.

Principle 5.6.3 herein recommends that the City undertake a Green Buildings and Environmental Sustainability Plan Element as funding becomes available and that, until such time, the City should address 'green' technologies within the context of Chapter 290. Objectives include encouraging 'green' technologies (windmills, solar, geothermal, etc.) as accessory uses in new construction and building rehabilitation and as principal uses at appropriate locations within the City (i.e., where such uses do not conflict with neighboring land uses) and LEED ("Leadership in Energy & Environmental Design") building systems and technologies in all Projects as appropriate.

8.3 Relationships to Other Plans

Municipalities contiguous to the City of Pleasantville are the City of Absecon, the City of Atlantic City, the West Atlantic City section of Egg Harbor Township, the City of Northfield and the City of Ventnor.³⁰⁰

8.3.1 City of Absecon

Absecon completed its most recent Master Plan Reexamination in June of 2006. Such Reexamination is largely silent as relates to Pleasantville.

Absecon and Pleasantville share a common boundary line at California Avenue. Recommendations contained in this Comprehensive Master Plan Update which might impact the City of Absecon include modifications to certain existing zone boundary lines in the northern section of Pleasantville, the creation of the Residential Duplex (R-D) Zone along California Avenue, the elimination of commercial overlay zones on Main Street, New Road and California Avenue and the creation of the General Commercial Zone on north Main Street.

³⁰⁰ Exhibit 3



While these and other recommendations modify certain permitted uses, zoning district boundaries and building controls in the City's northern Zoning Districts, they do not substantially alter the underlying nature of the northern side of Pleasantville in terms of land use and zoning controls beyond what was in place at the time of this Update. Accordingly, the recommendations proposed herein are not sufficient in scope or content to materially impact Absecon or its Master Plan.

8.3.2 City of Atlantic City

Atlantic City last reexamined its Master Plan in 2003. Such Reexamination is largely silent regarding the City of Pleasantville.

At Publication, Atlantic City had completed, and was in the process of adopting, a new Master Plan. Other than recognizing the shared municipal boundaries, such Master Plan is similarly silent regarding the City of Pleasantville.

The recommended revisions to the City's Land Use Plan contained in this Comprehensive Master Plan Update (section 6.3 herein) modify certain permitted uses, zoning district boundaries and building controls in the City's eastern Zoning Districts, including the proposed Bayside Mixed-Use Zone, which significantly increases the potential development intensity for the middle section of the City to the east of Franklin Boulevard (section 6.3.2 C. 8. f. herein).

At its closest point, the Atlantic City municipal boundary line is approximately 1.8 miles east of the nearest developed sections of the City of Pleasantville.³⁰¹ However, such boundary is located within the marine tidal marsh. In actuality, the nearest developed sections of Pleasantville are approximately 4.5 miles from any inhabited or developable lands in Atlantic City.³⁰²

The marine tidal marshes provide a significant buffer between developed areas in Pleasantville and Atlantic City. Accordingly, it is not anticipated that the actions recommended in this Comprehensive Master Plan Update will have any material impact on the City of Atlantic City or its Master Plan.

8.3.3 Egg Harbor Township

Egg Harbor Township last reexamined its Master Plan in 2002. Such Reexamination is largely silent regarding the City of Pleasantville.

Egg Harbor Township shares a common boundary line with the City of Pleasantville to the western and along the West Atlantic City portion of the Township to the east.

³⁰¹ Black Horse Pike from Jonathan's Thoroughfare to Lyons Court in Pleasantville.

³⁰² Black Horse Pike from Lyons Court to West End Avenue in Chelsea Heights section of Atlantic City.



A. West of Pleasantville

Recommendations contained in this Comprehensive Master Plan Update which might impact the portion of Egg Harbor Township to the west of Pleasantville include modifications to certain existing zone boundary lines in the western section of Pleasantville and the creation of the Regional Commercial (RC) Zone along the western section of the Black Horse Pike.

While these and other recommendations modify certain permitted uses, zoning district boundaries and building controls in the City's western Zoning Districts, they do not substantially alter the underlying nature of the western side of Pleasantville in terms of land use and zoning controls beyond what was in place at the time of this Update. Accordingly, the recommendations proposed herein are not sufficient in scope or content to materially impact Egg Harbor Township or its Master Plan as relates to the western side of the City of Pleasantville.

B. West Atlantic City

In addition to modifications to certain permitted uses, zoning district boundaries and building controls in the City's eastern Zoning Districts, recommendations contained in this Comprehensive Master Plan Update which might impact the West Atlantic City portion of Egg Harbor Township include the proposed Bayside Mixed-Use ("BMU") Zoning District, which is located on the eastern edge of the City between the Atlantic City Expressway and West Jersey Avenue; thereby sharing the northern boundary line with West Atlantic City. Additionally, this Update recommends modifying the zoning for the Black Horse Pike area east of the Central Business District from Commercial (COM) to General Commercial (GC).

Egg Harbor Township zoning for West Atlantic City is Special Highway Development ("SHD") for properties fronting the Black Horse Pike and Residential ("R-5") for the area between the Black Horse Pike frontage properties and the West Jersey Avenue border with the City of Pleasantville. At Publication, land uses on the Pleasantville side of West Jersey Avenue included a lumber yard and railroad rights-of-way owned and operated by J.P. Rail.

At Publication, SHD Zoning permits uses which are very similar to the uses proposed for the BMU Zone (although the area and bulk standards reflect different settings and municipal priorities) and R-5 Zoning permits uses which are very similar to uses permitted in the City's R-50 Residential Zoning Districts.

Also at Publication, Egg Harbor Township had declared the portion of West Atlantic City north of the Black Horse Pike between Palermo Avenue and Jonathan's Thorofare to be In Need of Redevelopment under the Redevelopment Statute. While a Redevelopment Plan, outlining likely uses and development controls for this Area has yet to be crafted, it is assumed that development intensity for the Redevelopment Area will increase significantly.



Given the intensity of development expected for West Atlantic City, it is not anticipated that the recommendations contained in this Comprehensive Master Plan Update will have any material impact on Egg Harbor Township or its Master Plan beyond what the Township might introduce under its Redevelopment Plan.

8.3.4 City of Northfield

Northfield last reexamined its Master Plan in 1995. At Publication, Northfield was undertaking, but had not completed, the 6-year Master Plan Reexamination process. The 1995 Reexamination is therefore the active Master Plan for the City of Northfield.

Northfield and Pleasantville share a common boundary line behind the properties fronting Ridgewood Avenue (if extended to the east and west). Recommendations contained in this Comprehensive Master Plan Update which might impact the City of Northfield include modifications to certain existing zone boundary lines in the southern section of Pleasantville, the elimination of commercial overlay zones on Main Street and New Road and the creation of the General Commercial Zone on south Main Street.

While these and other recommendations modify certain permitted uses, zoning district boundaries and building controls in the City's southern Zoning Districts, they do not substantially alter the underlying nature of the southern side of Pleasantville in terms of land use and zoning controls beyond what was in place at the time of this Update. Accordingly, the recommendations proposed herein are not sufficient in scope or content to materially impact Northfield or its Master Plan.

8.3.5 Atlantic County

Atlantic County last reexamined its Master Plan in 2000. While such Reexamination is largely silent regarding specific projects within the City of Pleasantville, the County strongly supports the City's revitalization efforts. Accordingly, it is not anticipated that the recommendations contained in this Comprehensive Master Plan Update will have any negative impact on Atlantic County or its Master Plan.

8.3.6 State of New Jersey

The New Jersey Office of Smart Growth has promulgated the *State Development and Redevelopment Plan*³⁰³ as the equivalent of a statewide Master Plan. Prepared as an interdepartmental effort between various offices charged with managing development in New Jersey³⁰⁴, the State Plan is the controlling policy guide regarding land use planning and growth-related issues.

³⁰³ "State Plan"

³⁰⁴ Principally, but not exclusively, NJDCA and NJDEP.



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 classifies almost all of Pleasantville as a “PA-1: Metropolitan Planning Area”³⁰⁵ and includes Pleasantville as a Proposed Center.

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.

Centers are compact forms of development that consume less land, deplete fewer natural resources and are more efficient in the delivery of public services.

To accomplish these goals, the following Policy Objectives (pertinent to the City of Pleasantville) have been established:³⁰⁶

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

³⁰⁵ Exhibit 9

³⁰⁶ State Plan (pp.156-158)



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...

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.

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.

The commendations proposed in this Comprehensive Master Plan Update support and advance the Policy Objectives of the State Plan.

- 8.3.7 In sum, there is no change in the relationship between the recommendations of this Comprehensive Master Plan Update and (a) the master plans of contiguous municipalities, (b) the Atlantic County Comprehensive Plan (February, 2005, as amended) and (c) the State Development & Redevelopment Plan from those relationships which existed prior to this 2007 Master Planning effort.



9.0 EXHIBITS (VOLUME 1 OF 2)

1. STATEWIDE CONTEXT MAP
2. COUNTY CONTEXT MAP
3. CITYWIDE CONTEXT MAP
4. CITYWIDE AERIAL MAP
5. 2000 FEDERAL CENSUS DATA
6. PRE-EXISTING ZONING MAP
7. GENERALIZED LAND USE MAP
8. GENERALIZED LAND USE MAP ~ PRE-EXISTING ZONING OVERLAY
9. STATE PLAN MAPPING
10. U.S.G.S. TOPOGRAPHIC MAPPING
11. NJDEP SOILS MAPPING
12. FEMA FLOOD ZONE (FIRM) MAPPING
13. NJDEP WETLANDS MAPPING
14. PROPOSED ZONING MAP A: BASE ZONING
15. PROPOSED ZONING MAP B: OVERLAY ZONING



*2008 Comprehensive Master Plan Update
City of Pleasantville
Atlantic County, N.J.
VOLUME 1 of 2*

EXHIBITS

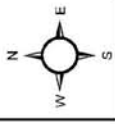


EXHIBIT
1

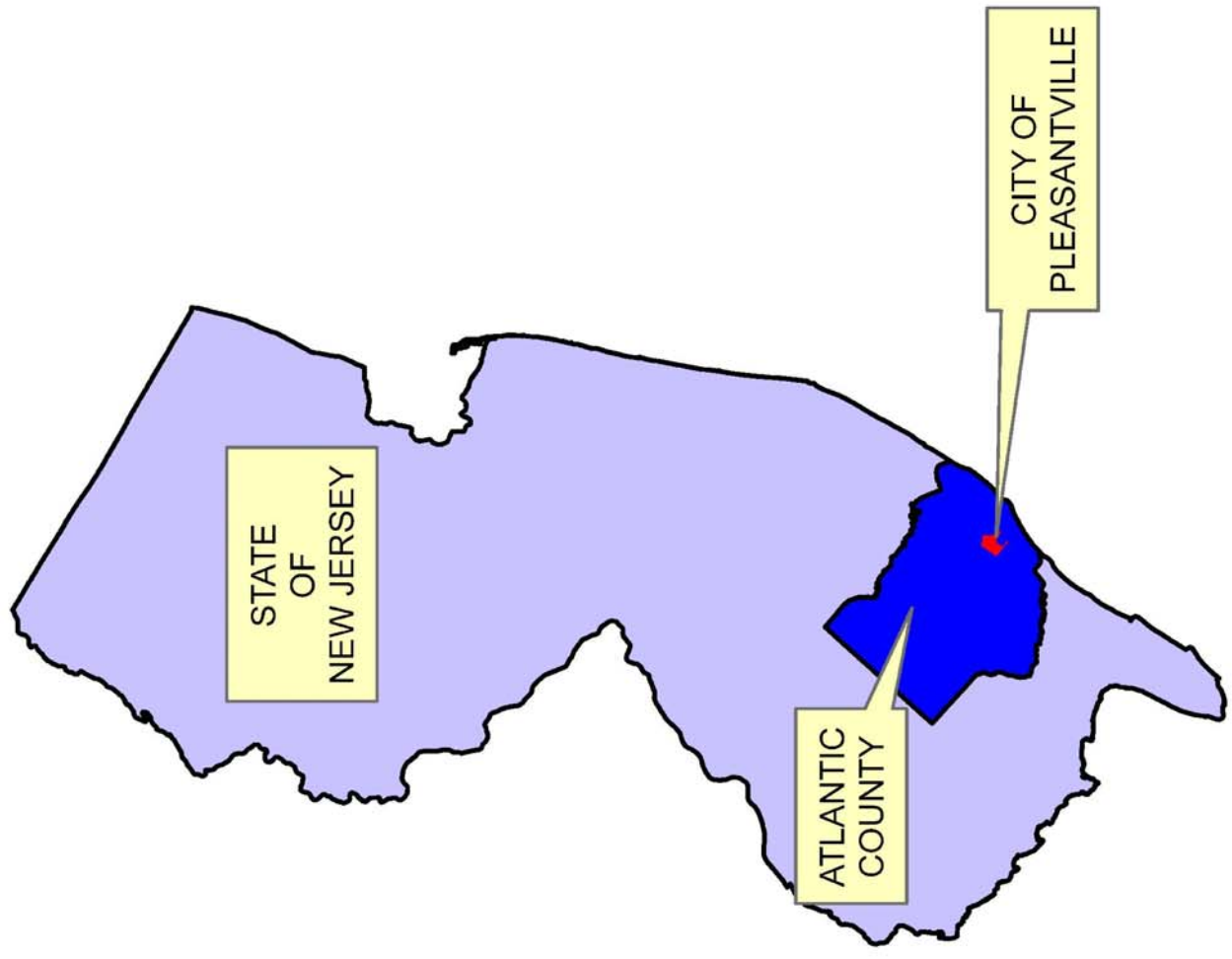
CITY OF PLEASANTVILLE
2008 COMPREHENSIVE
MASTER PLAN UPDATE
STATEWIDE CONTEXT MAP

REV.	DATE

REVISIONS
DATE: 4/4/08
SCALE: N.T.S.



REMINGTON, VERNICK & WALBERG ENGINEERS
ENGINEERING EXCELLENCE SINCE 1901
854 N MAIN STREET, PLEASANTVILLE, NJ 08023
(609) 645-7110, FAX (609) 645-7078
WWW.RVE.COM



**EXHIBIT
2**

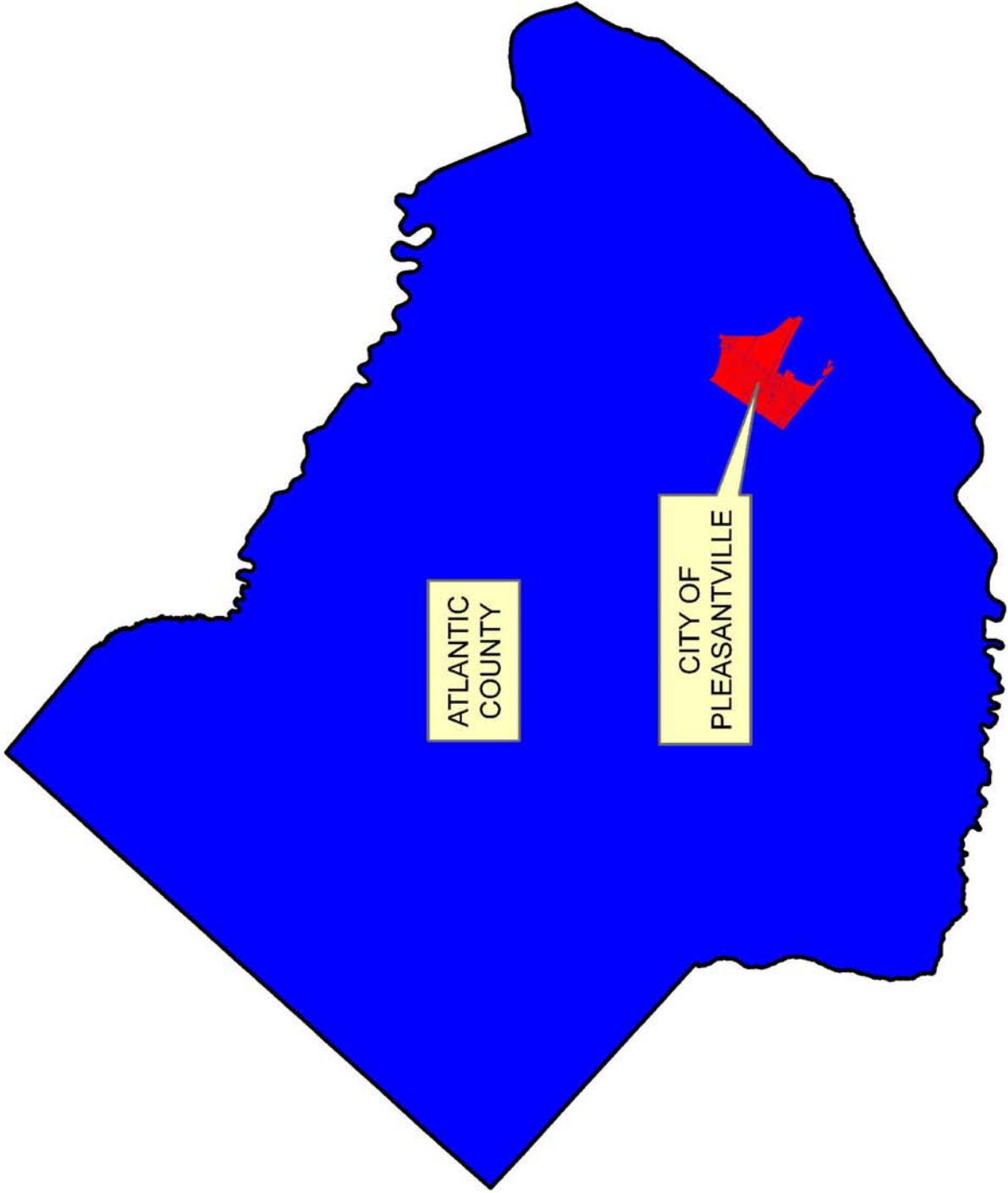
**CITY OF PLEASANTVILLE
2008 COMPREHENSIVE
MASTER PLAN UPDATE
COUNTY CONTEXT MAP**

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REMINGTON, VERNICK & WALBRG ENGINEERS
854 N. MAIN STREET, PLEASANTVILLE, NJ 08323
(609) 645-2710 FAX (609) 645-2076
WEB SITE: WWW.RVW.COM
ENGINEERING EXCELLENCE SINCE 1901



**EXHIBIT
3**

**CITY OF PLEASANTVILLE
2008 COMPREHENSIVE
MASTER PLAN UPDATE
CITYWIDE CONTEXT MAP**

REV. DATE

REVISIONS

DATE: 4/4/08

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REMINGTON, VERNICK & WALBERG ENGINEERS
ENGINEERING EXCELLENCE SINCE 1901
854 N. MAIN STREET - PLEASANTVILLE, NJ 08053
10091 04 52 110 FAX 10091 04 45 700
WWW.RVE.COM
WEB SITE: WWW.RVE.COM



**EXHIBIT
4**

**CITY OF PLEASANTVILLE
2008 COMPREHENSIVE
MASTER PLAN UPDATE
CITYWIDE AERIAL MAP**

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REMINGTON, VERNICK & WALBRG ENGINEERS
ENGINEERING EXCELLENCE SINCE 1901
854 N MAIN STREET PLEASANTVILLE, NJ 08023
(609) 645-7110 FAX (609) 645-7076
WEB SITE WWW.RVE.COM



Table DP-1. Profile of General Demographic Characteristics: 2000

Geographic area: Pleasantville city, New Jersey

[For information on confidentiality protection, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
Total population	19,012	100.0	HISPANIC OR LATINO AND RACE		
SEX AND AGE			Total population	19,012	100.0
Male.....	8,925	46.9	Hispanic or Latino (of any race).....	4,158	21.9
Female.....	10,087	53.1	Mexican.....	451	2.4
Under 5 years.....	1,481	7.8	Puerto Rican.....	2,085	11.0
5 to 9 years.....	1,829	9.6	Cuban.....	61	0.3
10 to 14 years.....	1,597	8.4	Other Hispanic or Latino.....	1,561	8.2
15 to 19 years.....	1,379	7.3	Not Hispanic or Latino.....	14,854	78.1
20 to 24 years.....	1,197	6.3	White alone.....	3,402	17.9
25 to 34 years.....	2,715	14.3	RELATIONSHIP		
35 to 44 years.....	3,033	16.0	Total population	19,012	100.0
45 to 54 years.....	2,191	11.5	In households.....	18,548	97.6
55 to 59 years.....	824	4.3	Householder.....	6,402	33.7
60 to 64 years.....	642	3.4	Spouse.....	2,238	11.8
65 to 74 years.....	1,015	5.3	Child.....	6,157	32.4
75 to 84 years.....	736	3.9	Own child under 18 years.....	4,511	23.7
85 years and over.....	373	2.0	Other relatives.....	2,258	11.9
Median age (years).....	32.7	(X)	Under 18 years.....	1,108	5.8
18 years and over.....	13,234	69.6	Nonrelatives.....	1,493	7.9
Male.....	5,953	31.3	Unmarried partner.....	649	3.4
Female.....	7,281	38.3	In group quarters.....	464	2.4
21 years and over.....	12,481	65.6	Institutionalized population.....	384	2.0
62 years and over.....	2,485	13.1	Noninstitutionalized population.....	80	0.4
65 years and over.....	2,124	11.2	HOUSEHOLD BY TYPE		
Male.....	765	4.0	Total households	6,402	100.0
Female.....	1,359	7.1	Family households (families).....	4,365	68.2
RACE			With own children under 18 years.....	2,312	36.1
One race.....	18,238	95.9	Married-couple family.....	2,238	35.0
White.....	4,755	25.0	With own children under 18 years.....	1,063	16.6
Black or African American.....	10,969	57.7	Female householder, no husband present.....	1,583	24.7
American Indian and Alaska Native.....	54	0.3	With own children under 18 years.....	958	15.0
Asian.....	371	2.0	Nonfamily households.....	2,037	31.8
Asian Indian.....	109	0.6	Householder living alone.....	1,568	24.5
Chinese.....	43	0.2	Householder 65 years and over.....	587	9.2
Filipino.....	64	0.3	Households with individuals under 18 years.....	2,838	44.3
Japanese.....	5	-	Households with individuals 65 years and over.....	1,421	22.2
Korean.....	22	0.1	Average household size.....	2.90	(X)
Vietnamese.....	41	0.2	Average family size.....	3.44	(X)
Other Asian ¹	87	0.5	HOUSING OCCUPANCY		
Native Hawaiian and Other Pacific Islander.....	5	-	Total housing units	7,042	100.0
Native Hawaiian.....	1	-	Occupied housing units.....	6,402	90.9
Guamanian or Chamorro.....	-	-	Vacant housing units.....	640	9.1
Samoan.....	1	-	For seasonal, recreational, or		
Other Pacific Islander ²	3	-	occasional use.....	61	0.9
Some other race.....	2,084	11.0	Homeowner vacancy rate (percent).....	3.1	(X)
Two or more races.....	774	4.1	Rental vacancy rate (percent).....	7.6	(X)
Race alone or in combination with one			HOUSING TENURE		
or more other races: ³			Occupied housing units	6,402	100.0
White.....	5,200	27.4	Owner-occupied housing units.....	3,605	56.3
Black or African American.....	11,429	60.1	Renter-occupied housing units.....	2,797	43.7
American Indian and Alaska Native.....	202	1.1	Average household size of owner-occupied units.....	3.05	(X)
Asian.....	434	2.3	Average household size of renter-occupied units.....	2.70	(X)
Native Hawaiian and Other Pacific Islander.....	30	0.2			
Some other race.....	2,572	13.5			

- Represents zero or rounds to zero. (X) Not applicable.

¹ Other Asian alone, or two or more Asian categories.

² Other Pacific Islander alone, or two or more Native Hawaiian and Other Pacific Islander categories.

³ In combination with one or more of the other races listed. The six numbers may add to more than the total population and the six percentages may add to more than 100 percent because individuals may report more than one race.

Source: U.S. Census Bureau, Census 2000.

Table DP-2. Profile of Selected Social Characteristics: 2000

Geographic area: Pleasantville city, New Jersey

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
SCHOOL ENROLLMENT			NATIVITY AND PLACE OF BIRTH		
Population 3 years and over enrolled in school.....	5,381	100.0	Total population.....	19,096	100.0
Nursery school, preschool.....	505	9.4	Native.....	16,639	87.1
Kindergarten.....	344	6.4	Born in United States.....	15,348	80.4
Elementary school (grades 1-8).....	2,786	51.8	State of residence.....	10,961	57.4
High school (grades 9-12).....	1,194	22.2	Different state.....	4,387	23.0
College or graduate school.....	552	10.3	Born outside United States.....	2,291	6.8
EDUCATIONAL ATTAINMENT			Foreign born.....	2,457	12.9
Population 25 years and over.....	11,583	100.0	Entered 1990 to March 2000.....	1,394	7.3
Less than 9th grade.....	865	7.5	Naturalized citizen.....	868	4.5
9th to 12th grade, no diploma.....	2,603	22.5	Not a citizen.....	1,589	8.3
High school graduate (includes equivalency).....	4,550	39.3	REGION OF BIRTH OF FOREIGN BORN		
Some college, no degree.....	2,133	18.4	Total (excluding born at sea).....	2,457	100.0
Associate degree.....	252	2.2	Europe.....	132	5.4
Bachelor's degree.....	823	7.1	Asia.....	199	8.1
Graduate or professional degree.....	357	3.1	Africa.....	97	3.9
Percent high school graduate or higher.....	70.1	(X)	Oceania.....	-	-
Percent bachelor's degree or higher.....	10.2	(X)	Latin America.....	1,999	81.4
MARITAL STATUS			Northern America.....	30	1.2
Population 15 years and over.....	14,152	100.0	LANGUAGE SPOKEN AT HOME		
Never married.....	5,360	37.9	Population 5 years and over.....	17,555	100.0
Now married, except separated.....	5,439	38.4	English only.....	13,075	74.5
Separated.....	650	4.6	Language other than English.....	4,480	25.5
Widowed.....	1,068	7.5	Speak English less than "very well".....	2,154	12.3
Female.....	883	6.2	Spanish.....	3,294	18.8
Divorced.....	1,635	11.6	Speak English less than "very well".....	1,513	8.6
Female.....	1,017	7.2	Other Indo-European languages.....	910	5.2
GRANDPARENTS AS CAREGIVERS			Speak English less than "very well".....	504	2.9
Grandparent living in household with one or more own grandchildren under 18 years.....	865	100.0	Asian and Pacific Island languages.....	169	1.0
Grandparent responsible for grandchildren.....	408	47.2	Speak English less than "very well".....	111	0.6
VETERAN STATUS			ANCESTRY (single or multiple)		
Civilian population 18 years and over ..	13,323	100.0	Total population.....	19,096	100.0
Civilian veterans.....	1,393	10.5	Total ancestries reported.....	18,042	94.5
DISABILITY STATUS OF THE CIVILIAN NONINSTITUTIONALIZED POPULATION			Arab.....	116	0.6
Population 5 to 20 years.....	5,128	100.0	Czech ¹	31	0.2
With a disability.....	473	9.2	Danish.....	6	-
Population 21 to 64 years.....	10,243	100.0	Dutch.....	40	0.2
With a disability.....	2,961	28.9	English.....	547	2.9
Percent employed.....	53.1	(X)	French (except Basque) ¹	103	0.5
No disability.....	7,282	71.1	French Canadian ¹	5	-
Percent employed.....	72.2	(X)	German.....	914	4.8
Population 65 years and over.....	1,899	100.0	Greek.....	31	0.2
With a disability.....	854	45.0	Hungarian.....	46	0.2
RESIDENCE IN 1995			Irish ¹	936	4.9
Population 5 years and over.....	17,555	100.0	Italian.....	631	3.3
Same house in 1995.....	9,193	52.4	Lithuanian.....	14	0.1
Different house in the U.S. in 1995.....	7,534	42.9	Norwegian.....	8	-
Same county.....	6,172	35.2	Polish.....	238	1.2
Different county.....	1,362	7.8	Portuguese.....	22	0.1
Same state.....	687	3.9	Russian.....	28	0.1
Different state.....	675	3.8	Scotch-Irish.....	21	0.1
Elsewhere in 1995.....	828	4.7	Scottish.....	45	0.2
			Slovak.....	15	0.1
			Subsaharan African.....	424	2.2
			Swedish.....	45	0.2
			Swiss.....	-	-
			Ukrainian.....	26	0.1
			United States or American.....	446	2.3
			Welsh.....	37	0.2
			West Indian (excluding Hispanic groups).....	1,001	5.2
			Other ancestries.....	12,266	64.2

-Represents zero or rounds to zero. (X) Not applicable.

¹The data represent a combination of two ancestries shown separately in Summary File 3. Czech includes Czechoslovakian. French includes Alsatian. French Canadian includes Acadian/Cajun. Irish includes Celtic.

Table DP-3. Profile of Selected Economic Characteristics: 2000

Geographic area: Pleasantville city, New Jersey

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
EMPLOYMENT STATUS			INCOME IN 1999		
Population 16 years and over	13,895	100.0	Households	6,430	100.0
In labor force	8,500	61.2	Less than \$10,000	659	10.2
Civilian labor force	8,500	61.2	\$10,000 to \$14,999	408	6.3
Employed	7,637	55.0	\$15,000 to \$24,999	854	13.3
Unemployed	863	6.2	\$25,000 to \$34,999	1,095	17.0
Percent of civilian labor force	10.2	(X)	\$35,000 to \$49,999	1,201	18.7
Armed Forces	-	-	\$50,000 to \$74,999	1,316	20.5
Not in labor force	5,395	38.8	\$75,000 to \$99,999	549	8.5
Females 16 years and over	7,600	100.0	\$100,000 to \$149,999	300	4.7
In labor force	4,398	57.9	\$150,000 to \$199,999	18	0.3
Civilian labor force	4,398	57.9	\$200,000 or more	30	0.5
Employed	4,068	53.5	Median household income (dollars)	36,913	(X)
Own children under 6 years	1,636	100.0	With earnings	5,340	83.0
All parents in family in labor force	954	58.3	Mean earnings (dollars) ¹	44,110	(X)
COMMUTING TO WORK			With Social Security income	1,705	26.5
Workers 16 years and over	7,362	100.0	Mean Social Security income (dollars) ¹	9,676	(X)
Car, truck, or van -- drove alone	4,651	63.2	With Supplemental Security Income	453	7.0
Car, truck, or van -- carpooled	1,388	18.9	Mean Supplemental Security Income (dollars) ¹	5,871	(X)
Public transportation (including taxicab)	1,044	14.2	With public assistance income	286	4.4
Walked	180	2.4	Mean public assistance income (dollars) ¹	2,413	(X)
Other means	70	1.0	With retirement income	1,132	17.6
Worked at home	29	0.4	Mean retirement income (dollars) ¹	11,639	(X)
Mean travel time to work (minutes) ¹	22.4	(X)	Families 4,400 100.0		
Employed civilian population 16 years and over	7,637	100.0	Less than \$10,000	327	7.4
OCCUPATION			\$10,000 to \$14,999	189	4.3
Management, professional, and related occupations	1,347	17.6	\$15,000 to \$24,999	581	13.2
Service occupations	2,979	39.0	\$25,000 to \$34,999	777	17.7
Sales and office occupations	1,979	25.9	\$35,000 to \$49,999	841	19.1
Farming, fishing, and forestry occupations	33	0.4	\$50,000 to \$74,999	1,025	23.3
Construction, extraction, and maintenance occupations	466	6.1	\$75,000 to \$99,999	419	9.5
Production, transportation, and material moving occupations	833	10.9	\$100,000 to \$149,999	207	4.7
INDUSTRY			\$150,000 to \$199,999	7	0.2
Agriculture, forestry, fishing and hunting, and mining	30	0.4	\$200,000 or more	27	0.6
Construction	272	3.6	Median family income (dollars)	40,016	(X)
Manufacturing	217	2.8	Per capita income (dollars) ¹	17,668	(X)
Wholesale trade	164	2.1	Median earnings (dollars):		
Retail trade	685	9.0	Male full-time, year-round workers	26,909	(X)
Transportation and warehousing, and utilities	393	5.1	Female full-time, year-round workers	25,886	(X)
Information	166	2.2	Subject		
Finance, insurance, real estate, and rental and leasing	131	1.7	POVERTY STATUS IN 1999		
Professional, scientific, management, administrative, and waste management services	397	5.2	Families	538	12.2
Educational, health and social services	1,238	16.2	With related children under 18 years	486	17.2
Arts, entertainment, recreation, accommodation and food services	3,286	43.0	With related children under 5 years	225	18.5
Other services (except public administration)	275	3.6	Families with female householder, no husband present 296 19.4		
Public administration	383	5.0	With related children under 18 years	289	25.2
CLASS OF WORKER			With related children under 5 years	113	28.6
Private wage and salary workers	6,445	84.4	Individuals	2,939	15.8
Government workers	1,052	13.8	18 years and over	1,706	13.1
Self-employed workers in own not incorporated business	140	1.8	65 years and over	256	13.5
Unpaid family workers	-	-	Related children under 18 years	1,172	21.2
			Related children 5 to 17 years	860	21.1
			Unrelated individuals 15 years and over	809	22.8

-Represents zero or rounds to zero. (X) Not applicable.

¹If the denominator of a mean value or per capita value is less than 30, then that value is calculated using a rounded aggregate in the numerator.

Table DP-4. Profile of Selected Housing Characteristics: 2000

Geographic area: Pleasantville city, New Jersey

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
Total housing units	7,053	100.0	OCCUPANTS PER ROOM		
UNITS IN STRUCTURE			Occupied housing units	6,422	100.0
1-unit, detached.....	4,061	57.6	1.00 or less.....	5,736	89.3
1-unit, attached.....	451	6.4	1.01 to 1.50.....	410	6.4
2 units.....	360	5.1	1.51 or more.....	276	4.3
3 or 4 units.....	510	7.2			
5 to 9 units.....	488	6.9	Specified owner-occupied units	3,270	100.0
10 to 19 units.....	451	6.4	VALUE		
20 or more units.....	631	8.9	Less than \$50,000.....	120	3.7
Mobile home.....	101	1.4	\$50,000 to \$99,999.....	2,410	73.7
Boat, RV, van, etc.....	-	-	\$100,000 to \$149,999.....	652	19.9
			\$150,000 to \$199,999.....	79	2.4
YEAR STRUCTURE BUILT			\$200,000 to \$299,999.....	9	0.3
1999 to March 2000.....	57	0.8	\$300,000 to \$499,999.....	-	-
1995 to 1998.....	184	2.6	\$500,000 to \$999,999.....	-	-
1990 to 1994.....	306	4.3	\$1,000,000 or more.....	-	-
1980 to 1989.....	1,239	17.6	Median (dollars).....	86,500	(X)
1970 to 1979.....	996	14.1			
1960 to 1969.....	983	13.9	MORTGAGE STATUS AND SELECTED		
1940 to 1959.....	1,987	28.2	MONTHLY OWNER COSTS		
1939 or earlier.....	1,301	18.4	With a mortgage.....	2,570	78.6
			Less than \$300.....	17	0.5
ROOMS			\$300 to \$499.....	22	0.7
1 room.....	76	1.1	\$500 to \$699.....	205	6.3
2 rooms.....	545	7.7	\$700 to \$999.....	748	22.9
3 rooms.....	789	11.2	\$1,000 to \$1,499.....	1,297	39.7
4 rooms.....	1,403	19.9	\$1,500 to \$1,999.....	244	7.5
5 rooms.....	1,616	22.9	\$2,000 or more.....	37	1.1
6 rooms.....	1,355	19.2	Median (dollars).....	1,089	(X)
7 rooms.....	625	8.9	Not mortgaged.....	700	21.4
8 rooms.....	368	5.2	Median (dollars).....	450	(X)
9 or more rooms.....	276	3.9			
Median (rooms).....	4.9	(X)	SELECTED MONTHLY OWNER COSTS		
			AS A PERCENTAGE OF HOUSEHOLD		
Occupied housing units	6,422	100.0	INCOME IN 1999		
YEAR HOUSEHOLDER MOVED INTO UNIT			Less than 15.0 percent.....	654	20.0
1999 to March 2000.....	1,191	18.5	15.0 to 19.9 percent.....	603	18.4
1995 to 1998.....	2,095	32.6	20.0 to 24.9 percent.....	528	16.1
1990 to 1994.....	880	13.7	25.0 to 29.9 percent.....	304	9.3
1980 to 1989.....	1,044	16.3	30.0 to 34.9 percent.....	223	6.8
1970 to 1979.....	456	7.1	35.0 percent or more.....	919	28.1
1969 or earlier.....	756	11.8	Not computed.....	39	1.2
VEHICLES AVAILABLE			Specified renter-occupied units	2,776	100.0
None.....	1,341	20.9	GROSS RENT		
1.....	2,764	43.0	Less than \$200.....	194	7.0
2.....	1,863	29.0	\$200 to \$299.....	119	4.3
3 or more.....	454	7.1	\$300 to \$499.....	257	9.3
			\$500 to \$749.....	952	34.3
HOUSE HEATING FUEL			\$750 to \$999.....	1,011	36.4
Utility gas.....	4,055	63.1	\$1,000 to \$1,499.....	175	6.3
Bottled, tank, or LP gas.....	145	2.3	\$1,500 or more.....	13	0.5
Electricity.....	982	15.3	No cash rent.....	55	2.0
Fuel oil, kerosene, etc.....	1,196	18.6	Median (dollars).....	715	(X)
Coal or coke.....	-	-			
Wood.....	-	-	GROSS RENT AS A PERCENTAGE OF		
Solar energy.....	-	-	HOUSEHOLD INCOME IN 1999		
Other fuel.....	28	0.4	Less than 15.0 percent.....	354	12.8
No fuel used.....	16	0.2	15.0 to 19.9 percent.....	346	12.5
			20.0 to 24.9 percent.....	386	13.9
SELECTED CHARACTERISTICS			25.0 to 29.9 percent.....	322	11.6
Lacking complete plumbing facilities.....	35	0.5	30.0 to 34.9 percent.....	296	10.7
Lacking complete kitchen facilities.....	10	0.2	35.0 percent or more.....	923	33.2
No telephone service.....	131	2.0	Not computed.....	149	5.4

-Represents zero or rounds to zero. (X) Not applicable.

EXHIBIT 6

PRE-EXISTING ZONING MAP MASTER PLAN UPDATE 2008 COMPREHENSIVE CITY OF PLEASANTVILLE

REV.	DATE	REVISIONS



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 WWW.RVW.COM
 VES SITE: WWW.RVE.COM



- ZONING DISTRICTS**
- BASE ZONING**
- Residential**
- SFR-50 SINGLE-FAMILY RESIDENTIAL (50)
 - SFR-60 SINGLE-FAMILY RESIDENTIAL (60)
 - SFR-75 SINGLE-FAMILY RESIDENTIAL (75)
 - MF MULTI-FAMILY RESIDENTIAL
- Commercial**
- CBD CENTRAL BUSINESS DISTRICT
 - COM COMMERCIAL
 - IND INDUSTRIAL
 - RSC REGIONAL SHOPPING CENTER
- Specialty**
- CBM CEMETERY
 - PU PUBLIC UTILITIES
 - WFC WATERFRONT COMMERCIAL
 - WATERFRONT RESIDENTIAL
- OVERLAY ZONING**
- COMM & PO CONDUIT USE OVERLAYS
 - COMM CONDUIT USE OVERLAY
 - MAU OVERLAY
 - PO CONDUIT USE OVERLAY
 - R-60 CONDUIT USE OVERLAY
 - R-75 CONDUIT USE OVERLAY
- REDEVELOPMENT PLANS**
- CAL AVE REHAB AREA
 - CARA CAMBRIA AVE RDWMT AREA
 - CITY CENTER AREA
 - LBRA LAKES BAY RDWMT AREA
 - NARA NARCISSESS AVE REHAB AREA
 - WTRA WOODLAND TERR REHAB AREA
 - FAA AIRPORT EXCLUSION ZONES

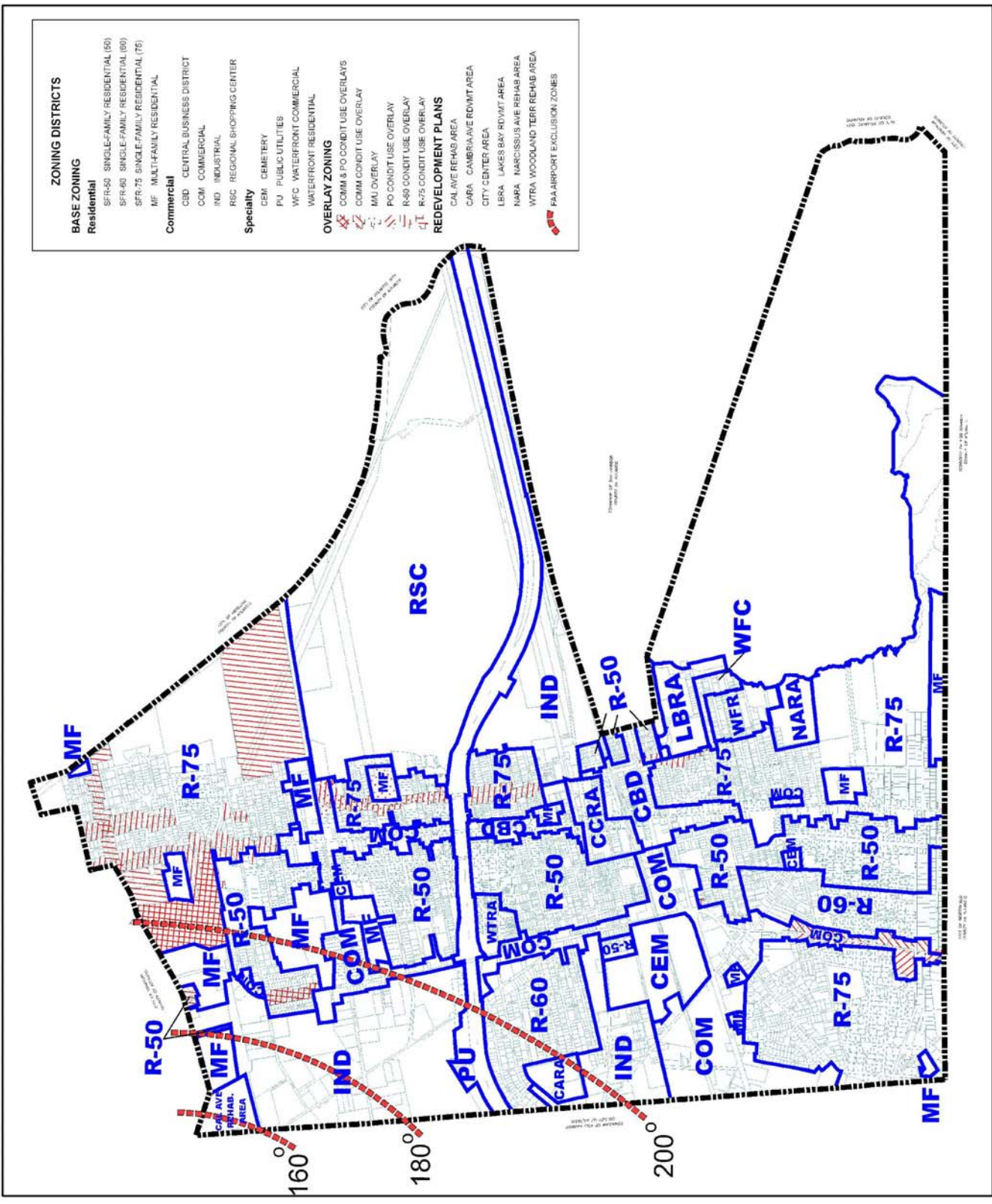


EXHIBIT 7

CITY OF PLEASANTVILLE
 2008 COMPREHENSIVE
 MASTER PLAN UPDATE
 GENERALIZED LAND USE MAP

REV. DATE

REVISIONS

DATE: 4/4/08

SCALE: N.T.S.

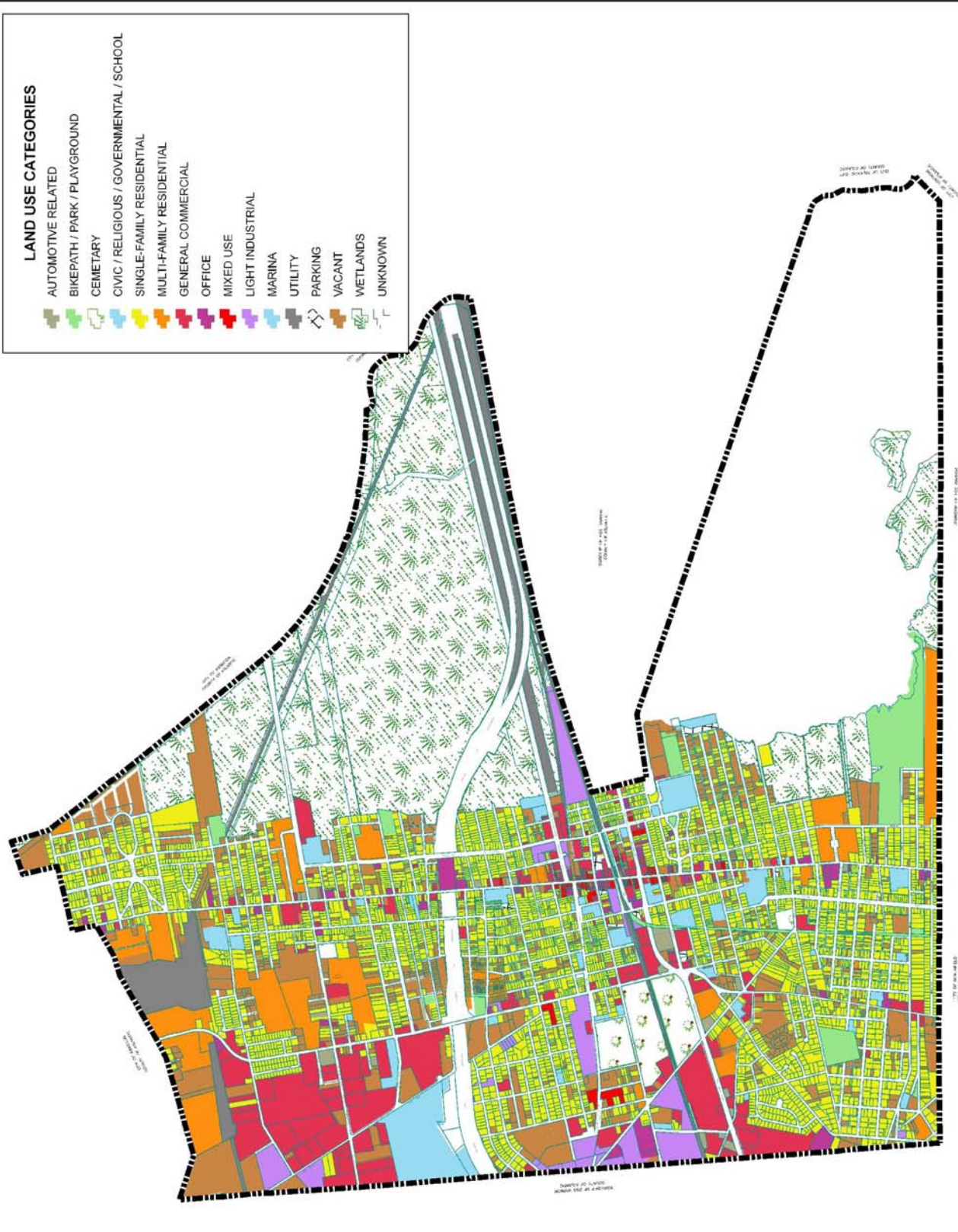


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LAND USE CATEGORIES

- AUTOMOTIVE RELATED
- BIKEPATH / PARK / PLAYGROUND
- CEMETARY
- CIVIC / RELIGIOUS / GOVERNMENTAL / SCHOOL
- SINGLE-FAMILY RESIDENTIAL
- MULTI-FAMILY RESIDENTIAL
- GENERAL COMMERCIAL
- OFFICE
- MIXED USE
- LIGHT INDUSTRIAL
- MARINA
- UTILITY
- PARKING
- VACANT
- WETLANDS
- UNKNOWN



PROPERTY OF THE CITY OF PLEASANTVILLE

PROPERTY OF THE CITY OF PLEASANTVILLE

PROPERTY OF THE CITY OF PLEASANTVILLE

PROPERTY OF THE CITY OF PLEASANTVILLE

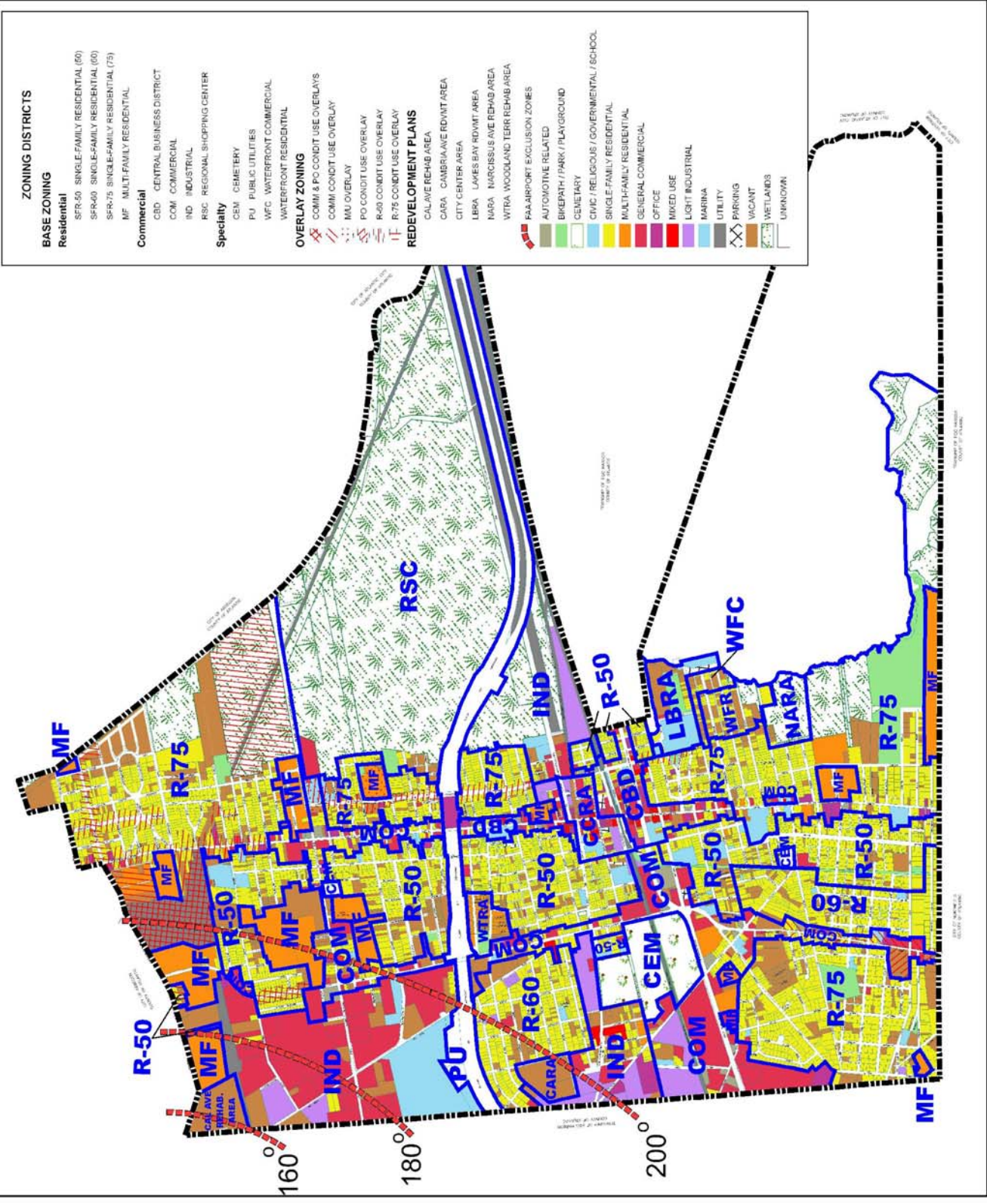
EXHIBIT 8

CITY OF PLEASANTVILLE
 2008 COMPREHENSIVE
 MASTER PLAN UPDATE
 GENERALIZED LAND USE MAP
 PRE-EXISTING ZONING OVERLAY

REV. DATE
 REVISIONS
 DATE: 4/4/08
 SCALE: N.T.S.



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**EXHIBIT
9**

**CITY OF PLEASANTVILLE
2008 COMPREHENSIVE
MASTER PLAN UPDATE
STATE PLAN MAPPING**

REV. DATE
REVISIONS
DATE: 4/4/08
SCALE: N.T.S.

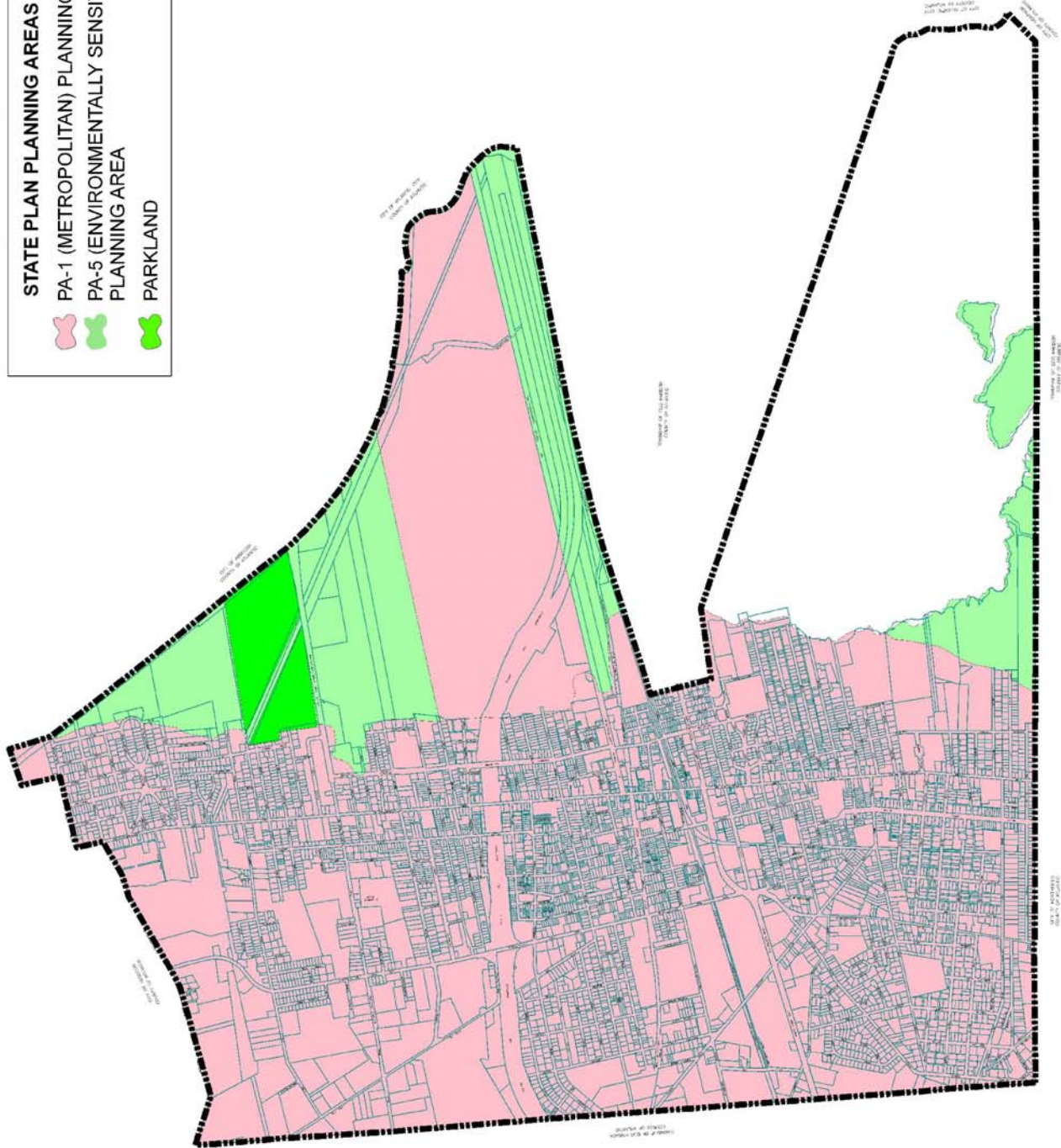


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STATE PLAN PLANNING AREAS

-  PA-1 (METROPOLITAN) PLANNING AREA
-  PA-5 (ENVIRONMENTALLY SENSITIVE) PLANNING AREA
-  PARKLAND



**EXHIBIT
10**

**CITY OF PLEASANTVILLE
2008 COMPREHENSIVE
MASTER PLAN UPDATE
U.S.G.S.
TOPOGRAPHIC MAPPING**

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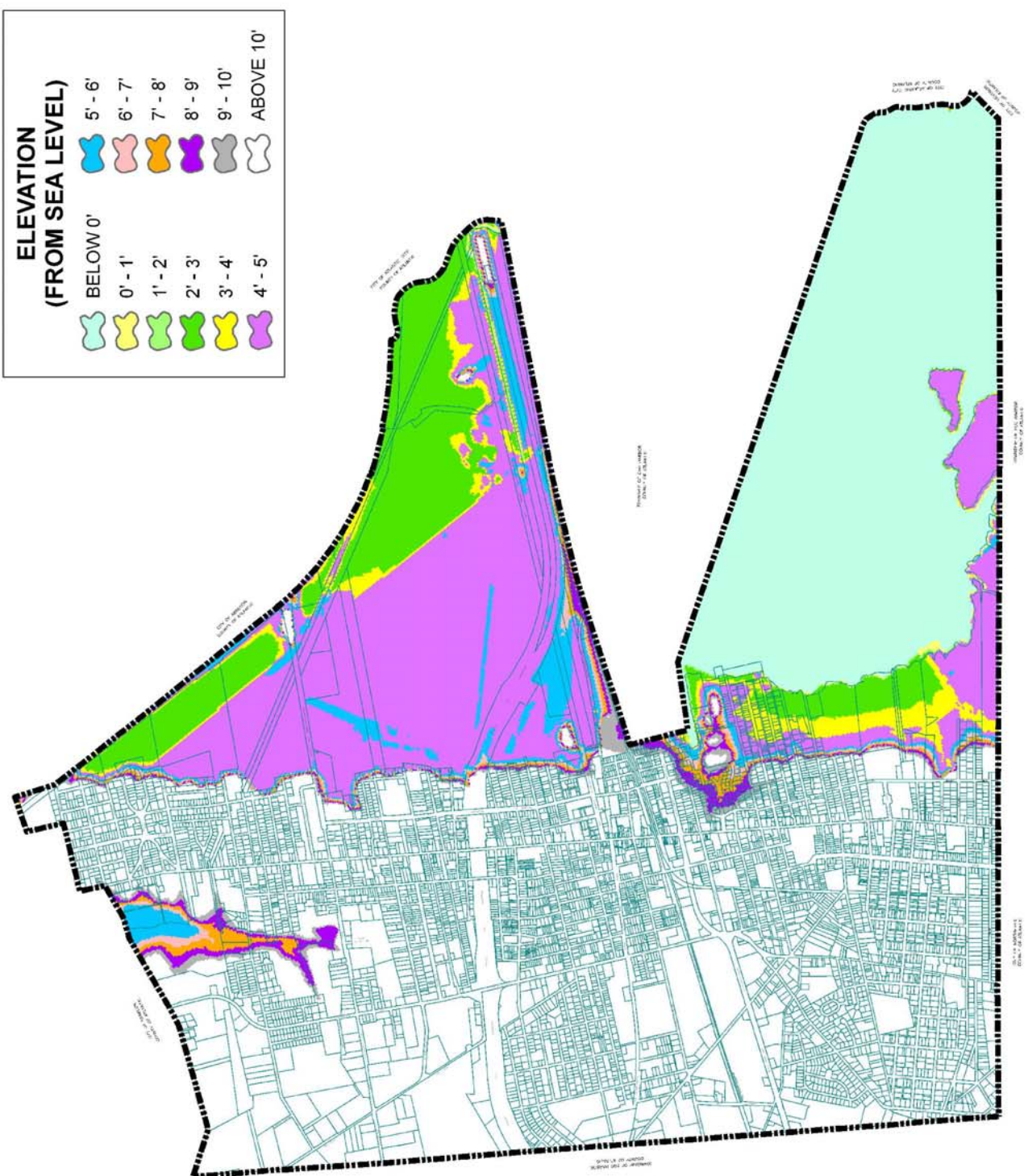
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DATE: 4/4/08
SCALE: N.T.S.



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**ELEVATION
(FROM SEA LEVEL)**

BELOW 0'	5' - 6'
0' - 1'	6' - 7'
1' - 2'	7' - 8'
2' - 3'	8' - 9'
3' - 4'	9' - 10'
4' - 5'	ABOVE 10'

PROPERTY OF THE ENGINEER
DATE: 4/4/08

REV. DATE	
REVISIONS	
DATE: 4/4/08	
SCALE: N.T.S.	

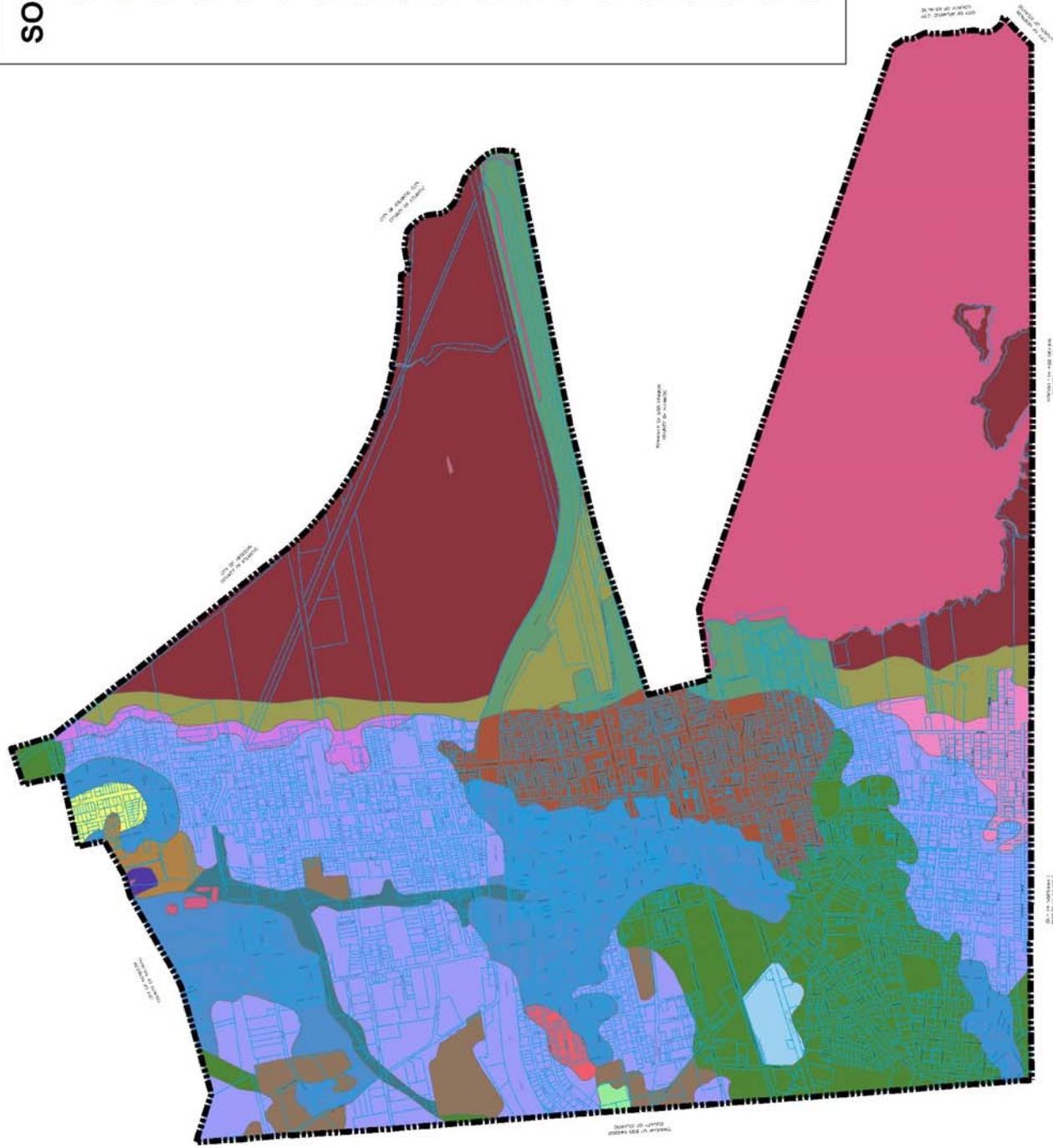


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SOILS TYPES

- Ac
- ArA
- ArB
- Bp
- DoA
- EVB
- FL
- FM
- HaA
- HmA
- KmA
- ML
- PIT
- Po
- SaA
- TD
- TM
- TS
- W



**EXHIBIT
12**

**CITY OF PLEASANTVILLE
2008 COMPREHENSIVE
MASTER PLAN UPDATE
FEMA FLOOD ZONE
(FIRM) MAPPING**

REV. DATE

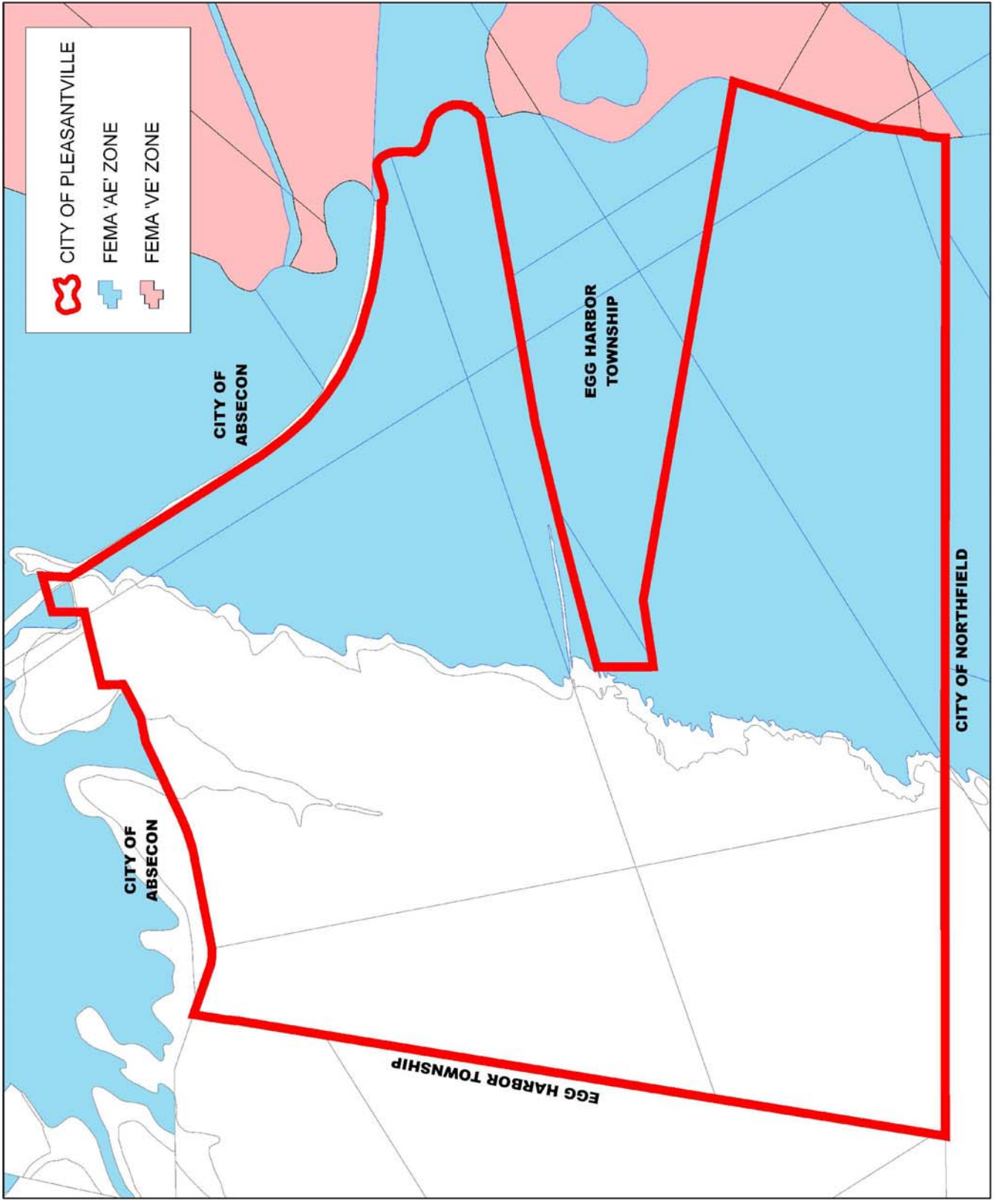
REVISIONS

DATE: 4/4/08

SCALE: N.T.S.



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CITY OF PLEASANTVILLE

FEMA 'AE' ZONE

FEMA 'VE' ZONE

**EXHIBIT
13**

**CITY OF PLEASANTVILLE
2008 COMPREHENSIVE
MASTER PLAN UPDATE
NJDEP WETLANDS MAPPING**

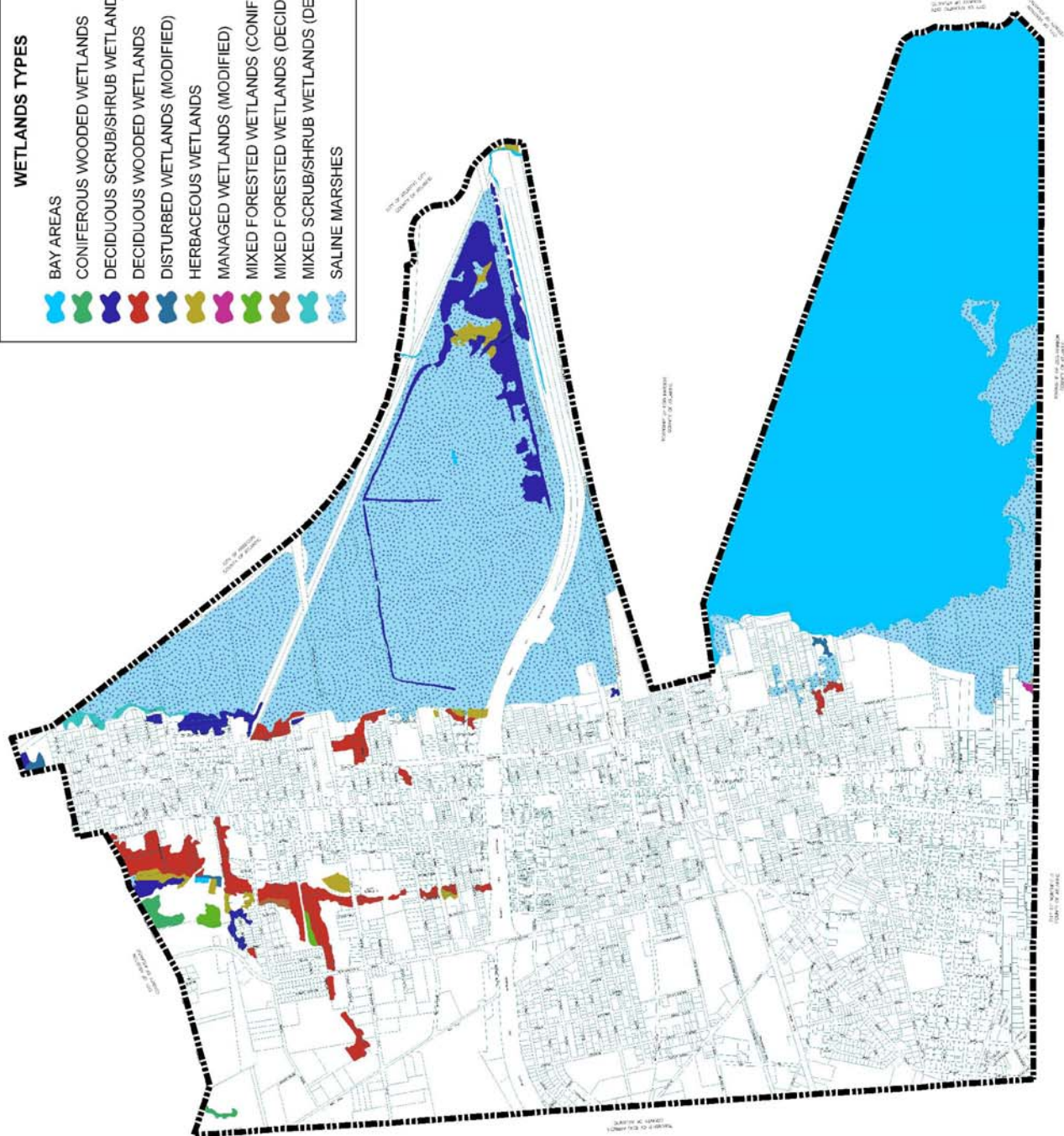
REV. DATE
REVISIONS
DATE: 4/4/08
SCALE: N.T.S.



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- WETLANDS TYPES**
- BAY AREAS
 - CONIFEROUS WOODED WETLANDS
 - DECIDUOUS SCRUB/SHRUB WETLANDS
 - DECIDUOUS WOODED WETLANDS
 - DISTURBED WETLANDS (MODIFIED)
 - HERBACEOUS WETLANDS
 - MANAGED WETLANDS (MODIFIED)
 - MIXED FORESTED WETLANDS (CONIFEROUS DOM.)
 - MIXED FORESTED WETLANDS (DECIDUOUS DOM.)
 - MIXED SCRUB/SHRUB WETLANDS (DECIDUOUS DOM.)
 - SALINE MARSHES



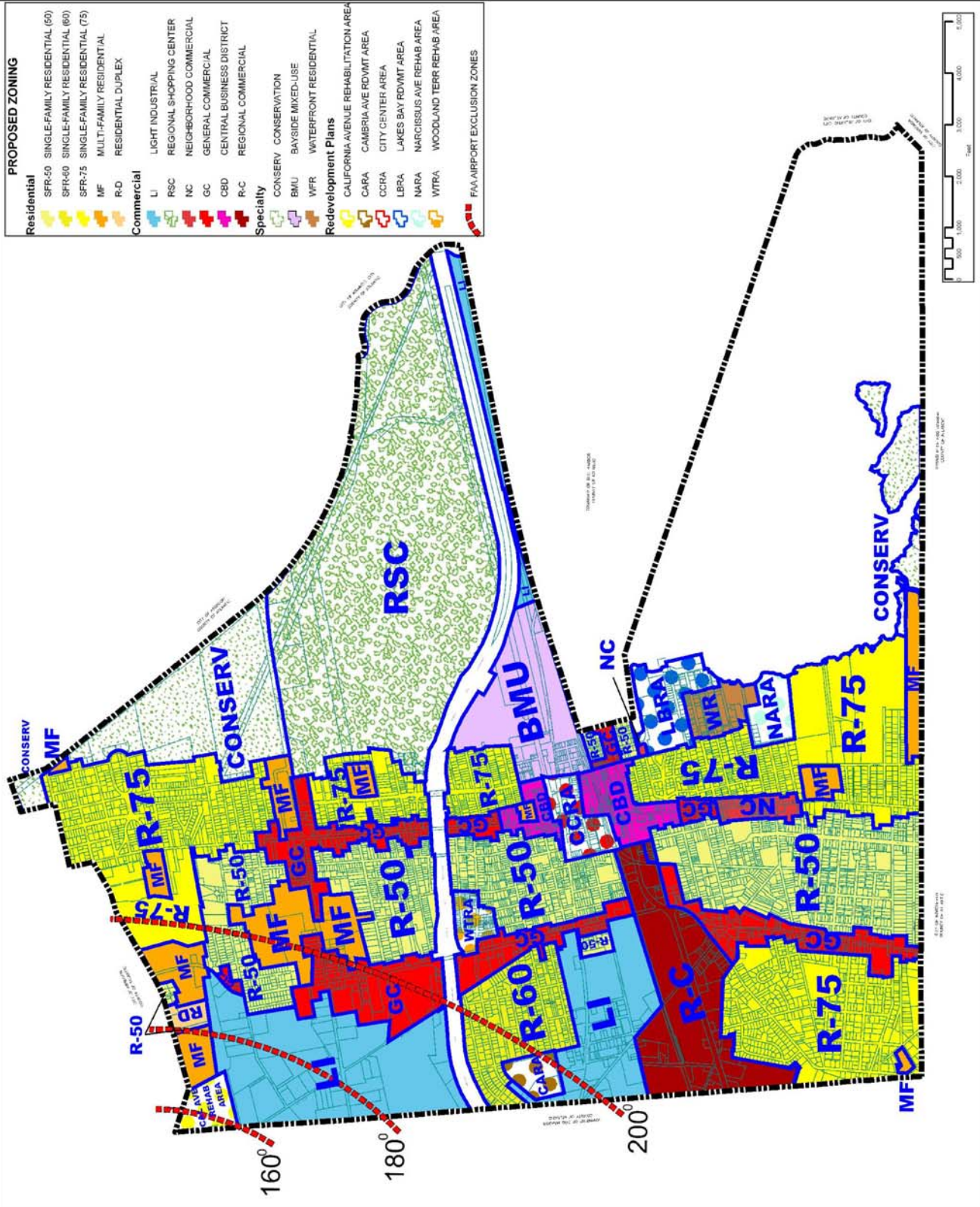
DATE: 4/4/08
SCALE: N.T.S.

EXHIBIT 14

CITY OF PLEASANTVILLE
 2008 COMPREHENSIVE
 MASTER PLAN UPDATE
 PROPOSED ZONING MAP A:
 BASE ZONING

REV.	DATE	REVISIONS

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**EXHIBIT
15**

**CITY OF PLEASANTVILLE
2008 COMPREHENSIVE
MASTER PLAN UPDATE
PROPOSED ZONING MAP B:
OVERLAY ZONING**





REV. DATE
REVISIONS
DATE: 4/4/08
SCALE: As Shown

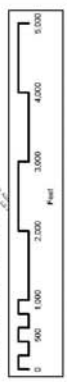
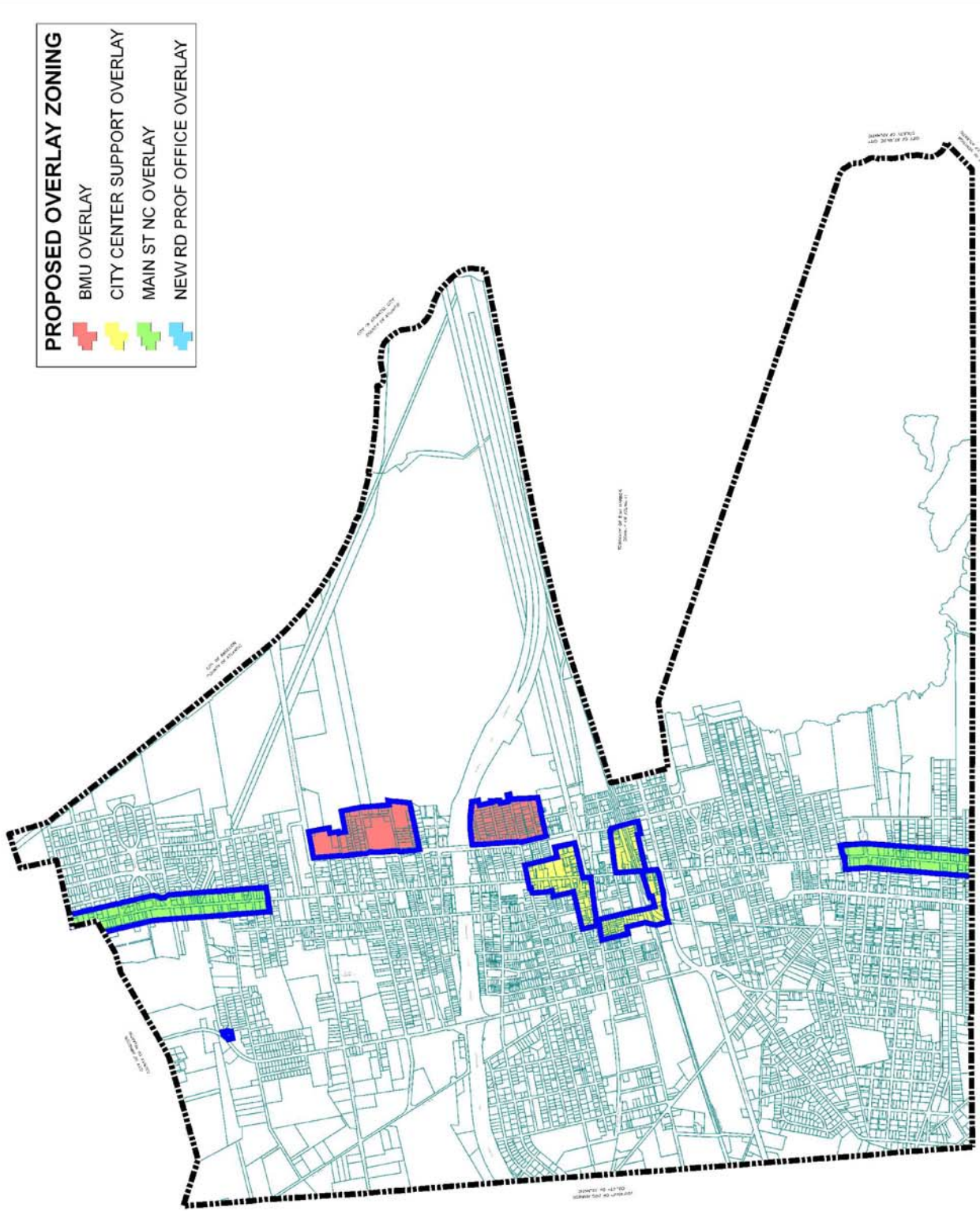


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PROPOSED OVERLAY ZONING

-  **BMU OVERLAY**
-  **CITY CENTER SUPPORT OVERLAY**
-  **MAIN ST NC OVERLAY**
-  **NEW RD PROF OFFICE OVERLAY**



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