

**CITY OF EGG HARBOR  
MUNICIPAL LAND USE BOARD  
SPECIAL MEETING  
November 13, 2018  
7:00 P.M.**

A special meeting of the Egg Harbor City Municipal Land Use Board was held on November 13, 2018. Those in attendance were Chairman Jack Peterson, Vice Chairman Todd Warker, The Mayor's Representative Marie Johns, The Egg Harbor City Fire Department Representative John Garth, Regular Members; Richard Colby, Michael McKenna, Gladys Torres and Alternate #1 Keith Mullineaux, Solicitor Nancy Lottinville, Esquire, City Planner Tim Michel, City Engineer Ryan McGowan City Engineer and Secretary Donna Heffley. (Not Present were Mayor Lisa Jampetti, City Council President Edward Dennis, Regular Member Dennis McKenna and Alternate #2 Donald Milne).

Chairman Peterson called the meeting to order and made the following announcement.

This meeting was advertised pursuant to the NJ Open Public Meetings Act N.J.S.A. 1:4-6 Seq. Notices were sent to official publications for the Egg Harbor City Municipal Land Use Board; the Press of Atlantic City, the Egg Harbor News, the Atlantic Current and the Hammonton Gazette. A copy of the notice was posted on the bulletin board of the Egg Harbor City Municipal Building.

The Chairman directed the Secretary to enter this public announcement into the minutes.

**Roll Call:** Mayor Jampetti absent, Mr. Dennis absent, Mr. Garth absent, Mr. Peterson present, Mr. Warker present, Mr. Colby present, Dennis McKenna absent, Mrs. Torres present, Mr. Michael McKenna present, Mrs. Johns present, Mr. Milne absent, Mr. Mullineaux present, Mr. Prime absent, Mr. Michel present, Mr. McGowan present, Nancy Lottinville Esq. present and Secretary Donna Heffley present.

\*Nancy Lottinville, Esq. attended this meeting for Duncan Prime Esq. who was unable to attend tonight due to a scheduled hearing for another client.

**Approval of Minutes:** October 16, 2018

Upon motion made by Mr. Colby, seconded by Mr. Mullineaux and carried the October 16, 2018 meeting minutes were approved.

**Approval of Resolutions:** Approval of Resolution #2 of 2018

**Strong Holding, LLC**  
111 New York Avenue  
Egg Harbor City, NJ 08215  
Block 1.07, Lot 7  
Preliminary Site Plan Approval  
Final Site Plan Approval

Mr. Michel noted a recommendation was made by The Solicitor Nancy Lottinville, Esq. that the Board could make a motion to authorize her to prepare a resolution. Nancy Lottinville Esq. provided a draft copy of the Resolution for the Board.

Mr. Garth arrived at the meeting.

The Resolution identifies that the Board was not required to consider any Use variances, D variances, or Bulk variances. There are design waivers that are included. Mr. Michel believes the Board is in the position to grant Preliminary Site Plan Approval for the conditional use that was authorized by the Redevelopment plan and to condition that upon the Professional's reports as well as all of the conditions that were spelled out within the minutes of the meeting that were prepared by the Secretary. Mr. Michel believes the action to approve the Resolution at this time would allow the Applicant to go back, perfect their plan and have a meeting with the Planner and Engineer. The Professionals can then review the plans and make sure everything has been satisfied so the Applicant can return to the Board for a final site plan approval. All details will be addressed when meeting with the Applicant. Mr. Michel noted a couple of items he would like to review with the Board.

Mr. Michel noted the changes that should be made on the Draft, Draft, Draft Resolution #2 of 2018.

1. On page one the boxes on the left side of the page, the X should not be in front of Major Site Plan approval but should be in front of Major Site Plan Preliminary.
2. On the upper right-hand side of the page there is an extra box under General Conditions that should be removed.

Mrs. Lottinville, Esq. noted that she will make these changes and will also remove the X in the design waiver's/exceptions at this time.

Mr. Michel stressed on page 4 of 13, item number 5, fourth line down reads The Board determined that the application was however, sufficient enough in detail to permit the Board to consider the grant of Preliminary Approval only, subject to further consideration of the waivers and exceptions identified in the Planner's and Engineer's reports. This is the action that will be taken tonight, waivers will not be granted, but rather if the Applicant can take care of all of the items requested before he comes in for a final then the Board does not have to consider them. There may be a couple of items that may not be settled between the Professionals, Mr. Persia and his staff and they may have to be considered at the final hearing.

Mr. Peterson noted there are two number 5's on Page 4 of 13 that should be corrected.

Mrs. Lottinville noted on page 6 there would be additional changes to eliminate the 2 exceptions under design waivers that they requested. Mrs. Lottinville will rewrite Paragraph 2 on page 6 of 13 to indicate that the Board determined that the consideration of all design waivers and exceptions should be held and she would remove items 1 and 2 and the possibility of an additional 3 and 4.

On the Whereas clauses she will make a few changes again to remove any grants or design waivers.

Nancy Lottinville, Esq. noted the Specific Conditions of Approval can be amended in the future but the General conditions are the typical ones that are applied.

Mr. Michel noted he has received a copy of the Redevelopers Agreement and has reviewed it with the Solicitor Fred Scerni and his staff.

Chairman Peterson asked for a Motion to grant this Resolution for Preliminary approval based upon the conditions of the Planner and Attorney.

Upon motion made by Michael McKenna, seconded by Mr. Mullineaux

**Roll Call:** Mrs. Johns yes, Chairman Peterson yes, Mr. Garth yes, Vice Chairman Warker yes, Mr. Colby yes, Mrs. Torres yes, Mr. McKenna yes, Mr. Mullineaux yes.

**New Business: Proposed Redevelopment Plan for 801 Philadelphia Avenue**

Mr. Colby asked the reason for this special meeting.

Mr. Michel noted we must move forward with the Redevelopment Plan for 801 Philadelphia Avenue because of the timing issue that was brought to his attention by the property owner Dr. Trocki. Dr. Trocki felt that he needed to have an approval voted by the City, that would be the governing body before the end of November. In trying to work out the timing schedule to accomplish that, it became necessary to set up a Special meeting of the Land Use Board because City Council will not meet again in November after the regular scheduled Land Use Board meeting that would have taken place on November 20, 2018

Mr. Colby asked if this was in the Notice.

Mr. Michel noted that he had discussions with Duncan Prime, Esq. and the notice was proper.

Mr. Michel noted all Board Members should have a copy of the Synopsis of the Redevelopment Plan for 801 Philadelphia Avenue Rehabilitation area dated October 1, 2018. Mr. Michel presented this plan at a Council workshop and at the October 18, 2018 Council meeting. This will be the first introduction of the Redevelopment Plan.

This Synopsis of the Redevelopment Plan for the 801 Philadelphia Avenue Rehabilitation Area is attached here to made part of these minutes.

Mr. Trocki would like to continue building boats at this site while he conducts a Marijuana Production Facility. It is his desire that the City reproduce a Redevelopment Plan that would enable him to do so. He must be able to get the appropriate approvals and licenses from the State in order to operate a dual use of the building:

Mr. Peterson asked for a motion for Resolution #4 of 2018 – (Redevelopment Plan for the 801 Philadelphia Avenue Rehabilitation Area) Resolution of Recommendation to City Council

Upon motion made by Mr. Garth, seconded by Mr. Mullineaux

**Roll Call:** Mrs. Johns yes, Chairman Peterson yes, Mr. Garth yes, Vice Chairman Warker yes, Mr. Colby yes, Mrs. Torres yes, Mr. McKenna yes, Mr. Mullineaux yes.

**New Business: Proposed Redevelopment Plan for the 600 White Horse Pike Rehabilitation Area.**

Mr. Michel began his review of the Synopsis for the 600 Philadelphia Avenue Rehabilitation area dated November 5, 2018

Mr. Michel noted each member of the Board has received a copy of this synopsis for their review. Mr. Michel has also provided a copy to the Pinelands Commission and the Redeveloper for the WAWA Facility. The Redeveloper provided additional comments that Mr. Michel contacted Chairman Peterson about to incorporate those changes in the revised plan dated November 12, 2018. This is the revised

plan that will be reviewed tonight. The revisions made after 11-5-18 are in bold print, deletions are in strike throughs.

Attached here to made part of these minutes Synopsis of the Redevelopment Plan for the 600 White Horse Pike Rehabilitation Area dated November 5, 2018, Revised to: November 12, 2018

Mr. Michel reviewed all changes to this Synopsis.

Chairman Peterson asked for questions or comments from the Board.

Board members discussed signage, traffic, and drainage

WAWA has asked Egg Harbor City to prepare a Redevelopment Plan that would accommodate a WAWA development and their ancillary development so their plan will comply in all respects in regards to Land Use and Bulk controls.

Mr. Michel sent this proposed plan which is changing zoning for an informal review to the Pinelands Commission and it is consistent with the CMP.

WAWA is not ready to come to this Board at this time. The first step for the Applicant will be to go to the Pinelands Commission, hopefully this plan will be certified when they do so. Then Pinelands can review the plan and see the application meets the redevelopment requirements and the Land Use regulations of the Municipality. When the Board takes jurisdiction after they get their Certificate of Filing then it will help accelerate that review.

Chairman Peterson asked for a motion for Resolution #3 of 2018 recommending to the board Tim's synopsis for the Redevelopment Plan for 600 White Horse Pike Rehabilitation Area.

Mrs. Torres, is a property owner in this Redevelopment area so she will be abstaining from voting.

Upon motion made by Mr. Warker, seconded by Michael McKenna

Roll call: Mrs. Johns yes, Mr. Peterson yes, Mr. Garth yes, Mr. Warker yes, Mr. Colby yes, Mrs. Torres abstained, Mr. Michael McKenna yes, Mr. Mullineaux yes.

Questions and comments from the Board: none

**Old Business:** Pictures of 1602 White Horse Pike were provided to the Board by Code Enforcement concerning debris on the property. The Chairman, Board members and Professional discussed this property and conditions that have not been met. City Council can direct staff to take action on this matter. This matter will be further discussed with the City Attorney.

**Comments from the Public:** no public was present

**Adjournment:** Upon motion made by Chairman Peterson, seconded by Mr. Colby and carried the November 13, 2018 Special Land Use Board meeting was adjourned.

**Respectfully Submitted**

Donna Heffley, Land Use Board Secretary

# **Synopsis of the Redevelopment Plan for the 801 Philadelphia Ave. Rehabilitation Area**

**October 1, 2018**

## **1. Parcel(s) Included in the 801 Philadelphia Avenue Rehabilitation Area**

The 801 Philadelphia Avenue Rehabilitation Area is located in the central area of the City at the north corner of Philadelphia Avenue (C.R. 563) and Duerer Street (C.R. 561).

The Redevelopment Area includes 1 consolidated lot and vacated portions of Liverpool Avenue, Egmont Street and 5<sup>th</sup> Terrace. The site contains 11.7 acres as is shown on Tax Sheet 12. The property is owned by TF Egg Harbor Associates, LLC.

## **2. Reconcile Proposal with the Master Plan of 2010**

Prior zoning of the site was IND, Industrial. The subject site was originally developed to accommodate boat building in 1966, over 50 years ago. The 2009 Reexamination of the Egg Harbor City Master Plan and Developmental Regulations was adopted by the Land Use Board on May 19, 2009. The plan anticipated the designation of the Town Area of Egg Harbor City being an area in need of rehabilitation, enabling the use of redevelopment plans to accommodate renewal of selected or targeted areas of the City. A Comprehensive Master Plan was adopted May 18, 2010 and Section 2, Land Use Element identified the subject site as a yacht builder located in an Industrial Zoning District. The plan acknowledged that: "It may be appropriate to consider a Redevelopment Plan to accommodate large scale redevelopment of larger sites." The blighted and underutilized property is deteriorated and it is in the best interest of the neighborhood and the city that Redevelopment of the property occurs.

## **3. Proposed Designation**

Redevelopment Plan for the 801 Philadelphia Ave. Rehabilitation Area

## **4. Definitions**

"Alternative Treatment Center" or "ATC" means the permitted alternative treatment center authorized by endorsements described at N.J.A.C. 8:64-7.1 to cultivate, manufacture, and/or dispense medicinal marijuana and related paraphernalia to registered qualifying patients in accordance with provisions of the Act. This term includes the ATC's officers, directors, board members, and employees.

"Cultivation" includes planting, propagation, cultivating, growing, harvesting, or, labeling, or storing of medicinal marijuana for the limited purposes of the Act.

"Marijuana Production Facility" consists of the construction and operation of marijuana cultivation facilities; the manufacturing, processing, and packaging of marijuana and marijuana products,

including edibles, ointments, oils, concentrates, and similar products and the sale of marijuana and marijuana products to other product manufacturing facilities and to marijuana retail stores. The Project shall also consist of cultivation facilities for the growing of medical marijuana and the production of medical marijuana products onsite for dispensing facilities of medical marijuana products. The Project shall include the construction of necessary administrative features such as administrative buildings, office space, parking facilities, security features, including facilities for the transportation of products and such other administrative facilities as may be required.

## **5. Development Regulations for the 801 Philadelphia Avenue Rehabilitation Area**

### **A. Purpose**

The purpose of the 801 Philadelphia Avenue Rehabilitation Area is to provide regulations and standards for the redevelopment of the old buildings and deteriorated site conditions and vacant land. Any use of land and/or buildings in the Rehabilitation Area shall not produce any hazard from fire or explosion and will not result in the excessive dissemination of dust, smoke, smog, observable gas, fumes, odors or other atmospheric pollution, noise, glare or vibration beyond the boundaries of the property.

City Council shall have the right to determine if the purposes are being met and to authorize all land uses and occupants in the 801 Philadelphia Avenue Rehabilitation Area. City Council may allow modification of the purposes by Resolution and prior to Land Use Board review.

A Redevelopment Project shall include site preparation and on-site and off-site improvements and infrastructure necessary to service the Project in accordance with Governmental Approvals, including but not limited to roadways, storm drainage, municipal water and sewer service and other utility services, buffers and landscaping.

**B. The permitted uses for the 801 Philadelphia Avenue Rehabilitation Area are as follows:**

1. Administrative offices
2. Fully enclosed warehouses
3. Light manufacturing facilities
4. Fully enclosed wholesale business establishments
5. Research and design facilities
6. Retail outlet warehouses, provided that the retail outlet does not exceed 25% of the total floor area

7. Decorative landscaping and/or hardscaping area

C. The accessory uses for the 801 Philadelphia Avenue Rehabilitation Area are as follows:

1. Garages for the storage of vehicles related to principal use
2. Fully enclosed storage in connection with a permitted use
3. Parking, cafeteria and recreational facilities for employees
4. Appropriate solid waste disposal facilities

D. Building Limit Controls

1. Maximum Floor Area Ratio: 0.7
2. Minimum Lot Area: 65,000 square feet
3. Minimum Lot Width: 200 feet
4. Minimum Front Yard Setback, Principal Building: 60 feet
5. Minimum Side Yard Setback, Principal Building: 75 feet total, 25 feet one side
6. Minimum Rear Yard Setback, Principal Building: 75 feet
7. Minimum Front Yard Setback, Accessory Building: 75 feet
8. Minimum Side Yard Setback, Accessory Building: 25 feet. No setback shall be required between buildings that share a common wall.
9. Minimum Rear Yard Setback, Accessory Building: 25 feet
10. Maximum Height, Principal Building: 35 feet
11. Maximum Height, Accessory Building: 1 ½ stories, 15 feet
12. Maximum Lot Coverage by Buildings: 35%
13. Any outdoor storage of any kind must be designated on an approved site plan.

14. Any local approval, including variances, which grants relief from density or lot area requirements for a residential or principal nonresidential use shall require that Pinelands Development Credits be used for all dwelling units or lots in excess of that otherwise permitted.

15. A decorative landscaping or hardscaping area shall be exempt from the Building Limit Controls.

E. Conditional uses for the 801 Philadelphia Avenue Rehabilitation Area are as follows:

Marijuana production facility (as defined in Section 3) including the cultivation, manufacture and the production of medical marijuana products.

There are no proximity requirements established to separate a marijuana production facility from other residential, public, commercial or any other use. The conditional use standards contained herein are intended to promote compatibility of land uses. To the extent that the marijuana production facility may be inconsistent with state laws requiring separation of uses, the Redevelopment Parcel may be subdivided and if the subdivided parcel is undersized it may be improved with decorative landscaping and/or hardscaping.

The use will be allowed subject to the following additional minimum conditional use requirements.

1. The area devoted to the marijuana production facility shall be totally independent of any other use on the site by way of access, parking, loading and production. If a common wall is shared between uses, it shall have no openings, doorways, windows or other means of physical access between the uses.
2. Minimum acreage devoted to the use: 2 acres
3. Frontage: 300 feet
4. Building coverage: 35%
5. Setbacks: 60 feet to any street line. No setback shall be required between buildings that share a common wall.
6. Parking must be located on private property and located a minimum of 40' from the edge of adjoining street
7. Height: 35 feet
8. Access: driveway access from a County Highway.
9. Demonstrated compliance with New Jersey state marijuana production licensing requirements.
10. All operations shall be conducted indoors within a secured structure. All equipment and storage shall be located within a secured structure and be entirely screened from public view.

11. The site shall be surrounded by a chain link security fence having a minimum height of 10 feet, and setback 10 feet from any property line. The fence shall be screened along all street frontages and also where the site is adjacent to occupied properties. Screening shall consist of a double alternating row of 8' tall arborvitae evergreen trees planted 5' on center. Alternate planting may be proposed by the developer if approved by the Land Use Board.
12. Multiple principal uses within a single building shall be allowed, provided that each such use is a permitted or conditional use within the Rehabilitation Area, and further provided that each such use is located within a separately identifiable and fully securable space (it being the intention to prohibit an entity from subleasing a small portion of a larger, single floor area). Within this context, multiple corporate entities may operate out of a single space, provided that such entities are subsidiaries or related companies. Multiple uses must be shown on a site plan at the time of application to the Land Use Board and may include phasing or staging of development. Bonding will be required to ensure complete Rehabilitation of a site as required by the Land Use Board and Governing Body.
13. The name and emergency contact phone number of an operator or manager shall be posted outside the facility in a location visible to the public from the public right-of-way in character size at least 2 inches in height. The contact information shall be provided to the Egg Harbor City Police Department. The operator or manager shall be available 24 hours a day to address public nuisance complaints and interact with local, state, and federal law enforcement authorities.
14. A medical marijuana production facility may operate Monday through Sunday. The hours of operation shall be approved by the Land Use Board and the Governing Body.
15. A marijuana production facility shall be equipped with a proper ventilation system that filters out the odor of marijuana so that the odor is not capable of being detected by a person of normal sense of smell at the exterior of the premises.
16. Storage and disposal of fertilizers, pesticides, herbicides, and any other hazardous chemicals associated with the cultivation of marijuana shall comply with all local, state and federal laws. The storage of such chemicals shall be subject to review and approval by the fire official.
17. Building entrances shall be clearly and legibly posted with a notice indicating that smoking, ingesting or consuming marijuana on the premises or in the vicinity of the facility is prohibited.
18. No sign associated with the medical marijuana production facility shall use the word "marijuana", "cannabis" or any other word or phrase commonly understood to refer to marijuana, nor shall any images of the marijuana plant be used in the signage.
19. Bench marks during the development will be created and agreed to by the parties.
20. The parties still need to negotiate and come to an agreement on revenue issues and taxation by the City.

## F. Parking and Circulation

Section 170-62 of the Egg Harbor City Land Developmental Ordinance shall apply for parking design controls.

## G. Landscaping

1. All areas not covered by roadways, pedestrian walkways, parking areas, etc., shall be landscaped with natural materials according to a landscaping plan submitted as part of the subdivision and site plan application process.

2. Minimum requirements (Note: for plantings in the front yard area).

a. Canopy trees (Note: Either existing trees or new plant material). Canopy trees must have a minimum caliper of 2 ½ inches and a height of 12 feet at the time of planting: 1 for every 30 feet of total lot width.

b. Shrubs and ornamental plantings: one plant per 5 feet of total lot width.

c. The Land Use Board may determine where landscaping improvements are made. Contributions may be in lieu of installing landscaping in accordance with Section 170-30D(17).

3. Special landscaping emphasis.

a. Privacy areas. Patios, porches and similar areas shall be landscaped with screen, canopy and ornamental plantings.

b. Wildlife habitat. Landscaping will be used to protect the habitat value of undeveloped open space and to supplement that habitat through the use of plant material selected to satisfy the needs of the human population while providing food and shelter for bird and small game species.

c. Utility features, such as heat pumps, etc., shall be screened with a combination of fencing and landscaping.

d. Energy conservation. Landscaping plantings throughout the site shall be utilized to provide buildings with summer shade canopies, maximum solar exposure in the winter, windbreaks, etc.

4. Buffers.

All development in the 801 Philadelphia Avenue Rehabilitation Area shall maintain a minimum 300 foot buffer to any wetland areas on or adjacent to the development site, unless Pinelands Commission has approved a reduction, in which case the reduced buffer shall be acceptable. Hiking trails or other similar low-intensity recreational uses may be permitted in the buffer areas, provided that these facilities are not located any closer than 50 feet to a wetlands area, native grasses are used, and the standards of N.J.A.C. 7:50-6, Part 1, are met.

## H. Lighting

A lighting plan shall be submitted as part of the site plan application. Exterior lighting shall be arranged so that it is deflected away from adjacent land uses and should be arranged so as not to obstruct or deter the visibility of drivers or pedestrians. No blinking or flashing lighting system shall be permitted. The lighting plan shall conform, at a minimum, to the lighting requirements set forth in

Article V in the Land Developmental Ordinance. In addition, lighting plans for signs shall be submitted.

#### I. Fences

The standards governing fences in non-residential districts set forth in Chapter 170-59 shall apply, except for the intensive screening required for a conditional use. Fencing shall be required around the perimeter of the site.

#### J. Signs

In the 801 Philadelphia Avenue Rehabilitation Area, a business may have 3 types of signs.

**Wall Sign:** One sign per tenant; two square feet for each foot of building frontage, not to exceed 40 square feet; not to exceed 2 feet in height; not to project more than 14" from wall.

**Canopy Sign:** One sign per tenant; not to exceed five square feet; not to exceed one foot in height; attached to underside of canopy and not closer than 10' to ground level.

**Projecting Sign:** One sign per building; not to exceed 16 square feet; not greater than 6' from the wall and not lower than 10' from grade or higher than 20' and no higher than the roof eave or second floor windowsill, whichever is less. Projecting signs are prohibited where a commercial use abuts a residential zone.

All bare incandescent light sources, but not including neon lights, and their immediately adjacent reflecting surfaces shall be shielded from view. Flashing, moving, intermittently moving and illuminated signs, reflecting signs or luminous signs and/or advertising devices shall be prohibited.

No temporary signs made of paper, cardboard, canvas or similar material, other than a sign advertising a sale on the premises or the sale or rent of the premises on which the sign is located, shall be permitted except inside the building. A temporary sign permit shall be required.

No sign shall be placed on the roof of any building.

#### K. Design Standards

All development proposals in the 801 Philadelphia Avenue Rehabilitation Area shall comply with Article XI, Design Standards found in the Egg Harbor City Developmental Ordinance.

#### L. Security Plan

Security shall include operable cameras, alarms, and a security guard who shall be present during business hours. All applications for development in the 801 Philadelphia Avenue Rehabilitation Area

shall be accompanied by a written security plan summarizing: (1) security and safety elements incorporated in the site and building design; and (2) security measures to be implemented after the building is occupied.

#### **M. Affordable Housing**

Any approval granted for development in the 801 Philadelphia Avenue Rehabilitation Area shall be conditioned upon the applicant satisfying any Affordable Housing requirement.

File: EHC 801 Philadelphia Avenue Rehabilitation Area synopsis 100118

# Synopsis of the Redevelopment Plan for the 600 White Horse Pike Rehabilitation Area

November 5, 2018  
Revised To: November 12, 2018

## Revisions After 11/5/18 Made in BOLD, Deletions in Strikethrough

### 1. Parcel(s) Included in the 600 White Horse Pike Rehabilitation Area

The 600 White Horse Pike Rehabilitation Area is bounded by U.S. Route 30 (White Horse Pike), County Route 563 (Philadelphia Avenue), Atlantic Avenue and Cincinnati Avenue.

The Redevelopment Area includes 5 lots as shown on the Tax Map Sheet 2 having 3.3745 acres and a portion of 6<sup>th</sup> Terrace right-of-way having 0.2617 acres which represents a total site area of 3.6362 acres. The parcels making up the Redevelopment Area are described here.

Block	Lot	Dimensions	Area	Owner(s) Name
319	1	150' x 380'	1.3085	BS of EHC, LLC
319	5	150' x 400'	1.3774	BS of EHC, LLC
319	10	40' x 150'	0.1377	Rivera
319	11	40' x 150'	0.1377	Rivera/Torres
319	12	120' x 150'	0.4132	EHC Station
P/O 6 <sup>th</sup> Terrace		30' x 380'	0.2617	City

### 2. Reconcile Proposal with the Master Plan of 2010

The subject property was part of the Downtown Redevelopment Plan which was adopted September 11, 2003. The Downtown Redevelopment Area included 217 lots on 24 blocks and consisted of 65.1 acres of tax parcels and 45.6 acres of right-of-way for a combined area of 110.7 acres. The plan was in effect for 15 years from the date of original adoption; consequently it expired on September 11, 2018 and the land reverted back to the original underlying zoning which for the subject parcels became H-C, Highway Commercial.

The 2009 Reexamination of the Egg Harbor City Master Plan and Developmental Regulations was adopted by the Land Use Board on May 19, 2009. The plan anticipated the designation of the Town Area of Egg Harbor City being an area in need of rehabilitation, enabling the use of redevelopment plans to accommodate renewal of selected or targeted areas of the City. The subject parcels are incorporated in the area in need of rehabilitation.

The economic downturn followed by alarming foreclosures in Atlantic County have devastated the residential housing market. The blighted and underutilized property is deteriorated and it is in the best interest of the neighborhood and the city that Redevelopment of the property occurs.

Accordingly, there is no material change in the relationship between the Rehabilitation Area under this Redevelopment Plan and (a) the master plans of contiguous municipalities or (b) the master plan of the county from that which existed prior to the adoption of this Redevelopment Plan.

### **3. Proposed Designation**

Redevelopment Plan for the 600 White Horse Pike Rehabilitation Area.

### **4. Development Regulations for the 600 White Horse Pike Rehabilitation Area**

#### **Redevelopment Parcel**

##### **A. Purpose**

The purpose of the 600 White Horse Pike Rehabilitation Area is to provide regulations and standards for the redevelopment of the old buildings and deteriorated site conditions and vacant land.

City Council shall have the right to determine if the purposes are being met and to authorize all land uses and occupants in the 600 White Horse Pike Rehabilitation Area. City Council may allow modification of the purposes by Resolution and prior to Land Use Board review.

It is the intent of the Redevelopment Plan for the 600 White Horse Pike Rehabilitation Area to prevail over the Egg Harbor City Developmental Ordinance with regard to Land Use and Building Limit and Site Design Controls.

B. Permitted uses for the 600 White Horse Pike Rehabilitation Area are as follows:

#### **1) CONVENIENCE STORE WITH FUELING STATIONS**

A convenience store is a retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods such as salads, for off-site consumption. Fueling stations are for retail dispensing of vehicular fuels and may be positioned separately and kept under a protective canopy. They may include sale of lubricants but they may not include servicing and repair of automobiles or accessory sale and installation of tires, batteries and similar vehicle accessories.

#### **2) FAST FOOD RESTAURANTS**

An establishment whose principal business is the sale of prepared food or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, in cars on the premises, or off the premises. A drive-thru service may be included at a fast food restaurant.

**3) RETAIL**

**4) CAR WASH**

**5) MEDICAL OFFICE WHICH MAY INCLUDE URGENT CARE**

**6) BANK with or without drive-thru service.**

**C. Building Limit and Site Design Controls**

Multiple uses may take place on a single parcel and having shared features such as driveways, parking, circulation, landscaping and lighting without regard to the building limit controls or they may be subdivided for financing purposes without regard to the building limit controls. The use will be allowed subject to the following additional requirements.

1. Minimum site size: ~~40,000~~ 30,000 square feet

2. Lot Width: ~~300~~ 150 feet

3. Building Setbacks: 50 feet to any street line and 25 feet to any interior property line.

4. Height: 2 1/2 stories or 35 feet

5. Building Coverage: 30%

6. Parking for Convenience Store with Fueling Stations:

Convenience Store Patron Parking: 8 spaces per 1,000 SF GFA

Employee Parking: 1 space per employee based upon maximum shift

7. Parking for Fast Food Restaurant

Fast Food Patron Parking: 1 space for each 2-3 seats

Employee Parking: 1 space per employee based upon maximum shift

**Note that parking for any other permitted use shall comply with Section 170-62 of the Egg Harbor City Developmental Ordinance.**

8. Tire stops or bollards shall be required to protect buildings and to divert circulation to entry/exit driveways.
9. Access: driveway access from a New Jersey State Highway. Access may also be from adjoining local roads **and/or cross access with adjoining parcels.**
10. The means of vehicular access and egress at the facility must be clearly defined and controlled to ensure safe and efficient operation of the facility and to assure safe integration of automotive traffic with other vehicular and pedestrian traffic.
11. Exterior lighting shall be arranged so that it is deflected away from adjacent land uses and should be arranged so as not to obstruct or deter the visibility of drivers or pedestrians. No blinking or flashing lighting system shall be permitted.
12. There shall be no service work performed on any vehicle at the site.
- ~~13. Exterior lighting shall be arranged so that it is deflected away from adjacent land uses and should be arranged so as not to obstruct or deter the visibility of drivers or pedestrians. No blinking or flashing lighting system shall be permitted.~~
14. 13. Signs, pennants, flags and other advertising displays visible or audible from any public right-of-way are prohibited, except as allowed under the sign provisions contained herein or in the Land Developmental Ordinance.
- ~~15. 14.~~ 14. The storage of any fuel must be underground and meet the requirements of the building code and any other requirements of the State of New Jersey.
- ~~16. 15.~~ 15. Loading space. There shall be a minimum of one off-street loading space for each **building over 4,000 square feet** with a minimum dimension of 14' wide by 35' long.
17. 16. Any local approval, including variances, which grants relief from density or lot area requirements for a residential or principal nonresidential use shall require that Pinelands Development Credits be used for all dwelling units or lots in excess of that otherwise permitted.
17. **The subject permitted uses may be operated 24 hours each day if approved by the Land Use Board and City Governing Body.**

#### E. Parking and Circulation

Section 170-62 of the Egg Harbor City Developmental Ordinance shall apply for parking design controls, except where modified herein.

#### F. Landscaping

1. All areas not covered by roadways, pedestrian walkways, parking areas, etc., shall be landscaped with natural materials according to a landscaping plan submitted as part of the subdivision and site plan application process.
2. Minimum requirements (Note: for plantings in the front yard area).
  - a. Canopy trees (Note: Either existing trees or new plant material). Canopy trees must have a minimum caliper of 2 ½ inches and a height of 12 feet at the time of planting: 1 for every 30 feet of total lot width.
  - b. Shrubs and ornamental plantings: one plant per 5 feet of total lot width.
  - c. The Land Use Board may determine where landscaping improvements are made. Contributions may be in lieu of installing landscaping in accordance with Section 170-30D(17).
3. Special landscaping emphasis.
  - a. Privacy areas. Patios, porches and similar areas shall be landscaped with screen, canopy and ornamental plantings.
  - b. Wildlife habitat. Landscaping will be used to protect the habitat value of undeveloped open space and to supplement that habitat through the use of plant material selected to satisfy the needs of the human population while providing food and shelter for bird and small game species.
  - c. Utility features, such as heat pumps, etc., shall be screened with a combination of fencing and landscaping.
  - d. Energy conservation. Landscaping plantings throughout the site shall be utilized to provide buildings with summer shade canopies, maximum solar exposure in the winter, windbreaks, etc.
4. Buffers.
  - a. All development in the 600 White Horse Pike Rehabilitation Area shall maintain a minimum 300 foot buffer to any wetland areas on or adjacent to the development site, unless Pinelands Commission has approved a reduction, in which case the reduced buffer shall be acceptable. Hiking trails or other similar low-intensity recreational uses may be permitted in the buffer areas, provided that these facilities are not located any closer than 50 feet to a wetlands area, native grasses are used, and the standards of N.J.A.C. 7:50-6, Part 1, are met.

#### G. Lighting

A lighting plan shall be submitted as part of the site plan application. The lighting plan shall conform, at a minimum, to the lighting requirements set forth in Article V of the Egg Harbor City Developmental Ordinance. In addition, lighting plans for signs shall be submitted.

## H. Fences

The standards governing fences in commercial districts set forth in Chapter 170-59 shall apply.

## I. Signs

In the 600 White Horse Pike Rehabilitation Area, a principal land use may have 4 types of signs.

**Wall Sign:** ~~One~~ **Two** signs per tenant per street frontage; two square feet for each foot of building frontage, not to exceed ~~40~~ **80** square feet; not to exceed ~~2~~ **6** feet in height; not to project more than 14" from wall.

**Canopy Sign:** ~~One~~ **Two** signs per tenant; not to exceed ~~five~~ **10** square feet; not to exceed ~~one~~ **2** feet in height; attached to underside of canopy and not closer than 10' to ground level.

**Projecting Sign:** One sign per building; not to exceed 16 square feet; not greater than 6' from the wall and not lower than 10' from grade or higher than 20' and no higher than the roof eave or second floor windowsill, which ever is less. Projecting signs are prohibited where a commercial use abuts a residential zone.

**Pole Sign:** A sign mounted on a freestanding pole(s) or other support so the bottom edge of the sign face is 6' or more above grade. The aggregate area of the sign shall not exceed ~~50~~ **100** square feet and the sign height shall not exceed 25'. A pole sign shall be setback 20 feet from the property line. One pole sign per roadway frontage shall be permitted for each principal use if approved by the Land Use Board and Governing Body.

All bare incandescent light sources, but not including neon lights, and their immediately adjacent reflecting surfaces shall be shielded from view. Flashing, moving, intermittently moving and illuminated signs, reflecting signs or luminous signs and/or advertising devices shall be prohibited.

No temporary signs made of paper, cardboard, canvas or similar material, other than a sign advertising a sale on the premises or the sale or rent of the premises on which the sign is located, shall be permitted except inside the building. A temporary sign permit shall be required.

No sign shall be placed on the roof of any building.

## J. Design Standards

All development proposals in the 600 White Horse Pike Rehabilitation Area shall comply with Article XI, Design Standards found in the Egg Harbor City Developmental Ordinance.

## K. Security Plan

All applications for development in the 600 White Horse Pike Rehabilitation Area shall be accompanied by a written security plan summarizing: (1) security and safety elements incorporated in

the site and building design; and (2) security measures to be implemented after the building is occupied.

#### **L. Affordable Housing**

Any approval granted for development in the 600 White Horse Pike Rehabilitation Area shall be conditioned upon the applicant satisfying any Affordable Housing requirement.