

**REDEVELOPMENT STUDY
DETERMINATION OF NEED REPORT
TOWER SITE
EGG HARBOR CITY
ATLANTIC COUNTY**

Prepared for:



**CITY OF EGG HARBOR
500 LONDON AVENUE,
EGG HARBOR CITY, NJ 08215**

As recommended by the Planning Board on _____ by Resolution # _____;
Adopted by the Governing Body on _____ by Resolution # _____.

April 2020

**REDEVELOPMENT STUDY
DETERMINATION OF NEED REPORT
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EGG HARBOR CITY
ATLANTIC COUNTY**

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INTRODUCTION

The City of Egg Harbor was incorporated as a city by the New Jersey Legislature on June 14, 1858, from portions of Galloway Township and Mullica Township. The city's name comes from the gull eggs found in the area.

The city contains a total area of 11.438 square miles, including 10.932 square miles of land and 0.506 square miles of water.

The city borders the municipalities of Galloway Township and Mullica Township in Atlantic County; and Washington Township in Burlington County.

The city is one of 56 South Jersey municipalities that are included within the New Jersey Pinelands National Reserve, a protected natural area covering approximately 1,100,000 acres. All of the city is included in the state-designated Pinelands Area.

The City recognizes the importance of improving its commercial areas and has taken steps to effectuate the improved development of the community. Via Resolution 79-09 of City Council, the City was designated as an Area in Need of Rehabilitation. A redevelopment plan for the area known as the Tower site was also adopted on February 9, 2017 through Ordinance 3-2017. The Tower site is a compilation of properties generally bounded by Moss Mill Road, Hamburg Avenue, Washington Avenue, and Duerer Street which are owned by the City.

The City is working with a conditional redeveloper of the property that would like to see the area designated as an Area in Need of Redevelopment in order to take advantage of potential grants and a long-term Payment in Lieu of Taxes (PILOT). Via Resolution 186B-2019 of City Council, the City requested that the Planning Board undertake the requisite study to determine if the site qualifies as an Area in Need of Redevelopment (Non-Condemnation) in accordance with the New Jersey Local Housing and Redevelopment Law, N.J.S.A. 40A:12A-1 et seq. (LHRL).

As provided for in the Local Redevelopment and Housing Law, the Planning Board must gather and evaluate existing conditions of the study area in order to conclude if such conditions warrant a finding that the study area is in need of redevelopment. Such a designation permits the municipality to undertake a number of activities to help revitalize and redevelop the study area.

STUDY AREA

The Study Area includes numerous parcels owned by the City in an area which is referenced as the “Tower Site Rehabilitation Area” (TSRA) on the City’s Zoning Map. The City had some mapping and environmental work completed at the site and has estimated that the total site is approximately 93.635 acres, of which 35.013 acres are uplands and 58.622 acres are wetlands and / or wetland buffers. Specifically, the identified Blocks and Lots shown in Table 1 below are included in the Study Area.

Table 1 - Study Area

Block	Lot	Additional Lot (s)	Owner	Lot Area	Description
8.07	5	6-10, 12, 13,15	Egg Harbor City	360 x 300	Vacant
8.07	14		Egg Harbor City	40 x 300	Vacant
8.07	16	17	Egg Harbor City	80 x 300	Vacant
8.07	18		Egg Harbor City	40 x 300	Vacant
8.07	19	20	Egg Harbor City	80 x 300	Vacant
8.07	21		Egg Harbor City	40 x 300	Vacant
8.07	22		Egg Harbor City	40 x 300	Vacant
8.07	23	24	Egg Harbor City	80 x 300	Vacant
8.07	25	26	Egg Harbor City	80 x 300	Vacant
8.07	27		Egg Harbor City	40 x 300	Vacant
8.07	28	29, 30	Egg Harbor City	120 x 300	Vacant
9	1	2-30	Egg Harbor City	1200 x 150	Vacant
9.07	1		Egg Harbor City	40 x 300	Vacant
9.07	2	3-7, 9-27, 29, 30	Egg Harbor City	1080 x 300	Vacant
9.07	28		Egg Harbor City	40 x 300	Vacant
10	1	2-30	Egg Harbor City	1200 x 150	Vacant
10.07	1	2-30	Egg Harbor City	1200 x 300	Vacant
11	16	17-30	Egg Harbor City	600 x 150	Vacant
12	1	2-30	Egg Harbor City	1200 x 150	Vacant
12.07	1	2-4, 25.02-30	Egg Harbor City	117 x 300	Vacant
12.07	25.01		Egg Harbor City	31 x 143	Vacant
13	1	2-8	Egg Harbor City	296 x 150	Vacant
13	22	23-30	Egg Harbor City	370 x 150	Vacant
90.01	1	2-10	Egg Harbor City	385 x 150	Vacant
90.01	19	20-30	Egg Harbor City	459 x 150	Vacant
91	1	2-30	Egg Harbor City	600 x 330	Vacant
92	1	2-19.01	Egg Harbor City	740 x 150	Vacant
92	11.01		Egg Harbor City	40 x 150	Vacant
92	19.02	20.01	Egg Harbor City	40 x 150	Vacant
92	20.02	21, 23.01, 23.02, 24-30	Egg Harbor City	380 x 150	Vacant
93	1	2-21, 23.02, 24-30	Egg Harbor City	1140 x 150	Vacant
94	1	2-30	Egg Harbor City	1200 x 150	Vacant

STATUTORY REQUIREMENTS

The first part of this document consists of the "Determination of Need" report, a gathering and evaluation of existing conditions in the Study Area in order to conclude if such conditions warrant a finding by the Planning Board that the Study Area is in need of redevelopment under the statutory requirements (N.J.S.A. 40A:12A-5.a-h). These standards have been clarified by the courts and changed in part through legislative action over the years.

The most recent changes occurred in 2013 when the Legislature amended the Local Redevelopment and Housing Law to allow for either a "condemnation" or a "non-condemnation" Redevelopment Area Designation. These amendments also changed the statutory criteria under N.J.S.A. 40A:12A-5.e further clarifying the intent and findings necessary for this specific criterion.

In order to satisfy the criteria to declare an area in need of redevelopment, one or more of the following conditions listed in the Statute must be found to exist:

- a. The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.
- b. The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable.
- c. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.
- d. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.
- e. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land

potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general.

- f. Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.
- g. In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to Sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of P.L.1991, c.431 (C.40A:20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L.1991, c.441 (C.40A:21-1 et seq.). The municipality shall not utilize any other redevelopment powers within the urban enterprise zone unless the municipal governing body and planning board have also taken the actions and fulfilled the requirements prescribed in P.L.1992, c.79 (C.40A:12A-1 et al.) for determining that the area is in need of redevelopment or an area in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone.
- h. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

In addition to the above criteria, Section 3 of the Local Redevelopment and Housing Law allows the inclusion of parcels necessary for the effective redevelopment of the area, by stating "a redevelopment area may include land, buildings, or improvements, which of themselves are not detrimental to the health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area in which they are a part."

Over the years, the Courts have ruled that a determination finding an Area in Need of Redevelopment shall be supported by substantial credible evidence. The findings for the determination cannot include "net opinions" and a mere recitation of the statute.

FINDINGS

The legislature adopted the LRHL to aide local governments to help reverse conditions of deterioration of land uses and services and an improper, or lack of proper development. The purpose of the Statute is to aid local governments in “promoting the physical development that will be most conducive to the social and economic improvement of the State and its several municipalities.” (NJSA 40A:12A-2a,c)

An investigation of the Study Area was completed which included a review of the existing land uses, the physical condition of the area, the relationships among uses, the relationship to the community and region and other similar items. As part of an investigation to determine if an area is in need of redevelopment, the conditions of the area should be looked at both alone and in relation to the rest of the community. The investigation concluded that the Study Area meets the required criteria to be determined to be an area in need of redevelopment as defined by the LRHL.

Land Use/Property Conditions

The parcels in question were previously designated as an Area in Need of Rehabilitation. The area is serviced by public sanitary sewer, potable water and natural gas service. The property has been unimproved for many years and contains a mix of developable upland areas and undevelopable wetlands / wetland buffer areas. The City expended significant resources to complete some extensive preliminary environmental work for the site in order to ascertain what could be developed, including the following studies:

Remington, Vernick and Walberg Engineers (RV & W) completed field delineation and surveying of wetlands and establish locations of buffer areas in 2016. They prepared a plan entitled “Conceptual Property Plan Tower Site” dated October 4, 2016 with latest revision November 30, 2016.

DuBois Environmental completed a Rare Plant Survey Report dated November 2, 2016.

Richard Grubb Associates completed a Stage 1 Cultural Resources Survey dated December 7, 2016.

Based on the work undertaken by the City, it is estimated that there are four (4) upland developable areas of the site, identified on the RV & W plan as follows:

Upland Area A:	32.563 acres
Upland Area B:	0.175 acres (estimated)
Upland Area C:	1.511 acres (estimated)
Upland Area D:	0.764 acres (estimated)

Redevelopment Findings

Based upon the above Land Use / Property Conditions, the Study Area meets the criteria of the Local Redevelopment and Housing Law to be declared an area in need of redevelopment. The property is City owned, contains upland developable areas, and has access to public utilities. Despite these findings, the site has been undeveloped for a period of greater than ten (10) years based on a review of aerial photography of the site completed in conjunction with this investigation.

CONCLUSION

The Study Area satisfies the following criteria under the Local Redevelopment and Housing Law to be declared an area in need of redevelopment:

- *N.J.S.A. 40A:12A-5.c. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital. **The land is owned by the municipality and has remained vacant for greater than ten (10) years. Given the environmental constraints at the site, it is not likely to be developed solely through private capital.***
- *N.J.S.A. 40A:12A-5.h. Consistency with Smart Growth Planning Principles. **The area is located within a Metropolitan Planning Area, has previously been designated as an Area in Need of Rehabilitation and is located within an area where public sewer can be provided. It has upland developable areas which are consistent with the State's Smart Growth Planning principles.***

The patterns of land use, condition of properties and other factors as described herein, all lead to the conclusion that the general conditions of the Study Area satisfy the criteria noted, N.J.S.A. 40A:12A-5 (c) and (h) and should be designated an "Area in Need of Redevelopment (Non-Condensation)". The City Council and Planning Board should take the action necessary, after public notice and hearing as required, to make that determination according to law.

APPENDIX I – Governing Body Resolution

CITY OF EGG HARBOR CITY
RESOLUTION NO. 186B -2019

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EGG HARBOR CITY
DIRECTING THE EGG HARBOR CITY LAND USE BOARD
TO REVIEW CERTAIN AMENDMENTS TO THE REDEVELOPMENT PLAN FOR THE
TOWER REHABILITATION AREA and TO FURTHER CONDUCT A PRELIMINARY
INVESTIGATION TO CHANGE THE DESIGNATION TO A NON-CONDEMNATION
REDEVELOPMENT AREA”

WHEREAS, the Redevelopment Plan for the Tower Site Rehabilitation was adopted on or about February 9, 2017 pursuant to Ordinance No. 3-2017; and

WHEREAS, the City Council of the City of Egg Harbor City has engaged in various efforts to secure redevelopers for that parcel in an effort to establish proper development and benefit for the City; and

WHEREAS, the City Council has reviewed the Redevelopment Plan and has concluded that certain changes would be appropriate and would increase the viability of development on the Tower Site Rehabilitation Area and would benefit the City; and

WHEREAS, the City Council wishes to have the Egg Harbor City Land Use Board review the nature and types of changes considered by City Council and to determine the appropriateness of such changes and determine the consistency of such changes with the City's Master Plan and, if appropriate make a recommendation to City Council for the adoption of an Amended Redevelopment Plan; and

WHEREAS, the City Council wishes to change the designation of the Tower Site from a Rehabilitation Area under N.J.S.A. 40A:12A-14 to a designation as a Non-Condemnation Area In Need of Redevelopment pursuant to N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6; and

WHEREAS, in addition, the City Council wishes to modify Section 6.3.4 Paragraph B. of the Redevelopment Plan to provide for additional uses including Community Residences for

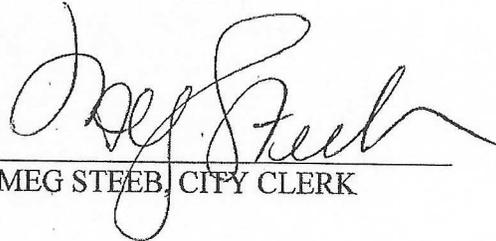
persons with head injuries, and for veterans, and to further define Institutional Uses and Commercial Uses.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Egg Harbor City hereby directs the Egg Harbor City Land Use Board to undertake a Preliminary Investigation of the Tower Site Rehabilitation Area, specifically, to change the designation from an Area in Need of Rehabilitation under N.J.S.A. 40A:12A-14 to an Area in Need of Redevelopment as a Non-Condensation Redevelopment Area pursuant to N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6; and

BE IT FURTHER RESOLVED that the City Council further directs the Egg Harbor City Land Use Board to review modifications to Section 6.3.4 Paragraph B. of the Redevelopment Plan to provide for additional uses including Community Residences for persons with head injuries, and for veterans, and to further define Institutional Uses and Commercial Uses.

BE IT FURTHER RESOLVED that it is the intention of City Council that the Egg Harbor City Land Use Board review the proposed changes and make a determination as to the consistency of such changes with the City's Master Plan and if appropriate provide a recommendation to City Council to adopt appropriate amendments to the Redevelopment Plan.

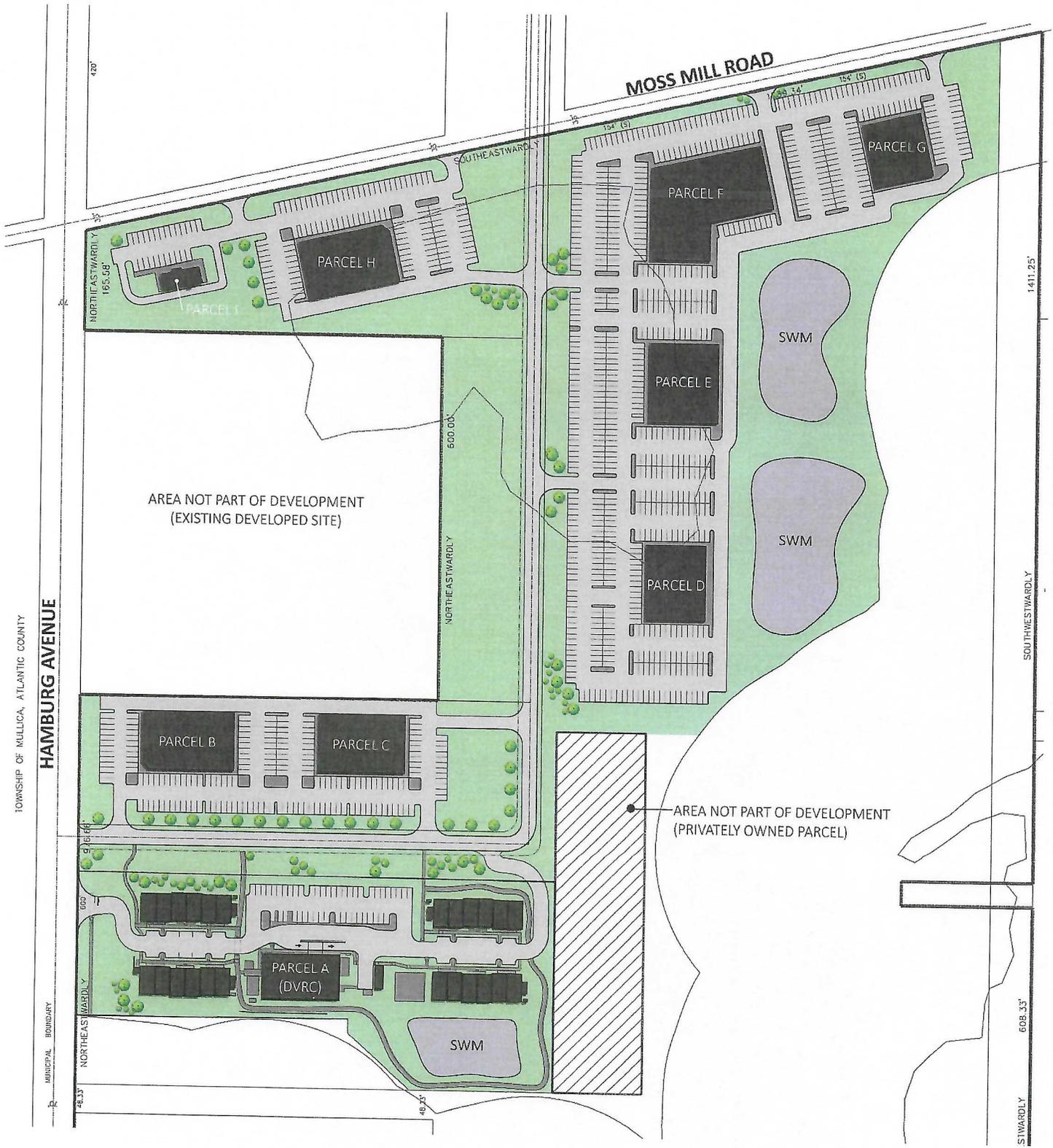
December 12, 2019


MEG STEEB, CITY CLERK

APPENDIX II - “Conceptual Property Plan Tower Site”

Prepared by Remington, Vernick and Walberg dated October 4, 2018

**APPENDIX III - "Proposed Site Plan Moss Mill Road and
Hamburg Avenue"**



PROPOSED SITE PLAN
 MOSS MILL ROAD AND HAMBURG AVENUE
 EGG HARBOR CITY TOWNSHIP