

REDEVELOPMENT PLAN

Route 206 Corridor

Block 778; Lots 1.01, 1.02, 1.03, 2.01, 3

Block 779; Lots 2, 3, 4.01, 4.02, 4.03, 4.04, 4.05, 4.06, 4.07, 4.08, 5, 6.01, 6.03, 6.04

PEMBERTON TOWNSHIP
BURLINGTON COUNTY, NEW JERSEY

November 2021



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The original document was appropriately signed and sealed in accordance with the Chapter 41 Title 13 of the State Board of Professional Planners.

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INTRODUCTION

Purpose and Statutory Basis of the Redevelopment Plan

Redevelopment is the process of rebuilding a previously developed area of a community that has fallen into a state of disrepair. This can involve the acquisition and demolition of existing structures and facilities if needed to make way for new improvements. Redevelopment planning is the process of determining how the redevelopment of particular properties can best improve a community, and using local government powers to encourage development and growth where it otherwise would be unlikely to happen.

New Jersey laws allow for a municipality to utilize redevelopment as a tool to stimulate economic development and improve conditions on properties that meet certain statutory criteria that qualify them as being “in need of redevelopment.” Redevelopment as a planning instrument offers a number of potential benefits to the Township. Through redevelopment, the Township is allowed more flexibility to negotiate with and potentially offer financial incentives to potential developers than is otherwise available through standard land development procedures. Under redevelopment the Township can take a more proactive approach to improving targeted areas. This can be used as a means to stimulate development where it might not occur through market forces and private capital alone.

On June 16, 2021, the Township Council of the Township of Pemberton adopted Resolution No. 179-2021, authorizing and directing the Planning Board to undertake a preliminary investigation to determine if certain properties in the northwest corner of the Township along Route 206 and North Pemberton Road met any of the statutory criteria to determine that they are an “area in need of redevelopment” or an “area in need of rehabilitation”. The resolution from the Council expressly noted that the Redevelopment Study was not to include the potential for condemnation and not to authorize the use of eminent domain. The properties subject to investigation were:

- Block 778; Lots 1.01, 1.02, 1.03, 2.01, 3
- Block 779; Lots 2, 3, 4.01, 4.02, 4.03, 4.04, 4.05, 4.06, 4.07, 4.08, 5, 6.01, 6.03, 6.04

The Township retained the services of CME Associates to prepare a preliminary investigation report to determine if the Study Area is in need of redevelopment. As per resolution #260-2021 of the Township Council, the entire area was designated as a non-condemnation area in need of redevelopment.

As it has been designated, the properties listed above will be referred to as the “Redevelopment Area” for the purposes of this Plan.

This document sets forth the Redevelopment Plan for the Redevelopment Area, including permitted land uses, bulk and area requirements, and design standards for any proposed development within the Redevelopment Area. In accordance with Pemberton Township Council Resolution No. 179-2021, this plan is a Non-Condensation Redevelopment Plan for the lots noted above. The use of eminent domain

to acquire any properties within the Redevelopment Area shall not be permitted. A copy of this resolution of the Township Council can be found in Appendix A.

According to the Local Redevelopment and Housing Law, the Redevelopment Plan shall include an outline for the planning, development, redevelopment, or rehabilitation of the project area sufficient to indicate:

1. Its relationship to definitive local objectives as to appropriate land uses, density of population and improved traffic and public transportation, public utilities, recreational, community facilities, and other public improvements;
2. Proposed land uses and building requirements in the project area;
3. Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent safe and sanitary dwelling units, affordable to displaced residents, will be available to them in the existing local housing market;
4. An identification of any property within the Redevelopment Area proposed to be acquired in accordance with Redevelopment Plan;
5. Any significant relationship of the Redevelopment Plans to:
 - a. The Master Plans of contiguous municipalities;
 - b. The Master Plan of the County in which the municipality is located, and;
 - c. The State Development and Redevelopment Plans adopted pursuant to the “State Planning Act”.
6. Additionally, A redevelopment plan may include the provision of affordable housing in accordance with the “Fair Housing Act,” P.L. 1985, c.222 (C.52:27D-301 et al.) and the housing element of the municipal master plan; and
7. The redevelopment plan shall describe its relationship to pertinent municipal development regulations including consistency with the municipal master plan.

This Plan provides a detailed guide for the development of these properties, located in the northwest portion of the Township along Route 206 and at the intersection with North Pemberton Road. This Redevelopment Plan will set forth the permitted uses, bulk standards, design standards, and other requirements for redevelopment projects within the Redevelopment Area, which shall constitute an overlay onto the existing zoning currently applicable to each of the parcels within the Redevelopment Area.

Plan Overview

This redevelopment plan permits a range of commercial and industrial uses within its boundaries and is intended to provide flexibility for the effective redevelopment of the Area.

All future development is intended to be compatible with the surrounding agricultural and light industrial character of the lands along the Route 206 corridor, within and outside of the boundaries of Pemberton Township.

Area Boundaries and Locational Context

The Redevelopment Area consists of nineteen properties, all located on the northwestern tip of the Township, near the intersection of US Route 206 and North Pemberton Road (Burlington County Route 630). The Area is at the border with Eastampton Township directly to the west across Route 206, and Springfield Township to the north.

The following properties are included in the Redevelopment Area:

- Block 778; Lots 1.02, 1.02, 1.03, 2.01, 3
- Block 779; Lots 2, 3, 4.01, 4.02, 4.03, 4.04, 4.05, 4.06, 4.07, 4.08, 5, 6.01, 6.03, 6.04

The Redevelopment Area in total is approximately 466 acres in size, and is primarily developed and used as farmland. Nearly 95 percent of the Redevelopment Area is used as farmland and a few small parcels are used as farmhouses. The remainder of the Area is currently used as a small industrial park known as the Pemberton Farms Research Campus.

Surrounding the Redevelopment Area is primarily farmlands, as well as low density residential uses. To the north of the Area is a large solar energy facility, as well as farmland and some small commercial uses along Route 206. South of the Area is farmlands and a residential area along the Rancocas Creek. To the west of the Area is Eastampton Township, which includes low density residential uses, a solar farm, and a few small commercial uses. East of the Area within Pemberton Township is more farmland and farm houses.

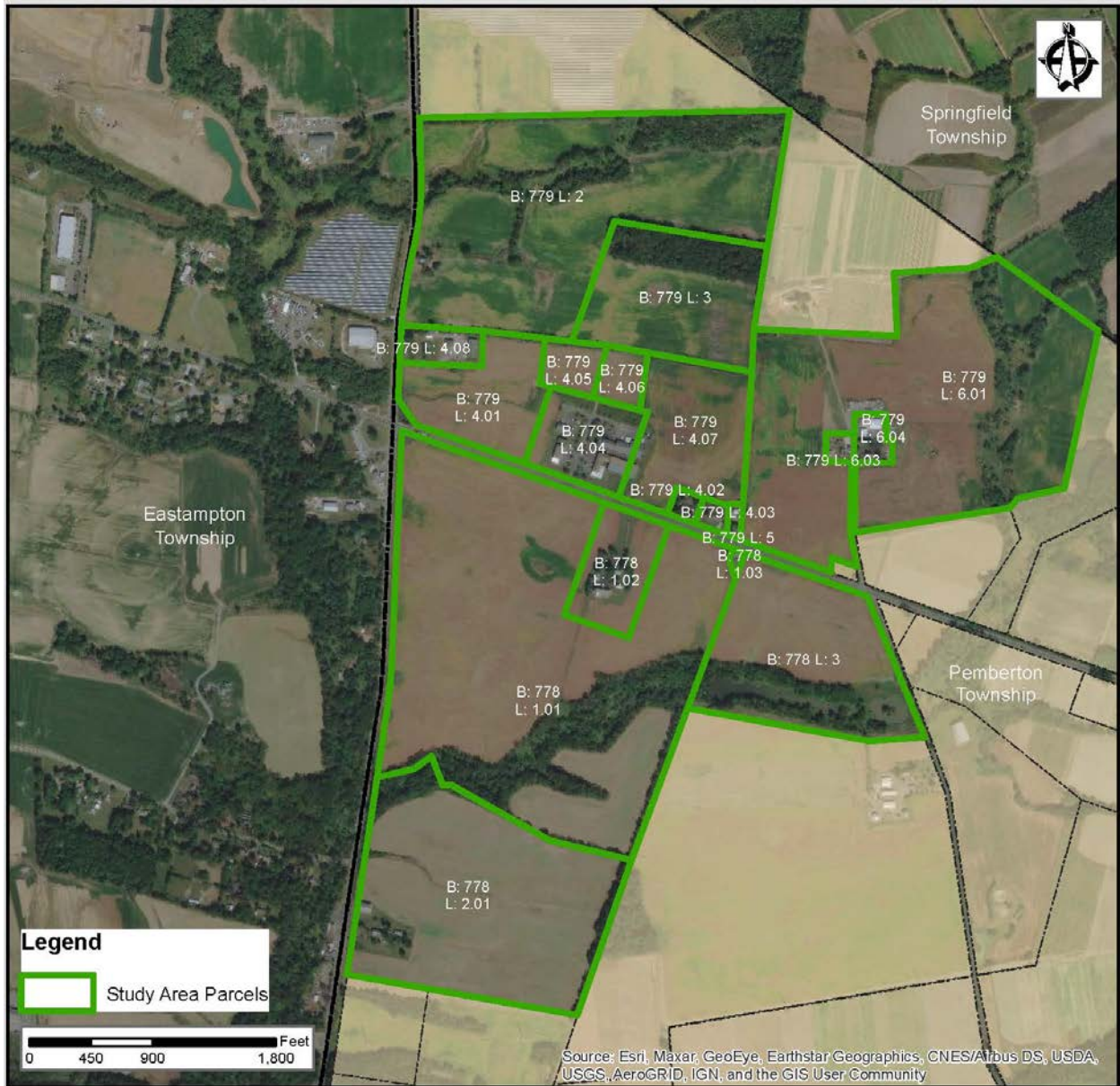
Historical aerial imagery indicates that the Redevelopment Area has been active farmland for many years.

Environmental Constraints

According to records from NJDEP, most of the lands within the Redevelopment Area is developable, but there may be some wetlands within the Area. These wetland areas are generally limited to the lands surrounding Powell's Run creek and its tributaries. Portions of the creek are also located within a special flood hazard area.

Maps of these environmental constraints can be found in Appendix B.

Redevelopment Area Boundaries



REDEVELOPMENT PLAN VISION, GOALS, AND OBJECTIVES

Plan Vision

This Redevelopment Plan provides for the utilization of lands that have historically been farmlands, to be developed into a more intensive light industrial use such as warehousing or similar facilities that will provide greater tax revenues the Township, potential sources of employment for residents, and help to meet regional needs for light industrial space.

Plan Goals & Objectives

The goals and objectives of this Redevelopment Plan are as follows:

- Stimulate the economy of the Township
- Provide opportunities for local employment
- Protect the rural residential surroundings of the community through substantial landscaping buffering

The goals and objectives listed above are consistent with and seek to advance the general goals of the Township’s Master Plan.

LAND USE PLAN

Relationship to Township Land Development Regulations

In order to implement the Plan consistent with the objectives herein, the Redevelopment Area may be developed in accordance with the standards detailed in this Redevelopment Plan, or in accordance with the underlying zoning. This Redevelopment Plan shall constitute a redevelopment overlay on to the Township’s existing zoning map and regulations. The existing General Commercial / Light Industrial (GCLI) and Agricultural Residential (AR) zoning district regulations shall remain in place, including use, bulk, and design standards of the Township’s Land Use and Development Regulations as they relate to the area governed by this Redevelopment Plan. However, any redeveloper seeking the benefits of the redevelopment designation shall be required to redevelop their property in accordance with the standards of this Plan.

Where no specific standards are otherwise provided in this Redevelopment Plan, the regulations and requirements found in Chapter 190 entitled Zoning of the Township Code shall apply.

All development within the Redevelopment Area must be approved by the Planning Board of the Township of Pemberton, and shall be submitted following the normal subdivision and site plan submission and review procedures as found in N.J.S.A. 40:55D-1 et seq, and those within the Township’s Land Use, Zoning, and Development Regulations.

Where a proposed change of tenancy or site alteration is proposed which would not require a subdivision or site plan approval as per the Township’s Land Use and Development Ordinance, Planning Board review shall not be necessary and a building or zoning permit may be issued by the appropriate construction or zoning official.

Regular maintenance and minor repair shall not require Planning Board review and approval.

Definitions

The definitions found in Article II, Chapter 190-5 of the Township’s Land Use and Zoning Regulations shall apply unless otherwise noted herein.

Development Tract – the parcel or parcels either owned or under the control of one single development entity.

Flex Space Industrial Use – a building or space which may be used for light manufacturing, warehousing, distribution, office space, light assembly or fabrication, or any combination of such uses. The specific use of the space may not be permanently defined, and it is intended that the use of the space may change to suit the needs of the user.

Scientific, Medical, or Research Laboratories – An establishment in which are located facilities for scientific research, investigations, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the primary purpose of the laboratory.

Warehouse – A building that is used primarily for the purposes of storage of materials or goods for further distribution that are not manufactured within the building.

Submission Requirements

In addition to any required submission documents for subdivision or site plan approval found within the Township Code, the following documents shall be submitted with any application for subdivision or site plan approval within the Redevelopment Area:

- Environmental Impact Report in accordance with Section 190-45.D(4)(h) of the Township Code.
- Traffic Impact Study containing an analysis of the impacts of anticipated traffic to be generated by a proposed redevelopment project, including but not limited to the following:
 - Documentation of existing traffic conditions, including roadway capacity and current traffic volumes
 - Anticipated additional trips to be generated by the new development
 - Analysis of contributions to traffic during peak and non-peak hours
 - Analysis of impacts of anticipated truck traffic to and from the Redevelopment Area
 - A determination of any roadway deficiencies for existing or future conditions
 - A map identifying local roads and the proposed local route(s) of travel to and from the new development site along with a statement identifying traffic impacts on roads including residential and agricultural land uses, and including a statement whether local roads will be restricted from truck traffic generated by the proposed new development.

Zoning Requirements

Compliance with the following standards shall be treated as zoning requirements. Any deviation from these standards that would result in a “d” variance as per N.J.S.A. 40:55D-70.d of the Municipal Land Use Law, shall be addressed as an amendment to the Plan. Neither the Planning Board nor the Zoning Board of Adjustment shall have the authority to allow deviations from these standards which would result in a “d” variance.

The Planning Board shall have the authority to grant any deviations from these standards which would result in a “c” variance, as per N.J.S.A. 40:55D-70.c, to the same extent that they may grant relief from such standards under normal subdivision and site plan review processes.

Permitted Uses

Permitted Principal Uses

- Any use permitted as a principal use in the GCLI zoning district as stated in §190-24.B of the Township Code
- Warehousing, including cold storage facilities
- Distribution Center
- Flex Space Industrial Use
- Scientific, Medical, or Research Laboratory
- Light assembly, fabrication, manufacturing.

Permitted Accessory Uses

- Off-Street Parking and Loading
- Fences and walls
- Administrative offices
- Retail sales, limited to a maximum of 5% of the gross floor area of the principal building
- Signs
- Temporary construction trailers
- Roof mounted solar energy panels
- Guard or security house
- Utility infrastructure necessary to service the site
- Any use that is customarily incidental and subordinate to the principle use

Area, Yard, and Bulk Requirements

The following dimensional requirements shall apply to any redevelopment activities within the Redevelopment Area:

REDEVELOPMENT AREA BULK STANDARDS	
Overall Tract Requirements	
Minimum Tract Area	10 acres
Minimum Setback from public ROW	150 feet
Minimum Tract Side Yard Setback	100 feet
Minimum Tract Rear Yard Setback	100 feet
Maximum Tract Impervious Coverage	40 percent
Individual Lot Requirements	
Minimum Lot Area	2 acres
Minimum Lot Frontage	200 feet
Minimum Lot Depth	200 feet
Minimum Front Yard	75 feet
Minimum Side Yard	50 feet
Minimum Rear Yard	40 feet
Maximum Building Height	60 feet
Maximum Building Coverage	35 percent
Maximum Impervious Coverage	70 percent
Accessory Building Requirements	
Minimum Side Yard	25 feet
Minimum Rear Yard	25 feet
Maximum Building Height	1 story / 15 feet

Additional Zoning Requirements

- The minimum required overall tract area for a redevelopment project is 10 acres, however within a redevelopment tract, the tract may be subdivided to create an industrial park with individual lots of at least 2 acres.
- To the extent practicable, a subdivision shall be designed to maximize the retention of open areas by organizing the permitted impervious coverage areas on separate lots in close proximity together, by utilizing shared driveways between and among individual lots, and designing the subdivision to facilitate the use of remaining open areas for continued agricultural use. The Board may require a deed restriction to be placed on open areas for the purpose of retaining future agricultural use of open areas that are not committed to new development.

- At the time of subdivision, conformity with the maximum tract impervious coverage and individual lot impervious coverage standards shall be demonstrated.
- More than one permitted principal use or structure may be permitted on a single lot. In such an instance the minimum separation between structures on the lot shall be 20 feet.
- More than one permitted principal use may be permitted within a single building.
- Where more than one permitted use is proposed on a lot or within a building, the required off-street parking shall be the sum of the parking required for each use.
- Accessory structures shall be permitted in a side or rear yard only. No accessory structures shall be permitted within a front yard area.
- Accessory structures related to utility infrastructure such as a water tower, may be permitted to exceed the maximum height of 15 feet, provided that the accessory structure is constructed at the lowest height practical to achieve the necessary utility functionality.
- A dense vegetative buffer of at least 50 feet in width must be provided along any side or rear property line that is adjacent to any residential use or zone. No development shall be permitted within the buffer area. No such buffer shall be required between two non-residential properties.

Off-Street Parking Requirements

The following minimum number of off-street parking spaces shall be provided for each use proposed within the Redevelopment Area:

OFF-STREET PARKING REQUIREMENTS	
Use	Requirement
Office Space	1 space per 200 square feet of gross floor area
Flex Space Industrial	1 space per 1,000 square feet of gross floor area
Science or Research Laboratory	1 space per 1,000 square feet of gross floor area
Warehouse or Distribution (cars)	1 space per 2,500 square feet of gross floor area
Warehouse or Distribution (trailers)*	1 space per 5,000 square feet of gross floor area
All other uses	Parking as required in Chapter 190-24.H
OFF STREET LOADING REQUIREMENTS	
Use	Requirement
Flex Space Industrial	1 space per 10,000 square feet of gross floor area
Science or Research Laboratory	1 space per 15,000 square feet of gross floor area
Warehouse or Distribution	1 space per 10,000 square feet of gross floor area
All other uses	Loading as required in Chapter 190-24.I

OFF-STREET PARKING REQUIREMENTS	
Use	Requirement
*loading spaces and docks for buildings that allow for trailer parking shall count for up to 50% of the required truck parking spaces.	

- Parking requirements for accessory office space within any facility shall be calculated separately from the other components of the use. For example, a warehouse building that is 100,000 s.f. of gross floor area that includes 10,000 s.f. of office space shall be calculated as follows:
 - 10,000 s.f. office = 50 spaces
 - 90,000 s.f. warehouse = 36 spaces for cars + 18 spaces for trailers

Design Standards

The following standards are intended to provide guidance in regards to the aesthetics of buildings, landscaping, and other site amenities and design features in order to encourage a high standard of development.

Any deviation from the following Design Standards of this Redevelopment Plan shall be treated as a design waiver. The Planning Board shall have the authority to grant design waivers as an exception to these standards if it finds that the proposed conditions are satisfactory, and such deviation is appropriate under the circumstances.

Redevelopment of the Area shall comply with the following design standards:

Parking and Circulation Standards

- All off-street parking and loading areas shall be set back a minimum of 30 feet from any public ROW.
- Parking areas for individual uses within the Redevelopment Area shall be coordinated and interconnected with adjacent properties, and are encouraged to utilize shared entrance driveways where feasible in order to minimize new curb cuts and access points to North Pemberton Road and Route 206.
- All off-street parking and loading areas shall be curbed and paved around the perimeter of the parking or loading area in accordance with Chapter 190-38.D of the Township Code.
- Off-street parking stalls for passenger cars shall have minimum dimensions of 9 feet in width and 18 feet in depth.
- Off-street parking stalls for trailers shall have minimum dimensions of 12 feet in width and 40 feet in depth.
- Off-street loading areas shall have minimum dimensions of 12 feet in width and 20 feet in depth.
- Off-street loading areas shall be located in a side or rear yard, and shall be screened from view from any public ROW.
- Internal driveways shall have a minimum width of 12 feet for one way driveways and 22 feet for two way driveways.

Landscaping and Lighting Standards

- For any property with frontage on North Pemberton Road, a sidewalk of 10 feet in width shall be provided along the street frontage, with a landscaped planting strip of 5 feet in width between the curb and the sidewalk, consistent with Burlington County's Highway Master Plan.

- A sidewalk of at least 4 feet in width shall be provided along the frontage of any other public ROW.
- The frontage of North Pemberton Road and Route 206 shall be planted with shade trees along the street, spaced no greater than 50 feet on center. Shade trees shall be located within 10 feet of the Right-of-Way.
- Required shade trees shall be native species, and deciduous trees with a minimum of 2-1/2 inch caliper at the time of planting.
- Landscaping within a required landscape buffer shall meet the minimum requirements found in §190-39.A of the Township Code, and shall be composed of a dense mixture of deciduous trees, evergreen trees, shrubs, grasses, and other plantings so as to provide a continuous, year-round buffer to mitigate and absorb sights, sounds, particulate matter, and odors from spilling onto adjacent properties.
- Existing natural wooded tracts may be included as a part of or the entirety of a required buffer area provided that the growth is of a sufficient density and width to serve the purpose of the buffer. The reviewing Board may require supplemental landscaping in proposed buffers where existing natural wooded areas is not of sufficient density to adequately buffer development as described above.
- Off-Street parking areas of 50 or more vehicles shall include shade trees at a ratio 1 shade tree for every 20 parking spaces. Shade trees shall be placed either within curbed landscaped islands within the parking area, or within 5 feet of the perimeter of the parking area.
- All lighting on site shall be shielded, directed down and inwards towards the site so as to minimize any potential light spillage, glare or light pollution to adjacent roadways and residential uses in the area.
- The maximum average level of illumination across any accessible areas of a site shall not exceed 2.0 footcandles.
- Lighting on the property shall not exceed 0.1 footcandles at any property line except for any driveway entrances or other property access points.
- Internal lighting shall have a maximum mounting height of 25 feet, or the height of the principal building, whichever is less. The maximum mounting height of internal lights located within 50 of the tract boundary shall not exceed 15'.
- Fences in a front yard area shall not exceed 6 feet in height. Fence material, opacity and color shall be subject to Board review and approval. Fences in a front yard may exceed 6 feet only if required for security purposes by state or federal law.
- Fences in the front yard shall be set back a minimum of 20 feet.

- Front yard fences shall be made of materials that are visually open. At least 50 percent of the fence area shall be transparent, except where in the opinion of the Board either less or more transparency should be provided.
- Fences in a side or rear yard area shall not exceed 8 feet in height. Fence material, opacity and color shall be subject to Board review and approval.
- Fences with barbed or razor wire are prohibited.

Architectural Design Standards

- The front façade of any principal structure, or any façade which will be visible from a public right of way, shall be composed of brick, stone, stucco, metal, concrete panels, or similar decorative material from the base of the building to a height of at least 42 inches.
- The front façade of any principal structure shall contain a minimum of level of transparency of 5 percent of the facade, in the form of windows, doors, or other primarily transparent glazing.
- All mechanical equipment such as HVAC, emergency generators, or other such equipment, shall be screened from public view, whether installed at grade or on buildings.

Signage Standards

All signage shall be in accordance with Chapters 190-41 and 190-44 of the Township Code.

RELATIONSHIP TO OTHER PLANS

Pemberton Township Plans

Pemberton Township Master Plan

The Township’s most recent Master Plan document is a Reexamination Report, which was adopted in September of 2014 as a review of the 2009 Master Plan. The report notes the following overall goals for the Township:

- The need for additional ratable growth opportunities in areas both within the Pinelands and along State Highway 206.
- Maintain a balanced community that offers a mix of land uses and densities that are appropriate for this rural community.
- The need to continue to maintain the rural character of Pemberton Township by retaining the present distribution of land uses.

The Reexamination Report does not make any specific recommendations for the properties within the Redevelopment Area, or for the General Commercial / Light Industrial (GCLI) zoning district. It does however note the continued difficulty in attracting commercial and industrial development along the Route 206 corridor.

This Redevelopment Plan is substantially consistent with Pemberton Township’s Master Plan in that it encourages the redevelopment of lands into new light industrial facilities that will provide for increased commercial ratable properties along the Route 206 corridor.

Plans of Adjacent Municipalities

Eastampton Township

To the west across Route 206 is the Township of Eastampton. Although most of the area in Eastampton across Route 206 is currently farmlands as well, it is located in a Business Park zoning district. Like Pemberton, Eastampton plans for this area to capitalize on its highway access and be developed more intensely as business office and light industrial uses.

Springfield Township

Immediately northeast of the Redevelopment Area is the Township of Springfield. The lands across the border are currently agricultural, and zoned to permit a mixture of farms and residences primarily. Springfield’s most recent master plan reexamination report lists farmland preservation as a primary concern for the Township. However, the frontage of Route 206 is a commercial district, intending to promote development of community-oriented retail and service business uses.

This Redevelopment Plan proposes light industrial development along the Route 206 corridor, and would not conflict with the zoned commercial uses or existing agricultural use of any property in Springfield.

Pemberton Borough

The Redevelopment Area is approximately 2 miles from the Borough of Pemberton to the southeast. This Redevelopment Plan does not pose any conflicts with the land use and plans of Pemberton Borough.

State and Regional Plans

Burlington County Master Plan

The Burlington County Highway Master Plan classifies North Pemberton Road (County Route 630) as a major collector highway. The Highway plan calls for multi-modal transportation on North Pemberton Road to include bicycle lanes and sidewalks within the ultimate ROW. This Plan requires sidewalks and a landscape strip in accordance with the Burlington County Highway Master Plan’s proposed cross section for North Pemberton Road.

State Development and Redevelopment Plan

The State Plan Policy Map classifies the entirety of the Study Area into the Rural Planning Area (PA-4). The State Development and Redevelopment Plan (SDRP) describes the Rural Planning Area as the areas of the State intended to maintain the environs as large contiguous areas of farmland and other lands; revitalize cities and towns; accommodate growth in centers; promote a viable agriculture industry; protect the character of existing stable communities; and confine programmed sewers and public water services to centers.

Although within the PA-4 area, the Redevelopment Area is located within a designated urban enterprise zone, and at the crossroads of a state highway and county highway. As such, this Plan is consistent with the State Development and Redevelopment Plan.

REDEVELOPMENT PLAN ACTIONS

Outline of Proposed Actions

The redeveloper will be required to enter into a Redeveloper’s Agreement with the Township that stipulates the precise nature and extent of the improvements to be made and their timing and phasing as permitted therein.

Properties to be acquired

The Area governed by this Redevelopment Plan is a Non-Condemnation Redevelopment Area. No properties are anticipated to be acquired in order to effectuate an effective redevelopment of the Area. Relocation assistance for any existing residence or business in the area is not anticipated. However, in the event that any such relocation assistance is deemed necessary, the Township and any designated redeveloper of the site will provide appropriate relocation assistance as required by State and Federal laws.

Amending the Redevelopment Plan

Upon compliance with the requirements of applicable law, the Township Council may amend, revise, or modify this Redevelopment Plan in general or for specific properties within the Redevelopment Area as circumstances may make such changes necessary and appropriate. The review and approval of any proposed amendments shall be undertaken in accordance with the procedures set forth in the LRHL. Any proposed changes in the Land Use Plan, including changes to permitted uses, building height, building setbacks, parking requirements, or other bulk standards, shall require notice and public hearings in a manner similar to the adoption of the original Plan.

Other Actions

The Township, acting as the Redevelopment Entity, may use any and all redevelopment powers granted to it pursuant to the LRHL to effectuate this Plan, except that the use of eminent domain shall be prohibited. The Township may enter into agreements with a designated redeveloper(s) in connection with the construction of any aspect of the Redevelopment Plan, including off-site improvements.

As an essential part of any redeveloper’s agreement, the Township may require that a designated redeveloper provide improvements or upgrades to the public utilities and related infrastructure that will serve the Redevelopment Area as they relate to any impacts from a proposed redevelopment project.

Amendment to Township Zoning Map and Zoning Regulations

The Township Zoning Map is hereby amended to reference this Redevelopment Plan as an overlay zoning district encompassing the Redevelopment Area as illustrated in the Redevelopment Area boundary map. Additionally, the listing of zoning districts in the Township Zoning Regulations is hereby

amended to include a reference to this Redevelopment Plan as an overlay zoning district for the properties within the Redevelopment Area.

Non Discrimination Provisions

No covenant, lease, conveyance, or other instrument shall be affected or executed by the Township Council or by a redeveloper or any of his successors or assignees, whereby land within the Redevelopment Area is restricted by the Township, or the redeveloper, upon the basis of race, creed, color, or national origin in the sale, lease, use, or occupancy thereof. Appropriate covenants, running with the land forever, will prohibit such restrictions and shall be included in the disposition instruments. There shall be no restrictions of occupancy or use on the basis of race, creed, color or national origin.

Duration of the Plan

The Redevelopment Plan, as it may be amended from time to time, shall be in full force and effect upon its adoption by ordinance by the Township of Pemberton Township Council and shall be in effect until the Township Council shall by ordinance adopt new regulations to supersede those found in this Redevelopment Plan.

Severability

If any section, paragraph, division, subdivision, clause, or provision of this Redevelopment Plan shall be adjudged by the courts to be invalid, such adjudication shall only apply to the section, paragraph, division, subdivision, clause, or provision so judged, and the remainder of this Redevelopment Plan shall be deemed valid and effective.

Redeveloper Obligations

Redevelopment under the terms of this Redevelopment Plan shall only be undertaken pursuant to a redevelopment agreement entered into between the Township, acting as the Redevelopment Agent, and a designated redeveloper. The following restrictions and controls on redevelopment shall apply notwithstanding the provisions of any zoning or development ordinance or other regulations now or hereafter in force:

- The redeveloper will be obligated to carry out the specified improvements in accordance with this Redevelopment Plan.
- The redeveloper, its successors or assignees, shall develop the Redevelopment Area in accordance with the uses and building requirements specified in the Redevelopment Plan.
- Until the required improvements are completed and a certificate of completion is issued, the redeveloper covenants provided for in N.J.S.A. 40A:12A-9 and imposed in any redevelopment agreement, lease, deed or other instruments shall remain in full force and effect.
- The redevelopment agreement(s) shall contain provisions to assure the timely construction of the redevelopment project, the qualifications, financial capability and financial guarantees of

the redeveloper(s) and any other provisions necessary to assure the successful completion of the project.

APPENDICES

Appendix A – Governing Body Resolution

Appendix B – Maps of Redevelopment Area

TOWNSHIP OF PEMBERTON
RESOLUTION NO. 179-2021

RESOLUTION AUTHORIZING THE PEMBERTON TOWNSHIP PLANNING BOARD TO CONDUCT A PRELIMINARY INVESTIGATION INTO PROPERTIES ALONG THE ROUTE 206 CORRIDOR AS A NON-CONDEMNATION REDEVELOPMENT AREA AND/OR AN AREA IN NEED OF REHABILITATION

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "LRHL"), authorizes municipalities to determine whether parcels of land located within their borders qualify as areas in need of redevelopment or as an area in need of rehabilitation; and

WHEREAS, the LRHL requires municipalities seeking to determine whether parcels of land located within their borders qualify as areas in need of redevelopment or areas in need of rehabilitation to refer this issue to their planning boards for a preliminary investigation, public hearing, and recommendation; and

WHEREAS, the LRHL also requires municipalities referring such preliminary investigations to their planning boards to indicate whether the redevelopment area designation shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than eminent domain (a "Non-Condensation Redevelopment Area") or whether the redevelopment area designation shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area including eminent domain (a "Condensation Redevelopment Area"); and

WHEREAS, the Township Council wishes to authorize the Pemberton Township Planning Board to conduct a preliminary investigation into whether a study area consisting of certain properties along the Route 206 and North Pemberton Road corridors as identified on the official tax maps of the Township of Pemberton (herein known as the "Route 206 Corridor") as shown on the attached map (the "Study Area"), meet the criteria to be designated as a Non-Condensation Redevelopment Area and/or as an area in need of rehabilitation under the LRHL, to issue notices and to conduct public hearings regarding this preliminary investigation as required under the LRHL, and to thereafter provide its recommendations to the Township Council regarding the designation of the Study Area as a Non-Condensation Redevelopment Area and/or as an area in need of rehabilitation; and

WHEREAS, the Township has directed the Township's planning consultant, CME Associates, to provide a report to the Planning Board regarding whether the Study Area meets the criteria to be designated as a Non-Condensation Redevelopment Area and/or as an area in need of rehabilitation under the LRHL and to provide testimony regarding such report at the public hearing scheduled by the Planning Board as part of its preliminary investigation of the Study Area.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Pemberton, County of Burlington, State of New Jersey, as follows:

Block	Lot	Property Location:	MACRES	CACRES
778	1.01	Rt. 206 & N. Pemberton Rd.	114	111
778	1.02	N. Pemberton Rd.	10	10
778	1.03	401 N. Pemberton Rd.	-	-
778	2.01	2470 Rt. 206	52	65
778	3	N. Pemberton Rd.	35	35
779	2	2554 Rt. 206	74	75
779	3	2554 Rt. 206	26	26
779	4.01	422 N. Pemberton Rd.	16	15
779	4.02	410 N. Pemberton Rd.	1	1
779	4.03	408 N. Pemberton Rd.	1	1
779	4.04	418 N. Pemberton Rd.	10	12
779	4.05	420 N. Pemberton Rd.	4	4
779	4.06	416 N. Pemberton Rd.	3	3
779	4.07	N. Pemberton Rd.	19	19
779	4.08	2550 Rt. 206	4	4
779	5	406 N. Pemberton Rd.	-	-

779	6.01	N. Pemberton Rd.	90	86
779	6.03	400 N. Pemberton Rd.	1	1
779	6.04	396 N. Pemberton Rd.	3	3

1. The Township Council hereby authorizes the Pemberton Township Planning Board to conduct a preliminary investigation into whether a study area consisting of the properties located along the Route 206 and North Pemberton Road corridors designated as the "Study area" in the table below, and contiguous parcels, if necessary, on the official tax map of the Township of Pemberton (herein known as the "Route 206 Corridor") and as shown on the attached map, meets the criteria to be designated as a Non-Condensation Redevelopment Area and/or as an Area in Need of Rehabilitation under the LRHL, to issue notices and to conduct public hearings regarding this preliminary investigation as required under the LRHL, and to thereafter provide its recommendations to the Township Council regarding the designation of the Study Area as a Non-Condensation Redevelopment Area and/or as an Area in Need of Rehabilitation.
2. Certified true copies of this Resolution shall be sent by the Township Clerk to the Pemberton Township Planning Board Clerk, CME Associates, and Township Solicitor Andrew Bayer.

PEMBERTON TOWNSHIP COUNCIL

ATTEST:

I herein certify that the foregoing Resolution was adopted by the governing body of Pemberton Township on June 16, 2021.



Amy P. Cosnoski, RMC, Township Clerk

TOWNSHIP OF PEMBERTON
RESOLUTION NO. 260-2021

**RESOLUTION OF THE TOWNSHIP OF PEMBERTON
DETERMINING THAT THE PROPERTY ALONG THE
ROUTE 206 CORRIDOR QUALIFIES AS A NON-
CONDEMNATION REDEVELOPMENT AREA AND/OR AN
AREA IN NEED OF REHABILITATION UNDER THE
LOCAL REDEVELOPMENT AND HOUSING LAW**

WHEREAS, pursuant to Resolution Nos. 179-2021, Township Council authorized the Pemberton Township Planning Board to conduct a preliminary investigation into whether a study area consisting of the properties located at Blocks 778 (Lots 1.01, 1.02, 1.03, 2.01 & 3), and Block 779 (Lots 2, 3, 4.01, 4.02, 4.03, 4.04, 4.05, 4.06, 4.07, 4.08 & 5) on the official tax maps of the Township of Pemberton (the "Study Area") meet the criteria to be designated as a Non-Condemnation Redevelopment Area and/or as an area in need of rehabilitation under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et. seq. ("LRHL"), to issue notices and to conduct public hearings regarding this preliminary investigation as required under the LRHL, and to thereafter provide its recommendations to the Township Council regarding the designation of the Study Area as a Non-Condemnation Redevelopment Area and/or as an area in need of rehabilitation; and

WHEREAS, the Township has directed the Township's planning consultant, CME Associates, to provide a report to the Planning Board regarding whether the Study Area meets the criteria to be designated as a Non-Condemnation Redevelopment Area and/or as an Area in Need of Rehabilitation under the LRHL, to provide testimony regarding such report at the public hearing scheduled by the Planning Board as part of its preliminary investigation of the Study Area, to create a redevelopment and/or rehabilitation plan in relation thereto and to provide testimony regarding such plan; and

WHEREAS, by way of correspondence dated September 30, 2021, from its Chairperson, the Township Planning Board confirmed that it conducted the review of the preliminary report/study, convened a hearing on the same on September 2, 2021, wherein it considered testimony from Christopher Dochney, AIP, PP of CME Associates, Board professionals and the public, and issued its recommendations to the Township Council that all the parcels designated as the Study Area be deemed as an Area in Need of Redevelopment; and

WHEREAS, Township Council has reviewed the correspondence from the Chairperson outlining the recommendations of the Planning Board and finds that the Study Area constitutes an Area in Need of Redevelopment under N.J.S.A. 40A:12A-5, criterion G; and

WHEREAS, Township Council, after considering the recommendations made by the Township Planning Board at its September 2, 2021 meeting, wishes to adopt this resolution determining that the Study Area is an area in need of redevelopment under the LRHL.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Pemberton, County of Burlington, State of New Jersey as follows:

1. The Township Council hereby makes the following findings regarding the property identified on the official tax map of the Township of Pemberton Township as Blocks 778, Lots 1.01, 1.02, 1.03, 2.01 & 3, and Block 779, Lots 2, 3, 4.01, 4.02, 4.03, 4.04, 4.05, 4.06, 4.07, 4.08 & 5 (the "Study Area"):
 - i. All of the properties in the Study Area are located in an Urban Enterprise Zone and as such, constitute a non-condemnation area in need of redevelopment.
 - ii. A program of redevelopment may be expected to promote the overall development of the community.
2. The Township Clerk is hereby directed to submit a certified copy of this resolution to the Commissioner of Community Affairs for her review in accordance with the requirements of N.J.S.A. 40A:12A-6b(5).

3. The Township Planning Board, with the assistance of CME Associates, is authorized to prepare a redevelopment plan, to issue notices and to conduct public hearings regarding such as required under the LRHL, and to thereafter provide its recommendations to the Township Council.

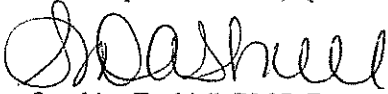
IT IS FURTHER RESOLVED that a certified copy of this resolution shall be sent to each of the following:

1. Township Business Administrator
2. Township Director of Community Development
3. CME Associates
4. Pashman Stein Walder Hayden

PEMBERTON TOWNSHIP COUNCIL

ATTEST:

I hereby certify that the foregoing Resolution was adopted by the governing body of Pemberton Township on October 6, 2021.



Sunshine Dashiell, RMC, Deputy Township Clerk

PEMBERTON TOWNSHIP

Community Development Department

500 Pemberton-Browns Mills Road
Pemberton, New Jersey 08068-1539

Planning Board

Phone: 609.894.3340

Fax: 609.894.2703

David Benedetti, PP, AICP, Director
Email: dbenedetti@pemberton-twp.com
Phone: 609.894.3306

September 30, 2021

Township Council
500 Pemberton-Browns Mills Road
Pemberton, New Jersey 08068

RE: Planning Board Preliminary Investigation of Route 206 Corridor Study Area for Area in Need of Redevelopment / Rehabilitation, including Block 778; Lots 1.01, 1.02, 1.03, 2.01, and 3 Block 779: Lots 2, 3, 4.01, 4.02, 4.03, 4.04, 4.05, 4.06, 4.07, 4.08, 5, 6.01, 6.03, 6.04

Dear Council Members:

Pursuant to Resolution Number 179-2021 of the Township Council of Pemberton Township, the Pemberton Township Planning Board at its meeting of September 2, 2021, undertook a preliminary investigation study for both a non- condemnation Area in Need of Redevelopment and/or an Area in Need of Rehabilitation pursuant to N.J.S.A. 40A:12A-1, et seq. for the above properties known as the Route 206 corridor.

The preliminary investigation study was presented by Mr. Christopher Dochney, AICP, PP, of CME Associates. It should be noted that there were a significant number of the public present including some property owners within the investigation area. Mr. Dochney referred to his Preliminary Investigative Report dated August 16, 2021. He explained the applicable law and requirements required for both an Area in Need of Redevelopment and an Area in Need of Rehabilitation. Mr. Dochney and Mr. Banisch, Board Planner, advised the public attending of the process involved and assured them if this was designated as either a Redevelopment and/or Rehabilitation Area that there would be no condemnation of properties and current land uses would be permitted to continue as "grandfathered" under the law. Further, Mr. Dochney did not find in his opinion that the study area satisfied the criteria required for Redevelopment because the properties only met Criterion G, located in an Urban Enterprise Zone. He felt that even though the statute only requires one criterion be found to designate an Area in Need of Redevelopment, existing case law seems to say this one Criterion G is not sufficient by itself. The Board Attorney, Mr. Sitzler asked Mr. Dochney if those cases he referred to are generally condemnation cases and he affirmed. He agreed that the case law was unsettled to this point if Criterion G alone was sufficient in non-condemnation cases, which reflects this study.

Mr. Dochney did recommend the study area meets the criteria as an Area in Need of Rehabilitation, specifically Criterion 2, more than half the housing stock in the study area is at least 50 years old; and Criterion 3, there is a pattern of vacancy, abandonment, or underutilization of properties in the study area. The Hearing was opened to the Public and no one came forward to be heard.

At the conclusion of the Public Hearing, the Planning Board discussed the recommendations of the study. The Board failed to make a motion to recommend the study area as an Area in Need of Rehabilitation. The Board seemed to feel that although the majority of the housing stock was over 50 years old, the majority of the houses were well-kept historic family farmhouses and not in need of rehabilitation. However, the Board did feel the study area met the need for Redevelopment under Criterion G alone since this was a non-condemnation study. This was confirmed by Motion of Approval and vote to recommend this study area as an Area in Need of Redevelopment pursuant to Criterion G, located in an Urban Enterprise Zone.

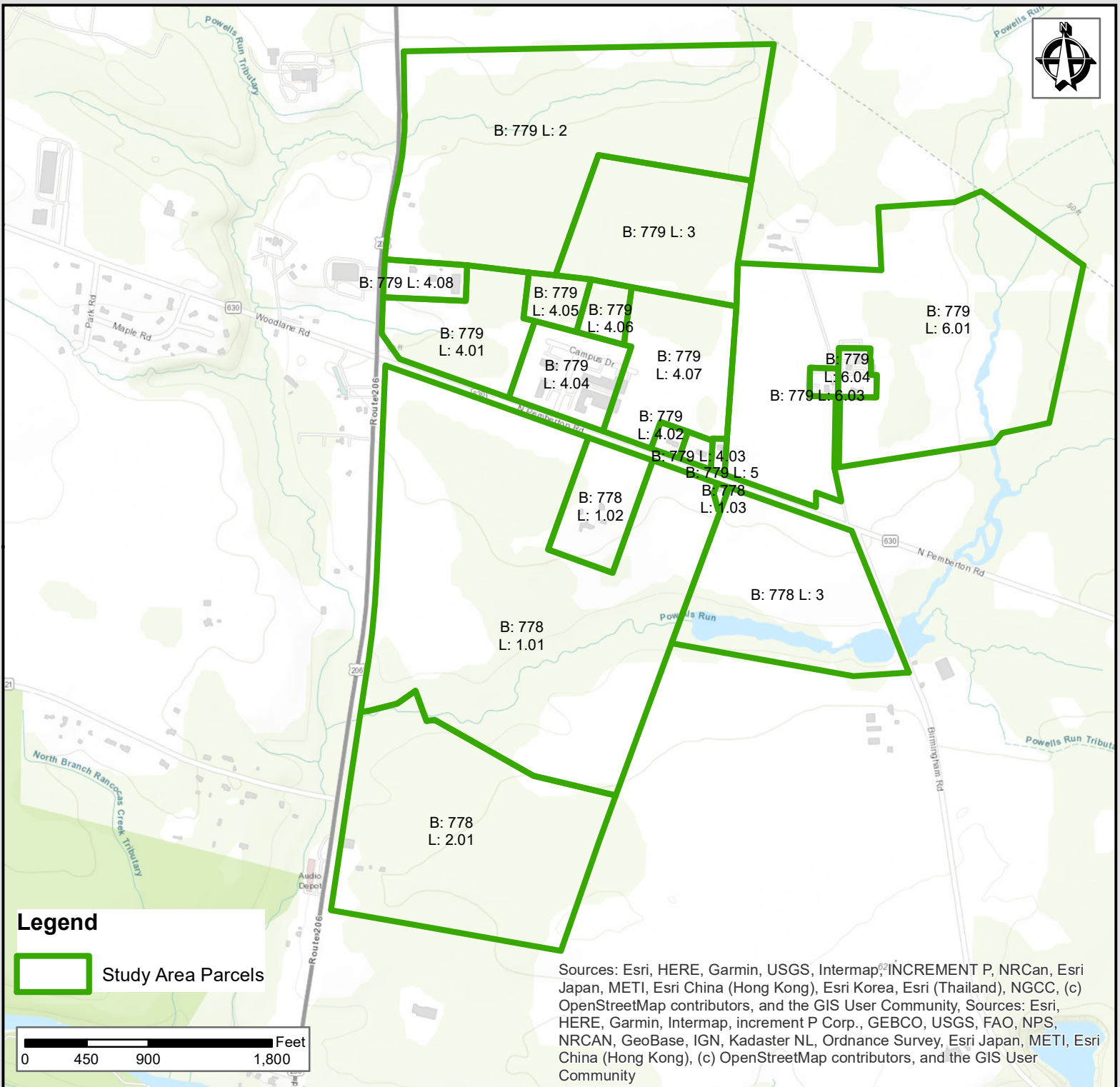
Respectfully submitted,

A handwritten signature in cursive script that reads "Steven Borders".

Steven Borders, Chairman
Pemberton Township Planning Board

STUDY AREA

PEMBERTON TWP, N.J.



GCLI CORRIDOR

**PEMBERTON TWP
BURLINGTON COUNTY
NEW JERSEY**

Source:



ASSOCIATES
CONSULTING & MUNICIPAL ENGINEERS

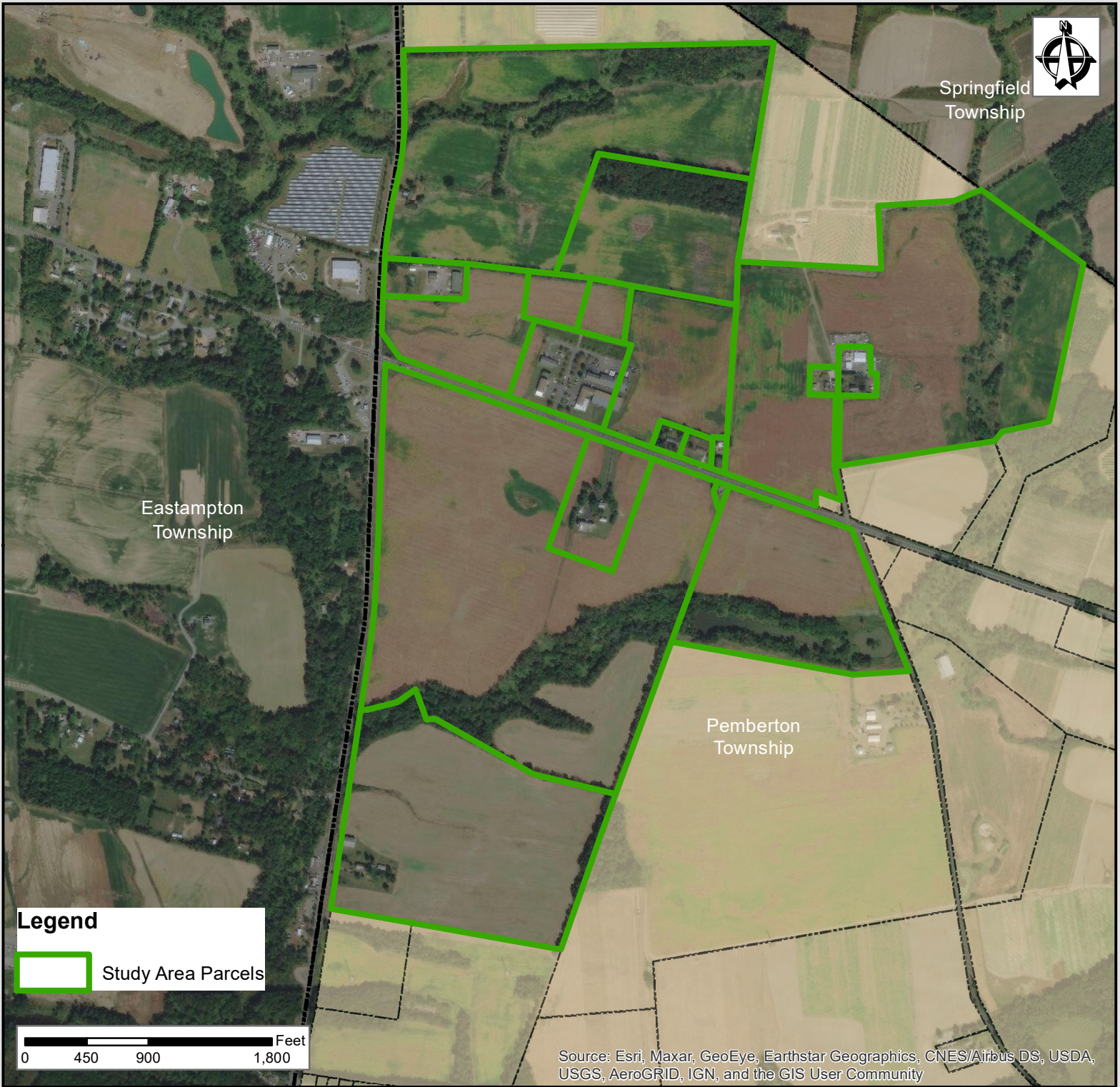
3141 BORDENTOWN AVENUE, PARLIN, N.J. 08859
1460 ROUTE 3 SOUTH HOWELL, N.J. 07731
3759 ROUTE 1 SOUTH SUITE 100, MONMOUTH JUNCTION, NJ 08852
ONE MARKET STREET SUITE 1F, CAMDEN, NJ 08102

WWW.CMEUSAL.COM

DATE	SCALE	LAST REVISED	CREATED BY
06.29.21	1 inch = 1,000 feet	N/A	PVB

STUDY AREA

PEMBERTON TWP, N.J.



GCLI CORRIDOR

**PEMBERTON TWP
BURLINGTON COUNTY
NEW JERSEY**

Source:



ASSOCIATES
CONSULTING & MUNICIPAL ENGINEERS

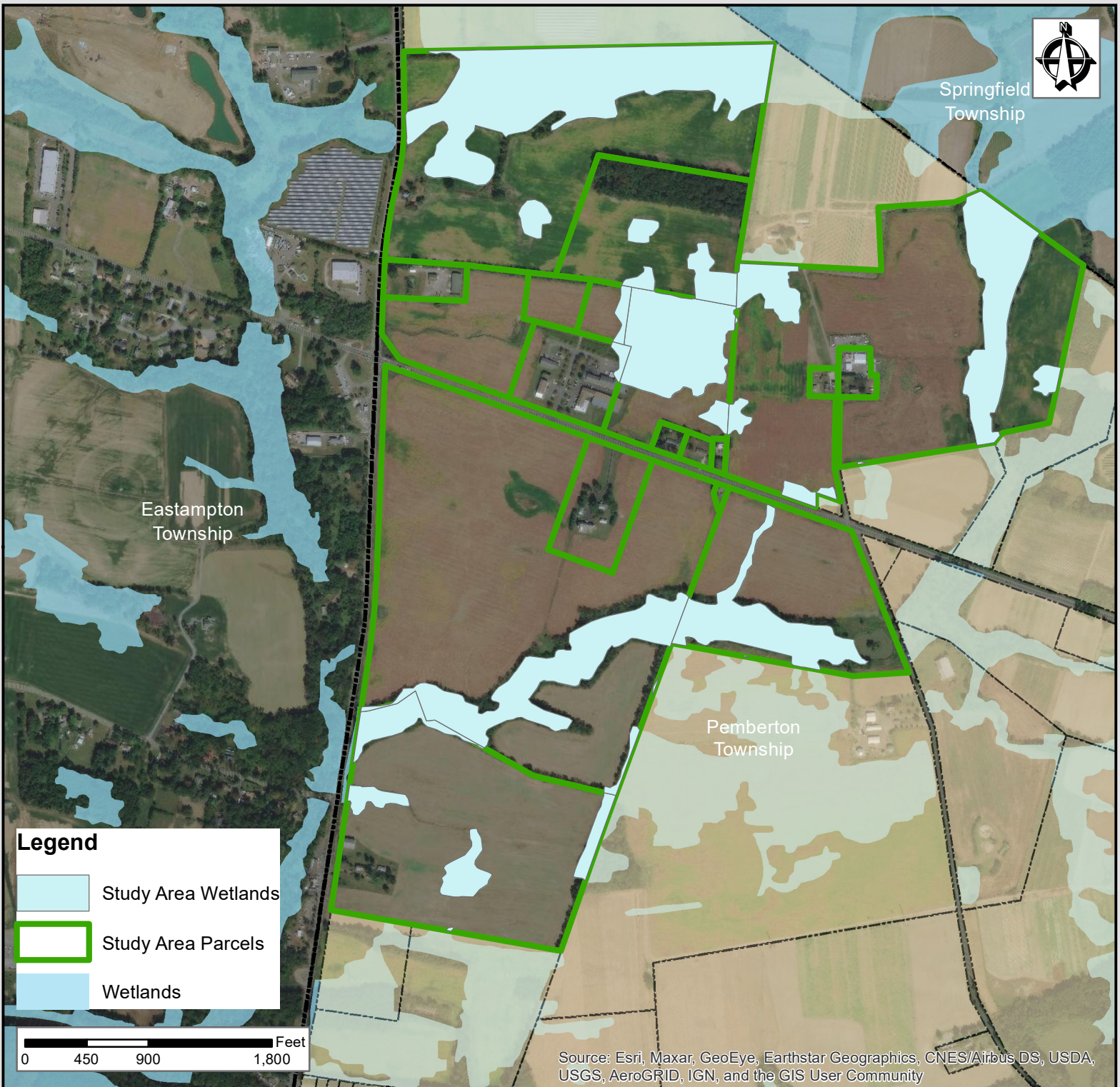
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STUDY AREA

PEMBERTON TWP, N.J.



GCLI CORRIDOR

**PEMBERTON TWP
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Source:



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