

BLOCK 1001, LOT 11 REDEVELOPMENT PLAN

Prepared for:



EGG HARBOR CITY
COUNTY OF ATLANTIC
STATE OF NEW JERSEY

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(Ordinance #18-2025)

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N.B. The original of this document was signed and sealed as per N.J.A.C. 13:41-1.3.b



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I. INTRODUCTION

This Redevelopment Plan has been prepared in accordance with the Local Redevelopment and Housing Law (the “Redevelopment Law”) (N.J.S.A. 40A:12A-1 et seq.) to guide the revitalization of a designated parcel within the City of Egg Harbor (the “City”) known as Block 1001, Lot 11. This Redevelopment Plan establishes the planning framework, development goals, land use regulations, and implementation strategies necessary to transform the underutilized site into a productive asset that contributes to the City’s economic development, land use objectives, and overall community well-being.

Background

The subject property is approximately a 9.82-acre undeveloped lot located at the corner of Antwerp Avenue and Grant Street. The site is vacant and comprised of entirely dense, forested land and vegetation with various unimproved paths remaining from former landfill operations. The former use of the site was municipal landfill that accepted municipal, bulk, and vegetative waste. The surrounding areas to the northwest, west, and southwest of the site is forested land area. Existing uses to the northeast, east, and southeast are comprised of light industrial and commercial uses. The site and the surrounding areas, as described, are located in the Industrial Business Park (IBP) Zoning District.

This Redevelopment Plan has been prepared in accordance with N.J.S.A. 40A:12A-7. As the City has been designated as an Area in Need of Rehabilitation by Resolution No. 79-09, adopted on May 28, 2009, pursuant to N.J.S.A. 40A:12A-14, the City is authorized to adopt site-specific redevelopment plans within its boundaries. This designation provides the legal framework for the City to promote revitalization and adaptive reuse of properties to advance economic development and community goals. Particularly, the City intends to facilitate the development of a community solar project on this former landfill site. The regulations and standards contained herein have been specifically developed to guide and support this redevelopment effort.

Statutory Requirements of Redevelopment Plan

Section N.J.S.A. 40A:12A-7a of the Redevelopment Law requires that “no redevelopment project shall be undertaken or carried out except in accordance with a redevelopment plan adopted by ordinance of the municipal governing body, upon its finding that the specifically delineated project area is located in an area in need of redevelopment or in an area in need of rehabilitation, or in both, according to criteria set forth in section 5 or section 14 of P.L.1992, c.79 (C.40A:12A-5 or 40A:12A-14), as appropriate”. Additionally, a Redevelopment Plan must address the following:

- (1) Its relationship to definitive local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and 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 which is proposed to be acquired in accordance with the Redevelopment Plan.
- (5) Any significant relationship of the Redevelopment Plan 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 Plan adopted pursuant to the “State Planning Act” P.L. 1985, c.398 (C52:18A-196 et al.).
- (6) As of the date of the adoption of the resolution finding the area to be in need of redevelopment, an inventory of all housing units affordable to low and moderate income households, as defined pursuant to section 4 of P.L.1985, c.222 (C. 52:27D-304), that are to be removed as a result of implementation of the redevelopment plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure.
- (7) A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan. Displaced residents of housing units provided under any State or federal housing subsidy program, or pursuant to the “Fair Housing Act,” P.L.1985, c.222 (C. 52:27D-301 et al.), provided they are deemed to be eligible, shall have first priority for those replacement units provided under the plan; provided that any such replacement unit shall not be credited against a prospective municipal obligation under the “Fair Housing Act,” P.L.1985, c.222 (C. 52:27D-301 et al.), if the housing unit which is removed had previously been credited toward satisfying the municipal fair share obligation. To the extent reasonably feasible, replacement housing shall be provided within or in close proximity to the redevelopment area. A municipality shall report annually to the Department of Community Affairs on its progress in implementing the plan for provision of comparable, affordable replacement housing required pursuant to this section.
- (8) Proposed locations for zero-emission vehicle fueling and charging infrastructure within the project area in a manner that appropriately connects with an essential public charging network.

Relationship to the Municipal Land Use Law

This Redevelopment Plan has been developed in accordance with the Redevelopment Law, which provides municipalities with the authority to guide the redevelopment and rehabilitation of areas in need of reinvestment. While the Redevelopment Law is a distinct statutory framework, it operates in close coordination with the Municipal Land Use Law (“MLUL”) (N.J.S.A. 40:55D-1 et seq.), which governs land use planning, zoning, and development regulation in New Jersey. The Redevelopment Law incorporates and builds upon

the goals of the MLUL by enabling more targeted, flexible tools to address underutilized or deteriorated properties. This Redevelopment Plan advances several of the core purposes of the MLUL, including the following:

- (a) To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;
- (g) To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;
- (j) To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land;
- (n) To promote utilization of renewable energy resources;

II. ZONING AND GENERAL REQUIREMENTS

Pursuant to N.J.S.A. 40A:12A-7a(2), this section outlines the proposed land uses and site standards that will guide the redevelopment of Block 1001, Lot 11. The standards and regulations set forth in this Redevelopment Plan shall serve as an overlay to the underlying zoning and shall guide the design, layout, and use of land in accordance with the objectives of this Redevelopment Plan. Where this Redevelopment Plan provides specific standards, those standards shall supersede the corresponding provisions of the City's Land Use and Development regulations. In all cases where the Redevelopment Plan is silent, the underlying zoning district regulations and other applicable provisions of the City's Land Use and Development regulations shall govern. In the event of any conflicts between the standards in this Redevelopment Plan and those in the City's Land Use and Development regulations, the provisions of this Redevelopment Plan shall take precedence, except where specifically stated otherwise.

Definitions

"Solar photovoltaic energy facility" shall mean a system of solar energy panels, and accessory equipment and improvements including electrical wiring, conduit, voltage inverters, driveways, interior circulation roads, fencing and landscaping that is designed to generate electricity for off -site consumption. Such facility may be designed as community solar in which community members subscribe to or purchase a portion of the electricity generated, receiving credits on their utility bills proportional to their share.

Permitted Principal Uses

- a) Solar photovoltaic energy facility.
- b) Site remediation activities and improvements, landfill maintenance activities and improvements, including all structures and improvements accessory thereto.

Permitted Accessory Uses

- a) Ancillary equipment, infrastructure and uses necessary to the operation of the facility.

Bulk Regulations

- a) Minimum setback of solar photovoltaic energy facility from tract boundary: 50 feet
- b) Maximum ground solar height: 12 feet
- b) Maximum accessory structure height: 25 feet.
- c) Minimum accessory structure setback from tract boundary: 25 feet.
- d) Maximum lot coverage: 75%

Design Standards

Unless otherwise specified within this Redevelopment Plan, all development within the Redevelopment Area shall comply with all applicable design standards set forth in Chapter 170 Land Use and Development. In the event of a conflict between standards in Chapter 170 and this Redevelopment Plan, the standards contained herein shall prevail. Where the Redevelopment Plan is silent, the applicable sections of Chapter 170 shall govern.

- a) The facility shall be enclosed with a black, vinyl coated chain link fence between 6 to 8 feet in height . Said fence may not be electrified or topped with barbed-wire, razor ribbon, or concertina wire.
- b) A perimeter landscaped buffer not less than 25 feet in width shall be provided along all property lines.
- c) The solar facility shall not result in reflective glare on adjacent properties or be visible from the public street.
- d) The solar facility shall meet all applicable sign standards under § 170-71, unless otherwise specified herein. Signs shall be limited to government agency signs as may be required, public notice signs, site safety signs, trespassing signs, and directional signs.
- e) A sign identifying the owner and operator of the facility shall be prominently displayed on the access gate(s) with emergency contact information. A Knox Box shall be installed adjacent to the access gate(s), subject to approval by emergency fire services.
- f) No component of the facility shall be used for displaying advertising except for signs identifying the owner and operator of the system.
- g) Interior roadway system improvements may be constructed as necessary to accommodate the uses permitted herein.
- h) Site lighting shall be directed downward and shielded so as to avoid glare on public roads and adjacent properties.
- i) All on-site utility transmission and plumbing lines shall be placed underground to the greatest extent feasible.
- j) Design and installation of the solar facility shall conform to applicable industry standards and state and federal government regulations.

- k) Siting of the solar facility should prioritize previously developed, non-sensitive areas of the land. Projects must avoid wetlands, floodplains, and other environmentally critical areas.
- l) Any submitted plan is to demonstrate that the uses proposed thereunder, can be installed in such a manner as to not impede ongoing, long-term remediation or maintenance activity on the site, which will be the responsibility of the designated redeveloper.

III. RELATIONSHIP TO OTHER PLANS

Relationship to Master Plans of Contiguous Municipalities

Egg Harbor City shares a municipal boundary with Galloway Township and Mullica Township in Atlantic County and Washington Township in Burlington County. The Redevelopment Area is approximately 1,100 feet from the municipal boundary with Galloway Township, the site. The portion of Galloway Township that is closest to the site is currently wooded, vacant, and zoned Town Residential. Between the Redevelopment Area and this residentially zoned property, there are existing light industrial and commercial uses that function as an effective buffer. Given this separation, and the fact that the Redevelopment Plan requires additional screening and landscaping to mitigate visual impacts, no direct adverse effect on Galloway Township's residential areas is anticipated. Additionally, due to the lack of physical proximity to the neighboring municipalities, the proposed Redevelopment Plan is not anticipated to have any direct land use, traffic, or infrastructure impacts on these neighboring jurisdictions. Nevertheless, a review of Galloway Township's Master Plan Reexamination Report¹ reveals goals relating to site design standards and performance measures that minimize impacts on surrounding properties and locating non-residential development in appropriate locations. This Redevelopment Plan incorporates buffering and screening requirements and other performance standards to reduce visual impacts. The site's prior use as a landfill site makes it ideal for the proposed solar facility, and, therefore, aligns with the intent of locating non-residential uses in appropriate locations.

Relationship to Atlantic County Master Plan

This Redevelopment Plan aligns with the overarching goals and objectives of Atlantic County's Master Plan.² The Master Plan emphasizes the importance of fostering environmentally sustainable and economically viable communities. Achieving this vision requires the implementation of forward-thinking municipal policies and resilient design

¹ *Galloway Township, Master Plan Reexamination Report, September 2020, Polistina Associates, LLC*, <https://www.gtnj.org/index.php/i-want-to/find-a-form-or-document/planning-and-zoning-boards/1382-master-plan-reexamination-report/file>

² *Atlantic County, New Jersey, Master Plan, May 2018, Heyer, Gruel & Associates and Michael Baker International*, <https://www.atlanticcountynj.gov/home/showpublisheddocument/1094/638245025670800000>

strategies that support both long-term affordability and environmental responsibility. Updating local ordinances to facilitate renewable energy installations, such as solar, wind, and geothermal systems, further supports a clean energy transition and aligns with broader climate objectives.

Maximizing the use of on-site renewable energy, including solar and geothermal systems, reduces reliance on fossil fuels and supports energy independence. Promoting energy efficiency and the use of microgrids enhances the reliability of energy systems while lowering long-term operational costs. These measures are particularly important in the face of increasing energy demands and potential disruptions to the centralized power grid. Reducing greenhouse gas emissions remains a priority and the County continues to encourage the use of alternative energy sources and supports the implementation of backup energy solutions such as generators and battery storage to maintain critical services during emergencies. Together, these policies and practices form a comprehensive framework that advances sustainability, strengthens community resilience, and positions the municipality to meet the evolving environmental and infrastructure challenges of the future.

Overall, the Redevelopment Plan complements Atlantic County's vision for sustainable growth by encouraging renewable energy and energy-efficient design, supporting resilient infrastructure, and aligning land use policies with environmental preservation and long-term community well-being.

Relationship to State Development and Redevelopment Plan

The entirety of the City is located in the Pinelands Area. The New Jersey State Development and Redevelopment Plan (the “State Plan”) recognizes the unique legal and environmental status of the Pinelands. The State Planning Commission (“SPC”) must rely on the plans and regulations already adopted by the Pinelands Commission to align state planning efforts with these special areas.

In this case, the SPC must ensure reliance on the Comprehensive Management Plan (CMP) of the Pinelands Area. The Pinelands is nationally significant for its high-quality water resources, unique ecosystems, and cultural history. New Jersey passed the Pinelands Protection Act (1979), establishing the Pinelands Commission to regulate development within the 934,000 acres of the Pinelands reserve. The CMP balances development with environmental protection and is the authoritative guide for managing the region. In areas not addressed by the CMP, State Plan policies -on issues like economic development, transportation, and urban revitalization -should be applied by local governments. A 1999 memorandum of agreement between the Pinelands Commission and the SPC ensures consistent mapping, planning, and policy coordination, enabling certified Pinelands communities to receive the same benefits as other designated planning areas and centers across the state.³

³ *The New Jersey State Development And Redevelopment Plan, pages 167-168.*

The State Plan has established six (6) guiding policies pertaining to the Pinelands:⁴

m) Policy 1 Reliance on Plans and Regulations

Acknowledge the statutory treatment of the New Jersey Pinelands under the Pinelands Protection Act and the National Parks and Recreation Act and rely on the plans and regulations of the New Jersey Pinelands Commission to achieve the objectives of the State Plan.

n) Policy 2 Intergovernmental Coordination—State and Local

Coordinate planning efforts so that there is consistency between the adopted plans, maps, programs and regulations of various levels of government, consistent with the objectives of the State Plan and promote utilization of the State Plan's Statewide Policies covering issues not addressed by the Pinelands Comprehensive Management Plan.

o) Policy 3 Intergovernmental Coordination—Federal and State

Coordinate planning efforts with the New Jersey Pinelands Commission so that the Pinelands Comprehensive Management Plan, municipal, county and regional plans, and CAFRA regulations, as amended are consistent within the Pinelands National Reserve.

p) Policy 4 Review of Potential Regional Impacts

Develop procedures for the review of developments that may have regional impacts affecting the Pinelands area, including proposals outside the bounds of the Pinelands, such as Regional Centers or highway corridor improvements or the expansion of facilities within the Pinelands, so that the objectives of the State Plan and the Pinelands CMP are met.

q) Policy 5 Water Resources/Aquifer Protection

Protect the Cohansey/Kirkwood aquifer system that underlies both the New Jersey Pinelands and substantial adjacent areas. Analyze the condition and capacity of the system to maintain the delicate ecological balance of the Pinelands, and also its ability to support diversions from the aquifer that are not recharged. Until this analysis is completed, viable alternate water supply systems rather than diversions are strongly recommended.

r) Policy 6 Public Investment Priorities

Coordinate management area policies of the Pinelands CMP and the State Plan to

⁴ *The New Jersey State Development And Redevelopment Plan, pages 169-170.*

ensure that management area designations within the Pinelands CMP receive state public investment priority equal to that of designations in the State Plan.

Pinelands Management Areas

There are three (3) management areas designated within the City: Pinelands Town, Forest Area and Preservation Area. The Redevelopment Area is located within the Pinelands Town Management Area. The CMP refers to Pinelands Town as “...existing spatially discrete settlements in the Pinelands. These traditional communities are appropriate for infill residential, commercial and industrial development that is compatible with their existing character.”⁵

Provided the designation of the Redevelopment Area within the Pinelands, the City acknowledges the importance of obtaining certification from the Pinelands Commission for any zoning and land use regulation changes to ensure consistency with the Pinelands CMP.

IV. RELATIONSHIP TO LOCAL PLANS & OBJECTIVES

Municipal Zoning

The site is currently zoned Industrial Business Park (IBP) District. This Redevelopment Plan shall serve as an overlay to the underlying zoning and shall guide the design, layout, and use of land in accordance with the objectives of this Plan. In accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-7c, the official City Zoning Map shall be amended to reflect the boundaries and zoning provisions of this Redevelopment Plan. All future development and land use approvals within the Redevelopment Area shall conform to the standards set forth herein, unless modified pursuant to a duly adopted amendment to this Plan or permitted under applicable redevelopment agreements. In all cases where the Redevelopment Plan is silent, the underlying zoning district regulations and other applicable provisions of the City’s Land Use and Development regulations shall govern. In the event of any conflicts between the standards in this Redevelopment Plan and those in the City’s Land Use and Development regulations, the provisions of this Redevelopment Plan shall take precedence, except where specifically stated otherwise.

Local Objectives

Pursuant to N.J.S.A. 40A:12A-7a(1), the Redevelopment Plan shall address its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements:

⁵ *Pinelands Comprehensive Management Plan, Updated 12/04/2023, page 119*

Land Use

This Redevelopment Plan is consistent with the City's land use objectives. Located in an area designated for Industrial Park use, it adds to the City's non-residential tax base through a modern, sustainable, industrial use that complements existing commercial and light industrial activities. The redevelopment plan incorporates buffering, screening, and landscaping standards to ensure visual quality, functional compatibility, and protection of residential neighborhoods. By transforming a former landfill into a productive, low-impact use, the project improves the visual and physical character of the City's non-residential areas while supporting economic diversification.

Density

The density standards applicable to residential development are not relevant to this Redevelopment Plan, as no housing is proposed and the site is not located adjacent to existing residential areas. The Redevelopment Plan is located in an area with significant separation from residential zones, and, therefore, does not create any conflicts with the City's density-related objectives or policies.

Circulation

From a circulation and transportation standpoint, the site is well-positioned at the corner of the intersection of Antwerp Avenue and Grant Street. The Redevelopment Plan has no direct relationship to the City's circulation goals and objectives. The site is located within an industrial zone, and a solar facility will generate little to no automobile traffic. As such, a proposed solar facility, as permitted herein, will not impact the existing transportation network or roadway system.

Public Utility

Regarding public utilities and infrastructure, the development will leverage existing services available and any necessary extensions or upgrades will be coordinated with the appropriate utility providers and public agencies. The site's redevelopment is expected to proceed in a manner that promotes efficient service delivery and sustainable infrastructure investment.

Recreational and Community Facilities

There is no direct relationship between the Redevelopment Plan and the City's recreational and community facilities objectives.

Municipal Master Plan

Pursuant to N.J.S.A. 40A:12A-7d, all provisions of the Redevelopment Plan shall be substantially consistent with the Municipal Master Plan or designed to effectuate the Master Plan. The Master Plan is the City's policy document that guides the vision for the

future. The document defines existing conditions along with an in depth look at future goals and objectives to guide the City. The Master Plan was produced through a robust planning process involving input from community residents and stakeholders. It lays out recommendations for achieving the vision and goals in the future, both short- and long-term.

The Redevelopment Plan aligns with and advances the key goals and objectives outlined in the City's Master Plan as described below in the noted planning areas:

Objectives relating to Land Use: (Industrial)

- Establish a strong nonresidential ratable base.
- Encourage a mix of commercial and light industrial uses.
- Establish intensity of development to maximize the use of the limited land resource.

Located in an area designated for Industrial Park use, the Redevelopment Plan adds to the City's non-residential tax base by adding a use that is modern, sustainable, and industrial while complementing existing commercial and light industrial activities.

Objectives relating to Conservation

- Minimize the impacts of development on environmentally sensitive areas including wetlands, stream corridors and aquifer recharge areas.
- Limit or prohibit development in critical environmental areas such as flood plains and wooded areas.

By repurposing a previously used landfill site, the Redevelopment Plan supports these conservation objectives. This approach indirectly minimizes impacts on environmentally sensitive areas by avoiding development in these critical natural areas.

Objectives relating to Economic Development

- Promote nonresidential development that is consistent with the natural capacity of the land and the availability of water and infrastructure to ensure the economic well-being of the City.

The Redevelopment Plan aligns with the natural capacity of the site and existing infrastructure availability. The site is located within the sewer service area and benefits from access to established roadways, ensuring efficient connectivity without the need for extensive new infrastructure investments.

Objectives/recommendations relating to Green Buildings and Environmental Sustainability Plan: Renewable Energy Alternatives

- Solar Energy - Solar energy can be acquired using photovoltaics to heat water and to heat building spaces (passive). Solar benefits are cumulative and can be collected

from a variety of sources to collectively result in substantial savings of money and resources. Community solar energy can be: (a) a cluster of installations; solar cooperative as part of a green power program; solar on public or non-profit facilities that serve the community.

- Purchase Off -Site Renewable Energy - A green power pricing program allows customers to voluntarily elect to support investment into renewable energy, costing more than traditional sources such as coal, natural gas, hydropower and nuclear fuels.
- Photovoltaic (PV) Solar Energy Photovoltaic systems convert sunlight into electricity. Solar homes provide intermittent energy and battery storage when the sun is not shining. Grid connected systems may have panel mounted to the roof or placed on the ground. Excess electricity is connected to the grid allowing the owner to be compensated for power produced.

The Green Buildings and Environmental Sustainability Plan of the City promotes renewable energy alternatives including solar energy. By facilitating the development of a solar facility with this Redevelopment Plan, this objective of advancing solar energy use is directly supported.

V. OTHER PROVISIONS OF N.J.S.A. 40A:12A-7A

Pursuant to N.J.S.A. 40A:12A-7a, this Redevelopment Plan addresses the remaining requirements of the LHRL as follows:

Temporary & Permanent Relocation of Residents

Pursuant to N.J.S.A. 40A:12A-7a(3), the Redevelopment Area is a vacant site and does not contain any housing units. Therefore, no provisions are necessary for the relocation of residents in the project area.

Property Acquisition

The condemnation of land via the exercise of eminent domain is not permissible as the Redevelopment Plan emanates from an area in need of rehabilitation per N.J.S.A. 40A:12A-15.

Inventory of Affordable Housing Units

Pursuant to N.J.S.A. 40A:12A-7a(6), the Redevelopment Area is a vacant site and does not contain any housing units. Therefore, no inventory of housing units is required.

Replacement of Affordable Housing Unit

Pursuant to N.J.S.A. 40A:12A-7a(7), the Redevelopment Area is a vacant site and does not contain any housing units. Therefore, no provisions are necessary for the new construction or substantial rehabilitation of housing units.

Zero-Emission Vehicle Fueling and Charging Infrastructure

Pursuant to N.J.S.A. 40A:12A-7a(8), As the proposed use is a utility, no zero-emission vehicle fueling and charging infrastructure is anticipated to be provided within the project area.

VI. ADMINISTRATIVE AND PROCEDURAL REQUIREMENTS

Redevelopment Authority and Review

The City's governing body, the City Council, shall act as the redevelopment entity pursuant to N.J.S.A. 40A:12A-4.c for purposes of implementing and carrying out this Redevelopment Plan. In doing so, the City Council shall have the powers set forth in N.J.S.A. 40A:12A-15 and 40A:12A-22, and all other relevant statutes and regulations to effectuate all of its duties and responsibilities in the execution and implementation of this Redevelopment Plan.

Redevelopment Agreement

The redevelopment agreement shall contain all mandatory provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., to assure the timely construction of the redevelopment project, and any other provisions to assure the successful completion of the project, such as the qualifications, financial capability and financial guarantees of the Redeveloper(s).

Obligations of the Redeveloper

Any Redevelopment Project must be developed in accordance with the requirements of this Redevelopment Plan and the City's Land Use and Development regulations (Chapter 170), as may be applicable. Redevelopers will be required to enter into a Redevelopment Agreement with the City, or receive an Administrative waiver of such requirement, prior to any Planning Board public hearing or the commencement of any development and/or improvements as permitted in this Redevelopment Plan.

Deviations from Provisions of the Approved Redevelopment Plan

The Planning Board may review and retain jurisdiction over applications requiring relief for deviations from this Redevelopment Plan or other City development ordinances, except as set forth below. Accordingly, an amendment to the Redevelopment Plan shall not be necessary if the selected developer(s) desires to deviate from the bulk provisions or design standards set forth in this Redevelopment Plan or City's Land Use and Development regulations (Chapter 170) so long as the Redeveloper obtains the appropriate variance(s) from the Planning Board. All requests for such relief shall be made to the Planning Board accompanied by a complete application for development as required by City ordinance. Decisions on such requests shall be made in accordance with the legal standards set forth

in the Municipal Land Use Law, N.J.S.A. 40:55D-70(c), in the case of requests for relief from zoning standards, and in accordance with the legal standards set forth in N.J.S.A. 40:55D-51 in the case of requests for relief from design standards.

No deviations shall be granted that result in any of the following:

- a. All “d” variances (including permitting a use not expressly stated, height exceeding 10 feet or 10%, etc.);
- b. Deviation from the contractual obligations of the redeveloper to the Redevelopment Authority (City Council), if applicable.

Duration of Redevelopment Plan Restrictions

This Redevelopment Plan and any modifications thereof shall be in full force and effect upon its adoption by ordinance by the City Council and shall be in effect until the redevelopment of the Redevelopment Area has been completed, which shall be evidenced by the issuance of a certificate of project completion by the Redevelopment Entity.

Amendments to the Redevelopment Plan

This Redevelopment Plan may be amended from time to time upon approval of the Governing Body in accordance with the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-7. Amendments may include amendments to any other requirements, including but not limited to those imposed by N.J.S.A. 40A:12A-13, and any applicable provisions of a Redevelopment Agreement, mutual agreement between the City and a Redeveloper is required where a Redevelopment Agreement is in place and where any amendment would change the controls governing the use of lands under the Agreement.

Severability

The provisions of this Redevelopment Plan are subject to approval by an adopted ordinance. If a Court with jurisdiction over the matter finds any word, phrase, clause, section, or provision of this Redevelopment Plan to be invalid or illegal, the word, phrase, clause, section, or provision shall be deemed severable, and the remainder of the Redevelopment Plan and its implementing ordinance shall remain valid and in effect.