

**REDEVELOPMENT PLAN**

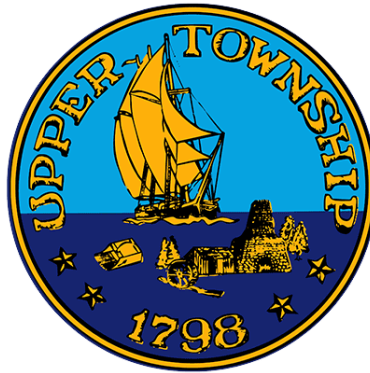
**BEESELEY'S POINT REDEVELOPMENT AREA**

**Block 479, Lots 76, 76.01, 94.01, 106.02, 107, 107.01, 108, and 108.01**

**January 2021**

**Prepared for:**

**Upper Township**



**TOWNSHIP OF UPPER**

**2100 Tuckahoe Road**

**Petersburg, NJ 08270**

As recommended by the Planning Board by Special Resolution # 01-2021 on January 21, 2021;  
Adopted by the Governing Body by Ordinance # 001-2021 on January 25, 2021;

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## **INTRODUCTION**

The project area (the “Project Area” or “Redevelopment Area”) is comprised of approximately 348 +/- acres located at Block 479, Lots 76, 76.01, 94.01, 106.02, 107, 107.01, 108, and 108.01, on the Official Tax Map of the Township of Upper (the “Township”). In order to address the conditions within the Project Area and stimulate private investment, the Mayor and Committee of the Township (the “Township Committee”) have determined that the appropriate course of action to prevent further underutilization of the Project Area and return the Project Area to a useful and productive condition is to redevelop the Project Area in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the “Redevelopment Law” or “LRHL”).

## **DESIGNATION OF AREA AND PLAN DEVELOPMENT**

### ***Designation of the Redevelopment Plan***

The process, consistent with applicable State statutes, followed by the Township Committee in the determination as to the Project Area’s qualification and designation as a Condemnation Redevelopment Area was that the Township Committee, upon favorable recommendation from the Planning Board of the Township of Upper (“Planning Board”), adopted Resolution No. 30-2021 declaring the Project Area as a Condemnation Redevelopment Area pursuant to N.J.S.A. 40A:12A-5.

### ***Redevelopment Plan Preparation Process***

A redevelopment plan must be prepared and adopted by ordinance prior to undertaking any redevelopment project in all or a portion of an area declared as an area in need of redevelopment. This process, which is consistent with applicable state statutes, was followed by the Township in the preparation and adoption of this redevelopment plan entitled “Redevelopment Plan Beesley’s Point Redevelopment Area Block 479, Lots 76, 76.01, 94.01, 106.02, 107, 107.01, 108, and 108.01” (“Redevelopment Plan”).

## **STATUTORY REQUIREMENTS OF REDEVELOPMENT PLAN**

According to the Redevelopment Law, a redevelopment plan shall include an outline for the planning, development, redevelopment, or rehabilitation of the 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 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 Project Area which is proposed to be acquired in accordance with the Redevelopment Plan.
5. Any significant relationship of the Redevelopment Plan to:
  - the municipality’s Master Plan;
  - the Master Plans of contiguous municipalities;
  - the Master Plan of the County in which the municipality is located;
  - the State Development and Redevelopment Plan adopted pursuant to the “State Planning Act” PL 1985, C398 (C52:18A-196 et al.); and
  - the local ordinances and master plan.
6. A housing inventory of all affordable housing units to be removed; and
7. A plan for replacement of any affordable housing removed pursuant to the Redevelopment Plan.

## **DESCRIPTION OF REDEVELOPMENT AREA**

The Condemnation Redevelopment Area includes property located at Block 479, Lots 76, 76.01, 94.01, 106.02, 107, 107.01, 108, and 108.01, on the Official Tax Map of the Township. The majority of the Redevelopment Area is located on Lots 76 and 76.01 where the former B.L. England Facility and golf course operated. Portions of Lot 76 contain obsolete, vacant buildings and are subject to environmental constraints. The other lots, 94.01 106.02, 107 and 107.01 are vacant properties. Lots 108 and 108.01 contain Jet Ski and Boat rental facilities with few improvements located on the lots.

The Redevelopment Area is located in multiple zoning districts including the Waterfront Town Center District (“WTC”) District, and the Recreation and Park (“RP”) District in the Township.

### **WTC District**

Lots 76.01, 106.02, 107, 107.01, 108, 108.01 and a portion of 76 are located within the Waterfront Town Center Zoning District.

Existing permitted uses in the WTC District include: (1) Recreational facilities and entertainment uses; (2) Jet-ski rental facilities; (3) Restaurants; (4) Retail stores and personal service uses; (5) General or professional offices; (6) Hotels and motels, including ancillary uses such as conference halls, banquet rooms, and recreational facilities; (7) Parks, plazas and

playgrounds; and (8) Building structures and uses owned or operated by Upper Township for municipal purposes.

Existing permitted accessory uses include: (1) Marinas; (2) Recreational and/or open space facilities, including, but not limited to, walkways, courtyards and plazas; (3) Off-street parking and loading located to the rear of principal buildings or appropriately screened from public view; (4) Signage standards shall be compatible to the architectural design of the buildings. Monument signs, wall and hanging signs shall be limited in size and compatible with the pedestrian scale of the center. Pylon signs are prohibited; (5) Street furnishings, planters, streetlights, and exterior, garden-type, shade structures (gazebos); (6) Outdoor cafes associated with permitted restaurants; (7) Fences and walls, which shall complement the architectural style, type and design of the building and the overall project design; and (8) Decks, patios and terraces, which shall complement the architectural style, type and design of the building and the overall project design.

Existing permitted conditional uses include: Electrical Substations, provided that (a) The total land area devoted to electrical substations shall not exceed 10 acres; (b) Electrical substations are permitted but must be located at least 1,200 feet from the most waterward side of Lot 76.01 and 1,400 feet from North Shore Road; and (c) Any new connections to the existing or future substations shall be underground.

#### RP District

Lot 94 and the additional portion of Lot 76 containing the former golf course are both located in the Recreation and Parks Zoning District.

Existing permitted uses within the RP District include: (1) Farms on a minimum 5-acre lot, (2) Public playgrounds, conservation areas, parks and public purpose uses; (3) swimming pools; indoor commercial recreation facilities; (4) equestrian centers and trails purpose uses; (5) athletic fields, tennis courts, basketball courts, hockey rinks, skate parks; and (6) recreation - community centers.

Existing permitted accessory uses include: (1) Signs; (2) Fences and walls; (3) Garages and storage buildings; (4) Bicycle (nonmotorized) and jogging paths; and (5) Gazebos not exceeding 10 feet in height.

Existing permitted conditional uses include: (1) Golf Course in accordance with the requirements provided in §20-6.4(j) of the Township Code; and (2) Miniature golf and golf driving ranges.

### **GOALS AND OBJECTIVES**

The Township seeks to alleviate the blighting conditions found in this Redevelopment Area and to redevelop the Redevelopment Area in a manner which serve the public health, safety, and welfare of the community and the region by eliminating the conditions that cause the area to be considered “in need of redevelopment”. To achieve this overall goal, the following goals and objectives have been established:

1. The primary goal of this Redevelopment Plan is to eliminate those conditions that caused the area to be considered an “area in need of redevelopment”, such as the appropriate reuse/redevelopment of the Redevelopment Area property to provide a positive land use and economically viable development that contributes to the safety, health, morals, and welfare of the surrounding area or the community in general.
2. The stimulation of private investment in the Redevelopment Area by assisting as necessary and appropriate to support such rehabilitation and redevelopment.

### ***Plan Proposals***

This Redevelopment Plan is designed to address the redevelopment of Block 479, Lots 76, 76.01, 94.01, 106.02, 107, 107.01, 108 and 108.01, and shall be referred to as the “Beesley’s Point Redevelopment Plan.”

As required by N.J.S.A. 40A:12A-7(c), the zoning map will be amended to include the Beesley’s Point Redevelopment Plan for the referenced property.

### ***Definitions***

The definitions provided in N.J.S.A. 40A:12A-3 are incorporated into this Redevelopment Plan by reference.

### ***Land Use and Building Requirements***

The existing use, bulk, design, performance standards, and all other standards, set forth in the Township Zoning Ordinance shall apply to the Redevelopment Area.

It is intended and expressly understood that with respect to any issue of relevant land use and building requirements not specifically addressed in this Redevelopment Plan, those issues are subject to the Township’s Development Regulations and Zoning Ordinances and all other ordinances and regulations of the Township of Upper not contravened in this Redevelopment Plan as permitted by N.J.S.A. 40A:12A-7(a)(2).

Development of the Redevelopment Area shall be governed by the underlying zoning currently in effect throughout the Township, and subject to any and all existing Redevelopment Plans.

### ***General Provisions***

The continued revitalization of this Redevelopment Area is important to the Township. In order to facilitate the revitalization of the Redevelopment Area, the Township shall have all of the powers granted to a municipality or redevelopment entity to carry out this Redevelopment Plan as set forth in the Local Redevelopment Law at N.J.S.A. 40A:12A-8, including but not limited to its authority to exercise its powers pursuant to the Eminent Domain Act of 1971, N.J.S.A. 20:3-1, et seq.

Any development that occurs within the Redevelopment Area shall comply with the following as required by N.J.S.A. 40A:12A-1 et seq.:

1. The Township of Upper and any redeveloper shall comply with all statutes of the State of New Jersey governing development and redevelopment including but not limited to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. and the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.
2. The Township of Upper Planning Board shall review and approve all plans and specifications for development with respect to conformance with this Redevelopment Plan and the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.
3. The redeveloper shall be required to furnish escrows and performance guarantees as required by the Township of Upper Planning Board. N.J.S.A. 40:55D-53.

### ***Relocation***

There are no residences located within the Redevelopment Area. Therefore, there is no need to make accommodations for the temporary or permanent relocation of residents. N.J.S.A. 40A:12A-7(a)(3).

### ***Acquisition***

The subject property, Block 479, Lots 76, 76.01, 94.01, 106.02, 107, 107.01, 108, and 108.01 is within a Condemnation Redevelopment Area and therefore may be acquired by the Township as Redevelopment Entity, via eminent domain in order to effectuate the goals and objectives of this plan. N.J.S.A. 40A:12A-7(a)(4).

### ***Affordable Housing***

The Township does not anticipate the removal of any affordable housing units as a result of the implementation of this Redevelopment Plan. Because it is anticipated that no affordable housing units are to be removed as a result of the implementation of this Redevelopment Plan, no affordable housing units are anticipated to be replaced. N.J.S.A. 40A:12A-7(a)(7).

## **RELATIONSHIP TO OTHER PLANS**

An important requirement of a Redevelopment Plan is consistency with the goals and objectives of already adopted plans for the area. This Redevelopment Plan is specifically designed to promote the rehabilitation and redevelopment of the subject property. N.J.S.A. 40A:12A-7(a)(1).

### ***Township Plans (N.J.S.A. 40A:12A-7(d))***

The last comprehensive Master Plan for the Township of Upper was adopted on January 27, 1994 (“1994 Master Plan”). Although this Master Plan is almost thirty (30) years old and does not

expressly address the Redevelopment Area, this Redevelopment Plan helps achieve the following goals of the 1994 Master Plan:

- Improve the quality of life in Upper Township through sound land use planning; and
- Provide diversity and strength to the local tax base. Foster a well-integrated and balanced community with a mix of residential, commercial, agricultural, and other types of land uses. A mix is encouraged for the convenience of the residents and enhancement of the tax base of the Township. The land use plan and development regulations should be designed to minimize conflicts between activities so that one land use does not adversely affect neighboring land uses.

The Land Use Plan portion of the 1994 Master Plan envisioned the continuance of the Utility Zoning that was in place at the time for the majority of the Redevelopment Area, and therefore does not offer any expectations for the Redevelopment Area in the event of a zoning change. However, the Economic Plan portion of 1994 Master Plan provides that there existed: (1) a lack of development opportunities for commercial and industrial uses due to environmental constraints, (2) a desire for the growth of the tourism industry; and (3) a lack of employment opportunities within the Township itself.

More recently, the Township adopted a master plan reexamination report in March of 2020 (“2020 Reexamination Report”). The B.L. England Facility site was a main focus of the 2020 Reexamination Report, which discussed the recent discontinuance of the facility in September of 2019. The site was anticipated to be the subject of redevelopment given its large acreage and waterfront location. In an effort to promote future redevelopment areas, the 2020 Reexamination Report proposed the rezoning of the B.L. England Facility site as a Waterfront Town Center, allowing multiple uses including marina and resort-oriented uses.

This Redevelopment Plan is substantially consistent with both the 1994 Master Plan and 2020 Reexamination Report as it seeks to redevelop the area in compliance with the underlying zoning put in place based on the recommendations of the 2020 Reexamination Report. The zoning for this area permits various commercial and recreational uses, promoting mixed uses in the Redevelopment Area with a high potential for tourism growth. It additionally allows the existing electrical substations to remain in use with the possibility of new substations should off-shore wind generation come to the area. Further, the redevelopment of this property would reintroduce a property to the tax base that formerly provided a significant amount of tax revenue to the Township, while also creating jobs within the Township.

***Plans of Contiguous Municipalities (N.J.S.A. 40A:12A-7(a)(5)(a))***

Upper Township is bordered by the following municipalities: the City of Corbin, the Township of Dennis, the City of Estell Manor, the Township of Maurice, the City of Sea Isle, and the Borough of Woodbine. The City of Sommers Point is adjacent to the Township across the Great Egg Harbor Bay.



The Redevelopment Area borders Great Egg Harbor Bay, the Tuckahoe River and other property within the Township. Therefore, this Redevelopment Plan does not significantly relate to the Master Plans of those municipalities, other than in the respect of either being generally consistent with or not having any impact on their overall goals and objectives. As such, this Redevelopment Plan is unlikely to have any impact on the Master Plans of contiguous municipalities.

***County Plans (N.J.S.A. 40A:12A-7(a)(5)(b))***

Cape May County adopted a comprehensive plan in 2005 (“Comprehensive Plan”). The Land Use Element addresses the differing character of the development and land use between the barrier islands of the county, focusing on tourism and seasonal residential properties, and the mainland, where dense residential development exists, with less focus on seasonal tourism. The Comprehensive Plan emphasizes that “Care must be taken to ensure that planning for the future does not violate sound traditions and growth patterns; however, undesirable land use and development trends should be singled out for correction through the planning process.”

As the Redevelopment Area is primarily waterfront property and has been rezoned to promote tourism, marina and commercial uses, the future development of the property is substantially consistent with the development goals for the other waterfront portions of the county and promotes uses more consistent with the rest of the county, compared to the previous utility use.

***State Development and Redevelopment Plan (N.J.S.A. 40A:12A-7(a)(5)(c))***

The State Development and Redevelopment Plan (“SDRP”) was last adopted in 2001. Generally, this plan is consistent with the SDRP Goal of “Promot[ing] Beneficial Economic Growth, Development and Renewal for All Residents of New Jersey” by encouraging uses related to commercial growth and tourism, while developing a property that is currently being underutilized, containing an obsolete and discontinued power generation facility.

Moreover, the SDRP’s Policy Map locates the Redevelopment Area within the Suburban Planning Area (PA2) and the Regional Growth Area (PA5). This Redevelopment Plan is consistent with the following goals of the PA2 area:

- provide for much of the state’s future development;
- promote growth in Centers and other compact forms;
- protect the character of existing stable communities; and
- revitalize cities and towns.

This Redevelopment Plan is consistent with the following goals of the PA5 area:

- accommodate growth in Centers;
- protect the character of existing stable communities; and

- revitalize cities and towns.

Further, this Redevelopment Plan is consistent with the Land Use Policy Objectives of the PA2 area by “[g]uid[ing] development and redevelopment into more compact forms – Centers and former single-use development that have been retrofitted or restricted to accommodate mixed-use development, redevelopment, services and cultural amenities.” This Redevelopment Plan accomplishes this objective by promoting multiple and varying uses, such as marina, resort oriented and other tourism related uses in an area that has underutilized and obsolete improvements related to the former power generation facility.

Additionally, the Redevelopment Area is within a Designated Town Center called the “Marmora-Palermo Beasley’s Point Designated Town Center.” The SDRP describes Centers as areas targeted for growth and mixed use. As the underlying zoning adopted by this Redevelopment Plan encourages mixed use that supports the growth of tourism and commerce in the area, it is consistent with the Town Center designation of the SDRP.

## **ADMINISTRATION**

### ***General Provisions***

The definitions provided in N.J.S.A. 40A:12A-3 are incorporated into this Redevelopment Plan by reference.

### ***Redeveloper Entity***

As permitted under N.J.S.A. 40A:12A-4, the Governing Body is hereby designated the entity to implement this Redevelopment Plan. When necessary for the implementation of this Plan, the Township of Upper may enter into an agreement with a redeveloper for any construction or other work implementing this Redevelopment Plan. N.J.S.A. 40A:12A-4(c).

### ***Agreements with Redevelopers***

Any redevelopment agreement entered into pursuant to this Redevelopment Plan shall comply with the requirements of the Local Redevelopment and Housing Law. N.J.S.A. 40A:12A-1, et. seq. Pursuant to N.J.S.A. 40A:12A-8 and upon adoption of this Redevelopment Plan, the Township may select one (1) or more redevelopers for the construction of a development project within the Redevelopment Area. Once a redeveloper has been selected, the Township shall enter into a Redevelopment Agreement with the redeveloper which comports with the requirements of N.J.S.A. 40A:12A-9 and any such development or construction within the Project Area shall be undertaken in accordance with the Redevelopment Agreement between the Township and a redeveloper designated by the Township as well as this Redevelopment Plan.

The zoning standards set forth in this Redevelopment Plan shall be the underlying zoning. Any redeveloper who wishes to avail itself of this Redevelopment Plan must first have been named as a redeveloper and entered into a redevelopment agreement with the Township. Execution of a

redevelopment agreement with the Township shall be a pre-requisite to the filing of any application for development with the Planning Board and any such application shall not be deemed complete pursuant to N.J.S.A. 40:55D-10.3 until proof of an executed redevelopment agreement has been submitted as part of the application.

### ***Time Limits***

The redeveloper of a specific project within the Redevelopment Area shall begin the development of land and construction of improvements within a reasonable period of time to be determined in a redevelopment agreement between the Township and a duly designated redeveloper. N.J.S.A. 40A:12A-8(f).

### ***Discrimination Ban***

No covenant, lease conveyance or other instrument shall be executed by the redevelopment entity or the redeveloper whereby land or structures with this redevelopment is restricted upon the basis of race, creed, color, gender, marital status, age, disability, familial status or national origin. The termination of this plan shall in no way permit the land or structures of the redevelopment area to be restricted on the basis of race, creed, color, gender, marital status, age, disability, familial status or national origin.

### ***Deviations from Provisions of Approved Redevelopment Plan***

The Planning Board may review and retain jurisdiction over applications requiring relief for deviations from this Redevelopment Plan or other Township development ordinances, except as set forth below. All requests for such relief shall be made to the Planning Board accompanied by a complete application for development as otherwise required by Township ordinance.

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

1. To allow a use not specifically permitted within the Redevelopment Area;
2. To exceed the maximum building or structure height as measured in feet and/or stories;
3. Any deviation sought which would necessitate the granting of a variance under N.J.S.A. 40:55D-70(d), as the same shall require an amendment of this Redevelopment Plan.

### ***Duration of Redevelopment Plan Restrictions***

This Redevelopment Plan and any modification thereof shall be in full force and effect for a period of thirty (30) years from the date the Township Committee first approves this Redevelopment Plan.

### ***Amendments to Approved Redevelopment Plan***

This Redevelopment Plan may be amended from time to time in accordance with the provision of the Local Redevelopment and Housing Law of 1992, N.J.S.A. 40A:12A, et seq. as may be amended.

### ***Repeal and Severability Statements***

All ordinances or parts of ordinances inconsistent with this Redevelopment Plan are repealed to the extent of such inconsistency only. If any provision or regulation of the Redevelopment Plan should be judged invalid by a court of competent jurisdiction, such order shall not affect the remaining portions of this Plan which shall remain in full force and effect.