

ORDINANCE NO. 2023-51

ORDINANCE AMENDING ORDINANCE 2017-73, AS AMENDED BY ORDINANCE 2020-49, AS AMENDED, AN ORDINANCE ADOPTING THE ENERGY AND MINERALS CONDEMNATION REDEVELOPMENT PLAN CONSISTENT WITH RESOLUTION 6234 OF THE PLANNING BOARD OF THE CITY OF VINELAND SO AS TO AMEND THE ENERGY AND MINERALS CONDEMNATION REDEVELOPMENT PLAN CONSISTENT WITH RESOLUTION 6591 OF THE PLANNING BOARD.

WHEREAS, the City Council of the City of Vineland adopted Resolution 2016-23 directing the Planning Board of the City of Vineland to undertake a preliminary investigation to determine whether Block 7502 Lots 1, 2, 3 and 33, 35, 48, 49 and 50 should be designated as a Condemnation Redevelopment Area in accordance with NJSA 40A:12A-1 et seq. ; and

WHEREAS, after conducting a preliminary investigation and public hearing on December 9, 2015 in accordance with the said statute, the City of Vineland Planning Board thereafter adopted Resolution 6138 finding Block 7503 Lots 33, 35, 49, and 50 (Property) meet the standards to be considered a redevelopment area, but at that time, Lots 1, 2, 3 and 48 did not; and

WHEREAS, City Council of the City of Vineland adopted Resolution 2016-23 determining the Property to be a Condemnation Redevelopment Area; and

WHEREAS, on August 8, 2017 City Council directed the Planning Board to develop a plan for the Redevelopment Area; and

WHEREAS, after taking testimony of Kathleen Hicks, City Planner who submitted a proposed Redevelopment Plan and recommending the Energy and Minerals Condemnation Redevelopment Area be an overlay on the City Zoning Map replacing existing zoning designations as specified in the proposed Plan, the Planning Board adopted Resolution 6234 recommending City Council adopt the Energy and Minerals Condemnation Redevelopment Area Plan dated August 2017; and

WHEREAS, on October 2017 City Council adopted Ordinance 2017-73 adopting the Energy and Minerals Condemnation Redevelopment Plan as prepared by Kathleen Hicks, P.P., AICP dated August 2017 consistent with Resolution 6234 of the Planning Board and amending the Zone Map and Zoning Section of the Land Use Code of the City of Vineland consistent with the Plan; and

WHEREAS, since the adoption of Ordinance 2017-73, the Energy and Minerals Condemnation Redevelopment Area has undergone new subdivisions resulting in new lot configuration, new lot numbers and new proposed uses consistent with the New Jersey Local Redevelopment and Housing Laws N.J.S.A. 40A:12A-1 et seq. (LRHL); and

WHEREAS, on June 27, 2023, the City Council of the City of Vineland, moved to request the Planning Board consider whether Block 7503 Lots 1.01, 3.01 (formerly Lots 1, 2, 3 and part of 48) and portions of Lot 33.01 (adding the area that was part of Lots 22, 23 and 25 as well as adding the area that was originally Lot 32) and Lot 35.01 (adding the area that was part of Lots 4 and 45, all of Lots 46 and 47 and part of Lot 48) (Study Area) should be included as part of the energy and Minerals Redevelopment Area and request findings of fact and recommendations thereto; and

WHEREAS, on August 9, 2023 the Planning Board took testimony from Tiffany A. Cuviallo, PP regarding the Study Area so as to evaluate existing conditions therein in order to determine if the Study Area warranted a finding that it is in need of redevelopment; and

WHEREAS, the Planning Board found that the Study Area meets the criteria for designation as an area in need of redevelopment and that adding the Study Area as part of the Energy and Minerals Condemnation Redevelopment Area would meet criteria g and h of N.J.S.A. 40A:12A-5 and their inclusion allows for a comprehensive development plan and promotes smart growth planning principles and further that in accordance with Section 3 of the Local Redevelopment and Housing Law the properties, while not detrimental to the health, safety or welfare, their “inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area in which they are a part.”; and

CITY OF VINELAND

WHEREAS, on August 9, 2023, the Planning Board adopted Resolution 6590 finding the Study Area should be designated as part of the Energy and Minerals Condemnation Redevelopment Area and recommended City Council adopt their findings and conclusions at which time City Council adopted Resolution 2023-406 amending the Energy and Minerals Condemnation Area to include Block 7503, Lots 1.01, 3.01, part of Lot 33.01 and Lot 35.01; and

WHEREAS, on August 9, 2023 the Planning Board took further testimony from Tiffany A. CuvIELLO, P.P, regarding the amended redevelopment area and the permitted land uses and proposed land uses as outlined in the approved Redevelopment Plan dated August 2017 as prepared by Kathleen Hicks PP as amended by Ordinance 2019-38, 2020-49 and 2023-38; and

WHEREAS, after taking testimony, the Planning Board adopted Resolution 6591 recommending City Council amend the Redevelopment Plan consistent with the report of Tiffany CuvIELLO, PP dated June 28, 2023, a copy which is attached hereto and made a part hereof.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vineland as follows:

1. City Council hereby adopts the findings and conclusions of the Planning Board pursuant to Resolution 6590 and 6591 as if set forth herein at length.
2. The Amendment Redevelopment Plan Energy and Minerals Condemnation Redevelopment Area prepared by Tiffany CuvIELLO, P.P. dated June 28, 2023, recommended as an amendment to the Energy and Minerals Condemnation Redevelopment Plan by the Planning Board shall be adopted.
3. The Energy and Minerals Condemnation Redevelopment Area will be an overlay on the City Zoning Map replacing the existing zoning designations. All provisions of the Code of the City of Vineland, not only the Land Use ordinance, will be applicable to any development application submitted for the property, unless in conflict with the Plan and should there be an inconsistency between any provision of the Code of the City of Vineland and this Plan, this Plan shall prevail.

BE IT FURTHER ORDAINED that the balance of Ordinance 2017-73, as amended, not amended hereby shall remain in full force and effect.

BE IT FURTHER ORDAINED that any Ordinance or portions thereof that are inconsistent herewith shall be deleted and void to the extent of such inconsistencies and the terms of this Ordinance shall supersede the same.

This Ordinance shall take effect upon adoption and publication according to Law.

Passed First Reading:

Passed Final Reading:

President of Council

Approved by the Mayor:

Mayor

ATTEST:

City Clerk

**AMENDMENT
REDEVELOPMENT PLAN
ENERGY & MINERALS
CONDEMNATION
REDEVELOPMENT AREA**

BLOCK 7503/LOTS 1.01, 3.01, p/o 33.01, 35.01 & p/o 35.02

**CITY OF VINELAND
CUMBERLAND COUNTY, NEW JERSEY**

June 28, 2023

As recommended by the Planning Board
on August 9, 2023 by Resolution # 6591;

Adopted by the Governing Body on _____ by Ordinance # _____

PREPARED BY:

Tiffany A. CuvIELLO, PP, LLC
Community Development and Planning

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**AMENDMENT
REDEVELOPMENT PLAN
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BLOCK 7503/LOTS 1.01, 3.01, p/o 33.01, 35.01 & p/o 35.02

**CITY OF VINELAND
CUMBERLAND COUNTY, NEW JERSEY**

MAYOR

Anthony R. Fanucci

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David Acosta – Council Vice President
Ronald Franceschini, Jr. – Councilman
Paul Spinelli – Councilman
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Sandy Velez
Stephen Plevins
Samuel Fiocchi
Doug Menz (Alt #1)
David Catalana (Alt #2)
Yasmin Ricketts, Board Secretary

PREPARED BY:



Tiffany A. Morrissey, AICP, PP#5533

The original of this document was signed and sealed in accordance with N.J.A.C. 13:41-1.3.b

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INTRODUCTION

The City of Vineland had previously determined that the Energy and Minerals Study Area met the criteria as an “Area in Need of Redevelopment” by Resolution 2016-23. The findings of the City were that only a portion of the area qualified as an area in Need of Redevelopment (Condemnation) in accordance with the New Jersey Local Redevelopment and Housing Law N.J.S.A. 40A:12A-1 et seq. (LRHL). Initially the City directed the Planning Board to determine if a larger area which included Block 7503, Lots 1, 2, 3, 33, 35, 48, 49 & 50 all met the criteria as an area in Need of Redevelopment (Condemnation) in accordance with the LRHL. The City’s resolution agreed with the Planning Board’s findings that Block 7503, Lots 33, 35, 49 & 50 met the criteria and that Block 7503, Lots 1, 2, 3 & 48 did not meet the criteria.

Over past eight (8) years the area has been subject to new subdivision approvals by the Planning Board which have resulted in a new lot configuration, new lot numbers and a new ownership pattern. These changed conditions warrant a reconsideration of whether original Lots 1, 2, 3 and 48 in Block 7503 would meet the criteria as an area in need of redevelopment. Additionally, consideration should also be given to part of original Lots 4 and 45 in Block 7503, original Lots 32, 46 and 47 in Block 7503 and part of original Lots 22, 23 and 25. Due to the various subdivision approvals and lot configuration changes, the area for consideration would include part of Lot 33.01 (adding the area that was original Lot 32 and the area that was part of original Lots 22, 23 and 25); the entirety of Lot 35.01 (adding the area that was part of original Lots 4, 45 and 48, and all of original Lots 46 and 47); Lots 1.01 and 3.01 (formerly Lots 1, 2, 3 and part of 48).

On August 22, 2023 the City of Vineland amended the Area in Need of Redevelopment to include additional parcels. Due to the various subdivision approvals and lot consolidations that have occurred over the past eight (8) years, the investigation determined that Block 7503, Lots 1.01, 3.01, p/o 33.01 & p/o 35.01 met the criteria as an “Area in Need of Redevelopment”. This Plan Amendment incorporates those new parcels and changes to the permitted land uses.

STUDY AREA

In accordance with the Findings of the City of Vineland in Resolution 2023-406, the Energy and Minerals Redevelopment Area (EMRA) was expanded to include a larger area in order to create a more effective Redevelopment Area. Over the past eight (8) years there have been changes to the lot lines through subdivision approvals and lot consolidations. As such the original EMRA has new lot numbers. The expanded area and new lot numbers are identified in the Table below and as shown on the ERMA Redevelopment Area on the map attached as Exhibit 1.

2016 EMRA Redevelopment Area	2023 Existing and Proposed EMRA Area
Block 7503	Block 7503
Lot 33	Lot 1.01
Lot 35	Lot 3.01
Lot 49	Part of Lot 33.01
Lot 50	Lot 35.01
	Part of Lot 35.02

The Redevelopment Area is bounded by Lincoln Avenue and Block 7503, Lot 45.01 to the west. It is bounded to the north by Sheridan Avenue and Block 7503 Lots 4.01 and 5.01. It is bounded on the east by Block 7503 Lots 19.01, 20.01, 23.01 and 25.01. It is bounded on the south by Block 7503, Lot 34 and the Vineland-Millville municipal boundary line. The majority of the EMRA Redevelopment Area is located within the Industrial Business I-B, Industrial I-3 and Woodlands W-5 zoning districts. Lot 3.01 lies within the Residential R-6 zoning district, and portions of Lot 22, 23, 25 lie within the Agricultural A-5 zoning district.

PURPOSE

This document amends the Energy and Minerals Condemnation Redevelopment Area Plan dated August of 2017, and the subsequent amending Ordinances, being Ordinance 2019-38 adopted May 28, 2019, Ordinance 2020-49 adopted October 13, 2020 and Ordinance 2023-38 adopted June 13, 2023. The amendments contained herein to the EMRA Redevelopment Plan are focused on incorporating the additional lots as approved by Resolution 2023-406, and amending the permitted land uses as noted herein. Except as amended herein, all other aspects of the approved Redevelopment Plan from August of 2017, as amended by Ordinance 2019-38, Ordinance 2020-49 and Ordinance 2023-38 remain valid and in effect.

AMENDMENT

The August 2017 Redevelopment Plan is amended to incorporate the changes made by Ordinance 2019-38, Ordinance 2020-49 and Ordinance 2023-38 and additional changes and findings as highlighted below:

Amendment I - “Statutory Requirements” section item (2) *Proposed land uses and building requirements in the project area.* This section is to be replaced as follows:

(2) *Proposed land uses and building requirements in the project area.*

The Energy and Minerals Condemnation Redevelopment Area will be an overlay on the City Zoning Map replacing the existing zoning designations. The property will be zoned I-3 Industrial, I-B Industrial Business, W-5 Woodlands, R-6 Residential and A-5 Agriculture. (Exhibit 2 – Redevelopment Area Zoning Map). All of the provisions of the Code Book of the City of Vineland, not only the Land Use Ordinance, will be applicable to any development application submitted for the property, unless in conflict with this plan. When there is an inconsistency between any provision of the Code Book of the City of Vineland and this plan, this plan shall prevail.

More particularly, the provisions in the Land Use Ordinance applicable to any project within the above-referenced zones shall be applicable to any project within the Energy and Minerals Condemnation Redevelopment Area, but for the following exceptions:

- a. Because the Redevelopment Area has very limited frontage, any proposed subdivision may result in frontages deficient of zone standards. While still considered variances, these frontages should be entertained to optimize development of the property, as long as appropriate access is provided.
- b. Because the portion of the Redevelopment Area zoned I-3 Industrial will have minimal road frontage, sign location is problematic. While the Land Use Ordinance prohibits any signage oriented to Route 55, a single wall sign oriented to Route 55 should be entertained because of this unique condition. The distance between the Route 55 cartway and the building face should be considered when evaluating the variance.
- c. A buffer of 50 feet shall be required between any proposed commercial or industrial development in the Redevelopment Area and abutting residential properties or residential zones, if not under common ownership with the property within the Redevelopment Area. (2023 Amendment underlined)
- d. To advance the City's Complete Streets Policy, pedestrian, bicycle, vehicular and transit circulation shall be addressed.
- e. Because of the dramatic topography of the Energy and Minerals property, it is recognized that extensive grading will be required. Projects proposed in the Redevelopment Area shall therefore be exempt from City Code Section 425-85 Conservation of Forest and Trees.
- f. For the portion of the Redevelopment Area being zoned I-3 Industrial, a single-family home shall be allowed as an accessory use. The single-family home shall be clearly incidental and related to the industry on site.

g. The following land uses are permitted within the EMRA Redevelopment Area in addition to zoned uses (***Ordinance 2020-49***):

- (1) Nine (9) hole golf course
- (2) Clubhouse with restaurant; cigar lounge; pro-shop/gunsmith; cart storage/maintenance; multi-purpose room; and eight second floor suites.
- (3) Golf driving range
- (4) Gun shooting range
- (5) Soccer field
- (6) Yard with rail access for incoming raw material for Block 7503, Lot 33.01, with incoming raw materials being restricted to product to be utilized on Lot 33.01 only. The railyard would be an accessory use on Lot 35.01.

h. The following additional land uses are permitted within the EMRA Redevelopment Area (***2023 Amendment***):

- (1) Manufacture of paintball and airsoft products
- (2) Manufacture of renewable energy products, i.e. Solar Panels
- (3) Lodging and/or suites
- (4) Conference Center and/or multipurpose room
- (5) Indoor/Outdoor commercial amusement, entertainment and/or passive or active recreation
- (6) Alcoholic beverage sales
- (7) Indoor skeet shooting
- (8) Gunsmith
- (9) Cigar lounge
- (10) Gaming, including arcade
- (11) Distillery

- i. The following uses are permitted within the bounds of Block 7503, Lot 33.01
(2023 Amendment):
 - (1) All uses permitted within the I-3 zone.
 - (2) All bulk standards for Block 7503, Lot 33.01 shall be the I-3 standards as amended by the 2017 Redevelopment Plan, and any amendment thereto.

- j. The following bulk standards apply to the I-B Industrial Business portion of the EMRA Redevelopment Area **(2023 Amendment):**
 - (1) Maximum Impervious Coverage – 80%
 - (2) Minimum Side Yard for all Uses – 20-feet
 - (3) Maximum Height – 70 feet

The Planning Board shall be empowered to grant relief to any provision of the Land Use Ordinance or the Redevelopment Plan, except as relates to use, or what would normally be a d-variance. Any relief as to use shall be processed as a plan amendment.

Amendment II - The August 2017 Redevelopment Plan addressed additional requirements relating to the relocation of housing units and the need to replace affordable housing units, under Items (3), (5), (6) and (7) of the Statutory Requirements Section of the Plan. The findings under items (5), (6) and (7) as noted in the August 2017 Redevelopment Plan remain valid with the additional properties added to the EMRA Redevelopment Area.

Item (3) is amended to reflect that Lot 3.01 has an existing single-family unit which is occupied as a rental unit. This unit will need to be demolished to permit the redevelopment of the EMRA Project Area in accordance with this Plan. As provided for in N.J.S.A. 40A:12A-7(3) the Redevelopment Plan must provide “adequate provision for the temporary or 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.”

The existing dwelling unit is a rental unit, therefore at the end of the active lease, the tenant of the dwelling unit will be relocated to a property outside of the Redevelopment Area. There are existing rental housing opportunities in the local market and within proximity to the site which will be made available to the tenant of the dwelling unit. The tenant shall be notified by the owner in writing of the impending sale and/or development of the property, and their need to relocate, which notice period shall be at least 5 months in advance of the tenant's need to relocate from the residence.

Amendment III - "OTHER PROVISIONS – Duration of the Condemnation Redevelopment Plan" is updated as follows:

The Energy and Minerals Condemnation Redevelopment Area Plan shall be in full force and effect for a period of 10 years from the date of approval, or from the date of any amendment subsequent to the original approval date of the 2017 Plan, by Mayor and Council.

EXHIBIT 2

Redevelopment Area Zoning Map

