City of Millville Planning Board

April 13, 2020 - 6:30PM - Telephonic Meeting

ZOOM Meeting ID: 323-276-1568

Access code: 728800

Join URL: https://us02web.zoom.us/j/3232761568?pwd=Y0cwT0pQZU54RDNvY3J0akoyTHVHUT09

1. Open Public Meetings Act Statement Of Conformance:Teleconference
   "This meeting is being conducted by teleconference due to the COVID-19 PANDEMIC. Governor Murphy has declared a state of emergency via Executive Order 103 in response to the coronavirus outbreak. Executive Order 107 institutes various restrictions on public places and gatherings. As such this meeting was advertised, posted, and made available to the public to attend and provide public comment during the public portion of the meeting in accordance with the Open Public Meetings Act, Chapter 231, Public Laws of
   1975, as required by Statute. The secretary is directed to include a statement in the minutes of this meeting."

2. ROLL CALL

Bob Gallaher Jr. Chairman	(11/08/22)
Larry Malone	(11/08/21)
Wayne Caregnato	
Edward Kasuba, Vice Chairman	(11/08/21)
Denise Arrigo	(11/08/20)
Commissioner Ashleigh Udalovas	
Mayor Michael Santiago	
Jay Laubengeyer	(11/08/20)
Edward Gallagher	(01/21/24)
Vacant, Alt I	(08/27/21)
Vacant Alt II	

3. MINUTES OF THE PREVIOUS MEETING

   3.I. 6:30 PM Regular Planning Board Meeting Minutes March 9th, 2020

   Documents:

   PLANNING BOARD MARCH 9TH, 2020.PDF

4. PRESENTATIONS

   4.I. 6:30 PM Redevelopment Plan - Former Wheaton Glass Plant
   Redevelopment Plan for the Wheaton Glass Factory: including additional properties within
   Center City Study Area. Located at 200 G Street, Millville in Block 260 Lot 1.

   Documents:

MILLVILLE REDEV PLAN - SUBMISSION.PDF

5. CORRESPONDENCE

5.I. 6:30 PM Ordinance Amending Chapter 30 To Add Utility Scale Solar Uses
Ordinance referral by Commission for review of consistency with the Master Plan to amend Chapter 30 to add Utility Scale Solar Uses

Documents:

CHAPTER 30 SOLAR ADOPTION ORD 2020 FINAL DRAFT UPDATED 4 6 2020.PDF

6. RESOLUTIONS

7. APPLICATIONS

8. OTHER BUSINESS

City of Millville

Planning Board Minutes

March 9th, 2020

PUBLIC MEETING

Members of the Millville Planning Board met on the above date for their regularly scheduled monthly meeting in the 4th Floor, City Hall in the Richard C. McCarthy Chamber. The Chairman called the meeting to order at 6:30 PM and announced that this meeting was being conducted in accordance with the Open Public Meetings Act of 1975, was advertised, posted, and made available to the public as required by Statute. In attendance were Vice-Chairman Kasuba, Chairman Gallaher, Commissioner Udalovas, Mayor Santiago, Mr. Malone, Mr. Gallagher, Ms. Arrigo, Jay Laubengeyer, and Mr. Caregnato. Also present was Mr. Van Embden, Planning Board Solicitor, Samantha Silver, City of Millville Planner.

MINUTES OF PREVIOUS MEETING:

Vice-Chairman Kasuba made a motion to approve the February 10th, 2020 minutes, seconded by Ms. Arrigo. The following board members voted yes, Vice-Chairman Kasuba, Chairman Gallaher, Commissioner Udalovas, Mayor Santiago, Mr. Malone, Mr. Gallagher, Ms. Arrigo, and Jay Laubengeyer. Mr. Caregnato abstain.

CORRESPONDENCE: N/A

RESOLUTIONS: N/A

APPLICATIONS:

Courtesy Review for Cumberland County Improvement Authority on behalf of the Millville Public Library for addition and renovation to the Millville Public Library of Block 410, Lot(s) 1,3,4, &4.01 located on 210 Buck Street in the B-3 Business district. Ethan Aronoff member of the board of trustee speaks on behalf of the Public Library Courtesy review. Mr. VanEmbden swore in Mr. Aronoff of 2110 E. Main Street. The addition is heading South of the existing building and the addition will double the size of the original library. Need more room, as of right now we must take an old book off the shelf to make room for the new books. Need more rooms for public access computers, the library currently has 24. There are days when all the computers are being utilized. The parking lot out the back by the river will be closer to the entrance of the new addition. The entrance will face the river with the new addition. The old entrance will be retained as autonomous entrance for those who would like to use the Gant room. The large meeting room at the library. It's available during hours the library is not open, maybe during the weekend and evening hours. We are making the faculty much more accessible for more people in the community. Interior view shows new classrooms for training. An elevator will be added into the new addition. The community room will have its own entrance and laboratory. New addition will add an adult section and a teen section. Near the front by buck street there will be six additional small rooms, for consulting, seminar, small meetings, and private study.

How is access controlled on additional hours for the Gant room?

A: It will be pre-arranged before use of room and a reasonable person that is a member of the organization will lock it up.

The small rooms and Gant rooms what access will the rooms have?

A: Improve the electric systems, which will give better internet access and telecommunications.

What is the protocol for individual to use the rooms?

A: Its open to everyone in the community. But if it's a commercial we may as for a fee. Non-profit organization it to help them.

How long will the library be closed during the construction of the new addition?

A: The existing library will continue to function. While the addition is being build. Once the addition is up and running, we will move things from the existing to the new. Hopefully only be close for a few days if need due to safety construction procedures.

Main entrance is facing the river, correct? Are you worried about vandalism having the door facing away from the street?

A: We are all worried about vandalism, but the police do a great job with this. We have security cameras inside and around the outside of the building. The building will be well lite. We have two security guards during work hours.

We have worked with a library S.W.A.T team to help with the new addition's plans. They gave recommendations to help with security and the running of the library. It's calls site lines include the whole floor access view lay out. We put in a bar on the benches so homeless can not sleep on the benches.

When will you start the library?

A: We learned that in 2017 there was a referee amendment for library that raise money. They would match the money raised. Then the good votes approved 125-million-dollar library construction act. It's a long wait, but it was late January we receive the rules and regulations to apply for that. Hoping for 3.2millions for matching dollars. They accept application starting today and deadline is April 6th, 2020.

The library would like to add a solar roof as well but not sure of the funds limit.

This is not a matter where the board votes on the project. Chairman Gallaher opens comment portion to the public.

Mr. VanEmbden swore in Tamara Isjaw- Millville will there be any green space after the addition? Will there be accessed to have meeting outside or get fresh air?

A: The library though about it, but worried about the attaching homeless.

Why change the entrance from the front to the back?

A: People can actually park closer to the entrance now with it being in the back. Most of the parking is in the back.

How many people can the Gant room hold?

A: 75 people

Will you be paving just the part that is being worked on or doing more?

A: The library will be doing landscaping around the library. We really haven't submitted a site plan yet.

Chairman Gallaher would like the board to make a resolution to endorse this project to help benefit the library. If the board knowledge the benefits.

The Board finds that the library improvements will serve the public interest consistent with the Master Plan and Zoning Ordinance applicable to the area and the project will be an enhancement and betterment for the area and the City as a whole.

Mr. Caregnato made a motion to approve the new addition of the public library and seconded by Mr. Gallagher all present voted yes.

OTHER BUSINESS:

Mr. Gallagher is bringing to the board's attention; the multiple papers being thrown onto people property and the papers clogging up the drains that effects the sewer. Mr. Caregnato stated there nothing we can do it freedom of speech. Nothing the Planning Board can do about this situation.

Commissioner Udalovas states during the previous commissions meeting regarding the ordinance the public comment questioned, draft zoning ordinance, the Wawa railroad track will be inspected by CME, the rest of the Zoning ordinance will be examined by a consultant.

Confirmed the CME associates was constructed to look into the Wawa track only. Not the other elements of the residential properties, vehicle storage, or structures being enforced by the new ordinance. Regard to the items that directly impacted residential properties was discussed possibly have a subcommittee to re exam those item that CME is not inspecting. This will help comb through the ordinance with the planner, chairman, engineer department, and Zoning officer. If the chairman Gallaher approves of the item Commissioner Udalovas can type up her notes with specific comments from the public and give to the comment so they can reinspect the concerns of the public. The notes will be sent to the Supervising Planner by March 13th, 2020.

Chairman Gallaher is definitely open to it and want to ask our planner what her thoughts are.

Samantha Silvers is ok with the group. The chairman will choose who will be in the committee.

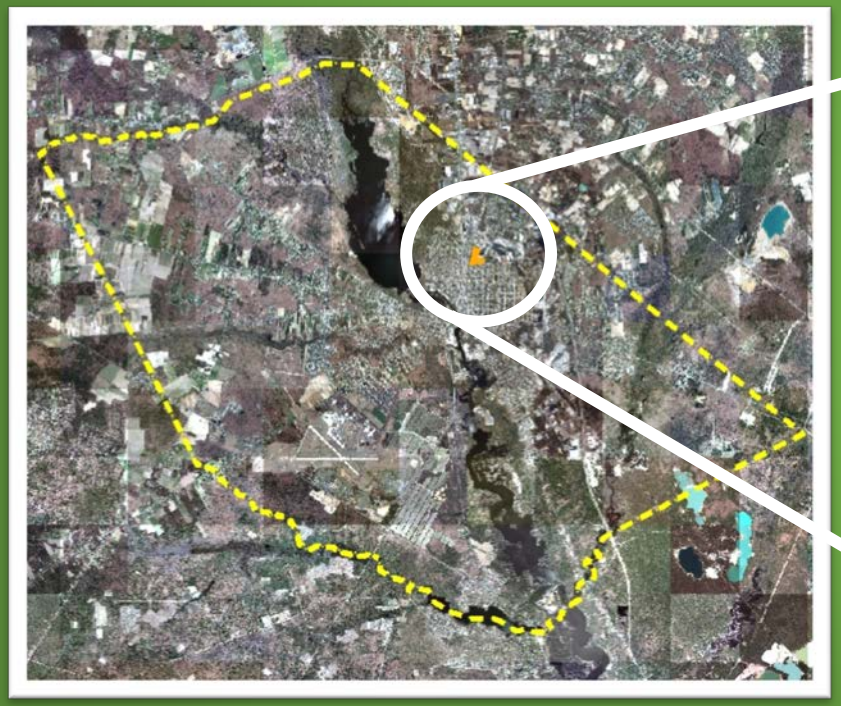
With no other further business, Commissioner Udalovas made a motion to adjourn.

Respectfully submitted,

Kristine Klawitter, Zoning/Planning Secretary

Redevelopment Plan for the Wheaton Glass Factory

City of Millville, Cumberland County, New Jersey



Prepared by

ARH Associates

March 9, 2020

Prepared for

Established 1866 Millville

CITY COMMISSION & ADMINISTRATION

Mayor Michael Santiago

Vice-Mayor W. James Parent,

Commissioner Ashleigh Udalovas

Commissioner Joseph Pepitone

Commissioner Bruce Cooper

Regina Burke, City Administrator

Jeanne Hitchner, City Clerk

Brock Russell, Esq., City Solicitor

Samantha Silvers, AICP, PP, Planning Officer

PLANNING BOARD

Robert S. Gallaher, Jr., Chair

Edward Kasuba, Vice-Chair

Mayor Michael Santiago

Wayne Caregnato

Commissioner Ashleigh Udalovas

Larry Malone

Denise Arrigo

Edward Gallagher

Kristine Klawitter, Board Secretary

Nathan Van Embden, Esq., Board Solicitor

Brian M. Prohowich, P.E., Board Engineer

The original of this document has been signed
and sealed pursuant to N.J.S.A. 45:14A-12.

Respectfully Submitted
ARH ASSOCIATES
BY:

Stuart B. Wiser, PP/AICP
NJ Professional Planners License # LI005598
(ARH Project # 5052678.01)

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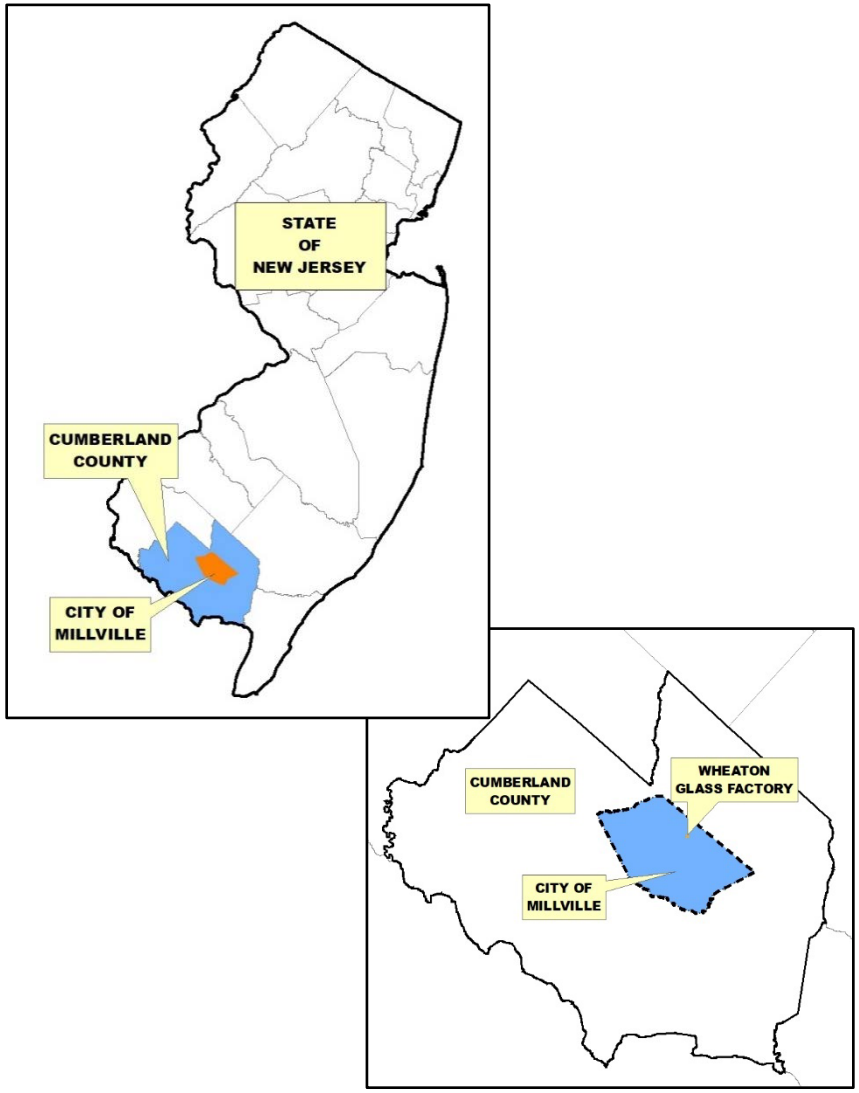
1.0 INTRODUCTION

1.1 BACKGROUND

1.1.1 There exists in the City of Millville, Cumberland County, New Jersey,[1] an approximately 2,193-lot area that, in March 2003, was declared by the City Commission to be In Need of Redevelopment under the New Jersey *Local Redevelopment & Housing Law*.[2] This area was designated the Center City Redevelopment Area.

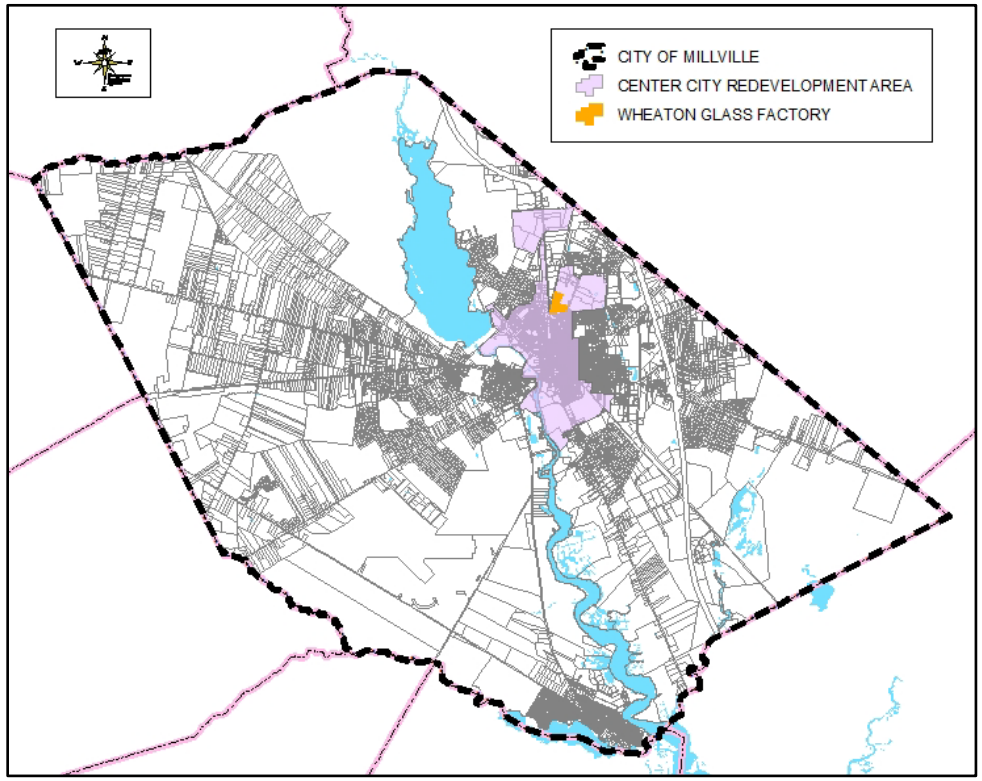
Within the Center City Redevelopment Area is a 19.07-acre property designated on the City's official Tax Maps as Block 260, Lot 1, whose address is 200 G. Street (referred to herein as the "Wheaton Glass Factory").

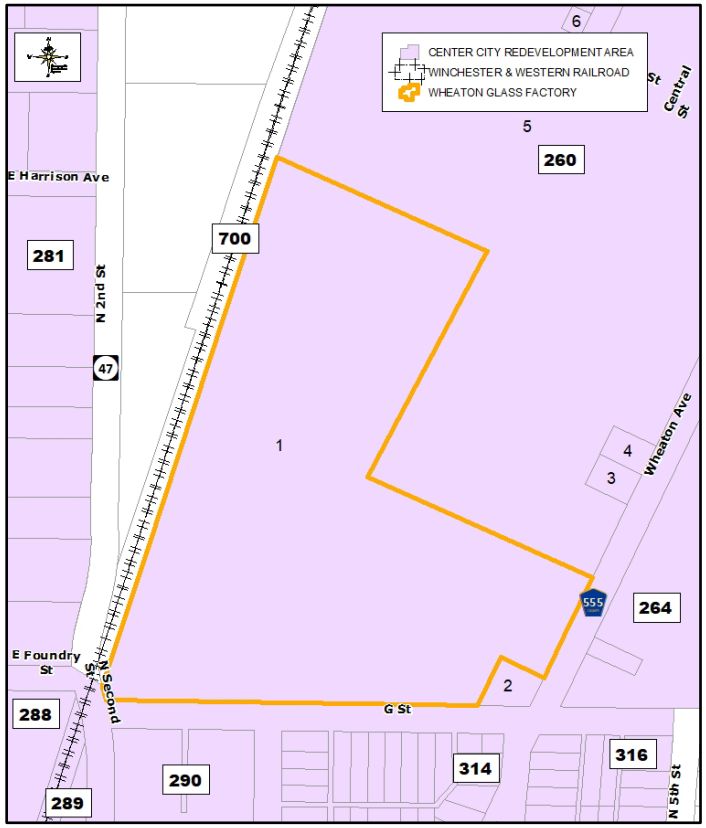
Having been vacated in (or about) 2005, the Wheaton Glass Factory sits vacant and deteriorated. These conditions result from forces which are amenable to correction and amelioration by the concerted effort of responsible public bodies, but are not likely to be corrected or ameliorated solely by private effort.



[1] "City"

[2] N.J.S.A. 40A:12A-1 et seq. ("*Redevelopment Law*")


CITY OF MILLVILLE
CENTER CITY REDEVELOPMENT AREA
WHEATON GLASS FACTORY


CENTER CITY REDEVELOPMENT AREA
WINCHESTER & WESTERN RAILROAD
WHEATON GLASS FACTORY
E Harrison Ave
N 2nd St
47
281
700
260
Central St
Wheaton Ave
1
2
3
4
5
6
555
264
E Foundry St
N Second St
288
289
290
G St
314
316
N 5th St

1.2 Municipal Redevelopment Activities

1.2.1 Authorizing Legislation

In 1992, the New Jersey Legislature empowered municipalities to address conditions as described in the Wheaton Glass Factory by adopting the New Jersey *Local Redevelopment & Housing Law,* whose purpose is to provide local officials with the tools and powers necessary to (re)plan abandoned, deteriorated, obsolescent or under-productive / unproductive portions of a municipality and to actively redevelop said areas into productive assets for the community.

Utilizing a comprehensive set of planning tools and techniques afforded municipalities *only* under the *Redevelopment Law*, municipalities may modify land use and other zoning controls, acquire property deemed necessary to effectuate redevelopment, clear said lands, install infrastructure and/or other site improvements, provide favorable tax and other financial incentives for *re*development, solicit for and enter into partnerships with public and private entities and negotiate the transfer of lands to such entities in order to accomplish defined municipal goals and objectives.

It was under the *Redevelopment Law* that Millville created the Center City Redevelopment Area.

1.2.2 Redevelopment Area Designation

The process of designating an area to be In Need of Redevelopment begins with a municipal governing body directing the municipal Planning Board to undertake what the *Redevelopment Law* terms a "Preliminary Investigation" to determine if a targeted area meets the statutory criteria under which it may be declared to be In Need of Redevelopment. Planning Boards typically engage a Professional Planner to undertake the investigation on the Board's behalf.

Upon completion of the investigation, the Planning Board is required to hold a public hearing in order to discuss its findings and to hear persons who are interested in or would be affected by the contemplated action. The results of such hearing, along with a recommendation from the Planning Board regarding any formal action to be taken, are then referred to the Governing Body (in the form of a Planning Board resolution) for action.

A. In January 20, 2003, the Millville City Commission directed[3] the Millville Planning Board[4] to conduct the necessary investigations and undertake the necessary steps to determine whether or not a defined study area met the statutory criteria for Redevelopment Area designation.

B. The Planning Board, in or about March 2003, held a (duly-noticed) public hearing on this matter and, after careful consideration, found and determined, in pertinent part, that the lands as described exhibit conditions which conformed with the *Redevelopment Law*.

C. After carefully considering the findings of the Planning Board, the Governing Body, on March 18, 2003, adopted City Resolution No. A-4260[5]; thereby declaring the lands under Study to be In Need of Redevelopment. A Redevelopment Plan was adopted in October 2003.[6]

Such Redevelopment Plan has been amended from time to time.

D. Over time, the City has seen several successful Projects within this Redevelopment Area. Unfortunately, the Wheaton Glass Factory is not among them.

E. In 2017, the City Commission declared the entire City of Millville to be In Need of Rehabilitation pursuant to N.J.S.A. 40A:12A-14[7] and adopted a Citywide Redevelopment Plan therefor as an overlay to existing Zoning. [8]

Again, the Wheaton Glass Factory has not benefited from this Citywide Redevelopment Plan.

1.2.3 AUTHORIZATION & PURPOSE

A. Having included the lands in and around Wheaton Glass Factory in the Center City Redevelopment Area, and acknowledging that the conditions which caused the City to do so are amenable to correction and amelioration by the concerted effort of responsible public bodies ~ and are not likely to be corrected or ameliorated solely by private effort; and upon recognizing that the adopted Center

[3] Via City Resolution No. A-4204[5]

[4] "Planning Board"

[5] On file with the City Clerk.

[6] §2.7 herein.

[7] Via Resolution No. 43-2017[5]

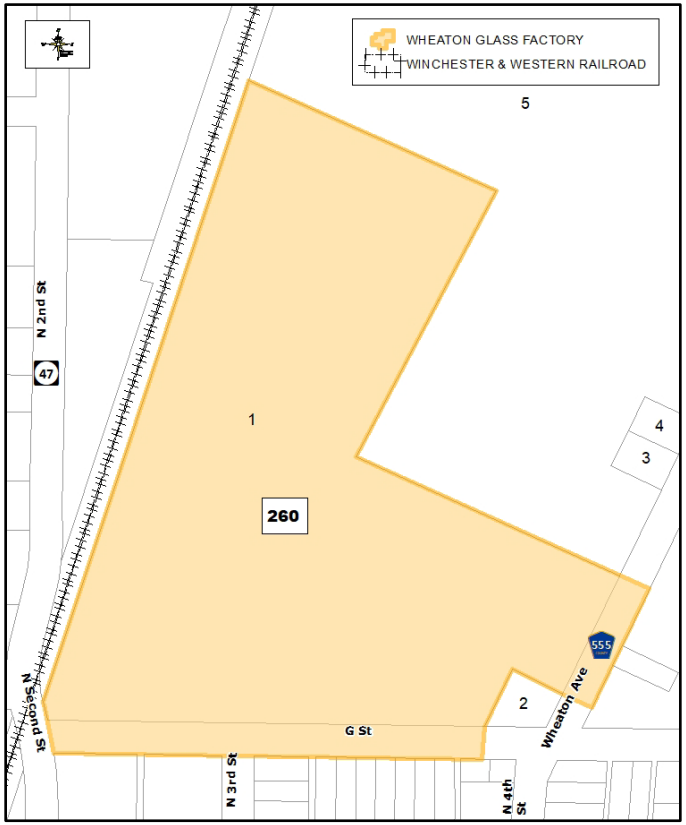
[8] Via Ordinance No 14-2017[5]

City Redevelopment Plan and Citywide Redevelopment Plan have not resulted in improvements to the Wheaton Glass Factory, the purpose of this Redevelopment Plan is to supersede the existing Redevelopment Plans and provide a mechanism for the orderly (re)planning and (re)development of Wheaton Glass Factory consistent with the Municipal Objectives established herein.

For Planning purposes, this Redevelopment Plan includes the G. Street and Wheaton Avenue [C.R. 555] rights-of-way immediately adjacent to Block 260, Lot 1.

B. This document satisfies all statutory requirements for a Redevelopment Plan under the *Local Redevelopment & Housing Law* and, upon adoption by the Governing Body, shall constitute the legal prerequisite for the Redevelopment Actions outlined herein.

C. The *Redevelopment Law* permits a municipality to pursue Redevelopment activities ***ONLY*** within a designated Redevelopment Area under an adopted Redevelopment Plan. Accordingly, this Redevelopment Plan applies only to the Wheaton Glass Factory and its abutting rights-of-way. Activities undertaken on lands outside of Block 260, Lot 1 and its abutting rights-of-way are permitted under the justification of the City's Land Use and Development Regulations[9] or under the Citywide Redevelopment Plan.



[9] Chapter 30 of the City Code.

2.0 DEFINITIONS

For the purpose of this Redevelopment Plan, and in addition to any terms defined within the body of this document, the following terms shall have the meaning as set forth in this section. Terms not defined herein shall have the meaning set forth in Chapter 30 of the City Code.[10]

Terms presented as singular or plural, masculine or feminine, shall be construed within the context in which they occur.

2.1 "Administrative Officer" shall mean the municipal official, typically the Zoning Officer, assigned to administratively approve land use applications not rising to the level of Review & Approval under this Redevelopment Plan and which would otherwise not require approval by the Planning Board or Zoning Board of Adjustment under Chapter 30.

2.2 "Ancillary Use", "Ancillary Building" or "Ancillary Structure" shall mean an Accessory Use, Building or Structure as defined in Chapter 30, except that such Use, Building or Structure need not be on the same lot as the Principal Use or Building it supports. A building containing living space shall never be considered an Ancillary Use, Building or Structure.

2.3 "ADA" shall mean the Americans with Disabilities Act, along with all rules and regulations promulgated therefor.

2.4 "Building Area" or "Building Coverage" shall mean the aggregate of the areas of all enclosed and roofed spaces of a Principal Building and all Ancillary Buildings. Such areas shall be computed by using outside building dimensions measured on a horizontal plane at ground level.

2.5 "Building Height" shall mean the vertical dimension measured from average elevation of the finished lot grade at the midpoint of the front of the building to the highest point of the roof for flat roofs, to the deckline of mansard roof and to the mean height between eaves and ridge for gable, hip and gambrel roofs. Conventional Ancillary Structures, such

[10] a.k.a. "City of Millville Land Use and Development Regulations" (hereinafter "Chapter 30")

as chimneys, spires, aerials and elevator enclosures, shall not be included in building height calculations.

If a building fronts more than one Right-of-Way, the Right-of-Way on which the longest segment of the building fronts shall be used for height measurement.

2.6 "Building Line" shall mean the line parallel to the street at a distance therefrom equal to the depth of the required Front Yard (see Setback).

2.7 "Center City Redevelopment Plan" shall mean the document entitled *City of Millville, New Jersey Redevelopment Plan, Center City Area*, prepared by The Atlantic Group and Greenbaum, Rowe, Smith, Ravin, Davis & Himmel (dated August 11, 2003), and adopted October 7, 2003 via Ordinance No. 27-2003, as has been amended from time-to-time.

2.8 "Citywide Redevelopment Plan" shall mean the document entitled *Redevelopment Plan for the City of Millville, Cumberland County, NJ, February 2017*, adopted April 4, 2017 via Ordinance No. 14-2017.

2.9 "Chapter 30" shall mean the City of Millville Land Use and Development Regulations, as may be amended from time-to-time.

2.10 "City" shall have the same meaning as Millville.

2.11 "City Clerk" shall mean the municipal Clerk for City of Millville, who is the statutorily-mandated custodian of the City's records.

2.12 "Context" shall mean the character of the built or natural environment which surrounds a given building or site.

2.13 "Elevation" shall mean an exterior facade of a structure, or its head-on view, or representation thereof drawn with no vanishing point.

2.14 "Environmental Constraints" shall mean natural features, resources or land characteristics that are sensitive to improvements and that may require conservation or remediation measures or the application of creative development techniques to prevent degradation of the

environment, or may require limited development, or in certain instances may preclude development.

For the purposes of this Redevelopment Plan, Environmental Constraints shall also include conditions placed on a property by the Relevant Permitting Agencies.

2.15 "Governing Body" shall mean the City Commission of the City of Millville, Cumberland County, New Jersey. [11]

2.16 "Impervious Coverage" or "Impermeable Surface" shall mean that area of a lot upon which all structures and materials that are highly resistant to water infiltration, inclusive of permitted setback encroachments, are located.

2.17 "Impervious Surface" or "Impermeable Surface" shall mean any surface which does not permit fluids to pass through or penetrate its pores or spaces.

2.18 "Independent Component of a Project": see "Redevelopment Project".

2.19 "Linkage" shall mean a means of access ~ typically, but not exclusively, a pathway, arcade, bridge, right-of-way or other similar element ~ linking areas which are either distinct or separated by a right-of-way, drainageway or other man made or natural feature.

2.20 "Loading Space" shall mean any off-street space available for the loading or unloading of goods, having direct access to a street or other public way and so arranged that no vehicle is required to back into a public right-of-way.

For the purposes of this Redevelopment Plan, the minimum Loading Space dimensions contained in Chapter 30 shall not apply.

2.21 "*Local Lands & Buildings Law*" shall mean N.J.S.A. 40A:12-1 et seq.

2.22 "*Local Redevelopment & Housing Law*" shall mean N.J.S.A. 40A:12A-1 et seq.

[11] Within the context of the various sections of this Redevelopment Plan, the terms "Millville", "City", "City of Millville", "City Commission" and "Governing Body" shall mean the City Commission of the City of Millville, acting in its capacity as Redevelopment Entity for this Redevelopment Plan.

2.23 "Millville" shall mean the City of Millville, Cumberland County, New Jersey; a body corporate and politic, and unless otherwise indicated, includes its Governing Body, elected officials, officers and staff. Unless modified by the context of a particular section of this document, these terms shall also include the Millville Urban Enterprise Zone.

2.24 "Millville Urban Enterprise Zone" or "MUEZ" shall mean the Millville Urban Enterprise Zone, operating under the "New Jersey Urban Enterprise Zones Act" (C.52:27 H-60 et seq.).

2.25 "MUEZ" shall have the same meaning as the Millville Urban Enterprise Zone.

2.26 "*Municipal Land Use Law*" shall mean N.J.S.A. 40:55D-1 et seq.

2.27 "NJDCA" shall mean the New Jersey Department of Community Affairs, and shall include all divisions and agencies thereof.

2.28 "NJDEP" shall mean the New Jersey Department of Environmental Protection, and shall include all divisions and agencies thereof.

2.29 "NJDOT" shall mean the New Jersey Department of Transportation, and shall include all divisions and agencies thereof.

2.30 "Office of Planning Advocacy" ("OPA") shall mean the successor to the New Jersey Office of Smart Growth ("OSG") and the Office of State Planning ("OSP"); operating out of the New Jersey Department of State.

The office staffs the New Jersey State Planning Commission and the New Jersey Brownfields Redevelopment Task Force. As part of its Business Action Center, the OPA is charged with helping to spur economic growth in New Jersey.

2.31 "Parking Space" shall mean an area, accessible from a street, but not located on a street, which is both suitable and intended for the parking of a passenger motor vehicle. Any off-street parking space shall be so designed so as not to require a vehicle to back into or from a street or public right-of-way.

For the purposes of this Redevelopment Plan, the minimum Parking Space dimensions contained in Chapter 30 shall not apply.

2.32 "P.I.L.O.T." shall mean a program of Payment-In-Lieu-of-Taxes as permitted under applicable law.

2.33 "Planning Board" shall mean the Planning Board of the City of Millville, established pursuant to section 23 of the *Municipal Land Use Law* and operating pursuant to the various regulations of Chapter 30 and other relevant statutes, including the *Local Redevelopment & Housing Law*.

2.34 "Preliminary Investigation" shall mean the process by which the lands subject to this Redevelopment Plan were designated In Need of Redevelopment under the *Local Redevelopment & Housing Law* as detailed herein.

2.35 "Project" shall have the same meaning as "Redevelopment Project".

2.36 "Project Concepts" shall mean the preliminary depiction of a proposed Redevelopment Project, or individual Phase or Subphase thereof, and shall include, at a minimum, a conceptual site plan, color renderings of all building elevations, floor plans, budgetary information and associated narrative description of Project Elements sufficient to provide the City with an understanding of the proposed Project, or Phase or Subphase thereof.

2.37 "Project Elements" shall mean any component of a Redevelopment Project.

2.38 "Project Plans" shall mean a detailed depiction of the Redeveloper's proposed Project, or individual Phase or Subphase thereof, and shall include all submission requirements for making application to the Planning Board pursuant to the City's existing Subdivision and Site Plan application procedures and this Redevelopment Plan.

2.39 "Publication" shall mean the date printed on the cover of this Redevelopment Plan, which shall signify the date this Redevelopment Plan was finalized for printing.

2.40 "Recycling Processing Facility" shall mean a facility in which recoverable resources such as paper products, plastics, glass, metal and other products are recycled, reprocessed, bundled, crushed, stored or otherwise treated, by any means, to return such materials to a condition in which they may again be used for production.

2.41 "Redeveloper" shall mean a corporation, partnership or other entity or entities designated by the City as Redeveloper pursuant to N.J.S.A. 40A:12A-1 et seq., and having entered into a Redevelopment Agreement for the purposes of advancing this Redevelopment Plan.

2.42 "Redeveloper Candidate" shall mean the corporation, partnership or other entity or entities selected by the City to pursue negotiations leading a Redevelopment Agreement for the purposes of advancing this Redevelopment Plan, but whose Redevelopment Agreement has yet to be executed.

2.43 "Redevelopment Agreement" shall mean a contract made by and between a designated Redeveloper (Candidate) and the City[12], which shall detail the specific rights, responsibilities and obligations of each party related to the development of a Redevelopment Project under this Redevelopment Plan.

Subject to the provisions of a Redevelopment Agreement, nothing in this Redevelopment Plan shall be construed to prohibit a Redevelopment Project from being developed as multiple buildings constructed in phases over time, and nothing herein shall limit an entity from being designated Redeveloper for more than one (or all) Projects authorized hereunder.

2.44 "Redevelopment Entity" shall mean the City of Millville, acting as the implementing agent for this Redevelopment Plan in accordance with and under the provisions of N.J.S.A. 40A:12A-1 et seq.[12]

2.45 "*Redevelopment Law*" shall have the same meaning as the *Local Redevelopment & Housing Law*.

2.46 "Redevelopment Plan" shall mean this instant document entitled *Wheaton Glass Factory Redevelopment Plan, City of Millville, Cumberland County, New Jersey,* prepared by ARH Associates (date indicated on cover).

Upon adoption by the Governing Body, this Redevelopment Plan shall satisfy all statutory requirements of the *Local*

[12] Within the context of the various sections of this Redevelopment Plan, the terms "Millville", "City", "City of Millville", "City Commission" and "Governing Body" shall mean the City Commission of the City of Millville. acting in its capacity as Redevelopment Entity for this Redevelopment Plan.

Redevelopment & Housing Law and shall constitute a Redevelopment Plan under N.J.S.A. 40A:12A-3 and 12A-7.

2.47 "Redevelopment Project" shall mean the construction of buildings and/or other improvements under the jurisdiction of this Redevelopment Plan by the designated Redeveloper in accordance with the provisions contained herein.

Subject to the provisions of a Redevelopment Agreement, nothing in this Redevelopment Plan shall be construed to prohibit or in any way limit a Redevelopment Project from being developed in Phases or Subphases over time. Accordingly, the term "Redevelopment Project" shall be construed to include any Phase(s) or Subphase(s) thereof.

For the purposes of issuing a Certificate of Completion & Compliance (§15.0 herein), an "Independent Component of a Redevelopment Project" shall mean any portion of a Redevelopment Project, or Phase or Subphase thereof, which can stand alone and be considered complete without completion of any connecting or non-connecting portion of such Project, Phase or Subphase thereof.

2.48 "Relevant Permitting Agencies" shall mean any combination of Federal, State and/or County agencies having jurisdiction over a Redevelopment Project.

2.49 "Review & Approval" shall mean the review and approval by the Planning Board of an application for Site Plan Approval, Subdivision Approval and/or Redevelopment Plan Conformance as may be required to effectuate a Redevelopment Project.

2.50 "Right-of-Way" or "ROW" shall mean privately- or publicly-owned lands, including all air and subsurface rights, used or intended to be used for the construction of vehicular[13] and/or pedestrian travelways (cartways), public infrastructure and pedestrian amenities, and shall be construed to include all lands and improvements between the property lines of opposing Blocks and/or Lots.

2.51 "Setback" shall mean clear, unoccupied and unobstructed space (unless otherwise specified) measured at right angles between a lot line or Right-of-Way line and a building envelope;

[13] Including railroad

and extending from grade to sky, except for the following permitted encroachments (provided that such encroachments do not inhibit the free flow of pedestrian or vehicular traffic):

- awnings*, canopies* & porte-cocheres*;
- parking areas & access drives thereto;
- ornamental architectural features*;
- fences & landscaping*;
- flag / banner poles;
- pedestrian walkways, breezeways & atria;
- bicycle racks*, benches*, trash receptacles* & other street furniture*;
- signage & lighting; and
- like and similar features.

Such permitted encroachments shall apply to at-grade setbacks as well as any building envelope regulations associated with Maximum Building Height.

Unless otherwise specified herein, setbacks shall be construed as minimum distances. Greater setbacks are permitted, provided that the specific distances and design relate to the architecture of the subject building elevation, and further provided that the setback area is heavily treated with a combination of elements designated by asterisk (*).

2.52 "Shared Parking" shall mean the concept of parking which recognizes that uses in proximity to one another may have parking demands which permit such uses to share the same marginal parking spaces provided to accommodate peak parking conditions in a common parking facility.

2.53 "Sign" shall mean an object, device, display, building or structure, or portion thereof, which is located outdoors, or which is located indoors but is visible to the general public from outdoors, on which is affixed, painted or otherwise represented, directly or indirectly, words, letters, figures, designs, symbols, fixtures, colors, insignia, illumination or projected images forming a name, identification, description, display or illustration, or combination thereof, which is designed or intended to advertise, announce, declare, demonstrate, display, direct, attract attention to, identify, illuminate or otherwise visually communicate or promote the interest of an object, person, institution,

organization, business, product, service, activity, event or location by any means.

Lighting used to highlight or outline part of a building but not communicate a visual message, as well as works of art which do not communicate a visual message (other than the art itself) shall not be considered Signs. Graffiti shall never be considered a Sign. Signage regulations are detailed in §8.3 herein.

2.54 "Signable Area" shall mean the area(s) of a building facade where signs may be placed without disrupting facade composition. Signable Area will often include panels at the top of window or transoms, over entry doors and windows, sign boards on fascia and areas between the support portion of a buildings 1st story and the sills of 2nd story windows.

2.55 "Sign, Icon" shall mean a sign that illustrates, by its shape and graphics, the nature of the use conducted within.

2.56 "State Plan" shall mean the New Jersey *State Development & Redevelopment Plan*, authorized via the State Planning Act of 1985 and last adopted in March, 2001.

2.57 "Street Furniture" shall mean the functional elements of the streetscape or other open space, including, but not limited to, benches, trash receptacles, planters, kiosks, sign posts, streetlights and bollards.

2.58 "Streetscape" shall mean the built and planted element of a street which define its character.

2.59 "Wheaton Glass Factory" shall mean that section of the City of Millville generally bound by G. Street, Wheaton Avenue [C.R. 555], Block 260, Lots 2, 3 and 5, and the Winchester & Western Railroad Right-of-Way as more particularly described in §1.2.3 C. herein; such area having been designated as part of a larger Area In Need of Redevelopment pursuant to N.J.S.A. 40A:12A-1 et seq. via City Resolution No. A-4260.

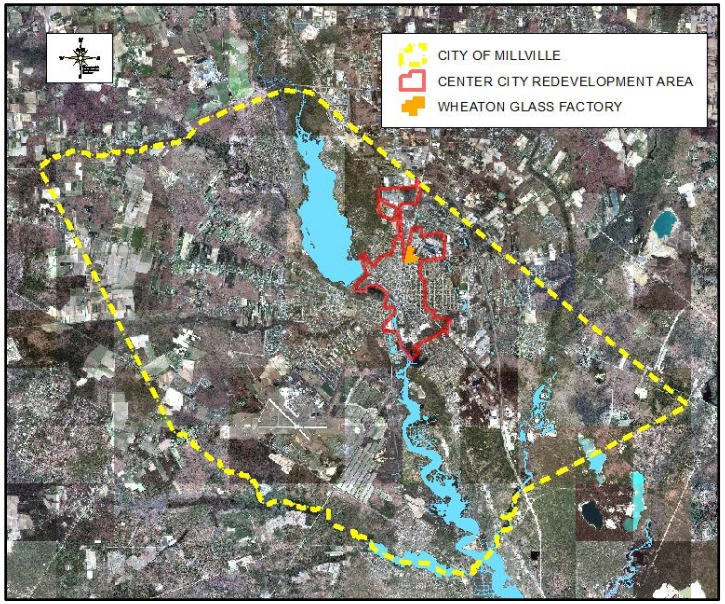
3.0 WHEATON GLASS FACTORY PROFILE

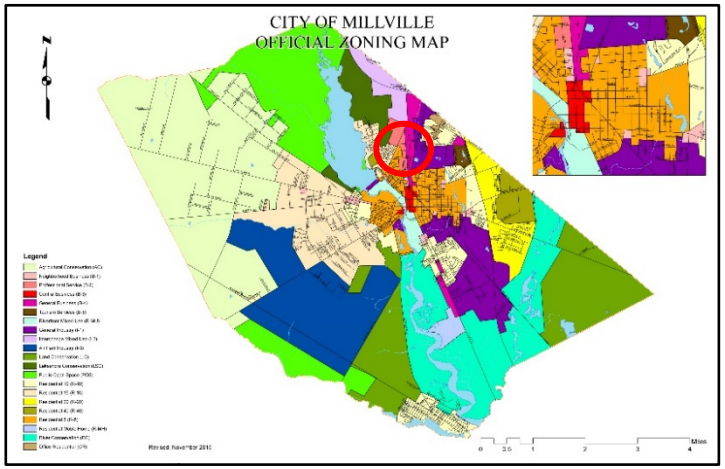
3.1 PRE-EXISTING ZONING / REDEVELOPMENT HISTORY

3.1.1 The Wheaton Glass Factory is part of the broader Center City Redevelopment Area,[14] which, when designated in 2003, consisted of 2,193 lots in the form of vacant lands; farms; residential, commercial, and industrial uses, lands owned by the City of Millville and the Millville Board of Education; and hospitals, churches and other institutional uses.

3.1.2 Prior to the adoption of the Center City Redevelopment Plan, the Wheaton Glass Factory was zoned General Industry (I-1). Use and Bulk standards for the I-1 Zone are summarized in Exhibit 1 herein.

3.1.3 The Center City Redevelopment Plan maintained the [then] existing Zoning controls for the lands under its jurisdiction. Accordingly, there was no change in the Uses or Building Controls governing the Wheaton Glass Factory.





[14] via City Resolution No. A-4260 on March 18, 2003 (On file with the City Clerk).

3.1.4 The (2003) Center City Redevelopment Plan was replaced by the Citywide Redevelopment Plan in 2017, which retained the Land Use and Building Controls in place prior to the adoption of the Center City Redevelopment Plan. Again, there was no change in the Uses or Building Controls governing the Wheaton Glass Factory.

3.1.5 Upon adoption of this Redevelopment Plan, Land Use and Building Controls detailed in §8.0 herein shall govern all lands within the Wheaton Glass Factor Area.

3.2 SMART GROWTH & REGULATORY ENVIRONMENT

3.2.1 SMART GROWTH

Smart Growth is a term given to planning theories and practices designed to combat the suburban sprawl experienced in New Jersey (and other states) in the post-World War II era.

Prior to the War, the nation's population generally lived in compact neighborhoods where people could walk from their homes to work, to shop or to go to school, or could take advantage of public transportation for these needs. The post-War emergence of the American middle-class, the privately-owned automobile and the interstate highway system provided the ability for people to retreat from cities to suburbia, with its larger lot sizes and cul-de-sac communities.

Over the decades, once-new suburbs became old and tired. Simultaneously, the reliance on the automobile caused increased traffic congestion, as public transportation was replaced by need to drive from 'secluded' communities to office parks, strip malls and regional shopping centers.

As families perceived their quality of life diminishing, they began to flee these older, congested suburbs for the less-dense, ever-greener hinterland. Suburbs became urban[15], exurbs became suburban, and the open space that heretofore separated communities vanished. **THE RESULT WAS "SPRAWL".**

To combat sprawl, planners have developed a series of principles known as Smart Growth. It is hoped that the application of these principles will redirect (re)development to the cities and other areas of existing infrastructure, and preserve green space while providing the new development required to service an expanding population.

The following Smart Growth principles are generally accepted by planners and lawmakers as guidelines for effective land use and design, and have been incorporated, explicitly or implicitly, into the body of state and local regulations adopted to combat sprawl.

[15] Meanwhile, the traditional urban environment continued to deteriorate and decline, resulting in population flight, economic disinvestment and general physical decay.

Smart Growth Principles

Plan and build Master Planned Communities utilizing compact, clustered design, walkable neighborhoods and distinctive, attractive areas offering a Sense of Place.

Encourage infill (re)development by directing future growth to existing communities and areas with existing infrastructure, thereby strengthen existing neighborhoods.

Mix land uses to include residential, commercial and open space into new development projects and thereby reduce the need for the automobile.

Provide transportation choices, including readily-accessible public transportation.

Provide housing opportunities to all income levels by developing a range of housing choices.

Conserve Open Space by requiring green space, farmland preservation and natural vistas / scenic resource preservation. Preserve Critical Environmental Areas.

Lower barriers and provide opportunities for Smart Development by use of targeted Smart Growth regulations.

Utilize high quality design and planning techniques to produce predictable, fair and cost-effective development decisions.

Collaborate on solutions by including the community and stakeholders in the (development) decision-making process.

Make Development Decisions Predictable, Fair and Cost Effective

3.2.2 New Urbanism

Closely related to Smart Growth is the concept of New Urbanism, which is a return to the principals that historically made neighborhoods successful as communities ~ when neighbors knew each other and the street corner and front porch were venues for friendly interaction.

While all of these elements may not be appropriate for every application, they should be viewed as guides for good urban design.

New Urbanism Principles

The neighborhood has a discernible center of mixed or multi-use buildings.

Most of the dwellings are within a 5-minute (2,000') walk of the center.

A variety of dwelling types are available.

Shops and offices can be found at the edge of neighborhoods, of sufficient variety to meet the weekly needs of households.

An elementary school is close enough for most children to walk to school.

Small playgrounds are convenient to every dwelling.

Streets form a connected network and are relatively narrow to promote traffic calming.

Buildings are placed close to the street.

Parking lots and garages rarely front the street.

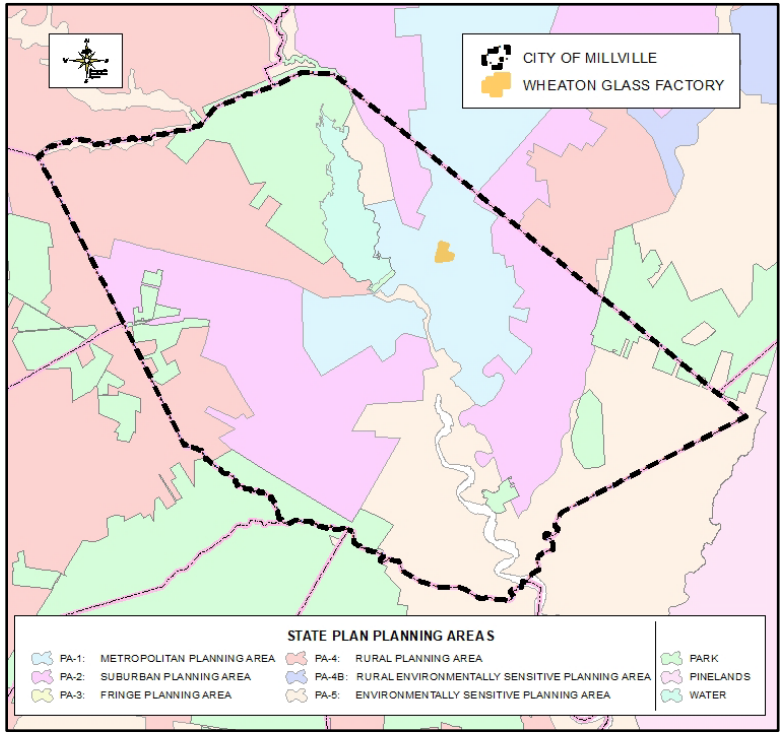
Certain prominent streets at the termination of street vistas or in the neighborhood center are reserved for civic buildings.

3.2.3 STATE DEVELOPMENT & REDEVELOPMENT PLAN

In New Jersey, Smart Growth principles are embodied in the *State Development & Redevelopment Plan*[16]. Promulgated by the State Planning Commission[17] as the equivalent of a statewide masterplan to guide development and investment, this document is an outline of the State's policies related to Smart Growth and general planning principles.

Prepared as an interdepartmental effort between various State offices charged with managing growth in New Jersey[18], the State Plan is the controlling policy guide regarding growth-related issues on a statewide level.

The State Plan classifies the section of Millville that contains the Wheaton Glass Factory as a PA ~ 1 (METROPOLITAN) PLANNING AREA (PA-1) within a DESIGNATED REGIONAL CENTER.



METROPOLITAN PLANNING AREAS are intended to provide for much of the state's future redevelopment; revitalize cities and towns; promote growth in compact forms; stabilize older suburbs; redesign areas of sprawl; and protect the character of existing stable communities. [19]

CENTERS are compact forms of development that ~ compared to Sprawl ~

[16] "State Plan"

[17] In conjunction with the New Jersey Office of State Planning (now entitled the Office of Planning Advocacy).

[18] Principally, but not exclusively, NJDCA and NJDEP.

[19] State Plan: pp. 190

consume less land, deplete fewer natural resources and are efficient in the delivery of public services. The concept of CENTERS is the key organizing principle for development and redevelopment.[20]

REGIONAL CENTERS are settlements or locations for development along or near transportation corridors. They are the locus of high intensity, mixed-use development, with a density of more than 5,000 people per square mile and an emphasis on employment. They have a compact character and possess sufficient density and adequate design to support pedestrian mobility and public transportation services. They possess substantial market demand to enable them to function as a magnet to attract development from within the corridor and from surrounding areas without competing with Urban CENTERS.[21]

To accomplish these goals, State Plan has established a number of Policy Objectives[22]. Pertinent to this Redevelopment Plan:

LAND USE: Promote redevelopment and development in Cores and neighborhoods of CENTERS and Nodes that have been identified through cooperative regional planning efforts; promote diversification of land uses, including housing where appropriate, in single-use developments and enhance their linkages to the rest of the community; ensure efficient and beneficial utilization of scarce land resources throughout the Planning Area to strengthen its existing diversified and compact nature.

ECONOMIC DEVELOPMENT: Promote opportunities for economic development by encouraging strategic land assembly, site preparation and infill development, public / private partnerships and infrastructure improvements that support an identified role for the community within the regional marketplace; encourage job training and other incentives to retain and attract businesses; encourage private sector investment through supportive government regulations, policies and

[20] State Plan: p. 10

[21] State Plan: p. 332

[22] State Plan: pp. 191-192

programs, including tax policies and expedited review of proposals that support appropriate redevelopment.

TRANSPORTATION: Maintain and enhance a transportation system that capitalizes on high-density settlement patterns by encouraging the use of public transit systems, walking and alternative modes of transportation to reduce automobile dependency, link CENTERS and Nodes, and create opportunities for transit oriented redevelopment; facilitate efficient goods movement through strategic investments and intermodal linkages; …

NATURAL RESOURCE CONSERVATION: Reclaim environmentally damaged sites and mitigate future negative impacts,… give special emphasis to improving air quality; use open space to reinforce neighborhood and community identity and protect natural linear systems, including regional systems that link to other Planning Areas.

REDEVELOPMENT: Encourage at intensities sufficient to support transit, a broad range of uses and efficient use of infrastructure; promote design that enhances public safety, encourages pedestrian activity and reduces dependency on the automobile…

PUBLIC FACILITIES AND SERVICES: Complete, repair or replace existing infrastructure systems to eliminate deficiencies and provide capacity for sustainable development and redevelopment in the region; encourage the concentration of public facilities and services in CENTERS and Cores…

HISTORIC PRESERVATION: Encourage the preservation and adaptive reuse of historic or significant buildings, Historic and Cultural Sites, neighborhoods and districts in ways that will not compromise either the historic resource or the area's ability to redevelop.

3.2.3 IMPLICATIONS FOR THIS REDEVELOPMENT PLAN

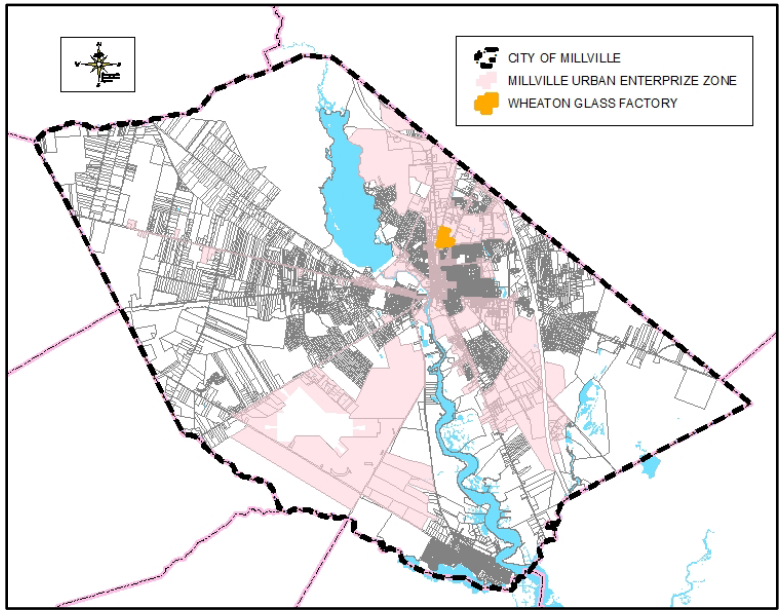
This Redevelopment Plan addresses ~ to the maximum extent practicable ~ applicable Smart Growth Policy Objectives embodied in the State Plan.

3.3 URBAN ENTERPRISE ZONE

The State of New Jersey has designated specific sections of the City of Millville, including the Wheaton Glass Factory, as an Urban Enterprise Zone. UEZs are designed to foster an economic climate that revitalizes designated urban communities and stimulates their growth by encouraging businesses to develop and create private sector jobs through public and private investment.[23]

At Publication, pertinent UEZ benefits include:

- Reduced Sales Tax on certain purchases (currently 3.5%);
- Tax-free purchases on capital equipment, facility expansions and upgrades;
- Financial Assistance from State agencies, including, but not limited to, the New Jersey Economic Development Authority;
- Subsidized unemployment insurance costs for employees who earn less than $4,500 per quarter; and
- Tax Credit Options for new permanent, full-time employees or Corporate Business Tax Credit on qualified investments.



Historically, UEZ funds have been used to:

- Acquire property;
- Conduct planning and environmental studies;
- Develop downtown parking lots;
- Fund police officers for the Zone; and
- Provide small business loans to participating UEZ businesses.

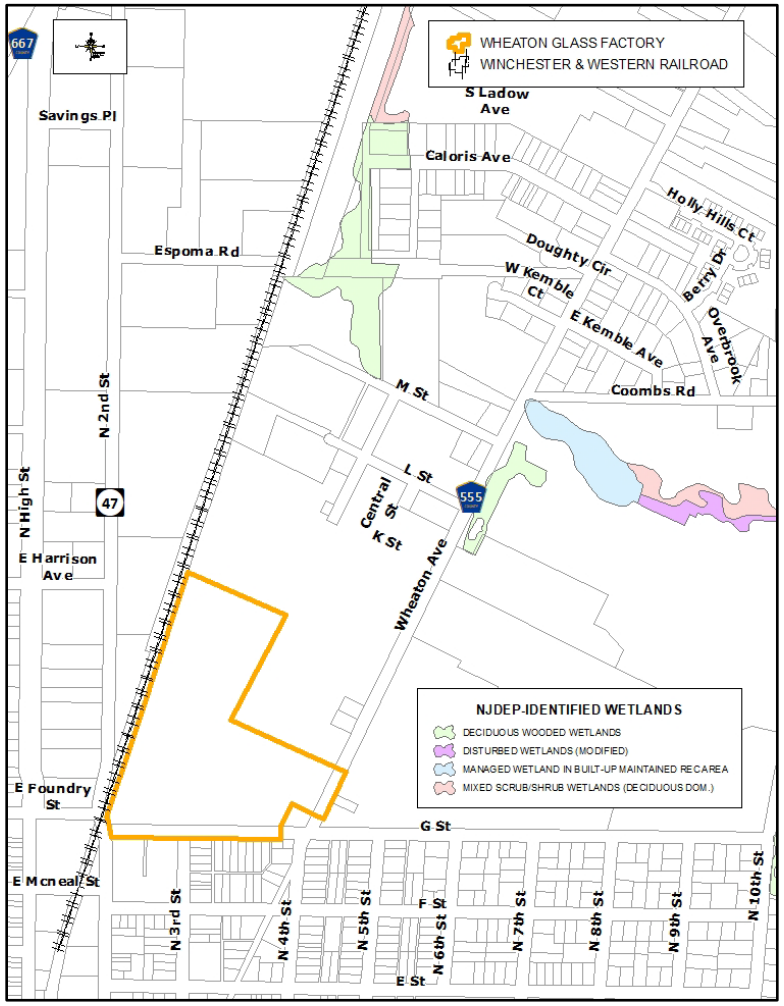
[23] www.nj.gov/dca/affiliates/uez/

3.4 ENVIRONMENTAL CONDITIONS & CONSTRAINTS

3.4.1 WETLANDS

Depending on their resource value, NJDEP requires that Wetlands be surrounded by buffers ranging from 50' to 150'.

While NJDEP has mapped wetlands to the north and west of the Wheaton Glass Factory, no wetlands have been identified in proximity to Block 260, Lot 1.



3.4.2 CONTAMINATION

Subsurface contamination has been identified within the Wheaton Glass Factory, and is in the process of being remediated. The Redeveloper shall be responsible to address all environmental conditions and constraints as identified.

3.5 GOVERNMENTAL APPROVALS

Based on the information available at Publication, Governmental Approvals known or believed to be applicable to this Redevelopment Plan include, but may not be limited to:

- Millville Planning Board for any required Subdivision and Site Plan approvals and determination of Redevelopment Plan Conformance.

- Millville Construction Department and Fire Marshall for Construction and related Permits;
- Cumberland County Conservation District for Soil Erosion and Sediment Control Plan certification;
- Cumberland County Planning Board for Subdivision approval (if applicable) and Site Plan approval or exemption;
- Millville Department of Public Works and the Millville Sewer Utility for sanitary sewer permitting;
- Millville Water Utility for potable water permitting;
- NJDOT for Highway Access Permitting, traffic signalization, roadway geometry and other issues related to rights-of-way under its jurisdiction (if applicable), and issues related to the Railroad Right-of-Way;
- NJDEP for environmental permitting, sewer and water extension permitting, and such other permitting as may be required; and
- United States Army Corps of Engineers, the U.S. Environmental Protection Agency and/or the U.S. Fish & Wildlife Service for Federal regulations which may be applicable.

4.0 MUNICIPAL OBJECTIVES

4.1 GENERAL STATEMENTS

4.1.1 This document constitutes a Redevelopment Plan under the provisions of the *Local Redevelopment & Housing Law*. The purpose of this Plan is to provide the mechanism, via public / private partnership, for the creation of one or more Project(s) in one or more buildings at the Wheaton Glass Factory.

Upon adoption of this Redevelopment Plan, the City will be statutorily empowered to negotiate and enter into a Redevelopment Agreement with a private sector Redeveloper for the purposes of advancing the Municipal Objectives articulated herein.

4.1.2 The Objectives articulated herein constitute the guiding principles for the activities anticipated under this Redevelopment Plan. Such activities may be undertaken by the City or by a designated Redeveloper.

City Policymakers recognize that it may be necessary to subordinate a particular Objective, or certain aspects of a particular Objective, in order to achieve other, more imperative, Objectives. Within this context, the quantitative or qualitative value of any of the stated Objectives, as well as their relative importance to the City and thus this Redevelopment Plan, shall be determined exclusively by the Governing Body, acting in its capacity as Redevelopment Entity for this Redevelopment Plan.

Readers should therefore attach no importance to the order in which these Objectives are presented.

4.1.3 This Redevelopment Plan does not attempt to anticipate every possible Project Concept or land use solution. The Plan has been crafted to provide the Redeveloper the flexibility necessary to develop the Project which advances these Objectives.

4.1.4 City Policymakers recognize the financial and planning realities related to the redevelopment of the Wheaton Glass Factory, and are in a position to make available such assistance as may be at the disposal of the City via the powers

of the *Redevelopment Law* and/or other pro-development agencies and programs should a particular Project so merit.

Such assistance may include, but need not be limited to, endorsing and/or ~ with the designated Redeveloper ~ making joint application for County, state and federal grant funds; endorsing and/or ~ with the designated Redeveloper ~ making joint application for state / federal environmental / other permits required to advance a Project, negotiating favorable property tax mechanisms;[24] and amending the provisions of this Redevelopment Plan should such actions be reasonably necessary to produce a superior product.

Any such assistance shall be addressed within the context of the Redevelopment Agreement to be negotiated between the City and the Redeveloper Candidate.

4.1.5 City Policymakers further recognize that environmental contamination exists within, on and under Wheaton Glass Factory lands.

Responsibility (financial or otherwise), for the remediation of such conditions, and for compliance with any State or Federal requirements related thereto, shall be addressed between the Redeveloper and the City in accordance with applicable laws and regulations. To the extent pertinent, such issues shall be recognized and addressed within the context of the Redevelopment Agreement to be negotiated between the City and the Redeveloper Candidate.

4.2 MUNICIPAL LAND USE LAW

This Redevelopment Plan has been crafted to advance the purposes of the New Jersey *Municipal Land Use Law*[25] by:

A. Guiding the appropriate use and redevelopment of lands in a manner which will promote the public health, safety, morals and general welfare;

B. Providing for Redevelopment Projects in a manner which will secure safety from fire, flood, panic and other natural and man-made disasters;

[24] Including, but not limited to, the granting of tax abatement, Payment-In-Lieu-of-Tax (P.I.L.O.T.) Agreements, Economic Redevelopment & Growth Grant (ERGG) funding, Redevelopment Area Bonds and/or Opportunity Zone incentives under applicable programs.

[25] N.J.S.A. 40:55D-2

C. Ensuring that the Redevelopment Project will provide adequate light, air and open space;

D. Ensuring that redevelopment in Millville does not conflict with the development and general welfare of neighboring municipalities, the county and the State;

E. Encouraging the appropriate and efficient expenditure of public funds by the coordination of public [and private] development with land use policies;

F. Providing appropriate locations for industrial uses, according to their respective environmental requirements, in order to meet the needs of Millville citizens;

G. Designing transportation routes which will promote the free flow of traffic while eliminating congestion and blight;

H. Promoting a desirable visual environment through creative development techniques and good civic design and arrangement;

I. Promoting the conservation of historic sites, energy resources and valuable natural resources while preventing [sprawl] and degradation of the environment through improper use of land;

J. Constituting planned unit development which will incorporate the best features of design and relate the type, design and layout of commercial and industrial development to the Wheaton Glass Factory;

K. Encouraging coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;

2. Promoting the utilization of renewable energy resources;

3. Promoting the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs; and/or

4. Providing flexibility and alternatives to traditional development, through the use of equitable and effective planning tools available only under the *Redevelopment Law*, in order to concentrate development in areas where growth can be accommodated and maximized while preserving agricultural lands, open space, and historic sites.

4.3 OBJECTIVES OF THIS REDEVELOPMENT PLAN

4.3.1 Reverse or remove the conditions which led the City to include the Wheaton Glass Factory in the Center City Redevelopment Area (§1.2 herein) under the *Local Redevelopment & Housing Law*.

4.3.2 Eliminating negative and/or blighting influences and preventing the spread of such influences by the application of comprehensive Redevelopment Plan controls.

4.3.3 Renovating and/or rehabilitating substandard and/or vacant and/or dilapidated buildings or improvements in the which, singularly or in combination, represent conditions detrimental to the safety, health and welfare of the community.

4.3.4 Removing and replacing substandard and/or unproductive buildings or improvements where renovation / rehabilitation is not practicable or desirable, including where such buildings or improvements do not lend themselves to reuse in a manner consistent with this Redevelopment Plan.

4.3.5 Fostering public-private partnerships to accomplish revitalization in a manner that best serves the needs of the community, strengthens the local community and attracts jobs and contributes to the continuing vitality of Millville.

4.3.6 Generating new tax ratables or otherwise providing for a financial return to the public sector[26] by redeveloping and returning to active and productive (re)use, unutilized and/or unproductive municipally-owned lands and buildings which represent a lost opportunity for valuable contribution to the welfare of the community.

4.3.7 Stimulate private (re)development and maximize the (re)development potential of the Wheaton Glass Factory by permitting flexibility in project design and building regulations

[26] via P.I.L.O.T. or other appropriate mechanisms.

while protecting, to the maximum extent practicable, surrounding land uses.

4.3.8 Provide for land uses designed to:

- Stimulate, strengthen and enhance the City's economic base;
- Generate new tax ratables; and
- Increase employment and business opportunities resulting from the redevelopment and operation of the Wheaton Glass Factory.

4.3.9 Provide enhanced economic activity in support of the Millville Urban Enterprise Zone; thereby increasing the resources potentially available to the MUEZ for economic development programs in the City and to the State of New Jersey for its purposes.

4.3.10 Increase the purchase of goods and services from MUEZ participating businesses, both during construction and operation of the Project(s).

4.3.11 Create as seamless a linkage as possible between the Wheaton Glass Factory and neighboring land uses; thereby using the Redevelopment Project(s) as a unifying anchor for this section of the City.

4.3.12 Promote the efficient and effective provision of necessary infrastructure and related services for the Wheaton Glass Factory while addressing economic, regulatory and permitting issues related thereto.

4.3.13 Provide for appropriate aesthetics, visibility and security.

4.3.14 Maximize the use of the existing railroad right-of-way servicing the Wheaton Glass Factory as a mechanism to provide raw materials and products to and transport processed products from the site.

4.3.15 Minimize, to the maximum extent practicable and appropriate, fiscal and operational impacts to City residents which may result from a substantial Project at the Wheaton Glass Factory. Such impacts may include, but need not be limited to, provision of municipal services and increase in school district taxes related to an increase in the number of students enrolled in the City's school system arising from a Redevelopment Project.

4.3.16 Utilize zoning, tax abatement and other federal, state, county, and local government financial incentives and programs where appropriate, to achieve these Objectives.

4.3.17 To the extent reasonably practicable, minimize disruption of the residential and business communities adjacent to the Wheaton Glass Factory during and after construction.

4.3.18 Establish, where required by the Relevant Permitting Agencies, such Environmental Protection Measures as may be necessary and appropriate to remediate contamination resulting from previous activities.

5.0 REDEVELOPER SELECTION & DESIGNATION

5.1 STATUTORY AUTHORITY

5.1.1 Upon adoption of a Redevelopment Plan, and pursuant to N.J.S.A. 40A:12A-8 f. & g., designated Redevelopment Entities are empowered to negotiate and enter into Redevelopment Agreements with designated Redevelopers for the purposes of advancing the goals and objectives of such Redevelopment Plan. Accordingly, the actions detailed in this section are not subject to compliance with the New Jersey *Local Public Contract Law*[27] or *Local Lands and Buildings Law*.[28]

This Redevelopment Plan designates the Millville City Commission as Redevelopment Entity for the activities described herein.

5.1.2 Upon adoption of this Redevelopment Plan, the City will be statutorily empowered to undertake such actions for the purposes of advancing the Municipal Objectives detailed herein.

5.2 REDEVELOPER DESIGNATION & REDEVELOPMENT AGREEMENT

5.2.1 It is the intention of the City, upon adoption of this Redevelopment Plan, to immediately identify and designate a qualified Redeveloper Candidate to effectuate this Plan. Such designation shall be based upon preliminary Project Concepts and Description of Project Elements for the undertakings proposed.

5.2.2 Upon designation of such Redeveloper Candidate, the City shall commence negotiations leading to a Redevelopment Agreement with such entity. Such Agreement shall include, at a minimum:

A. The Project Concepts and Description of Project Elements for the undertakings proposed;

B. Compliance with the Municipal Objectives (§4.0) of this Redevelopment Plan;

[27] N.J.S.A. 40A:11-1 et. seq.

[28] N.J.S.A. 40A:12-1 et. seq.

C. Anticipated schedule for the commencement and completion of improvements, including design, permitting and construction;

D. Environmental indemnification and insurance requirements;

E. Provisions for termination of Redeveloper status in the event of default by a Redeveloper;

F. Issues identified within the body of this Redevelopment Plan as being subject to such an Agreement;

G. Such other provisions as may arise during the negotiations or which may be required by law.

5.2.3 Upon completion of negotiations of such Redevelopment Agreement, the City shall refer such Agreement, in draft form, to the full City Commission for consideration and adoption.

6.0 ANTICIPATED REDEVELOPMENT PLAN ACTIONS

6.1 OVERVIEW

6.1.1 The actions anticipated under this Redevelopment Plan consist of the following activities designed to advance and achieve the Municipal Objectives detailed (§4.0) herein:

- *Re*planning the lands within the Wheaton Glass Factory as provided for in this Redevelopment Plan;
- Establishing land use, building and other controls[29] governing the form and function of the Project(s) anticipated by this Redevelopment Plan;
- Identifying infrastructure improvements to be required to support the Project(s) anticipated by this Redevelopment Plan; and
- Conveying City-owned lands[30] to a designated Redeveloper.
- Providing for the design, permitting and construction of approved Redevelopment Project(s); and
- Such other Actions as may be necessary and convenient to achieve the Objectives of this Redevelopment Plan.

6.2 ACQUISITION

6.2.1 BY THE CITY

Block 260, Lot 1 is owned by the City of Millville. No municipal acquisition is therefore required to effectuate this Redevelopment Plan.

6.2.2 BY A REDEVELOPER

Nothing shall prohibit a Redeveloper, on his own account, from pursuing the voluntary acquisition of lands outside of Wheaton Glass Factory and developing such lands as a component of or complement to a Project proposed under this Redevelopment Plan or as a Project independent of this Redevelopment Plan.

The City shall have no responsibility, financial or otherwise, in relation to any such acquisition and shall not be responsible, financially or otherwise, for any relocation of persons, businesses or public utilities resulting therefrom. All costs related thereto shall be borne by the Redeveloper.

[29] §8.0 - §11.0 herein.

[30] §6.2 herein.

6.1.3 Property Designated Not-To-Be-Acquired

Block 260, Lot 1 is owned by the City of Millville and therefore need not be "acquired" to effectuate this Redevelopment Plan. No acquisition of other lands is therefore required to effectuate this Redevelopment Plan.

6.2 MUNICIPAL CONVEYANCE

6.2.1 Upon adoption of this Redevelopment Plan, the City will be statutorily permitted[31] to convey, via sale or lease, Block 260, Lot 1 to a Redeveloper in furtherance of an approved Redevelopment Project.

The terms of such conveyance, including compensation to the City and Takedown (conveyance) Schedule, shall be negotiated as part of the Redevelopment Agreement between the City and the Redeveloper Candidate.

6.2.2 The City shall not convey Lot 1 unless and until a Redeveloper has been designated and a Redevelopment Agreement therewith executed.

6.2.3 Upon acquisition of any lands within or outside of the Redevelopment Area, by whatever means, and subject to the provisions of a negotiated Redevelopment Agreement addressing same, the Redeveloper shall be responsible for all taxes which become due and owing on all property so owned or acquired; for all demolition, site work and remediation; and for all planning, engineering, permitting and other activities necessary for the development of a Redevelopment Project in accordance with this Redevelopment Plan.

[31] N.J.S.A. 40A:12A-8b, c & g.

7.0 REDEVELOPMENT PLAN PROVISIONS

7.1 AUTHORITIES

7.1.1 OVERVIEW

All activities in the Wheaton Glass Factory shall be governed by the Redevelopment Plan Provisions detailed herein, which are intended to guide the use, massing and aesthetics of various buildings within the Wheaton Glass Factory. Within this framework, the Redeveloper and designer(s) are encouraged to exercise maximum ingenuity and creativity in order to achieve the Municipal Objectives (§4.0) of this Redevelopment Plan.

7.1.2 Governing Regulations

A. The provisions of this Redevelopment Plan are those of the City of Millville and do not substitute for any law, code, rule or regulation established by any County, State or Federal agency. All development subject to this Plan shall comply with such laws, codes, rules and regulations as applicable.

B. Except where otherwise modified by this Redevelopment Plan, the Wheaton Glass Factory shall be governed by the standards and regulations contained in Chapter 30. By reference, such provisions are included in and adopted by this Plan.

   All property outside of the Wheaton Glass Factory, whether used or developed in conjunction with a Redevelopment Project or not, shall remain subject to the provisions Chapter 30.

C. Any Ordinance adopting this Redevelopment Plan shall contain language indicating that this Plan is an explicit amendment to the City's Zoning District Map and the land use and development provisions of Chapter 30. Upon adoption, the City's Zoning Map shall be immediately modified to reflect this Redevelopment Plan.

D. Should a County, State or Federal code or regulation contain comparable but less restrictive provisions than set forth in this Redevelopment Plan, the standards set forth herein shall govern.

E. Interpretation or clarification of any conflicts or inconsistencies between provisions of Chapter 30 and this Redevelopment Plan shall be made by the Governing Body, acting in its capacity as Redevelopment Entity for this Redevelopment Plan. Unless clearly dictated by the circumstances involved, any such conflict or inconsistency shall be resolved in favor of the provisions of this Redevelopment Plan.

F. City Policymakers recognize that certain environmental contamination exists on, in and under Wheaton Glass Factory lands. Property-owners and Redevelopers shall comply with all State and Federal regulations for the treatment and/or remediation of such issues.

While the City is not in the position to provide direct financial assistance for the remediation of any environmental (or other) conditions found to exist at the Wheaton Glass Factory, it shall cooperate with and support Redevelopers in their efforts to obtain such assistance as may be available through appropriate State and Federal Brownfield and/or related programs.

7.2 REVIEW PROCEDURES, INTERPRETATIONS & RESPONSIBILITIES

7.2.1 APPROVAL PROCESS

A. The action of designating a Redeveloper Candidate[32] shall serve as the Governing Body's approval of the Project Concepts and Description of Project Elements proposed. Such approval shall both accept the Project for the community and serve as an initial certification of Project consistency with this Redevelopment Plan.

B. The action of entering into a Redevelopment Agreement with a Redeveloper Candidate[33] shall serve as the Governing Body's final approval of the Project Concepts and Description of Project Elements, and as its final certification of the Project's consistency with this Redevelopment Plan.

C. Consistent with its responsibilities under N.J.S.A. 40A:12A-13, the Planning Board shall review and approve the Project Plans for the Redevelopment Project in accordance with the requirements for review and approval of subdivisions and site plans set forth by Chapter 30.

[32] §5.0 herein.

[33] §5.2 herein.

No Application shall be heard by the Planning Board unless and until the Governing Body, acting as Redevelopment Entity for this Redevelopment Plan, has executed a Redevelopment Agreement with the Project's Redeveloper.

D. The City's standard operating procedure for determining Completeness of an Application to the Planning Board shall be expanded to include a determination that the Plans are in conformance with the Project Concepts and Description of Project Elements agreed upon under the Redevelopment Agreement. Any Plans believed not to be in conformance shall be forwarded to the Governing Body, acting as Redevelopment Entity for this Redevelopment Plan, for formal determination.

Plans determined by the Governing Body not to be in conformance shall not be deemed Complete.

7.2.2 INTERPRETATIONS

Within the context of §7.2.1 hereinabove, and subject to the requirements of the Relevant Permitting Agencies:

A. The Governing Body, acting in its capacity as Redevelopment Entity for this Redevelopment Plan, shall retain sole authority for the interpretation or clarification of the provisions of this Redevelopment Plan, including the permissibility of any use proposed. Such authority shall include whether or not any proposed use is Permitted under this Redevelopment Plan.

B. The Planning Board shall retain authority for the review and approval of all site plans and subdivisions proposed under this Redevelopment Plan. Appeal of any interpretation or clarification made by the Board during the course of the Review & Approval process shall be made to the Governing Body, acting in its capacity as Redevelopment Entity for this Redevelopment Plan; or to the Relevant Permitting Agencies, as applicable.

C. The Planning Board shall retain the right, at time of Review & Approval, to require such off-site and/or off-tract improvements as may be lawful, necessary and proportionate to ensure the free flow of traffic, to mitigate other possible impacts to the public safety and

welfare arising from the Redevelopment Project, and to otherwise ensure the effective implementation of this Redevelopment Plan.

Appeal of a Planning Board interpretation of "necessary" and "proportionate" shall be made by the Governing Body, acting in its capacity as Redevelopment Entity for this Redevelopment Plan.

D. Unless Planning Board approval is required by this Redevelopment Plan or by applicable sections of Chapter 30, administrative land use approvals shall be governed by the procedures established in Chapter 30.

7.3 DEPARTURES FROM PLAN PROVISIONS

7.3.1 VARIANCES

The provisions of this Redevelopment Plan flow from the City's power to (re)plan designated Redevelopment Areas under the *Local Redevelopment & Housing Law*[34] and not from the City's power to zone under the *Municipal Land Use Law*.[35] It is therefore within the context of the *Redevelopment Law* and not the *Municipal Land Use Law* that the City has adopted the Land Use and other provisions of this Redevelopment Plan. Accordingly:

A. 'd' Variances

A. This Redevelopment Plan does not recognize the 'd-1' (use)[36] Variance process under the *Municipal Land Use Law*. Principal Uses not permitted by this Redevelopment Plan shall require formal Plan amendment pursuant to law.

Certain Ancillary Uses, or specific elements or components of a Principal Use proposed by a Redeveloper but not envisioned by this Redevelopment Plan, may be permitted upon petition to the Governing Body and the Governing Body's determination that such use is consistent with the Municipal Objectives (§4.0) of this Redevelopment Plan.

[34] N.J.S.A. 40A:12A-7

[35] N.J.S.A. 40:55D-62

[36] N.J.S.A. 40:55d-70d(1).

1. Departures from the provisions of this Redevelopment Plan which would otherwise require a 'd-6' (Height)[37] Variance shall require formal Plan amendment pursuant to law.

2. Departures from the provisions of this Redevelopment Plan which would otherwise necessitate any other 'd' relief may be permitted pursuant to §7.3.2 herein.

B. 'c' Variances

This Redevelopment Plan does not recognize the 'bulk ('c') variance' process under the *Municipal Land Use Law*[38]. The processes for deviating from specific Building Limit Controls is addressed in §7.3.2 herein.

7.3.2 DEVIATIONS

With the exception of regulations pertaining to Maximum Building Height, the Planning Board may, at time of Review & Approval and without formal amendment to this Redevelopment Plan, approve departures from the Building Limit Controls and the quantifiable requirements of the Circulation, Parking & Loading Plan, Infrastructure Controls and the Landscaping, Streetscaping & Lighting Provisions of this Redevelopment Plan[39] as may be requested by the Redeveloper ~ to a maximum of 30% Deviation from the subject regulation.

A. Deviations shall only be granted for departures that are consistent with the intent of this Redevelopment Plan.

B. Requests for such relief shall require clear justification as to why the standard should be relaxed.

While such justification shall not be inconsistent with the requirements for Variance relief under N.J.S.A. 40:55D-70c. (which otherwise would be required were the Project not developed under this Redevelopment Plan), the Planning Board shall have the flexibility to consider requests on the totality of their merits within the context of all Deviations and Design Waivers[40] requested and not on the rigid requirements of the Positive and Negative Criteria required for Variance relief.

[37] N.J.S.A. 40:55d-70d(6).

[38] N.J.S.A. 40:55d-70c

[39] §8.0 - §11.0 herein

[40] §7.3 herein

C. Requests beyond 30% shall require a formal Plan amendment pursuant to law.

7.3.3 Design Waivers

A. A Redeveloper Candidate may petition the Governing Body for departures from the non-quantifiable provisions of the Circulation, Parking & Loading Plan, Infrastructure Controls, and the Landscaping, Streetscaping & Lighting Provisions of this Redevelopment Plan[39] in the form of Design Waivers as part of the Redevelopment Agreement negotiations process.

Any Design Waiver accepted by the Governing Body shall explicitly be included as an exhibit to the executed Redevelopment Agreement, upon which it shall be treated as being consistent with this Redevelopment Plan. Waivers not so included shall not be considered consistent.

B. A Redeveloper may petition the Planning Board for departures from the non-quantifiable provisions of the Circulation, Parking & Loading Plan, Infrastructure Controls and the Landscaping, Streetscaping & Lighting Provisions of this Redevelopment Plan[39] in the form of Design Waivers requested at time of Review & Approval.

C. Design Waivers shall only be granted for departures that are consistent with the intent of this Redevelopment Plan.

D. Requests for such relief shall require clear justification as to why the standard should be relaxed.

E. In reviewing any such requests, the Governing Body or Planning Board, as the case may be, shall have the flexibility to consider requests on the totality of their merits within the context of all Deviations and Design Waivers requested.

7.3.4 Departures Required by Relevant Permitting Agencies

The provisions of §7.3.2 and §7.3.3 notwithstanding, departures from the requirements of this Redevelopment Plan necessitated to bring the Redevelopment Project into conformance with the regulations of any Relevant Permitting Agency may be permitted without formal Plan amendment, regardless of the percentage departure required, provided that such departures are reviewed and accepted by the Planning Board within the context of the affected Project element.

8.0 LAND USE PLAN

8.1 APPROACH

8.1.1 GENERAL

Given the historic nature of the Wheaton Glass Factory, this Redevelopment Plan encourages the Redeveloper, to the maximum extent practicable, retain and adaptively reuse the pre-existing structures on the site. To accommodate such adaptive reuse, this Land Use Plan modifies the Permitted Uses established for the City's L-1 Zoning District by Chapter 30 to those specified herein.

Setbacks and other Building Controls were crafted to recognize the existing structures. Within this framework, Redevelopers are encouraged to exercise ingenuity and creativity in order to achieve the Municipal Objectives (§4.0) of this Redevelopment Plan.

New structures and/or expansions of existing structures are encouraged to utilize form and materials that are compatible with the fabric of these existing structures.

8.1.2 PERMITTED PRINCIPAL & ANCILLARY USES

Permitted Uses shall be limited to the Permitted Principal and Ancillary Uses enumerated under §8.2.2 herein. The Redeveloper may engage in such uses itself, or may lease or sell a portion or portions of a Project to a third-party operator who will undertake such uses.

Multiple Uses are permitted as Principal or Ancillary Uses within a Redevelopment Project, provided that each such use is permitted under §8.2.2 herein.

8.2 DEVELOPMENT REGULATIONS

8.2.1 OVERVIEW

A. Consistent with the Municipal Objectives (§4.0) of this Redevelopment Plan, the intent of this Plan is to provide maximum flexibility in land uses within the enumerated Permitted Principal and Ancillary Uses in order to master plan a complex that will promote economic development and revitalize the Wheaton Glass Factory.

B. This Redevelopment Plan assumes that G. Street and Wheaton Avenue [C.R. 555] will remain in their current geometry, but may be modified to improve traffic flow to and from ~ and around ~ the Wheaton Glass Factory.

Internal circulationways for the Wheaton Glass Factory shall be established as necessary to support the Redevelopment Project proposed.

Specific improvements will naturally be dependent on the Redevelopment Project proposed and are therefore deferred to the Review & Approval process.

C. (While not under the jurisdiction of this Redevelopment Plan) the Winchester & Western Railroad Right-of-Way will be utilized to service the Redevelopment Project.

D. Nothing shall prohibit the Redevelopment Project from being developed in Phases as conditions dictate.

8.2.2 PERMITTED USES

Buildings may house any combination of Permitted Principal or Ancillary Uses in single or multi-use configurations.

A. Permitted Principal Uses

1. Manufacture, assembly, packaging, recycling, warehousing / storage (including refrigerated storage) and/or distribution of products produced from recycled material, including, but not limited to, glass, plastics, paper, leathers, metals or stone.

2. General warehousing, storage (including refrigerated storage) and/or distribution of products.

3. Public, Semi-Public and/or Private Utility Facilities as may be required to service the Wheaton Glass Factory and/or elsewhere in this section of the City.

C. Permitted Ancillary Uses

1. Such Uses and Structures as are normally and customarily associated with a Permitted Principal Use.

2. Interior or exterior maintenance and/or storage areas.

3. Depots, yards and maintenance uses and facilities for automobile, truck and rail transportation associated with a Permitted Principal Use.

4. Surface and/or structured parking.

5. Car or truck washing facilities.

6. Places of Worship.

7. Communication towers and facilities.

8. Solar (or other Alternative / Renewable) Energy Production;

9. Health, wellness, fitness or gymnasium facilities associated with a Permitted Principal Use.

10. Food service, cafeteria and conference facilities, daycare centers and Places of Worship associated with a Permitted Principal Use.

11. Signage.

12. Construction Staging for the construction of the Redevelopment Project, including materials storage, construction trailers for office use, parking and all other activities normally associated with development.

8.2.3 BUILDING LIMIT CONTROLS

A. As noted elsewhere in this Redevelopment Plan, the intent of the Plan is to retain and adaptively reuse the pre-existing structures in the Wheaton Glass Factory. The following Building Limit Controls are designed to reflect existing building conditions while recognizing the possibility of new construction.

B. To the extent that new buildings are proposed, such structures shall conform to these requirements to the extent practicable. The Deviation Allowance (§7.3.2 herein) is instituted to address necessary departures from these regulations.

C. New buildings shall generally be compatible in scale, style and detailing with the surrounding buildings within the Wheaton Glass Factory.

D. Ancillary structures shall be architecturally compatible with the Principal Structure and, if practicable, screened from view from the public Right-of-Way.

E. The following site and building controls shall be flexibly interpreted in order to achieve these design goals.

CATEGORY	REGULATION
Minimum Lot Size & Geometry	
Lot Size Lot Width Lot Depth	**No Minimum Established** The existing geometry of Block 260, Lot 1 shall constitute the Lot Area, Width & Depth.
Minimum Setbacks: Principal Structures	
From existing G. Street and Wheaton Avenue [C.R. 555]	No Closer than the existing Wheaton Glass Factory Structures
From existing Railroad	0'
From internal circulationways	As necessary to ensure adequate pedestrian circulation and safety.
Minimum Setbacks: Accessory Structures	
From existing G. Street and Wheaton Avenue [C.R. 555]	No closer than the front building facade of the nearest Principal Structure. Any façade visible from G. Street and Wheaton Avenue [C.R. 555] shall match that of the nearest Principal Structure.
From existing Railroad	0'
From internal circulationways	As necessary to ensure adequate pedestrian circulation and safety.
Minimum Setbacks: Parking Lots	
From existing G. Street and Wheaton Avenue [C.R. 555]	5'
From existing Railroad	0'
From internal circulationways	As necessary to ensure adequate pedestrian circulation and safety.
Maximum Building Height	
Principal Structures	55'
Communication Towers & Facilities. Windmills or Other Solar Energy Mechanisms	200'
All Other Accessory Structures	75'
Maximum Coverage	
Building Coverage	75%
Impervious Surface Coverage	90%
Minimum Distance between Buildings (new construction only)	As permitted by the City's Fire Official

8.3 SIGNAGE

8.3.1 Signage Plan

A. A Signage Plan in sufficient scale and detail to clearly depict the size, placement, height, style, lettering, color, illumination and method of installation for all Project signage shall be submitted as part of the Review & Approval process.

Such Plan shall include ~ to the extent known at the time ~ all text and iconographic elements proposed for all buildings, as well as for the entirety of the site surrounding each building within the Wheaton Glass Factory.

B. While the Signage Plan shall generally conform with the signage regulations established in Chapter 30, such regulations are expressly intended to serve as a guide. The Redeveloper shall feel free to propose a signage package that is considered appropriate to the Project as envisioned, and may petition the Planning Board for Design Waivers from Ordinance standards during the Review & Approval process.

When requesting relief, Redevelopers shall provide clear justification as to why such standards should be relaxed.

C. The Planning Board reserves the right to require modifications to the Signage Plan if necessary to balance the signage needs of the individual Projects with the aesthetic and other needs of the Wheaton Glass Factory and the City as a whole.

D. To the extent practicable, signage for similar Project elements shall be coordinated and similarly themed to provide a unifying style. This regulation shall not be construed to mean that all signs must be identical or to prohibit unique sign designs where necessary and appropriate, but rather that, absent specific justification, sign design shall be complimentary and consistent.

E. All signs shall be professionally designed and constructed. Homemade-type (plywood, cardboard or home-computer generated) signs are ***expressly prohibited***.

F. No restrictions are established for Interior Project Signage.[41]

8.3.2 Multi-Use Buildings

A. Each building elevation abutting a Right-of-Way may have one Project Identification Sign showing the name of the Project as well as appropriate branding iconography (i.e., logo). While the size, location and configuration of such signage shall be appropriate to the elevation on which such sign is located, such sign shall be located at the upper-most section of the building, but shall be no higher than the roofline of the wall supporting such sign, and shall have a total sign area not exceeding 25% of the total surface area of the building elevation on which it is affixed.

B. Such Project Identification Signage shall be mounted above the building entryway.

C. Such signage shall contain the name and logo or corporate icon of the establishment and any specialty information for such use.

D. Building-mounted directional signage indicating entrances, loading and delivery areas and other locations as required may be cantilevered from the building if necessary for visibility.

[41] Defined as the interior areas of a Redevelopment Project, whether within an enclosed structure or on the inward-facing facades of a building internal to the Project.

9.0 CIRCULATION, PARKING & LOADING PLAN

9.1 Circulation

9.1.1 Existing Rights-of-Way

A. This Circulation Plan assumes that G. Street and Wheaton Avenue [C.R. 555] will remain in their current geometry, but may be modified to improve traffic flow to and from ~ and around ~ the Wheaton Glass Factory.

Such improvements, if any, will address site access and circulation, as well as the needs of specific traffic types to be generated by the Redevelopment Project. Improvements may include, but need not be limited to, limited cartway widening, modifications in pavement striping and traffic signage, new accessways, dedicated turning lanes and/or other mechanisms to regulate left-turn movements, at-grade pedestrian crosswalks, traffic signals and/or other physical and/or mechanical elements to regulate pedestrian and traffic movement.

B. Internal circulation at the Wheaton Glass Factory shall be made by such travelways as may be deemed necessary and appropriate to the Redevelopment Project. Such travelways will not be open to the general public.

C. Existing curb-cuts shall be eliminated where not required to access the Wheaton Glass Factory.

D. Improvements to Wheaton Avenue [C.R. 555] will require collaboration between the City, Cumberland County and the Redeveloper.

The City is committed to working with the parties to address the improvements required. Details related to this process shall be addressed within the context of the Redevelopment Agreement to be negotiated between the City and the Redeveloper.

E. In addition to the improvements specifically detailed herein, any repair or reconstruction of a public Right-of-Way necessitated by development of a Redevelopment Project shall be the responsibility of the Redeveloper.

9.1.2 Railroad Right-of-Way

While not included in the Center City Redevelopment Area and therefore outside of the jurisdiction of this Redevelopment Plan, the City recognizes the existing Winchester & Western Railroad Right-of-Way located to the west of the Wheaton Glass Factory as a significant asset to this Redevelopment Plan, and supports any improvements by a Redeveloper or others to improve the railroad infrastructure.

9.2 Parking

9.2.1 General

A. Parking within the Wheaton Glass Factory may be accomplished via any combination of surface parking lot(s) and/or structured parking garage(s).

Redevelopers are encouraged to utilize shared parking and other innovative parking solutions as part of their Parking Plans. Within this context, parking may be shared by different users within a single Redevelopment Project or between users of different Projects.

B. Parking lots or structures shall be located on Block 260, Lot 1 or on any other Lot in Block 260 that is owned by

the Redeveloper of Block 260, Lot 1, provided that such use is permitted under Chapter 30.

C. Parking under this Redevelopment Plan shall be governed by Chapter 30 and the schedules contained in Parking Generation, 5th Edition published by the Institute of Transportation of Engineers (I.T.E.).[42]

Consistent with the intent of this Redevelopment Plan to utilize Smart Growth Principals, Chapter 30 and I.T.E. perking schedules are expressly intended to serve as a guide. To the extent permitted by the Planning Board and other Relevant Permitting Agencies, Redevelopers shall include provisions for such parking as may reasonably be necessary for a particular Project, and may increase parking supply beyond Chapter 30 / I.T.E. standards or may petition the Planning Board (and other Agencies) for relief from such standards at time of Review & Approval. Redevelopers requesting such relief shall provide clear justification as to why such standards should be relaxed.

D. The total parking requirement for each Redevelopment Project shall be the sum total of the number of spaces required for each individual use therein. Where the calculation of total parking required results in a fraction of a parking space, such fraction shall be rounded to the higher whole number.

E. Off-street parking shall be sufficient to provide parking for the employees of all proposed uses as well as for deliveries and customers.

On-street parking, where otherwise permitted by the City (for G. Street) and the County (for Wheaton Avenue [C.R. 555]), shall be provided as curbside, parallel parking located along both or alternating sides of these rights-of-Way. On-street parking spaces shall not count toward a Project's overall parking requirement.

F. On-street parking shall not be permitted within 25' of an intersection.

[42] Commonly referred to as the "I.T.E. Parking Manual".

9.2.2 Surface Parking Lots

A. To the extent reasonably practicable, surface parking lots:

1. Shall be located to the side or rear of a building, preferably to the interior of the Project.

2. Shall be accessed by means of a limited number of common driveways from G. Street and/or Wheaton Avenue [C.R. 555]

3. Shall be designed to minimize direct views of parked vehicles from streets and sidewalks and avoid spillover light, glare, noise, or exhaust fumes onto adjacent properties. Landscaping, buffering and screening shall be provided where lot layout does not reasonably achieve these goals, as well as to provide the parking area with a reasonable measure of shade.

   In order to achieve these objectives, parking lots exposed to view from outside of the Wheaton Glass Factory shall be surrounded by a minimum 4½'-high,[43] year-round fence, screen, hedge or wall, which may or may not be visually impervious, the height of which shall decrease where driveways approach sidewalks or walkways in order to provide adequate visibility of pedestrians from motor vehicles, and shall not interfere with clear sight triangle requirements.

   When landscaping is employed in lieu of a wall, the vegetation shall be of such type and density to achieve the desired screening.

B. No parked vehicle shall extend into a driveway or parking lot circulation aisle or encroach into a public or private Right-of-Way.

C. Parking lots shall be landscaped to provide shade and visual relief by way of protected planting islands or peninsulas within the perimeter of the lot. Rows of parking spaces should be broken into groups of not more than 25 spaces by landscaped islands or peninsulas.

[43] No maximum height limit is established.

Plant material shall be appropriate to Millville's climatic zone and tolerant for the urban environment of the Wheaton Glass Factory. Types, location and frequency of plantings shall be appropriate to the Project to which the parking lot is intended to serve.

D. Parking lot layout shall include pedestrian crosswalks to the entrances of the buildings.

9.2.3 Structured Parking

A. Structured parking garages are permitted as both freestanding structures or as components of larger buildings. Within this context, it is the intent of this Redevelopment Plan not to permit traditional, open parking decks. With the exception of ground-floor garage entry- and exit-ways, the ground-floor facades of parking structures shall be devoted to active Permitted Uses.

Above the ground-floor, elevations should present the illusion of an active Permitted Use[44] if such actual use is not practicable.

B. To the extent practicable, entry- and exit-ways to structured parking garages shall be from the side or rear of the garage so as not to be visible from a public Right-of-Way. Where vehicular access must be provided from a street, front accessways shall be set back 10' further than the front wall of the building.

C. Pergolas, trellises or other screening above parked vehicles is required where exposed flat roofs are used as parking decks.

9.3 Loading

9.3.1 All loading and deliveries for the Wheaton Glass Factory, including removal of refuse, shall be accommodated via loading areas of such size and number of spaces as may be appropriate for the uses such spaces are intended to serve.

9.3.2 Loading areas shall be oriented in such a fashion as to create the least possible interference with traffic movement, both internal and external to the Wheaton Glass Factory.

[44] Window-like cutouts and/or other architectural elements so as to resemble offices or residential uses while providing for necessary garage ventilation.

9.3.3 Loading areas shall be totally within the Wheaton Glass Factory such that the vehicles being loaded / off-loaded shall be off of any public or private Right-of-Way.

9.3.4 Delivery, loading and storage facilities shall be physically incorporated into the Redevelopment Project as necessary and shall not be visible from public or private Rights-of-Way or adjoining properties.

Within this context, externally-visible loading docks or loading areas shall be minimized to the extent practicable. Loading docks and at-grade loading areas and their driveways or other access points shall be appropriately screened and landscaped from view so as to be aesthetically pleasing and minimize direct views from adjacent properties or from public or private Rights-of-Way, and to minimize spill-over glare, noise, exhaust fumes or other nuisance.

Screening and buffering shall be achieved through walls, fences, and landscaping, which shall generally conform with the provisions of §9.2.2 B. herein.

9.3.5 Specific delivery, loading and trash and recycling removal programs shall be determined within the context of the site constraints existing for such at time of Review & Approval.

9.4 Final Circulation, Parking & Loading Plan

9.4.1 A Final Circulation, Parking & Loading Plan for the Redevelopment Project, addressing all pertinent issues, shall be fully developed as Redevelopers refine their Project Concepts and designs.

9.4.2 Each such Plan shall be approved by the Planning Board at time of Review & Approval, and shall address, as appropriate:

- Municipal dedications and vacations;
- Parking for employees, patrons and visitors;
- Internal circulation of vehicles and pedestrians; and
- Other actions related to improved traffic and pedestrian circulation to, from and through the Wheaton Glass Factory.

9.4.3 Nothing herein shall prohibit the Redeveloper from pursuing circulation or other improvements as off-tract improvements for a Redevelopment Project. Any such improvement will be,

by definition, on lands outside of the Wheaton Glass Factory. Land use requirements will therefore fall under the jurisdiction of Chapter 30 and not this Redevelopment Plan. However, all such improvements shall be consistent with and designed to augment this Circulation, Parking & Loading Plan.

9.4.4 Details related to specific actions under this Circulation, Parking & Loading Plan shall be included in the Redevelopment Agreement and the Redeveloper Candidate. Said Agreement shall condition any municipal action related thereto upon Planning Board approval under the Review & Approval process.

9.4.5 Unless modified via specific provisions of a Redevelopment Agreement, the process of seeking Design Waivers from this Circulation, Parking & Loading Plan is addressed in §7.2.2 B. 2 herein.

10.0 INFRASTRUCTURE CONTROLS

10.1 Utility Services[45]

10.1.1 Utility services to the Wheaton Glass Factory are available from the rights-of-way surrounding the site. A Utilities Survey, performed by a licensed Land Surveyor, is required for precise locations of subsurface elements and to locate at-grade or overhead lines.

10.1.2 It is anticipated that the existing 3.5 megawatt electric substation located on the northwest corner of the Wheaton Glass Factory is sufficient to serve the needs of the Project. Should this not prove to the case, sufficient electric service is available from outside of the site.

10.1.3 While it is believed that there is available capacity in each system to accommodate the intensity of development anticipated by this Redevelopment Plan, the City makes no warrants as to the adequacy of any existing utility service vis-à-vis any proposed Project.

10.1.4 The exact locations for utility lines and easements shall be established at time of Review & Approval.

10.1.5 Distribution lines for all utility systems feeding the Redevelopment Project shall be placed underground. Existing above ground utilities shall be incorporated into the underground systems at the boundaries of the Wheaton Glass Factory as improvements are undertaken.

10.1.6 ***The Redeveloper and its engineers, other designers and contractors are herewith put on notice that many, if not all, of the utilities servicing the Wheaton Glass Factory feed from existing lines servicing other sections of the City. This Redevelopment Plan will permit NO INTERRUPTION OF SERVICE to these areas. The Redeveloper et. al. shall comply with the requirements of each individual utility to insure UNINTERRUPTED SERVICE.***

[45] Including gas, sanitary and storm sewer, water, communications (telephone) and cable television systems.

10.1.7 All infrastructure improvements and related easements shall comply with City standards. All such improvements shall be inspected by the City Engineer for compliance with such standards and shall be certified as compliant prior to municipal acceptance of same.

10.2 Final Infrastructure Plan

10.2.1 A Final Infrastructure Plan shall be approved by the Planning Board at time of Review & Approval, and shall address, as appropriate:

- Exact locations for utility lines and easements;
- Storm water management;
- Sanitary sewer and potable water;
- Solid waste and recycling, and
- Other issues related to necessary infrastructure to, from and through the Wheaton Glass Factory.

10.2.2 Nothing herein shall prohibit the Redeveloper from pursuing infrastructure improvements as off-tract improvements for a Redevelopment Project. Any such improvement will be, by definition, on lands outside of the Wheaton Glass Factory. Land use requirements will therefore fall under the jurisdiction of Chapter 30 and not this Redevelopment Plan. However, all such improvements shall be consistent with these Infrastructure Controls.

10.2.3 Details related to specific actions under the Infrastructure Plan shall be included in the Redevelopment Agreement between the City and the Redeveloper. Said Agreement shall condition any municipal action related thereto upon Planning Board approval under the Review & Approval process.

10.2.4 Unless modified via specific provisions of a Redevelopment Agreement, the process of seeking Design Waivers from these Infrastructure Controls is addressed in §7.2.2 B. 2 herein.

11.0 LANDSCAPING, STREETSCAPING & LIGHTING PROVISIONS

11.1 OVERVIEW

A Landscaping, Streetscaping & Lighting Plan, prepared by a New Jersey Licensed Landscape Architect,[46] shall be submitted as part of the Review & Approval process. Such Plan shall be in sufficient scale and detail to clearly depict the location, placement, size, scope and quantity of all landscaping / streetscaping elements and materials, and shall address the aesthetic treatment for all publicly-visible portions of the Wheaton Glass Factory (whether public access is permitted or not), including all open space, sidewalks, parking lots and infrastructure elements. Each such Landscaping Plan shall include:

- Common name, botanical name, size at planting and appropriate planting notes for all landscape elements;
- Number, locations and appropriate notes for other Project elements; and
- Other relevant issues as appropriate.

All lands within the Wheaton Glass Factory shall either retain their natural features ~ to the extent that any exist ~ or be landscaped and/or streetscaped with such natural and manmade materials as may be appropriate to the type and scale of the Redevelopment Project proposed. Such landscaping / streetscaping shall be provided in all areas not covered by buildings, parking lots or other improvements.

Landscape Architects shall consider suitability, maintenance and compatibility with site and Project features when establishing their landscape / streetscape design.

11.2 LANDSCAPING

11.2.1 INTENT

Landscaping shall be provided to soften the industrial nature of the anticipated Project and to help the Wheaton Glass Factory in blending with the surrounding mixed-use neighborhood.

[46] Augmented by a New Jersey Licensed Civil and/or Electrical Engineer, as appropriate.

11.2.2 ELEMENTS

Landscape elements shall include, but need not be limited to, street trees, shade trees, shrubbery, hedges, ground covers and/or grasses, perennial and annual flowers and other plant materials. Design shall feature repetition, structured patterns and complimentary textures and colors in order to create an overall character for the Wheaton Glass Factory.

A. To the extent practicable, plant material shall consist of native species as well as those species traditionally found in the Cumberland County / Millville region. Non-native species may be employed to enhance aesthetic appeal.

B. Plant selection shall be varied to avoid a monoculture.

C. Only nursery-grown plant materials are acceptable. Trees, shrubs and ground cover shall be planted according to accepted horticultural standards.

D. Species shall be appropriate to Millville's climatic zone and tolerant for the urban environment of the Wheaton Glass Factor. Types, location and frequency of plantings shall be appropriate to the architecture of the site.

E. Air-conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing, satellite dishes and other telecommunications receiving devices shall be screened from the public Right-of-Way and from adjacent properties by use of walls, fencing, roof elements, penthouse-type screening devices and/or vegetation.

F. Sidewalks shall be pedestrian friendly and shall be lined with street trees to provide shade, aesthetics and cohesion.

11.3 STREETSCAPING

11.3.1 INTENT

Streetscaping elements shall address the decorative treatment of all impervious surfaces, both internal to a Redevelopment Project and within any public or private Right-of-Way adjacent to a Project, in order to demarcate public spaces and help the Project blend in with the surrounding natural and built environment.

11.3.2 ELEMENTS

A. Streetscaping elements shall be appropriate to the Project proposed and shall be constructed of non-

reflective materials. Elements shall include, but need not be limited to, such functional and ornamental elements as decorative (textured) paving materials;[47] benches and other street furniture; trellises, pergolas, gazebos; fences and walls; decorative lighting (both pedestrian and architectural); and like and similar features.

B. In addition to surface parking lots pursuant to §9.2.2 B. 2 herein, the perimeter of the Wheaton Glass Factory shall be surrounded by a minimum 4½'-high,[48] year-round fence, screen, hedge or wall, which may or may not be visually impervious, the height and/or placement of which shall not interfere with clear sight triangle requirements established by the City or County.

11.4 LIGHTING

11.4.1 INTENT

A comprehensive Lighting Plan, addressing illumination of all public areas, parking lots, open spaces and buildings, shall be included in the Landscaping, Streetscaping & Lighting Plan. Lighting shall be designed to provide security for the Wheaton Glass Factory, to ensure the safe movement of pedestrians and vehicles, and to highlight Project elements in order to create an aesthetically-pleasing environment.

11.4.2 ELEMENTS

A. The Lighting Plan shall depict the location, type and wattage of all luminaries, with i.s.o. footcandle radii and light cutoff angles indicated. Where pole mounted lighting is employed, pole design, height, foundation and support information is required.

B. Site and building lighting shall blend with the architecture of the element(s) such lighting is designed to highlight.

C. Security lighting shall illuminate all windows, doors, access drives to parking areas and other public spaces as required.

D. Lighting shall be shielded, buffered and directed to prevent light spillover, glare or reflection from impacting adjoining properties, including wetlands and other natural areas.

[47] Including, but not be limited to, a combination of scored concrete, paver accents, enhanced planting beds, rain gardens and other similar aesthetic treatment.

[48] No maximum height limit is established.

11.5 ENVIRONMENTAL PROTECTION MEASURES

City Policymakers recognize that NJDEP may require certain Environmental Protection Measures as conditions of approvals, and that these, along with other environmental regulations, are outside the jurisdiction of this Redevelopment Plan.

The design of any such Environmental Protection Measures shall be determined within the context of the governmental approvals granted by the Relevant Permitting Agencies.

11.6 FINAL LANDSCAPING, STREETSCAPING & LIGHTING PLAN

A Final Landscaping, Streetscaping & Lighting Plan for the Redevelopment Project, addressing all pertinent issues, shall be more fully developed as the Redeveloper refines its Project Concepts and designs. Such Plan shall be approved by the Planning Board at time of Review & Approval.

The process of seeking Design Waivers from these provisions is addressed in §7.2.2 B. 2 herein.

12.0 EQUAL OPPORTUNITY

All activities in furtherance of this Redevelopment Plan, whether by the Redevelopment Entity, a Redeveloper Candidate, any contractor or subcontractor to a Redeveloper Candidate, the designated Redeveloper or any successors in interest to any of the foregoing ~ collectively referred to herein as "Responsible Party" ~ shall conform with all mandatory Equal Employment Opportunity language pursuant to N.J.S.A. 10:5-31 et seq. and/or N.J.A.C. 17:27, as may be amended from time to time. In furtherance thereof, and without limitation:

12.1.1 No Responsible Party engaged in activities under this Redevelopment Plan shall discriminate against any employee or applicant for employment because of age; race; creed; color; religion; national origin or ancestry; marital status; affectional or sexual orientation; gender or gender identity or expression; or disability.

12.1.2 Responsible Parties shall ensure that equal employment opportunity is afforded to applicants in recruitment and employment, and that employees are treated during employment without regard to their age; race; creed; color; religion; national origin or ancestry; marital status; affectional or sexual orientation; gender or gender identity or expression; or disability. Such equal employment opportunity shall include, but not be limited to: employment, promotion, demotion, transfer, recruitment, recruitment advertising, layoff, termination, rates of pay or other forms of compensation, and selection for training (including apprenticeship).

12.1.3 No covenant, agreement, lease, conveyance or other instrument shall be effected or executed by the Redevelopment Entity or by the Redeveloper (or any successors in interest) whereby the land or improvements in the Wheaton Glass Factory are restricted, either by the Redevelopment Entity or such Redeveloper (or any successors in interest) upon the basis of age; race; creed; color; religion; national origin or ancestry; marital status; affectional or sexual orientation; gender or gender identity or expression; or disability in the sale, lease, use or occupancy thereof.

12.3 The provisions of this §12.0, as well as the provisions of N.J.S.A. 40A:12A-9, shall be implemented by appropriate covenants or other provisions in the Redevelopment Agreement and/or disposition instruments as covenants running with the land.

13.0 PROVISIONS NECESSARY TO MEET STATUTORY REQUIREMENTS

13.1 REDEVELOPMENT AREA DESIGNATION

The City Commission of the City of Millville, via Resolution No. A-4260 declared the Center City Redevelopment Area to be an "Area in Need of Redevelopment" pursuant to the *Redevelopment Law*. Redevelopment Area designation is a prerequisite for the promulgation of a Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7.

13.2 REDEVELOPMENT PLAN

Any Ordinance adopting this Redevelopment Plan shall, for the reasons described herein, rescind and replace all prior adopted Redevelopment Plans governing the Wheaton Glass Factory.

Upon adoption by the Governing Body, this document shall constitute a Redevelopment Plan under the *Local Redevelopment & Housing Law*. It includes an outline for the (re)planning and (re)development of the Wheaton Glass Factory as follows:

13.2.1 RELATIONSHIP TO DEFINITE LOCAL OBJECTIVES[49]

This Redevelopment Plan has been crafted to achieve the Municipal Objectives detailed under §4.0 herein.

A. Appropriate Land Uses

Permitted uses for the Wheaton Glass Factory are detailed in §8.0 herein.

B. Density of Population

Residential uses are not permitted by this Redevelopment Plan. This requirement is therefore not applicable.

C. Public Transportation & Traffic

1. Public Transportation

a. NJ Transit provides local and regional bus service to (from) Philadelphia to (from) locations throughout Atlantic, Cape May, Cumberland and Gloucester Counties to Millville via direct bus connections. Specifically:

[49] N.J.S.A. 40A:12A-7a(1)

(1) Route 403 provides direct service to Philadelphia through several municipalities in Gloucester and Cumberland Counties. Route 403's eastern and western terminuses are Millville, and 6th and Race Streets in Philadelphia.

In Millville, Route 403 travels Wheaton Avenue [C.R. 555] and G. Street to 2nd Street (NJ Route 47), thereby providing direct access to the Wheaton Glass Factory.

Route 403 interconnects with other NJ Transit bus routes and the Pureland East West Community Shuttle; thereby providing opportunities to connect to other communities via PATCO, the River line and the Atlantic City line at the Walter Rand Transportation Center in Camden.

(2) Routes 313/315 provide service from Philadelphia to Cape May, with stops throughout Atlantic, Camden, Cape May, Cumberland and Gloucester Counties. The Route travels directly through Millville's 2nd Street (NJ Route 47), in direct proximity to the Wheaton Glass Factory; thereby providing opportunities to connect to other communities via PATCO, the River line and the Atlantic City line at the Walter Rand Transportation Center in Camden.

2. Traffic

This Redevelopment Plan assumes that G. Street and Wheaton Avenue [C.R. 555] will remain in their current geometry, but may be modified to improve traffic flow to and from ~ and around ~ the Wheaton Glass Factory. Specific improvements will naturally be dependent on the Redevelopment Project proposed and are therefore deferred to the Review & Approval process.

Issues related to traffic and vehicular circulation improvements for the Wheaton Glass Factory shall therefore be addressed as the Redeveloper refines its Final Circulation, Parking & Loading Plans (§9.4 herein).

D. Public Utilities

Utility service and the Redeveloper's requirements relating thereto are outlined in the Infrastructure Controls (§10.0) herein.

E. Recreational & Community Facilities

There are no recreation or community facilities located or operating within the Wheaton Glass Factory. The activities detailed in this Redevelopment Plan will therefore not negatively impact existing recreation or community facilities within the City.

New Recreation Facilities are permitted as Ancillary Uses under this Redevelopment Plan. Details related thereto will be developed as the Redeveloper finalizes its Project Concepts and Description of Project Elements attendant to Redevelopment Agreement (§5.2 herein).

F. Other Public Improvements

1. Public improvements anticipated by this Redevelopment Plan include:

- Improvements related to the roadway and infrastructure networks in and around the Wheaton Glass Factory;
- Remediation of any contamination found in the Area; and
- Environmental Protection Measures that may be required by the Relevant Permitting Agencies.

Traffic and infrastructure improvements will have the added benefit of providing upgraded service to properties outside ~ but in the vicinity of ~ the Wheaton Glass Factory. To the extent that such improvements benefit parties other than the Redeveloper, they may be considered *Other Public Improvements*.

2. While no *Other Public* improvements are contemplated, this Redevelopment Plan permits such improvements as may be necessary to support the Redevelopment Project.

3. Pursuant to §7.2.1 D. 3 herein, the Planning Board shall retain the right, at time of Review & Approval, to

require such off-site and/or off-tract improvements as may be lawful, necessary and proportionate to ensure the free flow of traffic, to mitigate other possible impacts to the public safety and welfare arising from the Redevelopment Project, and to otherwise ensure the effective implementation of this Redevelopment Plan consistent with the Municipal Objectives specified (§4.0) herein.

13.2.2 PROPOSED LAND USE & BUILDING REQUIREMENTS[50]

The Redevelopment Plan Provisions[51]; Land Use Plan[52]; Circulation, Parking & Loading Plan; Infrastructure Controls; and Landscaping, Streetscaping & Lighting Provisions are detailed in §7.0 through §11.0 of this Redevelopment Plan.

13.2.3 PROVISION FOR TEMPORARY & PERMANENT RELOCATION[53]

The *Redevelopment Law* requires a Redevelopment Plan to include "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".

No residential units exist within the Wheaton Glass Factory. This requirement is therefore not applicable.

13.2.4 IDENTIFICATION OF PROPERTY-TO-BE-ACQUIRED[54]

Block 260, Lot 1 is owned by the City of Millville. No municipal acquisition is therefore required to effectuate this Redevelopment Plan.

13.2.5 SIGNIFICANT RELATIONSHIPS TO OTHER PLANS[55]

The *Redevelopment Law* requires a Redevelopment Plan to address any significant relationship of the Plan to the master plans of contiguous municipalities, the master plan of the county in which the municipality is located, and the State Development and Redevelopment Plan.

[50] N.J.S.A. 40A:12A-7a(2)

[51] Authorities; Review Procedures, Interpretations & Responsibilities; and Departures from Plan Provisions.

[52] Approach and Development Regulations.

[53] N.J.S.A. 40A:12A-7a(3)

[54] N.J.S.A. 40A:12A-7a(4)

[55] N.J.S.A. 40A:12A-7a(5)

A. Jurisdictions

Prior to the adoption of this Redevelopment Plan, the Wheaton Glass Factory was subject to:

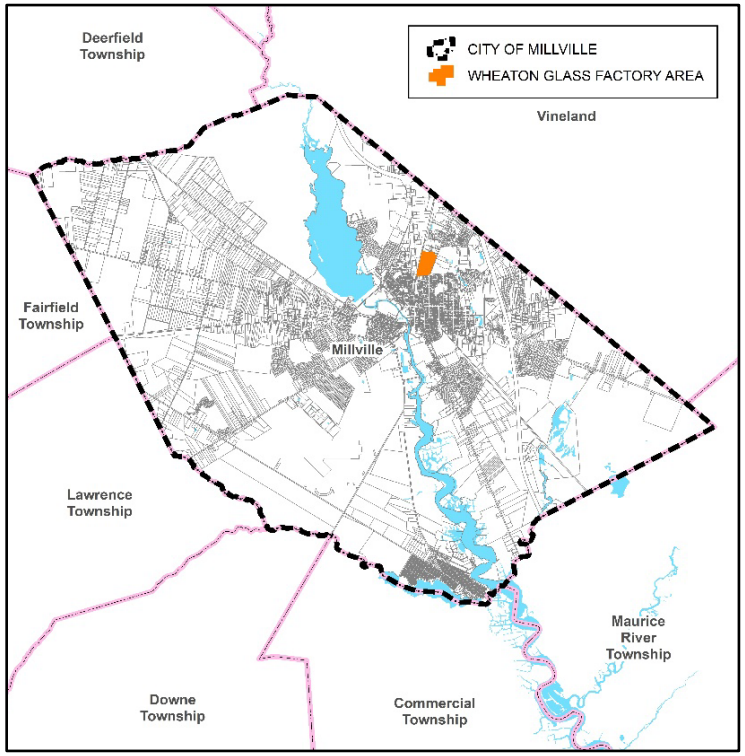
- The Citywide Redevelopment Plan & Chapter 30;
- The City of Millville Master Plan;
- The Cumberland County Master Plan;
- The State Plan; and
- The regulations of Relevant Permitting Agencies.

Upon adoption of this Redevelopment Plan, the Wheaton Glass Factory shall be subject to:

- This Redevelopment Plan;
- The applicable sections of Chapter 30;
- The City of Millville Master Plan;
- The Cumberland County Master Plan;
- The State Plan; and
- The regulations of Relevant Permitting Agencies.

B. Municipalities continuous to Millville are:

- The City of Vineland;
- Maurice River Township;
- Commercial Township;
- Downe Township;
- Lawrence Township;
- Fairfield Township; and
- Deerfield Township.



Given the location of the Wheaton Glass Factory vis-à-vis the City's neighbors, the fact that this Redevelopment Plan encourages the adaptive reuse of the Area's existing buildings and the fact that the Permitted Uses under this Redevelopment Plan are generally consistent with those permitted under Chapter 30, the activities anticipated under this Redevelopment Plan are not expected to have a material impact on any of the municipalities that are contiguous to Millville.

Accordingly, this Redevelopment Plan creates no change in the relationships between Millville and the Master Plans of the municipalities contiguous to Millville from the relationships that existed prior to the adoption of this Plan.

C. Cumberland County Master Plan

The Cumberland County Master Plan is a 9-volume comprehensive plan developed between the mid-1960s through the early-1970's. Revisions to individual chapters were undertaken over time, with the most recent being:

- Economic Development Strategic Plan (2017);
- Transportation Plan (2013);
- Open Space & Recreation Plan (2011); and
- Farmland Preservation Plan (2009).

Given that this Redevelopment Plan encourages the adaptive reuse of the Wheaton Glass Factory's existing buildings and that the Permitted Uses under this Plan are generally consistent with those permitted under Chapter 30, the activities anticipated under this Plan are not expected to have a material impact on the County.

Accordingly, this Redevelopment Plan creates no change in the relationship between Millville and the Cumberland County Master Plan from the relationship that existed prior to the adoption of this Plan.

D. State Development & Redevelopment Plan[56]

As detailed in §3.3.2 herein, the State Plan classifies the section of Millville which includes the Wheaton Glass Factory as a DESIGNATED REGIONAL CENTER within a (PA~1)

[56] State Plan: pp. 24, 162-163, 165-166 & 305

METROPOLITAN PLANNING AREA. The activities proposed under this Redevelopment Plan are designed to advance the State Plan's goals for these designations by (paraphrased):

> *Providing for the redevelopment of a blighted urban area within a Regional Center as a tool to revitalize a section of the City along a transportation corridor via compact, multi-use development while and protecting the character of an existing stable community.*

In the language of the State Plan Policy Objectives for REGIONAL CENTERS within METROPOLITAN PLANNING AREAS, this Redevelopment Plan:

> *Land Use: Promotes redevelopment in a Center that has been identified through cooperative regional planning efforts; promotes diversification of land uses, ensures efficient and beneficial utilization of scarce land resources and strengthens the City's existing diversified and compact nature.*

Economic Development: Promotes opportunities for economic development by encouraging strategic land assembly, site preparation and infill development, public / private partnerships and infrastructure improvements that support an identified role within the regional marketplace; encourages job training and other incentives to retain and attract businesses; encourages private sector investment through supportive government regulations, policies and programs.

Transportation: Maintains and enhances an existing rail system and facilitates the efficient movement of goods via such system.

Natural Resource Conservation: Reclaims an environmentally damaged site and mitigates future negative impacts.

Redevelopment: Encourages a broad range of uses and efficient use of infrastructure; promotes design that enhances public safety, encourages pedestrian activity and reduces dependency on the automobile.

Public Facilities and Services: Repairs or replaces existing infrastructure systems to eliminate deficiencies and provide capacity for sustainable redevelopment.

Historic Preservation: Encourages the preservation and adaptive reuse of historic or significant buildings and sites in ways that will not compromise either the historic resource or the area's ability to redevelop.

Accordingly, the Redevelopment Actions anticipated under this Redevelopment Plan are consistent with, support and are designed to effectuate the goals and objectives of the State Plan for REGIONAL CENTERS within a METROPOLITAN PLANNING AREA.

13.2.6 INVENTORY OF EXISTING AFFORDABLE HOUSING UNITS[57] TO BE REMOVED[58]

The *Redevelopment Law* requires a Redevelopment Plan to include an inventory of all housing units affordable to low and moderate income households that are to be removed as a result of implementation of the Plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure. The date of such inventory is to be the date the area was initially designated In Need of Redevelopment.

No residential units exist within the Wheaton Glass Factory. This requirement is therefore not applicable.

13.2.7 PLAN FOR AFFORDABLE REPLACEMENT HOUSING[59]

The *Redevelopment Law* requires a Redevelopment Plan to include "[a] plan for the provision 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". [***emphasis added***]

No residential units exist within the Wheaton Glass Factory. This requirement is therefore not applicable.

[57] as defined pursuant C.52:27D-304

[58] N.J.S.A. 40A:12A-7a(6)

[59] N.J.S.A. 40A:12A-7a(7)

13.2.8 PROVISION OF AFFORDABLE HOUSING[60]

Recognizing that the environmental conditions within the Wheaton Glass Factory are likely to preclude housing as a component of any Redevelopment Project and that no affordable housing obligation will be generated by a Project under this Redevelopment Plan, no housing, affordable or otherwise, is contemplated under this Redevelopment Plan.

13.2.9 RELATIONSHIP TO PERTINENT MUNICIPAL DEVELOPMENT REGULATIONS[61]

A. Proposed Zoning Changes

Prior to the adoption of this Redevelopment Plan, the Wheaton Glass Factory was zoned under the Citywide Redevelopment Plan, which retained the Land Use and Building Controls in place under Chapter 30.[62]

Upon adoption of this Redevelopment Plan, the provisions of §8.0 herein shall govern all land use and structural form within the Wheaton Glass Factory. Such provisions are substantially similar to those permitted under prior Zoning.

B. Any Ordinance adopting this Redevelopment Plan shall contain language indicating that this Plan is an explicit amendment to the City's Zoning District Map and City's Land Use and Development Regulations (Chapter 30).

C. Upon adoption, the City's Zoning Map shall be immediately modified to reflect this Redevelopment Plan.

13.2.10 Consistency with Municipal Master Plan[63]

The *Redevelopment Law* provides that "All provisions of [a] redevelopment plan… be either substantially consistent with the municipal master plan or designed to effectuate the master plan; but the municipal governing body may adopt a redevelopment plan which is inconsistent with or not designed to effectuate the master plan by affirmative vote of a majority of its full authorized membership with the reasons for so acting set forth in the redevelopment plan".

[60] N.J.S.A. 40A:12A-7b

[61] N.J.S.A. 40A:12A-7c

[62] Exhibit 1 herein

[63] N.J.S.A. 40A:12A-7d

A. Millville's current Master Plan was adopted in May 2005.[64] Master Plan Reexaminations were adopted in February 2012[65]. The Land Use Element of the Master Plan was last updated January 9, 2017.[66]

B. The 2003 Reexamination focused on municipal objectives, including the Millville Airport. The Center City Redevelopment Plan was incorporated into the Master Plan at that time.

C. The 2005 Master Plan continued the City's policy of promoting the Center City Redevelopment Plan as a means to entice new investment to the City.

D. The 2012 Reexamination addressed several of the prior Master Planning efforts. The issues and recommendations contained in such Reexaminations are not pertinent to the Wheaton Glass Factory.

E. The objective of the 2017 Land Use Plan Element update was to reduce the number of zoning districts in the City[67] in order to guide development in a more predictable manner and reduce the need for variances. This Redevelopment Plan is consistent with the goals of such Land Use Plan Element update by:

1. Sunsetting outdated Redevelopment Plans and constituting a new Redevelopment Plan for a portion of the Center City Redevelopment Area; and

2. Encouraging economic development and investment by attracting businesses to the City's industrial center.

[64] *Master Plan. Millville, Cumberland County, New Jersey.* Prepared by Clarke, Caton, Hintz.

[65] *Reexamination Report of the Master Plan. Millville Cumberland County, New Jersey.* Prepared by Clarke, Caton, Hintz

[66] *2009 land Use Element of the Master Plan. Millville Cumberland County, New Jersey.* Prepared by the New Jersey Department of Community Affairs, Office of Local Planning Service. (adopted January 9, 2017).

[67] Including all Overlay Districts except for the Airport Overlay.

14.0 EFFECTIVE DATE, DURATION OF PROVISIONS & AMENDMENTS

14.1 EFFECTIVE DATE

The Effective Date of this Redevelopment Plan shall be the date the Ordinance adopting this Plan becomes effective.

14.2 DURATION OF PROVISIONS

14.2.1 Subject to the provisions of §15.0 herein, this Redevelopment Plan, as it may be amended from time-to-time, shall be in effect for a period of 20 years from the Effective Date; unless however, there is a portion of a Redevelopment Project or Independent Component thereof which has commenced construction but has yet to receive a Certificate of Completion & Compliance. In such case, this Redevelopment Plan shall remain in effect for any such area until the issuance of said Certificate of Completion & Compliance.

14.2.2 Nothing shall be construed to limit the ability of the Governing Body to extend the duration of this Redevelopment Plan beyond that described herein upon adoption of an Ordinance authorizing same.

14.3 PROCEDURES FOR AMENDING THIS REDEVELOPMENT PLAN

14.3.1 This Redevelopment Plan may be amended from time-to-time upon compliance with all applicable laws and statutes and upon approval of the Governing Body.

14.3.2 In addition 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 thereto would change the controls governing the use of lands under said Agreement.

15.0 CERTIFICATE OF COMPLETION & COMPLIANCE

15.1 Upon completion of construction of a Redevelopment Project or any Independent Component thereof, and at the request of the Redeveloper of such Project, the City[68] shall issue such Redeveloper a Certificate of Completion & Compliance for said Project or said Independent Component thereof, certifying that the Project, or the Independent Component thereof, was completed in accordance with this Redevelopment Plan, the Redevelopment Agreement, and the Project Plans approved by the Planning Board as part of the Review & Approval process;[69] and further certifying that all applicable provisions of the Redevelopment Agreement, including provisions related to N.J.S.A. 40A:12A-9a, have been satisfied.

Each such request made by a Redeveloper shall be accompanied by as-built plans of the Redevelopment Project or Independent Component thereof which is subject of the request, prepared, signed and sealed by the appropriate design professional, depicting the final constructed configuration of the Redevelopment Project or Independent Component thereof.

15.2 Upon the issuance of the final such Certificate of Completion & Compliance for the final Component of a Redevelopment Project, the conditions determined to exist at the time the specific portion of the Wheaton Glass Factory was included in the designated City Center Redevelopment Area shall, by definition, no longer exist. At such time, the controls contained in this Redevelopment Plan for such portion of the Wheaton Glass Factory, with the exception of the Development Regulations (§8.2) and the Equal Opportunity provisions (§12.0), shall terminate and the subject portion of the Glass Factory shall revert to such City Zoning as may be adopted at that time pursuant to N.J.S.A. 40:55D-1 et seq.

15.3 Similarly, upon the issuance of the final such Certificate of Completion & Compliance for the final Component of the Redevelopment Project, or at the expiration of this Redevelopment Plan pursuant to §14.2 herein, whichever shall occur last, the conditions determined to exist at the time the Wheaton Glass Factory was included in the designated City

[68] acting in its capacity as Redevelopment Entity for this Redevelopment Plan

[69] Including, but not limited to, improvements not covered by the Certificate of Occupancy, e.g., public improvements, landscaping, etc.

Center Redevelopment Area shall, by definition, no longer exist. At such time, the controls contained in this Redevelopment Plan, with the exception of the Development Regulations (§8.2) and the Equal Opportunity provisions (§12.0), shall terminate and the entirety of the Wheaton Glass Factory shall revert to such City Zoning as may be adopted at that time pursuant to N.J.S.A. 40:55D-1 et seq.

15.4 Unless otherwise addressed by an affirmative action of the Governing Body, the appropriate sections of Chapter 30 shall hereby be amended to include the Land Use Plan (§8.0) of this Redevelopment Plan, which shall survive Plan expiration.

15.5 The Certificate of Completion & Compliance process shall be independent of, and shall not substitute for, the standard municipal Certificate of Occupancy process. Within this context, the City[70], at its discretion, may issue a Certificate of Completion & Compliance either before, simultaneous with or after issue of a Certificate of Occupancy.

[70] acting in its capacity as Redevelopment Entity for this Redevelopment Plan

16.0 EXHIBITS

PRE-EXISTING ZONING REGULATIONS[71]
GENERAL INDUSTRY (I-1) ZONE

PERMITTED PRINCIPAL USES	MINIMUM				MINIMUM SETBACKS			MAXIMUM	
	LOT AREA	LOT INTERIOR	LOT CORNER	LOT DEPTH	FRONT YARD	REAR YARD	SIDE YARD	BUILDING HEIGHT	COVERAGE
General manufacturing, assembly & packaging of products	20,000 s.f.	100'	120'	100'	30'	20'		55'	65%
Pharmaceutical & cosmetic manufacturing, assembly & packaging									
Plastic injection mold manufacturing, assembly & product distribution									
Solar or energy manufacturing, assembly & product distribution									
Retail activities of & similar to Grocery & Food Stores, Drug & Pharmaceuticals, Confectionary, Hardware & Paint Stores, Periodical & Newspaper Stores									
Light manufacturing, assembly & packaging & distribution of products									
Scientific, medical, technology or specialized laboratory & research development facilities									
Warehousing or storage facilities & distribution facilities, including refrigerated facilities									
Wholesale establishments									
Transportation depots, yards & maintenance for rail, truck, bus & motor freight stations	2 acres	400'		225'	100'			55'	30%
Gasoline service stations, automotive repair garages	20,000 s.f.	100'	120'	100'	30'	20'		20'	40%
Heavy equipment sales & service									
Services such as pest control, landscaping, janitorial, cleaning or site work								55'	65%
Restaurant / cafes	1 acre	200'		150'	35'			35'	75%
Incubator or multi-use facilities for manufacturing, research, & development, distribution, business & professional offices such as finance, technology, insurance, medical, energy, education or government	20,000 s.f.	100'	120'	100'	30'			55'	65%

[71] Chapter 30: Millville Land Use and Development Regulations

PERMITTED ACCESSORY USES	MINIMUM				MINIMUM SETBACKS			MAXIMUM	
	LOT AREA	LOT INTERIOR	LOT CORNER	LOT DEPTH	FRONT YARD	REAR YARD	SIDE YARD	BUILDING HEIGHT	COVERAGE
Outdoor storage	No Regulation Established				20’				30%
Essential services					20’	No Regulation Established		No Regulation Established	
Signs					20’				
Communication towers & facilities								200’	5%
Bus & taxi shelters					10’			20’	2%
Parking facilities	To Be Determined by Approving Authority								100%
Temporary structures	To Be Determined by Approving Authority								
Conference & banquet facilities	No Regulation Established				No Regulation Established				
Health, wellness fitness or gym facilities as part of a permitted or individual use									
Any use customarily incidental to any permitted principal use					20’			35’	15%

PERMITTED CONDITIONAL USES	MINIMUM				MINIMUM SETBACKS			MAXIMUM	
	LOT AREA	LOT INTERIOR	LOT CORNER	LOT DEPTH	FRONT YARD	REAR YARD	SIDE YARD	BUILDING HEIGHT	COVERAGE
Bank & convenience stores	20,000 s.f.	100’	120’	100’	30’	20’		35’	60%
Resource extraction	5 acres	200’		1,000’	100’		50’	150’	30%
Junkyards, automotive wrecking, or recycling centers									
Hotels & motels	1 acre	No Regulation Established						5 stories	50%
Windmills or other solar energy mechanisms	To Be Determined by Approving Authority							200’	5%
Clubs, lodges, public	20,000 s.f.	100’	20’	400’	50’	20’	30’	35’	60%
Theaters, auditoriums, arenas & halls	5 acres	200’				100’		55’	75%
Indoor commercial recreation facilities, gyms, fitness, centers, courts, swimming pools & similar facilities	1 acre	120’	140’	150’	30’	20’	30’	50’	60%
Churches, houses of worship	2 acres	*200’*		*400’*	*75’*		*40’*		
Child day-care centers	*30,000 s.f.*	*150’*			*40’*	*20’*		*35’*	

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 30 ("LAND USE AND DEVELOPMENT REGULATIONS") IN ORDER TO ADOPT A PORTION OF THE COMPREHENSIVE REWRITE PERTAINING TO SOLAR USES FOLLOWING THE MASTER PLAN LAND USE ELEMENT ADOPTION

WHEREAS, the City of Millville engaged the New Jersey Department of Community Affairs Local Planning Services (LPS) on March 1, 2016 by Resolution R92-2016 to update the current Land Use Plan Element of the City's Master Plan to address the City's current goals and objectives; and

WHEREAS, the Resolution established a working committee including representatives from the Commission, the Planning Board and Planning Department; and

WHEREAS, the LPS and Working Committee hosted public focus groups to assist in the development of goals and recommendations for the Land Use Plan Element as was attended by the business community, property owners, non-profit organizations, City representatives and interested residents; and

WHEREAS, the goals and recommendations including those from the public focus group were incorporated into a plan entitled City of Millville Land Use Plan Element dated January 2017 and adopted by the City Planning Board on January 9, 2017 following procedures for preparation and notification provided for in Municipal Land Use Law 40:55D-1 et seq.; and

WHEREAS, the City Commission introduced a comprehensive rewrite of Chapter 30 Land Use and Development Regulations to implement the zoning ordinance recommendations Resolution on first reading at a regularly scheduled meeting on January 21, 2020 and referred it to the Planning Board for review of consistency with the master plan; and

WHEREAS, the Planning Board held a public hearing at a regularly scheduled meeting on February 10, 2020 and with extensive input from the public and discussion recommended via Resolution 04-2020 substantial revisions to Chapter 30 of the Zoning Code before adoption; and

WHEREAS, in an effort to continue development and government operations during the COVID-19 crisis, the City Commission is desirous to enact a portion of the proposed Chapter 30 rewrite that was not subject of concern during previous public hearings; and

NOW, THEREFORE, BE IT ORDAINED, by the City Commission that Chapter 30 Land Use and Development Regulations shall be amended to add the following language

Add 30.221 ***Utility Scale (Principal Use) Solar Energy Facility***

Within the Zoning Districts

AC Agricultural Conservation District
DR Downtown Riverfront District
LC Land Conservation District
POS Public Open Space District
RC River Conservation District
I-1 General Industry District
I-2 Interchange Mixed Use District
I-3 Air Park Industry District

public utility generating sub or switching stations may be established in accordance with the provisions of the Schedules of District Regulations and the following conditions:

a. Definitions

i. COLLECTOR SURFACE – Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. "Collector surface" does not include frames, support and mounting hardware.

ii. PRESERVED OPEN SPACE AND PRESERVED FARMLAND – Land on which a development easement was conveyed to, or retained by, the State Agricultural Development Committee, a board, or a qualifying tax exempt nonprofit organization pursuant to the provisions of section 24 or N.J.S.A. 4:1C-31, section 5 of N.J.S.A. 4:1C-31.1, section 1 of N.J.S.A. 4:1C-38, section 1 of N.J.S.A. 4:1C-43.1, section 37 through 40 of N.J.S.A. 13.8C-37 through 13:8C-40, or any other State law enacted for farmland preservation purposes.

iii. RENEWABLE ENERGY FACILITY – A facility that engages in the production of electric energy from solar technologies, photovoltaic technologies, or other solar-based technology.

iv. SOLAR COLLECTOR – A device, structure or part of a device or structure in which a substantial purpose is used to transform solar energy into thermal, mechanical, chemical or electrical energy.

v. SOLAR ENERGY – Direct radiant energy received from the sun.

vi. SOLAR PANEL – A structure containing one or more receptive cells or collector devices, the purpose of which is to use solar radiation to create usable electrical energy.

vii. UTILITY SCALE [PRINCIPAL USE] SOLAR ENERGY SYSTEM – One or more solar panels and all associated equipment involved in the conversion of solar radiation to electrical energy which functions as the only principal use on the land on which such system is situated.

b. Utility Scale Solar Energy System

~~i.~~ Where permitted as set forth in the Schedule of District Regulations, solar energy systems shall be a permitted as conditional uses on a minimum lot size of 200 acres (lot area includes all land associated with the overall development of the utility scale solar project).

ii. The Utility Scale Solar System shall constitute the principal use of the lot on which it is located. For all such systems major site plan approval is required.

iii. A person who owns a preserved farmland may construct, install and operate solar energy systems

on an area less than the ten acre minimum for such a use on the preserved portions of the farm or on any portion excluded from preservation in accordance with P.L. 2009, c. 213 of New Jersey.

iv. *A site plan application for a solar energy system shall address, and not be limited to, buffering, care and maintenance of all property associated with the installation, security, visual impacts, drainage, traffic to and from the site and shall include. Installations shall be subject to the following requirements, in additional to applicable development application submission, review and performance standards:*

a) *All solar facilities must meet or exceed the standards and regulations of the Federal Aviation Administration (FAA), Board of Public Utilities (BPU), and any other agency of the local, state, or federal government with the authority to regulate such facilities that are in force at the time of the application.*

b) *The location of ground mounted arrays and freestanding collectors shall be setback a distance of seventy-five (75) feet from all property lines.*

c) *Ground mounted arrays shall not exceed twenty (20) feet in height when oriented at maximum tilt.*

d) *A thirty (30) foot wide perimeter landscaped buffer that includes a combination of evergreen trees and shrubs-The landscape buffer shall be required along the road frontages and where visual impact may affect immediately adjacent residential uses. The purpose of the buffer is not to completely screen the solar use, but rather to provide an aesthetic component to the project . A six (6) foot tall fence shall be located inside the landscape perimeter. Evergreen trees shall not be a lesser height than that of the perimeter fence, and shall be of a species that will be expected to grow to a height of the solar panels within 5 years of the time of planting. Natural vegetation or landforms on site may provide such screening as determined by the Board.*

e) *No more than eighty percent 80%) of "under panel" surface of the total lot area shall be utilized for a solar energy system installation, inclusive of 25% maximum impervious coverage exclusive of the panel areas as prescribed by N.J.A.C. 40:55D-38.1.*

v. *A site plan application submission shall include:*

a) *Visual Impact Analysis: Discuss the potential visual effects from the projects. Identify any measures to avoid, minimize, or mitigate visual effects.*

b) *An economic impact and alternative site analysis.*

c) *Proposed storm-water measures: Identify specific erosion control, sedimentation control or stabilization measures to address soil limitations during and after project construction.*

d) *Screening Plan: Include any site grading and/or landscape plantings proposed along public roads or abutting residential and commercial properties.*

e) *A Maintenance Plan for grounds and landscaping buffers.*

f) *A site plan application shall also include a Decommissioning Plan including time line,*

means and methods with engineering and demolition specifics as well as a plan for cleaning and restoration of the property to its pre-installed condition, including grading and vegetative re-stabilization to eliminate any negative impacts to surrounding properties.

vi. To the extent reasonably possible, solar energy panels, regardless of how they are mounted, shall be oriented and/or screened year round so that glare is directed away from adjoining properties and streets.

vii. To the extent reasonably possible, solar energy systems shall be designed using such features as colors, materials, textures, screening and landscaping so as to blend into their settings and avoid visual blight. The solar energy systems shall remain painted or finished in the color or finish that was originally applied by the manufacturer. The exterior surface of any visible components shall be non-reflective, neutral color like white, grey or another non-obtrusive color. Finishes shall be matter or non-reflective.

viii. Solar energy systems shall not be used for the display of advertising.

ix. All solar energy system collector installations must be performed by a qualified solar installer, and prior to operation the electrical connections must be inspected by the Construction Office or other appropriate electrical inspection agency as determined by the City. In addition, any interconnection to the public utility grid must be inspected by the appropriate public utility.

x. When solar storage batteries are included as part of the solar energy collector system, they must be placed in a secure container or enclosure meeting the requirements of the New Jersey State Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of the State of New Jersey and other applicable laws and regulations.

xi. Clearing of natural vegetation for the installation of a solar energy system shall be limited to that which is necessary for the construction, operation and maintenance of the system and as otherwise prescribed by of §30-184 as well as any other applicable laws, regulations and ordinances.

xii. Any trees to be removed to accommodate the installation of a solar energy system shall be accompanied by a plan demonstrating the need to remove the trees. Any applicant shall locate a solar energy system so that tree removal is not required to the extent practical.

xiii. Any ancillary buildings and any outside storage associated with a solar energy system shall use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment.

xiv. Buffer widths shall meet the requirements of an industrial use to neighboring properties as shown in the 030d Required Minimum Buffer Width Table at the beginning of this Chapter and it shall meet all the screening requirements of §30-155.

c. Decommissioning of Utility Scale Solar and Wind Energy Systems

i. The Facility Owner and Operator shall, at its expense, complete decommissioning of the Utility Scale Solar or Wind (including individual wind turbines) System, and all related improvements,

within (12) twelve months after the end of the useful life of the facility or individual wind turbines, or when use has been discontinued or abandoned by the facility owner and/or operator. The Utility Scale Solar or Wind (including individual wind turbines) System will be presumed to be at the end of its useful life, discontinued or abandoned if no electricity is generated for a continuous period of twelve (12) months.

ii. *Decommissioning shall include all the following relevant parts of the system including removal of the solar panels and support apparatus, both above and below ground, wind turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.*

iii. *Disturbed earth shall be graded, re-seeded and/or reforested to reclaim the site back to its predevelopment condition, based on the subdivision/land development plan or documented predevelopment condition, unless the landowner requests in writing that the access roads or other land surface areas not be restored.*

iv. *An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning ("Decommissioning Costs") without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("Net Decommissioning Costs"). Said estimates shall be submitted to the City of Millville after the first year of operation and every fifth year thereafter.*

v. *Decommissioning Funds*

   a. *The Facility Owner or Operator shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs; provided that at no point shall Decommissioning Funds be less than one hundred percent (100%) of Decommissioning Costs.*

   b. *The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the Facility Owner or Operator and participating land owner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within New Jersey and is approved by the City.*

   c. *Decommissioning Funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to [municipality].*

vi. *If the Facility Owner or Operator fails to complete decommissioning within the period, prescribed above, then the landowner shall have six (6) months to complete decommissioning.*

vii. *If neither the Facility Owner or Operator, nor the landowner complete decommissioning within the periods described above then the City of Millville may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to Millville shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns Millville may take such action as necessary to implement the decommissioning plan.*

viii. *The escrow agent shall release the Decommissioning Funds when the Facility Owner or Operator has demonstrated, and the city concurs, that decommissioning has been satisfactorily completed, or upon written approval of Millville in order to implement the decommissioning plan.*

SECTION 2

Should any provision of this ordinance be deemed invalid for any reason that invalidity shall not affect the remaining provisions of the ordinance, and the provisions and sections of the ordinance are hereby declared to be severable with respect to their validity.

SECTION 3

All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4

This ordinance shall take effect twenty (20) days after final passage, according to law.

Moved By:

Seconded By:

VOTING	In Favor	Against	Abstain	Absent
Michael Santiago				
W. James Parent				
Ashleigh Udalovas				
Joseph Pepitone				
Bruce Cooper				

CERTIFICATION

I certify that the foregoing is a true copy of Resolution adopted by the Board of Commissioners, of the City of Millville in the County of Cumberland, at a meeting thereof held on April 7, 2020.

_____

Jeanne M. Hitchner, City Clerk