**PLEASE NOTE: MEETING WILL BE HELD VIA TELECONFERENCE**
**TO ATTEND DIAL (978) 990-5000 AND USE ACCESS CODE 197407.**
**PLEASE MUTE YOUR PHONE TO LIMIT OUTSIDE NOISE DURING THE CONFERENCE CALL.**

**ATTENDANCE OF ALL ATTENDEES WILL BE TAKEN AT THE BEGINNING OF THE MEETING.**

**DURING THE PUBLIC COMMENT PORTION THE CITY CLERK WILL CALL THE ATTENDEES NAME IN THE ORDER IT WAS RECEIVED IN THE BEGINNING OF THE MEETING AND ASK IF THEY WOULD LIKE TO MAKE ANY COMMENTS. THE ATTENDEE MAY UNMUTE THEIR PHONE AND MAKE THEIR COMMENTS, IF ANY.**

# TENTATIVE AGENDA FOR REGULAR SESSION MEETING JUNE 2, 2020, 5:30 P.M.

1. **CALL TO ORDER**

2. **ROLL CALL**
   Santiago__ Pepitone__Parent__Udalovas__Cooper__

3. **SALUTE TO THE FLAG**

4. **OPEN PUBLIC MEETINGS STATEMENT BY MAYOR MICHAEL SANTIAGO**
   "This meeting is 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. The Municipal Clerk is directed to include a statement in the minutes of this meeting."

5. **CITY CLERK TO REVIEW CHANGES TO THE AGENDA**

6. **BILLS**
   Motion-
   Second-
   Pepitone___ Parent ___ Udalovas ___ Cooper ___ Santiago ___

7. **MINUTES**
   Motion to approve and dispense with the reading of the following minutes and to proceed with the regular order of business:
   May 19, 2020:
   Regular Session
   Motion-
   Second-
   Pepitone__ Parent__ Udalovas__ Cooper__ Santiago__

## 8. PUBLIC COMMENT ON AGENDA ITEMS ONLY

## 9. OLD BUSINESS

### 9.I. Resolution Item (01)

Motion to remove from the table Resolution approving request for Performance Guarantee Release for Millville DG, LLC for Dollar General Site Plan as Submitted by the City Engineer in compliance with N.J.S.A. 40:55D-53 (Municipal Land Use Law)

Motion-
Second-

Motion to approve the Resolution for Performance Guarantee Release

Motion-
Second-

Pepitone__ Parent__ Udalovas__ Cooper__ Santiago__

Documents:

RES -2020 DOLLAR GENERAL MAINT BOND RELEASE.PDF
DOLLAR GENERAL MAINT BOND RELEASE CORRESPONDENCE.PDF

## 10. PETITIONS & LETTERS

### 10.I. Petitions And Letters Item (01)

Correspondence from Target Corporation in fulfillment of the requirements set forth in Section 5.2.2 of the Financial Agreement between the City of Millville and Target Millville Urban Renewal, LLC

Motion-
Second-

Pepitone__ Parent__ Udalovas__ Cooper__ Santiago__

Documents:

TARGET AUDIT REPORT.PDF

## 11. REPORTS OF COMMISSIONERS

## 12. COMMISSIONER COOPER

## 13. COMMISSIONER PEPITONE

## 14. COMMISSIONER UDALOVAS

## 15. VICE-MAYOR PARENT

## 16. MAYOR SANTIAGO

## 17. ORDINANCES 2ND READING

### 17.I. Ordinance 2nd Reading Item (01)

Ordinance adopting the Redevelopment Plan for Block 260, Lot 1, former Wheaton Glass Factory

Motion-
Second-

(Public Hearing)

Pepitone__ Parent__ Udalovas__ Cooper__ Santiago__

Documents:

PN RDVLPMNT PLN.PDF
ORD REDEVELOPMENT BLOCK 260 LOT 1.DOC.PDF
260 1 REDEVELOPMENT PLAN FIRST READING 5 19 20 6-2-20.PDF

## 18. ORDINANCES 1ST READING

## 19. CONSENT AGENDA ITEMS

All matters listed under the Consent Agenda are considered to be routine and non-controversial by the Board of Commissioners and will be approved by one motion. There will be no separate discussion of these items unless a governing body member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

### 19.I. Resolution Item (CA01)

Resolution directing the Tax Collector to prepare and issue estimated tax bills for the City of Millville's third quarter 2020 tax bills in accordance with the provisions of N.J.S.A. 54:4-66 et seq. The entire estimated tax levy for 2020 is hereby set at $52,579,243.08.

Documents:

RES 2020 ESTIMATED TAX BILLING.PDF
2020 MLV PREL TAX RATE W_O STATE CERT.PDF
CC TAX RATE.PDF

### 19.II. Resolution Item (CA02)

Resolution authorizing the insertion of an additional item of revenue in the CY 2020 Budget which is now available as revenue from U.S. Department of Justice, Bureau of Justice Assistance, Edward Byrne Justice Assistance Grant Program in the amount of $39,899.00

Documents:

RES CHAP 159 - 2017 2019 EDWARD BYRNE GRANT 06 03 20 MTG.PDF

### 19.III. Resolution Item (CA03)

Resolution authorizing adjustments in the Tax and Utility Records

Documents:

RES TAXUTILITY.PDF

## 20. MOTION TO APPROVE CONSENT AGENDA ITEMS

Motion to approve all items on the Consent Agenda
Motion-
Second-
Pepitone ___ Parent ___ Udalovas ___ Cooper ___ Santiago ___

## 21. RESOLUTIONS

### 21.I. Resolution Item (02)

Resolution authorizing First Amendment to Memorandum of Agreement between the City of Millville and Business Watch International (USA) Inc., (BWI) developer of the Regional Automated Property Information Database ("RAPID") System for the purpose of extending the agreement for an additional 3 years. (No Certification of Funds Required Licensing Fees are paid to BWI by Business Entities)

Motion-
Second-
Pepitone__ Parent__ Udalovas__ Cooper__ Santiago__

Documents:

RES BUSINESS WATCH INTERNATIONAL BWI.DOC.PDF

**21.II.** Resolution Item (03)

Resolution authorizing corrected professional service contract awarded by Resolution No. 115-2020 on April 7, 2020 through a non-fair and open process to Advanced GeoServices Corp., a Montrose Environmental Company to perform water quality monitoring and associated engineering services in an amount not to exceed $10,000.00 for the period covering April 1, 2020 through December 31, 2020. Corrections were made to properly identify the corporate entity, amend certain payments process and indemnification terms.

Motion-
Second-
(Certification of Funds)
Pepitone__ Parent__ Udalovas__ Cooper__ Santiago__

Documents:

RES ADVANCED GEO.051820.DOC.PDF

**21.III.** Resolution Item (04)

Resolution authorizing the purchase of one (1) Ford F-450 4x4 Remount for an existing ambulance including options and installation from 1st Priority Emergency Vehicles through the HGACBuy Cooperative Pricing System in the amount of $133,251.00

Motion-
Second-
(Certification of Funds)
Pepitone__ Parent__ Udalovas__ Cooper__ Santiago__

Documents:

RES -COOPERATIVE PURCHASE 6-2-20 MTG.PDF

**22. NEW BUSINESS**

**23. PUBLIC COMMENT PORTION**

"We have now reached the public comment portion of our meeting. Anyone who would like to address the Commission, please go to the podium, state your name and address your concerns. Please limit your comments to approximately 5 minutes."

Open Public Portion

Close Public Portion

Comments by Commissioners

**24. ADJOURN**

Motion-
Second-

**RESOLUTION 141-2020**

**A RESOLUTION APPROVING REQUEST FOR PERFORMANCE GUARANTEE RELEASE FOR MILLVILLE DG, LLC FOR DOLLAR GENERAL SITE PLAN AS SUBMITTED BY THE CITY ENGINEER IN COMPLIANCE WITH N.J.S.A. 40:55D-53 (MUNICIPAL LAND USE LAW)**

**WHEREAS,** pursuant to 40:55D-53 and a report submitted by the City of Millville Engineer dated May 11, 2020, a maintenance guarantee and escrow account release is hereby requested Capital Growth Buchalter; and

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MILLVILLE:**

1. Request for Maintenance Guarantee #SUR2000254 from Frankenmuth Insurance Company and developer escrow account #P33 1 34 3 as submitted by the City of Millville Engineer is hereby approved.

2. Pursuant to N.J.S.A 40:55D-53, the City Clerk of the City of Millville is hereby authorized and directed to notify the obligor of the action taken by the Board of Commissioners as set forth above.

Moved By: Parent

Seconded By: Pepitone

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

CERTIFICATION

I hereby 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 May 19, 2020.

_____

Jeanne M. Hitchner, City Clerk

# CITY OF MILLVILLE

**COMMISSIONERS**

**MICHAEL SANTIAG O, MAYOR**
Director of Public Works
**W. JAMES PARENT, VICE MAYOR**
Director of Revenue & Finance
**ASHLEIGH UDALOVAS**
Director of Public Affairs
**JOSEPH PEPITONE**
Director of Public Safety
**BRUCE L. COOPE R**
Director of Parks & Public Property

**12 SOUTH HIGH STREET**
**P.O. BOX 609**
**MILLVILLE, NEW JERSEY 08332**

**TELEPHONE: (856)825-7000**
**FAX: (856)825-3686**
**www.millvillenj.gov**

**OFFICERS**

**REGINA BURKE**
Administrator
**JEANNE HITCHNER**
City Clerk
**MARCELLA SHEPARD**
Chief Financial Officer
**TRACEY GREGOIRE**
Tax Collector
**BRIAN P. ROSENBERGER**
Tax Assessor

To: Jeanne Hitchner

From: Brian Prohowich, Municipal Engineer

Re: Maintenance Guarantee Release
Dollar General Site Plan
Block 33 Lot 1, Block 34 Lot 3 (original tract)

Date: May 11, 2020

The Engineering Department has received a request from Capital Growth Buchalter for the release of the Maintenance Guarantee and Escrow for the site plan associated with Dollar General on Block 33 Lot 1 and Block 34 Lot 4 (original tract) off of Route 49, Carmel Road, and Pearl Street. The Engineering Department has conducted on-site inspections and reviewed the file for this project for compliance with the approved site plan improvements and has determined the maintenance guarantee and escrow account can be released.

A recommendation is made to the Board of Commissioners for the **release** of the Maintenance Guarantee and escrow account**.**

Thank You.

CC: (via email) Marcella Shepard, Municipal Finance Officer
Samantha Silver, City Planner
Wayne Caregnato, Zoning

TARGET

RECEIVED
MAY 22 2020
CITY CLERK'S OFFICE

Jacob.Torgerson@target.com
Direct Dial: 612/761-6317
Fax: 612/761-3735

April 29, 2019

Richard McCarthy
City Attorney
City of Millville
12 South High Street
Millville, NJ 08332

**RE: Compliance - Section 5.2.2 Target Millville, 2100 N 2nd Street**

Dear Mr. McCarthy,

In fulfillment of the compliance requirement set forth in Section 5.2.2 of the Financial Agreement between the City of Millville and Target Millville Urban Renewal, L.L.C., Target Corporation hereby submits its audit report performed by Grant Thornton for the fiscal year ending February 1, 2020.

Please let me know if you have any questions or concerns.

Sincerely,

Jacob Torgerson
Manager, Public Partnerships

Enclosure

Cc: Department of Community Affairs
Trenton, NJ

# Statement of Operations and Report of Independent Certified Public Accountants

**Target Millville Urban Renewal, LLC**

February 1, 2020

**Contents**


| | Page |
|---|---|
| Report of Independent Certified Public Accountants | 3 |
| Financial Statements | |
| Statement of Operations | 5 |
| Notes to Financial Statement | 6 |

Grant Thornton

**GRANT THORNTON LLP**
200 S. Sixth St., Suite 1400
Minneapolis, MN
55402-1434

**D** 612 332 0001
**F** 612 332 8361

## Report of Independent Certified Public Accountants

To the Member of
Target Millville Urban Renewal, LLC

We have audited the accompanying statement of operations of Target Millville Urban Renewal, LLC (a New Jersey corporation) for the year ended February 1, 2020, and the related notes to the financial statement.

**Management's responsibility for the financial statement**
Management is responsible for the preparation and fair presentation of this financial statement in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of the financial statement that is free from material misstatement, whether due to fraud or error.

**Auditor's responsibility**
Our responsibility is to express an opinion on the financial statement based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statement. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statement, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statement in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statement.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.



Grant Thornton LLP is the U.S. member firm of Grant Thornton International Ltd (GTIL). GTIL and each of its member firms are separate legal entities and are not a worldwide partnership.

Grant Thornton

**Opinion**

In our opinion, the financial statement referred to above presents fairly, in all material respects, the results of operations of Target Millville Urban Renewal, LLC for the year ended February 1, 2020 in accordance with accounting principles generally accepted in the United States of America.

Grant Thornton LLP

Minneapolis, Minnesota
April 28, 2020

**Target Millville Urban Renewal, LLC**

**STATEMENT OF OPERATIONS**

**Year ended February 1, 2020**

| | 2020 |
|---|---|
| **Revenue** | |
| Rental income | $ 316,377 |
| **General and administrative expenses** | |
| Depreciation | 756,602 |
| Service fee | 265,418 |
| Audit fee | 23,100 |
| Administrative fee | 20,000 |
| Total general and administrative expenses | 1,065,120 |
| Loss before interest | (748,743) |
| Interest expense | 5,195 |
| Net loss | $ (753,938) |

See accompanying notes to the financial statement.

**Target Millville Urban Renewal, LLC**

**NOTES TO FINANCIAL STATEMENTS**

**February 1, 2020**

## NOTE A – SUMMARY OF ACCOUNTING POLICIES

### *Organization*

Target Millville Urban Renewal, LLC (or the "Entity") was formed by Target Corporation ("Target" or the "Managing Member") to construct a retail store in the Millville development located in Millville, New Jersey. The Entity completed construction of the store in 2006 and leases the property to Target and receives fixed monthly lease payments. The Managing Member has committed to fund the operating deficits of the Entity.

### *Use of Estimates*

The preparation of the Entity's financial statement in accordance with accounting principles generally accepted in the United States of America ("US GAAP") requires management to make estimates and assumptions affecting reported amounts in the financial statement and accompanying notes. Actual results may differ from those estimates.

### *Fiscal Year*

The Entity's fiscal year ends on the Saturday nearest January 31. Unless otherwise stated, references to years in this report relate to fiscal years, rather than to calendar years. Fiscal year 2019 ended February 1, 2020, and consisted of 52 weeks.

### *Revenue Recognition*

The Entity leases commercial real estate to Target under an operating lease. Rental income related to this lease is recognized on a contractual basis as the payments become due.

### *Property and Equipment*

Property and equipment are recorded at cost, less accumulated depreciation. Depreciation is computed using the straight-line method over the estimated useful lives of the assets, for the building and improvements, which for the Entity is the remainder of the lease term.

### *Subsequent Events*

In March 2020 the World Health Organization declared the novel strain of coronavirus ("COVID-19") a global pandemic. This contagious virus, which has continued to spread, has adversely affected workforces, customers, economies, and financial markets globally, leading to an economic downturn. It has also disrupted the normal operations of many businesses. There have been mandates from federal, state and local authorities requiring forced closures of certain businesses, which could negatively impact our business. We cannot reasonably estimate the ultimate, if any, impact of COVID-19 on the Entity.

The Entity evaluated its February 1, 2020 financial statement for subsequent events through April 28, 2020 the date the financial statement was available to be issued. The Entity is not aware of any subsequent events that would require recognition or disclosure in the financial statement.

## NOTE B – LEASING ARRANGEMENTS

The Entity leases its commercial real estate to Target, a related party, under a non-cancelable operating lease from September 2006 until August 2021. The lease has an initial term of 15 years and minimum future rental revenue amounts under the operating lease at February 1, 2020 are as follows:

| Fiscal years | | |
|---|---|---|
| 2020 | $ | 316,377 |
| 2021 | | 184,553 |
| | $ | 500,930 |

## NOTE C – SERVICE FEE

Service fee is paid in lieu of property tax to the City of Millville per the Financial Agreement entered into by the two parties and dated November 14, 2005.

## NOTE D – RELATED PARTY TRANSACTIONS

The Entity has a leasing arrangement with Target which is discussed in detail in Note B. The Entity incurs interest expense at a fixed annual rate of 5% on debt that is owed to Target and matures September 10, 2021. The borrowings outstanding on this debt were $82,656 at February 1, 2020. The Entity also pays Target Enterprise, Inc. an administrative fee for services provided to the Entity as stipulated in the administrative agreement. The Entity also has payables of $3,324,596 to Target at February 1, 2020 for the cumulative expenses paid by Target.

## NOTE E – INCOME TAXES

The Entity has been established as a single member limited liability company, which is treated as a disregarded entity for income tax purposes. No provision for federal and state income taxes has been made in the financial statement as the Entity is not subject to income taxes and all profit and losses are reported on the Managing Member's income tax returns.

**Daily Journal, Vineland**

Publication Logo Unavailable

Publication Name:
**Daily Journal, Vineland**

Publication URL:

Publication City and State:
**Vineland , NJ**

Publication County:
**Cumberland**

---

Notice Popular Keyword Category:

Notice Keywords:
**millville**

Notice Authentication Number:
**202005271024412782959**
**853420002**

Notice URL:

Back

Notice Publish Date:
Saturday, May 23, 2020

**Notice Content**

CITY OF MILLVILLE NOTICE OF INTENTION Notice is hereby given that an Ordinance, a summary of which, is hereinafter set out, was introduced before the Board of Commissioners of the City of Millville and passed its first reading on May 19, 2020 and that said Ordinance will be considered by said Board on final passage June 3, 2020 at 5:30 P.M. in the Richard C. McCarthy Commission Chamber, City Hall, 12 S. High Street, Millville, New Jersey, when and where all persons interested therein will be given ample opportunity to be heard for or against the adoption of said Ordinance. An Ordinance adopting the Redevelopment Plan for Block 260, Lot 1, former Wheaton Glass Factory. Passed First Reading May 19, 2020 Michael Santiago W. James Parent Ashleigh Udalovas Joseph Pepitone Bruce Cooper Commissioners Attest: Jeanne M. Hitchner, City Clerk Due to the COVID-19 Pandemic the City of Millville Municipal Building is closed to the public until further notice. If any member of the general public would like to obtain a copy of this Ordinance, please contact the City Clerk's Office at (856) 825-7000 Ext. 7603 during the hours Monday through Friday 8:30 am to 4:30 pm. Publication Date: May 23, 2020 Ptr. Fee: $22.79

Back

**CITY OF MILLVILLE**
**COUNTY OF CUMBERLAND**
**STATE OF NEW JERSEY**

**ORDINANCE NO._____**

**ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MILLVILLE ADOPTING THE REDEVELOPMENT PLAN FOR THE WHEATON GLASS FACTORY (BLOCK 260, LOT 1) CITY OF MILLVILLE, CUMBERLAND COUNTY, NEW JERSEY**

WHEREAS, pursuant to *N.J.S.A.* 40a:12-1 *et seq*. Resolution 43-2017 of the City Commission of the City of Millville ("Commission"), declared the entirety of the City of Millville as an "Area in Need of Rehabilitation"; and

WHEREAS, pursuant to *N.J.S.A.* 40A:12A-7, a Governing Body may adopt, revise or amend a redevelopment plan; and

WHEREAS, pursuant to *N.J.S.A.* 40A:12A-7f and Resolution No. 110-2020 adopted on March 17, 2020, the Board of Commissioners directed the Planning Board of the City of Millville to adopt a Redevelopment Plan for the Wheaton Glass Factory site also known as Block 260, Lot 1; and

WHEREAS, pursuant to *N.J.S.A.* 40A:12A-7f and Resolution No. _____ adopted on _____, the Planning Board prepared a Redevelopment Plan for the Wheaton Glass Factory site and referred it to the Board of Commissioners and recommended that it be adopted; and

WHEREAS, the Commissioner has determined that it is in the best interest of the City to adopt the Redevelopment Plan, as recommended by the Planning Board, to effectuate the rehabilitation and redevelopment of the City.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Millville as follows:

SECTION 1

The City hereby adopts the "Redevelopment Plan for the Wheaton Glass Factory, City of Millville, Cumberland County, New Jersey," to facilitate the rehabilitation and redevelopment of the City of Millville.

SECTION 2

The Commission declares and determines that said Redevelopment Plan meets the criteria, guidelines and conditions se forth in *N.J.S.A.* 40A:12A-7, provides realistic opportunities for the rehabilitation and redevelopment of the City and is otherwise in conformance with *N.J.S.A.* 40A:12A-1, *et seq.*

SECTION 3

The Commission shall have, be entitled to and is hereby vested

all power and authority granted by the aforementioned statutory provisions ot effectuate the Redevelopment Plan.

SECTION 4

The Redevelopment Plan shall be an overlay to other development regulations and the City Zoning Map is hereby amended to conform with the provisions of the Redevelopment Plan.

SECTION 5

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

SECTION 6

In the event any clause, section or paragraph of the Ordinance is deemed invalid or unenforceable for any reason, it is the intent of the Commission that the balance of the Ordinance remains in full force and effect to the extent it allows the City to meet the goals of the Ordinance.

SECTION 7

This ordinance shall take effect after adoption and publication according to law.

FIRST READING: _____

Moved By: _____
Seconded By: _____

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

SECOND READING: _____

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 a Resolution adopted by the Board of Commissioners, of the City of Millville in the County of Cumberland, at a meeting thereof held on _____, 2020.

_____
Jeanne M. Hitchner, City Clerk

# 1.0 INTRODUCTION

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.

[1] "City"

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

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.

## 1.2 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.

[3] Via City Resolution No. A-4204[5]
[4] "Planning Board"
[5] On file with the City Clerk.

B. The Planning Board, on March 10, 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]

[6] §2.7 herein.
[7] Via Resolution No. 43-2017[5]
[8] Via Ordinance No 14-2017[5]

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

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.

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]

# 2.0DEFINITIONS

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

**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

shall be on the same lot as the Principal Use or Building it supports unless otherwise approved during site plan review. 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

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]

[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.

**2.16** "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 be subject to the Design Waiver process of §7.2.2 B.2 herein. **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.

**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 be subject to the Design Waiver process of §7.2.2 B.2 herein. 

**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.

**2.41** "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.

[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.

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*

*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 as agreed upon in the redevelopment agreement. 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, as more particularly defined in the Redevelopment Agreement.
**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.

[13] Including railroad
**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;

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

## 3.1 Pre-Existing Zoning / Redevelopment History

# 3.0 WHEATON GLASS FACTORY PROFILE

**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.

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

**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.

**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".**

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

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.

# 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.

[16] "State Plan"

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

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.

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

[19] State Plan: pp. 190

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 ~*

*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]

[20] State Plan: p. 10
[21] State Plan: p. 332

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:

[22] State Plan: pp. 191-192

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*

*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]

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

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.

## 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.

[24] Including, but not limited to, the granting of tax abatement, Payment-In-Lieu-of-Tax (P.I.L.O.T.) Agreements, and such other financial assistance / programs for which the project may become eligible.

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 by the Redeveloper 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:

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

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;


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.

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

**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

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

## 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]

[27] N.J.S.A. 40A:11-1 et. seq.
[28] N.J.S.A. 40A:12-1 et. seq.

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;

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;

[29] §8.0 - §11.0 herein.

• 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.

[30] §6.2 herein.

• 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, for any facet of the project unless otherwise negotiated between the City and Redeveloper.***

### 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.

## 6.3 MUNICIPAL CONVEYANCE

**6.3.1** 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.

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

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.

**6.3.2** The City shall not convey Lot 1 unless and until a Redeveloper has been designated and a Redevelopment Agreement therewith executed and, at a minimum, preliminary and final site plan approval has been completed, with the redeveloper assuming all risks of outstanding approvals.

**6.3.3** 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 or such other agreement between the city and the redeveloper 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. Other than as permitted via a negotiated Redevelopment Agreement, lands and improvements within the Wheaton Glass Factory shall be permanently and irrevocably restricted against being constructed, occupied or used in a manner than renders them exempt from payment of municipal property taxes

# 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.

F. City and Redeveloper recognize that certain environmental contamination exists on, in and under Wheaton Glass Factory lands. Redeveloper 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 conditional 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.

[32] §5.0 herein.

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.

[33] §5.2 herein.

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.

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]

[34] N.J.S.A. 40A:12A-7
[35] N.J.S.A. 40:55D-62

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.

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

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.

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.

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

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.

[39] §8.0 - §11.0 herein
[40] §7.3 herein

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.

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.

## 8.1 APPROACH

# 8.0 LAND USE PLAN

### 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 while eliminating the factors which have led to its current blighted condition. To accommodate such adaptive reuse, this Land Use Plan modifies the Permitted Uses established for the City's I-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 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. Subject to the design Waiver Process of §7.2.2 B.2 of this Redevelopment Plan, where not specified herein, Land Use and Development Regulations shall be governed by Chapter 30.
D. (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. If a Redevelopment Project is to be phased, the initial plans shall depict later phases in concept to the extent known at the time. When subsequent phases are proposed for development, formal site plan approval shall be required for each such phase. The Plans for such phase shall depict later phases in concept to the extent known at that time. Initial blighted conditions shall be addressed in Phase I of the project.

### 8.2.2 PERMITTED USES

Buildings may house any combination of Permitted Principal or Ancillary Uses in single or multi-use configurations.
While this Redevelopment Plan contemplates an array of uses, it recognizes that market forces and technological innovation may offer additional uses not contemplated. The implementation of permitted uses shall conform to §8.2.5 regarding Industrial Performance Standards. If these standards cannot be met as established, the Governing Body, acting in its capacity as Redevelopment Entity for this Redevelopment Plan, shall retain sole authority for the acceptability of such nonconformity.

A. Permitted Principal Uses
1. Indoor 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 or otherwise categorized Class A recyclable material per N.J.A.C. 7:26A-1 et seq.

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.

4. Communication towers and facilities.

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. Outdoor storage of source material pending processing or finished product pending distribution shall be screened from view of all rights of way.

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. 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 or area(s) for reflection / meditation for personnel associated with a Permitted Principal Use.

11. Signage (§8.3 herein).

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 to the extent feasible while removing factors contributing to blighted conditions. 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.

| **CATEGORY** | **REGULATION** |
|---|---|
| Minimum Lot Size & Geometry | |
| Lot Size<br>Lot Width<br>Lot Depth | The existing geometry of Block 260, Lot 1 shall constitute the minimum Lot Area, Width & Depth. |
| Minimum Setbacks: Principal Structures | |
| From existing G. Street and Wheaton Avenue [C.R. 555] | 30’ |
| 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' |
| CATEGORY | REGULATION |
| 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. | 200’ |

| | |
|---|---|
| Windmills or Other Solar Energy Mechanisms | |
| 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 |

8.2.4 ADD Architectural Design sections

Design Standards

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

Any deviation from the following Design Standards of this Redevelopment Plan shall be treated as a design waiver as consistent with §7.3.3 herein.

Architectural Design

• The façade of any principal structure shall be treated with a variety of materials with a finished quality appearance with particular attention to those visible from a public right of way. Architectural elements shall add visual interest and aesthetic appeal to the project though use of colors, materials, textures and finishes.

• All mechanical equipment such as HVAC, emergency generators, or other such equipment, shall be screened from public view.

- All electronic communication equipment shall be mounted in such a way that it doesn't negatively impact the appearance of the building on which it is placed.
- Ancillary structures shall be architecturally compatible with the Principal Structure they are intended to serve, and, if practicable, shall be screened from view from the public Right-of-Way.
- See concept plans in Exhibit ( 2 )

8.2.5 Standards of Performance

No use shall be permitted within the City of Millville which does not conform to the standards of use, occupancy and operation contained in this section. The standards contained herein are hereby established as the minimum requirements to be maintained within the City of Millville in all cases, except where superseded by a state or federal agency requirement having jurisdiction.

A.

Noise. (See noise pollution control regulations set forth in Article VIII of Chapter 52 of the Municipal Code.)

~~[Amended 8-17-2004 by Ord. No. 23-2004]~~

B.

Odor. No emission of odorous gases or other odorous material shall be permitted in such quantity as to be offensive at the lot lines or beyond.

C.

Glare or heat. Any operation producing intense glare or heat shall be performed within a completely enclosed building so that no operation will produce heat or glare beyond the property line of the lot on which the operation is located.

D.

Radiation. No activity involving ionizing radiation shall be permitted which will cause radiation at any point on or beyond any lot line in excess of limits contained in the United States Nuclear Regulatory Commission's Rules and Regulations as amended from time to time.

E.

Vibration. Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible without instruments at any point on or beyond any lot line on which the use is located.

F.

Smoke. There shall be no emission of smoke from any source whatever to a density greater than that prescribed by the laws of the State of New Jersey.

G.

Toxic or noxious matter. No use shall, for any period of time, discharge any toxic or noxious matter in such concentration as to be detrimental to or endanger the public health, safety, comfort, or welfare or cause injury or damage to property, business, marine life or wildlife.

H.

Dust or dirt. No emission which can cause any detrimental effect on human beings, animals, vegetation or property or which can cause an excessive soiling at any point, and in no event any emission from any chimney or otherwise of any solid or liquid particles shall be permitted in excess of that prescribed by the laws of the State of New Jersey.

I.

Fire and explosion hazard. All industrial activities shall be carried on in such a manner and with such precaution against fire and explosion hazards as to produce no explosion hazard, as determined by state or local officers, to a use on an adjacent property. Free- or active-burning materials shall be enclosed with noncombustible walls and shall be set back at least 40 feet from any lot line or shall be protected with automatic sprinklers. Materials or products which produce flammable or explosive vapors under ordinary weather temperatures shall be adequately safeguarded.

J.

Liquid or solid waste.

(1)

No discharge at any point into any private sewage disposal system stream or into the ground or any materials in such way or of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or objectionable elements shall be permitted except in accordance with the standards approved by the County Board of Health and the State Department of Health where it has jurisdiction; or, in the event that such standards as may be required for controls are not included in such department, then standards equivalent to those shall apply. No accumulation of solid waste conducive to the breeding of rodents and insects shall be permitted, and no materials or wastes shall be deposited upon any lot in such form or manner or quantity as may be transferred off that lot by natural causes or forces.

(2)

Effluent from a treatment plan shall at all times comply with the following standards:

(a)

Maximum quantity of effluent shall be 10% of the minimum daily stream of flow.

(b)

Maximum five-day biochemical oxygen demand shall be 25 parts per million.
(c)
Maximum five-day biochemical oxygen demand after dilution (BOD of effluent multiplied by quantity divided by quantity of stream flow) shall be 25 parts per million.
(d)
Maximum total solids shall be 5,000 parts per million.
(e)
Maximum phenol shall be 0.01 part per million.
(f)
No effluent shall contain any other acids, oils, dust, toxic metals or corrosive or other toxic substances in solution or suspension which would create odor, poison or otherwise pollute any stream in violation of applicable laws of the State of New Jersey.
K.
Electromagnetic interference. No activities shall be permitted, except domestic household appliance use, which produce electromagnetic interference in excess of standards prescribed by the Federal Communications Commission.

8.2.6 Performance Guarantee

- As part of site plan approval, the Planning Board may require the redeveloper to furnish performance guarantees pursuant to N.J.S.A. 40:55D-53. The performance guarantees shall be in favor of the City of Millville, and the City Engineer shall determine the amount of any performance guarantees.
- As part of site plan approval, the Planning Board may require that the redeveloper be responsible for the maintenance of all landscaping, buildings, structures, utilities, or any other improvements on the site.

## 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]

[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, and areas not visible to any public rights of way, excluding required directional signage.

G. Signs advertising a product or component of a product that may be used or consumed at a location other than the Wheaton Glass Factory are permitted, provided that some aspect of the product production or packaging is undertaken within the Glass Factory Area. The maximum number of such signs is 1 per product company, regardless of the number of product companies qualify.

### 8.3.2 Building Mounted Signage

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 10% of the front of the building or a maximum of 200 square feet.

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.

# 9.0 CIRCULATION, PARKING & LOADING PLAN

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.

## 9.1 Circulation

### 9.1.1 Existing Rights-of-Way

A. This 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.

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. 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 as agreed to in the redeveloper agreement.

### 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. Any parking requirements can be satisfied off-site given that it be adjacent to Block 260 Lot 1 and pedestrian access is given. Necessary easements shall be reviewed by the Planning Board and recorded.
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]
[42] Commonly referred to as the "I.T.E. Parking Manual".
Consistent with the intent of this Redevelopment Plan to utilize Smart Growth Principals, Chapter 30 and I.T.E. paerking 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.
F. On-street parking shall not be permitted within 25' of an intersection.

### 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.

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

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.

**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.

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.

## 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.

# 10.0 INFRASTRUCTURE CONTROLS

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

**10.1.2** It is anticipated that the existing 3.5 megawatt electric substation located on the northwest corner of the Block 260 Lot 5 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.***

**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.

# 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:

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

• Common name, botanical name, size at planting and appropriate planting notes for all landscape elements;

• Number, locations and appropriate notes for other Project elements;

- Details on plans to include standard horticultural practices for installation and maintenance (may be subject to performance guarantee);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.

### 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.

- Required street trees shall be deciduous trees with a minimum of 2-1/2 inch caliper at the time of planting.
- Required street trees shall be spaced at a maximum distance of 50 feet on/center, and placed within the required landscape strip area in a linear manner along Wheaton Avenue and G Streets.

G. Outdoor exterior maintenance and/or storage areas shall be screened from view of all public rights of way.

## 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.

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

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 maximum 8' security fence along G Street and Wheaton Avenue and 12' in other locations within the perimeter landscaping, 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.
Non-ornamental galvanized chainlink fence shall not meet the requirements for the perimeter fence along Wheaton Avenue and G Streets. The publicly visible portion of the southwest intersection of G street and the railroad should be treated with ornamental landscaping and fencing.

[48]

## 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. Where not specified herein lighting provisions of Chapter 30 shall apply.

### 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.
E. Standards

- At no time shall the light source be visible from adjacent properties. A maximum of 0.25 footcandles at a height of five (5') feet above the property line and/or right-of-way line, excluding points of ingress and egress for vehicles shall be permitted.
- Pole-mounted light fixtures shall be installed at a height no greater than twenty (20') feet from ground level with said pole foundation installed to a depth of five (5') feet below grade.
- Shields. Light shields shall be installed on all non-conforming lights adjacent to a residential property or zone, around the perimeter of the property, and along any street right-of-way to control glare.
- Parking lots shall have exterior lighting in all publicly accessible areas
- All pedestrian walkways shall have appropriate lighting. All lighting shall illuminate only those areas for which the lighting is designed and shall be designed to reduce glare and not impact adjacent uses. all site and building mounted lights produce a maximum initial luminance value no greater than 0.20 horizontal and vertical footcandles at the site boundary and no greater than 0.01 horizontal footcandles 15 feet beyond the site.

## 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.

# 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.

## 13.1 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.

# 13.0 PROVISIONS NECESSARY TO MEET STATUTORY REQUIREMENTS

## 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]

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

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:

(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.

b. Commuter Rail

The option will remain available to use the existing adjacent rail line for any potential commuter rail development.

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]

[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.

**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.**

[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)

### 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.

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]

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

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

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]

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

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.

### 13.2.8 PROVISION OF AFFORDABLE HOUSING[60]

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

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]

[62] Exhibit 1 herein
[63] N.J.S.A. 40A:12A-7d

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".

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]

[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.

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.

## 14.1 EFFECTIVE DATE

# 14.0 EFFECTIVE DATE, DURATION OF PROVISIONS & AMENDMENTS

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 no implementation within 5 years, then the existing zoning in Exhibit 1 shall prevail. Where 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.

[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.**

**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

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

## REDEVELOPMENT PLAN FOR THE WHEATON GLASS FACTORY City of Millville Cumberland County, New Jersey

### Exhibit 1

### PRE-EXISTING ZONING REGULATIONS[71]

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

### GENERAL INDUSTRY (I-1) ZONE

| PERMITTED PRINCIPAL USES | MINIMUM LOT AREA | MINIMUM LOT INTERIOR | MINIMUM LOT CORNER | MINIMUM LOT DEPTH | MINIMUM SETBACKS FRONT YARD | MINIMUM SETBACKS REAR YARD | MINIMUM SETBACKS SIDE YARD | MAXIMUM BUILDING HEIGHT | MAXIMUM 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' | | |
| Heavy equipment sales & service | | | | 40% | | | | | |
| 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% | | |

**RESOLUTION_____**

**WHEREAS**, due to the COVID-19 pandemic; the State of New Jersey, has moved their fiscal year to September 30, 2020; and

**WHEREAS**, the DLGS Local Finance Notice 2020-07 strongly recommends municipalities issue an estimated 3rd quarter billing for the 2020 tax year; and

**WHEREAS**, the Cumberland County Board of Taxation has issued a Preliminary Worksheet of the 2020 Tax rate which was calculated w/o state certification; and

**WHEREAS**, the estimated certification was reviewed by the Tax Collector and CFO in accordance with N.J.S.A 54:4-66.3

**NOW THEREFORE, BE IT RESOLVED THAT THE GOVERNING BODY OF THE CITY OF MILLVILLE, COUNTY OF CUMBERLAND, STATE OF NEW JERSEY, HEREBY AUTHORIZE THAT:**

1. The Tax Collector is directed to prepare, and issue estimated tax bills for the City of Millville for the third installment of 2020, in accordance with the provisions of N.J.S.A 54:4-66et seq

2. The entire estimated tax levy for 2020 is hereby set to $52,579,243.08

3. The Tax Collector takes any additional steps necessary to immediately implement this resolution.

Moved By: _____

Seconded By: _____

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

CERTIFICATION

I hereby 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 _____.

_____
Jeanne Hitchner, City Clerk

**CALCULATED W/O STATE CERTIFICATION OF MUNIC BUDGET**

**Worksheet for Tax Rate - Preliminary**

District: Millville City 2020

1. (A) Net Valuation Taxable (Col. 6) $ 1,458,480,483.00

   (B) Total Tax Levy (Col. 12, D) $ 52,579,243.08

| ITEM | | AMOUNT OF TAX | | RATE | | |
|---|---|---|---|---|---|---|
| Net County Taxes (Col. 12, A, V) | $ | 18,428,043.03 | $ | 1.264 | | |
| Local Health Services Taxes (Col. 12, B, (b)) | $ | 911,565.28 | $ | 0.063 | -$ | 1.338 |
| County Open Space Preservation Trust Fund Tax (Col. 12, B, (c)) | $ | 157,608.88 | $ | 0.011 | | |
| District School Tax (Col. 12, C, I, (a)) | $ | 13,167,781.00 | $ | 0.903 | | |
| District School Tax (Col. 12, C, I, (b)) Regional | $ | 0.00 | $ | 0.000 | -$ | 0.903 |
| District School Tax (Col. 12, C, I, (c)) | $ | 0.00 | $ | 0.000 | | |
| Local Municipal Purposes (Col. 12, C, II) | $ | 19,914,244.89 | $ | 1.366 | | |
| TOTAL TAX LEVY (Col. 12, D) | $ | 52,579,243.08 | $ | 3.607 | | |

2. Computing the Tax Rate:

(B ÷ A) 52,579,243.08 ÷ 1,458,480,483.00 = 3.60507005

ALLOCATION OF GENERAL TAX RATE

| | Total Amount Levied | ÷ | N.V.T. | = | Allocation of Rate | |
|---|---|---|---|---|---|---|
| County: | 18,428,043.03 | ÷ | 1,458,480,483.00 | = | 1.26350974 | 1.264 |
| Local Health | 911,565.28 | ÷ | 1,458,480,483.00 | = | 0.06250103 | 0.063 |
| Co. Open space P.T.F.: | 157,608.88 | ÷ | 1,458,480,483.00 | = | 0.01080638 | 0.011 |
| County sub total: | | | | | | 1.338 |
| School: | | | | | | |
| Budget | 13,167,781.00 | ÷ | 1,458,480,483.00 | = | 0.90284246 | 0.903 |
| Regional | 0.00 | ÷ | 1,458,480,483.00 | = | 0.00000000 | 0.000 |
| Municipal | 0.00 | ÷ | 1,458,480,483.00 | = | 0.00000000 | 0.000 |
| School sub total: | | | | | | 0.903 |
| Local Municipal Purposes: | 19,914,244.89 | ÷ | 1,458,480,483.00 | = | 1.36541045 | 1.366 |
| TOTAL | | | | | | $ 3.607 |

| | | | | |
|---|---|---|---|---|
| Senior Citizen | 66,500.00 | Tax Rate for 2020 | 3.607 | |
| Veterans | 152,250.00 | Tax Rate for 2019 | 3.44 | |
| | | Difference | 0.167 | more |

**County of Cumberland**

**Tax Rate**

| | Actual 2020 Amount | Actual 2020 Rate | Actual 2019 Amount | Actual 2019 Rate | Increase |
|---|---|---|---|---|---|
| County Tax | 18,428,043.03 | 1.264 | 17,430,358.84 | 1.193 | 0.071 |
| County Library | | 0.000 | | 0.000 | |
| County Health | 911,565.28 | 0.063 | 813,361.95 | 0.056 | 0.007 |
| County Open Space | 157,608.88 | 0.011 | 156,727.75 | 0.011 | 0.000 |
| | | 0.000 | | 0.000 | |
| | | 0.000 | | 0.000 | |
| | | 0.000 | | 0.000 | |
| Total County Tax | 19,497,217.19 | 1.339 | 18,400,448.54 | 1.260 | 0.079 |
| | | 0.000 | | 0.000 | |
| Regional School | | 0.000 | | 0.000 | |
| Local School | 13,167,781.00 | 0.903 | 12,661,327.00 | 0.867 | 0.035 |
| Vocational School | 0.00 | 0.000 | 0.00 | 0.000 | |
| Regional High School | | 0.000 | | 0.000 | |
| Special District | | 0.000 | | 0.000 | |
| Additional School | 0.00 | 0.000 | 0.00 | 0.000 | |
| | | 0.000 | | 0.000 | |
| | | 0.000 | | 0.000 | |
| Local Purpose | 19,914,244.89 | 1.36541 | 19,177,721.00 | 1.312 | 0.053 |
| | 52,579,243.08 | 3.607 | 50,239,496.54 | 3.440 | 0.167 |
| Net Valuation Taxable | 1,458,480,483.00 | | 1,461,227,347.00 | | |
| | 1,458,480,483.00 | | 1,461,227,347.00 | | |

Resolution No._____

**WHEREAS,** NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS,** said Director may also approve the insertion of any item of appropriation for equal amount.

**Section 1**

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioner of the City of Millville hereby requests the insertion of an additional item of revenue in the budget of the calendar year 2020 in the sum of * *$ 39,899.00 which is now available as a revenue from the **US Dept. of Justice, Bureau of Justice Assistance,** pursuant to the provisions of Statute.

**Section 2**

**BE IT FURTHER RESOLVED** that a like sum of * * * * * * $ 39,899.00 be and the same is hereby appropriated in the budget under the caption:

**Operations - Excluded from 'CAPS'**
**Public and Private Programs Offset by Revenues**
**U.S. Dept. of Justice, Bureau of Justice Assistance,**
**Edward Byrne Justice Assistance Grant Program**

**Section 3**

**BE IT FURTHER RESOLVED** that the Chief Financial Officer be authorized to file one (1) certification with the Director of the Division of Local Government Services.

Moved By:

Seconded By:

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

CERTIFICATION

I hereby 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 _____.

_____
Jeanne M. Hitchner, City Clerk

**RESOLUTION_____**

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MILLVILLE:**

**That the following be transferred within the Tax and Utility records**

| Block | Lot | Acct | Property Location | Yr | Prd | Amount | Int | Description |
|---|---|---|---|---|---|---|---|---|
| 431 | 3 | 7782-0 | 407 Sassafras St | Ovr | Pay | $ 31.50 | | Water |
| 431 | 3 | 7782-0 | 407 Sassafras St | Ovr | Pay | $ 243.38 | | Sewer |
| 431 | 3 | | 407 Sassafras St | 20 | 1 | $ (242.15) | | Tax |
| 431 | 3 | | 407 Sassafras St | 20 | 2 | $ (32.73) | | Tax |
| 286 | 4 | 5395-0 | 21 W Foundry St | Ovr | Pay | $ 44.00 | | Water |
| 286 | 4 | 5395-0 | 21 W Foundry St | Ovr | Pay | $ 130.00 | | Sewer |
| 397 | 8 | 7217-0 | 532 N 8th St | 20 | 1 | $ (7.00) | | Water |
| 397 | 8 | 7217-0 | 532 N 8th St | 20 | 2 | $ (37.00) | | Water |
| 397 | 8 | 7217-0 | 532 N 8th St | 20 | 2 | $ (130.00) | | Sewer |
| 371 | 32 | | 531 N 4th St | 20 | 3 | $ 156.63 | | Tax |
| 371 | 32 | 6776-0 | 531 N 4th St | 20 | 2 | $ (30.00) | | Water |
| 371 | 32 | 6776-0 | 531 N 4th St | 20 | 2 | $ (126.63) | | Sewer |
| 316 | 11 | | 912 N 5th St | 20 | 2 | $ 50.14 | | Tax |
| 536 | 6 | 9397-0 | 707 Shar Lane Blvd | Ovr | Pay | $ 53.14 | | Water |
| 562.06 | 6 | 12290-0 | 923 Shar Lane Blvd | 20 | 2 | $ (72.00) | | Water |
| 562.06 | 6 | 12290-0 | 923 Shar Lane Blvd | 20 | 2 | $ (31.28) | | Sewer |
| 517 | 1 | 9083-0 | 201 Court Blvd | 20 | 2 | $ 44.00 | | Sewer |
| 236 | 50 | 4561-2 | 4 Bunting Ln | 20 | 2 | $ (40.50) | | Water |
| 236 | 50 | 4561-2 | 4 Bunting Ln | 20 | 2 | $ (3.50) | | Sewer |
| 303 | 2 | 5656-0 | 302 W Powell St | 20 | 2 | $ 30.00 | | Water |
| 303 | 2 | 5656-0 | 302 W Powell St | 20 | 2 | $ (30.00) | | Sewer |
| 572 | 5 | 9886-0 | 2011 S 2nd St | 20 | 1 | $ 3.00 | | Water |
| 572 | 5 | 9886-0 | 2011 S 2nd St | 20 | 2 | $ (3.00) | | Sewer |
| 365 | 7 | | 409 Dock St | 20 | 1 | $ 152.22 | | Tax |
| 365 | 7 | 6666-0 | 409 Dock St | 20 | 2 | $ (130.00) | | Sewer |
| 365 | 7 | 6666-0 | 409 Dock St | 20 | 2 | $ (22.22) | | Water |
| 100 | 17 | | 209 Maurice St | 20 | 1 | $ 218.24 | | Tax |
| 100 | 17 | 2382-0 | 209 Maurice St | 20 | 1 | $ (55.00) | $ (1.70) | Water |
| 100 | 17 | 2382-0 | 209 Maurice St | 20 | 2 | | $ (0.33) | Water |
| 100 | 17 | 2382-0 | 209 Maurice St | 20 | 1 | $ (155.00) | $ (4.79) | Sewer |
| 100 | 17 | 2382-0 | 209 Maurice St | 20 | 2 | | $ (1.42) | Sewer |
| 394 | 4.03 | | 715 E Oak St | 20 | 3 | $ 159.14 | | Tax |
| 394 | 4.03 | 7159-0 | 715 E Oak St | 20 | 2 | $ (30.00) | | Water |
| 394 | 4.03 | 7159-0 | 715 E Oak St | 20 | 2 | $ (129.14) | | Sewer |

**That the following be added back to Tax and Utility records due to returned checks**

| Block | Lot | Acct | Property Location | Yr | Prd | Amount | Int | Description |
|---|---|---|---|---|---|---|---|---|
| 580 | 6.09 | | 45 Reese Rd | 20 | 2 | $ 12,040.00 | | Tax |
| 462 | 9 | | 109 Smith St | 20 | 2 | $ 508.26 | | Tax |
| 116 | 11.03 | 12654-0 | 512 Maple St | 20 | 1 | $ 125.00 | $ 2.11 | Sewer |
| 470 | 1 | 8251-0 | 123 S 4th St | 20 | 1 | $ 332.39 | $ 1.03 | Sewer |

**That the following charges be canceled by resolution**

| Block | Lot | Acct | Property Location | Yr | Prd | | Amount | Int | Description |
|---|---|---|---|---|---|---|---|---|---|
| 87 | 15 | | 507 Ireland Ave | | | $ | (250.00) | | Tax |
| 373 | 11 | | 521 N 5th St | | | $ | (250.00) | | Tax |
| 358 | 11 | | 520-522 N 2nd St | 20 | 1 | $ | (389.58) | | Tax |
| 358 | 11 | | 520-522 N 2nd St | 20 | 2 | $ | (389.58) | | Tax |
| 303 | 2 | 5656-0 | 302 W Powell St | 20 | 2 | $ | (30.00) | | Water |

**That the following charges be canceled due to we have to accept Bk Ct Settlement**

| Block | Lot | Acct | Property Location | Yr | Prd | | Amount | Int | Description |
|---|---|---|---|---|---|---|---|---|---|
| 564 | 33 | 9796-S | 515 Brian Ave | 18 | 3 | $ | (4.50) | | Spc Chgs |

**That the following be canceled by resolution from the Utility records due to bill error**

| Block | Lot | Acct | Property Location | Yr | Prd | | Amount | Int | Description |
|---|---|---|---|---|---|---|---|---|---|
| 233 | 10 | 4424-0 | 2007 2nd St | 20 | 2 | $ | (60.00) | | Water |
| 233 | 10 | 4424-0 | 2007 2nd St | 20 | 2 | $ | (130.00) | | Sewer |
| 253 | 9 | 10224-1 | 210-212 Sharp St | 20 | 2 | $ | (182.00) | | Water |
| 510 | 3 | 8901-0 | 2311 E Main St | 20 | 2 | $ | (329.00) | | Water |

**That the following be added by resolution**

| Block | Lot | Acct | Property Location | Yr | Prd | | Amount | Int | Description |
|---|---|---|---|---|---|---|---|---|---|
| 465 | 2 | 8195-0 | 302 S 6th St | 20 | 1 | $ | 130.00 | | Sewer |
| 465 | 2 | 8195-0 | 302 S 6th St | 20 | 2 | $ | 130.00 | | Sewer |
| 266.01 | 26 | 11304-0 | 2008 Valley Ave | 19 | 4 | $ | 130.00 | | Sewer |
| 266.01 | 26 | 11304-0 | 2008 Valley Ave | 20 | 1 | $ | 130.00 | | Sewer |
| 266.01 | 26 | 11304-0 | 2008 Valley Ave | 20 | 2 | $ | 130.00 | | Sewer |
| 266.01 | 26 | 11304-0 | 2008 Valley Ave | 20 | 1 | $ | 82.50 | | Water |
| 266.01 | 26 | 11304-0 | 2008 Valley Ave | 20 | 2 | $ | 121.00 | | Water |
| 453 | 5 | 9509-0 | 310 Henderson Ave | 17 | 4 | $ | 30.00 | | Water |
| 453 | 5 | 9509-0 | 310 Henderson Ave | 18 | 1 | $ | 30.00 | | Water |
| 453 | 5 | 9509-0 | 310 Henderson Ave | 18 | 2 | $ | 30.00 | | Water |
| 453 | 5 | 9509-0 | 310 Henderson Ave | 18 | 3 | $ | 30.00 | | Water |
| 453 | 5 | 9509-0 | 310 Henderson Ave | 18 | 4 | $ | 30.00 | | Water |
| 453 | 5 | 9509-0 | 310 Henderson Ave | 19 | 1 | $ | 30.00 | | Water |
| 453 | 5 | 9509-0 | 310 Henderson Ave | 19 | 2 | $ | 30.00 | | Water |
| 453 | 5 | 9509-0 | 310 Henderson Ave | 19 | 3 | $ | 30.00 | | Water |
| 453 | 5 | 9509-0 | 310 Henderson Ave | 19 | 4 | $ | 30.00 | | Water |
| 453 | 5 | 9509-0 | 310 Henderson Ave | 20 | 1 | $ | 30.00 | | Water |
| 453 | 5 | 9509-0 | 310 Henderson Ave | 20 | 2 | $ | 30.00 | | Water |
| 453 | 5 | 9509-0 | 310 Henderson Ave | 17 | 4 | $ | 130.00 | | Sewer |
| 453 | 5 | 9509-0 | 310 Henderson Ave | 18 | 1 | $ | 130.00 | | Sewer |
| 453 | 5 | 9509-0 | 310 Henderson Ave | 18 | 2 | $ | 130.00 | | Sewer |
| 453 | 5 | 9509-0 | 310 Henderson Ave | 18 | 3 | $ | 130.00 | | Sewer |
| 453 | 5 | 9509-0 | 310 Henderson Ave | 18 | 4 | $ | 130.00 | | Sewer |
| 453 | 5 | 9509-0 | 310 Henderson Ave | 19 | 1 | $ | 130.00 | | Sewer |
| 453 | 5 | 9509-0 | 310 Henderson Ave | 19 | 2 | $ | 130.00 | | Sewer |
| 453 | 5 | 9509-0 | 310 Henderson Ave | 19 | 3 | $ | 130.00 | | Sewer |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| 453 | 5 | 9509-0 | 310 Henderson Ave | 19 | 4 | $ | 130.00 | | Sewer |
| 453 | 5 | 9509-0 | 310 Henderson Ave | 20 | 1 | $ | 130.00 | | Sewer |
| 453 | 5 | 9509-0 | 310 Henderson Ave | 20 | 2 | $ | 130.00 | | Sewer |

**That the following be corrected by resolution**

| Block | Lot | Acct | Property Location | Yr | Prd | | Amount | Int | Description |
|---|---|---|---|---|---|---|---|---|---|
| 116 | 11.03 CA | 12654-0 | 512 Maple St | 20 | 2 | $ | 128.31 | | Sewer |
| 116 | 11.03 CA | 12654-0 | 512 Maple St | 20 | 1 | $ | (125.00) | $ (3.31) | Sewer |
| 510 | 3 | 8901-0 | 2311 E Main St | 20 | 2 | $ | 72.00 | | Water |
| 510 | 3 | 8901-0 | 2311 E Main St | 20 | 2 | $ | (72.00) | | Sewer |
| 567 | 13 | 9861-0 | 500 Brian Ave | 20 | 2 | $ | 47.50 | | Water |
| 567 | 13 | 9861-0 | 500 Brian Ave | 20 | 2 | $ | 130.00 | | Sewer |
| 564 | 30 | 9793-0 | 509 Brian Ave | 20 | 1 | $ | (30.00) | | Water |
| 564 | 30 | 9793-0 | 509 Brian Ave | 20 | 1 | $ | (130.00) | | Sewer |
| 564 | 30 | 9793-0 | 509 Brian Ave | 20 | 2 | $ | (17.50) | | Water |

**VOTING:**

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

**CERTIFICATION**

**I hereby 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 June 2nd, 2020.**

**Jeanne Hitchner, City Clerk**

**RESOLUTION NO. _____-2020**

WHEREAS, the parties entered into a Memorandum of Agreement by Resolution No. R283-2016 adopted by the Board of Commissioners of the City of Millville on September 6, 2016; and

WHEREAS, Business Watch International (USA) Inc. provides an investigative interface for the purpose of assisting the Millville Police Department in monitoring the purchase of pawn or secondhand goods; and

WHEREAS, the term of the aforesaid agreement expired after three years on October 30, 2019; and

WHEREAS, the parties desire to extend the agreement for one additional three-year term as provided for under ¶ 1 of the Memorandum of Agreement; and

WHEREAS, there will be no cost to the City in Continuing as a member of the Rapid System as the licensing fees charged by the City will cover the cost of said services.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Millville, County of Cumberland and State of New Jersey that:

1. The Board hereby approves the First Amendment to the Memorandum of Agreement between the City of Millville and Business Watch International (USA) Inc.

2. The Mayor and City Clerk are hereby authorized to execute said First Amendment.

3. This agreement is awarded without competitive bidding as the Memorandum of Agreement through a non-fair and open process.

4. Notice of action shall be published in The Daily Journal.

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 a Resolution adopted by the Board of Commissioners, of the City of Millville in the County of Cumberland, at a meeting thereof held on _____, 2020.

_____
Jeanne M. Hitchner, City Clerk

**CITY OF MILLVILLE**
**COUNTY OF CUMBERLAND**
**STATE OF NEW JERSEY**

**RESOLUTION NO. _____-2020**

**RESOLUTION APPROVING CORRECTED PROFESSIONAL SERVICES AGREEMENT FOR ADVANCED GeoSERVICES CORP.**

**WHEREAS**, the Board of Commissioners of the City of Millville by Resolution No. 115-2020 awarded a Professional Services Agreement to Advanced GeoServices, Corp., a Montrose Environmental Company (hereinafter referred to as "Contractor"); and

**WHEREAS**, said Contractor has requested that certain changes be made to the agreement to more properly identify the corporate entity as well as to amend certain payments process and indemnification terms; and

**WHEREAS**, the Board of Commissioners of the City of Millville is agreeable to the aforesaid changes and desires to receive the services of the Contractor; and

**WHEREAS**, the Board of Commissioners hereby incorporates herein by reference thereto all of the provisions set forth in Resolution No. 115-2020;

**NOW THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the City of Millville, County of Cumberland and State of New Jersey that:

1. All of the statements of the preamble are incorporated herein by this reference thereto as though the same were set forth at length.

2. The Mayor and City Clerk be and they are hereby authorized to execute the Corrected Professional Services Contract retaining the Contractor in an amount not to exceed $10,000.00 the form annexed hereto as Exhibit "A" with the term of that agreement commencing on April 1, 2020 and terminating on December 31, 2020.

3. The statutory language required by N.J.S.A. 10:2-1 and 10:5-33 hereby incorporated into the contract by reference and the contractor is bound by said language together with the other provisions of the anti-discrimination laws of the State of New Jersey, Chapter 127 of the Laws of 1975.

4. This Resolution shall only be effective when a copy of a certification of availability of funds prepared by Chief Financial Officer of the City is attached hereto.

5. The Business Disclosure Entity Certification and the determination of value shall be placed on file with this Resolution.

6. A notice of the letting of this contract shall be published in the City's official newspaper within ten (10) days of the date of this resolution, which notice shall state that this Resolution and the Contract are on file and available for public inspection in the office of the City Clerk.

7. This Resolution only shall become effective when a copy of the New Jersey Business Registration Certificate of the Contractor herein is submitted to the City of Millville pursuant to the provisions of N.J.S.A. 52:32-44b(1) and a copy of that New Jersey Business Registration Certificate shall be placed on file with this Resolution.

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 a Resolution adopted by the Board of Commissioners, of the City of Millville in the County of Cumberland, at a meeting thereof held on _____, 2020.

_____
Jeanne M. Hitchner, City Clerk

**RESOLUTION NO._____**

**WHEREAS**, the City of Millville is a member of the HGACBuy Cooperative; and

**WHEREAS,** any contracts that are part of these pricing systems may be used by the members, and

**WHEREAS**, the City of Millville has a need to purchase one (1) Ford F-450 4x4 Remount for an existing ambulance including options and installation within the Public Safety Department; and

**WHEREAS,** the Department has researched vendors that would achieve their goals and determined that the sought-after equipment may be procured through a cooperative purchasing contract between HGACBuy and 1st Priority Emergency Vehicles;

**WHEREAS**, it is desirable for the City of Millville to utilize the HGACBuy contract #AM10-18 and shall result in cost savings after all factors including charges for service, material, and installation have been considered; and

**WHEREAS**, purchases made utilizing this contract meets the requirements of using a fair and open process; and

**WHEREAS**, the City has sufficient funds appropriated for this equipment;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MILLVILLE:**

1. Authorize the purchase of One (1) Ford F-450 4x4 Remount for an existing Ambulance including options, and installation from 1st Priority Emergency Vehicles, Building 500, 2444 Ridgeway Blvd, Manchester, NJ 08759 for $133,251.

Moved By:

Seconded By:

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

CERTIFICATION

I hereby 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 _____.

_____
Jeanne M. Hitchner, City Clerk