

TOWNSHIP OF PENNSVILLE
SALEM COUNTY, NEW JERSEY

ORDINANCE A-1-2020

Title:

AN ORDINANCE OF THE TOWNSHIP OF PENNSVILLE ADOPTING A REDEVELOPMENT PLAN FOR THAT PROJECT COMMONLY REFERRED TO AND HEREINAFTER TO BE KNOWN AS THE "CALPINE REDEVELOPMENT AREA" "SOMETIMES REFERRED TO AS THE D2 REDEVELOPMENT PLAN AND/OR PENNSVILLE NORTH REDEVELOPMENT AREA-PHASE 3"

Date of Introduction:

January 2, 2020

Anticipated Date of Adoption:

January 16, 2019

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Ordinance A-1-2020

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WHEREAS, by resolution number 205-2019 adopted on August 1, 2019 the Township Committee of the Township of Pennsville (hereinafter Committee) directed the Pennsville Planning board to conduct a preliminary investigation to determine if Township of Pennsville Tax Block 202 lot 2, Township of Pennsville Tax block 203 lot 8 and Township of Pennsville block 301 lot 6,8,12,13,13.01, 15, and 15.01 are areas in need of redevelopment as defined by NJSA40A:12a-3; and

WHEREAS, The Committee has determined that it should use all of the power provided by the New Jersey legislature for use in declaring an area to be an area in need of redevelopment hereinafter "designated area" other than through the use of eminent domain hereinafter referred to as a "non condemnation redevelopment area"

WHEREAS, by resolution number 228-2019 adopted on August 15, 2019 the Committee directed the Planning Board to prepare a redevelopment plan for the area if they found the area to be in need of redevelopment; and

WHEREAS, by resolution number 19-12 adopted on September 19, 2019 the Township of Pennsville Planning Board (hereinafter Planning Board) appointed Timothy D. Michel, a New Jersey professional planner, to provide planning services including the preparation of a preliminary investigation of the aforesaid area in order to determine whether it was an area in need of redevelopment which was then referred to as the "Calpine Redevelopment Area"; and

WHEREAS, in furtherance of his appointment as set forth above, Timothy D. Michel pleaded a preliminary investigation which was reduced to writing a title a "preliminary investigation of an area in need of redevelopment for the area known as the Calpine Redevelopment Area" and which report was dated September 20, 2019; and

WHEREAS, on October 16, 2019 the Pennsville Planning Board provided public notice and conducted a public hearing on the merits of the preliminary investigation prepared by Mr. Michel; and

WHEREAS, subsequent to the aforesaid hearing, the [planning board adopted resolution number 19-14 wherein they recommended that the Township Committee find that the delineated area was in fact an area in need of redevelopment; and

WHEREAS, by resolution number 272-2019 adopted on October 17, 2019 the Committee

determined that the "delineated area" was in fact and "area in need of redevelopment" and further the committee determined it to be a "redevelopment area"; and

WHEREAS, on October 21, 2019 the Township Clerk of the Township of Pennsville sent a copy of the redevelopment plan as mentioned above along with a copy of Planning Board resolution number 19-14 and Township Committee Resolution 272-2019 to the Department of Community Affairs Commissioner, consistent with the provisions of the local redevelopment housing law with the Commissioner having responded thereafter by acknowledging receipt and stating "the Department of Community Affairs (DCA) is in receipt of the above-referenced resolution. The determination area is situated where development and redevelopment are encouraged pursuant to State law or regulation. Accordingly, pursuant to NJSA 40A:12A-6b (5) (c), the redevelopment area determination took effect upon transmission to the Commissioner of DCA" ; and

WHEREAS, by resolution 274-2019 adopted on October 17, 2019 the Township Committee directed the Planning Board to prepare a redevelopment plan for the Calpine redevelopment area; and

WHEREAS, the Township Solicitor has advised the Committee that they are relieved of the referral requirements of subsection E of 40A:12A-07 based on the fact that the plan was prepared by the Pennsville Planning Board; and

WHEREAS, the Committee has determined that it would now be appropriate to formally name the area in question and that the name should be, the Calpine Redevelopment Area; and

WHEREAS, the Committee has reviewed and preliminarily approved the aforesaid plan; and

WHEREAS, NJS40A:12A-7 provides that no redevelopment project shall be undertaken "except in accordance with the redevelopment plan adopted by Ordinance of the Municipal Governing Body"; and

WHEREAS, NJS40:55d-26 entitled "referral powers" provides that the governing body may revise or amend a plan of the planning board by a vote of a majority of its fully authorized membership.

NOW THEREFORE, BE IT ORDAINED by the Mayor and members of the Township Committee of the Township of Pennsville, County of Salem, and State of New Jersey that:

1. The redevelopment area in question shall be known as the Calpine Redevelopment Area.
2. They hereby adopt the redevelopment plan prepared by Timothy D. Michel Inc. which is dated November 18, 2019 a copy of which is attached hereto and incorporated herein as if more fully set forth at length with a copy also available for public review at the office of the Township Clerk during normal working hours with the following de minimis changes to be made by the author of the plan, Timothy D. Michel, forthwith.
 - A. All references to "city" shall be deleted and in its place the word "Township" shall appear
 - B. The plan shall reflect the membership of the Township Committee on the date of the introduction of this Ordinance.
 - C. Paragraph 15 of section 6.3-4 entitled Calpine Redevelopment Area Development Controls shall be deleted to reflect that "truck stop" is not permitted use.

- D. Paragraph 18 of section 6.3-4 entitled Calpine Redevelopment Area Development Controls shall be amended to reflect that billboards shall be permitted along Interstate Route 295 and at no other location
3. The plan, when adopted, shall supersede, as appropriate, any of the provisions of the Land Use Ordinance of the Township of Pennsville which was adopted on November 17, 2014.
 4. The Committee upon adoption of the plan will amend the Township zoning district maps as appropriate.
 5. The Committee also finds that the plan either is substantially consistent with the municipal master plan or that it is designed to effectuate that plan. In the event of an inconsistency the redevelopment plan shall prevail over the master plan.
 6. All other provisions of the aforesaid ordinance meaning the Township of Pennsville Land Use Ordinance shall remain in full force and effect.
 7. Should paragraphs C and D of paragraph 2 above be determined to be changes of substance, the Committee will rely on the provisions of NJS40:55D-26 which provides that the Committee may disregard recommendations of the Planning Board by a vote of the majority of its full membership.
 8. If any section or provision of this ordinance shall be declared by a court of competent jurisdiction to be invalid. The remaining portions of the ordinance shall remain in full force and effect.
 9. This ordinance shall be codified in paragraph 13 of chapter 22, article 1 of the revised ordinances of the township of Pennsville.
 10. This ordinance shall be effective upon its final passage, adoption and published in the manner prescribed by law in the usual format.

ADOPTED: January 16, 2020

Approved by the Township Committee
Township of Pennsville – January 2, 2020

ATTEST:



Angela N. Foote, Clerk



Robert E. McDade, Mayor

First reading – January 2, 2020

Roll call vote:

	Yes	No	Abstaining	Absent
Marc Chastain	X	—	—	—
Jeffrey Cook	X	—	—	—
Robert McDade	X	—	—	—
Daniel Neu	X	—	—	—
Richie Raine	X	—	—	—

Adoption – January 16, 2020

	Yes	No	Abstaining	Absent
Marc Chastain	X	—	—	—
Jeffrey Cook	X	—	—	—
Robert McDade	X	—	—	—
Daniel Neu	X	—	—	—
Richie Raine	X	—	—	—