

TOWNSHIP OF HARDYSTON

ORDINANCE 2024-07

ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR PROPERTY LOCATED AT 43 LASINSKI ROAD AND 141 OLD PROSPECT SCHOOL ROAD, AND DESIGNATED, RESPECTIVELY, AS BLOCK 75 LOT 53 AND BLOCK 75, LOTS 72.01 AND 72.02, ON THE TAX MAP OF THE TOWNSHIP OF HARDYSTON, WITHOUT CONDEMNATION PURSUANT TO N.J.S.A. 40A:12A ET SEQ, AND AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HARDYSTON IN ORDER TO CODIFY SAID REDEVELOPMENT PLAN

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Act"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment or areas in need of rehabilitation, as such terms are defined in the Act; and

WHEREAS, the Township of Hardyston is interested in the redevelopment of the properties identified as Block 75, Lots 53, 72.01, and 72.02 on the Township tax map ('Redevelopment Area'); and

WHEREAS, the Township on August 24, 2022, approved Resolution #76-22, authorizing a preliminary investigation in order to determine whether the Redevelopment Area is an area in need of Non-Condemnation Redevelopment pursuant to the Redevelopment Law, N.J.S.A. 40A:12A-1 et seq., as amended, specifically pursuant to the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the Township on December 14, 2022, approved Resolution #121-22, authorizing Joseph H. Burgis, of Burgis Associates, Inc., to complete an Initial Assessment, a power point presentation, and an Area in Need of Redevelopment Study in connection with the Redevelopment Area; and

WHEREAS, the Township on July 26, 2023, approved Resolution #66-23, authorizing Joseph H. Burgis, of Burgis Associates, Inc., to prepare a Redevelopment Plan for the Redevelopment Area ('Redevelopment Plan'); and

WHEREAS, the Redevelopment Plan having been completed and the Township Council and Administration having reviewed same, the Township Council wishes to adopt the Redevelopment Plan as the ordinance governing development in the Redevelopment Area.

NOW, THEREFORE BE IT ORDAINED by the Municipal Council of the Township of Hardyston, County of Sussex, State of New Jersey, as follows:

SECTION 1. The Township approves the Redevelopment Plan prepared by Burgis Associates, Inc. and dated May 10, 2024, concerning the properties identified as Block 75, Lots 53, 72.01, and 72.02 on the Township tax map, which is attached hereto as Appendix A ('Lasinski Road Redevelopment Plan').

SECTION 2. The zoning map of the Township of Hardyston is hereby amended to incorporate the provisions of the Lasinski Road Redevelopment Plan.

SECTION 3. All ordinances of the Township of Hardyston which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. The Lasinski Road Redevelopment Plan is hereby incorporated into the Township's General Legislation, specifically Chapter 185, 'Zoning.'

SECTION 5. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 6. This Ordinance may be renumbered for purposes of codification.

SECTION 7. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

ATTACHMENT A

LASINSKI ROAD REDEVELOPMENT PLAN

Do to the size and scope of this document and for the purposes of advertising, Attachment A is available for viewing on the official Township website: hardyston.com. In addition, any member of the public may request a printed copy of the Redevelopment Plan by contacting the Hardyston Township Municipal Clerk's office during regular business hours.

NOTICE

PLEASE TAKE NOTICE that notice is hereby given that the above ordinance was introduced and passed at the regular meeting of the Hardyston Township Council held at the Municipal Building, 149 Wheatsworth Road, Hardyston, New Jersey, on May 22, 2024. The same came up for final adoption at a meeting of the Township Council of the Township of Hardyston held on June 26, 2024, and after all persons present were given the opportunity to be heard concerning the same, it was finally passed, adopted and will be in full force and effect in the Township according to law.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk

Block 75, Lots 53, 72.01 and 72.02

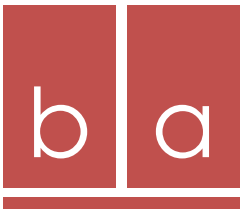
Redevelopment Plan

Lasinski Road

Date: May 10, 2024

Hardyston Township | Sussex County, New Jersey





COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

B U R G I S
ASSOCIATES, INC.

PRINCIPALS:

Joseph H. Burgis PP, AICP
Edward Snieckus, Jr. PP, LLA, ASLA
David Novak PP, AICP

REDEVELOPMENT PLAN DRAFT FOR BLOCK 75 LOTS 53, 72.01 & 72.02

**Township of Hardyston
Sussex County, New Jersey**

**Prepared for Township of Hardyston
BA #4052.01**

The original document was appropriately signed and sealed on May 10, 2024 in accordance with the State Board of Professional Planners.

Joseph Burgis, PP, AICP
Professional Planner #2450

Allison J. Fahey, PP, AICP
Professional Planner #6406

Members of the Township of Hardyston Joint Land Use Board

Brian Kaminski (Class I)

Scott Lobban (Class II)

Carl Miller (Class III)

William Hickerson (Class IV)

James Homa (Class IV)

Vally Cicerale (Class IV)

Sally Goodson (Class IV)

Ed Zinck (Class IV)

James Caiazzo (Class IV)

Tony Alfano (Alt.1)

Savas Savidis (Alt.2)

Douglas Grayson (Alt.3)

Carl Paladino (Alt.4)

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Burgis Associates, Inc.

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1. INTRODUCTION

Pursuant to the provisions of the Local Redevelopment and Housing Law (LRHL), the Hardyston Township Council Designated Block 75 Lots 53, 72.01 and 72.02 an 'area in need of redevelopment' by Resolution No. 55-23, dated June 28, 2023. In that same Resolution, the Township Council directed Burgis Associates, Inc. to work with the Township Joint Land Use Board and prepare a 'non-condemnation' redevelopment plan for the aforementioned lots. This report is the culmination of those efforts.

The 265-acre 'area in need of redevelopment' is located in the south-western portion of Hardyston Township. The property's three lots are primarily vacant, with limited development. The developed portion of the tract consists of two single family dwellings and associated structures, and a dog kennel; in total this accounts for approximately two percent of the 265-acre tract. The properties that comprise the study area have been found to satisfy the LRHL criteria for a redevelopment designation.

The draft plan set forth herein is the product of an analysis of the site's physical features and characteristics, assessment of the propriety of various design concept approaches, and discussions with the developer's planner. Now that this draft is completed, the Consultant shall meet with the Joint Land Use Board to discuss the background database and findings that led to the draft recommendations. Public input into the process will be encouraged as part of this step.

The plan is designed to affirmatively address the statutory requirements set forth in the LRHL, identify the plan's underlying goals and objectives, enumerate permitted uses and area and bulk regulations governing redevelopment of the site, and indicate the plan's relationship to local, regional and state land use planning objectives. Notably, it incorporates the philosophy and policies of the State's Strategic Plan, envisioning the creation of a Limited Industrial Redevelopment Zone as a realistic and necessary means to promote redevelopment of the property.

The Township is obligated to proceed in accordance with the procedures set forth in the Local Redevelopment and Housing Law. This process is detailed in the body of this report, as is the plan's redevelopment components.

2. LOCAL REDEVELOPMENT AND HOUSING LAW (LRHL) PROCESS

In 1992, the State of New Jersey adopted into law legislation which revised and updated the State's local redevelopment and housing enabling legislation. The Local Redevelopment and Housing Law (LRHL) replaced a number of former redevelopment statutes, including the Redevelopment Agencies Law, Local Housing and Redevelopment Corporation Law, Blighted Area Act, and Local Housing Authorities Law, with a single comprehensive statute. The LRHL was ultimately designed by the New Jersey State Legislature to assist municipalities in the process of redevelopment and rehabilitation as evident in its preamble which states that:

"There exist, have existed and persist in various communities of this State conditions of deterioration in housing, commercial and industrial installations, public services and facilities and other physical components and supports of community life, and improper, or lack of proper development which result from forces which are amenable to correction and amelioration by concerted effort of responsible public bodies, and without this public effort are not likely to be corrected or ameliorated by private effort."

The LRHL provides the statutory authority for municipalities to designate an "area in need of redevelopment," prepare and adopt redevelopment plans, and implement redevelopment projects. Specifically, the Governing Body has the power to cause a preliminary investigation to determine if an area is in need of redevelopment, determine that an area is in need of redevelopment, adopt a redevelopment plan, and/or determine that an area is in need of rehabilitation.

When authorized by the Governing Body, a Joint Land Use Board has the power to conduct a preliminary investigation and hearing and make a recommendation as to whether an area is in need of redevelopment. The Township Council directed the Joint Land Use Board to undertake such a study for Block 75 Lots 53, 72.01 and 72.02 by Resolution dated June 12, 2023. The Joint Land Use Board prepared its study and presented its findings and conclusions that the study area met the criteria and the Township subsequently, on June 28, 2023, designated these lots as an 'area in need of redevelopment.'

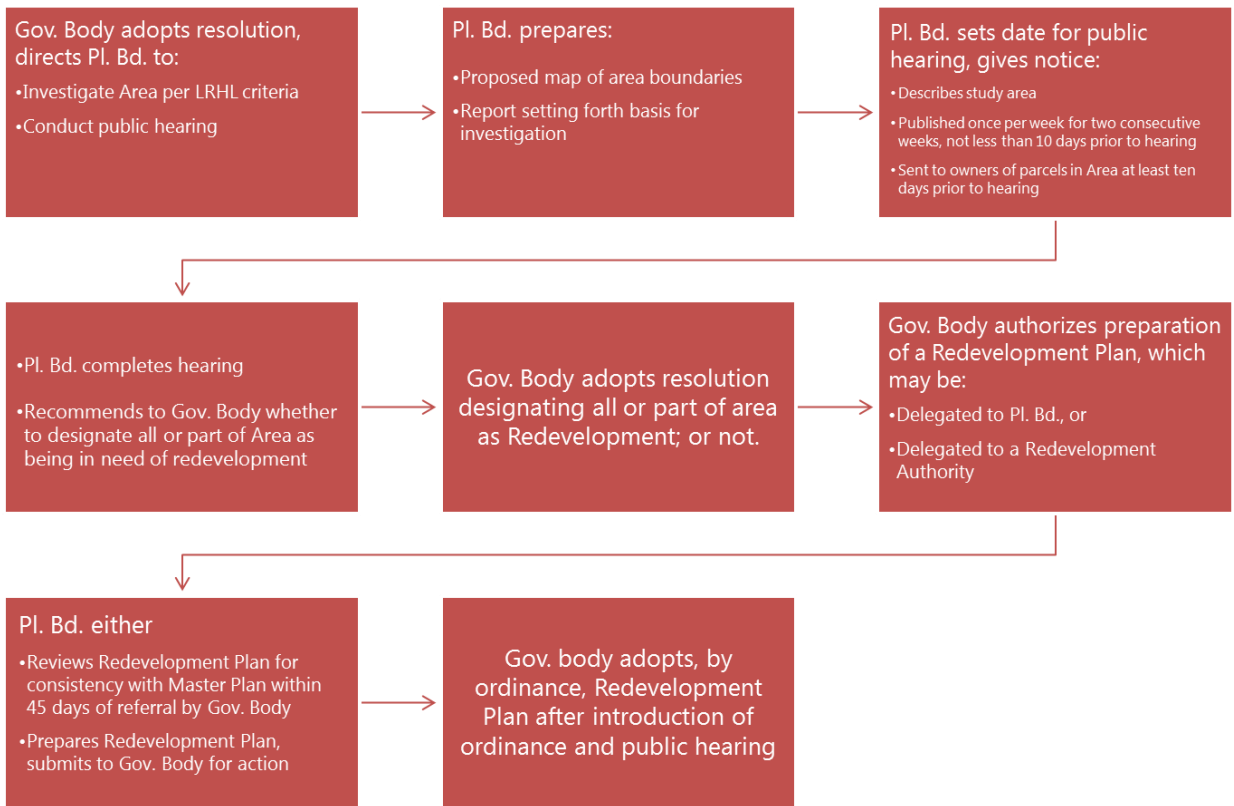
The Joint Land Use Board is also authorized to make recommendations concerning a redevelopment plan and prepare a plan as determined to be appropriate. As noted above, the Township directed the preparation of such plan. This report represents the draft report regarding a redevelopment plan for the area in question and will be followed up with a final draft following review with the Joint Land Use Board.

In 2013, the LRHL was amended to mandate that municipalities, at the inception of this process, declare whether they intend to use their powers of eminent domain as part of any redevelopment effort. This necessitates an indication, at the time of the Governing Body's initial resolution directing the Joint Land Use Board to prepare their analysis, whether the municipality will proceed to study the area within the context of a "condemnation" or "non-condemnation" redevelopment procedure. In this instance, the Township Council chose the "non-condemnation" approach to the Area in Need of Redevelopment study.

The accompanying chart depicts the process set forth in the LRHL, namely the designation of a site as an area in need of redevelopment (Step 1), and the preparation of the plan (Step 2, which is undertaken if the Governing Body designates an 'area in need of redevelopment'). This chart identifies the multi-step process the Joint Land Use Board and Council are required to follow, beginning with the Council adoption of their resolution to direct the Joint Land use Board to study whether the site can meet the criteria to enable it to be designated an 'area in need of redevelopment,' through to the preparation and adoption of a plan.

Through this process, the LRHL grants the municipality the power to, amongst other things, adopt a redevelopment plan, which identifies how an area will be developed; issue bonds for redevelopment; acquire property (where the Committee had initially voted to proceed with a 'condemnation' approach, which is not applicable in this instance); lease or convey property without having to go through the public bidding process; collect revenue from a selected developer; and grant tax exemptions and abatements.

The following diagram summarizes the LRHL Redevelopment process.



3. REDEVELOPMENT PLAN – STATUTORY CRITERIA

The Local Redevelopment and Housing Law (LRHL) identifies the required elements that must be incorporated into a redevelopment plan. The statute provides that the redevelopment plan is to include an outline for the planning, development, redevelopment, or rehabilitation of the project area sufficient to indicate:

- A. The relationship to definite local objectives as to appropriate land uses, density of population, improved traffic and public transportation, public utilities, recreational and community facilities and other improvements.
- B. Proposed land uses and building requirements in the project area.
- C. Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to where decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing housing market.
- D. An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan (where applicable).
- E. Any significant relationship of the redevelopment plan to the master plans of contiguous municipalities, County Master Plan, and State Development and Redevelopment Plan.

4. REDEVELOPMENT AREA

4.1 REDEVELOPMENT AREA OVERVIEW

The designated redevelopment area consists of three parcels occupying a total of 265 acres. The area is identified as Block 75 Lots 53, 72.01 and 72.02 situated in the south-western portion of the Township. Its dimensions include east-west and north-south dimensions of approximately 2,300 feet and 6,100 feet respectively. The property's street frontages include 33 feet along Lasinski Road and 760 feet of frontage on Old Prospect School Road on the site's western boundary. The tract is located at the easterly terminus of Lasinski Road, 0.37 miles east of Route 94. The study area's locational context within the Township is shown on Figure 1 on page 8.

The site is predominantly vacant and wooded and is bound to the north and west by the New York Susquehanna & Western Class I Rail right of way (formerly Lehigh & Hudson River Railway) and Old Prospect School Road, respectively. It is also bound to the south by the neighboring municipal border shared with the Township of Sparta and to the east with other farmland and residential parcels. The study area is shown on the Township's tax maps in Figure 2 on page 9. The study area is situated within an area characterized by several farmland properties. An aerial depicting the study area's location is shown in Figure 3 on page 10.

Much of the site is vacant and assessed as farmland with a property class category of 3B. However, Lot 72.02 contains a residential dwelling and associated barn structure, and Lot 53 contains two structures affiliated with a kennel business (Indian Creek Kennels) as well as one additional single-family residential dwelling, located at the south end of Lasinski Road. Lot 72.01 also contains one smaller shed-type structure associated with the kennel business. A detail of on-site development and the surrounding land uses is presented in Figure 4 on page 11. In total, on-site development accounts for less than two percent of the 265-acre study area.

Steep slopes and wetlands are the two principal physical constraints impacting the site's development potential, along with limited available street access. Most of the eastern border of the tract is severely constrained by steep slopes while several other areas throughout the site are moderately constrained by slopes. Approximately 92 acres of the site, accounting for 35 percent of the property, is characterized by slopes of minimally 15 percent. According to NJDEP Land Use/Land Cover 2015 Updated GIS dataset, various portions of the study area, totaling approximately 54 acres (approximately 20 percent of the tract area's 265 acres), contain wetlands. Notably, the Township master plan recognized the site's limited access and environmental constraints that impact the site's development potential going back to as early as 2003. The environmental constraints of the site are depicted in Figure 5 on page 12.

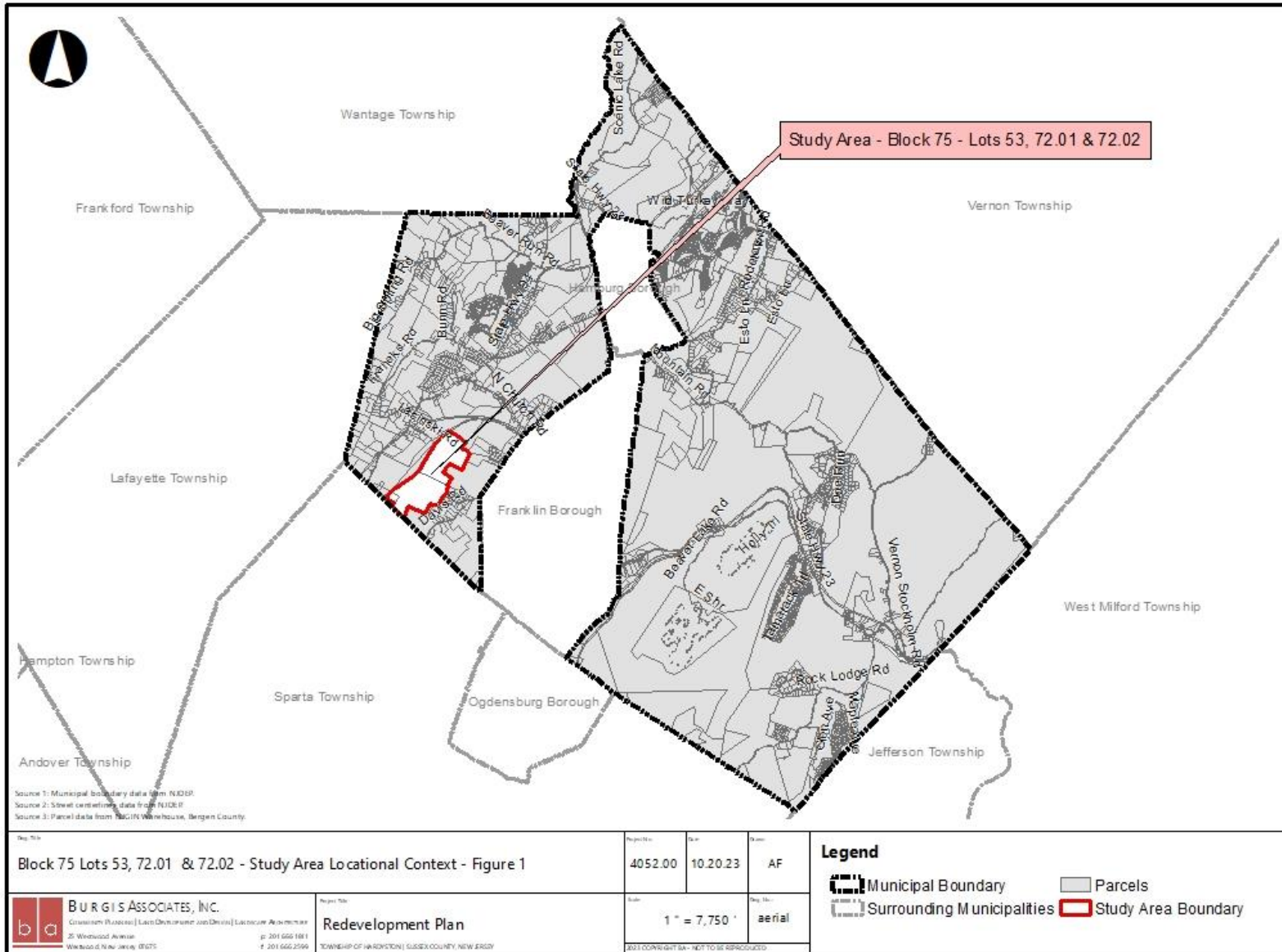
The accompanying Table 1 identifies the acreage and existing land use associated with each of the three lots in the study area.

Table 1: Existing Land Uses

Block	Lot	Area* (acres)	Land Use
75	53	129.04	Commercial – Vacant- Partial Farming
75	72.01	129.63	Vacant-Partial Farming
75	72.02	6.02	Residential – Partial Farming

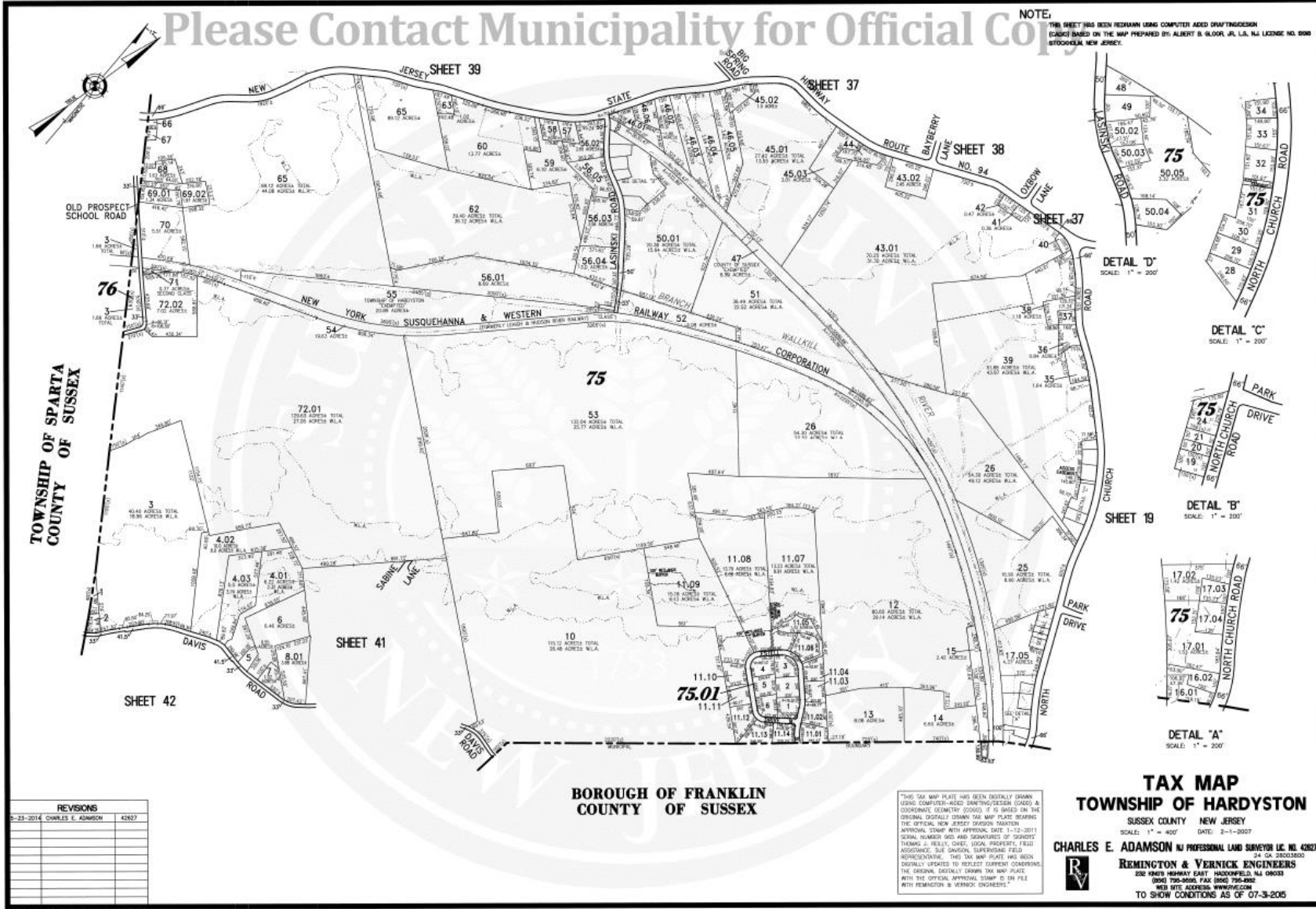
264.7+/-

* Lot area based upon Township Mod IV tax data



Please Contact Municipality for Official Copy

NOTE: THIS SHEET HAS BEEN RE-DRAWN USING COMPUTER AIDED DRAFTING/DESIGN (CAD/CAM) BASED ON THE MAP PREPARED BY ALBERT B. GLOOR, JR., L.S., N.J. LICENSE NO. 8008 BROOKFIELD, NEW JERSEY.



REVISIONS		
5-23-2014	CHARLES E. ADAMSON	42827

BOROUGH OF FRANKLIN
COUNTY OF SUSSEX

"THIS TAX MAP PLATE HAS BEEN DIGITALLY DRAWN USING COMPUTER-AIDED DRAFTING/DESIGN (CAD/CAM) & COORDINATE GEOMETRY (COGO). IT IS BASED ON THE ORIGINAL DIGITALLY DRAWN TAX MAP PLATE BEARING THE OFFICIAL NEW JERSEY DIVISION TRAITER APPROVAL STAMP WITH APPROVAL DATE: 1-12-2011 SERIAL NUMBER 982 AND SIGNATURES OF SURVEYOR THOMAS A. KELLY, CHIEF, LOCAL PROPERTY TAXES ASSOCIATION; SUE DANGLER, SUPERVISING FIELD REPRESENTATIVE. THIS TAX MAP PLATE HAS BEEN DIGITALLY UPDATED TO REFLECT CURRENT CONDITIONS. THE ORIGINAL DIGITALLY DRAWN TAX MAP PLATE WITH THE OFFICIAL APPROVAL STAMP IS ON FILE WITH REMINGTON & VERNICK ENGINEERS."

TAX MAP
TOWNSHIP OF HARDYSTON

SUSSEX COUNTY NEW JERSEY
SCALE: 1" = 400' DATE: 3-1-2007
CHARLES E. ADAMSON NJ PROFESSIONAL LAND SURVEYOR L.S. NO. 42827
24 CA 38033002
REMINGTON & VERNICK ENGINEERS
230 HUNTS HOLLOW EAST HADDONFIELD, NJ 08033
609.677.7500 FAX 609.677.4900
WEB SITE ADDRESS WWW.RVE.COM
TO SHOW CONDITIONS AS OF 07-3-2005

OLD PLATE 30 & PART OF OLD PLATE 30.01



<p>Map Title Block 75 Lots 53, 72.01 & 72.02 - Aerial - Figure 3</p>		<p>Project No. 4052.00</p>	<p>Date 10.20.23</p>	<p>Drawn AF</p>	<p>Legend</p> <p> Municipal Boundary</p> <p> Surrounding Municipalities</p> <p> Study Area Boundary</p> <p> Parcels</p>
<p>BURGIS ASSOCIATES, INC. <small>Consulting Planners Land Development and Design Landscape Architecture</small> 25 Westwood Avenue Westwood, New Jersey 07071 p. 201.666.1811 f. 201.666.2566</p>	<p>Project Title Redevelopment Plan</p> <p><small>TOWNSHIP OF HANOVERTON, SUSSEX COUNTY, NEW JERSEY</small></p>	<p>Scale 1" = 880'</p>	<p>Map No. aerial</p>		



Source 1: Municipal boundaries taken from NJDOT
 Source 2: Street centerlines taken from NJDOT
 Source 3: Parcel data taken from N.J. Statewide GIS, Bergen County

Fig. 75-4
 Block 75 Lots 53, 72.01 & 72.02 - Surrounding Land Use - Figure 4

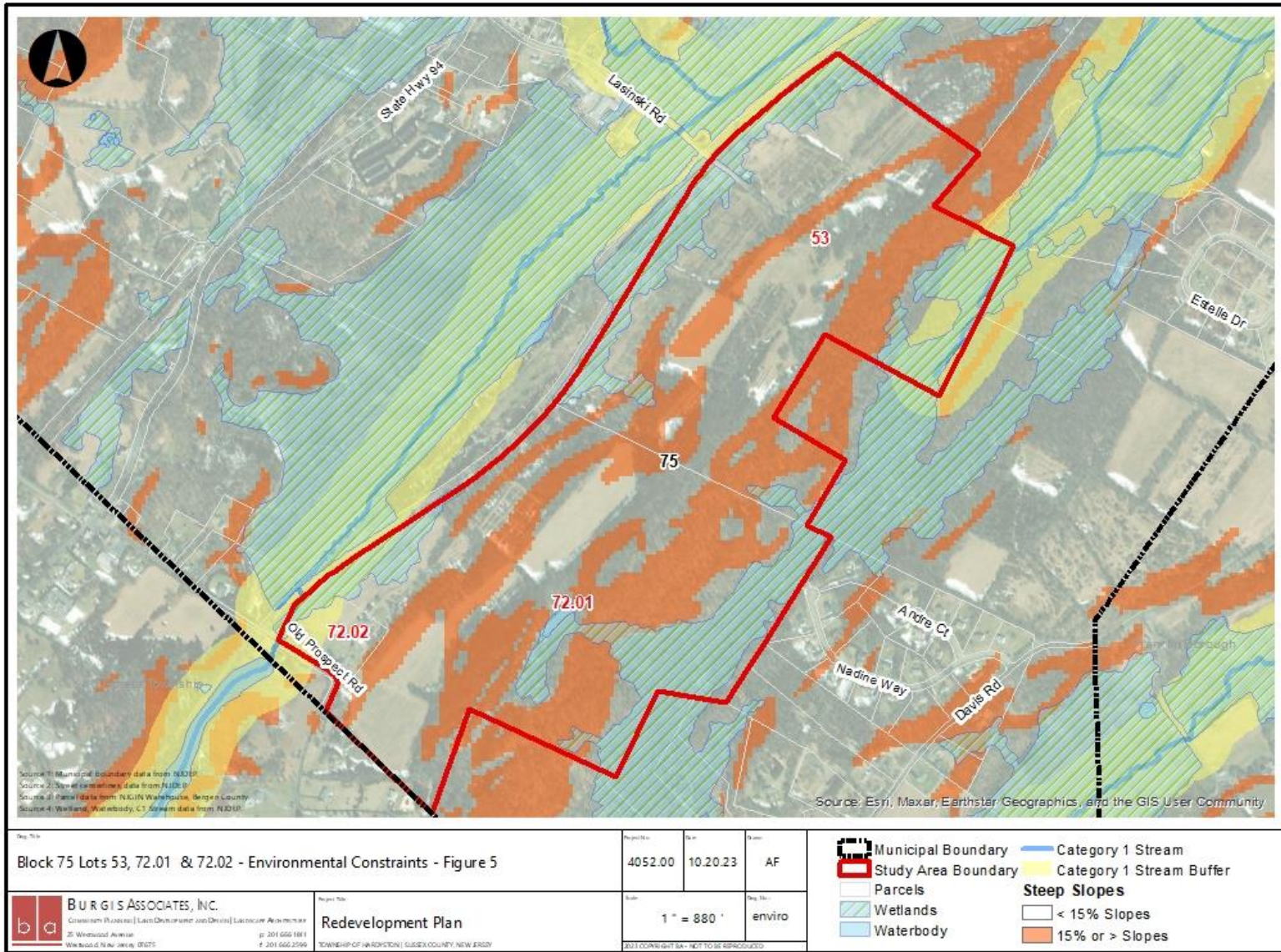
Project No.	Date	Scale
4052.00	10.20.23	AF

BURGIS ASSOCIATES, INC.
 CIVIL/ARCHITECT/ENGINEER/PLANNING
 25 WINDWOOD AVENUE
 WILMINGTON, NEW JERSEY 08075

Project Title
Redevelopment Plan
 TOWNSHIP OF HARVEY/SPARTA COUNTY NEW JERSEY

Scale	Fig. No.
1" = 880'	landuse

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4.2 CURRENT ZONING

The subject site is in the I-1 Limited Industrial Zone. Permitted uses are shown on the following Table 2.

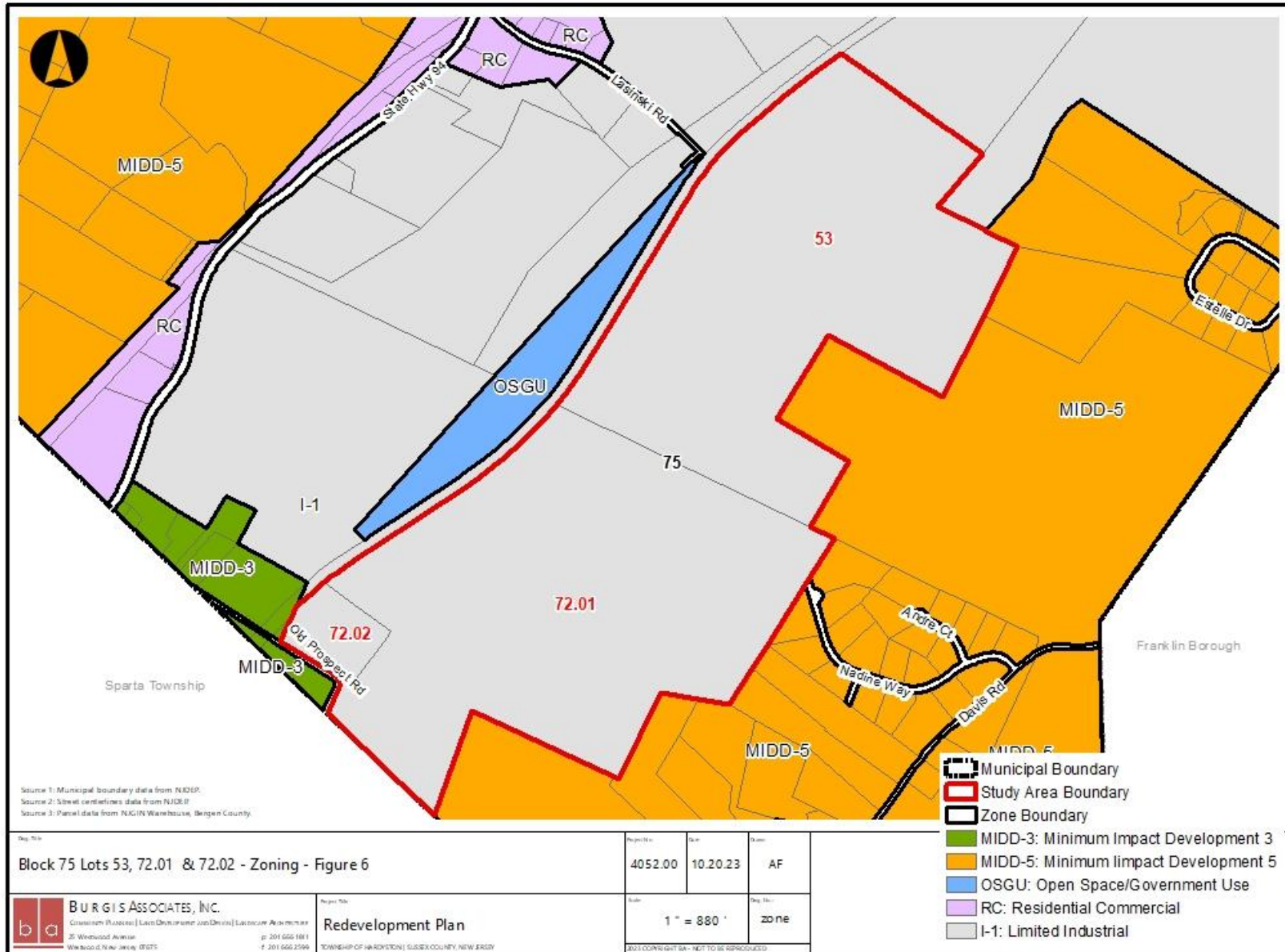
Table 2: Permitted Principal and Conditional Uses in I-1 Zone

Use	I-1
Principal Uses	<ol style="list-style-type: none"> 1) Executive and administrative offices and business, research, industrial and manufacturing uses. 2) Executive and administrative offices of banks, professional and governmental uses. 3) Research laboratories. 4) Industrial plants of a type which create no hazardous, noxious offensive conditions beyond the boundaries of the property, in completely enclosed buildings, including: <ol style="list-style-type: none"> a) Manufacturing, assembly, extruding and/or treating of articles or merchandise from previously prepared materials. b) Manufacturing and/or assembly of toys, novelties, rubber molded products, rubber or metal stamps and other molded products. c) Manufacturing and/or assembly of electrical appliances, electrical instruments and component parts, radio, television and phonographs. 5) Moving and/or storage buildings. 6) Warehouses. 7) Farms, excluding residence uses. 8) Golf course, subject to its own particular standards as stated in the Township Code. 9) Country club 10) All principal uses permitted in the B-1 and B-2 Zone are permitted within an industrial park except for residence uses.
Conditional Uses	<ol style="list-style-type: none"> 1) Institutional and public uses 2) Service stations automotive. 3) Public utility uses and essential services. 4) Farm stands. 5) Auctions. 6) Towers and antennas.

Area, yard and building requirements for the I-1 Limited Industrial Zone are shown in the following Table 3.

Table 3: Area, Yard and Building Requirements in I-1 Zone

Requirement	I-1
Min. Lot Size (acr.)	3
Min. Lot Width (ft.)	200
Min. Front Yard (ft.)	75
Min. Side Yard (ft.)	40
Min. Rear Yard (ft.)	50
Max. Building Height (ft)	40
Max. Impervious Coverage (%)	50



5. REDEVELOPMENT PLAN CONSIDERATION RE: WAREHOUSING

The recent rise of e-commerce and consumer habits has shuttered storefronts across the country and continues to reshape the future of land development due to an increased demand for goods shipped to households and the associated increased demand for warehousing such goods has led to greater and constantly increasing demand for warehouse space. According to commercial real estate services firms, the shortage of existing warehouse space continues to drive warehouse development. The demand for warehouse space from logistics companies remains strong. The vacancy rate for this type of development remains historically low and average rents for warehouse space continue to rise year-over-year. As such, in 2022, the New Jersey State Planning Commission published a report entitled “Distribution Warehousing and Goods Movement Guidelines” which provides suggestions for New Jersey municipalities to consider when reviewing land use ordinances pertaining to warehouse development. This is particularly important with regard to site suitability and mitigation measures.

5.1 SITE SUITABILITY AND MITIGATION

Site suitability issues typically revolve around matters of land use compatibility, infrastructure availability, and sensitivity to environmental constraints and impacts. The study area is isolated from residential uses given the presence of the industrial zone and rail line to its north and west and the relatively dense forests and rock outcroppings and steep slopes along the periphery to the east. This isolation ensures that warehouse use could contribute to the economy without harming the local community as the surrounding characteristics of the site mitigate potential adverse effects from warehousing use to nearby residents. The study area is not near schools or day centers or overburdened communities, nor is it adjacent to, or near public and civic outdoor spaces or recreational facilities. Thus, impacts to these places within the community would be minimal. In contrast, the study area is situated proximate to NJ-94 and the adjacent freight rail line which facilitates means of regional access. These transportation systems represent appropriate regional highway and freight rail infrastructure for warehouse use.

5.2 WAREHOUSE TYPES

As discussed at length in the 2022 New Jersey State Planning Commission’s guidelines the two primary types of warehouses are traditional warehouses and warehouse distribution centers. According to the guidelines, “a traditional warehouse is used for storing goods and materials in inventory for extended periods of time and releases them on demand. They include multi-tenanted facilities that are usually rented through short to medium-term leases.” Warehouse distribution centers, on the other hand, are “a type of freight movement (e.g., logistics) facility that includes container and bulk terminals, and traditional warehouse storage facilities.

The main difference between traditional and distribution warehouse functions regards the amount of time the inventory spends in a facility. Warehouse distribution centers experience much greater product loading and unloading, and greater traffic potential. The State Planning Commission report notes that distribution warehouses can be further sub-categorized as follows: distribution facilities, fulfillment centers, and last-mile fulfillment facilities or stations. The State Planning Commission report describes each of these warehouse types as follows:

Major Distribution Centers (having a minimum gross floor area from 500,000 to more than 1.5 million square feet) tend to ship from wholesaler or manufacturer to businesses, or to fulfillment centers, and typically do not deliver to end-users (i.e., retailers and external customers). Distribution centers are typically larger than fulfillment centers, are located away from major consumer markets (population centers) and are a transit hub for large quantities of bulk goods that generally do not require finishing or individual packing, as they are temporarily stored on pallets before being shipped. Access to regional rail and highway networks is key for these larger facilities, since their customers are usually other, smaller fulfillment centers.

Large Fulfillment Centers (having a minimum gross floor area from 150,000 to more than 500,000 square feet) are a type of distribution center often solely dedicated to e-commerce supply chains that pick and pack incoming orders (i.e., items/parcels) from shelves for individual delivery to “fulfill” individual online orders. They are short-term storage-based (holding a very high range of goods), but also rely on a large amount of material passing through the system. Typically, these are smaller than distribution centers and focus on quickly delivering goods to individual customers. They typically receive, pick, pack, kit, label, and deliver products to people’s doorstep in delivery vans. They are situated closer to consumer markets so individual items can be delivered quickly to people’s doorsteps.

Last-mile Fulfillment Centers (having a minimum gross floor area from 50,000 to more than 150,000 square feet) are smaller local or area fulfillment facilities (or stations) that primarily serve local markets (roughly the same function as retail shopping centers). They serve either consumers, individual households (for online shopping), or the retail stores they shop at (for traditional retail) and are typically located in urban and suburban infill areas. Last mile delivery hubs may be smaller compared to distribution centers, but truck and van trips are high, as are the parking requirements necessary to accommodate hundreds of employees, delivery vans, and trucks, and require a larger parking lot (impervious surface) footprint than other warehouse operations.

Some warehouse types today are highly automated, with sophisticated racking and forklift retrieval systems designed to reduce human labor while increasing vertical storage capacity, loading, and unloading speeds. The resultant efficiencies translate to more trucks moving a much greater number of products on roadways, and also results in much less parking demand due to the need for fewer employees.

5.3 WAREHOUSE BUILDING HEIGHTS

Automation and the use of tall rack systems are changing the nature and design of warehouse facilities. Whereas warehouses previously consisted of a single story 25 foot tall structure, today they include mezzanine spaces and 40 to 50 foot heights. In contrast, where tall rack systems are used, buildings often reach up to 60 feet in height. At a minimum, due to the substantive setbacks recommended in the ordinance section of this document, it is suggested that the Township consider a 50 foot building height, and a discussion should take place about the propriety of establishing a greater height to accommodate warehouses relying upon tall rack systems.

6. REDEVELOPMENT PLAN

6.1 REDEVELOPMENT PLAN GOALS AND OBJECTIVES

1. To provide for land uses that will promote economic development and opportunities for growth while serving the needs of the community.
2. To enhance the economic base of the Redevelopment Area and Township by redeveloping underutilized and non-productive lands.
3. To encourage a more efficient use of land and stimulate the Township's tax base by encouraging high quality development as permitted in this Redevelopment Plan.
4. To minimize the negative impacts of proposed land uses in the Redevelopment Area on the surrounding neighborhood.
5. To capitalize on the existing locational strengths of the Redevelopment Area.
6. To expand the opportunity of business activity to increase economic activity, investment and job creation.
7. To promote smart growth and green building principles to minimize resource and energy consumption while maximizing indoor and outdoor air quality.
8. To promote sustainable development to further the Township's commitment to sustainability.
9. To encourage open space preservation of environmentally sensitive portions of the redevelopment area, particularly the steep slope condition encompassing the easterly and westerly portions of the tract and evaluate it for the purposes of providing walking trails for public use and/or for the use of on-site employees.
10. To facilitate the tract's development within the context of a comprehensive integrated plan with regard to the location of buildings, parking and circulation, open space, utilities, storm water management and related site improvements. Smart growth and green building principles shall be integrated into the Redevelopment Plan to the extent practical to encourage a more efficient form of development and accommodate the site's natural resources.

6.2 REDEVELOPMENT PLAN TERMINOLOGY AND TOWNSHIP REGULATIONS

A. Definitions.

Tract or **Tract Lot Line** shall be synonymous with the outbound delineation of the Limited Industrial Redevelopment (LI-RD1) Zone District itself as identified herein.

Since development of the tract is intended to be planned as an integrated whole, the bulk requirements as noted in this zone are to apply to the overall tract of the LI-RD1 District unless where it specifically states that different standards apply where portions of the tract may be subdivided.

Major Distribution Centers (having a minimum gross floor area from 500,000 to more than 1.5 million square feet) tend to ship from wholesaler or manufacturer to businesses, or to fulfillment centers, and typically do not deliver to end-users (i.e., retailers and external customers). Distribution centers are typically larger than fulfillment centers, are located away from major consumer markets (population centers) and are a transit hub for large quantities of bulk goods that generally do not require finishing or individual packing, as they are temporarily stored on pallets before being shipped. Access to regional rail and highway networks is key for these larger facilities, since their customers are usually other, smaller fulfillment centers.

Large Fulfillment Centers (having a minimum gross floor area from 150,000 to more than 500,000 square feet) are a type of distribution center often solely dedicated to e-commerce supply chains that pick and pack incoming orders (i.e., items/parcels) from shelves for individual delivery to “fulfill” individual online orders. They are short-term storage-based (holding a very high range of goods), but also rely on a large amount of material passing through the system. Typically, these are smaller than distribution centers and focus on quickly delivering goods to individual customers. They typically receive, pick, pack, kit, label, and deliver products to people’s doorstep in delivery vans. They are situated closer to consumer markets so individual items can be delivered quickly to people’s doorsteps.

Last-mile Fulfillment Centers (having a minimum gross floor area from 50,000 to more than 150,000 square feet) are smaller local or area fulfillment facilities (or stations) that primarily serve local markets (roughly the same function as retail shopping centers). They serve either consumers, individual households (for online shopping), or the retail stores they shop at (for traditional retail) and are typically located in urban and suburban infill areas. Last mile delivery hubs may be smaller compared to distribution centers, but truck and van trips are high, as are the parking requirements necessary to accommodate hundreds of employees, delivery vans, and trucks, and require a larger parking lot (impervious surface) footprint than other warehouse operations.

Mezzanine Level is defined as an intermediate level above the first floor.

Solar-ready zone is defined as a section of a roof or building overhang designated and reserved for the future installation of a solar photovoltaic or solar thermal system, which is at least 40% of the roof area calculated as the horizontally projected areas minus the area covered by skylights, occupied roof decks, vegetative roof areas, and mandatory access or setback areas required by the State Uniform Construction Code, or as otherwise provided in the 2018 International Energy Conservation Code, Appendix CA, and any successor model code, concerning solar-ready zones.

- B. This Redevelopment Plan shall supersede all use, area and bulk provisions of the Zoning Ordinance (Chapter 185) of the Township of Hardyston regulating development within the zone. In all situations, where development regulations are not specifically addressed herein (such as, for example signage and landscape requirements), the Hardyston Zoning Regulations shall remain in effect. Final adoption of this Redevelopment Plan by the Township Council shall be considered an amendment of the Township of Hardyston Zoning Ordinance and Map.

6.3 RELATIONSHIP OF THE LIMITED INDUSTRIAL REDEVELOPMENT ZONE DISTRICT TO TOWNSHIP ZONING ORDINANCE


The LI-RD1 Zone shall include the following parcels: Block 75, Lots 53, 72.01 and 72.02. The LI-RD1 Zone replaces and supersedes the current zoning of redevelopment tract area. All development proposed utilizing this LI-RD1 Zone designation criteria shall be contingent on all approvals required by applicable regulations of the Township of Hardyston.

The definitions set forth in the Township of Hardyston Zoning Ordinance shall apply to this Redevelopment Plan. If a term used in this Redevelopment Plan is not defined in the Zoning Ordinance of the Township of Hardyston, definitions set forth in the Municipal Land Use Law or the Local Redevelopment and Housing Law shall apply; in instances where definitions of terms are not found in either of those documents, the reviewing agency shall use The Complete Illustrated Book of Development Definitions, (4th ed or as periodically updated), or standard dictionaries.

6.4 REDEVELOPMENT PLAN LAND USE REGULATIONS

The draft Concept Plan Map is depicted on the accompanying page, followed by the associated regulatory controls.



Drawing Name Redevelopment Concept Plan Illustration Block 75, Lots 53, 72.01, & 72.02		Project No. 4052.01	Drawing Date 05.10.24	Addendum No. X of X	Base map and concept plan were obtained from a plan prepared by Dykstra Associates of Tax Lots 53, 56.01, 72.01, & 72.02, Block 75, dated 5-6-24.	
 BURGIS ASSOCIATES, INC. <small>COMMUNITY PLANNING LAND DEVELOPMENT AND DESIGN LANDSCAPE ARCHITECTURE</small> 25 Westwood Avenue Westwood, NJ 07675 p: 201.666.1811 f: 201.666.2599	Project Name Redevelopment Plan Township of Hardyston, Sussex County NJ		Drawing Scale N.T.S.	Sheet No. X of X		Drawing No. RED2
	2024 COPYRIGHT BA - NOT TO BE REPRODUCED					

LI-RD1 Limited Industrial Redevelopment Zone District.

- a. **Permitted Uses.** Within Block 75 Lots 53, 72.01 and 72.02 Redevelopment Zone, no buildings or structures shall be erected, nor shall any land or building be designed, used or intended to be used for any purpose other than the following:
 - 1. Executive and administrative offices.
 - 2. Industrial and manufacturing uses.
 - 3. Research laboratories.
 - 4. Moving and/or storage buildings including cold storage.
 - 5. Warehouses, excluding fulfillment centers and third-party logistics centers offering subcontracted logistics and transportation services and which offer warehousing operations that store and ship other entities' goods.
 - 6. Solar.
 - 7. Farms, excluding dwellings.

- b. **Permitted Conditional Uses:** Quarry operations, insofar as it is necessary for the preparation of the site for another permitted use. See Chapter 138 Quarrying. An "End of Quarrying Plan" shall be created as part of a Developer's Agreement to guide site activity to create the greatest opportunity for redevelopment while allowing quarrying to continue until an agreed upon completion date. The End of Quarrying plan shall include a schedule which sets forth the timing of the various sections of the development. There are several steps that must take place to ensure the study area is left in a suitable state that supports redevelopment. The End of Quarrying Plan represents a target for those steps and the final state of the quarry operations and shall also identify the timing schedule for the development of the warehousing.

- c. **Permitted Accessory Uses.**
 - 1. Uses which are customarily incidental to and located on the same lot as any of the above permitted uses and screened as determined appropriate.
 - 2. Recreational areas for the site's occupants.
 - 3. A cafeteria or other service facility located within a building and operated for the exclusive use of occupants of the development.
 - 4. Off-street parking and loading facilities.
 - 5. Fences and walls.
 - 6. Signage.

- d. **Area and Bulk Regulations.** Bulk standards for new construction shall be according to the following zoning criteria.
 - 1. Tract Area Requirements
 - a) Minimum tract area: 250 acres
 - b) Maximum Building Coverage: 10 percent

- c) Maximum Impervious Coverage: 30 percent
- d) Minimum Building Setback to:
 - Any Public St: 250 feet
 - Other Abutting Property Lines: 100 feet
 - Abutting Residential Structures: 750 feet
- e) Minimum Setback Between Buildings: 100 feet
- f) Maximum Building Height: 50 feet
- g) Maximum Floor Area Ratio: 10 percent

2. Lot Area Requirements

- a) Minimum tract area: 2 acres.
- b) Maximum Building Coverage: 35 percent
- c) Maximum Impervious Coverage: 65 percent
- d) Minimum Building Setback to:
 - Any Public St: 250 feet
 - Other Abutting Property Lines: 100 feet
 - Abutting Residential Structures: 750 feet
- e) Minimum Setback Between Buildings: 100 feet
- f) Maximum Building Height: 50 feet
- g) Minimum Landscape Buffer on Street: 100 feet along streets, exclusive of access drive.
- h) Minimum Landscaping: The minimum side and rear yard landscape buffer shall be 50 feet, except that a 100-foot landscape buffer shall be provided adjacent to a residential district.
- i) Access to public rights of way may be accommodated by such instruments such as physical road frontages or covenants or deed restrictions, which form shall be subject to the approval of the Township approving authority.
- j) The maximum building height is as noted above. A mezzanine level is permitted. A mezzanine level shall cover no more than 30 percent of the first-floor non-office use area of the building tenant. The use and the purpose of the mezzanine is to be identified for review with the Township approving authority at the time of the site plan application.

A rooftop parapet of up to five (5) feet in height is required to be provided around the building perimeter to conceal/screen roof-top mechanical equipment and solar panels.

Mechanical equipment may be placed on the roof, provided such equipment is screened as viewed from the surrounding roadways and properties, by means of a parapet or other rooftop screening elements. The height of such equipment shall comply with the requirements of §20-4.9. The rooftop mechanical equipment over 5 feet in height shall be setback a minimum of 20 feet from the building façade.

A parapet not to exceed 4 feet in height shall be required where determined by the Board or approving authority to be necessary. Such screening design and configuration shall be complimentary to the architectural building façade features for review and approval by the reviewing Board.

e. **Design Standards.**

1. Pursuant to N.J.S.A. 40A12A-13, all development applications in the Redevelopment Area shall be submitted to the Joint Land Use Board for review and approval. Site plan review shall be required to ensure the development has a high-quality design and is consistent with the goals and objectives of the zone.
2. Development shall meet the requirements of Chapter 147 Site Plan and General Development Plan Review and any additional provisions set forth herein.
3. Parking. The number of off-street parking spaces required shall be 1 space for each 1,500 square feet of gross floor area of warehousing plus 1 space per 300 square feet of office area.
4. Signage. In accordance with the signage standards in Article XIX of the Township code for the LI-RD1 Zone.
5. Lighting. In accordance with the lighting standards in Article XXVIII of the Township code for the LI-RD1 Zone.
6. Driveways and Accessways.
 - a) Automobile and truck traffic shall access the Tract via an accessway which shall consist of a minimum of 50-foot-wide right-of-way and 28 feet of paved width.
 - b) Automobile and truck traffic may share driveways, but automobile parking areas shall be provided in separate bays with access from the shared driveways.
 - c) Access to Stormwater Basins. A minimum 12-foot-wide access drive shall be provided to allow for maintenance of the stormwater retention basin. The drive shall be surfaced in grass pavers (such as "grass-crete") or other permeable material. The drive shall extend along one side of the basin to the portions farthest from the entry roadway.

- d) To minimize the potential for any adverse traffic impacts, a traffic study shall be completed to determine future traffic capacity at the intersection of Lasinski Road and the NJ State Highway 94 and whether a traffic signal is needed.
7. Architectural Design shall meet the following requirements.
- a) Architectural elements such as cornices, belt courses, molding, string courses, ornamentation, changes in material or color should be provided to add interest and to minimize the visual scale of buildings.
 - b) Building facades more than 120 feet in length shall be designed to avoid a monolithic appearance by using such features as different façade materials, details, colors, windows, and/or shading elements that act to break up the building appearance into smaller increments and sections.
 - c) Building entrances shall be sufficiently detailed and accented to make them easily identifiable. Features such as canopies, window massing, accent colors and similar features should be considered in this regard.
 - d) Areas for outdoor storage, trash collection or compaction, loading or other such uses shall not be located along the front façade of the building where the primary building entrance is located.
 - e) Walkway connections are encouraged to provide pathways throughout the site.
 - f) A gravel or grass-paver pedestrian pathway is encouraged around site features such as a stormwater basin for recreational use by employees at a facility.
 - g) Chain-link (or similar) fences, shall not be installed within 100 feet of the tract perimeter. Barbed- or razor-wire fences, and walls made of precast concrete blocks are prohibited.
 - h) Fences and walls shall conform with the standards contained in §185-56.
- f. **Green Building Requirements and Standards.** To minimize environmental impacts, reduce storm water runoff and potential flooding associated with any proposed development, green building and site development standards shall be incorporated into the site development where practical and feasible, in accordance with United States Green Building Council (USGBC) LEED Certification process. LEED certification is not a requirement for development but shall act as a development guide to reduce the environmental impacts where, in the view of the Joint Land Use Board, such standards may be incorporated into a particular project without detriment to the project itself.
- g. **Sustainable Features.** Development is encouraged to incorporate sustainable features such as the following:

1. Building roof-tops to be solar ready. In accordance with P.L.2021, c.290, (ACS for A-3352/S-3504), warehouses of at least 100,000 square feet and built after July 1, 2022 are to be solar-ready buildings.
 2. Building roof-tops should be covered with sun reflective material.
 3. Building window sun shielding to reduce summer heat gain by canopies or reflective material should be considered in the construction of the project.
 4. Storm water infiltration with the use of green infrastructure including natural detention and infiltration basins, bioswales, and rain gardens to manage stormwater and improve water quality.
 5. Installation of electric vehicle infrastructure. In accordance with P.L. 2021, c.171.
- h. **Submittal Requirements.** Preliminary and final site plan approval shall be required prior to any construction. Any site plan for the construction of improvements within the Redevelopment Area shall be prepared and submitted to the Joint Land Use Board in accordance with Chapter 147 Site Plan and General Development Plan Review. The submittal shall contain, in addition to the site plan submittal provisions, reports detailing the following:
1. A traffic and circulation plan regarding vehicular and pedestrian movements, shall be provided. Such report shall address existing and projected vehicular peak hour movements, turning movements, and the need for improvements to enhance traffic safety and convenience in the area. The report shall be required to identify both automobile and truck traffic anticipated volumes as well as whether a traffic signal is necessary at the intersection of Lasinski Road and NJ-94.
 2. An environmental impact assessment as required by Chapter 33 Land Use Procedures of the Hardyston Township Code shall be required.

Waivers from the requirements set forth in this redevelopment plan may be necessary in certain circumstances, or to meet Federal, State or County permit requirements. In such an instance, the Joint Land Use Board may waive certain requirements, pursuant to the Municipal Land Use Law as set forth at 40:55D-51, if the developer demonstrates that such waiver is warranted.

- i. **Severability.** Should any section, paragraph, division, subdivision, clause or provision of this Redevelopment Plan be adjudged by the Courts to be invalid, such adjudication shall only apply to the section, paragraph, division, subdivision, clause or provision so judged, and the remainder of this Redevelopment Plan shall be deemed valid and effective.

7. *RELATIONSHIP TO LOCAL, REGIONAL, AND STATE PLANS*

7.1 RELATIONSHIP TO TOWNSHIP OF HARDYSTON MASTER PLAN GOALS AND OBJECTIVES

Consistent with the requirements of the Municipal Land Use Law, the preparation of this document was undertaken with due consideration given to the Township's planning documents with respect to current conditions and recommendations for changes to land use and environmental policies. The Township adopted its most recent comprehensive master plan in 2003, wherein the site is designated for industrial use. The Township Master Plan also noted that "the lands south of the landfill (which is located just north of the subject site) should be reviewed for alternative uses given the lack of direct access and the environmental issues that hinder the site's development potential. The area was recommended for open space and rail uses, while the industrial zoning should be retained."

The goals of the Township enumerated in the 2003 master plan that are relevant to this redevelopment plan include the following:

- *To maintain harmonious land uses and circulation patterns.*
- *To retain water quality and environmental resources.*
- *To minimize the impact of development on wildlife.*
- *To retain the natural features and amenities that give the Township its rural character.*
- *To encourage economic development in the Route 94 corridor and in the regional center.*

These goals were crafted in response to issues raised during the public outreach portion of the master plan development process. Relevant issues included:

- *Using the tributaries of the Walkill River as Open Space.*
- *Preserving rural character and sustaining groundwater availability.*
- *Economic development and use of the industrial park on North Church Road.*
- *Keeping the tax rate down.*

The other more specific land use objectives listed in the master plan include:

- *Preserve and enhance the existing established rural residential and recreational character*
- *Promote "smart growth" principles.*

Relevant conservation, open space and economic related objectives included the following:

- *Protect areas constrained by steep slopes, poor drainage, floodprone lands and wetlands.*
- *Minimize site disturbance.*
- *Minimize visual impact of development on important natural environments.*
- *Use all available tools to protect and preserve environmentally sensitive natural resources.*
- *Protect groundwater.*

- *Preserve as much open space as possible, especially lakes, streams, tributaries, and significant habitats.*

Redevelopment of this site in the manner proposed would provide a more viable opportunity for development in a manner that would implement the land use objectives cited above.

7.2 RELATIONSHIP TO THE HIGHLANDS REGIONAL MASTER PLAN

The site sits wholly within the Highlands Planning Area as identified within the Highlands Regional Master Plan (RMP). One of the overarching goals for the RMP Planning Area is to encourage, among other things, appropriate patterns of compatible industrial development, redevelopment, and economic growth, in or adjacent to areas already utilized for such purposes. Redevelopment of this site would encourage industrial development that would achieve this as well as another important goal of the Highlands Planning Area, which is to preserve to the maximum extent possible any environmentally sensitive lands and other lands needed for recreation and conservation purposes.

7.3 RELATIONSHIP TO THE ABUTTING TOWNSHIP OF SPARTA MASTER PLAN

The southwest portion of the proposed redevelopment is adjacent to the municipal boundary with the Township of Sparta. The latest Sparta Master Plan Reexamination included a recommendation that the Township investigate properties that may fit the criteria as listed in the Local Redevelopment and Housing Law ("LRHL"), N.J.S.A. 40A:12A-3. The reasons cited for making this recommendation include the promotion of environmental justice, environmental remediation and that redevelopment can also transform an underutilized or distressed area into an economically viable and productive part of the community.

The redevelopment of the subject tract is compatible with Sparta's relative to their abutting and nearby property as significant acreage in Hardyston is recommended for open space use. The property in Sparta across Old Prospect School Road from the tract is zoned RC-2: Rural Conservation/ Residential (5 acre) and is designated for detached single-family residential use on large lots to protect the aquifer beneath this area. As depicted in the concept plan shown in Section 6.4, the redevelopment plan allows for significant open space buffers between the developable portion of the tract and Old Prospect School Road, mitigating impacts to this section of Sparta and the goals for this particular zone.

7.4 RELATIONSHIP TO THE STATE DEVELOPMENT AND REDEVELOPMENT PLAN GOALS AND OBJECTIVES

The proposed redevelopment plan is consistent with and complements the goals and objectives of the State Development and Redevelopment Plan (SDRP or State Plan). The State Plan's policies are applied to the natural and built resources of the state through the designation of five Planning

Areas. Planning Areas do not coincide with municipal or county boundaries but define geographic areas for purposes of applying suitable public policy. According to NJGeoWeb desktop analysis, the study area falls into two different state planning area categories: Rural Planning Area (Planning Area 4 or PA4); and Rural Environmentally Sensitive Area (PA42, formerly known as PA4B). The overall plan is predicated upon a number of broad goals and objectives including the following:

1. *Conserve natural resources and systems;*
2. *Promote beneficial growth, development and renewal for all residents of New Jersey;*
3. *Ensure sound and integrated planning and implementation standards.*

The subject site is constrained by the presence of wetlands, steep slopes, and its limited access. As detailed in the Area in Need of Redevelopment Study authorized by the Township Council and adopted by the Joint Land Use Board, the present site and market conditions render the property unlikely to develop for uses currently permitted within the present I-1 Zone under the current zone standards. Consequently, It is the intent of this Redevelopment Plan to remove the barriers to investment by modifying the development standards to encourage the development of a warehouse facility while taking into consideration the subject site's unique characteristics. Redevelopment of the subject site would promote the goals of the township master plan and State Strategic Plan by allowing for and encouraging development that will benefit the community while also encouraging the preservation of substantial acreage as open space.

7.5 RELATIONSHIP TO THE SUSSEX COUNTY STRATEGIC GROWTH PLAN

The Sussex County Strategic Growth Plan seeks to contribute to local determination of growth and development within the County, in an effort to further the goals and objectives at the State level and improve the development process in a cooperative manner. The State Plan anticipates continued growth throughout the State in all Planning Areas. The character, location and magnitude of this growth vary among Planning Areas according to the specific character of the area. Each Planning Area has policy objectives that guide growth in the context of its qualities and conditions. Planning Area 4, the Rural Planning Area, is designed to highlight an areas' agricultural potential. This is the location of New Jersey's prime farmland and agricultural industry. Policies outlined for PA 4 include keeping the land in large, contiguous masses of farmland while promoting agriculture as an industry and directing new growth into existing or planned centers where infrastructure is or will be located. Planning Area 4B has these same policies with an environmental overlay. The proposed redevelopment plan is compatible with this promotion of growth near existing rail and highway infrastructure as previously discussed.

7.6 RELATIONSHIP TO STATE DISTRIBUTION WAREHOUSING AND GOODS MOVEMENT GUIDELINES

The proposed redevelopment plan is consistent with the goals and objectives of the State Distribution Warehousing and Goods Movement Guidelines which were adopted in September of 2022. The guidelines seek to ensure that uses like warehousing are developed properly so that they can contribute to the economy and consumer welfare without harming local communities and the environment. The guidance document lists the following policy seeking to minimize and mitigate impacts of warehousing:

Mitigate and avoid conflicts with other uses, sensitive populations and receptors by locating large warehouses away from residential areas/neighborhoods, downtown commercial/retail areas and main streets, schools, daycare centers, places of worship, hospitals, overburdened communities, scenic corridors and historic districts, important public and civic outdoor spaces, and recreational facilities.

This redevelopment plan complements this goal as it is a proactive approach to planning for warehousing in the municipality with the aim of preventing conflicts between incompatible land uses.

7.7 RELATIONSHIP TO STATE POLICY REGARDING DESIGN STANDARDS FOR "SOLAR READY"

In November 2021, New Jersey enacted A3352, requiring all new warehouses containing 100,000 square feet or more to reserve at least 40% of its roof space for the future installation of a solar facility. This redevelopment plan is consistent with this policy as noted in greater detail within the Redevelopment Plan Design Standards in Section 6.4.e.