

TOWNSHIP OF WATERFORD

ORDINANCE NO. 2023-2

**ORDINANCE OF THE TOWNSHIP OF WATERFORD AMENDING ORDINANCE 2022-20
CAPTIONED “ORDINANCE OF THE TOWNSHIP OF WATERFORD ADOPTING
AMENDMENT #2 OF THE REDEVELOPMENT PLAN FOR THE HAINES BOULEVARD
REDEVELOPMENT AREA”**

WHEREAS, the Township Committee (the “**Committee**”) of the Township of Waterford, in the County of Camden, New Jersey (the “**Township**”), by resolution duly adopted pursuant to the Local Redevelopment and Housing Law *N.J.S.A.* 40A:12A-1 et seq. (the “**Redevelopment Law**”), authorized and directed the Planning Board of the Township (the “**Planning Board**”) to undertake a preliminary investigation to determine if a specific area located in the Township, identified on the Tax Maps of the Township as **BLOCK 202, LOTS 1, 2, 3, 4, 5, 6 and 7; BLOCK 203, LOTS 1, 2, 3, 4, 5, 6, 7 and 8; AND BLOCK 204, LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10** (the “**Study Area**”), constituted an area in need of redevelopment according to the criteria set forth in the Redevelopment Law; and

WHEREAS, the Planning Board, after providing due notice, conducted a public hearing in accordance with the Redevelopment Law; and

WHEREAS, in 2001, after reviewing the recommendations of the Planning Board, the Committee adopted a resolution designating the Haines Boulevard Redevelopment Area as an area in need of redevelopment under the Redevelopment Law (the “**Redevelopment Area**”); and

WHEREAS, pursuant to the Redevelopment Law, the Township adopted by ordinance a redevelopment plan (the “**Redevelopment Plan**”) that was recommended by the Planning Board on October 16, 2001; and

WHEREAS, the Committee adopted by ordinance a new redevelopment plan, prepared by Heyer, Gruel & Associates, entitled the Haines Boulevard Redevelopment Plan, dated April 26, 2016; and

WHEREAS, the Committee amended the Haines Boulevard Redevelopment Plan in October of 2016 (“**Amendment #1**”); and

WHEREAS, there has been very little development activity within the Redevelopment Area in more than 20 years since it was designated in 2001, with only two projects having recently received approval for pending development; and

WHEREAS, on October 26, 2022 the Township Committee determined that it was in the public interest to amend the Haines Boulevard Redevelopment Plan by adopting Ordinance 2022-20 to permit alternative industrial development on Block 204, Lots 1 and 2; and

WHEREAS, as a result of further review and consideration of Ordinance 2022-20 it has been determined to amend that Ordinance in a more defined manner to continue to include permitting

alternative industrial development on Block 204, Lots 1 and 2 and to now also include Block 204, Lot 3 for alternative industrial development, among the larger parcels within the Redevelopment Area.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Committee of the Township of Waterford, County of Camden, State of New Jersey, as follows:

Section 1. The recitals in the Preamble above are incorporated herein as if set forth at length.

Section 2. Ordinance 2022-20 captioned “Ordinance of the Township of Waterford Adopting Amendment #2 of the Redevelopment Plan for the Haines Boulevard Redevelopment Area is hereby amended as follows:

The Haines Boulevard Redevelopment Plan, dated April 2016 with Amendments dated October 2016, is hereby further amended and supplemented by a more defined Amendment #2 which is attached hereto and incorporated by reference herein as Exhibit A and which replaces the previous Amendment #2 attached to Ordinance 2022-20.


Section 3. Except as modified by Exhibit A, all other provisions of the Haines Boulevard Redevelopment Plan, as adopted by Waterford Township Ordinance 2016-25, shall remain in effect.

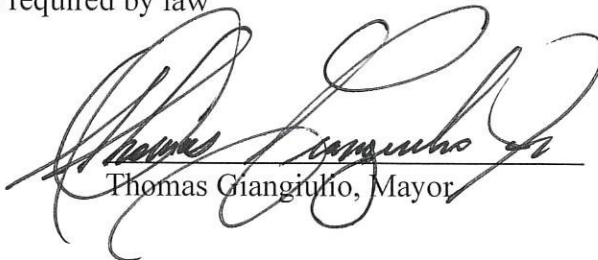
Section 4. All Ordinances or parts of Ordinances that are inconsistent with this Ordinance are hereby amended to the extent of such inconsistency only.

Section 5. If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a Court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Ordinance.

Section 6. Upon adoption of this Ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of this Ordinance with the Township Planning Board, the Pinelands Commission and any other agencies as required by law.

Section 7. This Ordinance shall only take effect after final adoption, approval by the Pinelands Commission and publication as required by law


Dawn Liedtka, RMC / CMR Clerk



Thomas Giangiglio, Mayor

Intro: ___ January 1, 2023
Public Hearing: ___ January 25, 2023
Adopted: Jan 25, 2023

UPON INTRODUCTION ON January 1, 2023					
	WADE	JONES-FREITAG	THOMPSON	YEATMAN	GIANGIULIO
YES	X	X	X	X	X
ABSTAIN					
NO					
ABSENT					
UPON ADOPTION ON January 25, 2023					
	WADE	JONES-FREITAG	THOMPSON	YEATMAN	GIANGIULIO
YES	X	X	X	X	X
ABSTAIN					
NO					
ABSENT					

CERTIFICATION

I, Dawn Liedtka, Clerk of the Township of Waterford, Camden County, New Jersey, do hereby certify the foregoing to be true and exact copy of the Ordinance which was finally adopted by the Mayor and Township Committee of the Township of Waterford at a Meeting held on the 25th day of January, 2023.



 Dawn Liedtka, RMC / CMR, Clerk

EXHIBIT A

AMENDMENTS TO THE HAINES BOULEVARD REDEVELOPMENT PLAN, DATED APRIL 2016 WITH AMENDMENTS OCTOBER 2016

Section 1. The section entitled “**Land Use Plan**” of the Haines Boulevard Redevelopment Plan is hereby amended as follows:

LAND USE PLAN

The purpose of the new district standards for the Redevelopment Area is to provide an expanded set of development options that guide the Area's development, and encourage the growth and expansion of the Township's economic base. When the Township rezoned the Area to the PHB district, it hoped this action would encourage planned development on larger lots. This type of development, however, did not occur and the lots remain largely undeveloped. The existing development along Route 30 does not conform to the PHB standards and the irregular lots throughout the Area contribute to the Area's inconsistencies with the Township's desired development strategies. By expanding the development potential of the site, the new standards will create incentives to developers and encourage the expansion of both residential and commercial uses

The Redevelopment Plan calls for six (6) distinct land use districts: a TOD/Mixed-Use Zone, a Commercial Zone, two (2) Residential Zones, an Institutional Zone, and a Utility District. An amendment to the redevelopment plan in 2023 established a Planned Industrial Overlay District. The following section describes the permitted uses within each district and provides their bulk standards.

Creating Districts allows the plan to set a residential Maximum Gross Tract Density for each District. The total permitted residential density throughout this Redevelopment Area permits up to 792 units; of which up to 240 units would be required to be set aside to be developed as affordable units for low to moderate income households in accordance with COAH Regulations. These low to moderate income housing units can be built in districts that permit residential uses. Not clustering low to moderate income units and allowing them to be constructed, spread out and intermingled with market rate units, provides for a more economically sustainable and humane neighborhood that is socially diverse and will ensure the long-term success of this project. This leaves up to 552 units to be developed as Fair Market Value Housing.

Pinelands Development Regions

As previously mentioned, the Redevelopment Area is located within the Regional Growth Area (RGA) of the Pinelands. Regional Growth Areas are the designated “receiving areas” of the Pinelands Development Credit (PDC) Program. The PDC Program is a transfer of development rights (TDR) program that transfers development potential from designated sending areas to designated receiving areas that have the infrastructure to support such growth. PDC’s are essentially development rights that are connected with pieces of land known as “sending areas”. These development rights can be transferred to the growth areas where they can be used for higher density residential development. In the Haines Boulevard Redevelopment Area, Pinelands Development Credits are required in accordance with the provisions contained in the

Section below entitled “Plan Standards.” For more information on the Pinelands Development Credit Program, see the Pinelands Commission website.

Affordable Housing

The Township of Waterford has prepared a Housing Element and Fair Share Plan in accordance with the March 10, 2015 New Jersey Supreme Court Opinion and a Third Round Obligation to provide for 205 low and moderate affordable housing units in accordance with COAH Regulations for counting said units. This Redevelopment Plan was to ensure there are sufficient affordable housing opportunities available to residents. All new residential development or mixed commercial/residential development producing five (5) or more residential units shall be required to set aside a minimum of 20% of all units as affordable for low- and moderate-income households. In addition, projects where 100% of the residential units are made affordable for low- and moderate-income households may be permitted, provided that the total number of units of all such projects in the redevelopment area does not exceed 240. Projects where 100% of the residential units are made affordable to low- and moderate-income households shall be permitted at a maximum of eight (8) units per acre.

Ownership

The Redevelopment Area is comprised of 24 parcels with 19 different land owners. This Plan takes into account the existing property boundaries and works to develop a comprehensive plan around those existing boundaries. One goal of this Plan is to maintain the property boundaries and plan development within them, allowing each property owner to develop his or her parcel in conjunction with neighbors, but without requiring subdivision or consolidation unless determined necessary.

Water Supply

At such time that the Township has allocated 70%* of its available water capacity throughout the entire regional growth area, no further water applications shall be approved for any major development as defined in Chapter 176-9, including in the redevelopment area, until the Township has contractual arrangements in place to receive water from another source other than the Kirkwood-Cohansey Aquifer. Said contractual arrangement shall have been reviewed and accepted by the Pinelands Commission.

*As of December 2016, it is estimated that an additional 108,400 gallons per day of water capacity is available for allocation before reaching the 70% threshold.

Section 2. The section entitled “**Plan Standards**” of the Haines Boulevard Redevelopment is hereby amended as follows:

PLAN STANDARDS

The residential density for the entire Redevelopment Area shall not exceed 8 units per acre. Any residential or mixed-use projects shall maintain at least 15% of its area as open space.

Development Review Procedures

All development applications deemed complete as of the effective date of this ordinance shall adhere to the streamlined permitting process adopted by Ordinances 2011-19 and 2017-6. All subsequent development applications or substantial modifications to prior applications shall

adhere to the development review process contained in Section 176-14 of the Code of Waterford Township, except as modified below:

1. The applicant shall submit information describing the anticipated water needs of the proposed development and the proposed source for the necessary water supply.
2. Notwithstanding the requirements of §176-14B and E, the following information shall not be required as part of any application for development within the Haines Boulevard Redevelopment Area:
 - a. Mapping and/or delineation of wetlands.
 - b. A cultural resource survey, except for development proposed on Block 203, Lot 1 where a cultural resource survey shall be required.

Pinelands Development Standards

All development within the redevelopment area shall be consistent with the minimum environmental standards of the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-1.1 et seq).

Pinelands Development Credits

In accordance with the Pinelands Comprehensive Management Plan, Pinelands Development Credits (PDCs) shall be acquired and redeemed for development within the Haines Boulevard Redevelopment Area as follows:

1. The acquisition and redemption of PDCs shall be required as part of any residential development permitted under this plan, including residential units within assisted living facilities, in accordance with the following:
 - a. PDCs shall be acquired and redeemed for thirty percent (30%) of the residential units proposed. This is equivalent to one quarter (1/4) PDC for every 3.33 residential units proposed.
 - b. Where any calculation of required PDCs results in a fraction, the requirement of PDCs shall be rounded up to the nearest quarter (1/4) PDC.
 - c. Within the entire redevelopment area, a total of 140 residential units permitted by this plan, provided on-site, and made affordable to low- and moderate-income households shall be excluded from the PDC requirement.
2. The acquisition and redemption of PDCs shall be required as part of any non-residential development permitted under the provisions of the Planned Industrial Overlay District, in accordance with the following:
 - a. PDCs shall be acquired and redeemed at a rate of one quarter (1/4) PDC for every 17,000 square feet of gross floor area within principal use buildings.

- b. Where any calculation of gross floor area is not evenly divisible by 17,000, then the PDC requirement shall be rounded up to the nearest quarter (1/4) PDC.
 - c. If the proposed gross floor area of the development is less than 17,000 square feet, then one quarter (1/4) PDC shall be required.
3. Except for non-residential development permitted in accordance with the Planned Industrial Overlay District, any municipal approval that authorizes nonresidential development in the RD-1 or RD-2 districts shall require the redemption of PDCs in accordance with N.J.A.C. 7:50-5.28(a)5.

Section 3. The Pinelands Development Credit provisions contained in the section entitled “**RD-1 Districts Standards**” of the Haines Boulevard Redevelopment Plan is hereby amended as follows:

The use of Pinelands Development Credits shall be required in accordance with the Pinelands Development Credits provisions contained in the Section above entitled “Plan Standards.”

Section 4. The Pinelands Development Credit provisions contained in the section entitled “**RD-2 Districts Standards**” of the Haines Boulevard Redevelopment Plan is hereby amended as follows:

The use of Pinelands Development Credits shall be required in accordance with the Pinelands Development Credits provisions contained in the Section above entitled “Plan Standards.”

Section 5. The Pinelands Development Credit provisions contained in the section entitled “**TOD/Mixed-Use District**” of the Haines Boulevard Redevelopment Plan is hereby amended as follows:

The use of Pinelands Development Credits shall be required in accordance with the Pinelands Development Credits provisions contained in the Section above entitled “Plan Standards” if it is not one of the already permitted non-residential uses listed in the Redevelopment Plan for the TOD/Mixed-Use District.

Section 6. The Pinelands Development Credit provisions contained in the section entitled “**Community Commercial District**” of the Haines Boulevard Redevelopment Plan is hereby amended as follows:

The use of Pinelands Development Credits shall be required in accordance with the Pinelands Development Credits provisions contained in the Section above entitled “Plan Standards” only for residential units the Township approves to be constructed in the Community Commercial District.

Section 7. The Pinelands Development Credit provisions contained in the section entitled “**ID Institutional Use District**” of the Haines Boulevard Redevelopment Plan is hereby amended as follows:

The use of Pinelands Development Credits shall be required in accordance with the Pinelands Development Credits provisions contained in the Section above entitled “Plan Standards” only for residential units the Township approves to be constructed in the Institutional Use District.

Section 8. The Pinelands Development Credit provisions contained in the section entitled “**Utility District**” of the Haines Boulevard Redevelopment Plan is hereby amended as follows:

The use of Pinelands Development Credits shall be required in accordance with the Pinelands Development Credits provisions contained in the Section above entitled “Plan Standards” only for residential units the Township approves to be constructed in the “Utilities District”.

Section 9. The section entitled “**Planned Industrial Overlay District**” of the Haines Boulevard Redevelopment Plan is hereby established as follows:

PLANNED INDUSTRIAL OVERLAY DISTRICT

A. Overlay District Location and Extent

The Planned Industrial Overlay District shall encompass Block 204, Lots 1, 2, and 3.

B. Intent

The intent of the Planned Industrial Overlay District is to provide additional development flexibility in the Redevelopment Area by permitting specified industrial uses within the overlay district. A redeveloper shall be permitted to develop under the standards of either the Planned Industrial Overlay District or the underlying district established by the 2016 Haines Boulevard Redevelopment Plan.

C. Principal Permitted Uses

- (1) Uses and bulk standards pursuant to the underlying district established in the Haines Boulevard Redevelopment Plan, as amended.
- (2) Office buildings and research facilities.
- (3) Warehousing, including shipping and receiving of goods and supplies and cold storage.
- (4) Light manufacturing, fabrication and assembly.
- (5) Online commerce businesses which may have both order fulfillment and e-commerce sales operations, which may include areas for storage, package preparation, customer pick-ups and staging for deliveries.

- (6) Mini warehousing and self-storage, defined as a building containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time.
- (7) Indoor commercial health/recreational facility.
- (8) Flex space, defined as any combination of any permitted uses housed in an enclosed building or buildings, utilizing such common facilities as parking, shared truck courts and circulation, utilities and sanitary facilities, having a combined minimum floor area of 100,000 square feet.
- (9) Any combination of principal permitted uses within a building or tract.

D. Large Tract Area and Bulk Requirement:

- (1) Minimum tract for planned development: 10 acres.
 - (a) Minimum tract perimeter setbacks:
 - [1] County or state right-of-way: 100 feet.
 - [2] Other: 60 feet
 - (c) Minimum road frontage (exterior): 100 feet.
 - (d) Minimum mean lot width: 100 feet.
 - (e) Maximum building coverage: 50%.
 - (f) Maximum lot coverage: 80%.
 - (g) Maximum tract coverage: 75%.
- (2) Individual site development.
 - (a) Minimum lot area: two acres.
 - (b) Minimum setbacks:
 - [1] Front yard:
 - [a] County or state right-of-way: 100 feet.
 - [b] Other: 60 feet.
 - [2] Side yard: 40 feet (except 100 feet when abutting residential zone or residential use).
 - [3] Rear yard: 60 feet (except 100 feet when abutting residential zone or residential use).

- (c) Minimum road frontage: 150 feet.
- (d) Minimum mean lot width: 150 feet.
- (e) Maximum building coverage: 50%.
- (f) Maximum lot coverage: 75%.

E. Small Tract Area and Bulk Requirements

(1) Minimum tract for individual site development: 3 acres.

- (a) Minimum tract perimeter setbacks:
 - [1] County or state right-of-way: 100 feet.
 - [2] Other: 60 feet
- (c) Minimum road frontage (exterior): 150 feet.
- (d) Minimum mean lot width: 150 feet.
- (e) Maximum building coverage: 30%.
- (f) Maximum lot coverage: 65%.
- (g) Maximum tract coverage: 65%.

(2) Individual site development.

- (a) Minimum lot area: 2 acres.
- (b) Minimum setbacks:
 - [1] Front yard:
 - [a] County or state right-of-way: 100 feet.
 - [b] Other: 60 feet.
 - [2] Side yard: 40 feet
 - [3] Rear yard: 60 feet
- (c) Minimum road frontage: 150 feet.
- (d) Minimum mean lot width: 150 feet.

(e) Maximum building coverage: 30%.

(f) Maximum lot coverage: 65%.

F. General Exceptions and Modifications

(1) Height limitations.

- (a) No structure, including radio and television transmission and other communication facilities which are not accessory to an otherwise permitted use, shall exceed a height of 55 feet.
- (b) The height limitation in Subsection F(1)(a) above shall not apply to any of the following structures, provided that such structures are compatible with uses in the immediate vicinity: silos, barns and other agricultural structures; church spires; cupolas; domes; monuments; water towers; fire observation towers; electric transmission facilities and supporting structures; windmills; chimneys; smokestacks; derricks; conveyors; flag poles; masts; aerials; solar energy facilities; and similar structures required to be placed above the roof level and not intended for human occupancy; provided, however, that the height of any tower or similar structure shall not exceed the distance from the nearest property line to the base of the tower or structure.
- (c) The height limitation in Subsection F(1)(a) above shall not apply to parapets, stair towers, solar panels and mechanical equipment.

(2) Outdoor storage.

- (a) Outdoor storage of containers required for the operation of uses involving warehousing, shipping and distribution of goods and supplies shall be permitted, subject to site plan approval by the Planning Board.

(3) Interior Lot Lines

- (a) No setback shall be required from any interior lot boundary lying between two contiguous lots within a tract planned and intended as a Planned Development as described herein.

(4) Location of Off-street Loading Areas

- (a) The restriction against the location of off-street loading areas within the required front yard pursuant to Section 176-79.B(2) shall not apply to a Planned Development under these overlay standards, subject to sufficient vegetative or architectural screening as approved by the Planning Board.

(5) Location of Stormwater Management Basins and Buffers

- (a) Per Section D(2)(b) above, a 100-foot residential setback shall be required for any portion of the parcel abutting a residential zone or abutting a property with an existing

residential use. Development permitted within the residential setback shall be limited to a buffer with a combination of adequate landscaping and screening to minimize visual and noise impacts on abutting residential zones and abutting properties with an existing residential use. Off-street parking, stormwater management facilities, outdoor storage areas, and accessory structures are prohibited within any required residential setback buffer. However, green infrastructure stormwater management features that include planted areas, such as raingardens, bioswales or bioretention areas may be incorporated into a residential setback buffer planting design, provided the overall landscaping and screening is adequate to minimize visual and noise impacts on abutting residential zones and abutting properties with an existing residential use.

- (b) For purposes of these overlay standards, any yard fronting on an interior or exterior road shall be a front yard. Stormwater management basins may be located in any yard area, inclusive of the required front yard, but shall not be located within the required landscaped portion of any buffer area pursuant to Section 176-52.B(1), with the exception of any green infrastructure stormwater management features that include planted areas, such as raingardens, bioswales or bioretention areas.
- (c) For purposes of these overlay standards, a required buffer may be counted as part of a required front, side or rear yard area, provided that there is no deviation as to the required type, size or width of the buffer.

(6) Parking and Loading Requirements

- (a) Parking requirements for all permitted uses shall be in accordance with Section 176-79.E which shall be supplemented as follows:
 - i. Online commerce businesses: 1 parking space per 1,600 square feet of gross floor area.
 - ii. Mini-warehousing and self-storage: 1 parking space per 10,000 square feet of gross floor area.
 - iii. Indoor commercial health/recreational facility: 1 parking space per 1,000 square feet of gross floor area.
 - iv. Flex space: 1 parking space per 1,000 square feet of gross floor area.

(7) Pinelands Development Credits

- (a) The use of Pinelands Development Credits shall be required in accordance with the Pinelands development Credit provisions contained in the Section above entitled "Plan Standards."

- (8) All buildings of 100,000 square feet or more shall be designed and constructed to support rooftop solar installation in accordance with P.L.2021, c.290.

(9) Technical Subdivision

- (a) A project to be developed pursuant to this Amendment may be of such a size or type so as to make sectionalization by subdivision and the use of different forms of ownership a practical necessity. Therefore, a technical subdivision for such a project may be required for marketing or financing purposes. An application for technical subdivision approval must be submitted to and completed with the Pinelands Commission pursuant to, after which it may be submitted to the Planning Board with an application for approval of a site plan, or subsequent to the issuance of such an approval. Such an application shall be considered as a technical subdivision and treated as a minor subdivision application without the necessity to obtain bulk variances that would technically be required subject to the following:
- i. The purpose of the application is to create a new lot for the purpose of financing or transfer of ownership within a development which is, or has been, the subject of site plan approval.
 - ii. A technical subdivision may not substantially modify or otherwise adversely impact on the integrity of a previously approved development plan.
 - iii. A technical subdivision must not reduce, limit or modify parking or access to parking.
 - iv. If a technical subdivision includes the division of parking or other common areas or facilities, the subdivision shall be conditioned upon appropriate easements for parking, access, signage, stormwater management and/or utilities where necessary.