

Hardyston – “The 2022 Hardyston Vacant Land and Landfill Redevelopment Plan.”

A redevelopment plan covering the following properties:

The Township of Hardyston, Sussex County, New Jersey			
Identification of Route 94 Parcel(s) to be included in the Redevelopment Plan. {This is a non-condemnation redevelopment area in need of redevelopment.}			
Block-Lot	Property Location	Acres	
63, 1.01	3490 Route 94 Vacant Property	67	Township of Hardyston owned property. *
75, 55	Near Lasinski Road	21	Township of Hardyston owned property. *

* The property is tax exempt.

Township of Hardyston, New Jersey

Redevelopment Plan for Introduction – November 9, 2022

Prepared for: Township of Hardyston

Prepared by:

BENECKE ECONOMICS

8410 Sanctuary Boulevard
Riverdale, NJ
07457

1 Introduction

A. BASIS FOR THE PLAN

This Redevelopment Plan has been prepared for a non-residential area located in the Township of Hardyston, Sussex County, State of New Jersey and situated within the State Development and Redevelopment Plan (“SDRP”), Planning Area-PA-4B, the Rural/Environmentally Sensitive Planning Area and PA-5, the Environmentally Sensitive Planning Area. The predicate for designating the area in need of redevelopment is the fact that the property has been vacant for greater than ten years as well as being underutilized and, further, is subject to legally required Smart Growth principles-taking advantage of renewable energy resources.

After holding a public meeting on September 22, 2022 and conducting a public hearing thereon the Hardyston Planning Board determined the redevelopment study areas, the Property, satisfy the criteria for designation as an area in need of redevelopment. On September 28, 2022, the Township of Hardyston Mayor and Council adopted two resolutions, 1-Resolution Number 82-22, “Resolution determining that the property identified as Block 63, Lot 1.01 be designated as a non-condemnation redevelopment area in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.” this , and, 2-Resolution Number 83-22 “Resolution determining that the property identified as Block 75, Lot 55 be designated as a non-condemnation redevelopment area in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.” These resolutions accepted the recommendation of the Hardyston Township Planning Board declaring as an area in need of redevelopment the property at Block 63, 1.01, a vacant sixty-seven acre property and the property at Block 75, Lot 55, a twenty-one acre former landfill (currently known as the former Hardyston Township Landfill) to be a Non-Condemnation Area in Need of Redevelopment. Combined these properties include a combined eighty-eight (88) acres. Combined these parcels are known as the redevelopment “Properties” (or “Property”).

B. NOTE ON PLAN TERMINOLOGY-DEFINITIONS

Throughout this Redevelopment Plan, a conscious distinction is made in the development regulations between “shall” and “should.”

- “Shall” means that a redeveloper or the Township is required to comply with the specific regulation, without any deviations.
- “Should” means that a redeveloper or the Township is encouraged to comply but is not necessarily required to do so.

This Redevelopment Plan envisions the Township will designate an entity other than the Township or County to locate or install a Public Utility Use or Uses on the Property. Public

Utility is defined in the Township Code, specifically section § 185-4, "Definitions" and for the purpose(s) of the Property included in this Redevelopment Plan shall mean:

"Telephone or telegraph systems, plant or equipment, electric power plants, substations or equipment, microwave relay and transmission facilities, cable television, plant, water company wells, storage facilities and pumping equipment, gas transmission pumping stations, for public use or to provide services to the public, excluding actual transmission lines, and solar electricity installations." This provision specifically adds solar energy installations to be included in this Redevelopment Plan.

DEFINITIONS

For the purposes of this Redevelopment Plan, and in addition to any terms defined within the body of this document, the following terms shall have the meaning as set forth below. Terms not defined herein shall have the meaning set forth in the Township of Hardyston Comprehensive Land Management Code. If a term used in this Redevelopment Plan is not defined in the Township of Hardyston Zoning Ordinance, the definition in the Municipal Land Use Law or the Local Redevelopment and Housing Law shall apply. Terms presented in singular or plural, masculine or feminine, shall be construed within the context in which they occur.

"Township" shall mean the Township of Hardyston, a body corporate and politic, and unless otherwise indicated, includes its Governing Body, the Township Manager, officers and staff. Within the context of the various sections of this document, the terms "Township" and "Governing Body" shall mean the Governing Body of the Township of Hardyston, acting in its capacity as "Redevelopment Entity." The Governing Body in Hardyston is the Council, a five member Governing Body, including the Mayor.

"Development Ordinance" or "Zoning Ordinance" shall mean Township of Hardyston Land Management Code § 185 et seq. Specifically, the section of the Township Code at § 185-101 the Open Space Governmental Use Zone.

"Governing Body" shall mean the Council, "Council", of the Township of Hardyston. Within the context of the various sections of this document, the terms "Township" and "Governing Body" shall mean the Governing Body of the Township of Hardyston, acting in its capacity as "Redevelopment Entity."

"MLUL" means the "Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq."

"Planning Board" shall mean the Township of Hardyston Planning Board.

"Redeveloper" shall mean the Corporation, partnership or other entity designated by the Township, in its capacity of Redevelopment Agency, as Redeveloper pursuant to

N.J.S.A. 40A:12A-1 et seq. and having entered into a Redeveloper's Agreement with the Redevelopment Entity (Township) for the purposes of advancing this Redevelopment Plan. Similarly, nothing herein shall prohibit a group, or team, comprised of more than one affiliated entity from combining to form a Redeveloper for the purposes of effectuating this Redevelopment Plan. It must be noted that prior to entering a Redevelopment Agreement a Financial Agreement shall be negotiated and it is likely that an Urban Renewal Entity ("URE") will be created by the designated Redeveloper, pursuant to the provisions of N.J.S.A. 40A:20-1 et seq. the Long Term Tax Exemption law ("LTTE").

"Redeveloper's Agreement", or "Redevelopment Agreement" shall mean a contract made by and between a designated Redeveloper and the Redevelopment Entity which shall detail the specific rights, responsibilities and obligations of the Township and said Redeveloper related to the construction and operation of a Redevelopment Project.

"Redevelopment Area" shall mean that area within the Township of Hardyston described in Chapter 3 and having been determined to be An Area In Need of Redevelopment ("ANR") pursuant to Township of Hardyston Resolution.

"Redevelopment Agency" shall mean the Governing Body of the Township of Hardyston, acting as the implementing agent for this Redevelopment Plan in accordance with and under the provisions of N.J.S.A. 40A:12A-1 et seq. Within the context of the various sections of this document, the terms "Township" and "Governing Body" shall mean the Governing Body of the Township of Hardyston, acting in its capacity as "Redevelopment Entity."

"Redevelopment Parcel" shall mean any of the specific parcel at Block 63, Lot 1.01 and Block 75, Lot 55 which is also the Redevelopment Area pursuant to the. These properties comprise the "Redevelopment Plan Area."

"Redevelopment Plan" shall mean this document entitled "The 2022 Hardyston Vacant Land and Landfill Redevelopment Plan", together with the implementing Township Ordinance(s), as may be amended from time to time.

"Redevelopment Project" shall mean the installation, construction, rehabilitation, renovation, when and if applicable and buildings and/or other improvements in the Redevelopment Area in accordance with this Redevelopment Plan. For the purposes of a Certificate of Completion and Compliance pursuant to Section 8F herein, an "Independent Component of a Redevelopment Project" shall mean any portion of a Redevelopment Project which can stand alone and be considered complete.

"State" shall mean the State of New Jersey and shall include all applicable agencies and instrumentalities thereof.

"Street" means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way which is an existing State, county, or municipal roadway, or which is shown upon a plat (including the official tax map of the Township of Hardyston) heretofore approved pursuant to law, or which is approved by official action as provided by the MLUL, or which is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines if such have been constructed.

"Utility Area" means a flexible space within the right-of-way or within the Redevelopment Plan Area which may be designated for the installation of utility lines and facilities. The meaning of Public Utility is given context by using the Utility Area definition.

C. PROPERTY DESCRIPTION AND LOCATION

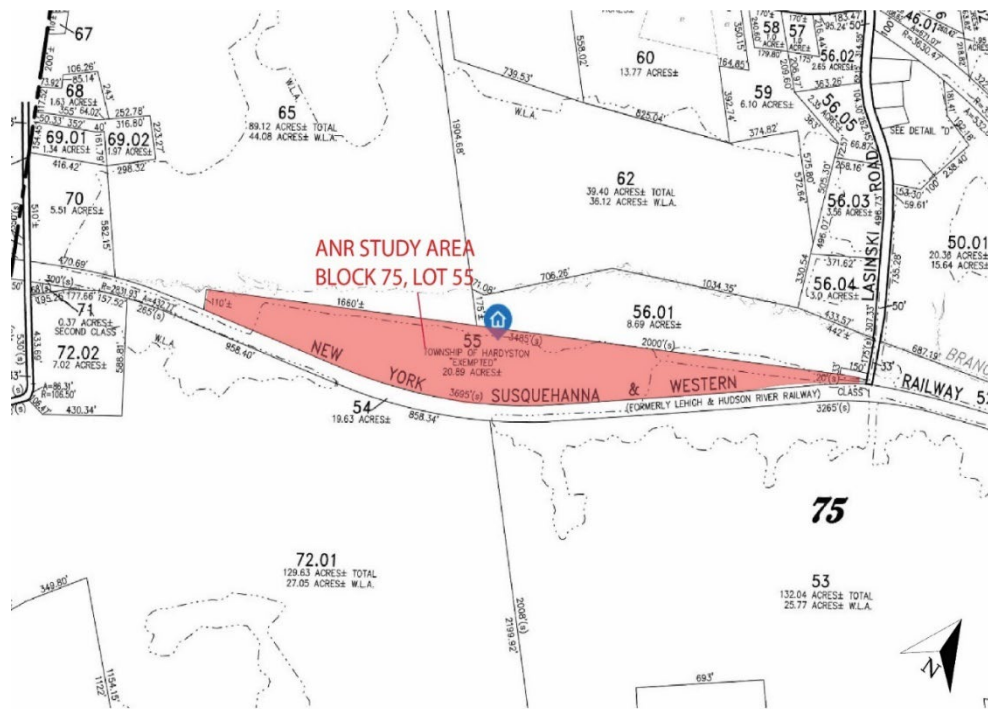
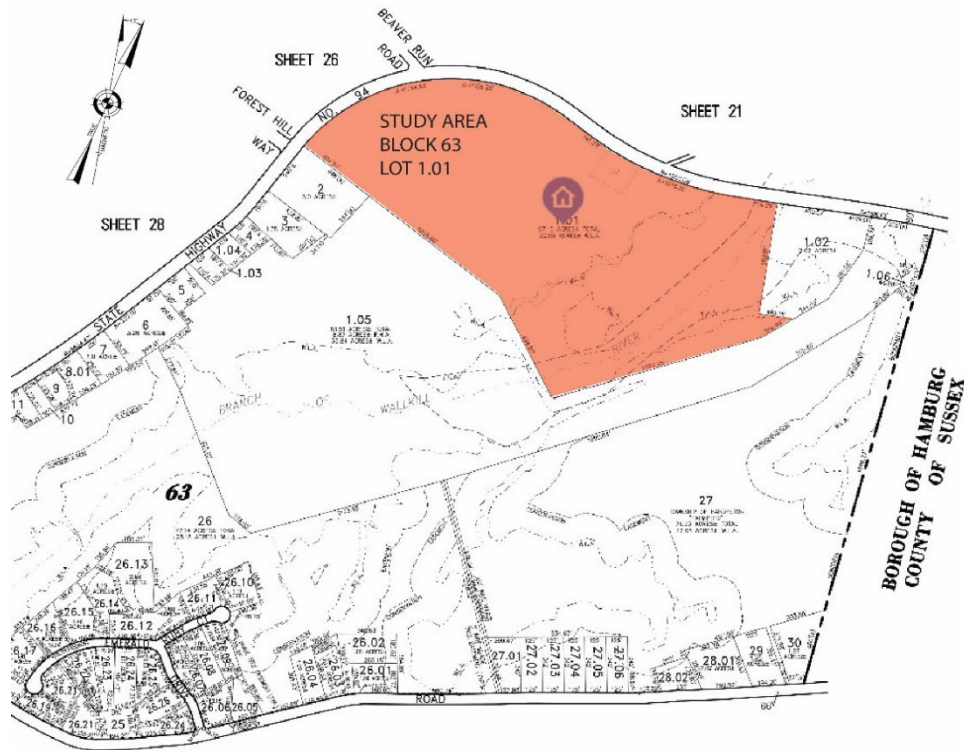
The Council designated the area, the aforementioned two parcels, as an area in need of redevelopment for non-condemnation purposes. The property is owned by the Township of Hardyston. This Redevelopment Plan specifies the terms and conditions to be satisfied to proceed with the repurposing of the property pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. ("LRHL"). The zoning regulations and standards shall supersede the pre-existing or prior zoning.

The parcel at Block 63, Lot 1.01 is in the current Town Center Shopping District (TC-SCD) the purpose of which, according to Hardyston Township Code §185-98, is to regulate and provide for a variety of retail uses in a shopping center context. The parcel at Block 75, Lot 55 is in the Open Space Government Use zone (OSGU), the purpose of which, according to Hardyston Township code §185-101 is to regulate the use of public open space and lands "to insure local protection of financial resources, environmental resources, water resources and rural character of Hardyston Township."

The Redevelopment Plan area is situated along Route 94. The area lies within the designated Highlands Planning Area. Both parcels will now be located and included in the OSGU is defined in of the Township of Hardyston Zoning Ordinance as follows:

The purpose of the Open Space/Government Use Zone is to establish a zone to regulate the use of public open space and lands. This will insure local protection of the financial resources, environmental resources, water resources and rural character of Hardyston Township.

Figure 1. Tax Map Abstracts. Property Location(s).



2 Purpose/Vision

This Redevelopment Plan hereby authorizes the Township Manager to solicit sealed proposals from prospective Redevelopers for the installation (or construction) of Public Utility improvements upon the Redevelopment Plan Area so as to repurpose the Property or a portion thereof into an environmentally sound productive use. This process will be used to select and designate a Redeveloper. The Township Manager shall be guided by this Redevelopment Plan and make a recommendation as to the proposal which will best serve the public interest and welfare. The successful Redeveloper may have certain requirements which may necessitate an amendment to this Redevelopment Plan.

A. PURPOSE AND PLAN.

This Redevelopment Plan establishes the standards to better define the applicability of the OSGU Zone to the Property (two redevelopment parcels) including approximately eighty-eight acres. The purpose of the Redevelopment Plan is to provide the requirements that a designated Redeveloper must comply with so as to install a quality Public Utility project with as minimal impact as possible on the surroundings of the Redevelopment Project, while providing a positive impact on the environment. With this background, the Redevelopment Plan also addresses the general property improvements to be made in the Redevelopment Area.

Further, the provisions of § 185-102 of the Township Code pertaining to Use Regulations in the zone are the basis for this Plan and specifically, Paragraph 8- "Public Utilities" shall be a primary focus of the planning efforts to include the broader definition of Public Utility to include solar installations within the Redevelopment Plan Area which should be defined as a delineated Utility Area. Within this zoning parameter the purpose of this Plan is to determine clean energy Public Utility options for the use of the property in an environmentally sensitive manner.

B. ZONING OF THE PROPERTY (TWO PARCELS)

The provisions of the Township's General Legislation-Zoning, specifically Article XXIV "Open Space Governmental Use District", specifically, § 185-102 "Principal Permitted Uses", are amended to include the Properties as fully incorporated in this Plan, with a focus on the aforementioned Paragraph 8-Public Utility use.

Upon application for site plan approval complying with the provisions of this Redevelopment Plan, as may be amended, no further development, redevelopment or repurposing of the land or property included in the Redevelopment Project shall take place for a minimum of twenty years from the date of the first certificate of occupancy provided to the Redevelopment Project. The site plan applicant, designated Redeveloper, or property owner-if other than the Township- either now or within twenty years from the date of site plan approval shall NOT apply for a use variance with the

planning board or board of adjustment covering any portion of the property which the Redevelopment Project is situated on.

C. REDEVELOPMENT AGREEMENT CERTAIN REDEVELOPER CONDITIONS

Upon adoption of this Redevelopment Plan, and subject to the New Jersey Department of Environmental Protection (“NJDEP”) rules and regulations, and applicable New Jersey Board of Public Utilities rules and regulations (“BPU”), a Redevelopment Agreement stipulating the terms by which the Redeveloper shall be entered into between the Township (acting in its capacity of Redevelopment Entity) and the Redeveloper. The Redevelopment Agreement shall provide the terms and conditions by which the Redeveloper shall construct or install Public Utility improvements and create adequate access to the property.

This Redevelopment Plan shall be effective only upon execution of a Redevelopment Agreement between a designated redeveloper and the Township of Hardyston. Further, the Redevelopment Agreement shall include a comprehensive indemnification clause, indemnifying the Township from any liability due to the use and installation or construction of any Public Utility.

The following Redevelopment Plan conditions shall be complied with by the designated redeveloper:

A. The Redeveloper shall advise the Township Manager on an ongoing basis, not less than every six months following adoption of this Redevelopment Plan, in writing, of the name and contact information of an individual for emergency notification. The Applicant shall be responsible to advise the Township Manager as soon as is practicable of any change on the emergency contact designee.

B. The Redeveloper shall control the migration of dust from the site both during and after construction and shall implement such dust control measures as may be necessary to do so.

C. The Redeveloper shall prevent trucks from leaving the site with loose gravel, or other material, that may spill onto a roadway.

D. The Redeveloper shall apply to the Sussex County Planning Board for site plan approval, especially traffic control provisions, if any such approval is required.

D. PUBLIC POLICY GOALS

1) Provide the mechanism for a public/private partnership designed to promote environmentally safe Public Utility improvements in the Redevelopment Area, through the proper arrangement of facilities and to provide a utility business, the Redeveloper, with access to the property. All such improvements shall be consistent with the Public Drainageway provisions of the Township code.

2) Prevent the spread of deteriorating vacant property conditions (fallow property) onto adjacent properties (located in Hardyston) by the application of comprehensive

Redevelopment Plan controls. This includes specific road, stormwater and other infrastructure upgrades in the immediate vicinity of the Property as well as related streets and roads.

Reverse the conditions in the Redevelopment Area which represent a detriment to the safety, health and welfare of the community. Repurposing of the landfill site would require applying for NJDEP permits, preparing a closure plan, designing and implementing a wetlands mitigation proposal, and providing quarterly groundwater sampling. These adverse conditions must be ameliorated by the Township possibly in concert with a Redeveloper.

3) Where appropriate, utilize redevelopment, financial and non-financial incentives, such as energy credits, a payment in lieu of taxes program (PILOT) and other programs to attract appropriate development to the Redevelopment Area.

E. REDEVELOPMENT PLAN OBJECTIVES

1) Enact such elements and controls which will allow for the redevelopment of lands within the Redevelopment Area consistent with the Purpose and intent of this Redevelopment Plan while respecting the environmental constraints apparent in the Redevelopment Plan area.

2) Enact such elements and controls as may be necessary and appropriate to allow lands having deteriorated structures and foundations situated on them to be redeveloped; and to ensure that any such use will conform to the character of the Redevelopment Area envisioned by this Redevelopment Plan. These controls may be enacted through the execution of a redevelopment agreement.

3) Reconfirm Redevelopment Plan and development compliance with Township's Zoning Ordinance § 185-102 of the General Ordinances of the Township of Hardyston.

4) To the extent reasonably practicable work with the designated Redeveloper(s) to minimize disruption to the community both within and adjacent to the Redevelopment Area during construction activities and to ameliorate traffic control issues. However, extensive Public Utility and/or infrastructure improvements may be required.

5) Establish Redevelopment Plan elements and controls which allow for planned development in a mutually supportive environment consistent with Smart Growth principles.

6) N.J.S.A. 40A:12A-7 Adoption of redevelopment plan. The following statutory elements are covered in this Redevelopment Plan. To wit:

7a. No redevelopment project shall be undertaken or carried out except in accordance with a redevelopment plan adopted by ordinance of the municipal governing body, upon its finding that the specifically delineated project area is located in an area in need of redevelopment or in an area in need of rehabilitation, or in both, according to criteria set forth in section 5 or section 14 of P.L.1992, c.79 (C.40A:12A-5 or 40A:12A-14), as appropriate.

The redevelopment plan shall include an outline for the planning, development, redevelopment, or rehabilitation of the project area sufficient to indicate:

(1) Its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements. (Traffic controls and buffering are an important element of this Plan.)

(2) Proposed land uses and building requirements in the project area. (The envisioned land use-Public Utility Use is an approved permitted use.)

(3) Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market. (N/A)

(4) An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan. (Pursuant to the Redevelopment Agreement the Redeveloper will acquire or lease the requisite Property, or a portion thereto from the Township. However, the Township will not be acquiring any property to effectuate this Plan, with the possible exception of easements in furtherance of a public purpose.)

(5) Any significant relationship of the redevelopment plan to (a) the master plans of contiguous municipalities, (b) the master plan of the county in which the municipality is located, and (c) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et al.).

(This Redevelopment Plan area is in a PA-4B and PA-5 planning areas, an environmentally sensitive-rural development and environmentally sensitive area, respectively. The purpose of the Plan is to provide the installation of an environmentally sensitive Public Utility use in concert with the municipal master plans.)

Figure 2. Planning Area Context Map Block 75 Lot 55

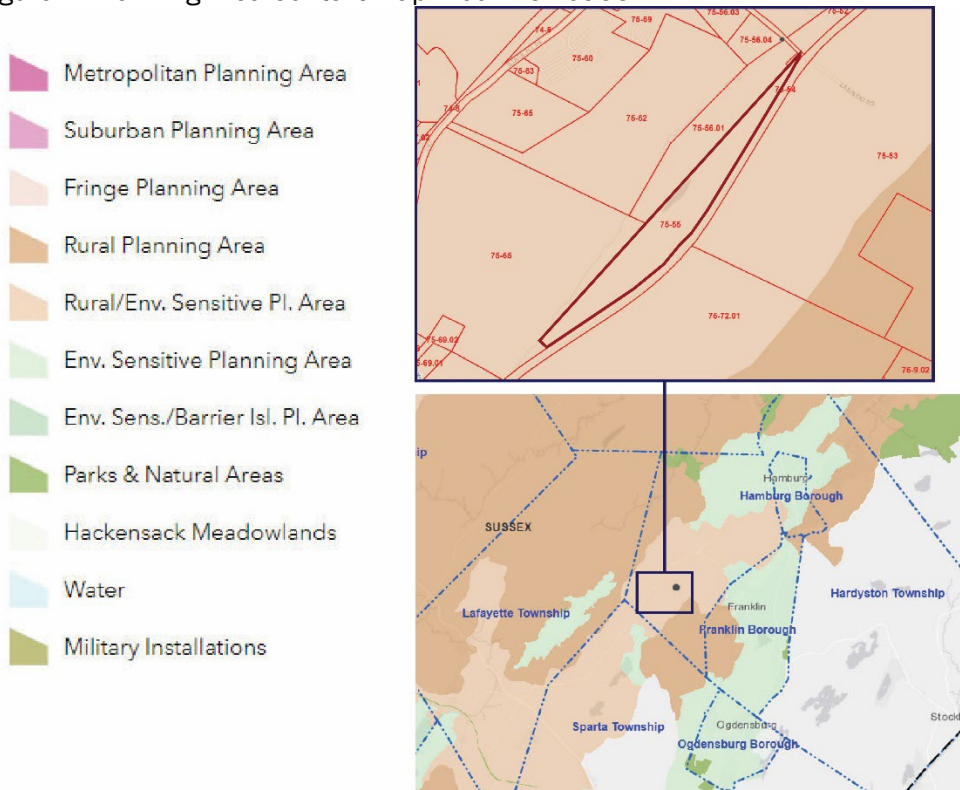
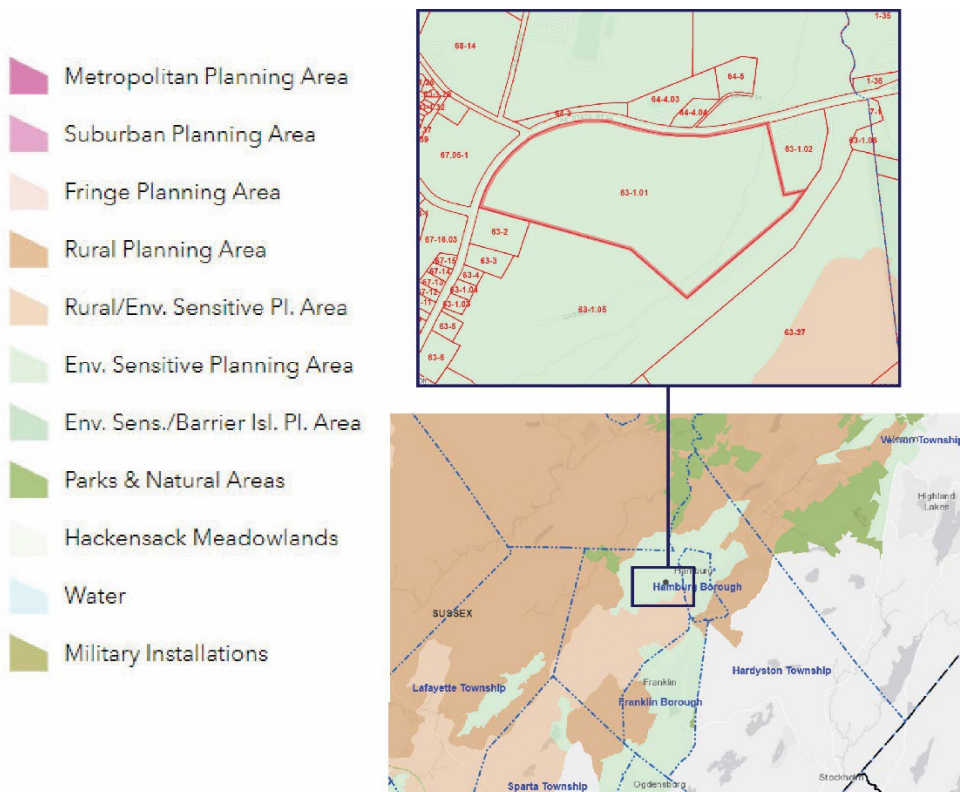


Figure 3. Planning Area Context Map Block 63 Lot 1.01



(6) As of the date of the adoption of the resolution finding the area to be in need of redevelopment, an inventory of all housing units affordable to low and moderate income households, as defined pursuant to section 4 of P.L.1985, c.222 (C.52:27D-304), that are to be removed as a result of implementation of the redevelopment plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure. *(N/A)*

(7) A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan. Displaced residents of housing units provided under any State or federal housing subsidy program, or pursuant to the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), provided they are deemed to be eligible, shall have first priority for those replacement units provided under the plan; provided that any such replacement unit shall not be credited against a prospective municipal obligation under the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), if the housing unit which is removed had previously been credited toward satisfying the municipal fair share obligation. To the extent reasonably feasible, replacement housing shall be provided within or in close proximity to the redevelopment area. A municipality shall report annually to the Department of Community Affairs on its progress in implementing the plan for provision of comparable, affordable replacement housing required pursuant to this section. *(N/A)*

b. A redevelopment plan may include the provision of affordable housing in accordance with the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.) and the housing element of the municipal master plan.

c. The redevelopment plan shall describe its relationship to pertinent municipal development regulations as defined in the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.). The redevelopment plan shall supersede applicable provisions of the development regulations of the municipality or constitute an overlay zoning district within the redevelopment area. When the redevelopment plan supersedes any provision of the development regulations, the ordinance adopting the redevelopment plan shall contain an explicit amendment to the zoning district map included in the zoning ordinance. The zoning district map as amended shall indicate the redevelopment area to which the redevelopment plan applies. Notwithstanding the provisions of the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) or of other law, no notice beyond that required for adoption of ordinances by the municipality shall be required for the hearing on or adoption of the redevelopment plan or subsequent amendments thereof.

d. All provisions of the redevelopment plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan; but the municipal governing body may adopt a redevelopment plan which is inconsistent with or not designed to effectuate the master plan by affirmative vote of a majority of its full authorized membership with the reasons for so acting set forth in the redevelopment plan. *(Again, the use*

proposed herein, Public Utility, is a current permitted use in the Township's Zoning Ordinance. For clarity this Redevelopment Plan clarifies the definition of Public Utility to include solar energy installations.)

3 Context-Studies and Escrow Matters

A SURROUNDING AREA CONTEXT-TRAFFIC CONTROL

The Redevelopment Area is located at State Route 94. The concerns expressed by the Township of Hardyston administration regarding traffic control measures must be addressed. Of importance is vehicular traffic and vehicular queuing along Route 94. To ameliorate traffic conditions the following Redevelopment Plan provisions are hereby required:

1) The Redeveloper shall perform a comprehensive traffic study describing the impact of the Redevelopment Project and use thereof by all vehicles. The impact of said traffic on the local roadway system shall be fully described. A count (or counts) of truck and other vehicular traffic and hours of traffic shall be presented to the Township of Hardyston Planner(s) and Engineer(s). The Redeveloper shall assist in future traffic studies (subject to the terms and conditions of the Redevelopment Agreement) and pay to the Township the sum of \$25,000 to be used in Hardyston's discretion, to defray the cost of any future traffic and utility studies the Township may desire.

2) The Redeveloper shall coordinate the need, if any, for added traffic control measures in the vicinity of the Redevelopment Area. If said traffic control measures are required at this location, then the Redeveloper shall pay for the cost of such measures.

3) Upon adoption of this Redevelopment Plan by ordinance of the Township and the designation of a Redeveloper, the Redeveloper shall deposit in an escrow account the sum of \$25,000 to defray the cost of preparing and implementing this Plan. Further, upon this escrow having a balance of under \$6,000 then the designated Redeveloper shall deposit sufficient funds to bring the escrow balance up to \$25,000. The escrow shall pay for attorney fees, planner (including redevelopment consultant) fees, engineering fees and any other licensed professional required to prepare and review the Redevelopment Plan, site plan, Financial Agreement, and Redevelopment Agreement including a lease agreement is required. The designated Redeveloper shall be entitled upon request to a detailed accounting of any and all fees paid by or through the escrow account.

B. RELATIONSHIP TO MASTER PLAN AND LOCAL GOALS AND OBJECTIVES

The existing zoning district is enabled by the original zoning ordinance(s) and thereby is consistent with the master plan of the Township. As is listed in Local Redevelopment and Housing Law ("LRHL"), N.J.S.A. 40A:12A-3, Redevelopment is a tool that can incorporate other aspects of community development such as design, preservation of

historic assets, public spaces, promotion of environmental justice, environmental remediation and can transform an underutilized or distressed area into an economically viable and productive part of the community.

C. RELATIONSHIP TO ZONING ORDINANCE

This Redevelopment Plan shall NOT replace or supersede any provision of the Township of Hardyston Zoning Ordinance regulating development in the Redevelopment Area, with the exception of the provisions included in this Plan. In any situation where zoning issues are not specifically addressed herein, the Hardyston Zoning Ordinance shall be applicable. Final adoption of this Plan by the Council shall NOT be considered an amendment of the Township of Hardyston Zoning Map as to the Property at Block 75, Lot 55, in as much as the current zoning shall remain intact, specifically, § 185-101 et seq.

However, The Property at Block 63, Lot 1.01 shall now be included in the Open Space Government Use zone and the Township's Zoning Map § 185-7, is hereby amended to include such change.

Further, the Property at Block 75, Lot 55 is a non-conforming lot because a minimum of twenty-five acres is required in § 185-103 A (1). This Property has twenty-one acres. Notwithstanding this minimum, the Property at Block 75, Lot 55 shall be considered a conforming lot.

The property at Block 63, Lot 1.01 was a prior commercial property which was never developed as such. The entire lot shall be considered when calculating bulk standards.

For purposes of clarity if solar panels are installed, such panels shall NOT be considered impervious surfaces unless they are less than six inches above the ground (land surface).

4 Use and Bulk Regulations

A. STANDARDS AND CONTROLS OF GENERAL APPLICABILITY

1) The controls and regulations governing land use and structural form specified herein are designed to promote the repurposing of the Redevelopment Area in accordance with the purpose, goals and objectives of this Redevelopment Plan as a Public Utility area. As such, these controls and regulations are intended to provide a setting within which a Redeveloper may be designated by the Township, upon receipt of a quality proposal from the Redeveloper. The Redeveloper and their "designers" are required and encouraged to generate detailed plans in order to produce a Redevelopment project of outstanding design and superior quality.

2) Upon approval of the requisite Redevelopment Agreement, the Governing Body shall have found the Project concepts consistent with the Redevelopment Plan. Further:

Except where otherwise required by any of the aforesaid Planning Board site plan approvals this Redevelopment Plan and the Redevelopment Area shall be governed by site plan submission requirements of the Hardyston Township Zoning Ordinance. By reference herewith the Redevelopment Project shall be constructed in accordance with the Redevelopment Plan and approved site plan. Any modification that would cause a “d” variance pursuant to N.J.S.A. 40:55D-70(d) shall require the Redeveloper to seek an amendment by the Governing Body to the Redevelopment Plan. Any modification from the Redevelopment Plan or the approved site plan, that would be deemed a “design waiver” or a “bulk standard deviation”, which shall be considered as the equivalent of and akin to the provisions of a “c” variance pursuant to N.J.S.A. 40:55D-70(c), shall be submitted to the Township Planning Board for consideration as part of a site plan application by the Redeveloper, subject to prior review of the Township Planner. Project Plans, including the site plan, for the pertinent Redevelopment Project(s) shall be reviewed and approved by the Township Engineer, Township Planner(s), and Planning Board AND shall be subject to additional site plan approval inasmuch as the prior site plan approvals are no longer in effect.

3) Applicability of Other Regulations

a. The provisions of this Redevelopment Plan are those of the Township of Hardyston and do not substitute for any law, code, rule or regulation established by any State or Federal agency. All development within the Redevelopment Area shall comply with such laws, codes, rules and regulations as may be applicable.

b. The above notwithstanding, whenever a code or regulation contains comparable but less restrictive provisions or requirements than set forth in this Redevelopment Plan, the standards set forth herein shall govern.

c. The Township recognizes that certain environmental issues may exist within Redevelopment Area lands, including, but not limited to, areas of Block 63, Lot 1.01 which are excluded from the sewer service area as well as wetlands and/or wooded areas on either property. The Redeveloper shall comply with all State and Federal regulations. For clarity, the portion(s) of these Property restrictions shall NOT impede the Bulk Standards.

5 Site Design

A. LANDSCAPING

Landscaping shall be utilized to complement any open areas, at points such as, but not limited to, site driveways and building entries. Landscaping shall be provided in common areas, and intersection areas. All areas not covered by Streets, or not in a natural state (for example – wooded areas) shall be attractively planted and well-

maintained. Landscape plantings shall incorporate native vegetation and may introduce accent features such as beach grasses.

B. LIGHTING

A lighting plan shall be provided to the Hardyston Planning Board at the time of site plan application. Adequate lighting shall be provided for all sensitive vehicular traffic areas (sharp turns, merging lands, intersections, etc.) A traffic engineer shall certify the adequacy of the lighting plan. Lighting shall be designed to provide for safe movement of pedestrians and vehicles. All outdoor lighting shall be downcast and illuminate only the intended areas.

Curbs shall be installed around all parking areas and along driveways unless waived by recommendation of the Township Engineer.

C. UTILITIES

All new Public Utility facilities such as distribution lines and utility service connections from such lines to the electric grid, transmission lines and facilities, public lighting, Township buildings and other fixtures in the Redevelopment Plan Area should be located underground to the extent possible.

6 Plan Consistency Review

A. RELATIONSHIP TO MASTER PLANS OF ADJACENT MUNICIPALITIES

This Redevelopment Plan provides for the redevelopment of a previously undeveloped site, specifically a landfill and a vacant/fallow Property, in an area already served by infrastructure along Route 94. The closest municipalities to the Redevelopment Plan Area, the Borough of Hamburg, Borough of Franklin and the Township of Vernon have no inconsistent zones located near this Redevelopment area.

B. RELATIONSHIP TO THE SUSSEX COUNTY MASTER PLAN

This Redevelopment Plan does not conflict with the County Master Plan inasmuch as the Open Space Government Use zone and the Public Utility (solar energy installation) is a clean energy use.

C. RELATIONSHIP TO THE STATE DEVELOPMENT AND REDEVELOPMENT PLAN

This Redevelopment Plan is not inconsistent with the 2001 State Development and Redevelopment Plan (“SDRP), as the SDRP, on page 159, encourages communities to “give priority for public resources and assistance to communities with brownfield redevelopment strategies consistent with neighborhood and municipal plans.” Furthermore, a policy goal of the SDRP is to “Plan, locate and market redevelopment to capitalize on opportunities presented by brownfield sites, including existing infrastructure systems; established communities, business and industries; available work force and human resources; and regulatory, statutory and financial incentives.”

Regarding the PA4B Rural/Environmentally Sensitive Planning Area and PA5 Environmentally Sensitive Planning Area, the policy goals of the two Planning Areas are the same, which specifies on page 219 of the SDRP that it encourages “environmentally appropriate redevelopment in existing Centers and existing developed areas that have the potential to become Centers or in ways that support Center-based development to accommodate growth that would otherwise occur in the Environs. Redevelop with intensities sufficient to support transit, a range of uses broad enough to encourage activity beyond the traditional workday, efficient use of infrastructure, and physical design features that enhance public safety, encourage pedestrian activity and reduce dependency on the automobile to attract growth otherwise planned for the Environs.

7 Redevelopment Actions

A. OUTLINE OF PROPOSED ACTIONS-IDENTIFYING THE PROPERTIES

1) Details of Property Located in the Redevelopment Area

Prior to any site plan submitted for this Redevelopment Plan, an existing conditions land inventory of structures, wetlands, rock outcrops, steep slopes (if any), wooded areas, delineated landfill areas and other improvements (other than structures previously mentioned) shall be presented to the Township Redevelopment Planner for review.

2) The Township Council may transfer or sell any municipal property pursuant to the pertinent provision of the LRHL, specifically, N.J.S.A. 40A:12A-8 g. “...*lease or convey property or improvements to any other party pursuant to this section, without public bidding and at such prices and upon such terms as it deems reasonable, provided that the lease or conveyance is made in conjunction with a redevelopment plan, notwithstanding the provisions of any law, rule, or regulation to the contrary*”.

3) The Township is hereby authorized to sell, lease or convey the subject Township owned Property as well as any other portion of an adjacent property acquired by the Township, including any easement, necessary to provide access or parking within a redevelopment project area. The Township may also acquire by deed or lease any real property or easement necessary to effectuate this Redevelopment Plan including but not limited to provide parking resources and project access.

4) New Construction and Environmental Remediation

Construction of any new Streets and all other improvements shall conform with the specific standards specified by the Township Engineer consistent with Township Code.

B. PROPERTIES TO BE ACQUIRED-TOWNSHIP PROPERTY TRANSFER AUTHORIZED

No property, other than easements or for the purpose of effectuating a right of way, will be acquired by the Township to effectuate this Plan unless this Plan is amended. In the event there is a need for right-of-way vacation or conveyance of municipally owned land, the Township may take any action necessary to accommodate the redevelopment of the site. This accommodation may also include any easements necessary to accommodate the anticipated development.

C. OTHER ACTIONS

In addition to the demolition and new construction described above, the Council may undertake other actions to further the goals of this plan.

These actions may include but shall not be limited to: (1) provisions for Public Utility uses, public infrastructure, (2) environmental preservation, (3) vacation of public utility easements and other easements and rights of way as may be necessary for redevelopment.

In order to stimulate private sector investment and maximize Redeveloper timing and Redevelopment Project quality, the Township recognizes certain financial and planning realities related to the redevelopment of the Redevelopment Area.

Accordingly, the Township may be a conduit for such assistance as may be reasonably necessary to aid development, including participating, either alone or with a Redeveloper, in state and federal energy credits or grant programs and granting of property tax incentives, such as an annual service charge (PILOT).

This is a non-condemnation redevelopment area, and the Township will not be exercising its powers of eminent domain unless this Plan is amended. All such assistance shall be addressed within the context of the Redeveloper's Agreement and a requisite Financial Agreement.

8 General Provisions

A. ADVERSE INFLUENCES

No use or reuse, or any construction, shall be permitted which, when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration, or other objectionable features so as to be detrimental to the public health, safety or general welfare.

B. APPROVALS BY OTHER AGENCIES

The Redeveloper shall be required to provide the Township with copies of all permits made to federal, state and county agencies upon filing such applications, as will be required under the Redeveloper's Agreement to be executed between the redeveloper and the Township.

C. PROJECT STAGING

Staging for Public Utility installation or construction conducted within the Redevelopment Plan Area, including Streets, parking and all other activities normally attendant thereto, shall be permitted on the entire Redevelopment Plan Area.

D. DEVIATION REQUESTS

The Hardyston Planning Board may grant bulk standard deviations from the regulations contained within this Redevelopment Plan where, by reason of exceptional narrowness, shallowness or shape of a specific area or piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective (including Roadway construction) or regulation adopted pursuant to this Redevelopment Plan, would result in peculiar practical difficulties to, or exceptional and undue hardship upon, the Redeveloper of such property. An application for a deviation from the requirements of this Redevelopment Plan, including the underlying zoning, shall provide public notice of such application in accord with the requirements of public notice as set forth in N.J.S.A. 40:55D-12a and b.

Notwithstanding the above, any changes to the use permitted in the Redevelopment area shall be permitted only by means of an amendment to the Redevelopment Plan made by the Township Governing Body.

E. DURATION OF THE PLAN

This Redevelopment Plan shall terminate on December 31, 2056. Upon completion of construction of the entire Redevelopment Project and at the request of the Redeveloper the Township shall issue the Redeveloper a Certificate of Completion and Compliance for said Redevelopment Project certifying that the Redevelopment Project was completed in accordance with this Redevelopment Plan and the plans approved by the Planning Board as part of the Site Plan review and approval process and further certifying that the applicable provisions of the Redeveloper's Agreement, including provisions related to N.J.S.A. 40A:12A-9a, have been satisfied.

F. EASEMENTS

No building shall be constructed over a public easement in the Redevelopment Plan Area without prior written approval of the Township Manager of the Township of Hardyston.

G. ESCROWS

The redeveloper may be responsible to post sufficient escrows to cover agreed upon costs of the professional consultants retained by the Township to review the proposed redevelopment project and advise the Township on certain aspects of the redevelopment process incurred subsequent to the adoption of the Redevelopment Plan.

H. INTERPRETATION

Any appeal for interpretation for of any section of this Redevelopment Area shall be made to the Township Manager who shall seek clarification of the pertinent provision by the Governing Body as may be necessary, acting in its capacity as Redevelopment Agency (Entity) for this Redevelopment Plan.

I. NON-DISCRIMINATION PROVISIONS

No covenant, agreement, lease, conveyance or other instrument shall be effected or executed by the Redevelopment Entity or by the Redeveloper (or any successors in interest) whereby the land or improvements in the Redevelopment Area is restricted, either by the Redevelopment Agency (Entity) or the Redeveloper whatsoever upon the basis of race, creed, color, ancestry, sex, national origin, family status, disability or sexual preference in the sale, lease, use or occupancy of any project premise.

The Redeveloper (or any successors in interest) shall not discriminate in any manner or form whatsoever upon the basis of race, creed, color, ancestry, sex, national origin, family status, disability or sexual preference in the sale, lease, use or occupancy of any project premise.

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

J. REDEVELOPER DESIGNATION AND AGREEMENT

1) The designated Redeveloper of land located in the Redevelopment Plan Area shall be required to submit documentation to demonstrate compliance with the objectives of the Redevelopment Plan as well as compliance with the Township's development regulations.

This shall be accomplished by and through the submission of a Site Plan for review and approval by the Hardyston Planning Board.

2) The Township and the Redeveloper shall enter into a Redevelopment Agreement as permitted by the LRHL at N.J.S.A. 40A:12A-9. The Redeveloper's Agreement shall contain the terms, conditions, specifications of any redevelopment action. The Agreement shall include:

- a) The Project Concept(s) and description of project elements for the undertakings proposed.
- b) A schedule for the commencement and completion of improvements.
- c) A statement regarding compliance with this Redevelopment Plan.
- d) Provisions for termination of Redeveloper's status in the event of default by the Redeveloper.
- e) Such provisions as may be required by law.

K. SITE PLAN AND SUBDIVISION REVIEW

Prior to execution of a Redevelopment Agreement covering the pertinent properties and thereby prior to commencement of construction, a site plan approved by the Hardyston Planning Board consistent with this Redevelopment Plan and all applicable zoning requirements shall first be approved. Said approved site plan shall be submitted and dated as complete on or before December 31, 2023. In addition, a Redevelopment Project Plan delineating the installation or construction of improvements within the Redevelopment Area, prepared in accordance with the general requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), and, further, shall be submitted by the Redeveloper for review and approval by the Hardyston Planning Board. The project plan shall be approved pursuant to provisions of this Redevelopment Plan.

9 Other Provisions

In accordance with N.J.S.A. 40A:12A-1 et seq., the Local Redevelopment and Housing Law (LRHL), the following statements are made:

- a. The Redevelopment Plan herein has delineated a definite relationship to local objectives as to appropriate land use consistent with existing zoning and infrastructure improvements.
- b. The Redevelopment Plan, and the ordinances of the Township, lays out the proposed land uses and building requirements for the Redevelopment Plan Area.
- c. As indicated in Section 3 hereof, this Redevelopment Plan is substantially consistent with the Master Plan for the Township of Hardyston. The Plan also complies with the goals and objectives of the New Jersey State Development and Redevelopment Plan.
- d. This Redevelopment Plan shall supplement the provisions of the Township of Hardyston Zoning ordinance regulating development in the OS-GU addressed by this Redevelopment Plan which is limited to promoting the existing permitted use Public Utility principle permitted use and defining specific limiting factors thereto such as property boundary buffers and hours of operation (if applicable).
- e. If any section, paragraph, division, subdivision, clause or provision of this Redevelopment Plan shall 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.

10 Procedure for Amending the Approved Plan

This Redevelopment Plan may be amended from time to time upon compliance with all applicable laws and statutes and only upon approval of the Governing Body. In addition to any other requirements, including but not limited to those imposed by N.J.S.A. 40A:12A-13, mutual agreement between the Township and a Redeveloper is required where a redeveloper's agreement is in place and where an amendment would change the controls governing the use of land under said Agreement.

This Plan being prepared by BENECKE ECONOMICS.