

Township of Upper Deerfield Redevelopment Plan



November 2005

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(The original of this document has been signed and sealed in
accordance with the law.)

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I. INTRODUCTION

A. AUTHORIZATION

Upper Deerfield has determined that the area of the Township defined as the Redevelopment Area as set forth in the Planning Board's Resolution No. 14-2001 (Exhibit A-1) and pursuant to the Township Committee's Resolution No. 9012, dated 6 September 2001 included herein by reference (Exhibit A-2), has been determined to be an "Area in Need of Redevelopment" pursuant to the Local Redevelopment and Housing Law (N.J.S.A. 40A:12a-1 et seq.¹). Accordingly, this area shall be referred to as the "Upper Deerfield Redevelopment Area" ("Redevelopment Area"). Exhibit A-3 is being reserved for the future Township Committee Resolution which will accept the recommendations of the Planning Board in reference to this Redevelopment Plan.

PURPOSE AND GOALS

The Township, having undertaken the prescribed process to determine that the Redevelopment Area exhibits conditions which meet the statutory criteria for an "Area in Need of Redevelopment", must now prepare a Redevelopment Plan.

This Redevelopment Plan will provide a mechanism by which the public and private entities will be legally linked for the orderly planning and redevelopment of the Redevelopment Area.

Such action will be undertaken in a manner that will be consistent with the applicable statutes and with the Goals and Objectives of the Master Plan of Upper Deerfield.

This Plan will provide the planning principles to further Smart Growth within the Redevelopment Area – protection of the environment, high quality design / development standards, circulation planning, etc.

1. Upon adoption by the Governing Body, this Redevelopment Plan shall satisfy all statutory requirements and constitute the legal prerequisite for the Redevelopment actions outlined herein.
2. It will also provide a process which will form a partnership with private landowners to enhance and encourage private enterprise to develop land with public support and participation in a manner beneficial to both parties.
3. It is the goal and purpose of the redevelopment process not only to provide incentives for controlled development within the redevelopment area, but to do so in a manner which is consistent with regional planning strategies, the State's Smart Future Planning initiatives and environmentally sustainable techniques which render the redevelopment initiatives as a prototype for the immediate region as well as the State.
4. The implementation of the redevelopment process will provide for various development options within this area – such development options may be carried out by Upper Deerfield Township, the Cumberland Development Corporation, or

¹ Hereinafter referred to as the Redevelopment Statute.

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private entities / developers. The decision of the Redevelopment Authority, as designated, to utilize an entity for a development proposal should not preclude the Redevelopment Authority from working with another entity (public or private) for a separate development proposal.

5. This Plan may also provide for the *opportunity* to merge the efforts of the host community, Upper Deerfield, and the Cumberland Development Corporation with its participating member communities into a regionally competitive eco-agribusiness / industrial park that uses advanced sustainable techniques in the design of the park. Again, such proposal is only one of many options available to the Redevelopment Authority. The Redevelopment Authority has the right to negotiate a Developer's Agreement with either one or more entities.

By incorporating these purposes and goals via the redevelopment process, it is the intent of this Plan to create a participatory partnership between public and private entities that could maintain a competitive posture in the region.

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II. BACKGROUND

The Upper Deerfield Redevelopment Area consists of approximately 1060.11 acres, exclusive of public rights-of-way. The majority of this land within this Redevelopment Area is currently being farmed under contract to local farmers, and is under farmland assessment. However, with the availability of water and sewer, the land is well situated to be developed as a sustainable eco-agribusiness / industrial park.

The Redevelopment Area consists of the Highway 77 corridor from the Village of Seabrook to Carlls Corner. The boundaries of the Study Area established by the Township are identified herein as Exhibit B entitled "Upper Deerfield Redevelopment Area Map". This figure defines the boundaries of the site as excerpted from the Township's Tax Maps (See Exhibit C). Essentially, the site, which is generally positioned along a north to south axis is bounded by Parsonage road (north), State Highway 77 (east), a line approximately 1500' north of and parallel to Cornwell Drive (south) and the Seabrook Branch (Winchester Western) Railroad right-of-way (west).

The area encompasses the G-I General Industry Zone and includes areas of the B-1 and B-2 Business Zones as illustrated on the Township's Zoning Map, dated May 1998 (See Exhibit B-2, Upper Deerfield Zoning Map). Furthermore, this area is primarily located within the Metropolitan Planning Area (PA-1) and the Suburban Planning Area (PA-2) according to the State Development and Redevelopment Plan for the State of New Jersey.

As noted in Exhibit C, the Redevelopment Area is located within tax blocks 803, 95, 1201, 1202, 1205, 1206, 1207 and 1208.

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A. TIMELINE OF PREVIOUS ACTIVITY PERTAINING TO THE AREA

1. The Redevelopment Area has not seen substantial development within the central portion of the Area over the years and will likely see the majority of development occur along the peripheral boundary of the area – along the primary rights-of-way, some of which is beginning to take place at the present time.
2. A Cumberland County Inter-Municipal Industrial Park Study, sponsored by the Cumberland Development Corporation (CDC), was completed in October 2001 that recommended this site as a future Redevelopment Area with uses ranging from eco-industrial to agribusiness to technology based industries.

It is anticipated that the previous designation of this Area as an “Area in Need of Redevelopment” and enacting this “Redevelopment Plan” will result in opportunities for public / private partnerships as envisioned in the Redevelopment Statute which will enable the site to be redeveloped as uses that are both desirable and beneficial to the host community and the region as a whole.

Of great importance is that this Plan will also enable the establishment of necessary financing to initiate any extraordinary infrastructure improvements that may be required to make the site viable for eco-industrial development in conjunction with mixed-use commercial development that may exist / develop along the periphery.

The plan will also introduce strategies to define a theme and manner of development consistent with smart planning concepts, such as, but not limited to, supplemental energy production, “green” building strategies which would be prototypes for the region, and clustering of industrial buildings to take advantage of mutually supportive drainage, roadway, energy production and similar systems.

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III. DEFINITIONS

For the purposes of this Redevelopment Plan, the terms:

- A. "Upper Deerfield Redevelopment Area" and "Redevelopment Area" shall mean the subject area that is defined throughout this Plan and noted in the Exhibit maps and plans. This area has been determined to be an "Area in Need of Redevelopment" pursuant to N.J.S.A. 40A:12A-1 et seq. by Upper Deerfield Township, Planning Board Resolution No. 18-2003, attached as Exhibit A-1.
- B. "Township" shall mean the Township of Upper Deerfield, New Jersey, a body corporate and politic, and unless otherwise indicated includes its Governing Body, elected officials, officers and staff.
- C. "Development Parcel" shall mean any of the parcels or easements created within the Redevelopment Area.
- D. "Best Management Practice" shall mean the practice or combination of practices that is determined by a state to be the most effective means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals. (Federal Clean Water Act, 1977).
- E. "Land Use Code" shall mean Code of Upper Deerfield, as may be amended from time to time, or Land Use Regulations written specifically for the project and included in this report.
- F. "Local Redevelopment and Housing Law" and "Redevelopment Statute" shall mean N.J.S.A. 40A:12A-1 et seq.
- G. "Lot Coverage" shall mean the percentage of land area occupied by the principal and accessory buildings on a Development Parcel at grade level or above, excluding roof overhangs.
- H. "Planning Board" shall mean the Planning Board of Upper Deerfield.
- I. "Developer" shall mean the corporation, partnership or other entity designated by the Redevelopment Entity as Developer, pursuant to the Redevelopment Statute and having entered or been chosen to enter into a Developer's Agreement with the Redevelopment Entity for the purposes of advancing this Redevelopment Plan.
- J. "Developer's Agreement" shall mean a contract made by and between the Developer and the Redevelopment Entity which shall detail the specific rights, responsibilities and obligations of the Township and the Developer related to the conveyance of lands and the construction of a Redevelopment Project thereon. The Developer's Agreement shall include, at a minimum:
 - 1. The development concepts, site plan and related documents for the undertakings proposed.
 - 2. A schedule for the commencement and completion of improvements.
 - 3. The Developer's plan for compliance with the Public Policy Goals and Redevelopment Plan Objectives as outlined herein.

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4. Provisions for termination of agreement in the event of default by public or private entities.
 5. A schedule of review and adoption of the required public actions.
 6. Such other provisions as may be required by law.
- K. "Redevelopment Entity" shall mean the Township of Upper Deerfield, 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.
- L. "Redevelopment Project" shall mean the facility constructed on a Development Parcel(s) pursuant to and consistent with this Redevelopment Plan.
- M. "State" shall mean the State of New Jersey and shall include all applicable agencies and instrumentalities thereof.
- N. "Host Community" shall mean that community which also legally functions as the "Redevelopment Entity."
- O. "Participating communities and/or entities" shall mean those jurisdictions that are part of the Cumberland Development Corporation (CDC), which have specifically committed to jointly participate with the host community on a predetermined equitable basis established as part of a joint agreement between Upper Deerfield Township, Cumberland Development Corporation and the participating communities.
- P. "Eco-Agribusiness / Industrial Park" shall mean a fully planned industrial park that is developed in accordance with the best planning standards to achieve themed facility that incorporates sustainable technology in energy, water and other areas to qualify as a prototypical park within the Delaware Valley Region.
- Q. "New Urbanism" and "Neo-Traditional Neighborhood Design" is a town planning principle that has gained acceptance in recent years as being one solution to a variety of problems in suburban communities throughout the country. Traditional neighborhoods are more compact communities designed to encourage bicycling and walking for short trips by providing destinations close to home and work, and by providing sidewalks for a safe environment for walking and biking. These neighborhoods are reminiscent of 18th and 19th century American and European towns, along with modern considerations for the automobile. Neo-traditional planning techniques incorporate opportunities for mixed use development that utilizes the highest quality urban design. Such design should reflect the character of the immediate area.
- R. Transfer of Development Rights in accordance with local, county, state and federal guidelines.

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IV. REDEVELOPMENT AREA

A. SITE CONTEXT

1. The Redevelopment Area is located in the Township of Upper Deerfield, County of Cumberland, and State of New Jersey. (See Exhibit B, Redevelopment Area Map). Exhibit C also illustrates Block / Lot Identification as well as adjunct infrastructure improvements.
2. The Redevelopment Area encompasses infrastructure availability primarily via the Route 77 corridor as well as an easement that runs in a north / south direction approximately $\pm 400'$ east of the Seabrook Main Line Rail Road right-of-way, from Cornwell Drive at the southern terminus to Finley Road at the northern terminus, west along Finley Road to and north to Parsonage Road.
3. The Redevelopment Area has a number of defining characteristics including the unique ownership patterns as noted by the following:

• Privately Owned Vacant Land	725.28 acres
• Privately Owned Developed Land	291.30 acres
• Publicly Owned Vacant Land	0 acres
• Publicly Owned Developed Land	45.53 acres
<hr/>	
• Total Acreage (excluding public rights-of-way)	1060.11 acres

4. The Redevelopment Area is located in an area of the Township that is primarily used for agricultural purposes, with some commercial activity to the south and some industrial land uses along the western boundary line (adjacent to the Seabrook Main Line rail road right-of-way). Exhibits B-1 and B-2 illustrate the Township's Land Use and Zoning Plans, respectively. Any proposed development must be done with respect to existing wetlands and any other natural features. Development must also be consistent with the New Jersey Department of Environmental Protection regulations and New Jersey State Development and Redevelopment Plan.

B. BOUNDARIES

The project boundary map as shown in Exhibit B, referenced herein as the Upper Deerfield Redevelopment Area Boundary Map, delineates the boundaries of the Redevelopment Area. Further clarification is provided in Exhibit B-1 which illustrates the Township's Land Use Plan, Exhibit B-2 which notes the Township's Zoning Plan and Exhibit B-3 illustrating the Redevelopment Area boundaries over an aerial photograph.

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V. STATEMENT OF PURPOSE AND INTENT

A. GENERAL STATEMENT

This document constitutes a Redevelopment Plan under the provisions of the Local Redevelopment and Housing Law. Upon adoption, the Redevelopment Entity will be empowered to negotiate with and enter into Developer's Agreement(s) with a Developer for the purpose of advancing Upper Deerfield's Public Policy Goals and Redevelopment Plan Objectives as more particularly described in the following sections.

B. PUBLIC POLICY GOALS

1. The purpose of this Redevelopment Plan is to provide the mechanism (i.e., a public / private partnership) to encourage economic development in the Redevelopment Area by:
 - a. Instituting public / private partnerships to initiate infrastructure improvements necessary to service this strategically located but underutilized parcel.
 - b. Preparing Land Use Regulations that address the required standards for major specialty retail centers.
 - c. Initiating mutually supportive public financial initiatives that would complement private sector investment in major infrastructure and roadway improvements without which the site could not be successfully developed.
 - d. Allowing for the widest possible range of redevelopment initiatives, the Township may make available to the Developer such financial and other assistance as may be at its disposal through the powers of the Redevelopment Statute and / or other applicable redevelopment statutes. The types and extent of such assistance shall be negotiated within the context of the Developer's Agreement between the Township and the individual Developer.

C. REDEVELOPMENT PLAN OBJECTIVES

In order to spur development of the Redevelopment Area, it is necessary to remove the many obstacles that have restricted development in the past. Among the primary constraints to new development appears to be the fact that there is very little evidence of coordination among the property owners with respect to creating opportunities for new development within this area that has been zoned General Industry (GI). This issue is further compounded by the fact that the resultant vacant land does not "promote" the industrial character of the existing zoning classification. The continued expansion of the rail line as a primary means of transportation for this Redevelopment Area along with the fact that a significant portion of the southern section of the Redevelopment Area is also currently serviced by sewer will greatly improve the development potential of the Area. This coupled with the fact that sewer can be made available in the northern sections provides additional opportunities to further implement this Redevelopment Plan.

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1. To put into place plan initiatives that would reverse the underutilization of major tracts of land in diverse and seemingly undevelopable patterns of ownership.
2. To create a Town Center area for the Upper Deerfield community that incorporates Smart Growth principles, pedestrian rights-of-way, bike paths, urban design guidelines that require architectural detail of the highest quality, etc.
3. To create a setting for a high quality eco-agribusiness / industrial park that serves the local and regional economic engines – with a focus on the agricultural base.
4. To establish a prototype for the incorporation of sustainable technologies in energy, water, conservation heating and cooling and similar “sustainable” categories.
5. To develop financial and regulatory incentives to encourage public / private partnerships to redevelop the subject tracts.
6. To provide for the protection of the environmental amenities that exist within this Redevelopment Area, including but not limited to the wetlands, the soils, protected species of flora and fauna, etc. Any development that occurs within the Redevelopment Area should utilize and respect the environmental attributes that exist within this area.
7. To create initiatives for the host and participating communities to preserve farmland and open space through such techniques as Transfer of Development Rights (TDR), rezoning to agricultural uses, and similar strategies.
8. Any development that occurs within the Redevelopment Area should utilize and respect the environmental attributes that exist within this area.
9. To establish public / private partnerships by encouraging “...*coordination of various public and private procedures and activates shaping land development with a view of lessening the cost of such development and to the more efficient use of land.*” (M.L.U.L. C.40:55D-2m).
10. “*To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies.*” (M.L.U.L. C40.55D-2f).
11. “*To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight.*” (M.L.U.L. C.40:55D-2h).
12. “*To promote a desirable visual environment through creative development techniques and good civic design and arrangements.*” (M.L.U.L. C.40:55-2i).
13. To provide incentives to promote the growth of new private sector development in the form of an eco-agribusiness / industrial center which will enhance, strengthen and diversify the Township’s and region’s economic base. Such

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development should incorporate fully the principles of Smart Growth and Neo-traditional Planning.

14. To reverse the underutilization of the lands within the Redevelopment Area caused by a combination of inadequate access, obsolete layout, fragmented ownership patterns, and other conditions which have resulted in the suppression of viable comprehensive plan for the area.
15. Create value for the municipality via an asset-driven redevelopment process within Upper Deerfield.
16. By way of the creation of this Redevelopment Plan, this document could be used to initiate a marketing program for the Area.
17. Provide opportunities for the location of eco-friendly industries and commercial ventures.
18. Establish critical mass within the Redevelopment Area thus furthering the viability of alternative transportation modes – specifically the continued use of and expansion of the rail line.
19. Encourage the highest quality development that utilizes the principles of Smart Growth, eco-friendly development standards, and good urban design.
20. Foster intelligent use and allocation of land.

D. DESIGNATION OF DEVELOPER

1. It is the intention of the Township, upon adoption of this Redevelopment Plan, to coordinate the redevelopment process with a designated Developer for the Redevelopment Area. Said Developer may be an entity which, in the opinion of the Redevelopment Entity:
 - a. Has complete understanding of the concepts of eco-agribusiness / industrial development or related commercial development as envisioned in the 21st century and based upon neo-traditional design concepts;
 - b. Has a substantial history of commercial development with an extensive history of neo-traditional concepts, or shows that they can embrace such concepts;
 - c. Has sound credit and financial history; and
 - d. Can demonstrate successful history of development projects of a similar nature on same scale.
2. In addition to the above, the Redevelopment Entity shall, at its sole discretion, request any and all other information regarding qualifications of the private sector Developer.