

Non-Condemnation

**AREA IN NEED OF REDEVELOPMENT
PRELIMINARY INVESTIGATION REPORT**

**City of Pleasantville,
ATLANTIC COUNTY, NEW JERSEY**

Block 19, Lots 13 & 15

September 27, 2021



**Consulting & Municipal
ENGINEERS**

CME Associates

1460 US Highway 9 South
Howell, NJ 07731
732-462-7400

A handwritten signature in blue ink, appearing to read 'C. Dochney', written over a horizontal line.

Christopher N. Dochney, AICP, PP License # 6225

A handwritten signature in blue ink, appearing to read 'Peter Van den Kooy', written over a horizontal line.

Peter Van den Kooy, AICP, PP License # 5918

The original document was appropriately signed and sealed in accordance with the Chapter 41 Title 13 of the State Board of Professional Planners.

Table of Contents

- 1: INTRODUCTION..... 1
 - Purpose of Study..... 1
 - Study Methodology 1
 - Redevelopment Case Law..... 2
 - Redevelopment Process 3
 - Authority..... 4
- 2: STUDY AREA DESCRIPTION 5
 - Study Area Description 5
 - State Planning Area Classification 6
 - Environmental Records and Conditions 9
 - Historic Records and Conditions..... 9
- 3: STATUTORY CRITERIA..... 12
 - Redevelopment 12
- 4: APPLICATION OF STATUTORY CRITERIA..... 14
 - Overview..... 14
 - Evaluation of Properties for Redevelopment Criteria 15
- 5: STUDY CONCLUSION AND RECOMMENDATIONS..... 35
 - Redevelopment 35
- APPENDICES 36
 - Appendix A: Governing Body Resolution
 - Appendix B: Study Area Maps
 - Appendix C: Google Earth Historical Imagery
 - Appendix D: Tax Records

1: INTRODUCTION

Purpose of Study

This Area in Need of Redevelopment Study has been prepared pursuant to Resolution #144-2021 of the City Council of the City of Pleasantville, which has directed the Planning Board to undertake an investigation to determine if certain properties meet the statutory criteria necessary for designation as an area in need of redevelopment, under the Local Redevelopment and Housing Law (LRHL) found at N.J.S.A. 40:12A-5. A copy of this resolution can be found in Appendix A to this report.

Following which, the City has contracted with CME Associates to review and prepare the preliminary investigation report in accordance with the procedures set forth in the Local Redevelopment and Housing Law (LRHL).

The subject area is made up of two (2) properties near the southern border of the City, located along New Road (U.S. 9) between Tilton Road (Atlantic County Route 687) and West Ashland Avenue. These properties will collectively be referred to as the “Study Area”.

- Block 19, Lots 13 & 15

A map illustrating the boundaries of the Study Area can be found in Appendix B.

This analysis will investigate the aforementioned tax lots and determine if any of the properties within the Study Area meet the statutory criteria necessary to be declared as an “Area in Need of Redevelopment,” pursuant to N.J.S.A. 40A: 12A-5 of the LRHL. The authorizing resolution specifies the study should be conducted as a preliminary investigation analysis for a **Non-Condemnation** Area in Need of Redevelopment. The use of eminent domain by the City to acquire any or all of the properties within the Study Area shall **not** be permitted, even if any are determined to be in need of redevelopment.

A particular parcel or area qualifies for redevelopment if it meets any one of the eight statutory criteria (criteria a through h) that are listed in Section 5 of the LRHL. Additionally, a particular parcel can be included as part of a designated redevelopment area even if it does not on its own meet one of the above mentioned criteria, if it is needed to effectuate redevelopment of an overall Study Area, per Section 3 of the LRHL.

These criteria, and the degree to which the parcels within the Study Area meet these criteria, are outlined in detail within *Section 4: Application of Statutory Criteria* of this report.

Study Methodology

In the preparation of the study, the following records have been reviewed:

- Official Tax Maps of City of Pleasantville
- Tax and Building records for the Study Area
- Aerial photos of the Study Area
- City of Pleasantville Master Plan documents
- Zoning Map and Ordinances of City of Pleasantville

CME conducted an on-site inspection of each of the properties on August 30, 2021. This on-site inspection assessed the status of existing use of the properties, improvements, surrounding context, and configuration of the sites including evidence of occupancy or lack thereof, and physical conditions of the Study Area in support of the Area in Need of Redevelopment determination. Photographs of the Study Area from these site visits are included within Section 4: Application of Statutory Criteria of this report.

Redevelopment Case Law

On September 6, 2013, Chapter 159 was signed into law, deciding that a municipality’s decision to reserve the power of eminent domain shall be moved to the very beginning of the redevelopment process. This changed the process by requiring a municipal governing body to indicate whether it is seeking a “Non-Condemnation Redevelopment Area” or a “Condemnation Redevelopment Area” when asking the local planning board to investigate an area. The City Council has decided to pursue a Non-Condemnation Area in Need of Redevelopment Study, as specifically stated in Resolution #144-2021 of the City Council.

The case of Gallenthin Realty v. Paulsboro (2007) declared that a property cannot be designated as an area in need of redevelopment without substantial evidence to support this finding. This substantial evidence must be more than a bland recitation of the statutory criteria, or merely a net opinion. In particular, for criteria ‘e’, that property is stagnant and not fully productive, a finding under this criterion cannot simply be that the property is not being used for its optimal purpose. The stagnation must be due to issues of title, or diverse ownership. The stagnation of a property must also be shown to be negatively impacting adjacent or neighboring properties in order for a redevelopment designation under criteria ‘e’ to be sustained.

62-64 Main Street LLC v. Hackensack (2015) followed the Gallenthin v. Paulsboro decision where the City of Hackensack had declared a number of properties to be in need of redevelopment. One owner of 5 particular lots challenged this redevelopment designation on the basis that his properties did not meet the standards for redevelopment established by the Gallenthin case – that a redevelopment designation must be shown not only to meet one of the criteria, but that it must also be demonstrated to be having a detrimental impact to the general welfare of the community. The appellate court agreed with the challenge, however the Supreme Court determined that the ruling in the Gallenthin case was limited to only criterion “e”. Therefore, outside of criterion “e”, an additional finding that the conditions making a property in need of redevelopment does not necessarily also need to include a finding that such conditions are having direct adverse impacts on the rest of the community. The substantial evidence to support a redevelopment designation, as established previously in cases such as Spruce Manor vs. the Borough of

Bellmawr (1998), still holds however. In order to support a redevelopment designation, there must be more than simply a bland recitation of the statutory criteria, or a net opinion stating that the property is in need of redevelopment.

The Local Redevelopment and Housing Law (LRHL) was amended by the state legislature in August 2019 to amend and expand criterion B. The amendment expanded the criteria within letter b by including a statement that it may apply to a single building or buildings, included retail buildings, office parks, and shopping malls expressly as commercial facilities, and states that such may meet this criteria if it has experienced significant vacancies for at least two consecutive years. This amendment is important because it establishes a new threshold for redevelopment qualification – a commercial building that has been “significantly vacant” for at least two consecutive years.

Redevelopment Process

The role of the City Council and the Planning Board includes a multi-step process set forth in the LRHL that must be observed by the municipal Governing Body (City Council) and Planning Board in order to enable the City to lawfully exercise the powers which accrue as a result of the employment of redevelopment planning. This process is outlined below:

- The Governing Body must authorize the Planning Board, by resolution, to undertake an investigation of the delineated area to determine whether it meets the criteria in section 5 of P.L.1992, c.79 (C.40A:12A-5). This was accomplished through Resolution #144-2021 adopted by the Mayor and Council of Pleasantville on September 20, 2021. Additionally, the Governing Body must decide whether condemnation will be authorized in the redevelopment area. As per that resolution, this is to be a **Non-Condemnation** Redevelopment Investigation.
- The Planning Board must conduct a preliminary investigation and hold a duly noticed public hearing in order to discuss the findings of the investigation and to hear persons who are interested in, or would be affected by, the contemplated action. The Board may recommend that the study area in its entirety, or any portions thereof, are, or are not in need of redevelopment. The results and recommendations of the hearing are then referred to the Governing Body in the form of a Planning Board resolution for formal action.
- Upon receipt of the recommendation from the Planning Board, the Governing Body may act to adopt a resolution designating the area in question, or any part thereof, as an area in need of redevelopment.
- If any portion of the Study Area is determined to be in need of redevelopment and is designated by resolution as such, the City Clerk shall then send a copy of the resolution to the Commissioner of the Department of Community Affairs (NJDCAs).
- Upon designation, the Planning Board or municipal governing body is then required to prepare a Redevelopment Plan, which establishes the goals and objectives of the municipality and outlines

the actions to be taken to accomplish these goals and objectives within the designated redevelopment area.

- Upon receipt of the Redevelopment Plan, or recommendations on a redevelopment plan from the Planning Board, the City Council may act to adopt the plan by ordinance. The adopted plan will become an amendment to the municipality's zoning district map and zoning ordinance. The amendment may be treated as an overlay that keeps existing zoning intact while offering a different development alternative or it may supersede the existing zoning entirely.
- The Redevelopment Plan, as an ordinance governing land use, must be sent to the Planning Board for their review. The Planning Board must make recommendations to the Council regarding consistency with the municipal master plan.
- The City Council may still adopt the redevelopment plan even if the Planning Board determines it not to be consistent with the municipal master plan, so long as the governing body provides their reasoning for doing so, and in their opinion the redevelopment plan will advance the general welfare of the community.
- Only after completion of this public process, is a municipality able to exercise the powers granted under the redevelopment statute.

Authority

The authority for the City to pursue a redevelopment designation on the property is found within N.J.S.A. 40A: 12A-4(a) of the LRHL, which delegates the authority to determine redevelopment and rehabilitation areas, and to prepare and implement redevelopment plans for said areas, to the local governing body. The specific authority for the Planning Board to investigate the Study Area is noted within N.J.S.A. 40A: 12A-4(b)(3).

2: STUDY AREA DESCRIPTION

Study Area Description

The Study Area consists of two (2) properties, both of which are located near the southern border of the City along U.S. Route 9 (New Road) near the border of Northfield City, and at the intersection of New Road (U.S. 9) and Tilton Road (CR 687).



The Study Area, excluding any rights-of-way, is approximately 4.5 acres in size on two parcels, and is vacant with significant tree cover on portions of Lot 15.

Block	Lot	Address	Area (acres)	Use
19	13	1401 S New Road	0.201	Vacant
19	15	1401 S New Road	4.318	Vacant – Partially Wooded
Total			4.519 acres	

The Study Area boundaries and individual lot lines are illustrated in the Maps found in Appendix B.

Surrounding the Study Area is a mix of land uses, including single-family homes, public housing, commercial uses, as well as some light industrial uses. To the southwest of the Study Area, there are commercial uses, residential uses, industrial uses, and other exempt uses such as public housing according to tax records. To the southeast of the Study Area, there are commercial uses, industrial uses, residential uses, and church & charitable uses. The nearby “church & charitable” property is the location of the Mount Pleasant Baptist Church. To the northwest of the Study Area, there are mostly residential uses, including public housing. To the northeast of the Study Area is primarily residential uses.

Based on historical aerial photos of the area dating back to 2002, it appears that the two vacant properties within the Study Area have been in that condition since then, approaching 20 years of vacancy at least.

According to NJ DEP’s GeoWeb Online Mapping tool, the entirety of the Study Area is within a designated sewer service area.

There are no properties within the Study Area that are considered historic or within a historic district listed on the state or national register of historic places.

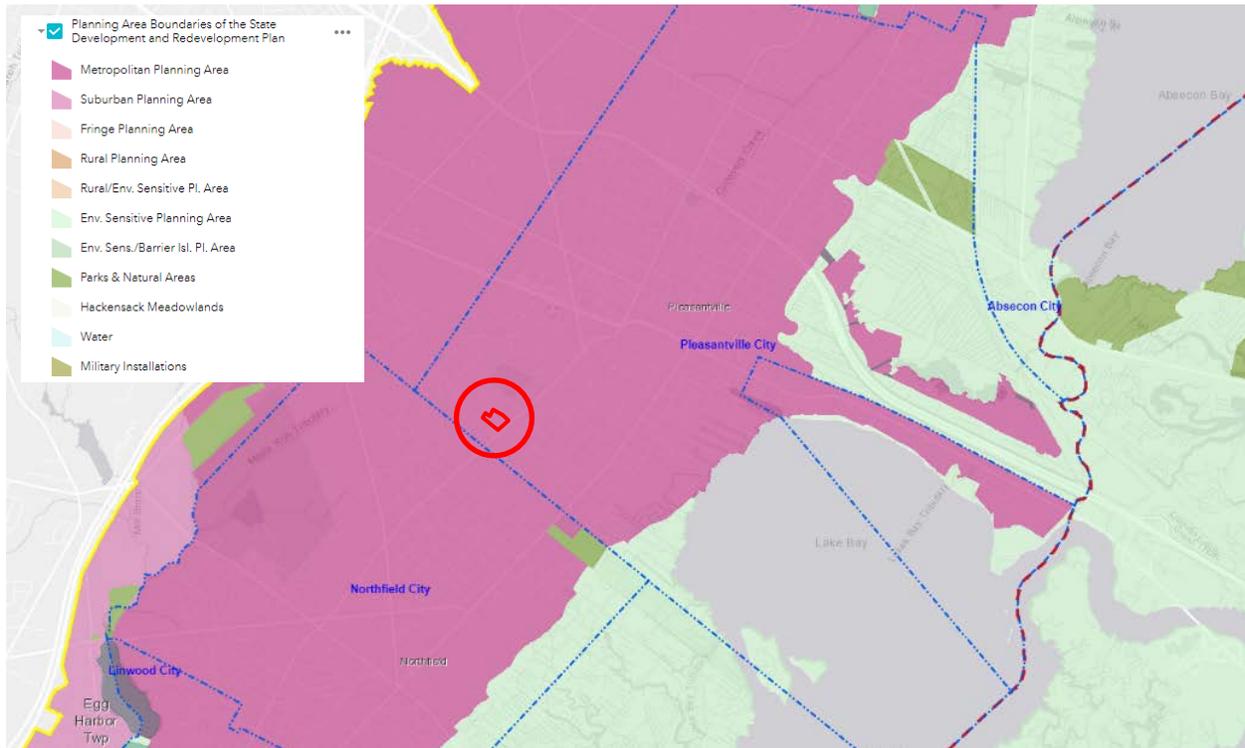
Per Resolution #273-2002, the City of Pleasantville in its entirety was designated as an Area in Need of Rehabilitation on December 16, 2002. This designation as an Area in Need of Rehabilitation is pursuant to section 14 of the Local Redevelopment and Housing Law (LRHL).

State Planning Area Classification

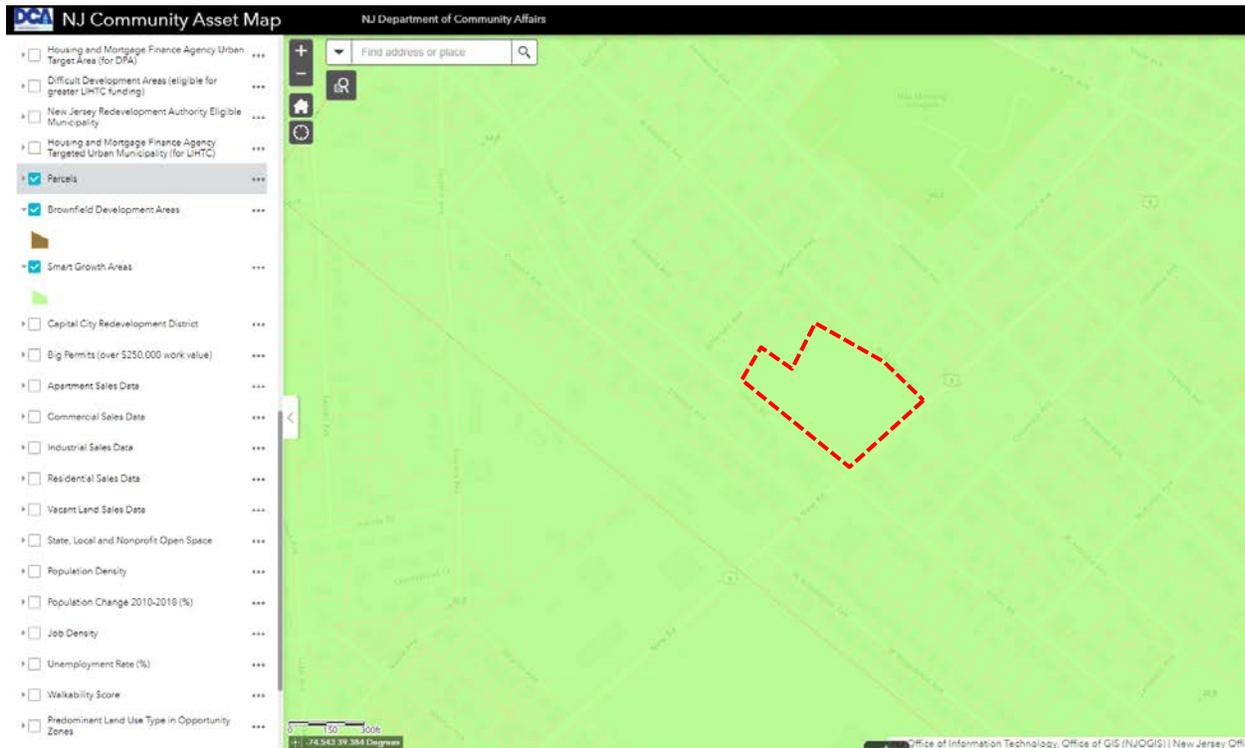
The State Plan Policy Map classifies the majority of the City of Pleasantville into the Metropolitan Planning Area (PA-1). The portions of the City that are not considered within the Metropolitan Planning Area (PA-1) are considered State Park (PA-8) and Environmentally Sensitive (PA-5) Planning Areas. The entirety of the Study Area falls within the Metropolitan Planning Area (PA-1) within the City. Planning Area 1 is intended to provide for much of the state’s future development and redevelopment. Revitalization of cities and towns, promotion of growth in compact forms, stabilization of older suburbs, and redesign of areas of sprawl are the goals of the State Plan for areas located within PA-1.

The communities within Planning Area 1 form a part of the metropolitan mass where municipal boundaries tend to blur. The nature of this settlement pattern can undermine efforts to address a host of functional problems on a municipal basis. It is increasingly impractical, for instance, to manage traffic congestion, solid waste disposal and air and water pollution locally. These and other concerns spill over from one municipality to the next, requiring a regional perspective on potential solutions. Considering that the Study Area is in such close proximity to the border between Pleasantville and Northfield, a regional consideration may be necessary.

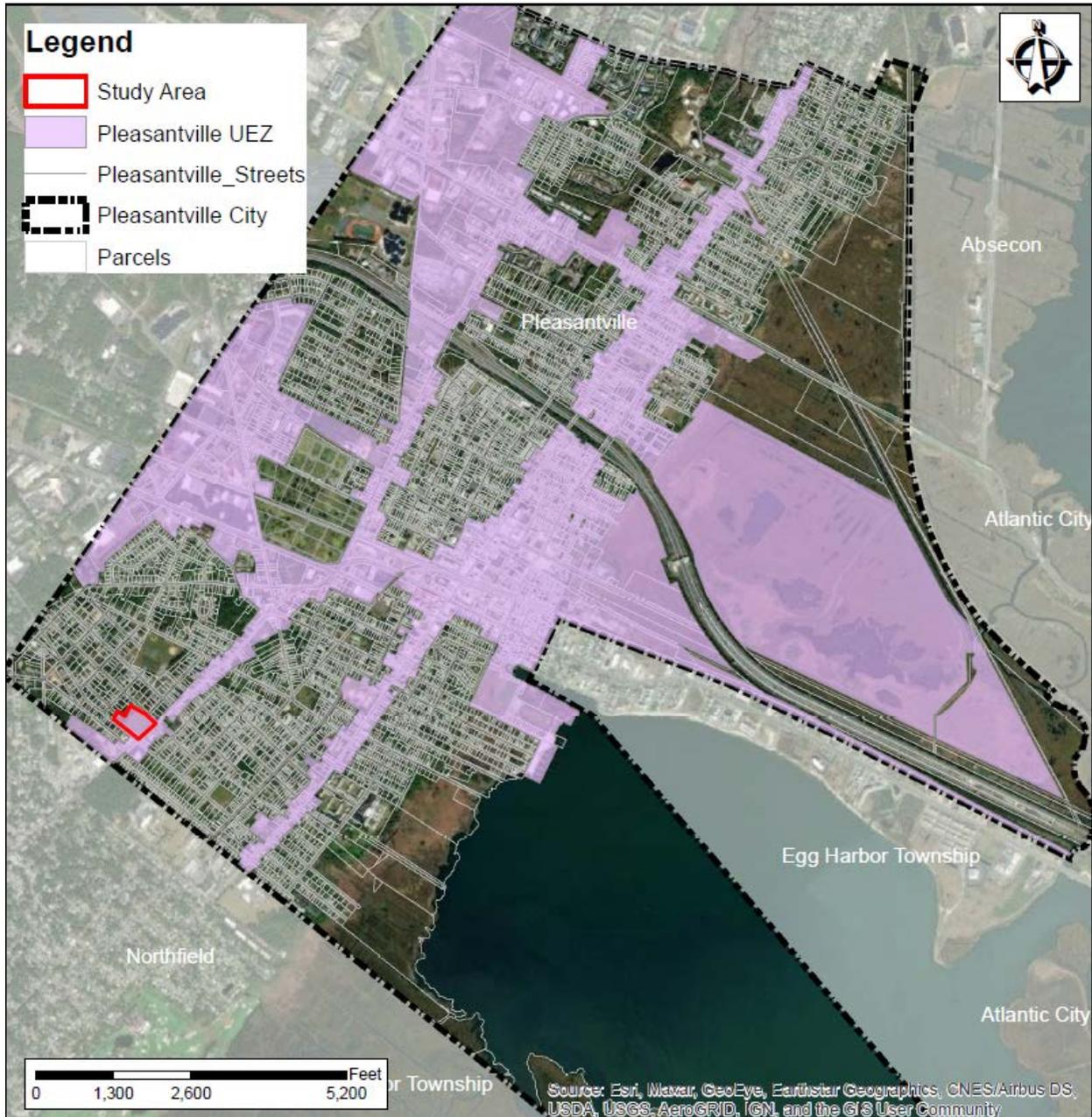
The map below from the NJ State Office of Planning Advocacy shows the extents of the Planning Area boundaries within the City.



The entirety of the Study Area is also located within a designated Smart Growth Area, as illustrated in the map below provided by NJ Department of Community Affairs (DCA) Online Community Asset Mapping tool.



The entirety of the Study Area is located within a Designated Urban Enterprise Zone (UEZ). The City of Pleasantville has one (1) UEZ within the City that was designated in 1995. The UEZ totals approximately 1,500 acres in land area and is primarily concentrated along major transit corridors such as U.S. 9, U.S. 40, and Main Street (Atlantic County Route 585). A map of the City’s UEZ as it relates to the Study Area is below:



Environmental Records and Conditions

According to New Jersey Department of Environmental Protection (NJDEP) records, there are no known contaminated sites within the Study Area, shown in the map on the following page.

There is no indication of any wetlands on these properties per NJDEP 2012 wetlands mapping data.

Flood Insurance Rate Mapping from FEMA indicates that there is No Digital Data available for the portions of Pleasantville where the Study Area is located.

The entirety of the land within Pleasantville falls within the Coastal Zone of the Coastal Area Facilities Review Act (CAFRA). CAFRA's Coastal Zone Management Rules are founded on the eight broad coastal goals described as:

1. Healthy coastal ecosystems;
2. Effective management of ocean and estuarine resources;
3. Meaningful public access to and use of tidal waterways and their shores;
4. Sustained and revitalized water-dependent uses;
5. Coastal open space;
 - a. Preserve, enhance and restore open space including natural, scenic, historic and ecologically important landscapes
6. Safe, healthy and well-planned coastal communities and regions;
7. Coordinated coastal decision-making, comprehensive planning and research;
8. Coordinated public education and outreach;

Due to the Study Area being located within a CAFRA Coastal Zone, developments must go through a further permitting process in order to be completed. Typically, CAFRA permits are required for the following general developments, though this list is not exhaustive:

1. A residential development having 25 or more dwelling units;
2. A commercial development having 50 or more parking spaces or equivalent parking area;
3. A public development or industrial development;

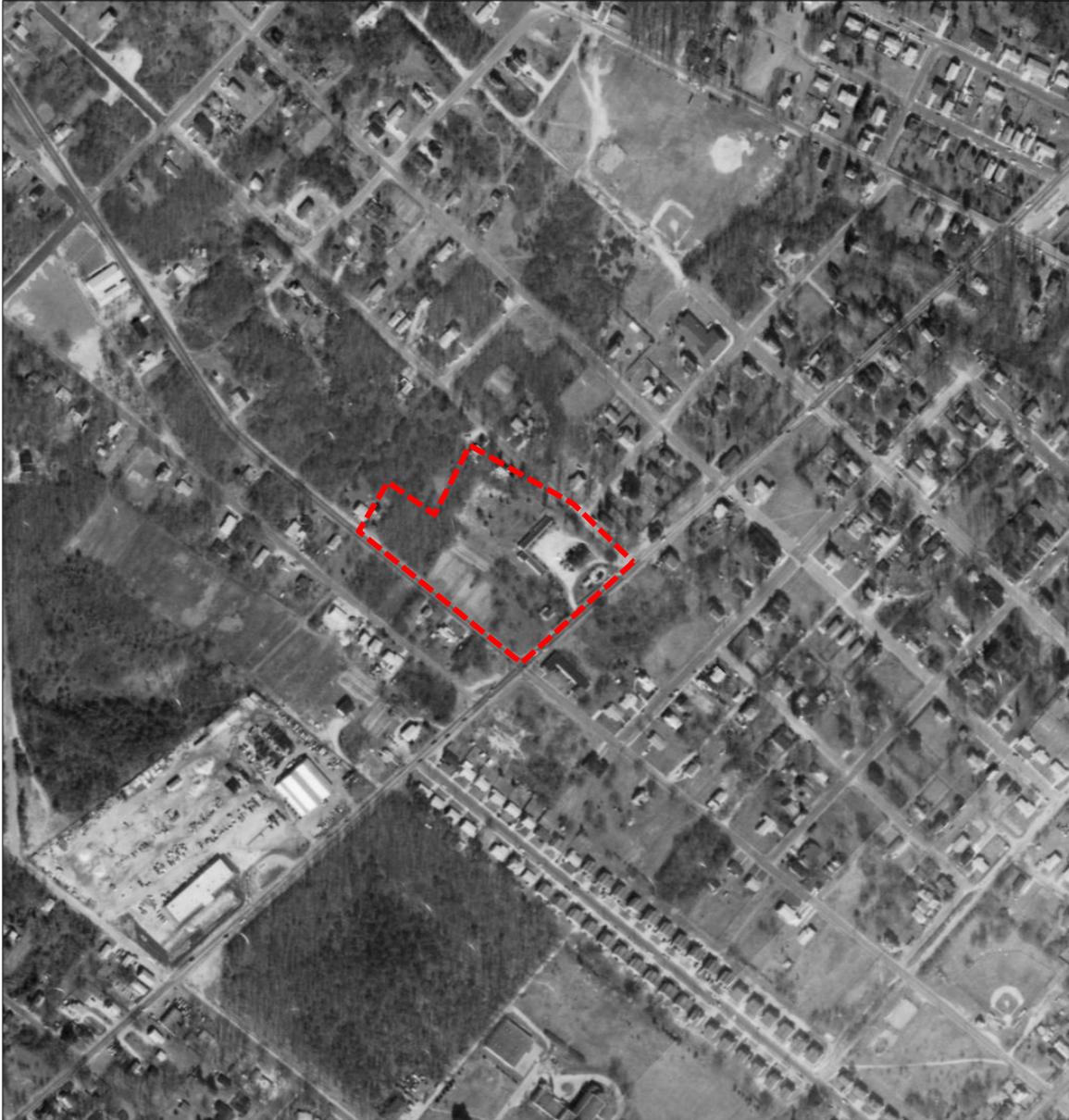
Historic Records and Conditions

There are no records of any historic districts or properties within the Study Area according to NJDEP's GeoWeb Online Mapping Tool.

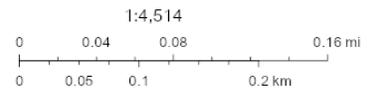
As indicated above, the Study Area currently is vacant and does not have a principal use. However, at the time of site visitation, it appeared that there were remnants of a former structure standing in the eastern portion of Lot 15. Further investigation showed that the earliest available NJ Properties Tax Records indicate an Assessed Building Value of \$84,000 for that property at the time of sale in 1990, which would mean that at one point in time, a building was standing on the property.

Using the Gallery for Atlantic County Office of GIS, historical aerial imagery is available dating back to the year 1983. Using this data, it is clear that there once stood what appears to be several buildings in the eastern corner of Lot 15. Atlantic County records also have aerial imagery from the year 1995, though it is not apparent in these historical images that the once-standing structure was standing anymore.

1983 Historical Map



8/27/2021



Since the time that the buildings on the property were removed, there have been multiple applications for development on site.

In May of 2008, an application for preliminary site plan was approved by the City’s Planning Board to permit the construction of a 37,000 square foot commercial space with 143 parking spaces. Several bulk variances were granted along with the site plan approval. See Resolution 540-2008 in Appendix E.

In 2018, the same applicant returned to the Planning Board seeking final site plan approval for the same project, and the approval was granted by the Board. See Resolution 540(A) – 2018 in Appendix E.

Despite the development approval for the site, no development activity has taken place in the 3 years since the approval was granted by the Planning Board.

3: STATUTORY CRITERIA

Redevelopment

The Local Redevelopment and Housing Law defines redevelopment as:

“clearance, re-planning, development and redevelopment; the conservation and rehabilitation of any structure or improvement, the construction and provision for construction of residential, commercial, industrial, public or other structures and the grant or dedication of spaces as may be appropriate or necessary in the interest of the general welfare for streets, parks, playgrounds, or other public purposes, including recreational and other facilities incidental or appurtenant thereto, in accordance with a redevelopment plan.”

Under N.J.S.A. 40A: 12A-5, a delineated area may be declared in need of redevelopment if, after investigation, notice, and hearing, the governing body of the municipality, by resolution, concludes that within the delineated area any one of the following conditions are found:

- a. The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.
- b. The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.
- c. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.
- d. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.
- e. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or

economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general.

- f. Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.
- g. In any municipality in which an enterprise zone has been designated pursuant to the “New Jersey Urban Enterprise Zones Act,” P.L.1983, c.303 (C.52:27H-60 et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of P.L.1991, c.431 (C.40A:20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L.1991, c.441 (C.40A:21-1 et seq.). The municipality shall not utilize any other redevelopment powers within the urban enterprise zone unless the municipal governing body and planning board have also taken the actions and fulfilled the requirements prescribed in P.L.1992, c.79 (C.40A:12A-1 et al.) for determining that the area is in need of redevelopment or an area in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone.
- h. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

In addition to the criteria, the redevelopment statute states: “A redevelopment area may include lands, buildings, or improvements, which themselves are not detrimental to the public health, safety, or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part.” This is known as “Section 3” of the redevelopment criteria.

4: APPLICATION OF STATUTORY CRITERIA

Overview

Based upon the site study, existing conditions, and property records, we find that the Study Area in its entirety can be designated as an area in need of redevelopment, due to the entirety of the Study Area meeting criteria C, G, and H of the statutory criteria that support a designation as an Area in Need of Redevelopment.

The following pages contain an analysis of the conditions of the Study Area and an assessment of how they meet the criteria.

Photographs of the Study Area can be found below as well.

Evaluation of Properties for Redevelopment Criteria

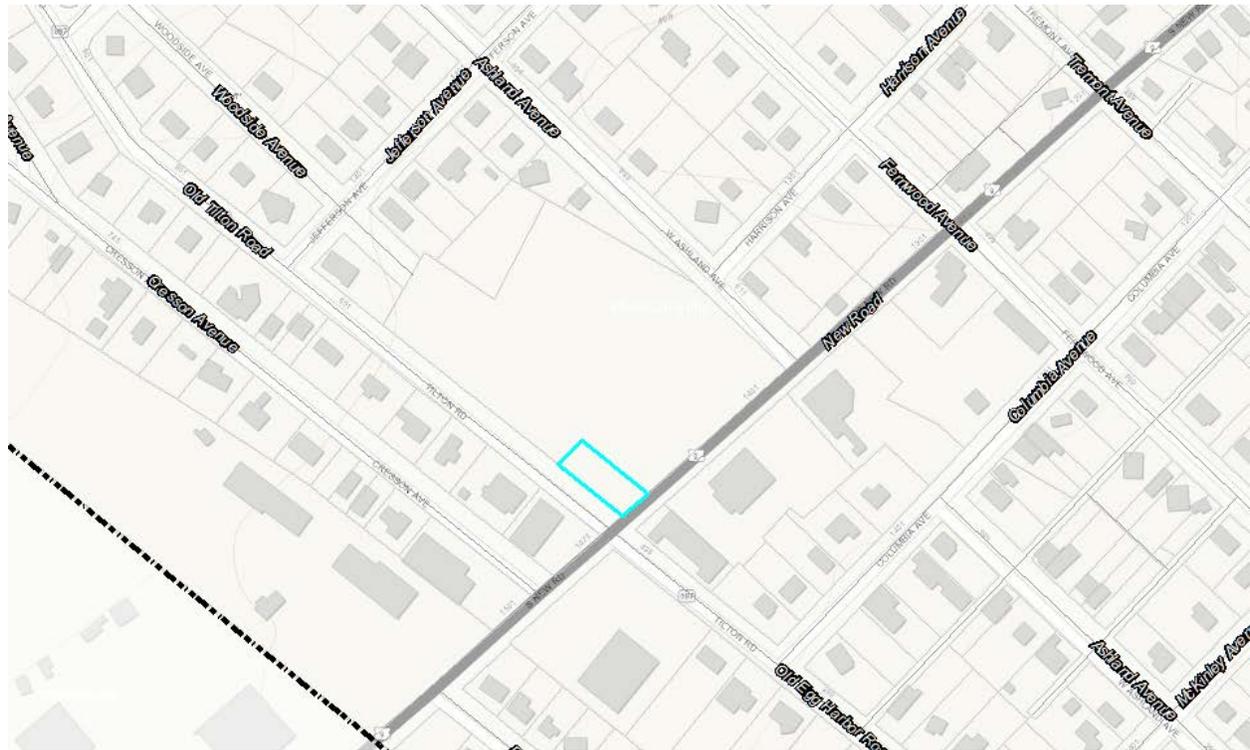
Block 19, Lot 13

Location: 1401 S New Rd

Owner: 1401 New Road LLC

Owner Address: 1202 Tilton Rd #1, Northfield, NJ 08225

Area: +/- 0.201 acres



Description:

This property is 0.201 acre trapezoidal lot in the southern corner of Block 19 at the intersection of New Road (U.S. Route 9) and Tilton Road (Atlantic County Route 687). The lot has 60 feet of frontage along New Road and 148 feet of frontage along Tilton Road. The lot is vacant and can be considered unimproved due to the lack of structures on the lot. It appears that the vacant conditions on the lot have been the case for an extended period of time when examining historic aerial imagery, per Atlantic County records. The property is located within Pleasantville’s Urban Enterprise Zone which tends to encompass corridors along major streets throughout the City. According to NJ Department of Community Affairs (NJDCA), the lot is located within a designated Smart Growth Zone. There is a NJ Transit bus stop on the property along New Road which serves the 509 transit line according to Google Maps.

As the property is a corner lot, the land uses surrounding the property are all commercial, though they are across public rights-of-way. Directly across New Road, there is a small commercial shopping center

located at 1420 South New Road that houses several different businesses according to Google Maps data. According to Google Maps data, the shopping center houses HairlosscenterNJ, Blazemup Cutz Barbershop LLC, Randy’s Jeweler’s 2, Tailor Made Aesthetics, Clinical Specialist LLC, and Quarles Notary. Directly across Tilton Road, at 1501 South New Road is the location of the T Byrd Center, a Computer Training School. Catty-corner to the property at 1500 South New Road is the location of Action Uniform Company, a Uniform Supply Store.

Looking Southwest along U.S. Route 9



Looking Northwest along Tilton Road



Looking Northeast from Tilton Road



Looking North from Tilton Road and U.S. Route 9 intersection



Surrounding Area Context:

Looking South from Tilton Road and U.S. Route 9 intersection



Looking Southeast from U.S. Route 9



Looking Southwest from Tilton Road



Redevelopment Criteria: C, G, H

Criterion C – The property appears to have been vacant for a period of more than 10 years due to historical aerial imagery of the Study Area and as an additional lot to the adjacent Lot 15, the site is not likely to be developed through the instrumentality of private capital, as evidenced by the lack of development on the site despite formal site approval.

Criterion G – The lot is located within the Pleasantville City Urban Enterprise Zone.

Criterion H – According to NJDCA Data, this lot is within a Smart Growth Area and thus, is consistent with smart growth planning principles adopted pursuant to law or regulation.

portion of the lot there is a densely wooded area that has a mixture of different flora at the base of many of the trees. There was also a fair amount of litter and debris in this area of the property.

As the property is the largest lot within Block 19, there are a number of land uses that surround the property, though they are all across public rights-of-way. Northeast of the property across West Ashland avenue is primarily residential land uses. East of the property across New Road is primarily commercial land uses. These commercial uses come in the form of Simply Beautiful Smiles of Pleasantville, a dentist's office at 1400 South New Road, as well as Network Construction Company at 1410 South New Road. To the southwest of the property across Tilton Road, there is a mix of commercial and residential land uses. The commercial land uses come in the form of Cosenza Construction Company at 603 Tilton Road. North of the construction company along Tilton Road is primarily residential. To the northwest of the property, there is primarily residential land uses.

Looking Northwest along Tilton Road



Looking Southwest from Ashland Avenue



Looking North from U.S. Route 9



Looking West from U.S. Route 9 and Ashland Avenue intersection



Looking Northwest from U.S. Route 9



Looking Northwest from U.S. Route 9



Looking North from U.S. Route 9



Looking Northwest from U.S. Route 9



Looking Northwest along Tilton Road



Looking Northeast from Tilton Road



Looking Northwest along Tilton Road



Looking Northeast along Tilton Road



Looking Southeast from Jefferson Avenue



Looking East from Tilton Raod



Looking Northeast from wooded area edge



Looking Northwest from center of Lot



Northeastern Surrounding Area Context:

Looking Northeast from Ashland Avenue



Eastern Surrounding Area Context:

Looking East from U.S. Route 9 and Ashland Avenue intersection



Looking East from U.S. Route 9 midspan



Southwestern Surrounding Area Context:

Looking Southwest from Tilton Road



Looking Southwest from Tilton Road midspan



Northwestern Surrounding Area Context:

Looking Northeast from Jefferson Avenue



Looking Northwest from Jefferson Avenue



Redevelopment Criteria: C, G, H

Criterion C – The property appears to have been vacant for a period of more than 10 years due to historical aerial imagery of the Study Area. Given the persistence of vacancy on the property, coupled with the remnants on the site from former structures in the eastern portion of the lot and the overgrowth of trees in the northwestern portion of the lot, this site is not likely to be developed through the instrumentality of private capital, as evidenced by the lack of development on the property despite development approvals.

Criterion G – The lot is located within the Pleasantville City Urban Enterprise Zone.

Criterion H – According to NJDCA Data, this lot is within a Smart Growth Area and thus, is consistent with smart growth planning principles adopted pursuant to law or regulation.

5: STUDY CONCLUSION AND RECOMMENDATIONS

Redevelopment

The two properties within the Study Area can be designated as an area in need of redevelopment due to both meeting multiple criteria. Both of the lots within the Study Area are vacant and Google Earth historic imagery indicates that this vacancy has persisted for a period of longer than 10 years. While there once was a series of structures standing at Lot 15 according to Atlantic County historical imagery data, these structures have not been standing for a period of at least 26 years (since 1995). In 2018 final site plan approval was granted to permit a commercial strip mall structure to be constructed on the property, but to date no development activity has taken place. Due to this persistent vacancy the properties appear to be unlikely to developed through the instrumentality of private capital alone. Additionally, both of the properties are located within Pleasantville City’s Urban Enterprise Zone (UEZ) and within a Smart Growth Area according to NJDCA Data which is typically indicative of consistency with smart growth planning principles adopted pursuant to law or regulation.

Property		Redevelopment Criteria
Block	Lot	
19	13	C, G, H
19	15	C, G, H

APPENDICES

Appendix A – Governing Body Resolutions

1. Resolution #144-2021 of the City Council

Appendix B – Study Area Maps and Tax Maps

1. Study Area Map
2. UEZ Map
3. Smart Growth Area Map
4. City Tax Maps
5. 1983 Historical Aerial View Map

Appendix C – Historic Aerial Imagery

1. Google Earth Historic Aerial images

Appendix D – Tax Records

Appendix E – Development Approvals

1. Resolution 240-2008
2. Resolution 240(A)-2018

APPENDIX A - GOVERNING BODY RESOLUTION

CITY OF PLEASANTVILLE
RESOLUTION NO. 144-2021

“A RESOLUTION OF THE CITY OF PLEASANTVILLE DIRECTING THE PLANNING BOARD TO CONDUCT A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER BLOCK 19, LOTS 13 & 15 IS AN AREA IN NEED OF REDEVELOPMENT AS DEFINED IN N.J.S.A 40A:12A-6”

WHEREAS, The City Council seeks to undertake a redevelopment effort within the City in order to encourage growth and development in appropriate areas; and

WHEREAS, N.J.S.A. 40A:12A-6 authorizes the governing body of any municipality, by Resolution, to have its Planning Board conduct a preliminary investigation to determine whether any area of the municipality is a redevelopment area pursuant to the criteria contained in N.J.S.A. 40A:12A-6; and

WHEREAS, the City Council considers it to be in the best interest of the City of Pleasantville to have the Planning Board conduct an investigation regarding the parcels generally located at the intersection of Route 9 and Tilton Avenue, which parcels are currently in private ownership, as described and delineated on the official Tax Map of the City as Block 19, Lots 13 & 15; and

WHEREAS, the Planning Board shall conduct a preliminary investigation to evaluate the area and determine if designation of these properties as a “non-condemnation area in need of redevelopment” conforms with statutory criteria; and

NOW, THEREFORE BE IT RESOLVED, that the Planning Board of the City of Pleasantville is hereby directed to study the aforementioned parcels, to develop a map showing the boundaries of the proposed redevelopment area, to provide public notice and conduct public hearings pursuant to N.J.S.A. 40A:12A-6 and to draft a report/Resolution containing its findings;

BE IT FURTHER RESOLVED, pursuant to N.J.S.A. 40A:12A-6, the redevelopment area shall authorize the municipality to use all those powers designated by the Legislature for use in a redevelopment area other than the power of eminent domain (“Non-Condensation Redevelopment Area”) with respect to the subject properties at Block 19, Lots 13 and 15; and

BE IT FURTHER RESOLVED, the results of such investigation shall be submitted to the City Council for review and approval in accordance with the provisions of the New Jersey Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

BE IT FURTHER RESOLVED, that should the Planning Board recommend some or all of the parcels for inclusion in a redevelopment area, that the Planning Board and its professionals may immediately begin the preparation of a redevelopment plan to present to the governing body; and

BE IT FINALLY RESOLVED, that pursuant to N.J.S.A. 52:27BBB-23, the City Clerk shall forward a true copy of this Resolution to the State Commissioner of Community Affairs,

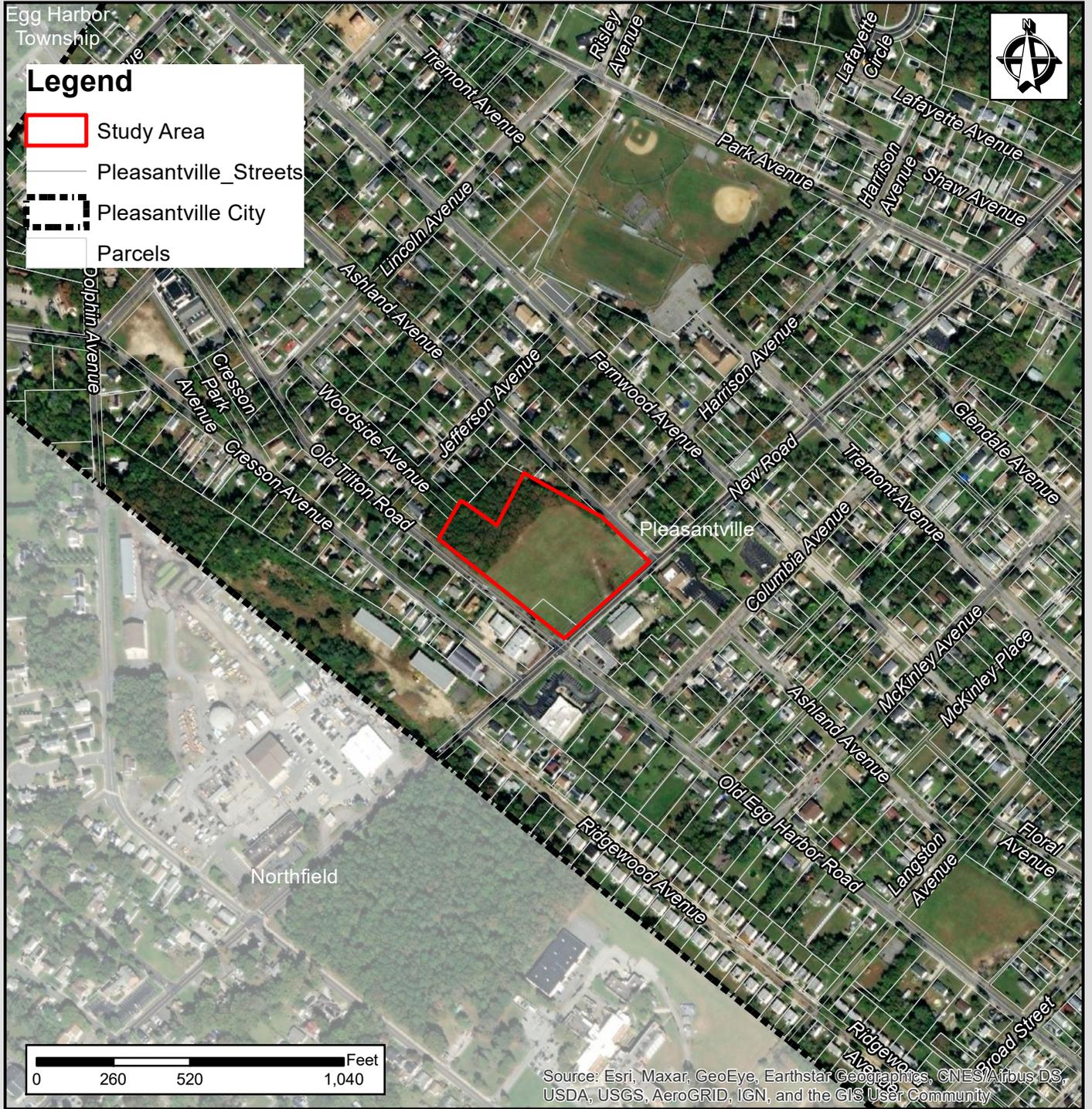
who shall have ten (10) days from the receipt thereof to veto this Resolution. The City shall fill any notices of veto in the Office of the Municipal Clerk.

This resolution was adopted at a meeting of the City Council held on September 20, 2021 and shall take effect immediately.

Davinna P. King-Ali
Municipal Clerk

APPENDIX B – STUDY AREA MAPS

City of Pleasantville - Redevelopment Study



Route 9
Redevelopment
Study Area

City of Pleasantville

Atlantic County
New Jersey



CONSULTING & MUNICIPAL ENGINEERS

3141 BORDENTOWN AVENUE, PARLIN, N.J. 08859
1460 ROUTE 5 SOUTH HOWELL, N.J. 07731
3759 ROUTE 1 SOUTH SUITE 100, MONMOUTH JUNCTION, NJ 08852
ONE MARKET STREET SUITE 1F, CAMDEN, NJ 08102

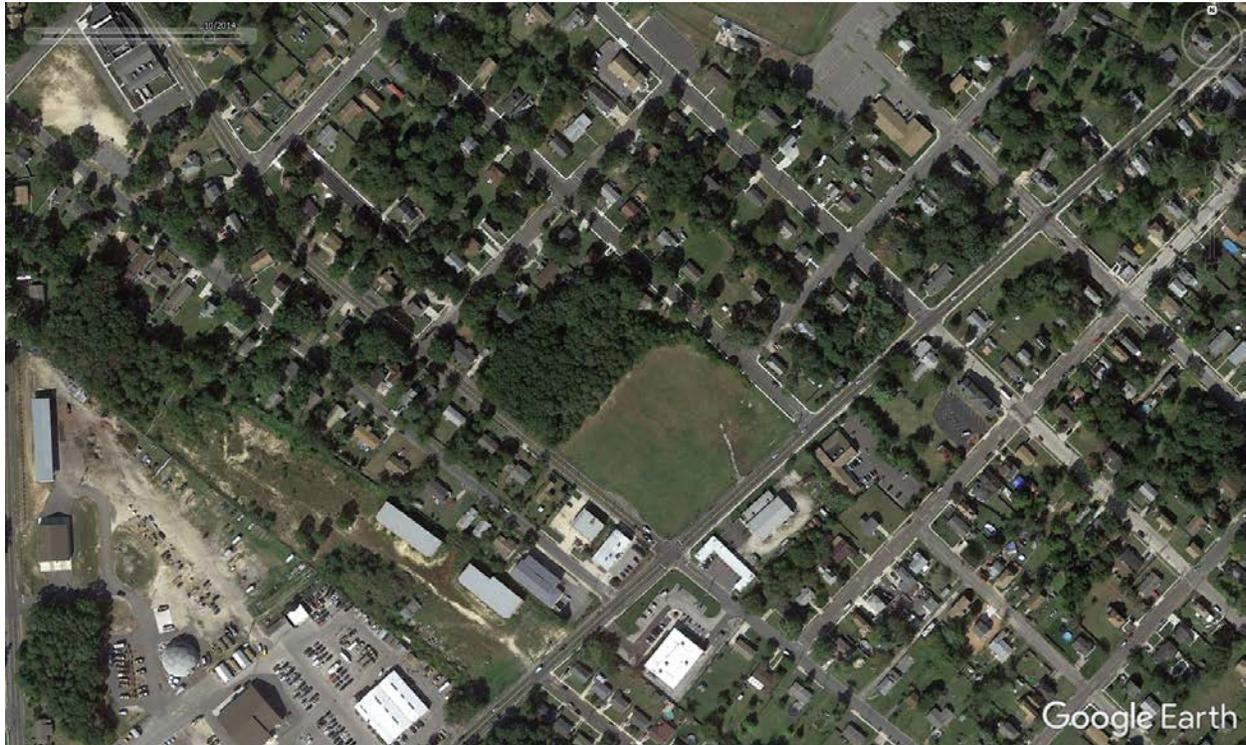
WWW.CMEASAL.COM

Source: NJGIN Network, MODIV data

DATE	SCALE	REVISED	CREATED BY
08.30.21	1 inch = 500 feet	N/A	PVB

APPENDIX C - HISTORICAL IMAGERY

Imagery Date: 10/02/2014



Imagery Date: 12/31/2009



Imagery Date: 07/15/2006



Imagery Date: 12/31/2001



APPENDIX E - Development Approvals

CITY OF PLEASANTVILLE

PLANNING BOARD

RESOLUTION NO. 540 OF 2008

RE: ZELL Enterprises, LLC

**Application for Preliminary Site Plan
Approval with Variances and Waivers**

**Property: 1401 South New Road
Pleasantville, NJ 08232
Block 19, Lots 13 and 15**

**GRANTED:
Approved Hearing Date:
May 6, 2008**

This matter having been heard by the Planning Board of the City of Pleasantville on the 6th day of May, 2008, at the Municipal Building, Pleasantville, New Jersey, and the hearing having been conducted with a quorum present on the application as submitted by the applicants; and

WHEREAS, the applicants submitted an application for the above referenced project consisting of: (1) Fax copy of letter addressed to Pat Racz from Nehmad, Perillo & Davis dated April 8, 2008; (2) Application for Planning Board Review, City of Pleasantville, New Jersey dated February 14, 2008; (3) City of Pleasantville Land Development Application Review Committee Completeness Review dated February 26, 2008; (4) Addendum to Application, Application of Zell Enterprises, LLC, "Old Tilton Square," 1401 South New Road (U.S. Route 9) Block 19, Lots 13 and 15, Pleasantville, New Jersey prepared by Nehmad, Perillo & Davis dated February 11, 2008; (5) Copy of cover letter addressed to Pat Racz, Secretary from Nehmad, Perillo and Davis dated February 19, 2008; (6) Check List #1, #2 & #3; Details Required for Preliminary Major Subdivision and Site Plans, undated; (7) Check List #5 & #6;

Details Required for Final Major Subdivision and Site Plans dated January 22, 2008; (8) Traffic Impact Study, Old Tilton Square, City of Pleasantville, Atlantic County, New Jersey prepared by Horner & Canter Associates dated February 7, 2008; (9) Preliminary Architectural Plans prepared by S.J. Fenwick Associates Architects and Planners, LLC; three (3) sheets dated October 12, 2007; (10) Topographic Survey, Zell Enterprises LLC, Block 19, Lot 13 & 15, City of Pleasantville, Atlantic County, New Jersey prepared by James R. Boney and Associates dated October 8, 2007; (11) Storm Water Management Plan for Zell Enterprises, "Old Tilton Square," Block 19, Lot(s) 13 & 15, City of Pleasantville, Atlantic County, New Jersey, prepared by Polistina and Associates, LLC dated January 18, 2008; (12) Site Plan Drawings prepared by Polistina and Associates, LLC, seven (7) sheets dated January 22, 2008; and

WHEREAS, the Board received a memorandum on the project from the Board Engineer dated April 14, 2008 and from the Board Planner dated April 15, 2008; and

WHEREAS, the Board considered the evidence presented on behalf of the applicant through the legal argument of Stephen R. Nehmad, Esquire, attorney for the applicant; and the sworn testimony of Craig Hurless, Professional Engineer and Professional Planner, who qualified as an expert; Jerry A. Canter, Traffic Engineer, who qualified as an expert; and Stephen Fenwick, Architect, who qualified as an expert. The applicant's attorney marked into evidence the documents referred to in Exhibit "A" attached hereto.

WHEREAS, the Board made the following findings and conclusions which are reflected in the record.

FACTUAL FINDINGS

1. The project is located on the northwesterly side of New Road - US Route 9 between Tilton Road and Ashland Avenue.
2. The site is known as Block 19, Lots 13 and 15 as per the tax map of the City of Pleasantville.
3. The project site is located in the Commercial (COM) Zone.
4. The site is currently vacant, predominantly cleared area.
5. The applicant is proposing to construct a 37,258 square foot commercial center with associated parking and storm water management improvements.
6. The parking area will consist of 143 parking spaces.
7. Mr. Hurless, licensed engineer provided testimony as to the project. Mr. Hurless referred to Exhibit "A-5," an aerial plan depicting the area of the proposed project area as vacant ground.
8. A site plan rendering was also entered into evidence and marked as Exhibit "A-2." Mr. Hurless described the project as a 37,258 square foot commercial development consisting of a 32,258 square foot retail/tenant commercial center and a 5,000 square foot two unit retail tenant commercial pad site. Mr. Hurless described the larger facility as an L-shape configuration.
9. The applicant's experts referred to Exhibit A-3, (Modifications to Site Plan) in describing the project. The applicant's experts and the Board experts consulted and the applicant has agreed to modify the plans to permit a right turn in and a right turn out along

New Road. The applicant has agreed to submit the revised site plan to the New Jersey Department of Transportation. Further, the modification provides for a deceleration lane and a reconfiguration of the driveway.

COMPLETENESS

10. The Major Site Plan Application was deemed complete by the Land Development Application Review Committee on February 26, 2008.

ZONING

11. The project site is located in the Commercial (COM) Zone and the proposed project meets the definition of the commercial center and is a permitted use.

12. The applicant requested a number of variances which are set forth as follows:

13. Wall Mounted Signs - Variance. The Commercial Zoning District permits one (1) wall mounted sign per street frontage and one (1) square foot of sign area per 2 linear feet of frontage is permitted with a maximum area of 40 square feet.

14. The applicant is proposing one (1) wall mounted sign per tenant. The center proposes a maximum of twenty-nine (29) tenants with a corresponding maximum of twenty-nine (29) wall mounted signs and therefore, a variance is required. The Board Planner however, recommended that 32 signs be allowed and approved for proper identification assuming the maximum number of stores were rented. Applicant amended its request, and the Board was of the opinion that this was an appropriate revision.

15. The applicant is proposing a sign area of 24 square feet for each tenant. This equates to a maximum wall mounted sign area of 768 square feet and therefore a variance

is required.

16. The Board Planner, as well as Mr. Nehmad, attorney for the applicant indicated that there is ambiguity in Ordinance Section 290-50 C (2) (a) which indicates that each tenant shall be permitted a sign on each wall fronting a street. However, the schedule requirements limit the number of wall mounted signs to one. As the Board Planner testified, the Ordinance does not address a commercial development of this magnitude.

17. Mr. Hurless testified that the wall mounted signs are of a good civil design and that the lot size of the project is conducive to the size of the sign. Further he testified the design of the wall mounted signs complement the design of the building.

18. Mr. Hurless further testified that there will be a maximum of 29 units which could possibly be consolidated depending on the space required of each tenant. The applicant is requesting 29 signs at 24 square feet for each tenant.

19. The Board Planner made a recommendation that the Board permit up to 32 signs for the applicant and the Board agreed with the recommendation of the Board Planner.

20. Stephen Fenwick, Architect, testified using Exhibit "A-9," (architectural renderings of the project) in describing the project to the Board. He agreed with the testimony of Mr. Hurless that the wall mounted tenant signs complemented the building.

21. The applicant's experts analyzed the benefits to be gained by granting the variance pursuant to N. J. S.A. 40:55 D-70 (c) (2) and that the benefits greatly outweighed any detriment to the Pleasantville Zoning Ordinance. Mr. Hurless and Mr.

Fenwick both indicated that the benefit of the wall mounted signs creates a desirable visual environment through creative development techniques and good civic design.

22. Free Standing Sign . The applicant is proposing one free standing sign on New Road with an area of 150 square feet. The zoning ordinance permits one free standing sign with a maximum area of 25 feet. The applicant is proposing the one free standing sign to have an area of 150 square feet.

23. The applicant's experts testified as to the benefits of the free standing sign. Mr. Fenwick reviewed Exhibit A-7 representing the architectural area elevation giving a view of the free standing sign. Mr. Fenwick testified that the sign is tied into the architecture of the buildings and is located outside of the sight triangle.

24. The experts testified that the granting of the variance as to the free standing sign was pursuant to N.J.S.A. 40:55 D-70 (c) (2) in that the benefits to be gained by same under the statute greatly outweighed any detriment to the Pleasantville Zoning Ordinance.

25. Parking Variance. Based upon a total building area of 37,250 square feet, a total of 149 parking spaces are required. The applicant is proposing 143 spaces, and therefore, a variance is required.

26. Mr. Canter, the applicant's Traffic Engineer, testified that the reduction of 4% of the parking as required under the ordinance is insignificant.

27. He justified the granting of the variance in that the parking proposed of 143 spaces will more than meet the demand for parking. He further testified that the 143 spaces is equivalent to the generally accepted parking standards required in the industry.

28. Mr. Canter testified, that in the highest peak, the demand would be 123 spaces and the applicant is proposing 143 spaces and therefore will meet the demand.

29. Additionally, there was testimony that the applicant is anticipating that employees will walk to work. Further there is a New Jersey Transit line on Route 9 which will bring both patrons and employees to the project.

30. Mr. Canter testified that the granting of the variance pursuant to N.J.S.A. 40:55 D-7 (c) (2) should be granted in that the benefits to be gained by same under the statute greatly outweigh any detriment to the Pleasantville Zoning Ordinance.

31. He further testified that in his opinion that there is no negative effect to the Pleasantville Zoning Ordinance by granting the variance.

32. Mr. Hurless further testified as to the deliveries to the subject project and that there will be few if any large tractor trailers. The applicant is anticipated that most of the deliveries will be via storefront deliveries.

ROADWAY AND PARKING

33. The applicant, through their experts, indicated that the applicant will agree to comply with the recommendations contained in the Board Engineer's report.

34. Specifically, as to the traffic impact study, Mr. Canter testified, the fact that the driveway reconfiguration on Route 9 has been redesigned for right turn in and right turn out has impacted on his calculations contained in his traffic impact study as to level of quality of flow and level of service. He indicated that both levels are now B and C.

35. Mr. Canter testified that he became aware of additional information after.

submitting his traffic impact study which information has an impact on the viability of the calculations contained in the study.

36. In preparing the study, Mr. Canter contacted the County of Atlantic who indicated that the proposed Wal-Mart Project to be located on the Black Horse Pike and Fire Road in Egg Harbor Township should be included in the calculations of the traffic flow.

37. Subsequently, Mr. Canter has determined that the Wal-Mart Project has received no Department of Transportation site plan approvals and it will not be within the build year of the subject project and therefore should not have been included in the report.

38. Therefore, Mr. Canter testified that he will recalculate the numbers and provide the amended the traffic study to the Board's professionals.

39. Mr. Canter testified that as a result of the recalculation of numbers, the intersection of New Road and Tilton Road has good quality of traffic flow and is now between levels of B and C.

40. Mr. Canter concluded that the proposed project does not cause traffic to operate at any unacceptable level of service.

41. Mr. Canter indicated that for the final approval to be submitted to the Planning Board the applicant will provide the DOT highway access permit application and plan to the Board.

42. The applicant agreed since Route 9 and the Tilton Road intersection is under the jurisdiction of the NJDOT and Atlantic County, this issue will be deferred to those

respective agencies.

43. With regard to deliveries, Mr. Hurless testified that the impact on the neighbors should be minimal. He explained the mechanism for the deliveries by the use of Exhibit "A-5" (Neighborhood aerial plan - immediately joining). He does not perceive it to be a traffic problem and that there should be a small amount of delivery traffic to the Ashland Avenue area. The applicant agreed that they will install a "deliveries only sign" on Ashland Avenue to minimize the impact of deliveries on the residents in that area.

44. Mr. Hurless further testified as to deliveries to the subject project that in his opinion there would be very few if any large tractor trailers. The applicant is anticipating that most of the deliveries will be via store front deliveries.

45. There is rear access to loading areas at the L-shaped building for potential deliveries and one 10 foot by 30 foot landing area on the Tilton Road side on the proposed pad site for rear access and a potential loading area.

46. Further, the applicant's attorney indicated that if there are any easements required for the sidewalk along the property frontages they will be indicated on the revised plan and provided.

47. With regard to sidewalk linkages from the proposed sidewalk along Route 9 and Tilton Road to the proposed sidewalk adjacent to the buildings, it was agreed that they would be reflected and shown on the modified site plan.

48. The applicant agreed that the fire chief will review the plans for access for emergency vehicles.

49. With regard to the provisions for a fire lane, the applicant will discuss that issue with the fire chief.

50. Through the applicant's experts, they testified that providing a striped island adjacent to Building B rather than a concrete curb island enhances the free flow of storm drain as well as making it easier for snow removal.

51. It was agreed that the applicant will not be required to install concrete bumper stops.

GRADING AND DRAINAGE

52. The applicant through its experts testified that the applicant will comply with the recommendations as outlined in the Board Engineer's report.

53. Specifically, with regard to the fence around the basins, the applicant through their experts agreed to install a 6 foot black vinyl clad chain link fence without slats.

54. As to the stormwater system, Mr. Hurless testified and agreed that the applicant will comply with all of the recommendations contained in the Board Engineer's report.

55. Mr. Hurless explained the storm water management plan and the fact that the retention basin accommodates up to a 100 year storm. Any excess from the basin will discharge to New Road and will collect and discharge out Tilton Road.

PLANNING ISSUES

56. The applicant through their experts agreed to provide lighting at the entrance driveway off of Ashland Avenue with a light shield so that there will be no adverse impact

on the residential neighborhood.

57. Mr. Hurless testified as to the landscaping. The applicant expressed their concern with the neighbors. Therefore, the applicant has incorporated an enhanced landscaping package by providing 585 trees, evergreen and shrubs. There will be landscaping surrounding the retention basin to provide privacy along the residential district.

58. The Board Planner indicated that the applicant through its experts provided ample testimony as to the landscaping of the project. The applicant indicated that they will comply with incorporating 4 inches of clean top soil and either seeding or sod to the site.

59. With regard to the Board Planner's recommendation to include shade trees in the parking lot islands, after discussions from the Board, it was agreed that there will be a visibility issue with shade trees. Therefore it was agreed that low growing species of shrubs will be planted in the parking lot islands.

60. With regard to the trash enclosures, Mr. Hurless testified that the enclosures will be located on the rear side of the project with recyclable enclosures behind each building. Further, there will be additional screening and masonry as recommended by the Board Planner. The applicant has agreed to reflect the trash enclosure mechanisms on the final major site plan approval.

MISCELLANEOUS

61. The applicant through their experts agreed to comply with the recommendations contained in the Board Engineer's report.

62. The applicant through their attorney indicated they had not submitted their plans to the Atlantic County Department of Regional Planning Development. The applicant agreed to submit a copy of any determinations from any other agencies to the Board Engineer.

WAIVERS

63. The applicant requested a use waiver. The Board engineer indicated that there was adequate testimony with regard to the operation to satisfy granting the use waiver.

64. The applicant requested a waiver from the environmental impact statement. The applicant's attorney indicated that the applicant does not anticipate any environmental impact on the site. There are no existing environmental issues.

65. The applicant requested a waiver as to depicting the location of existing utility structures on the tract and within 200 feet of its boundaries.

66. The applicant has requested a waiver of the key map which should be at a scale of 1" = 1,000' or less.

PUBLIC INPUT

67. Phyllis Tally and Costello Alfonzo Tally, residing at 608 Ashland Avenue, Pleasantville both spoke in connection with the application.

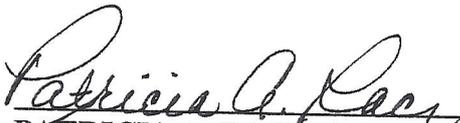
68. Since their residence is located at the rear of the proposed project, they expressed concerns with regard to a change in the element of their neighborhood; that the neighborhood is currently a nice, quiet residential neighborhood and they were concerned with the impact of the project on their residence.

DECISION

69. The Board, having considered the legal argument of counsel and the sworn testimony, as detailed above, and having made the foregoing findings of fact and legal determinations voted upon a resolution granting the applicant's request for a preliminary major site plan approval with variances and waivers as set forth above, all in accordance with the determinations made in this Resolution and subject to all terms and conditions contained herein, for the property known as Block 19, Lot 13 and 15.

MOTION BY: Vigue
SECONDED BY: Yarbrough

VOTE TO APPROVE:
Chairman Bowman
Christmas
Yarbrough
Bell
Harmon
Vigue
Habron


PATRICIA A. RACZ, Secretary


DAVID C. BOWMAN, Chairman

EXHIBIT "A"

PLEASANTVILLE PLANNING BOARD

APPLICATION OF ZELL ENTERPRISES, LLC

- A-1 - Side photos board - 9 photos
- A-2 - Rendered site plan "as filed"
- A-3 - Modified site plan
- A-4 - Neighborhood aerial plan - ½ mile radius
- A-5 - Neighborhood aerial plan - immediately adjoining
- A-6 - Architectural elevation - primary center
- A-7 - Architectural area elevation - smaller building and sign
- A-8 - Floor plan
- A-9 - Architectural rendering

**CITY OF PLEASANTVILLE
PLANNING BOARD**

RESOLUTION NO. 540(A) - 2018

RE: Zell Enterprises, LLC
1401 South New Road
Block 19, Lots 13 and 15
Pleasantville, New Jersey

Application for Final Major Site Plan
Approval with "c" Variance Relief
GRANTED
Hearing Date: July 3, 2018

This matter having been heard by the Planning Board of the City of Pleasantville on Tuesday, July 3, 2018, at a duly scheduled meeting at the Municipal Court Room, 17 North First Street, Pleasantville, New Jersey, and a hearing having been conducted with a quorum present on the application submitted by Zell Enterprises, LLC (the "Applicant") seeking final major site plan approval together with two "c" or bulk variances for the real property located at 1401 South New Road and identified as Lots 13 and 15 in Block 19 on the tax map of the City of Pleasantville, Atlantic County, New Jersey (the "Property"); and

WHEREAS, the Applicant was represented by Stephen R. Nehmad, Esquire, of the Nehmad, Perillo & Davis law firm, located at 4030 Ocean Heights Avenue, Egg Harbor Township, New Jersey; and

WHEREAS, in 2008, the Applicant had previously received preliminary major site plan approval with certain "c" variances for the Property from the Planning Board in order to construct an approximate 37,258 square foot retail commercial center with one 5,000 square foot two unit commercial pad site to be known as "Old Tilton Square", with associated onsite parking, landscaping, lighting, and storm water management facilities; and

WHEREAS, pursuant to the New Jersey Permit Extension Act and by prior action of the Planning Board, the preliminary site plan approval and variance relief granted to the Applicant for the Property were extended until June 30, 2018; and

WHEREAS, the Applicant is seeking to obtain final major site plan approval and two (2) technical "c" or bulk variances for minimum front yard building setback and minimum front yard setback to a free-standing sign that are now required for the Project as a result of the widening of the right of way along New Road (US Route 9) by the New Jersey Department of Transportation ("NJDOT") as a condition of the issuance by NJDOT of an access permit for the Project; and

WHEREAS, the Applicant submitted an application package dated May 21, 2018, together with a proposed Site Plan for Zell Enterprises, LLC "Old Tilton Square", consisting of ten (10) pages, dated January 22, 2008, last revised as of May 18, 2018, prepared by Polistina & Associates, LLC, and several related documents; and

WHEREAS, at the time of the hearing, Applicant presented documentary evidence consisting of Exhibit A-1 (being S-1 in the application package), Site Plan with landscaped area highlighted, last revised as May 18, 2018; Exhibit A-2, Architectural Plan dated October 12, 2017; and a colored rendering of the proposed Project; and

WHEREAS, at the time of the hearing, Applicant presented testimony on behalf of the application from Craig R. Hurless, P.E., P.P., a qualified New Jersey licensed professional engineer and planner; and

WHEREAS, the Board received a report from David Scheidegg, Board Engineer dated June 7, 2018, a copy of which is attached hereto as **Exhibit "A"** (the "Engineer's Report")

and a report from Robert Smith, Board Planner dated June 6, 2018, a copy of which is attached hereto as **Exhibit "B"** (the "Planner's Report"); and

WHEREAS, the Applicant sent notices of the hearing to all property owners within 200 feet of the Property, and caused notice of the hearing to be published in the *Atlantic City Press*, and produced evidence that all taxes and application fees have been paid, all in accordance with the Municipal Land Use Law and the Pleasantville Land Management Code; and

WHEREAS, only one member from the public spoke at the hearing and indicated that he was in favor of the Project while raising a question regarding traffic impact from the Project; and

WHEREAS, the Board, after considering the evidence presented, made the following findings and conclusions which are reflected in the record:

1. Application has been made by Zell Enterprises, LLC (the "Applicant") through its attorney, Stephen R. Nehmad, Esquire. The Applicant is the parent company of the owner of the Property which is located at 1401 S. New Road, (US Route 9), and is shown as Block 19, Lots 13 and 15 on the tax map of the City of Pleasantville. The Property is currently vacant.
2. Notice requirements have been met.
3. The Applicant has submitted a properly filed Application, all required documents and has paid all required fees and has complied with the Advertising and Notice Requirements of the Municipal Land Use Law and Pleasantville Land Management Code.
4. In May, 2008, the Applicant had previously received preliminary major site plan approval with certain "c" variances for the Property from the Planning Board to

construct an approximate 37,258 square foot retail commercial center with one 5,000 square foot two unit commercial pad site to be known as "Old Tilton Square", with associated onsite parking, landscaping, lighting, and storm water management facilities (the "Project").

5. Pursuant to the New Jersey Permit Extension Act and by prior action of the Planning Board, the preliminary site plan approval and variance relief granted to the Applicant for the Property was extended until June 30, 2018.

6. The Applicant is seeking to obtain final major site plan approval and two (2) technical "c" or bulk variances for minimum front yard building setback and minimum front yard setback to a free-standing sign that are now required for the Project as a result of the widening of the right of way along New Road (US Route 9) by the New Jersey Department of Transportation ("NJDOT") as a condition of the issuance by NJDOT of an access permit for the Project.

7. The Applicant, through its professional, presented testimony to establish the background of the prior approvals for the Project and confirmed that the original site plan as approved by the Board in May, 2008, had not been changed except for the widening of the public right of way along Route 9 which has now resulted in the Project requiring two (2) "c" or bulk variances in conjunction with the granting of final major site plan approval. The Applicant's engineer confirmed that there are no other changes to the originally approved site plan.

8. The required "c" or bulk variances are: (i) a one (1') foot front yard setback variance to allow the proposed 5,000 square foot pad site building to be located nineteen (19') feet from Route 9 where a twenty (20') foot setback is required and (ii) a four (4') foot

setback for the proposed freestanding sign along the Route 9 frontage of the Property where a ten (10') foot setback is required by the Pleasantville Land Management Code.

9. The Project proposed by Applicant meets all the requirements of the New Jersey Municipal Land Use Law N.J.S.A. 40:55D-1 et seq. (the "MLUL").

10. The Board found that the Applicant, through the testimony of its professional, adequately presented a case for the Board to approve the final major site plan and required variances for this Project pursuant to the provisions of N.J.S.A. 40:55D-70c(2) in that the application advances goals of the MLUL such as providing adequate light, air and open space and promoting a desirable visual environment through creative development technique and good civic design and arrangement.

11. The Board found that the "c" variances can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinances of the City of Pleasantville. The Board found that there were no detriments from the Project.

12. The Board also granted to the Applicant all requested Checklist Waivers as noted in the Board Planner's report.

13. One (1) member of the public, Ernest Yancy, 1411 Columbus Avenue, did not object to the Project, but questioned the traffic impact of the Project. The Board found that Mr. Yancy's concerns were adequately addressed by Mr. Nehmad and Mr. Hurliss.

NOW, THEREFORE, a Motion having been made and seconded, and for all of the above reasons, the City of Pleasantville Planning Board hereby grants Final Major Site Plan approval and "c" Variance Relief to allow a nineteen foot (19') setback from Route 9 to the proposed 5,000 square foot pad site identified as Building B on the Site Plan and a four foot

(4') setback for the freestanding sign along the Route 9 frontage, as more fully shown on the Site Plan, with conditions as follows:

- 1). Applicant shall conform with all conditions and requirements set forth in the Engineer's Report and Planner's Report annexed hereto as **Exhibits "A" and "B"**, respectively, unless modified at the hearing and as modified by this Resolution.
- 2). Additional landscaped screening may be required along the Ashland Avenue side of the Property as determined in the reasonable discretion of the Board Planner during construction of the Project.
- 3). Applicant will submit copies of all approvals related to the Project from other agencies to all Board professionals and Board Secretary.
- 4). Applicant must comply with all other state, county and local agencies having jurisdiction over the Project.

MOTION MADE BY:

PAGE

SECONDED BY:

EDWARDS

MAYOR - ABSENT
TWEEDLE

CHAIRMAN - ABSENT
SANDERS

VICE-CHAIR - YES
FAMULARO

RICHARDSON - YES

ARCHIE - ABSENT

CURRY - YES

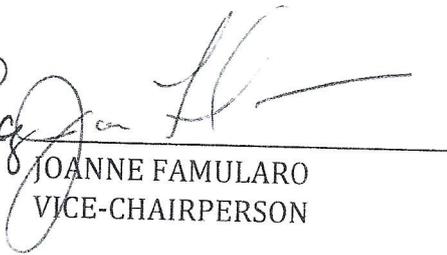
SANTIAGO - ABSENT

EDWARDS - YES

PAGE - YES

HARMON - ABSENT


PATRICIA A. RACZ
SECRETARY


JOANNE FAMULARO
VICE-CHAIRPERSON

Date of Adoption: August 14, 2018