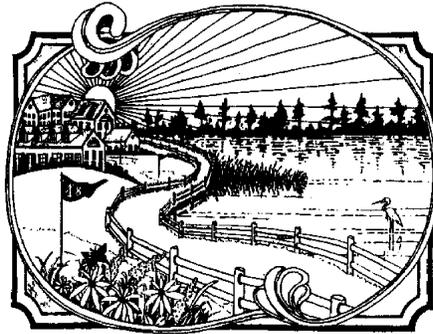


**REDEVELOPMENT PLAN**

**OAK STREET LANDFILL  
GALLOWAY ROAD  
BLOCK 1171, LOT 17**

**GALLOWAY TOWNSHIP, ATLANTIC COUNTY**

**Prepared for:  
Galloway Township**



**TOWNSHIP OF GALLOWAY  
300 E. JIMMIE LEEDS ROAD,  
GALLOWAY, NJ 08205**

As recommended by the Planning Board by Resolution # \_\_\_\_\_ on \_\_\_\_\_;  
Adopted by the Governing Body by Ordinance # \_\_\_\_\_ on \_\_\_\_\_.

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Don Purdy

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The original of this document was signed and sealed in accordance with NJAC 13:41-1.3.b

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## **INTRODUCTION**

The Township Council of Galloway adopted resolution #058-15 on January 20, 2015 authorizing the Planning Board to undertake an investigation of the Oak Street Landfill, Block 1171, Lot 17, to determine if it meets the criteria under the New Jersey Local Redevelopment and Housing Law - N.J.S.A. 40A:12A-1 et seq. (LRHL) as an area in need of redevelopment.

On February 5, 2015, the Galloway Township Planning Board held a public hearing and determined that the parcels in the Oak Street Landfill, Galloway Road Redevelopment Area satisfied the criteria under the LRHL as an area in need of redevelopment by Resolution #5A-2015. The Township Council adopted the Planning Board's determination on February 10, 2015 pursuant to Resolution #068-15.

A redevelopment plan is necessary in order to improve the conditions that have resulted in this determination; therefore the Galloway Township Planning Board has prepared this Redevelopment Plan for consideration and adoption by the Galloway Township Council.

## **DESCRIPTION OF REDEVELOPMENT AREA**

The Redevelopment Area includes the Oak Street Landfill located on Galloway Road and includes Block 1171, Lot 17 on the Galloway Township tax maps. The area is bisected by Galloway Road, dividing the property such that the former landfill is to the north of Galloway Road and the Township composting/recycling facility is to the south. The property is located in the Conditional Industrial zoning district (depicted as LID on the Township Zoning Map). The study area is bounded on the west by block 1171, lots 4.01 and 6 both owned by NJDEP and by a portion of the residential development on Southport Court; on the east by block 1171 lots 18 & 24.01; on the north by the residential development on Quail Hill Boulevard; and on the south by block 1171, lot 4.14 owned by NDEP and block 1171, lot 25. The site is partially bisected by Galloway Road.

This property was acquired by the Township in 1970. Historically the site was used a municipal landfill. Known as the Oak Street Landfill the property is Block 1171, Lot 17 on the Township tax maps. The property consists of approximately 65.14 acres. The parcel is intersected by Galloway Road right-of-way (1999) through a deed of dedication for a 50-foot wide right-of-way. Galloway Road was formerly known as Oak Street, where the name of the landfill originated. To the north side of Galloway Road is the closed landfill. To the south side is the municipal composting facility, known as the "Galloway Road Convenience Center".

## GOALS AND OBJECTIVES

The primary goal of this Redevelopment Plan is to provide an adaptive reuse of a closed landfill which will provide a benefit to the community and region.

## PLAN PROPOSALS

This Redevelopment Plan is designed to address the redevelopment of the Oak Street/Galloway Road Landfill, and shall be referred to as the Galloway Road Redevelopment District.

### *Definitions*

The definitions provided in N.J.S.A. 40A:12A-3 are incorporated into this plan by reference.

### *Land Use and Building Requirements*

In order to effectuate the goals and objectives it is necessary to create a new district for the subject property. The new district entitled Galloway Road Redevelopment District as provided for in this redevelopment plan shall supersede the existing zoning. All design criteria of the Township Land Development Ordinance are applicable to the future development unless specifically modified below.

#### **Galloway Road Redevelopment District:**

- A. **Permitted Uses:** Solar or Photovoltaic Energy Facility
- B. **Bulk Standards:**
  - 1. Minimum Setbacks to all Property Lines: 50-feet
  - 2. No Panel or structure shall exceed 20 feet in height.
- C. **Design Criteria:**
  - 1. All panels shall have natural ground cover under and between the rows.
  - 2. Solar or Photovoltaic Energy Facility or Structure shall be designed to comply with all storm water, grading and soil disturbance regulations of the Land Use Ordinance.

3. Emergency vehicle access shall be provided as required by Township Fire Officials.
4. Lighting should be provided to safely illuminate the entrance to the project site and recycling center. Specifications for the lighting shall be included on the site plan application and subject to the approval of the Planning Board.
5. The developer shall provide electric for video surveillance equipment on the property.
6. Fencing is permitted around the facility at a height not to exceed 6-feet.
7. The system shall not direct glare towards any surrounding property.
8. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
9. The electrical disconnect switch shall be clearly identified and unobstructed, and the owner must file a map with the Fire and Police Departments clearly showing where the disconnect switch is located.
10. The installation of a solar generating energy system is subject to local electric public utility requirements for interconnection to the electrical distribution system. All interconnections shall comply with the applicable regulations established by the agency having jurisdiction.
11. All new electrical transmission lines associated with the installation of a solar generating energy system shall be located underground, unless the local electric public utility requires they be installed on existing utility poles, or the construction of the lines underground would interfere or impact the integrity of the cap installed as part of the closure of the landfill. All underground wiring shall be within a conduit pipe and meet all state and local electrical and building codes.
12. On-site parking facilities are not required for a solar generating energy facility.
13. The development of the parcel is exempt from the requirements of Section 233-52 of the Land Use Ordinance.
14. As-built plans depicting any wiring (above or underground) and equipment shall be provided to the Township after construction.

**E. Decommissioning Plan**

1. Decommissioning plan. All applications for a Solar or Photovoltaic Energy Facility shall be accompanied by a decommissioning plan to be

implemented upon abandonment, or cessation of activity, or in conjunction with removal of the systems. The decommissioning plan shall be submitted in accordance with the requirements of this section.

2. Abandonment. Any solar or wind energy system that is not operated for its intended and approved purpose for a continuous period of 12 months shall be considered abandoned, and the owner of such system shall remove the same within 90 days of receipt of notice from the Township by personal service or certified mail notifying the owner of such abandonment. Failure to remove an abandoned solar energy system within said 90 days shall be grounds for the Township to remove the system at the owner's expense.
3. If the applicant begins, but does not complete, construction of the project within 365 days, the applicant shall restore the site according to a decommissioning plan prepared by the applicant and approved by the Board. This can be extended if agreed upon by both parties.
4. The applicant shall submit a decommissioning plan that ensures that the site will be restored to a useful, nonhazardous condition without significant delay, including but not limited to the following:
  - a. Removal of aboveground and underground equipment, structures and foundations. The plan shall describe the means by which all equipment and components of the system(s) shall be disposed of in an environmentally responsible manner and in accordance with prevailing federal, state and/or local regulations.
  - b. Restoration of the surface grade and soil after removal of aboveground structures and equipment.
  - c. Revegetation of restored soil areas with native seed mixes, plant species suitable to the area, which shall not include any invasive species.
  - d. The plan must include a schedule for completion of site restoration work.

**G. Site Plan Approval/Submission Criteria**

1. The subject parcel is not required to prepare and submit an Environmental Impact Statement pursuant to Section 233-30.1A(28)(a) or Section 233-59 of the ordinance for the construction of a solar generating energy facility.
2. The subject parcel is not required to submit a Community Impact Statement in accordance with the requirements of Section 233-30.1A(28)(c) of the ordinance.

3. The subject parcel is not required to submit a Traffic Impact Statement in accordance with the requirements of Section 233-30.1A(28)(b) of the ordinance.

As required by N.J.S.A. 40A:12A-7c, the zoning map will be amended to include the Galloway Road Redevelopment District for the referenced property.

### ***General Provisions***

The continued revitalization of this area is important to the Township. In order to facilitate the revitalization of these properties the following actions are permissible under the plan:

1. The use of short term tax abatements or exemptions as authorized by State statute N.J.S.A. 40A:21-1 et seq. are permitted. The tax abatement or exemption program will encourage property owners to make improvements without suffering the initial cost associated with the increased assessment.
2. The use of long term tax exemptions as authorized by State statute N.J.S.A. 40A:20-1 et seq. are permitted. The long term tax exemption would permit a payment in-lieu of taxes (PILOT) for up to 30 years as determined and approved by the Township Redevelopment Entity. In accordance with the statute, the long term exemption would apply to the value of the new improvements, not the value of the land.
3. Undertake redevelopment projects, and for this purpose issue bonds in accordance with the provisions of section 29 of P.L. 1992, c.79 (C.40A:12A-29).
4. Prepare or arrange by contract for the provision of professional services and the preparation of plans by registered architects, licensed professional engineers or planners, or other consultants for the carrying out of redevelopment projects.
5. Arrange or contract with public agencies or redevelopers for the planning, construction, or undertaking of any project or redevelopment work, or any part thereof; negotiate and collect revenue from a redeveloper to defray the costs of the redevelopment entity, including where applicable the costs incurred in conjunction with bonds, notes or other obligations issued by the redevelopment entity, and to secure payment of such revenue; as part of any such arrangement or contract, provide for extension of credit, or making of loans, to redevelopers to finance any project or redevelopment work, or upon a finding that the project or redevelopment work would not be undertaken but for the provision of financial assistance, or would not be undertaken in its intended scope without the provision of financial assistance, provide as part of an arrangement or contract for capital grants to redevelopers; and arrange or contract with public agencies or redevelopers for the opening, grading or closing of streets, roads, roadways, alleys, or other places or for the furnishing of facilities or for the acquisition by

such agency of property options or property rights or for the furnishing of property or services in connection with a redevelopment area. (N.J.S.A. 40A:12A-8)

Any development that occurs within the Redevelopment Area shall comply with the following as required by N.J.S.A. 40A:12A-1 et seq.:

1. The Township of Galloway and any redeveloper shall comply with all statutes of the State of New Jersey governing development and redevelopment including but not limited to N.J.S.A. 40:55D-1 et seq., and N.J.S.A. 40A:12A-1 et seq.
2. The Township of Galloway or redeveloper shall agree to comply with all applicable application submission requirements, design standards and development regulations of the Township of Galloway, County of Atlantic and State of New Jersey except where variances and waivers are properly approved. (N.J.S.A. 40A:12A-13 et seq).
3. The Township of Galloway Planning Board shall review and approve all plans and specifications for development with respect to conformance with this Redevelopment Plan and the Municipal Land Use Law (N.J.S.A. 40:55D-1 et.seq.).
4. The redeveloper shall be required to furnish escrows and performance guarantees as required by the Township of Galloway Planning Board. (N.J.S.A. 40:55D-53).
5. Any affordable housing obligations that may result from any development in the Area shall be addressed in accordance with the requirements of the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), the rules and regulations of the N.J. Council on Affordable Housing (COAH), as now existing or hereafter amended, the housing element of the Township's Master Plan and any Development Ordinances. Contributions by Redevelopers towards any COAH obligations of the Township shall be addressed in a redevelopment agreement between the Redeveloper and the Township.

### ***Relocation***

There are no housing units located within the limits of the subject property for this redevelopment plan, therefore there is no need to make accommodations for the temporary or permanent relocation of residents. (N.J.S.A. 40A:12A-7a(3))

### ***Acquisition***

There is no proposal to acquire property in this redevelopment plan. (N.J.S.A. 40A:12A-7a(4))

### ***Affordable Housing***

There are no housing units existing within the limits of the subject property for this redevelopment plan, therefore there is no need for an inventory of units or an affordable housing replacement plan. (N.J.S.A. 40A:12A-7a(7))

## **RELATIONSHIP TO OTHER PLANS**

An important requirement of a Redevelopment Plan is consistency with the goals and objectives of already adopted plans for the area. This Redevelopment Plan is specifically designed to promote the adaptive reuse of the subject property. The overall goal of the Master Plan is to continue development patterns that reduce trip generation, create livable communities and to enhance the overall quality of life for the residents of Galloway Township. The redevelopment plan promoting and encouraging the reuse of a closed landfill as a solar energy facility is consistent with local objectives. (N.J.S.A. 40A:12A-7a(1)).

### ***Township Plans – (N.J.S.A. 40A:12A-7d)***

The Master Plan for the Township of Galloway was adopted on March 1, 2001, with a subsequent Reexamination and update on March 22, 2007 and July 12, 2007. This Redevelopment Plan helps to achieve the following Master Plan Goals:

- Promote infill and redevelopment in appropriate locations and at appropriate densities.
- Ensure compatibility wherever possible between existing and proposed land uses.
- Encourage site design standards that will minimize impacts on properties in surrounding zoning districts.
- Create performance standards that will help to mitigate potential conflicts for proposed development.

### ***Plans of Surrounding Municipalities - (N.J.S.A. 40A:12A-7a(5)(a))***

The redevelopment area does not border any nearby municipality. It is centrally located and borders the Smithville Planned Unit Development. This redevelopment plan is not inconsistent with developments in nearby municipalities.

### ***County Plans - (N.J.S.A. 40A:12A-7a(5)(b))***

The following goals and objectives of the Atlantic County Master Plan adopted in October of 2000 are advanced by the proposed redevelopment:

- Promote quality growth and development in areas where capital facilities are available.
- To discourage growth in areas that would require unplanned extension of capital facilities.
- Promote lands for a diversity of economic development opportunities within the communities of Atlantic County

The proposed redevelopment plan is therefore consistent with the Master Plan of Atlantic County.

***State Development and Redevelopment Plan - (N.J.S.A. 40A:12A-7a(5)(c))***

Any redevelopment is also consistent with the State Development and Redevelopment Plan. The redevelopment area is located in the Rural Planning Area (PA4) under the State Plan. The State Plan’s intent for the Rural Planning Area is to “maintain the Environs as large contiguous areas of farmland and other lands; revitalize cities and towns; accommodate growth in Centers; promote a viable agricultural industry; protect the character of existing stable communities; and confine programmed sewers and public water services to Centers.”

This site is a developed property that was a former landfill. The proposed redevelopment will not result in growth outside of areas designated for growth and will allow for the adaptive reuse of a former landfill. There are no infrastructure needs for water and sewer and the development of a solar generating facility will not change the character of the area. The Redevelopment Plan is consistent with the State Development and Redevelopment Plan.

## **ADMINISTRATION**

### ***General Provisions***

The definitions provided in N.J.S.A. 40A:12A-3 are incorporated into this plan by reference.

Any plans or plats approved by the Township of Galloway or its agencies and subsidiaries prior to the adoption of this redevelopment plan shall not be subject to the requirements of this redevelopment plan.

## *Redeveloper Entity*

As permitted under N.J.S.A. 40A:12A-4, the Governing Body is hereby designated the entity to implement this redevelopment plan. When necessary for the implementation of this plan, the Township of Galloway may enter into an agreement with a redeveloper for any construction or other work forming a part of this redevelopment plan. (N.J.S.A. 40A:12A-4-(c))

## *Agreements with Redevelopers*

In accordance with N.J.S.A. 40A:12A-9, the following shall apply to all redeveloper agreements:

1. All agreements, leases, deeds and other instruments between the redevelopment entity and a redeveloper shall contain a covenant running with the land requiring that the owner shall construct only the uses established in the current redevelopment plan. All agreements shall include a provision requiring the redeveloper to begin the building of the improvements for those uses within a period of time which the redevelopment entity fixes as reasonable.
2. The redeveloper shall agree to retain interest in the project until the completion of construction and development of the specific project. If the redeveloper requires a third party financing agreement, the redeveloper shall manage the project through completion. If the redeveloper is required to relinquish any interest in the project to a third party, the approval of the redevelopment entity is required. The redeveloper shall agree not to lease, sell or transfer interest or any part thereof without prior written approval of the redevelopment entity.
3. Upon completion of the required improvements, the conditions determined to exist at the time the area was determined to be in need of redevelopment shall be deemed to no longer exist. Thus, the land and improvements thereon shall no longer be subject to this plan and the Local Redevelopment and Housing Law.
4. The covenants, provisions and controls shall be deemed satisfied upon termination of the agreements and covenants entered into by the redeveloper to construct the improvements and to perform the redevelopment. The rights of any third party acquired prior to termination of the agreements, including, but not limited to, any tax exemption or abatement granted pursuant to law, shall not be negatively affected by termination and satisfaction of the covenants.

A lease to a redeveloper may provide that all improvements shall become the property of the municipality or redevelopment entity. The execution of a lease with that provision shall not impose upon the municipality or redevelopment entity any liability for the financing, construction, management or operation of any redevelopment project, or any part thereof.

### ***Time Limits***

The redeveloper of a specific project within the development area shall begin the development of land and construction of improvements within a reasonable period of time to be determined in an agreement between Township of Galloway and a duly designated redeveloper. (N.J.S.A. 40A:12A-8(f)).

### ***Discrimination Ban***

No covenant, lease conveyance or other instrument shall be executed by the redevelopment entity or the redeveloper whereby land or structures with this redevelopment is restricted upon the basis of race, creed, color, gender, marital status, age, disability, familial status or national origin.

The termination of this plan shall in no way permit the land or structures of the redevelopment area to be restricted on the basis of race, creed, color, gender, marital status, age, disability, familial status or national origin.

### ***Deviations from Provisions of Approved Redevelopment Plan***

The Planning Board may review and retain jurisdiction over applications requiring relief for deviations from this Redevelopment Plan or other Township development ordinances, except as set forth below. Accordingly, an amendment to the Redevelopment Plan shall not be necessary if the selected developer(s) desires to deviate from the bulk provisions set forth in this Redevelopment Plan or the pertinent sections of the Galloway Development Regulations and Zoning Ordinance, the PR-1 Overlay Zone, or from the design standards set forth in this Redevelopment Plan or other Township development ordinances so long as the Redeveloper obtains an appropriate variance from the Planning Board. All requests for such relief shall be made to the Planning Board accompanied by a complete application for development as otherwise required by Township ordinance. Decisions on such requests shall be made in accordance with the legal standards set forth in N.J.S.A. 40:55D-70(c) in the case of requests for relief from zoning standards, and in accordance with the legal standards set forth in N.J.S.A. 40:55D-51 in the case of requests for relief from design standards.

No deviations shall be granted that result in any of the following effects or conditions:

1. To allow a use not specifically permitted within the Project Area;
2. Deviation from the phasing plan for public improvements or other contractual obligations of the redeveloper to the Redevelopment Authority.

### ***Amendments to Approved Redevelopment Plan***

This Redevelopment Plan may be amended from time to time in accordance with the provisions of the Local Redevelopment and Housing Law of 1992, as may be amended.

### ***Repeal and Severability Statements***

All ordinances or parts of ordinances inconsistent with this Redevelopment Plan are repealed to the extent of such inconsistency only. If any provision or regulation of this redevelopment plans should be judged invalid by a court of competent jurisdiction, such order or plan shall not affect the remaining portions of this plan which shall remain in full force and effect.

## **CONCLUSION**

The Township has owned the landfill for 45 years and has worked to successfully close the landfill over 24 years ago. The Redevelopment Plan as proposed for a solar generating facility would allow for the productive reuse of the closed landfill. The solar generating facility will enhance the local area and invest in the community. This area has seen a lack of investment and the solar generating facility would provide a benefit to the Township as a whole by allowing for the productive reuse of a formerly underutilized and unviable piece of land.