

**AGENDA
WOOLWICH TOWNSHIP COMMITTEE
JUNE 5, 2023**

Call to order:

The June 5, 2023 meeting of the Woolwich Township Committee is being called to order. Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act.

Roll Call:

Flag Salute:

Privilege of the Floor/Agenda Items: The public is reminded to please stand and state their name and address for the record prior to addressing the Committee.

Brian/Ed Commendation

Ordinance:

2023-12 Ordinance of the Township of Woolwich Amending Chapter 203, Section 39, Entitled "5A Acre Residential District" in Accordance with the 2022 Master Plan Re-Examination

Second Reading/Public Hearing

2023-13 Ordinance of the Township of Woolwich Amending Chapter 95 Entitled "Fees" in Accordance with the 2022 Master Plan Reexamination

Second Reading/Public Hearing

2023-14 Ordinance of the Township of Woolwich Repealing the Transfer of Development Rights Ordinances and Amending Chapter 203 Entitled "Zoning" in Accordance with the 2022 Master Plan Reexamination

Second Reading/Public Hearing

2023-15 Ordinance of the Township of Woolwich Amending Chapter 203, Section 35 Entitled "Zoning Map" in Accordance with the 2022 Master Plan Reexamination and as Permitted Under 40:55D-32

Second Reading/Public Hearing

2023-16 An Ordinance of the Township of Woolwich, County of Gloucester, State of New Jersey Adopting an Amendment to the Kings Landing Redevelopment Plan

Second Reading/Public Hearing

Resolutions:

R-2023-129 Resolution of the Township of Woolwich, County of Gloucester, Adopting an Amended Round 3 Affordable Housing Spending Plan and Requesting Judicial Review and Approval of Same Previously tabled

R-2023-139 Resolution Authorizing the Tax Collector to Transfer or Refund Overpayment of Taxes

R-202-140 Resolution of Support Regarding NJDOT Traffic Order Regulation Establishing Right Turn Only Exit Driveway to US Rt. 322 from Commodore Business Center

R-2023-141 Resolution Authorizing Performance Bond Reduction No. 1-Villages I Section 4.2

R-2023-142 Resolution Authorizing Renewal of Plenary Retail Consumption License #0824-33-003-002 to Center Square Tavern, LLC

R-2023-143 Resolution Authorizing Execution of Redevelopment Agreement with CP Woolwich Urban Renewal, LLC for Block 28.04, Lot 7

Old Business: Flashing Signalization
Fredrick Blvd. Speed Humps Update
Long Leaf Speed Update
Farmland Preservation Efforts/Notice to Land Owners

New Business: FY 2024 NJDOT Municipal Aid Project
Town Hall Meeting June 7, 2023 @ 6:30 p.m.

Privilege of the Floor: The public is reminded to please stand and state their name and address for the record prior to addressing the Committee.

R-2023- ____ Resolution for Closed Session (if needed)

Approval of Bills and P.O.'s:

Adjournment:

NOTICE PURSUANT TO N.J.S.A. 10:4-8(d)

The items listed on the tentative agenda of the Mayor and Township Committee of the township of Woolwich constitutes the agenda to the extent known at the time of posting. Since this agenda is tentative, items may be added and/or deleted prior to the commencement of the meeting. Formal action may or may not be taken regarding each item listed on the final agenda.

RULES AND REGULATIONS OF THE WOOLWICH TOWNSHIP COMMITTEE: These procedures are designed to ensure an orderly conduct of business and to allow the tape recording of the proceedings to record all comments made with accuracy.

Township Committee welcomes public comment on any governmental issue that a member of the public feels may be of concern to the resident of the municipality. There will be two (2) portions, up to thirty (30) minutes in duration or as determined by the Mayor or Deputy Mayor, set aside for such comment at every monthly meeting of the Committee. There will be no other public comment accepted unless directed by the Mayor or Deputy Mayor or by an approved motion of the Committee, such as a public hearing.

Comments relating to specific items that are scheduled for a public hearing can only be made at the time of the public hearing on the issue. In taking action on these items, the Township Committee will consider the comments presented at public hearing and any member of the committee can request the Mayor or Deputy Mayor designee for permission to question or address Township Committee.

Each person who wishes to speak shall raise his or her hand to be recognized before speaking. When recognized, the speaker must state their name, address and purpose of their comments. A second opportunity for the same individual to speak will only be allowed after all others have had their opportunity.

Individuals' comments will be limited to a maximum of five (5) minutes to allow as many residents to speak as possible. Other members of the Committee, municipal employees or Township professionals will respond only when requested by the Mayor or his/her designee.

No intra-audience dialogue is permitted during the open session of any meeting. Such behavior is disruptive and will not be permitted.

Speakers on both sides shall treat each other with courtesy and respect in both action and utterance. No personal attacks or "poisonous" rhetoric will be permitted. The Mayor or Deputy Mayor will give one warning of improper behavior or rhetoric to a speaker. On the next offense the speaker will be asked to relinquish the floor to another speaker.

Closed sessions of the Township Committee will normally be held at the end of the normal business part of any meeting. Exceptions to this may be made due to professional commitments or anticipated outcomes deemed of significant public interest.

**TOWNSHIP OF WOOLWICH
GLOUCESTER COUNTY, NEW JERSEY
ORDINANCE NO. 2023-12**

**ORDINANCE OF THE TOWNSHIP OF WOOLWICH AMENDING CHAPTER 203,
SECTION 39, ENTITLED “5A ACRE RESIDENTIAL DISTRICT” IN ACCORDANCE
WITH THE 2022 MASTER PLAN RE-EXAMINATION**

WHEREAS, via Resolution #2022-33, the Joint Land Use Board of the Township of Woolwich adopted a re-examination of the Township of Woolwich Master Plan (“2022 Master Plan Re-Examination Report”); and

WHEREAS, the 2022 Master Plan Re-examination Report contains various recommendations as to the Township Zoning Map and Zoning Ordinance; and

WHEREAS, the Master Plan Re-examination Report recommended that the Township adopt a clustering ordinance for the 5-acre zoning district (5A) to support the preservation of farmland and greenway space while allowing for development in areas outside of environmentally sensitive lands and nearby existing utilities; and

WHEREAS, pursuant to N.J.S.A. 40:55D-62(a) the Township Committee of the Township of Woolwich (“Township Committee”), is authorized to and has the power and authority to adopt or amend zoning ordinances; and

WHEREAS, N.J.S.A. 40:55D-65(k) authorizes a municipality to create cluster development and establish criteria for such cluster development; and

WHEREAS, the Township Committee has determined that it is in the best interest of the Township to adopt a clustering ordinance in order to implement the recommendations set forth in the 2022 Master Plan and to strike an appropriate balance between development and preservation of farmland and/or other greenway space within the Township of Woolwich.

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

Section 1. Section 203-39 of the Woolwich Township Zoning Ordinance of 1992, entitled, “5A Five Acre Residential District”, is hereby repealed in its entirety and replaced with the following:

A. Intent.

- (1) The intent of the 5A Residential District is to provide appropriate regulations which permit the development of single-family detached dwellings while also providing incentives for the set aside of greenway land.

- (a) To conserve farmland and greenway space, including those areas containing farmland, unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains and wetlands, by setting them aside from development;
- (b) To provide greater design flexibility and efficiency in the design of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development;
- (c) To protect areas of the Township's with productive agricultural soils for continued or future agricultural use;
- (d) To create neighborhoods with access to amenities in the form of greenway space, and outdoor recreation space; and
- (e) To provide options for landowners in order to minimize impacts on farming and environmental resources (sensitive lands such as wetlands, floodplain and steep slopes) and disturbance of natural or cultural features such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings and fieldstone walls.

B. Use regulations.

- (1) Principal uses. In the 5A District, no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used, except for one or more of the following uses:
 - (a) Single-family detached dwellings.
 - (b) Farmhouses and farm buildings.
 - (c) Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill and community residences for persons with head injuries shall be subject to the same standards and requirements for single-family detached residences in this district, provided that they conform to the definitions found in N.J.S.A. 40:55D-66.2.
 - (d) Public and nonprofit playgrounds, athletic fields, swimming pools, conservation areas, parks and public purpose uses.
 - (e) Temporary buildings, temporary construction offices and temporary storage of materials, provided that such use is located on the lot where construction is taking place or on a lot adjacent to or part of the development site and that such temporary use is to be terminated within 30 days of issuance of a final certificate of occupancy for the total project or when work is abandoned.
 - (f) Building structures and uses owned and operated by the Township.
 - (g) Agriculture use and horticulture, including farm markets located on and operated in conjunction with farm property qualifying for farmland assessment.
 - (h) Accessory uses and accessory buildings incidental to the above permitted principal uses.
- (2) Conditional uses. In the 5A District, the following uses may be permitted as conditional uses:

- (a) Home occupations as an accessory to a residential use subject to the requirements of § 203-61.
- (b) The keeping of horses or ponies, subject to the special requirements of § 203-62.
- (c) Intensive fowl or livestock farms, subject to the special requirements of § 203-67.
- (d) Breweries, distilleries, and wineries subject to the criteria governing such uses as contained in § 203-77.

C. Bulk and area regulations. In order to achieve these purposes, this section provides for flexibility in designing new residential subdivisions in the 5A Residential District by allowing development according to one of the following standards:

(1) General bulk standards.

Table of Options			
	Option 1: Conventional Lotting	Option 2: 3 acre clustering w/ greenway land	Option 3: 2acre clustering w/ greenway land
Density ¹	5 acres/DU	3 acres/DU	2 acres/DU
Minimum lot size	5 acres	1 acre	1 acre
Minimum yards			
Front yard	75 ft.	50 ft.	50 ft.
Side yard	25 ft.	20 ft.	20 ft.
Rear yard	50 ft.	30 ft.	30 ft.
Maximum building coverage	5%	10%	10%
Maximum impervious coverage	15%	30%	30%
Maximum building height	35 ft.	35 ft.	35 ft.
Minimum Greenway Land	0%	30% of the gross tract area ²	50% of the gross tract area ²
Minimum lot width	200 ft.	70 ft.	70 ft.

Note:

1. Density shall be determined based on gross tract area. For example, for a 100 acre tract: (i) if conventional lotting (Option 1) is utilized, the maximum number of developable lots would be 20 lots; (ii) if 3-acre clustering (Option 2) is utilized, the maximum number of developable lots would be 33 lots; and (iii) 2-acre clustering (Option 3) is utilized, the maximum number of developable lots would be 50 lots.
2. Greenway Land Requirements are set forth in Subsection E. below.

(2) Accessory use bulk standards. If utilizing 3-acre clustering (Option 2) or 2-acre clustering (Option 3), accessory uses shall conform with Section 203-59. If using conventional lotting (Option 1), the following standards apply:

- (a) The gross floor area of any building shall not exceed 2% of the lot area, and the total size of all accessory buildings shall not exceed 4% of the lot area.
- (b) No accessory building shall be located within 15 feet of any side or rear property line.
- (c) No accessory building shall be permitted between the building line and the street line.
- (d) The height of an accessory building shall not exceed 25 feet or the height of the principal building, whichever is less.

D. Special requirements.

- (a) Sewer and septic facilities shall comply with §149-55.
- (b) No junk cars or abandoned vehicles shall be stored or permitted upon any lot, road or street.
- (c) Removal of topsoil from any lot shall be consistent with Gloucester County Soil Conservation district regulations and other applicable requirements.
- (d) All lots that were existing as conforming lots, either as part of an approved subdivision or isolated with an existing residential structure, in the R-1 or R-2 Zoning Districts prior to December 31, 2022, must conform to the standards for the district that they existed in at the time of approval for any future addition or accessory structure.
- (e) New dwelling setbacks:

- (a) From all external road rights-of-way: 100 feet.
- (b) From all other tract boundaries: 50 feet.
- (c) From active crop, pasture, preserved land, agricultural land, or from buildings and barnyards housing livestock: 100 feet, with a 50-foot year-round fully vegetative screen consisting of a mixture of evergreen and deciduous plantings.

E. Greenway Land Requirements. All greenway land provided under the 3-acre clustering (Option 2) or the 2-acre clustering (Option 3) shall comply with the following requirements:

(1) Uses Permitted on greenway land.

- (a) If utilizing 3-acre clustering (Option 2), uses permitted on greenway land shall be:
 - (i) all uses set forth in Section 203-72.B.(1) through (6); and
 - (ii) if owned and maintained by a homeowners' association, noncommercial recreation areas, such as playing fields, playgrounds, tot lots, sports courts, and bikeways, if surfaced with impervious cover and properly drained, and provide safe ingress and egress is provided.
- (b) If utilizing the 2-acre clustering (Option 3), uses permitted on greenway land shall be:
 - (i) all uses set forth in Section 203-72.B.(1) through (9);
 - (ii) if owned and maintained by a homeowners' association, noncommercial recreation areas, such as playing fields, playgrounds, tot lots, sports courts, and bikeways, if surfaced with impervious cover and properly drained, and provide safe ingress and egress is provided; and
 - (iii) wetlands and wetland buffers.

- (2) All greenway land shall be designed in accordance with the design standards set forth in set forth in Section 203-72.C(1) and Section 203-72.D(1) and (2) and all other applicable standards set forth in the Township Zoning Code. In addition, the following requirements shall apply:
 - (a) Recreational facilities, recreation areas, and neighborhood open spaces shall be carefully planned, designed and located within the greenway land to avoid problems of noise, lighting and other nuisances which might interfere with the use and enjoyment by residents of the development, and when such areas are not open to the public, to provide privacy for the users.
 - (b) Forestry use shall require preparation of and compliance with a forestry management plan prepared by a forester approved by the New Jersey Department of Environmental Protection pursuant to N.J.A.C. 7:3-2, as may be amended or supplemented.
 - (c) Stormwater facilities shall apply with New Jersey Stormwater Regulations, N.J.A.C. 7:8, as may be amended and supplemented, and Chapter 157.
 - (d) Agricultural use shall be subject to the requirements of Subsection E.(8) below.
 - (e) All deed restrictions and conservation easements shall contain all of the design standards set forth in this Subsection.
- (3) All greenway land shall be subject to a permanent conservation easement or a permanent deed restriction prohibiting future development and subdivision. Only those uses set forth in Subsection E.(1) above may be listed in the conservation easement or deed restriction. Under no circumstances shall any greenway land be utilized for any uses other than those set forth in Subsection E.(1) above.
- (4) All deed restrictions and conservation easements shall contain the maintenance obligations set forth in Section 203-72.F(4) and shall identify the person or entity responsible for maintaining the greenway land. Maintenance for conservation of open space in its natural state shall consist of maintaining the greenway land in its natural state and maintenance for agriculture and horticultural uses shall consist of active agriculture or horticulture operations.
- (5) Notwithstanding the provision of greenway land, the Joint Land Use Board may require portions of fee simple lots to be encumbered by conservation easements when necessary to protect valuable or sensitive natural features or landscape features on such lots.
- (6) All greenway land shall comply with the requirements of Section 203-72.F(2)(a) through (d) and Section 203-72.F(3) and (4).

F. Greenway land deed restriction requirements. Greenway land shall include within the permanent deed restriction or permanent conservation easement the following requirements:

(1) Permitted Uses. The greenway land shall only be utilized for one or more of the uses set forth below (each a “Greenway Land Permitted Use”). Under no circumstances shall the greenway land be utilized for any uses other than those set forth. Any use authorized herein shall obtain all necessary approvals in accordance with the Township Code.

- a. Conservation of open space in its natural state;
- b. Agricultural and horticultural uses;
- c. Pastureland for horses based on best management practices;
- d. Forestry, in keeping with established best management practices for selective harvesting and sustained yield forestry;
- e. Neighborhood open spaces uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses, specifically excluding motorized off-road vehicles, shooting ranges, and other uses set forth in Resolution _____ of the Woolwich Township Joint Land Use Board;
- f. Public park;
- g. Active noncommercial recreation areas;

[WHERE 50% GREENWAY LAND HAS BEEN PRESERVED ADD THE FOLLOWING].

- h. Water supply systems and stormwater detention areas designed, landscaped, and available for use as an integral part of the greenway;
- i. Easements for drainage, access, sewer, or water lines, or other public purposes; and
- j. Underground utility rights-of-way. Aboveground utility and street rights-of-way may traverse conservation areas but shall not count toward the minimum required greenway land.

(2) Development Prohibited. No new structures, or the expansion of preexisting structures, or further subdivision of the greenway land is permitted, except as specifically authorized herein. Any development of the greenway lands shall comply with the Township’s Stormwater Control Ordinance, as may be amended or supplemented, and if applicable, the Stormwater Management Regulations adopted by the New Jersey Department of Environmental Protection. Site Plan approval or a site plan waiver shall be obtained for any development of greenway land to the extent site plan approval is required pursuant to Section 149-4 of the Township Code, as may be amended or supplemented.

(3) Maintenance Requirements. The greenway land shall be maintained in accordance with the following requirements:

- a. A maintenance plan entitled, _____, prepared by _____ and dated _____, is on file with the office of the Joint Land Use Board (“Maintenance Plan”). All maintenance of the greenway land shall be in accordance with the Maintenance Plan. The Property Owner (as defined below), shall be responsible for undertaking all maintenance in accordance with the Maintenance Plan. Maintenance obligations for conservation of open space in its natural state shall consist of maintaining the greenway land in its natural state and maintenance obligations for agricultural and horticultural uses shall consist of active agriculture or horticultural operations.
 - b. The cost and responsibility of maintaining the greenway land shall be borne by the owner of the greenway land (“Property Owner”) during the period of time in which the greenway land holds title. The Property Owner shall maintain and update annually a funding plan which shall include a plan for funding all operating and maintenance expenses set forth in the Maintenance Plan, as well as a plan to fund all capital improvements that may be necessary to maintain the greenway land and all improvements thereon in a good and safe working order.
 - c. In the event that any Property Owner fails to maintain all or any portion of the greenway land in a reasonable order and condition, the Township of Woolwich may, in its sole discretion, take the following actions: (i) enter the greenway land; (ii) take corrective action, including extended maintenance; and (iii) charge all costs for such corrective action, including extended maintenance, to the Property Owner (“Maintenance Costs”). The Property Owner shall pay all Maintenance Costs charged by the Township to the Property Owner pursuant to this section within thirty (30) days from receipt of the Township’s demand for payment of the same. In the event that the Property Owner fails to pay the Maintenance Costs within thirty (30) days, the Maintenance Costs shall become a lien on the greenway land and the Township may record such lien with the Gloucester County Clerk’s Office.
- (4) Enforcement. In accordance with N.J.S.A. 40:55D-39.1, the restrictions contained herein shall be enforceable by the Township of Woolwich and the State of New Jersey.

- (5) Restrictions Applicable to Greenway Land in its Natural State. All greenway land shall be preserved in its natural state and any/all activities that inhibit the natural succession of vegetation are prohibited.
- (6) Restrictions Applicable to Agricultural or Horticultural Use. All greenway land used for agricultural or horticultural shall comply with the following requirements:
 - a. Housing and Buildings. The continued use of existing non-agricultural structures, construction of new buildings/structures and the expansion of existing buildings/structures, regardless of its purpose, shall be prohibited except as follows:
 - i. Existing Structures. All nonagricultural uses, if any, existing on the greenway land as of the date of the Joint Land Use Board's Resolution approving the greenway land may be continued and any structure may be restored or repaired in the event of partial destruction, provided such uses are specifically identified in the Joint Land Use Board's Resolution. No new structures, or the expansion of preexisting structures for nonagricultural uses, are permitted, except as specifically authorized herein. In the event a preexisting nonagricultural use is abandoned, the right to continue the use is extinguished. Any existing residential structures on the greenway lands shall be counted as part of the overall density of the tract.
 - ii. Agricultural Labor Housing. The provision of structures for housing of agricultural labor employed by an owner or operator of the agricultural operation is permitted. Such housing shall not be used as a residence for the Property Owner, Property Owner's spouse, Property Owner's parents, Property Owner's lineal descendants, adopted or natural, Property Owner's spouse's siblings, parents or Property Owner's spouse's lineal descendants, adopted or natural. Such land shall only be occupied by agricultural labor who works, at least three (3) months out of the year, at an agricultural operation located, at least in part, within the Township of Woolwich, and which is owned or operated by the Property Owner. Proof of employment shall be maintained by the Property Owner of the greenway land.
 - iv. Agricultural Structures. New buildings for non-residential agricultural purposes may be constructed on the greenway land to the extent permitted by the Woolwich Township Zoning Ordinance and the New Jersey Right to Farm Act.

- v. Expansion of Existing Structures for Alcohol Production. To the extent permitted by Woolwich Township Zoning Ordinance, a building that existed on the greenway land as of the date of the Joint Land Use Board's Resolution approving the greenway land may be expanded up to fifty (50) percent, subject to the following requirements: (A) the building is specifically identified in the Joint Land Use Board's Resolution at the time the greenway land is created; (B) in no case shall the building be expanded more than 2,000 square feet of the building's original size; (C) the expansion shall be solely for the purposes of utilizing the building for a winery, brewery, distillery and/or other alcohol production facility on the greenway land; (D) the predominant crops on the greenway land shall be used in the production and the use; and (E) the expansion does not diminish the actual or potential use of the greenway land for agricultural production.

- vi. Expansion of Existing Structures for Bed-and-Breakfast Use. To the extent permitted by Woolwich Township Zoning Ordinance, a building that existed on the greenway land as of the date of the Joint Land Use Board's Resolution approving the greenway land may be expanded up to fifty (50) percent, subject to the following requirements: (A) the building is specifically identified in the Joint Land Use Board's Resolution at the time the greenway land is created; (B) in no case shall the building be expanded more than 2,000 square feet of the building's original size; (C) the expansion shall be solely purpose of utilizing the building for a bed-and-breakfast; (D) the expansion does not diminish the actual or potential use of the greenway land for agricultural production; and (E) the use shall comply with the an agricultural management practice requirements for on-farm direct marketing facilities, activities and events, as set forth in N.J.A.C. 2:76-2A.13, as may be amended or supplemented or any site specific agricultural management practice approved by the State Agricultural Development Committee or the County Agricultural Development Board pursuant to the Right to Farm Act.

- vii. Expansion of Existing Structures for Social Events. To the extent permitted by Woolwich Township Zoning Ordinance, a building that existed on the greenway land as of the date of the Joint Land Use Board's Resolution

approving the greenway land may be expanded up to fifty (50) percent, subject to the following requirements: (A) the building is specifically identified in the Joint Land Use Board's Resolution at the time the greenway land is created; (B) in no case shall the building be expanded more than 2,000 square feet of the building's original size; (C) the expansion shall be solely purpose of utilizing the building for social events such as weddings, and temporary structures may be used for said social events; (D) the expansion does not diminish the actual or potential use of the greenway land for agricultural production; and (E) the use shall comply with the an agricultural management practice requirements for on-farm direct marketing facilities, activities and events, as set forth in N.J.A.C. 2:76-2A.13, as may be amended or supplemented or any site specific agricultural management practice approved by the State Agricultural Development Committee or the County Agricultural Development Board pursuant to the Right to Farm Act.

- b. Agricultural and Horticultural Uses. Use of greenway lands shall be in accordance with the following:
 - i. The greenway lands may be used for any activity listed in N.J.S.A. 4:1C-9 of the Right to Farm Act where the operation conforms to an agricultural management practice adopted by the State Agricultural Development Committee as set forth in N.J.A.C. 2:76-2A or 2B, as may be amended or supplemented, or whose specific operation or practice has been determined to be appropriate by the State Agricultural Development Committee or County Agricultural Development Committee pursuant to the Right to Farm Act, and which does not pose a direct threat to public health or safety.
 - ii. The greenway lands may be used to the extent permitted by the State Agricultural Development Committee or the County Agricultural Development Board pursuant to a site specific management practice approved pursuant to the Right to Farm Act.
 - iii. Agricultural management practices as have been and continue to be promulgated by the New Jersey State Agriculture Development Committee pursuant to its authority under N.J.A.C. 2:76-2.1 et seq., N.J.A.C. 2:76-2A.1 et seq., N.J.A.C. 2:76-2B.1 et seq. and the Right

to Farm Act (N.J.S.A. 4:1C-1 et seq.) are expressly permitted.

- iv. No activity shall be permitted which would be detrimental to drainage, flood control, water conservation, erosion control, or soil conservation, nor shall any other activity be permitted which would be detrimental to the continued agricultural use of the land and buildings.
- v. Public improvements including but not limited to roadways, drainage facilities and other public infrastructure are permitted so long as the public improvements individually or collectively have no more than a de minimis impact on the actual or potential use of the land for agricultural production. The right to maintain all roads and trails existing upon the land as of the date of the deed of easement shall be preserved. The construction, improvement or reconstruction of any roadway necessary to service crops, agricultural buildings, or reservoirs is permitted as necessary.
- vi. To the extent permitted by Woolwich Township Zoning Ordinance or Right to Farm Act, the land may be used for certain recreational activities such as hunting, fishing, cross-country skiing and ecological tours, only if such activities do not interfere with the actual or potential use of the land for agricultural production. Other recreational activities which alter the land, such as indoor recreational facilities, golf courses and athletic fields, are prohibited unless expressly authorized herein. However, if the greenway land is acquired by a governmental entity, the governmental entity may establish outdoor active recreational uses on the greenway land.
- vii. Disposal of sludge or any waste material resulting from treatment of waste water, domestic or otherwise, is expressly prohibited. No sand, gravel, loam, rock or other minerals shall be deposited on or removed from the premises except those materials required by the agricultural purpose for which the land is used. No dumping or placing of trash or waste material shall be permitted unless expressly authorized by the State Agricultural Development Committee or the County Agricultural Development Board as an agricultural management practice and pursuant to the Right to Farm Act and subject to any restrictions imposed by the

Township consistent with that Act.

- viii. No historic building or structure (included in the New Jersey Register of Historic Places) located on the land may be demolished by the grantor or any other person without the prior approval of the Township Committee, with a recommendation from the Joint Land Use Board.
- ix. The construction of billboards, golf courses, cellular phone towers, solar panels, wind turbines, airstrips, and helicopter pads is expressly prohibited. Notwithstanding this Subsection, solar panels and wind turbines used to generate electricity for uses on the greenway lands are permitted to the extent permitted by the agricultural management practice for solar generation facilities set forth at N.J.A.C. 2:76-2A-12 as may be amended or supplemented, or as permitted pursuant to any site specific agricultural management practice approved by the State Agricultural Development Committee or the County Agricultural Development Board pursuant to the Right to Farm Act.
- x. To the extent permitted by the Woolwich Township Zoning Ordinance or the Right to Farm Act, fences may be constructed in support of the agricultural operation and to prevent trespassing. On any designated public areas, no fences shall be erected to block access to public areas from the general public.
- xi. The right to plant, grow, and harvest trees, timber and forest products and to engage in other woodland management activities related thereto provided that the same are carried out in a manner consistent with the Farmland Assessment Act of 1964 (N.J.S.A. 54:4-23.1 et seq.).
- xii. To the extent permitted by Woolwich Township Zoning Ordinance, permissible improvements allowed in conjunction with permitted uses to include the installation of needed driveway and/or road access and ancillary unpaved parking areas for a maximum of 75 vehicles, subject to the following: (A) it must be demonstrated that the uses individually or collectively will not diminish the actual or potential use of the land for agricultural production; (B) said improvements comply with the agricultural management practice requirements for on-farm

direct marketing facilities, activities and events, as set forth in N.J.A.C. 2:76-2A.13, as may be amended or supplemented or any site specific agricultural management practice approved by the State Agricultural Development Committee or the County Agricultural Development Board pursuant to the Right to Farm Act; and (C) said improvements are subject to the review and approval of the Joint Land Use Board. The use of hiking and biking trails for motorized vehicles is not permitted except for necessary access to the land.

- xiii. Use of the designated public area of the land for public passive recreational use is permitted consistent with the New Jersey Department of Environmental Protection, Green Acres Program Rules (N.J.A.C. 7:36- 1.1 et seq.).
 - viii. To the extent permitted by Woolwich Township Zoning Ordinance, the greenway land may be used as a day camp if it is demonstrated that the uses individually or collectively will not diminish the actual or potential use of the premises for agricultural production and the uses comply with the an agricultural management practice requirements for on-farm direct marketing facilities, activities and events, as set forth in N.J.A.C. 2:76-2A.13, as may be amended or supplemented or any site specific agricultural management practice approved by the State Agricultural Development Committee or the County Agricultural Development Board pursuant to the Right to Farm Act.
 - xiv. To the extent permitted by Woolwich Township Zoning Ordinance, the greenway land may be retained for use as a botanical garden or arboretum if it is demonstrated that the uses individually or collectively will not diminish the actual or potential use of the premises for agricultural production.
- (6) Restrictions Applicable to Pastureland for Horses. All greenway land utilized as pastureland for horses shall comply with the agricultural management practices set forth at N.J.A.C. 2:76-2A.10, as may be amended or supplemented.
- (7) Restrictions Applicable to Forestry Land. Greenway land used for forestry use shall require preparation of and compliance with a forestry management plan or a forestry stewardship plan prepared by a forester approved by the New Jersey Department of Environmental Protection pursuant to N.J.A.C. 7:3-2, as may be amended or supplemented. Use of the greenway land for forestry use, including bot not limited to

harvesting of forest product, shall be in strict compliance with the approved forestry management plan or a forestry stewardship plan.

- (8) Restrictions Applicable to Neighborhood Open Space Uses. Greenway land used for neighborhood open space shall be used in accordance with the following requirements:
- a. In general, greenway lands shall be designed and used to conserve significant natural features located on the site.
 - b. Areas containing environmentally sensitive areas, characterized by the presence of wetlands, steep slopes, stream corridors, flood plains, boulder fields, and/or unique ecology, shall be preserved in their natural state, where possible.
 - c. Areas containing wildlife corridors, wildlife habitat, protected stream corridors, or scenic vistas shall be maintained in their natural state.
 - d. A pathway system may be installed within the greenway land as a walking, hiking or biking trail, provided that no motorized vehicles, other than emergency vehicles, may utilize the pathway system. Preventative measures shall be taken to prevent unauthorized use by motorized vehicles. Pathways shall be laid out in a manner that allows interconnection with existing trails on open space and greenway land within the Township of Woolwich.
 - e. Passive recreation activities which are non-motorized, outdoor and nature based, which require minimal disturbance of the natural environment shall be permitted, such as swimming, fishing, hiking, hunting, trapping, picnicking, nature observation, photography, horseback riding, camping, cross-country skiing, bicycling, snowshoeing, rock climbing, ice climbing, and enjoyment of open space.
 - f. Neighborhood open spaces shall be carefully planned, designed and located within the greenway land to avoid problems of noise, lighting and other nuisances which might interfere with the use and enjoyment by residents of the development, and when such areas are not open to the public, to provide privacy for the users.
- (9) Restrictions Applicable to Public Parks. Greenway land used for public parks shall comply with the requirements set forth in Section 135-1 through Section 135-5, of the Woolwich Township Code, as may be amended and supplemented.
- (10) Restrictions Applicable to Private Active Noncommercial Recreation Areas. Greenway land use for private active noncommercial recreation shall comply with the following requirements:

- a. The uses permitted shall be outdoor active recreation, including baseball fields, softball fields, soccer fields, football fields, lacrosse fields, field hockey fields, multi-purpose fields, running tracks, tennis courts, bocci courts, volleyball courts, pickleball courts, basketball courts, playgrounds, tot lots, running track, or skate parks, or any other outdoor active recreational activity.
- b. No fee may be charged to utilize the recreation areas, other than regular assessments by homeowners' associations or condominium associations.
- c. Greenway land may be surfaced with impervious cover and shall be properly drained, so as to prevent standing water.
- d. Safe ingress and egress to all recreation areas shall be provided.
- e. Lighting may be installed as part of the recreational facilities, subject to the following requirements:
 - i. For field sports, a maximum pole height of 60 feet.
 - ii. The minimum distance of the pole to any property line shall be twice the height of the pole. For example, a forty-foot pole must be a minimum of 80 feet from any property line.
 - iii. Light trespass shall not be more than one-tenth foot-candle at any adjacent residential property line measured at grade.
 - iv. A berm, landscape buffer, where feasible, shall be required to screen the source of light and the lit object from any adjacent residences.
 - v. When not in use or not later than 11:00 p.m., all lighting shall be turned off.
- f. All recreational facilities shall comply with the Americans with Disabilities Act requirements.
- g. Recreational facilities and recreation areas shall be carefully planned, designed and located within the greenway land to avoid problems of noise, lighting and other nuisances which might interfere with the use and enjoyment by residents of the development, and when such areas are not open to the public, to provide privacy for the users.

(11) Restrictions Applicable to Wetland and Wetland Buffers. Unless specifically authorized, greenway lands shall be preserved in its natural state and any/all activities that disturb or inhibit the natural succession of vegetation are prohibited.

Specifically, including but not limited to the following activities, shall not occur within any wetlands or wetland buffers:

- a. Removal, excavation, or disturbance of the soil;
- b. Dumping or filling with any materials;
- c. Erection of structures;
- d. Placement of pavement;
- e. Destruction of plant life which would inhibit the natural succession of vegetation, including mowing of fields and the development of new gardens, except as approved in the conservation restriction or easement, or in accordance with a non-native/invasive species removal plan approved by the Grantee prior to removal;
- f. The use of fertilizers, herbicides or pesticides;
- g. Alteration of the hydrology of the Restricted Area; and
- h. Any other activities, except as specifically set forth below:
 - i. To enter upon the greenway land in a reasonable manner and at reasonable times so as to assure compliance with these restrictions; and
 - ii. In addition to the exercise of any other statutory or common law right, to enjoin any activity on, or use of, the greenway land that is inconsistent with the purpose preventing any disturbance or development of wetlands and/or wetlands buffers, and to enforce the restoration of such areas or features of the greenway land that may be damaged by inconsistent activity or use.
- i. Any greenway land used for wetlands or wetlands buffers shall not be permitted to change to any other Greenway Land Permitted Use.

(12) Restrictions Applicable to Water Supply Systems. Water supply systems in which a well or other potable water source is located on the greenway lands shall comply with the following requirements:

- a. The following shall not be constructed, maintained or caused to be constructed or maintained within 100 (one hundred) feet of any potable water source on the greenway land: cesspools; sewers; pressure effluent pipes; building sewers; privies; septic tanks; drainfields; and any other receptacle for the storage, conveyance, treatment, or disposal of sewage;

manure piles; manure, sewage, and other lagoons; building foundations; garbage of any kind or description; loafing shed; animal feeding stations; barns; chicken houses; rabbit hutches; dog kennels; pigpens; or other enclosures or structures for the keeping or maintenance of fowl, or other animals (either partial or completely within the 100 foot radius); underground storage tanks; hazardous waste sites; storage of liquid or dry chemicals, herbicides, or insecticides; public roads; surface water; railroad tracks; power utility or gas lines(except for individual residential power lines for service); or known or suspected sources of contamination such as use or application of liquid or dry chemicals, herbicides or insecticides on or around household foundations or any other structural foundations; and fuel storage tanks.

- b. The Property Owner of the greenway land shall take all actions necessary to ensure that the potable water supply is not open to the danger of contamination from any source.
- c. Water supply systems shall be of adequate quantity, be of a safe and sanitary quality, and be constructed, protected, operated, and maintained pursuant to the New Jersey Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq., N.J.A.C. 7:10, the New Jersey Uniform Construction Code, N.J.A.C. 5:23, and local laws, ordinances, and regulations.
- d. Any greenway land used for water supply systems shall not be permitted to change to any other Greenway Land Permitted Use.

(13) Restrictions Applicable to Stormwater Detention Areas. Any greenway lands utilized for stormwater detention areas, or any stormwater basin or other stormwater facility, shall comply with the following requirements:

- a. All stormwater detention areas, stormwater basins or other stormwater facilities shall be maintained in accordance with the Stormwater Maintenance Plan approved by the Joint Land Use Board pursuant to Resolution _____ (“Stormwater Maintenance Plan”).
- b. All stormwater detention areas, stormwater basins or other stormwater facilities shall comply with the Township of Woolwich’s Stormwater Management Ordinance, Chapter 157, as may be amended and supplemented, and shall also comply with the Stormwater Management Regulations adopted by the New Jersey Department of Environmental Protection at N.J.A.C. 7:8, as may be amended or supplemented.
- c. The following activities shall not occur within any greenway land, unless specifically permitted in subsection b. below:

- i. Removal, excavation, movement of soil, or compaction of the soil and ability to infiltrate stormwater, unless specifically approved under a Stormwater Maintenance Plan;
 - ii. Dumping or filling with any materials;
 - iii. Relocation or installation of structures and change in land use;
 - iv. Placement of pavement or other impervious surfaces;
 - v. Destruction of plant life that is inconsistent with the Maintenance Plan;
 - vi. Destruction of plant life which would alter the existing pattern of vegetation unless it is demonstrated to the Grantee that such removal will result in habitat enhancement or to prevent a safety hazard, and the Property Owner has received written approval of the New Jersey Department of Environmental Protection's Division of Land Use Regulation or other similar division of the New Jersey Department of Environmental Protection;
 - vii. The use of fertilizers, herbicides or pesticides that are not specifically approved under the Maintenance Plan;
 - viii. Alteration of natural drainage features unless it is demonstrated that such alteration is necessary for soil erosion and sediment control and alteration will result in water quality enhancement or to prevent a safety hazard, and the Property Owner has received written approval of the New Jersey Department of Environmental Protection's Division of Land Use Regulation or other similar division of the New Jersey Department of Environmental Protection; and
 - ix. All other activities constituting a regulated activity for which a permit is required from the New Jersey Department of Environmental Protection.
- d. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements pursuant to N.J.A.C. 7:8-5.2(d), and are therefore, permitted to be undertaken on the greenway lands:
- i. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;

- ii. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 - iii. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- e. Any greenway land used as a stormwater detention area, stormwater basin or other stormwater facility shall not be permitted to change to any other Greenway Land Permitted Use.
- (14) Restrictions Applicable to Easement Areas. Greenway lands used for easements for drainage, access, sewer, or water lines, or other public purposes shall comply with all of the requirements and restrictions set forth in the applicable easement. The Property Owner shall provide the Township Clerk with a copy of all such easements within thirty (30) days of recording the same. Greenway lands used as easements for drainage, access, sewer, or water lines, or other public purposes shall not be permitted to change to any other Greenway Land Permitted Use.
- (15) Restrictions Applicable to Utility Rights of Way. Greenway lands used for utility rights of way shall comply with all of the requirements of said utility holding the easement. The Property Owner shall provide the Township Clerk with a copy of a survey depicting all of the utility rights of way on the greenway land, which shall be updated in the event that new utility rights of way are added. Greenway lands used as utility rights of way shall not be permitted to change to any other Greenway Land Permitted Use.
- (16) At the time of subdivision of the tract, the Applicant may request that all non-contiguous greenway lands on the tract be consolidated for tax and stewardship purposes, which may be granted by the Joint Land Use Board if: (a) said greenway lands are in common ownership; (b) all consolidated greenway lands are proposed to have the same use; and (c) a single deed restriction or conservation easement is recorded for the consolidated greenway lands.

Section 2. The following parcels are hereby rezoned to 5A:

BLOCK	LOT	PROPOSED ZONING
1	1	5A
1	2	5A
1	3	5A

1	4	5A
1	5	5A
1	5.01	5A
1	6	5A
1	7	5A
1	8	5A
1	11	5A
1	11.01	5A
2	10	5A
2	11	5A
2	12	5A
2	12.01	5A
2	12.02	5A
2	12.03	5A
2	13	5A
2	13.01	5A
2	14	5A
2	15	5A
2	15.01	5A
2	15.02	5A
2	15.03	5A
2	15.04	5A
2	16	5A
2	17	5A
2	18	5A
2	18.01	5A
2	18.02	5A
2	19	5A
2	20	5A

BLOCK	LOT	PROPOSED ZONING
2	21	5A
2	22	5A
2	23	5A
2	23.01	5A
2	26	5A
2	27	5A
11	1	5A
13	3	5A
13	4	5A
13	5	5A
14	28	5A
14	5	5A
14	5.01	5A
14	5.03	5A
14	6.02	5A
14	9	5A
14	12	5A
14	13	5A
14	29	5A
14	30	5A
17	6	5A
19	1	5A
19	2	5A
19	4	5A
20	3	5A
20	4	5A
20	6	5A
21	1	5A
21	1.01	5A
21	2	5A
21	3	5A
21	4	5A
21	5	5A
22	3	5A
24	2	5A
25	5	5A
28	1	5A
28	2	5A

BLOCK	LOT	PROPOSED ZONING
28	3	5A
28	4	5A
31	3.01	5A
36	4	5A
36	5	5A
36	10	5A
38	5	5A
39	1	5A
40	9	5A
40	12	5A
41	1	5A
41	8	5A
41	10	5A
46	11	5A
46	11.02	5A
46	11.03	5A
46	12	5A
50	1	5A
50	2.08	5A
50	3	5A
50	2	5A
50	4	5A
55	4.02	5A
55	7	5A
56	1	5A
56	3	5A

Section 3. Section 203-5 of the Woolwich Township Zoning Ordinance of 1992, entitled, Definitions, is hereby amended to add the following definitions:

CONSERVATION EASEMENT

An interest in land less than fee simple absolute, stated in the form of a restriction, covenant or condition, set forth in any deed or easement that has been recorded in the Gloucester County Clerk’s Office as the recorder of deeds and mortgages, that restricts the use of the land to one or more uses set forth in Section 203-72.B.(1) through (9).

DEED RESTRICTION

A restriction on the use of a property set forth in a deed that has been recorded in the Gloucester County Clerk’s Office as the recorder of deeds and mortgages.

GREENWAY LAND

A parcel of agricultural land, undeveloped land, or open space that has been set aside for agricultural, recreational use or environmental protection through a permanent deed restriction or conservation easement.

Section 4. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. In the event any clause, section or paragraph of the Ordinance is deemed invalid or unenforceable for any reason, it is the intent of the Township Committee that the balance of the Ordinance remains in full force and effect to the extent it allows the Township to meet the goals of the Ordinance.

Section 6. This Ordinance shall take effect after final adoption and publication according to law.

ATTEST:

TOWNSHIP OF WOOLWICH

Jane DiBella, Municipal Clerk

Craig Frederick, Mayor

CERTIFICATION

The foregoing ordinance was reintroduced upon first reading by the Township Committee of the Township of Woolwich at a regular meeting held on the 15th day of May, 2023. It will be further considered for final adoption upon a second reading and subsequent to a public hearing to be held on such ordinance at a meeting of the Township Committee at which time any interested person(s) may be heard. Said meeting to be conducted on the 5th day of June, 2023 at the Woolwich Township Municipal Building, 120 Village Green Drive, Woolwich Township, New Jersey, beginning at 6:30 p.m.

Jane DiBella, Township Clerk

NOTICE OF ADOPTION

Notice is hereby given that the foregoing ordinance was approved for final adoption by the Woolwich Township Committee at a meeting held on the 5th day of June, 2023.

Jane DiBella, Township Clerk

**TOWNSHIP OF WOOLWICH
GLOUCESTER COUNTY, NEW JERSEY
ORDINANCE NO. 2023 – 13**

**ORDINANCE OF THE TOWNSHIP OF WOOLWICH AMENDING CHAPTER
95, ENTITLED “FEES” IN ACCORDANCE WITH THE 2022 MASTER PLAN
REEXAMINATION**

WHEREAS, via Resolution #2022-33, the Joint Land Use Board of the Township of Woolwich adopted a reexamination of the Township of Woolwich Master Plan; and

WHEREAS, the Master Plan Reexamination report contains various recommendations as to the Township Zoning Map and Zoning Ordinance; and

WHEREAS, one of the recommendations is to terminate the TDR program; and

WHEREAS, The Township Committee of the Township of Woolwich, is entitled to and has the power and authority to amend zoning ordinances pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.; and

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

Section 1. Amend §95-8.4, entitled, “Fee and review escrow schedule”, to repeal and replace the following:

The following fee schedule shall apply with respect to the filing of all applications for development or appeals before the Joint Land Use Board and/or the Woolwich Township Committee:

- A. Minor subdivision: a nonrefundable application fee of \$275 for a lot line adjustment or the creation of one lot in addition to the retained lot, plus an additional nonrefundable fee of \$125 for each additional lot created or recreated; a review escrow deposit in the amount of \$2,000 shall be posted for each additional lot that is created (\$4,000 for 2 lots and \$6,000 for 3 lots); the review escrow deposit shall be \$1,500 for a lot line adjustment when no additional lots are created.
- B. Preliminary major subdivision: a nonrefundable application fee of \$500 for up to 25 lots, a nonrefundable application fee of \$1,000 for Lots 26-100, a nonrefundable application fee of \$1,500 for Lots 100-500, a nonrefundable application fee of \$2,000 for in excess of 500 lots; a review escrow deposit in the amount of \$2,000 shall be posted, plus \$500 per lot (1-10), plus \$200 per lot (11-60), plus \$150 per lot (61-110), and plus \$100 for each lot in excess of 110.
- C. Final major subdivision: a nonrefundable application fee of \$450 for up to 25 lots, a nonrefundable application fee of \$800 for Lots 26-100, a nonrefundable application fee of \$1,200 for Lots 100-500, a nonrefundable application fee of \$1,750 for in excess of 500 lots; a review escrow deposit in the amount of \$2,000 shall be posted, plus \$500 per lot (1-10), plus \$200 per lot (11-60), plus \$150 per lot (61-110), and plus \$100 for each lot in excess of 110.

- D. Conceptual review: a nonrefundable application fee of \$100; a review escrow deposit in the amount of \$1,500 shall be posted; any and all funds from the review escrow deposit remaining after conceptual review will be transferred into the escrow account for any subsequent application.
- E. Use variance or variance sought under N.J.S.A. 40:55D-70d: a nonrefundable application fee of \$400; a review escrow deposit in the amount of \$2,000 shall be posted.
- F. Bulk and/or other variances: a nonrefundable application fee of \$200; a review escrow deposit in the amount of \$1,000 shall be posted.
- G. Conditional use (special exception): a nonrefundable application fee of \$300; a review escrow deposit in the amount of \$1,250 shall be posted.
- H. Minor site plan: a nonrefundable application fee of \$250; a review escrow deposit in the amount of \$1,000 shall be posted.
- I. Preliminary site plan: a nonrefundable application fee of \$500 for all preliminary site plan applications; for a residential development site plan with structures, a review escrow deposit in the amount of \$2,500 for 0-5 units, \$6,000 for 6-20 units, \$8,500 for 21-49 units, \$11,500 for 50-100 units, and \$19,000 for 101-1,000 units shall be posted; for a commercial/industrial development site plan without structures, a review escrow deposit in the amount of \$5,000 for 0-3 acres, or \$7,500 for in excess of 3 acres, shall be posted; for a commercial/industrial site plan with structures, a review escrow deposit in the amount of \$2,000 for 1,250 - 2,500 square feet, or \$5,500 for 2,501-20,000 square feet, or \$8,000 for in excess of 20,000 square feet shall be posted.
- J. Final site plan: a nonrefundable application fee of \$750 for all final site plan applications; for a residential development site plan with structures, a review escrow deposit in the amount of \$2,500 for 0-5 units, \$6,000 for 6-20 units, \$8,500 for 21-49 units, \$11,500 for 50-100 units, and \$19,000 for 101-1,000 units shall be posted; for a commercial/industrial development site plan without structures, a review escrow deposit in the amount of \$5,000 for 0-3 acres, or \$7,500 for in excess of 3 acres shall be posted; for commercial/industrial site plan with structures, a review escrow deposit in the amount of \$2,000 for 1,250 - 2,500 square feet, or \$5,500 for 2,501-20,000 square feet, or \$8,000 for in excess of 20,000 square feet shall be posted.
- K. Zoning Board component of Joint Land Use Board interpretation: a nonrefundable application fee of \$150; a review escrow deposit in the amount of \$750 shall be posted.
- L. (Reserved)¹
[1] Editor's Note: Former Subsection L, regarding sign variance fees, was repealed 4-16-2018 by Ord. No. 2018-04.
- M. General development plan: a nonrefundable application fee of \$1,000; a review escrow deposit in the amount of \$5,000 per each component plan, plus \$500 per each report/schedule.

- N. Zoning Officer permits and appeals: a nonrefundable fee of \$40 for the Zoning Officer's review of a project presented for a zoning permit; if there is an appeal of the Zoning Officer's determination with respect to the zoning permit, a nonrefundable application fee of \$50 is required to process the appeal to the Zoning Board component of the Joint Land Use Board, and a review escrow fee in the amount of \$750 shall be posted for the Joint Land Use Board's professionals' review of the appeal.
- O. In the event that there are multiple separate components involved in one application (i.e., a use variance, bulk variance, minor subdivision and/or site plan at the same time of submission of an application), then the maximum nonrefundable fee to be paid to the Township shall be the amount of the highest individual component fee, as delineated above, plus an additional one-time fee of \$150 total to cover all of the other separate components of the application. Escrow shall be posted according to each and every separate component submission of the application as delineated above.
- ~~P. TDR transactions: a nonrefundable application fee of \$200 and review escrow deposit in the amount of \$1,000 submitted on forms authorized by the Joint Land Use Board; for all TDR transactions, per transaction, landowner or existing sending and receiving area lot, whichever is greater; includes an application for TDR credit appeal, enrollment, assignment or reassignment, use and extinguishment or disenrollment. [Added 2-16-2016 by Ord. No. 2016-02]~~
- ~~Q. TDR review: a nonrefundable application fee of \$200 and review escrow deposit on the amount of \$1,000 submitted on forms authorized by the Joint Land Use Board; for administration and/or Joint Land Use Board Solicitor review of deed restrictions, easements, survey, title, TDR credit appeal, and requests for credit adjustments affected by variances and/or subdivision of an existing or proposed single-family detached house, farmstead or lot. [Added 2-16-2016 by Ord. No. 2016-02]~~
- R.P. Waiver of site plan: a nonrefundable application fee of \$250; a review escrow deposit in the amount of \$1,000 shall be posted. [Added 4-3-2017 by Ord. No. 2017-08]

Section 2. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 3. In the event any clause, section or paragraph of the Ordinance is deemed invalid or unenforceable for any reason, it is the intent of the Township Committee that the balance of the Ordinance remains in full force and effect to the extent it allows the Township to meet the goals of the Ordinance.

Section 4. This Ordinance shall take effect after final adoption and publication according to law.

ATTEST:

TOWNSHIP OF WOOLWICH

Jane DiBella, Municipal Clerk

Craig Frederick, Mayor

CERTIFICATION

The foregoing ordinance was introduced upon first reading by the Township Committee of the Township of Woolwich at a regular meeting held on the 1st day of May, 2023 and reintroduced at a meeting conducted on May 15, 2023. It will be further considered for final adoption upon a second reading and subsequent to a public hearing to be held on such ordinance at a meeting of the Township Committee at which time any interested person(s) may be heard. Said meeting to be conducted on the 5th day of June, 2023 at the Woolwich Township Municipal Building, 120 Village Green Drive, Woolwich Township, New Jersey, beginning at 6:30 p.m.

Jane DiBella, Township Clerk

NOTICE OF ADOPTION

Notice is hereby given that the foregoing ordinance was approved for final adoption by the Woolwich Township Committee at a meeting held on the 5th day of June.

Jane DiBella, Township Clerk

**TOWNSHIP OF WOOLWICH
GLOUCESTER COUNTY, NEW JERSEY
ORDINANCE NO. 2023 - 14**

**ORDINANCE OF THE TOWNSHIP OF WOOLWICH REPEALING THE
TRANSFER OF DEVELOPMENT RIGHTS ORDINANCES AND AMENDING
CHAPTER 203, ENTITLED “ZONING” IN ACCORDANCE WITH THE 2022
MASTER PLAN REEXAMINATION**

WHEREAS, pursuant to the State Transfer of Development Rights Act, N.J.S.A. 40:55D-137, et seq. (“TDR Act”), a municipality is authorized to enact an ordinance to provide for the transfer of development potential within its borders to encourage the preservation of farmland and to direct growth to areas that are most suited for development; and

WHEREAS, by way of Ordinance No. 2008-20, adopted by the Mayor and Committee of the Township of Woolwich (“Township Committee”), the Township of Woolwich adopted a voluntary transfer of development rights (“TDR”) program, which designated certain areas of the Township as “sending areas” and “receiving areas,” regulated land use in each of these areas and created a Transfer of Development Rights Bank to regulate the purchase, sale and exchange of TDR credits between the sending areas and the receiving areas (“TDR Ordinance”); and

WHEREAS, N.J.S.A. 40:55D-156 and N.J.S.A. 40:55D-157 of the TDR Act require periodic reviews of a municipal TDR Ordinance at least once every five years, with every second review being part of the master plan reexamination process; and

WHEREAS, via Resolution #2022-33, the Joint Land Use Board of the Township of Woolwich adopted a reexamination of the Township of Woolwich Master Plan (“2022 Master Plan Reexamination Report”); and

WHEREAS, as part of the reexamination process, the Joint Land Use Board evaluated the status of the existing TDR Ordinance in accordance with the TDR Act; and

WHEREAS, the 2022 Master Plan Reexamination Report indicated that while the TDR Ordinance had resulted in 882 acres of farmland being preserved through the TDR Bank, virtually no land was preserved through the private market; and

WHEREAS, the 2022 Master Plan Reexamination Report also noted approximately 673 acres of the land in the receiving areas no longer represent a realistic opportunity to utilize TDR credits because the land has been developed or approved for development for warehouse uses, compliance with the Township’s affordable housing Settlement Agreement required that the land subject to the Settlement Agreement be exempted from the TDR requirements, and several small parcels of land have been developed with single family homes; and

WHEREAS, under the requirements of the TDR Act, a rebuttable presumption exists that a TDR ordinance is no longer reasonable if a municipality has not transferred 25% of the remaining TDR credits within a five year period; and

WHEREAS, approximately 153.25 TDR credits are required to be purchased by December 2023; and

WHEREAS, the 2022 Master Plan Reexamination Report concluded based on the changed circumstances in the receiving area and the historic lack of interest in the private market to purchase, the TDR Ordinance is no longer reasonable or viable and recommended termination of the TDR Ordinance; and

WHEREAS, the Township Committee has determined that it is in the best interest of the community to repeal the TDR Ordinance and pursue farmland and open space preservation through alternative means.

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

Section 1. Subsection B. of Section 203-5 entitled, “Definitions and word usage”, is hereby amended to delete the following definitions:

AGRICULTURAL TDR EASEMENT

BY-RIGHT CREDITS

CONSERVATION TDR EASEMENT

DEVELOPMENT RIGHTS

RECEIVING ZONE, AREA OR DISTRICT

SENDING ZONE, AREA OR DISTRICT

TDR CREDIT

TRANSFER OF DEVELOPMENT RIGHTS (TDR)

Section 2. Subsection B. of Section 203-5, entitled, “Definitions and word usage”, is hereby amended to add the following definitions:

PRESERVED FARM

Any farm that has been preserved, reserved or restricted for agricultural use. This shall include, but is not limited to farms preserved through: (i) the New Jersey Farmland Preservation Program administered by the State Agricultural Development Committee (“SADC”); (ii) the Farmland Preservation Program administered by Gloucester County; (iii) any land preserved through the Voluntary TDR Program pursuant to Ordinance No. 2008-20, as amended by Ordinance No. 2014-09 and

Ordinance No. 2018-13; and any (iv) any farmland preserved through a deed restriction or conservation easement in accordance with the Woolwich Township Zoning Ordinance.

Section 3. Section 203-34, entitled, “District designations”, is hereby amended as follows:

A. For the purpose of lessening congestion in the streets; securing safety from fire, panic and other dangers; protecting health, morals and the general welfare; providing adequate light and air; preventing the overcrowding of land and buildings; avoiding undue concentration of population, with reasonable consideration to the character of the district and its peculiar suitability for particular uses and with the objective of conserving the value of property and encouraging the most appropriate use of land throughout the municipality, the Township of Woolwich is hereby divided into ~~13~~14 districts which shall be designated as follows:

- 5A Five Acre District (§ 203-39)
- R-1 Residential District (§ 203-40)
- R-2 Residential District (§ 203-41)
- R-3 Residential District (§ 203-42)
- CON Conservation (§ 203-43)
- ~~PAC Planned Adult Community District (§ 203-44)~~
- PUD Planned Unit Development District (§ 203-45)
- FOC Flexible Office Commercial District (§ 203-46)
- I-C Cemetery District (§ 203-47)
- LIO Light Industrial/Office District (§ 203-48)
- CC Commercial Corridor District (§203-137)
- MU Mixed Use (§203-178)
- RHO Regional Hotel/Office (§203-185)
- NC Neighborhood Commercial (§203-186)
- AR-1 Auburn Village District (Article XX)

B. Additional zoning districts have been established through redevelopment plans applicable to the following redevelopment areas:

- ~~Woolwich Kings Landing Redevelopment Area Regional Center Districts identified as RR (Residential Receiving; Article XVII), CC (Corridor Commercial; Article XVIII), NC (Neighborhood Commercial; Article XXVII), RR-BD (Residential Receiving Base Density; Article XXIV), MU (Mixed Use; Article XXIII), BBR (Big Box Retail; Article XXV), and RHO (Regional Hotel Office; Article XXVI)~~
- ~~Woolwich Regional Center Overlay (Article XIX)~~
- ~~AR-1 Auburn Village District (Article XX)~~
- Nike Redevelopment Area
- Weatherby Redevelopment Area
- PMC Redevelopment Area

Section 4. Subsection C(1)(n) of Section 203-40, entitled, "R-1 Residential District", is hereby amended as follows:

(n) Design standards for Option 1.

- [1] House lots shall not encroach upon primary conservation areas as identified in § 203-72, and their layout shall respect secondary conservation areas as described in both the Zoning Ordinance and in the Site Plan and Subdivision Review Ordinances.
- [2] All new dwelling units shall meet the following requirements:
 - [a] Minimum setback from all external road rights-of-way: 100 feet.
 - [b] Minimum setback from all other tract boundaries: 50 feet.
 - [c] Minimum setback from active crop, pasture, preserved land, agricultural land, or from buildings and barnyards housing livestock: 100 feet, with a 50-foot year-round fully vegetative screen consisting of a mixture of evergreen and deciduous plantings. cropland or pasture land: 150 feet.
 - ~~[c] Minimum setback from preserved farms (preserved farms through the SADC program, or the county program, or through the Township's TDR program): 300 feet.~~
 - ~~[d] Minimum setback from buildings or barnyards housing livestock: 300 feet.~~
 - [ed] Minimum setback from active recreation areas such as courts or playing fields (not including tot-lots): 150 feet.
- [3] Views of house lots from exterior roads and abutting properties shall be minimized by the use of change in topography, existing vegetation, or additional landscaping which meets the landscaping requirements in Chapters 149, 163 and 203 of the Woolwich Code.
- [4] House lots shall be accessed from interior streets, rather than from roads bordering the tract.
- [5] Standards pertaining to the use, quantity, quality, configuration, ownership and maintenance of the greenway land created under this section are contained in § 203-72 of this chapter.

Section 5. Subsection C(2)(f)[4] of Section 203-40, entitled, "R-1 Residential District", is hereby amended as follows:

(f) New dwelling setbacks:

- [1] From all external road rights-of-way: 100 feet.
- [2] From all other tract boundaries: 50 feet.
- [3] From active crop, pasture, preserved land, agricultural land, or from buildings and barnyards housing livestock: 100 feet, with a 50-foot year-round fully vegetative screen consisting of a mixture of evergreen and deciduous plantings. cropland or pasture land: 150 feet.
- ~~[4] From preserved farms (preserved farms through the SADC program, or the county program, or through the Township's TDR program): 300 feet.~~

~~[5] From buildings or barnyards housing livestock: 100 feet.~~

[64] From active recreation areas such as courts or playing fields (not including tot-lots): 150 feet.

Section 6. Subsection C(1)(n) of Section 203-41, entitled, "R-2 Residential District", is hereby amended as follows:

(n) Design standards for Option 1.

[1] House lots shall not encroach upon primary conservation areas as identified in § 203-72, and their layout shall respect secondary conservation areas as described in both the Zoning Ordinance and in the Site Plan and Subdivision Review Ordinances.

[2] All new dwelling units shall meet the following requirements:

[a] Minimum setback from all external road rights-of-way: 100 feet.

[b] Minimum setback from active crop, pasture, preserved land, agricultural land, or from buildings and barnyards housing livestock: 100 feet, with a 50-foot year-round fully vegetative screen consisting of a mixture of evergreen and deciduous plantings. ~~all other tract boundaries: 50 feet.~~

~~[c] Minimum setback from cropland or pasture land: 150 feet.~~

~~[d] Minimum setback from preserved farms (preserved farms through the SADC program or , the county program, or through the Township's TDR program): 300 feet.~~

~~[e] Minimum setback from buildings or barnyards housing livestock: 300 feet.~~

[fc] Minimum setback from active recreation areas such as courts or playing fields (not including tot-lots): 150 feet.

[3] Views of house lots from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping which meets the landscaping requirements in Chapters 149, 163 and 203 of the Woolwich Code.

[4] House lots shall be accessed from interior streets, rather than from road bordering the tract.

[5] Standards pertaining to the use, quantity, quality, configuration, ownership and maintenance of the greenway land created under this section are contained in § 203-72 of this chapter.

Section 7. Subsection C(2) of Section 203-41.C, entitled, "R-2 Residential District", is hereby amended as follows:

(2) Option 2: conventional lotting. In addition to the above preferred option for subdivision, Option 2, conventional lotting, at a minimum lot size of two acres, is also permitted.

(a) A minimum lot area of 65,340 square feet.

- (b) A minimum lot width of 160 feet.
- (c) A front yard setback of 50 feet.
- (d) A rear yard setback of 30 feet.
- (e) A minimum side yard setback of 20 feet.
- (f) New dwelling setbacks:
 - [1] From all external road rights-of-way: 100 feet.
 - [2] From all other tract boundaries: 50 feet.
 - ~~[3] feet.~~
 - [43] From active crop, pasture, preserved land, agricultural land, or from buildings and barnyards housing livestock: 100 feet, with a 50-foot year-round fully vegetative screen consisting of a mixture of evergreen and deciduous plantings. ~~preserved farms (preserved farms through the (SADC program, or the county program), or through the Township's TDR program): 300 feet.~~
 - ~~[5] From buildings or barnyards housing livestock: 300 feet.~~
 - ~~[64] From active recreation areas such as courts or playing fields (not including tot-lots): 150 feet.~~

Section 8. Subsection C(1)(n) of §203-42, entitled, “R-3 Residential District”, is hereby amended as follows:

(n) Design standards for Option 1.

- [1] House lots shall not encroach upon primary conservation areas as identified in § 203-72, and their layout shall respect secondary conservation areas as described in both the Zoning Ordinance and in the Site Plan and Subdivision Review Ordinances.
- [2] All new dwelling units shall meet the following setback requirements:
 - [a] Minimum setback from all external road rights-of-way: 60 feet.
 - [b] Minimum setback from all other tract boundaries: 25 feet.
 - [c] Minimum setback from active crop, pasture, preserved land, agricultural land, or from buildings and barnyards housing livestock: 100 feet, with a 50-foot year-round fully vegetative screen consisting of a mixture of evergreen and deciduous plantings. ~~cropland or pasture land: 100 feet.~~
 - ~~[d] Minimum setback from preserved farms (preserved farms through the SADC program or , the county program or through the Township's TDR program): 200 feet.~~
 - ~~[e] Minimum setback from buildings or barnyards housing livestock: 200 feet.~~
 - ~~[fd] Minimum setback from active recreation areas such as courts or playing fields (not including tot-lots): 150 feet.~~
- [3] Views of house lots from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping which meets the landscaping requirements in Chapters 149, 163 and 203 of the Woolwich Code.

- [4] House lots shall be accessed from interior streets, rather than from roads bordering the tract.
- [5] Standards pertaining to the use, quantity, quality, configuration, ownership and maintenance of the greenway land created under this section are contained in § 203-72 of this chapter.

Section 9. Subsection C(2)(f) of §203-42, entitled, “R-3 Residential District”, is hereby amended as follows:

- (2) Option 2: conventional lotting. In addition to the above preferred option for subdivision, Option 2, conventional lotting, at a minimum lot size of two acres, is also permitted.
 - (a) A minimum lot area of 65,340 square feet.
 - (b) A minimum lot width of 160 feet.
 - (c) A front yard setback of 50 feet.
 - (d) A rear yard setback of 30 feet.
 - (e) A minimum side yard setback of 20 feet.
 - (f) New dwelling setbacks:
 - [1] From all external road rights-of-way: 60 feet.
 - [2] From all other tract boundaries: 25 feet.
 - [3] From active crop, pasture, preserved land, agricultural land, or from buildings and barnyards housing livestock: 100 feet, with a 50-foot year-round fully vegetative screen consisting of a mixture of evergreen and deciduous plantings. ~~cropland or pasture land: 100 feet.~~
 - ~~[4] From preserved farms (preserved farms through the SADC program or the county program, or through the Township's TDR program): 200 feet.~~
 - ~~[5] From buildings or barnyards housing livestock: 200 feet.~~
 - [64] From active recreation areas such as courts or playing fields (not including tot-lots): 100 feet.

Section 10. Subsection C(2) of Section 203-47, entitled, “I-C Cemetery District”, is hereby amended as follows:

- (2) Building setback.
 - (a) Fifty feet from any right-of-way.
 - (b) Fifty feet from any property line not adjacent to a right-of-way.
 - (c) Buffers and setbacks shall be measured from future rights-of-way articulated in the TDR-circulation plan of the Township's Master Plan.

Section 11. Subsection D of Section 203-47, entitled, “I-C Cemetery District”, is hereby amended as follows:

D. Access. Emergency and ADA access shall be available to all structures on the entire site and otherwise comply with federal ADA laws. Access/circulation/parking pathways shall be a minimum of 20 feet wide. To the

extent that employee or visitor safety is not severely compromised, they shall be designed to allow temporary parking alongside each edge, and to allow surface flow of drainage to and over adjacent or nearby open space or ground burial lawns. Roadways having the shortest route from the public right-of-way to an administrative, maintenance, or assembly building shall be designed to accommodate emergency vehicles. ~~The entrance points must be coordinated with the TDR master plan grid, to the greatest extent possible.~~

Section 12. ARTICLE VI (§203-51 through §203-57), entitled Voluntary TDR Program, is hereby repealed in its entirety and replaced with the following:

§203-51. Farms preserved under the former Voluntary TDR Program.

A. Land in which transfer of development rights (“TDR”) credits were created and severed under the former Voluntary TDR Program pursuant to Ordinance No. 2008-20, as amended by Ordinance No. 2014-09 and Ordinance No. 2018-13, shall continue to be subject to the TDR deed of easement that was recorded on the land, as well as the following requirements:

1. Permitted Uses. The uses permitted in the TDR deed of easement will continue to be authorized on the land as set forth in the recorded TDR deed of easement.
2. Non-conforming uses. All uses other than agricultural uses, if any, existing on the land at the time of TDR deed of easement may be continued and any structure may be restored or repaired in the event of partial destruction. No new structures, or the expansion of preexisting structures for nonagricultural uses, are permitted, except as specifically authorized herein. In the event a preexisting nonagricultural use is abandoned, the right to continue the use is extinguished.
3. Agricultural labor housing. The provision of structures for housing of agricultural labor employed by the land owner or the operator of the agricultural operation is permitted, provided all necessary approvals are obtained. Such housing shall not be used as a residence for land owner, land owner's spouse, land owner's parents, land owner's lineal descendants, adopted or natural, land owner's spouse's siblings, parents or land owner's spouse's lineal descendants, adopted or natural. Such land shall only be occupied by agricultural labor who works at the agricultural operation which is operated on the land subject to the TDR deed of easement.
4. Other housing. The construction of new buildings for residential use or any residential subdivision, regardless of its purpose, shall be prohibited except as follows, and provided all necessary approvals are obtained:

- a. The construction of a residential building on the land shall be permitted solely in order to replace any permitted single- or multi-family residential building that exists on the land and that has been declared unfit for human occupancy pursuant to the International Property Maintenance Code or the Township Code, it was lived in for at least consecutive 90 days during the prior two years;
 - b. The construction of up to a fifty-percent expansion of any existing single- or multifamily residential building on the premises up to a maximum of 2,000 square feet, provided that no new dwelling unit is created and the addition is used solely for residential purposes;
 - c. If at the time of recording of the TDR deed of easement the premises contains no residential unit(s) and is greater than 15 acres but less than 50 acres in size, the construction of one new single-family residential unit provided that, as of the date of application for the building permit the owner has retained one TDR credit and prior to issuance of the building permit has recorded a deed of extinguishment for the TDR credit.
 - d. If at the time of recording of the TDR deed of easement the land was 50 acres or more in size excluding the land area occupied by any buildings or structures used for a nonconforming nonresidential use, the construction of new single-family residential units is permitted on the premises without the use of TDR credits provided the total number of single-family residential units (including existing units) which may be built on the land shall not exceed one unit per 50 acres of gross land area;
 - e. Except for land subject to a prior subdivision, a one-time subdivision of the land resulting in a vacant parcel that is at least 15 acres but less than 50 acres in size shall be permitted provided that the owner has retained one TDR credit as of the date of application for the subdivision and as a condition of approval has recorded a deed of extinguishment for the TDR credit;
5. Other buildings. The construction of new buildings for non-residential use or any non-residential subdivision, regardless of its purpose, shall be prohibited except as follows, and provided all necessary approvals are obtained:
- a. New buildings for nonresidential agricultural purposes may be constructed on the premises to the extent permitted by Chapter 203.
 - b. To the extent permitted by Chapter 203, a building that existed on the land at the time of recording of the TDR deed of easement may be expanded up to fifty (50) percent, but in no case shall the expansion be greater than 2,000 square feet of the building's original size, where such expansion is for the purposes of utilizing the building for a winery, brewery, distillery and/or other alcohol production facility on the premises, provided that

the predominant crops on the land are used in the production and the use does not diminish the actual or potential use of the land for agricultural production.

- c. To the extent permitted by Chapter 203, a building that existed on the land at the time of recording of the TDR deed of easement may be expanded up to fifty (50) percent, but in no case shall the expansion be greater than 2,000 square feet of the building's original size, where such expansion is for the purpose of utilizing the building for a bed-and-breakfast if it is demonstrated that the uses individually or collectively will not diminish the actual or potential use of the land for agricultural production.
 - d. To the extent permitted by Chapter 203, a building that existed on the land at the time of recording of the TDR deed of easement may be expanded up to fifty (50) percent, but in no case shall the expansion be greater than 2,000 square feet of the building's original size, where such expansion is for the purpose of utilizing the building for social events such as weddings, and temporary structures may be used for said social events if it is demonstrated that the uses individually or collectively will not diminish the actual or potential use of the land for agricultural production.
6. No activity shall be permitted which would be detrimental to drainage, flood control, water conservation, erosion control, or soil conservation, nor shall any other activity be permitted which would be detrimental to the continued agricultural use of the land and buildings.
 7. Public improvements including but not limited to roadways, drainage facilities and other public infrastructure are permitted so long as the public improvements individually or collectively have no more than a de minimis impact on the actual or potential use of the land for agricultural production. The right to maintain all roads and trails existing upon the land as of the date of the TDR deed of easement shall be preserved. The construction, improvement or reconstruction of any roadway necessary to service crops, agricultural buildings, or reservoirs is permitted as necessary.
 8. To the extent permitted by the Chapter 203 or Right to Farm Act, the land may be used for certain recreational activities such as hunting, fishing, cross-country skiing and ecological tours, only if such activities do not interfere with the actual or potential use of the land for agricultural production. Other recreational activities which alter the land, such as indoor recreational facilities, golf courses and athletic fields, are prohibited unless expressly authorized by the TDR deed of easement. However, if the premises is acquired by a governmental entity, the governmental entity may establish outdoor active recreational uses on the land.

9. Disposal of sludge or any waste material resulting from treatment of waste water, domestic or otherwise, is expressly prohibited. No sand, gravel, loam, rock or other minerals shall be deposited on or removed from the premises except those materials required by the agricultural purpose for which the land is used. No dumping or placing of trash or waste material shall be permitted unless expressly authorized by the State Agricultural Development Committee or the County Agricultural Development Board as an agricultural management practice and pursuant to the Right to Farm Act and subject to any restrictions imposed by the Township consistent with that Act.
10. No historic building or structure (included in the New Jersey Register of Historic Places) located on the land may be demolished by the grantor or any other person without the prior approval of the Township Committee, with a recommendation from the Joint Land Use Board.
11. The construction of billboards, golf courses, cellular phone towers, solar panels, wind turbines, airstrips, and helicopter pads is expressly prohibited. Notwithstanding this Subsection, solar panels and wind turbines used to generate electricity for uses on the premises are permitted to the extent permitted by the Chapter 203.
12. To the extent permitted by Chapter 203 or the Right to Farm Act, fences may be constructed in support of the agricultural operation and to prevent trespassing. On any designated public areas, no fences shall be erect to block access to public areas from the general public.
13. Agricultural management practices as have been and continue to be promulgated by the New Jersey State Agriculture Development Committee pursuant to its authority under N.J.A.C. 2:76-2.1 et seq., N.J.A.C. 2:76-2A.1 et seq., N.J.A.C. 2:76-2B.1 et seq. and the Right to Farm Act (N.J.S.A. 4:1C-1 et seq.) are expressly permitted.
14. The right to plant, grow, and harvest trees, timber and forest products and to engage in other woodland management activities related thereto provided that the same are carried out in a manner consistent with the Farmland Assessment Act of 1964 (N.J.S.A. 54:4-23.1 et seq.).
15. To the extent permitted by Chapter 203, permissible improvements allowed in conjunction with permitted uses to include the installation of needed driveway and/or road access and ancillary unpaved parking areas for a maximum of 75 vehicles, if it is demonstrated that the uses individually or collectively will not diminish the actual or potential use of the land for agricultural

production and subject to the review and approval of the Joint Land Use Board. The use of hiking and biking trails for motorized vehicles is not permitted except for necessary access to the land.

16. Use of the designated public area of the land for public passive recreational use is permitted consistent with the New Jersey Department of Environmental Protection, Green Acres Program Rules (N.J.A.C. 7:36-1.1 et seq.).
17. To the extent permitted by Chapter 203, the premises may be use as a day camp if it is demonstrated that the uses individually or collectively will not diminish the actual or potential use of the premises for agricultural production.
18. To the extent permitted by Chapter 203, the land may be retained for use as a botanical garden or arboretum if it is demonstrated that the uses individually or collectively will not diminish the actual or potential use of the premises for agricultural production.

B. Definitions. For the purposes of this Section 203-51, the following definitions shall apply:

1. All uses not defined herein shall have the meanings set forth in Section 203-5.
2. "TDR deed of easement" shall mean the deed of easement recorded by the landowner upon enrollment in the Voluntary TDR Program pursuant to Ordinance No. 2008-20, as amended by Ordinance No. 2014-09 and Ordinance No. 2018-13.
3. "TDR credit" shall mean a transferable development right which was created upon enrollment in the Voluntary TDR Program pursuant to Ordinance No. 2008-20, as amended by Ordinance No. 2014-09 and Ordinance No. 2018-13, as evidenced by the serial number assigned thereto.
4. "Deed of extinguishment" shall mean a Deed notice in a form that is acceptable to the Township Solicitor and is capable of being recorded in the County Clerk's office, which contains the following information: (i) identifies the TDR credit proposed to be used by, serial number, date it was created, and property from which it was created; (ii) identifies the project for which the TDR credit is used, including by block and lot, date of project, and description of project; and (iii) states that the TDR credit has been extinguished and is no longer valid, along with the date of extinguishment.

C. To utilize a credit pursuant to Subsection A above:

1. The party seeking to utilize the credit shall submit to the Township Clerk the following:

- i. Documentation identifying the TDR credit proposed to be used by serial number, date it was created, and property from which it was created;
 - ii. Documentation demonstrating that the party seeking to utilize the TDR credit owns the TDR credit sought to be used;
 - iii. Documentation demonstrating that the TDR credit has not previously been extinguished or utilized; and
 - iv. A copy of the proposed deed of extinguishing, along with a second copy to the Township Solicitor for review.
2. Upon the Township Solicitor's receipt of the of the deed of extinguishment, the Township Solicitor, in conjunction with the Township Clerk shall, within 14 days of receipt:
 - i. Determine if the deed of extinguishment is in proper legal form for recording in the County Clerk's office and complies with the requirements of Subsection C;
 - ii. Determine that the party seeking to utilize the TDR credit owns title to the TDR credit proposed to be used; and
 - iii. The TDR credit has not been previously been extinguished or utilized.
 3. If the Township Solicitor determines that the party seeking to utilize the TDR credit has established the criteria set forth above, the Township Solicitor shall sign and date the deed of extinguishment. Upon signing, the deed of extinguishment shall be returned for recording and the party seeking to utilize the TDR credit shall record the deed of extinguishment. If the deed of extinguishment is not recorded within 90 days of the Township Solicitor's signature, the deed of extinguishment shall be null and void and the party shall no longer be entitled to utilize the TDR credit.
 4. Once recorded, the party seeking to utilize the TDR credit shall return a copy of the recorded deed of extinguishment to the Township Clerk who shall record the extinguishment in the Township records.

§203-52. Reserved

§203-53. Reserved

§203-54. Reserved

§203-55. Reserved

§203-56. Reserved

§203-57. Reserved

Section 13. Subsection G of Section 203-77, entitled, "Signs", is hereby deleted in its entirety.

Section 14. Subsection D(10) of Section 203-117, entitled, "Purpose", is hereby deleted in its entirety.

Section 15. Article XV entitled, “District Designations and Uses”, is hereby deleted in its entirety.

Section 16. Article XVII Residential Receiving (RR), is hereby repealed in its entirety.

Section 17. Article XX Mixed-Use Commercial/Residential Walkable Neighborhood Center (AR-1) District, is hereby amended to state: Article XX Auburn (AR-1) District

Section 18. Section 203-146, entitled, “Townhouse units”, is hereby deleted and replaced in its entirety as follows:

Section 203-146, entitled, “AR-1 District”

A. Permitted Uses.

- (1) All uses permitted in the 5A Five Acre Residential District.
- (2) 56-unit 100% affordable housing development.

B. Zoning Standards.

All projects which are not a 100% affordable housing development shall follow those standards prescribed in Section 203-39 - 5A Five Acre Residential District.

- (1) 100% Affordable housing project:
 - (a) Must be connected to sewer and directly abutting the PUD zone; follow all requirements of RSIS; and follow the yard and width requirements, building height requirements, impervious and building coverage requirements of Option 3 within the 5A Five Acre Residential District.
 - (b) All affordable units shall be subject deed restrictions imposing affordability controls in accordance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq. (“UHAC”), for at least thirty (30) yeas from the date of initial occupancy, and shall fully comply with UHAC unless specifically exempted therein, including but not limited to the required bedroom and income distribution with the sole exception that thirteen percent (13%) of the affordable units (fractional units shall be rounded up) within each bedroom distribution shall be required to be for very-low-income households earning thirty percent (30%) or less of the median income.

Section 19. Section 203-147, entitled, “Twin units with alleys”, is hereby deleted in its entirety.

Section 20. Section 203-148, entitled, "Single-family detached units with alleys", is hereby deleted in its entirety.

Section 21. Section 203-149, entitled, "Auburn Village Retail", is hereby deleted in its entirety.

Section 22. Subsection E(1), (2) and (3) of Section 203-178, entitled, "Mixed Use", is hereby amended as follows:

E. Size and scope.

~~(1) Zone acreage: 158.97 acres.~~

~~(2) Base density: No residential units in the "triangle" between Kings Highway, Panoast Road, and US Route 322. Residential units permitted with participation in the TDR program. [Amended 10-1-2018 by Ord. No. 2018-15]~~

~~(3) Ground floor commercial retail or office use required north of US Route 322 between Kings Highway and Panoast Road. Ground floor commercial retail or office use optional north of Panoast Road and west of Kings Highway. Residential density for north of Panoast Road and west of Kings Highway shall be in accordance with RR-BD when ground floor commercial retail or office use is not proposed.~~

~~(4)(1) The purpose of the zone is to provide the opportunity for a regionally based, walkable commercial main-street destination that is attractive to national chain stores, small boutiques and offices as well as residential units above.~~

~~(5) (2) Buildings should be built to the sidewalk edge.~~

~~(6) (3) Buildings shall be built out to perimeter county streets to establish a strong architecture street edge.~~

~~(7) (4) Maximum building height: 60 feet and five stories.~~

~~(8) (5) On-street parking is permitted on interior roads.~~

Section 23. Article XXIV entitled, "Residential Receiving - Base Density (RR-BD)." is hereby repealed in its entirety.

Section 24. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 25. In the event any clause, section or paragraph of the Ordinance is deemed invalid or unenforceable for any reason, it is the intent of the Township Committee that the balance of the Ordinance remains in full force and effect to the extent it allows the Township to meet the goals of the Ordinance.

Section 26. This Ordinance shall take effect after final adoption and publication according to law.

ATTEST:

TOWNSHIP OF WOOLWICH

ATTEST:

TOWNSHIP OF WOOLWICH

Jane DiBella, Municipal Clerk

Craig Frederick, Mayor

CERTIFICATION

The foregoing ordinance was introduced upon first reading by the Township Committee of the Township of Woolwich at a regular meeting held on 1st day of May, 2023 and was re-introduced on May 15th, 2023. It will be further considered for final adoption upon a second reading and subsequent to a public hearing to be held on such ordinance at a meeting of the Township Committee at which time any interested person(s) may be heard. Said meeting to be conducted on the 5th day of June, 2023 at the Woolwich Township Municipal Building, 120 Village Green Drive, Woolwich Township, New Jersey, beginning at 6:30 p.m.

Jane DiBella, Township Clerk

NOTICE OF ADOPTION

Notice is hereby given that the foregoing ordinance was approved for final adoption by the Woolwich Township Committee at a meeting held on the 5th day of June, 2023.

Jane DiBella, Township Clerk

**TOWNSHIP OF WOOLWICH
GLOUCESTER COUNTY, NEW JERSEY
ORDINANCE NO. 2023-15**

**ORDINANCE OF THE TOWNSHIP OF WOOLWICH AMENDING CHAPTER 203,
SECTION 35, ENTITLED ‘ZONING MAP’ AS PERMITTED UNDER N.J.S.A. 40:55D-32
AND REZONING VARIOUS PARCELS**

WHEREAS, via Resolution #2022-33, the Joint Land Use Board of the Township of Woolwich adopted a re-examination of the Township of Woolwich Master Plan; and

WHEREAS, the Master Plan Re-examination report contains various recommendations as to the Township Zoning Map and Zoning Ordinance; and

WHEREAS, and the Township Committee has adopted several ordinances amending the zoning districts within the Township of Woolwich in accordance with the recommendations contained in the 2022 Master Plan Re-examination Report and has amended several redevelopment plans to change zoning applicable to those areas; and

WHEREAS, The Township Committee of the Township of Woolwich, is entitled to and has the power and authority to amend zoning ordinances in accordance with the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq.; and

WHEREAS, N.J.S.A. 40:55D-32 authorizes the Township Committee to adopt and amend the official zoning map of the Township, after referring the same to the planning board in accordance with N.J.S.A. 40:55D-26; and

WHEREAS, as a result of the Township’s review of the official zoning map of the Township, the Township has determined that the zoning district PAC Planned Adult Community, is no longer listed on the zoning map, and should therefore be repealed as unnecessary; and

WHEREAS, the PAC Planned Adult Community was previously adopted in accordance with the settlement of a case entitled “Woolwich Adult LLC v Woolwich Township, et al., Docket No. 413-01” which has been subsequently replaced with the settlement of a case entitled, “In the Matter of the Township of Woolwich, Gloucester County, Docket No. GLO-L-1068-15;” and

WHEREAS, the zoning district (BBR) Big Box Retail currently exists in only one location, Block 57, Lot 11, consisting of 4.67 acres, while the anticipated acreage under the zoning set forth in Section 203-184 anticipates 97.8 acres, rendering it unlikely that any development consistent with the BBR zone would actually occur; and

WHEREAS, the Township has determined that it is in the best interest of the Township to repeal the BBR Big Box Retail found at Section 203-184 and to rezone Block 57, Lot 11 as MLMU, Mount Laurel Mixed Use; and

WHEREAS, the Township Committee has referred the proposed zoning map to the Joint Land Use Board, as the Township's planning board, who reviewed the same at its May 4, 2023 meeting.

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

Section 1. The following parcels are hereby rezoned from FOC to NC: Block 8, Lots 3, 11,12,13, 14,15, and 16; Block 54, Lot 1

Section 2. The following parcels are hereby rezoned from RR-BD to R-2 Residential: Block 18, Lots 4.01, 4.02, 5, 5.01, 6.01, and 7; Block 22, Lot 4.01.

Section 3. The following parcels are hereby rezoned from RR to R-2 Residential: Block 10, Lots 5, 5.02, 5.03; Block 14, Lots 3, 3.01, 3.02, and 17; Block 16, Lots 1, 2, 3, 4, 4.01, and 5 (partial)

Section 4. The following parcels are hereby rezoned from RR to MUD: Block 57, Lots 3, and 3.02.

Section 5. The following parcels are hereby rezoned from BBR to MLMU: Block 57, Lot 11.

Section 6. The following parcels are hereby rezoned from RR to NC: Block 57, Lots 3.01 (partial), and 3.03 (partial).

Section 7. Section 203-35 of the Township Code, entitled, "Zoning Map", is hereby amended to replace the official "Zoning Map of the Township of Woolwich" with the map attached hereto as Exhibit A.

Section 8. Article XIX Large-Format Retail, Big Box Retail, Office and Hotel, Neo-Traditional Senior Community (RC-3) Overlay District, is hereby repealed in its entirety.

Section 9. Section 203-44 entitled "PAC Planned Adult Community" is hereby repealed in its entirety.

Section 10. Article XXV entitled "Big Box Retail" is hereby repealed in its entirety.

Section 11. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 12. In the event any clause, section or paragraph of the Ordinance is deemed invalid or unenforceable for any reason, it is the intent of the Township Committee that the balance of the Ordinance remains in full force and effect to the extent it allows the Township to meet the goals of the Ordinance.

Section 13. This Ordinance shall take effect after final adoption and publication according to law.

ATTEST:

TOWNSHIP OF WOOLWICH

Jane DiBella, Municipal Clerk

Craig Frederick, Mayor

CERTIFICATION

The foregoing ordinance was introduced upon first reading by the Township Committee of the Township of Woolwich at a regular meeting held on the 1st day of May, 2023 and reintroduced at a meeting held on May 15, 2023. It will be further considered for final adoption upon a second reading and subsequent to a public hearing to be held on such ordinance at a meeting of the Township Committee at which time any interested person(s) may be heard. Said meeting to be conducted on the 5th day of June, 2023 at the Woolwich Township Municipal Building, 120 Village Green Drive, Woolwich Township, New Jersey, beginning at 6:30 p.m.

Jane DiBella, Township Clerk

NOTICE OF ADOPTION

Notice is hereby given that the foregoing ordinance was approved for final adoption by the Woolwich Township Committee at a meeting held on the 5th day of June, 2023.

Jane DiBella, Township Clerk

AN ORDINANCE OF THE TOWNSHIP OF WOOLWICH, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY ADOPTING AN AMENDMENT TO THE KINGS LANDING REDEVELOPMENT PLAN

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the “Redevelopment Law”), provides a process for municipalities to participate in the redevelopment and improvement of an area in need of rehabilitation or redevelopment; and

WHEREAS, in order to stimulate redevelopment, on October 20, 2014, pursuant to Resolution R-2014-217, the Mayor and Committee of Woolwich Township (the “Township Committee”), upon review of the Preliminary Investigation Report for Determination of Need for Regional Center East and the recommendations of the Joint Land Use Board (“Planning Board”) as set forth in Resolution 2014-20, designated Block 16, Lot 5Q; Block 18, Lots 2, 3.02, 4Q, 4.01, 4.02, 5, 5.01, 6Q, 6.01, & 7; Block 22, Lots 2Q, 2.01, 4Q, & 4.01; Block 57, Lots 3Q, 3.02, 5Q, 8Q, 9Q, & 10Q; Block 58, Lot 1; Block 60, Lots 1Q, 2Q, 5.01, 5.02, 6, 6.01, 6.02, 7, 7.01, 7.02, 7.08 & 8; and Block 61, Lots 1Q, 2Q, 3, 4, 4.01, 5, 6Q, 6.01, 7Q & 9 on the official tax maps of Woolwich Township as a non-condemnation redevelopment area in accordance with the Redevelopment Law (“Regional Center East Redevelopment Area”); and

WHEREAS, in order to stimulate further redevelopment, on April 17, 2017, pursuant to Resolution R-2017-120, the Township Committee, upon review of the Preliminary Investigation Report Determination of Need for Regional Center West and the recommendations of the Planning Board as set forth in Resolution 2017-15, designated Block 6, Lots 5 & 6; Block 7, Lots 4, 4.01, 4.02, 5 & 5.01; Block 8, Lots 1 & 2; Block 9, Lots 1, 2, 3, 4, 5, 5.01 & 6; Block 10, Lots 2, 3, 4, 5.01, 6, 6.01 & 7; Block 11, Lots 6, 6.01, 6.02, 6.04, 7, 9, 10, 11, 11.01, 12, 12.01, 12.02, 13, 14, 15, 16 & 29; Block 12, Lots 1, 2, 2.01, 3, 3.01, 3.02 & 4.01; Block 14, Lots 1.01, 1.02, 1.03, 1.04, 1.05, 1.06, 1.07, 1.08, 1.09, 1.10, 1.11, 1.12, 1.13, 3, 3.01, 3.02, 14, 15, 15.01, 16 & 17; Block 15, Lot 2, 3, 3.01 & 3.02; Block 57, Lots 1, 2, 2.01 & 3.01 on the official tax maps of Woolwich Township as a non-condemnation redevelopment area in accordance with the Redevelopment Law (“Regional Center West Redevelopment Area”); and

WHEREAS, a single redevelopment plan was prepared by Maser Consulting, P.A. for both the Regional Center East Redevelopment Area and the Regional Center West Redevelopment Area, entitled Kings Landing Redevelopment Plan, Route 322 Corridor, dated June 2017, which was adopted by the Township Committee on July 17, 2017 pursuant to Ordinance 2017-12 (“2017 Kings Landing Redevelopment Plan”); and

WHEREAS, on August 5, 2019, pursuant to Resolution R-2019-194, the Township Committee, upon review of the Preliminary Investigation Determination of Need Report, dated July 2019, and the Planning Board’s recommendations as set forth in Resolution 2019-194, designated Block 10, Lots 5, 5.02 & 5.03; Block 11, Lots 17, 18, 19, 20 & 21; Block 12 Lots 5 & 9; Block 14, Lots 5.01 & 5.02; Block 16, Lots 1, 2, 3, 4, & 4.01; Block 59, Lots 6, 6.01, 6.02, 7

(part of), 8 & 10; and Block 62, Lots 2 & 3 as a non-condemnation redevelopment area (“Expanded Regional Center Redevelopment Area”); and

WHEREAS, an amendment to the 2017 Kings Landing Redevelopment Plan was prepared by Maser Consulting, P.A., entitled “2019 Amendment to the Kings Landing Redevelopment Plan, Route 322 Corridor,” dated December 2019 (“2019 Kings Landing Redevelopment Plan”) to facilitate redevelopment of a combined area encompassing the Regional Center East Redevelopment Area, the Regional Center West Redevelopment Area and the Expanded Regional Center Redevelopment Area (collectively referred to as the “Redevelopment Area”), and was adopted on December 30, 2019 by way of Ordinance 2019-25; and

WHEREAS, in order to satisfy Woolwich Township’s affordable housing obligations, Fair Share Housing Center (“FSHC”) and the Township entered into a Settlement Agreement, dated December 27, 2018 (“Original Settlement Agreement”) setting forth compliance mechanisms and related obligations necessary to satisfy Woolwich Township’s Rehabilitation Obligation, Prior Round Obligations and Third Round Obligation; and

WHEREAS, on May 3, 2021, the Township entered into a Settlement Agreement (“Inclusionary Settlement Agreement”) with Woolwich Commons, LLC, Main Street at Woolwich, LLC, Woolwich Crossings, LLC, and Woolwich Residential, LLC, Fair Share Housing Development and Fair Share Housing Center (“FSHC”), as well as a separate First Amendment (“First Amendment”) to the Original Settlement Agreement between Woolwich Township and FSHC to adjust compliance mechanisms applicable to the Township’s Third Round Obligation (the Inclusionary Settlement Agreement and the First Amendment are collectively referred to as the “Mount Laurel Settlement Agreements”); and

WHEREAS, in order to comply with its obligations as set forth in the Mount Laurel Settlement Agreements, an amendment to the 2017 Kings Landing Redevelopment Plan and the 2019 Kings Landing Redevelopment Plan was prepared by Remington & Vernick Engineers, entitled “Kings Landing at Woolwich Township, 2021 Amendment to Redevelopment Plan, dated September 20, 2021, (“2021 Kings Landing Redevelopment Plan”) which stated that it superseded and replaced both the 2017 Kings Landing Redevelopment Plan and the 2019 Kings Landing Redevelopment Plan and sets forth the Township’s goals, objectives and standards governing the redevelopment of the Redevelopment Area, which was adopted on September 20, 2021 by way of Ordinance 2021-21; and

WHEREAS, in order to comply with the New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act adopted on February 22, 2021 as P.L. 2021, c.16 (“CREAMM Act”), the Township Committee amended the Kings Landing Redevelopment Plan to add certain classes of cannabis facilities as permitted uses within certain areas within the Redevelopment Area, by way of Ordinance 2021-15 adopted on August 16, 2021 (“Cannabis Amendment”); and

WHEREAS, on December 19, 2022, by way of Ordinance 2022-16, an amendment to the 2021 Kings Landing Redevelopment Plan was prepared by Remington & Vernick Engineers for the purposes of cleaning up certain elements of that plan, as set forth in the redevelopment plan amendment entitled, “Kings Landing at Woolwich Township, 2022 Amendment to Redevelopment Plan,” dated November 2022 (“2022 Kings Landing Redevelopment Plan”); and

WHEREAS, on February 21, 2023, by way of Ordinance 2023-06, Township adopted additional amendment to the 2022 Kings Landing Redevelopment Plan, which revise the zoning and land uses as set forth in an amendment to the 2022 Kings Landing Redevelopment Plan entitled, “Kings Landing at Woolwich Township, 2023 Amendment to Redevelopment Plan,” dated February 2023 (“2023 Kings Landing Redevelopment Plan”); and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, a governing body may adopt, revise or amend a redevelopment plan; and

WHEREAS, via Resolution #2022-33, the Joint Land Use Board of the Township of Woolwich adopted a re-examination of the Township of Woolwich Master Plan (“2022 Master Plan Re-Examination Report”); and

WHEREAS, the 2022 Master Plan Re-Examination Report recommended repeal of the a voluntary transfer of development rights (“TDR”) program, previously adopted by way of Ordinance No. 2008-20 (“TDR Program”); and

WHEREAS, on _____, the Township adopted Ordinance No. _____, which repealed the TDR Program; and

WHEREAS, in order to stimulate redevelopment of the Redevelopment Area, the Township Committee has determined that it is in the best interest of the Township to consider an additional amendment to the 2023 Kings Landing Redevelopment Plan to revise the zoning and land uses to reflect the repeal of the TDR Program and has prepared an amendment to the 2023 Kings Landing Redevelopment Plan entitled, “Kings Landing at Woolwich Township, Revised 2023 Amendment to Redevelopment Plan,” dated April 2023 (“Revised 2023 Kings Landing Redevelopment Plan”); and

WHEREAS, by way of Resolution _____, the Township Committee has referred the Revised 2023 Kings Landing Redevelopment Plan to the Planning Board for its review as to the consistency with the Township Master Plan; and

WHEREAS, on May 4, 2023 the Planning Board reviewed the Revised 2023 Amendment to Redevelopment Plan, and considered the testimony of the Planning Board’s Planner, Ashton Jones, P.P. A.I.C.P., C.F.M., and adopted Resolution # _____, recommending adoption of the Revised 2023 Kings Landing Redevelopment Plan; and

WHEREAS, the Township Committee has reviewed the recommendation of the Planning Board and the Revised 2023 Kings Landing Redevelopment Plan and has determined that it is in the best interest of the Township to adopt the Revised 2023 Kings Landing Redevelopment Plan,

attached hereto, in order to effectuate the redevelopment and rehabilitation of the Redevelopment Area.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Woolwich, County of Gloucester, and State of New Jersey that:

1. The above-mentioned recitals are incorporated herein as though fully set forth at length.
2. The amended redevelopment plan prepared by Remington & Vernick, entitled “Kings Landing at Woolwich Township, Revised 2023 Amendment to Redevelopment Plan,” dated April 2023, and the findings contained therein is hereby adopted, as well as the findings contained in Resolution # _____ adopted by the JLUB.
3. Portions of the zoning set forth in the Revised 2023 Kings Landing Redevelopment Plan is an overlay zoning for which no zoning map amendment is necessary, and portions of the zoning set forth in the Revised 2023 Kings Landing Redevelopment Plan supersedes the underlying zoning. The zoning map shall hereby be amended to reflect the properties for which the Revised 2023 Kings Landing Redevelopment Plan supersedes the underlying zoning.
4. The Township Committee declares and determines that the Revised 2023 Kings Landing Redevelopment Plan provides realistic opportunities for redevelopment of the Redevelopment Area, and is otherwise in conformance with N.J.S.A. 40A:12A-1, et seq.
5. The Township Committee further declares and determines that Revised 2023 Kings Landing Redevelopment Plan is consistent with and/or is designed to effectuate the Township of Woolwich Master Plan, as reexamined by the 2022 Master Plan Reexamination Report.
6. The Township Committee shall have, be entitled to, and is hereby vested all power and authority granted by the aforementioned statutory provision to effectuate the Revised 2023 Kings Landing Redevelopment Plan.
7. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.
8. In the event any clause, section, or paragraph of this Ordinance is deemed invalid or unenforceable for any reason, it is the intent of the Township Committee that the balance of the Ordinance remains in full force and effect to the extent it allows the Township to meet the goals of the Ordinance.

Section 13. This Ordinance shall take effect after final adoption and publication according to law.

ATTEST:

TOWNSHIP OF WOOLWICH

Jane DiBella, Municipal Clerk

Craig Frederick, Mayor

CERTIFICATION

The foregoing ordinance was introduced upon first reading by the Township Committee of the Township of Woolwich at a regular meeting held on the 1st day of May, 2023 and reintroduced at a meeting held on May 15, 2023. It will be further considered for final adoption upon a second reading and subsequent to a public hearing to be held on such ordinance at a meeting of the Township Committee at which time any interested person(s) may be heard. Said meeting to be conducted on the 5th day of June, 2023 at the Woolwich Township Municipal Building, 120 Village Green Drive, Woolwich Township, New Jersey, beginning at 6:30 p.m.

Jane DiBella, Township Clerk

NOTICE OF ADOPTION

Notice is hereby given that the foregoing ordinance was approved for final adoption by the Woolwich Township Committee at a meeting held on the 5th day of June, 2023.

Jane DiBella, Township Clerk

**RESOLUTION OF THE TOWNSHIP OF WOOLWICH, COUNTY OF
GLOUCESTER, ADOPTING AN AMENDED ROUND 3 AFFORDABLE
HOUSING SPENDING PLAN AND REQUESTING JUDICIAL REVIEW
AND APPROVAL OF SAME
R-2023-129**

WHEREAS, regulations adopted by the New Jersey Council on Affordable Housing (“COAH”) have consistently required a municipality with an Affordable Housing Trust Fund to receive approval of a Spending Plan by COAH prior to spending any of the funds in its Trust fund; and

WHEREAS, these regulations required a Spending Plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds;
5. A schedule for the expenditure of all affordable housing trust funds;
6. A plan to spend the trust fund balances in accordance with the implementation schedule within the Spending Plan and approved by a settlement agreement;
7. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues are not sufficient to implement the Plan; and
8. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

WHEREAS, the Township of Woolwich, in collaboration with Fair Share Housing Center (“FSHC”), has prepared the Township’s amended Round 3 Spending Plan consistent with the Township’s Settlement Agreement with FSHC; and

WHEREAS, the amended Round 3 Spending Plan is attached hereto as Exhibit A; and

WHEREAS, the Township of Woolwich shall hereby seek review and approval of its amended Round 3 Spending Plan as part of its obligations under the Settlement Agreement between the Township of Woolwich and Fair Share Housing Center.

NOW THEREFORE BE IT RESOLVED that the Mayor and Committee of the Township of Woolwich, County of Gloucester, hereby adopts and endorses its amended Round 3 Spending Plan attached hereto;

BE IT FURTHER RESOLVED THAT the Township of Woolwich hereby requests that the Special Master and/or the Court review and approve same.

ATTEST:

Mayor Craig Frederick

Jane DiBella, Clerk

CERTIFICATION

I, Jane DiBella, RMC, Municipal Clerk of the Township of Woolwich, do hereby certify that the foregoing resolution was duly adopted by the Mayor and Committee of the Township of Woolwich at a public meeting held on June 5, 2023, a quorum being present and voting in the majority.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 5th of June, 2023.

Jane DiBella
Township Clerk

RESOLUTION AUTHORIZING THE TAX COLLECTOR TO TRANSFER OR REFUND OVERPAYMENT OF TAXES

R-2023-139

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Woolwich, County of Gloucester, and State of New Jersey, that it hereby authorizes the Woolwich Tax Collector to process the following refund/cancel/transfer as noted:

Block 12 Lot 4.02 Christopher Paul Dudas TDV \$3,356.06 refund

Adopted this 5th day of June, 2023

TOWNSHIP OF WOOLWICH

Craig Frederick, Mayor

ATTEST:

Jane DiBella, Clerk

CERTIFICATION

The foregoing resolution was duly adopted by the Township Committee of the Township of Woolwich, at a meeting held on the 5th day of June 2023.

Jane DiBella, Clerk

**RESOLUTION OF THE TOWNSHIP OF WOOLWICH, COUNTY OF GLOUCESTER, IN SUPPORT REGARDING
NJDOT TRAFFIC ORDER REGULATION ESTABLISHING RIGHT TURN ONLY EXIT DRIVEWAY ONTO U.S. RT.
322 FROM COMMODORE BUSINESS CENTER
R-2023-140**

WHEREAS, development of a warehouse plaza located on Block 11, Lots 20 and 21 has occurred; and

WHEREAS, the New Jersey Department of Transportation (NJDOT) issued Major Access Permit # A322-S/20, 21501-219 and S322-S-21503-2019, and due to concerns for motorist and pedestrian safety onto and from Rt. 322, the staff of the Bureau of Traffic Engineering were asked to complete an investigation as to the establishment of a “Right Turn Only” regulation, which the Bureau thereafter recommended; and

WHEREAS, Pursuant to N.J.S.A. 39:4-8.3 and 39:4-197(1)h the NJDOT is required to promulgate a Traffic Regulation Order (TRO) which requires a Resolution of support from the municipal governing body; and

WHEREAS, the Township Committee of the Township of Woolwich hereby supports the following:

US Rt. 322

Turns

No person shall make a turn at any location listed and only in the manner described.

<u>Intersection /Location</u>	<u>Turn Permitted</u>	<u>Movement Permitted</u>
Commodore Business Center North Exit/entrance driveway and US Route 322 (Block 11, Lot 20.21) Approximately 3450 feet west of the Center line of Oak Grove Road (CR-671) Approximate MP 4.8	Right Turn Only	Northbound from exit driveway onto US Route 322 westbound

<u>Intersection /Location</u>	<u>Turn Permitted</u>	<u>Movement Permitted</u>
Commodore Business Center North Exit/entrance driveway and US Route 322 (Block 11, lots 20 and 21) Approximately 1530 feet east of the Center line of Berkeley Drive Approximate MP 4.8	No Left Turn	Left Turn into driveway from US Route 322 eastbound

Repealer Clause

The Township of Woolwich concurs that any approved traffic regulation in conflict with or inconsistent with the provisions of this Resolution may be rescinded upon the approval of the Traffic Regulation Order.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Woolwich that it does hereby support the efforts of NJDOT and the Bureau of Traffic Engineering to issue a Traffic Regulation Order in regards to the above.

Adopted this 5th day of June, 2023

TOWNSHIP OF WOOLWICH

ATTEST: _____
Jane DiBella, Clerk

Craig Frederick, Mayor

CERTIFICATION

The foregoing Resolution was duly adopted by the Township Committee of the Township of Woolwich at a meeting conducted on the 5th day of June, 2023.

Jane DiBella, Clerk

**RESOLUTION OF THE TOWNSHIP OF WOOLWICH AUTHORIZING REDUCTION NO. 1 OF LETTER
OF CREDIT #22-09 POSTED ON THE BEHALF OF VILLAGES I, SECTION 4.2
R-2023-141**

WHEREAS, the Township of Woolwich holds Letter of Credit # 22-09 posted by Villages I, Section 4.2; and

WHEREAS, said Letter of Credit is in the amount of \$906,618.28; and

WHEREAS, a request has been received from the developer as to the reduction of the bonded amount; and

WHEREAS, Alaimo Group Engineers has conducted an inspection of the improvements in response to such request, and issued a letter dated May 11, 2023 in which recommendation has been made to authorize such reduction;

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Woolwich that the performance bond noted below, be and is hereby authorized for reduction to the recommended balance reflected:

LOC #	Current Amount	Reduced To
#22-09	\$906,618.28	\$352,294.61

BE IT FURTHER RESOLVED that the reduced amount represents progress to date and does not release the developer from any punch list or contract requirements for the improvements installed to date; and

BE IT FURTHER RESOLVED that the Woolwich Township Clerk is authorized and directed to remit a certified copy of this resolution to such developer, and to require submission of a rider in the reduced amount, to be attached to the original Performance Bond.

Adopted this 5th day of June, 2023

TOWNSHIP OF WOOLWICH

ATTEST: _____
Jane DiBella, Clerk

Craig Frederick, Mayor

CERTIFICATION

The foregoing resolution was duly adopted by the Township Committee of the Township of Woolwich at a meeting held on the 5th day of June, 2023.

Jane DiBella, Clerk

**RESOLUTION AUTHORIZING RENEWAL OF PLENARY RETAIL CONSUMPTION
LIQUOR LICENSE #0824-33-003-002 TO CENTER SQUARE TAVERN, LLC
R-2023-142**

WHEREAS, Center Square Tavern LLC is currently the owner of Plenary Retail Consumption Liquor License #0824-33-003-002; and

WHEREAS, said licensee has made application for renewal of said license; and

WHEREAS, the application has been reviewed by the Township Clerk and found to be in order; and

WHEREAS, the Township Clerk has further determined that all fees due and owing the Township of Woolwich and the State of New Jersey have been paid by the applicant; and

WHEREAS, the Township Committee of the Township of Woolwich wishes to renew this license in accordance with N.J.S.A.33:1-1 et seq. to the same extent that it has been granted in the past;

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Woolwich, in the County of Gloucester and State of New Jersey as follows:

1. That the application made by Center Square Tavern LLC for the renewal of Plenary Retail Consumption Liquor License #0824-33-003-002 be and is hereby granted for a term beginning as of July 1, 2023 and expiring on June 30, 2024.
2. That the Woolwich Township Clerk is authorized and directed to take all steps necessary to affect the renewal of this license.

Adopted this 5th day of June, 2023

TOWNSHIP OF WOOLWICH

Craig Frederick, Mayor

ATTEST: _____
Jane DiBella, Clerk

CERTIFICATION

The foregoing resolution was duly adopted by the Township Committee of the Township of Woolwich at a meeting held on the 5th day of June, 2023.

Jane DiBella, Clerk

**RESOLUTION AUTHORIZING EXECUTION OF REDEVELOPMENT AGREEMENT
WITH CP WOOLWICH URBAN RENEWAL, LLC FOR
BLOCK 28.04, LOT 7**

R-2023-143

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”), as amended and supplemented, provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment or rehabilitation; and

WHEREAS, in order to stimulate redevelopment, on August 20, 2018, pursuant to Resolution No. 2018-206, the Mayor and Committee of Woolwich Township (the “Township Committee”), designated certain parcels within the Township, including Block 28.04, Lot 7 on the Official Tax Map of the Township (the “Property”) as a non-condemnation area in need of redevelopment pursuant to the criterion set forth in N.J.S.A. 40A:12A-5 of the Redevelopment Law (“Redevelopment Area”); and

WHEREAS, by way of Ordinance No. 2018-16 adopted on October 1, 2018, the Township adopted a redevelopment plan for an area within the Township including the Property, entitled “Woolwich Towns Center Redevelopment Plan” (the “Redevelopment Plan”), which sets forth, inter alia, the plans for the rehabilitation and redevelopment of the Redevelopment Area, including the Property; and

WHEREAS, the Redevelopment Law, N.J.S.A. 40A:12A-8(f), authorizes the Township to arrange or contract with a redeveloper for the planning, construction, or undertaking of any project or redevelopment work in an area designated as an area in need of redevelopment or rehabilitation; and

WHEREAS, CP Woolwich Urban Renewal, LLC (“Redeveloper”) proposes the redevelopment of the Property within the Redevelopment Area; and

WHEREAS, the Redeveloper has proposed to undertake the planning, design, construction and rehabilitation of certain improvements on the Property, including approximately 386 residential market rate rental units in live-work community that includes home office and adult oriented community and amenity spaces and associated site improvements such as stormwater management, ingress and egress driveways, internal roadways, parking, lighting, and landscaping (the “Project Improvements”); and

WHEREAS, the obtaining of governmental approvals, the site preparation of the Property, construction, completion, and management of all Project Improvements contemplated under this Agreement (the “Project”) shall be completed pursuant to the provisions of a redevelopment agreement and the Redevelopment Plan; and

WHEREAS, the Township has negotiated a Redevelopment Agreement with Redeveloper (the “Redevelopment Agreement”) setting forth the parties’ respective obligations regarding the Project; and

WHEREAS, the Township Committee considers it to be in the best interest of the Township to designate CP Woolwich Urban Renewal, LLC as the Redeveloper of the Property and to enter into the Redevelopment Agreement with the Redeveloper to undertake the Project.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Woolwich, County of Gloucester, and State of New Jersey that:

1. That the Township Committee does hereby authorize the execution of the Redevelopment Agreement between Woolwich Township and CP Woolwich Urban Renewal, LLC and all necessary documents in support thereof.
2. That the Township Committee does hereby designate CP Woolwich Urban Renewal, LLC as redeveloper of the portion of the Redevelopment Area consisting of Block 28.04, Lot 7 on the Official Tax Map of the Township.
3. That the Township Committee does hereby authorize the Mayor and the Township Clerk to execute said Redevelopment Agreement and all necessary documents in support thereof on behalf of Woolwich Township, subject to the approval of the Township Administrator, the Township Solicitor, and Township Redevelopment Counsel.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

Adopted this 5th day of June 2023

TOWNSHIP OF WOOLWICH

ATTEST: _____
Jane DiBella, Clerk

Craig Frederick, Mayor

CERTIFICATION

The foregoing Resolution was duly adopted by the Township Committee of the Township of Woolwich at a meeting conducted on the 5th day of June 2023.

Jane DiBella, Clerk