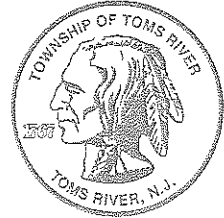


TOWNSHIP OF TOMS RIVER

RECEIVED 33 Washington Street, P.O. Box 728
Toms River, NJ 08754

2008 SEP 15 A 11: 22

732-341-1000
Fax: 732-244-9883



THOMAS F. KELAHER
MAYOR

REPLY TO:
OFFICE OF THE MAYOR

September 10, 2008

Benjamin L. Spinelli
Executive Director
Office of Smart Growth
101 South Broad Street
P.O. Box 204
Trenton, NJ 08625-0204

Re: Toms River Township
Plan Endorsement
Extension for Action Plan Items

Dear Mr. Spinelli:

On behalf of Toms River Township, I am hereby requesting an extension to complete our Action Plan items as a part of our petition for plan endorsement. As you are well aware, the Township has been pursuing plan endorsement for an extended period of time and is anxious to complete the process. Our staff met with you and Commissioner Doria in early April with respect to certain outstanding items, including the specific treatment of center boundaries, which have been at the heart of the plan endorsement concerns of the Township from the time of our initial submission in 2005.

Our Township Planner, Jay Lynch, has kept me apprised of the ongoing efforts of the Township to complete the plan endorsement process with your office. He has indicated the high level of cooperation you and the Commissioner have provided considering the circumstances that are unique to Toms River. As the largest municipality in New Jersey south of the Raritan River, and one that is under the jurisdiction of CAFRA, we have a difficult combination of characteristics and regulations to address as a part of the endorsement process. A Planning Area 1 designation for the Township appears to be unlikely at this time even though we believe the characteristics of the Township and nearby areas extending to the north and east in Ocean County warrant such a designation. As a result, we are continuing to pursue the designation of Centers and other Action Plan items in order to provide locations where development can occur at impervious coverages higher than 30 percent, in accordance with CAFRA regulations.

"HOMO COGITAT, DEUS INDICAT"

Based on our understanding that you and your staff would be working on State Plan issues this summer, we have taken the time to strengthen our data base related to plan endorsement and have looked in detail at other pertinent long range planning matters. While Mr. Lynch will be submitting a detailed report to you regarding the status of all items on the Action Plan, please be advised that we have been actively involved in the following efforts related to our Action Plan:

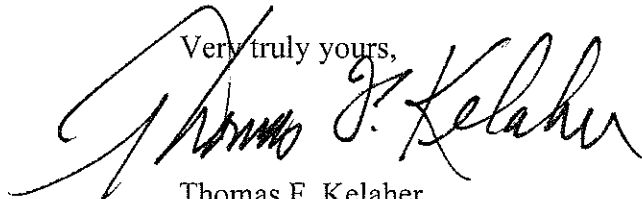
1. We have hired a GIS specialist on staff and have plotted numerous data layers related to environmental and development characteristics throughout the Township.
2. We have updated our stormwater management plan and GIS database and have secured conditional approval from the County on our plan.
3. Our wastewater management plan is under review and coordination with the County. This is of particular importance with respect to large undeveloped parcel in the Township, most notably the Ciba tract, and also regarding our ongoing affordable housing obligations.
4. While the Township Master Plan has been updated, certain aspects of the Plan related to affordable housing are under continuing review based on the recently adopted COAH Rules and the adoption of A-500, also known as the Roberts Bill. This is clearly a major long-range planning issue that needs to be coordinated with plan endorsement. We have been meeting on a weekly basis on matters related to our approach to affordable housing with special counsel retained in that regard, and with the Special Master assigned by Judge Grasso as a part of our administrative process with the Court.
5. We have continued our discussions with NJDOT regarding needed improvements and the prospect for widening and other improvement projects in the near future, such as those proposed for Route 166 in the vicinity of Route 37.
6. The open space network in the Township has been reviewed in detail over the last several months, including land that lies in conservation easements. The details have been incorporated into our GIS system and provide additional insight into our open space and recreational needs. The Recreation Committee has proposed an update to the Township Master Plan regarding Recreation and Open Space and a hearing on the Plan will probably be held in October.
7. Water supply issues continue to be addressed through United Water, and various consistency statements, land use and zoning regulations will be provided in the normal course of plan endorsement.

We feel that the work we have been pursuing during these past several months will enable both the Township and your office to more comprehensively address our ultimate goal of plan endorsement. We appreciate your continuing efforts to assist us in this difficult process of coordinating our local concerns with those reflected in the State Plan.

In light of the above, I would reiterate our request for an extension. Again, based on the complexity of our submission and the many issues that need to be addressed, we believe the extension should be for at least six months, and if you feel more time is needed to reasonably achieve plan endorsement, we would support that as well.

We look forward to working with you and your staff.

Very truly yours,

A handwritten signature in black ink, appearing to read "Thomas F. Kelaher". The signature is fluid and cursive, with the first name "Thomas" and last name "Kelaher" clearly legible.

Thomas F. Kelaher
Mayor

cc: The Honorable Joseph V. Doria, Jr.
Leigh Jones, Office of Smart Growth
Council President Gregory P. McGuckin
Councilman Maurice B. Hill
Councilman Peter. V Cassano
Councilwoman Melanie S. Donohue
Councilman Brian S. Kubiel
Councilman John C. Sevastakis
Councilwoman Maria L. Maruca
Business Administrator Robert Chankalian Jr.
Township Attorney Mark Troncone
Township Clerk Mark Mutter