OTLU-00080 December 7, 2006

Eileen Swan, Executive Director NJDCA—Office of Smart Growth 101 South Broad Street, 7th Floor P.O. Box 204 Trenton, NJ 08625-0204

Re: Waretown Town Center Plan Endorsement Monitoring Report Township of Ocean, Ocean County

Dear Ms. Swan:

This letter serves to provide the State Planning Commission and the Office of Smart Growth a status of the planning activities implemented to date for the Waretown Town Center as required by N.J.A.C. 5:85-7.12 and Planning and Implementation Agreement (PIA) Item 1.4, Plan Endorsement Review. We have provided a hard copy of the documents as well as ten (10) CDs.

The Township of Ocean received plan endorsement and center designation for the Waretown Town Center on December 7, 2005. The Township submitted a Status Report to OSG on March 22, 2006. The Township also prepared a PIA Status Report for a meeting with NJDEP on September 5, 2006 that was given to OSG as a participant to that meeting.

Please note the Township was awarded a 2006 Achievement in Planning Award for the plan endorsement petition and Waretown Town Center from the New Jersey Planning Officials on May 19, 2006.

I. Planning and Implementation Agreement

The Township has adopted the following planning documents:

- A. Ocean has submitted the following documents to OSG in prior status reports and correspondence with the State:
 - Housing Element and Fair Share Plan
 - SADC TDR grant agreement
 - Resolutions 2005-93, 2006-06, 2006-89, 2006-103, 2006-104 and 2006-153
 - NJDEP—Green Acres Diversion Pre-Application Meeting Letter
 - Water Modification Permit
 - Wastewater Quality Management Plan Amendment

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B. Appendix A. Please find enclosed the PIA Status Report and documentation that supports the status of each planning activity to date. The PIA Status Report is arranged by timeline of planning activities. This has been updated from the PIA Status Report provided to NJDEP in September.

The Monitoring Report has been prepared as a summary of each planning activity to date by subject heading. This report also includes PIA Items that Ocean has completed prior to the PIA scheduled timetable.

1. General.

<u>CAFRA Town Center Boundary</u>. The Township is currently in the process of receiving its CAFRA Town Center boundaries approved by the NJDEP, Land Use Regulation Program and the New Jersey Pinelands Commission.

Ocean anticipates that the planning issues associated with CAFRA and its approval of the Coastal Town Center should be resolved shortly. Given the impact on approved and pending development applications in the Town Center, the timely resolution of affirming the Waretown Town Center within the New Jersey Register would be greatly appreciated.

PIA ITEM GENERAL PIA TIMETABLE: JUNE 6, 2006

1.1/1.2 CAFRA Center Boundary

The Township submitted the required documents to NJDEP, OSG and the New Jersey Pinelands Commission. On July 5, 2006, the Pinelands Commission certified the proposed changes to the areas located in the Pinelands National Reserve or West of the Parkway.

On July 6 2006, Ocean requested that NJDEP meet with the Township to discuss the outstanding issues related to the CAFRA boundary. Ocean met with NJDEP in September and with the New Jersey Pinelands Commission in October to resolve the outstanding CAFRA issues that were needed to publish the rule amendment in the New Jersey Register.

The Township prepared and adopted the Environmental Conservation Zone District and modified and extended the Bayshore Conservation Zone District to address the concerns raised by NJDEP (PIA Item 2.1, General Zoning, Ordinance 2006-34). As per NJDEP request, the Township made additional amendments to the ordinance (Ordinance 2006-39). For NJDEP to provide notice, the New Jersey Pinelands Commission will need to prepare a report for areas East of the Parkway. The Pinelands has indicated that they intend to prepare a report on the proposed changes to the EC/BC zone districts for their January meeting.

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2. Land Use/Zoning

Environmental Conservation Zone District. On September 21 2006, Ocean adopted rezoning amendments to the Township development regulations to designate all areas located within PA-5 as either EC, Environmental Conservation or BC, Bayshore Conservation zone districts. The ordinance modified and extended the boundaries of the existing EC and BC Districts as appropriate consistent with the PA-5 boundaries approved by the SPC. NJDEP requested additional clarification that golf courses be expressly stated as a non-permitted use. The Township has scheduled a final reading of the ordinance for December 14, 2006.

Waretown Town Center Plan. The Township is currently preparing a Waretown Town Center Plan that will serve as the Vision Plan for the receiving district pursuant to the requirements of the Shore to Grow, Shore to Plan TDR program. This will include design guidelines, streetscape improvements, and a transportation development district for the Waretown Town Center. The purpose will be to achieve a smart growth planning approach within the center that recognizes development opportunities and environmentally sensitive features and promotes their conservation for future generations. The Township is preparing the Waretown Town Center Plan using a form-based zoning approach. Ocean is currently reviewing the road and pedestrian network as part of the development of this code for the center.

Master Plan Amendments. As noted above, Ocean is currently preparing a Waretown Town Center Plan that will further refine the Waretown Town Center concept plan that has been incorporated into the Land Use Plan Element of the Master Plan. This will also serve as the Vision Plan for the TDR receiving district and will be incorporated into a TDR Plan Element. The Township also will incorporate the proposed center road network and corresponding cross sections into its Circulation Plan Element.

Community Facilities. The Township is currently investigating the opportunity of combining a new school facility with administrative offices for the Township, with the intent of locating this facility in the Town Center. Ocean has requested assistance from the State to achieve this goal of an integrated municipal/school facility in the Waretown Town Center (PIA Item 2.8, Municipal Facilities & PIA Item 2.11, Community Facilities). Ocean will go out for bid once the Coastal Town Center is noticed by NJDEP.

PIA ITEM LAND USE/ZONING | PIA TIMETABLE: FEBRUARY 7, 2006

2.1 General Zoning

As requested by NJDEP, the Township amended its development regulations to rezone areas outside the Center and Suburban Planning Area as either in the Environmental Conservation Zone District or Bayshore Conservation Zone on September 21, 2006

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(Ordinance 2006-34).

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These amendments were submitted to NJDEP and the New Jersey Pinelands Commission to approve the CAFRA Town Center boundary. NJDEP requested additional amendments to the ordinance and Ocean amended the ordinance to specify that golf courses are not permitted in the Environmental Conservation Zone District. The Township has scheduled the final reading of Ordinance 2006-39 for December 14, 2006.

On November 30, 2006, Ocean submitted a letter to NJDEP's Division of Watershed Management indicating that the newly created EC zone district was consistent with the Wastewater Management Plan submitted in March 2006 (PIA Item 8.2).

The Township has included zoning maps for both West and East of the Parkway.

PIA ITEM IMPACT FEES PIA TIMETABLE: SEPTEMBER 2006 2.9 Impact Fees

2.9 Impact rees

Ocean adopted Ordinance 2004-09 and 2005-39 regarding impact fees associated with recreational amenities.

3. Housing.

Housing Plan. The Township submitted its Housing Plan and Fair Share Element to COAH on December 20, 2005, and petitioned COAH for substantive certification. This plan includes affordable housing sites within the Town Center. Ocean received a request from COAH for additional information on June 13, 2006. On September 11, 2006, Ocean provided the additional information requested by COAH. The Township's plan proposes that the Town Center include a variety of affordable housing for seniors and low and moderate-income households. This includes a 100-unit age-restricted rental project. All these projects are dependent upon NJDEP issuing its notice regarding the CAFRA status of the Town Center.

The Township has adopted a tax abatement program for both residential and non-residential zones to rehabilitate aging structures as well as a growth share ordinance.

Please note: Ocean's second round Housing Element and Fair Share Plan was subject of a recent court decision of the New Jersey Supreme Court on October 27, 2006 (DOCKET NO. A-2174-04T3) in litigation brought by Shoreline Management, which owns property outside the center and seeks to develop high-density inclusionary residential development on its site. The Court found that COAH was not arbitrary and capricious in determining its method of review of the Township of

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Ocean's Housing Element and Fair Share Plan and determined that COAH had valid jurisdiction over Ocean's plan. Shoreline Management continues to be an objector to the Township's plan and will participate in COAH sponsored mediation.

PIA ITEM HOUSING	PIA TIMETABLE: JUNE 2006
3.1 Rehabilitation	

The Township adopted Ordinance 2000-13 to establish a five year tax abatement program for areas designated in need of rehabilitation or redevelopment.

4. Redevelopment.

Waretown Town Center Plan. Ocean is preparing a comprehensive Waretown Town Center Plan that will serve as the redevelopment plan for the concept plan area of the Center along and to the west of Route 9. This will supplement and expand the Route 9 Phase 1 Redevelopment Plan that has previously been adopted by the Township.

Route 9 ~ Phase 1 Redevelopment Plan Amendments. On November 30, 2006, the Township Committee referred the Route 9 ~ Phase 1 Redevelopment Plan Amendments to the Planning Board for their review. The proposed amendments recommend inclusion of Block 41, Lots 36 & 39.04 as part of the Waretown Town Center Plan vision for a mixed-use pedestrian environment. As required by Local Housing Redevelopment Law, Ocean will submit an approving resolution to DCA when the Township has considered the amendments.

The MSC site (Block 41, Lot 35.02), which is located within the Route 9 ~ Phase 1 Redevelopment Plan Area, also is included in the Center. The Waretown Town Center boundary map prepared by T&M Associates reflects the inclusion of this property in the Town Center submitted in December 2005.

PIA ITEM ROUTE 9 ~ PHASE 1	PIA TIMETABLE: MARCH 7, 2006
REDEVELOPMENT AREA	
RESOLUTION	
4.2 Doute 0 Dhogo 1 Dodovalonment Dlen	

4.2 Route 9 ~ Phase 1 Redevelopment Plan

The Township Committee prepared an amendment to the Route $9 \sim \text{Phase 1}$ Redevelopment Plan adding several additional properties previously designated in need of rehabilitation and referred this amendment the Planning Board on November 30, 2006. The Planning Board will be providing its review and recommendations to Township Committee at its meeting of December 7, 2006.

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PIA ITEM ROUTE 9 ~ PHASE 1	PIA TIMETABLE: MAY 2006
REDEVELOPMENT AREA	
RESOLUTION	
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4.3 Route 9 ~ Phase 1 Redevelopment Plan

The Township approved an Amended Final Major Site Plan for MSC site on April 6, 2006 (Resolution 10-06-PB). MSC received approval from the Planning Board for its mixed-use development at the corner of Route 9 and Memorial Drive. DCA has approved the foundation permit for the MSC site on November 12, 2006.

5. Open Space/Recreation

<u>Volunteer Way Diversion</u>. The Township met with Green Acres in January to discuss the proposed extension of Volunteer Way. At the January meeting, the understanding of DEP and the Township was that no diversions were necessary for the extension. However, upon further review by Green Acres it has been determined that a diversion permit is required. The Township met with NJDEP and OSG on October 3, 2006 to discuss the diversion permit.

<u>Open Space</u>. Ocean has partnered with the State to purchase high value open space. The Township received Green Acres funding to purchase two properties within the Township and a loan of \$500,000 to aerate Waretown Town Lake.

The Township bonded for \$750,000 to purchase 95 acres along the waterfront. Ocean also received a \$1.2 million grant for Sands Point Park to provide access to the waterfront and include a boat launching area.

Recreation. The Township has partnered with the Ocean County Planning Department to develop the Coastal Heritage Trail. Ocean approved Ordinance 2006-35 for a revenue bond to finance the development of the trail. As part of the development approval process, Coastal Redevelopment Partners, LLC has agreed to provide the needed infrastructure for the trail (PIA Item 7.2).

The Township prepared a 2006 ANJEC Smart Growth planning assistance grant for the bicycle and pedestrian network for the Waretown Town Center. The purpose would have been to fund part of the plan to create pedestrian trails and bikeways to the link the center to surrounding developments and community facilities, including the Township's schools and recreation facilities. The primary objective of the grant was to create a pedestrian and bicycle network within the center and to surrounding neighborhoods and region and identify new active and passive recreation areas.

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PIA ITEM OPEN SPACE	PIA TIMETABLE: FEBRUARY 7, 2006
4.2 Route 9 ~ Phase 1 Redevelopment Plan	

The Township is submitting a letter prepared by Schoor DePalma regarding the status of the Volunteer Way extension and diversion permit for Green Acres.

PIA ITEM OPEN SPACE	PIA TIMETABLE: DECEMBER 7, 2006
2.10 Open Space	
PIA ITEM ACCESS TO	PIA TIMETABLE: 1 TO 3 YEARS
WATERFRONT	
4.6 Access to Waterfront	
PIA ITEM WARETOWN TOWN	PIA TIMETABLE: 1 TO 2 YEARS
LAKE	
5.2 Waretown Lake Improvements.	

Ocean has adopted Ordinance 2005-18 which demonstrates the Township financial commitment to bond for the purchase of waterfront areas for open space areas (PIA Item 2.10. The Township received assistance to develop access to the waterfront with Green Acres for the Sands Point Park and has applied for a federal grant for this property (PIA Item, 4.1). In addition, Ocean received a \$500,000 loan to aerate the Waretown Lake (PIA Item 5.2).

6. Environs/Environmental

Category One Waterways. On February 9, 2006, Ocean approved Resolution 2005-93 that supports NJDEP's efforts to designate the Oyster Creek as a Category One Waterway. The Township has not received acknowledgement of this request from NJDEP.

Stream Corridor Protection. The Township requested assistance from NJDEP to prepare a stream corridor protection plan and ordinance to protect the waterways. NJDEP provided models to the Township that was later deemed inappropriate for Ocean's circumstances. NJDEP was to provide additional support to the Township for preparation of these items. The Township requests additional assistance in the preparation of the Stream Corridor Protection Plan.

FEMA. The Township prepared a Flood Damage Prevention Ordinance (Ordinance 2006-25) as required by FEMA (PIA Item 6.4).

Forestry. In 2002, the Township adopted a Community Forestry Plan (2002-2007). Ocean requested that NJDEP provide assistance in determining what will be needed to address PIA Item 6.5, Forestry.

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PIA ITEM FLOOD HAZARD PIA TIMETABLE: DECEMBER 2009

6.4 Flood Hazard

Ocean adopted Ordinance 2006-25 to address floodplain management issues in the Township.

PIA ITEM FORESTRY PIA TIMETABLE: DECEMBER 2009

6.5 Forestry

Ocean adopted a Community Forestry Management Plan 2002-2007 on January 15, 2002 and Ordinance 2006-21 for a comprehensive tree management program in the Township.

7. Transportation and Circulation

<u>Volunteer Way</u>. The Township has retained Schoor DePalma to prepare the designs for the Volunteer Way extension, which will include traffic calming measures and other associated streetscape improvements within the Center and with the intersection of Wells Mill Road (County Route 532). Ocean met with NJDEP to discuss the alignment and has recently passed Ordinance 2006-27 which provides for \$2.1 million for the design and construction of Volunteer Way (PIA Item, 8.5).

<u>Goods Movement</u>. Ocean is working with NJDOT to establish a parallel system roadway for goods movement.

<u>Garden State Interchange</u>. The contractor requested an extension to February 28, 2007 to provide a full interchange at Garden State Parkway Exit 69. The original completion date was December 31, 2006.

PIA ITEM COASTAL	PIA TIMETABLE: DECEMBER 2006
HERITAGE TRAIL	

8.6 Access Management

Ordinance 2006-35, provides for a revenue allocation bond to assist in the development of infrastructure for the trail. As part of the approval process, the Township has required that Coastal Redevelopment Partners provide the needed infrastructure for the Coastal Heritage Trail.

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PIA ITEM ACCESS MANAGEMENT	PIA TIMETABLE: 2 TO 5 YEARS
8.6 Access Management	

The Township was the first municipality to sign the agreement with the Route 9 Coalition to address access management issues on Route 9 on August 12, 2005. Ocean will continue to work NJDOT to finalize the study.

8. Infrastructure

<u>Infrastructure Improvements</u>. In 2005, the Township prepared a \$5.2 million dollar TEA-21 grant to fund streetscape improvements for the roadways within the Waretown Town Center which include Route 9, Volunteer Way and Wells Mills Road (County Route 532). Ocean is currently preparing a new application in accordance with the requirements of SAFETEA-LU (PIA Item 7.1).

The Township is currently examining the potential for a transportation improvement district for the Waretown Town Center.

Ocean also has adopted Ordinance 2006-27 to bond approximately \$2 million for improvements to Volunteer Way.

<u>Water Supply</u>. Ocean submitted a request for modification permit to increase its current allocation to serve the Waretown Town Center on February 16, 2006. NJDEP, Bureau of Water Allocation is currently reviewing the permit application.

Wastewater Management. The Township prepared an amended Wastewater Management Plan on February 9, 2006. This plan was submitted to the Ocean County Planning Board and forwarded to NJDEP on March 7, 2006. NJDEP has not acted on the amended Wastewater Management Plan to date. On November 30, 2006, Ocean submitted a letter to NJDEP's Division of Watershed Management indicating that the newly created EC zone district was consistent with the Wastewater Management Plan submitted in March 2006 (PIA Item 1.1/1.2)

<u>Stormwater Management Plan</u>. The Township adopted two ordinances to address stormwater management controls in areas within the state-designated Pinelands and for the remaining portions of the Township.

<u>Wellhead Protection Plan</u>. Ocean adopted Ordinance 2005-43 to address wellhead protection areas (PIA Item 8.6, Wellhead Protection Plan).

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PIA ITEM 532 IMPROVEMENTS	PIA TIMETABLE: DECEMBER 7, 2006
7.1 532 Improvements	
PIA ITEM INFRASTRUCTURE	PIA TIMETABLE: December 7, 2006
PROVISION FOR NEW	
DEVELOPMENT	
8.5 Infrastructure	

The Township prepared a TEA-21 grant application for \$5.2 million to prepare streetscape improvements on Route 9, Volunteer Way and Wells Mills Road (County Route 532). Ocean is currently preparing a new application in accordance with the requirements of SAFETEA-LU. The Township adopted Ordinance 2006-27 to bond for approximately \$2 million for improvements for Volunteer Way.

PIA ITEM IMPACT FEES	PIA TIMETABLE: DECEMBER 2007
8.6 Wellhead Protection Plan	
Ocean adopted Ordinance 2005-43 to delineate a wellhead protection overlay zone.	

9. Economic Development

<u>Waretown Town Center</u>. To strengthen the identity of the center, Ocean has retained a real estate market consultant and a marketing consultant to promote Waretown Town Center. The work of these consultants will be an integral part of the Township of Ocean's TDR Program.

10. Creating a Sense of Place.

The planning and market efforts are ongoing to promote the center. Currently, with assistance from the County, the Township's Historical Commission is currently relocating the last remaining train station in the County to the center and along the Coastal Heritage Trail. The proposed Waretown Town Center plan, which is being prepared by the Township will use a form-based zoning approach to create a sense of place within the Center.

11. Transfer of Development Rights

To promote the development of a coastal TDR program, Ocean East of the Parkway has currently established the Environmental Conservation Zone District and expanded the Bayshore Conservation zone district to include areas that are identified with critical environment features. West of the Parkway, the Township has rezoned the Rural Development Area to Pinelands Forest Area in accordance with the Pinelands Comprehensive Plan. These environmental sensitive areas would be

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established as the proposed Ocean TDR Program sending areas.

The selling of development potential will serve the goals of Waretown Town Center Plan and Master Plan TDR Element.

The Township focused on the CAFRA boundary approval process, as a critical component of the Waretown Town Center is the Coastal Redevelopment Partners, LLC project. The Coastal Redevelopment Partners site improvements include a shopping center, senior rental housing and infrastructure improvements for the Coastal Heritage Trail.

Ocean will need to have the PIA timetable extended for all items that are related to the creation and promotion of the proposed Ocean TDR program. We suggest that the PIA timetable be extended an additional year from the date that NJDEP notices the Coastal Town Center in the New Jersey Register.

II. Major Development Proposals & Capital Improvements

Development proposals have been submitted to and approved by the Ocean Planning Board by Coastal Developers for a shopping center complex in the Center. Pending projects that have not yet been submitted include a 100-unit affordable senior-rental housing project. However, the Coastal Developers has not been able to receive the necessary permits to begin construction of a significant element of the cornerstone to the Waretown Town Center. The Planning Board has approved an amended Final Major Site Plan approval for the "MSC" site (PIA Item 4.3, Route 9~ Phase 1 Redevelopment Plan). Pending projects that have not yet been submitted include a 100-unit affordable senior-rental housing project.

III. Zoning Board of Adjustment

Enclosed in Appendix B, is the copy of the annual Zoning Board of Adjustment Reports prepared for 2005 and 2006.

The Township accepts the invitation of the State Planning Commission to attend their January 17, 2006 meeting to discuss the report and any other related plan endorsement issues.

The Township of Ocean appreciates the opportunity to prepare this monitoring report and look forward to the Township's and State's continued efforts together to promote smart growth in the Waretown Town Center.

NJDCA—Office of Smart Growth

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If you have any questions or require additional information, please do to hesitate to call.

Very truly yours,

STAN SLACHETKA, AICP, P.P. ASSISTANT DIVISION MANAGER PLANNING DIVISION

Enclosures

SCS:VZM:lbw

cc: Honorable Daniel Van Pelt, Mayor, Township of Ocean

Richard Reilly, Township of Ocean Planning Board Chair

Dorothy Horner, Township of Ocean Clerk

Diane Ambrosio, Township of Ocean, Deputy Township Clerk

Laurie Clune, Township of Ocean, Township Zoning Officer

David McKeon, Planning Director, Ocean County Planning Board

John Stokes, Executive Director, NJ Pinelands Commission (w/o enclosure)

Susan Grogan, Chief Planner Land Use & Technology, NJ Pinelands Commission

Courtenay Mercer, Planning Director, NJDCA-OSG (w/o enclosure)

Jung Kim, Area Planner, NJDCA-OSG (w/o enclosure)

Ben Spinelli, Esq., Chief Council, NJDCA-OSG (w/o enclosure)

Danielle Stevens, Policy Coordinator, NJDCA-OSG (w/o enclosure)

Adam Zellner, NJDEP Deputy Commissioner – Policy & Legislative Affairs (w/o enclosure)

Richard Brown, Office of Policy & Planning, NJDEP (w/o enclosure)

Elizabeth Semple, Office of Policy & Planning, NJDEP (w/o enclosure)

Steven Bruder, State Agriculture Development Committee, Agriculture Department (w/o enclosure)