

OTWP-00110

December 8, 2008

Mr. Ben Spinelli, Executive Director  
NJDCA—Office of Smart Growth  
101 South Broad Street, 7<sup>th</sup> Floor  
P.O. Box 204  
Trenton, NJ 08625-0204

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

Dear Mr. Spinelli:

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 and on December 7, 2006.

**I. Planning and Implementation Agreement (PIA)**

Please find enclosed the Planning and Implementation Agreement (PIA) Status Report and documentation that supports the status of each planning activity to date. The PIA Status Report is enclosed as Appendix A. The PIA Status Report is arranged by timeline of planning activities. In addition, included within the status report are recommended PIA extensions.

Since the 2006 Biannual Status Report, the following planning initiatives have taken place:

1. CAFRA Coastal Town Center Boundary. On April 4, 2007, Ocean's Coastal Town Center boundary and Planning Areas changes became operative.

Ocean proceeds to meet with permitting and regulatory agencies of the State to proceed with obtaining a Township-wide CAFRA permit for the Town Center. This continues to be an ongoing discussion with the relevant agencies.

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2. Volunteer Way Extension. The Township has submitted an application to NJDEP for the proposed Volunteer Way extension. The extension of Volunteer Way as a coastal evacuation route and as an integral element of the Town Center is an ongoing planning issue for the Township. The roadway is critical to the implementation of the Waretown Town Center and the Ocean TDR Program.

To date, the Township has been facing difficulties regarding the approval of the extension from CAFRA. Accordingly, the Township requests that the State Planning Commission and the Office of Smart Growth provide assistance to the Township in obtaining the necessary approvals for the extension.

3. TDR Program. On April 20, 2007, the Township initiated a kick off meeting with the Office of Smart Growth, the State TDR Bank and the Township's planner, real estate analysts and public outreach consultant to discuss the TDR Program and scope of work. A formal contract was agreed upon in Summer 2008.

Please find enclosed in Appendix B, a request for grant extension for the TDR Program.

4. Redevelopment Plan Amendments—Economic Redevelopment Plan. The Redevelopment Plan Amendments—Economic Redevelopment Plan was adopted on December 13, 2007. These amendments incorporate the Waretown Town Center as well as the Route 9 Phase I Redevelopment and Waretown Residential Gateway redevelopment areas.

The Ocean TDR Program will use this plan as a basis for the receiving district pursuant to the requirements of the Shore to Grow, Shore to Plan TDR program and the TDR Act (N.J.S.A. 40:55D-141(f)). The plan now includes the location of the new municipal building within the Waretown Town Center. As part of the considered amendment, the plan will include proposed design guidelines and proposed streetscape improvements that will provide a clear picture of what the Township intends for the Waretown Town Center. In addition, the plan will consider a form-based zoning approach. There continues to be ongoing discussions regarding the road and pedestrian network as part of the development of this core for the center which includes coordination with the NJDOT Route 9 Study and extension of Volunteer Way.

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Please find enclosed in Appendix C, the Redevelopment Plan Amendments—Economic Redevelopment Plan.

5. Waretown Town Center Request For Proposal. Ocean submits a Request for Proposal to the Waretown Town Center on August 8, 2008. A redeveloper has submitted a proposal to develop the Waretown Town Center that the Township is currently considering.

Please find enclosed in Appendix D, the request for proposal for the Town Center developer.

6. Zoning Map. On November 13, 2008, the Township formally adopted the Zoning Map that depicts the Town Center Redevelopment District. Please find enclosed in Appendix E the adopted Zoning Map.
7. Housing Element and Fair Share Plan. Ocean has enclosed the Housing Element and Fair Share Plan which was adopted by the Planning Board at its December 4, 2008 public hearing. The Township Committee will consider the plan at its December 11, 2008 meeting. The housing plan is included in Appendix F.

## **II. Major Development Proposals & Capital Improvements**

Coastal Developers continues to develop the ShopRite tract in the Town Center.

The Township Committee serving as the Township Redevelopment Entity is considering additional development proposals along Route 9 in the Town Center, including a new mixed-use development across Route 9 from the ShopRite building. This project will include affordable housing as well. A preliminary concept for this site has been submitted (See Appendix G). However, this has not been finalized.

## **III. Zoning Board of Adjustment**

Enclosed in Appendix H, is the copy of the annual Zoning Board of Adjustment Reports prepared for 2007 and 2008.

The Township accepts the invitation of the State Planning Commission to attend their January 21, 2009 meeting to discuss the report and any other related plan endorsement issues.

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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.

If you have any questions or require additional information, please do not hesitate to call.

Very truly yours,



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

Enclosures

SCS:VZM:lbw

cc: With enclosure  
Honorable Daniel Van Pelt, Mayor, Township of Ocean  
Vince Anepete, Township of Ocean Planning Board Chair  
Kenneth Mosca, Township of Ocean Administrator  
Diane Ambrosio, Township of Ocean, Township Clerk  
Laurie Clune, Township of Ocean, Township Zoning Officer  
David McKeon, Planning Director, Ocean County Planning Board  
Susan Grogan, Chief Planner Land Use & Technology, NJ Pinelands Commission  
Lorissa Whitaker, Area Planner, NJDCA-OSG  
Richard Brown, Office of Policy & Planning, NJDEP

Without enclosure

John Stokes, Executive Director, NJ Pinelands Commission  
Karl Hartkopf, Planning Director, NJDCA-OSG  
NJDEP Deputy Commissioner – Policy & Legislative Affairs  
Elizabeth Semple, Office of Policy & Planning, NJDEP  
Steven Bruder, State Agriculture Development Committee, Agriculture Department

## **Appendix A: PIA Status Report**

**Planning and Implementation Agreement  
Township of Ocean, Ocean County  
Adopted December 7, 2005  
REVISED December 5, 2008**

The Township Ocean, now the second municipality in New Jersey, received initial plan endorsement from the State Planning Commission on December 7, 2005. As part of the endorsement, the Township agreed to complete action items identified in the Planning and Implementation Agreement (PIA). The Commission arranged the PIA based on the following subject headings:

- |                      |                             |                                   |                                    |
|----------------------|-----------------------------|-----------------------------------|------------------------------------|
| 1. General           | 4. Redevelopment            | 7. Transportation and Circulation | 10. Creating a Sense of Place      |
| 2. Land Use / Zoning | 5. Open Space / Recreation  | 8. Infrastructure                 | 11. Transfer of Development Rights |
| 3. Housing           | 6. Environs / Environmental | 9. Economic Development           |                                    |

The purpose of this document is to rearrange the subject heading by the indicated time table and to indicate status completed to date.

A status column was included to indicate completion of action items contained herein and for the Plan Endorsement Monitoring Report due to the Commission on December 7, 2008.

#	ACTIVITY	LOCAL EFFORT	STATE/COUNTY ASSISTANCE	TIME TABLE	STATUS
<b>Month 0</b>					
3.1	Affordable Housing	File a petition with COAH for substantive certification.	COAH	12/20/05	<p>The Township submitted a substantive certification petition with COAH on December 19, 2005. COAH acknowledged receipt of the petition and provided a completeness determination on December 27, 2005. The Township published a public notice commencing the objection period on January 5, 2006. Two objections to the Township's plan were filed. COAH is preparing a pre-mediation report and mediation will be scheduled.</p> <p>Ocean also adopted a Growth Share Ordinance (2005-35) on October 13, 2005 to require that developers provide for a fair share of affordable housing based on new development in the Township.</p> <p>To finalize the substantive certification process, the Township was required to submit additional information by September 11, 2006 <b>and on November 26, 2007.</b></p>
11.1	Smart future grant award for shore municipality TDR program		DCA	December 31, 2005	<p>On December 7, 2005, Ocean was awarded a \$100,000 DCA grant to prepare its TDR program. The Township also received an awarded from the State Transfer of Development Rights Bank in February for \$40,000.</p> <p>OSG and Ocean scheduled a kickoff meeting on September 5, 2006 to initiate this planning process. The project team met</p>

*As of December 5, 2008*

Township completed activities have been highlighted in grey. All other ongoing Township planning efforts have not been highlighted. Critical issues identified by the Township are highlighted in red.

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					<p>on April 20, 2007 to initiate the planning process.</p> <p>Ocean <b>has prepared a</b> Waretown Town Center <b>Concept</b> Plan that will serve as the Vision Plan for the receiving area pursuant to the requirements of the Shore to Grow, Shore to Plan TDR Demonstration 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.</p>
<b>Month 2 + ongoing</b>					
2.1	General Zoning	The Township will revise any zoning and redevelopment plans for areas outside the Center and Suburban Planning Area to prohibit uses and development that would adversely affect the environmentally sensitive features in those areas.	DEP and OSG	2/7/06 (i.e. 60 days from endorsement)	<p>The Township Committee approved Resolution 2006-89 on January 26, 2005 and Resolution 2006-104 on February 9, 2006 to amend the zoning ordinance creating an environmental conservation zone district in the former industrial districts located outside the center.</p> <p>On September 21, 2006 adopted Ordinance 2006-34 which rezones the former industrial districts located outside the center into an Environmental Conservation Zone district or Bayshore Conservation Zone District. As per DEP's request, Ocean amended the ordinance to explicitly state that golf courses were not a permitted use (<b>Ordinance 2006-39</b>). Please also refer to PIA Item 1.2.</p> <p><b>Please note the newly created EC zone was also a part of the amendments to the amended Wastewater Management Plan (Please refer to PIA Item 8.2 for status of</b></p>

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					activities).  The Township adopted Ordinance 2008-12 as requested by NJDEP. This amendment further defines and clarifies the nature of recreation uses permitted in the EC zone district.
2.2	Zoning Map and Ordinances	Revise the official zoning map and ordinances based on the revised Land Use Plan element to permit a mixed-use town center incorporating planning and design concepts outlined in Master Plan (i.e. Coastal Village) and Route 9-Phase I Redevelopment Plan.	OSG	2/7/06  Proposed: June 30, 2009	The Township is currently preparing a Waretown Town Center <b>Concept</b> Plan (a component of the TDR Plan Element) to incorporate the planning and design concepts for the center, which will supersede existing zone standards.  <b>On November 13, 2008, Ocean adopted a zoning map that incorporates the Town Center zone district (Ordinance 2008-23). A final ordinance governing the building standards will be adopted by June 30, 2009.</b>
2.3	Zoning Map and Ordinances	Site plan and subdivision requirements for development within the existing and newly established Coastal Environmentally Sensitive Planning Areas shall provide for reduced road set-back depths, encourage clustering of developed areas along existing roads and seek to limit land clearing and the removal of forested areas away from existing clearings or roadway Right of Ways.	DEP and OSG	2/7/06	Please refer to PIA Items 2.1 and 2.2 regarding status of activities.
2.4	C-3 District	Downzone the existing C-3 Zone on the east side of the GSP to a lower density non-commercial zoning classification.		2/7/06	The Township Committee adopted Ordinance 2006-06 on February 9, 2006 that eliminated the C-3 Zone on the east side of the GSP.

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5.1	Open Space Plan	The Township must determine, with Green Acres Program, the extent of lands on its Recreation and Open Space Inventory (ROSI) and the Township will prepare an application to present to the Statehouse Commission.	Ocean County and DEP-Green Acres	2/7/06  <b>Proposed New Date: June 30, 2009</b>	<p>The Township met with Green Acres on January 13, 2006 and submitted documentation regarding the extent of lands on its Recreation and Open Space Inventory (ROSI). Upon further review of documentation and further refinement of the proposed realignment of Volunteer Way, it appeared that no diversions were required. At that time, the Township noted that some diversions may be necessary to implement subsequent components of the Waretown Town Center plan. However, at this time the exact amount and the location of such diversions have yet to be determined. In any event, the Township has sufficient land in the municipality to accommodate any future proposed diversions.</p> <p>On October 3, 2006, the Township met with Green Acres to address diversions and to include a bike path and parking areas in the Waretown Town Center. Based on that meeting, it appears that some diversions are necessary to extend Volunteer Way.</p> <p><b>The Township has prepared a design, engineering and environmental scope for that project.</b></p>
6.1	Water Quality and Stream Corridor Protection	Support DEP's effort to designate the Oyster Creek between the Garden State Parkway and the Oyster Creek Generation Station out-fall as a Category 1 waterway.	DEP	60 – 90 days	<p>The Township approved Resolution 2005-93 on February 9, 2006 to support DEP's effort to designate the Oyster Creek as a Category 1 waterway.</p> <p><b>DEP to acknowledge receipt of Township request.</b></p>
8.1	Water Supply	Ensure that it has adequate capacity to supply public water to existing and potential users of drinking water in Planning Area 2 and the Center.		60 days	<p>On February 15, 2006, the Municipal Utilities Authority requested a modification permit to increase its current allocation to serve the proposed center and users within Planning Area 2. <b>The permit is being reviewed by the NJDEP Bureau of Water Allocation. The MUA also had requested that OSG secure an expeditious review of the application.</b></p> <p><b>To date, no action has been taken by the</b></p>

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					State to review this application.
8.2	Wastewater Management Plan	Submit to Ocean County an amended Wastewater Management Plan for Central Ocean County that accommodates new development and redevelopment (including TDR and affordable housing units) within the limits of Planning Area 2 and the Center and removes lands that are not within Planning Area 2 or the Center from the sewer service area limits, unless already served by existing sewer connections or have a documented pre-existing sanitary health problem due to on-site wastewater disposal.	Ocean County	60 days	<p>The Township authorized T&amp;M Associates to prepare an amended Wastewater Management Plan on February 9, 2006 (Resolution 2006-13). An amended plan was submitted to the Ocean County Planning Board on March 6, 2006 and forwarded to NJDEP by the County on March 7, 2006. A copy of the application has been submitted to OSG.</p> <p>As indicated in PIA Item 2.1, Ocean submitted a letter to NJDEP's Division of Watershed Management indicating that the newly created EC zone district was consist with the Wastewater Management Plan submitted in March 2006 to the DEP.</p> <p style="background-color: #90EE90;"><b>DEP requested additional information of the Township in a letter dated December 18, 2006. The Township responded on March 14, 2007.</b></p> <p style="background-color: #90EE90;"><b>To date, the DEP has taken no action to review this application.</b></p>
<b>Month 3</b>					
1.3	CAFRA Center Boundary & revised planning area boundaries		DEP to provide the requisite notice concerning designated center and revised planning area boundaries in the NJ Register	3/7/06 (i.e. 90 days from endorsement)	DEP published a notice in the New Jersey Register (39 N.J.R. 768(b)) that approved the CAFRA Waretown Town Center and State Plan Policy Map Planning Areas on March 5, 2007. The CAFRA Town Center and Planning Area changes took effect on April 4, 2007 (Please refer to PIA Item 1.1 and 1.2).
6.2	Water Quality and Stream Corridor Protection	Create a Stream Corridor Protection Plan to protect waterways located within the Township and in the Center.	DEP	3/7/06 (i.e. 90 days from endorsement)  <b>Proposed New Date: Assistance from DEP is required</b>	<p><b>With assistance from DEP</b>, T&amp;M Associates <b>will</b> prepare a Stream Corridor Protection Plan and ordinance</p> <p>DEP sent an example of a model ordinance from the Passaic River Coalition to the Township. The DEP has advised that the model ordinance is not appropriate for the Township and is currently investigating alternative approaches.</p>
4.1	Redevelopment Plans	Pass resolution to eliminate redevelopment areas in industrial zones (I-1, I-2) and nullify any		3 months	The Township Committee approved

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	(amend)	redevelopment plans for those zones.			Resolution 2006-89 which eliminated redevelopment areas in industrial zones (I-1, I-2) (Refer to PIA Item 2.1 and 2.2). The Township is preparing the amendments to these redevelopment plans.  The Township adopted Resolution 2006-153 authorizing the preparation of a redevelopment study and plan for the Waretown Town Center on April 27, 2006 to facilitate this process.
4.2	Route 9 (Phase I) Redevelopment Area Resolution	Per the Local Redevelopment and Housing Law, pass new resolution on a revised redevelopment area wholly within center boundary, and submit copy to DCA.	Redevelopment area will become effective when DCA receives the resolution. DCA will provide town a letter of acknowledgment.	3 months	Please refer to PIA Items 2.1 and 2.2 regarding status of activities.  <b>The Township Committee adopted Ordinance 2008-23 on November 13, 2008 which amended the redevelopment areas and shows all development areas within the Waretown Town Center boundaries.</b>
<b>Month 4</b>					
8.3	Stormwater Management Plan	The Township will adopt a stormwater management ordinance and implement its stormwater management program in accordance with NJDEP regulations.	DEP and Ocean County	April 2006	Ocean adopted two ordinances to address stormwater controls in areas within the state-designated Pinelands and for the remaining portions of the Township (Ordinance 2006-13 & 14).
8.4	Wastewater Management Plan		DEP review and action on the amended Wastewater Management Plan	6 months after County submits to DEP	Please refer to PIA Item 1.1/1.2 & 8.2 regarding status of activities.
<b>Month 5</b>					
4.3	Route 9 (Phase I) Redevelopment Area Resolution	If any portion of Block 41 Lot 35.02 (southwest corner of Route 9 and Memorial Drive) is determined to be developable by DEP, that portion of the lot shall be considered to be in the center and can be included in the redevelopment area. The township will pass a resolution to amend the redevelopment area passed in 4.2.	DEP to review lot. Redevelopment area will become effective when DCA receives the resolution. DCA will provide town a letter of acknowledgment. Any land that is determined to be developable will be considered by the State Planning Commission as being within the approved center boundary.	5 months	DEP and the Township have met to address the inclusion of the "MSC" property as part of the CAFRA Town Center. The Township has acknowledged that there has been a satisfactory resolution to this issue. The Waretown Town Center Plan will address the center boundary in the narrative and the Township map will be revised. No action must be taken by DEP or DCA.
<b>Month 6 + ongoing</b>					

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1.1	CAFRA Center Boundary, revised planning area boundaries	Township to submit drafts of all new and revised planning documents required by this PIA to OSG, DEP and the Pinelands Commission.	OSG, DEP and Pinelands Commission to provide technical assistance	20 days prior to adoption by township	<p>DEP published a notice in the New Jersey Register (39 N.J.R. 768(b)) that approved the CAFRA Waretown Town Center and State Plan Policy Map Planning Areas on March 5, 2007. The CAFRA Town Center, the CAFRA Suburban Planning Area (PA2), the CAFRA Environmental Sensitive Planning Area (PA5), and CAFRA Critical Environmental Site took effect on April 4, 2007 (Please refer to PIA Item 1.2 and 1.3 for status of activities).</p> <p>Ocean adopted Resolution 2007-127 which acknowledged the adoption of the CAFRA Center and Planning Area changes are based on the Township's current endorsed Township Master Plan, zoning ordinances, and development review documents and that any future changes in these documents may affect NJDEP's approval and would require DEP review prior to future amendments or changes to these documents. These documents include the following: the current endorsed plan dated December 6, 2005, the December 2005 Amended Land Use Plan Element, Circulation Plan Element and Master Plan Reexamination Report, October 2006 Land Use Element Amendment and Ordinances 2000-23, 2003-32, 2003-34, 2003-48, 2003-49, 2004-15, 2004-22, 2005-25, 2006-24, 2006-6, 2006-34, 2006-37 and 2006-39.</p>
1.2	Management area changes in Pinelands National Reserve	The Township will submit to the Pinelands Commission, with a copy to DEP and OSG, a completed application to amend its certified master plan and land use ordinances for that portion of the Township located within the Pinelands National Reserve but not located within the Pinelands Area. The submission shall be consistent with the petition for plan endorsement and PIA approved by the State Planning Commission. All areas proposed to be Planning Area 5 in the petition shall be proposed to be Forest Area and all areas proposed to be Planning Area 2 or a designated center in the petition shall be proposed as a Regional Growth Area in the submission to the Pinelands Commission. The submission to the Pinelands Commission shall comply with N.J.S.A. 40:55D-142 concerning the proposed transferable development rights program. The submission shall include all documents adopted pursuant to this PIA as of the date of the submission to the Pinelands Commission.	DEP and the Pinelands Commission will coordinate their respective reviews	June 6, 2006	<p>The Pinelands Commission issued two orders regarding the documents submitted for plan endorsement and subsequent ordinances for the areas West of the Parkway and East of the Parkway.</p> <p>On July 14, 2006, the Commission approved Resolution 41-05, adopting the December 2005 Amended Land Use Plan Element, Circulation Plan Element and Master Plan Reexamination Report and Ordinance 2006-6 for the areas West of the Parkway.</p> <p>On January 12, 2007, the Commission issued an order that approved the document mentioned in PIA Item 1.1 for areas East of the Parkway that included the Waretown Center.</p>

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					(Please refer to PIA Item 1.1 and 1.2 for status of activities).
2.5	Master Plan	Township will revise its Master Plan, including the land use plan element and the housing element, and prepare a new utility service plan element and development transfer plan element. The revised master plan and the master plan elements shall be consistent with the plan endorsement petition and PIA approved by the State Planning Commission. They shall encourage and accommodate development and redevelopment, including affordable housing and receiving areas for transferable development rights, in the Waretown center and in the Suburban Planning Area. The utility service plan element should address how necessary infrastructure will be available to support proposed growth in the center and Planning Area 2. The Master Plan shall stress support for the utilization of TDR and land acquisition as tools that will provide for the permanent protection of portions of Planning Area 5, Pinelands Forest Area and Critical Environmental Sites and that these areas otherwise will not be adversely affected by permitted uses or land development practices. The Master Plan shall include polices which ensure that the principles of Environmental Justice are applied when establishing permitted uses within and adjacent to residential neighborhoods.		6 months  <b>Proposed New Date: June 30, 2009</b>	<b>In accordance with the new revised third round regulations and P.L.2008, c.46, Ocean is currently preparing a Housing Plan Element and Fair Share Plan to conform to the new regulatory and statutory requirements for submission on December 31, 2008.</b>  In regards to the TDR portion of the Master Plan revisions, please refer to PIA Item 11.1 above and PIA Items 11.2 through 11.6 below.  The Township will revise its Master Plan to support environmental justice issues.
2.6	Residential Zoning (general)	Amend residential zoning districts to accommodate affordable housing needs in the Center and Planning Area 2 while protecting environs.	OSG and COAH	6 months	Please refer to PIA Items 2.1 and 2.2 regarding status of activities.
2.7	Residential Zoning: R-2 zone	Acknowledging environmental constraints where they exist, provide for greater densities or clustering techniques for R-2 zoning in Planning Area 2 outside of the center between Route 9 and GSP south of County Road 532.	OSG and COAH	6 months	Please refer to PIA Items 2.1 and 2.2 regarding status of activities.
3.2	Rehabilitation	Partner with Ocean County and utilize the tax abatement process to rehabilitate the aging housing stock (see housing plan).	Ocean County	6 months for setup, ongoing management	The Township adopted Ordinance 2000-13 to establish a tax abatement program for both residential and non-residential zones.
4.4	Route 9 (Phase I) Redevelopment Plan	Amend Redevelopment Plan as necessary per boundary adjustments discussed in 4.2 and 4.3.		6 months	Please refer to PIA Items 2.1 and 2.2 regarding status of activities.
4.5	Design Guidelines	Adopt design guidelines for the Center.		0.5-1.5 years	Please refer to PIA Items 2.1 and 2.2 regarding status of activities.
11.2	Capital Improvement Plan	Adopt a Capital Improvement Plan pursuant to guidelines in the MLUL, which also includes the location and cost of all infrastructure for the receiving area, and a method of cost sharing if any portion of the costs are to be assessed against developers.	OSG	6 -12 months  <b>Proposed New Date: June 30, 2009</b>	On-going
11.3	Utility Service Plan	Amend its Master Plan to include a utility service plan element that addresses providing utility services within receiving zones in a specified time period, so that no development using TDR is unreasonably delayed because infrastructure is not available.	OSG	6 – 12 months  <b>Proposed New Date: June 30, 2009</b>	On-going
11.4	Real Estate Market Analysis	Conduct a Real Estate Market Analysis pursuant to the proposed N.J.A.C. 5:86, which examines the relationship between the development rights generated in the sending zone and the capacity of the receiving zone to accommodate the development.	OSG	6 - 12 months  <b>Proposed New Date: June 30, 2009</b>	On-going
11.5	Development Transfer	Amend Master Plan to include a Development Transfer Element, which provides the framework	OSG, Pinelands	6 – 12 months	On-going

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	Element	for the municipality's TDR program. This shall include all the analysis and elements required under the State TDR Act. All proposed receiving areas shall be located in either Planning Area 2 or the designated center. Sending areas shall include lands outside the Pinelands Area that were previously designated Planning Area 2 and that are now designated Planning Area 5 as a result of the State Planning Commission approval of the Township's petition for plan endorsement and lands in the Pinelands Area that were redesignated as Forest Area pursuant to amendments to the Pinelands Comprehensive Management Plan that took effect on June 6, 2005.	Commission		<b>Proposed New Date: June 30, 2009</b>	
11.6	TDR Ordinance	Adopt the TDR ordinance only after the preceding regulatory requirements have been met, and after said ordinance has been deemed by OSG staff to be consistent with the approved petition for plan endorsement and this PIA.	OSG, Pinelands Commission	6 - 12 months	<b>Proposed New Date: December 31, 2009</b>	On-going
<b>Month 9</b>						
2.8	Municipal Facilities	Investigate and finalize the location of a new municipal complex within the Center.	OSG and DEP	9 months	<b>Proposed New Date: June 30, 2009</b>	<b>The Township has proposed to locate a new municipal complex in the Town Center.</b> Ocean is requesting assistance from OSG and DEP to assist in receiving approval for a new school and municipal complex within the center from the DOE.
2.9	Impact Fees	Evaluate the use of impact fees for new development as authorized by the MLUL.		9 months		The Township adopted Ordinance 2004-09 and Ordinance 2005-39 to address impact fees associated with recreational amenities.
<b>Month 12 + ongoing</b>						
1.4	Plan Endorsement review	By December 7, 2006 and biennially thereafter, the Township of Ocean shall submit a report to OSG and the public concerning the terms of this PIA and related efforts pursuant to NJAC 5:85-7.12(c).  Pursuant to N.J.A.C. 5:85-7.12(c), the first review is scheduled for one year after Endorsement due to significant PIA items that must be adopted within that timeframe.		December 7, 2006; December 7, 2008 and ongoing	<b>Next Status Report: December 7, 2010</b>	Ongoing
2.10	Open Space	Continually prioritize high value open space lands for acquisition.	County and DEP	1 year		The Township has partnered with the State to purchase high value open space. Ocean bonded for \$750,000 to purchase 95 acres along the waterfront (Ordinance 2005-18). Green Acres provided a \$300,000 grant to purchase two properties within the Township.
4.6	Access to the Waterfront	Through redevelopment efforts, investigate mixed-use waterfront development opportunities that increase public access to the waterfront.	DCA and NJDEP	1-3 years		Please refer to PIA Items 2.10 regarding status of activities.  The Township received a \$1.2 million grant for Sands Point Park to provide waterfront access. Proposed improvements include a boat launching area and places to fish on the dock.

As of December 5, 2008

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Adopted December 7, 2005  
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5.2	Waretown Lake Improvements	Coordinate Waretown Lake Recreation Area improvements with Green Acres and State Agencies.	DEP-Green Acres	1-2 years	The Township received \$500,000 to aerate Waretown Lake.
5.3	Active trails/pedestrian linkages	Design, obtain funding and construct the trail network and pedestrian linkages.	DOT* and Ocean County	1-5 years	The Township is collaborating with its redevelopment agency and Coastal Redevelopment Partners to provide a Coastal Heritage Trail network.
5.4	Passive trails	Design, obtain funding and implement passive recreation trails through the Bayfront Conservation zones to provide access to the Barnegat Bay. As of December 2004, the Township is preparing a grant application to implement this action strategy.	DEP (National Recreational Trails Program) and Ocean County	1-5 years	Ongoing
7.1	532 Improvements	County and Township to Discuss Improvements to County Road 532. Traffic Calming and pedestrian improvements are necessary.	Ocean County	1 year	The Township has requested that the County consider traffic calming and pedestrian improvements on proposed Volunteer Way instead of County Route 532 (Wells Mills Road) (Please refer to PIA Item, 8.5 for status of activities).
7.2	Coastal Heritage Trail	Partner with the County to complete the planned Coastal Heritage Recreation Trail along Route 9.	Ocean County	1 year	Please refer to PIA Item 5.3 regarding status of activities.  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.
7.5	Improved Pedestrian Crossings	Partner with NJ DOT to improve pedestrian crossings at key nodal locations on Route 9.	DOT*	1-2 years	Please refer to PIA Items 7.1 regarding status of activities.
7.6	Reduced Speed Limits	Investigate lowering speed limits on Route 9 and Wells Mill Road within the Town Center to increase safety and comfort of pedestrians.	DOT*, Ocean County	1-2 years	Please refer to PIA Items 7.1 regarding status of activities.  The Township has met with the State and the County to reduce the speed limits in areas within the Waretown Town Center.
8.5	Infrastructure provision for new development	Develop action plan for providing infrastructure and improved connections to support new development in a logical sequence as it emerges.	DOT* in conjunction with Route 9 Study and OSG	1 year	In 2005, the Township prepared a \$5.2 million dollar TEA-21 grant to fund streetscape improvements for these roadways. Ocean is currently preparing a new grant application in accordance with the requirements of SAFETEA-LU.  The Township is currently examining the

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					potential for a transportation improvement district ( <b>Please refer to PIA Item 7.4</b> ).  Ocean also has adopted Ordinance 2006-27 to bond approximately \$2 million for improvements to Volunteer Way (Please refer to PIA Item 7.1).  <b>The proposed TDR Capital Improvement Program will also address infrastructure need improvements in the Waretown Town Center (Please refer to 11.2 regarding status of activities).</b>
9.1	Solicit Interest in Center	Solicit interest in the Center via Request for Proposals for its development and redevelopment.	OSG	1 year	The Township has retained a real estate market analysis consultant and a marketing consultant to market the Waretown Town Center. Included as part of the Waretown Town Center Plan, will be the requirement for a RFP process.
9.2	Small Business Planning	Provide information to small businesses about developing business plans.		1-2 years	Ongoing ( <b>Waretown Town Center</b> )
9.3	Niche Market	Identify needed or "missing" businesses in the Center.		1-2 years	Ongoing ( <b>Waretown Town Center</b> )
9.4	Local Financial Assistance	Encourage local financial institutions to create or expand specialized loan packages for commercial development		1-5 years	Ongoing ( <b>Waretown Town Center</b> )
10.1	Unification of Center Elements	Unify pedestrian crossings and gateway treatments to maximize the exposure of streetscape and trail improvements.	DOT*	1-2 years	Please refer to 8.5 for status of activities.
10.2	Chamber of Commerce/ Business Association	Create a Chamber of Commerce and Business Association		1-2 years	The Township will partner with Lacey to establish a Chamber of Commerce.
<b>Month 18</b>					
4.7	Redevelopment Plans (new)	Prepare and adopt redevelopment plans for other sections the Route 9 corridor.	OSG (Smart Future Grant Application)	1.5 years <b>Proposed New Date: December 31, 2009</b>	Ongoing  The Township prepared a Community Design grant application for areas along Route 9 not included in the TDR Program. This proposal was not funded.  <b>Ocean anticipates that they will apply for additional grant monies once a new grant cycle is initiated for these plans.</b>
7.3	Goods movement	As part of Circulation Plan update, incorporate a strategy for dealing with retail, commercial or truck freight traffic along state, county and municipal roadways as it relates to existing and future land use patterns.	DOT* in conjunction with Route 9 Study	1.5 years <b>Proposed New Date: December 31, 2009</b>	The Township is working with NJDOT to establish a parallel system roadway for goods movement.

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7.4	Transportation Demand Management (TDM)	As part of Circulation Plan update, incorporate a strategy to utilize transportation demand management (TDM) measures for trip reduction where applicable, such as ridesharing, vanpooling, transit and park-and-rides.	DOT* in conjunction with Route 9 Study	1.5 years <b>Proposed New Date: December 31, 2009</b>	Ongoing
10.3	Center History	Research the history of the area and incorporate elements into Center design.	SHPO and OSG	1.5 years <b>Proposed New Date: June 30, 2009</b>	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.  Ocean will continue to explore historical elements of the town to include in the Center.
<b>Month 24 + ongoing</b>					
2.11	Community Facilities	Continue to review the needs of community facilities to determine the need for replacement or additions including, but not limited to: schools, fire substations, police station, highway department and recreational facilities.	OSG and DEP	2-3 years	Please refer to PIA Item 2.8 above
2.12	Educational Programs	Encourage educational programs for conservation of lands, historic resources, community facilities and local businesses.		2-5 years	Ongoing
5.5	Open Space Linkages	Create linkages between open space and recreation sites.	DEP	2 years	Ongoing
6.3	Wildlife Management Plan	Create and implement a Wildlife Management Plan to protect habitat and to integrate wildlife corridors into the Center design and the surrounding environs.	DEP	2-5 years	Ongoing
7.7	Access Management	Partner with NJ DOT to create an Access Management Plan along the Route 9 Corridor. The Township will incorporate any necessary changes to the Township's Zoning Ordinance so that it is in conformance with the Highway Access Code for lands adjacent to Route 9. The Township will also conditionally approve subdivision and site plans based on consistency with the requirements of the Highway Access Code. The Township will also undertake a capacity analysis that addresses traffic generation under build-out scenarios for current zoning and proposed redevelopment.	DOT* in conjunction in Route 9 study	2-5 years	Ocean was the first municipality to sign the agreement with the Route 9 coalition on August 12, 2005 to address access management issues on Route 9.  The Township will continue to work with DOT to finalize this study.
7.8	Traffic Calming	Investigate and implement traffic calming measures in high-density residential and commercial areas, especially adjacent to Route 9.	DOT*	2-5 years	With assistance from DOT and the County, the Township has proposed a roundabout at the intersection of Memorial and Route 9. A signalized light is proposed at Volunteer Way.
8.6	Wellhead Protection Plan	Create and implement a Wellhead Protection Plan to protect water supply wells.	DEP	2 years	The Township adopted Ordinance 2005-43 to address wellhead protection areas.

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9.5	Business Retention/ Expansion	Develop a business development and retention program.	EDA	2-3 years	Ongoing
9.6	Revolving Loan Fund	Investigate the creation of a revolving loan fund coordinated with the local Chamber of Commerce and fund through local financial institutions to encourage small business development.	EDA	2-3 years	Ongoing
9.7	Tourism	Maximize the net capture of Barnegat Bay and Pinelands tourism opportunities.	Commerce, Economic Growth & Tourism Commission, NJDEP and Pinelands Commission	2-5 years	Ongoing
10.4	Streetscape Design	Develop a streetscape design, which includes signage to identify the Center.	DOT*, Ocean County and OSG	2 years	Please refer to PIA Item 8.5 regarding status of activities.  The Waretown Town Center Plan (TDR Plan Element) will address streetscape design policies.
10.5	Marketing Analysis	Consider conducting a real estate market analysis to identify and capitalize on emerging market opportunities.	EDA and Ocean County	2-3 years	Please refer to PIA Item 9.1 regarding status of activities.
10.6	Signage/ Wayfinding	Implement a signage and way finding program, as a principal part of the Center's overall marketing and communication strategy.	DOT* and Ocean County	2-3 years	Ongoing
10.7	Entertainment/ retail/restaurants	Identify potential sites and market demand for new retail, restaurant and entertainment uses.	OSG and Ocean County	2-3 years	Ongoing (Waretown Town Center Plan)
10.8	Destination Guide	Publish an easy to use destination guide that lists events and places of interest to market the Center.	Ocean County	2 years, ongoing	Please refer to PIA Item 9.1 regarding status of activities.
10.9	Infrastructure Marketing	Market the Center's infrastructure to potential businesses		2-5 years, ongoing	Ongoing
<b>Month 36 + ongoing</b>					
5.6	Trail Linkages	As the Town Center develops construct the multi-modal linkages using sidewalks, trails and bicycle paths. (See passive trails narrative and grant application discussion).	DEP - Green Acres and Ocean County	3-5 years	Ongoing
6.4	Flood Hazard	Review and evaluate the Flood Hazard Mitigation Plan	DEP	3 years	The Township adopted Ordinance 2006-25, which provides standards for Flood Damage Prevention on August 24, 2006.
6.5	Forestry	Review and Evaluate the Community Forest Management Plan	New Jersey Forest Service	3 years	In 2002, Ocean adopted the Community Forestry Plan (2002-2007). The Township also adopted Ordinance 2006-21 to address the provisions of shade trees.

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Month 60					
5.7	Education Center	Include an environmental education station in the Center.	Ocean County, DEP and Pinelands Commission	5 years	The Township is actively promoting the promotion of a Pineland educational center in the Center and will donate land for this project.
7.9	Interior Roadway Improvements	<p>Following consultation with DEP and OSG, design, plan and implement Volunteer Way extension to Route 532 from its current terminus at the Ocean County Fire Academy to Route 532 west of the Waretown Creek crossing. Acquisition of property being reviewed, draft design and cost estimates being prepared. Funding assistance sources being reviewed.</p> <p>In considering such an extension:            - roadway must be designed to not adversely affect local populations of any Federal or State Listed Endangered or Threatened Species.            - roadway must be designed to avoid freshwater wetlands and provide an undisturbed upland buffer of 300 feet between the wetlands of Waretown Creek and any land clearing or impervious surfaces.            any lands on the municipal ROSI that are needed to be crossed or incorporated into a right of way must be treated as a diversion and approved by the Commissioner of the Department of Environmental Protection and the State House Commission.</p>	Ocean County and DOT* with OSG and DEP review of location	5 years	Please refer to 8.5 regarding status of activities.
Ongoing + completed					
1.5	Inter-governmental coordination	Coordinate with planning efforts of adjoining municipalities, the County and State and regional planning efforts particularly concerning: regional planning, transportation, economic development, tourism, natural resource protection and open space and recreation.	County Planning Board, OSG, DOT, DEP	Ongoing	Ocean has provided all planning documents to adjoining municipalities. In addition, the Township has initiated a shared services agreement with these municipalities to create a "Regional Planning Board." Ocean also is reviewing possible legislative amendments to the MLUL to require a representative sit on Planning Board for adjacent communities.
2.13	Plan Review	Establish a continuing program for re-evaluating the policies established by the Land Use Plan Element		Ongoing	Ongoing
3.3	Housing Mixture	Provide for a mix of housing types including housing for seniors, low and moderate-income households in the Center.	COAH and OSG	Ongoing	The Township's Housing Plan Element and Fair Share Plan Element proposed a mixture of affordable types in the Center.
4.8	Tax Abatement	Establish a tax abatement program for commercial business improvements and residential upgrades.		Completed	

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6.6	Critical Area Protection	Preserve and protect environmentally sensitive lands. The Township will pursue Federal, State, County and private funds to acquire environmentally sensitive lands designated as PA5 or CES in the approved plan or designated as Forest Area in the Pinelands Area, particularly within the Oyster Creek watershed.	DEP	Ongoing	Ongoing (TDR Plan Element "sending areas")
7.10	GSP exit 69 Interchange	Coordinate and participate with the County to facilitate access to the full interchange now under construction at exit 69 of the Garden State Parkway.	Ocean County	Ongoing	The full interchange opened in March 2007.
8.8	High Speed Telecommunications	Continue to work with wireless, cable and data utility system providers to ensure state of the art facilities are available for residents and economic development.		Ongoing	Ongoing
10.10	Educational Programs	Encourage educational programs for conservation of lands, historic resources, community facilities and local businesses.	SHPO	Ongoing	Ongoing
10.11	Strengthen Center Identity	Build upon Barnegat Bay as an established destination to strengthen the "identity" of the Center.	DOT*, DEP and OSG	Ongoing	Ongoing
11.7	TDR Public Outreach	Conduct outreach activities, including but not limited to, mailers, public meetings and web-site up-dates, to assure the public is involved and informed of the TDR process. Furthermore, the Township shall create a TDR advisory committee that includes a cross-section of stakeholders.	OSG	Ongoing	Ongoing

\* When requested, NJDOT will give priority consideration to providing technical assistance consistent with program requirements and subject to the availability of state resources.

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**ORDINANCE 2008-12**

**AN ORDINANCE AMENDING TITLE 18 ENTITLED "ZONING" REVISING THE PERMITTED USES WITHIN THE EC ENVIRONMENTAL CONSERVATION DISTRICT AND TO CREATE NEW STANDARDS TO REGULATE INDIVIDUAL ON-SITE DISPOSAL SYSTEMS EAST OF THE GARDEN STATE PARKWAY**

**BE IT ORDAINED** by the Township Committee of the Township of Ocean, County of Ocean, State of New Jersey as follows:

**SECTION 1:** The Land Use Board of the Township of Ocean adopted a periodic examination of the Township's Master Plan and Land Use Element thereof. That report, dated November 2005, included certain amendments to the Land Use Plan Element and Circulation Plan Element of the Township's Master Plan which are designed to provide the planning framework and foundation for implementation of the Township's proposed Waretown Town Center as well as proposals to meet land use goals, environmental goals, housing needs, open space goals, circulation, parking, design, economic development and utility infrastructure goals. Specifically, the Reexamination Report recommended that the Township's land use classifications be consistent with the Township's proposed Waretown Center Concept Plan and further recommended that any future sewer/water infrastructure be limited to the Township's town center and those areas of the Township within the planning area 2 designation.

Concurrent with these revisions and in accordance with the Planning and Implementation Agenda adopted as part of the Township's initial plan endorsement from the State Planning Commission, the Township applied to the NJDEP for an amendment to its wastewater management plan. As part of its review, NJDEP has requested additional amendments to the Township's Zoning Ordinance. In response, this ordinance amends the Township's Zoning Ordinance to further define and clarify the nature of recreation uses permitted in the Environmental Conservation District. Furthermore, this ordinance creates a zoning overlay for those districts east of the Garden State Parkway to require the application of a nitrate dilution analysis for development applications in those areas of the Township not included in a sewer service area. Areas west of the Garden State Parkway are currently regulated by the NJ Pinelands nitrate dilution requirements.

**SECTION 2:** Title 18, Zoning, is hereby amended to include the following new Definitions:

18.02.080 Definitions:

**PASSIVE RECREATION:** Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, board and table games.

**PUBLIC PARK:** A tract of land owned by a branch of government and available to the general public for recreational purposes.

**SECTION 3:** Title 18, Zoning, is hereby amended to revise permitted uses in the EC District as follows:

18.21.020 Permitted uses.

The following uses shall be permitted in the EC district.

- A. Detached single-family dwellings
- B. Public service infrastructure.
- C. Public preserves and open space.
- D. Public parks and passive recreation facilities.

**SECTION 4:** Subchapter 18.52.110 Ground Water Quality is hereby added as follows:

18.52.110 Ground Water Quality

A. Background

1. The quality and quantity of ground water available directly affects the health and welfare of the population because ground water is the primary source of potable water for a significant number of Township residents.
2. Contamination of ground water by nitrates introduced by on-site disposal systems (i.e., septic systems) can result in a high concentration of nitrates.
3. Fertilization contributes to nitrate groundwater contamination.
4. Additional pollutants, such as chemicals, pesticides and animal waste can be introduced into the ground water.
5. Rainwater penetration of the aquifer is necessary to dilute groundwater contamination.
6. The Office of Smart Growth, the New Jersey Department of Environmental Protection, and the Pinelands Commission promote and promulgate the use of Nitrate Dilution Models for land use purposes.
7. It is desirable and necessary to regulate development, processes and activities that threaten Ocean Township's groundwater.

B. Requirements

1. The proposed development to be served by on individual on-site disposal systems (septic) east of the Garden State Parkway is permitted pursuant to the provisions of this

ordinance. Section 18.60.020 regulates nitrate dilution for areas of the Township located in the New Jersey Pinelands west of the Garden State Parkway.

2. Ground water impacts for new or expanded discharges shall be evaluated through the NJPDES permitting process.
3. Discharges to groundwater (DGW) less than 2,000 gallons per day (GPD) shall demonstrate conformance with the objective of protecting groundwater quality. To achieve this purpose, an application of a nitrate dilution model shall be required. The design of the system and its discharge point, and the size of the entire contiguous parcel on which the system or systems is located will ensure that ground water exiting from the entire contiguous parcel or entering a surface body of water will not exceed 5.2 parts per million nitrate/nitrogen, calculated pursuant to a Recharge-Based Nitrate-Dilution Model for New Jersey V5.0, as may be amended from NJDEP from time to time. The entire contiguous parcel may include any contiguous lands to be dedicated as open space as part of the proposed development, but may not include previously dedicated road rights-of-way.

**SECTION 5:** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

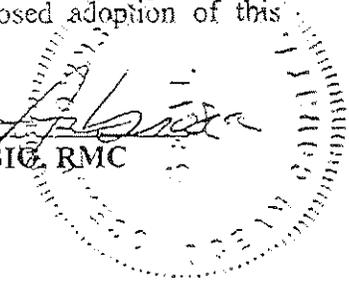
**SECTION 6:** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

**SECTION 7:** This ordinance shall take effect after second reading and publication as required by law.

### NOTICE

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced and passed by the Township Committee of the Township of Ocean on first reading at meeting held on the 10<sup>th</sup> day of April, 2008. The Ordinance will be considered for second and final reading at a meeting of the Township Committee which is scheduled for the 8<sup>th</sup> day of May, 2008, at 7:30 p.m., or as soon thereafter as the matter may be reached, at the Municipal Building located at 50 Railroad Avenue, Waretown, New Jersey, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.

  
DIANE B. AMBROSIO, RMC



**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF OCEAN, OCEAN COUNTY, ACKNOWLEDGING THE APPROVAL OF THE TOWNSHIP'S WARETOWN TOWN CENTER AND STATE PLAN POLICY MAP BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, IN ACCORDANCE WITH THE COASTAL AREA FACILITY REVIEW ACT (N.J.S.A. 13-19-1 ET SEQ.) AND THE COASTAL ZONE MANAGEMENT RULES (N.J.A.C. 7:7E)**

**RESOLUTION NO: 2007-127**

*Whereas*, the New Jersey State Planning Commission approved and adopted the Township of Ocean's petition for plan endorsement and Planning and Implementation Agreement (PIA) on December 7, 2005 as memorialized by Resolution No. 2005-03, pursuant the State Planning Rules at N.J.A.C. 5:85-7.1 et al. and the adopted Plan Endorsement Guidelines on April 28, 2004; and

*Whereas*, the State Planning Commission's approval of the Township's petition for plan endorsement included approval of the Township's proposed Waretown Town Center and changes to the State Plan Policy Map within the Township of Ocean; and

*Whereas*, the New Jersey Department of Environmental Protection (NJDEP) has determined that the Waretown Town Center and changes to the State Plan Policy Map approved by the State Planning Commission are consistent with the purpose of the Coastal Area Facility Review Act (CAFRA) (N.J.S.A. 13-19-1 et seq.) and the Coastal Zone Management Rules at N.J.A.C. 7:7E; and,

*Whereas*, the Department of Environmental Protection further found that the designated CAFRA Town Center and changed State Plan Policy Map designations concentrate the pattern of coastal residential, commercial and resort development and better protect vulnerable coastal uplands and wetlands; and,

*Whereas*, the NJDEP, formalized its determination of CAFRA consistency with publication of a notice in the New Jersey Register at 39 N.J.R. 768(b) on March 5, 2007, which shall take effect on April 4, 2007.

*Now therefore be it RESOLVED*, that the Township Committee of the Township of Ocean hereby acknowledges that the NJDEP has accepted the Township's CAFRA Waretown Town Center, Coastal Suburban Planning Area (PA2), and the Coastal Environmentally Sensitive Planning Area (PA5) and other changes in the Township's State Plan Policy Map based on the Township's current endorsed Township Master Plan, zoning ordinances, and development review documents and that any future changes in these documents may affect NJDEP's approval; and

*Be it further RESOLVED*, that the Township Committee of the Township of Ocean shall provide notice of and an opportunity to comment on any future amendments or changes to these documents to the Commissioner of the NJDEP in advance of any proposed amendments or changes in to the Township's endorsed Master Plan, zoning or development review documents accepted by NJDEP's published notice; and,

*Be it further RESOLVED*, that the Township Committee of the Township of Ocean shall submit a true copy of this resolution to the following:

- 1) Department of Environmental Protection, Coastal Management Program
- 2) Department of Environmental Protection, New Jersey Pinelands Commission
- 3) Department of Community Affairs, Office of Smart Growth

#### CERTIFICATION

I, Dorothy Horner, RMC, Clerk of Township of Ocean, in the County of Ocean and State of New Jersey, do hereby certify that the foregoing Resolution was duly adopted by the Township Committee of the Township of Ocean on the 27th day of March, 2007.



Dorothy R. Horner, RMC

Township Clerk

**Appendix B: TDR Grant Extension Request**



# Township of Ocean

50 RAILROAD AVENUE  
 WARETOWN, NJ 08758

July 9, 2008  
 Revised December 5, 2008

PHONE: (609) 693-3302  
 FAX: (609) 693-9026

Mr. Ben Spinelli, Executive Director  
 NJDCA—Office of Smart Growth  
 101 South Broad Street, 7<sup>th</sup> Floor  
 P.O. Box 204  
 Trenton, NJ 08625-0204

**Re: Smart Future Grant Loan Agreement: 2006-99900-0137-00**

Dear Mr. Spinelli:

I am writing to request a grant extension for the above-referenced Smart Future grant for the Township of Ocean. The grant expired on July 31, 2008. I am respectfully requesting an extension to June 30, 2009. This proposed extension will facilitate public input in the development of the TDR project and is consistent with the Township's planning activities related to the Waretown Town Center and our Planning and Implementation Agreement (PIA).

Ocean is actively seeking to integrate the TDR program into a comprehensive smart growth strategy for the implementation of the Waretown Town Center, which will serve as the receiving district in Ocean's TDR Program. In that regard, Ocean has been engaged in a dialogue with NJDEP to initiate a process by which environmental regulatory issues can be addressed on a comprehensive and coordinated basis within the Town Center. This ultimately will affect development potential in the Center. In addition, a comprehensive permitting structure will help facilitate the implementation of the TDR program in a manner consistent with sound planning. As you can understand, this has taken time to develop and accordingly the Township requires an extension to its TDR grant.

The proposed timeline for each of the grant deliverables is as follows:

Activity	Timetable	Responsible Party
<b>Community Workshops.</b> Initiate the public outreach component of the grant by holding community workshops to solicit community input to assist in developing the TDR program and a vision for the Waretown Town Center as receiving district.	January to February 2009	T&M Scanlon Communications
<b>DRAFT TDR Plan Element (includes vision plan and administrative mechanism).</b> Present draft TDR Plan Element to Planning Board, the receiving district vision plan, and the administrative mechanisms for both the sending and receiving area.	March 2009	T&M
<b>Preliminary Real Estate Market Analysis.</b> Present preliminary real estate market analysis at a special informational meeting to determine if the proposed receiving area has sufficient development potential with the development incentives specified in the Waretown Town Center Vision Plan to support the purchase of credits from the proposed sending areas.	March 2009	T&M Richard Hall/Henry Mancini

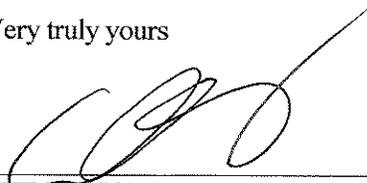
**Le:** Mr. Ben Spinelli, Executive Director  
NJDCA—Office of Smart Growth  
**Re:** Smart Future Grant No.: 2006-99900-0137-00  
Request for Extension

Activity	Timetable	Responsible Party
<b>Final Draft TDR Plan Element, Draft Utility Service Plan, Element, and Draft Capital Improvement Program.</b> Present Final Draft TDR Element and draft Utility Service Plan and Capital Improvement Plan.	April to May 2009	T&M
<b>Final Real Estate Market Analysis.</b> Present final real estate market analysis at a public hearing.	May 2009	T&M Richard Hall/Henry Mancini
<b>Final TDR Plan Element, Utility Service Plan, Element, Capital Improvement Program, and Development Transfer Ordinance.</b> Present Final TDR Element, Utility Service Plan, and Capital Improvement Plan at a public hearing.  Initiate the approval process of the Development Transfer Ordinance with Office of Smart Growth, the New Jersey Department of Environmental Protection, New Jersey Pinelands Commission, and Ocean County Planning Board.	June 2009	T&M Scanlon Communications

The Township remains committed to undertaking its Shore to Grow, Shore to Preserve TDR program and becoming a model for smart growth development for the State.

Thank you very much for your assistance.

Very truly yours



THE HONORABLE DANIEL VAN PELT  
MAYOR

cc: Ken Mosca, Township Administrator  
Diane B. Ambrosio, Township Clerk  
Lorissa Whitaker, OSG  
Steven Bruder, State Agriculture Development Committee, State TDR Bank  
Stan Slachetka, AICP, PP, T&M Associates  
Richard Hall, MAI, CRE, Sub-consultant ~ Real Estate Market Analysis  
Henry Mancini, MAI, SCGRE, Sub-consultant ~ Real Estate Market Analysis  
Joni Scanlon, Scanlon Communications, Sub-consultant ~ Public Outreach

**Appendix C: Redevelopment Plan Amendments—Economic Redevelopment Plan**

# Redevelopment Plan Amendments

## Economic Redevelopment Plan

Ocean Township  
Ocean County, New Jersey

ADOPTED BY THE TOWNSHIP COMMITTEE  
December 13, 2007

---

Prepared By

**T&M**  
ASSOCIATES  
11 Tindall Road  
Middletown, NJ 07748

The original of this document has been signed  
and sealed in accordance with New Jersey Law



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Stan Slachetka, P.P., AICP  
New Jersey Professional Planner  
License No. LI-3508

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## INTRODUCTION

In June 2000, an Economic Redevelopment Plan was adopted to guide future redevelopment of properties that are east of the Garden State Parkway and are north of Wells Mill Road on the eastern side of Route 9. In total, the Redevelopment Plan regulates approximately 1,234 acres or 1.92 square miles (See Attachment A). Since the adoption of the 2000 Plan, the Township has made significant progress in its efforts to create a new town center at Waretown. In December 2005 the Township received plan endorsement and center designation from the New Jersey State Planning Commission, which acknowledged the State's support to create a new mixed-use town center in Ocean and the conservation of extensive areas of undeveloped land west of the center to the Oyster Creek and Parkway.

The amendments identified in this Plan reflect the Township's plan endorsement and center designation as required by the Planning and Implementation Agenda (PIA) approved by the State Planning Commission as part of Ocean's plan endorsement. They permit a pedestrian-oriented mixed-use center within the previously designated redevelopment plan area (See Attachment A). It is the intent of the Township to amend the June 2000 Economic Redevelopment Plan to provide more specific land use categories and general design standards to regulate lands within the redevelopment area. The plan also incorporates previously adopted redevelopment plans within this area, including the Route 9 Phase 1 Redevelopment Plan and the Waretown Village Residential Gateway District. The Township is currently preparing a separate redevelopment plan for the areas of the Center along Route 9 and north of Wells Mill Road in the traditional Waretown crossroads area that are not regulated by the June 2000 Economic Redevelopment Plan or the other previously adopted redevelopment plans.

As identified in the Township's Master Plan and other long-range planning documents, the Township wishes to create a traditional neighborhood mixed-use center at Waretown that incorporates the best in design principles to produce a compact, mixed use, pedestrian scaled, sustainable community. A traditional mixed use center is:

- Limited in area to that which can be traversed in a 10 to 15 minute walk.
- A place where residences, shops, workplaces, and civic buildings are located in close proximity.
- Well defined with a detailed system of interconnected streets that serve the needs of the pedestrian and the car equitably and provide multiple routes to all parts of the center.
- Contains physically defined open spaces in the form of plazas, squares, and parks, provide places for formal social activity and recreation.

## REDEVELOPMENT AREA DESCRIPTION

The Redevelopment Area is located in the eastern portion of the Township north of Wells Mill Road, east of the Garden State Parkway and west of Route 9 (See Appendix B.) The Redevelopment Area consists of several sub areas. They include:

- The Town Center Redevelopment District;

- Phase I – Route 9 Redevelopment Area, which is regulated by the MXD Redevelopment District;
- The Waretown Village Residential Gateway Redevelopment District; and
- Environmental Conservation (EC) Zone District.

This Plan also acknowledges properties on the westerly side of Route 9 are separated from Route 9 by a former railroad right-of-way owned by Ocean County, which is currently developing a bicycle and pedestrian trail in concert with the Township's redevelopment efforts.

## STATUTORY REQUIREMENTS

### RELATIONSHIP OF PLAN TO THE TOWNSHIP LAND DEVELOPMENT REGULATIONS

The Area shall be redeveloped in accordance with the standards detailed in this Plan. In order to implement the Plan consistent with the goals and objectives herein, the Plan supersedes the use, bulk and design standards provisions of the Township Land Development Ordinance (Chapter 19) as they relate to the area governed by this Redevelopment Plan. Other Township regulations affecting development that are in conflict are superseded by this Plan. However, existing engineering standards, definitions and sections of the Land Development Ordinance not covered by his Plan shall apply.

Pursuant to the requirements of Section 7 of the LRHL (N.J.S.A. 40A:12A-7c), the Borough's Zoning Map is hereby amended to identify the amended Economic Redevelopment Plan and the Town Center Concept Plan incorporated herein. The Township's Zoning Ordinance was previously amended to include the EC District in the environs adjacent to the Town Center. The revised zoning map also recognizes two additional redevelopment districts that were created by separate redevelopment plans. These include the Phase I – Route 9 Redevelopment Area, which is regulated by the MXD Redevelopment District and the Waretown Village Residential Gateway Redevelopment District (WVR).

## PROPOSED LAND USES AND BUILDING REQUIREMENTS

### PROPOSED LAND USES AND BUILDING REQUIREMENTS

The Township envisions the development of the Waretown Center to be developed as part of a comprehensive and coordinated plan. Attachment B presents a concept plan for the development portion of the center west of Route 9. The concept plan identifies the permitted land uses, road network layout, and general building layout and design for the center. While the Township's intent is to provide some flexibility in the design of the center, this Plan is designed to prevent uses and building layout and design that are inconsistent with the intended vision for the Center. Accordingly, this plan identifies permitted uses in the Town Center District and uses that shall be specifically prohibited as follows:

#### Town Center District

**Principal Permitted Uses:**

1. Retail stores and service establishments
2. Professional offices
3. General business offices
4. Drugstores
5. Restaurants and cafes
6. Coffee shops
7. Mixed use buildings containing a combination of permitted uses
8. Community and municipal buildings
9. Residential Apartments (on upper floors of mixed use buildings)
10. Open space land permanently protected through conservation easements
11. Schools
12. Public recreation facilities
13. Single-family residential
14. Townhouses
15. Live-work residential units
16. Senior multi-family housing development

**Accessory Uses:**

1. Uses accessory and incidental to the principal use.

These uses shall be distributed within the redevelopment plan area as illustrated within the Town Center Concept Plan map.

**Uses Specifically Prohibited**

While centers encourage a mixture of land uses, not every type of use is appropriate in a center. Specifically prohibited uses include:

- Auto dependent design/drive-thru businesses
- Warehouses
- “Big Box” type businesses, i.e. Wal-Mart, Home Depot, which require large parking lots
- Gasoline oriented businesses
- Industrial uses
- Mining or extracting uses

**Town Center District – Route 9 and Wells Mill Road Crossroads**

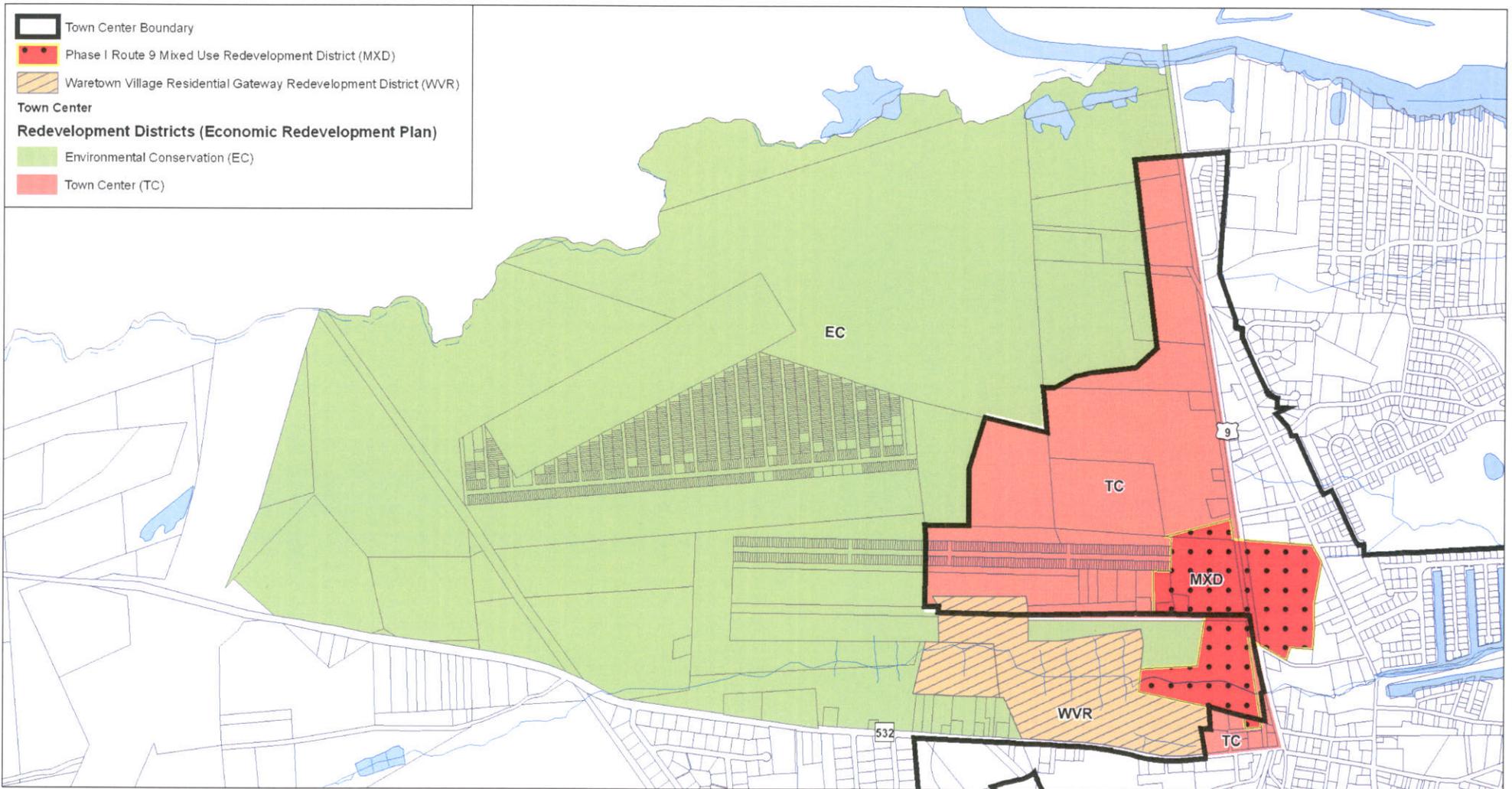
This Plan acknowledges that a portion of the Town Center Redevelopment district is located adjacent to the Route 9/Wells Mill Road intersection within the traditional crossroads section of Waretown. Until formal use and design standards are developed, this Plan recognizes that the underlying zoning shall regulate these properties. However, all development application shall be subject to the Redevelopment Entity review and approval prior to submission to the Planning Board for site plan or subdivision approval.

**Environmental Conservation District**

In 2007, the Township Committee adopted ordinances to create an Environmental Conservation (EC) district as delineated within Attachment A. This Plan incorporates Chapter 18.21, EC Environmental Conservation District by reference for the purposes of establishing the EC district development standards within this Redevelopment Plan. The EC district was adopted in September 2006 by Ordinance 2006-34 and amended by Ordinance 2006-39 (See Attachment C).

\\Eng\Projects\OTWP\G0701\Calculations & Reports\Economic Rdevelopment Plan Amendment\_Adopted\_(12-13-07).Doc

**ATTACHMENT A**  
**REDEVELOPMENT DISTRICTS**



Town Center Boundary  
 Phase I Route 9 Mixed Use Redevelopment District (MXD)  
 Waretown Village Residential Gateway Redevelopment District (WVR)

**Town Center**

**Redevelopment Districts (Economic Redevelopment Plan)**

Environmental Conservation (EC)  
 Town Center (TC)

**TMA**  
 ASSOCIATES  
 11 Tindall Road  
 Middletown, NJ 07748-2792  
 Phone: 732-671-6400  
 Fax: 732-671-7365



Prepared by: PNR, November 8, 2007  
 Source: Ocean Township, GIS, Route 9 Redevelopment Plan, WVR Redevelopment Plan  
 Town Center Planning Documents  
 File Path: H:\OTLU\00060\GIS\Projects\Town Center Redevelopment Districts.mxd

**Attachment A**  
**Redevelopment Districts**  
**2007 Amended Economic Redevelopment Plan**  
**Township of Ocean**  
**Ocean County, New Jersey**



NOTE: This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by N.J.DEP and is not State-authorized.

ATTACHEMENT B  
CONCEPT PLAN

DATE PLO - 05.11.2010  
 DRAWN BY - 05.11.2010  
 SCALE - 1:1000



- LEGEND**
- Retail/Commercial
  - Retail/Commercial/Apartment
  - Live/Work Units
  - Single Family Residential
  - Townhomes
  - Flats
  - Public Facilities
  - Parks/Open Space

THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF STAN C. S. ADHIKA, P.P., A.I.C.P. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF STAN C. S. ADHIKA, P.P., A.I.C.P.

TOWNSHIP OF OCEAN	
WARETOWN TOWN CENTER	
TOWNSHIP OF OCEAN, OCEAN COUNTY, NEW JERSEY	
CONCEPTUAL DEVELOPMENT PLAN	
<b>STAN C. S. ADHIKA, P.P., A.I.C.P.</b>	DATE: 05/11/2010 DRAWN: CP1
<b>TM ASSOCIATES</b> 2 TRAIL ROAD BRIDGEVILLE, NJ 07003 TEL: 908-271-2444 FAX: 908-271-2444	STAN C. S. ADHIKA, P.P., A.I.C.P. 1000 WARETOWN TOWN CENTER OCEAN COUNTY, NJ 07003
1	

ATTACHEMENT C  
ENVIRONMENTAL CONSERVATION  
DISTRICT REGULATIONS

ORDINANCE 2006-34

AN ORDINANCE AMENDING TITLE 18 ENTITLED "ZONING"  
ESTABLISHING THE BOUNDARIES AND DESIGN REGULATIONS AND  
STANDARDS FOR A NEW EC ENVIRONMENTAL CONSERVATION  
DISTRICT

BE IT ORDAINED by the Township Committee of the Township of Ocean,  
County of Ocean, State of New Jersey as follows:

SECTION 1: The Land Use Board of the Township of Ocean adopted a periodic examination of the Township's Master Plan and Land Use Element thereof. That report, dated November 2005, included certain amendments to the Land Use Plan Element and Circulation Plan Element of the Township's Master Plan which are designed to provide the planning framework and foundation for implementation of the Township's proposed Waretown Town Center as well as proposals to meet land use goals, environmental goals, housing needs, open space goals, circulation, parking, design, economic development and utility infrastructure goals. Specifically, the Reexamination Report recommended that the Township's land use classifications be consistent with the Township's proposed Waretown Center Concept Plan and further recommended that any future sewer/water infrastructure be limited to the Township's town center and those areas of the Township within the planning area 2 designation. Consistent with the Township's goals and objectives, the Master Plan Reexamination Report recommended the rezoning of the Township's existing I-1 and I-2 Industrial Zoning Districts outside of the Center to a Environmentally Sensitive land use designation. In order to implement that recommendation, this ordinance amends the Township's Zoning Ordinance to rezone the I-1 and I-2 Industrial Zone Districts located outside of the Waretown Town Center to a new EC, Environmental Conservation District.

SECTION 2: The Township of Ocean hereby designates that portion of the municipality which had previously been designated as I-1 and I-2 located outside of the boundaries of the designated Waretown Town Center as EC Environmental Conservation. This designation shall affect that portion of the municipality shown on the accompanying map entitled "Proposed Zoning: Environmental Conservation District" as referenced herein.

SECTION 3: Title 18, Zoning, is hereby amended to include the following new Chapter 18-21, EC Environmental Conservation District.

Effective Date of  
Ordinance 2006-34  
September 21, 2006  
Dorothy R. Horner RMC  
Township Clerk

Chapter 18.21 Environmental Conservation District

18.21.010 General Intent.

This district generally corresponds to those environmentally sensitive areas lying outside of and to the west of the Waretown Town Center and east of the Garden State Parkway. It is the intent of this area to act as the low density environs of the center. Given the environmental sensitive characteristics of the area, only very low density residential development or other low intensity uses are allowed. Protection and conservation of the natural resources of the area is the principal objective of the EC district.

18.21.020 Permitted uses.

The following uses shall be permitted in the EC district.

- A. Detached single-family dwellings
- B. Public service infrastructure.
- C. Public preserves and open space.
- D. Public parks and public recreation facilities.

18.21.030 Conditional uses:

The following uses shall be permitted in the EC zone subject to issuance of a conditional use permit under Chapter 18.68.

- A. Major utility installations, as defined, and as necessary to serve the needs of the public.
- B. Home occupations, as defined.
- C. Home professional offices, as defined.
- D. Institutional uses, as defined and as limited under Schedule A, provided that the applicant can demonstrate a need for the use in the proposed location, that the use is primarily designed to serve the needs of the district in which the use is proposed and that there are no feasible alternatives.
- E. Low intensity recreational uses, including but not limited to camping, provided that:
  - 1. The parcel proposed for low intensity recreational use has an area of at least fifty (50) acres.

2. The recreational use does not involve the use of motorized vehicles except for necessary transportation.
3. Access to bodies of water is limited to no more than fifteen (15) linear feet of frontage per one thousand (1,000) feet of water body frontage.
4. The parcel will contain not more than six campsites per gross acre; provided that the campsites shall not be clustered at a net density exceeding ten (10) campsites per acre.
5. Clearing of vegetation, including ground cover and soil disturbance, does not exceed five percent of the parcel.
6. No more than one percent of the parcel will be covered with impermeable surfaces.

18.21.040 Accessory structures, signs, and off-street parking.

The following accessory structures, signs, and off-street parking are permitted subject to applicable provisions under Chapters 18.44, 18.46, 18.48, 18.50, 18.52 and 18.56:

- A. Structures accessory to residential and agricultural uses, including detached private garages, barns, sheds, and the like.
- B. Private residential swimming pools and tennis courts.
- C. Required off-street parking and loading space.
- D. Temporary on-site construction trailers.
- E. On-site signs, as defined.

18.21.050 Lot and building requirements.

The following regulations shall apply in the EC District:

A. Minimum Lot Size.

1. 20 acres, unless otherwise specified in this chapter.
2. Notwithstanding the minimum lot areas set forth above and in Schedule B, no such minimum lot area for any use within the EC zone shall be less than that needed to meet the water quality standards of Section 18.60.030.

B. Minimum lot width: two hundred (200) feet.

C. Minimum Yard Requirements.

1. Front yards: two hundred (200) feet.



ORDINANCE NO. 2006-39

AN ORDINANCE OF THE TOWNSHIP OF OCEAN, AMENDING ORDINANCE NO. 2006-34 AS IT PERTAINS TO TITLE 18, ENTITLED "ZONING ESTABLISHING THE BOUNDARIES AND DESIGN REGULATIONS AND STANDARDS FOR A NEW EC ENVIRONMENTAL CONSERVATION DISTRICT.

**SECTION 1:** BE IT ORDAINED by the Township Committee of the Township of Ocean and State of New Jersey that Chapter 18 be amended as follows:

**SECTION 2:** the purpose of this amendment is to correct and clarify section 18.21.020 Permitted uses:

The following uses shall be permitted in the EC district.

- A. Detached single-family dwellings.
  - B. Public service infrastructure.
  - C. Public preserves and open space.
  - D. Public parks and public recreation facilities, excluding golf courses.
- Golf Courses are not a permitted use.**

**SECTION 3:** All ordinances or parts thereof inconsistent herewith are hereby repealed.

**SECTION 4:** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

**SECTION 5:** This Ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Township Committee of the Township of Ocean on first reading at the meeting held on the 21<sup>st</sup>, of November, 2006. The Ordinance will be considered for second and final reading at a meeting of the Township Committee which is scheduled for the 14<sup>th</sup> day of December, 2006, at 7:30 p.m. or as soon thereafter as the matter may be reached, at the Municipal Building located at 50 Railroad Avenue, Waretown, N. J. at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of said ordinance.

DOROTHY R. HORNER, RMC  
TOWNSHIP CLERK

**Appendix D: Waretown Town Center Request for Proposal and  
Redeveloper Proposal**

# **Waretown Town Center Redevelopment Plan**

**Township of Ocean  
Ocean County, New Jersey**

## **Request for Proposals**

**Township Of Ocean  
50 Railroad Avenue  
Waretown, New Jersey 08758  
609-693-3302**

August 8, 2008

## **Credits**

### **Members of the Township Committee and Redevelopment Entity**

Daniel M. Van Pelt, Mayor  
Robert Kraft, Deputy Mayor  
Richard Reilly, Committeeman

### **Township Administrator**

Kenneth Mosca

### **Township Clerk**

Diane Ambrosio

### **Township Attorney**

Gregory McGuckin, Esq.

### **Township Planner**

Stan Slachetka, AICP, P.P.  
T&M Associates

## Proposal Checklist

### COMPLETE ONCE DATES ARE FINALIZED

Submitted written questions by September 2, 2008	<input type="checkbox"/>
Attended Mandatory Pre-Submission Conference on September 12, 2008	<input type="checkbox"/>
Completed full Response to Designated Contact Person by October 10, 2008 at 4:00 p.m.	<input type="checkbox"/>
Enclosed 1 original and 5 copies of the Response in Sealed Envelopes plus CD of all submission requirements	<input type="checkbox"/>
Verified all submission requirements have been addressed	<input type="checkbox"/>
Enclosed Check Payable to Ocean for \$500	<input type="checkbox"/>

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## GLOSSARY

Designated Contact Person – Kenneth Mosca, Township Administrator, 50 Railroad Avenue, Waretown, New Jersey 08758. Email at [administrator@townshipofocean.org](mailto:administrator@townshipofocean.org).

Form Based Code - A method of regulating development to achieve a specific urban form. Form-based codes create a predictable public realm primarily by controlling physical form, with a lesser focus on land use, through township regulations.

Infrastructure – Facilities and services needed to sustain site improvements, which include but are not limited to: lighting, landscaping, drainage, sanitary sewer, storm sewer, roads, curbs, sidewalks, and water lines.

Review Committee – The Township Officials, professionals, and others responsible for the issuance and evaluation of this RFP.

Proposed Development Plan – Shall be as described in Section V hereof.

Proposer – The entity or individual who submits a Proposal.

Redeveloper Agreement or Agreement – The contractual arrangement entered into between a Successful Respondent and the Township.

Redevelopment Area – The one or more of the designated areas in need of redevelopment or rehabilitation as illustrated in Attachment A and the Township's Zoning Map.

Redevelopment Entity – The Redevelopment Entity of the Township of Ocean, which consists of the Township Committee of the Township of Ocean.

Redevelopment Law – The Local Redevelopment and Housing Law (LRHL); N.J.S.A. 40A:12A-1 et seq.

Respondent – An entity or individual who submits a Response.

Response – A submission to the Township prepared in accordance with Section III hereof.

RFP – The Request for Proposals to be distributed to Respondents.

Successful Respondent – A Proposer, which, in the sole discretion of the Township is selected to execute an Redeveloper Agreement with the Township.

Township – The Township of Ocean in the County of Ocean, New Jersey

Town Center – The Waretown Town Center as illustrated in Attachment A.

Town Center Concept Plan – The concept plan for the Waretown Town Center Concept Plan Area as illustrated in Attachment B.

# 1 INTRODUCTION AND GENERAL INFORMATION

## 1.1 Introduction

The Township of Ocean seeks proposals from qualified respondents for the development of the Town Center Concept Plan area of the Township's Waretown Town Center.

The Township of Ocean is located along the Barnegat Bay inlet which borders the Atlantic Ocean in Ocean County, New Jersey. Adjacent municipalities include Lacey Township to the North and Barnegat Township to the South and West. Ocean is served by two main State highways the Garden State Parkway and Route 9 and County Route 532. The Garden State Parkway serves as a geographic boundary between "East" and "West" Ocean Township for many of planning decisions. The areas East of the Parkway is under the political jurisdiction of the Coastal Area Facility Review (CAFRA).

In December 2005 the Township of Ocean became the second community in New Jersey to achieve "plan endorsement" from the New Jersey State Planning Commission. The Township's plan endorsement included the designation of the Waretown Town Center as an approved center in the State Plan. Appendix A includes a map of the Town Center, which shows the overall center boundaries approved by the State Planning Commission. Plan Endorsement confirms that the Waretown Town Center plan is consistent with the Smart Growth principles advocated in the State Plan.

The Waretown Town Center Concept Plan (Appendix B.) envisions transferring Waretown into a new mixed-use center developed using smart growth planning principles. It combines a variety of residential and commercial uses, public parks and open space, a new municipal complex, including new affordable housing, into a vibrant, aesthetically pleasing, and walkable community where people can live, work and play all in one place. Plans also include major transportation improvements, including a full Garden State Parkway Interchange, improvements to State Highway Route 9, the extension of Volunteer Way to the Parkway, the extension of Bay Parkway into the center and to Volunteer Way, and an extensive network of pedestrian paths and bikeways. By concentrating growth in a defined area, the center-based plan preserves over 1,200 acres of environmentally sensitive forested lands east of the Garden State Parkway.

The development within the Concept Plan area of the Town Center will be based on a form-based code that will be adopted as part of the Waretown Town Center Redevelopment Plan. This code will be designed to specifically address and implement the project plan of the successful

respondent and designated redeveloper. The form-based code will regulate building size and form and concentrate on the visual aspects of development rather than use. The Waretown Town Center form-based code will particularly emphasize and regulate the relationship of buildings to the street (the “public realm”) to define the sense of place that a person experiences when living, working or traveling through the community. Form-based codes are graphically-oriented.

The Waretown Town Center includes four redevelopment plans as part of the overall planning and implementation strategy. Redevelopment plans that have been adopted in the Town Center include Phase 1 Route 9 Redevelopment Plan, the Phase 2 Route 9 Redevelopment Plan, the Waretown Town Center Economic Redevelopment Plan, and the Waretown Village Residential Gateway Redevelopment Plan. Redevelopment provides an opportunity to implement the form-based codes approach and control the design and visual appearance of the development.

The Center contains an existing developed area and conceptual plan area, which includes new development and redevelopment. Two hundred and two (202) acres out of the 658-acre Town Center have been identified as a new growth area as depicted within Appendix B of this document.

Areas to be developed include all areas not yet approved for development or for which a designated redeveloper has already been selected. Properties that have received site plan approval or have a designated redeveloper and redeveloper agreement are not subject to this proposal. Areas currently falling into these categories are identified in the map in Appendix C. Areas that are subject to this RFP also are shown in the map in Appendix C. Certain additional areas as noted on this map may be incorporated into the proposal or included at a later date if the designated redeveloper obtains property control through the ownership or contract ownership of any or all of these properties.

Approximately 456 acres within the proposed center consist of developed residential, commercial and public uses. The remaining 202 acres are located within the Concept Plan area of the center. While infill development and redevelopment is anticipated throughout the center, the Concept Plan area represents the portion of the center where most of the new growth is anticipated to occur.

## **1.2 Town Center Conceptual Plan**

The following table, Waretown Town Center Concept Plan Land Use Allocations indicates the distribution of proposed land uses in the conceptual (new growth) area of the center.

**Table 1**  
**Waretown Town Center Concept Plan Area Land Use Allocations**

<i>Land Use Types</i>	<i>Area (Acres)</i>	<i>Percentage</i>
Residential	60.6	30.0
Commercial	43.4	21.5
Mixed-use	38.1	18.9
Public/Quasi-public	7.0	3.5
Active Recreation	9.74	4.8
Municipal Complex	7.19	3.6
Park	5.94	2.9
Right-of-way	30.0	14.9
<b>Total</b>	<b>201.97</b>	<b>100%</b>

Conceptual planning to date translates into approximately the following development potential:<sup>1</sup>

- New residential units – 811 as follows:
  - Single-family – 115
  - Townhouse – 134
  - Seniors – 100
  - Live/work – 11
  - Apartments – 451
- Non-residential space – Over 450,000 square feet (Remaining to be built)
- Public space – The selected redeveloper would be expected to participate in the planning and development of a new municipal building, elementary and middle school, fire house, EMS, gymnasium, multi-purpose fields, tennis courts and other recreation and open space amenities. The actual role will be addressed in the redevelopment agreement. Add EMS building and gymnasium

The Redevelopment Entity is issuing this RFP under the powers of the Local Redevelopment and Housing Law (LRHL) with the ultimate goal of encouraging the redevelopment of the Waretown Town Center Concept Plan Area in the Waretown Town Center. The intention is to encourage mixed-use development in the center based on smart growth planning principles. The intent of this process is to solicit interest in the form of proposals to acquire and develop the Waretown Town Center Concept Plan Area.

<sup>1</sup> The actual unit counts and square footages may change subject to the final concept plan and redeveloper agreement. However, the final plan shall generally reflect the mixed-use concept and distribution of uses presented herein.

**1.3 RFP Documents**

A Respondent must prepare its Response using a complete RFP package, including any addenda issued by the Entity prior to the date established for submission of all Responses. Neither the Entity, nor its agents or employees, shall be responsible for errors, omissions, incomplete submissions or misinterpretations resulting from the Respondent's use of an incomplete RFP in preparing or submitting its Response.

**1.4 Process**

The Redevelopment Entity intends to evaluate all Responses in accordance with Section 4 of this document. The Redevelopment Entity may then select a successful respondent from among the Proposers. The Redevelopment Entity may negotiate with the successful respondent to enter into a redeveloper agreement to redevelop all or a portion of the Waretown Town Center Concept Plan area.

**1.5 Anticipated Schedule**

The anticipated procurement schedule is as follows:

August 12, 2008	Issuance of RFP
September 2, 2008	Deadline for the submission of written questions
September 5, 2008	Confirmation of Attendance at Pre-submission Meeting
September 12, 2008	Pre-submission Conference
October 17, 2008	Receipt of Responses

A Mandatory Pre-Submission Conference with prospective redevelopers, including a presentation of the Waretown Town Center Concept Plan, the history of the Town Center Designation, relevant regulatory issues, and the RFP, will take place on September 5, 2008, at 9:00 AM at the Township of Ocean Municipal Building at 50 Railroad Avenue in Waretown, New Jersey. A detailed announcement will be sent in mid August, 2008 to all persons who have purchased an RFP package or otherwise expressed a written interest in attending the conference. Respondents that are attending the Pre-Submission Conference must confirm their attendance via email to [administrator@townshipofocean.org](mailto:administrator@townshipofocean.org), by no later than Friday, August 29, 2008. This meeting is not a workshop meeting to discuss more favorable development options with the Review Committee, rather the meeting is designed to answer any questions the Respondent may have well in advance of the final receipt of response date. Any questions the Respondent's may have shall be submitted in writing on or before August 15, 2008.

Upon receipt of the Responses, the Entity will establish a timetable for the remaining steps in the schedule.

**1.6 Redevelopment Entity of the Township of Ocean Disclaimer**

All documentation and information provided by the Redevelopment Entity in connection with the RFP is believed to be accurate and correct; however, the Entity makes no guarantees as to the accuracy of the information provided. Respondents are instructed to notify the Entity (in writing, directed to the Designated Contact Person) of any information provided herein that it believes is not accurate and/or correct.

**1.7 Rights of the Redevelopment Entity of Ocean**

The Redevelopment Entity reserves, holds, and may exercise, at its sole discretion, the following non-exclusive list of rights and options with regard to the RFP and the Proposal process:

- a. To supplement, amend, or otherwise modify the RFP.
- b. To change or alter the schedule for any events called for in the RFP.
- c. To decline to execute an Agreement for any purpose.
- d. To accept the Proposal that, in the Entity's sole judgment, best serves the interest of the Township.
- e. To consider and execute a Redeveloper Agreement with a public body under applicable law.
- f. To designate or consult with another agency, group, consultant, individual or public body to act at any time during the term of this process in its place or on its behalf.
- g. To award any Agreement, subject to final adoption of all necessary authorizations.
- h. To interview any and all Respondents.

**1.8 Responsibilities of the Successful Respondent**

The following are a list of responsibilities of the Successful Respondent:

- a. Undertaking the redevelopment project in accordance with the redevelopment plan
- b. Obtaining all necessary permits and approvals
- c. Paying all applicable professional review fees
- d. Land acquisition and associated costs
- e. The posting of performance bonds
- f. Off-site improvement share contribution including contributions to the Township's Transportation Improvement District (TID) or other district or administrative entity as may be established by the Township to fund infrastructure improvements within and associated with the Waretown Town Center concept plan area
- g. Entering into a redeveloper agreement with Township, which may include an interim cost sharing agreement

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- h. Professional fees associated with the preparation of a redeveloper's agreement
- i. Professional fees for the preparation of any redevelopment plan amendment, ordinance, or code that may be required as a result of negotiations with the Township and its redevelopment entity
- j. The successful respondent will be required to reimburse the Township of Ocean on a dollar for dollar basis for all planning expenses incurred by the municipality to date in creating the Town Center, except for those costs that have been funded by State grants or other non-Township sources.
- k. Building permits

## 2 THE REDEVELOPMENT AREA, THE PROJECT AND OTHER BACKGROUND INFORMATION

### 2.1 Concept Plan Area Description

Appendices A and B show the location of the Concept Plan Area and its relationship of the Waretown Town Center. The Waretown Town Center Concept Plan is designed to create a new mixed-use development for the Town Center using Smart Growth planning principles. It combines a variety of residential and commercial uses, public parks and open space, a new municipal complex, including new affordable housing, into a vibrant, aesthetically pleasing, and walkable community where people can live, work and play all in one place. Plans also include major transportation improvements, including a full Garden State Parkway Interchange, improvements to State Highway Route 9, the extension of Volunteer Way to the Parkway, the extension of Bay Parkway to Volunteer Way, and an extensive network of pedestrian paths and bikeways. By concentrating growth in a defined area, the center-based plan preserves over 1,200 acres of environmentally sensitive forested lands east of the Garden State Parkway.

### 2.2 The Project

“Smart Planning, Smart Growth” is the Township of Ocean’s (Ocean County) motto and approach to planning that also is reflected in the new Waretown Town Center. (See Appendix A for a map of the Waretown Town Center boundary.) The concept plan for the center was developed by T&M Associates and uses smart growth planning principals to create a vibrant and attractive mixed-use center integrating concepts of new and traditional development. A copy of the Town Center Concept Plan is attached in Appendix B.

The proposed Town Center Concept Plan includes a variety of uses including single-family and multi-family residential, commercial, office, live-work units, mixed-use, and public uses. When completed, the center will be a place where people of all income levels will be able to live within walking distance to stores and services, restaurants, entertainment, and recreation. The center also will include a new municipal building, school, public works building, EMS building, and a Fire Department building. It will be pedestrian friendly; with an extensive network of walkways, trails and bike paths including connections to Ocean County’s regional Rails to Trails network.

The planning work for the Waretown Town Center began with the endorsement of Ocean’s planning documents and community vision by the New Jersey State Planning Commission on December 7, 2005. When endorsed, Ocean became the only second municipality in New Jersey, and the first suburban community to receive this designation. Plan Endorsement also provides the Township with priority for various financial and technical assistance programs available from the State.

Since receiving the plan endorsement, Ocean has been making important strides to develop the Town Center while preserving 1,200 acres of environmentally sensitive lands. To assist in its overall smart growth strategy, Ocean received a Transfer of Development Rights grant from the NJDCA and the State TDR Bank to develop the center concept plan. Redevelopers will be required to participate in the TDR program as purchasers of TDR credits from the Township's sending districts. The development of the Township's TDR program is ongoing. Further information on the program can be obtained from the Township and will be provided at the mandatory pre-submission conference as discussed below.

In addition, Ocean Township also is actively engaging State agencies, including the New Jersey Department of Environmental Protection and the Department of Transportation to develop and implement a center-wide permit process that will ensure a coordinated approach to stormwater management, tree protection, and transportation improvements in the center. Ocean anticipates that this center-wide permitting approach will be in place by project implementation.

Ocean hopes to complete the Waretown Town Center by 2016.

### **2.3 Access and Circulation Issues**

The Waretown Town Center is served by a variety of State, regional and local roads. These include New Jersey State Highway 9 and Wells Mill Road (County Route 532). The Town Center also is in close proximity to the New Jersey Garden State Parkway. The recently completed Parkway Interchange (Exit 69) provides full north and southbound access to and from the Parkway. The proposed extension of Volunteer Way through the Town Center will provide direct access to the Parkway from the Center.

Within the Center, a variety of local roads are proposed. The intent of the road system proposed for the Center is to provide the framework for the development based on new urbanist design principals and create a diversified network to distribute vehicular traffic through the Center and into and from the surrounding State, regional and local road system. The proposed road network has been adopted as part of the Circulation Plan Element of the Township's Master Plan. Unique elements of the circulation plan include the development of new roundabouts within the center and along Route 9. Proposed roundabout locations are shown on the Town Center Concept Plan map.

The Township has prepared required cross sections for each of the identified roads within the Center, and adopted specific design standards for streetscape improvements along these roads.

The designated Redeveloper will be required to construct these roads in accordance with Township standards pursuant to these cross-sections and adopted design standards.

The Town Center road system is designed to be pedestrian and bicycle friendly. The Town Center design includes a local and regional pedestrian and bicycle network that connects destinations within the Center and connects the Center to a regional bicycle and trails network, including the County rails to trails right-of-way that is located along the west side of Route 9. The construction of this network within the center and specifically the construction of that portion of the County rails to trail system will be the responsibility of the designated redeveloper. Road design shall include bike lanes as identified in the attached cross sections. The Town Center

The Township is in the process of establishing a Transportation Improvement District (TID) for the Town Center and surrounding area. The designated redeveloper will be required to contribute its proportional share to the TID for the purpose of funding road improvements within the center. As part of the TID process, the Township's traffic consultant also has initiated the establishment of an Access Management Permit with the NJDOT. The redeveloper shall coordinate its road designs and permitting efforts to be consistent with and supportive of the Township's initiatives. The Redeveloper shall also be responsible for securing appropriate Access Management Permits within the framework of the overall Access Management Plan for the Center.

## **2.4 Site Characteristics**

### **A. Ocean Township**

The Township of Ocean is located in central Ocean County, between Lacey and Barnegat Townships with frontage to the east on Barnegat Bay, including the Barnegat Inlet to the ocean. The Garden State Parkway and Route 9 run through the town, with County Road 532 linking the Parkway exit to Waretown, the historical center of the Township. Approximately 59% of the Township is under Pinelands jurisdiction, and the remaining 41% is governed by the Coastal Area Facility Review Act (CAFRA), with the Parkway serving as the boundary between the two areas.

### **B. Town Center Concept Plan Area**

The Town Center Concept Plan Area (See Appendix B) is a specifically defined and delineated sub-area of the overall Town Center approved by the State Planning Commission.

## **2.5 Redevelopment Plan and Zoning**

The entire Concept Plan Area has been designated “an area in need of redevelopment” in accordance with the provisions of the LRHL. The Township has adopted the Waretown Town Center Redevelopment Plan, which has been included as part of this RFP in Appendix D.

## **2.6 Principal permitted uses**

The Waretown Town Center Redevelopment Plan permits a variety of uses including:

- Retail Commercial;
- Offices;
- Single Family Residential;
- Multi-family Residential;
- Age-restricted and Affordable Housing
- Live-work units;
- Mixed-use; and
- Active (both private and public) and Passive Recreation
- Public uses.
- Other uses subject to approval by the Redevelopment Entity of the Township

The general areas proposed for each of these uses is shown in the accompanying concept plan map. Some flexibility or modification of these areas may be permitted as part of the final plan, so long as the comprehensive vision of a mixed-use center envisioned by Ocean and approved by the State Planning Commission as part of Plan Endorsement is implemented. Any changes to the concept plan shall be approved by the Redevelopment Entity of the Township.

In addition to the Evaluation Criteria appearing in Section 4 below, Township of Ocean will give preference to respondents proposing to construct residential dwellings that best address a full range of affordability for Ocean residents. In addition, respondents must comply with the requirements of the Township’s Housing Element and Fair Share Plan adopted by the Planning Board of the Township of Ocean and ensure that a portion of the residential units are affordable to low and moderate income households consistent with the Township Fair Share Plan and the New Jersey Council on Affordable Housing (COAH) requirements. Compliance with all aspects of COAH’s regulations, including applicable administrative and monitoring requirements is required.

Please see Appendix D for a full copy of the 1999 Waretown Town Center Redevelopment Plan.

## **2.7 Required Approvals**

As previously mentioned within this RFP, Ocean Township has received Plan Endorsement from the New Jersey State Planning Commission. This designation affords the Township assistance from State agencies to bring this project to fruition. Anticipated benefits include priority review of permit applications and technical assistance to expedite the permit review process. Furthermore, the Township is working with the New Jersey Department of Environmental Protection (NJDEP) to obtain a center-wide permit associated with relevant environmental preservation issues, such as habitat protection, tree save and stormwater management.

### **2.7.1 Coastal Area Facilities Review Act**

The Waretown Town Center and the Concept Plan Area of the Center are located within the jurisdiction of the New Jersey Department of Environmental Protection's Coastal Area Facilities Review Act (CAFRA). Accordingly, the selected redeveloper will be required to understand relevant CAFRA regulatory requirements and obtain any and all required approvals.

### **2.7.2 New Jersey Department of Transportation**

The selected redeveloper will be responsible for obtaining all relevant permits and approvals from the New Jersey Department of Transportation (NJDOT) including relevant access management permits.

### **2.7.3 Ocean County Planning Board**

The selected redeveloper will be required to submit preliminary and final site plan and subdivision plans with the Ocean County Planning Board. Application to the Ocean County Planning Board should be submitted simultaneously with the application to the Township of Ocean Planning Board. The County Planning Board will review drainage and traffic impacts on an adjacent to County roadways. Furthermore, the County will evaluate the design and implementation of the proposed bike/pedestrian trail adjacent to the Route 9 frontage (See Appendix E)

### **2.7.4 Township of Ocean Planning Board Review**

The selected redeveloper will be required to submit a preliminary and final site plan and subdivision plan with the Township of Ocean Committee to ascertain the consistency with the Redevelopment Plan and the terms and conditions of other agreements between the redeveloper and Township of Ocean. Upon certification of the project by the Township of Ocean Township Committee, the redeveloper must make application to the Township of Ocean Planning Board for subdivision and site plan review approval. The Township of Ocean

Committee and the Planning Board review and approval process are further described in the Redevelopment Plan for the Waretown Town Center Concept Plan Area.

### **2.7.5 Transfer of Development Rights (TDR)**

Transfer of Development Rights (TDR) is the transfer of the development potential of one piece of property to another by leveraging the power of the real estate market. TDR redirects growth from areas with important natural or community resources, to places where growth and development are more appropriate. Transfer of Development Rights (TDR) is the transfer of the development potential of one piece of property to another by leveraging the power of the real estate market. TDR redirects growth from areas with important natural or community resources, to places where growth and development are more appropriate. Within Ocean, developers in the Town Center "receiving area" may be required to purchase TDR credits from the Township's "sending area," which includes properties in the environs of the center, to achieve certain densities of development. Property owners in the receiving area are provided with development incentives that would encourage the purchase of credits from the sending area, which would enable increased development densities to promote the long range planning and economic development objectives of Ocean Township.

### **2.7.6 Other Approvals**

The selected developer will be solely responsible for all other approvals concerning its project, including those associated with utility service to the site. Township of Ocean will provide reasonable cooperation to assist the redeveloper in making application and securing such approvals.

## **3 INSTRUCTIONS FOR PREPARATION AND SUBMISSION OF RESPONSES**

### **3.1 General Provisions**

In addition to the information submittal requirements listed below, the Respondent may submit supplemental information with the initial submittal pursuant to the provisions of section 3.2 that it feels may be useful in evaluating its Response.

### **3.2 Submission of Responses, Time and Place**

Responses shall be submitted to the Entity on or before 4:00 p.m., prevailing time, on October 17, 2008

Responses shall be enclosed in a sealed envelope, marked with the name and address of the Respondent and directed to the Designated Contact Person.

One (1) original and 5 copies, including 1 CD of the Response shall be submitted and received BY HAND DELIVERY, CERTIFIED MAIL/RETURN RECEIPT REQUESTED OR OVERNIGHT MAIL on or prior to the above-referenced time.

The Respondent will be responsible to provide an escrow deposit of \$5,000 to cover the cost of professional fees to review the Responses. Any monies not expended during the review of the Responses will be returned to the Respondent. Checks shall be made payable to the Township of Ocean.

**3.3 Questions/Clarifications Requests**

All communications, questions or clarifications pertaining to the RFP should be directed, in writing, to the Designated Contact Person. During the period provided for the preparation of Responses, the Entity may issue amendments to the RFP. These amendments will be numbered consecutively and will be distributed to each of the firms who have purchased received a copy of the RFP. These amendments will be issued by the Entity and Township and will constitute a part of the RFP. Each Respondent is required to acknowledge receipt of all amendments at the time of submission of the Response. All Responses to the RFP shall be prepared with full consideration of the amendments.

**3.4 Cost of Presentation**

Each Response and all information required to be submitted pursuant to the RFP shall be prepared at the sole cost and expense of the Respondent. The Entity, its staff, and any of its consultants or members of the Review Committee shall not be liable for any claims or damages resulting from the solicitation or collection of Responses, nor will the Entity or Township reimburse Respondents for the cost of preparing the Response or for participating in the RFP or Proposal process.

**3.5 Township Incurred Costs**

The Township has incurred and will continue to incur costs associated with infrastructure improvements as part of the implementation of the Town Center Concept Plan. A list of the anticipated infrastructure project costs have been broken down in section VII together with a list of funds to offset these infrastructure costs. Other costs associated with the development that may be determined to be the responsibility of the designated redeveloper, include municipal facilities and

equipment required to support the public service needs and requirements of the development. Such costs will be identified and discussed with the designated redeveloper as part of the redeveloper agreement.

**3.6 Abandonment of Response Rejection, Waivers**

The Entity reserve the right to, for any reason or for no reason, (a) abandon this process, (b) reject any incomplete, inadequate or non-responsive Response, (c) reject all Responses and/or (d) waive any technical or non-conforming in the Response whether material or otherwise.

**3.7 Disposal of Responses**

All Responses are the property of the Entity and will not be returned. At the conclusion of the process, the Entity may dispose of any and all copies of Responses in whatever manner it deems appropriate.

**3.8 Submission Requirements**

All Responses must be submitted complete, with all requested information and are to be in conformance with the instructions set forth herein and as required by subsequent addenda, if and as applicable. The Response and all related information must be bound and must be signed and acknowledged by the Respondent in accordance with the directions herein.

The Respondents are referred to the following sections hereof, which summarize the documents and information to be submitted pursuant to this RFP.

**3.9 Form and Content of Response - Organization**

Responses submitted in reply to the RFP shall consist of the following:

- Section I Executive Summary and Letter of Intent
- Section II General Information
- Section III Financial Information
- Section IV Technical Information
- Section V Proposed Development Plan
- Section VI Administrative Information
- Section VII Supplemental Information

### **Section I - Executive Summary and Letter of Intent**

Section I of the Response shall contain the Respondent's Executive Summary and Letter of Intent (on the Respondent's official letterhead). The Executive Summary shall include a summary of the key points of the Response including Respondent's Proposed Acquisition and Development Plan.

### **Section II - General Information Submittal Requirements**

Section II of the Response shall contain the following information set forth in the following order:

1. The name, address and telephone number of the Respondent's primary business office. If the Respondent's primary business office is located outside of the State, give the address and telephone number of the New Jersey location, if any, of the respondent.
2. Identify the parent company and any subsidiary or affiliated companies of the Respondent, giving the name, address and telephone numbers of each such company.
3. Option (If known at this time) – Does the Respondent intend to joint venture, partner or subcontract with any other company or firm or other entity in the submission of a Proposal? If so, identify such joint venture partner or subcontractor and provide for each the same information as required of the Respondent in paragraphs 1 and 2 of this Section 3.3.3. Describe, in narrative form, the proposed contractual relationship and responsibilities, written or otherwise, of each of the firms or companies that will be participating.
4. In connection with paragraphs 1, 2 and 3 of this Section 3.3.3 provide:
  - a. Complete identification of all principals holding ten percent (10%) or more of net equity and all officers of all entities, firms, arrangements, associates, joint ventures, partnerships, or involvements described above; and
  - b. A complete list of all criminal charges or civil environmental complaints brought against any of those entities, firms or persons that have been involved in any way with Respondent as identified in the foregoing answers and the disposition of all such criminal charges or civil environmental complaints.

### **Section III - Financial Information Submittal Requirements**

Section III of the Response shall contain the following financial information: Respondents shall provide a summary of the amount and source of investment capital anticipated to be available for the acquisition and successful development of the Redevelopment Area. The Response shall also include a list of three (3) financial references, including a banking reference, noting the name,

address and telephone number. In addition, Respondents shall provide audited financial statements for the general partner or controlling entity of the development team for the last five (5) years. In addition, Respondents shall provide evidence of its ability to secure builder's risk insurance and performance bonding capacity.

#### **Section IV - Technical and Project-Related Information Submittal Requirements**

Section IV of the Response shall contain Respondent's technical and related experience. Respondents to the RFP shall demonstrate their ability to undertake the Project by providing the technical qualifications of the Respondent, principal subcontractors, and individual team members. The Entity reserves the right to conduct an independent investigation of the Respondent and its subcontractors' technical qualifications by contacting project references, accessing public information, contacting independent parties and regulatory agencies. Additional information may be requested during the evaluation of technical qualifications. At a minimum, the Respondent and its subcontractors shall provide the following information to demonstrate its technical qualifications.

##### **A. Summary of Related Projects**

Respondents shall include a description of its prior projects, with particular emphasis on projects that are similar to the Project. This includes redevelopment and/or other development projects. The portfolio may include visual and descriptive information sufficient to judge the quality and use of the project. For each project, Respondent shall provide the following information:

- Specify the scope, cost, time and completion, completion date and sources of funding for such project.
- Demonstrate the project's post-construction success in terms of design, use, construction, management, income, employment, tax assessment and associated expansions or spin-off development.
- Discuss any unanticipated problems with any of the above issues, including a discussion of how the firm has addressed those problems.
- Identify the current ownership and/or property management for each project.
- Provide contact names, addresses and telephone numbers for each of these.
- List any project defaults in which any of the principals have been a general partner or had a controlling ownership during the last 10 years.

##### **B. Current or Pending Projects**

Briefly describe any current or pending projects being undertaken by the members of Respondent's team. Identify the location of any current project, and include a contact name, address and telephone number for each current client.

**C. Project References**

Include three references of clients for whom Respondent has provided similar projects, indicating whether the work was that of the Respondent and/or specific staff who will be assigned to the Project. Identify the client contact name, organization, type of work provided and the contact's address and telephone number. Respondent shall indicate whether any of these clients were public entities.

**Section V - Proposed Development Plan**

Section V of the Response shall contain Respondent's Proposed Development Plan for the Waretown Town Center Concept Plan Area. The Proposed Development Plan shall include a conceptual development plan including details for proposed development uses, building locations and footprints, roadways, parking, points of access, landscaping, open space and other infrastructure. The Proposed Development Plan may include multiple or alternative conceptual plans for any proposed use. Where appropriate, the Proposed Development Plan may also include schematic architectural drawings identifying elevations and building entrances.

In conjunction with the preparation of the Proposed Development Plan, the Respondent shall be responsible for construction of associated improvements necessary to effectively develop the area. The following are necessary improvements, which the Respondent shall be responsible to construct the following in accordance with Township standards and relevant requirements of the redevelopment plan and any applicable Township ordinances:

- Water system
- Roadways as depicted in the concept plan area and relevant cross sections
- Lighting
- Landscaping
- Drainage
- Sanitary Sewer/Storm Sewer
- Curbing
- Other, i.e., sidewalks, etc.

The Respondent shall prepare a written summary of the proposed development program including:

- Proposed uses
- Building size
- Estimated cost to develop

- General information on the potential end users (if known) and any other information deemed appropriate by Respondent.

This shall include a construction and build-out schedule (phasing) and the completion date of the project/phase.

Costs shall be identified independently for:

- Land Acquisition
- Building Construction
- Associated Improvements

The Township Engineer will make applicable project files available.

#### **Section VI - Administrative Information Submittal Requirements**

Section VI of the Response shall include the following information in the following order:

1. Respondent shall submit a project organization plan for this project. The plan should describe, in narrative form and as a chart, Respondent's proposed organizational structure for this Project. The plan shall display:
  - (a) The firms involved, their interrelationships and responsibilities (if known); and,
  - (b) Key management personnel identified by name and firm.
  - (c) Resumes of key personnel to be assigned to the redevelopment project are to be provided in the Response. This includes the resumes and experience of the people or firm that Respondent will utilize in implementing the project.
2. Describe briefly any significant pending legal and administrative proceedings (other than ordinary routine litigation incidental to Respondent's business) in which Respondent, its officers, directors, employees or principals or any of its subsidiaries or parent(s), their officers, directors, employees or principals is a party or of which any of their property is the subject. Include the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto and a description of the factual basis alleged to underline the proceeding and the relief sought. Include similar information as to any such proceedings known to be contemplated by governmental authorities. Administrative or judicial proceedings

arising under any federal, State, or local laws or ordinances that have been enacted or adopted for purposes of environmental protection shall not be deemed "ordinary routine litigation incidental to the business" and shall be described.

3. Describe briefly any occasion in which Respondent, any officer or principal of Respondent with a proprietary interest therein, has ever been disqualified, removed or otherwise prevented from bidding on, participating in or completing a federal, State, or local governmental project because of a violation of law or a safety regulation.
4. Describe briefly any occasion in which Respondent has been in a position of default in a federal, State or local government project, such that payment proceedings and/or execution on a payment, performance or bid bond have been undertaken.
5. List all threatened and pending claims, litigation, judgments, settlements or government enforcement actions.
6. Has the Respondent or any of its officers refused to testify or waive immunity before any state or federal grand jury relating to any public construction project within the last ten years? If so, provide details.
7. If multiple organizations are participating (e.g., subsidiaries, parent companies, joint ventures and/or subcontractors), the information requested in this Section 3.3.7 should be provided regarding each of the respective organizations.
8. Please be advised that if selected as the redeveloper, respondents shall be required to execute a waiver and/or "authorization" authorizing the Township of Ocean to conduct any background checks that the Township deems appropriate, including criminal background checks as well as financial.

**Section VII - Supplemental Information to be Provided at Respondent's Option**

Respondent may include in this Section VII any other information that it deems relevant or useful for the Entity to consider in evaluating Respondent's Response.

**3.10 Proprietary Information**

If the respondent chooses to include material of a proprietary nature in the RFP response, Township of Ocean will keep such material confidential to the extent permitted by law. The respondent must specifically identify each page of its submission that contains such information by properly marking the applicable pages. Preferably, any sections which contain material of a proprietary nature shall be severable or removable from the response to assist Township of Ocean in protecting this information. The respondent also shall include the following notice in the introduction to the relevant response:

“The data on pages \_\_\_\_, identified by \_\_\_\_ (symbol) are labeled ‘Proprietary Information,’ contain information that, if disclosed, would cause substantial injury to [Respondent’s] competitive position. [Respondent] requests that such data be used only for the evaluation of the response, and understands that disclosure will be limited only to the extent that Township of Ocean determines it proper or to the extent that Township of Ocean deems disclosure necessary according to law. If a Redevelopment Agreement is awarded to [Respondent], Township of Ocean will have the right to use or disclose that data as provided in the Agreement executed with the Respondent.”

Township of Ocean will use its best efforts to prevent the unauthorized disclosure of this information and apply the above proprietary standard to marked data. However, Township of Ocean, its staff, agents, and professional consultants assume no liability for any loss, damage, or injury that may result from any disclosure or use of marked data or any disclosure of this or other information. Further, the respondent acknowledges that all such information shall be disclosed to and shared with those consultants and professionals whom Township of Ocean has engaged to assist it with this project.

Please be advised, however, that the Township of Ocean as a municipal corporation is subject to the requirements of the New Jersey Open Public Records Act. In the event that litigation is instituted requesting such information, and the Township withholds disclosure of same based upon the proposer’s allegation that the information sought is “proprietary”, the proposer shall be required to indemnify and hold harmless to the Township of Ocean, its agents, servants and employees in protecting from disclosure such information and shall also reimburse the Township of Ocean as well as its agents, servants and/or employees for any costs, fines or legal fees incurred.

### **3.11 Disposal of RFP Submission**

Once opened, all RFP submissions are the property of Township of Ocean and will not be returned. At the conclusion of the RFP process, Township of Ocean may dispose of any and all copies of the submissions received in whatever manner it deems appropriate.

## **4 EVALUATION AND SELECTION PROCESS**

### **4.1 Evaluation Criteria**

All Responses will first be evaluated to assure that they meet the requirements of the RFP. The Responses must include all submission requirements and must address all items in this report.

Generally, Township of Ocean will evaluate responses giving due regard to past experience, the respondent's proposed plan, the background and financial strength of the respondent, as well as other qualifications and experience which, in the sole discretion of the Township, are relevant. Responses will be evaluated based upon the following criteria (not ranked in order of importance):

- Understanding of the project's goals, nature and scope;
- Financial strength of respondent, including availability of equity and ability to secure financing.
- Proposed mix and distribution of land uses;
- Project design;
- Level of creativity, innovativeness and resourcefulness of past or pending projects;
- Firm and staff experience and qualifications with similar projects;
- Availability of firm principals to Township officials and staff;
- Innovativeness of development concept(s) and plan(s);
- Competency and thoroughness evidenced in the proposed development plan;
- Ability to assemble a team of recognized firms as part of the development team;
- Viability of the proposed uses;
- Demonstrated commitment to public interest and community participation in the development and redevelopment process;
- Demonstrated ability to attract private and public funding in furtherance of the project;
- Familiarity with the redevelopment process and legal requirements;
- Commitment to adhere to a mutually agreed timetable for development and phasing of appropriate land uses; and
- References.

Notwithstanding anything else stated herein, Township of Ocean reserves the right to select or reject a respondent on any basis it deems appropriate, or to waive any item or requirement set forth in this RFP.

#### **4.2 Sole Discretion, No Liability**

Township of Ocean shall be the sole judge of each respondent's conformance with the requirements of this RFP and the merits of the response. Township of Ocean reserves the right to amend, modify or withdraw this RFP; to waive any requirements of this RFP; to require supplemental statements and information from any respondent to this RFP; to award a Redevelopment Agreement to entities who have not responded to this RFP; to accept or reject any or all responses; to negotiate or hold discussions with one or more of the respondents which may result in a designation; to issue a subsequent RFP to a shortlist of RFP respondents or a list based on a new competitive basis; to correct deficient responses that do not completely conform with this RFP; to reject any or all responses and to cancel this RFP, in whole or in part, for any reason or no reason in Township of Ocean's sole discretion. Township of Ocean may exercise any such rights at any time, without notice or liability to any respondent or other parties for their costs, expenses or other obligations incurred in the preparation of a response or otherwise; and to waive any condition or modify any provision of this RFP with respect to one or more respondents.

Further, the Township of Ocean, in designating a redeveloper and entering into a Redeveloper Agreement, may require the designated redeveloper to include a response from another respondent as part of the overall redevelopment project to ensure that all components of the Waretown Town Center Concept Plan are undertaken successfully and in the best interests of the Township. For example, the Township may wish to award the commercial components of the plan to one developer and the residential components to another respondent. Alternatively, the Township may wish to award the affordable housing component to a recognized developer of successful affordable projects. Therefore, the Township reserves the right to require the redeveloper to incorporate the strongest portions of each respondent's proposal into one overall redevelopment agreement. Accordingly, respondents are encouraged to construct the strongest team possible in preparing their response.

To the extent stated, the information set forth in this RFP concerning the site, its condition, financial and legal status, and other matters is believed to be accurate, but is not so warranted, and there should be no meaning attributed to any of the terms hereunder that are not explicitly set forth. Township of Ocean assumes no responsibility for errors or omissions. Respondents are advised to verify independently the accuracy of all information and to make their own judgments of the risks involved in development of the Waretown Town Center Concept Plan Area as contemplated in this RFP.

Township of Ocean shall not be obligated to pay any fee, cost or expense for brokerage commissions or finder's fees with respect to the execution of any agreement which results from this RFP. It shall be a condition of designation, if granted, that the respondent agree to pay the commission or other compensation due any broker or finder in connection with the transaction, and to indemnify and hold harmless Township of Ocean from any obligation, liability, cost or expense incurred by it as a result of any claim for commission or compensation brought by any broker or finder by reason of the transaction.

Township of Ocean shall not be considered a party of any proposals that are submitted in accordance with this RFP. The contractual relationship between the successful respondent or respondents shall be governed by the redeveloper agreement or any interim agreements entered into with the Township. The Township of Ocean has made no representations to any prospective respondents and shall have no liability whatsoever resulting from costs or claims resulting from the respondent's proposal in connection with this RFP. This RFP is provided by Township of Ocean, and its content, use and representations are solely the responsibility and property of the Township of Ocean and shall not be distributed to parties other than the respondent or participants in the respondents proposed project team without its consent.

## **APPENDIX A – WARETOWN TOWN CENTER BOUNDARY MAP**




 11 Tindal Road  
 Middletown, NJ 07748-2792  
 A S I A S O C I A T E S P L L C  
 Phone: 732-671-0400  
 Fax: 732-671-1939  
 0 250 500 1,000  
 Feet

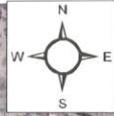
 Town Center Boundary  
 Municipal Boundary

**Town Center Boundary**  
**Township of Ocean**  
**Ocean County, New Jersey**

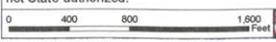
NOTE: This map was developed using New Jersey Department of Environmental Protection Computerized Database System files and is not drawn to scale.

Prepared by TMA, March 3, 2009  
 Municipal Boundary for Ocean County GIS Database -  
 File Path: \\s01000001\GIS\MapData\OceanCounty\TownCenter\MapData.mxd

Waretown Center Boundary  
Ocean Township  
Ocean County, New Jersey



NOTE: This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not State-authorized.

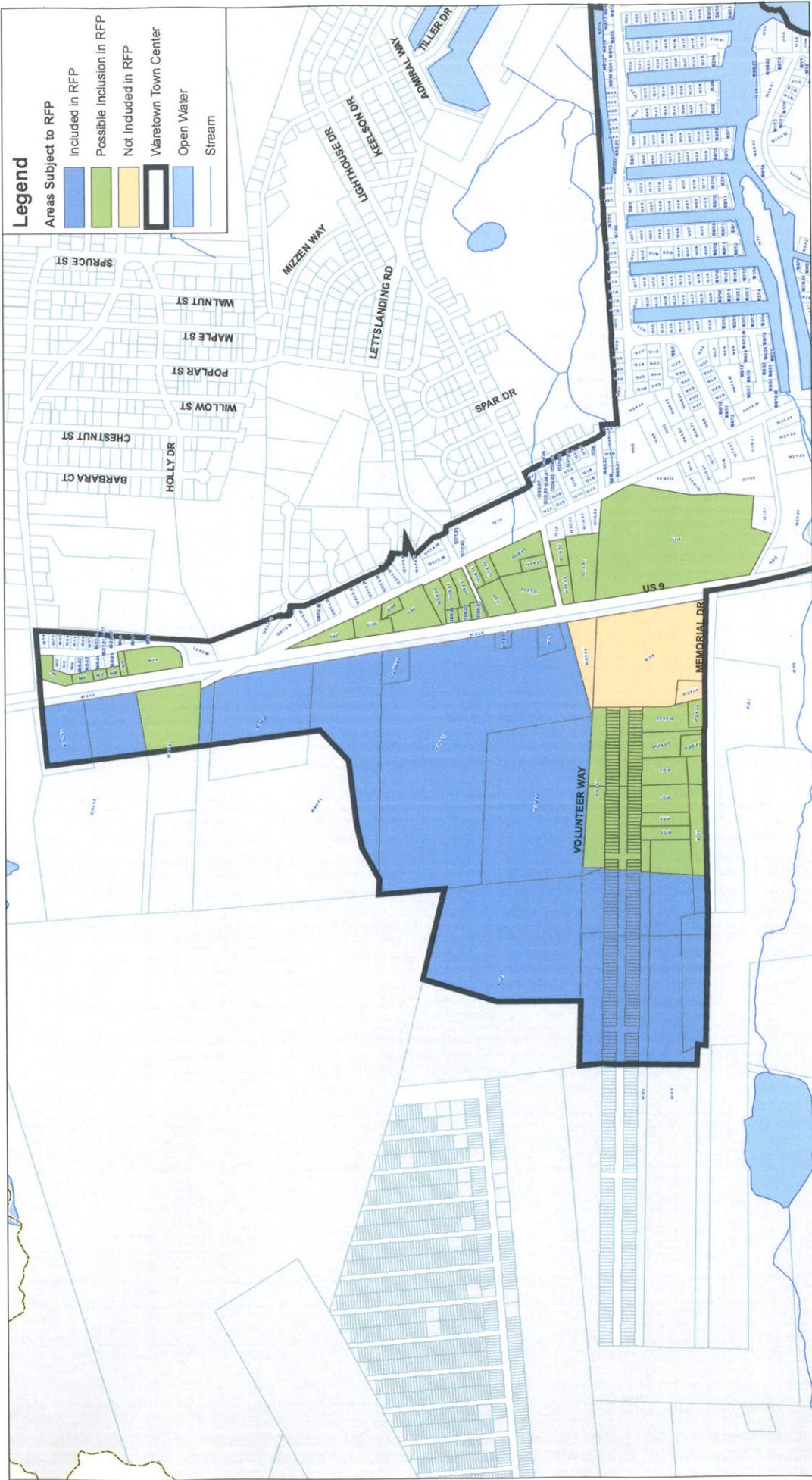


- Waretown Town Center
- Municipal Boundary

**APPENDIX B – WARETOWN TOWN CENTER CONCEPT PLAN  
AREA**



**APPENDIX C – AREAS SUBJECT TO RFP**



**Legend**

Areas Subject to RFP

- Included in RFP
- Possible inclusion in RFP
- Not Included in RFP
- Waretown Town Center
- Open Water
- Stream

**Appendix C**  
**Properties Subject to RFP Map**  
**Ocean Township**  
**Ocean County, New Jersey**



NOTE: This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but the secondary product has not been verified by NJDEP and is not State-authorized.

**T&M** 11 Tindall Road  
 Middletown, NJ 07748-2792  
 Phone: 732-671-6400  
 ASSOCIATES Fax: 732-671-7365

1 inch = 650 feet

Prepared by: PNR/7/10/2008  
 Source: NJDEP, Ocean Township GIS  
 File Path: H:\OTWP\00050\GIS\Projects\RFP - Project Area.mxd

## **APPENDIX D – WARETOWN TOWN CENTER REDEVELOPMENT PLAN**

# Redevelopment Plan Amendments

## Economic Redevelopment Plan

Ocean Township  
Ocean County, New Jersey

ADOPTED BY TOWNSHIP COMMITTEE  
December 13, 2007

---

Prepared By

**T&M**  
ASSOCIATES  
11 Tindall Road  
Middletown, NJ 07748

The original of this document has been signed  
and sealed in accordance with New Jersey Law



---

Stan Slachetka, P.P., AICP  
New Jersey Professional Planner  
License No. LI-3508

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REDEVELOPMENT AREA DESCRIPTION .....	1
STATUTORY REQUIREMENTS .....	2
PROPOSED LAND USES AND BUILDING REQUIREMENTS .....	2

### ATTACHMENTS

Attachment A – Redevelopment Districts

Attachment B – Concept Plan

Attachment C – Environmental Conservation District Regulations

## INTRODUCTION

In June 2000, an Economic Redevelopment Plan was adopted to guide future redevelopment of properties that are east of the Garden State Parkway and are north of Wells Mill Road on the eastern side of Route 9. In total, the Redevelopment Plan regulates approximately 1,234 acres or 1.92 square miles (See Attachment A). Since the adoption of the 2000 Plan, the Township has made significant progress in its efforts to create a new town center at Waretown. In December 2005 the Township received plan endorsement and center designation from the New Jersey State Planning Commission, which acknowledged the State's support to create a new mixed-use town center in Ocean and the conservation of extensive areas of undeveloped land west of the center to the Oyster Creek and Parkway.

The amendments identified in this Plan reflect the Township's plan endorsement and center designation as required by the Planning and Implementation Agenda (PIA) approved by the State Planning Commission as part of Ocean's plan endorsement. They permit a pedestrian-oriented mixed-use center within the previously designated redevelopment plan area (See Attachment A). It is the intent of the Township to amend the June 2000 Economic Redevelopment Plan to provide more specific land use categories and general design standards to regulate lands within the redevelopment area. The plan also incorporates previously adopted redevelopment plans within this area, including the Route 9 Phase 1 Redevelopment Plan and the Waretown Village Residential Gateway District. The Township is currently preparing a separate redevelopment plan for the areas of the Center along Route 9 and north of Wells Mill Road in the traditional Waretown crossroads area that are not regulated by the June 2000 Economic Redevelopment Plan or the other previously adopted redevelopment plans.

As identified in the Township's Master Plan and other long-range planning documents, the Township wishes to create a traditional neighborhood mixed-use center at Waretown that incorporates the best in design principles to produce a compact, mixed use, pedestrian scaled, sustainable community. A traditional mixed use center is:

- Limited in area to that which can be traversed in a 10 to 15 minute walk.
- A place where residences, shops, workplaces, and civic buildings are located in close proximity.
- Well defined with a detailed system of interconnected streets that serve the needs of the pedestrian and the car equitably and provide multiple routes to all parts of the center.
- Contains physically defined open spaces in the form of plazas, squares, and parks, provide places for formal social activity and recreation.

## REDEVELOPMENT AREA DESCRIPTION

The Redevelopment Area is located in the eastern portion of the Township north of Wells Mill Road, east of the Garden State Parkway and west of Route 9 (See Appendix B.) The Redevelopment Area consists of several sub areas. They include:

- The Town Center Redevelopment District;
- Phase I – Route 9 Redevelopment Area, which is regulated by the MXD Redevelopment District;
- The Waretown Village Residential Gateway Redevelopment District; and
- Environmental Conservation (EC) Zone District.

This Plan also acknowledges properties on the westerly side of Route 9 are separated from Route 9 by a former railroad right-of-way owned by Ocean County, which is currently developing a bicycle and pedestrian trail in concert with the Township's redevelopment efforts.

## STATUTORY REQUIREMENTS

### RELATIONSHIP OF PLAN TO THE TOWNSHIP LAND DEVELOPMENT REGULATIONS

The Area shall be redeveloped in accordance with the standards detailed in this Plan. In order to implement the Plan consistent with the goals and objectives herein, the Plan supersedes the use, bulk and design standards provisions of the Township Land Development Ordinance (Chapter 19) as they relate to the area governed by this Redevelopment Plan. Other Township regulations affecting development that are in conflict are superseded by this Plan. However, existing engineering standards, definitions and sections of the Land Development Ordinance not covered by his Plan shall apply.

Pursuant to the requirements of Section 7 of the LRHL (N.J.S.A. 40A:12A-7c), the Borough's Zoning Map is hereby amended to identify the amended Economic Redevelopment Plan and the Town Center Concept Plan incorporated herein. The Township's Zoning Ordinance was previously amended to include the EC District in the environs adjacent to the Town Center. The revised zoning map also recognizes two additional redevelopment districts that were created by separate redevelopment plans. These include the Phase I – Route 9 Redevelopment Area, which is regulated by the MXD Redevelopment District and the Waretown Village Residential Gateway Redevelopment District (WVR).

## PROPOSED LAND USES AND BUILDING REQUIREMENTS

### PROPOSED LAND USES AND BUILDING REQUIREMENTS

The Township envisions the development of the Waretown Center to be developed as part of a comprehensive and coordinated plan. Attachment B presents a concept plan for the development portion of the center west of Route 9. The concept plan identifies the permitted land uses, road network layout, and general building layout and design for the center. While the Township's intent is to provide some flexibility in the design of the center, this Plan is designed to prevent uses and building layout and design that are inconsistent with the intended vision for the Center. Accordingly, this plan identifies permitted uses in the Town Center District and uses that shall be specifically prohibited as follows:

**Town Center District**

**Principal Permitted Uses:**

1. Retail stores and service establishments
2. Professional offices
3. General business offices
4. Drugstores
5. Restaurants and cafes
6. Coffee shops
7. Mixed use buildings containing a combination of permitted uses
8. Community and municipal buildings
9. Residential Apartments (on upper floors of mixed use buildings)
10. Open space land permanently protected through conservation easements
11. Schools
12. Public recreation facilities
13. Single-family residential
14. Townhouses
15. Live-work residential units
16. Senior multi-family housing development

**Accessory Uses:**

1. Uses accessory and incidental to the principal use.

These uses shall be distributed within the redevelopment plan area as illustrated within the Town Center Concept Plan map.

**Uses Specifically Prohibited**

While centers encourage a mixture of land uses, not every type of use is appropriate in a center. Specifically prohibited uses include:

- Auto dependent design/drive-thru businesses
- Warehouses
- "Big Box" type businesses, i.e. Wal-Mart, Home Depot, which require large parking lots
- Gasoline oriented businesses
- Industrial uses
- Mining or extracting uses

**Town Center District – Route 9 and Wells Mill Road Crossroads**

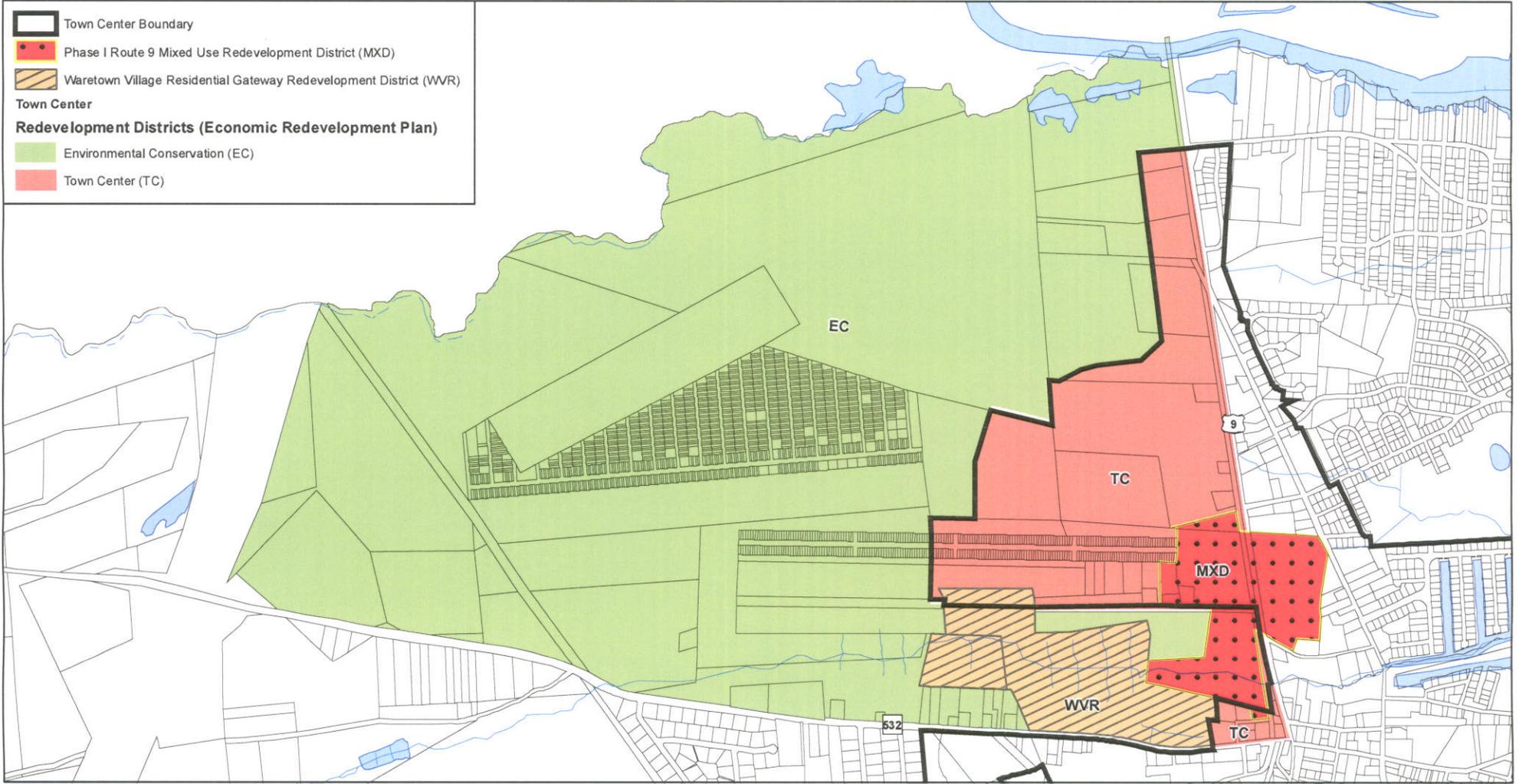
This Plan acknowledges that a portion of the Town Center Redevelopment district is located adjacent to the Route 9/Wells Mill Road intersection within the traditional crossroads section of Waretown. Until formal use and design standards are developed, this Plan recognizes that the underlying zoning shall regulate these properties. However, all development application shall be subject to the Redevelopment Entity review and approval prior to submission to the Planning Board for site plan or subdivision approval.

### Environmental Conservation District

In 2007, the Township Committee adopted ordinances to create an Environmental Conservation (EC) district as delineated within Attachment A. This Plan incorporates Chapter 18.21, EC Environmental Conservation District by reference for the purposes of establishing the EC district development standards within this Redevelopment Plan. The EC district was adopted in September 2006 by Ordinance 2006-34 and amended by Ordinance 2006-39 (See Attachment C).

H:\projects\Otl\00060\Plans\Route 9 Redevelopment Plan Waretown Center Amendment.doc

ATTACHMENT A  
REDEVELOPMENT DISTRICTS




 11 Tindall Road  
 Middletown, NJ 07748-2792  
 Phone: 732-671-6400  
 Fax: 732-671-7365

0 500 1,000 2,000  
 Feet

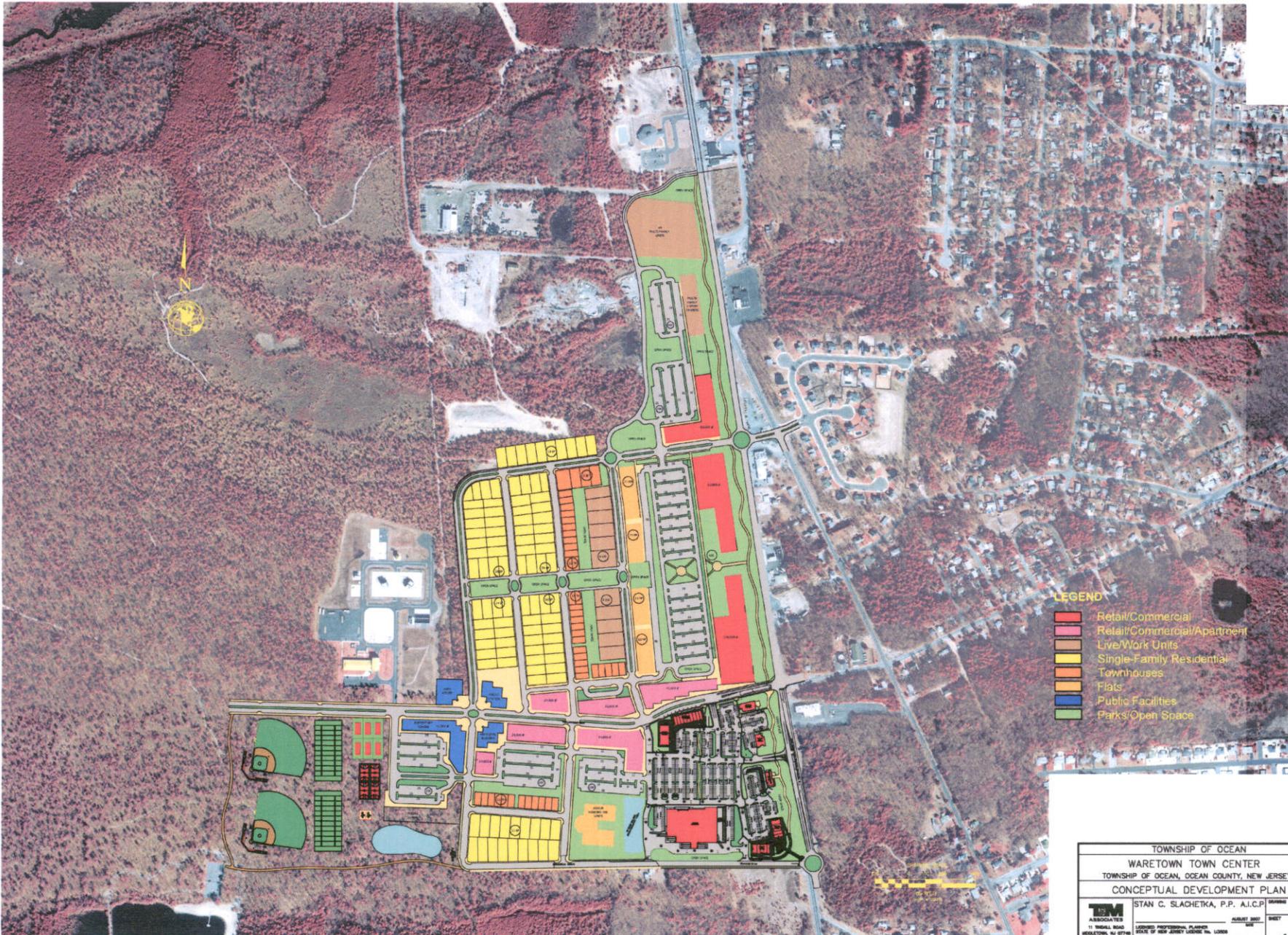
Prepared by: PNR, November 8, 2007  
 Source: Ocean Township, GIS, Route 9 Redevelopment Plan, WVR Redevelopment Plan  
 Town Center Planning Documents  
 File Path: H:\OTLU00060\GIS\Projects\Town Center Redevelopment Districts.mxd

**Attachment A**  
**Redevelopment Districts**  
**2007 Amended Economic Redevelopment Plan**  
**Township of Ocean**  
**Ocean County, New Jersey**



NOTE: This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not State-authorized.

ATTACHEMENT B  
CONCEPT PLAN



**LEGEND**

- Retail/Commercial
- Retail/Commercial/Apartment
- Live/Work Units
- Single-Family Residential
- Townhouses
- Flats
- Public Facilities
- Parks/Open Space

TOWNSHIP OF OCEAN	
WARETOWN TOWN CENTER	
TOWNSHIP OF OCEAN, OCEAN COUNTY, NEW JERSEY	
CONCEPTUAL DEVELOPMENT PLAN	
<b>STAN C. SLACHETKA, P.P., A.I.C.P.</b>	<b>CP1</b>
11 WINGALL ROAD HIGHLAND PARK, NJ 07033 TEL: 732-871-1000 FAX: 732-871-1200	LICENSED PROFESSIONAL PLANNER STATE OF NEW JERSEY LICENSE NO. 12088 DRAWN BY: [ ] CHECKED BY: [ ] PREPARED BY: [ ] DATE: 08/14/18
<b>1</b>	<b>1</b>

ATTACHEMENT C  
ENVIRONMENTAL CONSERVATION  
DISTRICT REGULATIONS

ORDINANCE 2006-34

AN ORDINANCE AMENDING TITLE 18 ENTITLED "ZONING"  
ESTABLISHING THE BOUNDARIES AND DESIGN REGULATIONS AND  
STANDARDS FOR A NEW EC ENVIRONMENTAL CONSERVATION  
DISTRICT

BE IT ORDAINED by the Township Committee of the Township of Ocean,  
County of Ocean, State of New Jersey as follows:

SECTION 1: The Land Use Board of the Township of Ocean adopted a periodic examination of the Township's Master Plan and Land Use Element thereof. That report, dated November 2005, included certain amendments to the Land Use Plan Element and Circulation Plan Element of the Township's Master Plan which are designed to provide the planning framework and foundation for implementation of the Township's proposed Waretown Town Center as well as proposals to meet land use goals, environmental goals, housing needs, open space goals, circulation, parking, design, economic development and utility infrastructure goals. Specifically, the Reexamination Report recommended that the Township's land use classifications be consistent with the Township's proposed Waretown Center Concept Plan and further recommended that any future sewer/water infrastructure be limited to the Township's town center and those areas of the Township within the planning area 2 designation. Consistent with the Township's goals and objectives, the Master Plan Reexamination Report recommended the rezoning of the Township's existing I-1 and I-2 Industrial Zoning Districts outside of the Center to a an Environmentally Sensitive land use designation. In order to implement that recommendation, this ordinance amends the Township's Zoning Ordinance to rezone the I-1 and I-2 Industrial Zone Districts located outside of the Waretown Town Center to a new EC, Environmental Conservation District.

SECTION 2: The Township of Ocean hereby designates that portion of the municipality which had previously been designated as I-1 and I-2 located outside of the boundaries of the designated Waretown Town Center as EC Environmental Conservation. This designation shall affect that portion of the municipality shown on the accompanying map entitled "Proposed Zoning: Environmental Conservation District" as referenced herein.

SECTION 3: Title 18, Zoning, is hereby amended to include the following new Chapter 18-21, EC Environmental Conservation District.

Effective Date of

Ordinance 2006-34

November 21, 2006

Dorothy R. Horner RMC

Township Clerk

Chapter 18.21 Environmental Conservation District

18.21.010 General Intent.

This district generally corresponds to those environmentally sensitive areas lying outside of and to the west of the Warehown Town Center and east of the Garden State Parkway. It is the intent of this area to act as the low density environs of the center. Given the environmental sensitive characteristics of the area, only very low density residential development or other low intensity uses are allowed. Protection and conservation of the natural resources of the area is the principal objective of the EC district.

18.21.020 Permitted uses.

The following uses shall be permitted in the EC district.

- A. Detached single-family dwellings
- B. Public service infrastructure.
- C. Public preserves and open space.
- D. Public parks and public recreation facilities.

18.21.030 Conditional uses:

The following uses shall be permitted in the EC zone subject to issuance of a conditional use permit under Chapter 18.68.

- A. Major utility installations, as defined, and as necessary to serve the needs of the public.
- B. Home occupations, as defined.
- C. Home professional offices, as defined.
- D. Institutional uses, as defined and as limited under Schedule A, provided that the applicant can demonstrate a need for the use in the proposed location, that the use is primarily designed to serve the needs of the district in which the use is proposed and that there are no feasible alternatives.
- E. Low intensity recreational uses, including but not limited to camping, provided that:
  - 1. The parcel proposed for low intensity recreational use has an area of at least fifty (50) acres.

2. The recreational use does not involve the use of motorized vehicles except for necessary transportation.
3. Access to bodies of water is limited to no more than fifteen (15) linear feet of frontage per one thousand (1,000) feet of water body frontage.
4. The parcel will contain not more than six campsites per gross acre; provided that the campsites shall not be clustered at a net density exceeding ten (10) campsites per acre.
5. Clearing of vegetation, including ground cover and soil disturbance, does not exceed five percent of the parcel.
6. No more than one percent of the parcel will be covered with impermeable surfaces.

18.21.040 Accessory structures, signs, and off-street parking.

The following accessory structures, signs, and off-street parking are permitted subject to applicable provisions under Chapters 18.44, 18.46, 18.48, 18.50, 18.52 and 18.56:

- A. Structures accessory to residential and agricultural uses, including detached private garages, barns, sheds, and the like.
- B. Private residential swimming pools and tennis courts.
- C. Required off-street parking and loading space.
- D. Temporary on-site construction trailers.
- E. On-site signs, as defined.

18.21.050 Lot and building requirements.

The following regulations shall apply in the EC District:

A. Minimum Lot Size.

1. 20 acres, unless otherwise specified in this chapter.
2. Notwithstanding the minimum lot areas set forth above and in Schedule B, no such minimum lot area for any use within the EC zone shall be less than that needed to meet the water quality standards of Section 18.60.030.

B. Minimum lot width: two hundred (200) feet.

C. Minimum Yard Requirements:

1. Front yards: two hundred (200) feet.

2. Side yard: fifty (50) feet for principal buildings; ten (10) feet for accessory buildings.
3. Rear yard: seventy-five (75) feet for principal buildings; ten (10) feet for accessory buildings.

D. Maximum lot coverage: three (3) percent (3%).

SECTION 4: Paragraph A of Subchapter 18.04.010, Districts Established, located within Title 18, Zoning, is hereby amended to add the following new zone district:

EC Environmental Conservation District

SECTION 5: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 6: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

SECTION 7: This ordinance shall take effect after second reading and publication as required by law.

#### NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Township Committee of the Township of Ocean on first reading at meeting held on the 24<sup>th</sup> day of August, 2006. The Ordinance will be considered for second and final reading at a meeting of the Township Committee which is scheduled for the 14<sup>th</sup> day of September, 2006, at 7:30 p.m.; or as soon thereafter as the matter may be reached, at the Municipal Building located at 50 Railroad Avenue, Waretown, New Jersey, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.

  
DOROTHY R. HORNER

E:\OFFICE\MUNICIPAL\CALCULATIONS & REPORTS\ORDINANCE\_2006.DOC

ORDINANCE NO. 2006-39

AN ORDINANCE OF THE TOWNSHIP OF OCEAN, AMENDING ORDINANCE NO. 2006-34 AS IT PERTAINS TO TITLE 18, ENTITLED "ZONING ESTABLISHING THE BOUNDARIES AND DESIGN REGULATIONS AND STANDARDS FOR A NEW EC ENVIRONMENTAL CONSERVATION DISTRICT.

SECTION 1: BE IT ORDAINED by the Township Committee of the Township of Ocean and State of New Jersey that Chapter 18 be amended as follows:

SECTION 2: the purpose of this amendment is to correct and clarify section 18.21.020 Permitted uses:

The following uses shall be permitted in the EC district.

- A. Detached single-family dwellings.
  - B. Public service infrastructure.
  - C. Public preserves and open space.
  - D. Public parks and public recreation facilities, excluding golf courses.
- Golf Courses are not a permitted use.

SECTION 3: All ordinances or parts thereof inconsistent herewith are hereby repealed.

SECTION 4: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

SECTION 5: This Ordinance shall take effect after second reading and publication as required by law.

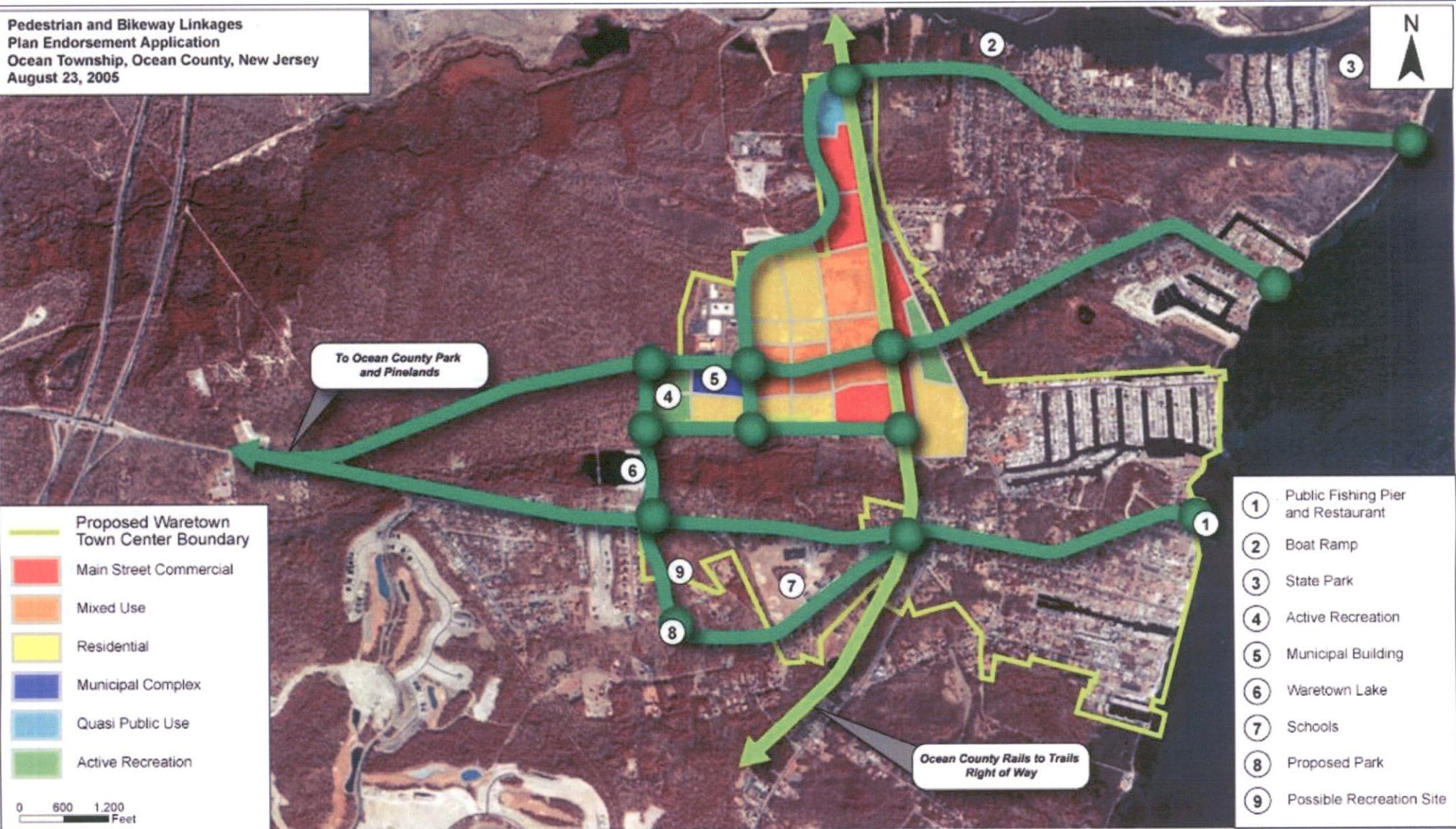
NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Township Committee of the Township of Ocean on first reading at the meeting held on the 21<sup>st</sup>, of November, 2006. The Ordinance will be considered for second and final reading at a meeting of the Township Committee which is scheduled for the 14<sup>th</sup> day of December, 2006, at 7:30 p.m. or as soon thereafter as the matter may be reached, at the Municipal Building located at 50 Railroad Avenue, Waretown, N. J. at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of said ordinance.

DOROTHY R. HORNER, RMC  
TOWNSHIP CLERK

## APPENDIX E – PEDESTRIAN AND BICYCLE CIRCULATION PLAN

**Pedestrian and Bikeway Linkages**  
**Plan Endorsement Application**  
**Ocean Township, Ocean County, New Jersey**  
**August 23, 2005**



- Proposed Waretown Town Center Boundary
- Main Street Commercial
- Mixed Use
- Residential
- Municipal Complex
- Quasi Public Use
- Active Recreation

- ① Public Fishing Pier and Restaurant
- ② Boat Ramp
- ③ State Park
- ④ Active Recreation
- ⑤ Municipal Building
- ⑥ Waretown Lake
- ⑦ Schools
- ⑧ Proposed Park
- ⑨ Possible Recreation Site

To Ocean County Park and Pinelands

Ocean County Rails to Trails Right of Way



0 600 1,200  
 Feet

**Appendix E: Zoning Map**

ORDINANCE 2008- 23

ORDINANCE OF THE TOWNSHIP OF OCEAN, COUNTY OF OCEAN, STATE OF NEW JERSEY ADOPTING A NEW ZONING MAP FOR THE TOWNSHIP

BE IT ORDAINED by the Township Committee of the Township of Ocean, County of Ocean, State of New Jersey as follows:

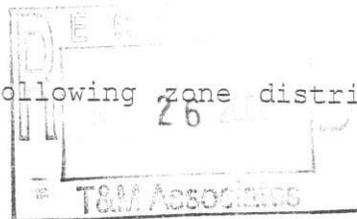
**SECTION 1:** The Township of Ocean has previously adopted a Zoning Map for the municipality pursuant to the provisions and requirements of the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and has periodically amended said map. It is the intention of this Ordinance to adopt a comprehensive revised Zoning Map incorporating all prior amendments to the zone plan of the Township and previously adopted redevelopment plans where such plans have superseded the zoning previously in effect for those areas covered by said redevelopment plans.

**SECTION 2:** BE IT ORDAINED that the maps entitled "Zoning East of Parkway" and "Zoning West of Parkway," both dated February 2008, prepared by T & M Associates, Stan Slachetka, P.P., AICP, are hereby adopted collectively as the Zoning Map for the Township.

**SECTION 3:** BE IT FURTHER ORDAINED that Section 18.04.010 "Districts established." in Chapter 18.04 of the Township's Land Development Ordinance is hereby amended to delete the existing language in the Section and replace it with the following:

18.04.010 Districts established.

The township is divided into the following zone districts as follows:



A. For lands east of Garden State Parkway, fifteen (15) zoning districts are established:

- R-2 Residential, Medium-Low Density
- R-1 Residential, Medium Density
- R-1A Residential, Medium-High Density
- R-1B Residential, Medium-Low Density
- WD Waterfront Development
- PRD Planned Residential Development
- BC Bayfront Conservation
- EC Environmental Conservation
- C-2 Village Commercial
- C-1 General Commercial
- TC Town Center Redevelopment District
- TC-MXD Town Center Redevelopment Sub District
- TC-OC Ocean Commons Town Center Redevelopment Sub District
- WVRG Waretown Village Residential Gateway Redevelopment District
- ER Edgemont Redevelopment District

B. The following land use designations are created and adopted for areas of Ocean Township west of the Garden State Parkway:

- PA Preservation
- FO Forest
- PV Pineland Village (Ord. 2000-33 § 1, 2000: prior code § 19-5.1)

SECTION 4: BE IT FURTHER ORDAINED that Section 18.04.020 "Zoning district map." in Chapter 18.04 of the Township's Land Development Ordinance is hereby amended to delete the existing language in the Section and replace it with the following:

18.04.020 Zoning district map.

A. The map entitled "Zoning West of Parkway" prepared by T&M Associates, dated February 2008, a copy of which is attached to the ordinance codified in this chapter and labeled "Exhibit A" is adopted by reference as the zoning map in the Township of Ocean for land west of Garden State Parkway.

B. The map entitled "Zoning East of Parkway" prepared by T&M Associates, dated February 2008, a copy of which is attached to the ordinance codified in this chapter and labeled "Exhibit B" is adopted by reference as the zoning map in the Township of Ocean for land within Ocean Township east of the Garden State Parkway.

SECTION 5: BE IT FURTHER ORDAINED that this proposed amendment was forwarded to the Township of Ocean Planning Board for its review. On November 6, 2008, the Planning Board conducted a public hearing on the proposed amendments and determined that they are consistent with the Township's Master Plan and recommended their adoption by the Township Committee. Upon adoption of this ordinance, said Zoning Map

shall be incorporated within the Township's Land Development Ordinance as a duly adopted amendment thereto.

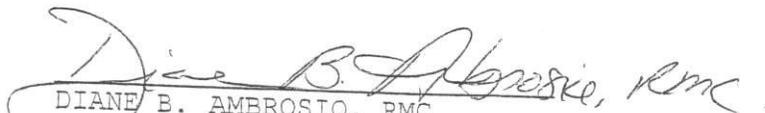
**SECTION 6:** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

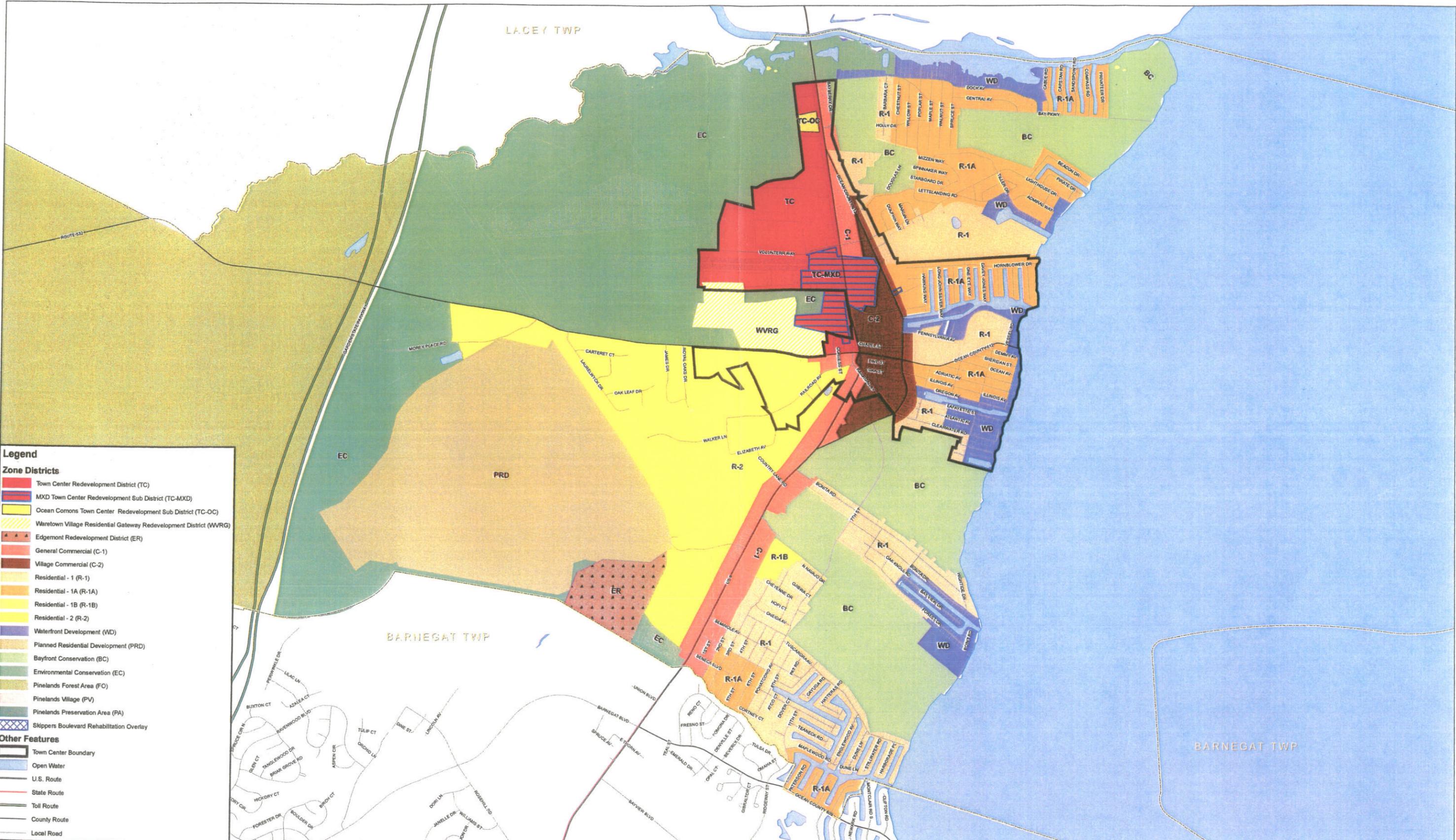
**SECTION 7:** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

**SECTION 8:** This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Township Committee of the Township of Ocean on first reading at meeting held on the 9<sup>th</sup> day of October, 2008. The Ordinance will be considered for second and final reading at a meeting of the Township Committee which is scheduled for the 13<sup>th</sup> day of November, 2008, at 7:30 p.m., or as soon thereafter as the matter may be reached, at the Municipal Building located at 50 Railroad Avenue, Waretown, New Jersey, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.

  
DIANE B. AMBROSIO, RMC  
TOWNSHIP CLERK



- Legend**
- Zone Districts**
- Town Center Redevelopment District (TC)
  - MXD Town Center Redevelopment Sub District (TC-MXD)
  - Ocean Commons Town Center Redevelopment Sub District (TC-OC)
  - Waretown Village Residential Gateway Redevelopment District (WVRG)
  - Edgmont Redevelopment District (ER)
  - General Commercial (C-1)
  - Village Commercial (C-2)
  - Residential - 1 (R-1)
  - Residential - 1A (R-1A)
  - Residential - 1B (R-1B)
  - Residential - 2 (R-2)
  - Waterfront Development (WD)
  - Planned Residential Development (PRD)
  - Bayfront Conservation (BC)
  - Environmental Conservation (EC)
  - Pinelands Forest Area (FO)
  - Pinelands Village (PV)
  - Pinelands Preservation Area (PA)
  - Skippers Boulevard Rehabilitation Overlay
- Other Features**
- Town Center Boundary
  - Open Water
  - U.S. Route
  - State Route
  - Toll Route
  - County Route
  - Local Road

**T&M ASSOCIATES**  
 11 Tindall Road  
 Middletown, NJ 07748-2792  
 Phone: 732-671-6400  
 Fax: 732-671-7365  
 0 500 1,000 2,000 Feet

Prepared by: STK/PNR, February 27, 2008  
 Source: NJDEP, NJDOT, Ocean Township Committee  
 File Path: H:\06\GIS\Projects\lotwp\_zoning\EAST (2-27-08).mxd

This Map is a part of ORDINANCE 2008-23 adopted 11-13-08 by the Township of Ocean, Ocean County, New Jersey

*Daniel M. Van Pelt*  
 Daniel M. Van Pelt  
 Mayor

*Diane Ambrosio*  
 Diane Ambrosio, RMC  
 Municipal Clerk

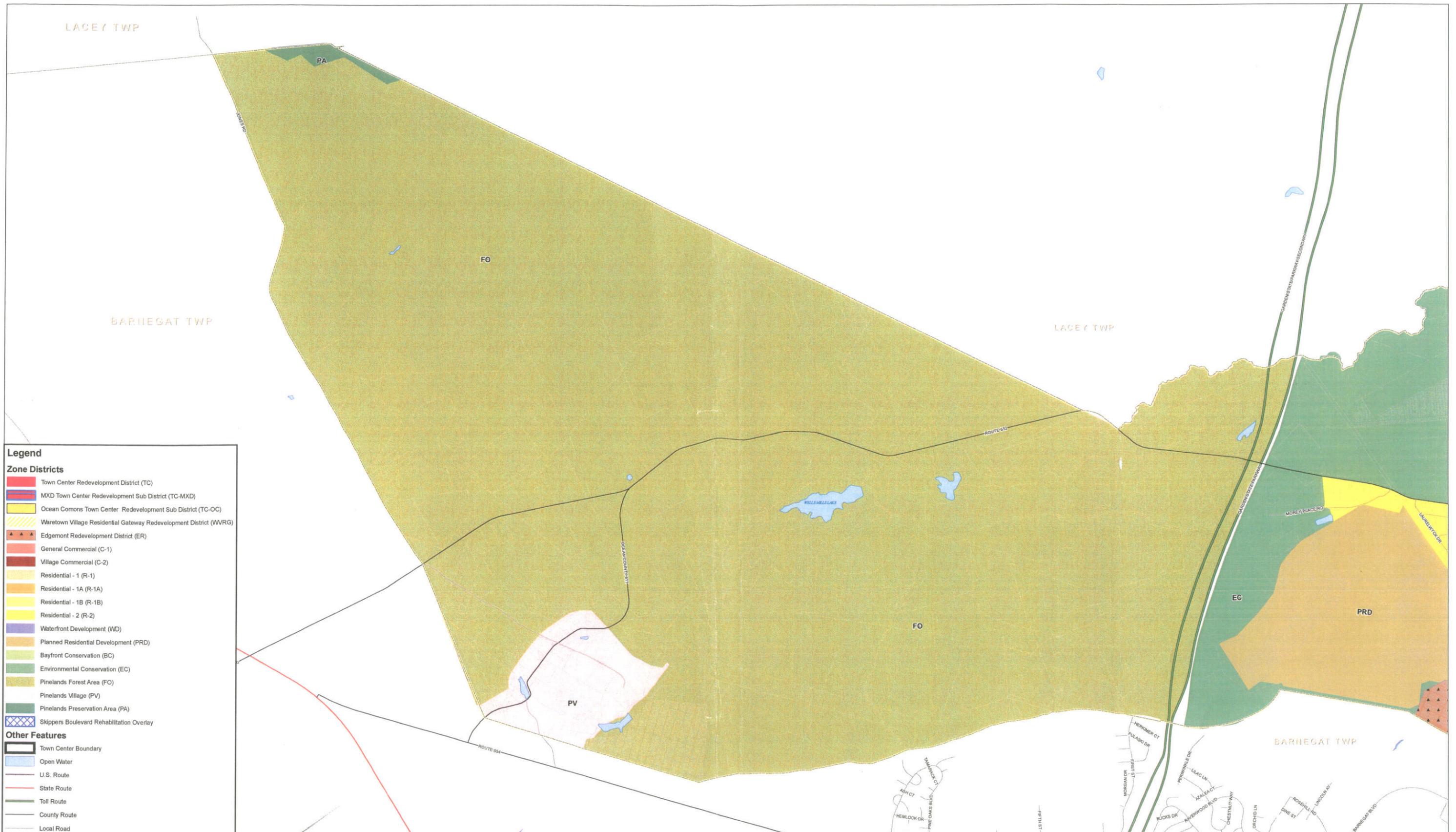
Zone Plan Prepared by:  
*Stan Slachetka*  
 Stan Slachetka, PP, AICP  
 New Jersey Professional Planner  
 License No.: 03508

**Zoning East of Parkway  
 Township of Ocean  
 Ocean County, New Jersey**

NOTE: This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not State-authorized.

February 2008

The original of this document has been signed and sealed in accordance with New Jersey Law.



**Legend**

**Zone Districts**

- Town Center Redevelopment District (TC)
- MXD Town Center Redevelopment Sub District (TC-MXD)
- Ocean Commons Town Center Redevelopment Sub District (TC-OC)
- Waretown Village Residential Gateway Redevelopment District (WVRG)
- Edgemont Redevelopment District (ER)
- General Commercial (C-1)
- Village Commercial (C-2)
- Residential - 1 (R-1)
- Residential - 1A (R-1A)
- Residential - 1B (R-1B)
- Residential - 2 (R-2)
- Waterfront Development (WD)
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- Bayfront Conservation (BC)
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- Pinelands Forest Area (FO)
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- Skippers Boulevard Rehabilitation Overlay

**Other Features**

- Town Center Boundary
- Open Water
- U.S. Route
- State Route
- Toll Route
- County Route
- Local Road

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Prepared by: STK/PNR, February 28, 2008  
 Source: NJDEP, NJDOT, Ocean Township Committee  
 File Path: H:\08\GIS\Projects\lotwp\_zoning\WEST (2-28-08).mxd

This Map is a part of ORDINANCE 2008-23 adopted 11/13/08  
 by the Township of Ocean, Ocean County, New Jersey

*Daniel M. Van Pelt*  
 Daniel M. Van Pelt  
 Mayor

*Diane Ambrosio*  
 Diane Ambrosio, R.M.C.  
 Municipal Clerk

Zone Plan Prepared by:  
*Stan Slachetka*  
 Stan Slachetka, PP, AICP  
 New Jersey Professional Planner  
 License No.: 03508

**Zoning West of Parkway  
 Township of Ocean  
 Ocean County, New Jersey**

NOTE: This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not State-authorized.

February 2008

The original of this document has been signed and sealed in accordance with New Jersey Law.

**Appendix F: Draft 2008 Housing Element and Fair Share Plan**

**2008 HOUSING PLAN ELEMENT AND FAIR SHARE PLAN  
OF THE  
TOWNSHIP OF OCEAN MASTER PLAN**

TOWNSHIP OF OCEAN  
OCEAN COUNTY, NEW JERSEY

ADOPTED BY THE PLANNING BOARD: December 5, 2008  
ENDORSED BY THE TOWNSHIP COMMITTEE: \_\_\_\_\_

Prepared By:



---

**Stan Slachetka, AICP, P.P.**  
**New Jersey Professional Planner**  
**License No. LI 03508**



**Eleven Tindall Road**  
**Middletown, New Jersey 07748**

*The original of this document was signed and sealed in accordance with law.*

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## **INTRODUCTION**

The Township of Ocean has prepared this housing plan element and fair share plan in accordance with the requirements of the Mount Laurel Doctrine, the New Jersey Municipal Land Use Law and the State Fair Housing Act. This plan updates and replaces the Township's previously adopted Housing Element and Fair Share Plan, which was adopted by the Township Land Use Board in December 2005. The December 2005 plan was submitted to the New Jersey Council on Affordable Housing (COAH) as part of the Township's petition for substantive certification of its Cycle I, II and III Fair Share Plan under COAH's previously adopted Cycle III rules.

COAH adopted a revised set of substantive rules (N.J.A.C. 5:97-1 et seq.) that became effective in May 2008 and was further amended in October 2008. In addition, in July 2008 the Governor signed into law Assembly Bill A-500 (P.L.2008, c.46) that made further changes to COAH's regulations and requirements. Therefore, the Township is required to revise its previously adopted Housing Plan Element and Fair Share Plan to conform to the new regulatory and statutory requirements. This plan represents the Township's response to COAH's new Cycle III regulations.

COAH's current substantive rules presents a methodology for calculating a municipality's affordable housing obligation, consisting of three components. These include the rehabilitation share, which is a measure of old, overcrowded, deficient housing that is occupied by low and moderate income households, any remaining Prior Round (Cycles I and II) obligation for the period from 1987-1999, and the "growth share," which links the actual production of affordable housing with municipal development and growth. COAH calculates that the Township of Ocean's rehabilitation share is 11 units, and the remaining Prior Round obligation is 236 units. The Township's growth share obligation is 139 units as described in the following sections of this plan.

### ***The Mount Laurel Doctrine***

In 1975, the New Jersey Supreme Court, in Mt. Laurel I (Southern Burlington County NAACP v. The Township of Mount Laurel, 676 N.J. 151, 336 A. 2d 713 (1975)), held that a developing municipality must, through its land use regulations, create a realistic opportunity for an appropriate variety and choice of housing for all categories of people who may desire to live there, including those of low and moderate income.

As a result of Mount Laurel I, developing municipalities in the path of growth were obligated to provide for a mix of housing that addressed their fair share of the region's housing need. However, Mount Laurel I generally resulted in few housing opportunities for low and moderate households because many municipalities failed to use their powers to zone and provide a realistic opportunity for the provision of affordable housing.

In 1983, the New Jersey Supreme Court decided Mount Laurel II (Southern Burlington County NAACP v. the Township of Mount Laurel, 92 N.J. 158, 456 A. 2d 390 (1983)). In its Mount Laurel II decision, the Supreme Court held:

- *The existence of a municipal obligation to provide a realistic opportunity for a fair share of the region's present and prospective low and moderate income housing need, will no longer be determined by whether or not a municipality is 'developing'. The obligation extends, instead, to every municipality, any portion of which is designated by the state, through the SDGP (State Development Guide Plan, currently called the State Development and Redevelopment Plan), as a growth area.*
  
- *The lower income regional housing need is comprised of both low and moderate income housing. Low income housing need consists of households whose incomes do not exceed 50 percent of the median income of the area with adjustment for family size. Moderate income housing need consists of households whose income does not exceed 80 percent of the median income of the area with adjustment for family size.*

Under the doctrine established by the Supreme Court, a municipality that continued to use its power to zone without consideration of its impact on low and moderate households faced the prospect of loss of that power. Such municipalities faced the prospect of a court ordered rezoning, or the so-called “builder’s remedy.” The essence of the landmark decision, however, was that municipalities should use their zoning powers and other related powers to facilitate, rather than obstruct, the provision of affordable housing.

### ***The Fair Housing Act***

In 1985, two years after Mount Laurel II, the State adopted the Fair Housing Act and created an administrative alternative to court action in addressing municipal compliance with Mount Laurel II. The Fair Housing Act establishes the Council on Affordable Housing (COAH) as the state agency responsible for identifying housing regions, estimating low and moderate income housing need, and providing regulations that guide municipalities in addressing their obligations. The stated intent of the Act was to provide alternatives to the use of the builder's remedy as a method of achieving the provision of affordable housing.

As the State agency responsible for administering the Fair Housing Act, COAH establishes affordable housing guidelines and criteria. COAH estimates the total lower income housing need statewide, organizes the State into housing regions, and allocates a share of the regional housing need to each municipality in the region. COAH also identifies those circumstances where an “adjustment” to a municipality’s fair share is appropriate. Finally, COAH identifies the types of housing activities and programs that will be readily recognized as credits or reductions to the municipal fair share.

### ***The Municipal Planning Responsibility***

Each municipality is obligated to plan to meet its fair share. The New Jersey Municipal Land Use Law enables a municipality to adopt a zoning ordinance to regulate land use provided that the municipality has also adopted a master plan that includes a land use element and a housing element.

***Mandatory Contents of the Housing Element***

The essential components of a local housing element, as set forth in N.J.S.A. 52:27D-310, are the following:

- *An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated.*
- *A projection of the municipality's housing stock, including the probable future construction of low and moderate income housing, for the next six years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands.*
- *An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level, and age.*
- *An analysis of the existing and probable future employment characteristics of the municipality.*
- *A determination of the municipality's present and prospective fair share for low and moderate income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low and moderate income housing.*
- *A consideration of the lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing.*

In addition, COAH's substantive rules (N.J.A.C. 5:97) for the period from January 1, 2004 through December 31, 2018 require the following:

2008 Housing Plan Element and Fair Share Plan  
*Township of Ocean Master Plan*

- *The household projection for the municipality as provided in Appendix F of N.J.A.C. 5:97;*
- *The employment projection for the municipality as provided in Appendix F of N.J.A.C. 5:97;*
- *The municipality's prior round obligation as provided in Appendix C of N.J.A.C. 5:97;*
- *The municipality's rehabilitation share as provided in Appendix B of N.J.A.C. 5:97; and,*
- *The projected growth share in accordance with the procedures in N.J.A.C. 5:97-2.4.*

The Township's Cycle III growth share obligation is 139 units. The following Housing Element and Fair Share Plan include all the required contents as specified in the MLUL and COAH's regulations.

COAH calculates that the Township of Ocean's current rehabilitation share is 11 units, its remaining Prior Round obligation is 236 units, and the Township's Cycle III growth share is 139 units. The Fair Share Plan specifies the mechanisms by which the Township will address this obligation.

**ANALYSIS OF DEMOGRAPHIC, HOUSING AND EMPLOYMENT CHARACTERISTICS**

As required by N.J.S.A.52:27D-310, all housing elements must contain a discussion of the community’s demographic, housing, and economic characteristics. In fulfillment of this requirement, the following sections profile the Township of Ocean with information obtained from the U.S. Census Bureau, the North Jersey Transportation Planning Authority, and the New Jersey Department of Labor and Workforce Development.

***Ocean’s Demographics***

At the time of the 2000 U.S. Census, the Township of Ocean had a population of 6,450 residents (Table 1). This figure represents a 19.1 percent increase from the population of 5,416 residents that was reported in 1990. In comparison, the population of Ocean County grew by 17.9 percent during the same time period. As indicated by the North Jersey Transportation Planning Authority (NJTPA)’s population projections, the Township and the County will continue to grow, reaching respective populations of 15,350 and 739,300 by the year 2030. Based on these projections, the Township can expect to increase its population by approximately 138 percent over the next quarter-century, more than tripling the County’s growth rate of 44.7 percent.

**Table 1: Population Trends, 1990-2005**

	1990	2000	2005*	2030*	% Change 1990-2000	% Change 2000-2005	% Change 2000-2030
<b>Township of Ocean</b>	5,416	6,450	7,280	15,350	19.1%	12.9%	138.0%
<b>Ocean County</b>	433,203	510,916	553,500	739,300	17.9%	4.4%	44.7%

\*Projected population

Source: U.S. Census Bureau, North Jersey Transportation Planning Authority (data release March 2005).

Compiled by: T&M Associates

According to the 2000 U.S. Census, the Township’s population is composed of 2,446 households, with an average household size of 2.61 members (Table 2). The average household size is smaller than the State of New Jersey’s average of 2.68, but greater than the County’s average of 2.51 persons per households. The percentage of the Township’s population that is over 65 years of age, (13.8 percent) is less than the County and the State. The median household income in Ocean Township is slightly higher than the County median, but lower than the State median.

**Table 2: Demographic Indicators, 2000**

	Number of Households	Average Household Size	Median Age	% of Population ≥ 65 years	Median Household Income
<b>Township of Ocean</b>	2,446	2.61	37.7	13.8%	\$46,461
<b>Ocean County</b>	200,402	2.51	41.0	22.2 %	\$46,443
<b>New Jersey</b>	3,064,645	2.68	36.7	25.9%	\$55,146

Source: U.S. Census Bureau  
 Compiled by: T&M Associates

According to the 2000 U.S. Census, the Township’s median age of 37.7 years is less than Ocean County’s median age of 41.0 years, but greater than New Jersey’s median age of 36.7 years (Table 2). As shown in Table 3, there were 373 pre-school age residents in 200, or 5.8 percent of the Township’s population. School age children accounted for 1,425 residents, or 22.1 percent of the total population. Working age persons accounted for 58.5 percent of the Township’s population, with 3,764 individuals. Seniors aged 65 and older accounted for 13.8 percent of Ocean’s population.

**Table 3: Population by Age, 2000**

	Number	% of Total
<b>Pre-School Age</b>		
Under 5 Years	373	5.8
<b>School Age</b>		
5 to 9 Years	454	7.0
10 to 14 Years	553	8.6
15 to 19 Years	418	6.5
<b>Working Age</b>		
20 to 24 Years	281	4.4
25 to 34 Years	845	13.1
35 to 44 Years	1,108	17.2
45 to 54 Years	869	13.5
55 to 59 Years	386	6.0
60 to 64 Years	275	4.3
<b>Senior Age</b>		
65 Years and Older	888	13.8

Source: U.S. Census Bureau

### ***Ocean's Housing Stock***

According to the 2000 U.S. Census, Ocean had a total of 2,981 housing units (Table 4). This was an increase of 153 units since the 1990 U.S. Census. Of this total, 2,446 units (82.1 percent) were listed as occupied in 2000; owners occupied 84.4 percent of these units and renters occupied 15.6 percent. This is slightly less than the rate of renter-occupied units in Ocean County, which reported that 16.8 percent of all occupied housing units were occupied by renters.

Of the total 2,446 households, the average household size was 2.61 persons and the average family size was 3.08 persons. These figures are larger than County figures, but smaller than the State figures. Of the total number of households, family households accounted for 1,745 (71.3 percent) and non-family households<sup>1</sup> for 701 (28.7 percent). Householders 65 years of age or older were present in 246 (10.1 percent) of households.

A total of 23.5 percent of the Township's housing stock was constructed before 1960. The median year of construction, 1970, is newer than the State median year of 1962, but older than the County's median year of 1975. The Township's housing stock increased by approximately 5.4 percent from 1990 to 2000.

---

<sup>1</sup> A non-family household consists of a householder living alone or where the householder shares the home exclusively with people to whom he or she is not related.

**Table 4: Housing Characteristics, 2000**

	Number	% of Total
<b>I. Housing Units</b>		
Number of units	2,981	100.0%
Occupied Housing Units	2,446	82.1%
Vacant Housing Units	535	17.9%
Number of units (1990)	2,828	100.0%
<b>II. Occupancy/Household Characteristics</b>		
Number of Households	2,446	100.0%
Persons Per Household	2.61	N/A
Family Households	1,745	71.3%
Non-Family Households	701	28.7%
Householders 65 and over	246	10.1%
<b>III. Year Structure Built</b>		
1999 to March 2000	47	1.6%
1995 to 1998	105	3.5%
1990 to 1994	215	7.2%
1980 to 1989	460	15.4%
1970 to 1979	684	22.9%
1960 to 1969	769	25.8%
1940 to 1959	594	19.9%
1939 or earlier	107	3.6%
<b>IV. Condition of Units</b>		
Lacking complete plumbing facilities	8	0.3%
Lacking complete kitchen facilities	8	0.3%
<b>V. Home Value (Owner Occupied Units)</b>		
\$500,000 and up	0	0.0%
\$300,000-\$499,999	46	2.3%
\$200,000 - \$299,999	124	6.3%
\$150,000 - \$199,000	250	12.7%
\$100,000 - \$149,000	639	32.6%
\$50,000 - \$99,999	883	45.0%
\$0 - \$50,000	19	1.0%
<b>Median Value</b>	\$104,800	N/A
<b>VI. Rental Value (Renter Occupied Units)</b>		
\$1,500 and up	0	0.0%
\$1,000-\$1,499	64	16.9%
\$750 - \$999	223	58.8%
\$500 - \$749	64	16.9%
\$200 - \$499	0	0.0%
Less than \$200	0	0.0%
No cash rent	28	7.4%
<b>Median Gross Rent (2000)</b>	\$833	

Source: U.S. Census Bureau  
 Compiled by: T&M Associates

The housing stock in Ocean Township had only a limited number of substandard units at the time of the 2000 U.S. Census, which indicates that the Township had eight units lacking complete plumbing facilities and 8 units lacking complete kitchen facilities. In addition, only 91 of the Township's housing units (3.7 percent) exhibited overcrowded conditions (1.01 persons or more per room).

The 2000 median value of the owner-occupied housing units in Ocean Township was \$104,800. This is less than both the County and State median values of \$131,000 and \$170,800, respectively. Ocean Township's median gross rent of \$833 is higher than the County and State median gross rents of \$819 and \$751, respectively.

Housing units that have a monthly cost of less than 30 percent of gross household income are considered affordable. In Ocean Township, 1,305 specified<sup>2</sup> owner-occupied units (66.5 percent of all owner-occupied units) and 208 renter-occupied units (55 percent of all rental units) are considered affordable (Table 5).

**Table 5: Housing Affordability as a Percentage of 1999 Household Income**

	Number	% of Total
<b>Selected Monthly Owner Costs</b>		
< 15%	548	27.9%
15% to 19%	237	12.1%
20% to 24%	337	17.2%
25% to 29%	183	9.3%
30% to 34%	146	7.4%
35% or more	501	25.5%
Not Computed	9	0.5%
<b>Gross Rent</b>		
< 15%	53	14.0%
15% to 19%	67	17.7%
20% to 24%	23	6.1%
25% to 29%	65	17.2%
30% or more	136	35.9%
Not Computed	35	9.1%

Source: U.S. Census Bureau

<sup>2</sup> Specified owner-occupied units do not include residences where a business activity (i.e., professional offices as an accessory use) takes place.

***Ocean’s Employment***

At the time of the 2000 U.S. Census 2,958 of Ocean Township’s residents (45.9 percent) aged 16 years and over were employed in the civilian labor force (Table 6). Slightly more than a quarter of the civilian labor force was involved in management, professional, and related occupations, while approximately 23.2 percent of those employed in the civilian labor force were employed in sales and office-related occupations. Service occupations employed 19.2 percent of Ocean Township residents that were employed in the civilian labor force. Construction, extraction and maintenance related occupations employed 21.8 percent of the Township’s residents, whereas production, transportation, and material-moving occupations employed 10.6 percent of the Township’s residents that were employed in the civilian labor force.

**Table 6: Occupation of Employed Civilian Population, Aged 16 and Over, 2000**

	Number	% of Total
Management, Professional, and Related	745	25.2%
Service	568	19.2%
Sales and Office	685	23.2%
Farming, Fishing, and Forestry	0	0.0%
Construction, Extraction, and Maintenance	645	21.8%
Production, Transportation, and Material Moving	315	10.6%

Source: U.S. Census Bureau

In 1999, the median household income in Ocean Township was \$46,461, up \$15,622 from the 1989 median household income of \$30,839. After adjusting for inflation, however, this represents an increase in household income of just 10.8 percent. In 2000, per capita income was \$22,830, which places the Township at 194 out of 566 municipalities (New Jersey Department of Labor and Workforce Development).

**Table 7: Household Income, 1999**

	<b>Number</b>	<b>% of Total</b>
Less than \$10,000	114	4.7%
\$10,000 to \$14,999	142	5.8%
\$15,000 to \$24,999	228	9.3%
\$25,000 to \$34,999	256	10.5%
\$35,000 to \$49,999	613	25.1%
\$50,000 to \$74,999	481	19.7%
\$75,000 to \$99,999	286	11.7%
\$100,000 to \$149,999	195	8.0%
\$150,000 to \$199,999	80	3.3%
\$200,000 or More	52	2.1%
<b>Median Household Income (Dollars)</b>	<b>\$46,461</b>	<b>N/A</b>

Source: U.S. Census Bureau

With regard to the number of jobs that are located within the Township, the New Jersey Department of Labor indicates that there was an average of 1,162 jobs located within the municipality in 2006, which is the latest available data. This is up 201 jobs (20.9 percent) over the 2004 average of 961 jobs. The Department of Labor's basis for this information is the number of jobs that are covered by public unemployment and disability insurance.

## **MUNICIPAL AFFORDABLE HOUSING OBLIGATION**

COAH's substantive rules indicate that a municipality's affordable housing obligation consists of three components. These include: the rehabilitation share, which is a measure of overcrowded and deficient housing that is occupied by low and moderate income households; the prior round obligation for the period from 1987 to 1999; and, the municipal "growth share" need for the period from 2004 through 2018. The growth share links the actual production of affordable housing to municipal development and growth.

### ***Rehabilitation Obligation***

Appendix B of N.J.A.C. 5:97 indicates that Ocean Township's rehabilitation obligation is 11 units. The Township will address its rehabilitation obligation through a continuation of its local rehabilitation program. This is described in detail in the Fair Share Plan.

### ***Total Remaining Obligation***

Appendix C of N.J.A.C. 5:97 indicates that the Township has a total remaining prior-round obligation (Cycles I and II) of 236 units. The Township's plan to address its prior-round need is described in the Fair Share Plan.

### ***Growth Share***

Appendix F of N.J.A.C. 5:97 indicates that the Township's growth share is 139 units. Based on existing population and employment projections, Ocean accepts COAH's municipal housing and employment growth projections. The Township's growth share obligation will be addressed in its Fair Share Plan.

## **MUNICIPAL ABILITY TO ACCOMMODATE AFFORDABLE HOUSING OBLIGATION**

### ***Plan Endorsement Status***

The Township received plan endorsement and approval of its Waretown Town Center by the New Jersey State Planning Commission on December 7, 2005. Ocean became the second municipality and the first suburban community to receive plan endorsement. The State Planning Commission approved the center boundary, state planning areas, and Planning and Implementation Agreement (PIA), which identifies further actions that Ocean will perform to implement the center and bring its planning documents into further consistency and compliance with the State Development and Redevelopment Plan. The PIA also requires that the Township comply with the State's affordable housing regulations and receive substantive certification from COAH. (See Figure 1).

As part of the ongoing planning efforts of the Township, Ocean has adopted a Waretown Town Center Concept Plan that includes the Township's affordable housing component. The Town Center plan is incorporated into the Township's Land Use Plan Element and its adopted Zone Plan and Zoning Map. The Town Center has been identified as the primary location for new growth and development in the Township. The Waretown Town Center integrates smart growth planning principals into a comprehensive mixed-use center design that includes:

- Work places and employment opportunities;
- A variety of housing opportunities, including senior and affordable housing;
- Pedestrian and bicycle trails and linkages;
- Active and passive recreation;
- Community greens and public spaces;
- Public facilities;
- Shopping; and
- Restaurants and entertainment.

The Waretown Town Center also is identified as the receiving district in Ocean's Transfer of Development Rights (TDR) Program. The Township supports the TDR as a viable means of retaining equity for property owners while focusing growth into the Township's center and has applied for a grant to implement a Transfer of Development Rights program in the Township.

***Adequacy of Municipal Zoning Plan to Accommodate Projected Growth***

The Township has adequate capacity in its current zone plan to accommodate the projected growth in the Township, including planned affordable housing. As noted above, the Township has identified its approved Town Center as the primary location for new growth and development in the Township. As part of its plan endorsement application, the Township undertook an extensive evaluation of the future growth potential of the center and corresponding environs. The proposed center growth is generally consistent with the growth projections presented in COAH's regulations.

***Availability of Existing and Planned Infrastructure***

The Township has adopted a Wastewater Management Plan that provides for existing and future infrastructure within the Town Center and areas identified as PA-2 in the SDRP. As part of its plan endorsement approval and center designation from the State Planning Commission and CAFRA (Coastal Area Facility Review Act), the Township has limited the extent of its planned sewer service areas to the Town Center and areas in the Township designated as PA-2 in the SDRP. The capacity of existing and planned infrastructure to serve these areas was evaluated as part of the Township's plan endorsement application and was determined to be adequate to address future growth in the Town Center.

***Anticipated Demand for Types of Uses Permitted by Zoning Based on Present and Anticipated Future Demographic Characteristics***

The Township's Zone Plan and Town Center Plan provides for a variety of public and private uses to address the needs present and anticipated population of the Township. This includes a wide variety of housing choices, including single-family detached dwellings, townhouses, live-

work units, multi-family units, units in mixed-use developments, and age-restricted units.

### ***Anticipated Land Use Patterns***

The anticipated land use patterns in the Township are set forth in the Land Use Plan Element of the Township's Master Plan and its Town Center Plan. This is consistent with the Township's plan endorsement approval and the associated Planning and Implementation Agreement approved as part of the plan endorsement application. The Township anticipates and has planned for higher densities and intensities of development in the Town Center and those areas in the Township designated as PA-2 in the State Development and Redevelopment Plan. Lower densities and preservation strategies area proposed in the environs outside of the Town Center.

### ***Economic Development Policies***

The Township's economic development policies are focused on promoting the development of the Town Center and strengthening of existing commercial areas in the Township along Route 9.

### ***Constraints on Development***

There are no significant constraints on development within the Town Center and as related to the proposed affordable housing developments in the Center. Environmental Constraints are shown in Figure 2.

### ***Identification of Potential Affordable Housing Sites***

The Township has proactively planned for the provision of affordable housing in the context of a comprehensive land use plan based on smart growth principles. Accordingly, the Township proposes to locate all its existing and proposed affordable housing in its mixed-use Town Center that has been approved by the State Planning Commission and the Pinelands Commission, and has been incorporated into CAFRA regulations as an approved Coastal Town Center.

Consequently, the Township has considered lands that are most appropriate for construction of low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing. Based on the foregoing,

Ocean has determined that its entire affordable housing obligation is most appropriately located in its approved Town Center.

## **FAIR SHARE PLAN**

### ***Components of the Fair Share***

Pursuant to COAH's third round regulations, a municipality's fair share responsibility is based upon three components: (1) rehabilitation obligation; (2) total remaining obligation from prior rounds (Cycles I and II); and, (3) Cycle III growth share obligation. The total remaining prior-round obligation assigned to the Township by COAH's regulations is 236 units. The Township's Cycle III growth share component is the Township's obligation to create new affordable housing based on new residential and nonresidential growth projected to be constructed in Ocean from January 1, 2004 through December 31, 2018. Based on this analysis, COAH has estimated the Township's Cycle III growth share obligation as 139 units.

### ***Fulfillment of the Rehabilitation Obligation***

COAH's methodology defines the rehabilitation share of a municipality's affordable housing obligation as the number of substandard or deteriorated units that are occupied by low or moderate households based on 2000 Census data. As previously noted, COAH has assigned Ocean a rehabilitation obligation of 11 units.

The Township will address its 11-unit rehabilitation obligation through a continuation of the Ocean Township Housing Rehabilitation Program (OTHRP). The OTHRP is a scattered site rehabilitation program that will target low and moderate-income owner-occupied and rental units throughout Ocean Township. Ocean Township has contracted with Community Grants, Planning & Housing (CGP&H), a private consulting firm specializing in the implementation of publicly funded housing rehabilitation programs, to manage and administer the OTHRP for a ten-year timeframe. A Policy and Procedural Manual has been prepared for the program that addresses program implementation and procedures. This manual has been submitted to COAH for its review and approval.

***Fulfillment of Prior-Round Obligation***

As noted above, the Township's prior round obligation is 236 units. The Township will address its 236-unit Cycle I and II prior-round obligation through a combination of the following methods:

- (1) An intra-municipal transfer of 18 new affordable non-age restricted rental units from the Edgemont Redevelopment Area project to the mixed-use area within proposed Waretown Town Center.
- (2) Two affordable rental units created at the MSC mixed-use development site.
- (3) 29 Non-age restricted rental units at the Diamond Developers tract (formerly Del Prete)
- (4) The construction of 59 new affordable senior rental units being developed as part of a 100-unit in senior rental project in the Waretown Center. The remaining portion of this project will be applied to the Township's Cycle III obligation.
- (5) An accessory apartment ordinance estimated to create 10 accessory apartments throughout the Township.
- (6) 10 Non-age restricted rentals in Tracts 1 and 4 of the Town Center.
- (7) 47 For-sale units in Tracts 2, 3 and 5 in the Town Center.
- (8) 59 Rental Bonus Credits resulting from the development of family and age-restricted rental units.

These components are described in further detail below and detailed in Figures 1 and Table FS-1.

***Edgemont Redevelopment Area***

The Township has adopted a redevelopment plan for the area identified as the Edgemont Redevelopment Area. (See Figure 3). The adopted redevelopment plan provides for the construction of new residential development, including a mandatory 20 percent setaside for affordable housing. Pursuant to the adopted plan, the designated redeveloper may construct the units on site or make a payment in lieu of construction of \$35,000 per unit.

The Township has entered into a redeveloper agreement with U.S. Homes for an expansion of its adjoining age-restricted housing development into the Edgemont Redevelopment Area. The proposed project includes 90 new residential units. As part of the agreement, U.S. Homes is contributing to the Township \$630,000 as a payment in lieu of construction for the creation of new affordable units in the Township. These funds will be used to subsidize the creation of 18 new affordable rental units in the mixed-use portion of the Waretown Center.

***MSC Enterprises***

The MSC site is located at the southeast corner of Route 9 and Memorial Drive. The site is developed with a mixed-use project that contains eight (8) apartments, including two (2) affordable rental units. The site is governed by the requirements of the Route 9 Phase 1 Redevelopment Plan and a redeveloper agreement that has been entered into between the Township and the redeveloper.

***Diamond Developers (Formerly Del Prete)***

The Diamonds Developers (formerly Del Prete) tract is located on the eastern side of Route 9 within the Route 9 Phase 1 Redevelopment Area, which is located in the Waretown Town Center. The 15-acre tract will include a mixed-use component that will contain 29 affordable rental apartments. The site is governed by the requirements of the Route 9--Phase 1 Redevelopment Plan and, as such, a redeveloper agreement will be entered into between the Township and the redeveloper to construct the rental units in accordance with the plan.

***Age-Restricted Housing***

Ocean Township may age-restrict a maximum of 61 units as part of its prior-round Cycle I and II plan in accordance with COAH regulations and the following formula:

$$\text{Age-restricted units} = 0.25(\text{prior-round obligation} + \text{rehabilitation share} - \text{prior cycle credits} - \text{rehabilitation credits})$$

$$\begin{aligned} \text{Age-restricted units} &= 0.25(236 + 11 - 0 - 0) \\ &= 0.25(247) = 61 \\ &= 61 \text{ units} \end{aligned}$$

As part of the redevelopment plan for the Waretown Town Center, Coastal Redevelopment Partners, LLP will construct a new 100-unit senior-citizen rental project to be funded in part through the application of federal low-income tax credits. Of these units, the Township proposes to allocate 59 units to its Cycle I and II plan. The approximate location of the site is shown on the Waretown Center Concept Plan Map (See Figure 1.), which is included in the Township's Waretown Town Center Plan and which has been incorporated by reference in the Land Use Plan Element of the Township's Master Plan and in this plan.

***Rental Bonus Credits***

Pursuant to COAH regulations (N.J.A.C. 5:97-3.4), every municipality has an obligation to create a realistic opportunity to construct rental units as part of its fair share plan. Ocean Township's rental obligation is 59 units as calculated in accordance with the following formula:

$$\begin{aligned} \text{Rental Obligation} &= 0.25(\text{prior round obligation} - \text{prior cycle credits}) \\ \text{Rental Obligation} &= 0.25(236 - 0) \\ &= 0.25(236) \\ &= 59 \text{ units} \end{aligned}$$

The Township proposes to address its 59-unit Cycle I and II rental obligation in the following

manner:

- 18 units from intra-municipal transfer from the Edgemont Redevelopment Area
- 2 non-age restricted family rentals at the MSC site
- 29 affordable non-age restricted family rental units at the Diamond Developers tracts (formerly Del Prete)
- 10 Additional non-age restricted family rental units provided in the mixed-use or multi-family tracts of the Town Center

In addition, the plan includes 10 accessory apartments and 61 senior rental units. Therefore, the Township exceeds its Cycle I and II rental obligation. Based on the foregoing, the Township is also eligible to receive a total of 59 rental bonus credits for the 59 units of non-age restricted rental units in the plan.

#### ***Accessory Apartment Program***

The Township will adopt an accessory apartment ordinance in accordance with COAH's model. The Township's housing stock, particularly in the area of the Township located in the Pinelands, West of the Parkway has a large, older housing stock that is favorable to the creation of accessory apartments.

To encourage participation in the program, the Township will provide at least \$20,000 per unit to subsidize the creation of each moderate-income accessory apartment and \$25,000 to subsidize the creation of each low-income accessory apartment. In accordance with COAH requirements:

- There shall be water and sewer infrastructure with sufficient capacity to serve the proposed accessory apartments;

- The units shall comply with N.J.A.C. 5:97-9 and the Uniform Housing Affordability Controls (UHAC) set forth in N.J.A.C. 5:80-26 except as may be exempted or modified in COAH's rules;
- The accessory apartment ordinance does not restrict the number of bedrooms per unit;
- The maximum rent for a moderate-income unit shall be affordable to households earning no more than 60 percent of median income and the maximum rent for a low-income unit shall be affordable to households earning no more than 44 percent of median income;
- Controls on affordability will remain in effect for at least 10 years; and
- The Township will designate Community Grants, Planning & Housing (CGP&H) as the entity to administer the program.

The Township understands that COAH will assess the Township's accessory apartment program at the end of a two-year period from the date that the Township is granted substantive certification. If there is a shortfall in the program, the Township may be required to address any shortfall through other means in accordance with COAH's regulations.

#### **Waretown Town Center**

Ocean will allocate 10 non-age restricted rental units to be constructed in Tracts 1 and 4 and 47 for-sale units to be constructed in Tracts 2, 3, and 5 to its prior-round obligation. This is set forth in Table FS-1 below and shown on Figure 1.

#### ***Fulfillment of Growth Share Obligation***

The Township's growth share obligation is 139 affordable units. The Township will address its growth share obligation through a combination of the following:

- (1) 34 new affordable units in an age-restricted rental project in the Waretown Center Redevelopment Area as part of the Route 9~Phase 1/Coastal Redevelopment Partners,

- LLP project, 17 of which will be credited to the Township's growth share obligation;
- (2) 52 affordable rental housing units in the Waretown Town Center Multi-family and Mixed-Use Tracts 1 and 4;
  - (3) 19 For-sale affordable housing units in the Waretown Town Center Single Family, Live-work, and Townhouse Tracts 2, 3 and 5;
  - (4) 34 Rental Bonus Credits resulting from the construction of rental units in excess of the Township's Cycle III rental obligation.

***Waretown Town Center Single Family Affordable Development***

The Township's proposals for new affordable housing development within the Waretown Town Center are shown on the COAH Housing Sites map. (See Figure 1). An overview of the growth share compliance plan is shown in Table FS-2.

***Waretown Town Center—Affordable Rental Units***

In the area of the Waretown Town Center designated for mixed-use and multi-family development, it is projected that 52 new non-age restricted rental apartments will be created. This does not include the 18 rental units transferred from the Edgemont tract.

***Age-Restricted Housing—Waretown Town Center***

Ocean Township may age-restrict a maximum of 34 units in accordance with COAH regulations and the following formula:

Age-restricted units = 0.25(municipal growth share).

$$0.25(139) = 34.75$$

34 units

As noted previously, Coastal Redevelopment Partners, LLP will construct a new 100-unit senior-citizen rental project to be funded in part through the application of federal low-income tax credits. Of these units, the Township proposes to allocate 34 units to its growth share obligation. The approximate location of the site is shown on the Waretown Town Center Concept Plan Map,

which is included in the Township's Waretown Town Center Plan and which has been incorporated by reference in the Land Use Plan Element of the Township's Master Plan and in this plan.

### ***Rental Obligation***

Pursuant to COAH regulations, every municipality has an obligation to create a realistic opportunity to construct rental units as part of its fair share plan. Ocean Township's Cycle III rental obligation is 35 units as calculated in accordance with the following formula:

$$\text{Rental Obligation} = 0.25(\text{growth share})$$

$$\text{Rental Obligation} = 0.25(139) = 34.75$$

35 units

In addition, no more than 50 percent of the rental obligation (17 units) may be addressed through age-restricted units. The Township proposes to address its Cycle III rental obligation in the following manner:

- 17 units of affordable senior rental housing as part of the Coastal Redevelopment Partners, LLP project
- 52 units of non-age restricted mixed-use and multi-family rental units in the Town Center

This results in a total of 69 rental units in the Township's plan or 34 more than is required. Because these additional rental units are non-age restricted family rentals, the Township also is eligible to receive 34 rental bonus credits from these units.

## SUMMARY OF FAIR SHARE PLAN COMPONENTS

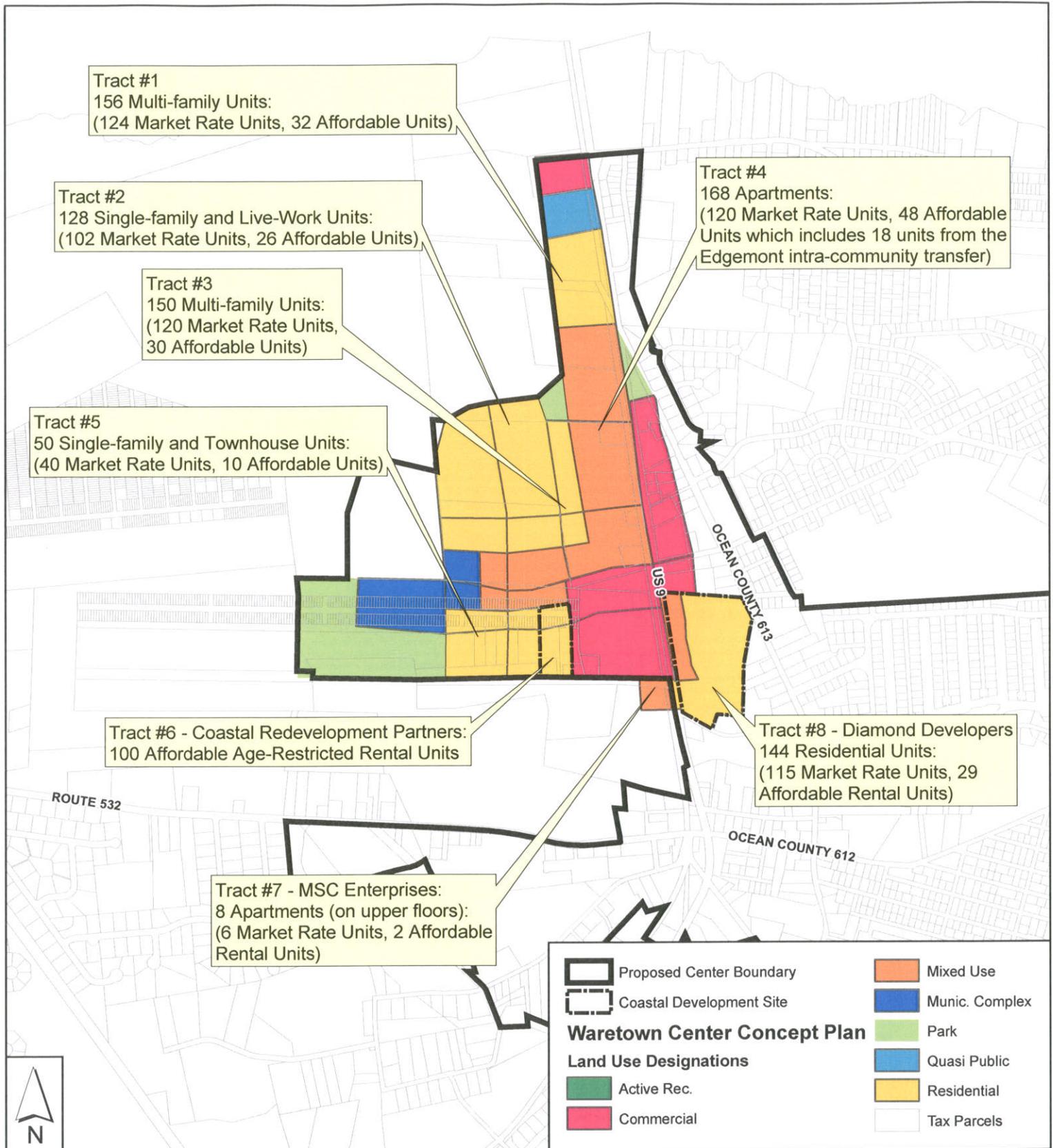
The following tables summarize the Township's Fair Share Plan:

**Table FS 1**  
**Summary of Fair Share Plan**  
**Prior-Round Cycle I & II**

<b>Total Remaining Prior-Round Obligation</b>	<b>236</b>
<b>Rehabilitation Share</b>	<b>11</b>
<b>Compliance Mechanisms</b>	
OTHRP Rehabilitation Program (Rehabilitation of Affordable Owner/Rental Units)	11
Route 9~Phase 1/Coastal Redevelopment Partners, LLP (Age-restricted Rental)	61
MSC Non-age restricted family rental	2
Edgemont Redevelopment Area (Intra-municipal transfer to Waretown Center/Rental)	18
Diamond Developers (a.k.a. Tradewinds formerly Del Prete) Non-age restricted family rentals	29
Town Center Developments Non-age restricted rental (Tracts 1 and 4)	10
Town Center Developments For-sale units	47
Accessory Apartment Program (Rental)	10
Rental Bonus Credits	59
<b>Total Units Provided</b>	<b>247</b>
<b>Total Units Required</b>	<b>247</b>
<b>Surplus</b>	<b>0</b>

**Table FS 2:**  
**Summary of Fair Share Plan**  
**Growth Share Cycle III**

<b>Growth Share</b>	<b>139</b>
<b>Compliance Mechanisms</b>	
Route 9~Phase 1 Redevelopment/Coastal Redevelopment Partners, LLP (Rental/Age-restricted)	34
Town Center Developments—Mixed use and multifamily (Rental--Tracts 1 and 4)	52
Town Center Developments—Single-family, live-work, and townhouse (For-sale--Tracts 2, 3 and 5)	19
Rental Bonus Credits	34
<b>Total Units Provided</b>	<b>139</b>
<b>Total Units Required</b>	<b>139</b>
<b>Surplus</b>	<b>0</b>



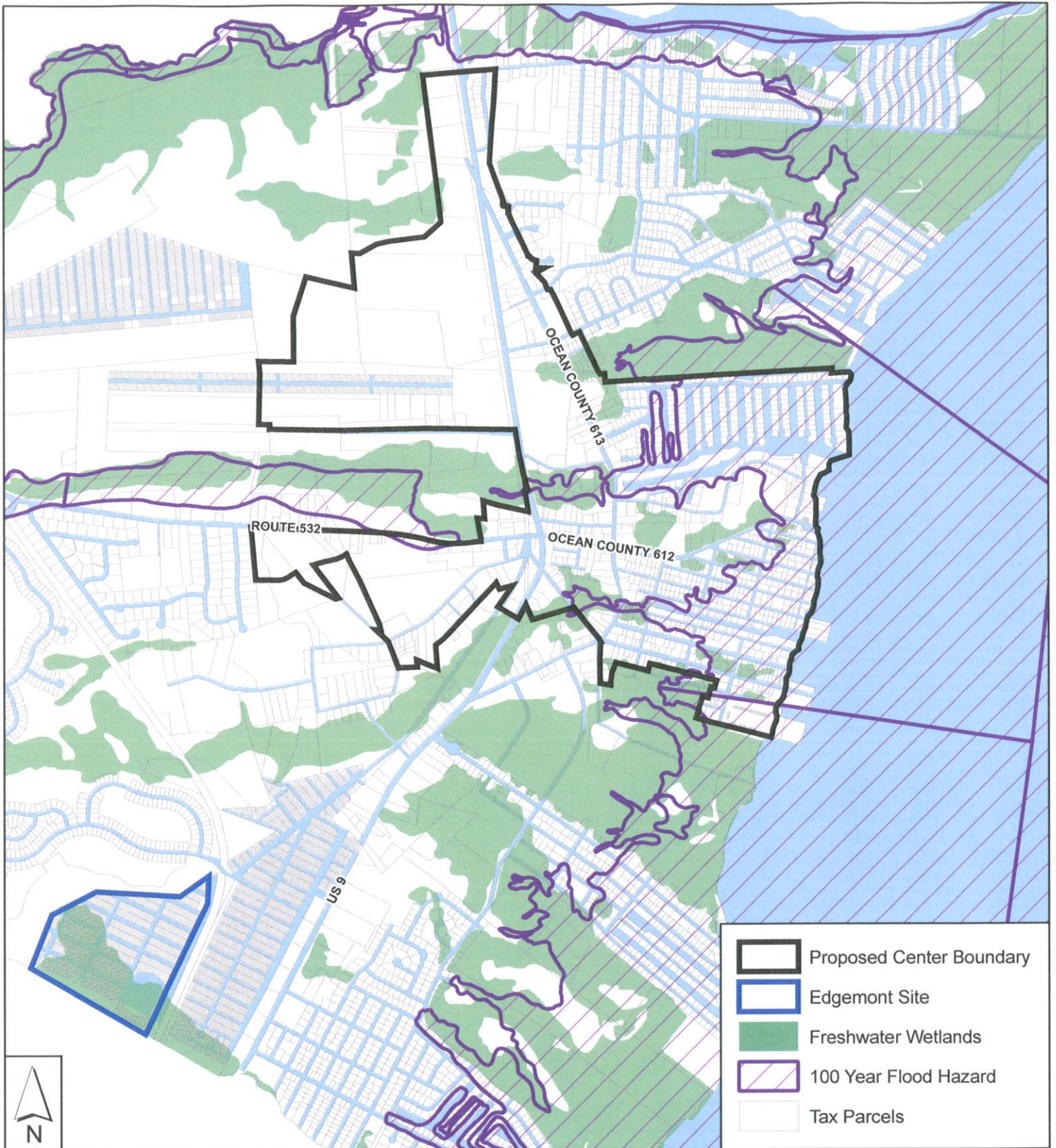
**T&M** 11 Tindall Road  
Middletown, NJ 07748-2792  
Phone: 732-671-6400  
FAX: 732-671-7365

0 600 1,200 2,400 Feet

**Figure 1: COAH Housing Sites  
Waretown Center  
Township of Ocean  
Ocean County, New Jersey**

Prepared by: STK, December 8, 2008  
Source: NJDEP - Municipal Boundary, Freshwater Wetlands;  
NJDOT - 2005 Roads; Ocean County GIS - Tax Parcels  
File Path: H:\Otl\00030\GIS\Projects\OTLU30\_WaretownCOAHHousing.mxd

NOTE: This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not State-authorized.



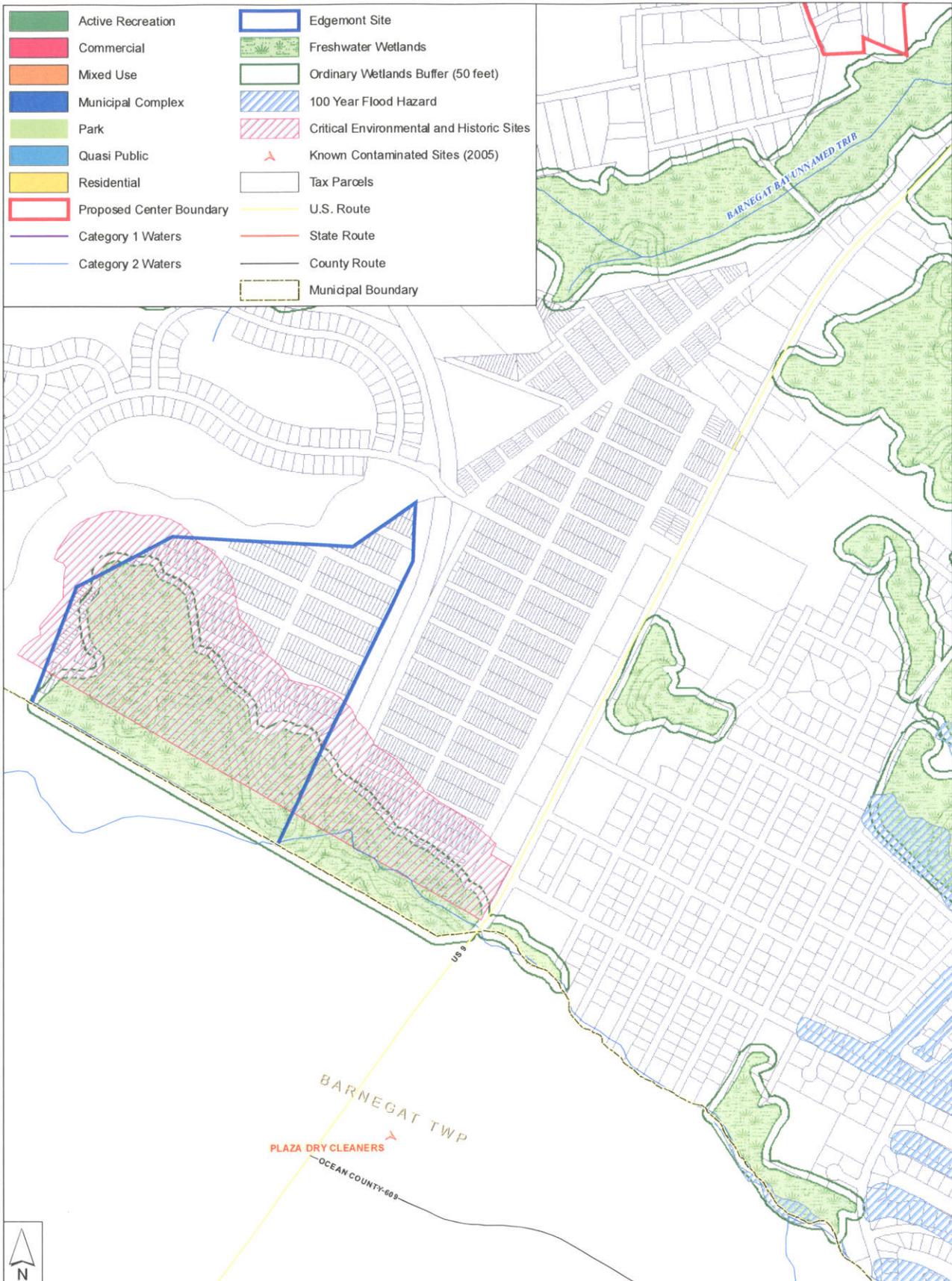

 11 Tindall Road  
 Middletown, NJ 07748-2792  
 Phone: 732-671-6400  
 Fax: 732-671-7365

0    875    1,750    3,500  
 Feet

**Figure 2: Waretown Center  
 Environmental Constraints  
 Township of Ocean  
 Ocean County, New Jersey**

Prepared by: STK, December 8, 2008  
 Source: NJDEP - Municipal Boundary, Freshwater Wetlands; NJDOT -  
 2005 Roads; FEMA - Flood Hazard Area; Ocean County GIS - Tax Parcels  
 File Path: H:\Otl\00030\GIS\Projects\OTLU30\_WaretownEnv.mxd

NOTE: This map was developed using New Jersey Department of  
 Environmental Protection Geographic Information System digital  
 data, but this secondary product has not been verified by NJDEP  
 and is not State-authorized.



**Figure 3: Edgemont Tract  
COAH Site Concept  
Township of Ocean  
Ocean County, New Jersey**

NOTE: This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not State-authorized.

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ASSOCIATES Fax: 732-671-7365

0 275 550 1,100  
Feet

Prepared by: STK, December 8, 2008  
Source: NJDEP - Freshwater Wetlands, Known Contaminated Sites, Critical Environmental and Historic Sites, SHPO Sites; NJDOT - 2005 Roads; Ocean County GIS Dept. - Municipal Boundary, Tax Parcels; FEMA - Flood Hazard Areas  
File Path: H:\0tu\00030\GIS\Projects\otu30\_env\constrSOUTH.mxd

## Appendix G: Preliminary Concept Plan



**Appendix H: 2007 and 2008 Annual Zoning Board of Adjustment Reports**

*Atto Vanessa*

**ZONING BOARD OF ADJUSTMENT  
2007 ANNUAL REPORT**

This Annual Report covers the Board's actions from January 1, 2007 to December 31 2007. During this time span, the Ocean Township Zoning Board of Adjustment conducted ten (10) regular meetings.

The Zoning Board of Adjustments rendered de a total of twenty-six (26) applications. Many applications included more than one variance request as reflected below in Tables 1 and 2, and as shown in the attached list of applications. Of the applications submitted, sixteen (16) were approved and one (1) was denied, and one (1) was dismissed without prejudice. Tables 1 and 2 depict variance application request statistics by respective zoning districts.

The Zoning Board endeavors to reduce the intensity and quantity of variances by working with applicants to develop improved designs. The number of variances that are initially requested is often reduced through open communications with the Zoning Board.

**Table 1 Variances & Applications Approved - 2007**

Count of Approve Type

Zone	Accessory Building Height	D Variance	Deficient Lot Frontage	Width Depth	Lot Building Coverage	Side Yard Set Back	Setback Accessory Structure	Setback/Rear Principal	Impervious	Grand Total
R-2		1	2	1				1		5
R-1			1	1	2	1		1	1	7
R-1A			2	2	4	1		2		11
WD					1					1
PRD					2			2		4
FO	1						1			2
EC					1					1
Grand T	1	1	5	4	10	2	1	6	1	31

**Table 2 Variances & Applications Denied - 2007**

Count of Denied Type

Zone	Accessory D / Height	Lot/Buildin Cover	Setback Rear	Setback Width	Setback Front	Grand Total
R-2			1	1	1	3
Grand Total			1	1	1	3

**FAX**  
DEC - 2 2008  
By \_\_\_\_\_

2007 Annual Report  
Zoning Board of Adjustment  
Page 2 of 2

## 2007 SUMMARY

### Bulk Variances

Bulk variance requests continued to be the most sought after relief from the Board. The majority of bulk variance request sought was to accommodate lot coverage and setbacks.

### R 2 Zone

There was one (1) request for a D Variance, two (2) for lot frontage, one (1) for width, and one (1) for rear setback.  
There was one (1) request for rear, width and front setback which was denied.

### R-1 Zone

There was one (1) request for frontage, one (1) for width, two (2) for lot coverage, one (1) for side yard setback, one (1) for rear yard setback and one (1) for impervious coverage.

### R-1A

There were two (2) for deficient lot/ frontage, two (2) for width, four (4) for lot coverage, one (1) for side yard setback, two (2) for rear yard setback.

### WD Zone

There was one (1) request for lot coverage

### PRD Zone

There were two (2) requests for lot coverage and two (2) for rear yard setbacks

### FO Zone

There was one (1) request for and accessory building which also required a request for set back for accessory.

### EC Zone

There was one (1) request for lot coverage in this zone.

*Attn Vanessa*

**ZONING BOARD OF ADJUSTMENT  
2008 ANNUAL REPORT**

This Annual Report covers the Board's actions from January 1, 2008 to December 31, 2008. During this time span, the Ocean Township Zoning Board of Adjustment conducted twelve (12) regular meetings.

The Zoning Board of Adjustments rendered a total of twenty-four (24) applications. Many applications included more than one variance request as reflected below in Tables 1 and 2. Of the applications submitted twenty (20) were approved and four (4) were denied. Tables 1 and 2 depict variance application request statistics by respective zoning districts.

The Zoning Board endeavors to reduce the intensity and quantity of variances by working with applicants to develop improved designs. The number of variances that are initially requested is often reduced through open communications with the Zoning Board.

**Table 1 Variances & Applications Approved - 2008**

Count of Approve Type										
Zone	Accessory Building Height	D Variance	Deficient Lot Frontage	Width Depth	Lot Building Coverage	Side Yard Set Back	Setback Accessory Structure	Setback/Rear Principal	Impervious	Grand Total
R-2										
R-1					2	1		1		4
R-1A			2		4	4		1		11
WD					3	2		1		6
PRD								4		4
FO										
EC										
Grand Total			2		9	7		7		25

**Table 2 Variances & Applications Denied - 2008**

Count of Denied Type						
Zone	Accessory D / Height	Lot/Build Cover	Setback Rear	Setback Width/side	Setback Front	Grand Total
R-2						
R-1					1	1
WD	2					2
Grand T	2			1		3

**FAX**  
DEC - 4 2008  
By \_\_\_\_\_

2008 Annual Report  
Zoning Board of Adjustment  
Page 2 of 2

## **2008 SUMMARY**

### **Bulk Variances**

Bulk variance requests continued to be the most sought after relief from the Board. The majority of bulk variance request sought was to accommodate lot coverage and setbacks.

### **R 2 Zone**

#### **R-1 Zone**

There were two (2) requests for lot coverage, one (1) for side yard set back, one (1) for rear yard set back and one (1) for side yard set back that was denied

There was a request for interpretation of ordinance and appeal of zoning denial

#### **R-1A**

There were two (2) for deficient lot frontage, four (4) for lot coverage, three (3) for side yard set back, and one (1) for rear yard set back.

#### **WD Zone**

There were two (2) requests for height that were denied.

There were three (3) request for lot coverage and two (2) side yard set back and one (1) rear yard set back

#### **PRD Zone**

There were four (4) requests for rear yard set backs

#### **FO Zone**

#### **EC Zone**

#### **C-1 Zone**

There was one (1) Certification of continued use granted.