



Route 166 Corridor Waterfront Redevelopment Plan



Adopted by Borough
Council:

January 30, 2015



ROUTE 166 CORRIDOR WATERFRONT REDEVELOPMENT PLAN

Route 166 Rehabilitation Area (Blocks 3, 4, 5 and 6)
Block 5, Lots 1-4 & 6 Redevelopment Area

Borough of South Toms River

Ocean County, New Jersey



Recommended by the South Toms River Land Use Board:
September 16, 2014

Adopted by the South Toms River Borough Council:
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I. INTRODUCTION

The Route 166 Corridor has been a gateway to South Toms River, as well as Toms River and Beachwood Borough going back to the days of the operation of the Barnegat Branch of the Central Railroad of New Jersey in the 19th Century. However, the corridor has suffered from underinvestment and deterioration and the Borough began an aggressive revitalization program in 2014 that combines pursuit of grant opportunities with the use of rehabilitation and redevelopment to incentivize investment and induce positive change.

Tax Blocks 3, 4, 5 and 6 were designated by the South Toms River Borough Council by Resolution 2014-208 on July 21, 2014 as an Area In Need of Rehabilitation under the Local Redevelopment and Housing Law ("LRHL") (N.J.S.A. 40A:12A-1). Meanwhile the Borough pursued and obtained funding to construct a streetscape project along the corridor, inclusive of sidewalks, street trees and curbing. Funds are also being pursued to acquire an easement along the former Central Railroad ROW, which is now privately owned.

The Borough Council, in a Resolution #2014-222, dated July 21 2014 (see Appendix), then requested that the Planning Board undertake a preliminary investigation as to whether Block 5, Lots 1-4 and 6 is in need of redevelopment pursuant to the LRHL. The Planning Board recommended designation at their meeting of September 16, 2014 and the Council adopted a Resolution designating Block 5, Lots 1-4 and 6 as an Area In Need of Redevelopment after a public presentation and receipt of additional public comment at their meeting of October 20, 2014.

This Redevelopment Plan governs both the Rehabilitation Area

in Tax Blocks 3-6 and the Redevelopment Area designated for Block 5, Lots 1-4 and 6.

REQUIRED PLAN COMPONENTS

This document has been prepared in accordance with Section 40A:12A-7a of the LRHL, which requires redevelopment plans to include for the planning, development, redevelopment or rehabilitation of the designated area. Specifically:

1. The Redevelopment Plan's relationship to definite local objectives as to appropriate land uses, density of population and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements. (See Chapter V.)
2. Proposed land uses and building requirements in the project area. (See Chapter VII.)
3. Adequate provisions for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market. (See Chapter VII.)
4. An identification of any property within the area, which is proposed to be acquired in accordance with the redevelopment plan. (See Chapter VII.)
5. Any significant relationship of the redevelopment plan to the master plans of contiguous municipalities; the master plan of the county in which the municipality is located;

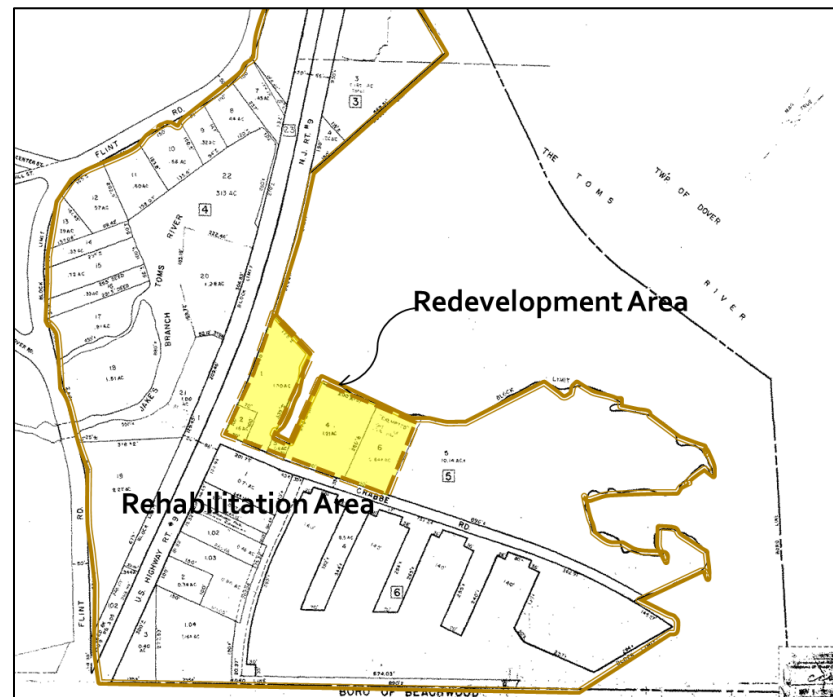
the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act", P.L. 1985, c.398 (C.52:18A-196 et al.). (See Chapter V.)

6. Description of the plan relationship to pertinent municipal development regulations as defined in the Municipal Land Use Law (MLUL). The plan shall supersede applicable provisions of the development regulations of the municipality or constitute an overlay zoning district within the study area. (See Chapter II.)
7. All provisions of the redevelopment plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan. (See Chapter V, Conclusion.)

II. REHABILITATION & REDEVELOPMENT AREAS

The Redevelopment Plan Area consists of the entire Rehabilitation Area of Tax Blocks 3, 4, 5 and 6 and the Redevelopment Area that is a portion of Block 5 (Lots 1, 2, 3, 4, and 6) Figure 1 below illustrates the Redevelopment Plan with the Redevelopment Area in yellow.

Figure 1: Redevelopment Plan Area



The Redevelopment Plan Area is bound by the Borough of Beachwood to the south and Downtown Toms River to the north. The Route 166 (Atlantic City Boulevard) merges with Route 9 to the south in Beachwood and winds through Downtown Toms River and crosses Route 37 to the north.

The land uses along the corridor in Beachwood and South Toms River are mostly highway strip commercial on relatively small lots. The development in South Toms River is notable because of the stark lack of public infrastructure, especially pedestrian walkways, driveway cuts or any sort of streetscape whatsoever. The only prominent intersection in the

Redevelopment Plan Area is with Crabbe Road, which is a long dead-end that serves the Lighthouse Marina to the south and the Redevelopment Area and open space on Lot 5 to the north. A single family residential neighborhood abuts the Redevelopment Plan Area along its northern boundary. The edge of Downtown Toms River at Huddy Park and the Herflicker Street Bridge are at the northern end of the Redevelopment Plan Area.

EXISTING ZONING

The Route 166 Corridor is presently zoned Neighborhood Commercial for the strip commercial uses, Marine-Recreation for the Cedar Cove Marina-Miller Yacht Sales (Block 5, Lot 1) and Lighthouse Marina (Block 6, Lots 4 and 1.04) and Municipal Land for Mathis Plaza Park and Block 5, Lots 4, 5 and 6). Part of the finding for redevelopment area designation was the

dependency of the privately owned Cedar Cove Marina on Block 5, Lot 1 on the Borough-owned Lots 4 and 6, including the only boat lift launch in the shared cove, which is also part of Lot 4.

Effectively, the continued use of the Redevelopment Area for water-dependent marina purposes will require the assembly of Lots 1, 3, 4 and 6 into one contiguous site where all of the currently dilapidated waterfront infrastructure can be reconstructed in a coordinated fashion. The true use of Block 5, Lots 4 and 6 has actually been marine-recreation, dating back to the 1950s.

A portion of Flint Road, which forms the westerly boundary of the Redevelopment Plan Area, is zoned R-15 (Single Family 15,000 square foot minimum lots) and MU (Mixed Use). Figure 3 shows the location of the various zoning districts that underlie the Redevelopment Plan Overlay District.

Permitted principal uses in the C-N District



Figure 2: Land Uses Surrounding the Rehabilitation Area

are as follows:

a. Retail stores, shops and markets, provided that:

1. All goods and products fabricated or processed on the premises incidental to such use shall be sold at retail on the premises.

2. No goods, supplies or materials shall be stored out-of-doors, nor shall any fabricating be done out-of-doors.

b. Service establishments such as barber shops, beauty shops, tailoring and dressmaking shops, shoe repair shops, dry cleaning and laundry collection shops provided that no processing requiring the use of flammable materials is done on the premises.

c. Public garages and motor vehicle service stations by special exception pursuant to Section 26-16.

d. Business and professional offices, banks and other fiduciary institutions.

e. Public utility offices and exchanges.

f. Restaurants, lunchrooms and other eating establishments excluding roadside stands, diners and lunchwagons, drive-ins and self-service restaurants.

g. Music, art and dancing studios.

h. Undertaking and funeral services.

i. Clubs, lodges, association buildings, meeting

rooms and halls.

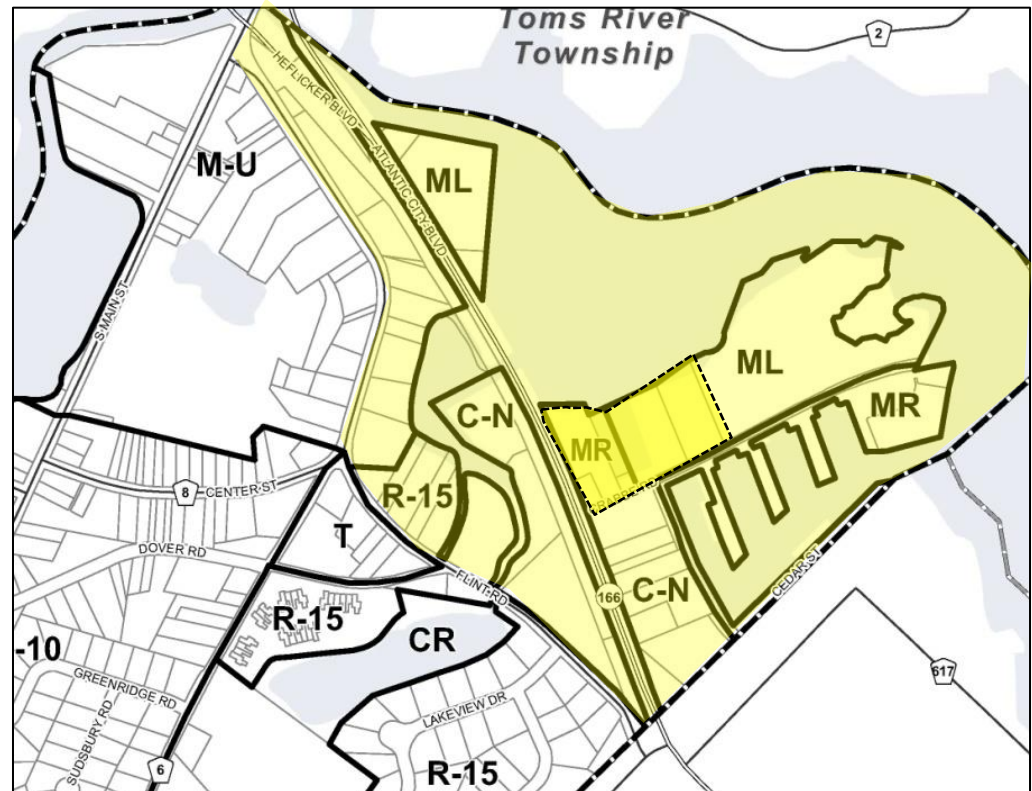
Permitted uses in the MR (Marine Recreational) District are as follows:

a. Marinas, but not boat yards.

b. Hotels and motels.

c. Movie theaters.

MAP 1: Redevelopment Plan Area Map With Zoning



- d. Museums.
- e. Indoor and outdoor recreation centers.
- f. Office buildings for members of a recognized profession.
- g. Antique and curio shops.
- h. Offices of a business or public utility.
- i. Shops of artisans or craftsmen.
- j. Retail sale of goods.
- k. Personal service establishments.

l. Restaurants with a minimum seating capacity for one hundred (100) people.

- m. Townhouse condominium developments.
- n. Any use considered to be of a marine and commercial-recreational nature.

Permitted uses in the MU (Mixed Use) are the same as the C-N District, except that public garages and motor vehicle service stations are not permitted and apartments over retail and live-work dwelling units are included as a principal permitted use.

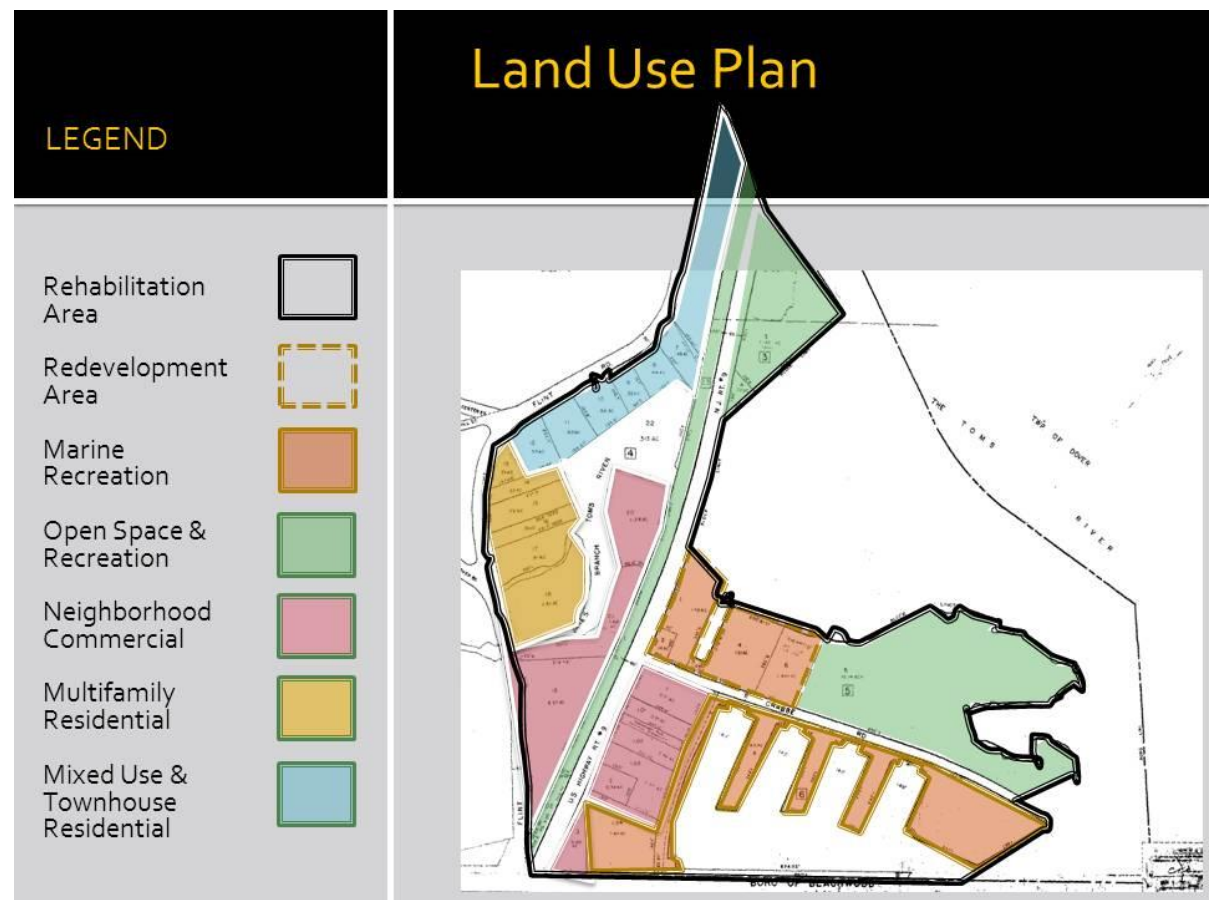
LAND USE PLAN

For purposes of this Redevelopment Plan, the Land Use Plan shall be an overlay of uses as

shown on Map 2.

The requirements of this Redevelopment Plan shall be followed under a redevelopment agreement with the Borough Council, acting as the Redevelopment Entity for the development of any property for uses permitted in this Redevelopment Plan that are not provided for in the underlying zoning districts.

MAP 2: Land Use Plan

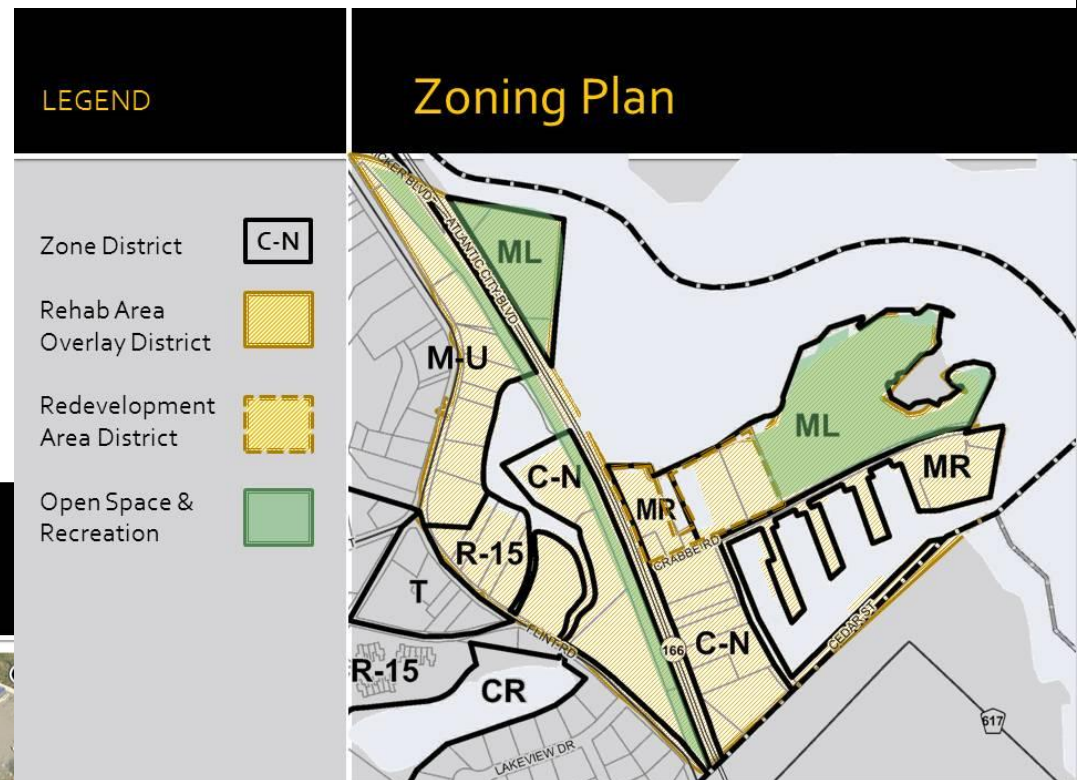


PLAN RELATIONSHIP TO ZONING

The land uses shown in Map 2 will be permitted in the areas of the Overlay District as shown in Map 3. The Redevelopment Entity may permit residential on upper floors of commercial buildings in the underlying C-N District within the Overlay, provided that the ground level commercial is of a compatible retail use, such as a retail sales or retail service or personal service business.

The Concept Plan shown in Figure 3 below illustrates the land use concepts in 3D, with red for retail, gold for residential above retail and brown for multifamily and townhouse residential.

MAP 3: Zoning Plan Map showing the entire Rehabilitation and Redevelopment Area as an Overlay District that permits the land uses shown on the Land Use Plan (Map 2).



Concept Plan



Figure 3: Concept Plan above illustrates general massing of mixed use in the C-N, restaurant, marina & recreation in the Redevelopment Area and multifamily and townhouse development on Jakes Creek on Flint Road.

III. GOALS, OBJECTIVES & VISION

The Route 166 Corridor has been identified by the Borough's master planning documents as an important gateway through the Borough that is in need of revitalization. This chapter of the Redevelopment Plan analyzes existing master plan goals and objectives, provides goals specific for the Rehabilitation Area and a vision statement.



Figure 4: This aerial image, provided by Ocean Aerial Photography for use on the Borough's website, shows the potential for a "seaport" type character and extraordinary views of the Toms River.

GOALS & OBJECTIVES

The following sections detail the relevant goals and objectives from the 2012 Master Plan.

2012 MASTER PLAN

The South Toms River Master plan includes the following general goals that are specifically consistent with this Redevelopment Plan:

GOALS

Economic and Non Residential

3. Broaden the tax base through the attraction of commercial uses compatible with a residential community in order to provide for government services needed by residents and taxpayers of the Borough.
7. Encourage the development of a diversified economic base that generates employment growth, increases property values and income levels, and promotes the reuse of underutilized properties

Community Identity

2. Create attractive "gateways" into the Borough and improve the appearance of intermediate and major thoroughfares.
4. Preserve, restore, maintain and enhance the appearance of all Borough properties.
5. Promote the adoption of design standards to enhance the aesthetic appearance of all new development and redevelopment projects.



Figure 5: Image of a waterfront recreational development that provides a vision of restaurants, residential, retail and recreation oriented towards the water.

Land Use Objectives:

- Enhance physical and visual connections between the waterfront and the rest of the Borough;
- Encourage future redevelopment of mixed-use retail, restaurant and residential uses between Flint Road and the Toms River that maximizes the value of water views;
- Keep residential uses on upper floors and design lower floors for flood resilience;
- Transform Redevelopment Area into a vibrant waterfront recreational amenity that will serve as a gateway to South Toms River from the north, a catalyst for investment and rehabilitation within the Rehabilitation Area and a focal point for a new, mixed-use waterfront neighborhood;
- Encourage private investment in public spaces to complement the public investment in the extension of

the Barnegat Branch Trail bikeway along Route 166, the new streetscape improvements (sidewalks, curbs, street trees, etc.) along Route 166, and the public access improvements ("riverwalk") along Crabbe Road.

- Encourage contemporary building designs for new construction that will create a unique character for the waterfront district within the Redevelopment Plan Area.



Figure 6: Example of mixed-use development with enhanced public spaces that could serve as a model for the existing strip commercial development along Route 166.



Figure 7: Example of how the extension of the Barnegat Branch Trail within the former rail ROW can be integrated along Route 166.

VISION

The vision for the Route 166 Corridor Rehabilitation Area is written as if it is the year 2024, ten years into the future, and is as follows:

In the year 2024, the Route 166 Corridor has become a waterfront “village”, with a popular and well used extension of the Barnegat Branch Trail, a popular “Riverwalk” along the Toms River that connects a bustling restaurant and entertainment venue in the Redevelopment Area to the fishing

pier and around the point to Lighthouse Marina. The development community has discovered the attraction of Jakes Brook along Flint Road and the strip commercial development that once lined Route 166 has been reconstructed with retail shops facing the Corridor and residential apartments facing Jakes Brook on one side and the Crabbe Road waterfront recreational area on the other. The former strip commercial development on the east side of Route 166 adjacent to Lighthouse Marina has also been redeveloped with residential units above retail stores occupied by businesses that cater to the new residents, as well as summer visitors, such as restaurants, coffee shops and boating and fishing services.

The properties along Flint Road fronting on Jakes Brook have been “discovered” by the development community and new townhouses and apartment buildings now front Jakes Brook with distant views of the Toms River.



Figure 8: Example of how a “Riverwalk” could be introduced along the Borough’s dedicated open space on Block 5, Lot 5, wrapping around to Lighthouse Marina.



Figure 9: The Brielle Yacht Club (top) and Water Street (bottom) provide local examples of water accessible restaurant and entertainment uses that could stimulate spinoff services such as water taxis and stops for the River Lady (cover).

IV. RELATIONSHIP TO LOCAL OBJECTIVES

In addition to the rehabilitation area-specific goals and objectives, the LRHL requires that the Redevelopment Plan indicate its relationship to definite local objectives regarding land uses, population density, traffic and public transportation, public utilities, recreational and community facilities, and other public improvements. This ensures that the goals and objectives of the plan are consistent with or will support the broader community-wide goals of the master plan.

The 2012 Master Plan provides the basis for the long range planning and zoning efforts for the Borough. The information provided in this document provides insight regarding the Route 166 Corridor with both specific and general recommendations. As shown in the following sections, the Route 166 Corridor Redevelopment Plan furthers and promotes a number of objectives outlined in the Borough's planning documents.

Based on the cited Goals from the 2012 Master Plan described earlier in this Plan the South Toms River Waterfront Redevelopment Plan as proposed is substantially consistent with the Borough of South Toms River's 2012 Master Plan and the plan furthers a number of objectives that the Borough has set for redevelopment, mobility, recreation and economic development.

V. RELATIONSHIP TO OTHER PLANS

This section of the report discusses any significant relationship of the Route 166 Corridor Redevelopment Plan to the master plans of contiguous municipalities, the master plan of Ocean County and the State Development and Redevelopment Plan. This is a requirement of the LRHL intended to link redevelopment planning to regional planning goals and objectives.

PLANS OF ADJACENT COMMUNITIES

The Redevelopment Plan Area is immediately adjacent to Beachwood Borough to the south and Toms River Township, specifically Downtown Toms River, to the north. The Route 166 Corridor connects all three municipalities, as it originates in Beachwood, runs through South Toms River and winds through Downtown Toms River before crossing Route 27 and continuing north to its merge with Route 9. The land use and zoning in Beachwood Borough along Route 166 is similar to South Toms River. The properties that front on Route 166 in Beachwood are in a B-1 (General Business) District, with the neighborhoods flanking the corridor zoned for single family residential. The B-1 District permits comparable uses to the C-N District in South Toms River as follows:

BEACHWOOD ZONING - B-1 DISTRICT

§17-23.6 B-1 General Business Zone Regulations.

a Permitted principal uses.

1. Retail businesses.

2. Personal services establishments.
3. Business, professional and governmental offices.
4. Banks and fiduciary institutions.
5. Cultural sales, instruction and supply sales.
6. Professional and business schools.
7. Food consumption establishments (except curb service food sales).

b. Permitted accessory uses.

1. Off-street parking spaces.
2. Off-street loading spaces.
3. Residential use over top of commercial uses, apartment not occupying ground floor, not exceeding forty-nine (49%) percent of total combined floor area.
4. Storage of goods under roof and enclosed, incidental to conduct of the principal commercial activity. Interior storage areas must be permanent, non-movable structures on a permanent foundation and so constructed as to be both architecturally and aesthetically harmonious with the principal use.
5. Any use not specifically listed in paragraph a., Permitted principal uses which is substantially similar in purpose, function, character and effect to any one of the uses listed or can reasonably be considered accessory thereto.

c. Conditional uses. Permitted upon application and approval of the Board of Adjustment.

1. Structures for public utilities and municipal services.
2. Filling stations, gas stations, service stations.
3. Public and quasi-public facilities and places of assembly, such as but not limited to meeting halls operated for profit, storefront churches, etc.

The zoning in Downtown Toms River is consistent with its role as the County Seat of Ocean County, and includes professional offices, governmental offices, retail sales and services, restaurants and residential above retail. The portion of Downtown Toms River along Water Street and its connections with South Toms River along Route 166 (Atlantic City Boulevard) and Herflucker Boulevard are included within a waterfront redevelopment area and were also the areas most impacted by Superstorm Sandy, including the Toms River Post Office. While a draft redevelopment plan for that area was prepared by Maser Consulting for the Downtown Toms River BID, it has not been adopted pending a transportation and traffic analysis of impacts of redevelopment on key intersections with Water Street at Irons Street and Main Street.

The draft redevelopment plan for the Downtown Toms River Waterfront Redevelopment Area proposed that the area between Water Street and the Toms River be redeveloped with mixed-use residential over retail, although at a higher density than is contemplated in the South Toms River Waterfront Redevelopment Plan. Nevertheless, the proposed redevelopment in this Plan will expand and complement the waterfront recreational character of the Downtown Toms River

waterfront, which features Huddy Park and the Water Street restaurant and River Lady paddle-wheeler tour boat.

OCEAN COUNTY MASTER PLAN

The Ocean County Master Plan was adopted in December 1982, amended in 1983 and 1987 and certified by the Pinelands Commission in 1988 as the 1988 Comprehensive Plan. It was substantially updated as the Ocean County Comprehensive Master Plan in 2011. The following goals from the first Master Plan remain relevant to and compatible with this Redevelopment Plan:

- Continue to provide a coordinated management program to control the spatial development of the County by directing new growth to environmentally suitable areas which can be provided with essential infrastructure and support facilities.
- Promote the provision of a broad range of housing opportunities for all income levels and household types by encouraging the maintenance or rehabilitation of the existing housing stock and through the construction of new housing units.
- Promote the development of an improved and balanced, multi-modal transportation system which integrates the highway system with bus, rail, and waterborne transport systems.
- Continue the economic development efforts of the County to reduce unemployment provide year-round employment opportunities and enhance the tax base by encouraging compatible industrial and commercial operations to locate or expand in Ocean County.

In addition, growth areas were identified to provide an

objective measure of development opportunities and constraints within the county. Growth areas were determined based on environmental features, ability to accommodate increased land use activity, growth trends, area development patterns, local zoning policies, water supply, wastewater treatment facilities, and transportation facilities (accessibility to major highways and travel distance to major commercial and shopping facilities). The development criteria associated with maximum growth areas include:

- Infill of vacant lands within existing developed areas;
- Redevelopment of existing developed areas consistent with land use and density guidelines; and
- Serviced by an existing wastewater treatment system with sufficient capacity to provide treatment for increased wastewater flows.

Noteworthy in the 2011 Comprehensive Master Plan for Ocean County is the recognition of the Barnegat Branch Trail as a catalyst for tourism as follows:

*"This regional multi-use trail will eventually extend 15.7 miles from downtown Toms River southward to the historic town of Barnegat. While interconnections with local parks and recreation areas are promoted, there is also an opportunity to promote local business and shopping areas. The trail connects a number of commercial areas and is increasingly used by residents for local trips. Ocean County should continue to work with local officials and chambers of commerce on the opportunities presented by this expanding trail."*¹

The 2011 Master Plan also recognizes Toms River Township and the Borough of South Toms River as sharing a common resource, the Toms River as follows:

*"Towns that share a common resource, such as Toms River and South Toms River, may consider partnerships to redevelop and promote the riverfront area. There are numerous business and recreational uses that can be coordinated to enhance the area as a regional attraction."*²

This Plan is an implementation step of these specific recommendations in the County's Master Plan.

NEW JERSEY STATE PLAN

The State Development and Redevelopment Plan places the redevelopment area within the Suburban Planning Area (PA-2). The

This Plan is compatible with the State Plan's intention for the Suburban Planning Area, which is to provide for much of the state's future development; provide growth in centers and other compact forms; protect the character of existing stable communities; protect natural resources; redesign areas of sprawl; reverse the trend toward further sprawl; and revitalize cities and towns.

This plan will move South Toms River several steps forward toward the realization of one of the State Plan's major objectives – providing alternatives to sprawl by planning for and creating new "communities of place." In addition, the plan would achieve the following State Plan goals:

- Promoting beneficial economic growth – The redevelopment area will provide a focal point for future economic activity in the Borough. It is expected that a higher quality and greater diversity of goods and services will be available to residents than is currently found in the strip developments that characterize the Route 166

corridor.

- Revitalizing cities and towns – Much of this area is underutilized and detracts from the quality of life in the community. Those conditions will be replaced with a center that will attract quality investment into the Borough and create a vibrant waterfront recreation destination.
- Ensuring cost-effective delivery of infrastructure – The State Plan offers mixed-use centers as the model for cost-effective delivery of infrastructure.
- Preserving and enhancing the quality of community life – Centers provide a focal point for the community as a whole and a vibrant, human-scaled living environment for those who live and play there.

The State Strategic Plan is the revision to the 2001 State Development and Redevelopment Plan. The document sets forth a vision for the future of New Jersey along with strategies to achieve that vision. The State Strategic Plan was intended to be adopted by the State Planning Commission in November 2012, but was postponed due to Super Storm Sandy. The Commission is revising the document to incorporate disaster planning goals in light of Super Storm Sandy.

The draft final State Strategic Plan has four overarching goals along with ten “Garden State Values”. This Redevelopment Plan has the ability to advance five of the ten values:

- **Concentrate development** – promote development that is compact, build densities that support walking and public transportation.
- **Prioritize redevelopment, infill and existing infrastructure** – prioritize redevelopment and the reuse of existing sites

and structures.

- **Increase job and business opportunities** - provide opportunities for investments near infrastructure and transportation, support economic growth.
- **Create high-quality, livable places** – enhance community character and design, especially in historic areas, by reusing significant buildings.
- **Provide transportation choice** – provide transportation options that improve access and affordability for all users.³

VI. REDEVELOPMENT PLAN

This chapter of the Waterfront Redevelopment Plan provides the general provisions, including review process, as well as land use and design requirements for the redevelopment of the Redevelopment Plan Area.

GENERAL PROVISIONS

RELOCATION

No temporary or permanent relocation of residents is contemplated, as there are no occupied residential units currently located in the Redevelopment Area. There are occupied business uses on Block 5 Lots 1 and 2, but the Cedar Cove Marina on Lot 1 has not operated since Superstorm Sandy due to the extent of disrepair in the buildings, docks, bulkheads and piers. However, this Plan requires that the marina use be retained, at least in part, as a stipulation of the use of the Borough-owned Lots 4 and 6 for marina and recreation uses. For that reason, any acquisition of Lot 1 is expected to include both land and any marina related improvements. Any boats on the property that need to be relocated are expected to be handled by the owners of the boats.

Because the current business on Lot 2 is not directly dependent on or essential to the use of Lots 1, 4 and 6 for marine recreational purposes, there is not an anticipated need for relocation of that business.

PROPERTIES TO BE ACQUIRED

This Redevelopment Plan intends to encourage a developer to acquire a proprietary interest in the property to be rehabilitated/redeveloped pursuant to this plan. Because of the public interest in retaining a marine recreational and water dependent use of the Borough-owned property and waterfront structures on Lots 4 and 6, it is necessary to identify Block 5, Lot 1 as being necessary for acquisition should a private purchase or joint venture fail between a designated redeveloper and the property owner.

As this Redevelopment Plan also addresses an Area In Need of Rehabilitation, Section 14 of the Local Redevelopment and Housing Law provides that the redevelopment powers, except for acquisition of private property through the use of eminent domain, are available in the Rehabilitation Area portion of the Redevelopment Plan Area with the adoption of this redevelopment plan. Therefore, no private property is identified for acquisition within the Rehabilitation Area portion of the Redevelopment Plan Area other than through private sale between a willing buyer and seller.

WAIVERS FROM REDEVELOPMENT PLAN REQUIREMENTS

Variation from one or more of the specific development requirements set forth in this Redevelopment Plan may be necessary in certain circumstances for the effective redevelopment of the Rehabilitation Area, or to meet state or federal permit requirements. In such an instance, the South Toms River Planning Board may waive specific bulk, parking or design requirements, if specifically authorized to do so by the

Redevelopment Entity (Borough Council) or any committee that it may designate, provided the designated redeveloper demonstrates that such waiver is necessary for the feasibility of the project, will not substantially impair the intent of the Redevelopment Plan and will not present any detriment to the public health, safety and welfare.

REVIEW PROCEDURES

The review procedures for this Redevelopment Plan are as follows:

- The Borough Council, acting as the Redevelopment Entity, shall review all proposed redevelopment projects within the Rehabilitation Area governed by this Redevelopment Plan to ensure that such project(s) is consistent with the Redevelopment Plan and relevant redeveloper agreement(s). Such review shall occur prior to the submission of the redevelopment project(s) to the Planning Board for site plan approval.
- As part of its review, the Redevelopment Entity may require the redeveloper(s) to submit proposed site plan applications to a subcommittee of the Redevelopment Entity prior to the submission of such applications to the Planning Board. Such Committee may include members of the Redevelopment Entity and any other members and/or professionals as determined necessary and appropriate. Such Committee shall make its recommendations to the full Redevelopment Entity for formal authorization to proceed to the Planning Board for development approval.
- In undertaking its review, the Redevelopment Entity shall

determine whether the proposal is consistent with this Redevelopment Plan and relevant redeveloper agreement(s). In addition, the review may address the site and building design elements of the project to ensure that the project adequately addresses the goals and objectives of the plan.

- Following this determination, all development applications shall be submitted to the Borough of South Toms River Planning Board through the normal site plan and subdivision procedures as outlined in N.J.S.A. 40:55-1 et seq.
- The Planning Board shall deem any application for redevelopment subject to this Redevelopment Plan incomplete if the proposed project is required by this Redevelopment Plan to be addressed through a redevelopment agreement with a designated redeveloper and the applicant has not been so designated by the Redevelopment Entity. Additionally, the Planning Board shall deem any application for redevelopment subject to this Redevelopment Plan incomplete if the applicant has not received approval from the Redevelopment Entity or any committee that it may designate for such purpose, stating that the application is consistent with the Redevelopment Plan and Redevelopment Agreement.
- Neither the Planning Board nor the Board of Adjustment shall grant any deviations from the use provisions of this Redevelopment Plan. Any proposed changes to the Redevelopment Plan involving specific permitted or conditionally permitted land uses shall be in the form of an amendment to the Redevelopment Plan adopted by

the Mayor and Council, in accordance with the procedures set forth in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

LAND USE & DEVELOPMENT REQUIREMENTS

This Redevelopment Plan has been designed to create an overlay zoning district for the Redevelopment Plan Area. The specific land use and that are applicable to the entire Redevelopment Plan Area are outlined in Section II of this Plan.

The following standards are also required:

A. Area and bulk regulations

- (1) Minimum lot area – 10,000 square feet
- (2) Minimum lot width – 100 feet
- (3) Minimum lot depth – 100 feet
- (4) Minimum front yard – 35 feet
- (5) Minimum side yard - zero lot line or 10 feet
- (6) Minimum rear yard – 10 feet
- (7) Maximum principal building coverage – 80%
- (8) Maximum building height – 3 stories and 35 feet, except that multifamily buildings in the areas shown on the Land Use Plan may be up to four stories and 50 feet in height.

B. Off-street parking

- (1) RSIS shall be followed for residential uses and off – street parking for non-residential uses shall be based on the Borough's Zoning Ordinance. Shared parking is encouraged between uses and between parcels, subject to approval of the Redevelopment Entity in the redevelopment agreement.
- (2)

C. Pedestrian accessibility

- (1) Sidewalks shall be provided along all street frontages
- (2) All sidewalks shall be a minimum of five feet wide
- (3) All sidewalks shall be designated to provide access for the physically disabled
- (4) Access ramps shall be conveniently placed and sloped to provide easy connection to streets and sidewalks, in conformance with the Americans with Disabilities Act

D. Signage

- (1) Each redevelopment project shall include a comprehensive signage plan for review and approval of the Redevelopment Entity and Land Use Board.

ARCHITECTURAL DESIGN STANDARDS

Any new building proposed for the Redevelopment Plan Area will have to be carefully designed. Architectural design standards for the Redevelopment Plan Area are as follows:

A. Materials

- (1) The first floor building exterior shall consist of durable, long-lasting materials.
- (2) The building exterior of upper floors may consist of modern materials.

B. Articulation

- (1) All street-facing building walls shall have a clearly defined base, body and cap.
- (2) The body section of a façade may be horizontally divided at the floor, lintel or sill levels with belt courses.
- (3) The architectural treatment of a façade shall be

completely continued around all street-facing facades of a building. All sides of a building shall be architecturally designed so as to be consistent with regard to style, materials, colors and details.

- (4) Building exteriors shall have vertical and/or horizontal offsets to create visual breaks on the exterior. These offsets may consist of pilasters, projecting bays, changes in façade materials, balconies, etc.
- (5) Long, blank, windowless, monotonous or uninterrupted walls are not permitted on the front or side of a building.

C. Entrances

- (1) All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, overhangs, porticos or awnings. These elements shall be compatible with the style and materials of the building.
- (2) Entrances may also be defined by planters or other landscape features.

D. Transparency

- (1) Ground floor uses in the Rehabilitation Area shall have large pane display windows on the front and side building facades. Such windows shall be framed by the surrounding wall and shall be a minimum of 70% of the total ground level façade area. A building's "ground level façade area" is the area bounded by the side edges of the building and the plane coincident with the internal floor of the building and the internal

ceiling of the building.

- (2) Windows shall be vertically proportioned (taller than wider) where possible.

VII. FLOOD HAZARD PREVENTION

South Toms River was impacted by Super Storm Sandy. Future flooding is of concern within the Redevelopment Plan Area due to its proximity to the river.

All new construction and substantial rehabilitation shall comply with the South Toms River Flood Hazard Prevention Ordinance,

VIII. TAX ABATEMENT PROGRAM

By designating the Route 166 Corridor as An Area in Need of Rehabilitation, the Borough of South Toms River is given the authority to offer five-year tax exemptions or abatements as a financial incentive to encourage rehabilitation of the area, in accordance with N.J.A.C. 40A:21-1 et seq. The Borough of South Toms River will adopt an ordinance providing for the exemption from real property taxation of improvements or projects for a period of five years. Any tax abatement(s) for the rehabilitation of the Route 166 Corridor site would need to be addressed as part of the redevelopment agreement.

A tax exemption for up to 30 years may be granted by the Borough Council for a redevelopment project that is within the designated Redevelopment Area (Block 5, Lots 1-3, 4 and 6). Such an exemption would be through a financial agreement with the Borough and addressed in the redevelopment agreement for that redevelopment project.

IX. RELATIONSHIP TO ZONING

ZONING PROVISIONS

EFFECT OF PLAN

The Waterfront Redevelopment Plan constitutes an overlay to permit the redevelopment of the Redevelopment Plan Area as Section II of this Redevelopment Plan.

TERMS AND DEFINITIONS

Any terms or definitions not addressed within this Redevelopment Plan shall rely on the applicable terms and conditions set forth in the Zoning Ordinance of the Borough of South Toms River.

OTHER APPLICABLE DESIGN & PERFORMANCE STANDARDS

Any design or performance standards not addressed within this Redevelopment Plan shall rely on the applicable design and performance standards set forth in the Zoning Ordinance of the Borough of South Toms River.

CONFLICT

Any word, phrase, clause, section or provision of this plan, found by a court and other jurisdiction to be invalid, illegal or unconstitutional, such word, phrase, section or provision shall be deemed servable and the remainder of the Redevelopment Plan shall remain in full force and effect.

ZONING MAP REVISION

Because this Redevelopment Plan constitutes an overlay and does not supersede the underlying zoning Districts, the Official Zoning Map of the Borough of South Toms River is not required to be amended. However, in order to identify the Overlay District for the Redevelopment Plan Area, the zoning map is hereby amended to illustrate Redevelopment Plan Area as the "Waterfront Redevelopment Overlay District (**WROD**)".

X. AMENDMENTS & DURATION

AMENDMENTS TO THE REDEVELOPMENT PLAN

This plan may be amended from time to time in accordance with the procedures of the LRHL. To the extent that any such amendment materially affects the terms and conditions of duly executed redevelopment agreements between one or more redevelopers and the Borough of South Toms River, the provisions of the redevelopment plan amendment will be contingent upon the amendment of the redeveloper agreement to provide for the plan amendment.

RECOMMENDATIONS FOR REDEVELOPMENT AGREEMENT PROVISIONS

While this Redevelopment Plan provides an outline for the redevelopment of the Route 166 Corridor Rehabilitation Area, the details of how the redevelopment will be implemented will need to be specified in the redevelopment agreement that is negotiated between the Borough and the redeveloper(s). No development shall proceed to the South Toms River Planning Board for subdivision or site plan approval until after a redevelopment agreement is executed by the Borough of South Toms River in accordance with Section 9 of the Local Redevelopment and Housing Law. The redevelopment agreement shall conform to the provisions of this Redevelopment Plan.

CERTIFICATES OF COMPLETION & COMPLIANCE

Upon the inspection and verification by the Mayor and Council that the redevelopment of a parcel subject to a

redeveloper agreement has been completed, a Certificate of Completion and Compliance will be issued to the redeveloper and such parcel will be deemed no longer in need of redevelopment.

This Redevelopment Plan will remain in effect until Certificates of Completion have been issued for the designated Area In Need of Rehabilitation, or until the Route 166 Corridor Redevelopment Plan is deemed no longer necessary for the public interest and repealed by Ordinance of the Mayor and Council.

SEVERABILITY

The provisions of this Redevelopment Plan are subject to approval by Ordinance. If a Court of competent jurisdiction finds any word, phrase, clause, section or provision of this Redevelopment Plan to be invalid, illegal or unconstitutional, the word, phrase, clause, section or provision shall be deemed severable and the remainder of the Redevelopment Plan and implementing Ordinance shall remain in full force and effect.

SELECTION OF REDEVELOPER(S)

In order to assure that the vision of the Route 166 Corridor Redevelopment Plan will be successfully implemented in an effective and timely way in order to promptly achieve the public purpose goals of the Plan, the Mayor and Council, acting as the Redevelopment Entity, will designate the redeveloper(s) for any redevelopment project in the area governed by this Redevelopment Plan. All redeveloper(s) will be required to execute a redevelopment agreement satisfactory to the Redevelopment Entity as one of the

requirements to be designated as the redeveloper(s).

It is anticipated that the implementation of this Redevelopment Plan may designate existing owners or utilize a process for the competitive selection of one or more redeveloper(s). The intent of this section of the Plan is to set forth the procedural standards to guide redeveloper selection. The Mayor and Council, acting as the Redevelopment Entity may, at any time, proactively solicit potential redevelopers by utilizing appropriate methods of advertisement and other forms of communication, or may, in its discretion, entertain an unsolicited proposal from a prospective redeveloper(s) for redevelopment of the Redevelopment Plan Area.

The selection of a redeveloper by the Mayor and Council, acting as the Borough of South Toms River's Redevelopment Entity for the Redevelopment Plan Area, may be based on a competitive selection process. Under a competitive selection process, which may be undertaken from time to time in the discretion of the Redevelopment Entity, an applicant for selection as a redeveloper will be required to submit materials that specify their qualifications, financial resources, experience and design approach to the property in question. The competitive selection process will likely include the submission of some or all of the following materials (additional submission materials may be requested by the Redevelopment Entity as deemed appropriate to the lands in question):

- Conceptual plans and elevations sufficient in scope to demonstrate that the design approach, architectural concepts, number and type of development, parking, traffic circulation, landscaping and other elements are consistent with the objectives and standards of this

Redevelopment Plan.

- Anticipated construction schedule, including estimated pre-construction time period to secure permits and approvals.
- Documentation evidencing the financial responsibility and capability with respect to carrying out site environmental remediation, the proposed redevelopment and/or rehabilitation including but not limited to: type of company or partnership, disclosure of ownership interest, list of comparable projects successfully completed, list of references with name, address and phone information, list of any general or limited partners, and financial profile of the redeveloper entity.

The following provisions regarding redevelopment are hereby included in connection with the implementation of this Redevelopment Plan and the selection of a redeveloper(s) for any property included in the Redevelopment Plan and shall apply notwithstanding the provisions of any zoning or building ordinance or other regulations to the contrary:

1. The redeveloper, its successor or assigns shall develop the property in accordance with the uses and building requirements specified in the Redevelopment Plan.
2. Until the required improvements are completed and a Certificate of Completion is issued by the Redevelopment Entity, the redeveloper covenants provided for in N.J.S.A. 40A:12A-9 and imposed in any redeveloper agreement, lease, deed or other instrument shall remain in full force and effect.

3. The redevelopment agreement(s) shall contain provisions to assure the timely construction of the redevelopment project, the qualifications, financial capability and financial guarantees of the redeveloper(s) and any other provisions to assure the successful completion of the project.
4. The designated redeveloper(s) shall be responsible for any installation or upgrade of infrastructure related to their project whether on-site or off-site. Infrastructure items include, but are not limited to gas, electric, water, sanitary and storm sewers, telecommunications, recreation or open space, streets, curbs, sidewalks, street lighting and street trees or other improvements. The extent of the designated redeveloper's responsibility will be outlined in the redeveloper's agreements with the Borough. All utilities shall be placed underground.
5. All infrastructure improvements shall comply with applicable local, state and federal law and regulations, including the Americans with Disabilities Act and the Prevailing Wage Law, where applicable.
6. In addition to the provision of the infrastructure items set forth herein, the Redevelopment Agreement may provide that the redeveloper(s) will agree to provide amenities, benefits, fees and payments in addition to those authorized under the Municipal Land Use Law.

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¹ Ocean County Comprehensive Master Plan, 2011, page 42.

² Ocean County Comprehensive Master Plan, 2011, page 44.

³ http://nj.gov/state/planning/final-plan/final_spp_november%208_pub.pdf, pages 8-9.