

GENERAL AMENDMENT OF THE MASTER PLAN

BERKELEY TOWNSHIP
Ocean County, New Jersey

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CONTENTS

I.	Introduction	2
II.	Purpose	2
III.	Amended Master Plan Goals and Objectives	3
IV.	Master Plan Element Amendments.....	3
A.	TDR Plan Element.....	3
B.	Land Use Plan Element	3
C.	Housing Element and Fair Share Plan	3
D.	Utility Services Element & Capital Improvement Plan.....	4
E.	Other Plan Elements	4
V.	Recommendations	4
A.	Master Plan Elements	4
1.	Open Space and Recreation Plan Element	4
2.	Economic Development Plan Element	4
B.	Zoning Ordinance.....	4
1.	TDR Program Ordinance	4
2.	CN-A, CN-B, and CN-C Overlay Zones	5
3.	TC Zoning District.....	5
4.	Impervious Coverage	5
3.	Nursing Homes and Assisted Living Facilities Standards	5
4.	Detoxification Center Standards	6
5.	BR Beachfront Residential Zone	6
6.	Assembly and Schools	6
7.	Increase densities (Block 857, Lots 11.03, 12.01; etc.).....	6
8.	Town Center Redevelopment Plan	6
9.	Town Center Redevelopment Plan (Section 35-105)	6
10.	Block 1247, Lots 8 and 8.02.....	7
11.	Cluster development	7
C.	Zoning Map Changes.....	7
D.	Miscellaneous	7
1.	Preservation.....	7

I. INTRODUCTION

The Berkeley Township Comprehensive Master Plan (the “Master Plan”) was adopted by Berkeley Township (the “Township”) in 1997 with several plan elements, including the Land Use Plan and Circulation Plan. Since the time of adoption, the Master Plan has been amended four times, in 2001, 2003, 2012 and 2015. The most recent Master Plan Reexamination was adopted in May 2019.

In accordance with the State’s provisions on Transfer of Development Rights enacted in 2004, a Real Estate Market Analysis (REMA) that was prepared in 2012, in support of the TDR program for the Township, identified the rapid growth of the Township between 1960 and 1990, the moderate increase in growth between 2000 and 2007, and the projected growth to 2030. These factors resulted in the need to adopt the TDR program to better manage growth in the Township. In late 2012, the Township adopted the Transfer of Development Rights (TDR) Plan Element, establishing five (5) sending zones and four (4) receiving areas (Town Center I and II, CN-C and the Industrial Node). It was designed so that development rights would be transferred to parcels in the receiving areas to support the residential and commercial components of mixed-use development as well as support the expansion of light industrial uses. Shortly thereafter, in 2013, the Township established the Transfer of Development Rights (TDR) Program for the purposes of managing growth.

While the program was established to direct development away from substandard and environmentally constrained lots (by transferring development rights) into areas where development and higher intensities of growth could be supported by future public infrastructure, since the program’s inception land conditions within and around the receiving zones have changed. There has been insufficient demand for additional development rights, and there has not been one single sale of a development credit. While preservation has occurred within the sending areas it has not been through the TDR program. Thus, through this amendment, the Township intends to terminate the program. While various recommendations described in this amendment intend to effectuate the termination of program, there are numerous other land use and zoning recommendations explored.

II. PURPOSE

For the reasons enumerated above, the TDR program is no longer viable. This amendment is designed with the purpose of 1) repealing the TDR Plan Element, and 2) making recommendations regarding future land use and zoning decisions. Any specific ordinance recommendations will be effectuated under subsequent ordinance amendments as introduced by Township Council.

III. AMENDED MASTER PLAN GOALS AND OBJECTIVES

The goals and objectives as indicated in the 2019 Master Plan Reexamination Report remain viable. No changes are proposed.

IV. MASTER PLAN ELEMENT AMENDMENTS

A. TDR Plan Element

The Township adopted their TDR Plan Element in 2012. As the Township wishes to unwind the program, this Master Plan amendment serves as the Township's official action to repeal the TDR Plan Element.

B. Land Use Plan Element

The Township's Land Use Plan Element was adopted in the 1997 Master Plan and amended in 2008 and 2015. The 2015 amendment recommended specific changes to the Plan Element relating to the increased sustainability and promotion of resiliency through the use of green building and infrastructure. The TDR program was referenced only as a measure to preserve open space or environmentally sensitive lands, while concentrating future development in the town centers and corridor nodes, as well as a tool to create pedestrian friendly development. As the Township wishes to unwind the program, this Master Plan amendment serves as the Township's official action to repeal references to the TDR Plan Element and/or Program from the Land Use Plan Element.

C. Housing Element and Fair Share Plan

On October 3, 2016, Berkeley Township signed a settlement agreement with the Fair Share Housing Center indicating the Township's Third Round new construction obligation was 0 units. A Housing Plan Element and Fair Share Plan (HEFSP) was adopted on March 2, 2017 by the Berkeley Township Planning Board.

TDR is referenced in the current HEFSP as a parameter in the Township's point-based assessment of the payment-in-lieu option. Specifically, the assessment of a development site's location outside of sending areas associated with the TDR plan, in addition to proximity to bus stops, schools, parks and open space, the Route 9 corridor, and entrances and exits from the Garden State Parkway; location in a town center or corridor node overlay; and location in the sewer service area.

As part of the Township's Judgement of Compliance and Repose the HEFSP will continue to stand on its own. The Township makes note that upon seeking Forth Round certification, any future HEFSP will no longer refer to TDR.

D. Utility Services Element & Capital Improvement Plan

The Township drafted a Utility Services Element and Capital Improvement Plan in 2012, which outlines the plan for future capital spending for water, sewer, roadway infrastructure, and stormwater for the receiving areas of the Township's TDR program. As the Township intends to repeal the TDR program and this plan element was developed to specifically serve the TDR program, this plan element is hear by repealed in its entirety.

E. Other Plan Elements

All Master Plan Elements not expressly stated in this amendment will stay as currently drafted and adopted. This amendment does not amend them in any way and they continue to be valid.

V. RECOMMENDATIONS

A. Master Plan Elements

1. Open Space and Recreation Plan Element

To participate in the Green Acres Planning Incentive (PI) funding category, the Open Spaces and Recreation Plan Element (OSRP) is required to be updated at least every 10 years. Provided that the Township's OSRP was last adopted in 2004, an update to the plan is necessary. The update must identify the existing and proposed open space and recreation areas (private and public). Those lands, currently within the sending area, present an opportunity for the Township to continue preservation and open space efforts with assistance through Green Acres and/or the Township's Open Space, Recreation, Farmland and Historic Preservation Trust Fund.

2. Economic Development Plan Element

It is recommended for the Township to adopt an Economic Development Plan Element that will provide a strategic framework for sustainable growth, job creation, and economic diversification. This plan element should be developed to enhance infrastructure, increase tax revenue, and improve the quality of life by attracting new businesses while supporting those that currently exist. This plan can help the municipality compete for investments, ensures coordinated development, and addresses specific community needs.

B. Zoning Ordinance

1. TDR Program Ordinance

All supporting provisions of the TDR program should be repealed in its entirety, including the existing TDR ordinance (Article XX) and any other instance where the program is mentioned.

2. CN-A, CN-B, and CN-C Overlay Zones

Due to the Township's desire to greatly reduce high density development, it is recommended that the CN Overlay Zone regulations (§35-106.7) be repealed in its entirety.

3. TC Zoning District

The Township prepared and adopted a Redevelopment Plan for the Town Center in 2009 and subsequently amended it in 2021 and 2023. While the Plan was initially designed to accommodate a Town Center, that project never gained traction. Due to ongoing discussions with the developer, in the hopes of bringing a viable project and commercial ratables, the Redevelopment Plan was revised to accommodate more traditional development patterns. As such, those standards in the underlying zone (Town Center Zoning District), which has largely been superseded by the redevelopment plan, have become in conflict.

It should be noted that the Town Center Redevelopment Plan did not supersede the entirety of the TC Town Center Zone District, as it expressly excluded certain parcels. As such these parcels remain zoned TC Town Center. Due to the Redevelopment Plan superseding the underlying zoning district, and these remaining parcels now directly in conflict with the revised redevelopment plan, the zoning ordinance should be amended to repeal the TC Town Center Zone District (§35-104) in its entirety. Furthermore, it is important to note that those properties located within the "donut hole" should be rezoned to a zoning district that will permit either the commercial uses anticipated in the redevelopment plan or allow residents to maintain their existing homes.

4. Impervious Coverage

The Township is seeking enhanced impervious coverage limits through the Plan Endorsement process. Should the petition be successful, impervious cover in the applicable zones should be revised to indicate the greatest coverage provided. The exact zones will correlate expressly with the petition for Plan Endorsement. Currently the Township's petition is seeking additional impervious coverage in both the Town Center Redevelopment Plan and the Town Center 2 (TC-2) Overlay Zone.

3. Nursing Homes and Assisted Living Facilities Standards

The Township currently permits nursing homes and assisted living facilities within the Highway Business (HB) Zone, Town Center 2 (TC-2) Overlay Zone, and Planned Unit Residential Development (PRD). Despite this provision, the ordinance lacks standards to regulate these uses. The Township should consider the following factors when determining standards for nursing homes and assisted living facilities:

- a. Limitation on the number of units or beds within a structure.
- b. Compliance with State regulations and licensing requirements.

- c. Whether both use is permitted in a single facility
- d. Off-street parking standards based on the number of units/beds and staff
- e. Permitted accessory uses/structures
- f. Area and bulk standards

4. Detoxification Center Standards

Detoxification centers are currently permitted by conditional use in the Forest Area - Light Industrial Zone and are subject to standards outlined in § 35-127.25. The Township desires to reevaluate these standards and possibly create additional standards, as may be necessary. Additional standards may include the type of permitted accessory uses or structures for such use, proximity to other medical facilities, buffers, and proximity to public transportation.

It is also recommended for the Township to explore permitting the use in additional zoning districts, particularly districts that currently allow medical facilities, such as hospitals (R-200, R-150, R-125, and R-100 and HB Zones).

5. BR Beachfront Residential Zone

In considering revised standards to permit additional building heights within the BR zone, the Township should review and analyze both architectural standards, revised area and bulk standards, and off-street parking requirement.

6. Assembly and Schools

Review and analyze the existing standards related to assembly (§ 35-127.13) and school (§ 35-127.9) uses. The Township should review the appropriateness of where these uses are currently permitted and consider regulations that would be appropriate.

7. Increase densities (Block 857, Lots 11.03, 12.01; etc.)

Consider increasing permitted density within the R-MF zone and TC-2 overlay zone. In the alternative, consider the creation of an additional zone in order to permit additional units at the Housing Authority property and others.

8. Town Center Redevelopment Plan

Revise the Town Center Redevelopment Plan to accommodate all currently known development projects and to permit additional projects as may be desired. It is the intent of the Redevelopment plan to provide a loose framework for future development and for site specific standards to be contained only within the Township Code.

9. Town Center Redevelopment Plan (Section 35-105)

Amend the ordinance to accommodate additional retail or other uses, as negotiated with the redeveloper.

10. Block 1247, Lots 8 and 8.02

Explore the zoning designation of Block 1247, Lots 8 and 8.02, a parcel located at the corner of US Route 9 and Sloop Creek Road. Such designation should allow veteran housing as a permitted use. Said use should be defined in the ordinance accordingly to allow for housing and general care on a permanent or temporary basis, including the provision of on-site supportive services, such as special care and treatment, in a supervised setting with on-site counselors or other staff.

11. Cluster development

Draft standards designed to implement the continued preservation of open space and environmentally sensitive areas. While intended to primarily focus on those areas formally indicated as TDR sending zones, this effort could be expanded to other zones that contain environmentally sensitive lands. Measures may include adoption of a new zoning district, overlay zone or an amendment to existing zoning districts. Standards should be designed to support low-density and low intensity development that could support single-family homes, farming, or recreational/conservation. Any provisions should require large lot developments and site design standards that provide environmental protection. In addition to considering both contiguous and noncontiguous clustering, various other standards are being considered, including, but not limited to planned development, flexible development standards, reduced lot sizes, shared open spaces, density bonuses, and consideration for utility services.

C. Zoning Map Changes

In light of proposed amendments indicated above, it is recommended that the Township amend the Zoning Map as follows:

- a. Remove the CN-A, CN-B, and CN-C Overlay Zones, reverting to underlying zoning.
- b. Remove the TC Town Center District, and rezone underlying non-redevelopment area parcels to a zone that will permit either the continued use of the properties for residential purposes or commercial uses similar to that being contemplated in the Town Center Redevelopment Plan.
- c. Delineate the Town Center Redevelopment Plan Area so that it is clear that the zone standards are contained within the Redevelopment plan.

D. Miscellaneous

1. Preservation

As has been done with Ceder Creek Campground, Berkeley Nine Estates, and other parcels, the Township should continue to find creative solutions towards preservation. The Township should seek additional partners, while also considering zoning ordinance amendments designed to achieve the same goal.