

GENERAL REEXAMINATION OF THE MASTER PLAN

BERKELEY TOWNSHIP

Ocean County, New Jersey

March 20, 2019

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(Resolution #19-006)

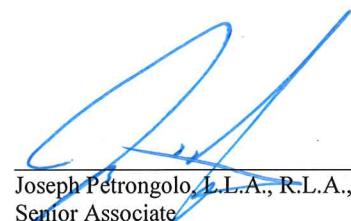
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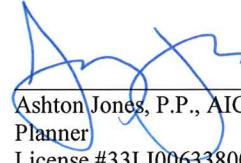

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I. **INTRODUCTION**

Berkeley Township, the 27th largest municipality in New Jersey, is located in the New York (PA-NJ-CT-NY) Metropolitan Statistical Area (MSA) with over 20.3 million people. According to the U.S. Census, the Township's population has continually grown since 1930 and today is estimated at over 41,000. While the Township's 10-year growth rate peaked at over 192% in 1980 by 2010, the last full census year, it had slowed to 3.2%. Berkeley Township has easy access to the Garden State Parkway and provides a diversity of housing types and natural environments, including woodland, coastal bay and ocean front areas, suburban development, senior housing communities, rural development and large areas of conservation.

Pursuant to Section 40:55D-89 of the Municipal Land Use Law, at least once every ten years municipal master plans and development regulations are to be reexamined for the purpose of determining continued viability and the need for amendments. Consideration should be given to the emergence of land use issues and external influences such as statutory mandates which might impact the underlying bases of the master plan. The reexamination is intended to result in the articulation of planning policy issues which need to be addressed to ensure that the municipality's preeminent planning policy document, which serves as the foundation for development regulation, has continued applicability. Failure to undertake the periodic reexamination constitutes, under the law, a rebuttable presumption that the development regulations are no longer reasonable.

In accordance with the above citation, the reexamination is to address:

- a. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
- b. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- c. The extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.
- d. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.
- e. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," P.L. 1992, c. 79 (C. 40A:12-1 et al.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations

necessary to effectuate the redevelopment plans of the municipality. (L. 1975, c. 291, s. 76; amended 1980, c. 146, s. 6; 1985, c. 516, s. 18; 1987, c. 102, s. 29; 1992, c. 79, s. 50.)

The Berkeley Township Reexamination dated August 2015, herein examined, consists of the following: 1) Major Problems and Objectives, 2) Increase or Decrease in Problems and Objectives 3) Changes in Assumption, Policies and Problems 4) Specific Recommendations, and 5) Recommendations Concerning Redevelopment Plans. While the Township completed a Master Plan Reexamination in 2008, the need for the 2015 Reexamination was largely due to the extensive damage caused by Hurricane Sandy. Rather than a major overhaul, as might be expected by a 10-year reexamination, the 2015 Reexamination Report recommended minor changes in order to fine tune and synthesize existing planning concepts and goals. Specifically, the focus of the 2015 reexamination was to provide an opportunity to ensure the long-term viability of the Township through a focus on land use and development goals that would make the Township more resilient. The last full master plan which included a wide range of topic elements, was completed in 1997.

Since the time of adoption, the Township's Master Plan has been amended three times, in 2001 with the Pinelands Area Master Plan Amendment, in 2003 with the adoption of 2020 Vision Statement and Municipal Profile, and in 2015 through the amendment and incorporation of the Strategic Recovery Planning Report and Appendix A, which included amendments to the Land Use Plan, Circulation Plan, Housing Plan, and Community Facilities Plan.

With respect to format this reexamination report addresses, in the same sequence, the elements outlined within subsections "a" through "e" of the above mentioned Municipal Land Use Law citation.

II. **REEXAMINATION REPORT FINDINGS**

a. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.

The statutory charge for this aspect of the reexamination is to identify problems and objectives identified in the most recent reexamination. As this is the third reexamination of the 1997 Master Plan, the charge then becomes one of establishing, from the 2015 Reexamination, specific problems to the extent discussed or, in the alternative, to the extent which can be deduced from the language of the goals and objectives. Specific problems as identified in the 2015 Reexamination are summarized and outlined:

1. Major problems/objectives existing at the time of the 2015 Reexamination.

- (a) **Recovery from Hurricane Sandy** – Hurricane Sandy struck the New Jersey coast on October 29, 2012, causing extensive damage. Lessons learned from this rebuilding and recovery process provided the municipality and its residents with the opportunity to reexamine what is needed to ensure its long-term viability. The 2015 reexamination and

proposed amendments were in direct response to this need for long term resiliency.

- (b) **Reconciling zoning district regulations with the zoning map** – Numerous inconsistencies exist between zoning regulations as indicated in the Land Development Ordinance and the official Zoning Map (last revised in 2011). Districts are referenced on the Zoning Map but no standards provided, while development standards are provided for districts which are not mapped.
- (c) **Aesthetics and traffic demand along Route 9** – Route 9 is a heavily developed commercial corridor within the Township. While the state has been reluctant to install additional traffic lights, residents have expressed concern over the impact of suburban sprawl along the corridor. Outdated uses and underutilized lots need to be redeveloped.
- (d) **Transfer of Development Rights (TDR) Program** – Through a lengthy planning process which culminated in plan endorsement in 2012, Berkeley established a TDR program that would transfer development away from substandard and/or environmentally constrained lots into areas that could be readily served by public infrastructure. At the time of the 2015 Reexamination Report, the Township was trying to finalize critical improvements to underlying zoning and advance various administrative procedures.

2. Goals and objectives as identified in the 2015 Reexamination.

The 2015 Reexamination carried forward specific goals and objectives as stated in the 2008 Reexamination Report (determining which goals and objectives no longer applied), while also specifically adding objectives related to resiliency. The following goals and objectives describe various facets and policies for articulating the community's vision and are presented as they were in the 2015 Reexamination.

Objectives relating to Development and Redevelopment

- a) Provide a healthy balance of land uses that preserves the residential character of the community while providing convenient opportunities to acquire essential goods and services.
- b) Direct most new development to a well planned, compact, mixed use Town Center.
- c) Redevelop existing commercial centers into accessible, compact and well-defined nodes with linkages to the surrounding neighborhoods.
- d) Complete the planned build-out of existing residential neighborhoods and maintain them as attractive high-quality areas that will serve both existing and new residents.

Objectives relating to Transportation and Circulation

- a) Provide connections between residential areas, commercial nodes, community facilities and the Town Center through an attractive, free flowing, community circulation system.¹
- b) Provide opportunities for residents and visitors to access multiple modes of transportation including public transportation, bikeways and pedestrian ways.²
- c) Provide an alternate route for north-south through traffic that enhances rather than detracts from the community; and supports the development of a Town Center as opposed to a strip sprawl development pattern.³
- d) Strategically complete the residential street grids to ensure connectivity within and between neighborhoods.⁴
- e) Improve the level of service along the Route 9 corridor through the implementation of creative engineering, land use and design techniques.

Objectives relating to Economic Development

- a) Foster economic development in the Town Center and in commercial nodes along Route 9 to primarily service a local market and a limited regional market.⁵

Objectives relating to Housing

- a) Maintain a balanced stock of housing that accommodates diverse lifestyles and age groups.⁶
- b) Ensure proper maintenance of the existing housing stock.

Objectives relating to Recreation and Open Space

- a) Create a comprehensive recreation system that provides indoor and outdoor, active and passive recreation opportunities for all age groups and ability levels; and that meets or exceeds state and national performance and safety standards.⁷
- b) Create a comprehensive open space system that provides passive and active recreation opportunities, preserves sensitive lands, creates connected green and blue ways, provides environmental education

¹ As part of the 2015 Reexamination and Master Plan Amendments, this objective was also added as an objective related to resiliency.

² ibid

³ ibid

⁴ ibid

⁵ ibid

⁶ ibid

⁷ ibid

opportunities, and establishes greenbelts around existing and planned development.⁸

c) Continue aggressive open space preservation efforts with funding shared among Berkeley Township, Ocean County, the State and federal government and non-profit groups.

Objectives relating to Public Facilities and Services

- a) Concentrate new community facilities such as a post office, police substation, fire station and governmental offices in a new Town Center.⁹
- b) Ensure efficient delivery of public services through interlocal agreements and regionalized services.¹⁰
- c) Strategically extend public water and sewer service to existing neighborhoods, infill development, identified commercial nodes and the Town Center based on cost-effectiveness, the need to address health issues, and consistency with the Township's growth management policies.¹¹

Objectives relating to Community Design

- a) Promote aesthetically pleasing human scale development that recognizes the character of traditional New Jersey bayfront towns.¹²
- b) Encourage traditional neighborhood elements such as sidewalks, alleys, front porches, public spaces, green spaces, street grids, street trees, and mixed uses that support pedestrian activity, human interaction, public safety, mass transit, and easy access to goods and services.¹³
- c) Encourage commercial development and retrofitting that emphasizes quality architecture, shared access and parking, transit friendly facilities, pedestrian circulation, appropriate intensification of buildings, and extensive landscaping especially in parking areas; and avoids blank or windowless walls, oversized parking areas, light pollution, multiple and uncontrolled highway access points.¹⁴

Amended Master Plan Objectives related to Resiliency

As part of the Master Plan Amendments proposed with the 2015 Reexamination Report, additional objectives related to resiliency were proposed. Except for where duplication from previous reexamination reports or the 1997 Master Plan occurs, as indicated in footnotes, these resiliency objectives are indicated below.

⁸ ibid

⁹ ibid

¹⁰ ibid

¹¹ ibid

¹² ibid

¹³ ibid

¹⁴ ibid

General Development

- a) Direct most new development to a well-planned, compact, mixed use Town Center and redevelop existing commercial centers into accessible, compact and well-defined nodes with linkages to the surrounding neighborhoods.
- b) Encourage and support policies and actions to reduce the introduction of harmful greenhouse gasses by reducing sprawl, and encouraging green buildings, promoting alternate means of transportation including walking, biking and public transit, and preserving open space and wetlands.
- c) Preserve the Township's natural resources to protect water quality, manage stormwater, reduce the potential of flood damage, protect endangered habitats, and provide open space.
- d) Provide a healthy balance of land uses that preserves the residential character of the neighborhoods; maintains a balanced stock of quality housing that accommodates diverse lifestyles and age groups; and provides convenient opportunities to acquire essential goods and services.
- e) Review and continually update, as needed, the various codes and development standards and maintain an aggressive code enforcement policy to ensure the highest quality of life within the Township.
- f) Review and continually update the permitted uses within each zone to ensure that only those uses compatible with the land capacity to support them are permitted.
- g) Provide for cluster design, to conserve open space and natural amenities in residential subdivisions and projects.

Resiliency

- a) Plan for new development to minimize risk from natural hazards.
- b) Promote public awareness of hazard mitigation and resiliency issues.
- c) Focus public agencies on community vulnerabilities to hazards such as flooding.
- d) Encourage future capital projects to be located outside flood hazard areas.
- e) Encourage renovations and modifications that are resilient to flood- and storm-related impacts.
- f) Encourage municipal efforts and initiatives in FEMA's Community Rating System (CRS).
- g) Encourage regional solutions to flood- and storm-related impacts.

Residential Development and Housing

- a) Ensure proper maintenance of the existing housing stock.
- b) Maintain and enhance the prevailing single-family character of the community. Increase lot sizes where possible and limit multi-family development to selected locations and types.

- c) Maintain and upgrade the quality of seasonal housing converted to year-round occupancy through the administration and use of proper standards and codes.

Commercial Development

- a) Encourage a mix of quality commercial use, retail, entertainment, dining, and upper story residences in the Town Center and corridor nodes to create vibrancy and to serve local and regional markets.
- b) Review economic development and redevelopment programs to encourage both new construction and conversion of existing non-commercial uses to viable commercial activities.

Public Facilities and Services

- a) Create a Township Debris Management Plan including such components as allocating debris removal sites, collection strategies, and describes reduction methods.
- b) Install a town-wide Supervisory Control and Data Acquisition (SCADA) system throughout the Township in conjunction with its owned and operated facilities to communicate critical alarms to centralized location or operational personnel.
- c) Automate, update and expedite the Township's system for processing zoning and construction permits.
- d) Prepare a Capital Improvement Plan that identifies needed capital investments in public facilities to improve local resiliency.
- e) Develop GIS database and user interface to catalog and inventory all infrastructure owned by the Township, including roadways, its stormwater collection system, its sanitary sewer collection system, and residential and commercial property information.
- f) Update Township's Emergency Operating Plan.
- g) Elevate key municipal facilities above the Advisory Base Flood Elevation, utilize temporary structures for areas in high-risk flood areas.
- h) Encourage Green Infrastructure projects.
- i) Focus public agencies on community vulnerabilities to hazards such as flooding.
- j) Compile low elevation aerials to produce high-quality mapping with six-inch contour levels within identified special flood hazard areas.
- k) Prepare a Green Buildings and Environmental Sustainability Element.
- l) Update Stormwater Management Plan to include green infrastructure management techniques.
- m) Update Floodplain Management Plan.

Open Space

- a) Continue aggressive open space preservation efforts with funding shared among Berkeley Township, Ocean County, the State and federal governments and non-profit groups.
- b) Create a multi-use trail system that ties into the Barnegat Branch Rail Trail to link neighborhoods, community facilities, parks and open space and Barnegat Bay.
- c) Stabilize bay shoreline by installing riprap or developing living shorelines.

Transportation

- a) Develop an access management plan for Route 9.
- b) Determine the feasibility of additional local bus or jitney routes or of modifying existing routes to better serve demands.
- c) Improve the level of service along the Route 9 corridor through the implementation of creative engineering, land use and design techniques including appropriate recommendations from the Route 9 Corridor Master Plan. Utilize traffic calming measures in areas of high pedestrian activity.
- d) Maintain and enhance the traffic carrying capacity of principal thoroughfares, such as Route 9, by making traffic engineering improvements and regulating access and egress.
- e) Develop a system of secondary streets in built-up areas through cross connections of existing streets, to improve access to individual areas and reduce use of Route 9 for internal trips.

b. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.

The objectives and problems indicated in the 2015 Reexamination remain largely relevant. Since such time as the 2015 Reexamination, the Township has continued efforts to address all relevant problems and objectives.

1. Major problems existing at the time of the 2015 Reexamination.

- (a) **Recovery from Hurricane Sandy** – The Township has continued to respond to climate change and the needs for improved resiliency. In 2017, the Township adopted the Neighborhood Plan for South Seaside Park, a direct result of Hurricane Sandy. This plan, the adopted 2014 Strategic Recovery Planning Report and the fact that the Township was recently selected as one of two pilot communities in a University of Notre Dame study to enhance GIS capabilities, storm modeling and real time tracking of storm events, indicates continued efforts. While addressing climate change and resiliency continues with ongoing efforts, it may never be fully addressed. To the extent that a problem can be reduced, the Township of today is better prepared for future events.

- (b) **Reconciling zoning district regulations with the zoning map** – While some modifications to zoning standards have been made, numerous inconstancies persist. The Zoning Map must be updated to correspond correctly to zoning district standards. Revisions need to be made to both the map and the Land Development Ordinance.
- (c) **Aesthetics and traffic along Route 9** – The Township continues to seek development within both commercial nodes and the Town Center Redevelopment Area. A redevelopment agreement has been executed regarding the Town Center Redevelopment Area and the redeveloper is actively pursuing the site's redevelopment. As the retail market has continued to shift away from big box stores and retail in general, the Township continues to work with the redeveloper to develop a modified strategy for the site's redevelopment.
- (d) **Transfer of Development Rights (TDR) Program** – The Township received plan endorsement permitting the designation of the Beachwood Plaza (Town Center) redevelopment area, a second town center, and a light industrial node. These three sites, in addition to another, have been designated as receiving areas. While the process has progressed and is nearly completed, there are a few outstanding administrative components which have yet to be fully satisfied, including:
 1. Finalizing documents and forms for use in the application process by interested participants, confirming roles and responsibilities of Township staff and professionals, and identifying and reconfirming those landowners and developers interested in the program.
 2. Fulfilling statutory requirements under the Municipal Land Use Law (MLUL). This includes annual reports to the County Planning Commission, the 3-year TDR status report from the date of ordinance adoption (June 10, 2013), and the five 5-year TDR status report.

2. **Goals and Objectives from the 2015 Reexamination.**

The goals and objectives as indicated in 2015 Reexamination Reports are as follows and for those that remain viable, the Township should continue to seek methods for full implementation. Our comments regarding their continued applicability *are in italics*.

Objectives relating to Development and Redevelopment

- a) Provide a healthy balance of land uses that preserves the residential character of the community while providing convenient opportunities to acquire essential goods and services. *This goal is still applicable.*
- b) Direct most new development to a well planned, compact, mixed use Town Center. *While this goal is still applicable, the Township desires development in all appropriately designated areas.*
- c) Redevelop existing commercial centers into accessible, compact and well-defined nodes with linkages to the surrounding neighborhoods. *This goal is still applicable.*
- d) Complete the planned build-out of existing residential neighborhoods and maintain them as attractive high-quality areas that will serve both existing and new residents. *This goal is still applicable.*

Objectives relating to Transportation and Circulation

- a) Provide connections between residential areas, commercial nodes, community facilities and the Town Center through an attractive, free flowing, community circulation system. *This goal is still applicable.*
- b) Provide opportunities for residents and visitors to access multiple modes of transportation including public transportation, bikeways and pedestrian ways. *This goal is still applicable.*
- c) Provide an alternate route for north-south through traffic that enhances rather than detracts from the community; and supports the development of a Town Center as opposed to a strip sprawl development pattern. *This goal is still applicable.*
- d) Strategically complete the residential street grids to ensure connectivity within and between neighborhoods. *This goal is still applicable.*
- e) Improve the level of service along the Route 9 corridor through the implementation of creative engineering, land use and design techniques. *This goal is still applicable.*

Objectives relating to Economic Development

- a) Foster economic development in the Town Center and in commercial nodes along Route 9 to primarily service a local market and a limited regional market. *This goal is still applicable.*

Objectives relating to Housing

- a) Maintain a balanced stock of housing that accommodates diverse lifestyles and age groups. *This goal is still applicable.*
- b) Ensure proper maintenance of the existing housing stock. *This goal is still applicable.*

Objectives relating to Recreation and Open Space

- a) Create a comprehensive recreation system that provides indoor and outdoor, active and passive recreation opportunities for all age groups and ability levels; and that meets or exceeds state and national performance and safety standards. *This goal is still applicable.*
- b) Create a comprehensive open space system that provides passive and active recreation opportunities, preserves sensitive lands, creates connected green and blue ways, provides environmental education opportunities, and establishes greenbelts around existing and planned development. *This goal is still applicable.*
- c) Continue aggressive open space preservation efforts with funding shared among Berkeley Township, Ocean County, the State and federal government and non-profit groups. *This goal is still applicable.*

Objectives relating to Public Facilities and Services

- a) Concentrate new community facilities such as a post office, police substation, fire station and governmental offices in a new Town Center. *This goal is still applicable.*
- b) Ensure efficient delivery of public services through interlocal agreements and regionalized services. *This goal is still applicable.*
- c) Strategically extend public water and sewer service to existing neighborhoods, infill development, identified commercial nodes and the Town Center based on cost-effectiveness, the need to address health issues, and consistency with the Township's growth management policies. *This goal is still applicable.*

Objectives relating to Community Design

- a) Promote aesthetically pleasing human scale development that recognizes the character of traditional New Jersey bayfront towns. *This goal is still applicable.*
- b) Encourage traditional neighborhood elements such as sidewalks, alleys, front porches, public spaces, green spaces, street grids, street trees, and mixed uses that support pedestrian activity, human interaction, public safety, mass transit, and easy access to goods and services. *This goal is still applicable.*
- c) Encourage commercial development and retrofitting that emphasizes quality architecture, shared access and parking, transit friendly facilities, pedestrian circulation, appropriate intensification of buildings, and extensive landscaping especially in parking areas; and avoids blank or windowless walls, oversized parking areas, light pollution, multiple and uncontrolled highway access points. *This goal is still applicable.*

Amended Master Plan Objectives related to Resiliency

As part of the Master Plan Amendments proposed with the 2015 Reexamination Report, additional objectives related to resiliency were proposed. Except for where duplication from previous reexamination reports or the 1997 Master Plan occurs, as indicated in footnotes above, these resiliency objectives are indicated below.

General Development

- a) Direct most new development to a well-planned, compact, mixed use Town Center and redevelop existing commercial centers into accessible, compact and well-defined nodes with linkages to the surrounding neighborhoods. *While this goal is still applicable, the Township desires development in all appropriately designated areas.*
- b) Encourage and support policies and actions to reduce the introduction of harmful greenhouse gasses by reducing sprawl, and encouraging green buildings, promoting alternate means of transportation including walking, biking and public transit, and preserving open space and wetlands. *This goal is still applicable.*
- c) Preserve the Township's natural resources to protect water quality, manage stormwater, reduce the potential of flood damage, protect endangered habitats, and provide open space. *This goal is still applicable.*
- d) Provide a healthy balance of land uses that preserves the residential character of the neighborhoods; maintains a balanced stock of quality housing that accommodates diverse lifestyles and age groups; and provides convenient opportunities to acquire essential goods and services. *This goal is still applicable.*
- e) Review and continually update, as needed, the various codes and development standards and maintain an aggressive code enforcement policy to ensure the highest quality of life within the Township. *This goal is still applicable.*
- f) Review and continually update the permitted uses within each zone to ensure that only those uses compatible with the land capacity to support them are permitted. *This goal is still applicable.*
- g) Provide for cluster design, to conserve open space and natural amenities in residential subdivisions and projects. *The Township currently has numerous provisions for cluster design. This goal is no longer applicable.*

Resiliency

- a) Plan for new development to minimize risk from natural hazards. *This goal is still applicable.*
- b) Promote public awareness of hazard mitigation and resiliency issues. *This goal is still applicable.*

- c) Focus public agencies on community vulnerabilities to hazards such as flooding. *This goal is still applicable.*
- d) Encourage future capital projects to be located outside flood hazard areas. *This goal is still applicable.*
- e) Encourage renovations and modifications that are resilient to flood- and storm-related impacts. *This goal is still applicable.*
- f) Encourage municipal efforts and initiatives in FEMA's Community Rating System (CRS). *This goal is still applicable.*
- g) Encourage regional solutions to flood- and storm-related impacts. *This goal is still applicable.*

Residential Development and Housing

- a) Ensure proper maintenance of the existing housing stock. *This goal is still applicable.*
- b) Maintain and enhance the prevailing single-family character of the community. Increase lot sizes where possible and limit multi-family development to selected locations and types. *This goal is still applicable.*
- c) Maintain and upgrade the quality of seasonal housing converted to year-round occupancy through the administration and use of proper standards and codes. *This goal is still applicable.*

Commercial Development

- a) Encourage a mix of quality commercial use, retail, entertainment, dining, and upper story residences in the Town Center and corridor nodes to create vibrancy and to serve local and regional markets. *This goal is still applicable.*
- b) Review economic development and redevelopment programs to encourage both new construction and conversion of existing non-commercial uses to viable commercial activities. *This goal is still applicable.*

Public Facilities and Services

- a) Create a Township Debris Management Plan including such components as allocating debris removal sites, collection strategies, and describes reduction methods. *This recommendation is no longer a priority as the Township has created a Debris Management Plan.*
- b) Install a town-wide Supervisory Control and Data Acquisition (SCADA) system throughout the Township in conjunction with its owned and operated facilities to communicate critical alarms to centralized location or operational personnel. *This goal is still applicable.*
- c) Automate, update and expedite the Township's system for processing zoning and construction permits. *While this recommendation is still applicable. the Township has recently improved its internet portal to allow for building permit processing online.*

- d) Prepare a Capital Improvement Plan that identifies needed capital investments in public facilities to improve local resiliency. *This recommendation is no longer a priority as the Township has prepared a Capital Improvement Plan.*
- e) Develop GIS database and user interface to catalog and inventory all infrastructure owned by the Township, including roadways, its stormwater collection system, its sanitary sewer collection system, and residential and commercial property information. *This goal is still applicable.*
- f) Update Township's Emergency Operating Plan. *This recommendation is no longer a priority as the Township has updated the Emergency Operating Plan.*
- g) Elevate key municipal facilities above the Advisory Base Flood Elevation, utilize temporary structures for areas in high-risk flood areas. *This goal is still applicable.*
- h) Encourage Green Infrastructure projects. *This goal is still applicable.*
- i) Focus public agencies on community vulnerabilities to hazards such as flooding. *This goal is still applicable.*
- j) Compile low elevation aerials to produce high-quality mapping with six-inch contour levels within identified special flood hazard areas. *This goal is still applicable.*
- k) Prepare a Green Buildings and Environmental Sustainability Element. *This goal is still applicable.*
- l) Update Stormwater Management Plan to include green infrastructure management techniques. *This goal is still applicable.*
- m) Update Floodplain Management Plan. *This goal is no longer a priority, as the Floodplain Management Plan was updated concurrently with the 2015 Master Plan Reexamination.*

Open Space

- a) Continue aggressive open space preservation efforts with funding shared among Berkeley Township, Ocean County, the State and federal governments and non-profit groups. *This goal is still applicable.*
- b) Create a multi-use trail system that ties into the Barnegat Branch Rail Trail to link neighborhoods, community facilities, parks and open space and Barnegat Bay. *This goal is still applicable.*
- c) Stabilize bay shoreline by installing riprap or developing living shorelines. *This goal is still applicable.*

Transportation

- a) Develop an access management plan for Route 9. *This goal is still applicable.*
- b) Determine the feasibility of additional local bus or jitney routes or of modifying existing routes to better serve demands. *This goal is still applicable.*

- c) Improve the level of service along the Route 9 corridor through the implementation of creative engineering, land use and design techniques including appropriate recommendations from the Route 9 Corridor Master Plan. Utilize traffic calming measures in areas of high pedestrian activity. *This goal is still applicable.*
- d) Maintain and enhance the traffic carrying capacity of principal thoroughfares, such as Route 9, by making traffic engineering improvements and regulating access and egress. *This goal is still applicable.*
- e) Develop a system of secondary streets in built-up areas through cross connections of existing streets, to improve access to individual areas and reduce use of Route 9 for internal trips. *This goal is still applicable.*

c. *The extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, County and municipal policies and objectives.*

Local

1. Approval of Redevelopment Areas

The Township has two redevelopment areas: The Town Center Zoning District (Town Center Redevelopment Plan) and the Manitou Park Rehabilitation District (Manitou Park Neighborhood Redevelopment Plan). Both plans were adopted prior to the 2015 Master Plan Reexam and have not been amended.

2. Affordable Housing Rules

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 Element was adopted on March 2, 2017 by the Berkeley Township Planning Board.

3. Census Analysis

The 2012-2016 American Community Survey (ACS) estimate reveals that since the 1990 Census (see Figure 1), the Township has seen considerable growth as it relates to population, and the number of housing units. Since 1990, the Township has experienced rapid growth in both the % of renter occupied units and vacancy rates, 103% and 73% respectively. While the ACS is just an estimate, this trend is something the Township should monitor, especially considering the desire for increased development.

Figure 1: Population and Housing Changes

	1990	2000	2016 Estimate	1990-2016 % Change
Persons	37,319	39,991	41,554	11%
Households	17,614	19,828	19,978	13%
Median Housing Value		\$152,512*	\$173,900	12%
Housing Units	19,873	22,288	23,880	20%
Occupied	17,614 (88.63%)	19,828 (88.96%)	19,978 (83.66%)	13%
Owner-Occupied	16,406 (93.14%)	18,423 (92.91%)	17,528 (87.74%)	7%
Renter-Occupied	1,208 (6.08%)	1,405 (7.08%)	2,450 (12.26%)	103%
Vacant	2,259 (11.37%)	2,460 (12.41%)	3,902 (19.53%)	73%
Persons per Owner-Occupied unit	1.92	1.97	2.03	6%

Source: 1990 Census, 2000 Census, 2012-2016 American Community Survey

*Adjusted for inflation. Indicated in 2018 dollars.

Figure 2: 2017 Land Use by Acres

Land Use	Acres	%
Vacant	2,787.64	10.48%
Residential	3,763.97	14.16%
Farm	6.05	0.02%
Commercial	436.87	1.64%
Industrial	113.16	0.43%
Apartment	40.77	0.15%
Public School Property	150.08	0.56%
Public Property	12,484.61	46.95%
Church and Charitable Property	63.04	0.24%
Cemetery	1.03	0.00%
Other Exempt	2,390.81	8.99%
Unclassified	4,351.71	16.37%
Total	26,589.74	100.00%

Source: 2017 Mod IV Data

As indicated in Figure 2 above, large sections of the Township are classified as either vacant, residential, public property or unclassified. Nearly 47% of the Township is classified as public property, much of which is located within the Pinelands preserve.

Figure 3: Building Permits Issued

Year	2010	2011	2012	2013	2014	2015	2016	2017	Avg.
Building Permits Issued	70	56	72	78	115	88	86	116	85

Source: NJDCA Construction Reporter, Building Permits, Yearly Summary Data, and Housing Units Authorized by Building Permits for New Construction

The number of housing units authorized by building permits is one of many economic indicators used nationally. In fact, the housing market is a sector that is considered an early indicator to changing economic conditions. Building permit data gathered from the New Jersey Department of Community Affairs (DCA) illustrates that since 2010, Township permit activity has been slowly increasing. While Berkeley has averaged only 85 permits per year since 2010, considering the amount of vacant land and the push to develop the Town Center or other commercial nodes, it is of no surprise the Township has continued to grow.

County, NJTPA, State, Other

County

- The 2011 Ocean County Master Plan serves as a guide and resource for municipalities and other interested parties and contains information regarding economic development, transportation, and environmental protection. The Master Plan was amended in January 2018 to include a Functional Roadway Map, County Road Right of Way (ROW) widths, and the Ocean County Transportation Model 2017 Update. The Master Plan was again amended in September 2018 to include additional ROW widths in Jackson and Lakewood Townships.
- In 2014, Ocean County adopted its first Multi-Jurisdictional All Hazards Mitigation Plan. A Hazard Mitigation Plan (HMP) is required by state & federal agencies in order for communities to be eligible for certain types of state & federal disaster relief funds after a disaster occurs. Currently the County is working on the 2018 HMP update.
- In 2015, the Ocean County Long Term Community Recovery Plan was adopted. This plan set a vision for resiliency efforts in Ocean County and developed a vision for a year-round community that is environmentally, economically, socially & culturally stronger.

North Jersey Transportation Planning Authority (NJTPA)

- Federal law requires that Metropolitan Planning Organizations update their long range plans every four years. Plan 2045 and related documents were approved in

November 2017. The plan features NJTPA's long-range vision for maintaining the transportation system while making investments to improve mobility.

- The Transportation Improvement Program (TIP) is an agreed-upon list of specific priority projects required for the region to receive and spend federal transportation funds. It lists all projects that intend to use federal funds, along with non-federally funded projects that are regionally significant. In addition to the more traditional highway and public transit projects, TIPs can also include bicycle, pedestrian, and freight-related projects. The FY 2018-2021 Transportation Improvement Program identifies 1) a roadway resurfacing project along Route 9, between Jones Rd to Longboat Ave in Lacey and Berkeley Townships and Beachwood and Pine Beach Boroughs and 2) Route 9 Intersection Improvements related to the Town Center at Mizzen Avenue and Washington Avenue in Pine Beach Borough and Berkeley Township.

State

- In 2004, five (5) years after the end of the Second Round Substantive Rules of the New Jersey Council on Affordable Housing in 1999, the New Jersey Council on Affordable Housing (COAH) adopted the first version of the Third Round Substantive Rules. After various legal challenges to COAH regulations a 2010 Appellate Division decision directing COAH to use a methodology similar to those previously used in the First and Second Rounds (the decision did affirm certain Third Round Substantive Rules). COAH finally approved draft Third Round Substantive Rules in 2014 but deadlocked 3-3 in voting, thus failing to adopt the draft rules. The failure of COAH to adopt new regulations led to additional litigation and ultimately the Supreme Court's 2015 ruling now known as Mt. Laurel IV, which transferred review and approval responsibility from COAH to designated Mt. Laurel trial judges.

Together North Jersey

- The Together North Jersey Plan, released in 2015, outlines a vision for a competitive, livable, efficient, and resilient region. Berkeley Township is not specifically mentioned.
- Berkeley Township, along with other surround Townships, is a key element in the Route 37 Economic Corridor Vision Plan.

d. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.

1. **Master Plan Recommendations** The current master plan was adopted by the Planning Board on December 4, 1997. Reexaminations of this original master plan have been completed in 2003, 2008, and 2015. The 2015 Master Plan

Reexamination Report recommended several updates and revisions to the municipal master plan, including updates to the goals and objectives, Land Use Plan Element, Community Facilities, Resiliency Plan Element, Circulation Plan Element, and Housing Plan Element.

Due to the fact that the last complete Master Plan was done in 1997, and the fact that reexaminations were undertaken in 2003, and 2008, and 2015 (including Master Plan Amendments), the Township should consider drafting a new Master Plan. This new Master Plan should include all relevant elements under one heading and provide a consolidated list of revised goals and objectives.

As recommended in the 2015 Reexamination report, the Township should consider inclusion of a Green Buildings and Environmental Sustainability Plan Element. This document can provide policy for future regulations regarding renewable energy, passive solar design, sustainable practices and the construction of green buildings. Additionally, inclusion of this optional plan will permit the Township to participate in the Sustainable Jersey¹⁵ certification program and obtain access to certain competitive grants. While the Township has previously supported participation in the Sustainable Jersey certification program, it has yet to receive certification.

2. **Municipal Public Access Plan (MPAP)**. While the Township's draft MPAP was approved by NJDEP, the Township never adopted it. The plan should be updated with appropriate changes and adopted by the Township.
3. **State Planning Area**. While the entire of the Manitou Park redevelopment area was previously indicated on the 2001 State Plan Map as being within the Suburban Planning Area, the January 19, 2018 map update indicates a large area of the redevelopment area as being located within the Environmentally Sensitive Planning Area. The Township should consider various options towards advancing the goals of the Redevelopment Plan while addressing state requirements.
4. **Strengthen Economic Development**. The Township should consider partnering with business associations and local chambers of commerce in order to capitalize on its strategic location within Ocean County. As the Township looks to develop additional services for residents, increasing communication and collaboration between the Economic Development Commission and outside organizations could increase economic development opportunities within the Township.
5. **Perform Market Study**. As the Township continues to further develop, specifically along the Route 9 Corridor, it is important to identify the specific businesses, industries and housing types locating within the Township. In support of zoning amendments it will be important to develop a data driven strategy. A

¹⁵ An organization that provides tools, training and financial incentives to support communities pursuing sustainability programs.

market study will provide the Township with the tools to make an informed decision about current trends and the Township's economic future.

6. **Audit of Municipal Services.** The Township should undertake an audit to determine that municipal services are being provided adequately and equally. This audit should include analysis of trash routes, senior bus routes, snow plowing routes, response times as it relates to emergency services, access to municipal services, facility maintenance, and other items deemed relevant.
7. **Community Vulnerability Analysis.** The Township should evaluate the degree to which community assets (e.g. public services, infrastructure, economic centers, neighborhoods and natural areas) will be impacted by projected sea level rise and tidal or storm-related coastal flooding. Efforts which could help to decrease the community's vulnerability to future hazards include the implementation of the recently completed Notre Dame pilot program and numerous others.
8. **Investigate Additional Recreation/Community Space in South Seaside Park.** In recent years, South Seaside Park has been the focus of many strategic planning efforts. Consideration should be given to the appropriateness of locating additional recreation facilities or a satellite municipal office on the island.
9. **Map Revisions.** While numerous zoning ordinance revisions and amendments have taken place since 2011, the Zoning Map has yet to be revised to reflect these changes. The Zoning Map should be revised to include all zoning districts and be double checked for consistency regarding district locations. Examples of specific changes to be considered include:
 - (a) Two areas to the east of Route 9 are indicated as CR Zoning. Mapping should be reevaluated to determine appropriateness.
 - (b) BR-Beachfront Residential Zone indicated in §35-96.9, but not mapped.
10. **Improve Community Engagement.** As a large Township it is difficult to engage every member of the community. The Township should consider developing a comprehensive community engagement plan that involves multiple stakeholder groups including local community networks, faith-based groups, residents and other organizations.
11. **Complete Streets Policy.** Implement a complete streets policy, including the expansion of bicycle lanes and the county bike trail system to link parks, open space, commercial and residential areas. Consider on-road and off-road bicycle facilities.
12. **Transfer of Development Rights (TDR).** The Township should finalize documents and forms for use in the application process by interested participants,

confirm those landowners and developers interested in the program, and fulfill statutory requirements under the Municipal Land Use Law (MLUL).

13. **Development Regulation Recommendations.** Development regulations generally allow for ease of administration and continue to meet the needs of the Township. Changes as stated below should be considered:

- (a) **Permitted Uses.** The Land Development Ordinance of the Township of Berkeley does not indicate that land or premises may be used for only one use. This language is ambiguous to the extent that it allows for the assertion that more than one use may be permitted on a parcel. To avoid this assertion, language should be refined to make clear the intent of the zoning ordinance.
- (b) **Definitions.** It is important to consider the definition of words and confirm that the purpose of the ordinance is being satisfied. If additional classifications or standards are added to the Township Ordinance, the definition section should be updated accordingly. A definition should be provided for all verbiage which might otherwise leave room for interpretation. Definitional changes to consider include, but are not limited to:
 - (1) **Fish Ponds.** The Township should reevaluate a determination considering fish ponds as an accessory structure.
 - (2) **Major/Minor Site Plan.** While §35-133.4 provides definitions for both major and minor site plan, §35-3 should be revised to clearly define both a major and minor site plan.
- (c) **Sign Ordinance.** Sign regulations should be examined for continued viability and updated as necessary. Regulations should reflect the Township's desired aesthetic and the reality of applications being approved.
- (d) **Marina Use.** The Township should investigate whether marina uses should be permitted in Residential and HB zones and in any South Seaside Park zoning districts.
- (e) **Parking Regulations.** Revisions to parking regulations should be considered. Considerations include, but are not limited to, reducing required parking for certain uses, the creation of a maximum parking requirement, electric vehicle charging stations, alternative paving materials such as porous pavement and reserve parking.
- (f) **Medical Marijuana Regulations.** In light of State legislation that permits the use of marijuana for medical purposes the Township should explore

ways to regulate and address the appropriateness of site location and design in a manner that promotes public health, safety, and welfare. Specific consideration should be given to appropriate locations within industrial parks.

- (g) **Production of Alcohol.** Consideration should be given to adopting regulations regarding the production of alcohol and its associated sale and consumption. Consideration should be given to the creation of definitions and the appropriateness of zoning location, colocation, proximity to other uses and the inclusion of dining (including seasonal outdoor dining).
- (h) **Green Stormwater Infrastructure (GSI).** Consideration should be given to the inclusion of additional landscaping standards regarding low impact design, native vegetation, and green stormwater infrastructure (GSI) concepts. The Township should consider partnering with the Municipal Utilities Authority (MUA) and Waterways Committee to develop strategies and implementing policies such as rain gardens, rain barrels and stormwater planters as a cost-effective way to reduce the effects of climate change.
- (i) **Inconsistent Regulation.** Land Use regulations should be examined for any instance where regulations are inconsistent with other standards or ambiguous in order to clarify the intent and purpose of ordinances. These include, but are not limited to:
 - (1) Regulations regarding PRRC's are indicated both under §35-96.1 and §35-101. Additionally, PRRC's are a permitted conditional use in the RGR zone (§35-110.12) and Cluster Development is permitted in the R-400 PRRC Zone. Regulations should be reviewed for consistency and consideration given to district use standards and Schedules 1-3 (Schedule of Requirements) revisions.
 - (2) §35-91 indicates sign regulations within neighborhood commercial districts, while only the Neighborhood Business District is indicated on the zoning map.
 - (3) The zoning schedule references §35-96.10 and §35-96.11, but no such sections exist within the zoning ordinance.
 - (4) As it relates to the HB Zone, impervious coverage is indicated differently in Schedule 1 and §35-106.2.e.
- (j) **Conditional Uses.** Investigate current conditional uses and consider revisions or additional regulations. Uses under consideration include, but are not limited to, home occupations, apartments/dormitories, rooming house, religious institutions, accessory uses, educational facilities, repair facilities, drive-thru facilities and other car dependent uses.

- (k) **Home Occupation and Professional Office.** Regulations regarding home occupations and professional offices should be revised to be more specific. Only appropriate uses should be permitted in specific districts, and specific occupations should be required to meet a set of performance standards in order to minimize impacts to adjacent residential uses.
- (l) **Evaluate Redevelopment Plan Regulations.** While the Town Center Redevelopment Area is still very much a part of the Township's future, the declining retail market has likely shifted the redevelopment's design. In conjunction with the designated redeveloper, the Township should consider alternative development patterns and revisions to both the Redevelopment Plan and Town Center zoning requirements.
- (m) **Non-Conforming Uses.** Regulations regarding zoning districts should be evaluated against what is constructed. Where large areas do not appear to meet district regulations, revisions should be considered.
- (n) **Simplification of Zoning Districts.** The Township should consider the consolidation of zoning districts. Currently the Township has 48 zoning or overlay districts. At least 24 of these zones are residential and considering that the differences between R-100, R-125 and R-150, and LI and GI are minimal; further investigations should be contemplated.
- (o) **Sustainable Development.** Consider developing standards to regulate passive solar design, production and utilization of renewable energy and green building techniques.
- (p) **Noise Standards.** Current noise standards as indicated in §4-14, are vague and allow for interpretation. Consideration should be given to developing standards that provide a clear determination as to a violation or provide the Township with the final determination. Measures which should be considered include, but are not limited to, an adjustment to hours of operation as it relates to specific uses, the inclusion of decibel standards (an expression of the relative loudness of sounds as perceived by the human ear) to reduce the impact on neighboring uses, an adjustment to the distance at which a noise is considered a nuisance and consistency with County and State standards.
- (q) **Rehabilitation Facilities.** There is a need to review and evaluate current permitted land use and zoning standards to determine appropriate locations/zoning districts to permit rehabilitation facilities for mental health, drug, and alcohol treatment.

- (r) **Hotel/Motels.** Hotels are currently permitted in the Town Center Redevelopment Area and the Resort Commercial Zone. The Township should consider permitting hotels in additional zones.
- (s) **Planned Retirement Communities.** Consideration should be given to requiring new construction and renovations to conform to the existing neighborhood.
- (t) **Mobile Food Facilities or Food Trucks.** The Township should consider inclusion of standards and locations where to permit food truck vendors and other transient businesses. These activities should be limited to non-residential zones, and in locations where appropriate safety measures can be provided for pedestrian and vehicular traffic.
- (u) **Institutional Zoning.** Consideration should be given to creating an institutional zoning district that would permit educational facilities, private and public, and other such uses.

e. *The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the “Local Redevelopment and Housing Law,” P.L. 1992, c. 79 (C. 40A:12-1 et al.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality. (L. 1975, c. 291, s. 76; amended 1980, c. 146, s. 6; 1985, c. 516, s. 18; 1987, c. 102, s. 29; 1992, c. 79, s. 50.)*

While the Township has not adopted any redevelopment areas since the 2015 Reexamination Report, the Township has employed redevelopment planning pursuant to the Local Redevelopment and Housing Law N.J.S.A. 40A:12A-1 et seq. as a mechanism to stimulate growth and has designated areas to be in need of redevelopment and rehabilitation. The areas are set forth below:

Town Center Redevelopment Area - The Township Council of the Township of Berkeley, by adoption of a 2002 Resolution, declared the Beachwood Plaza and additional acreage an area in need of redevelopment in accordance with the provisions of the New Jersey Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.). In 2009 Township Council, adopted a plan for the redevelopment of said area and established standards for the Town Center Redevelopment Area (Block 822, Lot 1; Block 824, Lots 1, and 1.01; Block 825, Lot 1; Block 825.02, Lots 3-6, 8 , 10, and 12; Block 826, Lots 1, 1.01, 2-5 ,9 ,11, 13, and 14; Block 827, Lot 1; Block 837, Lots 1-9, 5.01, 11-17, 31 and 32, Block 837.01, Lots 1, 1.01, 1.02, 1.06, and 6)

Manitou Park Neighborhood Rehabilitation Area - The Township Council of the Township of Berkeley, by adoption of a 2008 Resolution, declared the Manitou Park Neighborhood an area in need of rehabilitation in accordance with the provisions of the New Jersey Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.). In

2009 Township Council, adopted a plan for the redevelopment of said area and established standards for the Manitou Park Rehabilitation Area with the goal of revitalization through the provision of sewer and water infrastructure, the rehabilitation of existing residential uses, the construction of new and infill residential development, and design standards that are consistent with the neighborhood character.

Further, additional areas may be deemed in need of redevelopment or rehabilitation given the applicability of certain criteria and undertaking of appropriate procedures outlined in the Local Redevelopment and Housing Law. If the study area is deemed an area in need of redevelopment or rehabilitation, this would then permit the preparation and execution of a redevelopment plan, and – should the plan call for such action – the acquisition of buildings and land through condemnation, the leasing or selling of property without public bidding, and allow the area to qualify for financial incentives.

III. CONCLUSION

This reexamination report concludes that while the 1997 Master Plan and subsequent Reexaminations remain viable documents for the advancement of planning policy necessary for the future arrangement of land within the Township, the Township should consider the preparation of a new comprehensive master plan in order to revise goals and objectives, and to create a unified document containing multiple elements which would help to guide the Township's future development. Elements for consideration in the new master plan should, at a minimum, include: Goals and Objectives, Circulation Plan, Housing Plan, Land Use Plan, Recreation and Community Facilities Plan, Resiliency Plan, and Green Building and Environmental Sustainability Plan.