



**Berkeley Township**  
Ocean County, New Jersey

## **2008 MASTER PLAN REEXAMINATION REPORT**

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September 26, 2008



**Berkeley Township Planning Board**

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The original of this report was signed and sealed in  
accordance with N.J.S.A. 45:14A-12.

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## Introduction

The Municipal Land Use Law (MLUL) requires every municipality in New Jersey to provide for a general reexamination of its master plan and development regulations at last every six years (N.J.S.A. 40:55D-89). The most recent reexamination of Berkeley's master plan was prepared in August 2003 which also amended the Land Use Element of the 1997 Master Plan. The purpose of this report is to present a comprehensive overview of relevant physical and policy changes that have taken place since the 2003 Reexamination Report was prepared.

The Berkeley Township Planning Board must adopt, by resolution, a report on the findings of this reexamination and submit a copy of the adopted report and resolution to the Ocean County Planning Board; and a notice that the report has been prepared to the municipal clerk of each adjoining municipality.

The MLUL requires a Reexamination Report to address the five topics outlined below. The remaining sections of this report are organized to coincide with each topic.

- a. *The major problems and objectives relating to land development in the municipality at the time of such adoption, last revision or re-examination, if any;*
- 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 such plan or 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, 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; and*
- 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 A-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.*

## I. Problems & Objectives: 2003 Reexamination Report

*A Reexamination Report shall address the major problems and objectives relating to land development in the municipality at the time of such adoption, last revision or re-examination, if any.*

The 2003 Reexamination Report stated that the major problems and objectives relating to land development in the Township at the time of the 1997 Comprehensive Master Plan had remained unchanged. The 2003 reexam also reaffirmed the goals and objectives of the 1997 Plan.

By way of the 2003 Reexamination Report and subsequent master plan amendment, both the 2001 Pinelands Area Master Plan Amendment and the Township's 2020 Vision Statement were officially incorporated into the master plan. The Pinelands amendment addressed the area of the Township generally located to the west of the Garden State Parkway. The purpose and goal of the amendment was to bring the Township master plan into compliance with the New Jersey Pineland Comprehensive Management Plan.

The 2020 Vision Statement addressed the area of the Township generally located east of the Parkway to Barnegat Bay – the non-Pinelands portion the Township's mainland. The Vision Statement contained the following synopsis of the development patterns and resulting challenges in Berkeley.

Berkeley Township is a growing suburban coastal community in Ocean County. The Township can be viewed as three distinct areas – The Pinelands and senior communities, which lie west of the Garden State Parkway; the “eastern mainland,” which stretches from the Parkway to the shores of Barnegat Bay; and the barrier island. The future of the Township west of the Parkway is, for all intents and purposes, established for the foreseeable future (by the Pinelands Comprehensive Management Plan and existing adult/senior communities of Holiday City and Silver Ridge). The future of the barrier island is likewise established by the presence of the South Seaside Park section of Berkeley, an older built-out seasonal community, and Island Beach State Park.

The future of the Township between the Parkway and the bay is not so certain. The Eastern Mainland consists of neighborhoods such as Bayville, Berkeley Shores, Holly Lake Park and Pinewald with long-established development patterns and available infrastructure. Paralleling the Parkway is the Route 9 corridor, the Township's primary business, retail and commercial area. Along the bay front are large tracts of wetlands and open space interspersed with existing residential developments. This area contains the bulk of the vacant developable land in the Township and as such is the primary focus of future development and redevelopment proposals.

It is the Township's intention to be proactive about the future of the Eastern Mainland and to reverse undesirable land use trends through the identification of a preferred future for the year 2020, and the adoption of policies that promote that vision.

A detailed municipal profile of the Eastern Mainland was prepared as part of the 2003 Visioning Process. The profile indicated that there were 2,765 acres in the Eastern Mainland that are vacant and unconstrained by environmentally sensitive features. In the extreme, 2003 zoning capacity could accommodate an additional 3,917 dwelling units and 14 million square feet of non-residential floor area on those acres.

The profile also revealed the following about the Eastern Mainland –

#### ***Land Characteristics***

- ☞ The Eastern Mainland covers 15.6 square miles, approximately 37% of Berkeley Township's total land area.
- ☞ 54% of the area is undeveloped; 25% of the undeveloped land is preserved as open space.
- ☞ Residential uses cover 28% of the land area; industrial and mining uses cover 7%; active recreation and park facilities cover 6%; and 5% of the land area is used for commercial, non-residential and utility uses.
- ☞ The predominant zoning category is medium-density residential with permitted minimum lot sizes ranging from 10,000 to 20,000 square feet.
- ☞ The State Development and Redevelopment Plan classifies the majority of the area as the Suburban Planning Area (PA2). The Environmentally Sensitive Planning Area (PA5) is found along Barnegat Bay and Cedar Creek. The entire area is under CAFRA jurisdiction, which imposes a maximum impervious coverage limitation of 30%.
- ☞ There are 1,813 acres of municipal, county, state and federal parks and open space covering 18% of the total land area.
- ☞ The NJ Department of Environmental Protection has identified 3,282 acres of wetlands, which account for nearly one third of the gross land area.
- ☞ There are 3,440 acres of land located in FEMA flood hazard areas.
- ☞ Isolated pockets of undisturbed natural areas in the Eastern Mainland may serve as suitable habitats for endangered or threatened species such as the Bog Turtle, Wood Turtle, Pine Barrens Tree Frog, Tiger Salamander, and Osprey.
- ☞ The NJ Department of Environmental Protection has included 21 sites in the area on their Known Contaminated Sites List.

#### ***Population Characteristics***

- ☞ The 2000 Census reported a population of 39,991 persons in Berkeley Township, over 17,000 (44%) of which reside in the Eastern Mainland.
- ☞ While the Township's growth rate leveled off to 7.2% between 1990 and 2000, from an extraordinary 200% from 1970 to 1980, and 61% from 1980 to 1990, the Eastern Mainland maintained a growth rate of almost 17%, on par with Ocean County as a whole.

- ☞ Population density increased between 1990 and 2000, increasing from 780 persons per square mile to 912.
- ☞ The 2000 median age of 38.6 was less than the County median age of 41, slightly higher than the State median age of 36.7, and substantially lower than the Township's overall median age of 66.3.

### *Housing Characteristics*

- ☞ In the year 2000 there were 7,185 housing units in the Eastern Mainland, an increase of 20% from 1990.
- ☞ Housing values remained stable over the last decade, consistent with the County and State. The median housing value in 2000 was \$134,267 vs. \$131,300 for the County and \$170,800 for the State.

### *Infrastructure*

- ☞ Nearly the entire Eastern Mainland is either presently serviced by or has reasonable accessibility to public water service.
- ☞ The majority of the Eastern Mainland is within a sewer service area. Areas not within the sewer service area are isolated and mostly found along Barnegat Bay and Cedar Creek.

## II. The Extent of Increase or Reduction of Problems & Objectives

*A Reexamination Report shall describe the extent to which such problems and objectives existing at the time of the last master plan have been reduced or have increased subsequent to such date.*

The 2020 Vision Statement included 21 goals (see Figure II-1) and related action steps to address the issues identified during the visioning process held in 2002-2003. The vision statement departs from trend by establishing four primary targets for future development – Town Center and three commercial nodes along Route 9 – while preserving a substantial portion of the Township as open land. By contrast, the trend scenario would continue to disperse growth throughout the Eastern Mainland portion of the Township while consuming most of the remaining open lands. The 2020 Vision is illustrated in Figure II-2. In summary, implementation of the Vision Statement would:

- Retrofit existing strip-type development along the Route 9 corridor into concentrated, mixed-use alternatives;
- Promote in-fill development and efficient use of existing infrastructure;
- Promote a well designed town center as the focus of the Township’s growth;
- Preserve environmentally sensitive coastal resources;
- Maximize circulation and mobility options; and
- Maximize housing opportunities.

Those objectives are still considered valid and current and the Township has been actively pursuing the 2020 Vision as indicated by several recent and ongoing initiatives.

### **Town Center**

The concept of the Town Center was conceived as part of the Berkeley visioning process in 2002-2003. The Township has taken several proactive steps since then to bring the Town Center to fruition. In 2002 the Berkeley Township Council adopted a resolution directing the Berkeley Planning Board to conduct a preliminary investigation into whether or not the entire length of Route 9 through Berkeley, which includes the proposed Town Center area, qualified as an “area in need of redevelopment” as defined in the New Jersey Local Redevelopment and Housing Law. The Planning Board held a public hearing on the investigation results and adopted a Resolution recommending that the Township Council designate the majority of the proposed Town Center as an area in need of redevelopment. The Council officially designated the redevelopment area on June 24, 2003.

In 2006, the Township adopted the Town Center Zoning District to govern the Town Center redevelopment area. The Town Center Zoning District consists of six mapped sub-districts

including Mixed Use, Small Scale Commercial, Core Commercial, Residential, Open Space Parks and Recreation, and Environmentally Sensitive.

In an effort to further define the Towns Center, the Township prepared a draft Town Center Plan in 2007. The Berkeley Town Center Plan is a general plan for the Town Center District. At the discretion of the Township, the plan may be incorporated into the Township's master plan and/or adopted by ordinance of the Township Council as a formal redevelopment plan in accordance with the Local Redevelopment and Housing Law.

The goal of the Town Center Plan is to promote the development of a compact, pedestrian-oriented Town Center with the potential for 24-hour activity, consisting of high-intensity retail and employment facilities, vibrant and dynamic mixed-use areas, open space and recreation facilities, and residential living environments that provide a broad range of housing types for an array of housing needs. The development of the Town Center is to be guided by the following objectives:

1. Promote a diverse mix of residential, business, commercial, office, institutional, educational, recreational and cultural and entertainment activities for workers, visitors, and residents;
2. Encourage pedestrian-oriented development at densities and intensities that will help promote transit usage, interconnected uses and Town Center businesses;
3. Promote the health and well-being of residents by encouraging physical activity, alternative transportation options and greater social interaction;
4. Create a center that represents a unique, attractive and memorable destination for visitors and residents;
5. Encourage lively, human-scaled activity areas and gathering places through the promotion of high-quality urban design;
6. Ensure that all buildings are consistent with and enhanced by high-quality streetscape amenities; and
7. Accommodate off-street parking in a convenient manner that does not interfere with the rhythm of the street network and building façades.

The Township is currently preparing a Transfer of Development Rights program is an effort to target future growth towards Town Center. Berkeley's TDR program will take the form of both a development transfer ordinance and an element of the Township's master plan in accordance with the Municipal Land Use Law. It is anticipated that the TDR program will enable the transfer of residential units and commercial space from the sending zones, which are primarily located in the Pinewald section of the Township, to the receiving zones, which may include two Town Centers and three corridor nodes on Route 9.

### **Open Space**

In 2004, the Township adopted an Open Space and Recreation Plan (OSRP). The OSRP proposes the acquisition of the remaining vacant lands in the Township to meet the open space and recreation needs in the Township. The primary intent of the OSRP is to conserve or preserve

existing open space, environmentally sensitive land areas and greenways. Due to the rapid residential expansion occurring in the Township, the Township's growing population and the impact of development on Barnegat Bay and tributaries thereto, it is critical that the limited supply of existing vacant lands be acquired for open space purposes.

The objectives of the OSRP are to:

1. Acquire land as needed for public access, improvement, enjoyment and dedication as local park and recreation areas.
2. Continue to preserve and maintain existing open space for preservation, conservation and/or recreation.
3. Provide a wide variety of recreation programs and facilities to meet the interests and needs of Township residents.
4. Maintain and expand or enhance existing recreational areas, where feasible, in coordination with County, State or non-profit open space initiatives.
5. Provide an adequate supply of lands and structures for public recreation and conservation.
6. Establish the process, policy and procedures by which Berkeley Township will provide funding to acquire lands and structures that have recreation or conservation attributes; and
7. Establish procedures by which Berkeley Township will ensure that lands and structures acquired will remain in use for recreation or conservation purposes in perpetuity.

### **Route 9 Corridor Master Plan**

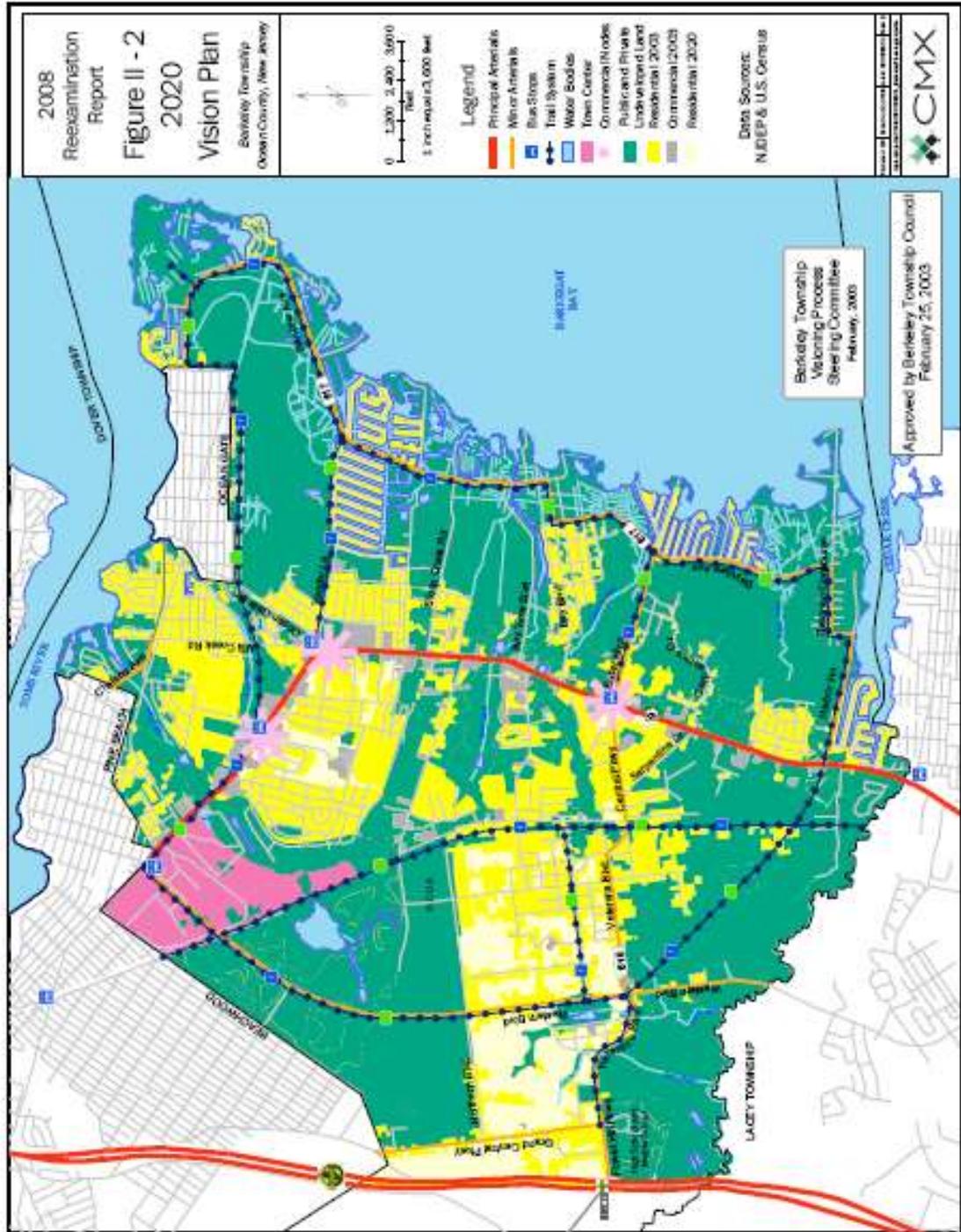
In 2004/2005, Berkeley Township participated in the NJDOT Route 9 Corridor Study. The intent of the study was to develop multi-modal strategies for addressing transportation issues within the corridor based on a vision of the corridor's future. The Route 9 Corridor Study was one of a series of NJDOT pilot projects aimed at exploring more holistic and sustainable transportation solutions in support of the State's smart growth agenda. The resulting Route 9 Corridor Master Plan is organized around six major principles that integrate standards of smart land use, transportation and urban design and incorporates the key lessons learned during the study. The six principles are:

1. Balance regional mobility and local access needs.
2. Focus on improving capacity where it counts.
3. Reconnect and enhance the street network.
4. Strengthen community character.
5. Provide alternatives to the car.
6. Match Growth to infrastructure limitations.

**FIGURE II-1. VISION STATEMENT GOALS**

<p><b><u>Development and Redevelopment</u></b></p> <p>1. 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.</p> <p>2. Direct most new development to a well planned, compact, mixed use Town Center.</p> <p>3. Redevelop existing commercial centers into accessible, compact and well-defined nodes with linkages to the surrounding neighborhoods.</p> <p>4. 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</p>	<p><b><u>Recreation and Open Space</u></b></p> <p>13. 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.</p> <p>14. 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.</p> <p>15. Continue aggressive open space preservation efforts with funding shared among Berkeley Township, Ocean County, the State and federal governments and non-profit groups.</p>
<p><b><u>Transportation and Circulation</u></b></p> <p>5. Provide connections between residential areas, commercial nodes, community facilities and the Town Center through an attractive, free flowing, community circulation system.</p> <p>6. Provide opportunities for residents and visitors to access multiple modes of transportation including public transportation, bikeways and pedestrian ways.</p> <p>7. 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.</p> <p>8. Strategically complete the residential street grids to ensure connectivity within and between neighborhoods.</p> <p>9. Improve the level of service along the Route 9 corridor through the implementation of creative engineering, land use and design techniques.</p>	<p><b><u>Public Facilities and Services</u></b></p> <p>16. Concentrate new community facilities such as a post office, police substation, fire station and governmental offices in a new Town Center.</p> <p>17. Ensure efficient delivery of public services through interlocal agreements and regionalized services.</p> <p>18. 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.</p>
<p><b><u>Economic Development</u></b></p> <p>10. 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.</p>	<p><b><u>Community Design</u></b></p> <p>19. Promote aesthetically pleasing human scale development that recognizes the character of traditional New Jersey bay front towns.</p> <p>20. 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.</p>
<p><b><u>Housing</u></b></p> <p>11. Maintain a balanced stock of housing that accommodates diverse lifestyles and age groups.</p> <p>12. Ensure proper maintenance of the existing housing stock.</p>	<p>21. 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.</p>

Figure II-2 VISION PLAN MAP



### III. The Extent of Significant Changes in Assumptions, Policies & Objectives

*A Reexamination Report shall describe the extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for such plan or 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, and changes in State, county and municipal policies and objectives.*

#### Demographic Changes

The 2003 Reexamination Report incorporated the 2002 Municipal Profile that was prepared for the Township’s Visioning Process. The Municipal Profile utilized 2000 US Census data, which in most cases is still the most current demographic information available. The North Jersey Transportation Planning Authority (NJTPA) issued population, housing, and employment projections on March 14, 2005. As reported by NJTPA, the number of residents in Berkeley is expected to increase from 45,680 in 2005 to 57,440 in 2030; the number of households is expected to increase from 21,120 households in 2005 to 27,150 households in 2030; and the number of jobs in the Township projected to increase from 5,540 jobs in 2005 to 7,480 jobs in 2030 (see Table III-1).

**Table III-1.  
NJTPA Projections**

	US Census	NJTPA					
	2000	2005	2010	2015	2020	2025	2030
<b>Population</b>	39,990	45,680	46,870	48,630	51,240	54,340	57,440
<b>Households</b>	19,830	21,120	21,800	22,780	24,190	25,740	27,150
<b>Jobs</b>	5,310	5,540	5,880	6,180	6,480	6,800	7,480

#### State Policies

Since 2003, there have been a number of events at the State level that impact on land use in the Township. They include:

- Adoption of NJDEP Stormwater Management Rules effective February 2, 2004.
- Statewide Transfer of Development Rights Program (TDR) established March 29, 2004.
- Third Round of Cross Acceptance of the Preliminary State Development and Redevelopment Plan and the Preliminary State Plan Policy Map, April 28, 2004.
- Amendments to the State Planning Rules (N.J.A.C. 5:85-1.1 et seq.) to replace the center designation process with the Plan Endorsement process, May 2004.

- Adoption of the Council on Affordable Housing's (COAH) third round substantive and procedural rules effective December 20, 2004.
- Appellate Division decision on COAH third round affordable housing rules, January 25, 2007.

### ***Stormwater Management***

As a result of the United States Environmental Protection Agency's (USEPA) Phase II stormwater rules published in December 1999, NJDEP has developed the Municipal Stormwater Regulation Program and new rules to facilitate implementation of the program. Berkeley Township adopted a stormwater management plan in accordance with the NJDEP Phase II stormwater regulations and completed the required stormwater pollution prevention plan in 2005. The Township's Code was amended in 2005 and 2006 to bring the stormwater regulations into compliance with the State's Stormwater Regulation Program.

### ***TDR***

On March 29, 2004, New Jersey established a statewide Transfer of Development Rights (TDR) program. In December 2004, the New Jersey Department of Community Affairs announced that Berkeley Township was one of six communities selected to participate in a state sponsored TDR demonstration program. Upon being selected to participate in the program, the Township Council authorized the initiation of a TDR program under the State's Transfer of Development Rights Act.

The purpose of the TDR program is to provide an incentive-based process for permanently preserving environmentally sensitive and open space lands that provide a public benefit through their natural state (sending zones). The TDR provisions are intended to preserve land by transferring the development rights associated with a parcel of land in a sending zone to a pre-determined receiving zone. The receiving zones are delineated based on their ability to support additional growth and density due to the availability of infrastructure and the absence of severe environmental constraints. The receiving zones should be reflective of the Township's vision for guiding growth to well-planned and compact centers and nodes.

Pursuant to the Municipal Land Use Law, the Township must prepare and adopt a development transfer master plan element including a capital improvement program and a utility services plan for the identified receiving zones that will serve as the basis for Berkeley's TDR program and ordinance.

### ***NJ State Plan***

The State Development and Redevelopment Plan has increased in importance over the years as it becomes further tied to State policies and regulations of all State-level agencies and departments. As such, State funding and approval of permits is now more closely linked to the State Plan and in particular to the Planning Area and Center Designations on the State Plan Policy Map (SPPM).

Cross-Acceptance

The State Plan is required to be reviewed and readopted every three years by the State Planning Commission via a cross-acceptance process in which planning policies are reviewed by government entities and the public to check for consistency with each other and the State Plan.

In 2004, the State released the Preliminary State Plan, and the Preliminary State Plan Policy Map (SPPM) for the third round of cross-acceptance. The Preliminary Map features planning areas, and centers, which are intended to help implement the goals and policies of the State Plan, and guide future growth and development in New Jersey. Berkeley Township participated in cross-acceptance as facilitated by the Ocean County Department of Planning. The results of cross-acceptance are documented in the County's Final Cross-Acceptance Report dated January 2005.

In summary, the Office of Smart Growth proposed several changes to the 2001 State Plan Policy Map that would primarily result in the reclassification of 393 acres of Suburban Planning Areas to Environmentally Sensitive Planning Areas and the reclassification of 986 acres of Environmentally Sensitive Planning Areas to Park (see Table III-2). Berkeley has requested three minor changes to the State Plan Policy Map that would reclassify already developed portions of the Environmentally Sensitive Planning Area to the Suburban Planning Area. At the time of this report, cross-acceptance was still ongoing and a final decision on these changes had not yet been made by the State Planning Commission.

**Table III-2  
Office of Smart Growth Proposed Planning Area Changes**

<b>Proposed Map Changes</b>	<b>Acres</b>
Suburban to Park	360
Suburban to Environmentally Sensitive	393
Environmentally Sensitive to Suburban	8
Environmentally Sensitive to Park	986
Environmentally Sensitive to Environmentally Sensitive Barrier Island	33
Environmentally Sensitive Barrier Island to Park	8
<b>Total Proposed Changes</b>	<b>1,788</b>

Plan Endorsement and Town Center Designation

In May of 2004, the State Planning Commission replaced the center designation process with the plan endorsement process, which seeks to ensure that planning throughout the entirety of a municipality is consistent with the goals and policies of the State Development and Redevelopment Plan. Plan endorsement generally entails comparing existing zoning and land use practices town-wide to the key concepts and policies of the State Plan and its Policy Map. Plan endorsement is also the process through which State Plan centers are designated or amended and the first step towards designation as a CAFRA center by DEP.

The plan endorsement process has evolved into a 10-step process. Steps 1, 2, 3 and 4 have been completed as follows:

- The Township submitted relevant planning documents to the Office of Smart Growth and attended a pre-petition meeting with OSG and partner state agencies.
- The Township appointed a Plan Endorsement Advisory Committee (PEAC) to review the self-assessment report and generally guide the plan endorsement process.
- The Township prepared and submitted a self-assessment report to OSG.
- OSG has prepared an Opportunities and Constraints Analysis for the Township.

The remaining steps include a local community visioning exercise (which should be satisfied by the 2020 Vision Statement); a state-prepared consistency review of the Township's documentation; agreement between the Township and State on a Memorandum of Understanding, action plan and planning and implementation agenda; all leading to final plan endorsement and Town Center designation by the State Planning Commission.

The Township's immediate goal is to complete the work necessary to enter into a Memorandum of Understanding (MOU) and Action Plan with OSG, and thereby obtain a Certificate of Eligibility (COE). The COE serves as evidence to state agencies that the Township has submitted all of its existing planning documents, prepared and submitted the self-assessment report, adopted a community vision, and has agreed through adoption of the Action Plan to amend local plans, where necessary, to become consistent with the goals and policies of the State Plan.

### *Council on Affordable Housing*

In December 2004 the New Jersey Council on Affordable Housing (COAH) adopted Third Round rules that utilize a growth share approach to link the production of affordable housing with future residential and non-residential development in a municipality. For the Third Round growth share component, COAH had adopted ratios that required one affordable unit for every 8 market rate housing units and one affordable unit for every 25 jobs developed. A court challenge of those rules resulted in an Appellate Division decision that resulted in, among other things, a proposed revision of the growth share formula that would require one affordable unit among every five market rate housing units and one affordable unit for every 16 jobs developed. COAH is expected to adopt a revised set of rules in June 2008.

On December 15, 2005, the Berkeley Planning Board adopted a Third Round Housing Element and Fair Share Plan to satisfy the Township's cumulative affordable housing obligation based on the original Third Round rules. The Berkeley Township Council endorsed the Third Round Plan and submitted the plan to COAH to petition for substantive certification. However, the Court decision placed COAH certification of all Third Round plans on hold pending the adoption of the revised set of rules.

## IV. Master Plan & Ordinance Changes

*The Reexamination shall describe 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.*

### Recommended Master Plan Changes

The 2008 Reexamination Report carries forward the following 2003 reexamination recommendations.

1. The Land Use Plan should be revised to incorporate the 2020 Vision Statement.
2. The Route 9 Corridor improvements proposed in the NJDOT Route 9 Corridor Master Plan should be pursued.
3. An NJDOT Highway Access Management Plan for the entire Route 9 Corridor should be completed.
4. A Redevelopment Plan should be prepared for the Beachwood Plaza redevelopment area, scattered site redevelopment areas and the rehabilitation areas.
5. The Western Boulevard extension should be retained as a Master Plan road.
6. A land use study should be prepared for the Barrier Island section of the Township (south Seaside Park section of Berkeley) to analyze and review existing zoning in this area. The existing zone plan in this area does not adequately reflect established land use patterns to the extent that there are areas zoned for multi-family (two, three and four family units) and townhouses where single-family dwelling units and/or commercial and retail uses currently exist.

The 2008 Reexamination Report adds the following new recommendations:

1. The Berkeley Town Center Plan should be completed and adopted as a supplement to the Land Use Plan as well as be finalized and adopted as a redevelopment plan that would enable a redeveloper agreement to be executed between the redeveloper and the Township Council, acting as the redevelopment entity.
2. The TDR program should be completed and incorporated into the master plan in accordance with the Municipal Land Use Law.

3. A redevelopment plan should be prepared for the Manitou Park rehabilitation area and made part of the Land Use Plan.
4. New master plan land use and circulation elements should be prepared to ensure that they support and complement each other. For example, the municipal road system should be evaluated to determine where streets should be improved and completed and where rights-of-way should be vacated in support of the Township's open space preservation goals, the local TDR program, and efficient extension of infrastructure.
5. The Township should plan for future telecommunications infrastructure and guide such facilities to Township-owned property. The Township should also investigate the possibility of "micro-sites" in parks and other properties with existing structures that offer locations for wireless communications equipment.
6. The Township should continue to monitor the COAH rules and requirements and revise its Third Round Housing Plan as appropriate.
7. The Township should consider adding a sustainability and green buildings component to its open space and conservation element.

#### **Recommended Land Development Ordinance Changes**

Generally speaking, the zoning ordinance needs to be reviewed and updated as noted below. Additional revisions may be necessary upon the completion of a new land use element.

1. Simplify outmoded zoning districts particularly those with multiple overlays.
2. Simplify and clarify the official zoning map to remove inconsistencies and to be more user-friendly.
3. Reconcile zoning district regulations in the ordinance with the zoning map.
4. Develop new zoning districts for mixed-use nodes identified in 2020 vision plan and municipal self-assessment report. Consideration should be given to providing for larger tracts, diversity of uses, pedestrian orientation, TDR receiving areas, sanitary sewer service, and connections to existing neighborhoods.
5. Bring the zoning ordinance and map into conformance with the new land use element.

## V. Redevelopment Plans

*The Reexamination Report shall include 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 A-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.*

### **Berkeley Town Center**

In 2002 the Berkeley Township Council adopted a resolution directing the Berkeley Planning Board to conduct a preliminary investigation into whether or not the entire length of Route 9 through Berkeley, which includes the proposed Town Center area, qualified as an “area in need of redevelopment” as defined in the New Jersey Local Redevelopment and Housing Law. The Planning Board held a public hearing on the investigation results and adopted a Resolution recommending that the Township Council designate the majority of the proposed Town Center as an area in need of redevelopment. The Council officially designated the redevelopment area on June 24, 2003. Figure V-1 illustrates the boundary of the redevelopment area.

As noted earlier in this report, the Township has adopted a Town Center Zoning District and has prepared a draft Town Center Plan but has not yet adopted a redevelopment plan for the Town Center in accordance with the Local Redevelopment and Housing Law. If the Township chooses to adopt the Town Center Plan as a redevelopment plan, sections will need to be added to address potential property acquisition and relocation in the redevelopment area. The redevelopment plan would only apply to that portion of the Town Center that was declared in need of redevelopment as illustrated in Figure V-1.

### **Manitou Park**

Manitou Park is a residential section of Berkeley Township which dates back to the early 20<sup>th</sup> Century with a proud African American tradition, including one of the very few African American elementary schools that existed in Ocean County and its own fire company. Over the years the Manitou Park neighborhood has seen a net decline in the housing stock – from 110 homes in 1957 and 95 today. In an attempt to counter this trend, the Township has made significant efforts to clear properties of dilapidated homes obtained in tax foreclosures for sale at auction to builders.

The Township has entered into an agreement with Homes For All, Inc., a builder of affordable housing, to construct 82 new homes on Township-owned lots in exchange for the extension of sewer and water lines into the neighborhood, which currently is served by inadequate on-site wells and septic systems. The agreement stipulates that 50% of the new homes must be deed-

restricted to low and moderate income households pre-qualified by the New Jersey Housing and Mortgage Finance Agency.

In order to facilitate the financing of the estimated \$4 million cost of the water and sewer infrastructure, the Township has designated Manitou Park as an Area In Need Of Rehabilitation (see Figure V-2). This designation, based on the age of the housing stock, the continued presence of vacant and abandoned homes and the persistent pattern of property tax arrearage, will be succeeded by the development of a redevelopment plan for the neighborhood. The adoption of the redevelopment plan will empower the Township Council, acting as the redevelopment entity, to provide grant funding to assist in the cost of the infrastructure and be reimbursed through a grant and loan from the US Department of Agriculture (USDA). The redevelopment plan will also address issues such as the placement of sidewalks, rehabilitation of the historic school building into a community center, and a rehabilitation program for vacant properties. The rehabilitation area designation will also enable the Township Council the option of providing 5-year property tax exemptions to existing homeowners to encourage them to rehabilitate their homes. The Township is also investigating the eligibility of the neighborhood for the Neighborhood Preservation Program (NPP) of the New Jersey Department of Community Affairs. The NPP provides seed money for paint, new windows, siding and the construction of sidewalks.

FIGURE V-1 Town Center Redevelopment Area

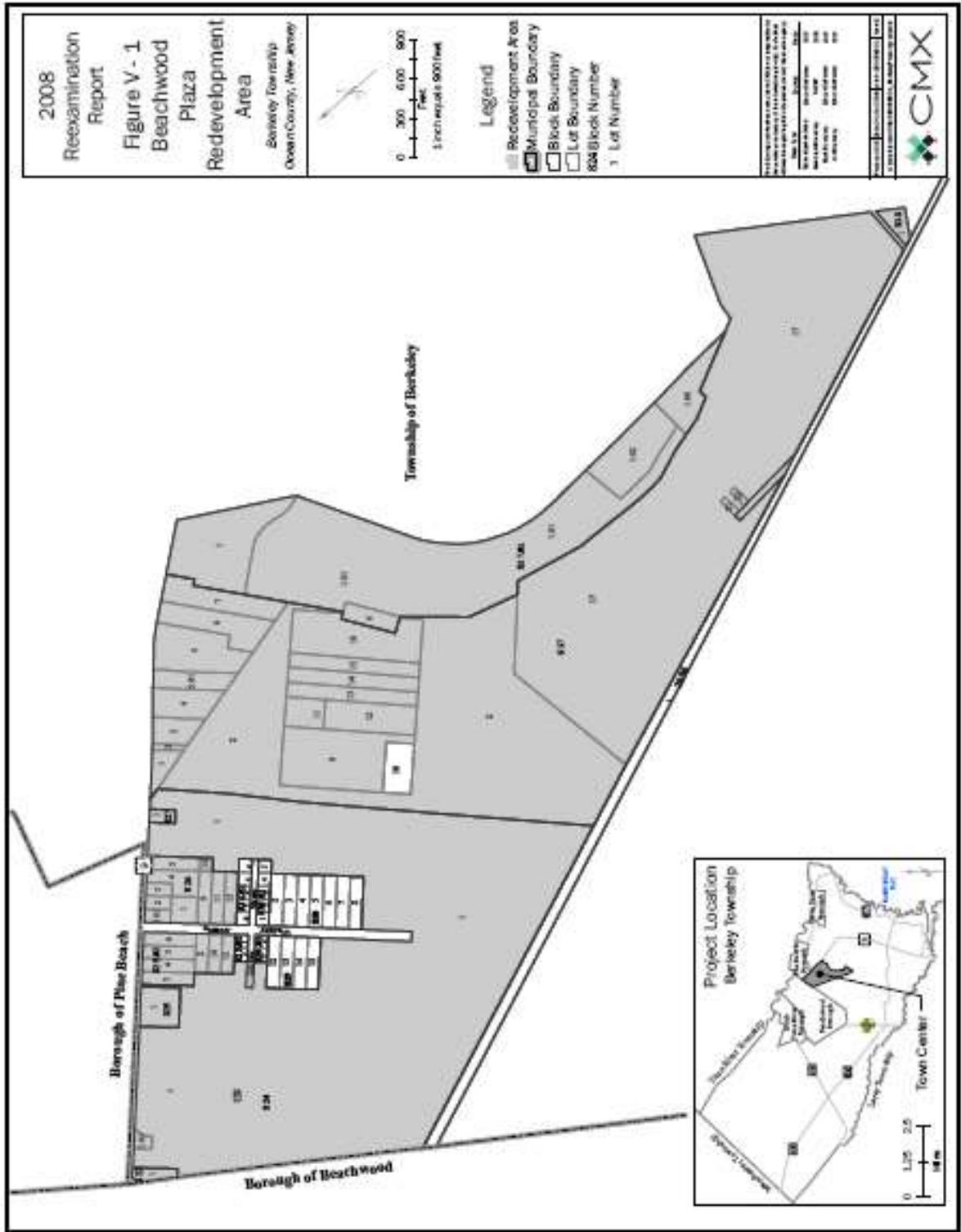


FIGURE V-2 Manitou Park Rehabilitation Area

