

**MASTER PLAN REEXAMINATION REPORT**

**Middletown Township Planning Board  
Monmouth County, New Jersey**

**AUGUST 6, 2014**

Prepared by:

A handwritten signature in black ink, appearing to read 'Jason A. Greenspan', written over a horizontal line.

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## Introduction

The Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-89 requires a municipality to conduct a general reexamination of its master plan and development regulations at least once every ten years from the previous reexamination.

The Middletown Township Planning Board adopted a comprehensive Master Plan in October 2004. Consistent with the provisions of the MLUL, the Planning Board periodically reexamines and updates certain elements of its Master Plan to proactively plan for future development. The last time the Planning Board formally reexamined the Township's Master Plan was in September 2011, at which time various elements of the Master Plan were amended including Land Use, Circulation, Conservation/Open Space/Recreation, Utilities, and Community Facilities.

Two natural disasters have significantly impacted the Township since the last Reexamination Report was completed: Hurricane Irene in August 2011 and Superstorm Sandy in October 2012. Each storm event directly affected the lives and well being of thousands of residents and business owners throughout the Township. The impacts of Sandy were particularly severe, with hundreds of residences in Bayshore neighborhoods substantially damaged by floodwaters and neighborhood character forever altered. Impacts on public infrastructure and natural resources have been acute in many instances. Accordingly, a formal reexamination of the Master Plan is warranted well in advance of the 2021 ten-year deadline. It is emphasized that the scope of this Reexamination Report is not limited to storm related impacts or issues, and supplements the 2009 and 2011 Reexamination Reports.

This Reexamination Report contains a discussion of the following:

- a. The major problems and objectives relating to land development in Middletown 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, N.J.S. 40A:12A-1 et seq., 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.

## Problems & Objectives in 2011

- a. *The Reexamination Report should include a discussion of the major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.*

The Township's 2011 Reexamination Report identified the following principal problems and objectives relating to land development:

1. *The need to address the Township's affordable housing obligations per regulations established by the New Jersey Council on Affordable Housing (COAH) was considered an objective.*
2. *The need to lower residential dwelling unit densities in areas where significant environmental constraints exist and where significant amounts of potentially developable land exists was considered an objective, in order to limit excessive growth and its associated community impacts. Overuse and overdevelopment of environmentally constrained land was considered a problem, particularly in the McClees Creek and Navesink River watershed.*
3. *The need to maintain participation in FEMA's Community Rating System (CRS) was considered an objective to reduce flood damage liability and mitigate impacts of expensive flood insurance for Township residents.*
4. *The need to develop a Green Building and Environmental Sustainability Element of the Master Plan was considered a specific objective to encourage the efficient use of natural resources and to plan for the impacts of buildings on the local, regional and global environment through site orientation and design.*
5. *The need to reinforce the long-term stabilization of the North Middletown neighborhood was considered an objective, particularly relative to housing rehabilitation, public facility needs and infrastructure improvements.*
6. *The need to monitor the final outcome of the Monmouth County Wastewater Management Plan (WMP) was considered a priority to ensure that existing sewer properties and public parks were included in sewer service areas.*
7. *The need to effectuate amendments to the Master Plan and Development Regulations consistent with a settlement agreement with Bamm Hollow, LLC. to accommodate up to 190 residential units at a 279-acre tract in the Lincroft neighborhood was considered an objective.*
8. *Rezoning an area (i.e. Block 239, Lots 1, 2 and 3, and Block 243, Lots 1 and 2.01) in the Port Monmouth neighborhood on the southwesterly side of Highway 36 extending from Texas Avenue north to Illinois Avenue from commercial B-2 to residential R-7 was considered an objective to more accurately reflect established development patterns.*

## Problems & Objectives Changes Since 2011

- b. The Reexamination Report should explain the extent to which such problems and objectives have been reduced or have increased subsequent to such date.*
1. *The need to address the Township's affordable housing obligations per regulations established by the New Jersey Council on Affordable Housing (COAH) was considered an objective. No changes to the Township's Housing Element and Fair Share Plan are recommended at this time. However, the unsettled State regulatory and legal environment relative to affordable housing continues to impact the Township's ability to implement sound housing policy via the Township's adopted Housing Element and Fair Share Plan (HEFSP).*

The Township's HEFSP was granted substantive certification by COAH on October 14, 2009. Subsequent to COAH's certification the Township implemented zoning changes in November 2009 to achieve consistency with the Master Plan Land Use and Housing Elements.

In October 2010, the Appellate Division invalidated substantive portions of COAH's revised 3<sup>rd</sup> round regulations, including a declaration that the "growth share" methodology as applied by COAH was unconstitutional. It is these revised 3<sup>rd</sup> round regulations that help to form the policy basis of the Township's Housing Element and Fair Share Plan. The court ultimately remanded the regulations back to COAH so that new regulations could be developed more in alignment with 1st and 2nd round methodologies.

Subsequent to the Appellate Division's remand, Governor Chris Christie issued a Reorganization Plan to formally abolish COAH. COAH was abolished before any revisions to 3<sup>rd</sup> round regulations were developed, and while the "growth share" methodology was still under appeal to the NJ Supreme Court. However, in July 2013, the NJ Supreme Court invalidated the Governor's Reorganization Plan, and COAH was no longer considered "abolished."

In September 2013, the NJ Supreme Court upheld the 2010 Appellate Division decision and invalidated the 3<sup>rd</sup> round rules and the "growth share" methodology. The Court once again directed COAH to develop new regulations consistent with 1st and 2nd round methodologies.

Revised 3<sup>rd</sup> Round Rules intended to be consistent with the NJ Supreme Court's directive were published in the New Jersey Register on June 2, 2014. Presumably, after the public comment period has been completed and responses have been composed, COAH will schedule the regulations for a vote at its October 2014 meeting. The final revised 3<sup>rd</sup> Round Rules would then become effective on November 17, 2014, with a filing deadline of new Housing Plans set for May 15, 2015.

A thorough analysis of the revised 3<sup>rd</sup> Round Rules and of Middletown's potential compliance with the Rules would be premature at this time. Some brief highlights of the proposed Rules are as follows:

- The time period will cover a housing obligation from 1987 through 2024
- Three components of the municipal obligation are established:
  - “Rehabilitation Need,” or present need. **Middletown’s Rehabilitation share is 163 units**
  - “Unanswered Prior Round Obligation” for the periods 1987 through 1999; and 1999 through 2014 (half to be addressed 2014 to 2024, the other half 2024 to 2034). **Middletown’s Unanswered Prior Round Obligation is 786 units.**
  - “Post Project Need”, or Fair Share of Prospective Need, with estimated growth projections for the period 2014 through 2024. **Middletown’s Post Project Need is 88 units.**
- The primary means of compliance is “inclusionary zoning” with a presumed 10% affordable housing setaside; this 10% set-aside may be adjusted based on an economic feasibility analysis.
- The 25% senior cap may be exceeded with demonstration of higher regional need.

The Rules specify that Middletown has 453 “past affordable housing completions,” which appears to relate to the “Unanswered Prior Round Obligation.” It is unclear how this “completion” number was tabulated. It is impossible at this stage to know whether all completed units have been given credit (e.g. 500 completed Regional Contribution Agreement (RCA) units, rental bonus agreements, unit completions post 2011).

The provision of fair housing opportunities for low and moderate income households has been a priority in Middletown since the adoption of the Township’s first HEFSP in 1992, and it remains so. However, it is recommended that the Township revise the current HEFSP only if/when determined absolutely necessary after clear, measurable, equitable, reliable and incontrovertible State standards have been adopted.

2. *The need to lower residential dwelling unit densities in areas where significant environmental constraints exist and where significant amounts of potentially developable land exists was considered an objective, in order to limit excessive growth and its associated community impacts. Overuse and overdevelopment of environmentally constrained land was considered a problem, particularly in the McClees Creek and Navesink River watershed. This objective remains valid, particularly in areas in the Township that are designated as Planning Area 5 by the State Development and Redevelopment Plan. This objective can be accomplished in myriad creative ways that would not necessarily require substantial amendments to fundamental zoning regulations, including Transfer of Development Rights (TDR) and active implementation of the Township’s Performance Residential Development (PRD) standards.*
3. *The need to mitigate impacts from flood events and maintain participation in FEMA’s Community Rating System (CRS) was considered an objective to reduce flood damage liability and mitigate financial impacts of expensive flood insurance for Township residents. Since the 2011 Reexamination Report, two major storms, Hurricane Irene and Superstorm Sandy, struck the east coast of the United States and caused widespread damage. Middletown Township was significantly impacted by Hurricane Irene, which caused severe flooding and*

damage to infrastructure and structures in late August 2011, and Superstorm Sandy, which impacted the entire Township and caused particularly catastrophic damage in the Bayshore area in late October 2012. The impacts of these storms, particularly Sandy, will be felt for years to come as the Bayshore neighborhoods of the Township will face numerous challenges related to physical reconstruction, long-term neighborhood stability, and housing affordability.

Superstorm Sandy Aftermath

- As of 5/19/14, 305 housing units in the Township have been determined to be “substantially damaged” post-Sandy, meaning that the cost for repairing a flood-damaged structure is greater than 50% of the structure’s value. Included in this total are 40 age-restricted affordable units that were located at Shoal Harbor Village in Port Monmouth.
- The reconstruction process is gaining momentum as grant funds from the State’s Reconstruction, Rehabilitation, Elevation, and Mitigation (RREM) program are reaching homeowners. Approximately 120 property owners within the Township have been awarded RREM grants, and another 170 or more remain on the waitlist. The following chart shows the breakdown of applications and awards to Township residents as of January 2014:

	<b>Applications</b>	<b>Awards</b>	<b>Waitlist</b>	<b>Ineligible</b>
<b>Belford</b>	<b>40</b>	<b>15</b>	<b>24</b>	<b>1</b>
<b>Port Monmouth</b>	<b>236</b>	<b>90</b>	<b>131</b>	<b>15</b>
<b>Leonardo</b>	<b>41</b>	<b>14</b>	<b>16</b>	<b>11</b>

- Property owners who do not receive assistance for elevation projects, or those who did not meet the damage threshold to qualify for Increased Cost of Compliance (ICC) money through their insurance, may not be able to afford to elevate their homes. These homes will face rising flood insurance premiums, and will remain vulnerable to future storms. It is still too soon to tell how Sandy will affect foreclosure and vacancy rates in the Bayshore, but as the assistance funding becomes exhausted; those who did not receive help will be faced with difficult life decisions.
- The Township will have to continue to monitor the rebuilding process and assess the needs of these neighborhoods. The Department of Planning and Community Development is in the process of pursuing planning grant funds for several projects including:
  - A Community and Neighborhood Stabilization Plan for Sandy Damaged Areas
  - An environmental design plan to enhance the natural beachfront resources in the area and mitigate the impacts of future flood events
  - A Hazard Mitigation Master Plan Element.

Flood Insurance Rate Maps

- As the state and federal regulatory environment evolves in response to the storm, zoning ordinance amendments have been made during the recovery period to ensure

neighborhood preservation and community safety. At least three amendments have been made to the Township's Planning and Development Regulations since late 2012 to address issues unearthed by Sandy. In mid-April the Township Committee amended the municipal flood ordinance to ensure compliance with National Flood Insurance Program and NJDEP requirements. These amendments adopted Advisory Based Flood Elevation (ABFE) maps promulgated by FEMA; required residential finished floors to be raised at least 1 foot above elevations shown on ABFE maps per State standards; and clarified the role of the Township's Floodplain Administrator. In mid-June, the Planning and Development Regulations were further amended to address practical issues faced by hundreds of homeowners seeking to repair and elevate nonconforming storm damaged houses. Again in mid-June, FEMA released "preliminary work maps" for Monmouth County. The preliminary work maps, which replace ABFE information, are an interim product created in the process of developing preliminary Flood Insurance Rate Maps (FIRMs). The preliminary work maps are not the same thing as the preliminary FIRMs, as the preliminary work maps only include coastal flood hazard areas and do not show updates to riverine flood hazards. This ever-changing regulatory milieu is confusing and has created a great degree of uncertainty and anxiety for residents and business owners. More updates to municipal regulations will be necessary as the reconstruction process gathers further momentum.

- Preliminary FIRMs were released in early 2014, and the comment and review period is in its early stages. As of this writing, the 2009 FIRMs remain in effect for insurance rate purposes, but the regulatory changes to the flood hazard areas are forthcoming.
- The National Flood Insurance Program has assigned Middletown with a rating of 6 in the Community Rating System based on proactive steps the Township has taken to reduce risks associated with flooding. This rating, which was recently upgraded from an 8, will afford a 20% reduction on flood insurance premiums for Township property owners.

### US Army Corps of Engineers Flood Control Project

The US Army Corps of Engineers is in the process of designing and constructing an ambitious flood control project in the Port Monmouth section of the Township. Phase I of the project, which principally focuses on beach renourishment and dune construction, is underway as of this writing. The entire scope of the project features:

- 7,070 feet of levees
- 3,585 feet of floodwalls
- 2,640 feet of dune
- Beach Re-nourishment
- Floodgates
- Pump Stations

- Wetlands Mitigation



The flood control project was originally authorized in 2000 by the federal government, and has been in the preconstruction, engineering, and design phase since March 2002. In the wake of Superstorm Sandy, the project was allocated the necessary balance of funds and is now able to move forward with contracting and construction. The goal of the project is to mitigate the impacts of hurricanes and other coastal storms. The project is focused on the protection of property and enhancing safety, but may not have an impact on flood hazard area designations and personal flood insurance rates. Impacts on neighborhood perception, cohesion and housing values remain to be seen.

4. *The need to develop a Green Building and Environmental Sustainability Element of the Master Plan was considered a specific objective to encourage the efficient use and conservation of natural resources and to plan for the impacts of buildings on the local, regional and global environment through site orientation and design.* As recommended by the 2009 Reexamination Report, the Township developed an Energy Efficiency and Conservation Strategy (EECS) prioritizing the retrofitting of municipal facilities with more energy efficient equipment, and the purchase of more fuel-efficient vehicles. Since 2011, and consistent with the EECS recommendations, the Township has taken significant steps towards becoming a sustainable community through strategic investments to meet the nation's long-term goals for energy independence and leadership on climate change. Steps to "green" the municipal vehicle fleet include the acquisition of two, compressed natural gas (CNG) recycling trucks, and most notably, partnering with New Jersey Natural Gas (NJNG) as part of an infrastructure pilot program to serve as a new host for a new CNG re-fueling

station at the Township's Department of Public Works. Also, the Township was certified by Sustainable Jersey in 2010, and has maintained that certification through 2016 by completing certain activities, including but not limited to, hosting Earth Day events, utilization of green cleaning products, and maintaining an active Environmental Commission and Green Team.

5. *The need to reinforce the long-term stabilization of the North Middletown neighborhood was considered an objective, particularly relative to housing rehabilitation, public facility needs and infrastructure improvements.* The North Middletown Neighborhood Revitalization Strategy (NRS) serves as a background study to the Township's overall Master Plan in establishing policies for the long-term stabilization of this neighborhood, particularly regarding housing rehabilitation, public facility needs and infrastructure improvements. The Ideal Beach Community Association (IBCA) was formed as a result of the NRS, and remains dedicated to improving the quality of life in the North Middletown community. The IBCA has taken on neighborhood planning issues on behalf of its residents through organized and coordinated, annual meetings with Township officials. Since 2011, the Township received an open space grant from the Monmouth County Park System for Phase 1 of the park development of Ideal Beach primarily to improve pedestrian access to the beach. The project was delayed due to significant beach and dune erosion from Sandy, and has a project deadline of October 2014. It is most likely that the Township will request another extension from the County to complete the project.
6. *The need to monitor the final outcome of the May 2011 draft Monmouth County Wastewater Management Plan (WMP) was considered a priority to ensure that existing sewer properties and public parks were included in sewer service areas.* The final WMP for the Monmouth County Future Wastewater Service Area (FWSA) Map was adopted and formally amended on April 11, 2013 by the NJDEP. Conflicts with Township land use policies were ultimately minimized by fostering ongoing communication with County planning staff. Requests for further amendments to the WMP must be made through an application to the NJDEP. Accordingly, the need to monitor the status of the WMP's final adoption has been addressed.
7. *The need to effectuate amendments to the Master Plan and Development Regulations consistent with a settlement agreement with Bamm Hollow, LLC. to accommodate up to 190 residential units at a 279-acre tract in the Lincroft neighborhood was considered an objective.* All Master Plan and Development Regulation amendments have been made. General Development Plan and Preliminary Major Subdivision approval has been granted for 190 new residential lots at the Bamm Hollow tract, and Final Major Subdivision approval will be granted in phases as construction proceeds. It is anticipated that site development will commence in the latter portion of 2014. Accordingly, the need to effectuate amendments to the Master Plan and Development Regulations consistent with the Bamm Hollow, LLC. settlement agreement has been addressed.
8. *Rezoning an area (i.e. Block 239, Lots 1, 2 and 3, and Block 243, Lots 1 and 2.01) in the Port Monmouth neighborhood on the southwesterly side of Highway 36 extending from Texas Avenue north to Illinois Avenue from commercial B-2 to residential R-7 was considered an*

*objective to more accurately reflect established development patterns.* This rezoning has not yet taken place, and the recommendation for rezoning remains valid.

## Changes in Assumptions, Policies & Objectives

- c. The Reexamination Report should discuss 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.*

There are no significant changes to the assumptions, policies or objectives that form the basis of the Master Plan.

## Changes to Master Plan and Development Regulations

- d. The Reexamination Report should include 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.*

### Comprehensive Master Plan

No specific changes to the Township Master Plan are proposed at this time. While a new Master Plan is not recommended, certain elements should be comprehensively updated and/or added consistent with 2011 Master Plan Reexamination Report recommendations, including:

1. Circulation Element (update needed) – The last time the Circulation Element was adopted in 2004. Substantial changes to traffic circulation patterns, transit initiatives and circulation policies have either occurred, are planned, and/or should be planned for:
  - Red Hill Road/Dwight Road/Van Schoick realignment has been completed.
  - Newman Springs Road roundabout installation has been completed.
  - Harmony Road traffic signal installation near Route 35 has been completed, but the adjacent roadway has not yet been accepted as a municipal roadway.
  - Dock and Roll local transit shuttle has been discontinued.
  - Policies and plans for road improvements and realignments have been further developed by Monmouth County including:
    - Newman Springs Road improvements have been considered from Lincroft to Red Bank. One substantial change involves roadway modifications at Garden State Parkway Exit 109. The New Jersey Turnpike Authority recently authorized the redesign of the interchange at Exit 109 to mitigate traffic delays and confusing circulation patterns. Delays in this area, which were identified as a concern in the 2004 Township Master Plan, involve peak-hour morning and evening backups along Newman Springs Road, Half Mile Road, and at the northbound Parkway exit. The redesign may involve replacing four Parkway bridges, constructing a

fly-over bridge to take eastbound Newman Springs Road traffic directly onto to the Parkway north, and traffic signal improvements. It is essential that the project's design foster safety and ease of travel for motorists, pedestrians and bicyclists.

- A new traffic signal and traffic pattern modifications will be implemented at Kings Highway/Church Lane in 2014 and 2015.
- A roundabout feasibility study is underway for the intersection of Navesink Ave/Monmouth Ave/Valley Drive.
- The signalized intersection at Harmony Road/Cherry Tree Farm Road has been redesigned and will be reconstructed.
- Creating a two-way public right of way to replace the existing one-way private driveway extending from the Acme shopping center to Middletown Lincroft Road has been considered by the County. This would help reduce curb-cuts and dangerous turning movements along Newman Springs Road by permitting commercial uses to gain vehicular access via an alternative and safer roadway. This could also encourage more efficient use of private land at the intersection of Newman Springs Road and Middletown Lincroft Road.
- Pedestrian and bicycle improvements are needed in the vicinity of the Middletown Train Station and Middletown Arts Center; a new mid-block crossing connecting the municipal parking lot to the south side of Church Street will be implemented later in 2014.
- Access to and within municipally owned property located adjacent to Hillside Avenue and Unity Road require improvements, with Unity Road poised to have substantial upgrades to municipal standards generally within its established public right of way during 2014/15.
- Planned Development Zone
  - A roadway connection between Kanes Lane and Kings Highway East should be provided in conjunction with any substantial development in the PD Zone. This will establish important links between key municipal roadways and foster improved emergency access. A connector road should employ “complete streets” standards to encourage multi-modal use and incorporate creative and appropriate traffic calming designs. Comprehensive and safe accommodations should be made to allow pedestrians and bicyclists to traverse and cross the connector road.
  - Substantial on-tract and off-site improvements will likely be required by the NJDOT for the full build-out of the PD Zone. Improved utilization of existing signalized intersections along Highway 35 is preferred in lieu of adding signals. Appropriate modifications to municipal roadway geometry proximate to the PD Zone should be considered in the context of a General Development Plan for the entire tract.
- Policies regarding unpaved rural roadways should be clarified.
- Modifications to circulation patterns at Penelope Lane are critical considering the increased traffic demands to be placed on this narrow roadway by office development currently under construction. Consideration should be given to converting the northerly 200' +/- section of Penelope Lane to a one-way roadway heading northbound. Restricting right turn movements from Highway 35 should also be

considered by altering the intersection geometry. Overall roadway conditions are in need of rehabilitation.

- Transit Village designation should be considered from the NJDOT for the area adjacent to the Belford Ferry terminal.

A substantially updated Circulation Element should be prepared that analyzes these and other emerging issues in further detail.

2. Recreation and Open Space Element (update) – In 2008 the Township Committee and the Department of Parks, Recreation and Cultural Affairs prepared a comprehensive Parks, Recreation and Open Space Master Plan. This Plan, which includes a detailed inventory of all Township park facilities, was prepared in response to issues raised by residents about desired facilities including athletic field improvements, an indoor swimming pool, an ice rink, as well as the need to improve the existing parks. The Plan includes a “Vision for the Future” and a series of action strategies to accomplish the vision. The Township’s Open Space, Recreation and Conservation Element of the Master Plan should be updated to ensure consistency with this Plan.
3. Economic Element (new) – The Master Plan should include an Economic Element that considers all aspects of economic development and sustained economic vitality in the Township. The Plan would include an inventory of the Township’s current employers and overall labor characteristics. An analysis would be completed of the types of employment to be expected by the economic development to be promoted with the characteristics of the labor pool resident in the Township and nearby areas. An analysis of the stability and diversity of the economic development to be promoted would be completed.
4. Green Building and Environmental Sustainability Element (new) - The purposes of this new master plan Element include encouraging and promoting the efficient use of natural resources; reducing fossil fuel emissions and total energy use; improving energy efficiency; weighing the impact of development on the local, regional and global environment through site orientation and design. This Element would establish the foundation for enacting “green” development standards in the Zoning Ordinance.
5. Hazard Mitigation Master Plan Element (new) – This Element would provide a comprehensive analysis of possible hazards and their impacts; detailed mapping identifying vulnerable infrastructure; and an examination of at-risk populations. In addition, the plan element would provide attainable action items that will enhance resiliency in existing and future development in a sustainable manner, improve the Township’s ability to meet the needs of its citizens in preparation for and in response to natural hazards, and create a framework to promote cooperation between local agencies and other levels of government.

### **Changes to Development Regulations**

- **Affordable Housing Administration** – Standards for administering and regulating affordable housing development need to be clarified, as there are many conflicting sections and unclear references. The accessory apartment section in particular requires clarification.

- **B-1A Zone** – A two story building approved for 12 affordable rental apartments and first floor commercial uses has been constructed in Leonardo’s B-1A Zone but remains vacant. The condition of the site and building is poor, and the surrounding neighborhood would benefit from a fully occupied and rehabilitated building. In order to encourage occupancy, flexibility in residential density maximum thresholds should be considered while maintaining some degree of non-residential use at the first floor. Consideration should be given to modifying zoning standards to allow up to 4 additional units at this site for a maximum 16 residential units.
- **B-2 Zone at Magnolia Lane** – Wooded land adjacent to Magnolia Lane near Highway 35 in the B-2 Zone remains undeveloped. Approximately 40% of buildable land in this area will soon be developed as a shelter for survivors of domestic violence. The ongoing viability of the B-2 Zone for remaining land is questionable, especially given its remote location from the highway and limited options for appropriate roadway improvements. Consideration may be given to amending the Master Plan and Zoning Ordinance to allow residential uses in this area.
- **Circle Diameter** – Minor updates will be necessary to ensure circles are included in the “Zoning” section of the ordinance, and that subdivision checklists require circles be shown.
- **Community Residences** – Holding Community Residences to higher development standards as a Conditional Use should be discontinued as this is contrary to the Municipal Land Use Law.
- **Demolitions in Historic Districts** – Enhanced communication protocols and notice standards are necessary to increase awareness of demolition permit applications of key structures in historic districts.
- **Fences** – Residential and commercial area clarifications are necessary.
- **Fees, Escrow Deposits and Guarantees** – Modifications to how required application fees and escrow deposits are calculated should be made. Additionally, the minimum required maintenance guarantee should be raised.
- **Flexible Building Setbacks** – Enhanced visibility of attractive building facades in commercial zones can foster economic development, deemphasize to prominence of surface level parking areas, and contribute to vibrant streetscapes. Flexibility in front and street-side building setbacks should be considered for all commercial and mixed-use zones, and maximum setback standards should be considered for the B-1 Zone.
- **Floor Area Ratio** – The existing definitions of “Gross Floor Area” “Floor Area Ratio” and “Residential Floor Area Ratio” should be retained, but appropriate cross-references will be necessary to avoid confusion for commercial and residential property owners.
- **Lighting** – Updated standards for site lighting should be developed. A range of acceptable fixture and pole designs should be included, including incentives for “dark sky” lighting approaches. Consideration should be given to requiring LED streetlights for all new development, though it is acknowledged that the current Township utility provider does not accept LED fixtures and will not maintain or own such streetlights.
- **Lot Coverage** – Refining the definition of “lot coverage” is necessary in order to address residential driveways and other types of site improvements. Clarification should be provided to the “sliding scale” lot coverage approach can applied evenly in residential zones.

- **Major Subdivision and Site Plan Buffer/Landscaping Standards** –Design guidelines and regulations should be updated to reflect contemporary and “best management practice” approaches to landscape design for new major subdivisions and site plans. Modifications to standards are needed to encourage use of native plants, to discourage use of invasive species, and clarify the correct placement of street trees.
- **Microbrewery / Microdistillery** – The Township recently granted a business certificate of occupancy for a small microbrewery with a retail storefront in the B-1 Zone. Due to the rise in popularity of microbrewing and distilling, and changes to State regulations, the zoning amendments should be updated clearly defining these operations to ensure they are appropriately located should future interest arise.
- **"Net tract area"** - A definition of this term is necessary in order to clearly identify the percentage of wooded area that can be cleared during residential or commercial site development.
- **Office Professional Zones** – Further examination of permitted uses in the Business Professional, Office Research and other commercial Zones to foster increased occupancy at numerous vacant office buildings.
- **Planned Development Zone** - Updated sign standards are needed for future commercial and residential development in the PD Zone.
- **RHA Zone** – Modifications are necessary to foster the comprehensive redevelopment and reconstruction of Bayshore Village, a 96-unit senior rental community in Port Monmouth that sustained catastrophic damage during Superstorm Sandy. Forty of these units have been rendered uninhabitable. The unique design of this senior community provided opportunities for independent living and ample outdoor space in multiple buildings. It is unlikely that all units can be replaced on-site unless a single, multi-story building is constructed. While this will alter the character of the site, context-sensitive design could substantially improve quality of life for returning residents and adjacent property owners. Incentives and regulations should be developed to ensure that any new building promotes the safety and well being of residents. Providing useable outdoor recreation spaces is key. Since locating new buildings within the flood hazard area is strongly discouraged, any new building should be located near Main Street. This will contribute to a quality streetscape and foster resident connectivity to neighborhood services. Connectivity to the adjacent bike path and municipal property at the corner of Walada Ave. should be encouraged. Concepts for a more sustainable site design are attached to this Reexamination Report.
- **R-7 Zone** – The continued viability of the single-family R-7 Zone designation in certain sections of Port Monmouth and Belford should be investigated. The following areas should be reviewed in further detail, with due consideration given to the Master Plan Land Use Element and the potential need to update same:
  - Existing multifamily and single family uses at the intersection of Park Ave., Main Street and Port Monmouth Road in Port Monmouth.
  - Properties along Main Street in Belford north of Broadway near the ferry terminal, many of which were substantially damaged by Superstorm Sandy.
  - Commercial and undeveloped land adjacent to East Road and at the terminus of Palmer Street, some of which is near the former County landfill.
- **Renewable Energy** - Standards for permitting properly scaled wind energy structures should be developed to ensure consistency with recent amendments to state law.

Standards should be developed that do not unreasonably limit installations or unreasonably hinder their performance. Standards should also be developed for solar energy structures.

- **Retaining Walls** – Minor modifications to recently amended standards for retaining wall construction are necessary to clarify minimum setback standards.
- **Rezoning from 2009 and 2011 Reexamination Reports** – The 2009 and 2011 Master Plan Reexamination Reports have suggested rezoning certain areas including a section of Main Street in Port Monmouth, along Highway 36 southbound in Port Monmouth, and along Leonardville Road in Campbell’s Junction. These rezoning recommendations remain valid.
- **Sidewalk Contribution** – Under certain unusual circumstances, The Planning Board or Zoning Board may waive the installation of on-tract sidewalks. If a waiver is granted, an in-lieu contribution is required. The sidewalk contribution rate is often below current construction costs depending on application type, and a clearer fee structure needs to be developed.
- **Stormwater Management** - Standards for “non-major” development require updates to address design requirements for subsurface stormwater management structures such as drywells.
- **Street Vacations** – A clear fee structure should be developed for all street vacation requests.

## Redevelopment Plans

- e. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the Local Redevelopment and Housing Law (LRHL), N.J.S. 40A:12A-1 et seq., 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.*

While the Township Committee has not formally adopted any redevelopment plans per the Local Redevelopment and Housing Law, the following locations are recommended for investigation to determine if conditions are present for designating a redevelopment area.

1. On June 16, 2014, the Township Committee adopted Resolution 14-167 directing the Planning Board to conduct a redevelopment investigation for Block 70, Lots 1, 2 and 3 in the North Middletown neighborhood.
2. Residential homesites in the Port Monmouth, Belford and Leonardo neighborhood should be monitored during the ongoing Superstorm Sandy reconstruction phase to determine if a scattered-site redevelopment program is needed.
3. The area generally located along and between Rt. 36, Church Street, Main Street and Railroad Avenue in Belford should be investigated.
4. The area generally encompassed by Block 599, lots 1.01, 4, 9, 37, 40 & 41. located at the northwest corner of Rt. 35 and Old Country Road should be investigated.
5. The location of the former "Middletown Tool Rental" facility and its environs located at Block 502, Lots 1, 2 & 7 should be investigated. Other outmoded fueling stations in the Campbell's Junction area should also be investigated.
6. The location of the former Steak & Ale restaurant located at Block 615, Lot 94 should be investigated.
7. The entire Port of Belford area at the eastern terminus of Port Monmouth Road and the northerly section of Main Street should be investigated.
8. The variety of land uses, including a former gasoline service station, located at Block 500, Lots 11, 12 and 13 should be investigated.
9. The commercial facility located at the intersection of Highway 36 and Henry Place at Block 187.01, Lot 1 should be investigated.
10. Various sites along Highway 36 between Main Street in Port Monmouth and East Road in Belford would benefit from heightened scrutiny. Many commercial buildings have fallen into disrepair, and the adaptive reuse of some of these buildings could provide a benefit to adjacent neighborhoods (e.g. former St. Clement's Church building at the intersection of Highway 36 and Church Street).
11. The vacant former Keelan's Transportation Facility adjacent to Highway 36 currently owned by the New Jersey Schools Construction Corporation and the Keansburg Board of Education should be investigated: at Block 90 Lots 5 and 6, Block 91 Lots 1, 2.01 and 2.02.
12. The entirety of Middletown Township was designated as an "Area in Need of Rehabilitation" in the late 1970's. This designation permitted certain five-year tax abatements to encourage improvements to residential properties. This abatement program has been temporarily halted due to recent changes made to the Local Redevelopment and Housing Law, which call the

designation's legitimacy into question. Accordingly, while the Township assesses the viability of the prior designation, it is recommended that specific rehabilitation area investigations be initiated for certain areas of the Township, particularly in neighborhoods such as North Middletown, Port Monmouth, Belford and Leonardo where neighborhood revitalization and stabilization is key in the wake of Superstorm Sandy.

APPENDIX: BAYSHORE VILLAGE CONCEPT PLANS

# BAYSHORE VILLAGE CONCEPT PLAN



