



Borough of  
Tinton Falls  
New Jersey

BOROUGH CLERK

MUNICIPAL CENTER  
556 TINTON AVENUE  
TINTON FALLS, NJ 07724-3298  
(732) 542-3400 EXT. 95  
(732) 460-9115 FAX

March 16, 2005

New Jersey Office of Smart Growth  
Department of Community Affairs  
Attn: Ms. Maura McManimon  
PO Box 204  
Trenton, N.J. 08625

Dear Ms. McManimon:

I am pleased to transmit the *Tinton Falls Borough Response to Monmouth County Cross Acceptance Report*. The Monmouth County Cross Acceptance Report that was transmitted to you at the end of January accepted the Office of Smart Growth's Planning Area 5 designation for much of the southern portion of Tinton Falls (2004 Preliminary Plan Policy Map).

The attached report analyzes the SDRP's Planning Area criteria and determines that the southern portion of the Borough should be designated Planning Area 2. It cites the fact that the entire area lies within an approved sewer service area; is served by public water; and is traversed by major highways. The area has been zoned primarily for manufacturing and commercial development. It is also the location of an affordable housing site that is an integral component of the Borough's Housing Element that recently received substantive certification from the Council on Affordable Housing.

In adopting the attached report, the Borough Council indicated that it would welcome a discussion with your staff, the County and the State Planning Commission regarding the ultimate Planning Area designation for the southern portion of the Borough. They expressed the hope that such a discussion would be a learning process for all parties and would result in an agreement regarding the appropriate Planning Area designation.

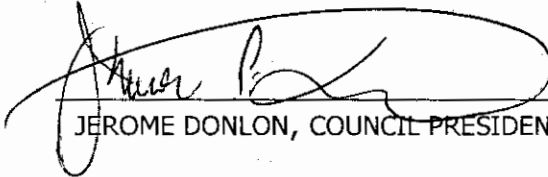
On Behalf of the Borough Council,

KAREN MOUNT TAYLOR, RMC, CMC


CC: Ms. Lucy Voorhoeve, COAH Executive Director w/enc.  
Mr. Robert Clark, P.P., Monmouth County Director of Planning w/enc.  
Ms. Bonnie R. Goldschlag, P.P., Assistant Director of Planning w/enc.

**RESOLUTION – ACCEPTING THE TINTON FALLS RESPONSE TO  
MONMOUTH COUNTY CROSS ACCEPTANCE REPORT**

BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that it hereby accepts the Tinton Falls Borough Response to Monmouth County Cross Acceptance Report.

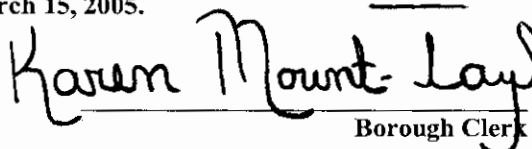
  
JEROME DONLON, COUNCIL PRESIDENT

I hereby certify that the above Resolution was duly adopted by the Borough Council of the Borough of Tinton Falls at a meeting held on March 15, 2005.

  
KAREN MOUNT-TAYLOR, BOROUGH CLERK

	M O V E D	S E C O N D E D	A Y E S	N A Y S	A B S E N T	A B S T A I N
MRS. CAHILL	✓		✓			
MS. CATLIN					✓	
MR. MACLEARIE			✓			
MR. TOBIN		✓	✓			
MR. DONLON			✓			

I hereby certify that the above Resolution was duly adopted by the Borough Council of the Borough of Tinton Falls at a meeting held on March 15, 2005.

  
Borough Clerk

**TINTON FALLS BOROUGH**  
**RESPONSE TO MONMOUTH COUNTY CROSS**  
**ACCEPTANCE REPORT**

**March, 2005**

Prepared for:

The Monmouth County Planning Board  
On behalf of  
The Borough of Tinton Falls  
555 Tinton Avenue  
Tinton Falls, N.J. 07724

Prepared by

Art Bernard, P.P.  
THP, Inc.  
40 Brunswick Woods Drive  
East Brunswick, N.J. 08816

## **Introduction**

On behalf of Tinton Falls Borough, please accept this report as the Borough's response to the Monmouth County Final Cross Acceptance Report. I am a licensed professional planner in the State of New Jersey with 30 years of experience in housing and land use matters. I have served the Borough as its consulting planner for approximately seven (7) years.

I served the Council on Affordable Housing (COAH) for eight and a half years (March 1986 to September of 1994). During that time, I was the staff person who worked with the COAH Board in its rule making and policy decisions. I was the staff liaison to the State Planning Commission and helped negotiate a memorandum of understanding between COAH and the State Planning Commission that appears in Technical Appendix F of N.J.A.C. 5:93-1 et seq.

During much of the cross acceptance process, Tinton Falls has been consumed with several redevelopment projects and the need to obtain substantive certification from the Council on Affordable Housing (COAH) prior to COAH's December 20, 2004 deadline. Given the demands on time, the Borough has been most appreciative of your staff's efforts. Ms. Bonnie Goldschlag has been most patient and more than gracious in assisting the Borough through cross acceptance. Mr. Joseph Barris has also assisted the Borough by providing access to various environmental overlays used by the Office of Smart Growth in preparing the 2004 Preliminary Plan Policy Maps that were released to the public at the outset of the cross acceptance process.

These environmental overlays are relevant because they formed the basis of the Office of Smart Growth recommending changes to the existing State Plan Policy Map as reflected in the 2004 Preliminary Plan Policy Map. The *existing* State Plan Policy Map includes

the vast majority of the Borough in Planning Area 2. In the southern portion of the Borough, an area has been designated as Planning Area 3.

The 2004 Preliminary Plan Policy Map (proposed map) eliminates Planning Area 3 and much of the Planning Area 2 south of Route 18, replacing it with Planning Area 5. This change is not consistent with the Borough's planning efforts. Late in the cross acceptance process, it is my understanding that the Borough's engineer, Peter Avakian made a verbal request that all of Tinton Falls be designated as Planning Area 2. The Borough's request is not reflected in the cross acceptance map presented by the Monmouth County Planning Board. Therefore, pursuant to N.J.A.C. 5:85-3.6, the Borough has directed me to submit this report requesting that the entire Borough be placed in Planning Area 2.

### **Planning Area Criteria**

The SDRP is a growth management plan. The primary concept behind the SDRP is that the interests of the State would be best served if future development is focused in areas where the State has already made a commitment to providing growth supporting infrastructure. By concentrating growth to these areas, it will be possible for people to live in closer proximity to jobs and shopping. Thus, the need for long vehicular commuting trips will be diminished. The possibilities for mass transit will be increased. Pursuant to the SDRP's vision, land would be used more efficiently, making it possible to save large swaths of prime farmland and environmentally sensitive areas.

In order to accomplish its vision of "smart growth," the SDRP designates specific areas (Planning Areas) in which most of New Jersey's growth will occur. By concentrating development, the SDRP hopes to create more livable neighborhoods. It promotes addressing New Jersey's housing needs in a manner that will place less strain on New Jersey's infrastructure and result in an improved quality of life as measured by less traffic congestion, less air and water pollution and more open space.

The SDRP divides the State into five (5) Planning Areas. Each has different criteria and different goals.

Planning Area 1 (the Metropolitan Planning Area) is an area in which the State has a substantial investment in infrastructure. It includes New Jersey's cities and surrounding exurban locations. The SDRP encourages development in Planning Area 1.

Planning Area 2 is an area that has infrastructure or is planned to have infrastructure. There is more vacant, developable land in Planning Area 2 than in Planning Area 1. Thus, the SDRP envisions PA2 (or the Suburban Planning Area) as "absorbing much of the market demand for growth and new development in the State."<sup>1</sup>

Planning Area 3 (the Fringe Planning Area) is predominantly rural land that is not prime agricultural or environmentally sensitive land, with scattered small communities and free-standing residential, commercial and industrial development. These fringe areas serve as a transition between suburban and rural landscape.<sup>2</sup> A stated intent of the SDRP in Planning Area 3 is to accommodate growth in centers. In Planning Area 3, water and wastewater systems may be extended from Metropolitan and Suburban Planning Areas. (Planning Areas 1 and 2). Planning Area 3 may be viewed as the next logical location to encourage growth as the supply of land dissipates in Planning Areas 1 and 2.

Planning Area 4 is characterized by *large contiguous* areas of farmland. Planning Area 5 is characterized by *large contiguous* land areas with valuable ecosystems, geological features and wildlife habitats (emphasis provided). The SDRP goals in Planning Areas 4 and 5 are much more preservation and conservation oriented. However, the intent of both planning areas is to accommodate growth in centers. Both planning areas recommend confining programmed public water and sewer to centers.<sup>3</sup>

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<sup>1</sup> Page 196.

<sup>2</sup> Page 201.

<sup>3</sup> A center is a defined area in which growth shall be concentrated.

The State Planning Commission's Office of Smart Growth, prior to releasing the Preliminary State Plan Maps in April of 2004, reviewed environmental mapping that included: the landscape project of endangered species habitats; wetlands; dedicated open space; natural heritage program priority sites; critical hydrologic units; and ground water recharge mapping. The Office of Smart Growth examined environmental information to identify areas within Planning Areas 1, 2 and 3 that contain features of environmental concern. The Office of Smart Growth also reviewed information related to preserved farmland and prime agricultural soils. It reviewed Statewide Transportation Improvement Program information and it reviewed a data layer of "affordable housing sites."

As a result, the Office of Smart Growth released a 2004 Plan Policy Map that reclassified lands within Tinton falls from Planning Area 2 and 3 to Planning Area 5. (Exhibit A – 2004 Preliminary Plan Policy Map) The Borough disagrees with the reclassification to Planning Area 5.

Planning Areas 2, 3 and 5 share some of the same criteria. Each Planning Area has a population density of less than 1,000 people per square mile. Each must include a contiguous area of more than one square mile.

The main distinction between Planning Area 2 and Planning Areas 3 and 5 involves the presence of infrastructure. The Planning Area 2 criteria include the following:

Natural systems and infrastructure systems reasonably anticipated to be in place by 2020 that have the capacity to support development that meets the Policy Objectives of this Planning Area. These systems include public water supply, sewage collection and treatment facilities, storm water, transportation, public schools and parks.

The entire Borough is already included in a sewer service area. Sewer service is provided to the northern portion of the Borough by the Two Rivers Water Reclamation Sewerage Authority and in the southern portion of the Borough by the Township of Neptune

Sewerage Authority. Water service is provided throughout the entire Borough by the New Jersey American Water Company.

With regards to transportation infrastructure, the southern section of the Borough that is most significantly impacted by the proposed change to Planning Area 5 is bisected by the Garden State Parkway, Route 33 and Route 66. Shafto Road is a significant County road that provides north-south access through the impacted area.

The County operates its Reclamation Center in the impacted area. There are other businesses, including a major private recycling facility in the same general area.

The Borough has zoned the areas that have been proposed as Planning Area 5 to attract jobs to Tinton Falls. The Borough has zoned much of the affected area for manufacturing and office uses. The Borough has recently amended their wastewater management plan to provide additional sewer capacity for projects in the southern portion of town. The Borough has also recently amended its housing element to rezone Block 115, Lot 1.01 (a property with frontage on Route 33, just west of the Garden State Parkway) for affordable housing.

A portion of the affected area is currently within Planning Area 3. The criteria for Planning Area 3 are as follows:

- Population density of less than 1,000 people per square mile;
- Generally lacking in major infrastructure investments;
  - a) The circulation system is mainly provided by state and county roadways with a major emphasis on moving traffic through the area.
  - b) Some centers are served by public water and sewer.
- Land Area greater than one square mile;
- Does not include land that meets the criteria of Rural or Environmentally Sensitive Planning Areas;
- Area is adjacent to Metropolitan and Suburban Planning Areas.



In reviewing the Planning Area 3 criteria, it is clear that, when it adopted the current SDRP in 2001, the State Planning Commission determined that *the impacted area does not conform to the criteria for the Rural Planning Area (Planning Area 4) or the Environmentally Sensitive Planning Area (Planning Area 5)*. It is also clear that the main distinction between Planning Area 3 and Planning Area 2 is the presence of infrastructure.

The area currently designated as Planning Area 5 is not generally lacking in infrastructure. Public water and sewer is not limited to centers. Although public sewer has not been extended to the entire area currently designated as Planning Area 3, the entire area is planned to be served by public water and sewer. (Exhibit B - Pages 30-32 of the Borough's 1992 Master Plan)

The distinction between Planning Area 5 and other Planning Areas is the presence of one or more of a series of environmental features, including:

- Trout production waters and trout maintenance waters and their watersheds;
- Pristine non-tidal Category 1 waters and their watersheds upstream of the lowest Category 1 stream segment;
- Watersheds of existing or planned potable water supply sources;
- Prime aquifer recharge areas of potable water supply sources and carbonate formations associated with recharge areas or aquifers;
- Habitats of populations of endangered or threatened plant or animal species;
- Coastal wetlands;
- Contiguous freshwater wetlands systems;
- Significant natural features or landscapes such as beaches, coastal spits, barrier islands, critical slope areas, ridge lines, gorges and ravines, and important geological features (including those associated with karst topography) or unique ecosystems; and/or
- Prime forested areas, including mature stands of native species.

It is clear that most land in New Jersey contains some environmentally sensitive feature. However, Planning Area 5 is characterized by *large contiguous* land areas with environmentally sensitive features.

I have reviewed the overlays referenced by the Office of Smart Growth in its discussion of the preparation of the 2004 Preliminary Plan Policy Map. The main environmental feature I find in the impacted area of Tinton Falls is freshwater wetlands. The wetlands are protected by State regulation. I do not find that the impacted area conforms to the Planning Area 5 criteria.

I find that the impacted area conforms much more closely to Planning Area 2. The Borough's 1992 Master Plan has designated the entire Borough to be served by public water and sewer. The entire Borough is included in a sewer service area. The area has been zoned to accommodate residential and non-residential growth.

In fact, the County's own projections anticipate further growth in the Borough based on the growth trends resulting from the Borough's existing planning and zoning. The County is projecting a 2000-2025 increase of 5,606 people. This projected increase is greater than all but five (5) of Monmouth County's municipalities. The County is also projecting an increase of 2,788 jobs during the same period. This increase is greater than all but eight (8) of Monmouth County's municipalities. It is important to understand that most of the Borough's vacant land that would support this growth is in the area that the Office of Smart Growth has reclassified as Planning Area 5.

### **The COAH Issue**

As discussed in the opening paragraphs, the Borough has recently received substantive certification. In adopting its recently certified Housing Element, the Borough designated Block 155, Lot 1.01 as an inclusionary site that is anticipated to generate at least 45 units of low and moderate income rental units. The Borough will receive extra credit for these

units based on the rental bonus provided by COAH for plans that address the 1987-1999 housing obligation.

The site is approximately 35 acres in size. It has frontage on Route 33. It is located between a County Park and the Garden State Parkway. As with most of the Borough, the site is located in a sewer service area and can presently be served by public water and sewer. The site is currently located in Planning Area 2.

COAH has adopted rules that strongly encourage affordable housing sites to be located in Planning Area 1 and 2. The history of COAH's rule making is clear that the rationale behind the rule is that it will be difficult to receive approvals to extend sewer into Planning Areas 3, 4 and 5. It would be a hardship to the Borough if a State Plan Planning Area designation impaired the Borough's ability to address its affordable housing obligation.

## **Conclusion**

On behalf of the Borough, I would urge the County to amend its 2004 Cross Acceptance Report and Map and designate Tinton Falls Borough as Planning Area 2. We believe that such a designation is warranted based on the Planning Area criteria that provide for Planning Area 2 designation if infrastructure systems are reasonably anticipated to be in place by 2020. The entire Borough is in a sewer service area now.

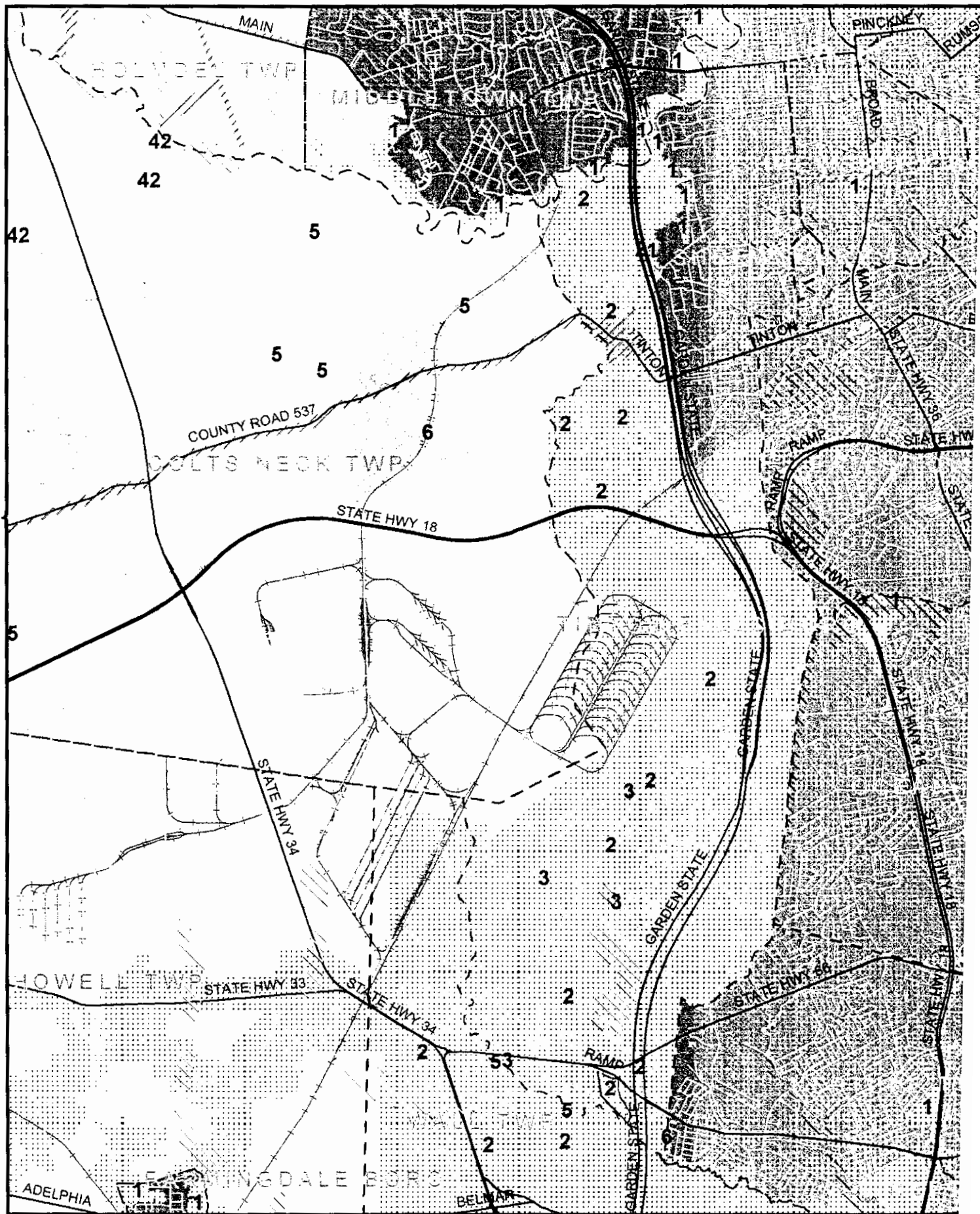
The SDRP calls Planning Area 2 as a key area for accommodating market forces and demand for development. The County's own projections view Tinton Falls as an area that will absorb much of the County's residential and non-residential growth. Most of the vacant land available to absorb this growth lies in the affected area.

The Planning Area 2 designation is also reflected in the Borough's planning documents. The area of concern has been zoned for manufacturing uses. Moreover, the proposed change to Planning Area 5 would impact an affordable housing site that is an integral part

of the Borough's response to its constitutional housing obligation. I would urge the County to support the Borough's effort to be designated as Planning Area 2.

























**EXHIBIT A**

**2004 PRELIMINARY PLAN POLICY MAP**


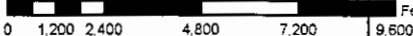



# CROSS ACCEPTANCE 2004

*Building a Better New Jersey*

-  Municipal Boundary
-  Designated Center
-  Monmouth County Sewer Service Area
-  CAFRA
-  Major Roadways
-  Rail Station
-  Rail
-  Roadways
-  Water Feature
-  Streams
-  Maintained CES Sites
-  HCS Sites
-  Removed CES
-  Potential CES
-  Planning Area Change
-  Previous Planning Area
-  METROPOLITAN PLANNING AREA
-  SUBURBAN PLANNING AREA
-  FRINGE PLANNING AREA
-  RURAL PLANNING AREA
-  RURAL ENVIRONMENTALLY SENSITIVE
-  ENV. SENSITIVE BARRIER ISLAND
-  ENVIRONMENTALLY SENSITIVE
-  PARK

## Preliminary State Plan - 2004

	 0 1,200 2,400 4,800 7,200 9,600 Feet 1 inch equals 83,333.3 feet	Sources: MCPB MCIS NJDEP NJOSG	 Prepared By: Monmouth County Planning Board Hall of Records Annex 1 East Main Street Freehold, NJ 07728
	Date: 06/29/04		

This map was created using Geographic Information System digital data supplied by county and external sources. The digital data displayed herein is for consultative purposes only. Data accuracy is limited by the accuracy and scale of original sources. Site specific conditions should be verified.



**EXHIBIT B**

**EXCERPTS FROM MASTER PLAN**



# Borough of TINTON FALLS

1992

## **MASTER PLAN**

AND REEXAMINATION REPORT

*original*

	<u>% of Units</u>	<u>Price of Units as % of Median Income</u>
Low Income:	5 %	40.0 - 42.5 %
	15 %	42.6 - 47.5 %
	30 %	47.6 - 50.0 %
-----		
Moderate Income	5 %	50.1 - 57.5 %
	5 %	57.5 - 64.5 %
	5 %	64.6 - 68.5 %
	5 %	68.6 - 72.5 %
	10 %	72.6 - 77.5 %
	20 %	77.6 - 80.0 %

Because of the size of the Borough's fair share obligation, it will seek to encourage 110 rental units in accordance with COAH's rules. It is intended that the management of rental units will be done by a private company, not a Borough agency. In addition, the Borough will attempt not to restrict more than 148 units to the elderly consistent with COAH's rules.

	<u>Maximum Age Restricted Units</u>	<u>Minimum Rental Units Required</u>
Total Need	629	629
Less Credits	-0	-0
Less Adjustments	-38	-38
Less RCAs	-0	n/a
Less Indigenous	<u>n/a</u>	<u>-42</u>
Net	590	549
x percentage allowed	<u>.25</u>	<u>.20</u>
	148	110

Although the Borough appeared voluntarily before the Court prior to the creation of COAH, and the opportunity therefore existed for a program that might have been slightly different from the rules and regulations of COAH, the Borough established and adhered to regulations consistent with what emerged from COAH. It is the intent of the Borough to adjust its program for future housing proposals in order to minimize any potential conflicts in subsequent years when the Borough will be outside the Court's jurisdiction. On the other hand, because the Borough initiated its program prior to the creation of COAH and put into place essentially the same concepts, and subsequently approved several developments before COAH established its rules, these projects must continue under the approvals granted by the Borough and approved by the Court in its Judgement of Compliance and Repose. In order to treat all applicants in a consistent manner, the Borough intends to continue its past practices, making appropriate adjustments toward the COAH rules as the opportunities arise.

#### Utility Services Plan

Plate 3, Utility Services Plan, show the sewer service areas for the Township of Neptune Sewerage Authority (south end) and Northeast Monmouth Regional Sewer Authority (north end). Water is expected to be extended by NJ-American Water Company.

Plate 3  
 UTILITY SERVICES PLAN

1991 MASTER PLAN PROGRAM  
 Prepared by Queale & Lynch, Inc., Professional Planners

Water Service

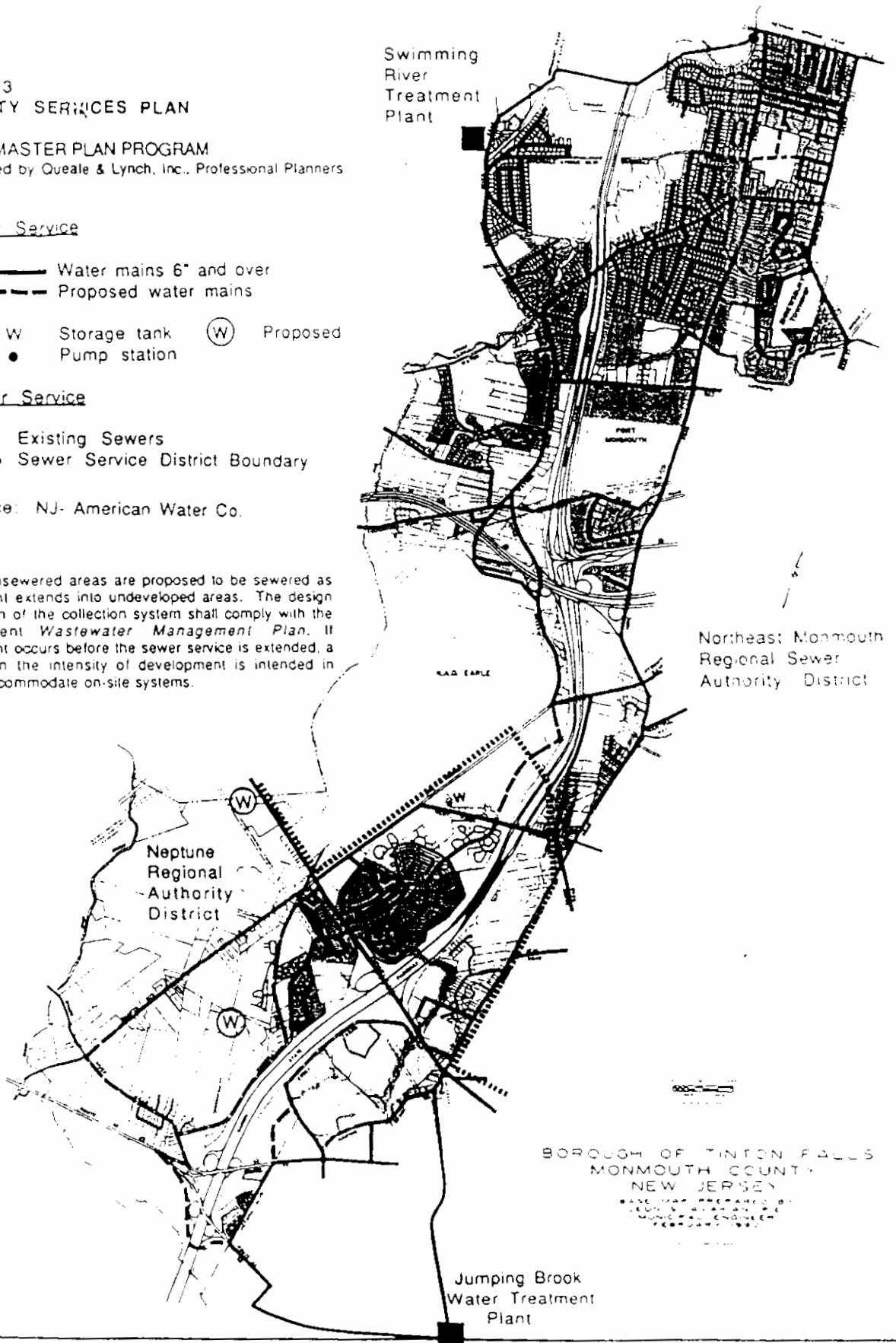
- Water mains 6" and over
- - - Proposed water mains
- W Storage tank      (W) Proposed
- Pump station

Sewer Service

- Existing Sewers
- - - - - Sewer Service District Boundary

Source: NJ- American Water Co.

Note: Unsewered areas are proposed to be sewered as development extends into undeveloped areas. The design and location of the collection system shall comply with the most current *Wastewater Management Plan*. If development occurs before the sewer service is extended, a reduction in the intensity of development is intended in order to accommodate on-site systems.



Northeast Monmouth  
 Regional Sewer  
 Authority District

Neptune  
 Regional  
 Authority  
 District

BOROUGH OF TINTON FALLS  
 MONMOUTH COUNTY  
 NEW JERSEY  
 ALL MAP REVISIONS  
 MADE BY DATE  
 MONTH YEAR

Jumping Brook  
 Water Treatment  
 Plant

proposed culverts, bridges and similar structures, encourage groundwater recharge, prevent an increase in nonpoint source pollution, maintain the integrity of stream channels for biological and drainage purposes, reduce erosion, minimize runoff pollution which would degrade water quality, and protect water supply facilities. The standards of any implementing ordinance should be incorporated into the Borough's existing Development Regulations Ordinance so as to fit into its design and procedural requirements for subdivision and site plan applications. It is proposed that an overall Stormwater Management Plan be developed considering the acreage of developed and undeveloped land, wetland areas, stream corridors, the capacity for stormwater flows under bridges and through culverts, soil types and slopes, and the various governmental jurisdictions with major land holdings in the Borough. The State has a classification for "major development" that is a development that involves one or more acres of additional impervious surface, or a variety of other uses such as larger agricultural uses and industrial, utility, solid waste, quarrying, mining, and similar operations involving various operations, wastes and chemicals. The ordinance should contain standards required by the State for flood and erosion control, water quality control, dam construction, detention basin sizing and location, regulations for the maintenance of the stormwater facilities, and the data to be submitted with a development application.

#### Community Facilities Plan

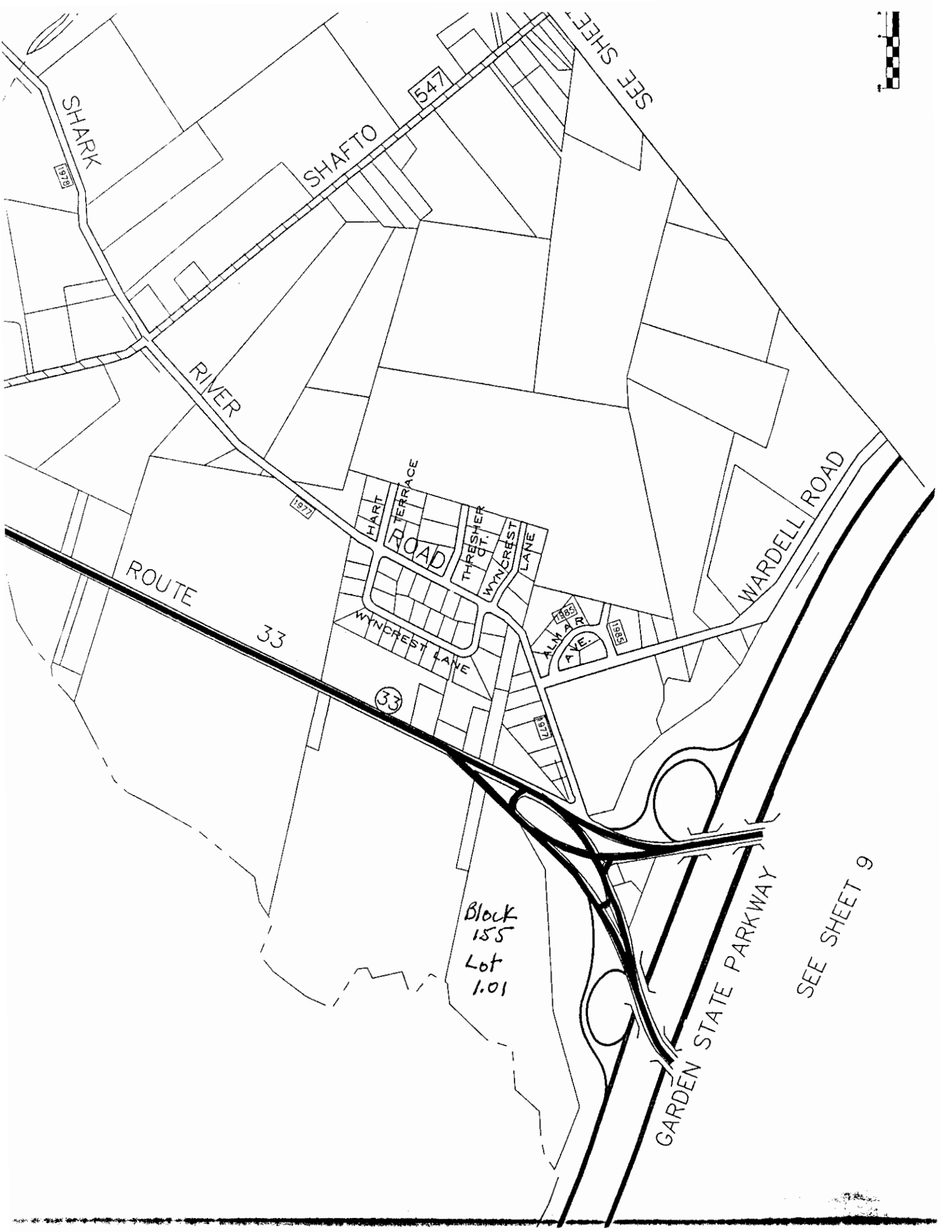
Plate 4, Community Facilities Plan, is a composite of existing and proposed school, municipal, fire, rescue squad, library, open space, recreation, and county facilities. The recreation and open space facilities are discussed in the following section of the Master Plan and the recommendation to provide a sidewalk and bikeway system is discussed under the Circulation Plan.

It is proposed that the Borough anticipate at least two additional school sites. Because of the difficulty in finding suitable sites, four sites are shown in the Plan. All sites should be at least 25 acres in size. The sites are proposed in the southern portion of the Borough to better accommodate the students that have resulted from the rapid residential development that occurred during the 1980s. As indicated in the recreation section of this Plan, new school sites are intended to provide recreation facilities for the school programs, but it is also anticipated that school recreation areas will be available to the public after school hours and during the summer. This avoids the necessity of using public funds for duplicate recreation facilities in other locations.

At least two sites for two new schools are recommended in order to accommodate expected enrollment increases generated from new development and the potential for an increase in the average number of children from each home. The existing schools have capacity to absorb some of this increase. The two new schools are proposed to accommodate the increases beyond what the existing schools can handle. The third and fourth sites are included as backup sites in case one or two of the sites do not materialize, and also as a cushion in case enrollments grow more than currently expected. It is also anticipated that taking title to enough land for at least two schools will be necessary before the schools are actually needed. The reason is that

**EXHIBIT C**

**BLOCK 155, LOT 1.01**



SHARK

547

SHAFTO

RIVER

1977

HART TERRACE ROAD

THRESHER CT.

WYNCREST LANE

ROUTE 33

33

WYNCREST LANE

1885 ALM AVE.

1885

33

1885

WARDELL ROAD

Block 155  
Lot 1.01

GARDEN STATE PARKWAY

SEE SHEET 9

SEE SHEET 8