



# State of New Jersey

DEPARTMENT OF STATE  
BUSINESS ACTION CENTER  
OFFICE OF PLANNING ADVOCACY  
PO Box 820  
TRENTON, NJ 08625-0820

PHILIP D. MURPHY  
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TAHESHA WAY  
*Secretary of State*

SHEILA Y. OLIVER  
*LT. GOVERNOR*

DONNA A. RENDEIRO  
*Executive Director*

MEMORANDUM TO: Donna Rendeiro

FROM: Lisa Avichal

RE: Toms River Township – Minor Map  
Amendment Petition

DATE: April 27, 2023

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On January 18, 2017, The New Jersey State Planning Commission granted The Township of Toms River conditional Plan Endorsement. The Commission authorized the conditional Plan Endorsement to become a final Endorsement upon the Township's adoption of a municipal zoning map, zoning ordinance, and Master Plan with resiliency recommendations incorporated into each element, as set forth in the Planning and Implementation Agreement (PIA). On July 25, 2017, the Township updated and adopted its Land Use and Development Regulation Ordinance. The Township then amended its Zoning map on August 22, 2017. The Township of Toms River received Final Plan Endorsement on July 2, 2018 when the State Plan Policy Map was updated.

As part of Plan Endorsement, municipalities are responsible for submitting biennial reports to the Office of Planning Advocacy (OPA). These reports provide OPA with the status of their Planning and Implementation Agreement efforts. The Township of Toms River submitted their biennial report on July 7, 2021 (see report attached). The agreed upon PIA lists 34 items to be completed during the endorsement period. 24 items have been completed by the Township and the remaining 10 items have a timetable listed as either ongoing or due by July 2, 2023.

As part of the biennial report, the Township of Toms River submitted a petition to amend the State Plan Policy Map (see attached). The Township is petitioning for Block 192.05, Lots 47 and 48 to be added to the Toms River Hooper Avenue Core North in order to match the rezoning of the two lots from residential to Highway Business. Currently, the petitioned 4.54 acre area is a Suburban Planning Area (PA2). A single family home sits on Lot 47 and Lot 48 is primarily wooded. The petitioned area will be utilized for commercial uses. The two parcels are located near one of the busiest intersections in the Township, which is noted in the Circulation Element of their Master Plan.

The petitioned amendment will promote local, regional, and state goals and objectives by reconciling local zoning with the state identified growth areas. These parcels are now part of the revitalization efforts occurring along the northern portion of Hooper Avenue and Church Road. Additionally, the goal is to promote economic growth in this Core and by adding these parcels it will aid in the municipality's pursuit that economic growth will continue. The

petitioned 4.54 acres does have Rank 4 Threatened and Endangered Habitat – Bald Eagle nesting and foraging habitat. This area is not in the FEMA Special flood hazard area.

The Township of Toms River publically noticed the map amendment on November 9, 2021 and held a public hearing on the proposed changes on November 22, 2021 via Zoom. The notice of the meeting was published in the Asbury Park Press and hard copies of the notice were mailed to all property owners within the area petitioned, as well as those property owners within 200 feet of the petitioned area. There were a total of 12 attendees at the meeting. David Roberts, AICP/PP, LLA, LEEP AP ND, Township Planner presented on the map amendment. After the presentation, David Roberts opened the hearing for public comment. 2 comments were made: one asking for the timelines for the proposed amendment and the second asking whether a copy of the presentation was available. A full recording of the public hearing was posting on the website on November 23, 2021. Those who were unable to attend or wished to comment at a later time had until November 30, 2021 to provide comments. No additional public comments were submitted.

It is my recommendation that the Township of Toms River's map amendment petition move forward to the Plan Implementation Committee and State Planning Commission for approval, with the addition of a Critical Environmental Site on Block 192.05 Lot 48 (see mapping attached), due to the Rank 4 habitat, and amending the Plan and Implementation Agreement to include the following items:

1. The municipality's zoning ordinance should be updated to include CES overlays for critical habitat as identified in the SPPM.
2. A Habitat Suitability Determination shall be prepared pursuant to N.J.A.C. 7:15-4.6 for project area with identified habitat Rank 3, 4, or 5.