

Plan Endorsement Draft Report for Township of Berkeley, Ocean County



New Jersey Department of State
Office for Planning Advocacy
Draft report 7/6/12

This document is a draft recommendation report prepared by the Office for Planning Advocacy (OPA) as staff to the State Planning Commission (SPC) subject to change based on the continued input of our partner agencies, the Township and members of the public. OPA reserves the right to edit this document and the accompanying PIA prior to the presentation of the recommendation at the Plan Implementation Committee (PIC) and again before the State Planning Commission (SPC). Should edits be made up to that point or during either meeting, an updated document will be posted on the OPA website (www.njsmartgrowth.com), with edits highlighted accordingly. Notification of such posting will be sent via e-mail to the list of interested parties maintained by OPA. Interested parties may register with OPA to receive notifications of SPC meetings, hearings or other matters regarding petitions for Plan Endorsement by providing contact information, including name, organization, address and e-mail address to osgmail@sos.state.nj.us.

Text Sources:

This report contains unreferenced text from multiple sources submitted by the planning firms CMX and later Maser primarily written by David Roberts in the service of Berkeley Township's planning initiatives including material for town's Petition for Plan Endorsement, zoning, redevelopment and development plans and extensive transfer of development rights (TDR) documentation.

Note: Some calculations may not total 100 due to rounding

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INTRODUCTION

While Berkeley Township began the formal Plan Endorsement process during the summer of 2004, with the Pre-Petition meeting held on August 17, 2004, municipal officials have been working to revitalize the municipality for several years. A builder's remedy lawsuit filed by a developer for the construction of hundreds of homes on a large site in town, while successfully defended by the Township, highlighted Berkeley's need to plan for the future. Spurred on by visioning sessions the township coordinated in 2002 and 2003, a number of crucial issues were highlighted, such as the deterioration of the Beachwood Plaza Shopping Center and the blighted area surrounding it, the need for the Western Boulevard Extension through the NJ Pulverizing Site connecting the Bayville and Pinewald portions of the Township while providing an alternate route to the new Exit 77 of the GSP, and the protection of regional environmental resources including the Barnegat Bay.

We expect that while this Recommendation Report will be the penultimate step in the our office's significant role in the formal Plan Endorsement process, with Endorsement being the ultimate step, planning for Berkeley's future and implementing that future will continue for many years.

BACKGROUND

During the post-war period of the last century, Berkeley Township's experience was similar to many other municipalities in New Jersey. Berkeley experienced rapid growth between 1950 and 1990, with two major growth spurts during the 1950s and 1970s where the population more than doubled in each of those two decades. While that growth tailed off between 1990 and 2000, the community communicated during the visioning sessions a sense that the Township was vulnerable to over development when congestion along the Route 9 corridor was already burdensome, especially during the summer tourist season.

Added to this are mounting concerns regarding the environmental health of the Barnegat Bay, a shallow estuary bordered on by Berkeley that has been found to be in decline due to elevated levels of nutrients caused by development-induced stormwater runoff. While the Township has been successful in working with the Ocean County Lands Trust to preserve hundreds of acres of tidal marsh near the Bay, hundreds of acres of upland forest remain vulnerable to piecemeal development in the Pinewald section of town west of Route 9 and significant previously developed brownfield properties along the Route 9 corridor have been economically stagnant for years.

Based on the vision generated from the visioning process conducted during 2002 and 2003 and fine tuned since, the Township of Berkeley has requested the designation of the two State Development and Redevelopment Plan (State Plan) Town Centers and two State Plan Nodes which will serve as transfer of development rights (TDR) receiving zones, in addition to focusing development activity to areas with available capacity and infrastructure.

This report contains findings and conclusions concerning whether the municipality's completion of the Action Plan entered into with the State Planning Commission and its relevant planning documents are consistent with the State Development and Redevelopment Plan (State Plan). Finally, attached is a Planning and Implementation Agreement (PIA) which will provide a timeline and checklist for some of

the municipality's more important planning and implementation initiatives into the future. These items include not just actions required on the part of the municipality, but actions that state agencies have promised to complete, if and when the State Planning Commission chooses to Endorse the municipality. The review of the petition is based on information submitted by the petitioner and information otherwise requested or available to the Office for Planning Advocacy (OPA).

CHRONOLOGY

Event(s)	Date	Notes
Steering Committee Established	Early 2002	
Steering Committee Meetings	Early 2002 to early 2003	Three or four meetings were held
Community Visioning Sessions	Early to late 2002	Two or three visioning sessions were held
Vision Plan Adopted by resolution	Feb 25, 2003	Resolution number 3-82-r
Plan Endorsement Letter of Intent and Pre-Petition Materials submitted	August 17, 2004	
Pre-Petition Meeting Held	September 11, 2004	
Plan Endorsement Advisory Committee (PEAC) Established	February 26, 2008	
PEAC meeting	March 20, 2008	Given that a steering committee had been in place, much of the work traditionally done by a PEAC had already been completed.
Municipal Self Assessment	May 20, 2008	
Opportunities and Constraints analysis	July 3, 2008	
Visioning Waiver (Partial)	November 17, 2008	
Consistency Review Delivered by State Agencies	June 17, 2009	
Action Plan and MOU signing by municipality - resolution 09-348-r	November 10, 2009	
TDR Sending Area Informational Meeting	March 29, 2010	
REMA Public Hearing	September 2, 2010	

Due to consolidation in the Planning / Engineering firm industry, dates and records for some meetings were not recoverable. In addition to the records that could be found, this chronology relies on the memories of past planning consultants and government officials and may contain misrecollections.

LISTING OF ENDORSEMENT AND TDR DOCUMENTATION

To demonstrate the breadth and depth of work the municipality has done in the service of good planning, below are a fairly complete listing of the documents submitted and collected during the Plan Endorsement and Transfer of Development Rights process to date:

Plan Endorsement Petition

- Vision Statement and Public Participation 2002 / 2003
- State Plan Map Changes
- Demographic data including Population, Household, & Employment Projections
- Township Code
- Meeting Minutes

Plan Documents

- Land Use and Circulation Master Plan, 2008 (adopted 2009)
- Environmental Resources Inventory, 2012
- Housing Element and Fair Share Plan (completed, not submitted)
- School Districts Long Range Facility Plans, 2005
 - Berkeley Township 2005-2010
 - Central Regional 2005-2010
- Municipal Stormwater Management Plan, 2005
- Town Center 1 / Beachwood Plaza Redevelopment Designation 2003
- Town Center 1 / Beachwood Plaza Redevelopment Plan 2009

TDR Plan & Associated Documents

- TDR Transfer Element, Zoning Regulations and Design Standards, 2011
- TDR Utility Service and Capital Improvement Plan, 2011
- TDR Draft Ordinance with Sending Parcel Inventory
- TDR Real Estate Market Analysis 2010

GIS (shapefiles)

- TDR Receiving Areas
- TDR Sending Areas
- Center Boundaries
- Node Boundaries
- Preserved Land

Maps

- Community Facilities
- Existing Land Use
- Existing Planning Area
- Municipal Tax
- Parks and Open Space
- Proposed Planning Area
- Roadways
- Zoning
- Regional Location
- Centers and Nodes
- Vacant Land and Unconstrained Vacant Land
- Wetlands
- Existing Land Use
- Flood Zones
- Threatened and Endangered Species
- Wellhead Protection Areas
- Known Contaminated Sites
- Circulation System
- Improved Right of Way
- Municipal Right of Way
- Water Service Areas
- Alternate Transportation Modes

PUBLIC PARTICIPATION

While the Township received a formal visioning waiver in November 2008, extensive public outreach has occurred from the beginning of the visioning process in 2002 through to the current day; the Chronology starting on page 6 covers many of the meetings convened regarding Berkeley's planning process.

Early in the visioning process a 2020 Vision Statement was created. This was to guide the Township's long-term policy and planning initiatives and departs from existing trends by establishing four primary targets for future development - Town Centers and Nodes - 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 while consuming most of the remaining open lands. 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 well designed town centers as the focus of the Township's growth;
- Preserve environmentally sensitive coastal and undeveloped forest resources;
- Maximize circulation and mobility options

In addition to the public outreach noted above, any Master Plan amendments for Plan Endorsement and TDR will require the appropriate public hearings and outreach. Finally, a public hearing shall be held prior to the submission of the proposed TDR Plan and required documents pursuant to the State TDR Act (N.J.S.A. 40:55D-137 et seq.). We also encourage the town to continue to engage the public in an open and transparent manner, particularly when large scale land use decisions are being contemplated.

GRANTS AND ASSISTANCE

State agencies and New Jersey organizations have provided five grants to Berkeley Township to carry out their planning efforts:

In 2002, Berkeley Township received a \$40,000 Smart Future Grant from the Office for Planning Advocacy (formerly known as Office of Smart Growth) to conduct a visioning process for the township.

In 2003, Berkeley Township received a \$35,000 Smart Future Grant from the Office for Planning Advocacy to create a Town Center Plan; a center which would eventually become a TDR receiving area.

In 2005, Berkeley Township received an \$85,000 Smart Future Grant from the Office for Planning Advocacy to study the potential for a TDR program in the township.

In the same year, Berkeley also received a Planning Assistance Grant for \$40,000 from the Department of Agriculture to aid Berkeley in performing the planning tasks required to enact a viable TDR program.

In 2011, Berkeley received \$10,000 from Sustainable Jersey and Walmart to complete an Environmental Resources Inventory.

LOCATION & REGIONAL CONTEXT

Berkeley 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 still has potential for development and redevelopment. 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. The eastern mainland contains the bulk of the vacant developable land in the Township and as such is the primary focus of future development and redevelopment proposals. The Township's stated intention is 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.

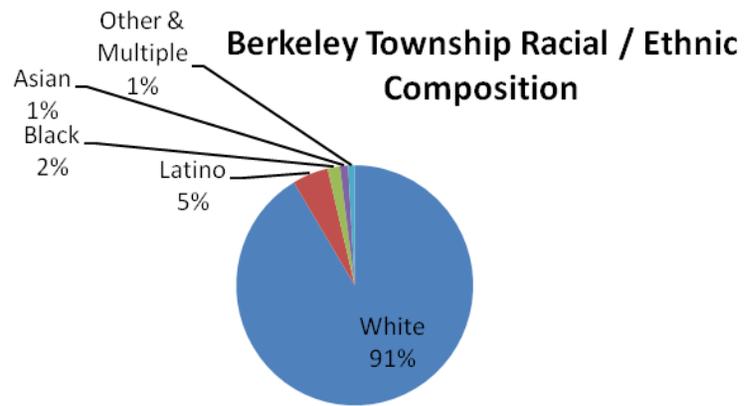
DEMOGRAPHICS AND BERKELEY'S FUTURE

	Muni	County	New Jersey
Land area (sq mi)	55.8	916	8,721
Population	41,255	576,567	8,791,894
Households	20,349	221,111	3,214,360
Average Household Size	2.00	2.58	2.68
Housing Units	23,818	278,052	3,553,562
Home Ownership Rate	88.9%	81.1%	65.4%
Vacancy Rate	14.6%	20.5%	9.5%
Median Household Income	\$43,077	\$57,128	\$67,681
Per Capita Income	\$27,940	\$28,566	\$33,555
Poverty Rate	7.4%	11.2%	10.3%
Unemployment Rate (NJDOL 2011 ann. Avg.)	14.9%	11.0%	9.3%
Sources: US Census Bureau, NJDOL; Data from Decennial Census and ACS unless otherwise noted			

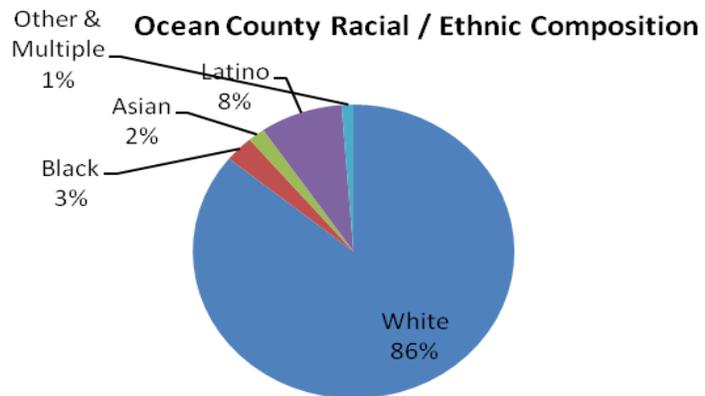
As of the 2010 Census there were 41,255 people residing in the Township, up from 39,991 in 2000. There were 23,818 housing units.

There were 20,349 households and 11,547 families residing in the township. The population density was 739 people per square mile. There were 23,818 housing units at an average density of 427 per square mile.

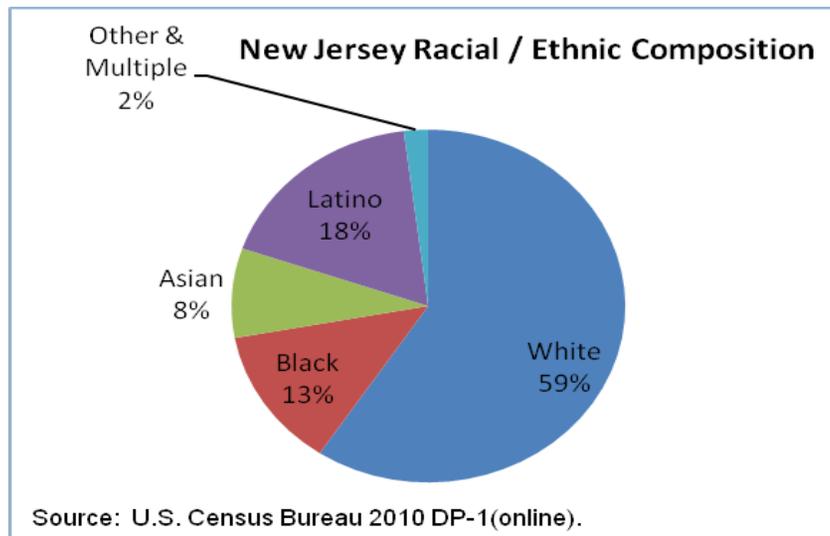
The racial / ethnic makeup of the township was 91.4% White, 4.9% Hispanic / Latino, 1.7% African American, 1.1% Asian, and 0.9% who labeled themselves as Other or Multiple races / ethnicities.



Source: U.S. Census Bureau 2010 DP-1(online).



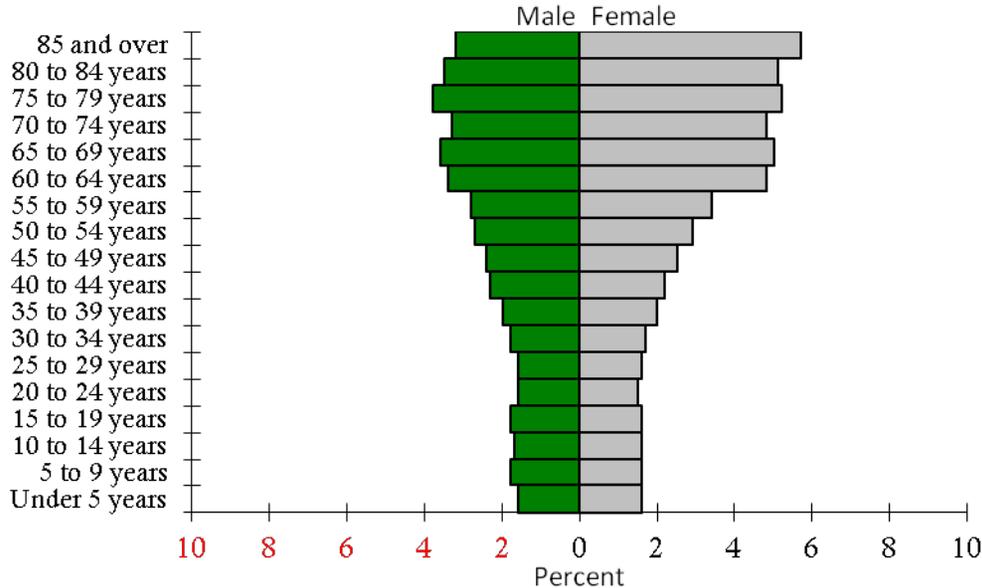
Source: U.S. Census Bureau 2010 DP-1(online).



There were 19,828 households of which 12% had children under the age of 18 living with them, 46% were married couples living together and 63% had someone living alone who was 65 years of age or older. The average household size was 2.00 and the average family size was 2.63.

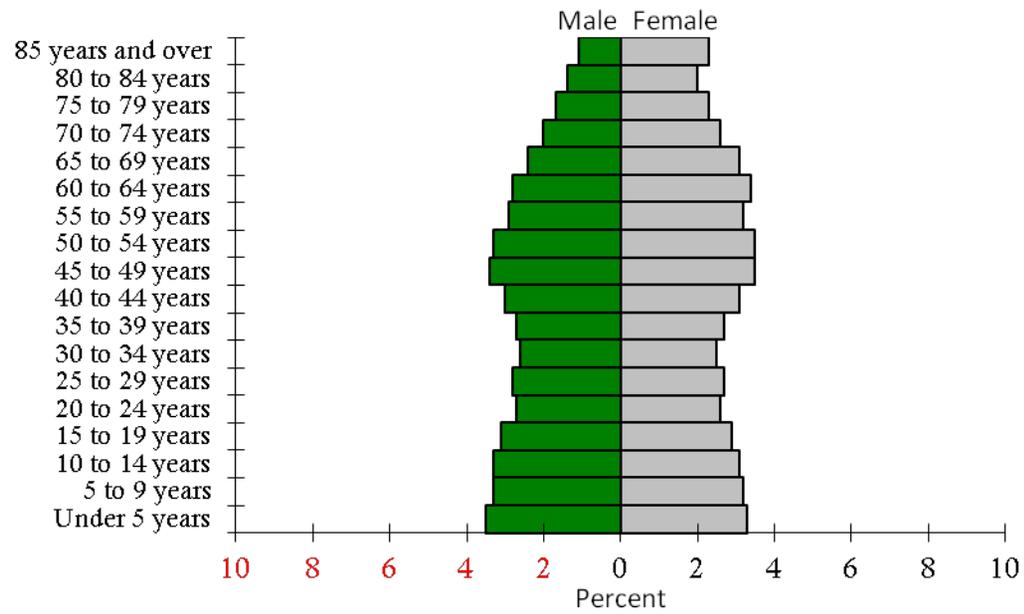
Age distribution for the Township was 13% under the age of 20, 13.9% 20 to 39, 15% 40 to 54, and 58% 55 and over. The median age was 61.1 years. For every 100 females there were 81.4 males.

Berkeley Twp., Ocean County
Age-Sex Distribution, 2010



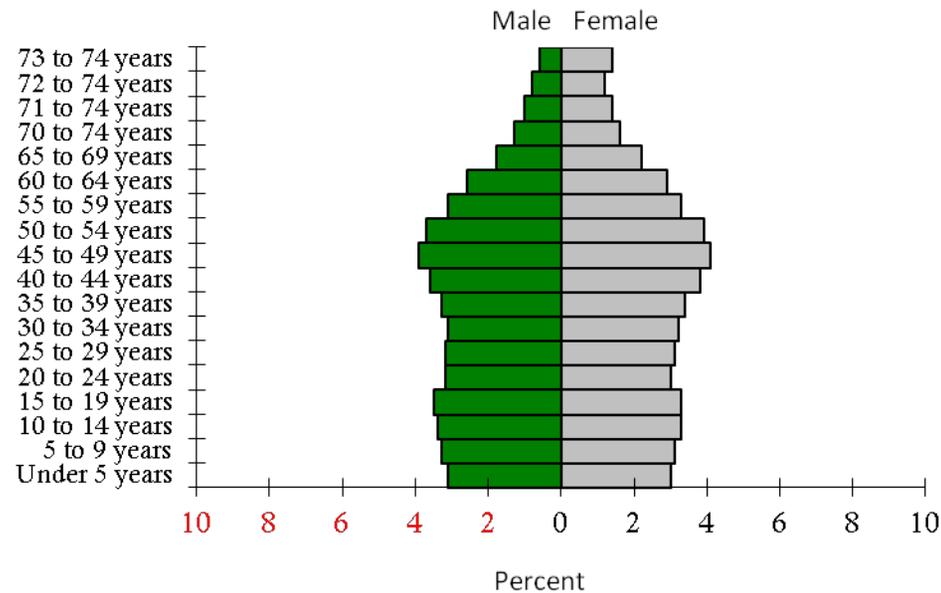
Source: U.S. Census Bureau 2010 DP-1(online).

Ocean County Age-Sex Distribution, 2010



Source: U.S. Census Bureau 2010 DP-1(online).

State of New Jersey Age-Sex Distribution, 2010



Source: U.S. Census Bureau 2010 DP-1(online).

According to the Census Bureau’s 2010 American Community Survey (ACS), the median income for a household in the township was \$43,077. Income distribution for the Township was 14% for incomes up to \$14,999, 14% for \$15,000 to \$24,999, 12% for \$25,000 to \$34,999, 17% for \$35,000 to 49,999, 18% for \$50,000 to \$74,999, 11% for \$75,000 to \$99,999 and 15% \$100,000 and up. Per capita income was \$28,411.

Projections

The North Jersey Transportation Planning Authority (NJTPA) issued population, housing, and employment projections on August 24, 2009. As reported by NJTPA, the number of residents in Berkeley is expected to increase to 59,450 in 2035 which would be 19,459 more residents or an almost 50% increase in residents over the 2010 Census population of 41,255. The number of households is expected to increase to 28,040 households in 2035; and the number of jobs in the Township is projected to increase 7,960 jobs in 2035. With few opportunities for development west of the Parkway and on the barrier island, the Eastern Mainland is presumably where the majority of Township’s growth would be accommodated. NJTPA’s projections were completed without the benefit of the 2010 Census.

Build-Out

A build-out analysis was conducted for the Township's land use element. In order to arrive at a reasonable estimation of the amount of land that is available for development, the Township's land area was categorized as either "unconstrained vacant" or "developed and/or constrained." Land that is considered vacant and unconstrained includes privately owned unimproved sites that are generally unconstrained by critical natural features. Developed and constrained lands include developed areas, preserved open-space, parks and recreation areas, and wetlands and 100-year flood hazard areas.

Approximately 2,200 acres or 9% of the Township's total parcel acreage is considered vacant and unconstrained and potentially available for development. Of the 2,200 acres, 690 acres, of which about 661 acres are encompassed by only seven (7) parcels, are located in the Pinelands and around 1,500 acres are located in the Eastern Mainland. The barrier island (South Seaside Park) does not indicate any privately owned parcels large enough to be shown on the map. Several of the largest tracts in the Pinelands are adjacent to the Holiday City and associated retirement communities on Mule Road and are not likely to be developed. Given the majority of unconstrained vacant land is located in the Eastern Mainland where Pinelands restrictions are not applicable, it was determined early on the TDR process that the Sending Areas should be in the portion of Pinewald that is in the CAFRA zone (east of the Garden State Parkway).

Development potential was calculated by applying the updated current zoning categories to all unconstrained vacant land and calculating the resulting build-out. The exception is the Town Center Zone where a pre-set number of dwelling units and commercial square footage was assigned and added to the dwelling unit and commercial space build-out calculated for the other zones in the Township.

Of the Township's 2,200 acres of vacant and unconstrained land approximately 1,900 acres is residentially zoned. Based on current zoning this land would yield approximately 2,800 additional dwelling units. By applying the Census township-wide figure of 2.0 persons per occupied dwelling unit, the potential exists for 6,553 additional residents at build-out, or a total population of approximately 49,000. In 2000, there were 2.8 persons per occupied dwelling unit in the Eastern mainland portion of the Township. When that number is applied to the number of additional dwelling units, the potential exists for an additional 9,220 residents in Berkeley, or a total population of approximately 52,000 based on the "trend growth scenario". Both of these results fall below the NJTPA long-range projections. This trend growth scenario does not include residential development estimated to be generated from Phase 1 of the Berkeley Town Center (approximately 70 units of a wide variety of housing types), because redevelopment of Town Center cannot advance without the changes in NJDEP lot coverage restrictions that would result from the completion of Plan Endorsement, which, in turn, is predicated on the completion of the TDR Program.

TRANSFER OF DEVELOPMENT RIGHTS PROGRAM

A land use challenge became the foundation of another important municipal initiative; the Transfer of Development Rights program. In the early 20th Century, a developer had grand dreams of a luxury resort community catering to wealthy vacationers from the region's cities. It is said that 8,000 lots were sold in this community, named "Pinewald", in the years just before the Great Depression. The Royal Pines Hotel was built as a focal point of the community, along with a golf course and other recreational amenities. Almost immediately following that initiative, the Great Depression arrived and the community went bankrupt.

Despite the bankruptcy, ownership of those lots remained valid and many families held onto these lots for decades. However, many other families, not seeing the benefit of lots which are only 50 feet in width by 100 to 120 feet in depth and fronting on paper streets and thus inaccessible, abandoned paying taxes and keeping lot records up to date. This abandonment becomes a problem because there remains a potential legal claim on those lots - even if the cost to recover the lot far outweighs the monetary gain. Enter the Transfer of Development Rights program.

The Transfer of Development Rights (TDR) mechanism, made possible by the enactment of the State Transfer of Development Rights Act on March 29, 2004, created a way to shift development away from the remaining forested areas of Pinewald to the underutilized properties along the Route 9 corridor. The Township's Transfer of Development Rights Program was designed to be easy to participate in and to administer in comparison to programs elsewhere in New Jersey. The program starts with a balance between the credits generated by the five forested Sending Areas and the capacity of the four Receiving Areas to support additional development within a density and intensity that is acceptable to the Township. In order to achieve that balance, the Real Estate Market Analysis (REMA) apportions the development credits or portions of a credit to each vacant privately owned lot in a Sending Area, no matter how small it is, allowing value recovery even from the aforementioned "newspaper subscription lots".

The challenge in the Sending Areas is the large degree of abandonment of many of the lots over the decades by owners who chose not to continue paying taxes for undersized and essentially worthless property. This has resulted in the Township owning more than half of the lots, but in a scattered fashion. To create contiguous forest areas and prevent the creation of additional infrastructure demands, it was determined that the Sending Areas would be preserved from development through a combination of public ownership of lots and paper streets and private lots deed-restricted from development through the sale of their development credits. For that reason it was critical to the success of the program that every single privately owned lot have some transferable value (credit or fraction of a credit). Thus some equity is retained in any up to date lots, but the municipality creates a mechanism for ending the legal mess.

The Berkeley TDR market will be driven by the creation of two Town Centers, a mixed use development node and intensification of a Light Industrial Node with development potential increases possible through credit purchase.

These Receiving Areas will be able to accommodate increased development under New Jersey Department of Environmental Protection (NJDEP) regulations only after their recognition as centers by the State Planning Commission and by NJDEP under their CAFRA regulations.

Once designated, the impervious coverage possible in these centers under CAFRA will go from 30% to 70%, more than doubling their developable acreage. However, the Berkeley Township Land Development Ordinance will be amended through the adoption of a Town Center 2 Overlay District, Corridor Node Overlay District and amendment of the Light Industrial regulations so that any development beyond 30% impervious coverage in these Receiving Areas will require the purchase of Development Credits (essentially making TDR mandatory to access the additional 40% of the property). The Berkeley Town Center Redevelopment Plan, adopted in August of 2009, already provides for the same intensification for Phase 2 of the Town Center, which is also a receiving area. The emphasis on creating and sustaining value for the Development Credits is intended to make it more attractive to sell the credits and donate the residual land to the Township as a tax write-off than to sell the lot to a developer.

The TDR Program, which when coupled with Plan Endorsement the municipality considers the “preferred growth scenario”, is not intended to dramatically alter buildout, but rather shift the equivalent of 391 single family detached dwelling units on large lots (quarter acre to three acre) and 97,121 square feet of commercial space (413 development credits total) from Pinewald to additional retail space and higher density duplexes, townhouses and apartments in the Receiving Areas along Route 9 and additional industrial space in the Light Industrial Node. To the extent that some of those dwelling units are converted to commercial or industrial floor space, however, the population projections can be expected to be reduced.

Nonresidential build-out was measured in terms of additional gross floor area and was calculated using Floor Area Ratio (FAR). Approximately 308 acres of unconstrained vacant land are zoned for commercial/industrial uses throughout the Township. This number excludes the more than 500 acres of the two parcels of the New Jersey Pulverizing Site that are listed as “4B” (industrial) rather than “1” (vacant).

The NJ Pulverizing site, Berkeley’s largest privately owned contiguous tract was originally proposed as a possible Sending Area in the 2008 Land Use and Circulation Element. However, it became evident during the development of the REMA that the Township would not have sufficient capacity in its Receiving Areas to take the additional development credits that a tract of this size would generate. It is anticipated that the lack of road access will relegate the use of the tract to continued mining, although the Township has been investigating ways of securing the land as open space.

The build-out analysis, which excluded the two parcels (500 acres) of NJ Pulverizing Property and based upon full build out under zoning of unconstrained vacant land zoned for business or industry, indicates a potential for slightly more than 11 million square feet of additional nonresidential floor area in Berkeley. However, the vast majority of that available land is the remaining 337 acres of the New Jersey Pulverizing sand pit and there is no road access to that industrially zoned land presently and the Township and County plan to design the future Western Boulevard Extension through the property as a limited access road, as well as to limit or prevent entirely any more intensive industrial development of the site in the future. Full build-out of the Berkeley Town Center Zone has the potential to add approximately 550,000 square feet of nonresidential floor area, but only if the CAFRA lot coverage restraints are relaxed through Plan Endorsement and TDR. The actual nonresidential buildout of the Berkeley Town Center will depend on the real estate market and the market absorption of that much commercial space can be expected to take years. It is the economic balance of residential growth needed

to support new commercial development that makes it essential to focus on mixed-use development in the Receiving Areas in order for the TDR Program to be successful.

TDR SENDING AREAS, PROPOSED CENTERS & NODES; PLANNING AREA CHANGES

TDR Sending Areas

Berkeley has established five sending zones, but not all properties in the Sending Areas are vacant and thus will not generate development credits. In addition, some properties within the Sending Areas are already developed will not be assigned development credits, but are included because they are part of areas with undeveloped land.

The five sending areas are located in an area of the Township generally bounded by the Garden State Parkway to the west, Route 9 to the east, Lacey Township to the south, and Beachwood Borough to the north. This section of Berkeley Township is developed primarily with scattered low-density single-family homes and includes institutional uses such as the High School and OCUA Wastewater Treatment Plant, and a large sand quarry. Five sending areas - AA, A, B, C and D - are generally large tracts of undeveloped, residentially zoned land that are largely forested and not served by roads or public water or sewer infrastructure.

These areas consist of approximately 5,000 small tax lots and paper streets as a result of early 1900's subdivisions that were never developed. When taken together the five sending areas encompass approximately 840 acres of forested and open lands that include Threatened Forest Habitat/Rank 3 and wetlands. These remaining undeveloped lands are comparable to forested lands regulated as part of the Pinelands Management Area and in many cases only the Garden State Parkway separates them. In other cases these undeveloped forested lands reach Route 9 and form a "greenway" with undeveloped and mostly preserved upland forest and marshlands to the east of Route 9 that, in some cases, extend to the Barnegat Bay.

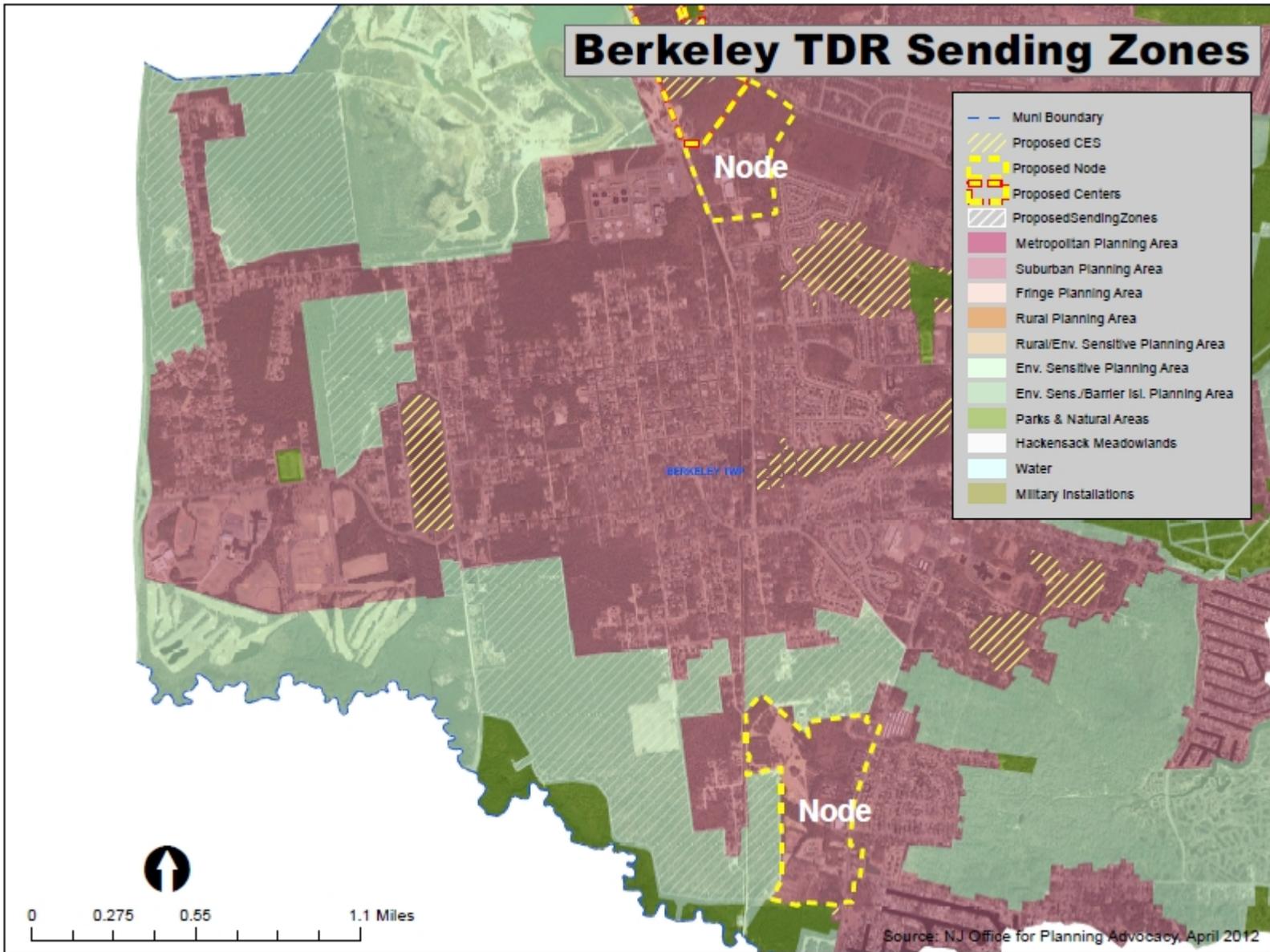
A mix of privately owned and municipally owned lots generates a total allocation of 413 development credits based on existing zoning within the Sending Areas.

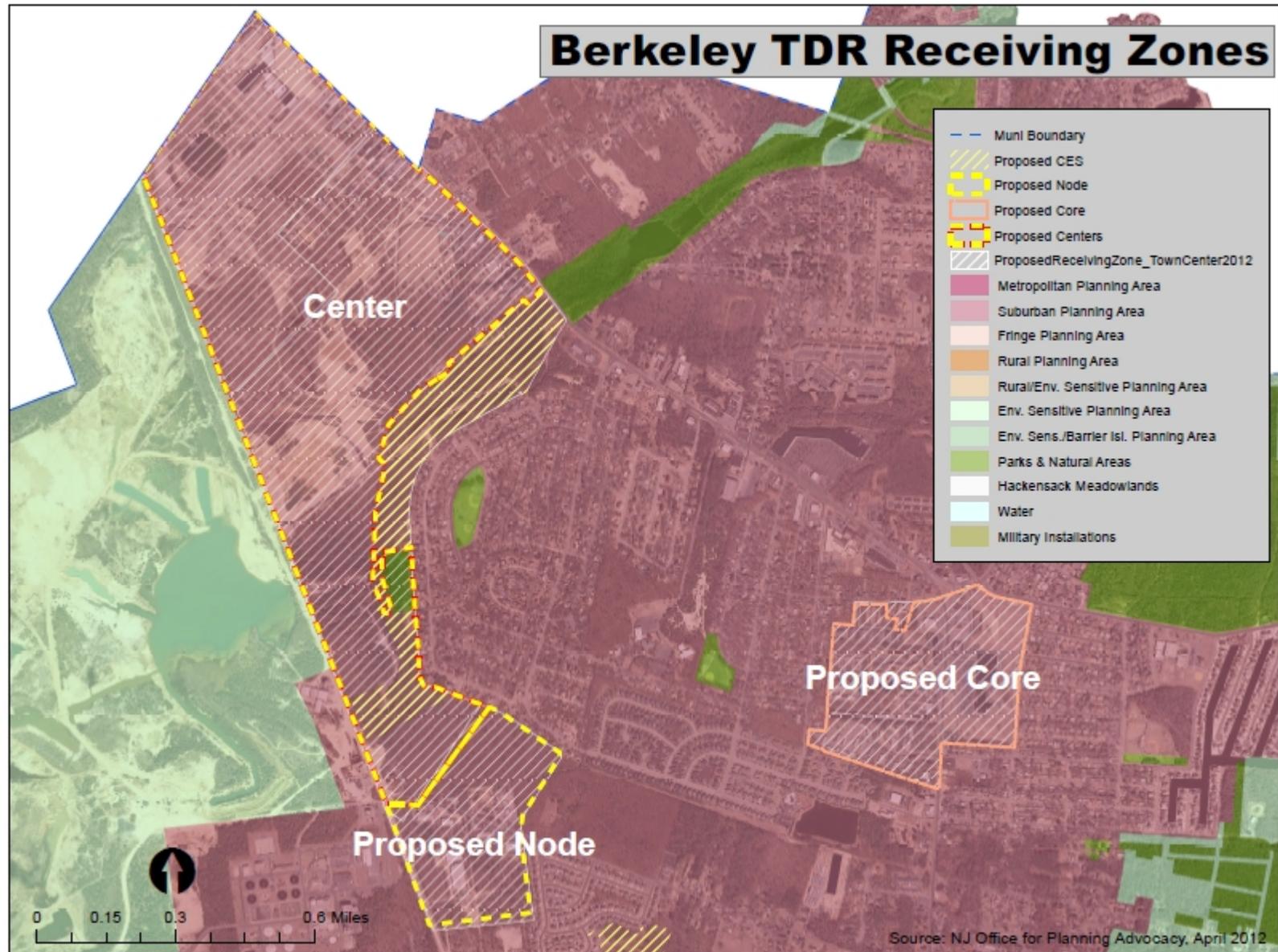
The Township's 2008 Land Use and Circulation Element has clearly defined the limits of future infrastructure extensions in this part of the Township thereby differentiating those areas that can reasonably be expected to be supported by public infrastructure and therefore built-out; and those that are more suitable for conservation through the TDR program - the sending areas. That land use element designates sending areas AA through D as Conservation Residential Districts. However, during the development of the Real Estate Market Analysis, it became evident that the TDR program, as applied in Berkeley's situation, would be most effective if the sending areas were not down-zoned to Conservation Residential (3 acre lots) so as to maintain the market value of the sending credits. This position received unanimous support at the TDR meeting with the sending zone property owners held on March 29, 2010, including several local builders who had previously vigorously opposed TDR during the hearings on the 2008 Land Use and Circulation Element because of the downzoning.

For many other property owners who contacted the Township Planner individually after the TDR meeting, the primary sentiment expressed was one of intense interest, as their lot(s) were in most cases inherited from relatives and were believed to have little or no value because they were severely undersized or remotely situated from any improved roads. The TDR program was widely embraced as a

solution to providing equity to the private lot owners while preventing continued scattered development in the forested areas. For the Township, the TDR Program provided an alternative to using Open Space fund money to try to acquire the privately owned lots.

Parcels eligible for the density transfer option must be located within an approved sending zone and must not be deed restricted from further subdivision or further development. Additional eligibility criteria are presented in the Procedures for Conveying Development Potential section of this chapter.





Town Center 1

Berkeley Town Center, the northernmost and largest receiving zone, covers 443 acres immediately south of the Beachwood Borough border, north of Mill Creek, west of Route 9 and east of the Central Rail Road of New Jersey right-of-way. The area is currently comprised of the Beachwood Plaza - an obsolete shopping center built in the 1950's, the former South Brunswick Asphalt facility, random retail service uses, an outdoor commercial recreation facility and a salvage yard. Wetlands have been identified along the Mill Creek section of the site

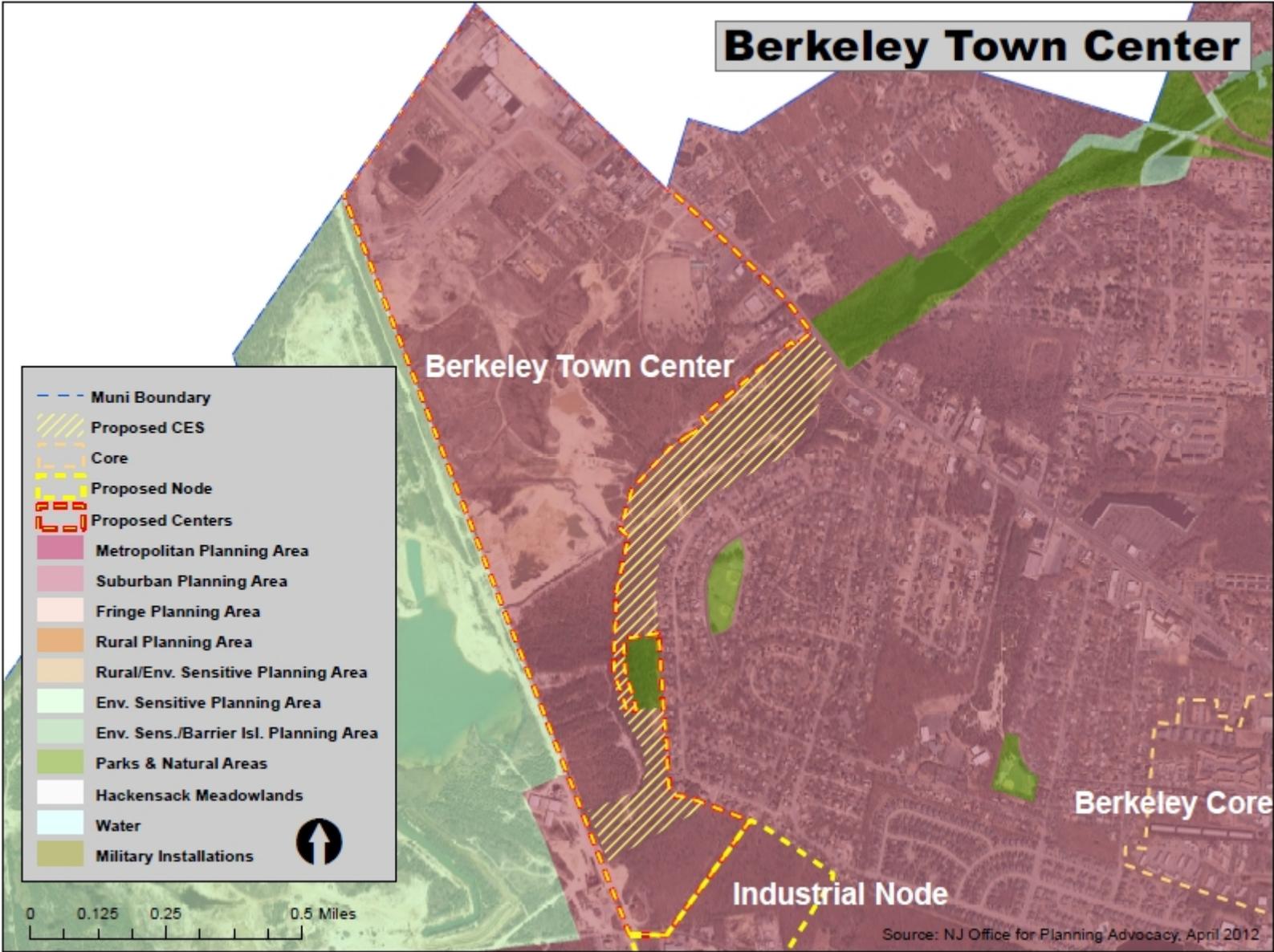
The concept for Berkeley Town Center - a compact, mixed-use, human-scaled community - was conceived as part of the Berkeley visioning process in 2002-2003. The Township has taken several steps since then to prepare the Town Center for redevelopment. The Township Council designated the majority of the proposed Town Center as an "area in need of redevelopment" in June of 2003. In 2006, the Township adopted the Town Center Zoning District, which consists of six sub-districts including Mixed Use, Small Scale Commercial, Core Commercial, Residential, Open Space Parks and Recreation, and Environmentally Sensitive. In August of 2009, the Township adopted the Berkeley Town Center Redevelopment Plan to guide the comprehensive redevelopment of the site. If fully realized, the combined build out of Phase 1 and Phase 2 of the redevelopment plan has the potential to yield approximately 700 dwelling units and 550,000 square feet of commercial space.

Accommodating planned growth within the Town Center will require the extension of Western Boulevard to serve the rear of the site so that anticipated traffic volumes do not add to the already overburdened Route 9 corridor. With extension of this County road several years off, the OSG and its agency partners devised a solution whereby the Town Center would be divided into two phases with Phase 1 being the primary focus of redevelopment subject to off-tract traffic improvements, while Phase 2 would not begin until new road plans became more definitive.

During REMA development, the municipality found that very high costs associated with the first phase of the Town Center (including extensive brownfields remediation and settlement of NJDEP penalties from the prior owner, rerouting of through traffic from Berkeley Avenue onto a new road to be constructed within the redevelopment project, widening of Route 9, relocation of a traffic signal, redesign of stormwater management facilities to serve both the project and to replace the current basin on the site that handles all of Beachwood Borough, and potential incorporation of affordable housing) made the imposition of purchase of TDR credits impractical for the first phase.

The Town Center Ordinance will remain in place for the few existing residential and commercial properties within Berkeley Town Center, while the Berkeley Town Center Redevelopment Plan now regulates the vast majority of the area designated as a redevelopment area. New zoning standards have been developed for Town Center 2 and Node C to ensure that smart growth principles are applied in each case.

A State Plan Town Center is being requested for Town Center 1.



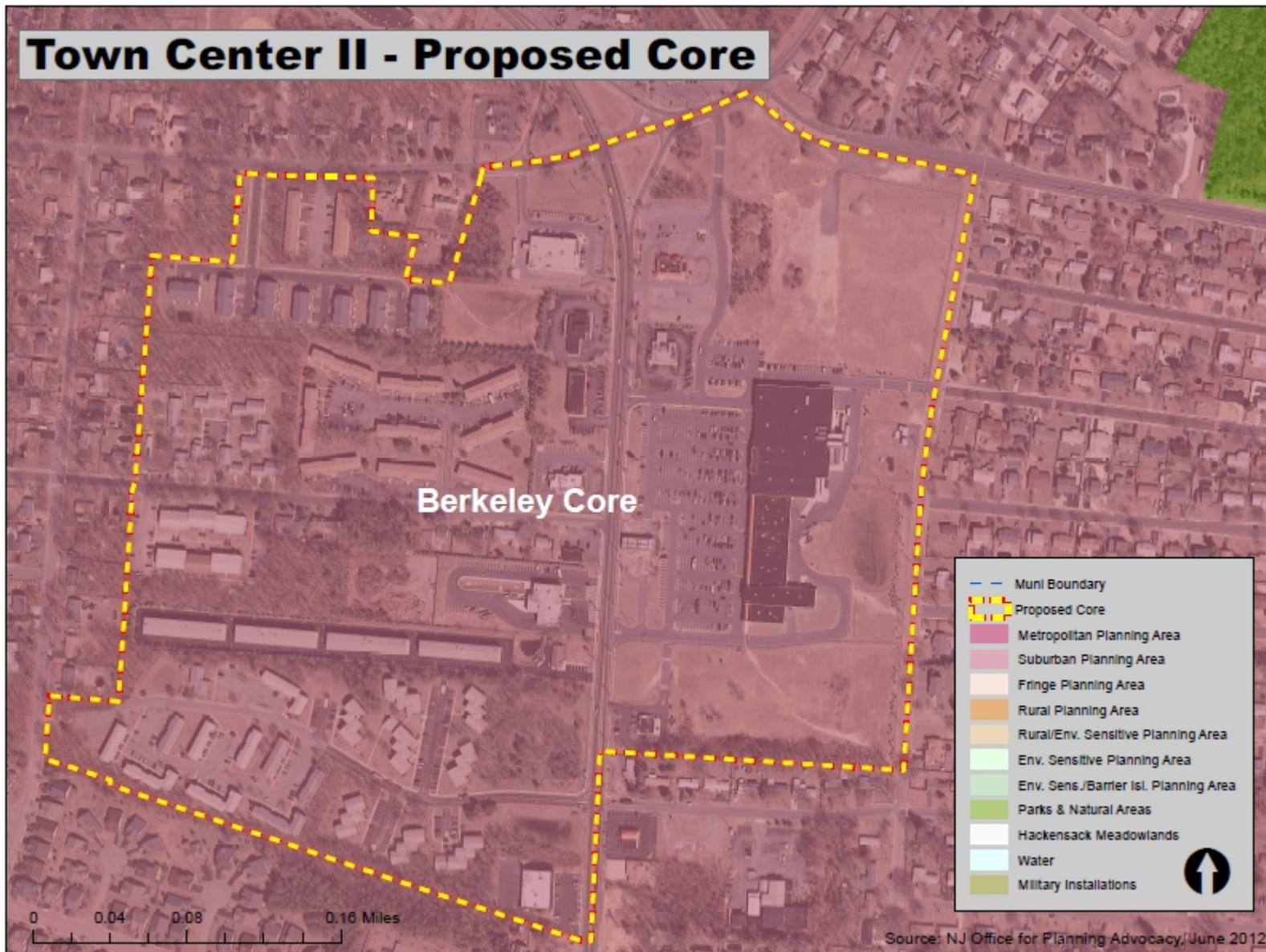
Town Center 2 (Secondary Town Center)

The second proposed Town Center straddles Route 9 from its intersection with Korman Road and Ocean Gate Drive, south to Bow Street. This center is smaller than Berkeley Town Center, consisting of 92 acres. The stated goal is to forge a strong pedestrian link between the high density residential development on the west side of Route 9 with the commercial area anchored by the Shop Rite supermarket on the east side of Route 9 while promoting better quality design and landscaping, shared parking, and more controlled access to Route 9.

Transfer of Development Rights will be accommodated in the 30.75 acre portion of the center east of Route 9. With the introduction of a simple street grid, this underdeveloped shopping center has the potential to add 158 dwelling units (12 duplexes, 46 townhomes and 100 multifamily), an additional 140,000 square feet of retail and 10,000 square feet of additional restaurant space in the form of infill development. All of this anticipated development would be achieved only through the purchase of TDR credits.

Currently the entire Town Center 2 is fully developed under current CAFRA restrictions on impervious surface and HB zoning. Once Town Center 2 is recognized as a State Plan Town Center Core via Plan Endorsement and a "CAFRA Core" by DEP, allowable impervious surface increases to 80% by CAFRA rule; however, the overlay zoning adopted by Berkeley Township limits impervious surface to 70%.

Town Center II - Proposed Core

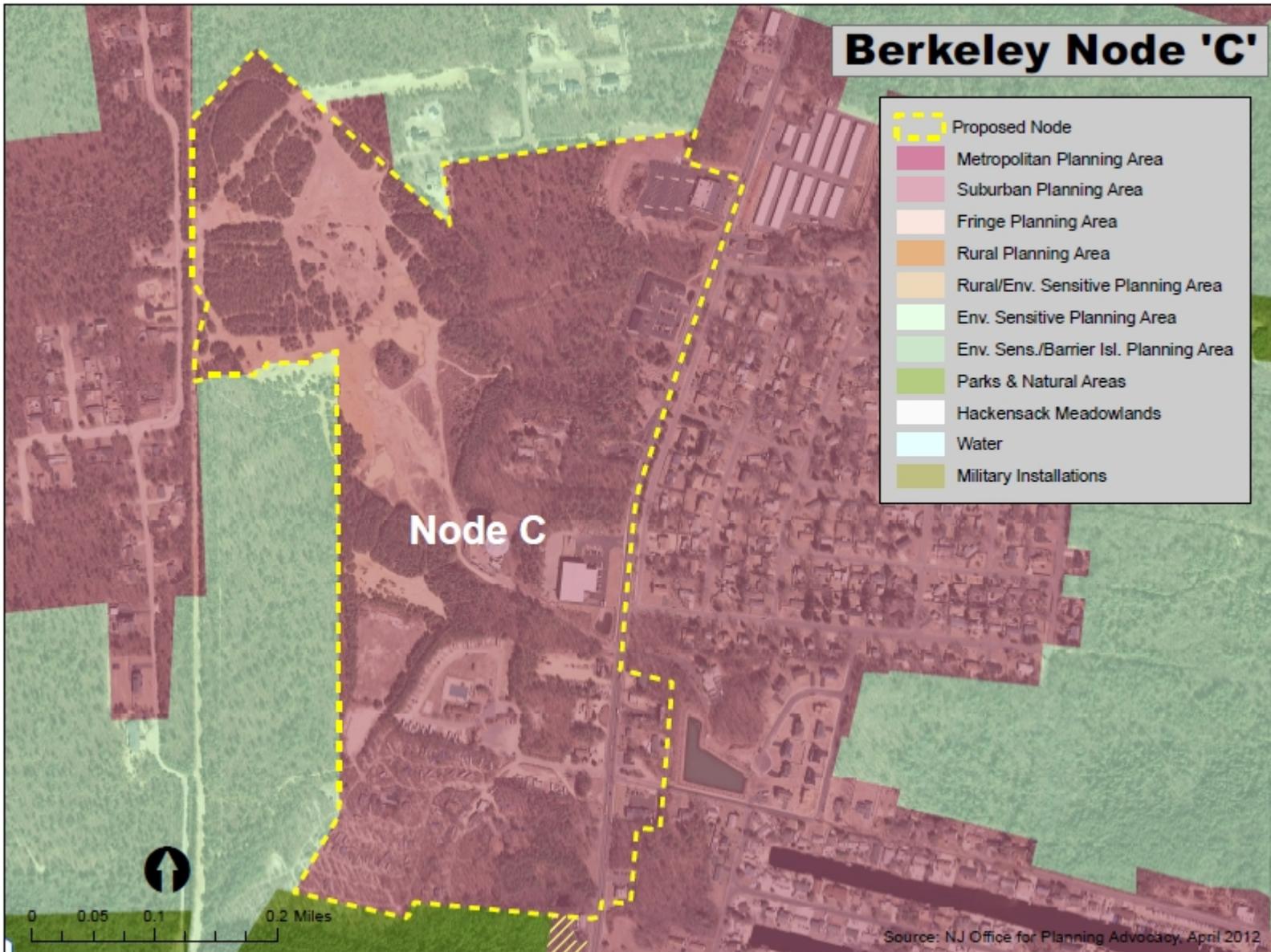


Node C

Corridor Node C is the southernmost receiving area covering 145 acres on 73 parcels. Located primarily on the southbound side of Route 9 in the vicinity of Harbor Inn Road, this receiving zone has the most potential for new development and redevelopment after Berkeley Town Center. It is currently sparsely developed with the predominate use being an abandoned mining operation. A concept plan has been developed for this node to ensure that its development conforms to smart growth principles. This zone has the potential to become a mixed-use "Southern Village" adjacent to Dudley Park and the Barnegat Branch Trail bike path being developed by Ocean County.

Based on existing zoning, the build-out of Node C would approximate 114 single-family residential units and 147,000 square feet of commercial space. The build-out under the Draft Corridor Node Overlay District regulations would permit an estimated 300 duplexes, 316 townhouses, and 147,000 square feet of commercial space within the same developable land area. The REMA analysis estimates sufficient value would be added for the difference between 114 single family homes under existing build-out to encourage the 300 duplexes and 316 townhouses in the Overlay District contingent upon the purchase of Development Credits

No State Plan Center status is being requested for Node C.

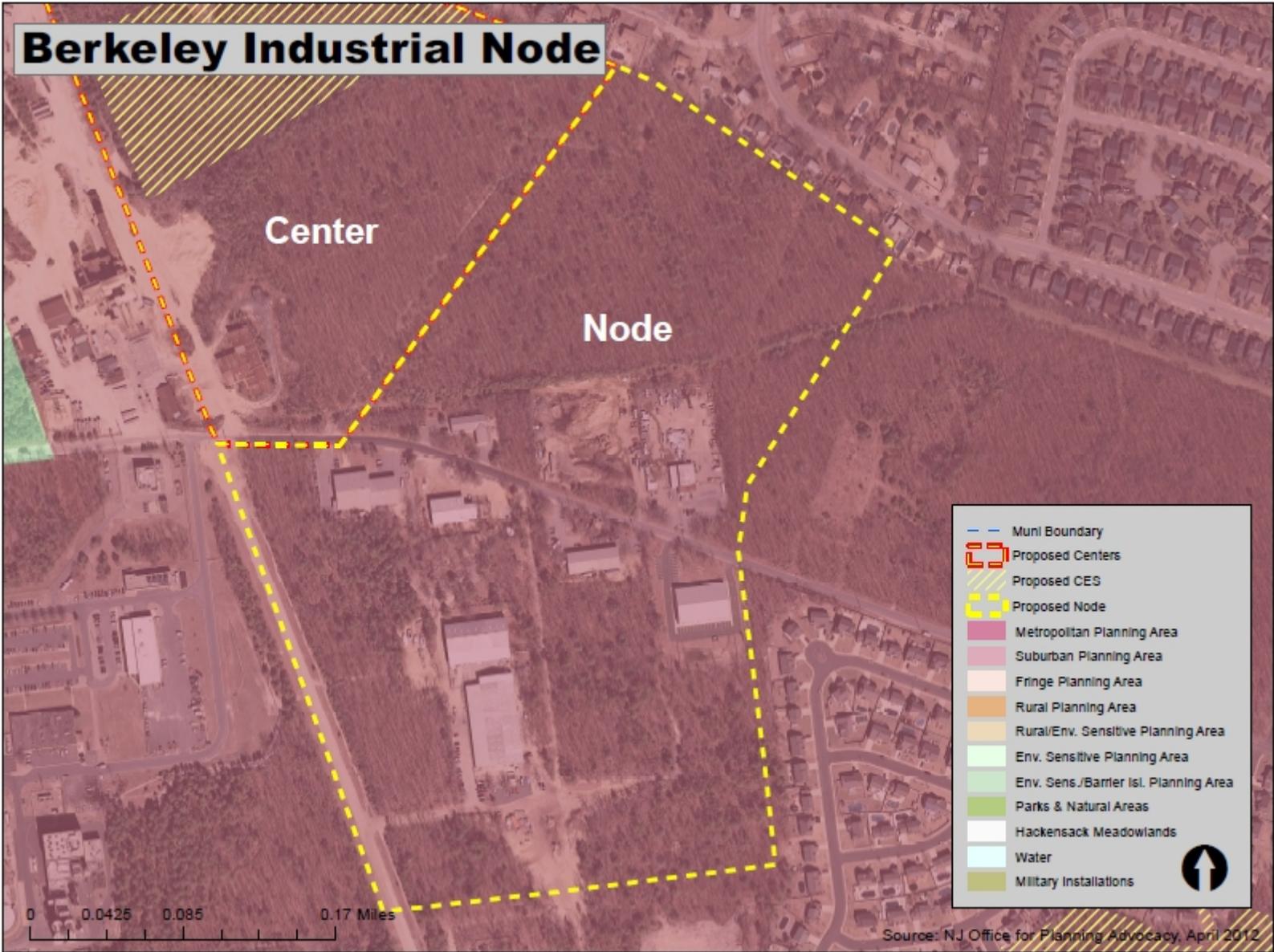


Light Industrial Node

The Light Industrial Node is located at the western end of Hickory Lane in Berkeley Township's Suburban Planning Area. This 79.3 acre area is generally bounded by the rail right-of-way to the west, the extent of Block 858 lot 46 to the north, Keefe Street to the east, and Northern Boulevard to the south. The node includes industrial properties and borders the OCUA across the Rail right-of-way. It is composed of 241 parcels with 11 owners and existing commercial space totaling 127,394 square feet.

A State Plan Node is being requested for the Light Industrial Node; the State Plan sets forth guidelines for heavy industrial and commercial/ light industrial node designations.

The entire Hickory Lane Industrial Park is fully developed under current CAFRA restrictions and existing LI zoning. Once the Light Industrial Node is recognized as a "CAFRA Node" and a State Plan Node via Plan Endorsement, the impervious surface coverage may increase from 30% to 80%. The Light Industrial Zone overlay zoning have been amended to limit the maximum impervious surface coverage to 70%.



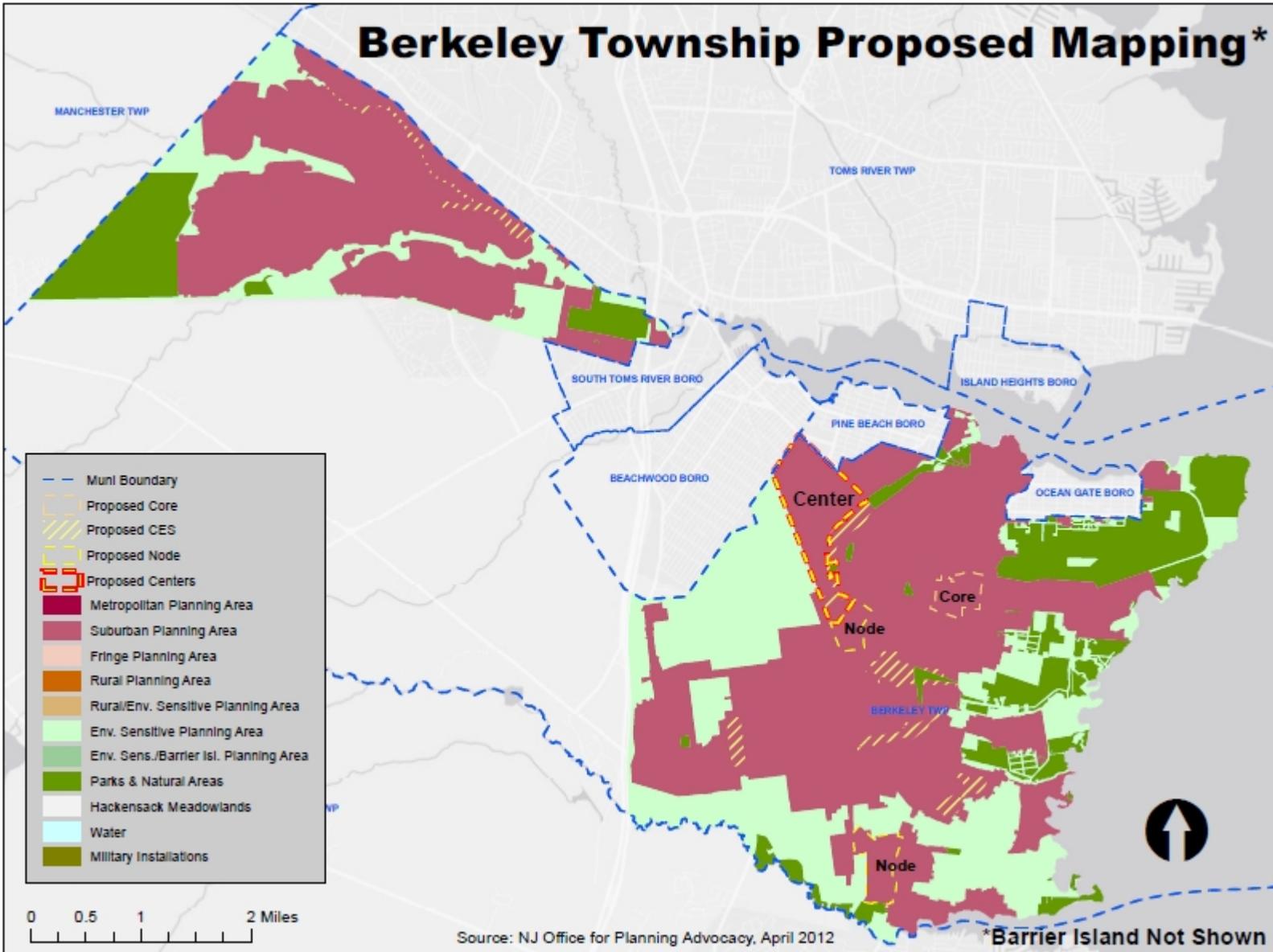
TDR Overall Result

It is the Township's intention, through a variety of mechanisms, to preserve more than 840 acres of undeveloped residentially zoned land in the five Sending Areas and the 837 acres of industrially zoned land owned by NJ Pulverizing that currently lacks the necessary sewer, water and roadway infrastructure needed to accommodate future growth. Through the TDR program, the equivalent of 391 single family detached dwelling units and 97,121 square feet of commercial space would be transferred from the five Sending Areas to the four Receiving Areas, which together have existing or planned infrastructure capacity to accommodate approximately 872 dwelling units and 520,000 square feet of commercial development in addition to the 536 residential units and 147,000 square feet of commercial development that would be permitted "by right" in the Receiving Areas if the regulatory changes resulting from the completion of Plan Endorsement (and TDR) were successfully implemented. With the purchase of Development Credits, property owners will be able to capture the development potential opportunities the increase in impervious surface provides. In total an additional 520,000 square feet of commercial space is possible through TDR.

Planning Area Changes

Planning Area changes are significant in Berkeley. Previously, the non-Pinelands portion of the municipality was primarily Planning Area 2, Suburban Planning Area. Recently, Berkeley Township, along with Ocean County and the State DEP have updated sewer mapping for the municipality. That sewer mapping, along with municipal zoning is the primary foundation of the more precise Planning Area boundaries. In addition, Planning Areas have been updated to recognize significant work done by the municipality to adjust for open space, publicly owned lands, recreational lands, and environmentally sensitive land. The most significant feature of the new mapping is a map in which TDR sending areas are primarily Planning Area 5 while receiving areas remain Planning Area 2.

Berkeley Township Proposed Mapping*



WATER INFRASTRUCTURE

Water Supply

Generally, while no major water infrastructure projects will be required to accommodate the development and redevelopment associated with the Plan Endorsement and Transfer of Development Rights program, assorted upgrades will be necessary.

For example, Aqua has indicated that a new well would have to be provided by the eventual redeveloper to adequately service Berkeley Town Center. Water lines presently exist in the Route 9, Gladney Avenue, and Locker Street rights-of-way. These lines would have to be upgraded and extended to service the town center, as well. Node C and Light Industrial Node infrastructure appears to be adequate.

While some infrastructure costs will be borne by the municipality, particularly in Town Center I, the majority of upgrades will be the responsibility of developers and redevelopers on their respective properties and projects. A full account of water infrastructure needs are laid out in the TDR Element and the Utility and Capital Improvement Plan, along with cost estimates.

Wastewater

While much of the municipality is served by the Berkeley Township Sewerage Authority (BTSA) for wastewater treatment, the Receiving Areas are in the Ocean County Utility Authority (OCUA) Sewer Service Area. The OCUA operates a regional wastewater reclamation system serving a total of 36 municipalities in Ocean and Monmouth Counties, including Berkeley Township.

The OCUA verified sufficient capacity in a letter, dated November 3, 2010, which stated "Please be advised that as of October 1, 2010, there are 5.407 mgd of remaining treatment capacity at the Central Water Pollution Control Facility. This is based upon flows currently received at this facility and projects approved by this Authority, but not currently connected. Based upon review of the provided Capital Improvement Plan & Utility Service Plan, last revised October 12, 2010, the Authority can accommodate the (proposed project) wastewater demand".

In addition, design standards and zoning requirements for the Town Center 2 and Node C will prohibit the use of potable water for irrigation purposes consistent with sustainable development and Green Building standards. Any water used for irrigation will be required to use only nonpotable sources of water (captured rainwater, recycled graywater, etc).

As with water infrastructure, while no major wastewater infrastructure will be required, extensions and upgrades will be necessary to support the development anticipated as a result of the TDR program and will generally be the responsibility of developers and redevelopers.

Stormwater Management

According to Berkeley Township's 2005 Municipal Stormwater Management Plan (MSWMP) and associated ordinances in 2005 and 2006, all future development in Berkeley Township must utilize the best available technology to minimize off-site stormwater runoff, increase on-site infiltration, simulate natural drainage systems and minimize off-site discharge of pollutants to ground- or surface water and encourage natural filtration functions.

Berkeley's adopted MSWMP specifies:

- Stormwater design and performance standards for new development
- Stormwater management controls to address impacts from existing development
- Preventative and corrective maintenance strategies are included in the plan to ensure long-term effectiveness of stormwater management facilities
- Safety standards for stormwater infrastructure to be implemented to protect public safety
- That non-structural stormwater management measures are to be considered first and shall include site design and preventive source controls. To confirm the effectiveness of such measures, development proposals must verify the control of stormwater quantity impacts as detailed in the Stormwater Management rules
- New Jersey Stormwater Best Management Practices Manual techniques for erosion control, runoff and infiltration with other designs or practices to be used if they are approved by the Ocean County Soil Conservation District. The design and construction of such facilities must comply with the Soil Erosion and Sediment Control Standards as well as any other applicable state regulation, including the Freshwater Wetland Protection Act rules, the Flood Hazard Control rules, the Surface Water Quality Standards, the Coastal Area Facilities Review Act, Waterfront Development and Harbor Facilities Act, and the Dam Safety rules.

Currently, Berkeley requires all basins for major subdivisions to be owned and maintained by a private Homeowners Association. Basins for non-residential development are to be owned and maintained by the property owner or other official designated at the time of application to the applicable Board.

Stormwater management for the new development within the Receiving Areas will be addressed through site plan approval. Draft zoning regulations and design standards for the Town Center 2 and Node C Overlay Districts also apply Best Management Practices for the use of multiple rain gardens or bioretention basins to maximize groundwater recharge rather than channeling stormwater to streams. These more sustainable design practices are particularly important in light of the impacts of nutrient levels in the Barnegat Bay that have degraded water quality and caused decline of eelgrass beds that are critical to the sensitive estuary ecosystem

TRANSPORTATION

The Receiving Areas are placed along the Route 9 corridor, which will serve as the main artery for each zone. In order to lessen the impact on the overall circulation system, development in each zone will be required to be consistent with Berkeley's 2008 circulation element and incorporate elements such as shared parking and access points, internal grids, linkages to adjoining uses and neighborhoods, pedestrian and bicycle facilities, and transit-friendly design. Where possible, the street network in the Receiving Areas will connect to or align with the rights-of-way of abutting street grids.

For the most part, internal roadways and sidewalks as well as NJDOT required improvements within the Route 9 right-of-way would have to be provided by prospective developers/redevelopers, as would be the case with any site development. Expansion of the public roadway system within the Receiving Areas would be assessed against the developer.

However, a number of proposed transportation improvements, including some included in NJDOT's Route 9 Corridor Master Plan as options to explore and adopted by the municipality in their Plan Endorsement and TDR work, involve direct changes to, or access to, Route 9. In determining the feasibility of proposed Route 9 improvements, the municipality will require close coordination with NJDOT and the County to insure that expectations are clear among all parties. OPA will continue to work with state agencies, the legislature and executive branch in order to promote the prioritization of state funding and infrastructure work for municipalities that implement TDR programs, complete Plan Endorsement, or other planning implementation mechanisms generated from the Strategic State Planning process.

In addition to being identified as integral to the development of Town Center 1 and the TDR program by Berkeley Township the Western Boulevard extension has also been identified by the County as a vital improvement to help alleviate traffic congestion along Route 9 and is in its capital plan. Two possible alignments are identified in the Township's circulation element. While the exact location of its intersection with Route 9 has yet to be determined, it is anticipated that Western Boulevard will extend to Route 9 within the northern half of Berkeley Town Center, most likely utilizing the proposed extension of Berkeley Avenue through the redevelopment site to a new signalized intersection with Washington Avenue that will replace the existing signal at Mizzen Avenue in Beachwood. Other improvements associated with Phase 1 of the Berkeley Town Center (not a receiving zone) include widening of Route 9 with additional lanes, including a two-way center left turn lane, from the Beachwood border to the southerly end of the Center, with associated intersection improvements (see example of concept plan for a typical segment below). Finally, Western Boulevard is in the North Jersey Transportation Planning Authority's (NJTPA) Transportation Improvement Program (TIP).

In addition to improvements to Route 9 associated with the development of Phase 1 of the Berkeley Town Center, there are intersection improvements, at a minimum, anticipated to be required in association with the redevelopment of Town Center 2, particularly with the potential expansion and re-configuration of the Berkeley Shopping Plaza (Shop Rite) and the opportunity to create a full signalized entrance at Frederick Drive to enable a safe pedestrian crossing linking the high density residential development on the west side of

Route 9 with the retail uses and potential new mixed use development within the shopping center. To reduce the number of traffic signals and mitigate against the need for a waiver for the separation between the existing signal at Moorage and the recommended new signal at Frederick, the roundabout option in the NJDOT's Route 9 Corridor Master Plan at the intersections of Korman and Ocean Gate Drive with Route 9, as well as a smaller roundabout at Veeder Lane, Mill Creek Road and Ocean Gate Drive, are proposed by the Township as part of the commitment of the State agency partners to Berkeley's Plan Endorsement Petition.

A schematic concept plan for the shopping center portion of Town Center 2, showing the suggested roadway improvements, is available in the Municipal Self Assessment Addendum submitted by the Township during Plan Endorsement.

As to non-vehicular connectivity, Ocean County is developing a rail to trail project along the former Barnegat Branch railroad right-of-way, which forms the western boundaries of the Berkeley Town Center and Node C. This trail has the potential to serve as an important pedestrian and bicycle link between the northernmost and southernmost Receiving Areas. There is also some potential to link all three Receiving Areas to a larger proposed trail system.

The primary mass transit opportunity in Berkeley is provided by NJ Transit Bus Route #559 which runs along Route 9 between Atlantic City and Lakewood. The nearest park and ride facility is in Toms River, approximately 3.5 miles from the center of Berkeley, where connections can be made to busses serving Newark and New York.

In a memorandum from NJ Transit to the Office for Planning Advocacy related to the SPC plan endorsement process, NJ Transit states that "Given Berkeley's optimal access to NJ Transit services through the nearby Toms River Park-Ride, and that most residential pockets are either senior citizen developments with their own transportation services or are areas that are served by Ocean County-operated paratransit, it appears existing development and future growth will be adequately served by existing transit systems. Therefore, NJ Transit does not foresee expanding service to Berkeley Township. If more localized service is desired, the municipality should work with Ocean Ride to add service." Ocean Ride is a fixed-route service operated by the County of Ocean for the handicapped and elderly. Ocean Ride currently provides two bus routes that serve the eastern and western portion of the Township. The eastern route (OC7) operates Monday, Wednesday, and Friday and stops at the Bay Ridge Apartment complex off Route 9 (Town Center 2), the Berkeley Shopping Center on Route 9, Baywick Plaza on Route 9, and Ocean Gate Drive and Point Pleasant Avenue. The western route (OC8) operates daily and makes several stops within the Holiday City and Silver Ridge adult/senior communities of Berkeley. While no discussions have taken place with the County regarding expanding the OC7 Route to serve the Berkeley Town Center once it becomes developed, it is anticipated that the Center will become a popular destination for regular Ocean Ride patrons.

Given that it is unlikely that additional NJ Transit bus service will be provided in Berkeley, it is important to ensure that access to the existing service is enhanced whenever possible. To that end, the Land Use and Circulation Plan Element of the Township's Master Plan recommends concentrating growth in centers and nodes with transit-friendly design features that accommodate bus and shuttle service such as shelters, street furniture, and pull-off lanes within reasonable proximity to major uses and destinations. Bus stops will also be connected to the bike and pedestrian trail system as laid out in the Master Plan. Land development regulations will incorporate bicycle

storage facilities based on LEED rating systems. In addition, park and ride opportunities should be provided whenever feasible in the centers and nodes utilizing surplus retail parking during the off-peak daytime hours.

Traffic improvements for the new development within the Receiving Areas will be addressed through site plan approval. Draft zoning regulations and design standards for the Town Center 2 and Node C Overlay Districts also apply Best Management Practices for the use of bicycle storage facilities, pedestrian crossings and pathways and bus stops/shelters.

For Town Center 2 and the Light Industrial Node, the capital improvements are expected to be made by the owners of the Berkeley Plaza (Shop Rite) shopping center and the industrial park on Hickory Lane, respectively. To the extent that other subsequent developments will benefit from the listed capital improvements, it is expected that recapture agreements will be used. Recapture agreements are agreements made with an original developer and a government entity which allows the original developer to charge a "connection fee" to a new developer who connects to their improvement. This method has been used successfully for water or sanitary sewer. The developer pays for the entire improvement and hopes to recapture the cost as other developers connect to the improvements.

SCHOOLS, UTILITIES & OTHER INFRASTRUCTURE

It is not anticipated that new school facilities will be required. In fact, based on analysis from the Berkeley Utility and Capital Improvement Plan, enrollment projections in the Long Range Facilities Plan (2005 to 2010) of the Berkeley Township and Central Regional School Districts are consistently higher versus the actual enrollment reported by the New Jersey Department of Education Report Cards of more recent years.

This trend is probably a reflection of the multifaceted demographic transition of "Baby Boomers" - born between 1946 and 1964 - into retirement, leaving large suburban houses for smaller more urban units, while at the same time "Millennials" - born between 1982 and 1999 - are seeking activity rich, lower consumption lifestyles in urban environments. It is thought that these two forces are together reducing demand for the type of housing typically available in suburbs.

STATE PLAN GOALS REVIEW

GOAL 1: REVITALIZE THE STATE'S CITIES AND TOWNS

GOAL	POLICIES	INDICATORS
<p>Goal 1: Revitalize the State's Cities and Towns</p> <p>STRATEGY: Protect, preserve and develop the valuable human and economic assets in cities, towns and other urban areas. Plan to improve their livability and sustainability by investing public resources in accordance with current plans which are consistent with the provisions of the State Plan. Leverage private investments in jobs and housing; provide comprehensive public services at lower costs and higher quality; and improve the natural and built environment. Incorporate ecological design through mechanisms such as solar access for heating and power generation. Level the playing field in such areas as financing services, infrastructure and regulation. Reduce the barriers which limit mobility and access of city residents, particularly the poor and minorities, to jobs, housing, services and open space within the region. Build on the assets of cities and towns such as their labor force, available land and buildings, strategic location and diverse populations.</p>	<p>Policy on Urban Revitalization - Prepare strategic revitalization plans, neighborhood empowerment plans and urban complex strategic revitalization plans that promote revitalization, economic development and infrastructure investments, coordinate revitalization planning among organizations and governments, support housing programs and adaptive reuse, improve access to waterfront areas, public open space and parks, and develop human resources with investments in public health, education, work force readiness and public safety in cities and towns.</p>	<p>Key Indicator 5. Progress in socioeconomic revitalization for the 68 municipalities eligible for Urban Coordinating Council assistance</p> <p>Indicator 6. Percent of jobs located in Urban Coordinating Council municipalities</p> <p>Indicator 22. Percent of building permits issued in Urban Coordinating Council municipalities</p> <p>Indicator 27. Number of Neighborhood Empowerment Plans approved by the Urban Coordinating Council</p>

Generally, this policy generally applies only to select areas in the state with very dense development, significant infrastructure, high populations and a heavy transit system presence.

GOAL 2: CONSERVE THE STATE'S NATURAL RESOURCES AND SYSTEMS

GOAL	POLICIES	INDICATORS
<p>Goal 2: Conserve the State's Natural Resources and Systems</p> <p>STRATEGY: Conserve the state's natural resources and systems as capital assets of the public by promoting ecologically sound development and redevelopment in the Metropolitan and Suburban Planning Areas, accommodating environmentally designed development and redevelopment in Centers in the Fringe, Rural and Environmentally Sensitive Planning Areas, and by restoring the integrity of natural systems in areas where they have been degraded or damaged. Plan, design, invest in and manage the development and redevelopment of Centers and the use of land, water, soil, plant and animal resources to maintain biodiversity and the viability of ecological systems. Maximize the ability of natural systems to control runoff and flooding, and to improve air and water quality and supply.</p>	<p>Policy on Water Resources - Protect and enhance water resources through coordinated planning efforts aimed at reducing sources of pollution and other adverse effects of development, encouraging designs in hazard-free areas that will protect the natural function of stream and wetland systems, and optimizing sustainable resource use.</p> <p>Policy on Open Lands and Natural Systems - Protect biological diversity through preservation and restoration of contiguous open spaces and connecting corridors; manage public land and provide incentives for private land management to protect scenic qualities, forests and water resources; and manage the character and nature of development for the protection of wildlife habitat, critical slope areas, water resources, and for the provision of adequate public access to a variety of recreational opportunities.</p> <p>Policy on Coastal Resources - Acknowledge the statutory treatment of the coastal area under federal and state legislation, coordinate efforts to establish a comprehensive coastal management program with local planning efforts, undertake a regional capacity analysis, protect vital ecological areas and promote recreational opportunities.</p> <p>Policy on Special Resource Areas - Recognize an area or region with unique characteristics or resources of statewide importance and establish a receptive environment for regional planning efforts. The Highlands region has been recognized as the first Special Resource Area in New Jersey.</p>	<p>Key Indicator 2. The amount of land permanently dedicated to open space and farmland preservation</p> <p>Key Indicator 3. Percent of New Jersey's streams that support aquatic life</p> <p>Indicator 11. Conversion of wetlands for development</p> <p>Indicator 26. Percent of land in New Jersey covered by adopted watershed management plans</p>

The innovative TDR program will allow for the preservation of 800 acres of land, preventing additional impervious surface from being created on those lands reducing any increase in unfiltered runoff into the Barnegat Bay.

Multiple environmental protection ordinances will protect sensitive features throughout town.

The Township of Berkeley contains more than 11,000 acres of open space, parks and recreation areas. This equals 44.3% of the Township's total land area of 26,500 acres. Municipal officials continue to pursue strategic acquisition of open space and partner with organizations to extent protects of environmentally sensitive areas.

Berkeley's Environmental Resource Inventory (ERI), previously updated in 1996, was revised in 2012. ERIs give a full accounting of a municipalities weather, soil, water, biological, agricultural, cultural, open space, historic and other natural, environmental and cultural resources and conditions. Not only does the NRI allow for better decisions to be made about these resources, but it also highlights areas which should be considered for additional research or protection.

Berkeley completed a coastal consistency statement demonstrating that their development regulations are consistent with the principles of NJDEP's Coastal Zone Management Program.

Berkeley Township is pursuing Sustainable Jersey Certification - which has already funded the township's NRI and for which it received 20 points - is one of Berkeley's goals.

GOAL 3: PROMOTE BENEFICIAL ECONOMIC GROWTH, DEVELOPMENT AND RENEWAL FOR ALL RESIDENTS OF NEW JERSEY

GOAL	POLICIES	INDICATORS
<p>Goal 3: Promote Beneficial Economic Growth, Development and Renewal for All Residents of New Jersey STRATEGY: Promote socially and ecologically beneficial economic growth, development and renewal and improve both the quality of life and the standard of living of New Jersey residents, particularly the poor and minorities, through partnerships and collaborative planning with the private sector. Capitalize on the state's strengths—its entrepreneurship, skilled labor, cultural diversity, diversified economy and environment, strategic location and logistical excellence—and make the state more competitive through infrastructure and public services cost savings and regulatory streamlining resulting from comprehensive and coordinated planning. Retain and expand businesses, and encourage new, environmentally sustainable businesses in Centers and areas with infrastructure. Encourage economic growth in locations and ways that are both fiscally and environmentally sound. Promote the food and agricultural industry throughout New Jersey through coordinated planning, regulations, investments and incentive programs—both in Centers to retain and encourage new businesses and in the Environs to preserve large contiguous areas of farmland.</p>	<p>Policy on Economic Development - Promote beneficial economic growth and improve the quality of life and standard of living for New Jersey residents by building upon strategic economic and geographic positions, targeting areas of critical capital spending to retain and expand existing businesses, fostering modern techniques to enhance the existing economic base, encouraging the development of new enterprises, advancing the growth of green businesses, elevating work force skills, and encouraging sustainable economic growth in locations and ways that are fiscally and ecologically sound.</p> <p>Policy on Agriculture - Promote and preserve the agricultural industry and retain farmland by coordinating planning and innovative land conservation techniques to protect agricultural viability while accommodating beneficial development and economic growth necessary to enhance agricultural vitality and by educating residents on the benefits and the special needs of agriculture.</p> <p>Policy on Equity - It is the position of the State Planning Commission that the State Plan should neither be used in a manner that places an inequitable burden on any one group of citizens nor should it be used as a justification for public actions that have the effect of diminishing equity. It is also the position of the Commission that the achievement, protection and maintenance of equity be a major objective in public policy decisions as public and private sector agencies at all levels adopt plans and policies aimed at</p>	<p>Key Indicator 1. New development, population and employment located in the Metropolitan and Suburban Planning Areas or within Centers in the Fringe, Rural and Environmentally Sensitive Planning Areas</p> <p>Indicator 1. Average annual disposable income among New Jerseyans Indicator 2. Unemployment Indicator 3. Conversion of farmland for development Indicator 5. Agricultural output Indicator 7. Economic output per unit of energy consumed Indicator 21. Municipalities with median household incomes of less than \$30,000 per year (in 1990 dollars) Indicator 22. Number of census tracts with more than 40% of the population living under the poverty level</p>

Redevelopment of properties in town (Beachwood Plaza, etc.) will bring ratable back onto tax rolls at full value and allow for additional hiring during construction as well as create permanent jobs in the newly constructed spaces.

The redevelopment of Town Center 1 and the reconfiguration of Town Center 2 will create walkable centers with more amenities available to more residents living in closer proximity.

Creative and modern mixed use redevelopment and zoning which supports it will result in a wider diversity of living and working situations, creating a more resilient economy for Berkeley.

GOAL 4: PROTECT THE ENVIRONMENT, PREVENT AND CLEAN UP POLLUTION

GOAL	POLICIES	INDICATORS
<p>Goal 4: Protect the Environment, Prevent and Clean Up Pollution STRATEGY: Develop standards of performance and create incentives to prevent and reduce pollution and toxic emissions at the source, in order to conserve resources and protect public health. Promote the development of businesses that provide goods and services that eliminate pollution and toxic emissions or reduce resource depletion. Actively pursue public/private partnerships, the latest technology and strict enforcement to prevent toxic emissions and clean up polluted air, land and water without shifting pollutants from one medium to another; from one geographic location to another; or from one generation to another. Promote ecologically designed development and redevelopment in the Metropolitan and Suburban Planning Areas and accommodate ecologically designed development in Centers in the Fringe, Rural and Environmentally Sensitive Planning Areas, to reduce automobile usage; land, water and energy consumption; and to minimize impacts on public health and biological systems, water and air quality. Plant and maintain trees and native vegetation. Reduce waste and reuse and recycle materials through demanufacturing and remanufacturing</p>	<p>Policy on Air Resources - Reduce air pollution by promoting development patterns that reduce both mobile and stationary sources of pollution, promoting the use of alternative modes of transportation, and supporting clean, renewable fuels and efficient transportation systems.</p> <p>Policy on Energy Resources - Ensure adequate energy resources through conservation, facility modernization, renewable energy and cogeneration; to continue economic growth while protecting the environment; and to modify energy consumption patterns to capitalize on renewable, domestic energy supplies rather than virgin extraction and imports.</p> <p>Policy Waste Management, Recycling and Brownfields- Promote recycling and source reduction through product design and materials management and by coordinating and supporting legislative, planning and facility development efforts regarding solid and hazardous waste treatment, storage and disposal. Capitalize on opportunities provided by brownfield sites through coordinated planning, strategic marketing and priority redevelopment of these sites.</p>	<p>Indicator 4. Percent of brownfield sites redeveloped</p> <p>Indicator 7. Economic output per unit of energy consumed</p> <p>Indicator 8. The generation of solid waste on a per capita and per job basis</p> <p>Indicator 9. Number of unhealthful days annually caused by ground-level ozone, particulate matter and carbon monoxide</p> <p>Indicator 10. Greenhouse gas emissions</p> <p>Indicator 13. Changes in toxic chemical use and waste generation (non-product output or NPO) by New Jersey’s manufacturing sector</p> <p>Indicator 15. Vehicle miles traveled per capita</p>

Redevelopment on the Town Center 1 site will catalyze a clean up the South Brunswick Asphalt brownfield site, preventing additional damage to the environment and potentially restoring some of its previous environmental value.

The TDR program will not just preserve an estimated 800 acres of land; that preservation land will result in the preservation of larger parcels of contiguous land and is generally more desirable for protecting environmental resources. In addition, reduction of unit count in Pinewald via the TDR program will result in fewer septic systems and their impacts in the sensitive sending area.

To the extent that center-based development reduces vehicular trips, vehicle miles travelled will be reduced, lowering emissions.

GOAL 5: PROVIDE ADEQUATE PUBLIC FACILITIES AND SERVICES AT A REASONABLE COST

GOAL	POLICIES	INDICATORS
<p>Goal 5: Provide Adequate Public Facilities and Services at a Reasonable Cost</p> <p>STRATEGY: Provide infrastructure and related services more efficiently by supporting investments based on comprehensive planning and by providing financial incentives for jurisdictions that cooperate in supplying public infrastructure and shared services. Encourage the use of infrastructure needs assessments and life-cycle costing. Reduce demands for infrastructure investment by using public and private markets to manage peak demands, applying alternative management and financing approaches, using resource conserving technologies and information systems to provide and manage public facilities and services, and purchasing land and easements to prevent development, protect flood plains and sustain agriculture where appropriate.</p>	<p>Policy on Infrastructure Investments - Provide infrastructure and related services more efficiently by investing in infrastructure to guide growth, manage demand and supply, restore systems in distressed areas, maintain existing infrastructure investments, design multi-use school facilities to serve as centers of community, create more compact settlement patterns in appropriate locations in suburban and rural areas, and time and sequence the maintenance of capital facilities service levels with development throughout the state.</p> <p>Policy on Transportation - Improve transportation systems by coordinating transportation and land-use planning; integrating transportation systems; developing and enhancing alternative modes of transportation; improving management structures and techniques; and utilizing transportation as an economic development tool.</p>	<p>Key Indicator 4. Meet present and prospective needs for public infrastructure systems</p> <p>Indicator 14. The percent of all trips to work made by carpool, public transportation, bicycle, walking or working at home</p> <p>Indicator 16. Number of pedestrian fatalities in vehicular accidents on state roads</p> <p>Indicator 17. Increase in transit ridership</p> <p>Indicator 18. Percent of potable water supplies that meet all standards</p> <p>Indicator 19. Percent of development on individual septic systems</p>

A reduction of the number of trips on local roads as a result of center-based development will result in longer cycle times for repair and maintenance of those roads.

Traffic reduction is probable through the strategic routing and extension of the Western Boulevard road, taking some vehicular pressure off of Route 9.

Reuse of existing road, building, water and utility infrastructure in sending areas and redevelopment areas such as Beachwood Plaza would delay or prevent new infrastructure from being built elsewhere.

GOAL 6: PROVIDE ADEQUATE HOUSING AT A REASONABLE COST

GOAL	POLICIES	INDICATORS
<p>GOAL 6: Provide Adequate Housing at a Reasonable Cost</p> <p>STRATEGY: Provide adequate housing at a reasonable cost through public/private partnerships that create and maintain a broad choice of attractive, affordable, ecologically designed housing, particularly for those most in need. Create and maintain housing in the Metropolitan and Suburban Planning Areas and in Centers in the Fringe, Rural and Environmentally Sensitive Planning Areas, at densities which support transit and reduce commuting time and costs, and at locations easily accessible, preferably on foot, to employment, retail, services, cultural, civic and recreational opportunities. Support regional and community-based housing initiatives and remove unnecessary regulatory and financial barriers to the delivery of housing at appropriate locations.</p>	<p>Policy on Housing - Preserve and expand the supply of safe, decent and reasonably priced housing by balancing land uses, housing types and housing costs and by improving access between jobs and housing. Promote low- and moderate-income and affordable housing through code enforcement, housing subsidies, community-wide housing approaches and coordinated efforts with the New Jersey Council on Affordable Housing.</p> <p>Policy on Design - Mix uses and activities as closely and as thoroughly as possible; develop, adopt and implement design guidelines; create spatially defined, visually appealing and functionally efficient places in ways that establish an identity; design circulation systems to promote connectivity; maintain an appropriate scale in the built environment; and redesign areas of sprawl.</p>	<p>Indicator 20. Percent of New Jersey households paying more than 30% of their pre-tax household income towards housing</p> <p>Indicator 24. Annual production of affordable housing units</p>

The housing stock being contemplated for the Town Centers will generally be smaller and include a wider price range of units with greater variety, allowing for an expansion in the affordability of housing in Berkeley.

GOAL 7: PRESERVE AND ENHANCE AREAS WITH HISTORIC, CULTURAL, SCENIC, OPEN SPACE AND RECREATIONAL VALUE

GOAL	POLICIES	INDICATORS
<p>Goal 7: Preserve and Enhance Areas with Historic, Cultural, Scenic, Open Space and Recreational Value</p> <p>STRATEGY: Enhance, preserve and use historic, cultural, scenic, open space and recreational assets by collaborative planning, design, investment and management techniques. Locate and design development and redevelopment and supporting infrastructure to improve access to and protect these sites. Support the important role of the arts in contributing to community life and civic beauty.</p>	<p>Policy on Historic, Cultural and Scenic Resources - Protect, enhance, and where appropriate rehabilitate historic, cultural and scenic resources by identifying, evaluating and registering significant historic, cultural and scenic landscapes, districts, structures, buildings, objects and sites and ensuring that new growth and development is compatible with historic, cultural and scenic values</p>	<p>Key Indicator 2. The amount of land permanently dedicated to open space and farmland preservation</p> <p>Indicator 12. Conversion of land per person</p>

An estimated 800 acres of additional open space will be generated through the TDR program.

Of the over 11,000 acres of open space, parks and recreation areas in town, many hundreds of acres have been dedicated to active recreation including baseball diamonds, basketball courts, soccer fields, hiking trails and much more.

A number of sites have been listed on the National and State Historic Registers Double Trouble State Park Historic District, the U.S. Lifesaving Station #14, and Manitou Park School House.

GOAL 8: ENSURE SOUND, INTEGRATED PLANNING AND IMPLEMENTATION STATEWIDE

GOAL	POLICIES	INDICATORS
<p>Goal 8: Ensure Sound, Integrated Planning and Implementation Statewide</p> <p>STRATEGY: Use the State Plan and the Plan Endorsement process as a guide to achieve comprehensive, coordinated, long-term planning based on capacity analysis and citizen participation; and to integrate planning with investment, program and regulatory land-use decisions at all levels of government and the private sector, in an efficient, effective and equitable manner. Ensure that all development, redevelopment, revitalization or conservation efforts support State Planning Goals and are consistent with the Statewide Policies and State Plan Policy Map of the State Plan.</p>	<p>Policy on Comprehensive Planning - Promote planning for the public's benefit, and with strong public participation, by enhancing planning capacity at all levels of government, using capacity-based planning and Plan Endorsement to guide the location and pattern of growth and promoting cooperation and coordination among counties, municipalities, state, interstate and federal agencies.</p> <p>Policy on Planning Regions Established by Statute - The State Plan acknowledges the special statutory treatment accorded the New Jersey Pinelands under the Pinelands Protection Act, and the Hackensack Meadowlands under the Hackensack Meadowlands Reclamation and Development Act. The State Planning Commission is explicitly directed to "rely on the adopted plans and regulations of these entities in developing the State Plan." In the State Plan, these areas are considered Planning Regions Established by Statute.</p> <p>Policy on Public Investment Priorities - It is the intent of the State Plan that the full amount of growth projected for the state should be accommodated. Plan Strategies recommend guiding this growth to Centers and other areas identified within Endorsed Plans where infrastructure exists or is planned and where it can be provided efficiently, either with private or public dollars. (Designated Centers are included in the category of communities with Endorsed Plans.) Public investment priorities guide the investment of public dollars to support and carry out these Plan Strategies.</p>	<p>Key Indicator 6. The degree to which local plans and state agency plans are consistent with the State Plan</p> <p>Indicator 25. Municipalities participating in comprehensive, multijurisdictional regional planning processes consistent with the State Plan</p>

TDR programs are prime examples of sound, integrated planning initiatives allowing state government to support municipalities in preserving open space, farmland, historic structures or other resource valuable to citizens. Providing mechanisms at the state level such as a TDR bank allows a municipality to conduct better planning without the need to design every aspect of the program itself.

STAFF RECOMMENDATION:

Berkeley Township's planning, and implementation of that planning, are consistent with the State Plan. Therefore, staff recommends that Berkeley Township be granted Plan Endorsement, which includes a Town Center, a Core, two Nodes, and Planning Area changes. Approval of the township's Plan Endorsement also constitutes approval of the township's TDR program per the State TDR Act.

Our recommendation recognizes Berkeley Township's efforts over the past decade to direct its destiny by focusing market forces on areas of existing infrastructure and capacity thus preventing the need to build new infrastructure and capacity. We look forward to working with the municipality as it continues to refine and implement its plans.

PLANNING AND IMPLEMENTATION AGENDA

Township of Berkeley Planning and Implementation Agreement (PIA)

Draft Final PIA - June 2012

Topic	Item No.	Subtopic	Activity (municipal action unless otherwise noted)	State/County/Municipal Assistance	Time Frame
General	A1	Township Planning Documents	The Township shall submit drafts of all new and revised planning documents to OPA at least thirty (30) days prior to adoption. All final versions of planning documents shall be submitted to OPA no more than thirty (30) days after adoption.		Ongoing
General	A2	Revised State Plan Policy Map Notice	Publication of required notice in NJ register	OPA shall provide the requisite notice concerning designated Center and revised planning area boundaries in the NJ Register.	OPA shall submit notice to Office of Administrative Law (OAL) 45 days from completion of County Planning Board approval of TDR Ordinance post-Plan Endorsement
General	A3	Plan Endorsement Monitoring	By May 2013 and biennially thereafter, Berkeley Township shall submit a report to OPA, our partner State agencies and the public concerning the terms of this PIA and related efforts.		Ongoing (By May 2013 and biennially thereafter)
General	A4	Center Plan	The Township shall work with State agency and County partners to create an acceptable plan for the second phase of the town center and the expansion of Western Boulevard including alternative routes. No alteration of Center boundaries is expected.	State agency technical assistance (OPA, DEP, DOT, NJTransit, State TDR Bank) and Ocean County	Ongoing
General	A5	CAFRA Notice	Publication of CAFRA notice in NJ register	NJDEP	Within 90 days from Plan Endorsement (Based on introduction of requisite ordinances implementing center, agreement on sewer service area map, and submission of coastal consistency statement.)
Land Use and Zoning	B1	Environmental ordinances	The Township shall introduce the following environmental ordinances (drafts previously submitted): environmental assessment ordinance, septic management ordinance, riparian buffer ordinance, water conservation ordinance, wellhead protection ordinance.	OPA and DEP Technical Assistance	Within 60 days of Plan Endorsement
Land Use and Zoning	B2	Environmental ordinances	The Township shall adopt the environmental ordinances specified in B1.		December 31, 2012

Land Use and Zoning	B3	Zoning ordinances	Adopt ordinances to implement the town center plan.	OPA Technical Assistance	Completed
Fair Share Plan and Housing Element	C1	Municipal Obligation	Township shall demonstrate how its implementation mechanism will satisfy the municipal obligation. Most of the obligation shall be satisfied by units built within designated centers.	OPA Technical Assistance, DCA	Ongoing
Fair Share Plan and Housing Element	C2	Fair Share Plan	The Township shall have mechanisms and incentives to help provide affordable housing in a manner consistent with good planning, smart growth principles and the character of the community. Affordable housing shall be located in areas designated for growth by the State Plan or through the Plan Endorsement process. Although these Guidelines will not require a specific type of ordinance, the Township shall to utilize at least some of the following tools: zoning ordinance amendments, development fee ordinance and spending plan, and redevelopment plans.	DCA	Ongoing
Environmental Resources	D1	Conservation Plan Element	Based on the ERI, The Township shall prepare a Conservation Element of the Master Plan Element to provide for the preservation, conservation and sustainable utilization of natural resources.	OPA and DEP technical assistance	December 31, 2013
Utilities/Infrastructure	E1	Septic Management Plan	In conjunction with the revised Ocean County wastewater management plan, the Township shall prepare a Septic Management Plan (SMP) for areas within its jurisdiction that are served by individual subsurface sewage disposal systems (ISSDSs). The SMP will be implemented by the County WMP agency, County Health Department, and the township.	DEP technical assistance. Ocean County.	Draft work by June 2013
Utilities/Infrastructure	F1	Stormwater Management	The Township shall adopt and implement a stormwater management plan and ordinance in accordance with the requirements of the Stormwater Management Act and associated NJDEP regulations.	DEP technical assistance. Ocean County.	<i>T&M to Check on Status of Township's plan and ordinance</i>
Brownfields	G1	Characterization and Cleanup	OPA will coordinate a Brownfields Interagency Team meeting to assist in advancing characterization and cleanup of the South Brunswick Asphalt site	OPA, DEP and State Agencies	Within 90 days of Endorsement
State Agency Coordination	H1	State Agency Project Assistance	OPA will coordinate a Development Interagency Team meeting to assist in moving the Beachwood Plaza / Town Center 1 project forward	OPA, DEP and State Agencies	Within 90 days of Endorsement

Open Space and Recreation	I1	Management of Sending and Receiving Zone Lands / Recreation and Open Space Element	The Township shall identify the mechanisms and procedures for managing ownership of lands with severed development rights based upon the sale of these rights pursuant to the TDR program, including identifying the stewards of these lands. Update the Township's Recreation and Open Space Inventory (ROSI), to reflect the inclusion of any of these lands that are placed on the ROSI.	OPA, DEP and Ocean County technical assistance	90 days from the adoption of the TDR ordinances and ongoing through implementation of TDR
Historic Resources	J1	Historic & Cultural Resources Inventory	The Township shall develop a detailed inventory that identifies and evaluates the significance of historic and cultural resources already listed or potentially eligible for nomination to the National and New Jersey Registers of Historic Places. The inventory should include GIS mapping, photography, and narrative.		Completed. In ERI.
Sustainability	K1	Green Buildings and Environmental Sustainability Master Plan Element	The Township is encouraged to create a Green Buildings and Environmental Sustainability Master Plan Element in accordance with the MLUL (<u>N.J.A.C. 40:55D-28 et seq.</u>)	DEP and OPA technical assistance	Determination by Township by December 2012. Adoption, if applicable, by December 31, 2013.
Sustainability	K2	Sustainable New Jersey Certification	The Township shall consider participating in the Green Future Roadmap Program to accomplish required criteria to be designated as a green and sustainable community.	DEP technical assistance	Determination by Township by December 2012. Certification, if applicable, by January 1, 2014.
Transfer of Development Rights (TDR)	L1	REMA Public Hearing	Planning Board hearing on the real estate market analysis (REMA) in accordance with the provisions of subsections a. through f. of the section 6 of P.L. 1975, c.291 (C.40:55D-10). REMA hearing to occur prior to the meeting at which the development transfer ordinance receives first reading and Planning Board hearing on TDR Plan Element.	Township Planning Board. OPA & State TDR Bank provide assistance as necessary. State to provide input on REMA to ensure that hearing can take place within 60 days of plan endorsement.	Within 60 days of plan endorsement. Prior to 1st reading and adoption of TDR Ordinance
Transfer of Development Rights (TDR)	L2	TDR Plan Element Hearing and Adoption	Planning Board hearing on TDR Plan Element	Township Planning Board. OPA and SADC to provide assistance as necessary. State to provide input on TDR Plan Element to ensure that hearing can take place within 60 days of plan endorsement.	Within 60 days of plan endorsement. Prior to 1st reading and adoption of TDR Ordinance.

Transfer of Development Rights (TDR)	L3	Ocean County Planning Board Review of TDR Ordinance	Prior to adoption of the development transfer ordinance or of any amendment of an existing development transfer ordinance, the Township shall submit a copy of the proposed ordinance, copies of the Development Transfer and Utility Service Plan Elements of the Master Plan and Capital Improvement Program, proposed municipal master plan changes necessary for the enactment of the Development Transfer Ordinance, and the real estate market analysis to the Ocean County Planning Board for review, comment, and recommendation, and to OPA for review and approval prior to adoption. Pursuant to <u>N.J.S.A. 40:55D-150</u> , within 60 days after receiving a proposed development transfer ordinance and accompanying documentation transmitted pursuant to section 13 of P.L.2004, c.2 (C.40:55D-149), the county planning board shall submit to the municipality formal comments detailing its review and shall either recommend or not recommend enactment of the proposed development transfer ordinance. If enactment of the proposed ordinance is recommended, the municipality may proceed with adoption of the ordinance. Failure of the Ocean County Planning Board to submit recommendations within the 60-day period shall constitute recommendation of the ordinance.	Township shall provide proposed development transfer ordinance and accompanying documentation to Ocean County Planning Board.	Township to transmit ordinance to County Planning Board 60 days of plan endorsement. Ocean County Planning Board to provide recommendations within 60 days from transmittal of ordinance by the Township
Transfer of Development Rights (TDR) Program	L4	State Review of Development Transfer Ordinance	Prior to adoption of the development transfer ordinance or of any amendment of an existing development transfer ordinance, the Township shall submit a copy of the proposed ordinance, copies of the Development Transfer and Utility Service Plan Elements of the Master Plan and Capital Improvement Program, proposed municipal master plan changes necessary for the enactment of the Development Transfer Ordinance, and the real estate market analysis to the Ocean County Planning Board for review, comment, and recommendation, and to OPA for review and approval prior to adoption.	OPA and partner agencies review and comment on revised ordinance within 45 days of submission, if applicable. Township need not go before SPC if ordinance change occurs after Initial Plan Endorsement, as approval of changes will be done administratively by OPA.	Draft ordinance and planning documents submitted to OPA County. State and County to provide comments within 60 days of plan endorsement. Future amendments of the TDR ordinance to follow procedures and timeframes specified herein and in the TDR Act
Transfer of Development Rights (TDR)	L5	TDR Ordinance	The Township shall adopt the proposed TDR Ordinance pursuant to all applicable notification and procedural requirements of the MLUL <u>N.J.S.A. 40:55D et seq.</u>	Township Council	Within 6 months of plan endorsement
Transfer of Development Rights (TDR)	L6	TDR Registry	The Township shall submit registry to State TDR Bank Board, Ocean County and OPA at time of adoption, and yearly thereafter.	Township shall create and submit registry to State TDR Bank Board, Ocean County and OPA.	Ongoing from the time of TDR Ordinance adoption and annually thereafter

Transfer of Development Rights (TDR)	L7	TDR Webpage Creation	Township will evaluate the need to create a TDR webpage and up-date regularly. The Township shall also use municipal website to educate residents about TDR planning issues and activities.	Township to create, maintain and update website regularly.	Township will evaluate the need for a web site within 90 days of the adoption of the TDR Ordinance. If determined appropriate, Township will establish within 6 months of the establishment of the TDR program.
Transfer of Development Rights (TDR)	L8	TDR Administration	The Township shall establish and implement mechanisms for administering TDR.	Township shall implement mechanisms for TDR Administration.	Upon adoption of TDR Ordinance and ongoing thereafter
Transfer of Development Rights (TDR)	L9	TDR Three-year Review	Per the MLUL <u>N.J.S.A. 40:55D-157</u> , the Township shall conduct a periodic review of the development transfer ordinance and real estate market analysis 3 years from date of enactment.	Township shall review TDR ordinance and real estate market analysis, as per MLUL.	3 years from date of TDR Ordinance adoption
Transfer of Development Rights (TDR)	L10	TDR Five-year Review	Per the MLUL <u>N.J.S.A. 40:55D-157</u> , the Township shall conduct a periodic review of the development transfer ordinance and real estate market analysis 5 years from date of enactment.	Township shall review TDR ordinance and real estate market analysis, as per MLUL.	5 years from date of TDR Ordinance adoption
Transfer of Development Rights (TDR)	L11	TDR Periodic Review	Per the MLUL <u>N.J.S.A. 40:55D-157</u> , the Township shall conduct a periodic review of the development transfer ordinance and real estate market analysis every 5 years from date of review identified in PIA Item L10.	Township shall review TDR ordinance and real estate market analysis, as per MLUL.	Every 5 years after PIA Item L10
Transportation	M1	Road Improvements	NJDOT will engage appropriate staff to evaluate and prioritize the requested for improvements associated with Rt. 9 such as the proposed roundabouts, additional traffic lights, and expanded turn lanes according to established traffic operational guidelines and contingent upon the availability of funds and Department resources; and, to the extent possible, provide guidance on road proposals on and associate with the Centers, Nodes, and TDR program	NJDOT, Ocean County, and all pertinent stakeholders	Beginning within 90 days of Endorsement