



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
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November 15, 2006

The Honorable Paul C. Brush
Mayor of Dover Township
33 Washington Street
PO Box 728
Toms River, NJ 08754-0728

Re: Dover Township Petition for Initial Plan Endorsement

Dear Mayor Brush:

I would like to commend Dover Township for working diligently towards pursuing Initial Plan Endorsement through the agreed-upon Memorandum of Understanding (MOU) and Action Plan. As the Township nears the end of the six-month extension, I would like to take this opportunity to provide you with the state agency perspective, preliminary evaluation and concerns regarding the Township's petition, based on materials that have been submitted thus far, in accordance with the Action Plan.

On October 10, 2006, Dover Township submitted to the Office of Smart Growth (OSG) a memorandum entitled "Update on Action Plan." While the Township has provided information in response to the Action Plan items, the update document and associated plans, including the Draft Master Plan, do not address the issues outlined in OSG's consistency review letter dated May 23, 2006. This letter serves to outline the consistency issues that remain with the petition.

Water Supply

The Department of Environmental Protection (DEP) has informed OSG that water supply is a major constraint on Dover Township's potential growth for the short term. This constraint affects the whole gamut of planning issues that have been discussed in the Plan Endorsement process to-date. Without the requisite water supply, it is difficult to envision how the State can support the designation of centers, the Township's growth projections, and proposals for affordable housing. In light of the Township's planning efforts so far, however, it only makes sense to proceed with Plan Endorsement and ensure that the local plans and state support are in place to support growth when water is available.

Therefore, OSG and the State Agencies will recognize centers with the caveat that growth cannot be supported in the immediate future due to capacity constraints. When and if water supply becomes available, state assistance relating to growth for centers will be ramped up accordingly.

The Planning & Implementation Agreement (PIA) will recognize this condition through a concurrency provision that makes water a prerequisite for certain types of state assistance. The Township and OSG shall coordinate with DEP to determine the relationship between water supply and growth.

Due to water supply and other constraints, the State Agencies cannot support the designation of Planning Area 1 in Dover Township. Compact, mixed-use centers are the best means to address the negative impacts of the existing built environment and effectuate a new course to move the Township from suburban sprawl to center-based development.

Centers – Boundaries and Concepts

During the Plan Endorsement process, the Township has expressed concerns about property owner equity on undeveloped sites along Route 37, one of the primary reasons for the strip appearance of the center boundaries. Without the center designation, owners outside the boundary would be restricted by CAFRA, through the implementation of the Coastal Zone Management Rules, relying on the 30% impervious surface coverage of Planning Area 2 instead of 70% or 80%. Although property-owner equity is not entirely a planning issue, OSG has been willing to accommodate the Township's concerns.

Near the conclusion of a workshop with Dover Township and state agencies on April 27, 2006, OSG asked the Township to identify the affected sites. On the basis of the information provided by the Township, workshop participants observed that significant portions of Route 37 could be left out of centers, as they were not intended to be developed or redeveloped in the foreseeable future. Developed sites could rely on existing impervious surface coverage per the Coastal Zone Management Rules. OSG suggested that the Township could use this suggested strategy as a means of defining less strip mall-like centers while addressing equity issues. Throughout the Action Plan timeframe, the Township has not revised the center boundaries.

The Township's Action Plan update states that outside of the proposed centers of downtown Toms River and Northwest Dover, the boundaries elsewhere are based on existing or desired impervious surface coverage rather than the planning notion of a center. OSG has consistently acknowledged that the Township is not a blank slate, as it includes much existing development in a land use pattern discouraged by the State Plan. In a situation like this where an area is built out as sprawl, any discussion of center boundaries should look to future redevelopment opportunities.

The purpose of Plan Endorsement in general is not to endorse past practices, but instead to focus development and redevelopment opportunities into planning that is consistent with the principles of smart growth and the State Plan. For example, a site such as the Dover Mall can be the starting point for the discussion of a center that might, for various planning reasons (e.g. other redevelopment sites nearby, or linkages to certain existing developments), still include areas not typically associated with center-based development. This would demonstrate how the Township can use tools such as redevelopment to change this part of the community into a sustainable and pedestrian-friendly environment.

The request for center concepts was a key element of the May 23, 2006 consistency review letter and represented in the Action Plan as Item C2. To your credit, the Township, working with the Toms River Business Improvement District, has a well-developed plan for downtown Toms River with recommendations on a range of planning issues. The downtown plan also includes zoning recommendations to be considered by the Township on a municipality-wide basis. We would like more information on how these broader suggestions will be integrated into the Township's planning.

More importantly, the petition has yet to provide concepts on proposed Centers outside of downtown. Even though these may not fit the State Plan or traditional notions of Centers, the Township must demonstrate how it will take advantage of existing development/redevelopment opportunities to begin moving in the direction of having real center-based development.

Transportation & Circulation

The Township's petition has not adequately addressed concerns related to the NJ Department of Transportation (DOT) Route 9 Corridor Study. One of the core concepts of the study has been to integrate land use and transportation to reduce auto-dependency and encourage other transportation modes. Yet in the Township's draft of a new master plan, Recommendation #5 for maintaining and attracting job-generating businesses states the following: "Promote commercial development along Route 37, Route 9 and Hooper Avenue Corridors. Develop gateways to these areas and improved traffic flow and transportation" (page 47). This recommendation should be revised to clarify that development will be concentrated in appropriate centers or cores. Much of the issue relates to the lack of center concepts discussed above, as the Township should view transportation and land use as codependent factors rather than in isolation.

Furthermore, the petition has yet to identify opportunities for a road network that relies on state, county and local roads, as called for by Action Plan Item C3 on Road Network. In the Township's response to Item C3 in the October 10, 2006 update, the Township only discusses the widening of Route 9. The Action Plan update provides no suggestions regarding any other improvements that can mitigate congestion and help accommodate growth. As Plan Endorsement lasts for ten years, it is difficult for state agencies to support a petition that provides no realistic solutions for enhancing transportation capacity within that timeframe.

Open Space & Recreation

In the Township's October 10, 2006 update, the Township refers to the draft Master Plan for information addressing the state agencies' concern regarding neighborhood parks and recreation facilities. However, the plan is not conclusive on this matter, noting that "more detailed analyses of recreational needs at the local level should focus on specific shortfalls in neighborhoods that are clearly defined by reasonable neighborhood boundaries, such as heavily traveled roads and natural features" (page 89). While OSG's consistency review letter of May 23, 2006 did not ask for definitive solutions at this stage, it did seek a formal response with information on specific topics:

- retention of open space and recreation in the Anchor Reef Marina and Dover Mall sites
- provision of neighborhood parks and recreation in proposed Centers
- coordination with schools to enhance public access to school facilities

Affordable Housing

DEP has raised issues regarding the affordable housing sites in the proposed Northwest Dover center due to their overlap with Landscape data. The Township will need to work with DEP to determine whether these sites are suitable for development.

Conclusion

We look forward to receiving the remainder of the action plan items for Dover Township's petition for Initial Plan Endorsement by November 23, 2006. Once we receive these materials, OSG and the State Agencies will review them for consistency with the State Plan. If additional information is needed, Dover will be provided with additional time to provide the required information.

Thank you again for your participation and dedication to the plan endorsement process. Please feel free to contact Jung Kim, Area Planner for Ocean County, with any questions or concerns at 609-633-6139 or at jkim@dca.state.nj.us. Please also let us know if you would like us to change the Township's name on our website, and we will be happy to do so.

Sincerely,



Eileen Swan
Executive Director

ES:jk:dds

c: Salvatore Mattia, Planning Board Chairman
Mark Mutter, Municipal Clerk
Fred Ebenau, Township Administrator
Garry Mundy, Township Attorney
Mark Healey, PP/AICP, Heyer, Gruel & Associates
Mark Troncone, Dover Township
Jay Lynch, PP/AICP, Dover Township Planner
Joseph I. Donald, PP/AICP, Deputy Executive Director, OSG
Ben Spinelli, Policy Director, OSG
Jung Kim, PP/AICP, Area Planner, OSG
State agency representatives *via email*

