

TOWNSHIP OF TOMS RIVER
DEPARTMENT OF ENGINEERING, CONSTRUCTION SERVICES,
CODE ENFORCEMENT AND COMMUNITY DEVELOPMENT
MEMORANDUM

Date: October 15, 2009
To: Leigh Jones, PP
NJ Office of Smart Growth
From: Jay Lynch, Township Planner
Subject: Action Plan Status Report

This memorandum is written to indicate our progress in addressing the Action Plan items, as set forth in the February 4, 2009 Action Plan.

A1 – State Plan Policy Map: Center Boundaries

A map showing proposed centers and commercial nodes, dated May 4, 2009, was submitted to OSG and served as the basis for discussion on center locations and boundaries. An agreement was reached with OSG that four locations in the Township would be classified as centers: the Toms River Regional Center (downtown Toms River), the Northwest Center (an area centered around Route 70, a portion of Route 9 and Cox Cro Road), the North Beach Center (that barrier island area lying north of Lavallette and extending to Brick Township) and the Ortlely Beach Center (that portion of the barrier island lying between Lavallette and Seaside Heights).

Two other centers were proposed on the map and no agreement has been reached to date on their designation. One is called the Silverton Center, which is focused on the commercial activities along Hooper Avenue and extends both east and west of that area into residential neighborhoods. The other is the Cedar Grove Center, which is related to the Ocean County Mall and lies north of Route 571 and east of Hooper Avenue.

Earlier submissions to OSG had proposed centers in more locations, and extensive discussions have been held over the years about the need to address impervious coverage disparities between centers and areas lying in Planning Area 2. That topic has been covered in some detail and I believe there is a full understanding on the part of OSG of the concerns expressed by the Township about that issue, which applies uniquely in the CAFRA Region.

In the interest of trying to acknowledge the functional aspects of centers, as spelled out in the State Development and Redevelopment Plan (SDRP), and to further reflect the existing development pattern in the Township, several commercial nodes were proposed in areas that now have commercial development. Those nodes were proposed on the westerly portion of Route 37 (the site of an existing industrial park with some expansion proposed around the park); at Route 9 and 571 (a commercial hub with high traffic volumes in the vicinity of Exit 83 of the Garden State Parkway); Hooper Avenue south of Route 571 (an existing mall located south of the Ocean County Mall and an area that has expansion potential); and Route 571 at Fischer Boulevard (the focal point of a commercial corridor that extends from Route 37 to Hooper Avenue).

OSG has proposed concentrating our collective efforts on the four areas that we agree should be centers, and keeping open the potential designation of additional centers and nodes during the plan implementation phase. The Township understands the desire of OSG and the State Planning Commission to reach some conclusion on this nearly five year Plan Endorsement process, but it continues to be concerned about the land development consequences of attempting to fit centers and “environs” into a municipality

that is essentially fully developed, at least to the extent that it is at the infill stage of development.

One additional observation on the identification of center boundaries is that the Township has designated four redevelopment areas, all of which have been filed with DCA and have been determined to lie in Growth Areas because they fall in PA-2. One of the redevelopment areas has advanced to the point of having an adopted redevelopment plan (Northwest Quadrant of Routes 166 and 37), and another has a draft redevelopment plan prepared that has been reviewed and commented upon by OSG (Water Street Redevelopment Area). Both of these redevelopment areas lie in the Toms River Regional Center.

The Route 37 Redevelopment Area is found along Route 37 between Fischer Boulevard and the bridge to the barrier island. That area is shown on the May 2009 map and simply identified as a redevelopment area. This is a gateway location, one that is highly visible and exposed to a high volume of traffic. The redevelopment of this area will be adversely affected if it does not lie in a center or node because of the impervious coverage issue. No redevelopment plan has been prepared to date.

The fourth redevelopment area is the former Ciba-Geigy holding, which is the largest tract of land in the Township and, in fact, exceeds the land area of half the municipalities in Ocean County. The history of this site is well known, and clean-up activities continue. While this area possibly makes the most sense to designate as a center because of the potential for a creatively designed mixed use development, it has not been proposed as such because of uncertainty at this time regarding the most appropriate development pattern for the site.

A2 – State Plan Policy Map: Planning Area Boundaries/ Environmental Resources

Extensive discussions have been held regarding environmental resources and PA-5 areas. No remaining open items remain in this regard. The Ocean County College site in Silverton has been proposed to change, in part, from PA-5 to PA-2. While this may be desirable in the long run to address the full development of the site in conjunction with Kean University, the fact that the educational use has been determined by CAFRA to be exempt from the PA-5 coverage requirements has lowered this as a priority issue.

CES boundaries continue to be a concern, particularly where they may affect sewer service hookups on infill sites that have utility services available.

A3 – State Plan Policy Map: Planning Area Boundaries/ Cross Acceptance

The Township continues to have concerns about the lack of a sound fit between PA-2 standards and the pattern of existing development in the Township. The Township more closely fits the standards for PA-1 than PA-2, but it also acknowledges the practical difficulties in trying to get that designation, including the regional and environmental concerns that have been addressed at length in numerous meetings. While the Township feels that the issues raised can be effectively addressed in the Plan Endorsement process, even with a PA-1 designation, it is understood that the issue will not be considered as a part of this petition for Plan Endorsement.

B1 – Master Plan

The Township Planning Board updated the Master Plan comprehensively in October 2006 and Township Council has adopted the implementing ordinances. A number of minor amendments have been adopted fine tuning certain aspects of the Master Plan, and those amendments have been reflected in adopting ordinances as well. Regarding any further amendments to the Master Plan to reflect issues addressed in the process of gaining Plan Endorsement, it is recommended that they be addressed during the Plan Implementation phase.

On the issue of water supply and allocation, the Township is served by two water companies. The barrier island communities are served by New Jersey American Water Company and the mainland is served by United Water. Capacity and allocation are not an issue on the barrier island. United Water has secured an increased allocation since the Township initially filed for Plan Endorsement. Depending to a large extent on decisions made during the course of Plan Endorsement, it appears as though the current allocation will be sufficient to accommodate the full build-out of the Township.

C1 – Open Space and Recreation

The Township recently adopted an update of its Open Space and Recreation Plan as an element of the Master Plan. It focused on the design of potential recreation improvements in ten open space locations in the Township. Those designs continue to serve as a basis for long range capital project planning to serve the recreation needs of the Township.

The conservation of open space was addressed extensively in the 2006 Master Plan. The strategy is to continue to encourage the preservation of open space through a combination of acquisition programs, coordination with County open space objectives in the Township, encouragement of cluster development, and the use of density transfers where practical.

The Township and the Toms River school system have a highly effective working relationship on the use of athletic facilities, perhaps one that can serve as a model for other municipalities. There is a shared-services agreement between the Township and the school system that is actively used on a variety of recreation programs, to the mutual benefit of both bodies. There is also a functioning Recreation Committee consisting of about thirty members who collectively reflect a broad range of community interests, including the active sports programs, the elderly, the handicapped and other persons with special needs.

Anchor Reef Marina, located just south of Route 37 on Barnegat Bay, lies in a redevelopment area. It is shown as a potential location for open space in the Master Plan, but there are many complicating issues that need to be addressed, among which are the elements of a redevelopment plan for the area, the impervious coverage that may be permitted once Plan Endorsement is secured, the need to retain boat slips and upland support services for a marina operation and the fact that the property is part of a complex bankruptcy proceeding involving the property owner. There is little clarity that can be provided on the ultimate use of that property at this time.

In downtown Toms River, particularly in the Water Street Redevelopment Area, consideration is being given to an effective open space relationship to the waterfront as well as the accommodation of an overall pedestrian and bikeway network that will tie into regional rail trail plans of the County and the important interaction with the employment centers in the downtown area. The network and the redevelopment concepts for this area also will reflect the importance of the transit hub at the bus terminal, and its connections to regional and local bus services.

The Northwest Center is mostly developed, with several large developments still on the drawing board. Overall, the open space network will consist primarily of the preservation of contiguous forest cover in the C-1 tributaries of the Toms River. Efforts have been made in the review and approval of various existing and proposed inclusionary developments to modify the design in a way that preserves more open space. For example, in the 350 unit Gabrielle Run development on Route 9 north of Hickory Street, not only is accommodation made in the approved preliminary site plan for the completion of Hickory Street between Route 9 and Massachusetts Avenue, but the applicant was given relief from the two story height limit to provide three story buildings, thereby reducing impervious coverage and lessening the impact on existing forest cover. While

the 35 acre site is intensively developed at a density of ten units per acre, it nevertheless has been proposed and approved in a way that will maximize open space and retain some forest cover. There are no remaining opportunities for linear parks that could be integrated with internal pedestrian and bicycle circulation simply because of the extent of existing development. In that regard, we will provide for a sidewalk system along the major elements of the roadway system in order to provide residents the option of walking to focal points in the center. Of significance will be sidewalks along Route 9, a plan that is being worked into approvals that are being granted at this time.

C2 – Center Concepts

A number of concepts were submitted to OSG in connection with proposed centers. We will update those narrative statements and graphics to more closely reflect the revised boundaries that have evolved throughout the Plan Endorsement process. They should be ready to submit by mid-November.

C3 – Road Network

The identified centers have established road networks. Enhancements to the road network in downtown Toms River will include street improvements in the Water Street Redevelopment Area as shown in the draft redevelopment plan. Additional modifications are proposed in the form of a connection from Washington Street to Irons Street west of Main Street, and a more pedestrian-friendly connection across Water Street to make it more accessible from the downtown employment centers.

The Northwest Center improvements will include the completion of the West Hickory Street connection from Route 9 to Massachusetts Avenue, a southerly extension of Massachusetts Avenue to Whitesville Road, completion of the connection of North Maple Avenue from Route 9 to Massachusetts Avenue which, when completed along with the West Hickory connection, will provide additional substantive relief for certain traffic associated with Route 9.

Outside of centers, the Township's practice continues to be to require cross-access easements on properties that are developed for commercial purposes, and to require Typical Design Section clearance (57 feet from centerline) for the ultimate widening of Route 9. Improvements are also being accommodated to the Garden State Parkway in the vicinity of Route 571 at Exit 83.

D1 – Affordable Housing

The Township has provided OSG with the location of all affordable housing sites. The affordable housing plan has been submitted to Superior Court for administrative review. That review is underway and we continue to address points of clarification with the Special Master. To the best of our knowledge, all the sites that are proposed for affordable housing are sufficiently free of environmental constraints to accommodate the number of units proposed.

The Township has not only entered into the administrative process with the Court, but has been proactive in providing affirmative zoning for affordable housing, an action that is often not taken until some form of substantive certification has been granted. It is the Township's contention that it has fully addressed its obligations for Rounds 1, 2 and 3, not only in its Master Plan but in the implementing ordinances as well. We continue to actively review and approve inclusionary developments, and even rezoned certain properties to provide additional opportunities for affordable housing over and above those identified in the submission to the Court.