



# Municipal Complex Redevelopment Plans



PLAN NO. 1

Municipal  
Building/Sewerage  
Authority Properties

Block 8, Lots 7 and 8

February 22, 2016



# MUNICIPAL COMPLEX REDEVELOPMENT PLANS

## PLAN NO. 1

### Municipal Building & Sewerage Authority Properties (Block 8, Lots 7 and 8) 144 - 148 Mill Street

Borough of South Toms River  
Ocean County, New Jersey




Recommended by the South Toms River Land Use Board:  
December 21, 2015

Adopted by the South Toms River Borough Council:  
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Prepared by:

*David G. Roberts*

David Roberts, AICP, PP, LLA, RLA,   
Project Manager

Chris A. Theodos, PE, CME CFPM  
Borough Engineer

Zachary Zeilman  
Planner

## Acknowledgements

### **2015 Mayor and Council**

Mayor Oscar Cradle  
Councilman William Gleason  
Councilman Greg Handshy  
Councilman Edward Murray  
Councilwoman Tanya Mosley  
Councilman Ernest Reevey  
Councilman Sandford Ross

### **2015 Land Use Board**

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Mr. Michael Serdinsky	Class (IV)
Klara Rosch	Alternate I
Jean Cipriani, Esq.	Alternate II

2015 Board Secretary	Kayla Rolzhausen
2015 Board Attorney	Peter J. Van Dyke, Esq.
2015 Board Engineer	Michael O'Donnell, PE

### **Borough of South Toms River Professionals**

Joseph Kostecki, Borough Clerk/Administrator  
Guy P. Ryan, Esq. Borough Attorney  
Joseph Bauman, Esq. Special Counsel, Redevelopment

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## I. INTRODUCTION

The following Redevelopment Plan No. 1 (Plan No. 1) addresses 144-148 Mill Street, Block 8, Lots 7 and 8, which is the site currently serving as the Municipal Complex (Lot 7) and the headquarters of the South Toms River Sewerage Authority (Lot 8). Plan No. 1 addresses the redevelopment of these two lots for uses permitted in this Plan once the municipal complex is moved to 19 Double Trouble Road, Block 19, Lot 1, based upon the provisions of Redevelopment Plan No. 2.

These two distinct areas are part of the overall plan to relocate the Borough of South Toms River Municipal Complex and to redevelop these properties for productive uses. The plans comprise the existing Municipal Complex at 144 Mill Street and the former Learning Experience daycare property at 19 Double Trouble Road.

Both properties are located near Exit 80 and the on-ramp to the Garden State Parkway and are found along major connecting roads. This area serves as a major gateway to the Borough of South Toms River, as well as Beachwood Borough and Toms River.

On April 27, 2015, the municipal council of the Borough adopted Resolution 2015-121 which designated the entire Borough as an "Area In Need of Rehabilitation" pursuant to the Local Housing and Redevelopment Law (NJSA 40A:12A-14). This designation permits the Borough to proceed with Redevelopment Plans for any property within the Borough.

Tax Block 19, Lot 1 was designated by the South Toms River Borough Council by Resolution 2015-173 on June 22, 2015, authorizing the preparation of a Redevelopment Plan and the

negotiation of a purchase and sale and Redevelopment Agreement for the property. On June 17, 2008, the Land Use Board of the Borough of South Toms River granted the request of Double Trouble Associates, L.L.C., owner of the property in question, for a Special Reasons (Use) variance to construct an approximately 10,000 square foot Child Care Facility/School within the R-7 Residential Zone by Resolution of Approval 2008-04.

Tax Block 8, Lot 7, containing the existing municipal building, and Lot 8, containing the Sewerage Authority Building, qualify for redevelopment under the 2015-173 Area In Need of Rehabilitation Resolution for the Borough of South Toms River under the Local Redevelopment and Housing Law ("LRHL") (N.J.S.A. 40A:12A-14) and for the reasons laid out in the Plan below.

This Redevelopment Plan governs Block 8, Lots 7 and 8 only.

## REQUIRED PLAN COMPONENTS

This document has been prepared in accordance with Section 40A:12A-7a of the LRHL, which requires redevelopment plans to include for the planning, development, redevelopment or rehabilitation of the designated area. Specifically:

1. The Redevelopment Plan's relationship to definite local objectives as to appropriate land uses, density of population and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements. (See Chapter V.)
2. Proposed land uses and building requirements in the

project area. (See Chapter VII.)

3. Adequate provisions for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market. (See Chapter VII.)
4. An identification of any property within the area, which is proposed to be acquired in accordance with the redevelopment plan. (See Chapter VII.)
5. Any significant relationship of the redevelopment plan to the master plans of contiguous municipalities; the master plan of the county in which the municipality is located; the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act", P.L. 1985, c.398 (C.52:18A-196 et al.). (See Chapter V.)
6. Description of the plan relationship to pertinent municipal development regulations as defined in the Municipal Land Use Law (MLUL). The plan shall supersede applicable provisions of the development regulations of the municipality or constitute an overlay zoning district within the study area. (See Chapter II.)
7. All provisions of the redevelopment plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan. (See Chapter V, Conclusion.)

## II. REDEVELOPMENT PLAN AREA

The Redevelopment Plan Area covered by Plan No. 1 is the current municipal building on Block 8, Lot 7 and the Sewerage Authority Building on Block 8, Lot 8. The future municipal complex is intended to be relocated to Block 19, Lot 1 (Plan No. 2), liberating the use of Block 8, Lots 7 and 8. Figure 1 below illustrates both Redevelopment Plan areas on the Borough Zoning Map, highlighted in yellow.

**Figure 1: Redevelopment Plan Areas**



The Redevelopment Plan Areas covered are located directly off of the Garden State Parkway interchange with Route 9 and Dover Road/Route 530. Block 19, Lot 1 is positioned to the west of the Parkway and is covered by Municipal Complex Redevelopment Plan No. 2. Block 8, Lots 7 and 8 is positioned to the east of the Parkway and is covered by this Municipal

## Complex Redevelopment Plan No. 1.

The development in these areas of South Toms River is notable because of the stark lack of public infrastructure, especially pedestrian walkways, driveway cuts or any sort of streetscape whatsoever, despite the density and traffic. The Redevelopment Plan encourages new public infrastructure in both of the Redevelopment Plan Areas.

### EXISTING CONDITIONS

#### REDEVELOPMENT PLAN AREA – BLOCK 8, LOTS 7 & 8

Most of the public services for the entire Borough of South Toms River are located on Block 8, Lot 7 in the current Borough Hall municipal building.

The dimensions of the lot are: 66 feet wide from Mill Street to Route 9 on the north end; 80 feet wide from Mill Street to Route 9 on the south end; 411 feet in length along Route 9 to the west; and 433 feet in length along Mill Street to the east.

The building is a concrete one-story building with a walk-out basement on one side. The original building was built between 1956 and 1963 and is in substandard condition.<sup>1</sup> The municipal building was expanded with an addition of about 1,500 square feet between 1972 and 1986. The Sewerage Authority Building on Lot 8 was also constructed during that time period. There are currently at least six different municipal uses in the building. These include Police and the jail facility, the Council Chamber/Municipal Court, Tax Collection, Municipal Clerk, and the Office of the Mayor. Not only are the uses that occupy the space constrained to a small area, but access to

the site is currently through a residential street. The lot size is insufficient to provide room for further growth or access for necessary vehicular traffic.

The total improvement value of the property is 73%, with a total value of \$1,019,000. The land value is \$273,000 and the improvement value totals \$746,100.

Finally, the building also experiences water damage, particularly in the basement, and has for many years.



Figure 2: Google Streetview images of the Borough Hall on Block 8, Lot 7 (top) and the Sewerage Authority building and property on Block 8, Lot 8 (bottom).

<sup>1</sup> [Historicaerials.com](http://Historicaerials.com)

## EXISTING ZONING

The existing Municipal Building is located on Block 8, Lots 7 and 8 (144-148 Mill Street) in the Borough of South Toms River. Neither Lot 7 nor Lot 8 has direct access to a major connector road. Although both lots are located along Route 9, the access is provided via Mill Street – a residential neighborhood.

**Map 1: Block 8, Lots 7 & 8 outlined on the Borough Zoning Map**



The municipal property is located near the convergence of several major roads – Route 9, Dover Road, and the entrance and exit of the Garden State Parkway.

Despite its location abutting Route 9 within a heavily trafficked area and its current use for a municipal building, the lot is still

found within the R-10 Medium-Density Residential Zone.

“This land use district, located in the eastern section of the Borough adjacent to Dover Road between Main Street and Mill Street, reflects the existing pattern of single-family development on lots containing a minimum of 10,000 square feet.”<sup>2</sup>

According to Ordinance #8-13, Section 3.0, 26-20.1, the Borough of South Toms River is an established suburban residential community. It is the desire of the community to preserve and protect the established character of neighborhoods in the Borough and to encourage a compatible relationship between new or expanded houses and traditional neighboring structures that reflects the best of the local character, particularly in terms of scale, siting, design features, and orientation on the site.

The R-10 (Medium-Density Single-Family Residential) and R-7 zones are designed for and permit single-family residential use but also permit:

- a. Signs conforming to section 26-13.
- b. Accessory uses customarily incident to individual residences provided that any accessory structure may not exceed one story in height.
- c. Private garages conforming to definition of "garage, private," carports, sheds and accessory buildings are not to exceed six hundred (600) square feet in floor area.

<sup>2</sup> Leoncavallo, John, CLA, PP. South Toms River Borough Master Plan. April 2012. Page L-4.

- d. Parking and parking facilities conforming to this chapter.
- e. Not more than one (1) permanent roomer or boarder per family.
- f. Private swimming pools provided a permit is issued by the Construction Official and signed by the Borough Engineer and further provided all regulations are complied with.
- g. Home Occupations
- h. Family day-care homes

## LAND USE PLAN

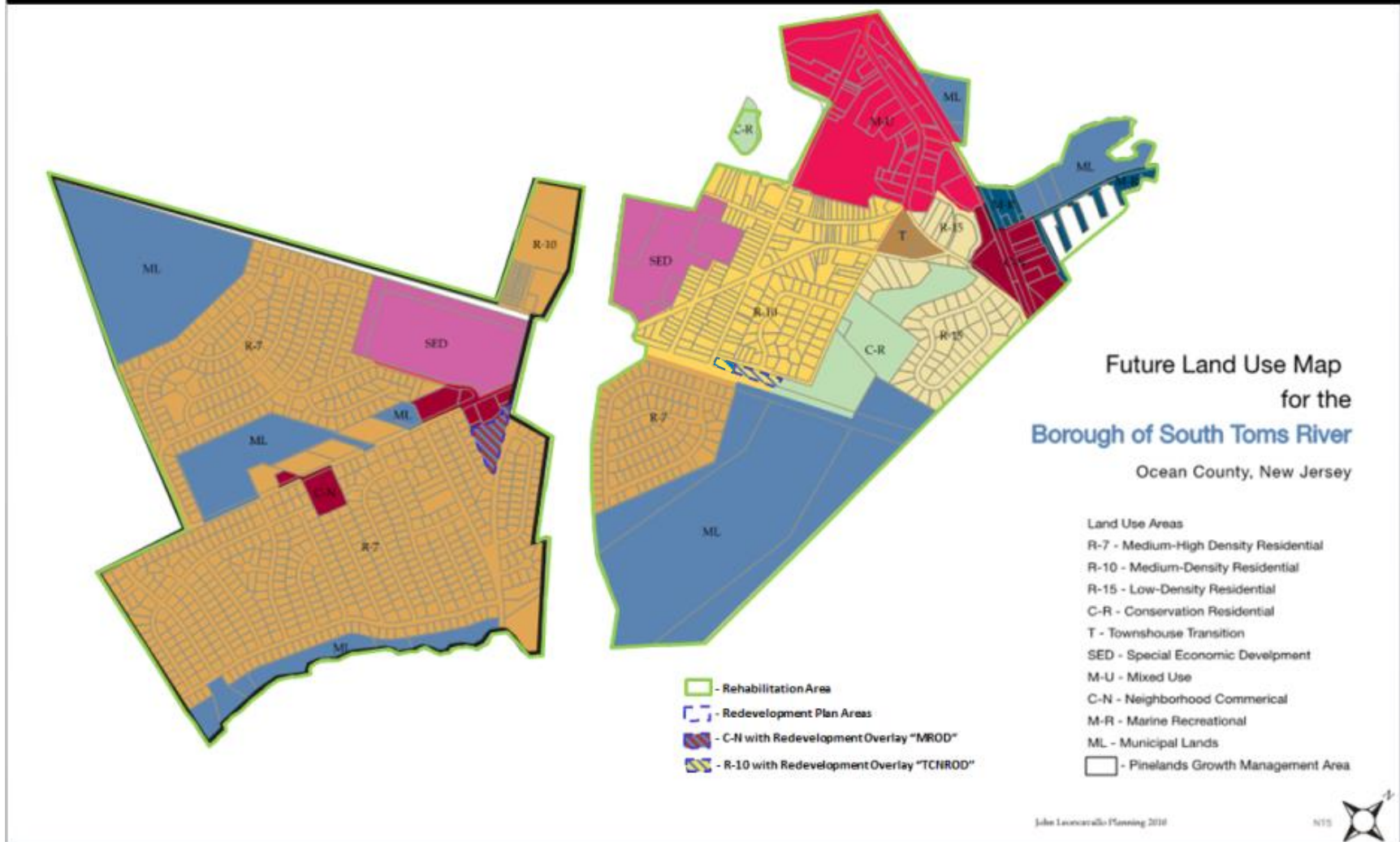
For purposes of this Redevelopment Plan, the Land Use Plan shall be an overlay of uses as shown on Map 2.

The requirements of this Redevelopment Plan shall be followed under a Redevelopment Agreement with the Borough Council, acting as the Redevelopment Entity for the development of any property for uses permitted in this Redevelopment Plan that are not provided for in the underlying zoning districts.

## PLAN RELATIONSHIP TO ZONING

The land uses, as shown on Map 2, will be permitted in the areas of the Overlay Districts. The Redevelopment Entity may permit the uses of the underlying zones, as well as those uses outlined in Section VI of this Plan for each property.

# Land Use Plan



Map 2: Land Use Plan of the Borough of South Toms River with Redevelopment Plan Areas

### III. GOALS & OBJECTIVES

The Borough of South Toms River has been identified as an Area in Need of Rehabilitation by Resolution, which allows for the redevelopment of properties. The Borough's master planning documents have also identified goals and principles that relate to the need to revitalize areas within the Borough.

This chapter of the Redevelopment Plan analyzes existing master plan goals and objectives, provides goals specific for the Study Area in the Rehabilitation Area and a vision statement.

### GOALS & OBJECTIVES

The following sections detail the relevant goals and objectives from the 1962, 1977, and 2012 Master Plan.

#### 1962 AND 1977 MASTER PLANS

The 1962 and 1977 Master Plans articulated several goals that continue to be relevant today:

1. The protection and encouragement of stable, safe and desirable residential neighborhoods served by an adequate system of community facilities.
2. The creation of a balanced pattern of development through the compatible arrangement of different land uses.
5. Preserve the existing character and economic balance of the Borough, while at the same time providing for

orderly change and redevelopment.

#### SOUTH TOMS RIVER BOROUGH MASTER PLAN (2012)

The South Toms River Borough Master plan includes the additional following general goals that are specifically consistent with this Redevelopment Plan:

#### **GOALS**

##### **General**

8. Provide adequate community services for South Toms River Borough's residents, businesses and industry in terms of police and fire protection, street cleaning, snow removal, garbage disposal, health services, recreation program, senior citizens services, sewerage, water supply and recycling pick-up.

##### **Economic and Non Residential**

4. Broaden the tax base through the attraction of commercial uses compatible with a residential community in order to provide for government services needed by residents and taxpayers of the Borough.
7. Encourage the development of a diversified economic base that generates employment growth, increases property values and income levels, and promotes the reuse of underutilized properties.

### Community Identity

2. Create attractive “gateways” into the Borough and improve the appearance of intermediate and major thoroughfares.
5. Preserve, restore, maintain and enhance the appearance of all Borough properties.
6. Promote the adoption of design standards to enhance the aesthetic appearance of all new development and redevelopment projects.

### Recommendations

Additionally, the 2012 Master Plan provided several recommendations per the Land Use Plan Element. Relevant to the Redevelopment Plan, these include:

1. Evaluate the need to craft infill development standards that reduce development potential proportionally as lot size increases.
2. Consider adding the following intent to the single-family residential districts:

*The Borough of South Toms River is an established suburban residential community. It is the desire of the community to preserve and protect the established character of neighborhoods in the Borough and to encourage a compatible relationship between new or expanded houses and traditional neighboring structures that reflects the best of the local character, particularly in terms of*

*scale, siting, design features, and orientation on the site.*

### VISION

It is the vision of the Borough that the two properties in question will be redeveloped for more appropriate and productive uses. These Plans are written in conjunction with the Redevelopment Plan of the Borough Landfill on Block 20, Lots 1.04 and 1.05, which is intended to provide new housing and recreational opportunities.

The intention is that the Municipal Complex, which contains many of the Borough’s public and safety offices and services, will be able to move into the building on Block 19, Lot 1, which will provide more suitable space to better serve the public. The property on which the municipal complex is currently located will be available to new uses. Given the developable space constraints both within the Borough and on the lot, it is best suited for townhomes to provide affordable, dense housing or for neighborhood commercial business that would provide a buffer between the residential neighborhood and the highway.

#### IV. RELATIONSHIP TO LOCAL OBJECTIVES

In addition to the rehabilitation area-specific goals and objectives, the LRHL requires that the Redevelopment Plan indicate its relationship to definite local objectives regarding land uses, population density, traffic and public transportation, public utilities, recreational and community facilities, and other public improvements. This ensures that the goals and objectives of the plan are consistent with or will support the broader community-wide goals of the master plan.

The 2012 Master Plan provides the basis for the long range planning and zoning efforts for the Borough. The information provided in this document provides insight regarding the two Redevelopment Plan Areas with both specific and general recommendations. As shown in the following sections, the Redevelopment Plans further and promote a number of objectives outlined in the Borough's planning documents.

Based on the cited Goals from the 2012 Master Plan described earlier in this Plan, the two Redevelopment Plans as proposed are substantially consistent with the Borough of South Toms River's 2012 Master Plan and the plan furthers a number of objectives that the Borough has set for redevelopment, public services, and economic development.

#### V. RELATIONSHIP TO OTHER PLANS

This section of the report discusses any significant relationship of the Redevelopment Plans to the master plans of contiguous municipalities, the Master Plan of Ocean County and the State Development and Redevelopment Plan. This is a requirement

of the LRHL intended to link redevelopment planning to regional planning goals and objectives.

#### PLANS OF ADJACENT COMMUNITIES

The Redevelopment Plan Areas are not immediately adjacent to any other communities. However, the Borough of South Toms River is adjacent to Beachwood Borough to the south, Berkeley Township to the north and west, and Toms River Township to the north. Near to both properties, the Garden State Parkway connects Toms River, South Toms River, and Beachwood Borough, while Route 9 and Double Trouble Road both connect South Toms River to Beachwood Borough and Dover Road connects South Toms River to Berkeley Township – all of which originate in the Borough.

The land uses in the nearby areas of both Beachwood Borough and Berkeley Township are similar to those of South Toms River, being primarily single-family residential.

The adjacent zones in Berkeley Township include the MPRPD (Manitou Park Rehabilitation Planned District), PPC (Public Preservation Conservation), FAR-30 (Forest Area Residential), RGR & RGR-A (Regional Growth Residential), and the R-MF (Residential) zones. This Redevelopment Plan is consistent with the Berkeley Township Master Plan (1997) land use goals in the following ways:

- A. Cohesive neighborhoods free from visual clutter in front yards and streetscapes.
- C. New residential development that meets or exceeds applicable design standards
- F. Attractive office and retail development

Additionally, the Plan is consistent with the Reexamination Report (2008), particularly related to Route 9 Corridor Master Plan because of the location of the properties on and near Route 9 and the following goals:

2. Focus on improving capacity where it counts.
4. Strengthen community character.
6. Match growth to infrastructure limitations.

Finally, Berkeley Township is also pursuing several redevelopment projects, according to the Master Plan

The adjacent zoning in Beachwood Borough to South Toms River includes the R-B (Single-Family Residential (8,000SF)), B-1 (General Business (6,000SF), and AR (Active Recreation) zones. These zones primarily consist of residential and open space land uses, as well as commercial along Route 9.

The Redevelopment Plans and South Toms River Borough Master Plan are consistent with the goals of the Toms River Township Master Plan such that the Township seeks to achieve an overall balance between the preservation of its natural resources and its residential and economic development. It also matches several of the Economic Development and Community Facilities objectives, as well as the following Land Use Objectives:

1. To guide future residential and non-residential growth in a coordinated and managed approach as set forth in this Master Plan and to provide for logical transitional uses between residential and non-residential areas of the Township.
3. Continue to use practical and flexible development controls in order to gain open space, conserve the natural landscape and protect the environmentally

sensitive areas of the Township.

4. Relate future residential growth to the municipal infrastructure.

The zoning in Downtown Toms River is consistent with its role as the County Seat of Ocean County, and includes professional offices, governmental offices, retail sales and services, restaurants and residential above retail. There is also a Redevelopment Plan for Downtown Toms River BID that was prepared by Maser Consulting, but it has not been adopted pending a transportation and traffic analysis of impacts of redevelopment.

## OCEAN COUNTY MASTER PLAN

The Ocean County Master Plan was adopted in December 1982, amended in 1983 and 1987 and certified by the Pinelands Commission in 1988 as the 1988 Comprehensive Plan. It was substantially updated as the Ocean County Comprehensive Master Plan in 2011. The following goals and recommendations from the Comprehensive Master Plan remain relevant to and compatible with this Redevelopment Plan:

- Continue to provide a coordinated management program to control the spatial development of the County by directing new growth to environmentally suitable areas which can be provided with essential infrastructure and support facilities.
- Promote the provision of a broad range of housing opportunities for all income levels and household types by encouraging the maintenance or rehabilitation of the existing housing stock and through the construction of new housing units.

- Continue the economic development efforts of the County to reduce unemployment provide year-round employment opportunities and enhance the tax base by encouraging compatible industrial and commercial operations to locate or expand in Ocean County.

In addition, growth areas were identified to provide an objective measure of development opportunities and constraints within the county. Growth areas were determined based on environmental features, ability to accommodate increased land use activity, growth trends, area development patterns, local zoning policies, water supply, wastewater treatment facilities, and transportation facilities (accessibility to major highways and travel distance to major commercial and shopping facilities). The development criteria associated with maximum growth areas include:

- Infill of vacant lands within existing developed areas;
- Redevelopment of existing developed areas consistent with land use and density guidelines; and
- Serviced by an existing wastewater treatment system with sufficient capacity to provide treatment for increased wastewater flows.

The two Redevelopment Plan Areas in this Plan are helping to control the spatial development of the County by limiting new growth to existing developed areas as infill while also broadening the range of housing opportunities and/or economic development. This Plan is an implementation step of these specific recommendations in the County's Master Plan.

## NEW JERSEY STATE PLAN

The State Development and Redevelopment Plan places the

Redevelopment Plan Areas within the Suburban Planning Area (PA-2). This Plan is compatible with the State Plan's intention for the Suburban Planning Area, which is to provide for much of the state's future development; provide growth in centers and other compact forms; protect the character of existing stable communities; protect natural resources; redesign areas of sprawl; reverse the trend toward further sprawl; and revitalize cities and towns.

This plan will move South Toms River forward toward the realization of one of the State Plan's major objectives – providing alternatives to sprawl by planning for and creating new “communities of place” through infill development and providing essential services and higher density in central locations. In addition, the plan would achieve the following State Plan goals:

- Promoting beneficial economic growth – The Redevelopment Plan Area on Block 8, Lot 7 has the potential to become a neighborhood commercial business, benefitting the neighborhood and the Borough's economic growth. This will increase the diversity of services. Additionally, better public services, located in Block 19, Lot 1, indirectly promote local economic growth.
- Revitalizing cities and towns – Much of this area is underutilized or in worsening condition and detracts from the quality of life in the community. Those conditions will be replaced with development that will attract quality investment into the Borough and create new opportunities for housing and business.
- Ensuring cost-effective delivery of infrastructure – The Municipal Complex will be moving directly into an existing building with existing infrastructure, while offering up the land and infrastructure where it currently is located.

- Preserving and enhancing the quality of community life – The Redevelopment Plan Areas will bring infill development where it has previously existed, provide necessary services and amenities, and provide buffers between varying land uses.

The State Strategic Plan is the revision to the 2001 State Development and Redevelopment Plan. The document sets forth a vision for the future of New Jersey along with strategies to achieve that vision. The State Strategic Plan was intended to be adopted by the State Planning Commission in November 2012, but was postponed due to Super Storm Sandy. The Commission is revising the document to incorporate disaster planning goals in light of Super Storm Sandy.

The draft final State Strategic Plan has four overarching goals along with ten “Garden State Values”. This Redevelopment Plan has the ability to advance four of the ten values:

- **Concentrate development** – promote development that is compact, build densities that support walking and public transportation.
- **Prioritize redevelopment, infill and existing infrastructure** – prioritize redevelopment and the reuse of existing sites and structures.
- **Increase job and business opportunities** - provide opportunities for investments near infrastructure and transportation, support economic growth.
- **Create high-quality, livable places** – enhance community character and design, especially in historic areas, by reusing significant buildings.

## VI. REDEVELOPMENT PLAN

This chapter of the Municipal Complex Redevelopment Plan provides the general provisions, including review process, as well as land use and design requirements for the redevelopment of the Redevelopment Plan Area.

### BLOCK 8, LOTS 7 & 8



### GENERAL PROVISIONS

#### RELOCATION

No temporary or permanent relocation of residents is contemplated, as there are no occupied residential units currently located in this Redevelopment Plan Area. However, the Borough's municipal offices and police substation are currently located in the building on Block 8, Lot 7, which is

proposed to be relocated to the building on Block 19, Lot 1 in Redevelopment Plan Area 1. The Borough has continued to operate its municipal services out of this location despite the police department and jail facility being substandard, water damage, and the constrained nature of the lot for a multitude of uses.

With the relocation of the current municipal complex, this Plan requires that the zoning of the lot be amended to allow for a more appropriate use.

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### PROPERTIES TO BE ACQUIRED

As this Redevelopment Plan also addresses an Area In Need of Rehabilitation, Section 14 of the Local Redevelopment and Housing Law provides that the redevelopment powers, except for acquisition of private property through the use of eminent domain, are available in the Rehabilitation Area portion of the Redevelopment Plan Area with the adoption of this redevelopment plan. Therefore, no private property is identified for acquisition within the Rehabilitation Area portion of the Redevelopment Plan Area other than through private sale between a willing buyer and seller.

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### WAIVERS FROM REDEVELOPMENT PLAN REQUIREMENTS

Variation from one or more of the specific development requirements set forth in this Redevelopment Plan may be necessary in certain circumstances for the effective redevelopment of the Rehabilitation Area, or to meet state or federal permit requirements. In such an instance, the South Toms River Planning Board may waive specific bulk, parking or

design requirements, if specifically authorized to do so by the Redevelopment Entity (Borough Council) or any committee that it may designate, provided the designated redeveloper demonstrates that such waiver is necessary for the feasibility of the project, will not substantially impair the intent of the Redevelopment Plan and will not present any detriment to the public health, safety and welfare.

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### REVIEW PROCEDURES

The review procedures for this Redevelopment Plan are as follows:

- The Borough Council, acting as the Redevelopment Entity, shall review all proposed redevelopment projects within the Rehabilitation Area governed by this Redevelopment Plan to ensure that such project(s) is consistent with the Redevelopment Plan and relevant redeveloper agreement(s). Such review shall occur prior to the submission of the redevelopment project(s) to the Planning Board for site plan approval.
- As part of its review, the Redevelopment Entity may require the redeveloper(s) to submit proposed site plan applications to a subcommittee of the Redevelopment Entity prior to the submission of such applications to the Planning Board. Such Committee may include members of the Redevelopment Entity and any other members and/or professionals as determined necessary and appropriate. Such Committee shall make its recommendations to the full Redevelopment Entity for formal authorization to proceed to the Planning Board for development approval.

- In undertaking its review, the Redevelopment Entity shall determine whether the proposal is consistent with this Redevelopment Plan and relevant redeveloper agreement(s). In addition, the review may address the site and building design elements of the project to ensure that the project adequately addresses the goals and objectives of the plan.
- Following this determination, all development applications shall be submitted to the Borough of South Toms River Planning Board through the normal site plan and subdivision procedures as outlined in N.J.S.A. 40:55-1 et seq.
- The Planning Board shall deem any application for redevelopment subject to this Redevelopment Plan incomplete if the proposed project is required by this Redevelopment Plan to be addressed through a redevelopment agreement with a designated redeveloper and the applicant has not been so designated by the Redevelopment Entity. Additionally, the Planning Board shall deem any application for redevelopment subject to this Redevelopment Plan incomplete if the applicant has not received approval from the Redevelopment Entity or any committee that it may designate for such purpose, stating that the application is consistent with the Redevelopment Plan and Redevelopment Agreement.
- Neither the Planning Board nor the Board of Adjustment shall grant any deviations from the use provisions of this Redevelopment Plan. Any proposed changes to the Redevelopment Plan involving specific permitted or conditionally permitted land uses shall be in the form of

an amendment to the Redevelopment Plan adopted by the Mayor and Council, in accordance with the procedures set forth in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

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## LAND USE & DEVELOPMENT REQUIREMENTS

This Redevelopment Plan has been designed to create an overlay zoning district for the Redevelopment Plan Area. Block 8, Lot 7 is currently in the R-10 Residential zoning, but for the purpose of the Redevelopment Plan Area, will be subject to an overlay of R-7 zoning, T (Townhouse Transition) zoning, and specific uses from the C-N Neighborhood Commercial zoning, as well as pre-existing uses, as outlined below. Due to the constrained nature of the lot, only certain uses are permitted and the bulk standards have been modified to match. The specific land uses and that are applicable to the entire Redevelopment Plan Area are outlined in Section II of this Plan.

### 1. Permitted Principal Uses:

- a. Any pre-existing municipal uses (including, but not limited to: Municipal offices and Borough Police station)
- b. Single-Family Residential as per R-7 and R-10 zoning. Houses may be attached, semi attached or detached.
- c. Residential Townhouses (per Ordinance #8-13, Section 26-23).
- d. Service establishments such as barber shops, beauty shops, tailoring and dressmaking shops, shoe repair shops, and laundry collection shops, except dry cleaning, and provided that no processing requiring the use of flammable

materials is done on the premises (per Ordinance #8-13, Section 26-25.1).

- e. Business and professional offices, banks and other fiduciary institutions (per Ordinance #8-13, Section 26-25.1).

2. Permitted Accessory Uses:

- a. Off-street parking and loading spaces provided and required by Section 26-14.
- b. Outside storage uses normally associated with a permitted use provided that the storage area shall be screened from adjacent uses by a buffer strip consisting of a dense planting at least five (5) feet in width and otherwise complies with the provisions of this chapter. No storage shall be permitted in any required front yard.

The following bulk standards are also required:

A. Area and bulk regulations

Bulk Regulations	Single-Family Residential	Townhouse Transitional (26-23.2)	Neighborhood Commercial (26-25.3)
Minimum Lot Size (SF or acres)	n/a	n/a	n/a
Max. Units	4	4 per ½ acre	-
Min. Primary Front Yard (feet)	10 ft.	10 ft.	15 ft.
Min. Primary Side Yard (feet)	10 ft.	0 ft. (one side), 20 (both)	20 ft. width
Min. Primary Rear Yard (feet)	10 ft.	15 ft.	10 ft. depth
Min. Accessory Side Yard (feet)	5 ft.	-	10 ft. width

Min. Accessory Rear Yard (feet)	5 ft.	-	5 ft. depth
Max. Building Area (% of lot)	50%	50%	35%
Max. Building Height (ft/story)	35 ft. or 2 ½ stories	35 ft. or 2 ½ stories	35 ft. or 2 ½ stories
Max. Floor Area (square feet)	-	-	3,000SF for 1 story or 5,000SF for 2 ½ stories

A. Off-street parking

- (1) RSIS shall be followed for residential uses and off – street parking for non-residential uses shall be based on the Borough's Zoning Ordinance. Shared parking is encouraged between uses and between parcels, subject to approval of the Redevelopment Entity in the redevelopment agreement.

B. Pedestrian accessibility

- (1) Sidewalks shall be provided along all street frontages
- (2) All sidewalks shall be a minimum of five feet wide
- (3) All sidewalks shall be designated to provide access for the physically disabled
- (4) Access ramps shall be conveniently placed and sloped to provide easy connection to streets and sidewalks, in conformance with the Americans with Disabilities Act

C. Signage

- (1) Each redevelopment project shall include a comprehensive signage plan for review and approval of the Redevelopment Entity and Land Use Board.

## ARCHITECTURAL DESIGN STANDARDS

Any new building proposed for the Redevelopment Plan Area will have to be carefully designed. Architectural design standards for the Redevelopment Plan Area shall abide by the following standards, in addition to the zoning standards of the primary use of the structure. Where they are contradictory, use the primary architectural standards of that use.

### A. Materials

- (1) The first floor building exterior shall consist of durable, long-lasting materials.
- (2) The building exterior of upper floors may consist of modern materials.

### B. Articulation

- (1) All street-facing building walls shall have a clearly defined base, body and cap.
- (2) The body section of a façade may be horizontally divided at the floor, lintel or sill levels with belt courses.
- (3) The architectural treatment of a façade shall be completely continued around all street-facing facades of a building. All sides of a building shall be architecturally designed so as to be consistent with regard to style, materials, colors and details.
- (4) Building exteriors shall have vertical and/or horizontal offsets to create visual breaks on the exterior. These offsets may consist of pilasters, projecting bays, changes in façade materials, balconies, etc.
- (5) Long, blank, windowless, monotonous or uninterrupted walls are not permitted on the front or side of a building.

### C. Entrances

- (1) All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, overhangs, porticos or awnings. These elements shall be compatible with the style and materials of the building.
- (2) Entrances may also be defined by planters or other landscape features.

### D. Transparency

- (1) For Neighborhood Commercial uses, Ground floor uses in the Rehabilitation Area shall have large pane display windows on the front and side building facades. Such windows shall be framed by the surrounding wall and shall be a minimum of 70% of the total ground level façade area. A building's "ground level façade area" is the area bounded by the side edges of the building and the plane coincident with the internal floor of the building and the internal ceiling of the building.
- (2) Windows shall be vertically proportioned (taller than wider) where possible.

## VII. TAX ABATEMENT PROGRAM

By designating the entirety of the Borough as An Area in Need of Rehabilitation, the Borough of South Toms River is given the authority to offer five-year tax exemptions or abatements as a financial incentive to encourage rehabilitation of the area, in accordance with N.J.A.C. 40A:21-1 et seq. The Borough of

South Toms River will adopt an ordinance providing for the exemption from real property taxation of improvements or projects for a period of five years. Any tax abatement(s) for the rehabilitation of the two properties (Block 19, Lot 1 or Block 8, Lot 7) would need to be addressed as part of the Redevelopment Agreement.

## VIII. RELATIONSHIP TO ZONING

### ZONING PROVISIONS

#### EFFECT OF PLAN

The Redevelopment Plan constitutes an overlay to permit the redevelopment of the Redevelopment Plan Area as Section II of this Redevelopment Plan.

#### TERMS AND DEFINITIONS

Any terms or definitions not addressed within this Redevelopment Plan shall rely on the applicable terms and conditions set forth in the Zoning Ordinance of the Borough of South Toms River.

#### OTHER APPLICABLE DESIGN & PERFORMANCE STANDARDS

Any design or performance standards not addressed within this Redevelopment Plan shall rely on the applicable design and performance standards set forth in the Zoning Ordinance of

the Borough of South Toms River.

#### CONFLICT

Any word, phrase, clause, section or provision of this plan, found by a court and other jurisdiction to be invalid, illegal or unconstitutional, such word, phrase, section or provision shall be deemed servable and the remainder of the Redevelopment Plan shall remain in full force and effect.

### ZONING MAP REVISION

Because this Redevelopment Plan constitutes an overlay and does not supersede the underlying zoning Districts, the Official Zoning Map of the Borough of South Toms River is not required to be amended. However, in order to identify the Overlay District for the Redevelopment Plan Area, the zoning map is hereby amended to designate Block 8, Lots 7 and 8 – as the “Townhouse/Neighborhood Commercial Redevelopment Overlay District (**TNCROD**)”.

## IX. AMENDMENTS & DURATION

### AMENDMENTS TO THE REDEVELOPMENT PLAN

This plan may be amended from time to time in accordance with the procedures of the LRHL. To the extent that any such amendment materially affects the terms and conditions of duly executed redevelopment agreements between one or more redevelopers and the Borough of South Toms River, the provisions of the redevelopment plan amendment will be

contingent upon the amendment of the redeveloper agreement to provide for the plan amendment.

### RECOMMENDATIONS FOR REDEVELOPMENT AGREEMENT PROVISIONS

While this Redevelopment Plan provides an outline for the redevelopment Block 8, Lots 7 and 8, the details of how the redevelopment will be implemented will need to be specified in the redevelopment agreement that is negotiated between the Borough and the redeveloper(s). No development shall proceed to the South Toms River Planning Board for subdivision or site plan approval until after a redevelopment agreement is executed by the Borough of South Toms River in accordance with Section 9 of the Local Redevelopment and Housing Law. The redevelopment agreement shall conform to the provisions of this Redevelopment Plan.

### CERTIFICATES OF COMPLETION & COMPLIANCE

Upon the inspection and verification by the Mayor and Council that the redevelopment of a parcel subject to a redeveloper agreement has been completed, a Certificate of Completion and Compliance will be issued to the redeveloper and such parcel will be deemed no longer in need of redevelopment.

This Redevelopment Plan will remain in effect until Certificates of Completion have been issued for the designated Area In Need of Rehabilitation, or until the Redevelopment Plan is deemed no longer necessary for the public interest and repealed by Ordinance of the Mayor and Council.

### SEVERABILITY

The provisions of this Redevelopment Plan are subject to approval by Ordinance. If a Court of competent jurisdiction finds any word, phrase, clause, section or provision of this Redevelopment Plan to be invalid, illegal or unconstitutional, the word, phrase, clause, section or provision shall be deemed severable and the remainder of the Redevelopment Plan and implementing Ordinance shall remain in full force and effect.

### SELECTION OF REDEVELOPER(S)

In order to assure that the vision of Plan No. 1 will be successfully implemented in an effective and timely way in order to promptly achieve the public purpose goals of the Plan, the Mayor and Council, acting as the Redevelopment Entity, will designate the redeveloper(s) for any redevelopment project in the area governed by this Redevelopment Plan. All redeveloper(s) will be required to execute a redevelopment agreement satisfactory to the Redevelopment Entity as one of the requirements to be designated as the redeveloper(s).

It is anticipated that the implementation of this Redevelopment Plan may designate existing owners or utilize a process for the competitive selection of one or more redeveloper(s). The intent of this section of the Plan is to set forth the procedural standards to guide redeveloper selection. The Mayor and Council, acting as the Redevelopment Entity may, at any time, proactively solicit potential redevelopers by utilizing appropriate methods of advertisement and other forms of communication, or may, in its discretion, entertain an unsolicited proposal from a prospective redeveloper(s) for redevelopment of the Redevelopment Plan Area.

The selection of a redeveloper by the Mayor and Council, acting as the Borough of South Toms River's Redevelopment Entity for the Redevelopment Plan Area, may be based on a competitive selection process. Under a competitive selection process, which may be undertaken from time to time in the discretion of the Redevelopment Entity, an applicant for selection as a redeveloper will be required to submit materials that specify their qualifications, financial resources, experience and design approach to the property in question. The competitive selection process will likely include the submission of some or all of the following materials (additional submission materials may be requested by the Redevelopment Entity as deemed appropriate to the lands in question):

- Conceptual plans and elevations sufficient in scope to demonstrate that the design approach, architectural concepts, number and type of development, parking, traffic circulation, landscaping and other elements are consistent with the objectives and standards of this Redevelopment Plan.
- Anticipated construction schedule, including estimated pre-construction time period to secure permits and approvals.
- Documentation evidencing the financial responsibility and capability with respect to carrying out site environmental remediation, the proposed redevelopment and/or rehabilitation including but not limited to: type of company or partnership, disclosure of ownership interest, list of comparable projects successfully completed, list of references with name, address and phone information, list of any general or limited partners, and financial profile of the redeveloper

entity.

The following provisions regarding redevelopment are hereby included in connection with the implementation of this Redevelopment Plan and the selection of a redeveloper(s) for any property included in the Redevelopment Plan and shall apply notwithstanding the provisions of any zoning or building ordinance or other regulations to the contrary:

1. The redeveloper, its successor or assigns shall develop the property in accordance with the uses and building requirements specified in the Redevelopment Plan.
2. Until the required improvements are completed and a Certificate of Completion is issued by the Redevelopment Entity, the redeveloper covenants provided for in N.J.S.A. 40A:12A-9 and imposed in any redeveloper agreement, lease, deed or other instrument shall remain in full force and effect.
3. The redevelopment agreement(s) shall contain provisions to assure the timely construction of the redevelopment project, the qualifications, financial capability and financial guarantees of the redeveloper(s) and any other provisions to assure the successful completion of the project.
4. The designated redeveloper(s) shall be responsible for any installation or upgrade of infrastructure related to their project whether on-site or off-site. Infrastructure items include, but are not limited to gas, electric, water, sanitary and storm sewers, telecommunications, recreation or open space, streets, curbs, sidewalks, street lighting and street trees or other improvements. The

extent of the designated redeveloper's responsibility will be outlined in the redeveloper's agreements with the Borough. All utilities shall be placed underground.

5. All infrastructure improvements shall comply with applicable local, state and federal law and regulations, including the Americans with Disabilities Act and the Prevailing Wage Law, where applicable.
  
6. In addition to the provision of the infrastructure items set forth herein, the Redevelopment Agreement may provide that the redeveloper(s) will agree to provide amenities, benefits, fees and payments in addition to those authorized under the Municipal Land Use Law.