

ORDINANCE 9-17

AN ORDINANCE OF THE BOROUGH OF SOUTH TOMS RIVER, COUNTY OF OCEAN, NEW JERSEY ADOPTING AMENDMENTS TO THE DOVER ROAD REDEVELOPMENT PLAN

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment or areas in need of rehabilitation, as such terms are defined in the Act; and

WHEREAS, in accordance with the requirements of the Redevelopment Law, the municipal council (“**Borough Council**”) previously determined that the properties identified as Block 20, Lots 11.02 and 12 on the official tax maps of the Borough of South Toms River constituted an area in need of redevelopment (the “**Redevelopment Area**”) in accordance with the requirements of the Redevelopment Law; and

WHEREAS, on June 26, 2017, the Borough Council enacted by Ordinance # 8-17 a redevelopment plan for the Redevelopment Area (the “**Initial Plan**”); and

WHEREAS, because the concepts for redevelopment in the Redevelopment Area have evolved since the enactment of the Initial Plan, the Borough Council desired to amend said Initial Plan and caused to be prepared draft amendments to the Initial Plan by Heyer, Gruel & Associates, dated September 2017 (the “**Amendments**”); and

WHEREAS, the Borough Council by Resolution 2017-196, adopted on September 25, 2017, referred the Amendments to the Borough Land Use Board for its review, report and recommendation in accordance with *N.J.S.A. 40A:12A-7(e)*; and

WHEREAS, at a duly noticed and constituted public meeting of the Land Use Board on October 16, 2017, Heyer Gruel & Associates (the “**Planning Consultant**”) presented the Amendments and further addressed any questions and comments presented by the borough Land Use Board; and

WHEREAS, after due consideration of the Amendments, testimony regarding the Amendments, and discussion of the foregoing, the Borough Land Use Board determined by Resolution 2017-06 dated October 16, 2017, that the Amendments were consistent with the Borough’s Master Plan and that the Borough adopt the Amendments to the Initial Plan (the “**Land Use Board Resolution**” attached hereto as **EXHIBIT A**); and

WHEREAS, the Borough wishes to adopt the Amendments as recommended by the Land Use Board Resolution (the “**Amended Plan**” attached hereto as **EXHIBIT B**).

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOROUGH COUNCIL OF SOUTH TOMS RIVER, IN THE COUNTY OF OCEAN, AS FOLLOWS:

Section 1. The Borough concurs with the Borough Land Use Board's determination that the Amendments, including as modified by the revisions requested by the Borough Land Use Board, is consistent with the Master Plan. The Amended Plan as filed in the Office of the Borough Clerk, and attached hereto as **EXHIBIT B**, is hereby approved.

Section 2. The zoning map of the Borough of South Toms River is hereby amended to incorporate the provisions of the Amended Plan, as amended by the Amended Plan.

Section 3. This Ordinance shall take effect as provided in law.

I, Joseph A. Kostecki, Borough Clerk of the Borough of South Toms River, in the County of Ocean and the State of New Jersey, do hereby certify the foregoing to be a true and correct copy of the Ordinance which was finally adopted by the Borough Council at a meeting held on the 23rd day of October, 2017.



JOSEPH A. KOSTECKI,MPA,CMC,RMC,QPA,RPPS,CMR
Borough Administrator/Clerk

EXHIBIT A

BOROUGH LAND USE BOARD RESOLUTION

Resolution 2017-06

RESOLUTION OF THE LAND USE BOARD OF THE
BOROUGH OF SOUTH TOMS RIVER, COUNTY OF
OCEAN, NEW JERSEY RECOMMENDING THE
ADOPTION OF THE AMENDMENTS TO THE DOVER
ROAD REDEVELOPMENT PLAN PURSUANT TO THE
LOCAL REDEVELOPMENT AND HOUSING LAW,
N.J.S.A. 40A:12A-1 ET SEQ.

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.*, as amended (the "Redevelopment Law"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of rehabilitation or redevelopment; and

WHEREAS, in accordance with the Redevelopment Law, the municipal council (the "Council") of the Borough of South Toms River (the "Borough") on April 27, 2015 adopted Resolution 2015-121 which designated the entire Borough as an "Area in Need of Rehabilitation" pursuant to *N.J.S.A. 40A:12A-14*; and

WHEREAS, on March 27, 2017, the Borough adopted Resolution 2017-99 designating Block 20, Lots 11.02 and 12 as an area in need of redevelopment (the "Redevelopment Area"); and

WHEREAS, in order to facilitate the development of the Redevelopment Area and effectuate the redevelopment of same, the Borough has determined to develop a redevelopment plan for the Redevelopment Area pursuant to the authority granted under the Redevelopment Law; and

WHEREAS, Heyer, Gruel & Associates prepared a redevelopment plan entitled: "Dover Road Redevelopment Plan" dated April 2017 (the "Redevelopment Plan") providing the development standards for the Redevelopment Area; and

WHEREAS, pursuant to the Redevelopment Law, the planning board of the Borough (the "Land Use Board") must review the Redevelopment Plan and transmit its recommendations relating to the Redevelopment Plan to the Borough in accordance with the provisions of *N.J.S.A. 40A:12A-7(c)* of the Redevelopment Law; and

WHEREAS, on May 15, 2017, the Land Use Board, presented the Redevelopment Plan and allowed all those present who wished to comment to be heard; and

WHEREAS, the Land Use Board reviewed the Redevelopment Plan and transmitted its recommendations relating to the Redevelopment Plan to the Borough Council in accordance with the provisions of Section 7 of the Redevelopment Law; and

WHEREAS, the Redevelopment Plan was updated to reflect the recommendations of the Land Use Board and forwarded to the Borough Council for review; and

WHEREAS, on June 26, 2017, the Borough Council enacted by Ordinance # 8-17 a redevelopment plan for the Redevelopment Area (the "Initial Plan"); and

WHEREAS, because the concepts for redevelopment in the Redevelopment Area have evolved since the enactment of the Initial Plan, the Borough Council desires to amend said Initial Plan and caused to be prepared draft amendments to the Initial Plan by Heyer, Gruel & Associates, dated September 2017 (the "Amendments"); and

WHEREAS, the Borough Council referred the proposed amendments to the Initial Plan to the Land Use Board by Resolution 2017-196, for its review and comment, pursuant to Section 7 of the Redevelopment Law; and

WHEREAS, the Land Use Board has reviewed the Amendments to the Initial Plan at a duly noticed public hearing on October 16, 2017; and

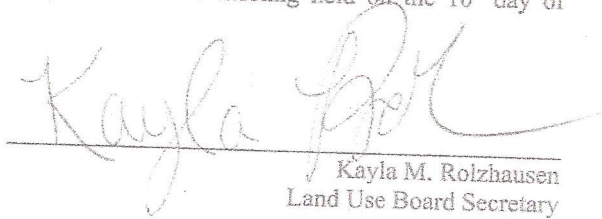
WHEREAS, in the opinion of the Land Use Board, the adoption of the Amendments to the Initial Plan is necessary and desirable in order to accomplish the effective redevelopment of the Redevelopment Area, and that such redevelopment would be in the best interests of the Borough and its residents.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of South Tom River, in the County of Ocean, New Jersey, as follows:

1. The foregoing recitals are incorporated herein as if set forth in full.
2. The Land Use Board hereby affirms that the Amendments to the Initial Plan are consistent with the Borough's Master Plan and recommends to the Mayor and Borough Council that the Amendments to the Initial Plan attached hereto as Exhibit A is adopted by the Borough Council in order to accomplish the effective redevelopment of the Redevelopment Area.
3. If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.
4. The Land Use Board Clerk is hereby directed to transmit a copy of this Resolution to the Mayor and Borough Council.
5. This Resolution shall take effect immediately.

CERTIFICATION

I, Kayla M. Rolzhausen, Land Use Board Secretary of the Borough of South Toms River, Ocean County, New Jersey, do hereby certify the foregoing to be a true and exact copy of the resolution which was adopted by the Land Use Board at a meeting held on the 16th day of October, 2017.


Kayla M. Rolzhausen
Land Use Board Secretary

RESOLUTION 2017-196

RESOLUTION OF THE BOROUGH OF SOUTH TOMS RIVER, COUNTY OF OCEAN REFERRING PROPOSED AMENDMENTS TO THE DOVER ROAD REDEVELOPMENT PLAN TO THE LAND USE BOARD FOR REVIEW AND COMMENT

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment or areas in need of rehabilitation, as such terms are defined in the Act; and

WHEREAS, in accordance with the requirements of the Redevelopment Law, the municipal council (“**Borough Council**”) previously determined that the properties identified as Block 20, Lots 11.02 and 12 on the official tax maps of the Borough of South Toms River constituted an area in need of redevelopment (the “**Redevelopment Area**”) in accordance with the requirements of the Redevelopment Law; and

WHEREAS, on June 26, 2017, the Borough Council enacted by Ordinance # 8-17 a redevelopment plan for the Redevelopment Area (the “**Initial Plan**”); and

WHEREAS, because the concepts for redevelopment in the Redevelopment Area have evolved since the enactment of the Initial Plan, the Borough Council desires to amend said Initial Plan and caused to be prepared draft amendments to the Initial Plan by Heyer, Gruel & Associates, dated September 2017 (the “**Amendments**”); and

WHEREAS, the Borough Council desires to refer the proposed amendments to the Redevelopment Plan to the Borough’s land use board (the “**Land Use Board**”) for its review and comment, pursuant to Section 7 of the Redevelopment Law.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of South Toms River, New Jersey, as follows:

Section 1. The foregoing recitals are herein incorporated as if set forth in full.

Section 2. Pursuant to *N.J.S.A. 40A:12A-7*, the Borough Council hereby refers the proposed amendments to the Dover Road Redevelopment Plan attached hereto as Exhibit A to the Land Use Board for review and recommendation. The Land Use Board shall prepare a report regarding its recommendations and submit same to the Borough Council in accordance with the Redevelopment Law.

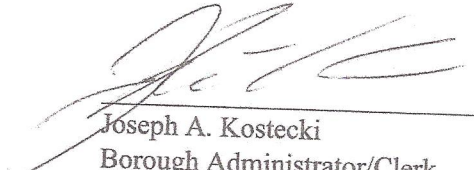
Section 3. The Borough Clerk shall forward a copy of this Resolution and the proposed amendments to the Dover Road Redevelopment Plan to the Land Use Board for review.

Section 4. A copy of this resolution shall be available for public inspection at the Borough Clerk's office.

Section 5. This Resolution shall take effect immediately.

CERTIFICATION

I, Joseph A. Kostecki, Municipal Clerk, of the Borough of South Toms River, County of Ocean, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Borough Council at the Regular meeting held on the 25th day of September, 2017, in the Borough Hall, 19 Double Trouble Road., South Toms River, New Jersey.



Joseph A. Kostecki
Borough Administrator/Clerk

EXHIBIT B

AMENDED REDEVELOPMENT PLAN

**DOVER ROAD REDEVELOPMENT PLAN
FIRST AMENDMENT TO REDEVELOPMENT PLAN
BOROUGH OF SOUTH TOMS RIVER
OCEAN COUNTY, NEW JERSEY**



Prepared for the:
*Mayor and Council of the
Borough of South Toms River, New Jersey*

September 2017

Introduction and Process

Introduction and Process is amended to read as follows:

The process for designating Lots 11.02 and 12 in Block 20 (hereinafter referred to as the "Tract") as an "Area in Need of Redevelopment" was initiated by the Borough of South Toms River Council Resolution #2017-47 adopted on January 9, 2017. This Resolution authorized the Planning Board to conduct an investigation to determine if Lots 11, 12, and 13 in Block 20 qualify as a non-condemnation area in need of redevelopment pursuant to the statutory criteria outlined in the Local Redevelopment and Housing Law (LRHL).

Plan Principles, Goals and Objectives

Plan, Principles, Goals and Objectives is amended to read as follows:

The Dover Road Redevelopment Area represents a significant development opportunity within the Borough. The 2013 Borough Master Plan identified the Area as a priority economic development site. The properties have been in an unproductive state since the closure and demolition of the former concrete block plant. At this time, the Borough Council wants to supplement the existing SED Special Economic Development Zone standards to support the redevelopment of the site with a multi-family housing development. The proposed development will capitalize on the site's proximity to the Garden State Parkway, and provide new market-rate and affordable housing opportunities.

Relationship of Plan to Borough Land Development Regulations

Relationship of Plan to Borough Land Development Regulations third paragraph is amended to read as follows:

The Dover Road Redevelopment District outlined in this Plan supplements the existing zoning within the Area. The use, bulk, and design standards outlined herein shall apply to the Principal Permitted Uses and Accessory Uses outlined in this Plan. The use, bulk, and design standards in the existing SED Special Economic Development Zone standards for the Area shall remain in full force and effect.

Relationship of Plan to Borough Land Development Regulations fourth paragraph is amended to read as follows:

Any deviation from the standards permitted by this Plan or the existing SED Special Economic Development Zone, which would typically result in a “d” variance, shall be addressed as an amendment to the Plan. The Land Use Board shall not have authority to allow deviations, which would result in a “d” variance. The Land Use Board shall have power to grant relief from other bulk and dimensional requirements of this Plan and those contained in the existing SED Special Economic Zone to the same extent as the Board may grant relief from bulk and dimensional requirements pursuant to the N.J.S.A. 40:55D-70c.

Bulk Standards

Bulk Standard Table is amended to read as follows:

Minimum <u>Tract</u> area	15 acres
Minimum Building Setback to Lot 11.01	30 feet
Minimum Building Setback to Lot 11.01	30 feet
Minimum Building Setback to Lot 1.01 (JCP&L ROW)	12 feet
Minimum Building Setback to Residential Units	75 feet
Minimum Building Setback to Parking	10 feet
Minimum Building Separation	30 feet
Maximum Building Coverage	25% <u>of the Tract</u>
Maximum lot coverage (all impervious surfaces)	70% <u>of the Tract</u>
Maximum Residential Density <u>of the Tract</u>	17 Units / acre
Maximum height	3 Stories / 40 feet