

**MASTER PLAN REEXAMINATION REPORT &
AMENDED LAND USE ELEMENT**

**Middletown Township Planning Board
Monmouth County, New Jersey**

Adopted July 15, 2009

Prepared by:

A handwritten signature in black ink, appearing to read "Jason A. Greenspan", with a horizontal line extending to the right from the end of the signature.

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Introduction

The Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-89 requires a municipality to conduct a general reexamination of its master plan and development regulations at least once every six years from the previous reexamination.

The Middletown Township Master Plan adopted a comprehensive Master Plan in October 2004. Consistent with the provisions of the MLUL, the Planning Board periodically reexamines and updates certain elements of its Master Plan and to proactively plan for future development. The last time the Planning Board formally reexamined the Township's Master Plan was in November 2006. Since that time, the Planning Board re-adopted the 2004 Master Plan in its entirety. Moreover, the Planning Board adopted an amended Housing Element and Fair Share Plan in December 2008. A formal reexamination of the Master Plan is now in order, particularly based upon the recent adoption of the amended Housing Element.

This Reexamination Report contains a discussion of the following:

- a. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
- b. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- c. The extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.
- d. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.
- e. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the Local Redevelopment and Housing Law, N.J.S. 40A:12A-1 et seq., into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

Moreover, specific amendments to the Land Use Element of the Master Plan are included in the Appendix of this report.

Problems & Objectives in 2006

- a. The Reexamination Report should include a discussion of the major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.*

The Township's 2006 Reexamination Report identified the following principal problems and objectives relating to land development:

- 1. The need to address the Township's affordable housing obligations per regulations established by the New Jersey Council on Affordable Housing (COAH) was considered an objective.*
- 2. The need to further tighten floor area ratio limits in residential zones was considered an objective, or identifying another means of limiting the construction of oversized houses that are out of scale with either the lot size or the character of surrounding development.*
- 3. The need to lower residential dwelling unit densities in areas where significant environmental constraints exist and where significant amounts of potentially developable land exists was considered an objective, in order to limit excessive growth and its associated community impacts. Overuse and overdevelopment of environmentally constrained land was considered a problem, particularly in the McClees Creek and Navesink River watershed.*
- 4. The need to adopt regulations that would establish minimum dimensions for the buildable area of lots for single family dwellings was considered an objective.*

Problems & Objectives Changes Since 2006

b. The Reexamination Report should explain the extent to which such problems and objectives have been reduced or have increased subsequent to such date.

1. *The need to address the Township's affordable housing obligations per regulations established by the New Jersey Council on Affordable Housing (COAH) was considered an objective. This need is continually addressed by the Township. In December 2008, the Township adopted a Master Plan Housing Element and Fair Share Plan to comply with COAH's Substantive and Procedural Rules. This plan includes strategies for satisfying the Township's prospective need to accommodate the housing needs of low and moderate income households through 2018. Recommended amendments to the Land Use Element of the Master Plan and zoning regulations are included in this Reexamination Report to ensure consistency with the Housing Element.*
2. *The need to further tighten floor area ratio limits in residential zones was considered an objective, or identifying another means of limiting the construction of oversized houses that are out of scale with either the lot size or the character of surrounding development. This objective remains valid. While the Zoning Ordinance was amended in 2007 to reduce and control building height for single family residences on narrow lots, more needs to be done to control the overwhelming scale of homes on lots containing up to 1-acre of land. The Zoning Board of Adjustment has made certain annual recommendations to the Planning Board and Township Committee that echo this objective.*
3. *The need to lower residential dwelling unit densities in areas where significant environmental constraints exist and where significant amounts of potentially developable land exists was considered an objective, in order to limit excessive growth and its associated community impacts. Overuse and overdevelopment of environmentally constrained land was considered a problem, particularly in the McClees Creek and Navesink River watershed. This objective remains valid, particularly in light of pending amendments to Monmouth County's Wastewater Management Plan which are intended to bolster NJDEP policies of preserving environmentally constrained lands.*
4. *The need to adopt regulations that would establish minimum dimensions for the buildable area of lots for single family dwellings was considered an objective. This objective was partially addressed in 2007 when the Zoning Ordinance was amended to require all new lots to incorporate a circle with a minimum diameter. This regulation is intended to ensure that lots contain reasonable pre-development buildable areas and are not irregularly shaped. Zoning Regulations should be further refined in order to satisfy this objective. Further consideration should be given to flexibility in the Zoning Ordinance's "clustering" provisions that allow reduced lot sizes in exchange for critical area preservation regardless of tract size.*

Changes in Assumptions, Policies & Objectives

- c. *The Reexamination Report should discuss the extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.*

Since the Master Plan is so current, there have been no significant changes to the assumptions, policies or objectives which formed its basis. However, impacts that certain changes in Federal, State and county and policies and objectives have on Township priorities warrants further analysis.

1. Flood Hazard Areas - Pending flood map updates promulgated by the Federal Emergency Management Agency (FEMA) will have substantial impacts on property owners in the North Middletown. As of September 25, 2009, the entirety of this neighborhood will be situated within a flood hazard area for the first time in many decades. This is primarily due to the FEMA's decision to apply stringent criteria to determining the viability (or lack thereof) of flood control devices in North Middletown such as constructed dunes and the breakwater. Accordingly, the Planning and Development Regulations should be updated to current standards for the prevention of flood damage before September 2009. Adoption of the Model Flood Damage Prevention Ordinance prepared by the NJDEP should be considered. This will permit the Township to continue participation in the National Flood Insurance Program (NFIP) as administered through FEMA. An updated ordinance should adopt FEMA's updated Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRM). The ordinance should, where appropriate, enhance FEMA's minimum requirements. Enhancements will assist the Township in obtaining a higher rating when participating in FEMA's Community Rating System (CRS), which could result in substantial flood insurance policy savings to property owners.
2. Energy Efficiency and Conservation - Middletown has been notified that \$610,800 in grant funds are available to the Township through the federal government's new Energy Efficiency and Conservation Block Grant (EECBG) program. This is a formula federal grant made available to the Township via the American Recovery and Reinvestment Act (ARRA) of 2009. The EECBG Program is administered through U.S. Department of Energy (DOE). The purpose of the EECBG grant is to assist the Township in reducing fossil fuel emissions, total energy use, and improving energy efficiency in all sectors. Funds can be used community wide, and for government owned facilities and infrastructure. Middletown must develop an Energy Efficiency and Conservation Strategy (EECS) in order to utilize grant funds. Once developed, the EECS can serve as the foundation for developing a Green Building and Environmental Sustainability Element of the Master Plan, which would also include a Climate Action Plan and a Greenhouse Gas Reduction Plan. This new element

would encourage the efficient use of natural resources and plan for the impacts of buildings on the local, regional and global environment through site orientation and design.

3. Neighborhood Preservation – In early 2008, the New Jersey Department of Community Affairs (DCA) announced Middletown was awarded grant funds through the Neighborhood Preservation Program (NPP) to support the revitalization of the North Middletown neighborhood. Approximately \$280,000 in grant and matching municipal funds have been secured to date. A Neighborhood Revitalization Strategy (NRS) document is being prepared for the target area of the neighborhood. The NRS can ultimately serve as a component of the Township's overall Master Plan to establish policies for the long-term stabilization of this neighborhood, particularly regarding housing rehabilitation, public facility needs and infrastructure improvements.
4. Wastewater Management Plan - Monmouth County is in the process of updating the County Wastewater Management Plan, which could substantially amend and reduce sewer service areas within the Township. The County is attempting to broker negotiations between the NJDEP, the Middletown Township Sewerage Authority (TOMSA) and the Township to ensure policy consistency. The Township should continue to work closely with local, County and State representatives to ensure all land use policies remain consistent.

Changes to Master Plan and Development Regulations

- d. The Reexamination Report should include specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.*

The Planning Board should amend the Land Use Element of the Master Plan to reflect the policies of the Housing Element and Fair Share Plan adopted in December 2008. These changes are incorporated into the Appendix of this Reexamination Report. Amendments provide the basis for rezoning and are intended to result in a reasonable opportunity for the construction for low-and moderate-income households. In addition, minor amendments to the land use plan are recommended in order to achieve consistency with existing development patterns in certain areas.

Recommended changes to Land Use Plan are as follows:

Residential District Recommendations

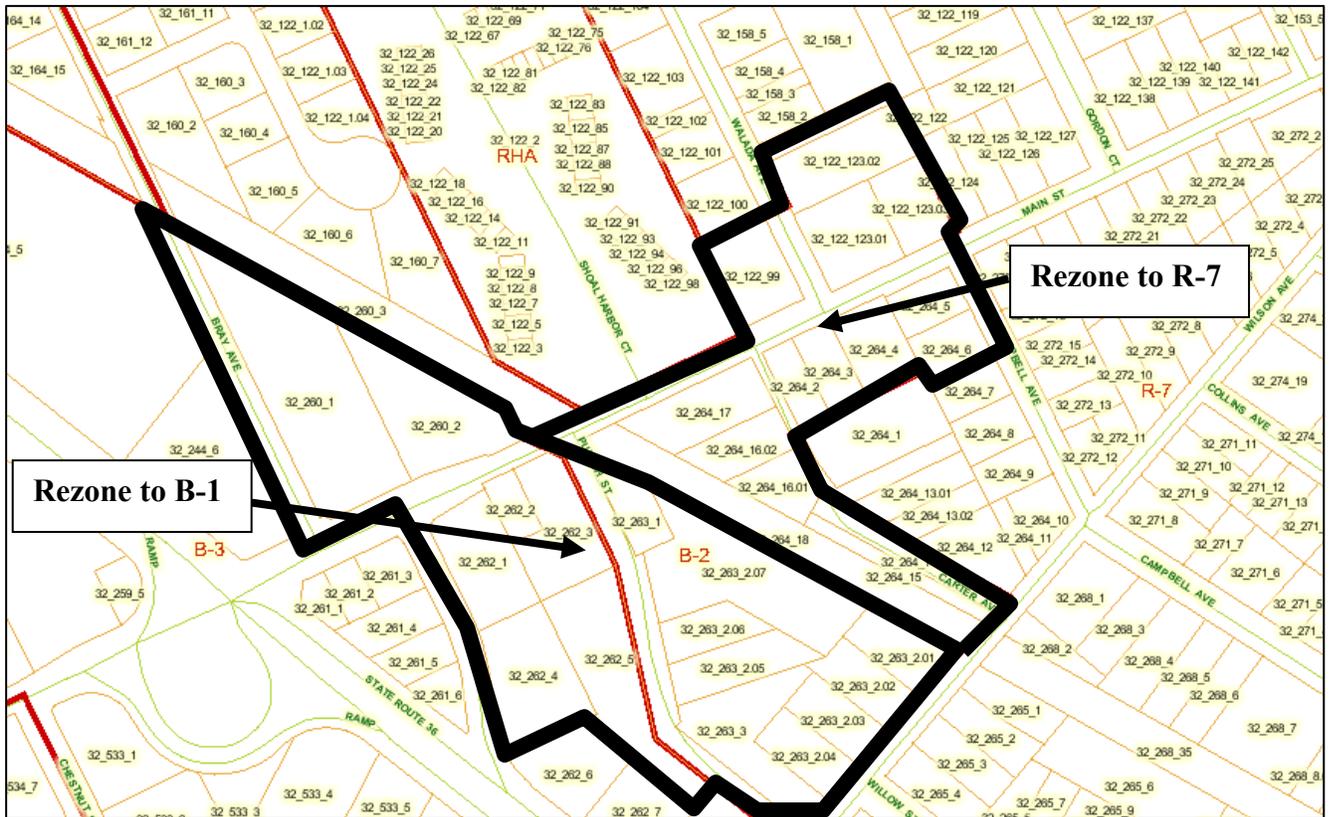
1. Block 1063, Lot 10 – This 68-acre tract, commonly referred to as the “Avaya” site, is located within the Lincroft neighborhood and contains a large multistory office building and expansive parking areas. As recommended in the Housing Element, the Township should poise itself to proactively “redevelop” this site based on this building’s imminent vacancy. Accordingly, this site should be assigned a multifamily land use designation and be zoned for multifamily residential development at a density of approximately 5.5 units per acre, with a minimum 20% affordable housing setaside. Phasing site development at this tract would be acceptable provided appropriate levels of infrastructure improvements are completed by the developer at defined stages of construction to ensure adequate public services are provided and traffic impacts are sufficiently mitigated. Future site development should be guided towards the limits of established built areas that contain impervious surfaces (e.g. parking areas, building footprint) to the greatest degree practical.
2. Block 600, Lots 34, 35.01 & 35.02 – This 30-acre tract is situated along both sides of Taylor Lane near Highway 35. The property, which is currently zoned Residential “R-3” for Active Adults, should be assigned a multifamily land use designation be rezoned for non-age restricted, multifamily residential development at a density of approximately 11.5 units per acre, with a minimum 28% affordable housing setaside.
3. Block 795, Lots 23 & 24 - This 17-acre tract located on the westerly side of Laurel Avenue is should be assigned a multifamily land use designation, and should be rezoned for residential development at a density of 8 dwelling units per acre.
4. Block 795, Lot 19 & 5.01 (portion) – This tract is located at the intersection of Laurel Avenue and Holland Road directly south of the Laurel Greene multifamily redevelopment, and incorporates a modest section of the AT&T campus property west of the Mahoras Creek. This tract should be assigned a multifamily land use designation and should be rezoned for residential development at a density of 8 dwelling units per acre. A multifamily land use designation is appropriate only for that portion of Lot 5.01 at the

southwesterly corner of the tract extending approximately 1,000' east from Laurel Avenue to Mahoras Creek.

5. Block 732, Lots 10, 11, 12, 13 & 21 - This 6-acre tract located along Highway 36 is should be assigned a multifamily land use designation and should be zoned for residential development at a density of 8 dwelling units per acre.
6. Block 517, Lots 3 through 8 - - This tract along Highway 36 in Belford will contain the Brown Landing townhouse development (currently under construction) and has been zoned for multifamily residential development. The site should be assigned a multifamily land use designation, as commercial land use is no longer appropriate at this location.
7. Block 532, Lots 42 and 43 - This tract along Highway 36 in Belford will contain 12 affordable multifamily units and has been zoned for multifamily residential development. The site should be assigned a multifamily land use designation, as commercial land use is no longer appropriate at this location.
8. Block 281, Lots 14 & 15 - This 2+ acre tract located in Belford contains the remains of a fire damaged restaurant and bar, as well as some residential uses. Its proximity to the Belford Ferry Terminal renders it a logical place for higher density multifamily development that encourages use of public transportation and pedestrian activity. The site should be assigned a multifamily land use designation and should be zoned for residential development at a density of 24 dwelling units per acre.
9. Block 137, Lot 2.06 – This tract contains the fully built “Dunes at Shoal Harbor” multifamily development. Accordingly, the site should be assigned a multifamily land use designation.
10. Residence-Office (RO) Zone - The RO Zone located at the intersection Nutswamp Road and Middletown-Lincroft Road should be eliminated. This area has already been assigned a single-family residential land use designation.

Commercial District Recommendations

1. Block 496, Lots 5 and 6.01 - - This tract located along Leonardville Road in Campbell’s Junction contains one residential use and a veterinary clinic. Its proximity to the center of Campbell’s Junction commercial activity coupled with its location adjacent to a major NJ Transit bus transfer point renders the site suitable for commercial development. Accordingly, this area should be assigned a commercial land use designation and should be zoned for commercial and/or mixed-use development consistent with B-1 Zoning standards.
2. Main Street/Bray Ave/Pulsch St (Port Monmouth) - An area in the Port Monmouth neighborhood extending from Wilson Avenue north to Main Street and Bray Avenue near Highway 36 is currently zoned as commercial B-2 and B-3. Consideration should be given to rezoning this area to a more “neighborhood commercial” B-1 district since many of the lots in this area do not front on the highway and do not conform to restrictive B-2 and B-3 zone requirements. Moreover, a portion of the existing B-2 Zone along Main Street should be rezoned to residential R-7 to more accurately reflect established development patterns.



Planned Development Recommendation

A Planned Development (PD) land use district at a tract containing approximately 120 acres located on the easterly side of Highway 35 between Kings Highway East and Kanes Lane should be implemented to replace the Active Adult Community (AAC) land use district. This large tract has been considered in the past for planned development, as well as for age-restricted housing and for light industrial uses. The site has been the subject of site plan applications to both the Planning Board and Zoning Board. Following longstanding and repeated litigation with the Township and other interested parties, the owner of this tract has secured certain rights to develop this tract with a substantial amount of non-age-restricted housing and commercial uses.

Ultimately, it is in the best interest of the Township to establish a zoning foundation for Planned Unit Development at this tract at a reasonable residential density and commercial intensity. Planned Unit Development, when developed as a single-entity according to a plan, can result in a measurable benefit to the public by providing significant employment opportunities; by supporting the local economy; by providing public spaces for active and passive recreation; and by providing a variety of housing types with a range of affordability.

Encouraging a sustainable mix of residential and non-residential land uses through Planned Unit Development is a concept promoted by the State Development and Redevelopment Plan (SDRP) and is consistent with established SDRP policies for the Metropolitan Planning Area (PA-1).

Residential housing types could include single-family detached units, duplex units, multifamily buildings and residential units above commercial space. Assisted living facilities would also be appropriate. Construction of required affordable housing set-asides should be consistent with Housing Element and Fair Share Plan policies, and should net a minimum 160 credits towards the Township's fair share housing obligation. At full build-out, residential density should not exceed 4.5 dwelling units per gross tract acre, which would result in approximately 500 total residences.

A sustainable combination of non-residential uses would include retail uses and services, restaurants, and offices, as well as cultural, entertainment, recreational and community facilities. The tract is not suitable for industrial uses such as manufacturing or distribution facilities. The gross-tract non-residential floor area ratio (FAR) should not exceed 12% (exclusive of residential floor area), which would result in approximately 620,000 square feet of non-residential floor area.

The reservation of space for the construction of an on-tract public facility to meet the Township's active recreation needs is essential. This reservation of space should supplement required active and passive recreation and open space areas serving on-tract development. Any public indoor recreation facility for use by all Township residents should not be subject to non-residential FAR limitations. Provisions should be made by any future developer ensuring that any regulatory agency having jurisdiction (e.g. NJDOT, NJDEP) is fully apprised of the potential construction of a future public recreation facility, the scale of which shall be taken into account for all permit applications to said agencies.

Phasing site development over a period of years through a General Development Plan (GDP) at this tract would be acceptable provided that the Township has assurances that an appropriate mix of residential and non-residential uses will ultimately be achieved at full build-out. Appropriate levels of infrastructure improvements (e.g. utilities, roadways, recreation) shall be completed by the developer at defined stages of construction to ensure adequate public services are provided and traffic impacts are sufficiently mitigated. Consistent with the Municipal Land Use Law at 40:55D-45.2, a GDP for this tract should include a general land use plan; a circulation plan; an open space plan; a utility plan; a stormwater management plan; an environmental inventory; a community facility plan; a housing plan; a local service plan; a fiscal report; a proposed timing schedule; and a developer's agreement.

Based on the foregoing, the Future Land Use Plan should eliminate the Active Adult Community (AAC) land use designation and replace it with a Planned Development (PD) land use designation. Moreover, considering the complex road access and traffic issues associated with the tract's development, the PD land use designation should replace the Industrial land use classification for privately owned land along the northerly side of Kane's Lane. Implementation of these policies would achieve substantial consistency with the Master Plan Housing Element and Fair Share Plan adopted in December 2008.

New Comprehensive Master Plan

While a new Master Plan is not recommended at this time, certain elements should be comprehensively updated and/or added including:

1. Circulation Element (update) – Substantial changes to traffic circulation patterns, transit initiatives and policies have occurred since 2004, including:
 - Red Hill Road/Dwight Road/Van Schoick realignment
 - Newman Springs Road roundabout installation
 - Harmony Road traffic signal installation near Route 35
 - Dock and Roll local transit shuttle
 - Policies and plans for road improvements and realignments (e.g. Newman Springs Road in Lincroft, Kings Highway/Church Lane, Navesink Ave/Monmouth Ave/Valley Drive) have been further developed by Monmouth County
 - Old Country Road circulation concerns

A substantially updated Circulation Element should be prepared that analyzes these and other emerging issues in further detail.

2. Recreation and Open Space Element (update) – In 2008 the Township Committee and the Department of Parks, Recreation and Cultural Affairs prepared a comprehensive Parks, Recreation and Open Space Master Plan. This Plan, which includes a detailed inventory of all Township park facilities, was prepared in response to issues raised by residents about desired facilities including athletic field improvements, an indoor swimming pool, an ice rink, as well as the need to improve the existing parks. The Plan includes a “Vision for the Future” and a series of action strategies to accomplish the vision. The Township’s Open Space, Recreation and Conservation Element of the Master Plan should be updated to ensure consistency with this Plan.
3. Economic Element (new) – The Master Plan should include an Economic Element that considers all aspects of economic development and sustained economic vitality in the Township. The Plan would include an inventory of the Township’s current employers and overall labor characteristics. An analysis would be completed of the types of employment to be expected by the economic development to be promoted with the characteristics of the labor pool resident in the Township and nearby areas. An analysis of the stability and diversity of the economic development to be promoted would be completed.
4. Port of Belford - In January 2009, the Township completed the Port of Belford Economic Feasibility Study and Conceptual Development Plan, which was a initiative funded by the State Office of Smart Growth (OSG). The Plan makes recommendations to ensure the economic and physical viability of commercial development at the Port that would complement and support the established commercial fishing industry and, ultimately, the redevelopment of the overall area. This Study and Plan should be incorporated into the

Master Plan as a background study, and efforts should be made to seek additional resources for plan implementation.

5. Green Building and Environmental Sustainability Element (new) - The purposes of this new master plan Element include encouraging and promoting the efficient use of natural resources; reducing fossil fuel emissions and total energy use; improving energy efficiency; weighing the impact of development on the local, regional and global environment through site orientation and design. This Element would establish the foundation for enacting “green” development standards in the Zoning Ordinance.

Redevelopment Plans

- e. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the Local Redevelopment and Housing Law (LRHL), N.J.S. 40A:12A-1 et seq., into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.*

While the Township Committee has not formally adopted any redevelopment plans per the Local Redevelopment and Housing Law, seven locations are recommended for investigation to determine if conditions are present for designating a redevelopment area.

1. In the Spring of 2009, the Township Committee directed the Planning Board to conduct a redevelopment investigation for a section of the North Middletown neighborhood situated along Port Monmouth Road generally located between Pacific Avenue and Hudson Ave. This area includes a series of non-residential uses that are beginning to show certain levels of deterioration. Additionally, in order to reinforce the viability of the greater residential North Middletown neighborhood, the Township should conduct an investigation to ascertain if the area meets the criteria for designation of a “rehabilitation area” per the LRHL.
2. The area generally located along and between Rt. 36, Church Street, Main Street and Railroad Avenue in Belford should be investigated.
3. The area generally encompassed by Block 599, lots 1.01, 4, 9, 37, 40 & 41. located at the northwest corner of Rt. 35 and Old Country Road should be investigated.
4. The location of the former GPU/JCP&L facility on Leonardville Road in Belford should be investigated.
5. The location of the former “Middletown Tool Rental” facility and its environs located at Block 502, Lots 1, 2 & 7 should be investigated.
6. The location of the former Steak & Ale restaurant located at Block 615, Lot 94 should be investigated.
7. The entire Port of Belford area at the eastern terminus of Port Monmouth Road should be investigated.

**APPENDIX:
AMENDMENT TO MASTER PLAN
LAND USE ELEMENT**

**Middletown Township
Monmouth County, New Jersey**

Adopted July 15, 2009



Jason A. Greenspan, PP, AICP
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Text to be deleted is noted with ~~**strikethrough bold**~~
Text to be added and/or modified is noted with ***bold italics***
Amendments to the Land Use Plan Map are included