

# Redevelopment Study Area Expansion Determination of Need

Block 20, Lots 1.01, 1.02 and 1.03 to be added to  
Block 20, Lots 1.04 and 1.05 (Borough Landfill)



**Borough of South Toms River**  
Ocean County, New Jersey

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MC Project No. STB042

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## INTRODUCTION

The purpose of this report is to determine whether Block 20, Lots 1.02 and 1.03 (hereinafter “Study Area”) should be added to the previously designated Borough landfill on Lots 1.04 and 1.05, located on Attison Avenue, as an Area in Need of Redevelopment as defined by the Local Redevelopment and Housing Law (NJSA 40:12A-1 et seq., “LRHL”). This analysis has been conducted pursuant to the LRHL, which specifies the conditions that must be met within the delineated areas and the process to be undertaken by the Planning Board during the investigation.

The report is written pursuant to Section 6 of the LRHL (NJSA 40-12A-6) that requires the following:

- a) No area of a municipality shall be determined a redevelopment area unless the governing body of the municipality shall, by resolution, authorize the Planning Board to undertake a preliminary investigation to determine whether the proposed area is a redevelopment area according to the criteria set forth in Section 5 of P.L. 1992 (C.40A:12A-5). Such determination shall be made after public notice and public hearing as provided in subsection b. of this section. The governing body of a municipality shall assign the conduct of the investigation and hearing to the planning board of the municipality.
- b) (1) Before proceeding to a public hearing on the matter, the planning board shall prepare a map showing the boundaries of the proposed redevelopment area and the location of the various parcels of property included therein. There shall be appended to the map a statement setting forth the basis for the investigation.  
  
(2) The planning board shall specify a date for and give notice of a hearing for the purpose of hearing persons who are interested in or would be affected by a determination that the delineated area is a redevelopment area.

The Municipal Council, in a Resolution #2016-69, dated February 22, 2016 (see Appendix), requested that the Planning Board undertake a preliminary investigation as to whether the Study Area identified in the resolution is in need of redevelopment as an expansion of the previously designated landfill redevelopment area pursuant to the LRHL.

Section 6b(4) of the LRHL also requires the Planning Board to hold a hearing on this matter prior to recommending that the delineated area, or any part thereof, be determined or not determined a redevelopment area by the governing body. After obtaining the Planning Board’s recommendation, the Municipal Council may adopt a resolution determining that the delineated area, or any part thereof, is a redevelopment area (Section 6b(5) of the LRHL).

Before presenting the Study Area investigation and parcel level analysis, it is important to note that the determination of need presented in this analysis is only the first step of the redevelopment process and does not provide guidance with respect to planning, development or redevelopment of the Study Area.

Section 40A:12A-7 of the LRHL describes the tool (the redevelopment plan) which specifies how the redevelopment should be planned, in addition to the process through which such a plan is prepared.

A redevelopment plan, which may supersede the zoning of an area or serve as an overlay thereto, specifies the following:

- Relationship of the project area to local objectives as to appropriate land uses, density of population, improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
- Proposed land uses and building requirements in the project area.
- Adequate provision 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 housing market.
- An identification of any property within the redevelopment area, which is proposed to be acquired in accordance with the redevelopment plan. (Note: not every property in a redevelopment area must be acquired and, in fact, none may be acquired; the redevelopment plan can specify buildings or uses to remain in the redevelopment area and to be incorporated into the future design and development of the area.)
- Any significant relationship of the redevelopment plan to the master plan of contiguous municipalities, the master plan of the county, and the State Development and Redevelopment Plan.

This report and investigation are aimed only at determining whether the Study Area meets the statutory criteria to be identified as an Area in Need of Redevelopment and therefore does not contain any of the specific planning guidance contained in a redevelopment plan.

## CRITERIA FOR REDEVELOPMENT AREA DETERMINATION

Section 5 of the LRHL outlines the criteria that can be considered in evaluating a Study Area. An area may be determined to be in need of redevelopment if, after investigation, notice and hearing, the governing body of the municipality concludes by resolution that any one of the following relevant conditions is found:

- a) The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.
- b) The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable.
- c) Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or entity, or unimproved vacant land that has remained so for a period of ten years prior to the adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.
- d) Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals or welfare of the community.
- e) A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general. (new language from P.L. 2013, Chapter 159 underlined)
- f) Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.
- g) In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act," P.L.1983, c. 303 (C.52:27H-60 et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to sections 5 and 6 of P.L.1992, c. 79 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of P.L.1991, c. 431 (C.40A:20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L.1991, c. 441 (C.40A:21-1 et seq.). The municipality shall not utilize any other

redevelopment powers within the urban enterprise zone unless the municipal governing body and planning board have also taken the actions and fulfilled the requirements prescribed in P.L.1992, c. 79 (C.40A:12A-1 et al.) for determining that the area is in need of redevelopment or an area in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone.

- h) The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

In addition to the above criteria, Section 3 of the LRHL, which defines the redevelopment area, allows the inclusion of parcels necessary for the effective redevelopment of the area, by stating “a redevelopment area may include land, buildings, or improvements, which of themselves are not detrimental to the health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area in which they are a part”.

## DESCRIPTION OF STUDY AREA

### SITE DESCRIPTION

The Study Area consists of three contiguous tax lots, 1.01, 1.02 and 1.03 of Block 20, two of which (1.02 and 1.03) are accessed off of Attison Avenue in South Toms River. Lot 1.01 is a former rail right of way that is now owned by Jersey Central Power & Light Company (JCP&L) for an electric power transmission line. Lot 1.03 is the municipal Public Works parcel at the end of Drew Lane. Lot 1.02 is the Borough Recreation Building and Athletic Fields facilities at the end of Drake Lane. Both streets are dead-ends in residential neighborhoods and are required for access to the previously designated Landfill Redevelopment Area. Another JCP&L easement with electrical transmission towers and power lines on Lot 1.05 was part of the originally designated Landfill Redevelopment Area and connects to First Avenue in Berkeley Township, as well as Dover Road in Berkeley Township.

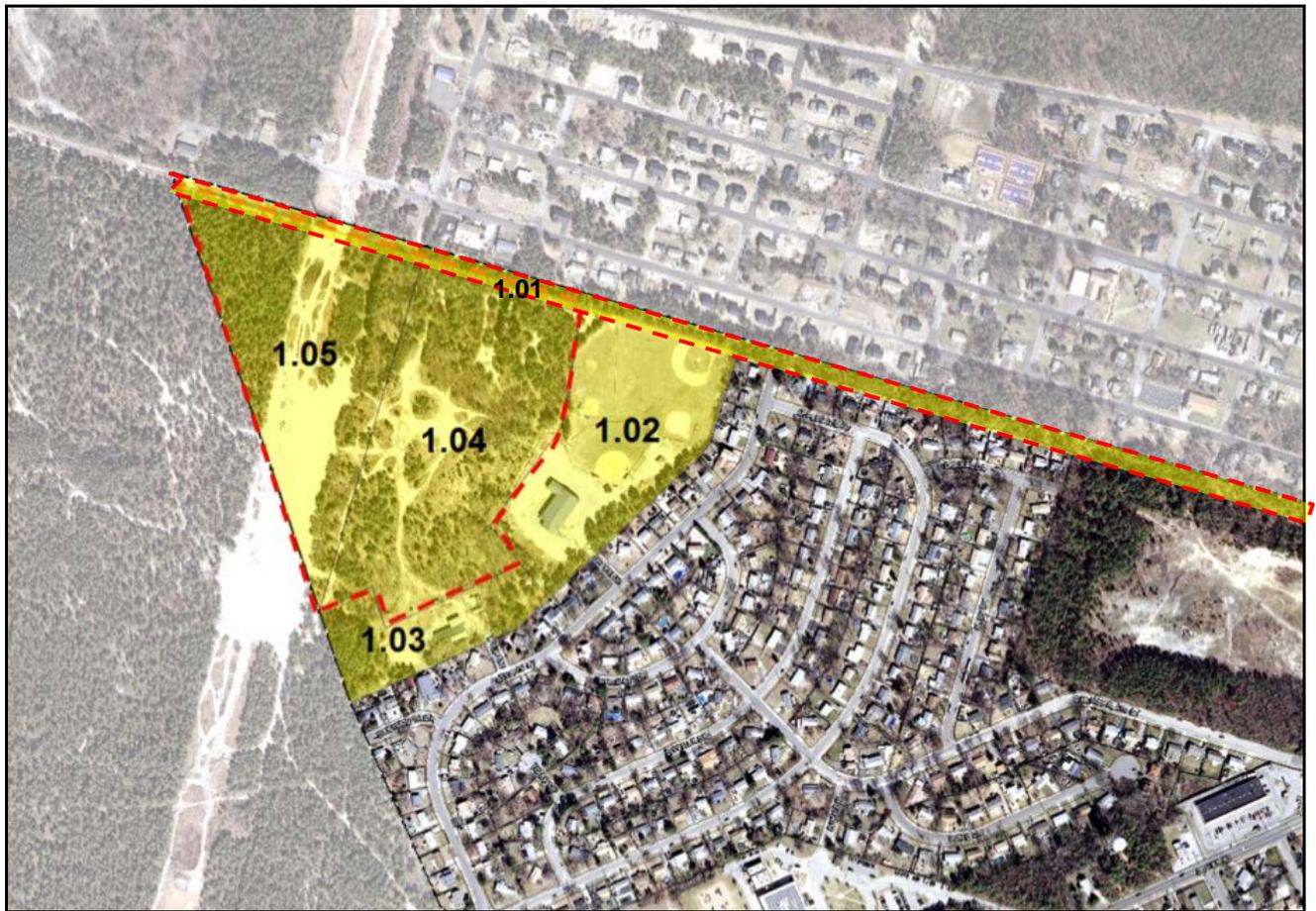


**Figure 1: Site Accessibility - Top Left: The entrance to the Landfill Redevelopment Area through Lot 1.02 on Drake Lane through Drake Lane Athletic Fields, viewed from Attison Avenue; Top Right: Entrance to the Landfill Redevelopment Area through Lot 1.03 on Drew Lane, viewed from Attison Avenue; Bottom Left: Unsecured access to the site from First Avenue, Berkeley Township through JCP&L easement; Bottom Right: Unsecured access to the landfill site from Dover Road, Berkeley Township through JCP&L easement.**

No buildings or improvements are found on Lot 1.01, while Lot 1.02 contains the recreation building and Lot 1.03 contains the DPW building. The entire land area of the three lots is 20.32 acres (Table 1), with 7 acres on Lot 1.01 and 9.5 acres on Lot 1.02 and 3.82 acres on Lot 1.03.

The Study Area is included in the designated Area In Need of Rehabilitation that includes all of the Borough of South Toms River as of Resolution 2015-121, dated April 27, 2015 . The Rehabilitation Area is focused on revitalizing the entirety of the Borough between the Borough of Beachwood to the south, the Township of Toms River to the north, and the Township of Berkeley to the west. The expanded redevelopment area adjacent to the landfill site is bordered by Berkeley Township to the north and west and is characterized by established single-family residential neighborhoods to the north and south and forested areas to the west.

MAP 1: Aerial Map showing original Landfill Redevelopment Area (Lots 1.04 and 1.05) and Study Area (Lots 1.01, 1.02 and 1.03)



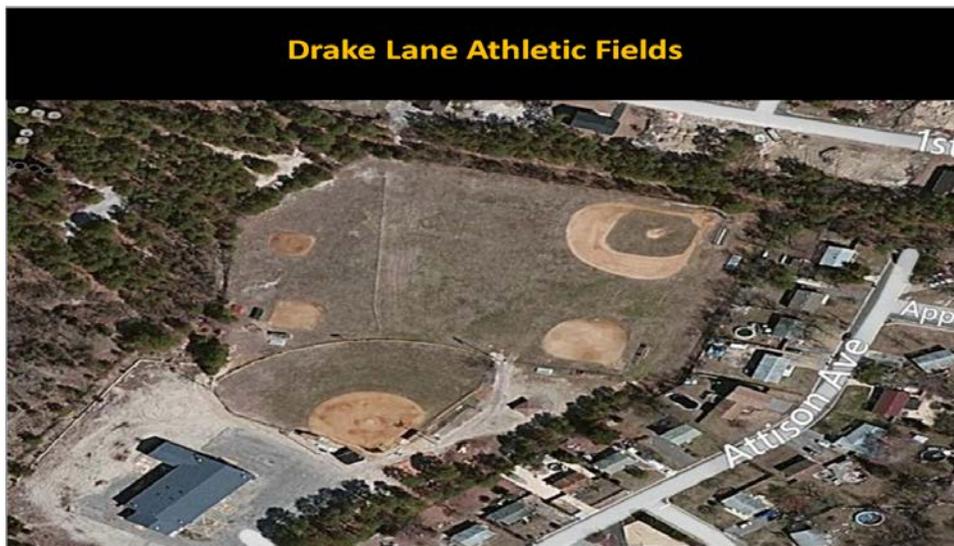


Figure 2: Adjacent uses to the west include community church (top left); Medium- to high-density single-family residential (top right); Public athletic fields/recreation area (bottom center)

Map 2 below provides an aerial view of the Study Area highlighted in yellow and within the context of and bounded by the municipal boundary line in black lines. There are two paper roads that run through the property – North Road and 3<sup>rd</sup> Avenue – as well as a NJP&L easement with power lines and transmission towers that runs north-south between Lots 1.04 and 1.05. The line of the former Pennsylvania & Atlantic Railroad, which now contains power lines, separates the site from Berkeley Township to the north. Prior to the landfill, the Athletic Fields on Lot 1.02 were formerly part of Lot 1, which consisted of 40 acres of land, including the current study area. The fields are listed on the Borough’s Green Acres Recreation and Open Space Inventory (ROSI).

## MAP 2 – GIS Map of Study Area



The summary of tax data for the three parcels in the Study Area (Block 20, Lots 1.01, 1.02 and 1.03) are shown in Table 1 below. As mentioned above, there are no buildings on Lot 1.01 and the improvement value is zero (\$0). The land on Lot 1.02 is valued at \$1,150,000, while the recreation building is only valued at \$300,000. The land on Lot 1.03 is valued at \$582,000, while the DPW building is valued at \$695,300. Generally a property that is generating a normal economic productivity will be developed with improvements that are valued at least as much as the land itself. Properties where the land is worth more than the improvements often indicates that the improvements are old and or either obsolete and/or deteriorated so that they depreciate rather than appreciate in value as would be the case with economically productive properties. In the case of Lots 1.02 and 1.03, the DPW was constructed between 1963 and 1972 and the recreation building between 1972 and 1986. However, the land values are fairly high in proportion to the improvements and both buildings are of the lower cost concrete block construction.

**TABLE 1 – PROPERTY INFORMATION – BLOCK 20**

Block	Lot	STREET ADDRESS	ACRES	ZONING	LAND VALUE	IMPROV. VALUE	TOTAL VALUE
20	1.01	RAILROAD AVE	7.0	ML	\$134,900.00	\$0	\$134,900.00
20	1.02	1 DRAKE LANE- REC CTR	9.5	ML	\$1,150,000.00	\$300,000.00	\$1,450,000.00
20	1.03	DREW LANE - PUB WORK	3.82	ML	\$582,000.00	\$695,300.00	\$1,277,300.00
			<b>20.32</b>		<b>\$1,866,900.00</b>	<b>\$995,300.00</b>	<b>\$2,862,200.00</b>

## SITE HISTORY

Historic information pertaining to the site was obtained from online aerial photography<sup>1</sup> for years dating between 1931 and 2013 at various intervals. Additionally, a review was conducted of various documents provided by the Borough regarding the history of the site and compared with the historical aerials below. The Study Area has been highlighted in yellow dashed lines adjacent to the original Landfill Redevelopment Area in each of the photographs to display the changes to the expanded area throughout those years.

The photos show the Study Area as undeveloped in 1931 (Map 3), but was originally a sand pit that was mined for minerals, according to a Borough Department of Public Works representative.<sup>2</sup> A basin of water, or a small lake, resulted from the exposed mining pit. By 1940, there are some visible changes to Lot 1.04 (Map 3) where it appears that the lake had expanded. However, the landfill was not introduced to the site until after 1974 after the lake was filled in again. The landfill was planned to initially occupy about five (5) acres on a site of about 15 acres in that area<sup>3</sup>. The original Landfill Plan was prepared by Mackle Associates and was dated July 31, 1971. The landfill was officially closed in 1985, giving the site a relatively short lifespan of use.

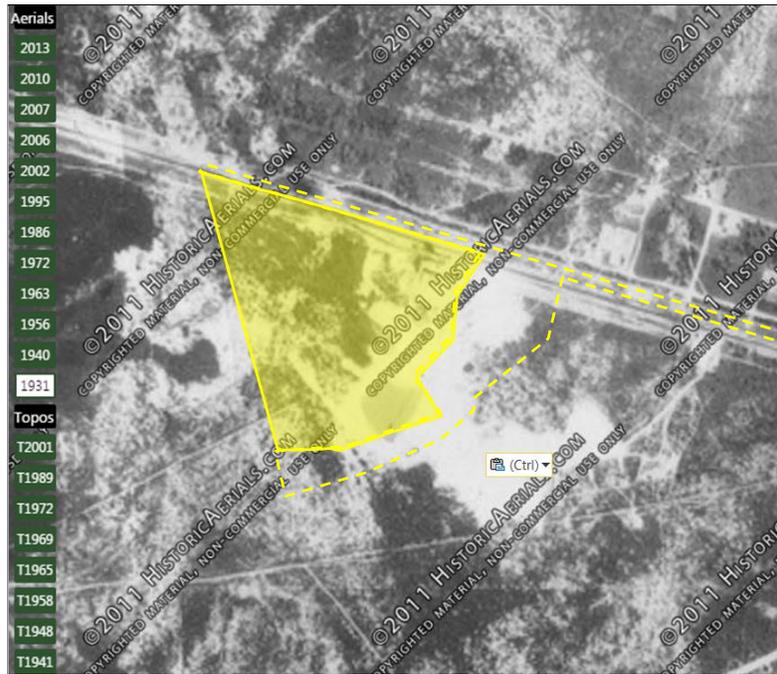
The area surrounding the site was slow to develop. Only a few single-family homes were found in the vicinity until the early 1960s when a new residential development with over a hundred small new homes was placed adjacent to the site. This type of development was typical with the rapid suburbanization of the region. However, further growth beyond that time within the area of the site and within the Borough was limited. The slow and restricted growth has partially contributed to the large amount of open space that has remained within South Toms River for the public benefit and municipal use.

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

<sup>2</sup> August 28, 2015. Field visit led by Borough of South Toms River Department of Public Works staff member.

<sup>3</sup> October 7, 2011. Borough of South Toms River Landfill Report. MC Project No. STB-007. Prepared by Maser Consulting, P.A.

MAP 3 - 1931 AERIAL

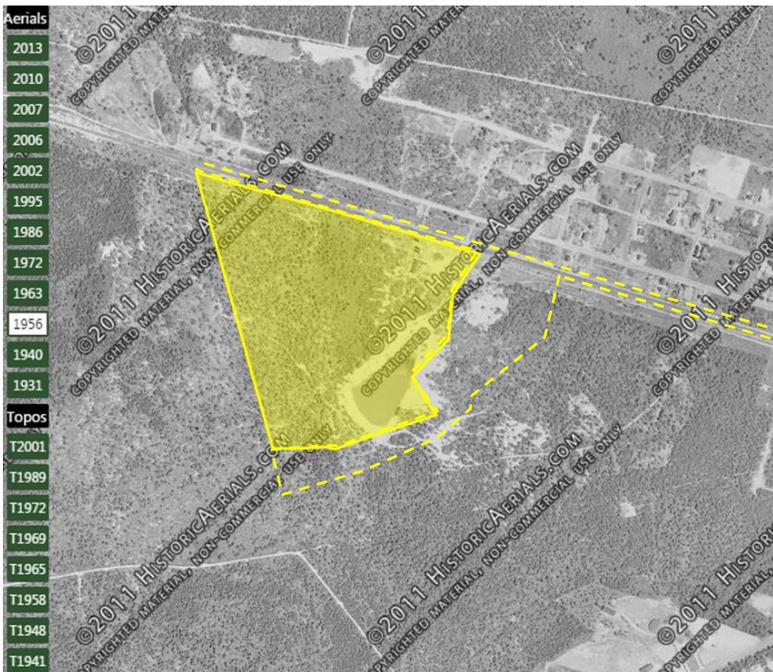


Map 2 above shows the Study Area highlighted in yellow. The sand mining pit is evident in the southeastern portion of the site, as mentioned above, and was filled with water, creating a small lake that extended into Lot 1.03 (DPW). Abutting the Study Area to the north is the Pennsylvania & Atlantic Railroad (Lot 1.01). The outline of some of the unpaved streets of the Manitou Park neighborhood to the north in Berkeley Township is partially visible. Very little development is otherwise visible. Much of the area, where not forested, is covered in sand. In 1940, shown in Map 3 below, the site looks largely the same, except that the body of water expanded slightly and the Manitou Park neighborhood has become more well-defined. The 1931 aerial is too unclear to show, but by 1940 there are at least 13 large industrial silo-like tanks in the northeastern edge of the site. The silos have remained on the site since that time.

MAP 4 - 1940 AERIAL



MAP 5 - 1956 AERIAL



Between 1940 and 1956 (Map 4), some of the sandy areas within and around the site became more filled in with vegetation and trees and the lake where the mining had taken place is larger and more visible. The street grid in Manitou Park also expanded and a clearing in the forest to the southeast of the site in South Toms River can be seen where a new development would be going.

MAP 6 - 1963 AERIAL



The 1963 aerial above (Map 5) shows a new, large subdivision with new roads being constructed immediately to the southeast of the Study Area. The subdivision contains over a hundred small single-family homes. Also noticeable is that the small lake on the site had been drained and filled in with sand.

MAP 7: 1972 AERIAL



By 1972 (Map 6), the subdivision to the southeast of the site was filled in with homes and a new recreational field (baseball field) can be seen between the site and the neighborhood, which are the Drake

Lane Athletic Fields on Lot 1.02 that now belong to the Borough. The DPW building is also visible and both Drew Lane and Drake Lane appear to be dirt access driveways. The Manitou Park neighborhood in Berkeley Township also has a more clearly delineated street grid. A 270 ft easement had also been cleared through the middle of the site between Lots 1.04 and 1.05 for electrical power lines by JCP&L, which is visible running north-south on the center-left of the image. Although the landfill would soon fill the drained lake/sandy area on the site beginning around 1974, there is nothing visible at this point. The application and engineering plans dated 1971 were submitted to NJDEP in 1974. The first landfill pit was about five (5) acres.

MAP 8 - 1986 AERIAL



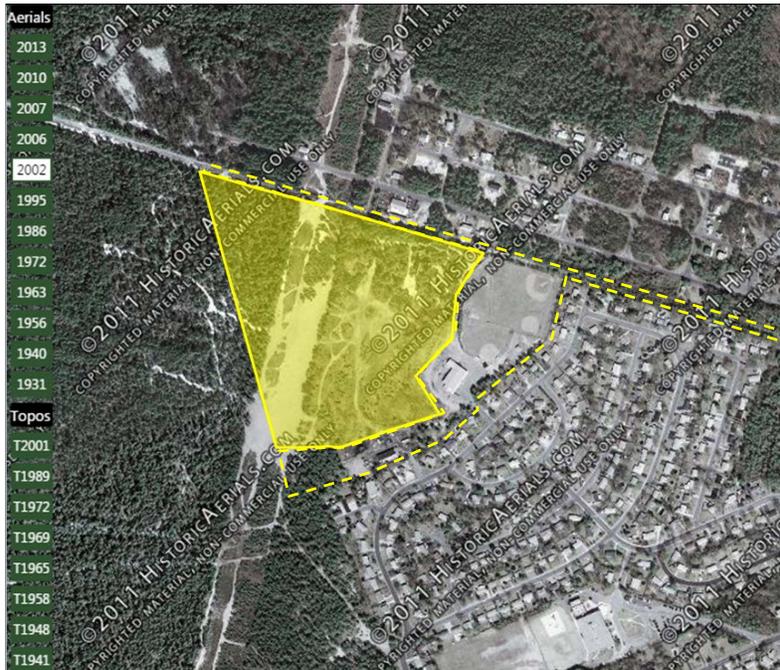
In 1986, the landfill had already closed to new fill. Much of the site, particularly on Lot 1.04 had been cleared of forest between 1972 and 1986 and had a layer of sand coverage. The surrounding area remained mostly the same, although some new buildings have filled in the neighborhoods to the north and the southeast and the fields and the Recreation Building was also completed on Lot 1.02.

MAP 9 - 1995 AERIAL

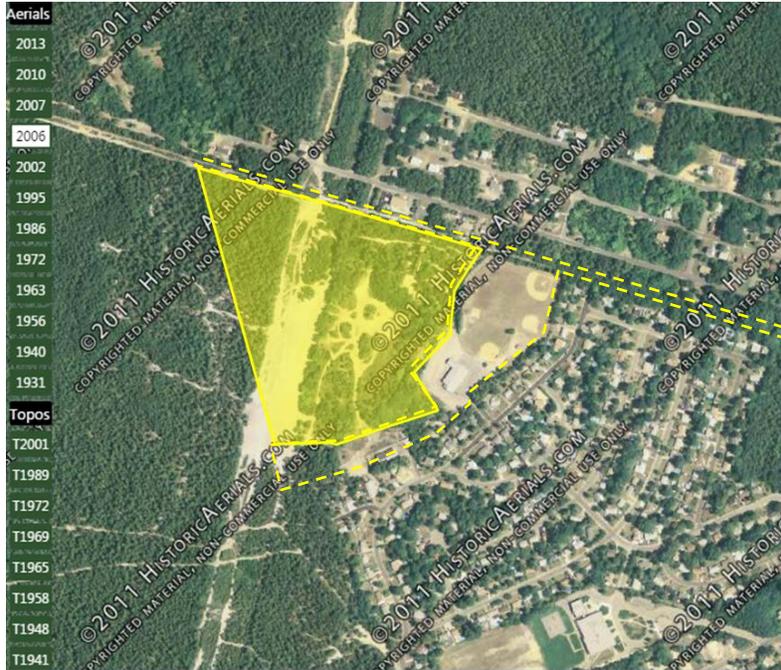


The landfill area of the Study Area appeared to be mostly covered in vegetation again by 1995 (Map 8), except for some unpaved roads leading to the project site. However, it wasn't until 2002 (Map 9) that the aerial images show significant tree growth in that area. There are few other noticeable changes to the area within those years.

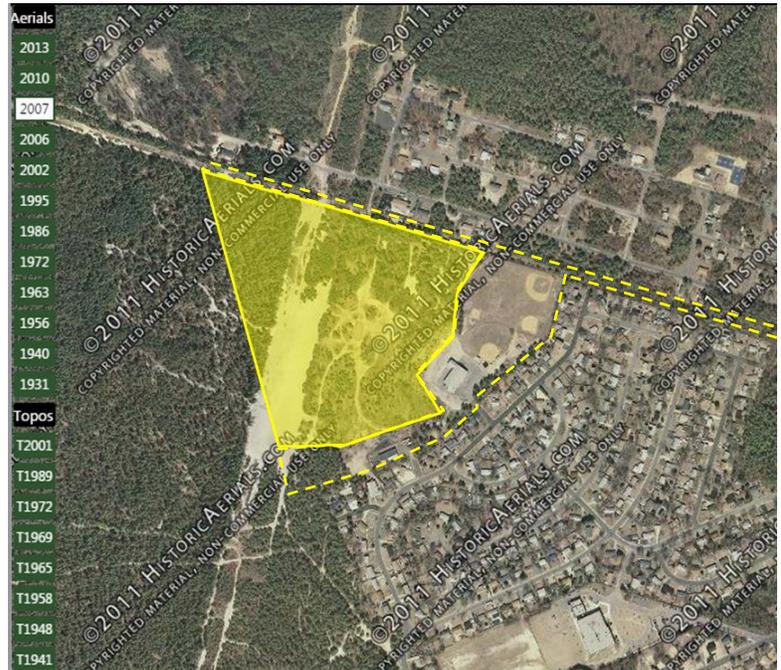
MAP 10 - 2002 AERIAL



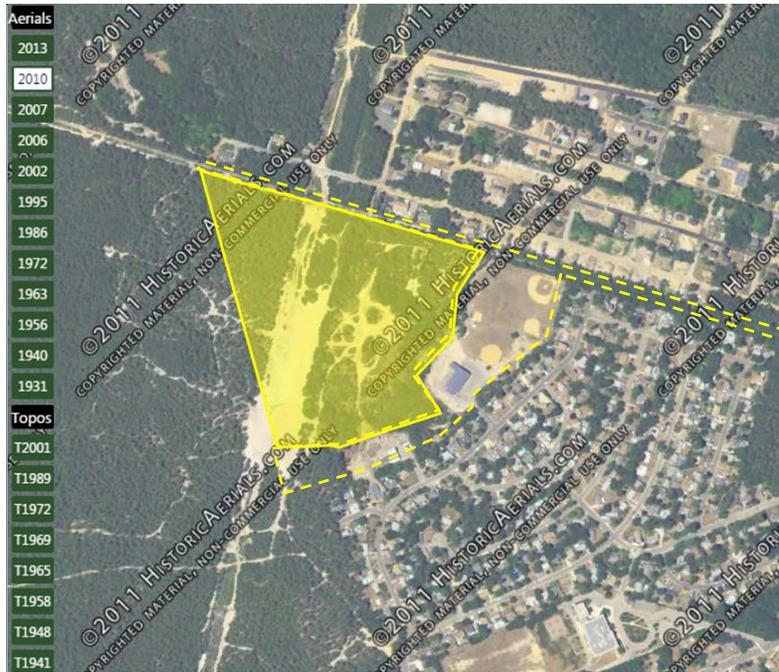
MAP 11 - 2006 AERIAL



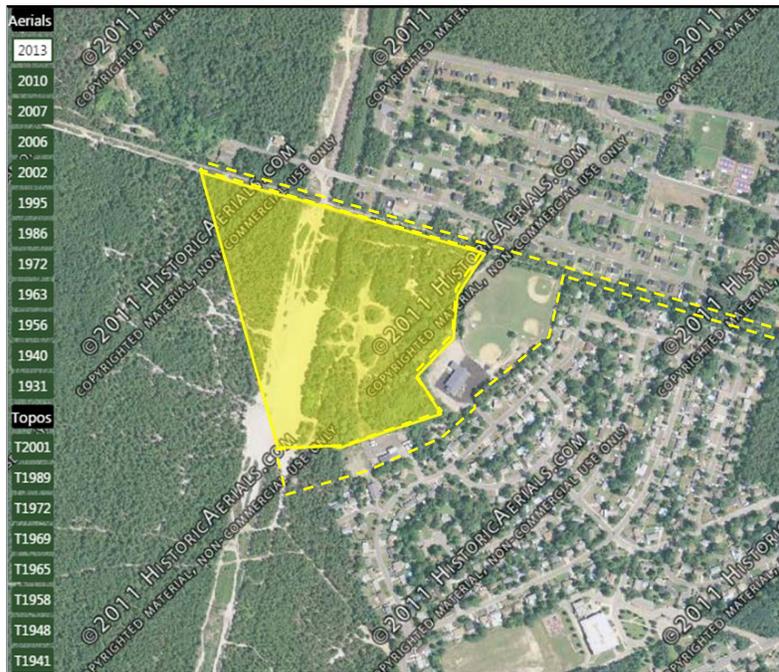
MAP 12 - 2007 AERIAL



MAP 13 - 2010 AERIAL



MAP 14 - 2013 AERIAL

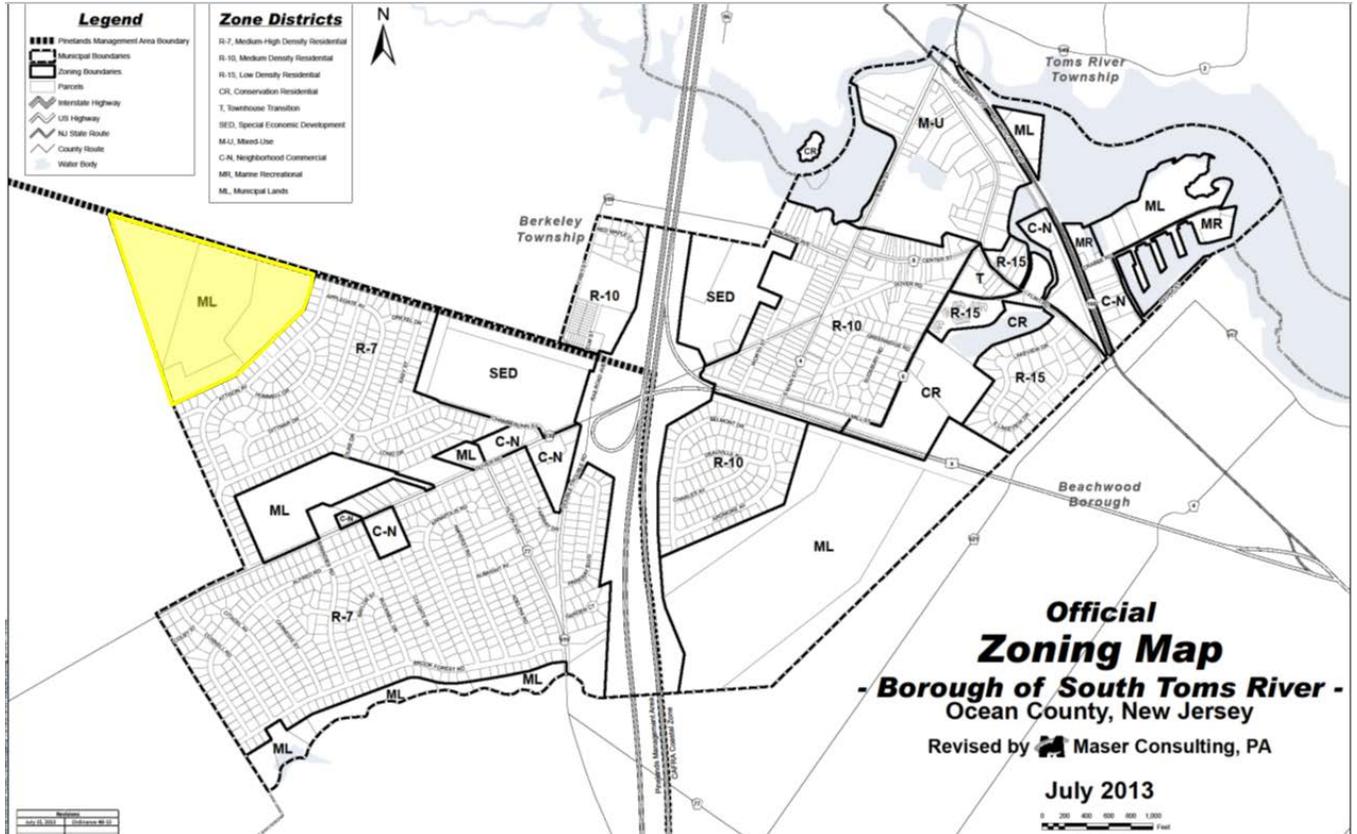


Between 2002 (Map 9) and 2013 (Map 13), there were few other significant changes to the site in question or to the surrounding area. However, the tree growth within the landfill area increased in density considerably and a new street with more single-family homes were added to the Manitou Park neighborhood to the north between 2010 (Map 12) and 2013.

## ZONING IN THE STUDY AREA

The Study Area, Block 20, Lots 1.01, 1.02, 1.03, 1.04 and 1.05, lies within the Municipal Lands (ML) zone, which includes Borough-owned parks, schools, open space and public buildings.<sup>4</sup> The surrounding neighborhood is R-7 Medium-High Density Single-Family Residential with minimum 7,000 sq. ft. lots.

MAP 15: ZONING MAP w. STUDY AREA HIGHLIGHTED IN YELLOW



<sup>4</sup> South Toms River Master Plan, April 2012, John Leoncavallo, CLA, PP, page L-5

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

The Borough of South Toms River Master Plan was last updated and adopted in 2012 and describes the Municipal Lands Zone as follows:

*The Municipal Lands land use classification includes Borough owned parks, schools, open space and public buildings. Several additional parcels are proposed to be included within the ML district to better reflect existing municipal properties.<sup>5</sup>*

The goals and objectives of the Master Plan<sup>6</sup> emphasize revitalization of Borough properties, particularly underutilized parcels, as follows:

#### **GOALS**

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

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**

3. Preserve, restore, maintain and enhance the appearance of all Borough properties.

##### **Conservation**

9. Encourage the remediation of brownfield sites and their reuse in a sustainable manner.

### OCEAN COUNTY PLANNING BOARD COMPREHENSIVE MASTER PLAN (2011)

Similarly, the Ocean County Planning Board Comprehensive Master Plan of 2011, although it is not a regulatory document, provides goals and guidelines for various land use issues. The following is consistent with the property in question in the Area in Need of Redevelopment study.

#### **NJDEP Brownfield Sites and Redevelopment Opportunities<sup>7</sup>**

Opportunities exist in Ocean County for redevelopment projects at underutilized commercial sites or current Brownfield sites. The US Environmental Protection Agency (USEPA) defines a Brownfield as: "With certain legal exclusions and additions, the term "brownfield site" means real

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<sup>5</sup> South Toms River Master Plan, April 2012, John Leoncavallo, CLA, PP, page L-5

<sup>6</sup> South Toms River Master Plan, April 2012, John Leoncavallo, CLA, PP, page S-2 - S-5

<sup>7</sup> Work, Richard. Ocean County Planning Board Comprehensive Plan. December 2011. Page 94.

property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.” It is important to note that there need only be a potential contaminant on the site for it to be labeled a Brownfield. As of June 2011, NJDEP reports 407 known contaminated sites (KCS) throughout Ocean County. Figure 7-4 lists the total number of NJDEP identified KCS by municipality.

According to Figure 7-4 in the Ocean County Comprehensive Plan in 2011, South Toms River has 8 KCS (known contaminant sites).<sup>8</sup> The landfill is such an underutilized and current Brownfield site.

## AREA EVALUATION FOR CONFORMITY WITH REQUIRED REDEVELOPMENT CRITERIA

### STUDY APPROACH

An analysis of the Study Area’s existing physical characteristics was completed through various measures to provide an accurate account of the site. The public purpose in expanding the formerly designated municipal landfill on Lots 1.04 and 1.05 to include the three additional adjacent parcels in the Study Area of this report (Lots 1.01, 1.02 and 1.03) was explored through the planning process with the redeveloper and with various regulatory bodies such as the Pinelands Commission staff and NJDEP staff.

The considerations related to the proper closure of the landfill were reviewed with NJDEP as they relate to the original landfill redevelopment area and led to action by the Borough Council to direct this study as to whether the additional Borough lands and the JCP&L right of way were needed for inclusion in the redevelopment area for the effective redevelopment of the landfill.

A inspection of the entire Study Area was conducted with one of the Borough’s Department of Public Works staff members on August 28, 2015. We also examined various Borough records and documents and analyzed historic aerial photographs. Furthermore, tax records, the Borough’s Master Plan and Zoning Ordinance were reviewed. It should be noted that all non-aerial photos were taken on August 28, 2015, unless otherwise noted.

### PROPERTY EVALUATION: BLOCK 20, LOT 1.01

This property consists of 7 acres, and runs along the municipal border with Berkeley Township (Manitou Park Neighborhood) adjacent to Lots 1.02 (Recreation Center and Fields), 1.04 and 1.05 (Landfill). Lot 1.01 continues to the southeast for a total length of 3,080 feet to its termination at the right of way of the Garden State Parkway near Interchange 80.

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<sup>8</sup> Figure 7-4: NJDEP Active Sites with Contamination Confirmed, June 2011. Ocean County Comprehensive Plan. December 2011.

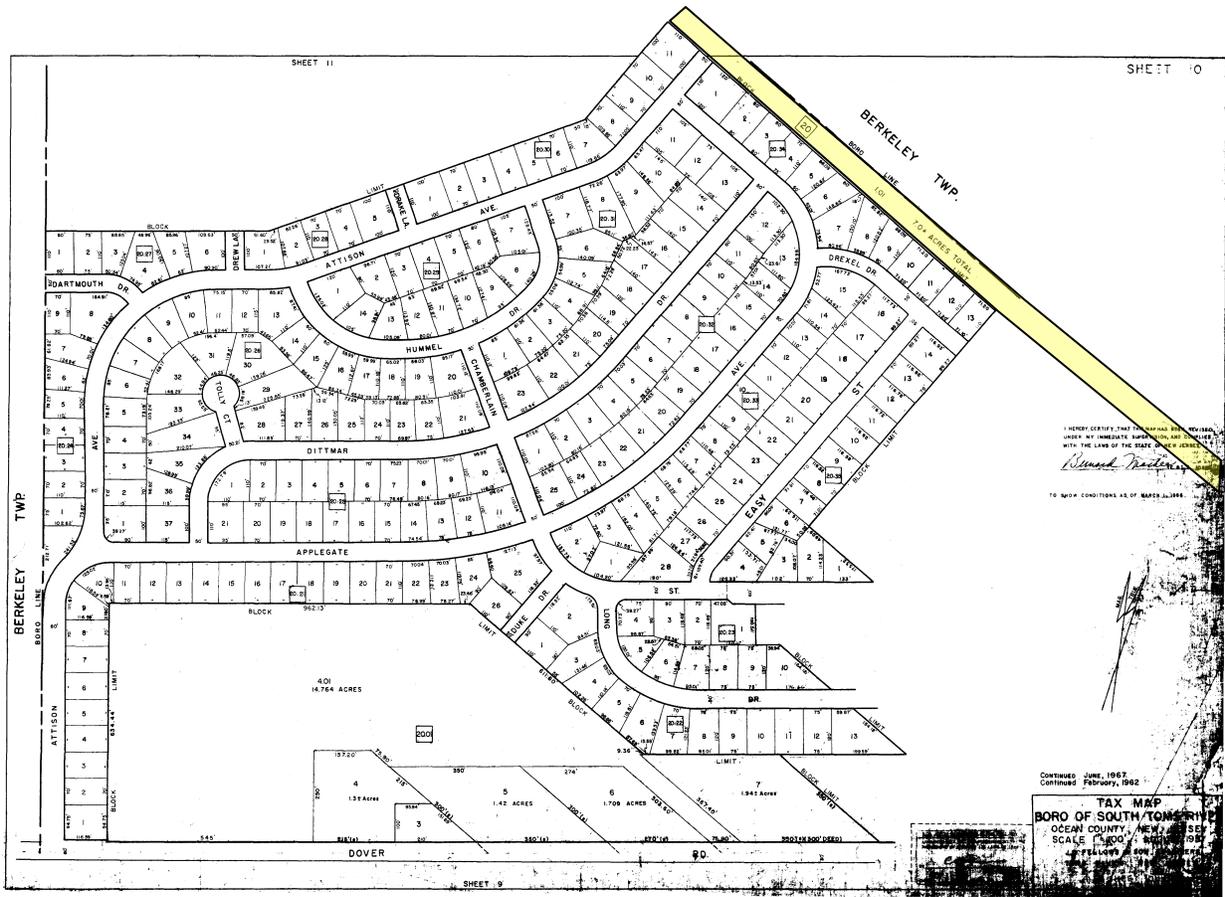


Figure 3: Tax Map (Sheet 10) showing Lot 1.01 highlighted in yellow.

Based on an examination of historic aerial this parcel of land of 99 feet in width and 3,080 feet in length was already in use in 1931, the date of the oldest available aerial photo (Map 3), as part of the Pennsylvania & Atlantic Railroad. The 1940 aerial photo (Map 4) appears to show actual rail along the parcel, which was gone by 1963.

While there are no existing buildings on the property and, therefore, it does not qualify under Criteria “a” or “b”, we have found that the lot qualifies under other criteria.

Based on the above, we believe that Lot 1.01 meets the following statutory criteria:

The parcel has been vacant for over 50 years and is only 99 feet in width and more than a half mile long within the Borough of South Toms River. It has no purpose other than as a route for utilities, as is its current use by JCP&L. However, it is needed for the effective redevelopment of Lots 1.02, 1.03, 1.04 and 1.05 because it provides for potential indirect access to Dover Road without impacting the single family neighborhood along Attison Avenue. By reason of its configuration, location, and remoteness, Lot 1.01 is not likely to be developed privately in its current state and, therefore, meets Criterion “c”:

**Criterion “c”.** Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to

adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.

Lot 1.01 is also needed for the effective redevelopment of Lots 1.02, 1.03, 1.04 and 1.05 and therefore should be included in the expanded Landfill Redevelopment Area under Section 3 (definition of “Redevelopment Area”) of the Local Redevelopment and Housing Law.

## PROPERTY EVALUATION: BLOCK 20, LOT 1.02

Block 20, Lot 1.02 is Borough-owned land that contains the Recreation Center building and adjacent ballfields. The Recreation Center building was constructed by 1986 (based on historic aerials) so it is at least 30 years old. It is of concrete block construction and consists of a high-ceiling main gymnasium with smaller classroom size meeting rooms along the side walls and a rear section with a lower roof that is used by a church for religious assembly. Because the gymnasium is limited in size and not outfitted for bleachers, the building has limited utility. It is available for rental by the South Toms River Recreation Commission, but there is no schedule of activities in the building that is posted on the Recreation Center’s website (<http://southtomsriver.yolasite.com/recreation-building-rentals.php>).

While Lot 1.02 is improved with a recreation building and recreation fields that are in usable condition and of reasonable age, the property is needed for the effective redevelopment of the Landfill Redevelopment Area on Lots 1.04 and 1.05 because it provides one of only two access points to Lot 1.04 via Drake Lane (the other being through Lot 1.03 at Drew Lane). Therefore Lot 1.02 should be included in the expanded Landfill Redevelopment Area under Section 3 (definition of “Redevelopment Area”) of the Local Redevelopment and Housing Law.

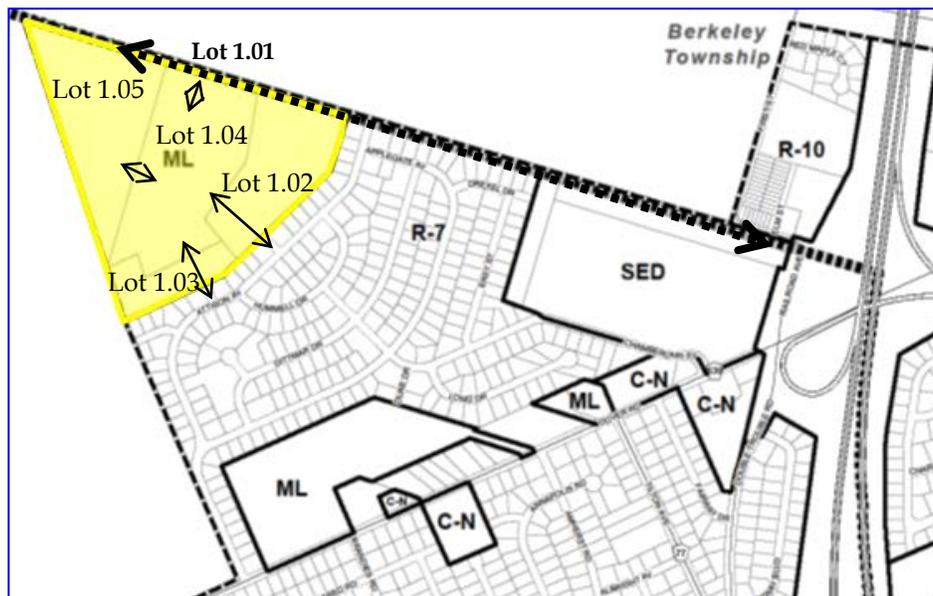


Figure 4: Excerpt from Zoning Map showing expanded Redevelopment Area in yellow and the need for Lots 1.01, 1.02 and 1.03 for inclusion for access to enable effective redevelopment of Landfill on Lots 1.04 and 1.05

## PROPERTY EVALUATION: BLOCK 20, LOT 1.03

Block 20, Lot 1.03 is Borough-owned land that contains the DPW building and adjacent vehicle storage. The Recreation Center building was constructed by 1972 (based on historic aerials) so it is at least 44 years old.

While Lot 1.03 is improved with a building that is in usable condition and of reasonable age, the property exhibits faulty design in that the current improvements are fenced and a significant portion of the property is accessed through the driveway of the adjacent Grace Gospel Church that fronts on Attison Avenue (Figure 5). That vacant portion of Lot 1.03 is rarely, if ever, used by the DPW. Despite this condition, we do not see evidence of the faulty design have a detrimental impact on the church or the adjacent residential uses. However, Figures 4 and 5 show that Lot 1.03 is needed for the effective redevelopment of the Landfill Redevelopment Area on Lots 1.04 and 1.05 because it provides one of only two access points to Lot 1.04 via Drew Lane (the other being through Lot 1.03 at Drew Lane). Therefore Lot 1.02 should be included in the expanded Landfill Redevelopment Area under Section 3 (definition of "Redevelopment Area") of the Local Redevelopment and Housing Law.



Figure 5: Birdseye view of conditions between Lot 1.03 (DPW) and Lot 1.04 (Landfill Site), showing lack of suitable access at Drew Lane and use of private driveway at Grace Gospel Church to access a portion of the DPW site that is fenced off from the improved portion of the parcel.

## STUDY CONCLUSION AND RECOMMENDATIONS

The Study Area consists of a total of three tax lots – Lot 1.01, 1.02 and 1.03 in Block 20. Evidence for Criteria “c” of Section 5 of the Local Redevelopment and Housing Law was found to exist for Lot 1.01 because it has remained vacant for far longer than ten years and its irregular configuration (99’ wide by 3,080 feet long) makes it unlikely to be developed by the instrumentality of private capital without being assembled with Lots 1.02, 1.04 and 1.05.

Both Lots 1.02 and 1.03, while currently improved with recreational (Lot 1.02) and municipal public works (Lot 1.03) facilities are each accessed by a separate stub street (Drake Lane and Drew Lane), which, in turn enable the only current access to Lot 1.04. Lot 1.05 can only be accessed through Lot 1.04 unless access can be achieved through the use of Lot 1.01 to construct a road connecting to Dover Road. As a result of the reliance on the existing Land Redevelopment Area (Lots 1.04 and 1.05) on access from Lots 1.01, 1.02 and 1.03, it is recommended that the Landfill Redevelopment be extended to include the Study Area to enable the effective redevelopment of the redevelopment area.

Based on the above, we recommend that the entire Study Area qualify for designation as an Area In Need of Redevelopment and that a redevelopment plan be prepared that would advance the Borough's ability to foster the assemblage of the block for redevelopment consistent with its Master Plan.

**RESOLUTION 2016-69**

**RESOLUTION OF THE MUNICIPAL COUNCIL OF THE BOROUGH OF SOUTH TOMS RIVER, COUNTY OF OCEAN, NEW JERSEY AUTHORIZING THE PLANNING BOARD TO INVESTIGATE WHETHER THE PROPERTY COMMONLY KNOWN ON THE BOROUGH'S TAX MAPS AS BLOCK 20, LOTS 1.01, 1.02 AND 1.03 SHOULD BE DESIGNATED AS AN AREA IN NEED OF REDEVELOPMENT 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.* (the “**Redevelopment Law**”), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

**WHEREAS**, to determine whether certain parcels of land constitute areas in need of redevelopment under the Redevelopment Law the municipal council (“**Municipal Council**”) of the Borough of South Toms River (the “**Borough**”) must authorize the planning board of the Borough (the “**Planning Board**”) to conduct a preliminary investigation of the area and make recommendations to the Municipal Council; and

**WHEREAS**, on September 28, 2015, in accord with the recommendation of the Planning Board, the Municipal Council adopted Resolution 2015-212 which designated the property commonly known on the Borough tax maps as Block 20, Lots 1.04 and 1.05 as an “area in need of redevelopment” pursuant to *N.J.S.A. 40A:12A-5* (“**Landfill**”); and

**WHEREAS**, the Municipal Council believes it is in the best interest of the Borough that an investigation occur with respect to certain parcels adjoining the Landfill, and therefore authorizes and directs the Planning Board to conduct an investigation of the property commonly known on the Borough tax maps as Block 20, Lots 1.01, 1.02 and 1.03 (hereinafter the “**Study Area**”), to determine whether the Study Area meets the criteria set forth in the Redevelopment Law, specifically *N.J.S.A. 40A:12A-5*, and should be designated as an area in need of redevelopment; and

**WHEREAS**, the redevelopment area determination requested hereunder authorizes the Borough and Municipal Council to use all those powers provided by the Redevelopment Law for use in a redevelopment area, other than the power of eminent domain (hereinafter referred to as a “**Non-Condemnation Redevelopment Area**”).

600987

**NOW THEREFORE, BE IT RESOLVED** by the Municipal Council of the Borough of South Toms River, in the County of Ocean, New Jersey, as follows:

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

Section 2. The Planning Board is hereby authorized and directed to conduct an investigation pursuant to *N.J.S.A. 40A:12A-6* to determine whether the Study Area satisfies the criteria set forth in *N.J.S.A. 40A:12A-5* to be designated as an area in need of redevelopment.

Section 3. As part of its investigation, the Planning Board shall prepare a map showing the boundaries of the Study Area and the location of the parcel contained therein, and appended thereto shall be a statement setting forth the basis of the investigation.

Section 4. The Planning Board shall conduct a public hearing in accordance with the Redevelopment Law, specifically *N.J.S.A. 40A:12A-6*, after giving due notice of the proposed boundaries of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that the Study Area is an area in need of redevelopment. The notice of the hearing shall specifically state that the redevelopment area determination shall not authorize the Borough or Municipal Council to exercise the power of eminent domain to acquire any property in the delineated area, for the Study Area is being investigated as a possible Non-Condemnation Redevelopment Area.

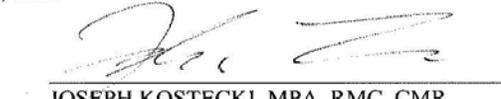
Section 5. At the public hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that the Study Area is a redevelopment area. All objections to a determination that the Study Area is an area in need of redevelopment and evidence in support of those objections shall be received and considered by the Planning Board and made part of the public record.

Section 6. After conducting its investigation, preparing a map of the Study Area, and conducting a public hearing at which all objections to the designation are received and considered, the Planning Board shall make a recommendation to the Municipal Council as to whether the Municipal Council should designate all or some of the Study Area as an area in need of redevelopment.

Section 7. This Resolution shall take effect immediately.

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I, Joseph Kostecki, Borough Clerk of the Borough of South Toms River, in the County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and exact copy of resolution which was adopted by the Municipal Council at a meeting held on the 22<sup>nd</sup> day of February, 2016.



JOSEPH KOSTECKI, MPA, RMC, CMR  
Borough Clerk

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