

# Municipal Landfill Redevelopment Plan (MLF-RPA) –DRAFT

Municipal Landfill,  
Recreation Center,  
and Department  
of Public Works  
Properties

Block 20

Lots 1.01, 1.02, 1.03, 1.04,  
& 1.05

August 15, 2016



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Block 20, Lots 1.01, 1.02, 1.03, 1.04,  
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Borough of South Toms River  
Ocean County, New Jersey



Recommended by the South Toms River Land Use Board:  
August 15, 2016

Adopted by the South Toms River Borough Council:  
\_\_\_\_\_, 2016

SOUTH TOMS RIVER MUNICIPAL LANDFILL REDEVELOPMENT PLAN –Block 20, Lots 1.01, 1.02, 1.03, 1.04 and 1.05



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## I. INTRODUCTION

The following Redevelopment Plan addresses the land situated on five (5) contiguous lots, which include Block 20, Lots 1.01, 1.02, 1.03, 1.04 and 1.05, located at Drew Lane and Drake Lane. This Plan addresses the redevelopment of these five lots and establishes regulations for permitted uses and other land development standards. This Plan coincides with and addresses the objectives and strategies identified in the 2016 Municipal Access Plan to redevelop these properties for residential use and to relocate and improve the Department of Public Works building and Recreation Center.

The properties in question are located in the northwestern corner of the Borough of South Toms River, sharing a border with the Township of Berkeley to the north, east, and west. Attison Avenue links Drew Lane and Drake Lane to Dover Road/County Road 530, which is the closest major connecting road. The site is also near Exit 80 of the Garden State Parkway.

Lots 1.02 and 1.03 are Borough-owned properties located directly south and adjacent to Lot 1.04 of Block 20. Lot 1.02 contains the existing athletic fields and recreation/community center (generally referred to as "Recreation Center" to describe the entire lot). Lot 1.03 contains the existing Department of Public Works building.

Lots 1.04 and 1.05 are some of the last remaining undeveloped developable lands in the Borough. However, the site has two primary development challenges: the lots do not have direct street access, and the site contained the former municipal landfill, owned by the Borough of South Toms River, which has since been dormant, but not officially "closed" per NJDEP requirements. Partially for those reasons, the two lots have

been designated as an "Area in Need of Redevelopment". Although the landfill property only encompasses Lots 1.04 and 1.05, the "Municipal Landfill Redevelopment Plan Area" (hereinafter "Redevelopment Plan Area" and "MLF-RPA", used interchangeably) refers to all five lots generally.

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.

On June 22, 2015, the South Toms River Borough Municipal Council authorized by Resolution 2015-175 the preparation of an Area in Need of Redevelopment Study for Tax Block 20, Lots 1.04 and 1.05.

On September 21, 2015, the Municipal Council determined that, by recommendation of the Planning Board, the Study Area (Lots 1.04 and 1.05) should be designated as an Area in Need of Redevelopment under the Local Redevelopment and Housing Law, authorizing 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. Resolution 2015-212 was approved on September 28, 2015.

Lots 1.01, 1.02 and 1.03 were added to the designated Area in Need of Redevelopment by the Borough Council on May 9, 2016, after a review, public hearing and recommendation by the Land Use Board on April 18, 2016. Therefore, these lots can also be included in the Redevelopment Plan Area.

## 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 II.)
2. Proposed land uses and building requirements in the project area. (See Chapter IV.)
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 IV.)
4. An identification of any property within the area, which is proposed to be acquired in accordance with the redevelopment plan. (See Chapter IV.)
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.).

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 III, VI.)

## II. REDEVELOPMENT PLAN AREA (MLF-RPA)

The Redevelopment Plan Area (MLF-RPA) covered by this Redevelopment Plan consists entirely of municipal land, including the JCP&L Right of Way (former rail ROW) on Lot 1.01 that runs along the municipal border with Berkeley Township (Manitou Park); the South Toms River Recreation Center and athletic fields on Block 20, Lot 1.02; the Department of Public Works property on Block 20, Lot 1.03; the former municipal landfill on Block 20, Lot 1.04; and vacant land on Block 20, Lot 1.05. A JCP&L easement currently runs through Block 20, Lot 1.05.

The entirety of the Plan Area, including all five lots, equals approximately 49.15 acres. By comparison, there are 68.2 acres of dedicated recreation and open space in the Borough.

The recreation facilities on Lot 1.02 will be retained, but the municipal facilities (DPW) on Lot 1.03 will be relocated elsewhere in the Redevelopment Plan Area. , A mix of market

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rate and affordable housing units will be developed over the landfill parcels on Lots 1.04 and 1.05. Lot 1.01 would be used via an easement from JCP&L to provide a main access road to the redevelopment project so that any project-related traffic through the existing neighborhood would be minimized.

Map 1 below illustrates the Redevelopment Plan Area on an aerial map of South Toms River highlighted in yellow and the designated Area in Need of Redevelopment outlined in a dashed red line for reference.

By developing these five parcels together, lots 1.04 and 1.05, which are otherwise without street frontage, are provided primary access via lot 1.01, and emergency access via Lots 1.02 and 1.03, eliminating the accessibility challenges to those parcels. Nevertheless, the Redevelopment Plan Area covered is still not directly accessible from a major road, but only through neighborhood streets. However, access to Dover Road/Route 530 and the Garden State Parkway are nearby. In order to provide adequate access for the traffic expected with a major development and public open space, a new road would need to be built along the municipal lot on Block 20, Lot 1.01 between Lots 1.02, 1.04, and 1.05 and the northern border with Berkeley Township from the Redevelopment Area directly to Dover Road in the east. There is an existing easement on undeveloped land along this border.

**REDEVELOPMENT PLAN AREA (MLF-RPA) BOUNDARY DESCRIPTION**

Beginning at the southerly corner of the west side of Block 20, Lot 1.03, where it joins with the northerly corner of the west side of Block 20.27, Lot 1, thence:

Northwesterly 1,950 feet along the western border of Block 20 to the intersection of the northern border of Block 20 and the South Toms River Borough – Berkeley Township municipal boundary, thence;

Southeasterly 2,167.1 feet along the northern border of Block 20, Lots 1.05, 1.04, and 1.02 to the intersection of the eastern border of Block 20, Lot 1.02 with the southern border of Block 20, Lot 1.01 and the northwest corner of Block 20.30, Lot 11, thence;



**Map 1: Aerial Map of Redevelopment Plan Area parcels within South Toms River Borough**

Southerly 325 feet along the eastern border of Block 20, Lot 1.02 to the intersection of Block 20.30, Lots 7 and 8, thence;

Southwesterly 881.71 feet along the eastern border of Block 20 to 29.52 feet to the south of the northeastern border of Block 20.28, Lot 1, thence;

Southwesterly 600 feet along the southeastern border of Block 20 to the point of beginning.



Map 2: Subset of Aerial Map of Redevelopment Plan Area parcels

## EXISTING CONDITIONS

The character of neighborhood development in the immediate vicinity of the Redevelopment Plan Area (MLF-RPA)

is notable because of the deteriorating condition and/or lack of public infrastructure, especially pedestrian walkways, driveway cuts or any sort of streetscape whatsoever, despite the population density. The Redevelopment Plan encourages new public infrastructure within the Redevelopment Plan Area including a new Public Works building.

Additionally, access to the lots in question is very limited, except through two small residential streets. There is an existing utility easement which runs through Lot 1.05 adjacent to Lot 1.04, owned by JCP&L; as well as a South Toms River municipal access easement along the northern boundary with Berkeley Township.

The Redevelopment Plan Area occupies a significant percentage of all municipal property Borough-wide. However, the property is the combination of five distinct lots with diverse uses and history.

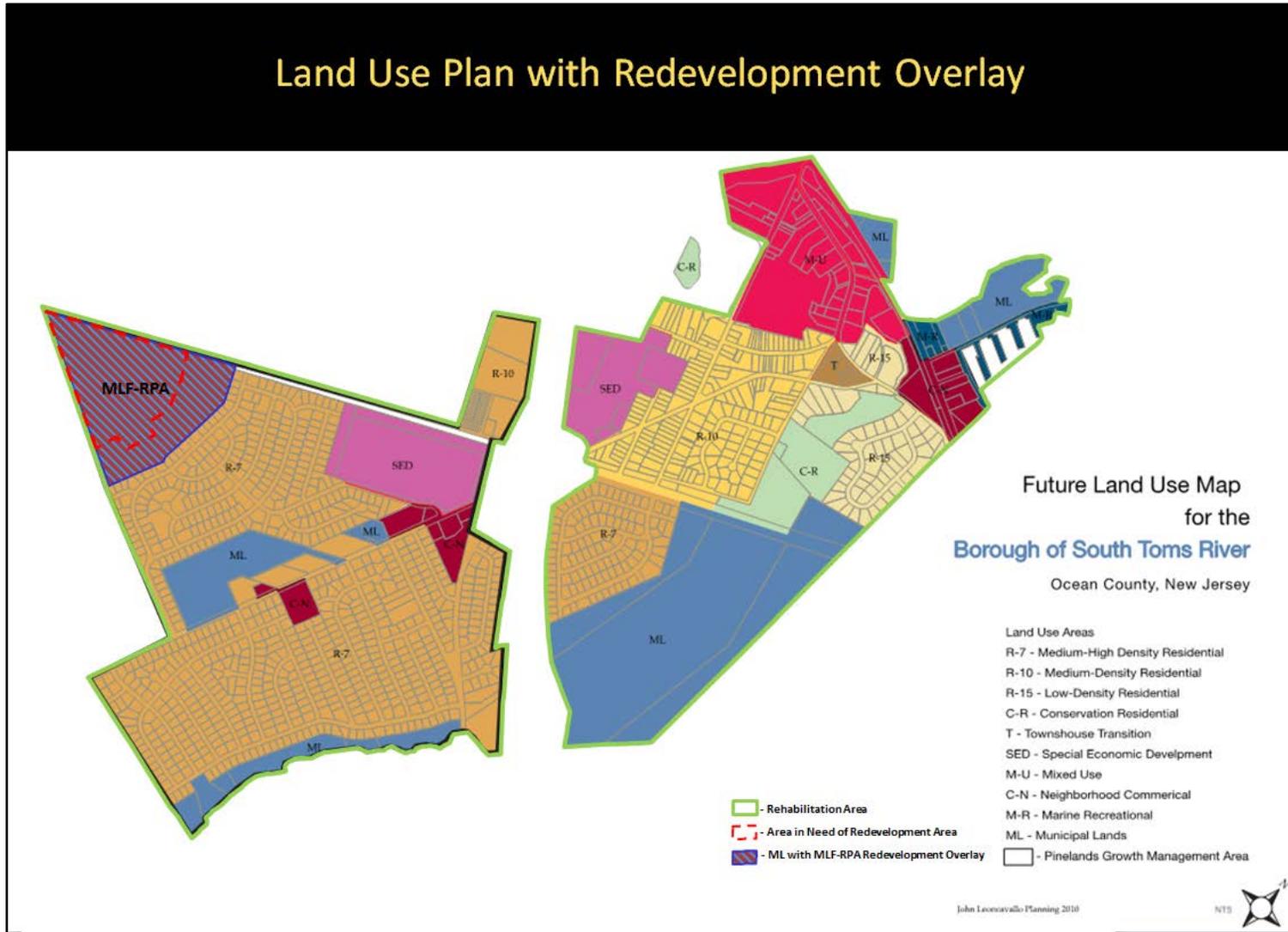
## LAND USE PLAN

For the purpose of this Redevelopment Plan, the Land Use Plan shall be an overlay to the existing ML (Municipal Lands) zoning, as shown on Map 3.

The requirements of this Redevelopment Plan shall be implemented 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.

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Map 3: Borough Land Use Map with Redevelopment Plan Area<sup>1</sup>



<sup>1</sup> Leoncavallo, John, CLA, PP. *Future Land Use Map*. South Toms River Borough Master Plan. April 2012. Page 42. [Redevelopment Overlay by Maser Consulting, Jan. 2016.]

## PLAN RELATIONSHIP TO ZONING

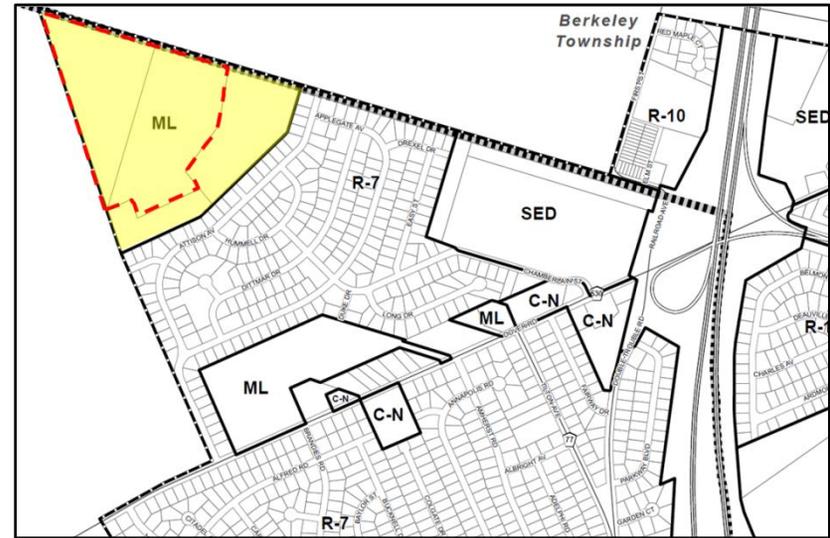
The Zoning Map, as shown on Map 4, identifies the municipal zoning districts. The Redevelopment Plan Area, highlighted in yellow (with the Redevelopment Area outlined in red), provides for an Overlay District, allowing the Redevelopment Entity and Planning Board to approve the uses permitted in the underlying zone, as well as those uses outlined in Section IV of this Plan for each property.

Although the existing zoning of the property does not permit development of residential uses, it is important to consider the adjacent zoning regulations when implementing new overlay zoning. 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 Redevelopment Area abuts the R-7 zone in South Toms River along the southern edge of the property, which permits single-family detached homes on 7,000 square foot lots having a minimum width of 70 feet.

Map 4: South Toms River Zoning Map



## III. PLAN VISION, GOALS & OBJECTIVES

### PLAN VISION

The vision of the Landfill Redevelopment Plan is to encourage the environmental remediation, rehabilitation, and development of the designated properties, which include the former South Toms River Borough municipal landfill, athletic fields, and municipal buildings. In doing so, the multi-family housing stock will be increased, providing a variety of affordable and market-rate units to allow for a growing and diverse population to live in the Borough.

The existing abandoned municipal landfill will be closed and remediated. The official closure and clean-up of the landfill will be made financially feasible by the proposed multi-family

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use and density, while its location near dense housing permits increased utilization of the amenities.

The rehabilitation of the municipal properties will rectify a blight condition of the landfill, while also enhancing both available open space and the tax base within the Borough.

## PLAN GOALS

South Toms River establishes the following goals for the Municipal Landfill Redevelopment Plan Area:

### LAND USE

- A. To provide for new use of the Redevelopment Plan Area by rehabilitating the landfill property and replacing the existing municipal services that have fallen into disrepair or are underutilized.
- B. To provide a diverse mix of multi-family housing options within the community.
- C. To promote residential design that fits within the context of the existing community, but that is dense and reduces sprawl.
- D. To promote residential development that contributes to the public sphere physically, socially, and financially.

### TRAFFIC CIRCULATION

- A. To reduce the impact of traffic on existing residential streets.

### PARKING

- A. To provide adequate parking standards that take the existing site constraints into account, while aiming for an overall decrease in vehicle dependency.

### PUBLIC RECREATION & OPEN SPACE

- A. To provide new and improved recreational and open space that is accessible to the public.

### PLAN OBJECTIVES

In order to achieve these goals set forth above, the objectives for the Redevelopment Plan Area are:

- A. To allow for higher density residential standards within the Redevelopment Plan Area;
- B. To concentrate residential development near community amenities in order to increase density, to create neighborhood character, and to improve walkability;
- C. To convert and remediate fallow, underutilized, and/or contaminated sites into new residential and recreational areas;
- D. To create a new road to allow access to the property from Dover Road along the municipal border;
- E. To provide adequate parking spaces for residential uses (per RSIS) and public uses, including handicap-accessible spaces (per ADA);
- F. To the extent possible, to encourage shared parking for uses located within the Redevelopment Plan Area;

- G. To integrate existing roadways with new roads to encourage pedestrian and vehicular movement between new and existing developments;
- H. To create design standards that will improve the quality of the public environment;
- I. To promote, preserve and enhance recreational and open spaces as an attractive Borough asset;
- J. To strengthen the existing neighborhoods and recreational opportunities through increased community access, participation, strategic funding, and better connectivity.

## IV. REDEVELOPMENT PLAN

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

### 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.

#### REDEVELOPMENT ACTIONS

New residential townhouse and apartment uses will be restricted to Lots 1.03, 1.04 and 1.05. The landfill shall undergo environmental remediation for development on Lot 1.04. The Recreation Center and athletic fields will remain on Lot 1.02

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and the Department of Public Works building will be relocated to another location within the Redevelopment Plan Area.

#### PROPERTIES TO BE ACQUIRED

As this Redevelopment Plan addresses an Area In Need of Redevelopment without Condemnation, 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 Redevelopment Plan Area with the adoption of this redevelopment plan.

Additionally, except for the use of Lot 1.01 for a primary access road through an easement with JCP&L, this Redevelopment Plan Area only pertains to properties that are currently owned by the municipality and are located in the ML (Municipal Land) land use zone. Therefore, no private property is identified for acquisition within the Redevelopment Plan Area.

#### 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 Redevelopment Plan Area, or to meet state or federal permit requirements. In such an instance, the South Toms River Planning Board may allow deviations from 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 deviation 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.

## 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 Redevelopment Plan 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.

## LAND USE & DEVELOPMENT REQUIREMENTS

This Redevelopment Plan has been designed to create an overlay zoning district for the Redevelopment Plan Area. Block 20, Lots 1.02, 1.03, 1.04, and 1.05 are currently located within the ML (Municipal Land) zoning district. The overlay will incorporate a combination of specific existing Townhouse Transition (T) zoning and new residential zoning uses and standards, and will apply with the following Options as they best pertain to the site. The ML zoning uses and standards will remain as the underlying zoning and will continue to be permitted on all lots within the Redevelopment Plan Area.

Block 20, Lots 1.01, 1.02, 1.03, 1.04 and 1.05 will retain their underlying zoning and this Redevelopment Plan will constitute a MLF-RPA (Municipal Landfill Redevelopment Plan Area) overlay zone. This overlay is subject to the uses and standards outlined below.

A developer will have the option to choose to develop any or all of the lots in accordance with the uses and standards for the underlying zoning, or to develop all or part of the Redevelopment Area in accordance with the overlay zoning.

## MLF-RPA (MUNICIPAL LANDFILL REDEVELOPMENT PLAN AREA) USE AND BULK REQUIREMENTS

The specific land uses and standards that are applicable to the entire Redevelopment Plan Area are outlined in Section II of this Plan. All General Controls identified in the Townhouse Transition (T) zone of the Ordinance, section 26-23.3, apply to this overlay where townhouses are proposed. Where any controls pose a conflict with the below regulations, the provisions of this Plan shall control.

1. Permitted Principal Uses:
  - a. Townhouse Residential
  - b. Multifamily Residential Buildings
2. Permitted Accessory Uses:
  - a. Off-street parking and loading spaces as required by Section 26-14 of the Municipal Zoning Code, except that parking spaces may be 9'x18'.
  - 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.
  - c. Uses which are customarily associated with and incidental to permitted principal uses, such as clubhouses and health clubs serving units, and other residential amenities
  - d. Fences and railings
  - e. Signs

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- f. Pools
- g. Garages

The following bulk standards are also required:

A. Bulk Requirements

<b>Bulk Regulations</b>	<b>Townhouses</b>	<b>Apartment houses</b>
Min./Max. Units per Structure	3 units/8 units	16 units/24 units
Max. Building Height (ft/story)	40 ft. and 2 ½ stories	45 ft. and 3 stories
Min. Unit Width (feet)	22 ft.	-
Max. Building Width (feet)	230 ft.	230 ft.
Max. Building Depth (feet)	58 ft.	70 ft.
Minimum Perimeter Buffer	50 ft. planted	50 ft. planted

B. Additional Area, Yard, and Building Requirements

- (1) Residential density shall not exceed 7.5 dwelling units per acre, based upon the total acreage of the Redevelopment Plan Area. Residential density shall not exceed 15 dwelling units per acre for any portion of the Redevelopment Plan Area of 25 acres or more in size.
- (2) More than one principal structure shall be permitted on a single lot, provided each principal structure has direct public or private street access.
- (3) Each structure shall have ingress from the front and rear to either common hallways or to each dwelling unit.
- (4) No outside area or equipment shall be provided for the hanging of laundry or the outside airing of laundry in any manner. Laundry facilities shall be provided in the form of in-unit washer/dryers

for each individual residence, or where there are multiple residential units within the same building, a communal laundry room may be provided.

(5) Townhouses:

- i. The minimum distance between buildings shall be fifteen (15) feet side-to-side, side-to-rear and rear-to-rear and twenty-five (25) feet front-to-front, but in no event shall a townhouse condominium building be located within fifty (50) feet of any lot line of a single-family lot in a neighborhood abutting the redevelopment project.
- ii. All buildings shall provide not less than two (2) exterior exposures for each dwelling unit, properly placed by windows or other openings so as to provide through ventilation or cross-ventilation for the unit.
- iii. All townhouse buildings shall have not more than two and one half (2 ½) floors devoted to habitable space, excluding basement area as defined in the municipal code.

(6) Apartment houses:

- i. Apartment uses will be required to be located to the west of the existing overhead power lines within the JCP&L easement. The minimum distance between buildings shall be twenty-five (25) feet but in no event shall an apartment house be located within one

hundred (100) feet of any lot line of an existing single-family residential home.

C. Streets

- (1) All public and private streets, both external and internal (including street grading and paving), driveways, parking areas, sidewalks, curbs, gutters, street lighting, shade trees, water mains and water systems, culverts, storm sewers, and such other improvements as may be found necessary in the public interest shall be installed in accordance with the standards adopted for subdivisions of land, and the building permit therein shall not be issued unless and until an adequate performance guarantee for the purpose of insuring proper installation of the improvements is posted with the Borough Clerk in a form approved by the Borough Attorney and in an amount determined by the Borough Engineer to be sufficient to insure the completion of all required improvements.
- (2) A traffic impact study inclusive of a computer simulation of projected traffic impacts is required at the time that the redevelopment agreement is negotiated. The scope of the traffic impact study shall be based on the data of existing traffic at key intersections leading to the redevelopment area and how new traffic from the redevelopment projects would be distributed so that any necessary improvements to the street network and traffic control measures can be assessed and addressed in the agreement.

D. Off-street parking

- (1) RSIS shall be followed for residential uses. Shared parking is encouraged between uses and between parcels, subject to approval of the Redevelopment Entity in the redevelopment agreement and the Land Use Board at the time of site plan approval.
- (2) All parking lots shall be adequately lighted; either with wall mounted or post-mounted ornamental fixtures. Lights shall be adequately shielded from adjacent properties.
- (3) If garages are provided, they shall have a floor area of not less than two hundred forty (240) square feet for each townhouse unit and may be built into the townhouse structure or separately constructed as herein provided. No garage or other accessory building shall be placed nearer to a tract perimeter property line than twenty-five (25) feet. In no case shall a garage or accessory building be permitted in any required front or side yard space. Any group of attached garages shall have a joint capacity of no more than ten (10) vehicles arranged in a row, and there shall be a minimum distance of twelve (12) feet between such structures. Garages and other accessory buildings shall be not more than one (1) story and sixteen (16) feet in height.
- (4) No part of any garage or other accessory building shall be used for living purposes. Garages and parking areas shall be used for automobile parking only, as they are included in the parking provided to meet the requirements of this Plan.

They may not be used for storage or any other purpose other than parking.

E. 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

F. Signage

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

G. Open Space and Recreational Facilities

An area dedicated to recreation shall be developed with facilities suitable to serve the residents of the development.

- i. Such a facility must include a combination of active and passive recreational uses and may be provided indoors (may include, but is not limited to swimming pools, gym, etc.) or outdoors (may include, but is not limited to swimming pools, tennis courts, basketball courts, playgrounds, etc.).
- ii. It shall be located in an area which will not be detrimental to adjacent property

owners by virtue of noise, light, glare and any other objectionable feature emanating from such facility.

- iii. Such a facility intended for private use of residents and their guests shall not compete in nature with public facilities provided within the MLF-RPA, in order to encourage the use of public recreational space by all Borough citizens.
- iv. No recreation area shall be located in front of a building. A recreation area may be provided to the side or rear of the buildings provided it is not located within twenty-five (25) feet of any building.
- v. Private pools and associated clubhouses included as part of the overall development of a townhouse or apartment house development shall be located within an area not less than four thousand (4,000) square feet that is devoted to the use of the pool and constructed according to the standards set forth in this chapter.
- vi. Recreational facilities paid for by the residents of the development are for the use of occupants of the development and their guests. No public use or offering of use shall be permitted except as otherwise provided herein.

H. Sewage Disposal

- (1) No development shall be approved until approval of plans for disposal of sewerage, in accordance with the standards set forth by the County Sewerage Authority, are met. The performance guarantee outlined in this section is also applicable to sewerage disposal.

I. Screening

- (1) Where the development abuts a residential district or use, or a commercial use, an evergreen planting screen having a minimum width of five (5) feet shall be provided. The screen shall consist primarily of evergreen trees so as to provide visual obstruction. The planting material shall be at least six (6) feet high at the time of planting. It shall be the responsibility of the owner or developer to carry out this planting and to promote such maintenance and care as is required to obtain the effect intended by the original plan.

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## ARCHITECTURAL DESIGN STANDARDS

Any new building proposed for the Redevelopment Plan Area will have to be carefully designed, and shall abide by the following standards in addition to the zoning standards stated above.

A. Style

- (1) The structures or buildings shall incorporate architectural details such as a well-defined entrance, proportionally sized windows, shutters, cornices, columns, chimneys and porches. All buildings shall be constructed

with an exterior of brick or stone or concrete.

- (2) Within townhouse condominium and apartment house developments, all garages and outbuildings, and enclosures of any sort, must conform in general type, building construction, quality, and materials to the architecture of the primary structure.

B. Materials

- (1) The first floor exterior of a building shall consist of durable, long-lasting materials, such as masonry and fiber-cement siding, and shall be consistent throughout the entirety of that building, but may vary from building to building in a sequential manner in order to provide some architectural continuity.
- (2) The exterior of upper floors of a building may consist of modern materials, such as fiber-cement siding, and may vary throughout an individual or different buildings, but shall be done in a sequential manner in order to provide some architectural continuity.

C. 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.

#### D. 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.
- (3) All buildings (including townhouses) shall provide not less than two (2) exterior exposures for each dwelling unit, properly placed by windows or other openings so as to provide through ventilation or cross-ventilation for the unit.

#### E. Fenestration

- (1) Windows shall be vertically proportioned (taller than wider) where possible.

## V. 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 five properties (Block 20, Lots 1.01, 1.02, 1.03, 1.04, and 1.05) would need to be addressed as part of the Redevelopment Agreement.

The portion of the Redevelopment Plan Area that has been designated as an Area In Need of Redevelopment qualifies for consideration of a Tax Exemption under the Long Term Tax Exemption Act for redevelopment projects, as defined in the Local Redevelopment and Housing Law. Such tax exemptions will be based on the Payment In Lieu of Taxes (PILOT) that may be negotiated in a Financial Agreement between the redeveloper and the Borough.

## VI. 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.

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## TERMS AND DEFINITIONS

Any terms or definitions not addressed within this Redevelopment Plan shall rely on the applicable terms and conditions set forth in Chapter 26 of the Zoning Ordinance of the Borough of South Toms River:

TOWNHOUSE - A residential building of houses placed side-by-side, in which each unit has its own front and rear access to the outside, and which are separated only by one or two vertical fire-resistant building walls shared between adjacent property owners. A townhouse building may contain three to eight dwelling units in accordance with the density standard established.

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## 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.

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## 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 20, Lots 1.01, 1.02, 1.03, 1.04, and 1.05 – as the “Municipal Landfill Redevelopment Plan Area Overlay District (**MLF-RPA**)”.

## VII. 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 of Block 20, Lots 1.01, 1.02, 1.03, 1.04, and 1.05, the details of how the redevelopment will be implemented will need to be specified in the Redevelopment Agreement that is

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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 nor rehabilitation.

This Redevelopment Plan will remain in effect until Certificates of Completion have been issued for the designated Area, or until the Redevelopment Plan is deemed no longer necessary for the public interest and repealed by Ordinance of the Mayor and Council. At such time the provisions of the Redevelopment Plan, as amended, shall be codified into the Zoning Ordinance of the Borough of South Toms River.

### 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 the Redevelopment Plan 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 a pre-selected redeveloper, 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.

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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.