

Redevelopment Study & Preliminary Investigation Report

Block 241.11, Lots 12.02, 13.01 and 13.02

Prepared:
October 16, 2020

Prepared for:
Ocean Township
Ocean County, New Jersey

Prepared by:



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*The original of this document has been signed
and sealed in accordance with New Jersey Law.*

A handwritten signature in black ink, appearing to read "Stan Slachetka".

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NJ Professional Planner No.: LI-03508

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Introduction

The purpose of this Redevelopment Study and Preliminary Investigation Report is to determine whether Block 241.11, Lots 12.02, 13.01 and 13.02 (hereinafter referred to as “the Study Area,”) in Ocean Township qualify as an area in need of redevelopment, as defined in the Local Redevelopment and Housing Law, P.L. 1992, Chapter 79 (commonly and hereinafter referred to as the “LRHL”). The Study Area boundaries are also shown on the accompanying municipal location map (Map 1) and aerial location map (Map 2).

This report is written pursuant to Section 6 of the LRHL (N.J.S.A. 40A:12A-6a), which states the following:

No area of a municipality shall be determined to be 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.79 (C.40A:12A-5). ... The governing body of a municipality shall assign the conduct of the investigation and hearing to the planning board of a municipality.

The Ocean Township Committee adopted Resolution 2020-249 on September 22, 2020 requesting the Planning Board to undertake a preliminary investigation of the Study Area to determine whether it qualifies as an area in need of redevelopment pursuant to the LRHL.

This Redevelopment Study and Preliminary Investigation Report serves as the “statement setting forth the basis for the investigation,” which is required by the LRHL (N.J.S.A. 40A:12A-6b[1]). In accordance with N.J.S.A. 40A:12A-6b(5):

After completing its hearing on this matter, the planning board shall recommend that the delineated area, or any part thereof, be determined, or not be determined, by the municipal governing body to be a redevelopment area. After receiving the recommendation of the planning board, the municipal governing body may adopt a resolution determining that the delineated area, or any part thereof, is in need of redevelopment.

It is noted that in directing the Planning Board to undertake the preliminary investigation and redevelopment study, the Borough Council identified that the Study Area shall be subject to a **non-condemnation** redevelopment area designation. Pursuant to the provisions of N.J.S.A. 40A:12A-16, a non-condemnation redevelopment area designation shall **not** authorize the municipality to use the power of eminent domain.

Existing Redevelopment Designation

As is described in this Redevelopment Study and Preliminary Investigation Report, a portion of the Study Area is located within the C-1 (General Commercial) Zone District. On February 10, 2000, the Township Committee adopted Resolution No.

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2000-80, which accepted the recommendations of the Township's Planning Board to designate the area of said zone district, along with other areas of the Township, as an area in need of redevelopment. Thus, the portions of Block 241.11, Lots 12.02, 13.01 and 13.02 that are located within the C-1 (General Commercial) Zone District have already been designated as an area in need of redevelopment. As a result, this Redevelopment Study and Preliminary Investigation Report focuses on whether or not the portions of Block 241.11, Lots 12.02, 13.01 and 13.02 that are not located within the C-1 (General Commercial) Zone District qualify as an area in need of redevelopment.

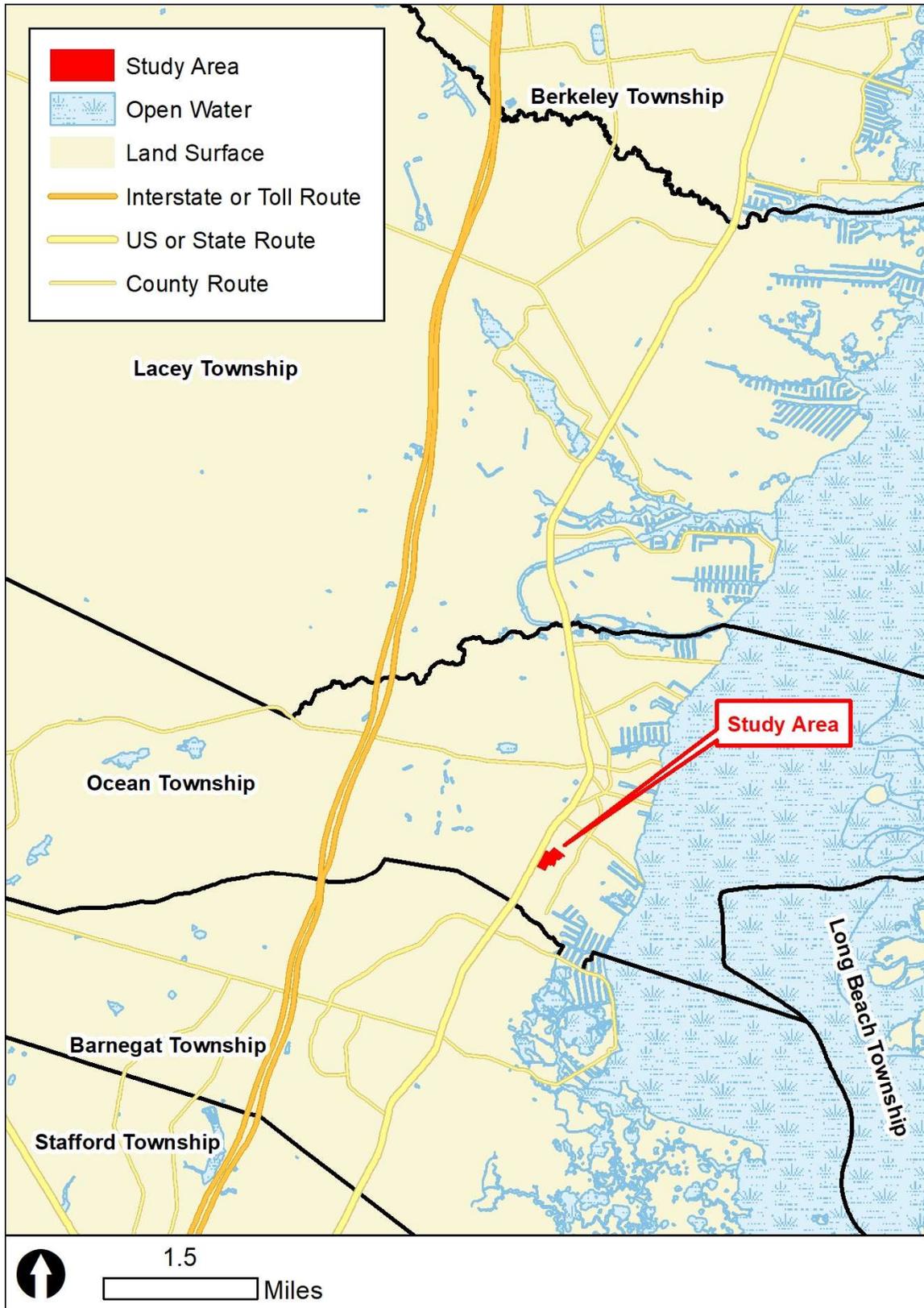
Study Area Description

The Study Area (see Map 2) includes Block 241.11, Lots 12.02, 13.01 and 13.02. The Study Area comprises approximately 22.44 acres of land area and is located in the southeastern portion of the mainland part of Ocean Township. All parcels have frontage on the northbound side of US Route 9. In addition to US Route 9, Block 241.11, Lot 13.02 also has frontage on Navajo Drive and the terminus of Third Street.

The Study Area consists of undeveloped, unimproved lands that are predominantly wooded. Notable exceptions include: private, unpaved access lanes, which are located on Block 241.11, Lot 13.01; and, a paved area measuring approximately 300 square feet, which is located on Block 241.11, Lot 13.01 near its frontage with US Route 9 (n.b., though we did not observe this feature upon visiting the site on October 8, 2020, it is visible on recent aerial photography; historic aerial imagery indicates that the feature may be a remnant of a building that previously existed onsite).

Map 1 depicts the regional location of the Study Area. Map 2 provides recent aerial photography of the Study Area.

Map 1: Regional Location Map



Map 2: Aerial Location Map



Land Use Analysis (Land Use/Land Cover and MOD-IV)

Existing land uses in the Study Area were evaluated through investigation of MOD-IV land use classifications and land use/land cover data as mapped by the New Jersey Department of Environmental Protection (NJDEP) in 2015. Land uses were also affirmed by the site visit conducted on October 8, 2020. Land uses are referenced in Table 1 below, and are depicted in the photos in Appendix A.

According to NJDEP's land use/land cover (LU/LC) data, last updated in 2015, and as shown in Map 3, the land uses in the Study Area are categorized as: "Forest;" "Wetlands;" "Other Urban or Built-Up Land;" and, "Residential." The presence of forests is evident on all properties within the Study Area. Wetland areas are indicated at the rear of the Study Area, and specifically on Block 241.11, Lot 13.01, near an unimproved portion of the Navajo Drive right-of-way. The presence and extent of wetlands has not been independently confirmed as an on-site delineation was not conducted as part of this study. However, T&M is in receipt of a Letter of Interpretation issued by the NJDEP on November 26, 2019 extending its original LOI issued on March 19, 2015 confirming the boundaries and classification of wetlands or lack thereof on Lots 12.02, 13.01, and 1302.¹

Areas of "Other Urban or Built-Up Land" are associated with unimproved access lanes on Block 241.11, Lot 13.01 and cleared areas near the frontage with US Route 9 on all Study Area parcels. Areas with "Residential" land use/land cover on Block 241.11, Lot 13.01 appear to be mapping errors in NJDEP's data; no residential uses exist on Block 241.11, Lot 13.01 or any other part of the Study Area.

The New Jersey Property Tax System, known as MOD-IV, provides for the uniform preparation, maintenance, presentation, and storage of statewide property tax information. MOD-IV is the mechanism to maintain and update all assessment records and produce all statutorily-required tax lists. The 2020 MOD-IV indicates that the parcels in the Study Area are assessed as follows:

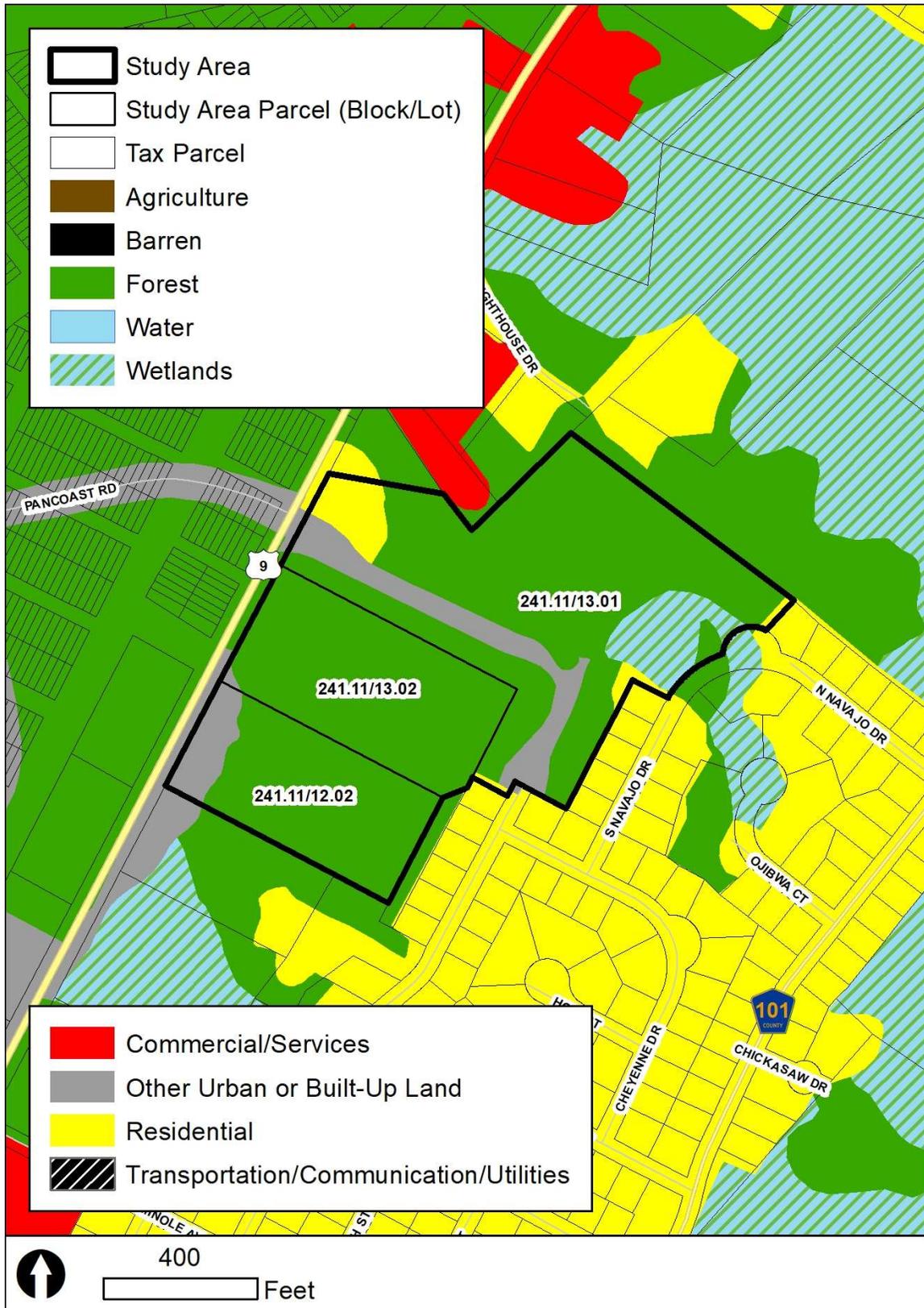
- Block 241.11, Lot 12.02: Class 3B (Farm Qualified);
- Block 241.11, Lot 13.01: Class 3B (Farm Qualified); and,
- Block 241.11, Lot 13.02: Class 3B (Farm Regular), Class 3B (Farm Qualified), Class 4A (Commercial).

Please note that Class 3A includes farm buildings, such as barns, silos or accessory farm buildings. Class 3B includes land only.

Land uses in the immediate vicinity of the Study Area include a mix of: residential properties to the east; undeveloped lands to the south, west and north; and, commercial properties located further afield to the north and south of the subject property along US Route 9.

¹ NJDEP File No. 1520-03-0014.1-FWW140001

Map 3: 2015 Land Use/Land Cover



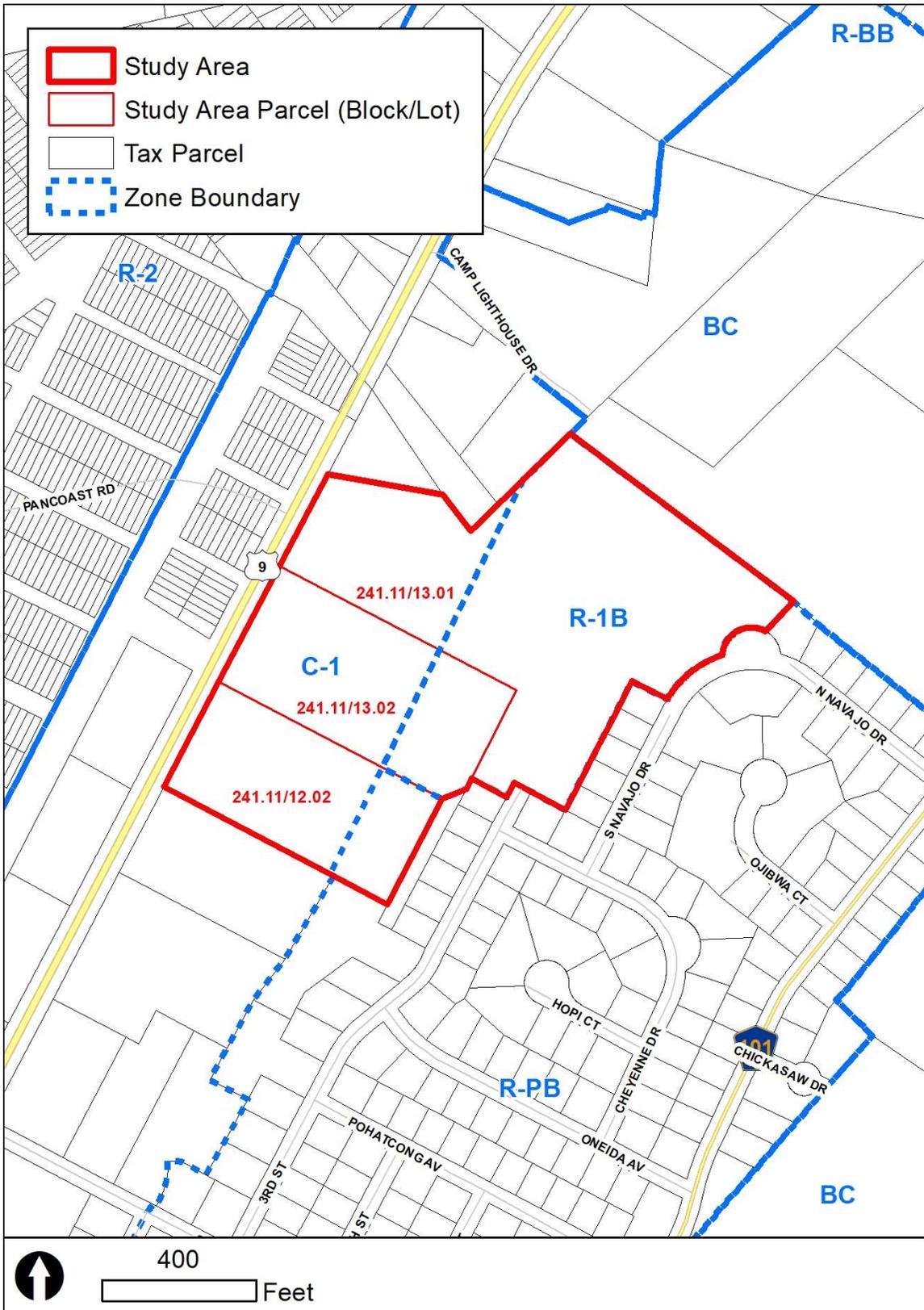
Zoning and Relationship to Zoning Ordinance

As indicated on the Township of Ocean Zoning Map, the Study Area is located within the C-1 (General Commercial), R-1B (Residential, Medium-Low Density) and R-PB (Residential, Pebble Beach) zone districts, as follows:

- Block 241.11, Lot 12.02: C-1 (General Commercial) and R-PB (Residential, Pebble Beach);
- Block 241.11, Lot 13.01: C-1 (General Commercial) and R-1B (Residential, Medium-Low Density); and,
- Block 241.11, Lot 13.02: C-1 (General Commercial) and R-1B (Residential, Medium-Low Density).

Map 4 depicts existing zoning as it applies to the Study Area. Land use regulations for the zoning districts are outlined in the following subsections.

Map 4: Existing Zoning



Underlying Zoning: Principal Permitted Uses

The principal permitted uses of the C-1 (General Commercial) Zone District include: detached single-family dwellings present at the time of adoption of Chapter 410 of the Code of the Township of Ocean; public and community-related parks and play areas; landscape nursery garden centers; roadside markets for the sale of agricultural produce and related goods; restaurants, including fast food restaurants; retail stores, including mixed uses; alcoholic beverage stores; banks or other financial institutions; licensed personal service establishments; laundromat dry cleaners; business and professional offices; funeral homes; veterinary clinics, however any overnight accommodations must be indoors; motor vehicle and boat sales and service; printing and publishing establishments; medical complexes, including offices and treatment facilities; commercial recreation facilities; and, government and public service offices and facilities.

The principal permitted uses of the R-1B (Residential, Medium-Low Density) Zone District include: detached single-family dwellings; public and community-oriented parks and play areas; nature preserves and wildlife sanctuaries; and, agricultural uses, but not the raising and keeping of livestock.

The principal permitted uses of the R-PB (Residential, Pebble Beach) Zone District include: detached single-family dwellings; public and community-oriented parks and play areas; and, nature preserves and wildlife sanctuaries.

Underlying Zoning: Bulk and Yard Standards

The bulk and yard standards for the C-1 (General Commercial), R-1B (Residential, Medium-Low Density) and R-PB (Residential, Pebble Beach) zone districts are shown in Table 2.

Table 2: Bulk and Yard Standards – C-1, R-1B and R-PB Zone Districts

| Standard | C-1 | R-1B | R-PB |
|--------------------------------------|----------------|---------|---------------|
| Minimum Lot Size | 30,000 Sq. Ft. | 1 Acre | 7,500 Sq. Ft. |
| Minimum Width | 100 Ft. | 125 Ft. | 75 Ft. |
| Minimum Depth | — | 150 Ft. | 100 Ft. |
| Maximum Lot Coverage | 40% | 15% | 40% |
| Maximum Impervious Coverage | — | 20% | 60% |
| Minimum Front Yard Setback | 40 Ft. | 40 Ft. | 25 Ft. |
| Minimum Side Yard Setback (Single) | 10 Ft. | 20 Ft. | 5 Ft. |
| Minimum Side Yard Setback (Combined) | 20 Ft. | 40 Ft. | 15 Ft. |
| Minimum Rear Yard Setback | 25 Ft. | 40 Ft. | 30 Ft. |

Master Plan Planning Context

The Township of Ocean and its Planning Board have adopted a number of planning documents, reports, and studies through the years. Among these documents are the:

- 1999 Master Plan Update – 1999;
- 2000 Economic Redevelopment Plan – June 2000;
- 2001 Master Plan Reexamination Report – April 19, 2001;
- Community Forestry Plan 2002 – 2007 – January 15, 2002;
- 2002 Open Space and Recreation Plan – September 12, 2002;
- 2003 Amended Land Use Plan Element – April 21, 2003;
- Phase I — Route 9 Redevelopment Plan – July 9, 2004;
- Amended Land Use Plan Element, Circulation Plan Element and Master Plan Reexamination – December 14, 2005;
- Land Use Element Amendment Environmental Conservation (EC) and Bayfront Conservation (BC) Areas – October 5, 2006;
- 2007 Economic Redevelopment Plan Amendments – December 2007;
- Zoning Map Amendments – November 13, 2008;
- 2008 Housing Element and Fair Share Plan – December 2008;
- Municipal Stormwater Management Plan – 2008;
- Community Forestry Management Plan – 2008-2012;
- Floodplain Management Plan – 2012;
- Strategic Recovery Planning Report – 2014;
- Floodplain Management Plan – 2015;
- Master Plan Reexamination Report and Master Plan Amendments – May 2015;
- 2017 Housing Element and Fair Share Plan – September 2017; and,
- 2019 Master Plan Reexamination Report – November 2019.

Of key relevance to this Redevelopment Study and Preliminary Investigation Report is the 2003 Amended Land Use Plan Element, which established the following goal related to the smart growth planning policies of the Township:

The Amended Land Use Plan Element is designed in a manner consistent with the “Smart Growth” policies promoted in New Jersey’s State Development and Redevelopment Plan (State Plan). The State Plan’s overall vision is to promote development and redevelopment that will consume less land, deplete fewer natural resources and use the State’s infrastructure more efficiently. Therefore, the Township’s Land Use Plan Element is designed to guide future development into areas where infrastructure is available and to limit growth in environmentally sensitive areas. (Page 1 – 2003 Amended Land Use Plan Element)

Consistent with the 2003 Land Use Plan Element and the Township’s current Land Use Plan Map adopted as part of the 2015 Master Plan Reexamination Report, a portion of the Study Area is located within the C-1 (General Commercial) Zone District. As expressed in Chapter 410 of the Code of the Township of Ocean, the general intent of this zone district is to provide for a broad range of commercial and related uses along a majority of the US Route 9 frontage, with development in this

district having the purposes of serving the needs of local residents and contributing to the economic development and fiscal soundness of the Township.

In addition to the above, the Township Committee adopted Resolution No. 2000-80 on February 10, 2000 accepting the recommendations of the Township's Planning Board and designating the area of the C-1 (General Commercial) Zone District, along with other areas of the Township, as an area in need of redevelopment. Thus, the portions of Block 241.11, Lots 12.02, 13.01 and 13.02 that are located within the C-1 (General Commercial) Zone District have already been designated as an area in need of redevelopment.

We also note that the Township, as outlined in its 2017 Housing Element and Fair Share Plan, has adopted a point-based affordable housing ordinance that prioritizes areas for the construction of affordable housing based on a variety of factors, including the proximity of infrastructure, public transit and community facilities, as well as locations outside of environmentally sensitive areas. If developed with multifamily residential housing, the portion of the Study Area that is located along US Route 9, given its frontage on said roadway and proximity to bus stops and other community facilities, would be required to provide an on-site affordable housing set-aside.

Finally, it is noted that, although the 2019 Master Plan Reexamination Report included a variety of recommendations, there were no recommendations with relevance to the Study Area. In addition, the C-1 (General Commercial) Zone District was reaffirmed.

Designation of remaining portions of Block 241.11, Lots 12.02, 13.01 and 13.02 (i.e., those portions of the Study Area that are not located within the C-1 Zone District but are located in the R-PB and R-1B Zone Districts), would serve to advance the Township's goals land use and redevelopment goals for the area.

Redevelopment Designation Statutory Requirements

Pursuant to Section 5 of the LRHL (N.J.S.A. 40A:12A-5), an area may be determined to be in need of redevelopment if it meets one or more of the following statutory criteria:

- 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 a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; 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 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.
- 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.
- 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.

Furthermore, the LRHL permits the inclusion of parcels that do not meet the statutory criteria if they are necessary for effective redevelopment of the proposed redevelopment area:

A redevelopment area may include land, buildings or improvements which of themselves are not detrimental to the public 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 of which they are a part (N.J.S.A. 40A:12A-3.).

In preparing this Redevelopment Study and Preliminary Investigation Report, the project team analyzed and considered the applicability of the aforementioned statutory criteria for redevelopment on the Study Area, pursuant to Section 5 of the LRHL (N.J.S.A. 40A:12A-5). A description of the site conditions existing in the Study Area, as well as discussion as to how the properties in the Study Area meet the relevant statutory criteria of the LRHL, is outlined in the following sub-sections.

The project team utilized the following resources and documentation in preparing this redevelopment study:

- Tax records (Township of Ocean tax maps, MOD IV data, and historical assessment data);
- GIS records (NJDEP, NJDOT, NJGIN, FEMA, Ocean County);
- Historic aerials (www.historicaerials.com); and,
- Site visit (conducted on October 8, 2020). Photos from the site visit are located in Appendix A.

Needed for Effective Redevelopment

The LRHL permits the inclusion of parcels that do not meet the statutory criteria in a redevelopment area if they are necessary for the effective redevelopment of the area:

A redevelopment area may include land, buildings, or improvements which of themselves are not detrimental to the public health, safety, or welfare, but the inclusion of which is found necessary with or without change in their conditions, for the effective redevelopment of the area of which they are a part. (N.J.S.A. 40A:12A-3)

This Redevelopment Study and Preliminary Investigation Report finds that the portions of the Study Area that are not located within the C-1 (General Commercial) Zone District are needed for the effective redevelopment of: the portions of the Study Area that are located within the C-1 (General Commercial) Zone District; and, adjacent Block 343, Lots 18 through 28 and Block 352, Lots 1 through 18, which are also located within the C-1 (General Commercial) Zone District. As has been previously noted, the C-1 (General Commercial) Zone District was designated as an area in need of redevelopment in February 2000.

An application, which proposes redevelopment on the Study Area parcels and adjacent Block 343, Lots 18 through 28 and Block 352, Lots 1 through 18, has been submitted to the Ocean Township Redevelopment Committee. The portions of the Study Area that are not located within the C-1 (General Commercial) Zone District are the only portions of the application's subject area that are not located within a designated redevelopment area.

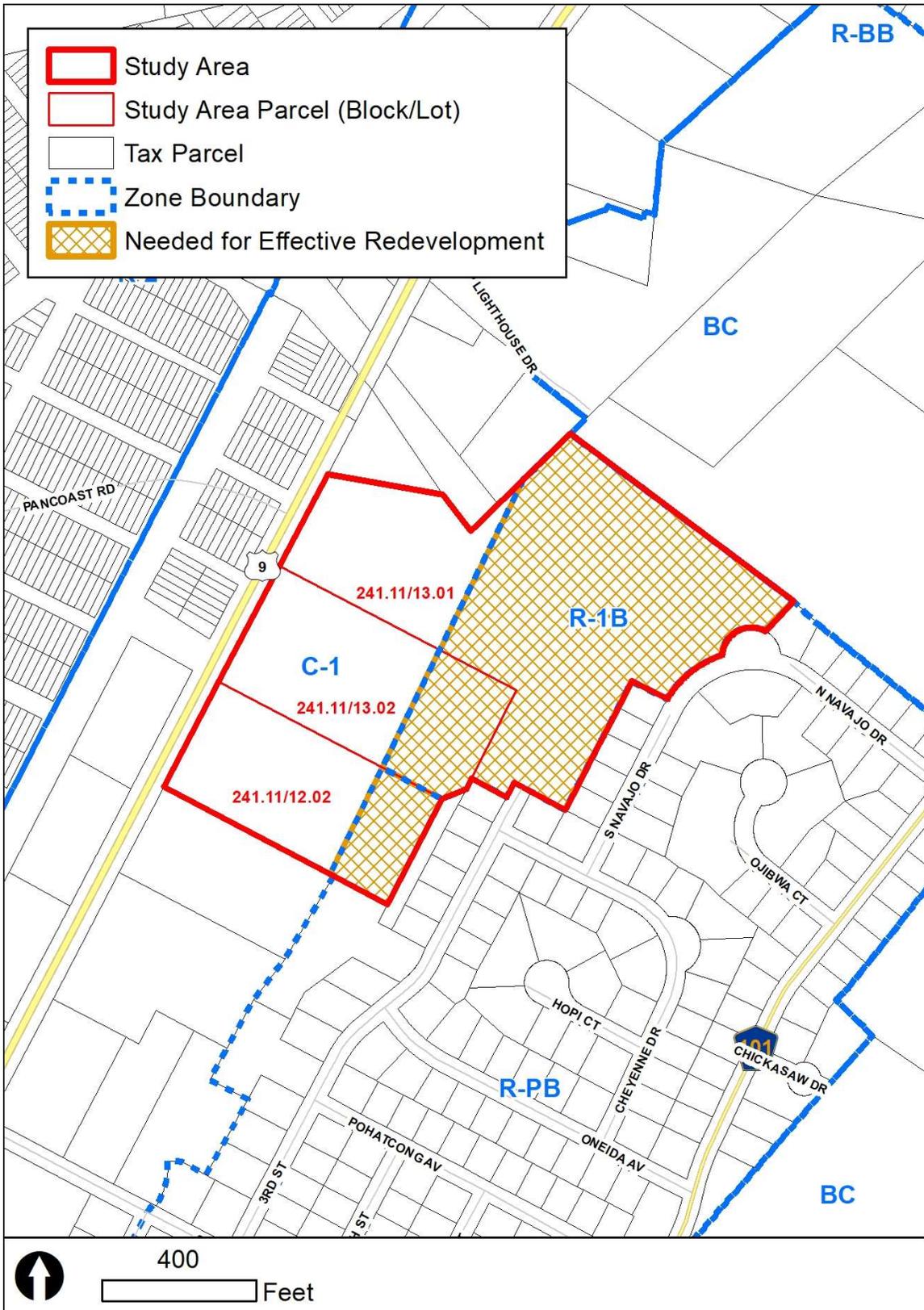
The portions of the Study Area that are located outside of the C-1 (General Commercial) Zone District are needed for effective redevelopment for the following reasons:

1. Designation of the portions of the Study Area that are located outside of the C-1 (General Commercial) Zone District affords the opportunity to develop the entire tract as part of a coordinated redevelopment project, thereby eliminating fragmentation and piecemeal development.
2. The portions of the Study Area that are located outside of the C-1 (General Commercial) Zone District are needed to provide adequate drainage to support development within the C-1 (General Commercial) Zone District. Use of this area for drainage is supported by the fact that the portions of the Study Area that are located outside of the C-1 (General Commercial) Zone District are generally down-gradient from the US Route 9 corridor, along which development is proposed.
3. The portions of the Study Area that are located outside of the C-1 (General Commercial) Zone District are needed to provide adequate area for tree save and habitat preservation. Use of this area for this purpose is supported by the fact that the portions of the Study Area that are located outside of the C-1 (General Commercial) Zone District are predominantly wooded and, according to information from NJDEP's Landscape Project v. 3.1, may contain suitable habitat for threatened or endangered species.

4. Designation of the portions of the Study Area that are located outside of the C-1 (General Commercial) Zone District would help promote development opportunities along the US Route 9 corridor in a manner consistent with the smart growth planning policies of the Township as incorporated in the Township's comprehensive plan and related planning documents. Specifically, the inclusion of the portions of the Study Area not currently located in the existing redevelopment area would maximize the development potential within the C-1 Zone District consistent with the intent of the Township's Zone Plan by providing adequate room for drainage facilities and tree save areas outside of the C-1 District in the portion of the Study Area where their location would be most appropriate. Maximizing development potential within the US Route 9 corridor is consistent with the Township's Master Plan and the intent of the C-1 Zone District as expressed in the Township's Zoning Ordinance, which is discussed in the section of this report entitled "Master Plan Planning Context".

The portions of the Study Area that are needed for effective redevelopment are shown in Map 5.

Map 5: Area Needed for Effective Redevelopment



Redevelopment Study Findings

As has been shown in this Redevelopment Study and Preliminary Investigation Report, portions of the Study Area that are located within the C-1 (General Commercial) Zone District have been previously declared to be in need of redevelopment.

As has also been shown in this Redevelopment Study and Preliminary Investigation Report, portions of the Study Area that are not located within the C-1 (General Commercial) Zone District are needed for the effective redevelopment of:

- Those portions of the Study Area that are located within the C-1 (General Commercial) Zone District; and,
- Adjacent Block 343, Lots 18 through 28 and Block 352, Lots 1 through 18, which are also located within the C-1 (General Commercial) Zone District.

Appendix A: Site Visit Photos

Block 241.11, Lot 13.01



Block 241.11, Lot 13.01



Block 241.11, Lot 13.01



Block 241.11, Lot 13.01



Block 241.11, Lot 13.01



Block 241.11, Lot 13.01



Block 241.11, Lot 13.02

