

RESOLUTION

**TOWNSHIP OF HOWELL PLANNING BOARD
RESOLUTION OF MEMORIALIZATION
MONMOUTH COUNTY, NEW JERSEY
MASTER PLAN REEXAMINATION REPORT**

**Approved: January 5, 2006
Memorialized: February 2, 2006**

MATTER OF MASTER PLAN REEXAMINATION

WHEREAS, pursuant to N.J.S.A. 40:55D-89, the Howell Township Planning Board (hereinafter "Planning Board") shall reexamine its municipal Master Plan and development regulations at least every six (6) years by preparing a report, adopted by resolution, detailing the findings of the reexamination; and

WHEREAS, a public hearing was held before the Planning Board on January 5, 2006 with regard to this application; and

WHEREAS, the Planning Board's Professional Planner Charles Newcomb, PP, AICP prepared a reexamination report dated, December 19, 2005 (hereinafter "Reexamination Report"); and

WHEREAS, the Reexamination Report addressed: a) the major problems and objectives relating to land development in the municipality; b) the extent to which such problems and objectives have been reduced or have increased; c) the extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the Master Plan or development regulations as last revised; d) the specific changes recommended for the Master Plan or development regulations; and d) the recommendations of the Planning Board concerning the incorporation of redevelopment plans; and

WHEREAS, the Planning Board has heard testimony and comments from the Applicant, witnesses and consultants, and with the public having had an opportunity to be heard; and

WHEREAS, based upon the testimony and reexamination report.

NOW, THEREFORE, does the Howell Township Planning Board make the following findings of fact and conclusions of law with regard to the master plan reexamination.:

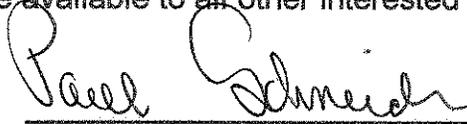
1. The Planning Board determines that the findings contained in the Reexamination Report prepared by Charles Newcomb, PP, AICP, accurately reflect the policies of the Planning Board based upon the current land use patterns as well as land use challenges which presently exist within the municipality. The Planning Board further finds that the Reexamination Report contains policy recommendations which best reflect the Planning Board's goal of smart growth and sustainable development.

2. The Planning Board therefore adopts the Reexamination Report prepared by Charles Newcomb, PP, AICP, dated December 19, 2005.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Howell on this 2nd day of February, 2006, that the action of the Planning Board taken on January 5, 2006 adopting the reexamination report prepared by Charles Newcomb, PP, AICP, dated December 19, 2005 pursuant to N.J.S.A. 40:55D-89 is hereby memorialized.

BE IT FURTHER RESOLVED that the Planning Board secretary is hereby authorized and directed to cause a notice of this decision to be published in the official newspaper at the Applicant's expense and to send a certified copy of this Resolution to

the Monmouth County Planning Board and to the Township clerk, engineer, attorney and tax assessor, and shall make same available to all other interested parties.



Paul Schneider, Chairman
Howell Township Planning Board

ON MOTION OF: **Mr. Burgess**

SECONDED BY: **Mrs. West**

ROLL CALL:

YES:

NO:

ABSTAINED:

ABSENT:

DATED:

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Howell Township Planning Board, Monmouth County, New Jersey at a public meeting held on February 2, 2006.



Barbara Capitan, Secretary
Howell Township Planning Board

2005 Periodic Reexamination Report of the Master Plan and
Development Regulations for Howell Township,
Monmouth County, New Jersey

TOWNSHIP OF HOWELL
Monmouth County

2005 Township Council

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Juan A. Malave	Deputy Mayor
Cynthia Schomaker	Council member
Peter Tobasco	Council member
Wayne Lucey	Council member

2005 Planning Board

Mark Corzine	Chairman
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Marlene West	
James Burgess	

Barbara Capitan	Planning Board Secretary
Luella Taylor	Planning Board Recording Secretary
Ronald Cucchiaro, Esquire	Board Attorney
Michael Vena, P.E	Planning Board Engineer
Charles P. Newcomb, PP/AICP	Planning Board Planner

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C. 40:55D-89c “The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.” 21

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40:55D-89d. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared. 32

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C. 40:55D-89e “The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," P.L. 1992, c. 79 (C.40A: 12 A-1 et seq.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality." 35

Introduction

The Municipal Land Use Law (MLUL), at N.J.S.A. 40:55D-89 includes the following statement relative to the periodic examination of a municipal Master Plan:

“The governing body shall, at least every six years, provide for a general reexamination of its master plan and development regulations by the planning board which shall prepare and adopt by resolution a report on the findings of such reexamination, a copy of which report and resolution shall be sent to the county planning board and the municipal clerk of each adjoining municipality. The first such reexamination shall have been completed by August 1, 1982. The next reexamination shall be completed by August 1, 1988. Thereafter, a reexamination shall be completed at least once every 6 years from the previous reexamination.”

The Howell Township Planning Board adopted the most recent Periodic Reexamination on February 28, 2002. Since the adoption of the last Periodic Reexamination Report, the Planning Board amended the Township’s Housing Element and Fair Share Plan on January 2, 2003 and January 23, 2003. Also during that period the Planning Board amended its land Use Element on October 2, 2003 and amended its Open Space and Recreation Plan on February 11, 2004. On November 22, 2004 the Planning Board amended its Land Use Element, and more recently the Board adopted a Stormwater Management Plan on March 17, 2005 and its Farmland Preservation Plan on April 7, 2005.

The impetus for this report is N.J.S.A. 40:55D-89, which requires municipalities to reexamine their Master Plan and Land Development Ordinances every six years and changes in State plans, regulations and programs and local assumptions and policies. This section of the Municipal Land Use Law requires consideration of five areas (N.J.S.A. 40:55D-89a-e) within the Reexamination Report, which are discussed below.

C. 40:55D-89a “The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.”

Based upon the reexamination of the 1994 Master Plan as well as the 2001 Amended Housing Element, the 1999 Open Space Plan and the 1996 Recreation Plan the following recommendations were made in the 2002 Periodic Reexamination Report:

1. A statement of goals, objectives and policies for the physical, economic and social development of the Township must be prepared and adopted into the Township Master Plan.
2. The Township should investigate the most efficient way to update the Land Use Plan Element, which is critical as a result of rapid growth. This shall include a Vacant Land Inventory by Zone, an Inventory of approved (but not built) applications and current applications. Census data for 2000 shall be referenced.
3. As a result of recommendations made by the Master Plan Subcommittee of the Planning Board, updated land use and development regulations that effectuate the recommendations must be prepared and adopted so that, pursuant to the MLUL there is substantial consistency between the Master Plan and the zoning ordinance.
4. It is suggested the Planning Board adopt the following recommendations within a revised Land Use Element to the Master Plan.
 - A. It is recommended that an Agriculture/Rural Conservation (ARC) District be established and any tract that contains actively farmed lands be designated in the ARC district.
 - B. It is recommended that stream corridors and flood prone areas be delineated and that special development regulations be implemented for areas within 100 feet of the stream or flood prone area center line which protect the stream corridor from the intrusion of development.
 - C. It is recommended use permitted within the Highway Development (HD-2) zone, which exists along Route 33, be revised to recognize the impact of the by-pass.
 - D. It is recommended that where reasonable, in undeveloped areas, that the land use designation be modified to decrease the intensity of future development.
 - E. It is recommended that areas that are environmentally sensitive areas should be designated as an Environmental Resource (ER). Examples include the former cranberry bogs, various watershed areas and the undeveloped land in East Howell.
 - F. It is recommended that areas developed as clusters in the ARE districts be placed in districts that better reflect the established surrounding development pattern.
 - G. Creation of a Main Street image along Route 524 is recommended. The Township is urged to conduct traffic studies and a view corridor analysis prior

to the implementation of this recommendation to identify possible impacts and include regulations to mitigate any such impacts that may be identified.

- H. Creation of the Adelpia-Ardena Historic District was recently recommended by the Township Planning Board.
 - I. Remove the cluster option in zones not served by public sanitary sewer and potable water facilities. A cluster development option is not recommended in - areas that must rely on wells and septic systems and stormwater retention basins.
5. A Recycling Plan Element shall be prepared to indicate “substantial consistency” with the Monmouth County Solid Waste Management Plan.
 6. A proposal by the Manasquan River Regional Sewerage Authority (MRRSA) to revise its Wastewater Management Plan (WMP) to designate most of North and East Howell as a “discharge to groundwater” service area needs to be considered in reevaluating the development potential of this area.

C. 40:55D-89b “The extent to which such problems and objectives have been reduced or have increased subsequent to such date”.

The following is a listing of planning activities that were undertaken by the Township and the Planning Board after its last reexamination report. Some of them are in response to the recommendation raised in the 2002 Master Plan Reexamination Report. Others are in response to other issues that confronted the Township Council and Planning Board during the period 2002 to 2005.

Master Plan

The major recommendation of the 2002 Master Plan Reexamination Report involved an update of the Land Use Plan. Along with updating the Land Use Plan there were a number of specific recommendations surrounding its development.

In 2004 the Planning Board adopted a Land Use amendment. Of the specific recommendations surrounding its development the Planning Board conducted the following:

One of the recommendations of the 2002 Reexamination Report was “The Township should investigate the most efficient way to update the Land Use Plan Element, which is critical as a result of rapid growth. This shall include a Vacant Land Inventory by Zone, an Inventory of approved (but not built) applications and current applications. Census data for 2000 shall be referenced.” The Planning Board did investigate the most efficient way to update the Land Use Plan Element. It directed its professionals to conduct a Vacant Land Inventory by Zone, an Inventory of approved (but not built) applications and current applications. Also as part of development of the Land Use Element there was an examination of the 2000 census by census tract as compared to projections by the Monmouth County Planning Board.

In reflecting the specific recommendations for inclusion in the Land Use Element from the Reexamination Report the Land Use Element recommended the creation of an Adelphia Historic Center.

The Land Use Element also addressed the recommendation about the proposal by the Manasquan River Regional Sewerage Authority (MRRSA) to revise its Wastewater Management Plan (WMP) to designate most of North and East Howell as a “discharge to groundwater” service area needs to be considered in reevaluating the development potential of this area. In Township-wide recommendations, the Land Use Element acknowledges the designation of Howell Township as a “Discharge to Groundwater District”, thus forcing development to exiting areas and areas planned for sewers.

Council on Affordable Housing Substantive Certification

On October 4, 2004 Howell Township received substantive certification for the second round of its Housing Plan Element and Fair Share Plan. The certification recognized a Fair Share of 160 units which includes 58 units of rehabilitation and 102 units of new construction. The first amendment filed by the Township provided the Township with 33 credits without control units and the elimination of the Township’s proposed write down/buy down program from its Fair Share Plan. The latter was at the determination of

COAH. The second amendment was the elimination of a project from its Fair Share and adjustments to its affordable housing obligation.

Housing Plan Element and Fair Share Plan

To obtain substantive certification in 2004 the Planning Board adopted an amended Hosing Element and Fair Share Plan on January 2, 2003 and then again on January 23, 2003.

On October 6, 2003, COAH released proposed new rules for the third round of affordable housing. COAH conducted several public hearings in November 2003. Four of the major issues in the proposed rule package were:

1. The rehabilitation share which is the number of substandard units which the municipality is responsible for rehabilitating;
2. The remaining new construction obligation or net prior round obligation, which is the municipality's past obligation from rounds one and two,
3. Growth share or prospective need, which is a portion of municipally determined growth.
4. The Third Round Methodology is for the period 1999 to 2014.

After public comment, the Council on Affordable Housing revised the proposed third round methodology and approved the publication of re-proposed rules governing the content of municipal plans to provide for a fair share of affordable housing. These re-proposed rules were published in the New Jersey Register on August 16, 2004. Comments on the proposal will be accepted for a 60-day period or until October 15, 2004.

The Council on Affordable Housing (COAH) approved the publication of adopted rules governing the content of municipal plans to provide for a fair share of affordable housing. These adopted rules are scheduled to be published in the New Jersey Register on December 20, 2004, on the date they became effective.

Under the new rules, the Township's obligation will be generated through what COAH is calling a 'growth share' formula, which derives the number of affordable housing units the Township is required to provide based on the amount of residential and non-residential growth that occurs in the Township after January 1, 2004.

The Legislature amended the Fair Housing Act in 2001 establishing a ten-year affordable housing cycle, which will permit municipalities and COAH to use decennial census data to determine affordable housing obligations in the State. This amendment has altered the obligation period from six years to ten.

Previous methodologies for municipalities relied on complicated formulas that assigned a fair share number to municipalities. COAH defines 'growth share' as follows:

"Growth share" means the affordable housing obligation generated in each municipality by both residential and non-residential development from 2004 through 2014 and represented by a ratio of one affordable housing unit for every eight market-rate housing units constructed plus one affordable housing unit for every 25 newly created jobs as measured by new or expanded non-residential construction within the municipality.

Therefore, under the growth share methodology, the affordable housing obligation is determined by the municipality based upon its level of residential and non-residential growth – one of every 9 residential units shall be affordable and one affordable unit shall be provided for every 25 jobs generated.

Open Space and Recreation Plan

In 2003 the Planning Board was confronted with the need to amend its Open Space and Recreation Plan. The purpose of the amendment was to recognize the open space preservation and recreation improvements that had taken place in the Township since 2001. The amendment recognized the activity of the Township and Monmouth County along with various open space initiatives, such as Planning Incentive Grants from the SADC, Manasquan Reservoir Watershed Protection, Capital-to-the Coast Greenway, Monmouth County Park, Recreation and Open Space Plan amendments and regulatory activity by the Township.

Stormwater Management Plan

Two sets of new stormwater rules were signed by Commissioner Campbell on January 6, 2004 and were published in the February 2, 2004 issue of *the New Jersey Register*. Together the two sets of rules establish a comprehensive framework for addressing water quality impacts associated with existing and future stormwater discharges.

The first set of rules is the Phase II New Jersey Pollutant Discharge Elimination System Stormwater Regulation Program Rules (N.J.A.C. 7:14A). These Rules are intended to address and reduce pollutants associated with existing stormwater runoff. The Rules establish a regulatory program for existing stormwater discharges as required under the Federal Clean Water Act. Under this program, permits must be secured by municipalities, certain public complexes such as universities and hospitals, and State, interstate and federal agencies that operate or maintain highways. The permit program establishes the Statewide Basic Requirements that must be implemented to reduce nonpoint source pollutant loads. The Statewide Basic Requirements include measures such as: the adoption of ordinances (litter control, pet waste, wildlife feeding, proper waste disposal, etc.); the development of a municipal stormwater management plan and implementing ordinance(s); requiring certain maintenance activities (such as street sweeping and catch basin cleaning); implementing solids and floatables control; locating discharge points and stenciling catch basins; and a public education component.

The second set of regulations is known as the Stormwater Management Rules (N.J.A.C. 7:8). These Rules set forth the required components of regional and municipal stormwater management plans, and establish the stormwater management design and performance standards for new (proposed) development. The design and performance standards for new development include groundwater recharge, runoff quantity controls, runoff quality controls and Category One buffers.

As a Tier A municipality, the Township was required to adopt a Stormwater Pollution Prevention Plan that describes the municipality's stormwater program, including details on the implementation of required statewide basic requirements. The Planning Board in implementing the rules was required to adopt a Stormwater Management Plan which was adopted on March 17, 2005. Eventually the Planning Board is required to recommend a

Stormwater Control Ordinance to the Township Council. Until the ordinance is adopted, the Planning Board must use the Residential Site Improvement Standards (RSIS) for stormwater management on residential projects.

The new rules impact the Planning Board's review of new development. The rules emphasize, as a primary consideration, the use of non-structural stormwater management techniques including minimizing disturbance, minimizing impervious surfaces, minimizing the use of stormwater pipes and preserving natural drainage features.

Because Howell encompasses significant tributaries of Category One (C-1) streams, the rules emphasize the use of non-structural stormwater management techniques including minimizing disturbance, minimizing impervious surfaces, minimizing the use of stormwater pipes and preserving natural drainage features. The rules also set forth requirements for groundwater recharge, stormwater runoff quantity control, stormwater runoff quality control and a buffer adjacent to Category One waters and their immediate tributaries.

Based on the DEP's review of existing scientific literature, DEP determined that a 300-foot buffer is necessary to prevent water quality degradation and to protect the attributes for which Category One waters have been designated. Therefore all developments adjacent to C-1 surface waters must provide the required buffer when proposed development will result in the disturbance of an acre or more of land or impervious coverage of a quarter of an acre or more.

Farmland Preservation Plan

On April 7, 2005 the Planning Board adopted an amendment to its Master Plan by adopting a Farmland Preservation Element. A voluntary element the Plan provides

1. An inventory of farm properties in the municipality.
2. A map showing significant agriculture lands.
3. A statement showing municipal plans and ordinances support and promote agriculture as a business; and
4. A plan for preserving as much farmland as possible in the short term by leveraging monies made available by the Garden State Preservation Incentive Grant Program (N.J.A.C. 13:8C-1 et seq., P.L.1999, c.152), and through a variety of mechanisms including, but not limited to, utilizing option agreements, installment purchases and encouraging donations for permanent development easements

In addition, the Plan element completes and adequate complies with the laws governing the Farmland Preservation Grant Program (PIG) established by N.J.A.C. Section 2:7617.1 et seq., P.L. 1999, c. 180. This grant program is intended to serve a "significant area of reasonably contiguous farmland that will provide in the long term economic viability of agriculture as an industry in a municipality or county" in which the Township has filed several project areas.

Report on Future Demand for Age-Restricted Housing

In 2004 the Township Council by resolution authorized Remington, Vernick & Vena Engineers (RVVE) to undertake a planning study addressing planned retirement communities in Howell Township. The form was directed to examine demographics, residential market and anticipated impacts of active adult developments as well as alternative development forms.

In December RVVE presented its findings.

1. Both the Township's general population and particularly the 55+ age cohort can be expected to increase substantially over the next 25 years.
2. Howell residents are presently at a competitive disadvantage to residents outside the Township in terms of the affordability of and ease of entry into newly constructed age-restricted developments in the area.
3. Both age-restricted communities and commercial development can be expected to have positive fiscal impacts for the Township.
4. Municipal fiscal benefits would be more substantial for nonresidential development than for development of age-restricted communities under the provision of the PRC zone.
5. However, nonresidential development can be expected to be more land consumptive than age-restricted residential development and have more negative impacts on existing infrastructure and traffic.
6. It is projected an indigenous demand for 3,226 age-restricted housing units in the Township by the year 2025.
7. Smaller sized projects (200-300 units) tend to draw buyers from a smaller radius which would aid in targeting and retaining existing Township residents.

The Study has been presented to the Planning Board and the Board has charged Banisch Associates, Inc. to review the document and report back to the Board with an evaluation of the study and further recommendations on the issue of age-restricted housing.

Litigation

On January 21, 2005 a decision was rendered by Judge Reisner in Superior Court in the case of Vincent Tantillo, Thomas Solomon, et al versus the Township of Howell which invalidated ARE-6 zoning on certain properties in North Howell. The Judge stated, "The legal presumption in favor of the zoning ordinance validity is not available to the defendant Howell Township because the evidence at trial demonstrated that at no time prior to the adoption of these ordinances now being challenged did the Township's Planning Board complete a reexamination report of the master plan."

In response to the decision Township Council instead of appealing the decision directed the Planning Board to initiate a work program which would address the issue. On March 9, 2005 the Planning Board directed the Township's Planner to

1. Review and recommend to the Board a Farmland Preservation Plan,

2. Update and amend its Conservation Plan that broadly addresses natural resource features and goals of the Township,
3. Amend the Land Use Plan Element, which specifies the nature, intensity and location of land uses in North Howell, and review the Planning Board's Land Use goals and policies,
4. Prepare a Periodic Reexamination Report,
5. Evaluate the Report on Future Demand for Age-Restricted Housing prepared by Remington, Vernick and Vena (December 2004) identifying the projected need for age-restricted housing in the Township, private proposals presented to the Township and include appropriate recommendations for the Master Plan and the Land Development Ordinance and
6. Propose ordinances to implement the recommendations of the Land Use amendment, Farmland Preservation Plan and Conservation Plan as appropriate.

Land Development Ordinance

Since 2001 the Planning Board has made a number of recommendations for changes to the Land Development Ordinance. Many were in response to issues it was confronted with since the last Periodic Reexamination Report or were recommendations in the last Report adopted by the Board. Some also were initiatives identified by Council that ultimately were addressed by the Planning Board for a review of consistency with the Master Plan. The following is a list of the ordinances adopted since 2001.

Resolution Number	Date	Title	Subject
0-01-3	2/20/01	Guarantees and Inspections	Provides for the services of the Township Planner in connection with the review of requests for zone change
0-01-4	2/20/01	Amendment to Zoning Map	Provides change in Zoning for Block 25 Lot 67 from HD-1 & ARE-3 to HD-1
0-01-11	3/19/01	Woodlands Management	Provides for approval of Management Plan by Planning Board and review by the Environmental Commission.
0-01-25	7/9/01	Site Investigation and Soil Sampling	Provides for site sampling of soil from former agricultural fields
0-01-26	7/9/01	Definitions	Provides for an amending the definition of "open space."
0-01-27	7/9/01	Escrow Funds	Provides for escrow fee for requests for zone change
0-01-33	8/20/01	Outdoor Display of Goods	Provides for permit, conditions & zones for the Outdoor Display of

			Goods
0-01-34	9/10/01	Rezoning	Provides for the rezoning of certain properties from SED to ARE-6
0-01-35	9/10/01	Rezoning	Provides for the rezoning of certain properties from ARE-2 to ARE-6
0-01-41	9/10/01	Rezoning	Provides for the rezoning of certain properties from ARE-1 to ARE-6
0-01-46	9/24/01	Guarantees and Inspections	Provides for amendments to certain subsections on Developer's agreements, basin agreements, plot plans and pool permits
0-01-47	9/24/01	Definition & Retaining Walls	Provides for definition of retaining walls and regulation
0-01-57	11/8/01	Rezoning	Provides a portion of a lot from ARE-3 to HD-1
0-02-2	2/19/02	Recreational Improvements	Provides for a new section on recreational improvements
0-02-5	3/4/02	Soil and Soil Removal	Provides an amendment to Site Investigation and Soil Sampling
0-02-6	3/4/02	Definition	Provides for an amendment to the definition of "open space"
0-02-7	3/18/02	Planned Retirement Community Zone	Provides for the establishment of a new zone—Planned Retirement Community
0-02-8	4/22/02	Telecommunications	Provides regulations for telecommunication facilities
0-02-9	4/22/02	Escrow Funds	Provides for an amendment for escrow funds for professional services.
0-02-11	4/22/02	Rezoning	Provides for rezoning of a number of parcels from ARE-1 to ARE-2
0-02-12	4/22/02	Rezoning	Provides for certain properties in ARE-2, HD-2 & ARE-6 to Planned Retirement Community
0-02-19	5/20/02	Easements	Provides for an amendment to Conservation and Farmland Easements
0-02-25	6/24/02	Rezoning	Provides for rezoning of certain

			properties from ARE-2 to ARE-6
0-02-26	6/24/02	Home Office	Provides for the use of Home Office and regulations regarding its application
0-02-27	7/22/05	Rezoning	Provides for a rezoning of one parcel from ARE-6 to Hd-2.
0-02-30	8/19/02	Buffers	Provides for an amendment to buffers, buffers and screening and right to farm
0-02-38	9/23/02	Riparian Buffer/Stream Corridor Protection	Provides for a riparian buffer/stream corridor protection requirements
0-02-40	11/25/02	Rezoning	Provides for rezoning of certain parcels from ARE-1 to ARE-2
0-02-41	11/25/02	Block & Lots	Provides for the deletion of certain block and lots
0-02-42	11/25/02	Riparian Buffer	Provides amendments to Riparian buffer provisions
0-02-49	12/16/02	Easements	Provides for an amendment to conservations easements
0-03-5	3/17/03	Riparian Buffer	Provides for an amendment to Riparian buffers
0-03-6	3/17/03	Bulk Requirements	Provides for the amending the bulk requirements in ARE-2 and ARE-1 (minimum lot frontage)
0-03-7	3/17/03	Escrow Funds	Provides amendment to the use of escrow funds
0-03-18	6/23/03	Community Residences	Provides for the repeal of inconsistent ordinance
0-03-34	9/15/03	Fee Amendment	Provides for a fee amendment for rezoning requests
0-03-36	10/20/03	Rezoning	Provides for the rezoning of certain properties from SED to HD-2
0-03-37	10/20/03	Affordable Housing	Provides provisions to implement affordable housing
0-03-41	12/16/03	Rezoning	Provides for the rezoning of certain properties from HD-1 to ARE-3
0-03-43	12/16/03	Preliminary Approval	Provides a limitation of time after preliminary approval for the

			submission of final plans
0-04-4	3/16/04	Public Notice	Provides for amendments to the public hearing notices
0-04-7	3/16/04	Easements	Provides amendments to the placement of markers for various easements
0-04-17	4/27/04	Application Fees	Provides for application fees from non-profit organizations
0-04-46	9/21/04	Riparian Buffers	Provides for new ordinance on riparian buffers
0-04-63	11/15/04	Affordable Housing	Provides for implementation of affordable housing standards
0-04-51	11/23/04	Escrow Funds	Provides for escrow contributions for stormwater detention basins
0-04-55	11/23/04	Development Application Requirements	Provides for notice signs
0-04-67	12/21/04	Escrow Funds	Provides amendments for escrow contributions for stormwater detention basins
0-04-22.	12/21/04	Woodlands Management	Provides new woodland management provisions
0-05-6	1/21/05	Development Fees	Provides for amendments to the provisions of the development fee ordinance

Monmouth County's Western Monmouth Development Plan

In 2004 the Monmouth County Planning Board completed the Western Monmouth Development Plan. The Western Monmouth Development Plan was a study funded by the Smart Growth Program of the New Jersey Department of Community Affairs, with oversight provided by the Monmouth County Planning Board. The Plan focused on seven municipalities in Western Monmouth County including the Township, which are tied together by their common dependence on U.S. Route 9 as the major north-south arterial.

With the municipalities collectively experiencing explosive population and employment growth over the past two decades the need for the Plan stemmed from the rapid development of the Western Monmouth region, as reflected in sprawling suburban development on farms and fields, the corresponding loss of open space, and an increase in traffic congestion.

The Western Monmouth Development Plan is partly intended to build upon the County Growth Management Plan, which was adopted by the County Planning Board in 1995.

The plan establishes growth management policies in 10 different areas. One policy area is “Centers;” the goal of this policy area is to “promote new and revitalize older urban areas into well designed mixed use centers with an easily accessible compact but varied core of residential, commercial and community services which provide employment and create a specific identity.”

It also builds upon the work of the Western Monmouth Route 9 Collaborative Baseline Conditions Inventory and Collaborative Plan Report, completed in December 1999. That study examines transportation conditions along the Route 9 corridor.

The study was intended to produce a “smart growth” plan for the study area; one that will encourage the formation of more livable communities and better preserve the natural resources currently being consumed by suburban sprawl. The plan addresses short term issues through proposing strategies that municipalities can incorporate into their land use and design regulations, and is also intended to provide a longer term vision for the communities to work in concert. Continuing the work started in the Route 9 Collaborative Plan Report, the issue of transportation, and the Route 9 corridor in particular, is a major focus of the Western Monmouth Development Plan. Route 9, a four-lane arterial, lies in the center of the study area and is the most important roadway. This Plan examines potential traffic conditions along Route 9 in the future, and makes recommendations for strategies that will improve conditions for all transportation modes: vehicular, pedestrian, bicycle.

As noted above, recommendations are also made on improving design conditions in the study area; these recommendations are particularly appropriate for the Route 9 corridor, which lacks a distinct character and which many residents find unattractive.

The Plan is intended to be adopted by the Monmouth County Planning Board as an element of the County Growth Management Plan. All seven municipalities in the study area will also be asked to adopt it. Finally, the Plan will be presented to the New Jersey State Planning Commission to gain plan endorsement. Finally, this plan is intended to result in an Endorsed Plan for the Route 9/Western Monmouth region which will give the region priority in receiving state funding for future infrastructure improvements.

Volume 1 of the Plan, completed in 2002, presented “baseline conditions” in the study area: land use, demographics, environmental resources, infrastructure, transportation, consistency of municipal plans with the State Plan, and design. Through an analysis of these conditions, the important issues in each study area community can be identified. In addition, a “build-out analysis” is prepared, indicating the potential population and employment in the study area in year 2020, and the costs associated with such development. In Volume 2 of the Plan, recommendations are presented for addressing the issues raised in Volume 1, and a planning and implementation agenda is prepared for the region and each municipality.

Some of the significant points raised in the Plan that impact Howell Township are the Plan and the Planning and Implementation Agenda. Guided by a regional vision and three major initiatives of Transit Oriented Development (TOD), Transfer of Development Rights (TDR) and Centers, the Plan identifies centers within the Township, activity areas along Rt. 9 and areas for redevelopment. It also provides improvements in transportation and provides recommendations for Open Space within the Township.

It also provides a planning agenda for the Township. Some of the recommendations are:

1. Designate Adelphia as Village Center through Western Monmouth Development Plan. Endorsement.
 - a. Revise master plan and zoning to recognize village.
 - b. Identify infill development opportunities.
 - c. Assess revitalization of village Main Street.
 - d. Study traffic problems on Rt. 524 and prioritize improvements.
 - e. Enhance appearance of Rt. 524 through design guidelines sensitive to historic character.
 - f. Prepare streetscape enhancement plan to improve appearance of Adelphia Road.
2. Designate Ramtown as a Village Center through Western Monmouth Development Plan Endorsement.

Consider potential redevelopment opportunities along railroad right-of-way (near Farmingdale and Coordinate efforts with Farmingdale.)
Assess options and incorporate in Master Plan. Consider Redevelopment Plan for area.
3. Redevelop/revitalize old Route 9 commercial sites
 - a. Identify redevelopment opportunity areas in WMDP and Howell Land Use Plan. Encourage redevelopment/revitalization as integrated area with pedestrian and vehicular connections.
 - b. Expand Regional Center to include area bounded by railroad, Route 33 and Fairfield Road. WMPD Endorsement.
 - c. Revise Master Plan to include Western Monmouth Regional Center. Pursue Plan Endorsement of municipal plan with NJ OSG.
 - d. Set up organization to cooperate on regional issues

Promote mixed-use centers along existing transportation corridors
Locate commercial districts, especially retail, proximate to medium and high-density residential areas. Promote multimodal transportation linkages through appropriate design guidelines. Incorporate activity areas in the Master Plan.
4. Designate Route 33 East Center
 - a. Continue redevelopment investigation. Revise zoning to Village Center uses.
5. Integrate development of public facilities with residential facilities
Coordinate with Board of Education on new schools; encourage placement in areas within walking distance of neighborhoods. Assess in Master Plan.
 - b. Incorporate language for pedestrian and vehicular connections in subdivision and land development ordinance.
 - c. Develop access management plan for Route 9, Route 33 in coordination with NJ DOT and County.
 - d. Provide sidewalks along major roadways
 - e. Identify priority areas for new sidewalks along major roadways such as Route 9 and Route 33.

- f. Identify priority areas for new sidewalks along county and local roads, such as in the centers of Adelphia and Ramtown. Coordinate with adjoining municipalities and County.
 - g. Coordinate on "Capital to Coast" trail with County and adjoining municipalities.
 - h. Seek bicycle planning assistance from NJ DOT.
 6. Plan for the future M.O.M. line station
 - a. Consider all options for possible M.O.M. station.
 - b. Coordinate with New Jersey Transit Office of Project Development.
 7. Expand Route 9 park & ride facilities
 - a. Annually monitor parking lots to determine occupancy rate. Increase over-subscription if occupancy rate falls below 75%; seek new facilities on arterial or major collector roadways, or expand existing facilities if rate is above 90%.
 8. Improve image of transportation corridors
 - a. Prepare gateway enhancement plan as an amendment to the municipal circulation plan. Gateway locations are identified on WMDP municipal development framework plans. Coordinate gateway enhancement efforts between municipalities. Seek funding to facilitate aesthetic improvements.
 - b. Improve road aesthetics and signage system
 9. Incorporate guidelines recommended in the WMDP into local design standards.
 - Provide bike trail system
 - Provide pedestrian and vehicular connections to residential and commercial development
 - Adopt historic preservation ordinance.
 - c. Update historic preservation plan; adopt historic preservation ordinance and design guidelines to protect the character of historic areas.
 - Adopt scenic road overlay ordinance
 - d. Identify and designate all scenic roads, such as Adelphia Road (CR 524) in master plan. Adopt scenic road overlay zoning ordinance.
 - Prioritize farmlands and open space to preserve
 - e. Protect farmlands through purchase of development rights; the farmland preservation "PIG" program is currently making \$5M available.
 - f. Consider innovative zoning regulations to protect farmland.
- Coordinate State Plan area designations and zoning districts to be consistent, and reflect public sewer areas.
- Focus growth in new sewer areas around existing expanded centers such as Ramtown, Adelphia and Route 33 East Village.

State Development and Redevelopment Plan

On April 28, 2004 the State Planning Commission released the new preliminary State Development and Redevelopment Plan for the current (third) round of cross-acceptance. The Board of Chosen Freeholders designated the Monmouth County Planning Board to serve as the Negotiating Entity during this round of Cross-Acceptance of the State Development and Redevelopment Plan. The Planning Board's goal was to carry out the

required tasks associated with Cross-Acceptance as well as to provide Monmouth County municipalities with a set of planning tools that could assist them in strengthening the quality of life in their communities.

Preparation for Cross-Acceptance in Monmouth County started during the spring of 2004 when regularly scheduled staff meetings were held to determine what the county wished to accomplish during Cross-Acceptance. Staff decided that once again, individual municipal meetings would be held that would take care of required Cross-Acceptance matters, but would also provide an excellent opportunity to engage in a lively discussion on how to continually raise the bar on planning in our county. A Municipal Cross-Acceptance Questionnaire that contained twenty-eight questions on all aspects of planning was composed and used to discover the planning efforts of each municipality. To further facilitate discussions with municipal officials, staff began work on creating a series of county GIS data layers to help municipalities analyze the State's changes to the adopted State Development and Redevelopment Plan and to furnish municipalities with sufficient information to help them determine if Planning Area amendments were needed. In addition, the staff developed an inter-active GIS model that is based on municipal zoning and developable land to arrive at population and employment projections for each municipality (See appendix for a description of the model). In addition, staff compiled a Master Plan and Zoning Ordinance Inventory for each municipality to ensure that the Planning Board had the latest plans and ordinances on file.

Just prior to the start of Cross-Acceptance, the Monmouth County Planning Board released a Draft Planning Indicator Report. The planning indicators would serve as a tool for measuring the effectiveness of our planning initiatives throughout our county. Municipalities would have the opportunity to comment on the proposed planning Indicators during Cross-Acceptance.

The county "Cross-Acceptance Kick-off Meeting" was held on May 7, 2004 and the municipal Cross-Acceptance meeting with members of the Howell Township Planning Board and professional staff took place on July 21, 2004.

At the meeting one question asked was, "What are the top three planning issues facing your municipality?" Members of the Township cross-acceptance group stated,

- Residential lots size
- Rt. 9 redevelopment plan for southern portion of Route 9.
- Rt. 33 redevelopment study and
- Farmland preservation

Other issues discussed were changes to the State Plan Policy Map. In Howell the three centers were identified of Adelfia, Ramtown and the Route 33 East center. Other changes proposed by the State Planning Commission involved minor adjustments to the area along Route 9. The change involves removing areas from Planning Area 2 to Planning Area 4B.

The Final Report was submitted by the County to the State on January 31, 2005.

Residential Site Improvement Standards

On January 6, 1997 the Commissioner of the Department of Community Affairs adopted the Residential Site Improvement Standards (RSIS). The purpose of the RSIS is to reduce the multiplicity of standards for residential subdivisions and site plans improvements, which, prior to the adoption of RSIS existed throughout the State. Additionally, RSIS was adopted to eliminate unnecessary development costs for housing where there are no commensurate benefits to the protection of public health and safety. The RSIS have been amended several times since initially adopted (last amended December 16, 2002). Amendments address streets and parking, water supply, sanitary sewer and stormwater management.

Compliance is required with RSIS stormwater management regulations, which as of February 2, 2004 was required if a municipality has not adopted Municipal Stormwater Regulations. Road, Intersection, Sight Triangle, Curb, Sidewalk and Driveway Standards are addressed in RSIS for Streets and Parking. It should be noted that RSIS for Streets and Parking addresses intersection, curb, sidewalk stormwater and driveway standards for residential development only.

C. 40:55D-89c **“The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.”**

Key Assumptions

In preparing this Reexamination Report the Howell Township Planning Board identified the following key assumptions.

1. The Planning Board has expressed its continued concern about the protection of stream corridors and flood prone areas and that regulations should be continued to be implemented for these areas. This is especially important with the number of subwatersheds which drain to Category 1 waters.
2. The Planning Board has expressed its concern about the long term impacts of State transportation improvements and impact on local streets.
3. The Planning Board believes it must coordinate permitted land uses with transportation improvements made by the State or the County.
4. The Planning Board is concerned about the amount of development in undeveloped areas and believes the land use designation should be modified to decrease the intensity of future development.
5. The Planning Board is of the opinion that areas that are environmentally sensitive areas and public open space should be designated accordingly to reflect the public’s concern and property.
6. The Planning Board is of the opinion that recent Court decisions on environmental factors should be taken into account in the Board’s exerciser of its of its land development regulations.
7. The Planning Board is concerned about the amount of residential development that is taken place on individual lots and believes it should regulate the amount of development that is permitted on a lot basis.
8. The Planning Board is of the opinion that the rural character of the Township should be maintained
9. The Planning Board is of the opinion it is concerned about outcomes of its planning and needs a method of measuring its success.
10. The Planning Board understands the importance of providing needed housing types within the Township especially the demand for age-restricted housing.
11. The Township should as appropriate safeguard historic districts, buildings and structures.
12. The Planning Board perceives the necessity to preserve open space and agricultural lands in the Township
13. The Planning Board recognizes the need to advance sustainable developments in the Township and to advance where appropriate the redevelopment of Brownfields in the Township.

It is the Planning Board's intention to translate these assumptions into land use and land use policies in developing revisions to its Master Plan and Land Development Ordinances.

Demographics

Howell Township's population in 2000 was 48,903 as compared to its 1990 population of 38,987. This was the increase in population of over 25%. At the same time, there was an increase in the number of households from 12,777 in 1990 to 16,063 in 2000. This change is reflected in the Township's experience of a 26% increase in the comparable number of household which corresponds with the increase in population. Also, the number of children under the age of 19 has increased by approximately 43% over the last decade. The population estimate in 2004 for Howell Township was 50,693. According to the Monmouth County Cross-Acceptance Report, the 2010 projection for the Township is 55,268 and for 2020 the figure is 57,088.

The 2004 estimate shows an increase of 3.7% since 2000, while the County projections are 13% between 2000 and 2010 and only 3% between 2010 and 2020. The latter figures show a slowdown in the significant increase experienced in the Township between 1980 and 2000 of 95%.

The Township is best described as a rural residential community in character. The resident labor force is 23,274 in 2003 and resident employment in 2003 was 22,007. The average resident unemployment rate in 2003 was 5.4% an increase from the prior years of 3.8%.

The following table provides a comparison of selected 1990 and 2000 Census data:

Comparison of Selected 1990 & 2000 Census Data

Description	1990	2000	Percentage of Change
Population	38,987	48,903	25%
# of Households	12,777	16,063	26%
Households with Children -	6,072	7,962	31%
Residency over 5 years	19,310	28,019	45%
Workforce	18,746	23,400	25%
Median Income	\$47,912	\$68,069	42%
Housing Value ¹	\$159,500	\$172,400	8%

SOURCE: US Census

Since 2000 through 2003, Howell has seen 683 single family home building permits issued. In 2004, 254 building permits were issued for single-family homes at a value of \$31,692,623 or an average of \$124,744 per unit².

¹ Owner-occupied

² Building permits address building starts as well as redevelopment and modifications to structures.

Cross-Acceptance III

On April 28, 2004, the State Planning Commission (SPC) released the Preliminary State Development and Redevelopment Plan (PSDRP) for the purpose of updating the State Development and Redevelopment Plan (SDRP). The Monmouth County Planning Board assumed the responsibility of coordinating the cross-acceptance process in Monmouth County for all of its municipalities. It also will act as the County's Negotiating Entity with the Office of Smart Growth and the State Planning Commission. The County submitted its Cross-Acceptance Report on January 31, 2005.

The County solicited information and comments from the Township and other municipalities on future growth and preservation as presented in the municipality's master plan, reexamination report and zoning ordinance. The County also requested that municipalities identify any changes that the municipality would like to have made to the State Plan Statewide Goals, Strategies and Policies, changes to the description, delineation criteria, intent, policy objectives, and/or implementation strategy of any planning area, any proposed changes to the description or delineation of centers and/or environs, any proposed changes to the delineation of Planning Areas, Critical Environmental Sites (CES) or Historic and Cultural Sites (HCS) on the State Plan map and whether the municipality is interested in petitioning for Plan Endorsement.

Plan Endorsement is a voluntary review process that is designed to assist government agencies at all levels to develop and implement plans that will achieve the goals, policies and strategies of the State Plan. The plan endorsement process establishes a method by which government agencies at all levels may develop capital investment and planning decision-making mechanisms that are consistent with the State Plan and are coordinated with one and the other. The end product of the review is intended to provide sufficient information so that the State Planning Commission, acknowledging the local context, can make a final determination as to the level of State Plan consistency achieved by the petitioner, and the petitioner's commitment to the implementation of the State Plan.

The purpose of the Plan Endorsement process is to reach the following goals by increasing the consistency among municipal, county, regional and State agency plans with each other and with the State Plan, and to facilitate the implementation of these plans.

The goals are to:

1. Encourage municipal, county, regional and state agency plans to be coordinated and support each other to achieve the goals of the State Plan;
2. Encourage municipalities and counties to plan on a regional basis while recognizing the fundamental role of the municipal master plan and development regulations;
3. Consider the entire municipality, including Centers, Cores, Nodes and Environs, within the context of regional systems;
4. Provide an opportunity for all government entities and the public to discuss and resolve common planning issues;
5. Provide a framework to guide and support state investment programs and permitting assistance in the implementation of municipal, county and regional plans that meet statewide objectives; and

6. Learn new planning approaches and techniques from municipal, county and regional governments for dissemination throughout the state and possible incorporation into the State Plan.

7. Ensure that petitions for Plan Endorsement are consistent with applicable State land use statutes and regulations.

The Monmouth County Planning Board has submitted the Western Monmouth Development Plan to the State Planning Commission. The Township participated in the development of the Plan and as has been previously noted a Planning Agenda has been developed for the Township.

Having participated to some extent in the development of the Plan the Planning Board has a vested interest in the advancement of the Plan through Plan Endorsement. Some specific issues are the designation of a regional center extending into Howell Township from Freehold Borough and the establishment of a new center in the proximity of Route 33 and 34. Regarding the latter the Planning Board sees the possibility of making certain changes in the area which may advance a center, but is not of the opinion to create a center boundary at this time.

The Freehold Regional Center raises more concerns in that parts of it extend into areas below Route 33 which are part of the Township's agricultural base. Primarily, these areas have a majority of the prime agricultural lands within the Township. The County has expressed an interest in addressing the concerns of the Board.

According to the Plan Endorsement Guidelines adopted by the State Planning Commission in 2004 "One of the goals of the State Plan is to *ensure sound and integrated planning and implementation statewide* (The New Jersey State Development and Redevelopment Plan, 2001, Goal 8). As such, the State Planning Commission will give priority to petitions received from counties, regional entities, and urban complexes, as well as to municipalities that submit their master plans as part of a petition from a county, regional entity or urban complex. The State Planning Commission will also give priority consideration to municipal petitions that have the support of counties with endorsed plans and joint petitions from more than one municipality within a region.

State agencies are playing a major role in Plan Endorsement and in doing so they have identified a number of benefits to those that participate. Some examples are:

- (a) After Initial Plan Endorsement, DEP will provide a coordinated regulatory process for specific projects that are consistent with the State Development and Redevelopment Plan as requested by the local government entity (Stream Corridor Protection Plan for Route 9).
- (b) COAH encourages municipalities to develop a plan for addressing its affordable housing obligation early in the initial plan endorsement process, when flexibility of approach is optimal, and will work closely with municipalities that receive initial plan endorsement to help them achieve COAH substantive certification. Even though the Township has received Substantive Certification it needs to think about the third round, the Township should not get to far behind in securing the construction of units or collection of adequate funds to pursue construction on its own since

growth share obligation started in 2004 with the issuance of each certificate of occupancy issued.

- (c) The Board of Public Utilities (BPU) has proposed regulations that will reduce the up front money developers have to pay to receive utility service in smart growth areas and ensure that they will be reimbursed more quickly for those up front costs. BPU is also developing regulations that would establish a pilot program that would provide incentives to utilities to guarantee that developers in Smart Growth Areas, such as Route 9, will have utility service available on time to meet their schedules.
- (d) As part of the services offered by DEP for municipalities seeking to become endorsed, the Department will research historic permitting issues within the community to identify the needs and issues which are most critical to protecting natural resources and systems, public health, and historic sites and provide guidance tailored to these issues that will help a petitioner to complete its petition for Plan Endorsement.
- (e) All State agencies are in the process of reviewing their funding programs to determine which programs will be available for municipalities with Initial Plan Endorsement and which will be available with Advanced Plan Endorsement. For some funding programs priority points will be awarded following Initial Plan Endorsement and additional priority points will be awarded when additional tasks are completed. Some of the Programs identified are: Farmland Preservation Programs (Plan Endorsement criteria will be considered when the SADC criteria is revised to incorporate Smart Growth initiatives), Economic Development Authority's Brownfield Redevelopment Loan Program, Garden State Historic Preservation Trust – grants, Community Affairs Smart Future Planning Grants, and Department of Transportation's Local Aid Program.

Needing the participation and cooperation of certain State agencies the Township may want to file for Plan Endorsement under the County the umbrella of the County's Plan which will address many of the major regional issues such as open space, water supply and wastewater treatment and most importantly transportation.

Council on Affordable Housing

As previously noted COAH adopted new rules for a third round of affordable housing, which became effective on December 20, 2004. Key features in the rule package are:

- The rehabilitation share (substandard units the municipality is responsible for rehabilitating);
- The remaining new construction obligation or net prior round obligation, (the municipality's past obligation from rounds one and two);
- Growth share or prospective need, which is a portion of municipally determined growth (One affordable unit for each eight (8) new homes or 25 jobs); and
- The Third Round Methodology is for the period 1999 to 2014.

Although Howell Township is not under the pressure of having a Housing Element and Fair Share Plan in place by the end of this year as many municipalities face as of January 1, 2004 with the issuance with each certificate of occupancy issued the Township's third round growth share is mounting. For this reason it is important that the Township Council gets in place a growth ordinance that can truly address the ability to have its growth share addressed.

Monmouth-Ocean-Middlesex Rail Project (MOM)

During the past three decades, thousands of people residing in the older urban core of the New York-New Jersey metropolitan area have relocated south to Monmouth, Ocean and Middlesex counties. Many of these residents continue, however, to work in the urban areas to the north, placing heavy demands on the existing commuter rail and bus services in the tri-county area, as well as the highways. While rail transportation facilities exist (Northeast Corridor Line, North Jersey Coast Line), they hug the perimeters of the primary study area, leaving a wide area of the counties in between without direct rail service. Using the highway network in place, bus service has continued to evolve, filling in the gaps where it could. However, both the highway network and bus system have reached levels of inefficiency, resulting in the conduct of numerous studies of the Monmouth-Ocean-Middlesex transportation problem.

The 1996 MOM Major Investment Study indicated that transportation investment was needed in the primary study area due to the following existing and forecasted reasons:

- Growth and development in the region continue at high rates
- Increased travel is causing congestion and stretching transit capacity
- Most municipalities in the primary study area do not have direct access to public transit in their towns. Residents in these municipalities lack rail service and any nearby bus service is often inconvenient and limited.
- Delay affects all transit users, but commutes by bus or rail from the southern part of the primary study area generally take at least two hours from door to door
- Air quality is a serious problem

While transportation investments have been programmed (and some implemented) in the primary study area in the past six years, each of the above reasons for needing a major investment continue to exist.

In April 2005 NJ Transit released the findings of the Draft Environmental Impact Statement to the public. It recommended the following alternatives for further analysis in the upcoming MOM DEIS:

- **Baseline Alternative** - The baseline alternative will include no-build conditions, plus any low cost and cost-effective transit improvements (Transportation Systems Management) that can be implemented. This alternative therefore serves as a baseline condition against which the other alternatives can be compared. This alternative will aid in understanding what additional benefits and impacts are associated with the proposed new start alternative.
- **Commuter Rail: Monmouth Junction to Lakehurst** - This commuter rail alternative uses an existing 40.1-mile rail corridor that runs from Monmouth Junction,

in South Brunswick Township to Lakehurst. This alternative would provide diesel commuter rail service to communities in Middlesex, Monmouth and Ocean counties. The line would begin at Monmouth Junction (South Brunswick), where the Jamesburg Branch partially joins the Northeast Corridor (NEC). A tunnel connection has been proposed to connect the new service to the NEC. From Monmouth Junction, the line would continue southeast from Monmouth Junction, Jamesburg, Monroe, Englishtown, Manalapan, Freehold Borough, Freehold Township, Howell and Farmingdale. A new rail connection would be required in Farmingdale. It would proceed southward from Farmingdale to Lakehurst passing through Howell, Lakewood, Jackson, Dover, and Lakehurst/Manchester. Trains on this line would also operate on the NEC between Monmouth Junction and Newark. Passengers destined for New York would transfer at Newark. Eight new stations and a train storage yard would be constructed.

- **Commuter Rail: Red Bank to Lakehurst** - This commuter rail alternative uses the 27.65-mile Southern Secondary (Southern Branch) that runs continuously from Red Bank to Lakehurst. This alternative would provide diesel commuter rail service to communities in Monmouth and Ocean counties. The new line would join NJ Transit's North Jersey Coast Line (NJCL) at the existing Red Bank station with a new at-grade track connection. This commuter rail alternative would establish diesel commuter rail service from Red Bank junction through Shrewsbury, Eatontown, Tinton Falls, Colts Neck, Wall, Howell, Lakewood, Jackson, Dover, and Lakehurst/Manchester. Trains would operate on the NJCL between Red Bank and Rahway and on the Northeast Corridor (NEC) from Rahway to Newark. Passengers destined for New York would transfer at Newark. Six new stations and a train storage yard would be constructed.
- **Commuter Rail: Matawan to Lakehurst** - This commuter rail alternative uses an approximately 35.8-mile rail corridor that runs from Matawan to Lakehurst. This alternative would provide diesel commuter rail service to communities in Monmouth and Ocean counties. The line would begin at Matawan, where a new at-grade connection would tie the Freehold Branch to the North Jersey Coast Line (NJCL). It would proceed south from Matawan to Marlboro, Manalapan, Freehold Borough, and Freehold Township. New connections would be required at both Freehold and Farmingdale. It would then continue to proceed southward from Farmingdale to Lakehurst, passing through Howell, Lakewood, Jackson, Dover and Manchester. Trains would operate on the NJCL between Matawan and Rahway and on the Northeast Corridor (NEC) from Rahway to Newark. Passengers destined for New York would transfer at Newark. Seven new stations would be constructed, as well as a train storage yard. In addition, a new junction would be constructed in Matawan to reconnect the Freehold Branch with the NJCL. Also, a new platform in Aberdeen Township on the Freehold Branch would be constructed.

The following table summarizes the characteristics of each build alternative being studied in the MOM DEIS:

Characteristic	Monmouth Junction Alternative	Red Bank Alternative	Matawan Alternative
Lakehurst to network connection	40 miles	28 miles	36 miles
Lakehurst to Newark Penn	71.7 miles	62.2 miles	58.7 miles
Daily Service	44 Trains	44 Trains	44 Trains
Service Type	Diesel	Diesel	Diesel
Proposed New Stations	8	6	7
Proposed Stops on Existing Line	4 (NEC)	5 (NJCL)	3 (NJCL)
	<i>All include one off-peak stop at EWR Liberty Airport Station</i>		
Average Operating Speed from Lakehurst to Newark Penn (Including Stops)	38.3 mph	37.4 mph	35.5 mph
Number of Grade Crossings (Public only)	57	37	58
Total Travel Time (Lakehurst to Newark Penn)*	1:50:00	1:37:00	1:35:00

All of the three proposals would traverse through the Township. The only alternative which would result in a station in the Township is the Red Bank Alternative. It would result in a station along Route 33 in the northern part of the Township and another station south along Glen Oak Road.

Frequency Engineering Laboratories

Frequency Engineering Laboratories and Vacarro Construction or William Hurley Industrial Complex is located on Lakewood- Farmingdale Road (County Route 547) on approximately 113 acres within an SED District adjacent to the Borough of Farmingdale. Within the last few years the owner of the facility has filed bankruptcy and presently is in Bankruptcy Court where a Plan for the orderly Liquidation of the Debtor's assets including the sale of the Hurley Industrial Complex.

In addition, NJDEP has initiated a publicly funded site remediation program to evaluate risks from contamination detected in site audits and assessments on the property. Besides the failure of the Township to collect property taxes over the last several years the Township Council is concerned about the environmental impact of the site on groundwater and the disposition of the site especially a public auction of the site. Also, NJDEP has projected remediation taking five years.

If the property is auctioned, there is the possibility of someone using the facility as is with no improvements, and there is the possibility of the Township being approached to rezone the property. Another option to be considered is the Township's determination of the site as an Area in Need of Redevelopment under N.J.S.A. 40:12A-1 et seq. The latter option make the Township eligible for State assistance in carrying out remediable actions

since there are a number of State grant programs to assist local governments only. It also would allow the Township to direct the redevelopment process in terms of future development.

Master Plan Revisions

In developing the Reexamination Report, the Planning Board reviewed its Master Plan in the context of the Municipal Land Use Law requirements for a Master Plan, as well as the extent to which the Master Plan conforms to the Fair Housing Act, the Solid Waste Management Act and its eligibility for State financial assistance.

Article 3 of the Municipal Land Use Law addresses the municipal Master Plan. N.J.S.A. 40:55D-28 b states, "The master plan shall generally comprise a report or statement and land use and development proposals, with maps, diagrams and text, presenting, at least the following elements (1) and (2):

- (1) A statement of objectives, principles, assumptions, policies and standards upon which the constituent proposals for the physical, economic and social development of the municipality are based;
- (2) A land use plan element (a) taking into account and stating its relationship to the statement provided for in paragraph (1) hereof, and other master plan elements provided for in paragraphs (3) through (12) hereof and natural conditions, including, but not necessarily limited to, topography, soil conditions, water supply, drainage, flood plain areas, marshes, and woodlands; (b) showing the existing and proposed location, extent and intensity of development of land to be used in the future for varying types of residential, commercial, industrial, agricultural, recreational, educational and other public and private purposes or combination of purposes; and stating the relationship thereof to the existing and any proposed zone plan and zoning ordinance; and (c) showing the existing and proposed location of any airports and the boundaries of any airport safety zones delineated pursuant to the "Air Safety and Zoning Act of 1983," P.L. 1983, c.260 (C.6:1- 80 et seq.); and (d) including a statement of the standards of population density and development intensity recommended for the municipality;"

In 1985 N.J.S.A. 40:55D-b (3) was amended to read that "(3) A housing plan element pursuant to section 10 of P.L. 1985, c.222 (C. 52:27D-310), including, but not limited to, residential standards and proposals for the construction and improvement of housing;" This section was amended with the enactment of the Fair Housing Act.

Under N.J.S.A. 40:55D-28d the MLUL requires "d. The master plan shall include a specific policy statement indicating the relationship of the proposed development of the municipality, as developed in the master plan to (1) the master plans of contiguous municipalities, (2) the master plan of the county in which the municipality is located, (3) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," sections 1 through 12 of P.L. 1985, c.398 (C. 52:18A-196 et seq.) and (4) the district solid waste management plan required pursuant to the provisions of the "Solid Waste Management Act," P.L. 1970, c.39 (C. 13:1E-1 et seq.) of the county in which the municipality is located".

With a comprehensive Master Plan adopted in 1994, the Planning Board has determined to conduct updates to the Master Plan incrementally to address these requirements. The

Planning Board in 2004 reaffirmed its 1994 Land Use goals. In 2001 the Planning Board affirmed the Conservation, Open Space and Recreation goals and established goals for Farmland Preservation. The balance of its goals is retained within the 1994 Master Plan. A Land Use Plan Update was adopted in 2004. A Solid Waste and Recycling Element have not been conducted, but the Planning Board did conduct a review of its compatibility with adjacent municipalities and the State Development Plan in 1994.

In 2003 the Township adopted a Housing element and a Fair Share Plan, which was adopted and submitted to COAH to obtain Substantive Certification

In reviewing these activities and the specific requirements of the M.L.U.L. for a Master Plan, the 2002 Reexamination Report recommended the preparation of a statement of goals, objectives and policies. It also recommended an updated Land Use Element which the Board did address in 2004.

The 2002 Reexamination Report recommended the development and adoption of a Recycling Plan Element, and to address consistency with the Monmouth County Solid Waste Management Plan.

During development of the 2005 Reexamination Report, the Planning Board discussed a number of amendments to the Master Plan. One item in particular was the development of an amended Land Use Element to rectify issues that were not addressed in the 2004 update. Specifically, the Planning Board determined that it should evaluate the zoning in North Howell. Also, based on the findings of the Report on Age-Restricted Housing the Planning Board determined a policy framework on age-restricted housing should be developed and incorporated within the Land Use Element.

To support the Land Use Element the Planning Board also determined that the Conservation Element should be updated.

In light of the recommendation of the 2002 Reexamination Report the Planning Board identified the need to conduct a comprehensive review of the 1994 goals and objectives to reflect the assumptions and policies reflected in several of the planning documents it has prepared.

The Planning Board also determined that a comparison of plans has been conducted by the Planning Board especially in light of the participation of the Township in the Western Development Plan.

Land Development Ordinance

With regard to the Township's Land Development Ordinances, the Planning Board identified a number of zoning, development and design regulations that should be investigated and potentially incorporated in to the LDO. These include:

1. The development of amendments to the bulk standards for lot coverage in the residential zones;
2. Address stormwater regulations based on the changes in the new stormwater rules;
3. Incorporating architectural standards into the land use ordinance to address nonresidential development;

4. Incorporation of amendments to certain zoning districts for age-restricted residential development;
5. Identification and incorporation of rural conservation strategies for the ARE districts;
6. Propose amendments to the zoning map to reflect recommendations of the 2004 Land Use amendments and others as viewed appropriate by the Board;
7. Determine techniques for increasing minimum required lot size in light of the Fair Haven and Atlantic Highlands decisions, which nullified the Manalapan decision relating to the calculation of density based upon environmental resource constraints;
8. With the adoption of the new stormwater regulations a definitional difference between measuring the Special Water Resource Protection Areas and the Township's Riparian Buffer Ordinance, the Township should revise the ordinance to conform to state regulations.

40:55D-89d. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.

After review of the Master Plan, land development ordinance, and discussion of other planning issues in preparation of the 2005 Reexamination Report, the Planning Board has identified the following recommendations.

Master Plan

1. The Planning Board should update its goals and objectives to reflect the priorities of the Planning Board and the preparation of new element and amendments to its Master Plan.
2. The Planning Board should update its Conservation Plan element in a manner that sets forward policies that support and implement the Land Use Element.
3. The Planning Board also within the Conservation Plan element should incorporate certain environmental constraints information, including but not limited to land use/land cover, geology, forested areas, wetland areas, stream quality and subwatersheds, farmland capability, septic capability, depth to seasonal high water table and critical habitat areas.
4. The Planning Board should amend the Stormwater Management Plan to incorporate a discussion on Category 1 waters and a recommendation to conduct a Stream Corridor Protection Plan for the Route 9 corridor.
5. The Planning Board should amend the Land Use Element to rezone certain areas based on the Farmland Preservation Plan, environmental characteristics and the policies and recommendations of the State Development and Redevelopment Plan and the Western Monmouth Development Plan.
6. The Planning Board in amending the Land Use Element should develop a policy framework for incorporation into the Master Plan ways to identify changes it wants to recommend on age-restricted housing.
7. The Planning Board should evaluate development options for the ARE zones as well as consideration of their appropriateness in meeting the purposes of the zones.
8. The Planning Board should advance the concept of mixed use development;
9. There have been a number of changes in regulations, State law, regional and State planning initiatives, and local assumptions forming the basis of the master plan and development regulations since adoption of the last Land Use Plan element that suggest the need for an updated Land Use Plan, including:
 - State Development and Redevelopment Plan;
 - Western Monmouth Development Plan especially the planning agenda;;
 - Third Round COAH rules adoption;
 - Continued demographics changes; and

- The MOM Line draft Environmental Impact Statement.
10. The Planning Board should prepare a Policy Statement as required by N.J.S.A. 40:55D-28d of the MLUL, indicating the relationship of the proposed development of the municipality, as developed in the master plan to (1) the master plans of contiguous municipalities, (2) the master plan of the county in which the municipality is located, (3) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," sections 1 through 12 of P.L. 1985, c.398 (C. 52:18A-196 et seq.) and (4) the district solid waste management plan required pursuant to the provisions of the "Solid Waste Management Act," P.L. 1970, c.39 (C. 13:1E-1 et seq.) of the county in which the municipality is located”.
 11. The Planning Board should consider the simultaneous submission of its planning documents for review by the State Planning Commission to secure Initial Plan Endorsement with the Monmouth County Planning Board submission of the Western Monmouth Development Plan.

Land Development Ordinance

The Planning Board has identified the following recommended changes and modifications to the Land Development Ordinance and actions to support the implementation of the Township’s Master Plan. They are:

1. Based on the recent Atlantic Highlands and Fair Haven Decisions (Reversal of Manalapan decision) the Planning Board recommends an investigation into whether the Land Development ordinance should be amended to provide a partial credit for constrained land, reduce development of critical resource areas and increase the required lot size to avoid such areas at the time of subdivision.
2. The Planning Board recommends that the Township Committee
 - a. Incorporate architectural standards into the land use ordinance to address nonresidential development that is proposed in the Township;
 - b. Amend its coverage requirements in its residential zones;
 - c. Adopt the development options in the 2005 Land Use Plan for the ARE zones;
 - d. Amend the development options in certain zones to incorporate the age-restricted policy framework from the Land Use Element;
 - e. Address stormwater regulations based on recommendations in the new stormwater management plan.
 - f. Consider zoning recommendations from the 2004 Land Use Plan Amendment.
 - g. Consider amending the Riparian Buffer ordinance to establish conformance with state regulations for Special Water Resources Protection Areas in terms of measuring the distance of the buffer;

- h. Develop a “grandfather ordinance” for individual property owners that may be become non-conforming because of zoning changes.
- i. Consider revising the zoning map to merge special zoning districts into the broader policy districts;
- j. Consider a method of controlling the size of residential floor area; and
- k. Provide the Planning Board the means of addressing signage issues;
- l. Amend the Land Development Ordinance to conform to all zoning and design recommendations of the 2005 Land Use Plan as identified in Figure 1 of this document

C. 40:55D-89e “The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," P.L. 1992, c. 79 (C.40A: 12 A-1 et seq.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.”

To date Howell Township has not prepared or adopted any redevelopment plans for any areas of the municipality in accordance with the Local Redevelopment and Housing Law cited above. Based on the foregoing sections of the reexamination report, the Howell Township Planning Board recommends exploring and evaluating the merits of designating a redevelopment area for William Hurley Industrial Complex to determine whether a redevelopment plan should be prepared to facilitate the revitalization of the site.

To advance the goals of the master plan, the Township Council should determine whether a preliminary redevelopment area investigation by the Planning Board should be prepared pursuant to the Local Housing and Redevelopment Law, as a first step toward determining the role of the municipality in the redevelopment process.