

**ORDINANCE NO. 2015-19  
TOWNSHIP OF OCEAN  
COUNTY OF OCEAN, NEW JERSEY**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF OCEAN APPROVING A REDEVELOPMENT PLAN  
GOVERNING BLOCK 169, LOTS 8.01, 12 AND 13, AND BLOCK 191,  
LOT 13, PURSUANT TO THE NEW JERSEY LOCAL  
REDEVELOPMENT AND HOUSING LAW (N.J.S.A. 40A:12A-1, ET SEQ.)**

**WHEREAS**, the New Jersey local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., authorizes the Township Committee of the Township of Ocean (“the Governing Body”) to adopt by ordinance redevelopment plans and amendments to redevelopment plans for areas in need of redevelopment or rehabilitation; and

**WHEREAS**, the Governing Body designated the Waterfront Development District (WD District on the Township Zoning Map) as an area in need of redevelopment; and

**WHEREAS**, the Governing Body has determined that it is in the best interest of the Township of Ocean to adopt a redevelopment plan to better utilize areas of land situated along the Yacht Basin Lagoon and Pennsylvania Avenue, which include Block 169, Lots 8.01, 12 and 13, and Block 191, Lot 13 (“the Waretown Harbor Redevelopment Plan Area”) to permit single family residential development and marina within the area; and

**WHEREAS**, the Governing Body has determined that a redevelopment plan for this area will transform underutilized property into productive use to fulfill the needs identified within the Master Plan and underlying Waterfront Development (WD) zoning district; and

**WHEREAS**, the Township Planner, T&M Associates, has prepared a Redevelopment Plan entitled “Redevelopment Plan for Waretown Harbor” dated November 10, 2015, (the “Redevelopment Plan”), a copy of which is attached hereto as Exhibit A; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12-7, the Governing Body referred the Redevelopment Plan to the Planning Board for its review and recommendations; and

**WHEREAS**, the Governing Body hereby determines that the Redevelopment Plan is necessary and appropriate and will effectuate redevelopment objectives within the Township.

**NOW THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Ocean, in the County of Ocean, that the Redevelopment Plan for Waretown Harbor attached hereto dated November 10, 2015, is hereby adopted; and

**BE IT FURTHER ORDAINED**, that all prior Ordinances that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency; and

**BE IT FURTHER ORDAINED**, that this Ordinance shall become effective immediately upon final passage and publication as required by law, as the “Redevelopment Plan for Waretown Harbor.”

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced and passed by the Township Committee of the Township of Ocean on first reading at a meeting held on the 12th day of November, 2015. The Ordinance will be considered for second and final reading at a meeting of the Township Committee which is scheduled for the 10th day of December, 2015, at 6:30 p.m., or as soon thereafter as the matter may be reached, at the Municipal Building located at 50 Railroad Avenue, Waretown, New Jersey, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.

Date: First Reading: November 12, 2015  
Second Reading: December 10, 2015

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Diane B. Ambrosio, RMC  
TOWNSHIP CLERK

**REDEVELOPMENT PLAN**  
**FOR**  
**WARETOWN HARBOR**  
**BLOCK 169, LOTS 8.01, 12 & 13; BLOCK 191, LOT 13**  
**TOWNSHIP OF OCEAN**  
**OCEAN COUNTY, NEW JERSEY**

REVISED DRAFT  
November 10, 2015

Prepared By



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

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**Stan Slachetka, AICP, P.P.**  
**New Jersey Professional Planner**  
**License No. LI-3508**

## TABLE OF CONTENTS

### Contents

<b>Introduction</b> .....	1
<b>Statutory Requirements</b> .....	1
<b>Redevelopment Area Description</b> .....	2
<b>Redevelopment Plan Objectives</b> .....	2
<b>Environmental Constraints and Access</b> .....	3
Environmental Constraints.....	3
Access .....	3
<b>Relationship to Definite Local Objectives</b> .....	3
Master Plan .....	3
Housing.....	4
Design .....	4
<b>Relationship to Township Zoning and Land Development Regulations</b> .....	4
Current Zoning.....	4
Relationship to Current Zoning.....	4
<b>Proposed Land Use and Building Requirements</b> .....	4
Design Concept.....	4
<b>Land Use and Building Requirements</b> .....	6
<b>Planning Relationships</b> .....	11
Ocean Township Master Plan .....	11
Adjacent Municipalities .....	11
Ocean County.....	11
State Development and Redevelopment Plan (SDRP).....	11
<b>Administrative and Procedural Requirements</b> .....	11
Amending the Redevelopment Plan.....	11
Planning Board Review Process .....	12
<b>Redevelopment Actions</b> .....	13

## Introduction

This Redevelopment Plan represents an opportunity to reinvent and better utilize areas of land situated along the Yacht Basin Lagoon and Pennsylvania Avenue. The Waretown Harbor Redevelopment Plan will regulate the means of transforming the identified area into a productive mixed use section of the Township of Ocean, providing for residential use in the form of single family housing and water dependent use in the form of recreational marinas. The plan will transform underutilized property into productive use to fulfill the needs identified within the Master Plan and underlying Waterfront Development (WD) zoning district. The Plan area consists of four (4) tax lots: Block 169, Lots 8.01, 12 & 13 and Block 191, Lot 13.

The site in its current condition is undeveloped with the exception of previously constructed bulkheads and seawall along the lagoons. The site is located in the eastern portion of the Township, east of Route 9. The site has frontage on Pennsylvania Avenue, a municipal roadway. The surrounding neighborhood consists of mixed commercial and residential uses where existing marinas function in concert with existing residential single family homes, similar to the planned uses.

## Statutory Requirements

This Redevelopment Plan is written pursuant to Section 7 of the LRHL (N.J.S.A. 40A:12A-7), which provides that “no redevelopment project shall be undertaken or carried out except in accordance with a redevelopment plan adopted by ordinance of the municipal governing body.” Pursuant to the requirements of the LRHL, the redevelopment plan shall include an outline for the planning, development, redevelopment, or rehabilitation of the project area sufficient to indicate:

1. Its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
2. Proposed land uses and building requirements in the project area.
3. Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in existing local housing market.
4. An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan.
5. Any significant relationship of the redevelopment plan to: (a) the master plans of contiguous municipalities; (b) the master plan of the county in which the municipality is located; and (c) the State Development and Redevelopment Plan adopted pursuant to the “State Planning Act.” P.L. 1985, c.398 (C.52:18A-196 et al).

The Waretown Harbor Redevelopment Plan addresses each of these requirements as described in the following section of the plan.

## Redevelopment Area Description

The Waretown Harbor site is located east of Main Street along Pennsylvania Avenue, with water frontage on the Yacht Basin Lagoon and the Louise Lagoon (see Figure 1). Surrounding land uses include single-family residential lots and several marinas. The subject property, identified on Township Tax Maps as Block 169, Lots 8.01, 12, 13 and Block 191, Lot 13 is 5.96 total acres in size. The land is location within the Waterfront Development (WD) Redevelopment District.

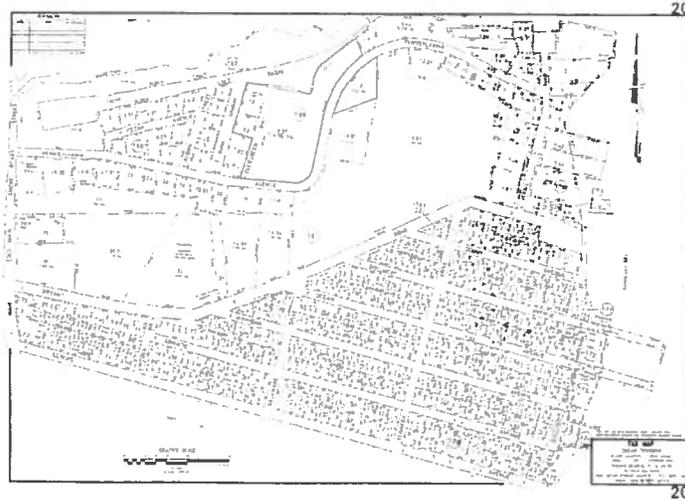


Figure 1

## Redevelopment Plan Objectives

The goals and objectives of the redevelopment plan are as follows:

- A. Protect the health, safety, and welfare of the citizens of the Township of Ocean by creating a multi-family residential development project and marina having a unified design theme that incorporates principles of neo-traditional design, provides pedestrian and vehicular linkages to adjoining properties and the planned Town Center;
- B. Provide tax ratables for the Township through the redevelopment of the area;
- C. Promote the overall economic and land use objectives of the Township's Master Plan;
- D. Provisions for site improvements for the visual and aesthetic enhancement of the Redevelopment Area;
- E. Provisions for new structures and complimentary facilities that are consistent with the primarily residential character of the surrounding area;
- F. Provide access to the water for recreational use via development of recreational marine uses, for which there is a demonstrated need;
- G. Provide housing designed in a traditional Jersey Shore housing style with decorative facades and porches, stoops or dormers facing streets.
- H. Provide for the redevelopment of the area without the use of eminent domain;
- I. Provisions for the orderly re-use or improvement to the infrastructure and utility connections for the completed development;

## Environmental Constraints and Access

### Environmental Constraints

Freshwater Wetlands are located on portions of the property. All development respects the limits of Freshwater Wetlands and associated buffers, in accordance with current NJDEP requirements.

### Access

Access to the site will be directly from Pennsylvania Avenue, a municipal roadway in good repair, with an adequate cartway and right-of-way. Residential access is envisioned as direct driveway access to the public street.

## Relationship to Definite Local Objectives

### Master Plan

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
- Route 9 – Phase I Redevelopment Plan – July 9, 2004
- Amended Land Use Plan Element, Circulation Plan Element and Master Plan Reexamination – December 14, 2005
- 2007 Economic Redevelopment Plan Amendments – December 2007
- Zoning Map Amendments – November 13, 2008
- 2008 Housing Element and Fair Share Plan – December 2008
- 2015 Master Plan Reexamination Report

Regarding land use issues in the Township, the 2005 Reexamination Report reaffirmed the following Community Goals and Objectives from previous plans and recommended several new goals as follows:

“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 limit growth in environmentally sensitive areas”. (Page 1 – 2005 Amended Land Use Plan Element)

### Housing

- Encourage a variety of housing types suiting the needs of all income and age levels.
- Incorporate low and moderate income housing in centers.

### Design

- Create building design which ensures privacy, safety and contributes to the long-term desirability of the community.
- Create small-town charm as key design element for future development.

The goals and objectives of the redevelopment plan are designed to effectuate these overall goals and objectives as stated in the Township's comprehensive planning documents. Therefore, the redevelopment plan is consistent with the Township's Master Plan and Master Plan Reexamination Report.

## Relationship to Township Zoning and Land Development Regulations

### Current Zoning

Based upon the adopted Zone Plan of the Township of Ocean, the properties comprising the Redevelopment Area are located within the Waterfront Development (WD) district.

### Relationship to Current Zoning

The Redevelopment Plan area delineated shall be redeveloped in accordance with the permitted uses, development requirements, and design standards detailed in this plan. In order to implement the Redevelopment Plan consistent with the goals and objectives herein, this Redevelopment Plan supersedes the use, bulk and design standards provisions of the Township Land Development Ordinance as they relate to the Area governed herein. Other Township regulations affecting development that are in conflict are also superseded by this Redevelopment Plan. However, existing engineering standards, definitions, and sections of the Land Development Ordinance not covered by the Plan or specified in this plan as being applicable shall apply.

## Proposed Land Use and Building Requirements

The LRHL requires that the Redevelopment Plan provide the proposed land uses and building requirements for the designated project area. The following are the regulations and design standards for the Waretown Harbor Redevelopment Area.

### Design Concept

A redevelopment conceptual design plan has been prepared which forms the basis of the future development. In reviewing the application for the redevelopment project, the Planning Board may permit minor modifications of the Concept Plan as part of the site plan review as long as they promote the goals and objectives of this plan and the comprehensive Waterfront Development Plan and the uses, maximum permitted residential units, and key design concepts of the plan are not altered.

The design concept takes its inspiration from the period of time when Waretown was a bayside fishing and ship building village inhabited by a limited year-round population and a large influx of seasonal visitors. Over the past sixty years, Waretown has become a closely knit, year-round community. The objective for the redevelopment plan is to create an infill single family housing congruent with the surrounding community, as well as additional recreational marine uses including boat slips, such as are presently found throughout the area.

The design concept for this sub area of the redevelopment plan provides for six (6) single family homes and a recreational marina with approximately 25 to 30 in water slips and an accessory apartment for use by the owner, family member, or employee of the marina facility.

The architecture of the entire project, including the marina office, shall be traditional Jersey Shore housing style. The architecture shall provide for a variety of house types but generally shall maintain key components, such as decorative facades with porches, stoops or dormers facing streets. The marina office building shall be constructed with residential-style architecture and shall not exceed 2,500 sq. ft. in floor area.

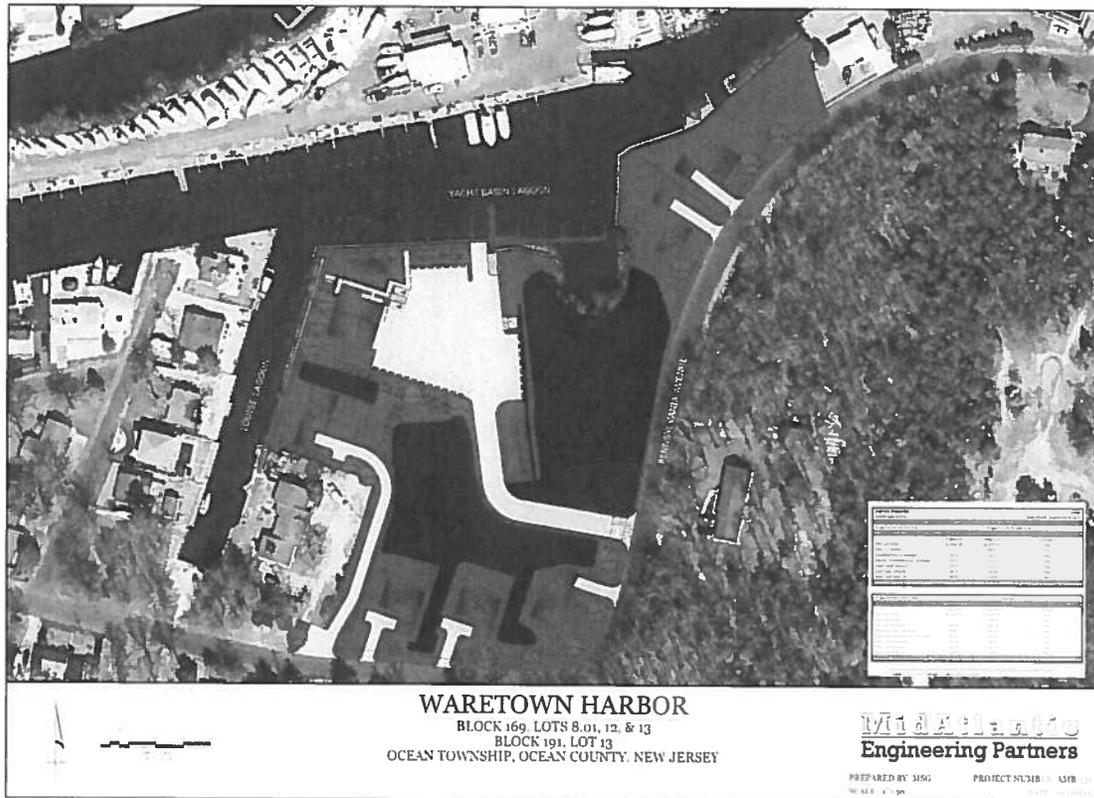


Figure 2

## Land Use and Building Requirements

### A. DEFINITIONS AND TERMS EXPLAINED

1. A setback line identifies the minimum horizontal distance between a property line and the nearest point of all structures, in order to ensure a minimum area without buildings.

### B. PERMITTED PRINCIPAL USES

1. Single Family Homes
2. Recreational Marinas
- ~~2.3~~ Retail boat sales shall not be permitted.

### C. PERMITTED CONDITIONAL USES

1. None

### D. PERMITTED ACCESSORY USES

1. Uses that are customarily incidental to the permitted residential use including sheds, gazebos, pools, attached / detached garages.
2. Uses that are customarily incidental to the permitted recreational marina use including parking, recreational areas, docks, piers, and decks, boat and trailer storage, retail sales that are complementary to the marina use, repair and maintenance facilities, and other supportive services to the boating industry. No rack storage of boats shall be permitted.
3. Marina Office
4. Maintenance Buildings for marine repair
5. Accessory Apartment within the marina building for the occupancy of the marina owner, a member of the marina owner's immediate family or an employee of the marina. The apartment will be limited to one (1) accessory apartment with a maximum of two bedrooms. The minimum gross floor area of a one bedroom unit shall be 650 square feet, a minimum of 800 square feet for a two bedroom apartment and efficiencies shall have a minimum gross floor area of 600 square feet.

**Table 1: Bulk Requirements**

Proposed Permitted Use	Single Family Residential
	Required
Min. Lot Area	12,500 SF
Min. Lot Width *	-
Maximum Lot Coverage	30 %
<u>Maximum Height</u>	<u>32 feet per Township ordinance</u>
Maximum Impervious Coverage	50 %
Front Yard Setback	20 Ft
Side Yard Setback	10 Ft
Rear Yard Setback	20 Ft

Proposed Permitted Use	Marina
	Required
Min. Lot Area	15,000 SF
Min. Lot Width	-
Min. Lot Frontage **	150 Ft
Maximum Lot Coverage	30 %
Maximum Impervious Coverage	80 %
Front Yard Setback	20 Ft
Side Yard Setback	10 Ft
Rear Yard Setback	20 Ft
Maximum Height	35 feet (per Township ordinance)

\*Lot Width defined as the width at the front yard setback; frontage is to be no less than 2/3 lot width.

\*\* Applies to Lot's water frontage as well as street frontage.

E. ~~ADDITIONAL PARKING REQUIREMENTS~~

1. Residential parking shall be provided in accordance with the New Jersey Residential Site Improvement Standards.
2. Parking for marina uses shall be in accordance with 0.6 spaces/slip.

F. ADDITIONAL ACCESSORY USE REQUIREMENTS

1. Accessory buildings on residential lots shall not be used for human habitation.
2. No accessory building or structure shall be permitted in front of a principal building.
3. Accessory buildings built in a rear yard shall be no closer than five (5) feet from any side or rear property line of the lot containing said accessory building; provided, however, that no accessory building shall be located closer than eight (8) feet to said line on any lot which has a rear lot line that serves as a side line of an adjoining property.
4. No accessory building shall be erected on any corner lot closer to any of the lines of streets abutting said lot than the build-to line requirement from said streets.

G. YARDS

1. Yards required by this Plan shall be free of buildings, structures, or parts thereof, unless specifically permitted as part of this plan.
2. Projections and encroachments. No building or structure shall project into any build-to line requirement, front, side, rear yard or buffer required by this plan, except as follows:

- a. Unenclosed porches, including steps may extend not more than seven (7) feet into the build-to line requirement or three (3) feet into the side yard setback along public streets.
- b. Building entrances may encroach not more than six (6) feet into the build-to line requirement, side and rear yard setbacks.
- c. Window wells affording light and air to basement and cellar areas.
- d. Cornices and eaves may project not more than two (2) feet into any required yard or build-to line requirement.
- e. Chimneys may project not more than two (2) feet into any required yard or build-to line requirement.
- f. Driveways providing access to permitted garages or parking areas.
- g. Sills, leaders and similar ornamental or structural features may project not more than six (6) inches into any required yard or build-to line requirement.
- h. Fences and retaining walls, where specifically permitted in this plan.
- i. Residential heating and cooling units, if located in the side yard shall be a minimum of three (3) feet from the property line and buffered from adjacent neighbors with evergreen plantings to help mitigate visual appearance, noise and vibration.

#### H. LANDSCAPE GUIDELINES

1. Landscaping is to be provided as part of all redevelopment and is to be integrated into building arrangements, topography, parking, buffering and other site features.
- ~~1.2~~ Landscaping may include trees, shrubs, ground cover, berms, flowers, sculpture, art and similar materials, and shall be designated to provide aesthetic, buffering, environmental, ornamental, and other related functions.
3. Landscaping for non-residential uses should define entrances to buildings and parking lots, define the edges of various land uses, provide transition between neighboring properties (buffering), and provide screening for loading and equipment areas consistent with §410-135C of the ordinance.
- ~~2.4~~ Landscaping shall permit adequate sight distance for motorists and pedestrians entering and exiting a site and shall not interfere with circulation patterns.
- ~~3.5~~ Landscaping shall be provided adjacent to and within parking areas to screen vehicles from view and to minimize the expansive appearance of parking fields. Trees shall be installed adjacent to roadways and driveways.
- ~~4.6~~ Trees shall be planted adjacent to roadways and driveways parallel to the street along all streets.
- ~~5.7~~ Street trees shall be planted appropriately along adjacent public roadways at intervals consistent with their mature sizing and presence of existing vegetation.

- 6-8 Plantings toward the street shall respect the integrity of the street by not obscuring important buildings and respecting views to and from streets, porches, walks, and public open spaces.

I. FENCES OR WALLS

1. Fences or walls in excess of eighteen (18) inches in height shall be considered as accessory uses to a principal permitted use and shall be permitted in accordance with the standards set forth below:

Fences shall be permitted per the following conditions:

- a. No fences shall exceed six (6') feet in height.
- b. No fences shall be located closer than ten (10') feet to a public right-of-way.
- c. Fences located within the front yards of residential uses shall be limited to four (4') feet in height, except where utilized as a portion of a buffer to adjacent, existing residential uses (side lot lines), or as part of a common driveway divider, where six (6') feet shall be permitted.

Retaining walls shall be permitted per the following conditions:

- a. All walls shall be constructed of an aesthetically pleasing material, such as decorative segmental block, or faced with brick or stone veneer.
- b. No retaining wall greater than 18" shall be placed within ten (10') feet of a public right-of-way.
- c. Bulkheads and seawall shall not be considered retaining walls, and shall be permitted along any lagoon, canal, or water frontage of lots.

2. General regulations for fences and walls.

- a. No fence or wall shall be so constructed or installed so as to constitute a hazard to traffic or safety.
- b. No fence shall be greater than six (6) feet in height
- c. Hedges and other landscaping shall be exempt from the height of limitations of this subsection, but shall not be located so as to constitute a hazard to traffic or safety.
- d. The face or finished side of a fence or wall shall face the adjacent property.
- e. No fence or wall shall be constructed with barbed wire, metal spikes or other such dangerous material or constructed in such manner as to be dangerous to animals or humans.
- f. Split rail fences used at property corners as part of a general landscaping or decorative plan shall be exempt from the provisions of this subsection.

- g. Any fence or wall meeting the above standards may be constructed and maintained without the issuance of any permit therefore.
- h. Swimming pool fences. Every private swimming pool shall have a fence enclosure which complies with applicable building codes and local ordinances.
- i. Retaining Wall: Any retaining wall 48 inches or greater in height shall require a building permit. Appropriate structural calculations must be provided.

#### J. PARKING AND CIRCULATION DESIGN

- 1. On-site parking areas and private roadways shall be constructed of a permanent surface including stone or gravel base courses, and a decorative surface course, such as asphalt, crushed shells, or decorative gravel; as approved by the Planning Board.
- ~~2.1. Decorative lighting shall be provided within all on-site parking areas and roadways. All parking areas and private roadways shall be lighted to provide a minimum of 1/2 footcandles throughout the area. The lighting level at any property line shall not exceed the minimum. Such lighting shall be shielded and shall not be a hazard or nuisance to the adjoining properties or the traveling public.~~
- ~~3.2~~ Any driveways leading to a garage shall be at least 20 feet in length, measured between the garage door and the curb or between the garage door and a sidewalk, whichever distance is less.

#### K. LIGHTING

- 1. Lighting fixtures shall be compatible with the intended use.
- 2. The lighting fixture poles shall not exceed a maximum of 25' feet in height.
- 3. Light fixtures shall be located and shielded to avoid unnecessary skyward glare and light glare shining directly into the residences on the site and on surrounding properties.
- 4. Pedestrian level lighting such as bollards or pedestals should be used along docks and piers.
- ~~4.5~~ Decorative lighting shall be provided within all on-site parking areas and roadways. All parking areas and private roadways shall be lighted to provide a minimum of 1/2 footcandles throughout the area. The lighting level at any property line shall not exceed the minimum. Such lighting shall be shielded and shall not be a hazard or nuisance to the adjoining properties or the traveling public.

#### L. TRASH/RECYCLING ENCLOSURES

- 1. The responsible solid waste generator shall contract for regular solid waste collection service with any person lawfully providing private solid waste collection services; provided, however, that any responsible solid waste generator

transporting the solid waste which is generated at his residential premises directly to a solid waste facility shall be exempt. It shall be the responsibility of the owner of the multiple dwellings to provide a sufficient number of appropriate solid waste containers for the deposit of non-recyclable waste materials to be disposed of as solid waste. The responsible solid waste generator shall arrange for solid waste collection at least twice per week.

2. Trash and Recycling receptacles shall be appropriately placed throughout all marina facilities and regularly collected.

## Planning Relationships

### Ocean Township Master Plan

Pursuant to the LRHL, "all provisions of the redevelopment plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan." (N.J.S.A. 40A:12A-7d) As described in the prior sections, the Redevelopment Plan is substantially consistent with the Township's Master Plan and Land Use Plan Element of the Master Plan and is designed to effectuate the goals and objectives of the Master Plan and its Land Use Plan Element.

### Adjacent Municipalities

The redevelopment area is centrally located within the Township of Ocean and does not border adjacent municipalities. Accordingly, no negative impacts are anticipated to adjoining municipalities.

### Ocean County

The Redevelopment Plan is consistent with the County's Master Plan in that it proposes redevelopment and revitalization of existing developed communities in a manner consistent with the County Master Plan.

### State Development and Redevelopment Plan (SDRP)

The SDRP encourages environmentally appropriate redevelopment in existing centers to support center-based development to accommodate growth that would otherwise occur in the environs. The SDRP supports redevelopment in developed communities to attract growth that may otherwise be planned for environs. The proposed redevelopment plan is consistent with these concepts and is designed to revitalize the Township of Ocean consistent with the SDRP.

## Administrative and Procedural Requirements

### Amending the Redevelopment Plan

Upon compliance with the requirements of applicable law, the Township Committee may amend, revise or modify the Redevelopment Plan in general or for specific properties within the redevelopment area, as circumstances may make such changes appropriate. The review and approval of any proposed amendments shall be undertaken in accordance with the procedures set forth in the LRHL.

### Planning Board Review Process

Pursuant to N.J.S.A. 40A:12A-13, all development applications for sites governed by the Waretown Harbor Redevelopment Plan shall be submitted to the Township's Planning Board for review and approval. The following provisions shall govern review of any proposed redevelopment and rehabilitation projects for the area:

- No building permit shall be issued by the construction or zoning official for any work resulting in a change of density or intensity of development or change of use for any properties or buildings within the area of the Redevelopment Plan without prior review and approval of the work by the Redevelopment Entity and the Planning Board.
- Regular maintenance and minor repair shall not require Planning Board review and approval.
- The Planning Board shall conduct site plan and subdivision review, if applicable, pursuant to N.J.S.A. 40:55D-1 et seq. and the Township's Land Development Ordinance.
- Any subdivision of lots or parcels of land within the Waretown Harbor Redevelopment Plan area shall be in compliance with the Redevelopment Plan and reviewed by the Planning Board pursuant to the LRHL and N.J.S.A. 40:55D-1 et seq.
- Once a property has been redeveloped in accordance with the Redevelopment Plan, it may not be converted to any use not expressly permitted in this Redevelopment Plan. No non-conforming use, building, or structure may be expanded or made more non-conforming in nature after adoption of this Redevelopment Plan.
- No variances, deviations, or waivers may be granted by the Planning Board which will result in permitting a use prohibited or not expressly permitted within this Redevelopment Plan or which will result in a density that exceeds the densities permitted in this Plan or which triggers a type "d" variance in accordance with Section 40:55D-70 of the Municipal Land Use Law.
- The regulations and controls of this Redevelopment Plan shall be implemented, where applicable, by appropriate covenants or other provisions and through agreements between the redeveloper and municipality pursuant to N.J.S.A. 40A:12A-8 and 40A:12A-9.
- Any and all definitions contained within the Waretown Harbor Redevelopment Plan shall prevail. In the absence of a definition, the definition found within the Township's Zoning Ordinance shall prevail.
- The Planning Board may grant deviations from the regulations contained within this Redevelopment Plan, where by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to the Redevelopment Plan, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the designated redeveloper of such property. The Planning Board may also grant a deviation from the regulations contained herein related to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by such deviation from the strict interpretation or application of the requirements of this Plan; and the benefits of granting deviation outweigh the detriments. The Planning Board may grant exceptions or waivers from design standards, from the requirements for site plan or subdivision approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and/or subdivision approval within this Plan, if the literal enforcement of one or

more provisions of the Plan is impracticable or would exact an undue hardship because of peculiar conditions pertaining to the site. No deviations may be granted under the terms of this section unless such deviations can be granted without resulting in substantial detriment to the public good and will not substantially impair the intent and purpose of the Redevelopment Plan. An application requesting a deviation from the requirements of this Redevelopment Plan shall provide public notice of such application in accordance with the public notice requirements set forth in N.J.S.A. 40:55D-12.a. & b.

- A redeveloper shall be required to pay all applicable escrow fees and other required charges in accordance with applicable provisions of the Township's Land Development Ordinance and New Jersey law. Additionally, a redeveloper shall be required to pay their proportional share of the cost of any studies, plans, reports, or analysis prepared by the Township or its designated redevelopment entity as part of the Waretown Harbor Redevelopment Plan. Any such payments required to reimburse the Township shall be specified in the redeveloper agreement.
- The provisions of this Redevelopment Plan specifying requirements or restrictions with respect thereto shall be in effect for a period of forty (40) years from the original date of final approval and adoption of this plan by the Township of Ocean Municipal Council. Subsequent amendments hereto shall not alter or extend this period of duration unless specifically extended by such amendments.
- The above provisions are all subject to approval by ordinance and/or resolution according to law. If a Court of competent jurisdiction finds any word, phrase, clause, section, or provision of the Waretown Harbor Redevelopment Plan to be invalid, illegal, or unconstitutional, the word, phrase, clause, section, or provision shall be deemed severable, and the remainder of the Redevelopment Plan and implementing ordinances shall remain in full force and effect.

## Redevelopment Actions

To accomplish the redevelopment objectives listed, the plan will require, but not be limited to, the following actions to be taken:

- A. Demonstrate authority as Designated Redeveloper and authorization from property owner to submit applications to the Planning Board for the construction of the residential apartments and associated required facilities.
- B. Obtain Site Plan and/or Subdivision approval from the Planning Board with a plan for redevelopment compliant to this Redevelopment Plan.
- C. Demolish and remove existing structures and unnecessary materials on site.
- D. Consolidate and/or subdivide existing lots as needed.
- E. Construction of the residential homes and marina facilities as per the regulations in this plan. Residential home lots may be sold with or without homes per market demands.

