

**MASTER PLAN REEXAMINATION REPORT AND
UPDATE OF THE 2002 MASTER PLAN**


FOR THE

**BOROUGH OF TUCKERTON
OCEAN COUNTY, NEW JERSEY**



ADOPTED ON AUGUST 1, 2007

**PREPARED BY
SCHOOR DEPALMA, INC.**


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The original of this report was signed and sealed in accordance with N.J.S.A. 45-14-12.



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INTRODUCTION

The Municipal Land Use Law (MLUL) requires every municipality in New Jersey that has an adopted master plan and land development regulations to periodically review and revise, if necessary, those documents every six years (N.J.S.A. 40:55D-89). The latest comprehensive Master Plan for the Borough of Tuckerton was adopted in December 2002.

The purpose of this report is to present a comprehensive overview of the Borough's changes in land use policy since the 2002 Master Plan. The Land Use Board must adopt, by resolution, a report on the findings of this reexamination, and submit a copy of the adopted report and resolution to the Ocean County Planning Board and the municipal clerk of Little Egg Harbor Township.

The MLUL (N.J.S.A. 40:55D-89) requires a Reexamination Report to address five issues relating to the growth and development of the Borough, including:

- a. *The major problems and objectives relating to land development in the Municipality at the time of such adoption, last revision or re-examination, if any;*
- b. *The extent to which such problems and objectives have been reduced or have increased subsequent to such date;*
- c. *The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for such plan or 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, and changes in State, County and Municipal policies and objectives;*
- d. *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; and*
- e. *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 al.) 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.*

Since 2002, there have been a number of events within the region and the State that bear on land use in the Borough. Several of these events are listed below:



1. Adoption of NJDEP Stormwater Management Rules effective February 2, 2004.
2. Third Round of Cross Acceptance of the Preliminary State Development and Redevelopment Plan and the Preliminary State Plan Policy Map, April 28, 2004.
3. Amendments to the State Planning Rules (N.J.A.C. 5:85-1.1 et seq.) to replace the Center designation process with the Plan Endorsement process, May 2004.
4. Adoption of the Council on Affordable Housing's (COAH) third round substantive and procedural rules effective December 20, 2004.
5. Appellate Division decision on COAH third round affordable housing rules, January 25, 2007.

The findings and recommendations contained in this report are primarily based on the review of the following documents:

1. Ocean County Cross Acceptance Report, January 2005.
2. Tuckerton Borough Land Development Ordinance.
3. Tuckerton Borough 2002 Master Plan, prepared by Heyer Gruel and Associates.
4. Visual Preference Survey, sponsored by Tuckerton Borough, Tuckerton Economic Development Committee, and Rutgers Department of Urban Planning and Policy Development.
5. Historic District map, prepared by Tuckerton Landmark Advisory Commission, 1994.

It is the intent of this Master Plan Reexamination Report to:

1. Address land use and site plan issues including those that have been identified by the Land Use Board; and
2. Recommend amendments to the Land Development Ordinance.

a. PROBLEMS & OBJECTIVES: 2002 MASTER PLAN

A Reexamination Report shall address the major problems and objectives relating to land development in the Municipality at the time of such adoption, last revision or re-examination, if any.

The major issues facing the Borough at the time of the last Master Plan (2002) dealt with the revitalization and redevelopment of the Main Street corridor and downtown Tuckerton, the effects of unplanned regional growth, the preservation and enhancement of existing residential neighborhoods, and open space conservation.



Revitalization of Main Street and downtown Tuckerton - The 2002 Master Plan characterized the present condition of Main Street and the downtown area as “a poor reflection upon the rich history of the Borough and does little to benefit current residents.” The development of the Greater Tuckerton Town Center was expected to provide the necessary resources to transform this area into a 21st century, mixed-use community of place.

Unplanned Regional Growth - Due to Tuckerton’s geographic location and being completely surrounded by Little Egg Harbor Township on its landside, development and growth that occurs in Little Egg Harbor greatly affect the Borough in such ways as increased traffic, competition with downtown businesses, and loss of water quality in Lake Pohatcong, Tuckerton Creek, and Little Egg Harbor due to surface runoff and septic leaching.

Preserve & Enhance Residential Neighborhoods – Major issues affecting the Borough’s residential neighborhoods included preserving neighborhood character, establishing appropriate standards for infill development, and creating bicycle and pedestrian linkages to the Town Center.

Open Space Conservation – The major concern regarding open space conservation was to secure additional Borough-owned open space and support efforts of other non-profit groups and government agencies to acquire or secure conservation easements for environmentally sensitive lands.

The 2002 Master Plan included the following objectives:

Land Use

- Preserve and protect the distinctive physical and historic character of the Borough as a whole as well as the identity of specific neighborhoods and streets.
- Assure that the character of individual structures; groups of structures and development are within the scale and style of existing neighborhoods.
- Encourage and regulate building and site design to assure that the overall character of the Borough is maintained and enhanced.
- Preserve the maritime heritage, including traditional land uses.
- Recognize that the maritime heritage of the Borough is tied to Tuckerton Creek, Little Egg Harbor and the Atlantic Ocean. Promote and encourage continued compatible marine use.
- Preserve and enhance views and vistas, which are important definable features that contribute, in part, to property values.
- Provide for a variety of housing types, as enabled by zoning, in order to maintain and strengthen a socially diverse population.
- Require that structural additions be in harmony and scale with the surrounding neighborhood.



Economic Development

- Support a mix of retail, commercial, and marine uses and encourage an orderly and balanced growth that serves Borough residents and visitors.
- Encourage the re-use of properties, which have become vacant or obsolete.
- Work with merchants to maintain and strengthen the utility and attractiveness of the Main Street shopping area.
- Support appropriate economic development within the limitations of the Borough's size and scale.
- Promote and encourage economic development consistent with the Borough's marine heritage and unique geographic location and compatible with adjacent residential areas.
- Encourage business recruitment by hiring a downtown management consultant or Borough Administrator. This individual can also act as the municipal grant agent by appointment, if appropriate.
- Promote marine-related uses for existing developed shorefront areas.
- Recognize and capitalize on the Seaport as an economic development tool.
- Encourage the continuation and growth of the commercial fishing activity within the Borough, working cooperatively with County and State officials.

Circulation, Parking, and Transportation

- Provide safe vehicular circulation, pedestrian ways, adequate on and off street parking and transportation.
- Recognize that the ability to provide adequate parking is a controlling factor in the size and scale of development.
- Develop a coordinated downtown parking strategy through shared parking opportunities and the construction of municipal lots.
- Enhance potential gateway locations to improve the appearance of the Borough's transportation corridors.
- Provide for safe and convenient patterns of vehicular and pedestrian circulation in the Borough.
- Assure, where possible, that parking is adequate to meet the needs of existing residents and businesses and identify opportunities to provide additional public parking.
- Improve directional signage and public parking, particularly for Main Street retail and restaurant facilities.
- Support public transportation for senior citizens and for other transit dependent residents.

Community Facilities

- Provide community facilities and services that are sufficient to meet the needs of Borough residents and visitors. Work with the owners and/or providers of community facilities and services, including parks and dedicated open space, to continue and improve their positive contribution to the Borough.



- Work towards providing accessibility by having handicapped accessible meeting facilities.
- Maximize cooperation among the Mayor, Borough Council, the Planning and Zoning Boards, and other local Boards and Commissions in order to provide efficient government.

Open Space

- Assure access for all residents to open space, sea breezes, clean air, and light.
- Secure additional Borough-owned open space and support efforts of other non-profit groups and government agencies to acquire or secure conservation easements for environmentally sensitive lands.
- Work with public, private, and non-profit property owners to preserve, protect, and add to open space and water vistas.

b. THE EXTENT OF INCREASE OR REDUCTION OF PROBLEMS & OBJECTIVES

A Reexamination Report shall describe the extent to which such problems and objectives existing at the time of the last Master Plan have been reduced or have increased subsequent to such date;

Revitalization of Main Street and downtown Tuckerton - From 2000 to 2003, Tuckerton received approximately \$88,000 in grant funding under the Intermodal Surface Transportation Efficiency Act, NJDOT Centers of Place program, and the Community Development Block Grant program to design and construct a unified streetscape design theme along Main Street from Baymen's museum to Tip Seaman Drive, and along North Green Street from Main Street to Church Street. The streetscape design includes red-colored concrete walks and drives, sidewalks with brick pavers, ornamental lighting, landscaping beds and trees, crosswalks and handicap ramps.

The Borough should explore ways to enhance the Borough's downtown shopping district and promote economic growth for businesses and the community with the implementation of a Special Improvement District (SID). Business owners and property owners can establish a separate entity, through the approval of a municipal ordinance, that permits SID members to organize and raise assessments to pay for services including planning, management and financing, and promotional initiatives such as advertising, marketing and beautification projects. Other funding mechanisms for the SID include donations and grant programs, such as the Main Street New Jersey Program. The Main Street New Jersey Program provides communities with technical assistance and training in revitalizing historic downtowns. The Borough should conduct a study to evaluate the feasibility of a SID in the downtown.



As for the development of the Greater Tuckerton Town Center, Tuckerton and Little Egg Harbor attended an informational/pre-petition meeting with the Office of Smart Growth and partner State agencies on June 19, 2007 to pursue Plan Endorsement and maintain its center designation. Upon Plan Endorsement from the State Planning Commission, the Land Use Plan should be updated to reflect the town center boundary for informational purposes only.

Unplanned Regional Growth - Because Tuckerton is surrounded on its landside by Little Egg Harbor Township, the Borough becomes a regional hub for commuters traveling through the Borough to the Garden State Parkway from Little Egg Harbor Township. As a result, the Borough roadways become routinely congested. During the summer peak months, the traffic and congestion is exacerbated by seasonal visitors.

During the course of Plan Endorsement, the Borough should prepare a Circulation Plan in coordination with Little Egg Harbor Township, Ocean County, and the State to address the existing road network, shared parking opportunities, gateway zoning, bike and pedestrian ways, and public transportation. In an effort to address circulation issues in the short-term, the Land Use Board will look favorably upon any application that proposes roadways that connect to the existing road network.

Preserve & Enhance Residential Neighborhoods - In order to preserve and protect the distinctive physical character of the Borough as well as the identity of specific neighborhoods and streets, floor area ratio (FAR) and lot coverage standards for single-family residential uses should be established. Furthermore, flag lots should be prohibited to maintain the existing pattern of development.

Building Height

Individual structures, groups of structures, and developments designed in architectural style consistent with the historic fabric of Tuckerton is difficult to accomplish under the current definition for building height mainly due to the fact that height is measured from the crown of the road, and not average elevation, and the topography limits the style of structures permitted. Therefore, a new definition for building height should measure height from the average elevation to avoid awkward structures that are out of character with the Borough's existing buildings and structures.

Tuckerton Landmarks Commission

In 1992, the Borough established a Landmarks Commission to:

- (1) Identify historic districts and landmarks within the Borough of Tuckerton which are worthy of protection and preservation,
- (2) Administer preservation regulations in which rational and objective criteria complements existing land use and construction code legislation; and
- (3) Preserve the past by making it compatible with and relevant to the present.



In 1994, the Commission identified a historic district that includes the residential neighborhoods east of CR 539 and south of Route 9, the downtown business district, and the area adjacent to the intersection of Route 9 and Great Bay Boulevard. Current regulations require a property or business owner to obtain a Certificate of Appropriateness from the Commission before any permit is issued for the following activities:

- Demolition of a historic landmark.
- Improvements to dwellings within the historic district.
- Relocation of landmark.
- Change in exterior appearance of existing landmark.
- Improvement of any construction within the historic district.
- New construction of a principal or accessory structure.
- Changes and additions of new signs or exterior lighting.

While the Landmarks Commission seeks to expand the historic district, properties within and in proximity to the district should be reviewed for eligibility. As the survey is completed and the historic district is modified, the boundary should be indicated on the Borough zoning map. In addition, in order to further define and formalize the Commission's role in the overall development approval process, reference to the Historic Preservation Ordinance (Chapter 187) should be made in the Borough's land development ordinance.

The Avenues

The neighborhood located in the northwest corner of the Borough between Lake Pohatcong and North Green Street was recommended as a new R-90 District whereas the Land Use Plan Map designates this area as R-75 District. The Borough should review and revise the zoning requirements for this neighborhood as needed.

Open Space Conservation - In 2006, the Tuckerton Environmental Commission (TEC) was awarded a "Smart Growth Grant" from the Association of New Jersey Environmental Commissions (ANJEC) to prepare a Natural Resources Inventory (NRI). The NRI will serve as an inventory of the physical features of the Borough including its topography, climate and soils, historically significant sites, types of vegetation, groundwater and surface water resources, wetlands, existing land use and zoning, transportation improvement projects, and existing and proposed water and sewer systems. Additionally, the NRI will identify undeveloped parcels of land for open space preservation in the Borough, such as:

- Portions of Paradise Cove;
- Undeveloped areas along and buffering Tuckerton Creek and Lake Pohatcong;
- Undeveloped lot on North Green Street and contiguous parcels behind the Green Wood Cemetery; and



- Upland and wetland habitats including woodlands, fields, swamps, and vernal ponds.

Upon completion of the NRI, it is recommended that the Borough adopt it as a component of the Master Plan.

The following are recommendations to enhance open space conservation efforts in the Borough:

- Increase the required screening strip between residential and commercial zones and uses from 20 to 50 feet.
- Establish a dedicated open space tax of one cent (\$0.01) per one hundred dollars (\$100.00) assessed value to provide a steady source of funding to acquire property or easements in the Borough for the purposes of active recreation, passive recreation, conservation, historic, and water quality protection.
- Explore other funding opportunities through grants, partnerships with government agencies, and non-profit organizations for open space preservation.
- Work with the State, County and Little Egg Harbor to develop best management practices to improve water quality of Lake Pohatcong to levels sufficient for recreation.

The Borough's objectives that existed at the time of the last Master Plan remain valid today. Following are additional goals and objectives to supplement the existing Master Plan goals and objectives:

- Promote natural resource and wetlands protection in the Borough.
- Protect and preserve functional wildlife connections between the Edwin B. Forsyth Refuge and other natural, undeveloped areas in Tuckerton Borough.
- Incorporate sustainable, environmentally friendly, and Green design standards as appropriate, into the Zoning and Land Use Ordinances, and as part of new development.
- Incorporate traditional neighborhood design to encourage mixed-use development, specifically where residential, retail, schools, and business are within walking distance of each other and the Borough's center.
- Incorporate walking/hiking trails linking the natural and recreational resources of Tuckerton Borough.

***c. THE EXTENT OF SIGNIFICANT CHANGES IN
ASSUMPTIONS, POLICIES & OBJECTIVES***

A Reexamination Report shall describe the extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the Master Plan or 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, and changes in State, County and Municipal policies and objectives;

c.1 Demographic Changes

U.S. Census data from 1990 and 2000 was utilized to form the basis of the 2002 Borough Master Plan. The U.S. Census annual population estimates are the latest demographic data available since the time of the last Master Plan (2002).

In 2002, the resident population of the Borough was 3,567, and the 2005 U.S. Census annual population estimate projected an increase of 213 residents to 3,780. The North Jersey Transportation Planning Authority (NJTPA) population projections indicate steady growth in Tuckerton, reaching 4,220 residents in 2015 (see Table 1).

Table 1: Annual Population Estimates - 2000 to 2015
Tuckerton Borough

2000 (US Census)	2001	2002	2003	2004	2005	2015 (NJTPA)
3,517	3,516	3,567	3,596	3,599	3,780	4,220

Source: U.S. Census Bureau, NJTPA Board-approved Municipal Forecasts, 3-14-05

The following tables present a comparison of selected 1990 and 2000 Census data for Tuckerton for ease of reference.

Table 2: Selected Population and Age Characteristics - 1990 and 2000
Tuckerton Borough

	1990 (#)	2000 (#)	Percent Change (%)
Total Population	3,048	3,517	+15
Under 5	223	209	-6
5 to 19	532	688	+29
20 to 44	1,118	1,219	+9
45 to 59	445	616	+38
60 to 74	484	509	+5
75 to 85+	246	276	+12
Median age	35.9	39.2	+9
Householder 65 and over	210	229	+9

Source: U.S. Census Bureau

Noteworthy statistics from Table 2 include:

- Total population increase of 15 percent;
- An increase in every cohort except in children under 5, with a 6 percent decrease;



- The most substantial increase in residents aged 45 through 59 years; and
- Median age increased by over 3 years reaching 39.2.

**Table 3: Selected Household Characteristics - 1990 and 2000
Tuckerton Borough**

	1990 (#)	2000 (#)	Percent Change (%)
Total Households	1,249	1,477	+18
Average household size (persons per household)	2.44	2.38	-3
Families	848	921	+9
Families with children under 18	369	415	+13
Married couple families	687	739	+8
Married couple families with children under 18	280	315	+13
Non-family households	401	556	+39
Householder living alone	346	467	+35
Households with individuals 65 and over	1,249	1,477	+18

Source: U.S. Census Bureau.

Noteworthy statistics from Table 3 include:

- The number of all households and families increased;
- Both non-family households and householders living alone increased by over 35 percent; and
- The number of persons per household declined from 2.44 to 2.38 persons per household.

**Table 4: Selected Housing Characteristics - 1990 and 2000
Tuckerton Borough**

	1990 (#)	2000 (#)	Percent Change (%)
Housing Units	1,914	1,971	+3
Occupied	1,249	1,477	+18
Owner-Occupied	933	1,075	+15
Renter-Occupied	316	402	+27
Vacant	665	494	-26
Vacant Seasonal, Recreational or Occasional Housing Units	468	405	-14

Source: U.S. Census Bureau.

Noteworthy statistics from Table 4 include:

- Modest increase (3%) in number of housing units;
- Nearly 20 percent increase in occupied housing units;
- Over 25 percent decrease in vacant housing units;



- Renter-occupied housing units increased by 27 percent; and
- Over 10 percent decrease in the number of seasonal vacant housing units.

The demographic profile changes over the decennial period are not significant enough to warrant any substantial change to the overall goals, objectives and policies of the 2002 Master Plan. However, updated demographic data can be used as a reference for planning for the Borough's future recreational, educational and other community needs.

Seasonal Population

Tuckerton is a bayshore community and historically experiences an influx of seasonal visitors during the peak summer months. Exactly how many visitors come to the Borough during the summer months is difficult to measure.

The Ocean County Master Plan, prepared in 1988, established a *Ratio of Seasonal to Permanent Population* of 2:1 for bay communities, compared to a 10:1 ratio for coastal beach communities. Although significant changes have occurred in Tuckerton and the surrounding region since 1988, including the development of the Tuckerton Seaport Museum, and the expansion of Atlantic City, these population ratios provide at least a sense of how much the population can increase during the summer months. Utilizing a ratio of 2:1, and the 2005 census-annual population estimate for Tuckerton (3,780), the estimated peak day summer seasonal population in the Borough is estimated to reach 7,560.

According to the Borough Police Chief, the amount of traffic and congestion on the Borough roadways, specifically Route 9, and the intersection of Route 9 and County Route 539 heightens during the summer months due to this influx, the Borough's proximity to the Garden State Parkway, visitors from Long Beach Island, and the surrounding area. As a new Circulation Element is prepared during the course of Town Center Plan Endorsement, the effects of peak day summer seasonal population on the roadways should be further analyzed utilizing more current and accurate ratios that reflect reality, and must be taken into account when considering roadway improvement plans and projects.

c.2 State Policies

State Plan

The State Development and Redevelopment Plan ("State Plan") has increased in importance over the years, as it becomes further tied to State policies and regulations of all State-level agencies and departments. As such, State funding and approval of permits is now more closely linked to the State Plan than ever, and the Planning Area and Center Designations on the State Plan Policy Map (SPPM) in particular.



On June 28, 2000, the State Planning Commission endorsed a portion of the Borough as a Town Center. The center excludes the lagoon development along Route 9, the Forsythe Preserve, and the Tuckerton Beach neighborhoods and public open space/wetland corridors along Tuckerton Creek.

In general, land within a designated center is intended to accommodate a greater degree of development and redevelopment as compared to lands outside of the centers (the "environs"). Town Centers primarily serve as traditional centers of commerce and government, with diverse residential neighborhoods and housing types and a mixed-use core offering locally oriented goods and services. The center designation process included the adoption of a Planning and Implementation Agenda (PIA) outlining specific planning activities and local efforts and a schedule for implementing these tasks.



*Fig. 1: 2001 State Plan Policy
Map - Tuckerton*

The SPPM was adopted on March 1, 2001. Lands outside of the Greater Tuckerton Town Center, including the Tuckerton Beach neighborhoods and the lagoon development along Route 9 currently fall within Planning Area 2 (Suburban). The public open space/wetlands corridor along Tuckerton Creek falls within Planning Area 5 (Environmentally Sensitive), and the Forsythe Preserve is mapped as "Parks and Natural Areas." The entire Borough is under CAFRA jurisdiction (see Figure 1).

Cross-Acceptance

As a result of the adoption of the State Planning Act of 1985, N.J.S.A. 52:18A-196 et seq., the State Plan is required to be reexamined every three years by the State Planning Commission via a cross-acceptance process in which planning policies are reviewed by government entities and the public to check for consistency with each other and the State Plan.

In 2004, the State released the Preliminary State Plan, and the Preliminary State Plan Policy Map (SPPM) for the third round of cross-acceptance. The Preliminary Map features Planning Areas, Centers and Environs, which are intended to help implement the goals and policies of the State Plan, and guide future growth and development in New Jersey. Tuckerton Borough participated in this bottom-up process as facilitated by the Ocean County Department of Planning. The results of cross-acceptance are documented in the County's Final Cross-Acceptance Report dated January 2005.



Tuckerton Borough reported no issues regarding the population and employment projections adopted by the North Jersey Transportation Planning Authority (NJTPA). There are no significant changes to planning areas or centers proposed in Tuckerton.

Plan Endorsement and Town Center Designation

Pursuant to amendments to the State Planning Rules (N.J.A.C. 5:85-1.1 et. seq.) in May of 2004, the Center Designation process has been replaced by the Plan Endorsement process, which seeks to ensure that a municipality's planning is consistent with the goals and policies of the State Plan. Plan Endorsement generally entails comparing existing zoning and land use practices town-wide to the key concepts and policies of the State Plan and its Policy Map. Plan Endorsement is also a requirement after retaining Substantive Certification from COAH. Obtaining Plan Endorsement requires a municipality to adopt a Planning and Implementation Agreement (PIA), subject to periodic biennial monitoring of the status and progress towards achieving the efforts outlined in the PIA.

Under the State Planning Rules, Tuckerton's center designation is scheduled to expire January 7, 2008 unless the Borough seeks Plan Endorsement under the purview of the State Planning Commission.

Because Tuckerton shares its Town Center boundary with Little Egg Harbor Township, both municipalities are pursuing Plan Endorsement simultaneously. An informational/pre-petition meeting with the Office of Smart Growth and partner State agencies was held on June 19, 2007. The State Planning Commission proposed amendments to the Plan Endorsement process that are expected to be adopted in July 2007. Upon adoption of the new guidelines, the Borough and Township will continue to pursue Plan Endorsement.

Coastal Zone Planning

The New Jersey Department of Environmental Protection (NJDEP) regulates development along the State's coast through the Coastal Area Facilities Review Act (CAFRA). The entire Borough of Tuckerton falls under CAFRA jurisdiction.

Effective February 7, 2000, the Coastal Permit Program rules were amended to tie maximum impervious coverage requirements for proposed development to the State Plan and the State Plan Policy Map (SPPM). The maximum permitted impervious coverage varies depending on which planning area the proposed project is located in and/or whether the proposed project site lies within a center, designated by the State Planning Commission.

The maximum impervious coverage requirements for Tuckerton are as follows:



- Planning Area 2 (Suburban) – 30%
- Planning Area 5 (Environmentally Sensitive) – 3%
- Town Center – 70%

Council on Affordable Housing

The Third Round rules of the New Jersey Council on Affordable Housing (COAH), adopted in December of 2004, utilize a growth share approach that links the production of affordable housing with future residential and non-residential development and growth in a municipality. For the Third Round growth share component, COAH has adopted ratios that require one affordable unit for every 8 market rate housing units and one affordable unit for every 25 jobs developed. The complete Third Round methodology includes a *rehabilitation share*, a remaining obligation from COAH's two *prior rounds* and the future *growth share*. A municipality's Fair Share Plan must address its: (1) rehabilitation share; (2) any remaining prior round obligation; and, (3) projected growth share.

Tuckerton is in the process of preparing a Third Round Housing Element and Fair Share Plan to submit to COAH for review. Due to a recent Appellate Division decision that invalidated certain elements of the Third Round methodology, COAH will continue to review the elements of the petitions that are not affected by the Appellate Division decision, such as compliance mechanisms and development fee ordinances.

NJDEP Amended Stormwater Rules

As a result of the United States Environmental Protection Agency's (USEPA) Phase II stormwater rules published in December 1999, NJDEP has developed a Municipal Stormwater Regulation Program and new rules to facilitate implementation of the program.

The Borough recently adopted a stormwater management plan in accordance with the NJDEP Phase II stormwater regulations (submitted to NJDEP April 18, 2006). There are no recommended changes to the stormwater management plan at this time.

c.3 Recycling Plan

The New Jersey Source Separation and Recycling Act adopted in 1987 and last amended in 1992 (N.J.S.A. 13:1E-99.11 et seq.), requires that municipal master plans include a recycling plan element pursuant to the Municipal Land Use Law. The MLUL stipulates that recycling elements include provisions for the collection, disposition and recycling of recyclable materials designated in the municipal recycling ordinance, and for the collection, disposition and recycling of recyclable materials within any development



proposal for the construction of 50 or more units of single-family residential housing or 25 units or more of multi-family residential housing and any commercial or industrial development proposal for the utilization of 1,000 square feet or more of land.

Initially, the Recycling Act called for the recycling of 15% of the municipal solid waste stream in the first year of the program followed by the recycling of 25% of the municipal solid waste stream thereafter. That goal was more than doubled through legislation enacted in 1992 (P.L. 1992, c.167), amending the 1987 Recycling Act with a new challenge to recycle 50% of the municipal solid waste stream and 60% of the overall waste stream by the end of 1995. New Jersey failed to meet the municipal solid waste-recycling goal of 50% in 1995, but did meet the overall recycling goal in 1996 with a recycling rate of 61%. In 2004, New Jersey failed to meet both solid waste-recycling goals. Only 34% of the municipal solid waste was recycled and only 55% of the statewide solid waste was recycled.

In 1988, the Tuckerton Borough Council adopted a Recycling Ordinance which established a recycling coordinator, and required that residents, lessees, and occupants of residential, commercial and institutional property separate newspapers, glass containers, aluminum cans, ferrous containers, and leaves from all other solid waste produced by residential and nonresidential establishments for the collection and recycling of such material.

Curbside collection of recyclable materials including glass bottles, aluminum cans, plastics, newspaper, cardboard, mixed paper, and bundled brush and clippings is overseen by the Borough's Public Works Department. Recyclable items such as batteries, tires, computers, concrete, used clothing, and paints must be dropped off at the Public Works Yard and Recycling Center, open from 7 AM to 3 PM on Saturdays and Sundays. Compost and mulch is available to residents at the Public Works yard.

Ocean County manages a disposal program for Household Hazardous Wastes (paints, anti-freeze, motor oil and filters, pesticides, fluorescent lights, drain cleaners, propane cylinders, gasoline, etc.).

It is recommended that the Borough update the definitions and procedures of the Borough's existing recycling ordinance in accordance with legislation, and to amend the Borough land development ordinance to require at a minimum that any development proposal for the construction of 50 or more units of single-family residential housing or 25 units or more of multi-family residential housing and any commercial or industrial development proposal for the utilization of 1,000 square feet or more of land include provisions for the collection, disposition, and recycling or recyclable materials.



d. MASTER PLAN & ORDINANCE CHANGES

The Reexamination shall describe 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.

d.1 Master Plan Recommended Changes

- Incorporate the Recycling Plan as a component of the Master Plan.
- Upon completion of the Natural Resource Inventory (NRI), adopt the NRI as a component of the Master Plan.
- Prepare a Circulation Master Plan Element in coordination with the State, County, and Little Egg Harbor Township.
- Update the Master Plan in conjunction with Plan Endorsement.
- Supplement the Master Plan objectives with the following:
 - Promote natural resource and wetlands protection in the Borough.
 - Protect and preserve functional wildlife connections between the Edwin B. Forsyth Refuge and other natural, undeveloped areas in Tuckerton Borough.
 - Incorporate sustainable, environmentally friendly, and Green design standards as appropriate, into the Zoning and Land Use Ordinances, and as part of new development.
 - Incorporate traditional neighborhood design to encourage mixed-use development, specifically where residential, retail, schools, and business are within walking distance of each other and the Borough's center.
 - Incorporate walking/hiking trails linking the natural and recreational resources of Tuckerton Borough.

d.2 Land Development Ordinance Changes

- Update the Borough's Development Regulations and Schedule of Area, Yard and Building Requirements to be consistent with the recommendations of the Borough's Master Plan Reexamination Report and the provisions of the Municipal Land Use Law.
- Update and refine the definitions of the Borough's Development Regulations, including lot coverage, habitable area or room, floor area ratio, and gross floor area.
- Revisit the building height definition and measure height from the average elevation rather than the crown of the road to avoid awkward structures that are out of character with the Borough's existing buildings and structures.
- Establish a maximum lot coverage limit in the Borough's single-family residential zones to maintain and strengthen the physical character of the Borough's residential neighborhoods.

- Adopt ordinances amending floor area ratio requirements for single-family uses excluding the R-400, R-200, MF, and PSC Zones. This will provide for controlled development to maintain existing character of the Borough's neighborhoods.
- Prohibit flag lots to maintain the existing pattern of development.
- Revisit accessory building provisions to prevent conversion of accessory buildings into habitable areas.
- Adopt a "growth share ordinance" to capture project-induced affordable housing obligations of development applications requiring Borough approval.
- Further define and formalize the Landmarks Commission's authority, procedures, and practices pursuant to the MLUL.
- Add a provision in the Borough zoning chapter to require at a minimum that any development proposal for the construction of 50 or more units of single-family residential housing or 3 units or more of multi-family residential housing and any commercial or industrial development proposal for the utilization of 1,000 square feet or more of land include provisions for the collection, disposition, and recycling or recyclable materials.
- Consider increasing the required screening strip between residential and commercial zones and uses from 20 to 50 feet.
- Update the zoning map as necessary – specifically to indicate the boundary of the historic district, and the town center boundary for information purposes only.

d.3 Other Recommendations

- Continue to seek input from the Land Use Board on recommendations to amend the Borough's Land Development Ordinance.
- Consider conducting a study to evaluate the feasibility of SID for the downtown business district.
- Consider modification to the historic district boundary based on an updated survey of historic properties within and in proximity to the historic district.
- Explore Best Management Practices to improve the water quality of Lake Pohatcong in coordination with the State, County, and Little Egg Harbor Township.
- Consider the establishment of a dedicated open space tax of one cent (\$0.01) per one hundred dollars (\$100.00) assessed value to provide a steady source of funding to acquire property or easements in the Borough for the purposes of active recreation, passive recreation, conservation, historic, and water quality protection.
- Where not regulated by the state, business owners and other non-resident stakeholders should be permitted as members of Borough organizations.



e. REDEVELOPMENT PLANS

The Reexamination Report shall include 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 al.) 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.

There are presently no "areas in need of redevelopment" pursuant to the Local Redevelopment and Housing Law in the Borough. Although the Route 9 corridor was identified in the 2002 Master Plan to pursue as a potential area in need of redevelopment, due to recent development activity along the corridor, this recommendation does not remain valid.