

**ORDINANCE NO. 23-39-OA<sup>B</sup>**

**AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 37-1 TOWN CENTER REDEVELOPMENT PLAN AND AMENDING THE CHAPTER 35-105 TOWN CENTER REDEVELOPMENT PLAN**

**October 16, 2023**

**WHEREAS**, the Township of Berkeley has previously adopted AN ORDINANCE OF THE TOWNSHIP OF BERKELEY ADOPTING THE TOWN CENTER REDEVELOPMENT PLAN on August 10, 2009; and

**WHEREAS**, the Township of Berkeley had subsequently adopted AN ORDINANCE OF THE TOWNSHIP OF BERKELEY AMENDING THE TOWN CENTER REDEVELOPMENT PLAN on July, 24 , 2017; and

**WHEREAS**, the Township of Berkeley had subsequently adopted AN ORDINANCE OF THE TOWNSHIP OF BERKELEY AMENDING THE TOWN CENTER REDEVELOPMENT PLAN on June 28, 2021; and

**WHEREAS**, plans drafted by the then Township Planner were considered and approved by the Berkeley Township Planning Board on July 2, 2009; and

**WHEREAS**, market conditions have affected demands for various land uses, and

**WHEREAS**, the dynamics of the real estate market, coupled with financial plans to address remediation costs, having all been considered in conjunction and consultation with the redeveloper, it being apparent that plan(s) that addressed needs and market conditions in 2009 may not necessarily be the best suitable to conditions in 2023; and

**WHEREAS**, revisions to the Redevelopment Plan having been submitted by the Redeveloper, reviewed by the Township Planner and the Redevelopment Counsel appearing more suitable for present day conditions compared to those extant in 2009, 2017 and 2021;

**NOW THEREFORE BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BERKELEY, IN THE COUNTY OF OCEAN, AND STATE OF NEW JERSEY**, to adopt this ORDINANCE AMENDING the Redevelopment Plan previously adopted, as referenced herein, and to amend in accordance with the "Amended Plan" attached hereto and incorporated herein as if same were set forth at length.

Nothing herein shall be construed as relieving, limiting or otherwise affecting Redeveloper's obligations to remediate all areas requiring remediation irrespective of same being, or not being, designated on the attached amended plan.

The intent of the Ordinance is solely for the purpose of approving an amended plan, to the extent of any inconsistencies with the previously approved plan

ORDAINED AND ENACTED that the Township is authorized to take such action as set forth in N.J.S.A. 40A:12A-8 in order to effectuate the redevelopment of the Town Center Redevelopment Area consistent herewith; and be it further

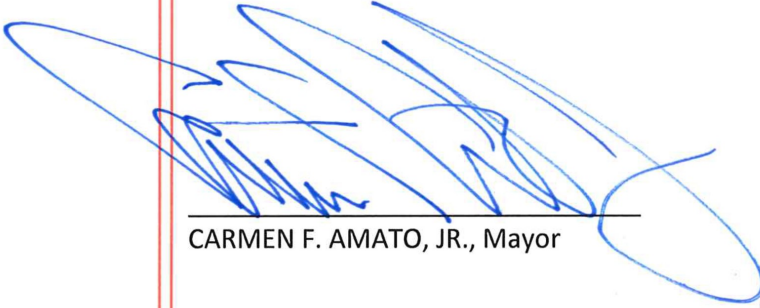
**SECTION 1.** This Ordinance shall take effect immediately upon its final passage and publication as required by law.

**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 3.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

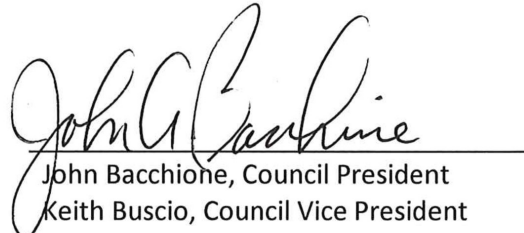
**SECTION 4.** Upon adoption of this ordinance, and therefore this amended redevelopment plan, the Township Clerk shall cause Chapter 35 - Land Development and Chapter 37 - Redevelopment to be amended to reflect adoption of this ordinance and redevelopment plan.

**SECTION 5.** After introduction of this ordinance, the Township Clerk shall send a copy of this ordinance to the Township Planning Board for its review and comment. The Township Clerk shall also send a copy of the ordinance to the Ocean County Planning Board pursuant to N.J.S.A. 40:55D-16.



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CARMEN F. AMATO, JR., Mayor



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John Bacchione, Council President  
Keith Buscio, Council Vice President

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Berkeley, in the County of Ocean, State of New Jersey, held October 16, 2023, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the **20<sup>th</sup>** day of **November 2023** at 6:00 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 627 Pinewald-Keswick Road, Bayville, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.



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Karen Stallings, Township Clerk  
Berkeley Township

**AFFIDAVIT OF PUBLICATION**

State of Florida, County of Orange, ss:

Bailee Liston, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of The Press of Atlantic City, a newspaper printed and published in the City of Linwood, distributed in the following counties: Atlantic, Camden, Cape May, Cumberland, Gloucester, and Ocean and mailed to various parts of the State of New Jersey, the United States, and foreign countries, does hereby certify that the Notice was published in The Press of Atlantic City on:

**PUBLICATION DATES:**

Oct. 24, 2023

**NOTICE ID:** 6zkeEN5CY9MRBy9WVnvi

**PUBLISHER ID:** COL1376

**NOTICE NAME:** 10-16-23 - 33 & 34 OAB 35-31OA

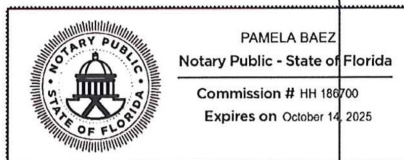
**Publication Fee:** 94.00

All interested parties may rely upon the representations contained herein limited solely to the authenticity of the Notice accompanying this Certification to be an accurate reproduction of the same and the date upon which it was published.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

*Bailee Liston*

(Signed) \_\_\_\_\_



**VERIFICATION**

State of Florida  
County of Orange

Subscribed in my presence and sworn to before me on this:  
10/24/2023

*[Signature]*

\_\_\_\_\_  
Notary Public  
Notarized online using audio-video communication

23-33-OAB

ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF BLOCK 1433, LOTS 16 & 17 ON THE MUNICIPAL TAX MAP TO BROOKSIDE POINT, LLC IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:12-13 (b) AND N.J.S.A. 40A:12-13.2 (ROGERS STREET; \$10,800.00)

23-34-OAB

ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF BLOCK 791, LOTS 30, 32, 34, 36, & 41 ON THE MUNICIPAL TAX MAP TO JEFFREY R. JERMAN IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:12-13 (b) AND N.J.S.A. 40A:12-13.2 (Egenoff Place \$24,400.00)

Foregoing Ordinances were duly passed after Public Hearing held October 16, 2023 at a regular meeting of the Township of Berkeley and approved by the Mayor on 10/17/23.

23-35-OA

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE, SO AS TO AMEND CHAPTER VII, ENTITLED "TRAFFIC" TO AMEND CHAPTER 7-19 "THROUGH STREETS" (Browning Avenue)

23-36-OA

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 11, ENTITLED "BUILDING AND HOUSING" SO AS TO REPEAL SECTION 11-5.6, ENTITLED "PERMIT FEE"

23-37-OA

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF AN EASEMENT ON A PORTION OF BLOCK 10.22, Lot 24, FROM LAURA CALIFRI, IN ACCORDANCE WITH N.J.S.A. 40A:12-5(a)(1)

23-38-OA

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 35, ENTITLED "LAND DEVELOPMENT" SO AS TO AMEND SECTION 35-29, ENTITLED "APPLICATION FOR ZONING PERMIT; WHEN REQUIRED" (Setbacks Temporary Handicapped Ramps)

23-39-OA

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 37-1 TOWN CENTER REDEVELOPMENT PLAN AND AMENDING THE CHAPTER 35-105 TOWN CENTER REDEVELOPMENT PLAN

23-40-OA re:

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER XXXV, ENTITLED "LAND DEVELOPMENT" SO AS TO AMEND §35-3, ENTITLED "DEFINITIONS" ( Low-Speed Vehicle)

23-41-OA

AMENDING AND SUPPLEMENTING CHAPTER II, ENTITLED "ADMINISTRATION" SO AS TO CREATE SECTION 2-56, ENTITLED "MAYOR'S ADVISORY COMMITTEE ON DEVELOPMENTAL DISABILITIES"

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Berkeley, in the County of Ocean, State of New Jersey, held on October 16, 2023, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 20 th day of November, 2023, at 6:00 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 627 Pinewald-Keswick Road, Bayville, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.

Karen Stallings, RMC  
Township Clerk, Township of Berkeley

Printer Fee: \$94.00

Pub Date: October 24th, 2023

Order #: COL1376

# **REDEVELOPMENT PLAN**

## ***Town Center Redevelopment Plan***



Berkeley Township  
County of Ocean County, State of New Jersey

Originally Adopted on August 24, 2009  
Amended by Council June 28, 2021  
Amended by Council \_\_\_\_\_

Prepared By:



2059 Springdale Road  
Cherry Hill, NJ 08003

**October 12, 2023**

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James Oris, P.E., P.P., CME, CPWM  
Director of Planning  
License # 33LI00617200

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Ashton Jones, P.P., AICP, CFM  
Planner  
License #33LI00633800

N.B. The original of this document was signed and sealed as per N.J.A.C. 13:41-1.3.b

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## SECTION 1. INTRODUCTION

On January 5, 2002 the Berkeley Township Council adopted a resolution directing the Berkeley Planning Board to conduct a preliminary investigation into whether or not the entire length of Route 9 through Berkeley, which includes this proposed redevelopment area, qualified as an, area in need of redevelopment' as defined in the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A: 12A-1 et seq. ("LRHL"). The Planning Board held a public hearing on the investigation results and adopted a resolution recommending that the Township Council designate the majority of Beachwood Plaza and its environs as an area in need of redevelopment. The Township Council adopted a resolution to that effect on December 5, 2002.

This redevelopment plan applies to: Block 822, Lot 1; Block 824, Lots 1, 1.01, 1.02; Block 825, Lot 1; Block 825.02, Lots 3, 4, 5, 6, 8, 10, 12; Block 826, Lots 1, 1.01, 2, 3, 4, 5, 9, 11, 13, 14; Block 827, Lot 1, Block 837, Lots 1, 2, 3, 4, 5, 5.01, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 31, 32; and Block 837.01, Lots 1, 1.01, 1.02, 1.06, 6. The remainder of the area will, however, continue to be governed by the Berkeley Land Development Ordinance.

## SECTION 2. THE PUBLIC PURPOSE

### 2.1 Goal and Objectives

The Redevelopment Plan advances the following goals and objectives:

- To preserve and enhance the character and living quality for all residents in all parts of the Township.
- To guide future land development and community facilities to meet the needs of residents while ensuring that new development is compatible with existing developments.
- To provide for a variety of residential, commercial, industrial, public open space, recreational and conservation uses.
- To provide for a balanced economic base and a source of employment through utilization of non-residential lands.

The redevelopment is to be guided by the following objectives:

1. Promote the development of commercial projects which will result in the creation of jobs as well as stabilization of the tax base;
2. Encourage development at densities and intensities that result in sustainable improvements to the adjoining roadway network;
3. Promote the health and well-being of residents by encouraging diversification of the uses and opportunities for development;
4. Create a center that represents a unique, attractive and memorable destination for visitors and residents;
5. Encourage flexibility in the approach to development which allows for renewed economic opportunities; and
6. Encourage a vibrant mix of uses including incorporating both residential, commercial, and industrial development.

### 2.2 Relationship to Local Objectives

#### *Berkeley Township Master Plan*

On May 2, 2019, the Berkeley Township Planning Board adopted a new Master Plan Re-examination report, which examined the previously approved 2015 Master Plan Re-examination report. The Berkeley Township Reexamination dated August 2015, consists of the following: 1) Major Problems and Objectives, 2) Increase or Decrease in Problems and Objectives 3) Changes in Assumption, Policies and Problems 4) Specific Recommendations, and 5) Recommendations Concerning Redevelopment Plans. While the Township completed a Master Plan Reexamination in 2008, the need for the 2015 Reexamination was largely due to the extensive damage caused by Hurricane Sandy. Rather than a major overhaul, as might be expected by a 10-year reexamination, the 2015 Reexamination Report recommended minor changes in order to fine tune and synthesize existing planning concepts and goals. Specifically, the focus of the 2015 reexamination was to provide an opportunity to ensure the long-term viability of the Township through a focus on land use and development goals that would make the Township more resilient.

The 2019 Reexamination report acknowledged the changing conditions in the Township and the shift in the design for what was previously designated the Berkeley Town Center area. The most recent Reexamination established a development regulation recommendation to consider alternate development patterns and revisions to the Redevelopment Plan's zoning requirements. As a result, this Redevelopment Plan is being amended to support this Master Plan Reexam recommendation.

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## SECTION 3. REDEVELOPMENT PLAN

### 3.1 Definitions

*Planned Unit Development (PUD)* – An area of minimum contiguous or noncontiguous size, planned, developed, operated and maintained as a single entity and containing one or more structures to accommodate retail, service, commercial, industrial, office and residential uses or a combination of such uses, and appurtenant common areas and accessory uses, customary and incidental to the predominant uses.

*Redevelopment Project* – shall mean any work or undertaking pursuant to this redevelopment plan; such undertaking may include any buildings, land, including demolition, clearance or removal of buildings from land, equipment, facilities, or other real or personal properties which are necessary, convenient, or desirable appurtenances, such as but not limited to streets, sewers, utilities, parks, site preparation, landscaping, and administrative, community, health, recreational, educational, and welfare facilities. For purposes of this Plan, an entire Planned Unit Development may be considered a redevelopment project, or, if developed in phases, may be broken down into several redevelopment projects.

*Warehousing* – means a building where raw materials, cold storage, or manufactured goods may be stored before their export or distribution for sale.

*Warehousing distribution center* – means a building where products are stored for retailers and wholesalers, to be redistributed to another location or directly to customers as a last mile facility and shall also include fulfillment centers, and sortation centers.

All other terms used herein shall have the same meaning as defined in the Land Development Ordinance of the Township of Berkeley unless otherwise specified in this redevelopment plan.

### 3.2 Deviations from Provisions of the Approved Redevelopment Plan

The Planning Board may review and retain jurisdiction over applications requiring relief for deviations from this Redevelopment Plan or other Township development ordinances, except as set forth below. Accordingly, an amendment to the Redevelopment Plan shall not be necessary if the selected developer(s) desires to deviate from the design standards set forth in this Redevelopment Plan or the Berkeley Township Land Development Ordinance so long as the Redeveloper obtains the appropriate variance(s) from the Planning Board. All requests for such relief shall be made to the Planning Board accompanied by a complete application for development as required by Township ordinance. Decisions on such requests shall be made in accordance with the legal standards set forth in the Municipal Land Use Law, N.J.S.A. 40:55D-70(c), in the case of requests for relief from zoning standards, and in accordance with the legal standards set forth in N.J.S.A. 40:55D-51 in the case of requests for relief from design standards.

No deviations shall be granted that results in any of the following:

- a. To allow a use not specifically permitted within the redevelopment area.

- b. Exceeding the prescribed bulk and area standards as indicated in the Redevelopment Plan or under Section 35-105.
- c. Deviation from the contractual obligations of the redeveloper to the Redevelopment Authority, if applicable.

### **3.3 Concept Overview**

The redevelopment area is envisioned as a mixture of residential and commercial uses (including warehouse and distribution facilities) and green space that will provide high quality economic development which may include housing opportunities and retail and service markets for both local and regional patrons while protecting sensitive natural resources.

This Plan envisions the front 40 acres (land fronting along Route 9) being developed in multi phases consisting of both commercial, residential, mixed-use, and warehouse development. Future phases, outside these front 40 acres, will include a mix of multifamily housing, standalone commercial, mixed use (ground floor retail with residential above), and a mix of passive open space, solar farm and recreational facilities.

One of the goals of the Redevelopment Plan is to facilitate a signalized entrance into the Redevelopment Area from Route 9. Another goal of the Redevelopment Plan is to facilitate a roadway link envisioned as an extension of Western Boulevard, from Northern Boulevard to the new signalized intersection on Route 9.

The redevelopment area is not expected to be developed all at once and may develop as one or more Planned Unit Developments (PUD) carried out by one or more redevelopers.

### **3.4 Redevelopment Activities**

The major activities planned for the redevelopment area include:

- Acquisition, clearance and assembly of an approximately 443 acre parcel of land for the construction of residential, commercial and recreational uses, and for open space preservation.
- Utility and infrastructure upgrades necessary to support the redevelopment plan.
- Mitigation of existing soil and water contamination.

#### **3.4.1 Subdivision**

Considering the size and scope of future redevelopment activities, a subdivision is necessary in order to create development parcels which could be more easily transferred to other entities.

### 3.4.2 Technical Subdivision

For the purpose of allowing the development of the site as one overall property, even if various portions are under the legal control of disparate owners, the Redevelopment Plan allows for technical/economic subdivisions.

The subsequent subdivision of individual lots within the development site is permitted, provided that the lots are created in conformance with an approved overall preliminary development site plan and the subdivided parcel has received final site plan approval.

So long as the overall approved development had preliminary site plan approval, there shall be no limitation on maximum building and building and structure coverage requirements for individual lots. Area, yard, building, loading and parking requirements contained in this subsection and approved on the final site plan shall not apply to the subdivided lot. A lot need not front on a public or private street, and no minimum distances between individual buildings are required.

The intent of this provision is to permit individual buildings to exist as separate lots. However, each subdivided lot and any proposed improvement on that lot shall be subject to and may only be improved in accordance with this Redevelopment Plan and shall not cause the overall development to exceed the standards set forth herein.

## 3.5 Land Use Requirements

### 3.5.1 Permitted Uses

The list of permitted uses in the redevelopment area is provided below. All uses are subject to the requirements of the Redevelopment Plan Design Standards unless otherwise stated in this plan. Uses permitted by specific provision of the Municipal Land Use Law shall also be permitted in the redevelopment area.

#### Residential

1. Multifamily units above commercial uses.
2. Multifamily dwellings [**including but not limited** ]~~without limitation~~ to apartments, condominiums, and/or townhouses.

#### Retail Goods and Services

1. Retail, convenience, and commercial merchandise and service establishments, drive through optional.
2. [**Car wash, as a retail, service establishment, drive through optional.**]
3. Pharmacy; drive through optional.
4. Banks and financial institutions; drive through optional.
5. Business, corporate and professional offices.
6. Health clubs and spas offering massages

7. Medical Services, including Imaging Centers and Outpatient treatment.
8. Day-care center, preschool and day nursery school.
9. Senior day-care and senior centers.
10. Stand-alone large format retail establishments, including department stores, supermarkets and grocery stores, specialty retailers, wholesale clubs and/or warehouse retail uses.
11. Restaurants and other establishments serving food and beverage to the general public such as a restaurant, café, delicatessen, tavern, retail baker, confectionery or ice cream/ice shop, including outdoor dining and walk-up windows, and drive through optional.
12. Galleries and museums.
13. Artist studios and lofts.
14. Theaters, including motion pictures and stage plays, but excluding any adult entertainment venues.
15. Fuel filling facilities with convenience retail or as part of large format retail establishments.
16. Convenience store; gas station and drive through optional.
17. Garden centers.
18. Self-service storage facilities.
19. Indoor entertainment uses and recreation, excluding any adult-entertainment venues.

### **Lodging Establishments**

1. Hotel, motels, and extended stay establishments provided they are not used as single room occupancies, transient or residential hotels, or boarding houses that allow occupancy for more than 45 days.

### **Light Industrial**

1. Warehouse Distribution Center
2. Fulfillment centers, sortation centers, and last-mile delivery stations.
3. Distribution facilities

### **Civic/Recreation**

1. Government administration uses, post office, public schools, community center, public library, offices for public utilities, and police, EMS and fire substations.
2. Public and private park, plaza, square, courtyard, urban garden, water features, and public recreation areas with ancillary facilities such as information kiosks, restrooms, vending areas, and environmental/interpretive centers.
3. Open space preserve areas such as wetlands and habitat refuge areas.
4. Community recreation center
5. Indoor pool
6. Multipurpose fields
7. Ice hockey rink

## Utilities

1. Solar energy systems.
2. Public utility substations

### 3.5.2 Conditional Uses

Cellular telecommunication towers and facilities are permitted as conditional uses in accordance with Section 35-127.12 of the Berkeley Land Development Ordinance.

### 3.5.3 Permitted Temporary Uses

Temporary uses in the redevelopment area are subject to the Berkeley Township General Code or as otherwise provided for by the Township Council on a case by case basis. Temporary uses include but are not limited to:

1. Street vendors in commercial areas.
2. Farmer's market.
3. Seasonal outdoor retail sales.
4. Outdoor art and craft shows, antique shows, flea markets, or group activities, within parking areas.
5. Circuses, carnivals, or similar amusement enterprises.
6. Outdoor entertainment such as music, concerts and performing groups in commercial areas.
7. Outdoor dining and picnics
8. Community sponsored events.

### 3.5.4 Permitted Accessory Uses

Accessory uses and structures are permitted that are customarily incidental and subordinate to, and located on the same lot as a principal permitted use. Accessory uses include but are not limited to:

1. Playgrounds.
2. Club house.
3. Swimming pools.
4. Detached garages.
5. Storage and maintenance sheds, no larger than 100 square feet.
6. Greenhouses and other horticultural structures for private/non-commercial purposes.
7. Patios, freestanding decks, gazebos, and other similar recreational or ornamental buildings or structures.
8. Common open space, social and recreational facilities.
9. Parking lots and structures.
10. Outdoor dining for restaurants within commercial areas.



11. Gasoline filling stations.
12. Drive through facilities
13. Solar facilities.
14. Trash and recycling areas.
15. Rideshare shelters.
16. Guardhouses.
17. Utility infrastructure (EV equipment, transformers, etc.)

### **3.5.5 Prohibited Uses**

Any use that is not expressly permitted in Sections 3.5.1 through 3.5.4 of this plan is hereby prohibited.

## **3.6 Design Standards**

The following design standards will be applied to all development within the Redevelopment Area. Any elements not covered by these standards will be subject to other appropriate provisions of this redevelopment plan and the Berkeley Township Land Development Ordinance. All redevelopment activities are also subject to applicable State and Federal requirements.

Full build-out of the redevelopment area is likely to require several years, multiple phases and multiple redevelopers. The standards presented here are meant to provide some degree of flexibility to account for market and regulatory fluctuations, and unanticipated geophysical issues, while ensuring that the goals and objectives of the redevelopment plan are achieved.

### **3.6.1 Maximum Impervious Coverage**

Total overall development of the designated redevelopment area shall have a maximum impervious coverage of 30%. Individual redevelopment projects will likely significantly exceed 30% impervious coverage in the Phase 1 area, but sufficient open space and lower density development in the Phase 2 area will balance the impervious coverage so that the build-out of the entire Redevelopment Area will not exceed 30% impervious coverage.

### **3.6.2 Open Space**

To ensure that the plan promotes and encourages a suitable environment devoted to civic spaces, parks, recreation and open space and preserves and protects areas of special or unusual ecological, environmental or geographical interest, not less than 30% of the entire Redevelopment Area shall be set aside as preserved or restored open space. All open space areas shall be suitable for active or passive use or contribute to viable wildlife habitats. To that end, landscaped areas such as parking islands, roadway medians, and planting strips shall not be counted towards the open space requirement. However, stormwater management features, such as retention ponds, stormwater detention areas, rain gardens, bioretention basins and the equivalent that are designed to supplement or enhance landscaped buffers, open space areas or wildlife habitat and are reasonably accessible to the public may be counted toward the minimum open space requirements.

### **3.6.3 Bulk Requirements**

The redeveloper, in conjunction with the Township, will develop bulk and area recommendations suitable for the project site. All bulk and area requirements are subject to the approval by the Redevelopment Entity and will be contained under Section 35-105, hereby renamed Town Center Redevelopment Plan.

### **3.6.4 Building and Site Design**

The redeveloper, in conjunction with the Township, will develop special design requirements which will be unique to the redevelopment area. All design requirements are subject to the approval by the Redevelopment Entity and will be contained under Section 35-105, hereby renamed Town Center Redevelopment Plan.

### **3.6.5 Landscaping**

Any portion of the redevelopment area that is not absolutely required for buildings or parking or other necessary improvements should be landscaped. These areas will be designed to provide:

- Amenities for the residents, employees, shoppers and visitors.
- Protection for environmentally sensitive resources.
- Mitigation of “heat island” effects.
- Appropriate visual and noise buffers.
- A soft transition between higher and lower intensity uses.

The redeveloper will prepare a landscaping and open space plan for review by the Township Redevelopment Entity. The plan will be prepared by a landscape architect and specifically address and demonstrate how each of the above objectives is achieved. These performance standards take the place of any landscaping or buffer requirements currently in the Berkeley ordinances.

### **3.6.6 Exterior and Street Lighting**

All exterior lighting shall be designed to prevent glare onto adjacent properties. Pedestrian pathways need to be clearly marked and well lit. Lighting should be sufficient for security and identification without allowing light to trespass onto adjacent sites. Use of pulse start metal halide, color-corrected sodium light sources, LED lighting and solar powered lighting are encouraged where appropriate and wherever fixtures are commercially available. Non-color corrected low-pressure sodium are prohibited.

Light fixtures attached to the exterior of a building shall be architecturally compatible with the style, materials, colors, and details of the building and shall comply with the Township building codes. The type of light source used on the exterior of buildings, signs, parking areas, pedestrian walkways, and other areas of a site, and the light quality produced, shall be the same or compatible.

### **3.6.7 Signage**

The redeveloper, in conjunction with the Township, will develop signage suitable for the project site. Signage requirements specific to the site will be contained under Section 35-105, hereby renamed Town Center Redevelopment Plan. To facilitate this process, the redeveloper will prepare a comprehensive sign plan that will identify, locate and illustrate each proposed sign within the redevelopment area consistent with the following:

- a. The requested signage is necessary for the reasonable identification of the redevelopment area tenants.
- b. The requested signage will not contribute to visual clutter.
- c. The requested signage will not present any safety hazards.
- d. The requested signage will complement the architectural style of the development.
- e. All signs will be professionally designed and constructed of a durable material.
- f. No sign will be illuminated in a manner that permits any light to shine or cause a nuisance to an adjacent residential use.
- g. Façade signs will complement and not interfere with, be out of proportion with, or cover over a building's architectural details.
- h. Commercial advertising billboard signs are prohibited in the redevelopment area

### **3.6.8 Parking, Circulation and Loading**

#### **Surface Parking**

Parking lot layout, landscaping, buffering, and screening shall be provided to minimize direct views of parked vehicles from streets and sidewalks, avoid spillover light, glare, noise, or exhaust fumes onto adjacent properties, and provide the parking area with a reasonable measure of shade, when trees reach maturity.

All off-street parking areas shall be set back a minimum 15 feet from Route 9 and Western Boulevard, and 5 feet from a property line. Parking lots adjacent to street rights-of way, excluding internal roads or driveways within easements that are not accepted by the Township as a public street, shall be screened with either a landscaped buffer or a solid wall architecturally integrated into the overall site development. Screening shall consist of a year-round visually impervious screen, or hedge. The height of any required screen, hedge or wall shall decrease where driveways approach sidewalks or walkways, in order to provide adequate visibility of pedestrians from motor vehicles and shall not interfere with clear sight triangle requirements.

Surface lots shall be extensively landscaped or designed with a combination of interior and perimeter landscape treatments that mitigate against the adverse visual impact, heat island effect and the generation of stormwater runoff. Tree islands are recommended at the ends of each aisle to provide visual relief from long expanses of parking and to guide circulation.

#### **Shared Access**

Wherever possible and practical, each lot shall provide shared access drives and cross access easements for its parking areas and access driveways guaranteeing access to adjacent lots (Industrial uses should have individual access so that trucks do not mix with residential or commercial uses). Interconnections shall be logically placed and easily identifiable to ensure convenient traffic flow. In the event that a lot develops prior to the development of an adjacent lot(s), provisions for cross-access drives shall be established through cross-access easements, which shall not be utilized as parking spaces.

### **Pedestrian Circulation**

Safe provisions for pedestrian access to and through a parking lot shall be required, including striping, enhanced pavement markings, traffic calming features and sufficient lighting in accordance with Township standards.

### **Bicycle Facilities**

Bike racks or lockers should be provided, where appropriate. Racks may be located at a store entrance or at a central location connected by pedestrian walkways but not in such a manner as to impede pedestrian flow.

### **Electric Vehicles**

Electric vehicle charging stations and their supporting infrastructure shall be permitted within the Redevelopment Area and shall be counted toward the required parking.

### **Number of Spaces**

The required number of parking spaces shall conform to the Residential Site Improvement Standards (RSIS), and Section 35-63 of the Berkeley Township Land Development Ordinance.

### **Traffic Study**

A traffic impact assessment shall be submitted by the applicant for all preliminary major subdivisions involving the creation of 25 or more lots, all preliminary major site plans proposing 20,000 square feet or more of gross floor building area, except as specifically waived in whole or in part by the municipal agency. A traffic impact study shall include the following:

- a. The purpose and scope of the project, the suitability of the site for the intended project, and the estimated resident population, if applicable.
- b. An inventory and description of existing traffic conditions within the area impacted by the proposed development.
- c. An assessment of the traffic impacts of the project; a description of the steps to be taken to minimize adverse traffic impacts during project construction and operation, both at the project site and within impacted areas (such description shall

be accompanied by the necessary maps, documents and other explanatory data that may be needed to clarify and explain the action to be taken).

- d. The applicant shall list all known licenses, permits and other approvals required by law for the construction and operation of the proposed project. This list shall include approvals required by the Township, as well as agencies of the county, state and federal governments. Where approvals have been granted, copies of said approvals shall be attached. Where approvals are pending, a note shall be made to that effect.

### **Shared Parking**

Shared parking shall be encouraged for all parking lots, except between an industrial use and another use, and particularly for those serving mixed-use commercial and residential buildings. Where necessary, the Planning Board may permit a limited amount of parking to be reserved either for residential or specified commercial uses only; or may restrict the hours that certain spaces are to be used for residential or commercial uses only.

If shared parking is utilized, a report detailing the factual background information necessary to make an educated decision as to the number of required off—street parking spaces. Any report shall utilize the latest edition of the ITE informational report Parking Generation.

### **Loading and Service Areas**

Loading and service areas shall be designed, located and arranged to be of appropriate size for the intended use; so as not to interfere with vehicular or pedestrian circulation.

Service and loading areas must be located to the side or rear of buildings unless a more appropriate location is approved by the Planning Board. Loading docks shall not be located along primary street frontages. Screening and landscaping shall be provided to minimize direct views of the loading areas and their driveways from adjacent residential properties. Screening and buffering shall be achieved through walls, fences, or landscaping. Screening shall be a minimum of six feet high and shall be of sufficient height to achieve the recommended sound reduction. Recesses in the building, or depressed access ramps, may be used.

Shared refuse storage facilities shall be utilized where available and practical. The storage of refuse shall be provided inside building(s) or within an outdoor area in the rear of the property, screened around the perimeter by masonry wall with a minimum height of six feet, landscaping and contain a gate. Such a wall shall be capped on the top.

### **3.7 Provisions Related to Off-Site Improvements**

The designated redeveloper or other such party responsible for the development of a property in the redevelopment area will be responsible for their fair share of any installation or upgrade of infrastructure related to their project whether onsite or off-site including improvements to Route 9.

Infrastructure items include, but are not limited to gas, electric, water, sanitary and storm sewers, traffic control devices, telecommunications, streets, curbs, sidewalks, street lighting and street trees.

The Township and redeveloper will work in partnership to overcome access and traffic circulation issues with the NJDOT and Ocean County Traffic Engineering agencies to enable an orderly, safe, and efficient re-routing of traffic through and around the redevelopment area. This includes working with the County to accommodate the most efficient and least disruptive extension of Western Boulevard through the NJ Pulverizing Company property.

The extent of the redeveloper's responsibility will be outlined in the redeveloper's agreement with the Township. Off-site responsibility for properties not covered under the redeveloper's agreement will be determined during the permit and/or site plan review phases.

All infrastructure improvements will comply with applicable local, state and federal codes including the Americans With Disabilities Act. All utilities will be placed underground.

### **3.8 Provisions Related to State and Federal Regulations**

Certain activities proposed in this plan may be subject to state and federal standards, regulations and permit requirements. The redeveloper is responsible for ensuring compliance with all applicable standards and obtaining necessary state and federal permits prior to the issuance of any construction permits.

### **3.9 Provisions Related to Affordable Housing**

A redeveloper will be responsible for complying with the Berkeley Affordable Housing Ordinance, and state requirements.

#### **Inventory of Affordable Housing**

N.J.S.A. 40A:12A-7 requires an inventory of all housing units affordable to low- and moderate-income households, as defined pursuant to section 4 of P.L.1985, c.222 (C.52:27D-304), that are to be removed as a result of implementation of the redevelopment plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure. In response to this requirement, there are not any housing units affordable to low- and moderate-income households as defined pursuant to section 4 of P.L.1985, c.222 (C.52:27D-304) that will be removed as a result of implementation of this Redevelopment Plan.

### **Plan for the Provision of Affordable Replacement Housing**

N.J.S.A. 40A:12A-7 requires a plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of a redevelopment plan. In response to this requirement, the implementation of this Redevelopment Plan does not result in the removal of any affordable housing unit that is subject to affordability controls.

## **SECTION 4. RELATIONSHIP TO THE LAND USE AND ZONING ORDINANCE**

### **4.1 Zoning Ordinance**

The standards contained within this redevelopment plan supersede any conflicting regulations in the Berkeley Township Land Development Ordinance. In the case where a particular land use or site standard is not covered in this redevelopment plan or in Section 35-105, compliance with the Berkeley Township Land Development Ordinance or other applicable Berkeley Township code or ordinance will be required or a variance should be requested at the Planning Board.

Properties within the boundaries of the redevelopment area but that are not included in the redevelopment area will continue to be governed by the existing base zoning until such time as it may be revised by the Township Council. These properties may, however, choose to comply with the standards contained in this redevelopment plan.

### **4.2 Map Amendment**

As previously stated, this Redevelopment Plan shall supersede the provisions of the underlying zone. As a result, the Township's Zoning Map is to be amended and this redevelopment are designated on the official map.



## SECTION 5. SIGNIFICANT RELATIONSHIPS TO OTHER PLANS

### 5.1 Plans of Adjacent Municipalities

Berkeley shares its municipal border with Seaside Park Borough on the Barrier Island; Ocean Gate Borough, Pine Beach Borough, Beachwood Borough, South Toms River Borough and Toms River Township to the north; Manchester Township to the west in the Pinelands; and Lacey Township to the south. Berkeley technically shares a border with two other municipalities – Island Heights and Seaside Heights. Both borders are considered inconsequential due to the fact that Island Heights is separated from Berkeley by the Toms River, and the Seaside Heights border adjoins Pelican Island, a small bay island separated from the Berkeley mainland by Barnegat Bay.

The redevelopment area is located at the northern end of Berkeley adjacent to the Boroughs of Pine Beach and Beachwood. The 2001 Pine Beach Land Use Plan identifies the land that is adjacent to the redevelopment area along Route 9 as Highway Shopping Centers (B-1). This Redevelopment Plan proposes complementary uses along Route 9.

Beachwood's 2000 Land Use Plan includes single family residential, school and recreational uses along the Berkeley border. While this redevelopment plan permits commercial business along the site's Route 9 frontage, a sufficient buffer is provided.

The Redevelopment Plan will replace a blighted area with much desired rateables which will provide positive regional benefits.

### 5.2 Ocean County Master Plan

The Ocean County Master Plan was adopted in January 2012. The following recommendations are relevant to and compatible with the Redevelopment Plan:

- Continue County economic development efforts to reduce unemployment, connect residents to local year-round employment opportunities, and enhance the tax base by encouraging compatible industrial and commercial operations to locate or expand in Ocean County.
- Strengthen communication and collaboration between the State, County and municipal economic development entities.
- Continue County economic development efforts to reduce unemployment, connect residents to local year-round employment opportunities, and enhance the tax base by encouraging compatible industrial and commercial operations to locate or expand in Ocean County.
- Promote green energy initiatives and assist in the continued implementation of the Ocean County Energy Master Plan for county facilities.
- Promote Brownfields incentives to facilitate the redevelopment of underutilized properties.
- Evaluate potential growth corridors in Ocean County.
- Encourage the NJ Department of Transportation to modernize and upgrade state highways throughout Ocean County, including Route 9, Route 35, Route 37, Route 70, Route 72, Route 88 and Route 166.

- Encourage the re-use and redesign of large-scale retail sites to make better use of large surface parking lots and incorporate more pedestrian-friendly design.
- Encourage mixed use developments which contain a variety of building types and uses, connected by walkable and aesthetically pleasing streets and corridors.
- Encourage the consideration of noise, visual aesthetics and natural environmental features in design projects.
- Encourage the consideration of energy factors in siting developments, including solar orientation and prevailing winds.
- Encourage Low Impact Design techniques to minimize the disturbance of natural areas and maximize the recharge of stormwater on-site.
- Maintain an ongoing evaluation of the recreational needs of Ocean County residents and assist in identifying new park and open space areas as necessary.
- Continue to work with all Federal, State, local and non-profit partners to acquire open space and maximize financial resources available for preservation.

### **5.3 New Jersey State Development and Redevelopment Plan**

The redevelopment area is located in the Suburban Planning Area (PA-2) on the State Plan Policy Map. The Redevelopment Plan is compatible with the State Plan's intention for the Suburban Planning Area, which is to provide for much of the state's future development; provide growth in centers; protect the character of existing stable communities; protect natural resources; and revitalize cities and towns.

This plan will achieve the following State Plan goals:

- Promoting beneficial economic growth - The redevelopment area will provide a focal point for future economic activity in the Township. It is expected that a higher quality and greater diversity of goods and services will be available to residents than is currently found in the strip developments that characterize the Route 9 corridor.
- Revitalizing cities and towns - Much of this area is underutilized and contaminated and detracts from the quality of life in the community. Those conditions will be replaced with a center that will attract quality investment into the Township.
- Improving environmental quality - The extensive contamination of the soil and ground water at this site will be remediated as a result of this project. Endangered habitats, wetlands and other environmentally sensitive features on the site will be preserved.
- Ensuring cost-effective delivery of infrastructure - The State Plan offers centers as the model for cost-effective delivery of infrastructure.
- Preserving and enhancing the quality of community life - Provide a focal point for the community as a whole and a vibrant, human-scaled living environment for those who live and work in the center.
- Preserve and enhance areas with historic, cultural, scenic open space and recreational value – Open space will be an integral part of the redevelopment area. Existing wetlands and water features will be incorporated into the design of the center.

#### **5.4 New Jersey Pinelands Commission**

Approximately 10,310 acres in Berkeley – west of the Garden State Parkway and south of the New Jersey Central Power and Light Company right-of-way – fall under the jurisdiction of the Pinelands Commission. This redevelopment area is not within the Commission regulated portion of the Township (i.e., the “Pinelands Area”).

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## **SECTION 6. AMENDMENTS AND COMPLETION**

### **6.1 Amending the Redevelopment Plan**

This plan may be amended from time to time in accordance with the procedures of the Local Redevelopment and Housing Law. To the extent that any such amendment to the redevelopment plan materially affects the terms and conditions of a duly executed redevelopment agreement between a redeveloper and Berkeley Township, the provisions of the redevelopment plan amendment will be contingent upon the amendment of the redeveloper agreement to provide for the plan amendment.

### **6.2 Certificate of Completion and Compliance**

Upon the inspection and verification by Berkeley Township 's redevelopment entity that the redevelopment of a parcel subject to a redeveloper agreement has been completed, a Certificate of Completion and Compliance will be issued to the redeveloper and such parcel will be deemed no longer in need of redevelopment.

The redevelopment plan will remain effective until the redevelopment area has been redeveloped and deemed no longer in need of redevelopment by the Berkeley Township Council.

# CERTIFICATE OF AVAILABILITY OF FUNDS

Resolution/Ordinance # 23-445-R

Date: October 16, 2023

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq. and any other applicable Requirement, I, Christine J Manolio, Chief Financial Officer of the Township of Berkeley, New Jersey, have ascertained that there are available sufficient uncommitted appropriations in the 2023 Municipal Budget to award a negotiated contract to  
S&G PAVING, INC.

For 2023 Road Improvements to Scarborough Place, St David Dr and Abaco St

In an amount not to exceed \$503,051.93

Funds for certification are, therefore, being made available and certified against the appropriation for:

2023 CAPITAL

Account# C-04-23-001-000-316

Ordinance Number 23-04-OAB


Contract Period:

Total Amount of Contract: Not to Exceed \$503,051.93

Amount Certified: Not to Exceed \$503,051.93

If the Certification of Availability of Funds are made during the period of the temporary budget, availability of funds for the remaining balance of the contract is contingent upon the necessary funds being appropriated by the governing body in the 2023 Municipal Budget, inclusive of amounts appropriated in the temporary budget.

If the Certification of Availability of Funds are made pursuant to N.J.S.A.5:30-14.5(c) 4, multi-year contracts entered into for periods in excess of twelve (12) months shall be certified and charged to the respective budgets in accordance with the time(s) at which the respective work or services are performed or liability for payment is otherwise incurred. Accordingly, commitments and payments required in excess of the initial (12) months are contingent upon necessary funds being appropriated in future budgets by a subsequent governing body.

  
Christine J Manolio  
Chief Financial Officer

# CERTIFICATE OF AVAILABILITY OF FUNDS

Resolution/Ordinance # 23-447-R

Date: October 16, 2023

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq. and any other applicable Requirement, I, Christine J Manolio, Chief Financial Officer of the Township of Berkeley, New Jersey, have ascertained that there are available sufficient uncommitted appropriations in the 2023 Municipal Budget to award a negotiated contract to  
EARLE ASPHALT COMPANY

For 2023 Road Improvements to Fontana St

In an amount not to exceed \$213,213.13

Funds for certification are, therefore, being made available and certified against the appropriation for:

2023 CAPITAL

Account# C-04-23-001-000-316

Ordinance Number 23-04-OAB


Contract Period:

Total Amount of Contract: Not to Exceed \$213,213.13

Amount Certified: Not to Exceed \$213,213.13

If the Certification of Availability of Funds are made during the period of the temporary budget, availability of funds for the remaining balance of the contract is contingent upon the necessary funds being appropriated by the governing body in the 2023 Municipal Budget, inclusive of amounts appropriated in the temporary budget.

If the Certification of Availability of Funds are made pursuant to N.J.S.A.5:30-14.5(c) 4, multi-year contracts entered into for periods in excess of twelve (12) months shall be certified and charged to the respective budgets in accordance with the time(s) at which the respective work or services are performed or liability for payment is otherwise incurred. Accordingly, commitments and payments required in excess of the initial (12) months are contingent upon necessary funds being appropriated in future budgets by a subsequent governing body.

  
Christine J Manolio  
Chief Financial Officer