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RULE ADOPTIONS

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Agency

ENVIRONMENTAL PROTECTION > LAND USE MANAGEMENT > LAND USE REGULATION PROGRAM

Administrative Code Citation

N.J.A.C. 7:7, Appendices I and J

Text

Notice of Administrative Changes

Notice of Acceptance of New and Changed State Plan Policy Map Planning Area Boundaries and the Designation of Regional Center and Core Community Development Boundaries Formally Approved by the New Jersey State Planning Commission as the Boundaries for Coastal Planning Areas and CAFRA Centers and Cores under N.J.A.C. 7:7-13.16

Township of Toms River, Ocean County, New Jersey

Take notice that, in accordance with N.J.A.C. 7:7-13.16, the New Jersey Department of Environmental Protection (Department) has evaluated and determined to accept the new and changed Planning Area, Regional Center, and Core Community Development boundaries for the Township of Toms River (Township), Ocean County, New Jersey that have been formally approved

by the State Planning Commission as new and changed Planning Area boundaries and designated Regional Center and Core Community Development Boundaries in the coastal zone. In accordance with Coastal Zone Management (CZM) Rules, N.J.A.C. 7:7, the Department shall evaluate the new or changed boundaries to determine if they are consistent with the purposes of Coastal Area Facility Review Act (CAFRA), N.J.S.A. 13:19-1 et seq., and the CZM Rules whenever the State Planning Commission formally approves new or changed State Plan Planning Area, core, or node boundaries. Also in accordance with the rules, the State Planning Commission approved boundaries will only be rejected or revised if the boundaries would result in unacceptable harm to the coastal ecosystem or the resources of the built or natural environment, or would otherwise be clearly inconsistent with the purposes of CAFRA or CZM rules. The 1993 amendments to CAFRA required that the rules adopted to implement those amendments be closely coordinated with the State Development and Redevelopment Plan (State Plan). The Department has evaluated the boundaries and determined that they are consistent with the purposes of the CAFRA and the CZM rules.

In accordance with N.J.A.C. 7:7-13.16(c), the boundaries accepted by the Department will be operative 30 calendar days from the date of publication of this notice in the New Jersey Register. The new and changed Planning Area boundaries and Regional Center and Core Community Development boundaries described by the accepted operative boundaries will be incorporated into N.J.A.C. 7:7-13 for purposes of applying the requirements for impervious cover and vegetative cover. Maps indicating the operative boundaries of the amended coastal planning areas, CAFRA Centers, and Cores are available on the Department's Geographic Information System (GIS), on the Department's website at www.nj.gov/dep/cmp/czm_news.html and may be reviewed in hard copy at the Department, 401 East State Street, Trenton, New Jersey 08625. An appointment for review can be scheduled by calling (609) 984-0058. Portions of the map are reproduced as part of this notice, as described below.

The resulting administrative changes to N.J.A.C. 7:7 Appendices I and J are indicated below and shall be operative September 5, 2018, 30 days from the date of publication in the New Jersey Register.

Historical Context and Establishment of Mainland Coastal Centers

In February 2000, as part of its effort to coordinate the rules adopted pursuant to CAFRA with the State Plan in accordance with 1993 amendments to CAFRA, the Department, considering centers identified in the 1992 State Plan and input from counties and municipalities in the coastal area, delineated coastal centers (see 31 N.J.R. 2042(a); 32 N.J.R. 503(a)). The designated coastal centers were divided into two groups; coastal centers located on barrier islands, oceanfront spits, and peninsulas, which were codified at the time in N.J.A.C. 7:7 Appendix 3, and coastal centers located on the mainland, codified in then-existing N.J.A.C. 7:7 Appendix 2. While the barrier island, oceanfront spits, and peninsula coastal centers in N.J.A.C. 7:7 Appendix 3 were not given an expiration date because these areas were already intensively developed, a five-year expiration date was imposed on the boundaries of coastal centers located on the less developed mainland (mainland coastal centers) to provide time for the mainland municipalities to conduct the more comprehensive planning required to obtain plan endorsement from the State Planning Commission and ultimately achieve CAFRA center status. The five-year expiration date was February 7, 2005.

A large portion of the Township was designated as a Mainland Coastal Regional Center under the CAFRA rules in 2000. This designation enabled some CAFRA projects in the Township to have up to 80 percent impervious cover.

In consideration that some local governments, including the Township, had committed substantial time and money on diligent efforts to obtain plan endorsement from the State Planning Commission

but had not yet obtained such endorsement, the Department determined it appropriate to re-establish the boundaries of certain mainland coastal centers that expired on February 7, 2005, for a limited term and in limited circumstances. These re-established mainland coastal centers remained effective until March 15, 2007, and were governed by existing N.J.A.C. 7:7-13.19. In September 2008, the Permit Extension Act of 2008 was enacted. This Act re-established certain mainland coastal centers, including the Township's Mainland Coastal Regional Center. The Act initially extended the expiration of approvals covered by the Act, including mainland coastal centers, to July 1, 2010. The Permit Extension Act of 2008 was subsequently extended on January 18, 2010. Because of the 2010 amendments to the Permit Extension Act, the boundaries of certain mainland coastal centers were once again extended through March 15, 2013. On September 19, 2012, the Permit Extension Act of 2008 at N.J.S.A. 40:55D-136.2 through 136.6 was further amended by P.L. 2012, c. 48. This Act further extended center designations in municipalities that had applied to the State Planning Commission for plan endorsement as of March 15, 2007, and were in compliance with the provisions of existing N.J.A.C. 7:7E-5B.6, including the Township. In accordance with P.L. 2012, c. 48, these centers expired December 31, 2015. However, P.L. 2016, c. 14, extended the Permit Extension Act for Sandy-impacted counties, which included Ocean County, until December 31, 2016. All mainland coastal centers have now expired.

It is important to note that, due to the difference in the level of planning involved, the mainland centers that expired and the new boundaries approved by this notice, including the coastal planning area boundaries and the CAFRA Center and CAFRA Core boundaries, are governed by separate provisions within the CZM Rules. Particularly, N.J.A.C. 7:7-13.19 provided limitations applicable to the interim, temporary mainland centers described above, which were initiated to allow time for municipalities to achieve the level of planning necessary to obtain plan endorsement through the State Planning Commission process. Due to the limited planning involved, limitations included prohibitions on inclusion within mainland centers of certain environmentally sensitive areas. In contrast, N.J.A.C. 7:7-13.16, which governs the Department's determination in the current context, provides that the Department may approve CAFRA Center boundaries based upon the boundaries established through the more extensive planning required by the State Planning Commission process, provided the Department determines that the boundaries approved by the State Planning Commission are consistent with the purposes of CAFRA and the CZM Rules. Unlike N.J.A.C. 7:7-13.19, the simple presence or absence of environmentally sensitive resources within a particular area does not automatically bar that area from being considered and approved as a CAFRA Center under N.J.A.C. 7:7-13.16.

Plan Endorsement

In August 2005, after the Department proposal to re-establish the mainland coastal centers, Dover Township (now the Township of Toms River) filed a petition with the State Planning Commission, pursuant to N.J.A.C. 5:85, seeking endorsement of its planning documents and [page=1795] amendments to the State Plan Policy Map. The Office of Smart Growth (now the Office of Planning Advocacy (OPA)) issued its consistency review of the Township's petition on May 23, 2006. The review listed the tasks the Township needed to undertake and/or complete before their petition for endorsement could be recommended for approval to the State Planning Commission. The recession, the Permit Extension Acts, and Superstorm Sandy all impacted the Township's planning efforts in the interim period between the initial filing of the petition and the determination by OPA that the Township's petition was complete, which occurred in 2016. During the ensuing years between 2006 and 2016, the Township moved on the tasks identified by the Office of Smart Growth's May 2006 consistency review. During this time, OPA, the Department, and other State agencies worked with the Township to settle upon the identification of areas most appropriate for new growth and redevelopment. The Township held over 15 public meetings in 2016 and 2017 to develop the vision for the smart growth plan and on master plan revisions. The Township ultimately determined to seek the designation of two Regional Centers (with one of the two Regional Centers

divided into two parts) and six Cores that encompass compact areas of land and which exclude significant areas containing sensitive environmental features. The Township's petition for Plan Endorsement was deemed complete and a consistency review was issued by the OPA on January 18, 2017.

Summary of State Plan Policy Map Changes

Prior to the changes accepted through this notice becoming operative, most of the mainland portions of the Township are designated as a Coastal Suburban Planning Area. Coastal Environmentally Sensitive Planning Areas are designated along the North Branch of the Toms River, in and around the wetlands, which drain across Hooper Avenue to Silver Bay and the marshlands along the Barnegat Bay south of Silver Bay. There are areas of the Township that lie across Barnegat Bay on the offshore Barnegat peninsula fronting on the ocean that are substantially developed and are mapped by the State Plan Policy Map as Environmentally Sensitive B Planning Area, which will remain unchanged by the endorsement of the Township's Master Plan. These areas, known as Pelican Island, Ortley Beach, and North Beach, lie off shore or on the Barnegat peninsula and are currently recognized and will continue to be recognized by the Department through the CAFRA program as non-mainland coastal centers.

The Township's current growth management strategy set forth through the plan endorsement process has changed since the strategy that was reflected in the Mainland Coastal Regional Center established in 2000. Reflecting this change, the expired Toms River Mainland Coastal Regional Center was replaced by the regional centers and six cores approved through Plan Endorsement. The new designations include the Downtown Toms River Regional Center (which straddles the east and west sides of the Toms River), the Industrial Regional Center (which includes the Ciba Geigy Superfund site on Route 37 west and a portion of the adjacent Route 37 corridor), and several highway cores (Route 9, Route 37 (east and west), Route 70, Hooper Avenue, and Fischer Boulevard).

Plan Endorsement: State Planning Commission Determination

The Township's petition, plans, supporting documents, and maps identifying the proposed Centers and Cores, and Planning Area boundaries, as amended since initial filing, were subject to two public meetings, one a State Planning Commission meeting on January 18, 2017 and one a Plan Implementation Committee meeting on December 21, 2016. Public comment was allowed at these meetings and written comments were accepted. Comment received included comment from environmental groups and other members of the public. The staff and Executive Director of the OPA reviewed the petition and amendments filed by the Township, as well as the comments received from the State agency partners and the public, including those comments opposing particular aspects of the petition from the public, and determined that the petition met the requirements of N.J.A.C. 5:85 for Plan Endorsement.

On November 15, 2016, the Executive Director of the State Planning Commission prepared a draft Recommendation Report, as well as a draft Plan Implementation Agreement (PIA). The draft Recommendation Report and draft PIA recommended conditional endorsement of the Township's petition, including changes to the State Plan Policy Map that reduce the extent of the Suburban planning area to comport with the sewer service area limits, increase the extent of Environmentally Sensitive and Parks designated planning area, and designate three Regional Centers and six Cores. On December 21, 2016, the Plan Implementation Committee (PIC) considered the recommendations summarized in the Executive Director's Recommendation Report and the draft PIA describing actions to be taken by petitioner during the endorsement period, as well as public comments provided before and during the PIC meeting. The PIC reviewed and considered the Petition,

concurred with the recommendation to conditionally approve the Petition, and moved the Petition for consideration by the full State Planning Commission at its next regularly scheduled meeting.

On January 18, 2017, the State Planning Commission considered the Township's petition for Plan Endorsement, including the PIA, and determined it to be consistent with the State Plan as required by N.J.A.C. 5:85-7.13, and incorporated the findings of the Director in his recommendation for conditional endorsement into its final determination. The State Planning Commission noted that the Township's plan is consistent with the goals, policies, and strategies of the State Plan including:

1. Goal 2-Conserve the State's Natural Resources and Systems,
2. Goal 3-Promote Beneficial Economic Growth,
3. Goal 4-Protect the Environment, Prevent and Clean Up Pollution,
4. Goal 5-Provide Adequate Public Facilities and Services at a Reasonable Cost,
5. Goal 6-Provide Adequate Housing at a Reasonable Cost, and
6. Goal 7-Preserve and Enhance Areas with Historic, Cultural, Scenic, Open Space and Recreational Value.

In making this determination, the State Planning Commission considered the petition submitted by the Township (including the PIA), the findings of the staff and Executive Director of the OPA with regard to the petition, the recommendations of the State Planning Commission's PIC with regard to the petition, and all of the comments and written correspondence submitted to the OPA and the State Planning Commission with regard to the petition (see Notice of Action on Petition at 50 N.J.R. 262(c)). The State Planning Commission determined that, once the Township adopted a municipal zoning map and zoning ordinance that reflected the proposed changes to Centers, Cores, and Planning Areas, the plans would be consistent with the goals, policies, and strategies of the State Plan and the endorsement would become final. The State Planning Commission passed Resolution 2017-02 to conditionally approve the petition for plan endorsement and authorize designation of new Regional Centers and Cores, and State Plan Policy Map Amendments upon completion of the conditions set forth in the resolution. The State Planning Commission also authorized the OPA to take any action necessary to implement the resolution.

On July 25, 2017, the Township updated and adopted its Land Use and Development Regulation Ordinance and provided a digital version of its zoning ordinance to the OPA that conformed to the plan that was conditionally endorsed by the State Planning Commission. As authorized by the State Planning Commission, the Executive Director of OPA determined that this information satisfied the conditions of the January 18, 2017 endorsement by the State Planning Commission of the Township's petition. Notice of the Executive Director's determination was published in the New Jersey Register on January 2, 2018. With this finding, the endorsement of the Township's plans became final and the State Plan Policy Map was amended to reflect the Township's Centers, Cores, and Planning Areas.

Department Analysis

The Township is the county seat of Ocean County and the focus of much development over the past several decades. Greatly affected by Superstorm Sandy, the Township sought to implement smart growth practices and consideration of resiliency to coastal hazards where redevelopment and new

development is to occur. The Township has drafted and implemented many planning documents and policies that further the protection of the coastal ecosystems of the Toms River Watershed and the Barnegat Bay.

[page=1796] The Township has adopted a new comprehensive Master Plan, which incorporates sustainability and resiliency provisions into its elements. The Township has adopted a Municipal Public Access Plan, as well as a Conservation, Recreation and Open Space Element, and an Environmental Resources Inventory as part of the new Master Plan.

The Township is voluntarily undertaking two additional strategies to advance natural resource protection and help protect Barnegat Bay through the Plan Endorsement Process. First, the Township has adopted ordinance revisions that go beyond the standards used by Department regulatory programs intended to mitigate stormwater runoff impacts to the Barnegat Bay. This will be accomplished by requirements that new development and redeveloped sites in the centers and cores must utilize low impact, non-structural techniques, such as drywells to catch runoff from roofs, bioswales, and raingardens for development sites that would otherwise not be subject to the Department's stormwater management requirements because of their size or pre-existing extent of impervious site coverage. Second, the Township has agreed that public properties held by the Township, not now considered Parks, which lie outside of the sewer service area are to be listed on the Township's Green Acres Recreational and Open Space Inventory when Greens Acres funding is next sought as "unfunded parklands." This designation limits the ability of the Township to seek to dispose of or divert these lands for purposes other than recreation or open space.

Planning Area Changes

The Township adopted a Land Use Element and Circulation Plan Element in April 2017, that includes the delineation of regional centers for Downtown Toms River and the former Ciba Geigy (BASF) site and cores along the highway corridors of Route 37 (one core for Route 37 east and one core for Route 37 west), Route 9, Route 70, Hooper Avenue, and Fischer Boulevard. The Circulation Plan Element and Land Use Element specifically addressed the congestion and mobility issues of the U.S. Route 9 corridor. Techniques to be employed to help reduce these problems are changing the zoning from Rural Highway Business to Light Industrial to reduce trip generating uses and a requirement for the use of cross-access easements between properties fronting on the highway and Plans for the extension of east-west County roads crossing U.S. Route 9 to provide alternative routes between North Dover and the coastal sections of the Township.

The Township gained the designation of centers and cores, and changes to planning area boundaries on the State Plan Policy Map as part of its endorsement by the State Planning Commission. Within the CAFRA area, Planning Areas, and Centers and Cores designated by the State Planning Commission, depicted on the State Plan Policy Map, are referred to as Coastal Planning Areas, and CAFRA Centers and CAFRA Cores, respectively, once accepted by the Department through notice upon a finding that the boundaries approved by the State Planning Commission are consistent with the purposes of CAFRA and the CZM Rules. The Department uses the standards within N.J.A.C. 7:7-13.16, which governs Coastal Planning Areas, CAFRA Center, CAFRA Core, and CAFRA Node boundary designations, when determining whether to accept the State Planning Commission's decision.

Amendments to planning area boundaries reflected in the Land Use Element and Circulation Plan Element of the Township Master Plan made in April of 2017, are consistent with the planning area boundaries subsequently approved by the State Planning Commission. The changes to the State Plan Policy Map include the delineation of regional centers for Downtown Toms River and the former Ciba Geigy (BASF) site and the establishment of six linear Cores overlaying the existing Coastal

Suburban Planning Area along the highway corridors of Route 37, Route 9, Route 70, Hooper Avenue, and Fischer Boulevard. Additionally, refinement of the Coastal Suburban and Environmentally Sensitive Planning Area boundaries on the State Plan Policy Map were approved to more closely align them with the previously adopted extent of sewer service areas, the extent of developed parcels, and environmentally sensitive lands otherwise excluded from the sewer service area.

The Coastal Suburban Planning Area policy objectives established at N.J.A.C. 7:7-13.15(c) seek to encourage mixed-use development and redevelopment in compact Centers, and to guide opportunities for economic development and employment in Centers. The policy also seeks to promote seasonal and year-round travel and tourism activities in the coastal resort areas, encourage links from Coastal Suburban Planning Areas to employment Centers with public transit, and promote transportation systems that address the special seasonal demands of travel and tourism along the coast. Further, the policy seeks to ensure adequate wastewater treatment capacity is available, and minimize impacts of off-site stormwater runoff by using best management practices that protect the character of natural drainage systems. The changed Coastal Suburban Planning Area boundaries generally reflect the boundaries of the Future Sewer Service Area, so that the growth area limits and sewer service area limits are aligned.

The Department has determined that the establishment of the Regional Centers, and six Cores, which overlay the Suburban Planning Area, as well as changes to the Planning Areas throughout the municipality fulfill the Coastal Suburban Planning Area policy objectives established at N.J.A.C. 7:7-13.15(c). This includes plans to encourage mixed-use development and redevelopment in compact centers, to guide opportunities for economic development and employment in centers, and to ensure adequate wastewater treatment capacity, and minimize off-site stormwater runoff by encouraging the use of best management practices that protect the character of natural drainage systems.

While most of the Township is on the mainland, there are three residential neighborhoods offshore. These are Pelican Island, a portion of a developed bay island that lies at the east end of the Route 37 bridge; Ortley Beach, and North Beach, which lie on the Barnegat Peninsula, the long narrow barrier peninsula that separates Barnegat Bay from the Atlantic Ocean that extends from Bay Head to the Barnegat inlet. These neighborhoods are designated by the State Plan Policy Map as an Environmentally Sensitive B planning area. No changes were made to these designations by the State Planning Commission action approving the Township's petition. These areas are considered non-mainland coastal centers and, as noted previously, are currently recognized and will continue to be recognized by the Department through the CAFRA program as non-mainland coastal centers.

The Coastal Environmentally Sensitive Planning Area policy objectives established at N.J.A.C. 7:7-13.15(f) seek to protect environmentally sensitive features by guiding development and infrastructure into centers and maintaining low intensity development patterns elsewhere. This policy seeks to ensure that development patterns do not exceed the carrying capacity of natural and built systems, and are consistent with the existing landscape. Further, this policy seeks to protect natural resources that are critical to the coastal ecosystems by maintaining large, contiguous areas of undisturbed habitat. The Township lies adjacent to the Atlantic Ocean and has over 100 miles of tidal water shoreline along the Atlantic Ocean, bay frontage, lagoons, and rivers.

The Coastal Environmentally Sensitive Planning Areas in Toms River encompass tracts of undeveloped uplands, wetlands, and riparian corridors that are considered environmentally sensitive by the Department. Some parcels within the recently adopted sewer service area remain within the Coastal Environmentally Sensitive Planning Area as these are existing developed sites otherwise surrounded by wetlands and other environmentally sensitive areas. The refinement of the mapping and the designation of lands as Coastal Environmentally Sensitive Planning Areas that will occur

when the changes accepted at this time become operative will reduce the extent of the Coastal Suburban Planning Area and enlarge the Coastal Environmentally Sensitive Planning Area by removing lands that are no longer within the sewer service area. The creation of focus growth areas in the Coastal Suburban Planning Area and enlargement of the Coastal Environmentally Sensitive Planning Area will help in the protection of Barnegat Bay and its contributory waters. The Coastal Environmentally Sensitive Planning Area encompasses the last largely undeveloped environmentally sensitive tracts in the Township, including the Toms River riparian corridor and upstream drainage of the waterways that drain to Silver Bay. The Department has determined that the designation of the Township Regional Centers and Cores along with additional areas being designated as Environmentally Sensitive Planning Area, coordinated with the Township's Master Plan, zoning ordinances, and [page=1797] development review documents, fulfills the policy objectives for the Coastal Environmentally Sensitive Planning Area at N.J.A.C. 7:7-13.15(f).

Regional Centers

Downtown Toms River functions as the seat of county government, and is the civic, historic, employment, and cultural center of the Township. The downtown contains an identifiable commercial district surrounded by moderate density residential neighborhoods, and includes the Community Medical Complex and other medical facilities, the Ocean County Government Complex, the Ocean County Jail, Toms River South High School, Township Government Complex, Ocean County Library, Post Office, and other community focal points. The Toms River runs through the downtown, leading to the bifurcation of the Downtown Regional Center into areas East and West of the river.

The general goals and objectives for the Downtown Regional Center are to promote continued revitalization and redevelopment of the downtown, develop downtown Toms River as a cultural and art center for Ocean County, and enhance pedestrian safety and circulation. The main approach for the Downtown Regional Center is to adopt a redevelopment plan for the area that encourages mixed-use development, encourages infill development, where appropriate, and encourages rehabilitation and reuse of existing under-utilized buildings. The Township also will continue to support the Downtown Toms River Business Improvement District and the new artist community that is trying to transform Toms River into a cultural destination. See figures 1 and 2.

The other Center area is labeled as Industrial and is located along both sides of Route 37 adjacent to the boundary with Manchester Township and includes a small existing industrial park, vacant lands and the former Ciba Geigy property. Some of these lands have been the focus of previous development proposals, including a proposal to construct a Walmart that was previously and repeatedly litigated, see, for example, *Pinelands Preservation Alliance v. State, Department of Environmental Protection*, 436 N.J. Super. 510 (App. Div.), *certif. denied*, 220 N.J. 41 (2014). The formerly proposed Walmart site lies within an existing sewer service area along Route 37, making it likely that another development will be proposed in the future. Depending upon the scope of any proposed development, it is likely that aspects would be subject to Department permitting review, including review to determine compliance with CAFRA, freshwater wetlands requirements, stormwater management, adequate vegetative cover, and other regulatory requirements that protect environmentally sensitive resources. In addition, the restrictions established on the former Ciba Geigy site to ameliorate environmental problems at this Superfund site would further limit and govern how that site could be redeveloped.

The Center has rail rights of way that are not currently utilized. However, these could be reactivated to be utilized to transport freight by rail and connected to existing freight lines. Alternately, the rights of way could be made part of an overall plan to improve bike and pedestrian mobility in the area. The Center is located within proximity to the Garden State Parkway via exits 82 and 83, and within a few miles of the Lakehurst Gate of Joint Base McGuire-Dix-Lakehurst. The Township [page=1799] had previously designated the Ciba Geigy site as an area in need of redevelopment with the expectation that a redevelopment plan could provide a land use plan tailored to the expansiveness of the site and address several issues that would benefit the Township, including a new roadway connection between Route 37 and CR527 that could take through traffic out of the neighborhood adjacent to the site. The acquisition of the site by BASF led to litigation that resulted in a settlement that included the adoption of a resolution by the Township rescinding the redevelopment area designation. In addition, BASF and the Township have been engaged in a prolonged property tax appeal, which precludes any changes to the zoning until resolution is reached. Ultimately, the Township believes that either a redevelopment plan or a General Development Plan approach through a zoning amendment would be the most appropriate way to deal with a site the size of Ciba Geigy.

Should the site remain as industrial, it is expected that an added incentive for the site is that the Lakewood International Trade Designation has been expanded to include all of the Township. This international trade designation is a benefit to businesses that work internationally, such as manufacturing companies that produce new products utilizing materials from other countries. The State of New Jersey has historically supported the development of economic clusters and encourages further development of such clusters. See figure 3.

[page=1800] The Department has reviewed the Toms River CAFRA Regional Center community development boundaries designated by the State Planning Commission. The Department believes that these boundaries are appropriate because the areas encompassed are all within a pre-existing sewer service area, contain developed and/or developable lands, and include lands with redevelopment and infill potential. The Department has determined that the Downtown East and West, and the Route 37 Industrial CAFRA Regional Centers are consistent with the coastal goals at N.J.A.C. 7:7-1.1(c), specifically, N.J.A.C. 7:7-1.1(c)6i, because the new Centers are designed to promote concentrated patterns of development rather than disperse the pattern of coastal commercial, industrial, and resort development. Further, the designation meets the policy objectives of the Coastal Suburban and Environmentally Sensitive Planning Areas established at N.J.A.C. 7:7-13.15(c) and (f). As a result, pursuant to N.J.A.C. 7:7-13.16, the Department finds that the designations of the Downtown Toms River CAFRA Regional Center and Route 37 Industrial CAFRA Regional Center are consistent with the purposes of CAFRA, N.J.S.A. 13:19-1 et seq., and the CZM Rules at N.J.A.C. 7:7.

Highway Cores

The Township's six cores are situated along highways that are the major arterial roadways of the Township. The cores straddle portions of the largely developed roadside corridors of Route 70, Route 9, Route 37, Hooper Avenue, and Fischer Boulevard. These areas generally have been previously developed with highway commercial, office, service, retail, and multifamily residential uses. As they have developed over the years, they have created links with the Township's residential neighborhoods, providing goods and services for them, as well as for tourists traveling to and from the Barnegat Peninsula communities and residents of neighboring municipalities.

The cores are designed to encourage infill development consistent with smart growth principles, reducing the pressure for development elsewhere. Taking into consideration the existing uses of

these core areas, the Township has developed visions of how each of the six highway cores should be developed and redeveloped. The individual highway cores with their targeted uses are as follows:

[page=1801] **Route 37 West Highway Core** -- Permitted uses that serve the needs of the adjacent Route 37 Industrial Center and Community Medical Center. See figure 4.

[page=1802] **Route 37 East Highway Core** -- Permitted uses include automotive dealerships and other uses that act as a gateway to the Barrier Island Communities. See figures 5 and 6.

[page=1804] **Hooper Avenue Highway Core** -- Permitted uses reinforcing it as a regional destination for retail and services. See figure 7.

[page=1805] **Fischer Boulevard Highway Core** -- Permitted uses that function as a local destination for retail and services and include designs that consider the hazards of coastal storms. See figure 8.

[page=1806] **Route 9 Highway Core** -- Permitted uses include neighborhood retail, office, and businesses uses utilizing site design that creates improved mobility and safer pedestrian movement. See figure 9.

[page=1807] **Route 70 Highway Core** -- Permitted uses that provide services that support businesses and encourage the development of new, and improvement of existing, multi-family housing. The Route 70 Core has some multifamily residential units that provide affordable housing for the Township. See figure 10.

The Department has reviewed the six Core community development boundaries designated by the State Planning Commission in the Township and believes that they are appropriate to serve as the boundaries for CAFRA cores. The areas encompassed by the CAFRA Core boundaries are within the pre-existing sewer service area, overlay the Coastal Suburban Planning Area, are primarily developed, and include developable lands and properties with redevelopment and infill potential. The Department has determined that the CAFRA Core designation for these areas in the Township is consistent with the purposes of CAFRA and the CZM Rules pursuant to N.J.A.C. 7:7-13.16. In addition, the CAFRA Core designations are consistent with the coastal goals established at N.J.A.C. 7:7-1.1(c), specifically, N.J.A.C. 7:7-1.1(c)6i, because the new cores are designed to concentrate rather than disperse the pattern of coastal residential, commercial, and resort development. Further, the designation meets the policy objectives of the Coastal Suburban and Environmentally Sensitive Planning Areas established at N.J.A.C. 7:7-13.15(c) and (f).

[page=1808] **CONCLUSION**

The Department has reviewed plans, reports, maps, and other materials submitted by the Township, local and State open space inventories, county and municipal plans and ordinances, coastal and freshwater wetlands inventories, materials submitted by the Township and by environmental groups and other members of the public to the State Planning Commission, and Landscape Project maps to determine the consistency of the Toms River CAFRA Regional Centers, Cores, and changed Planning Area boundaries with the purposes of CAFRA and the CZM Rules. The Department finds that the delineated community development boundaries, approved by the State Planning Commission as part of the Township's Plan Endorsement Petition, encompass existing and planned development and redevelopment, and recognize the extent of environmentally sensitive lands and waterways. The designated Toms River CAFRA Regional Centers and Cores, and changed Coastal Planning Area Boundaries concentrate the pattern of coastal residential, commercial, and resort development and provide additional protection to vulnerable coastal uplands and wetlands. The Toms River CAFRA Regional Centers, CAFRA Cores, and changed Coastal Planning Area boundaries are consistent with CAFRA and the CZM Rules, particularly the coastal goals established at N.J.A.C. 7:7-1.1(c).

The Toms River CAFRA Regional Center and CAFRA Core designations encourage the incorporation of smart growth designs into development and redevelopment projects, in more compact forms due to the higher impervious cover limits and development potential possible in these designated CAFRA growth areas. In addition to the allowance of higher impervious cover limits in these designated areas, the CZM Rules also allow maximum impervious cover in CAFRA Centers and Cores to be calculated based upon total land area rather than net land area (see N.J.A.C. 7:7-13.17), thus further increasing development potential. Actions taken by the Township, including adoption of a riparian zone ordinance, adoption of requirements to improve stormwater management in the Centers and Cores, the commitment to the reservation and designation of Township owned lands outside of the sewers service as parkland, and the recognition that the preservation of natural wooded areas on development tracts is an important aspect of all site plans, further contribute to achievement of the goals of CAFRA and the CZM Rules.

Prior to the operative date of this acceptance to the boundary of the Toms River CAFRA Regional Centers and Cores, the impervious cover limit for CAFRA-regulated development on the affected portions of the Township was 30 percent, as these areas are currently in the Coastal Suburban Planning Area. After the operative date of the accepted Toms River CAFRA Regional Centers and Cores, the impervious cover limit for CAFRA-regulated development within the CAFRA Regional Centers and Cores will be 80 percent. The increased impervious coverage limits allowed within the Regional Center by the Coastal Zone Management rules will enable more compact development patterns and result in a more efficient use of land.

Regulations

Full text of the changed rules follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

APPENDIX I

CAFRA CENTERS

This non-regulatory appendix contains the list of CAFRA centers, CAFRA cores, and CAFRA nodes, the boundaries of which have been accepted by the Department under N.J.A.C. 7:7-13.16(b), and which are incorporated into and shown on the CAFRA Planning Map. As required under N.J.A.C. 7:7-13.17(b), an applicant shall refer to the CAFRA Planning Map in order to determine the location of a site for the purposes of determining the applicable impervious cover limits under this chapter.

The Department will update the list of CAFRA centers, CAFRA cores, and CAFRA nodes in this [Appendix] **appendix** by notice of administrative change as part of the New Jersey Register notice required in N.J.A.C. 7:7-13.16(b). The appendix is organized as follows: [Counties] **counties** are listed alphabetically. Within each county, the municipalities are listed alphabetically. Within each municipality, the CAFRA centers, CAFRA cores, and CAFRA nodes are listed alphabetically.

I.-V. (No change.)

VI. Ocean County CAFRA centers

A.-H. (No change.)

I. Toms River Township

1. Toms River CAFRA Downtown Regional Center, East and West

2. Toms River CAFRA Industrial Regional Center

3. Route 37 West Highway Core

4. Route 37 East Highway Core

5. Hooper Avenue Highway Core

6. Fischer Boulevard Highway Core

7. Route 9 Highway Core

8. Route 70 Highway Core

VII. (No change.)

APPENDIX J

BOUNDARIES OF MAINLAND COASTAL CENTERS IN THE CAFRA AREA RE-ESTABLISHED UNDER THE PERMIT EXTENSION ACT OF 2008, AS AMENDED JANUARY 18, 2010, SEPTEMBER 19, 2012, AND DECEMBER 26, 2014

For purposes of N.J.A.C. 7:7-13, this appendix sets forth the boundary descriptions of the mainland coastal centers whose March 15, 2007, expiration has been extended under the Permit Extension Act of 2008, N.J.S.A. 40:55D-136.1 et seq. and the January 18, 2010, September 19, 2012, and December 26, 2014, amendments to that Act. The areas listed at N.J.A.C. 7:7-13.19(d) shall not be

considered part of a mainland coastal center. In addition, the areas that are within the "environmentally sensitive area" defined by the Permit Extension Act of 2008, as amended, at N.J.S.A. 40:55D-136.3, were not extended by the Act and, therefore, are not part of the mainland coastal center. Further information on the Permit Extension Act and environmentally sensitive areas is described on the Department's webpage at www.nj.gov/dep/permitextension/peaesa.html.

In accordance with N.J.A.C. 7:7-13.3(d), the impervious cover allowed on a site within a mainland coastal center must be placed on the net land area of the site, as determined under N.J.A.C. 7:7-13.3(e). The placement of impervious cover on a site in a mainland coastal center may be further restricted by other provisions of this chapter, including the special area rules at N.J.A.C. 7:7-9.

The appendix is organized as follows: [Counties] **counties** are listed alphabetically. Within each county, the municipalities are listed alphabetically. Within each municipality, the non-mainland coastal centers are listed alphabetically.

I.-II. (No change.)

III. Ocean County coastal centers

[A. Toms River coastal centers

1. Toms River coastal regional center

a. The coastal regional center boundary extends from intersection of the former Central Railroad of New Jersey railroad right of way and the Manchester Township/Dover Township municipal boundary, thence east along the railroad right of way to the Dover Township/Berkeley Township municipal boundary, thence southeast along the municipal boundary to Main Street, thence east along the north bank of the Toms River to the Island Heights Borough municipal boundary, thence north, east, south, and east along the municipal boundary to the mean high water line of Barnegat Bay, thence north and east along the mean high water line of Barnegat Bay to Adams Avenue, thence west on Adams Avenue to a point that is a perpendicular distance of 500 feet from Fischer Boulevard, thence northwest along a line parallel to and 500 feet east of Fischer Boulevard to a point 1,000 feet southeast of Hooper Avenue, thence northeast along a line that is parallel to and 1,000 feet southeast of Hooper Avenue to the Dover Township/Brick Township municipal boundary, thence west along the municipal boundary to a point that is a perpendicular distance of 1,000 feet west of Hooper Avenue, thence southeast along a line that is parallel to and 1,000 feet from Hooper Avenue to Bay Avenue, thence northwest on Bay Avenue to Bay Lea Road (County Route 571), thence west on Bay Lea Road [page=1809] (County Route 571) to Old Freehold Road (County Route 623), thence north on Old Freehold Road (County Route 623) to Intermediate West Way, thence west on Intermediate West Way to Indian Head Road, thence west on Indian Head Road to a point that is a perpendicular distance of 1,200 feet east of U.S. Route 9, thence north along a line that is parallel to and 1,200 feet east of U.S. Route 9 to a point that is a perpendicular distance of 2,000 feet west of Vermont Avenue at its intersection with the Lakewood Township/Dover Township boundary, thence east along that perpendicular line to the intersection of Vermont Avenue and the Lakewood Township/Dover Township boundary, thence northwest along the municipal boundary to a point that is a perpendicular distance of 1,000 feet northwest of State Route 70, thence southwest along a line that is parallel to and 1,000 feet from State Route 70 to Dover Pines Avenue, thence south on Dover Pines Avenue to State Route 70, thence northeast on State Route 70 to Whitesville Road, thence southeast on Whitesville Road to Cox Cro Road, thence southeast on Cox Cro Road to a point that is a perpendicular distance of 750 feet west of US route 9, thence south along a line that is parallel to and 750 feet west of U.S. Route 9 to Indian Head Road, thence west on Indian Head Road to Whitesville Road, thence southeast on Whitesville Road to the Garden State Parkway, thence south

on the Garden State Parkway to a point that is a perpendicular distance of 600 feet north of State Route 37, thence west along a line that is parallel to and 600 feet from State Route 37 to Shady Nook Drive, thence south on Shady Nook Drive to a point that is a perpendicular distance of 300 feet north of State Route 37, thence west along a line that is parallel to and 300 feet from State Route 37 to Cardinal Drive, thence north on Cardinal Drive to Oak Ridge Parkway, thence north on Oak Ridge Parkway to the mean high water line of the Toms River, thence northwest along the mean high water line of the Toms River to the Dover Township/Manchester Township municipal boundary, thence southwest along the municipal boundary to the intersection of the former Central Railroad of New Jersey railroad right of way and the Manchester Township/Dover Township municipal boundary.]

[B.] **A.** (No change in text.)