TOWNSHIP OF TOMS RIVER

MASTER PLAN
LAND USE PLAN ELEMENT

Township of Toms River
Ocean County, NJ
April 9, 2017

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GOALS AND OBJECTIVES

The New Jersey Municipal Land Use Law (MLUL) requires all Municipal Master Plans to have a statement of goals and objectives to be used as the basis for the document. The goals provide a general framework for future development and preservation throughout the Township, while the objectives offer more specific means of reaching the goals. The different plan elements then recommend ways of implementing the objectives to achieve the goals that have been set forth.

The Goals and Objectives presented in this Master Plan were established through a review of Township documents including past master plan amendments and revisions, redevelopment studies, various Post Sandy planning studies and reports and the Township’s Land Use Ordinance. Input was provided by local officials, Citizens Advisory Subcommittee concerned citizens and organizations within the Township.

STATEMENT OF GOALS

The Township of Toms River seeks to achieve an overall balance between the preservation of its natural resources and its residential and economic development. This need for balance has become even more acute as the Township recovers from the aftermath of Superstorm Sandy, which was devastating both socially and economically. The Township’s natural resources are abundant. The waterways surrounding the Township provide a unique setting and offer various recreational and environmental advantages. Preserving much of the remaining open space within the Township is crucial to sustaining its natural resources. Toms River Township residents also have deep roots in the historic village of Toms River and strive to maintain and revitalize this area. The municipality envisions an overall design theme for the Township, consistent with the theme of the downtown, to provide a more inter-related residential and economic foundation. The preservation and expansion of these resources are imperative in order to maintain and improve upon the existing quality of life.

STATEMENT OF OBJECTIVES

This Master Plan is intended to advance the purposes of the Municipal Land Use Law as contained in 40:55D-2. The following objectives address the general intent of the Municipal Land Use Law as it pertains to the Township of Toms River. These objectives have been categorized according to the different elements set forth in this Master Plan.

Land Use
1. To guide future residential and non-residential growth in a coordinated and managed approach as set forth in this Master Plan and to provide for logical transitional uses between residential and non-residential areas of the Township.

2. Develop Historic Downtown Toms River as a regional center for Ocean County, and create additional nodes and centers throughout the Township to encourage walkability and reduce vehicular trips.
3. Continue to use practical and flexible development controls in order to gain open space, conserve the natural landscape and protect the environmentally sensitive areas of the Township.

4. Relate future residential growth to the municipal infrastructure.

5. Encourage controlled and properly designed commercial and industrial development in areas so designated on the Master Plan.

6. Provide for the Township’s fair share of low-and-moderate-income housing as set forth in the amended Housing Element and Fair Share Compliance Plan adopted in February of 2017 as a result of mediation and a determination of compliance by the court in 2016.

7. Promote redevelopment of the Ciba-Geigy property, portions of Downtown Toms River between Huddy Park and the Parkway, and Route 37 between Fischer Boulevard and the bridge. Explore additional revitalization of Downtown Toms River through one or more rehabilitation area designations, including the waterfront east of Huddy Park and the downtown core between the river, Main Street and Hooper Avenue north to Madison Avenue along Hooper and Lien Street along Main Street.

8. Promote the drafting of a new development regulations ordinance to be entirely compatible with this Master Plan.

9. Within developed areas of the Township, the new ordinance should provide zoning districts that reflect existing land use patterns in order to minimize nonconforming lots and to diminish the need for bulk variances.

10. Create zoning ordinance provisions that recognize prevailing block patterns, especially in the R-40A and R-40B zones of the barrier island, as appropriate. Any provisions adopted should anticipate the need for subsequent development of accessory structures or additions.

11. Encourage cluster development in order to preserve large tracts of land.

12. Establish a transfer of development rights, clustering on noncontiguous lots or similar zoning techniques to direct growth to centers and preserve open space in environmentally sensitive areas and in areas vulnerable to flooding and sea-level rise.

13. Achieve regional coastal center designation for Toms River Center.

14. Achieve center designations for other locations in the Township that meet the criteria for centers in the State Development and Redevelopment Plan as coordinated through the New Jersey Office of Planning Advocacy through the Plan Endorsement Process.

15. Investigate new areas for redevelopment and revitalization.

16. Maintain the rural character of North Dover and Pleasant Plains in the face of increasing development pressure generated by the rapid population growth in Lakewood Township.
17. Encourage appropriate development of vacant or underutilized parcels.
18. Continue strategic implementation of the Downtown Master Plan and Proposed Zoning Amendments as Part of this Master Plan (see Appendix). Any modifications to the recommendations set forth in that document are specifically identified herein.
19. Opportunities should be created for the provision of affordable housing for those who are active in the workforce. To the extent feasible, these should be small in scale and designed to provide 100 percent of the units within the affordable range. Such opportunities should be consistent with availability of employment and transit resources, such as through the redevelopment of underutilized sites in the Waterfront Redevelopment Area along Water Street near the Toms River Bus Station, as well as expanded bicycle and pedestrian mobility. Care should be taken to avoid over-development of such opportunities along Route 9 until such time as the substandard capacity of that highway is addressed by the NJDOT.

Economic Development
1. Promote jobs and activities for the Township’s large senior population.
2. Develop additional jobs for the Township’s large professional population to encourage people to live and work in Toms River Township.
3. Capitalize on Toms River’s location and designation as the county seat to become a regional center. Encourage mixed-use development within the downtown, along with cultural and entertainment uses in order to attract young professionals that prefer walkable and diverse environments. Emerging uses such as “nano-breweries” (micro-breweries in small spaces), art galleries, brew pubs and similar uses that attract visitors and make downtown living more appealing should be encouraged.
4. Enhance the visual design of existing businesses to attract more consumers.
5. Encourage new businesses to establish in the Township.
6. Promote core retail destinations in areas where new residential development can support them, such as in the highway cores (Route 37, Route 9, Route 70, Hooper Avenue, etc), and in Ortley Beach and Coates Pointe.
7. Capitalize on mixed-use redevelopment and revitalization of areas that are becoming obsolescent.
8. Create new employment centers to reduce the number of residents who have to leave the county to find employment, and by so doing to reduce reliance on the congested regional highway system.
9. Use the historic and cultural assets of Downtown Toms River to cultivate cultural and heritage tourism, including the removal of regulatory obstacles to uses such as restaurants, entertainment and cultural venues, lodging and water-related activities, while enhancing and promoting the seaport and revolutionary war history of the downtown.
Community Facilities
1. Support the expansion of the Township’s healthcare services while maintaining and preserving the residential character of the area surrounding the Community Medical Center.

2. Maintain and improve upon the success of police and fire protection.

3. Update the equipment used by emergency personnel.

4. Meet or exceed all State and Federal requirements for the number of emergency personnel.

5. Continue to renew the Township’s infrastructure.

6. Maintain a uniformed police presence throughout the Township.

7. Encourage strategic location of emergency facilities and traffic routes that provide fast and easy maneuverability to all areas of the Township.

8. Ensure the expansion of community facilities to account for current and future growth, especially in light of the development pressure generated on North Dover by the population growth in Lakewood.

9. Provide adequate school facilities in accordance with the pace of development, working with the Toms River Regional School District to deal with shifts in enrollment trends between different areas of the Township.

10. Continue to provide high quality civic, library, medical and other community facilities to meet the broad ranging needs of the municipality.

11. Improve public transportation service for senior citizens and create bicycle and paratransit links between the Toms River Bus Station and the Downtown.

12. Build upon the lessons learned in responding to the emergency conditions caused by Superstorm Sandy related to preparedness and resiliency from major storm events.

Recycling and Solid Waste
1. Prepare for the complete utilization of Toms River Township’s landfill.

2. Curb illegal dumping.

3. Continue to increase recycling awareness to reach a 75% recycling rate of Toms River Township’s municipal solid waste stream.

4. Consider the utilization of trash incinerators.

5. Continue to improve coordination with the Ocean County recycling program.

6. Encourage activities of the Township’s Green Team to educate and motivate recycling within the Township.

Utility Services
1. Link the entire Township to public sanitary sewer service.
2. Upgrade the Township’s water supply system
3. Test private wells for water quality and, where feasible, utilize water supply system to diminish reliance on private wells.
4. Develop a list of mitigation projects for groundwater recharge, stormwater quantity control and stormwater quality control in accordance with the Municipal Stormwater Management Plan. Encourage Best Practices for nonstructural stormwater management, such as the integration of bioswales, raingardens, green roofs, etc., especially on smaller sites where structural stormwater management may inhibit economic investment.
5. Require developers to contribute to or complete a mitigating alternative that clearly offsets the effect on groundwater recharge, stormwater quantity control and/or stormwater quality control that was created by the granting of a variance or exemption.
6. Require developers to provide funding or partial funding for environmental enhancement projects that have been identified on the Toms River Township mitigation project list or towards the development of a regional stormwater management plan.
7. Revitalize the Township’s Water Advisory Task Force.
8. Develop better coordination with the New Jersey Department of Environmental Protection and United Water Toms River to alleviate water demand and supply deficit issues in a manner that links the character, location, magnitude and timing of development and redevelopment to available water supply.
9. Adopt model water conservation ordinance (amend Article VIII of Chapter 589 – “Water Use Restrictions”) part of the Plan Implementation Agenda (PIA) adopted by the State Planning Commission as part of Plan Endorsement.

Energy Conservation
1. Educate the public about alternative energy choices.
2. Encourage solar energy utilization where appropriate. The incorporation of net-metered facilities as an accessory use for commercial, educational, multifamily and institutional uses is specifically encouraged in appropriate locations that have minimal visual impacts on adjacent residential neighborhoods. The use of prime agricultural land and environmentally sensitive land for solar “farms” that generate energy into the grid are specifically discouraged. The use of brownfield sites such as landfills or capped areas for such solar farm uses is encouraged with appropriate design parameters.
3. Implement energy efficient land use and design standards.

Environmental/Conservation and Recreation
1. Preserve the Township of Toms River’s vast natural resources by restoring, maintaining, protecting and enhancing vital wetlands, waterways and forested areas.
2. Incorporate the Natural Resource Inventory, dated June 2016 and approved by the Township Environmental Commission on February 7, 2017, as a support document to a new Conservation Recreation and Open Space Element.

3. Conserve the Township’s remaining farm lots and maintain the rural character of the existing agricultural properties.

4. Provide sufficient active and passive recreational facilities for the existing and future populations, and update the implementation strategy in the Recreation and Open Space Facilities Plan.

5. Preserve additional vacant parcels to protect them from future development.

6. Link parkland, open space and community facilities.

7. Identify environmental constraints throughout the Township and continue to prohibit development in environmentally sensitive regions.

8. Encourage acquisition of land for public open space and recreation.

9. Identify and utilize preservation tools and funding sources for future conservation.

10. Utilize either a Transfer of Development Rights (TDR) program or non-contiguous cluster program, with incentives designed to preserve open space, including environmentally sensitive areas.

11. Encourage the development of smaller scale pocket parks in existing and proposed neighborhoods.

12. Develop a full inventory and conditions survey of all existing parks and recreational facilities while calculating the projected needs of future open space and recreation.

13. Develop a comprehensive environmental education program.

14. Form a cooperative/joint venture with surrounding municipalities for the purchase, maintenance, use and preservation of beach maintenance equipment and replenishment of beachfront in order to cut costs and promote harmony by uniform cleaning and preservation of the beachfront and bay front beaches.

15. Incorporate sustainability and resiliency recommendations of the “Sustainability and Resiliency Master Plan Update” report, dated October of 2016, into the appropriate Elements of this Master Plan.

16. Reduce nonpoint source pollution from the developed landscape that adversely impacts the Barnegat Bay, with particular attention to nutrient pollution from stormwater runoff on maintained turf areas.

**Historic Preservation**

1. Utilize the Township’s historic assets to promote Smart Growth that incorporates conservation, sound land use and economic development throughout the entire municipality.
2. Celebrate the historic character of Downtown Toms River and spread its design elements to other areas of Toms River. Utilize the historic seaport theme of Downtown Toms River to cultivate cultural and heritage tourism.

3. Protect and maintain existing historic places and their features.

4. Enhance the role of the Historic Preservation Commission through the provision of ordinance standards for historic sites and districts.

5. Designate Historic Districts, where warranted, throughout Toms River Township.


7. Seek funding for the protection, maintenance and enhancement of historic resources.

8. Encourage municipal actions that will result in the long-range preservation of historical assets throughout the Township of Toms River.

9. Link the Township’s historic places with its environmental and recreational resources.

Circulation

1. Discourage jughandles as a design solution for congested intersections.

2. Improve access to business properties from adjoining roadways.

3. Install more collector or pass-through roads to move traffic to main roads through development areas.

4. Address problem intersections.

5. Support rail transportation.

6. Minimize the use of cul-de-sacs.

7. Coordinate with the New Jersey Department of Transportation and neighboring municipalities to identify strategic improvements and long-term solutions that coordinate traffic flow with land use, particularly along heavily traveled roads such as Route 9, Route 70 and Route 37.

8. Work with Manchester Township to implement the recommendations of the Route 37 Corridor Study developed by Together North Jersey (TNJ), including the potential for light-rail or Bus Rapid Transit (BRT) along the former freight rail line that runs parallel to Route 37.

9. Work with Ocean County to study the Route 9 corridor, with particular attention to the creation of east-west links of County roads, such as Hickory Street (being connected through a PUD under construction), North Maple Avenue (to link Route 9 and Route 70 at Massachusetts Avenue), Clayton Road to Whitty Road, Stevens to Church Road, etc. To the extent that such connections can be made as part of PUD development along Route 9, such ROW dedications should be included in the developers agreements.
Figure 1: Extensions of County roads, such as Hickory Street pictured above, through new development sites along Route 9 will improve east-west connections across Route 9.

10. Work with South Toms River Borough and Ocean County to extend the Barnegat Branch Trail from its current terminus at Admiral Boulevard and Route 166 along the former rail ROW in South Toms River to the Herflicker Street bridge, and then to the Toms River Bus Station.

11. Work with Ocean County to provide safe bicycle routes through the Downtown, consistent with the recommendations of the 2011 Bicycle-Pedestrian Plan developed as a Subregional Plan by the County with funding from NJTPA, as deemed appropriate by the Township Engineer and County Engineer.
Sustainability & Resiliency

1. Implement the recommendations for land use changes and land use regulation provided by the 2014 Strategic Planning Recovery Report that are not yet implemented, including the following:
   - Elevate all substantially damaged homes to mitigate impact of flood related hazards in accordance with the Township Hazard Mitigation Plan.
   - Continue to participate in the National Flood Insurance Program to support proactive floodplain management that will protect property from flood-related hazards, clearly inform property owners about the risks of being in and near the Special Flood Hazard Area, and promote flood insurance.
   - Continue to enforce building codes to require building, renovations, and rebuilding that meets or exceeds the Uniform Construction Code thus protecting homes from risk related to hazards including flooding, fire, wind, earthquake, and winter storm.
   - Continue participation in the Community Rating System program and consider upgrading to the next class level to complete proactive floodplain management and assist residents with flood insurance costs.
   - The Township has added Floor Area Ratio as a required zoning standard for zones located on the barrier island to prevent overbuilding. The Township should continue this work by reviewing other zoning provisions to ensure that zoning reflects existing conditions to reduce number of variance requests.
   - Add standards specific to reducing and/or intercepting stormwater runoff by incentivizing the use of rain barrels and other viable methods of stormwater capture in the waterfront neighborhoods.
   - Differentiate flood-mitigation building design standards such as skirting of pilings, use of decks, parking under elevated homes, etc., by lot sizes on the mainland, bayside, lagoon, and barrier island communities.

2. Create Redevelopment Plans with appropriate land use standards and bulk standards for mixed-use, compact development for the Ciba-Geigy site and the Route 37 Area in Need of Redevelopment (Coates Pointe).

3. Amend the Phase 1 Waterfront Redevelopment Plan in accordance with the findings of the Downtown Circulation Neighborhood Plan so that it can be adopted with its suite of land use, bulk, and design changes for the Downtown area.

4. The development of a Transfer of Development Credits (TDC) program has been a land use goal of the Township for a number of years. The program should be developed, and expanded to include a plan for rezoning upland properties to accommodate possible shifts of residents away from high risk flood zones. The flood zone areas would be the “sending” areas of the TDC program, while the upland areas would be the “receiving” zone. The Township would have to account for value differences, since land in high risk flood areas tend to be higher in value than inland properties. The Township could implement this recommendation with an overlay zone for both the receiving and sending areas.
5. Identify long-term inundation caused by sea level rise as a hazard in municipal plans and consider disclosing hazard risks to potential buyers or developers.

6. Use land use standards as a means for achieving the objectives of the Township’s 2016 Smart Growth Plan for establishing Transit Oriented Development (TOD) and/or a Transit Improvement District in the Downtown Toms River Regional Center by amending the R-50 zone within ½ mile of the train station for higher-density multi-family housing. TOD’s around bus stations are recommended to have a minimum density of 8 units to the acre. At present, the R-50 zone permits only single-family dwellings.

**LAND USE ELEMENT**

Toms River Township is comprised of eight neighborhood sections that include Toms River, East Toms River, West Toms River, North Toms River, Pleasant Plains, Silverton and the beach areas of Ortley, Chadwick, Ocean and Normandy Beach. Approximately three miles (2.94) of land in Toms River Township has ocean frontage and an additional thirty-one miles of land has bay frontage. Toms River Township has more bay frontage than any other municipality in the county, as well as the most area in the county that falls under the Coastal Area Facility Review Act (CAFRA). Toms River Township has approximately 107.2 linear miles of tidal frontage.¹ Virtually all 41.62 square miles of the Township are under CAFRA jurisdiction. Only about 14 acres fall in the Pinelands and they are found in the northwesterly corner of the Township adjoining Jackson Township in the upper reaches of the Toms River watershed. The Township is suburban in character with more densely populated areas along the northern border and in the beach areas on the eastern barrier island. Commercial development is concentrated along Route 37, Route 9, Fischer Boulevard, Hooper Avenue, and in Downtown Toms River.

**CAFRA**

In 1973 the State of New Jersey adopted legislation with the intent to establish environmental safeguards for coastal areas, while encouraging development of compatible land uses to improve the economic position of coastal towns. This legislation became known as the Coastal Area Facility Review Act (CAFRA). CAFRA regulates development in coastal areas along the entire New Jersey coastline.

The NJDEP restricts impervious coverage within CAFRA areas, and requires additional permits to be obtained in order to develop CAFRA protected land. NJDEP categorizes CAFRA land into CAFRA Areas and CAFRA nodes, cores and centers. The nodes, cores and centers allow for more concentrated growth than the individual CAFRA planning areas. The nodes, cores and centers designation was implemented by NJDEP in 2000 with an expiration date of 2005 if the State Planning Commission did not formally adopt these designations. The designations were not formally adopted and

therefore expired on February 6, 2005, mandating that the much more restrictive impervious surface coverage of CAFRA areas be used rather than those of the nodes, cores and centers. Extensions have been granted for the previously established centers, and they are in place through either December 31, 2016 or June 31, 2017, depending on whether the 2016 one year extension of the Permit Extension Act for Sandy impacted areas of New Jersey included center designations. As a part of the process of the approved Conditional Plan Endorsement (January 18, 2017), new center boundaries were drawn in Toms River Township and other coastal municipalities and they will replace the previously designated centers as defined by CAFRA. These new centers, nodes and cores will become recognized as CAFRA centers, cores and nodes upon the adoption of the updated Master Plan and zoning map and regulations and the amendment by the State Planning Commission of the Planning Area Policy Map of the State Development and Redevelopment Plan (SDRP).

Since virtually the entire Township of Toms River is designated as a CAFRA area, it is subject to regulation under CAFRA rules. There are two CAFRA planning areas in Toms River Township. The Suburban Planning Area (PA-2) restricts the maximum permitted impervious surface coverage to 30%, and the Environmentally Sensitive Planning Area (PA-5) restricts the maximum permitted impervious coverage to 3%. The majority of Toms River Township is designated as a Suburban Planning Area. The barrier island, the areas surrounding the North Branch of the Toms River, and the areas with substantial wetlands between Church Road and Hooper Avenue and along the Barnegat Bay south of Silver Bay are in the Environmentally Sensitive Planning Area, although the barrier island is treated in a different manner because of the extent of existing development. A large portion of the Township was designated as a Coastal Regional Center under CAFRA regulations, but that designation will be replaced by the centers and cores approved through Plan Endorsement. The new designations include the two Downtown Toms River Regional Centers (east and west of the Toms River), the Industrial Regional Center (former Ciba Giegy site and a portion of the Route 37 corridor), and several highway cores (Route 9, Route 37 (east and west), Route 70, Hooper Avenue, and Fischer Boulevard). The Coastal Regional Center Designation allowed for an 80% maximum impervious coverage and encompassed the most intensely developed areas of the Township including the barrier island, Downtown Toms River, and areas along Route 37, Route 9, Fischer Boulevard and Hooper Avenue. However, due to the center designation expiration, those areas will be regulated by the much more restrictive Suburban Planning area and Environmentally Sensitive Planning area impervious surface coverage restrictions, except for those areas that will fall within newly defined centers or cores resulting from the Plan Endorsement process through the Office of Smart Growth.

EXISTING LAND USE PATTERNS

Toms River Township is considered to be a developed suburb, but many other uses also exist in the Township. New Jersey Parcel Mapping (NJPM) is a computer program that stores tax data and tax mapping for New Jersey municipalities. Using this program it is possible to identify the land use designations of specific parcels within the Township based on the state’s tax code classification system. The following Table 6 depicts the

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number of parcels and total acreage of different land uses present throughout Toms River Township:

### Table 6
Existing Land Use

<table>
<thead>
<tr>
<th>Use</th>
<th>No. of Parcels* 2005</th>
<th>No. of Parcels 2016</th>
<th>% Change</th>
<th>Total Acres 2005</th>
<th>% of Total Acres</th>
<th>Total Acres 2016</th>
<th>% Change</th>
<th>% of Total Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential &amp; Apartments</td>
<td>35,429</td>
<td>37,376</td>
<td>+5.5%</td>
<td>10,050</td>
<td>50%</td>
<td>10,497</td>
<td>4.4%</td>
<td>51.9%</td>
</tr>
<tr>
<td>Public (US, NJ, County, municipal)</td>
<td>439</td>
<td>488</td>
<td>+11.1%</td>
<td>1,786</td>
<td>9%</td>
<td>2,505</td>
<td>40.2%</td>
<td>12.5%</td>
</tr>
<tr>
<td>Schools (public/private)</td>
<td>34</td>
<td>35</td>
<td>+2.9%</td>
<td>894</td>
<td>4%</td>
<td>894</td>
<td>0%</td>
<td>4%</td>
</tr>
<tr>
<td>Commercial</td>
<td>1,503</td>
<td>1,533</td>
<td>+2%</td>
<td>2,191</td>
<td>11%</td>
<td>2,736</td>
<td>24.9%</td>
<td>13.6%</td>
</tr>
<tr>
<td>Industrial</td>
<td>47</td>
<td>43</td>
<td>-8.5%</td>
<td>1,407</td>
<td>7%</td>
<td>289</td>
<td>-79.5%</td>
<td>1.5%</td>
</tr>
<tr>
<td>Vacant &amp; Farmland</td>
<td>1,771</td>
<td>2,238</td>
<td>+26.9%</td>
<td>3,300</td>
<td>16%</td>
<td>2,707</td>
<td>-17.9%</td>
<td>13.5%</td>
</tr>
<tr>
<td>Other</td>
<td>243</td>
<td>394</td>
<td>-79.4%</td>
<td>580</td>
<td>3%</td>
<td>580</td>
<td>0%</td>
<td>3%</td>
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<tr>
<td>Totals</td>
<td>39,466</td>
<td>42,410</td>
<td>+7.5%</td>
<td>20,208</td>
<td>100%</td>
<td>20,208</td>
<td>0%</td>
<td>100%</td>
</tr>
</tbody>
</table>

*Some parcels incorporate more than one lot.
Source: 2005 Toms River Township Tax Data using NJPM; 2016 Toms River Tax Data – Ocean County Department of Taxation

Residential uses make up the largest land use category in Toms River Township and account for approximately half of the total acreage of the Township. Over the past ten years since the 2006 Master Plan, the number of residential parcels increased by 5.5% and the amount of land used for residential purposes increased by about 2%. Residential uses in the Township can be further broken down into high, medium and low densities as depicted in Map 1. Approximately 16% of the total acreage of the Township was classified as vacant or farmland in 2006. However, thousands of properties were substantially damaged by Superstorm Sandy and many new vacant lots were created which are gradually being improved with new elevated homes. This trend is underscored by the increase in vacant parcels by 27% over the past ten years, while the acreage of vacant land decreased by 18% over the same period (see Table 6). The parcels of vacant land that became developed were obviously much larger than the parcels of land that became vacant. Many of the vacant lots in the Township have environmental constraints such as wetlands that make them unsuitable for development, so the consumption of a net of 593 acres of land over the past ten years is significant development, especially considering the “great recession” that bottomed in 2008. Commercial and Industrial uses, which represent good tax ratables, account for relatively small percentages of the overall acreage of the Township at 11% and 7% respectively. In the ten years since the 2006 Master Plan, there has been some shift of parcels from industrial to commercial as shown in Table 6. The most significant former industrial property in the Township is the 1,200 acre former Ciba Giegy site, which is now listed as “4A” (commercial) rather than “4C” (industrial). That accounts for the drop in industrial acreage from 1,407 acres to 289 acres between 2006 and 2016.

The amount of land that is owned by the state, County or Township increased from 9% to 12.5% of the total acreage in Toms River Township, while an additional 4% is used for schools. The additional 719 acres of publicly owned land over the past ten years is
indicative of the consistent efforts of Ocean County and the Township to strategically acquire land for open space through the use of open space trust funds. More information on the location and type of open space within the Township can be found in the Open Space, Conservation and Recreation Element.

Note that the total acreage for the Township in Table 6 is far below the actual total land area of the Township. As stated earlier, the Township has a land area of 41.62 square miles. This amounts to 26,630 acres, so the acreage shown in Table 6 is only about 76 percent of the total for the Township. Most of this difference can be attributed to streets.

**Barrier Island**

The barrier island that extends east of Toms River Township’s mainland is one of the most densely developed areas of the Township. Settlement of the island began during the 19th century, at which time the entire island was part of Toms River Township. In 1881 the extension of the Philadelphia and Long Branch Railroad services initiated the first large resorts to be constructed, but large-scale residency on the island did not begin until after World War II. A sandbar that runs the length of the island provides protection from rough surf so that amateur swimmers can safely enjoy the ocean. Due to the calm surf, the barrier island has become a sought after vacation spot.

The barrier island in Toms River Township is almost entirely built-out. However there are some smaller environmentally constrained islands to the west of the main barrier island in the Barnegat Bay that are completely vacant. The Township’s shore community along the main barrier island includes Normandy Beach, Chadwick Beach, Ocean Beach and Ortley Beach, Silver Beach, Normandy Shores, as well as several others. Commercial development in these communities is relatively consistent smaller-scale retail concentrated along Route 35, which runs north and south down the middle of the entire island. The remaining portions of these communities are residential, with each community having its own residential character.

The most northern of the four beach communities is Normandy Beach. The well maintained houses of Normandy Beach make it a highly desirable vacation spot for those who choose to rent summer homes at the Jersey Shore. Further south are Chadwick and Ocean Beaches. These two bungalow communities have smaller, more densely developed residential lots than in Normandy Beach. Even further south, between Lavallette and Seaside Heights is Ortley Beach. Ortley Beach is a family-oriented community with a small boardwalk. It creates a smooth transition between the highly commercialized tourism in Seaside Heights and the more permanent family community of Lavallette. In conjunction with the changing character of shore communities all along the New Jersey coastline, many of the smaller homes along the barrier island in Toms River Township have been expanded or entirely razed and rebuilt into larger more modern houses. This trend accelerated to unprecedented levels after Superstorm Sandy, especially in Ortley Beach. The small summer homes and

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2 For a detailed overview of the barrier island neighborhoods see “Toms River Master Plan Reexamination and Land Use Plan Amendment – Coastal Neighborhoods Component”, March, 2017, by T&M Associates, which is a supporting document to the Master Plan.
bungalows that were substantially damaged during the storm became replaced, in many cases, with much larger homes with more bedrooms and the Zoning Board of Adjustment was handling many applications for variances of required yards and setbacks to allow larger footprints. The Township responded by incorporating a Floor Area Ratio standard in the waterfront neighborhood that helped to slow down the overbuilding trend. While the recovery has slowed from the frenetic pace of the first few years after the storm, it is estimated that around 1200 substantially damaged properties remain in 2017.

Existing zoning includes Conservation Residential (R-400C) on the smaller undeveloped lands to the west of the main barrier island. The barrier island itself has four different zoning designations. The areas along Route 35 are primarily zoned General Business (GB). Zoning from Chadwick Beach north, including Chadwick Beach, Silver Beach, Normandy Shores and Normandy Beach is Residential (R-40A), while the rest of the beach communities are zoned Residential (R-40B), such as Ortley Beach and Multifamily (MF-16), such as Rutherford Homes and Brightwater.

The New Jersey Department of Community Affairs utilized a portion of the Post-Sandy disaster relief funding from the U.S. Department of Housing and Urban Development (HUD) to offer grants to impacted counties and municipalities for recovery planning efforts. Toms River aggressively pursued these “Post Sandy Recovery Planning Grants”, completing and adopting its Strategic Recovery Planning Report in 2014, which identified over ten planning projects. Those planning projects were then engaged with Phase 2 grants in 2015 and 2016, and the results of those efforts are reflected in this Master Plan. One of the projects was an analysis of neighborhoods within the Township that were particularly impacted and which remain vulnerable to future storm events and repetitive damage from periodic coastal flooding. Another of these initiatives included a Sustainability and Resiliency Master Plan Update. Many of the recommendations in the SRPR and the Neighborhood Analysis identified changes needed to recognize the large number of nonconforming lots caused by the street grids in the neighborhoods on the barrier island.

Summary of Recommendations:
The following summary of zoning recommendations for the Barrier Island neighborhoods are contained in a report, entitled “Proposed Land Use and Development Regulations”, prepared by T&M Associates and funded with one of the Post Sandy Phase 2 grants:

- Remove lot depth requirements from the zoning standards for Ortley Beach to allow for variations in the street grid.

- On the north beaches of the Barrier Island, create new zoning districts to address the lot size and dimension characteristics of the individual neighborhoods, with an emphasis on minimum lot width due to the existing street grid. Remove existing grandfathering provisions.
• Rezone a portion of the R-40B zone on the north beach to MF-16 in order to accommodate an existing nonconforming multifamily development.

• Allow more development flexibility along the Route 35 North corridor of Ortley Beach to permit both multifamily and commercial uses by merging them into a single zone distinction (GB/MF), provided that sufficient parking can be accommodated.

• Based on the 2014 Annual Report of the Toms River Zoning Board of Adjustment, there were a undue number of variance applications for two-family dwellings in the Ortley Beach neighborhood on lots where single family dwellings were damaged by Sandy. A concentration of two-family dwellings exists on the east side of Route 35 southbound. It is recommended that two family dwellings be restricted to the proposed R-40E district as a conditional use with conditional use standards that incorporate storm resilience measures and appropriate parking for the higher density.

• In the Brighton/Rutherford/Brightwater neighborhood in the North Beaches section of the Barrier Island, create a new district (“Shore Multifamily” -SMF) to address the unique character of three existing modular developments.

• Create several “Barrier Island Residential” districts to address existing lot sizes and dimensions driven by the street grid unique to a particular section.

**Pelican Island & Mainland Bayshore**

The other waterfront residential areas in Toms River that were impacted by Superstorm Sandy were Pelican Island and the Mainland Bayshore. Most of these neighborhoods were constructed on fill dredged during the construction of lagoons after World War II and many of the homes were originally vacation homes that have increasingly become primary residences in recent decades leading up to Superstorm Sandy in October of 2012. The Pelican Island neighborhood is split between Toms River and Berkeley Townships, with the western third in Toms River and the eastern two-thirds of the island in Berkeley. The Mainland Bayshore neighborhoods are known as Gilford Park, Bay Shore, Shelter Cove, East Dover, Snug Harbor, Green Island and Silverton.

**Gilford Park**

This neighborhood is located between Route 37 south to the Barnegat Bay. The entire residential portion of Gilford Park is zoned R-50, which requires a minimum lot width of 50 feet and a minimum lot area of 5,000 square feet. However, the Neighborhood Analysis performed by T&M Associates as part of this Land Use Plan Update, concluded that the prevailing lot width in this neighborhood is actually 40 feet. The recommendation in the Proposed Land Use and Development Regulations is to rezone the neighborhood R-40A.
Bay Shore

This neighborhood is bordered by Gilford Park to the west, Route 37 to the north and the Barnegat Bay to the south and east. This neighborhood is also zoned R-50, but the prevailing lot width matches the zoning and no changes are recommended.

Shelter Cove

Shelter Cove is a small lagoon neighborhood on the north side of Goose Creek to the east of Fischer Boulevard and south of Bay Avenue. The neighborhood is almost entirely within the AE Flood Zone. It is currently zoned R-75 with lot widths that are generally 50 to 75 feet, with the 75 foot wide lots generally located west of Nassau Drive and the non-conforming 50 foot wide lots generally found east of Nassau Drive. It is recommended that the eastern portion be rezoned to R-50 to match the prevailing 50 foot lot widths.

East Dover

East Dover is one of the largest of the Mainland Bayshore neighborhoods and consists of several sub-neighborhoods between Fischer Boulevard and the Barnegat Bay (Silver Bay, Goose Creek), including Windsor Park and Barnegat Bay Estates. Most of the residential areas are currently zoned either R-75 or R-400C. The Neighborhood Analysis done as part of this Land Use Plan Update showed that some of Windsor Park and the small lagoon clusters along Fischer Boulevard have prevailing lot widths less than 75 feet. The portions of East Dover that have concentrations of undersized lots are recommended to be rezoned to R-50.

Snug Harbor

Almost all of Snug Harbor is zoned R-75 and consists of lagoon lots with prevailing widths of 65 and 75 feet. Of the 454 total parcels in Snug Harbor, 429 are single family residential properties. A small portion of the neighborhood (three commercial lots) is zoned HB and R-400C (adjacent to Catus Island Park). The prevailing lot widths of 65 feet are concentrated in the blocks east of the lagoon on the east side of Monitor Drive, while the rest of Snug Harbor to the west has prevailing lot widths of 75 feet. It is recommended that the area with 65 foot prevailing lot widths be zone R-50 and the remainder remain zoned R-75. This would reduce the number of nonconforming and the only lots that would lend themselves to subdivision without variances would be those few that are 10,000 square feet or greater.

Green Island

Green island is another lagoon neighborhood on the eastern tip of Silverton to the east of Fischer Boulevard. While Green Island is zoned R-75, the prevailing lot width is 50 feet. This led to variances for lot area, lot width and side yard setback during the reconstruction of homes in the aftermath of Sandy. It is recommended that Green Island
be rezoned to R-50 to recognize the prevailing lot widths and provide for side yard setback requirements more in keeping with 50 foot wide lots.

**Silverton**

Silverton is the northern most neighborhood with lagoon neighborhoods along Fischer Boulevard. About half (eastern and southern) of the total neighborhood is in a flood hazard area and is zoned R-75. The more inland portions are out of the flood hazard area and are zoned R-90. The Fischer Boulevard corridor is zoned Highway Business (HB). Of 3,214 parcels, 3,023 are residential properties, 43 are public properties and 24 are commercial properties.

Within the eastern half of the neighborhood currently zoned R-75, the lots on lagoons to the south and east (opposite Green Island) have prevailing lot widths of 50 feet, which led to variances of lot width, area, and side yard setback for reconstructed homes after Sandy. It is recommended that these lagoon blocks be rezoned to R-50 to reflect the prevailing lot widths.
Historic Downtown Toms River
Downtown Toms River encompasses the area bounded to the south by the Toms River, to the west by the Garden State Parkway, by Route 37 to the north, and slightly past Hooper Avenue to the east. The Downtown Village of Toms River has always had a unique character. It was an important gateway seaport during Revolutionary times and continued to be a strong center for trade into the early twentieth century. However, the opening of the Ocean County Mall in 1976 and the construction of strip malls along Route 37 and Hooper Avenue caused retail in the downtown to suffer. Nevertheless, the downtown has remained a strong civic center for both Township and county offices. Additionally, professional offices dominate the downtown, many of them law offices due to the close proximity of the County Court House.

Existing land use in Downtown Toms River is mostly commercial. However, the area lacks the critical retail mass that could transform it into a destination center. Commercial uses in the Downtown are mostly civic and office uses along with a few restaurants. Residential uses are sparse in the historic village and current zoning prohibits residential mixed-use development in some of the downtown.

In recent years, Downtown Toms River has been designated as a Business Improvement District (BID). In 2003, The Downtown Toms River Business Development Corporation took over management of the TRBID. This non-profit organization guides the economic revitalization of Downtown Toms River and provides a variety of services to help promote the renewal of the area. One service that has been provided by the organization has been the preparation of the Downtown Toms River Master Plan, which is incorporated herein as a part of the Toms River Master Plan and is found in Appendix E.

Additional initiatives of the TRBID since the 2006 Master Plan included the designation of the area bounded by Iron Street and the Toms River to the East and south, both sides of Water Street to the north and the Garden State Parkway to the west as an Area In Need of Redevelopment (redevelopment area). The redevelopment area was expanded in 2012 to include the block bounded by Lien Street, Main Street, Water Street and Irons Street and a Phase 1 Redevelopment Plan was drafted by a consultant to the TRBID and reviewed by the Township. After most of the redevelopment area was flooded by Superstorm Sandy later in October of 2012, the Township pursued a Post Sandy Recovery Planning Grant that paid for a traffic circulation modeling of the intersections along Water Street that were considered an impediment to absorbing any additional traffic from new redevelopment. The trip generation estimated from the buildout of the draft Phase 1 Redevelopment Plan was loaded into the model and recommendations for improvements to accommodate the additional trips were specified. The application of a Transportation Improvement District (TID) was recommended as an implementation action step and would quantify the costs of recommended improvements and apportion the cost to redevelopment projects as they come online pursuant to individual redevelopment agreements after the Phase1 Plan is updated and adopted.
Related land use and circulation synergies associated with the redevelopment of the West Water Street corridor include the application of Complete Streets design in the street network, Transportation Demand Management to connect new redevelopment projects to the Toms River Bus Station and a paratransit (shuttle) that would circulate around the entire downtown.

Riverine Corridor
Situated along the North Branch of the Toms River, between Whitesville Road and Manchester Township, is the Riverine Corridor. Development in this area is primarily low to medium density residential, though two higher density multifamily communities are also located there. Those areas along the corridor that are not developed are mostly forested and involve some wetlands. Existing zoning in this area is almost entirely residential and permits a range of densities from multi-family to low density R-800 zoning. Over time the Township has acquired much of the vacant land along the river and much of it is used for active and passive recreation, including Winding River Park, and more recently Camp Anaconda (former Boy Scouts camp). More detail is available in the Conservation, Recreation and Open Space Plan Element (adopted as a standalone Element on March 15, 2017).

Route 9 Corridor
Route 9 runs north and south through the western section of Toms River. The highway connects Lakewood Township to the north and Berkeley Township to the south. From
Route 571 in Toms River Township to Route 530 in Berkeley Township, Route 9 is converged with the Garden State Parkway. Land use along the Route 9 corridor is mostly commercial, but a small pocket of residential uses exists near the intersection of Route 571 and Route 9. Additionally several parcels along the northern section of Route 9 are still vacant or under-utilized. The majority of land along the corridor is zoned RHB, Rural Highway Business.

With the recent conclusion of the Route 9 Corridor Study by the NJTPA it has become evident that there is little chance of improvements to Route 9 over the foreseeable future. At the same time, there has been a spike in construction activity in the northern section of the corridor between Whitesville Road to the south and the Lakewood border to the north with the construction of several Planned Unit Developments, with several others in various stages of the approval process. The Corridor Study recommended improvements to the County road system to take some of that new traffic and the County launched a study in 2017 of the intersections of its roads with Route 9. However, it is recommended that the current RHB zoning of southern half of the Corridor, south of Cox Cro Road, be reviewed and rezoned, where appropriate, to LI. HB zoning or retention of RHB zoning would be limited to signalized intersections or properties with multiple access points were retail uses would be more appropriate, or where RHB zoning is necessary to prevent existing uses from becoming nonconforming. Sites that have been developed, approved or are before the Planning Board or Board of Adjustment under one of the permitted uses in the RHB zone that are not permitted in the HB zone should remain in the RHB zone.

Many of the properties along this stretch of Route 9 are far deeper than they are wide and many are already improved with uses permitted in the LI zone, such as self-storage, contractor’s units (Ocean Business Park) and the like.
Existing Route 9 Light Industrial Zone: This location is about 37 acres in size. As with Site 1 above, this area consists of paper streets and small lots, most of which are under one ownership. The adjoining zoning to the west, north and east is RHB and it adjoins a mobile home park to the south. A reasonable approach to providing development opportunities at this location would be to identify it as an Area in Need of Redevelopment, allowing for comprehensive development of the site through vacating streets and consolidating ownership. This site provides potential access to both Route 9 and Route 70, and with proper improvements of North Maple Avenue is can provide access to Massachusetts Avenue as well, which should be a distinct advantage for commercial development. Specific development controls would be spelled out in an adopted Redevelopment Plan ordinance.

Route 37 Corridor
Route 37 is the main east-west connection through the southern part of Toms River Township. This highway connects Manchester Township and points west to the Borough of Seaside Heights on the barrier island. Route 37 is almost entirely developed with both small and large scale commercial uses. However, many of the businesses are run down and poorly maintained or not developed to their full potential. This presents many opportunities for infill development, revitalization and redevelopment along the corridor.

In 2015, the Township engaged Together North Jersey to provide technical assistance in the form of a team of consultants to work with Toms River and Manchester to develop a vision plan for the Route 37 corridor between the Barnegat Bay and Lakehurst circle (interchange with Route 70) the Route 37 Corridor looked at the two major property holdings along the corridor, the 1200 acre former Ciba Giegy site in Toms River and the
7,000 acre former Heritage Minerals site in Manchester. It also recommended activation of the former freight rail line that runs parallel to Route 37 along the corridor, or an adaptation to Bus Rapid Transit (BRT), with a connection to the Toms River Bus Depot at the western edge of the Downtown Waterfront Redevelopment Area.

**Hooper Avenue**

Hooper Avenue runs north and south through the center of the Township. It is largely developed with commercial uses under 0-10, 0-15 and HB zoning. However, the greatest concentration of commercial development in the Township is found in the RC, Regional Commercial zone in the vicinity of Bay Avenue. This is the home of the Ocean County Mall and a number of other commercial centers whose vitality is directly linked to the draw provided by the regional mall.

In the decade since the 2006 Master Plan, the Hooper Avenue corridor has experienced economic challenges that have led to a decline in property value at the Ocean County Mall property, which had been the anchor of the corridor with a regional draw. Over time the strength of the retail market, competition from other retail locations and the emergence of internet commerce has hurt the mall economically, as well as several of the linear shopping centers along Hooper that had benefited from their proximity to the mall, such as Seacourt Pavilion and the Target-Lowes shopping centers.

Simultaneously, the office market in Ocean County, as in New Jersey as a whole, has suffered through an extended period of excess supply and increasing vacancies, which prompted rezoning requests for both the Office-10 (O-10) at the north end of the Mall at Oak street, as well as the Office-15 (O-15) Zone to the south of Seacourt Pavilion. In the case of the O-10 area the proposal was for rezoning to permit a hotel, while the request for the O-15 was for more retail uses. The O-15 Zone was amended to allow freestanding restaurants to locate in an Office Park, but allowing any other retail uses was rejected out of concern for adversely affecting the Mall.

Given the above, this Land Use Element recommends that the Hooper Avenue corridor from Oak Street south to include the O-15 Zone be evaluated as a whole with the goal of proactively working with key property owners to develop a combination of land uses, including the possibility of higher density residential and/or mixed use buildings in appropriate locations, that would serve to revitalize both the mall property and the O-15 and O-10 Office Park Zones. The area between the O-15 and Seacourt Pavilion is largely vacant land and has been identified as a potential redevelopment area due to the property assemblage challenges presented by numerous subscription lots and paper streets. If the area is designated as a redevelopment area, the associated redevelopment plan may be an opportunity to provide connectivity between the Seacourt Pavilion and adjacent higher density residential development (rezoned from Regional Commercial to Multifamily – 8 du/acre) on one side and the O-15 Zone on the other.
Figure 3: Google Earth graphic marked to illustrate proximity of the office, residential and retail development with the potential redevelopment area in the center.

Fischer Boulevard
Intersecting Hooper Avenue in the north and Route 37 in the southeast, Fischer Boulevard runs northwest to southeast along the eastern side of the Toms River Township mainland. Fischer Boulevard is almost entirely built-out with medium density residential and some commercial uses. There are significant wetlands and environmentally sensitive areas near the intersection of Hooper Avenue and Fischer Boulevard. Numerous lagoon neighborhoods rely on Fischer Boulevard as their primary access. These neighborhoods were previously addressed in the section on the Mainland Bayshore neighborhoods.

Ciba-Geigy Site
Ciba-Geigy is a former chemical manufacturing plant located in the southwestern corner of Toms River. The property is comprised of approximately 1,200 acres. A portion of the site is contaminated and cleanup is ongoing. Approximately 800 acres of the site is undeveloped and possibly uncontaminated land. The current zone designation for this site is Industrial (I). The Township is investigating possible redevelopment opportunities for the site and it was included as an “Industrial Center” in the Township’s Petition for Plan Endorsement that was conditionally approved by the State Planning Commission on January 18, 2017. It has been determined to be an Area in Need of Redevelopment based on a report adopted by the Planning Board, a determination made by Township Council, and a filing made with the New Jersey Department of Community Affairs. A redevelopment plan has not yet been prepared or adopted for the site, as the site remains owned by BASF, which is responsible for the ongoing remediation. However, the Route 37 Economic Corridor Vision Plan, prepared with a Local Demonstration
Project grant from Together North Jersey in May of 2015, recommended that this site, along with the Heritage Minerals site in Manchester, had the potential to be centers of economic activity in the future. The Ciba-Geigy Site has long been viewed by the Township as an opportunity to create an alternative route for County Route 527 to relieve the neighborhood along Oak Ridge Parkway from through traffic. There are already controlled intersections with Route 37 that could serve as access points to the site.

Figure 4: Google Earth view of Ciba Geigy Site facing north across Route 37 with the current Route 527 (Oak Ridge Parkway) visible in the lower right corner.
Figure 5: Graphics from the Route 37 Economic Corridor Vision Plan regarding Ciba Geigy Site.
North Dover, Silverton and Pleasant Plains

The northern part of Toms River Township is largely developed with residential subdivisions. A number of these developments are higher density retirement communities, especially in the central and western parts of North Dover. Medium density single family housing also exists in the Silverton area adjoining Barnegat Bay and Brick Township. Sections of Silverton involving lagoon neighborhoods were previously addressed under “Mainland Bayshore” above.

The neighborhoods of North Dover include single family subdivisions along Whitesville Road and the connecting roads to Route 9 (Stevens Road, Sunset Road, Whitty Road and Riverwood Drive) and Church Road, N. Maple Avenue, Hickory Street and Silverton Road to the east, between Route 9 and Hooper Avenue. They also include senior communities such as Lake Ridge and higher density townhouse development such as Saratoga. The area has various multifamily residential developments in the past several years, most of which are providing affordable units as part of the Township’s Housing Element and Fair Share Plan, adopted on February 15, 2017.

With the sudden construction activity along the Route 9 portion of North Dover, and the recent recommendations of the Route 9 Corridor Study (December 2016) indicating that improvements to substandard conditions along Route 9 by the NJDOT are not anticipated in the foreseeable future, the focus of this Land Use Element is to shift future higher density development to the Downtown Redevelopment Area and the Hooper Avenue Corridor.

Figure 6: Aerial view of North Dover section of Toms River Township
LAND USE PLAN ELEMENT

The Land Use Plan is shown on Map 2 of this Master Plan, and Map 3 shows the areas where the Land Use Plan calls for a fundamental change in the zoning map. As a general zoning and planning principle in this Master Plan, zoning categories should be selected that will minimize the number of nonconforming lots in established areas, particularly in residential neighborhoods. The map incorporates the following categories of land use within the Township:

1. **Low Density Residential** - within these areas of the Township, it is recommended that single-family housing be permitted at a density of less than one dwelling unit per acre. Many of the low density areas recommended in the Land Use Plan are areas which are environmentally sensitive to intense development and/or do not have the traffic circulation, utilities or other public service facilities required to support more intense development. Within the majority of the low density residential areas, the zoning categories are R-800, R-400, R-400C, C/R-3 and Rural. The following principles and recommendations apply:

   Consider consolidating the Rural and R-400 zoning districts during the time of updating the zoning ordinance. The standards for the two districts are sufficiently similar that it may not warrant two different zones. Careful attention in this review should be given to the list of conditional uses in each zone. This recommendation remains the same as the 2006 Master Plan, as the changes would be included in amendments to Chapter 348 of the Municipal Code (Land Use and Development).

   Cluster development and noncontiguous clustering should be encouraged for the remaining larger vacant or underutilized tracts, particularly where environmental sensitivities make conventional development impractical. Noncontiguous clustering simply means that development potential can be moved from one parcel to another, with appropriate deed restrictions placed on the sending parcel to make certain that it is not subjected to development in the future. The statutory authority for noncontiguous clustering is found in the Municipal Land Use Law under the definition of “Residential Cluster”, which reads “…a contiguous or noncontiguous area to be developed as a single entity according to a plan containing residential housing units which have a common or public open space area as an appurtenance.”

   For the R-800 zone, continue to permit clustering at a rate of 0.5 units per acre, but increase the lot size for non-cluster development to about three acres. This will diminish potential adverse environmental impacts in the Riverine Corridor, especially for those who choose noncontiguous clustering as an option.

2. **Moderate Density Residential** - Within these areas of the Township, it is recommended that single-family housing be permitted at densities ranging from 1
to 2.5 dwelling units per acre. The zoning districts that fall in the Moderate Density range are R-200 and R-150. In spite of the 5,000 square foot difference in minimum lot area, both of these districts allow cluster development at a gross density of two units per acre.

The density incentives would apply in areas involving at least thirty acres of land, contiguous or noncontiguous, and for the R-200 portion the gross density for clustering would increase to 2.5 units per acre from two per acre under existing zoning. For R-150 the gross density for clustering under the incentive provision would be three units per acre from two per acre. As with the Low Density Residential category, significant lot size reductions should be incorporated into the zoning regulations in order to generate sizable parcels for preservation of open space and environmentally sensitive features. Large minimum tract sizes should be required in order to qualify for the density bonus, with the bonus related to the generation of sizable tracts of land appropriate for preservation of open space and environmentally sensitive features.

Age-restricted housing could be used in conjunction with the density incentives since these have lower per-unit occupancy rates and lower service demands than conventional housing. A density increase factor over conventional housing of 50 to 100 percent should be considered as a part of the rezoning. Ocean County has a high demand for age-restricted housing, and by encouraging such housing through density incentives the impacts on the surrounding road network and peak traffic will be diminished. Water usage and corresponding sewage treatment requirements will not be exacerbated by using these multipliers for age-restricted housing as compared with conventional housing.

Any specific map changes involving lands in the Moderate Density Residential category are shown on Map 3. In addition to those identified in the preceding section of this Land Use Plan dealing with Low Density Residential, there are two locations that call for a map change. In the vicinity of Church Road and Hooper Avenue, the R-90 area should be rezoned to R-150 based on existing lot sizes. This recommendation is continued from the 2006 Master Plan, as it has not yet been implemented.

3. **Medium Density Residential**—Densities from 2.5 to 5 dwelling units per acre are recommended within the Medium Density Residential areas. Minimum lot sizes ranging from 7,500 to 12,000 square feet are proposed for single family development in these areas. Large scale retirement communities, falling in the PRC zones, are found in this use category as well. In keeping with the overall principle of reducing the number of nonconforming lots in existing developed areas, careful consideration should be given in the rezoning process to the pattern of existing lot sizes. New development on lots ten acres or larger can take place in multiple dwellings, but the overall density for non-age restricted housing should not exceed four units per acre. In accordance with the lower impact of age-restricted housing, density increases of 50 to 100 percent could
apply to such housing, not to exceed eight units per acre. However, the density increases should only be permitted on larger tracts, starting at about ten acres. The following specific changes are recommended:

The development density on large parcels should be capped at four units per acre, with age restricted housing capped at eight per acre, and an effort should be made to provide for neighborhood amenities and open space as each parcel develops. Bedroom density controls on non-age restricted housing can be used to balance the impacts of smaller and larger housing units by allowing for adjustments in actual dwelling unit density. These details would be worked out in the process of developing zoning standards. Pedestrian scale development is encouraged, and effective bicycle and pedestrian paths to nearby commercial destinations and bus transit routes should be incorporated into the overall design.

Most of the waterfront properties and lagoon developments on the mainland fall into the Medium Density Residential use category. In the zoning standards, special consideration should be given to waterfront properties, including lagoon lots, to effectively address front and rear yard issues, placement of sheds, and effective standards that can adequately respond to over-development concerns.

4. **High Density Residential** - Within the residential areas on the barrier island, single family housing development is permitted on minimum lot sizes of 4,000 square feet (approximately 11 dwelling units per acre) and two-family housing development is permitted on minimum lot sizes of 6,000 square feet (approximately 14.5 dwelling units per acre). Many of the homes on the barrier island are presently seasonal dwellings. To the extent that these dwellings are converted to or replaced with year-round housing units, they will provide an additional housing resource without adding to the total number of housing units in the Township. However, they would also increase the need for municipal services.

Within the high density residential areas on the mainland, single-family housing is permitted on minimum lot sizes of 5,000 square feet, which equates to approximately 8 dwelling units per acre.

Mobile home parks are included in this use category, although they should continue to have their own zoning identification. No new mobile home parks are proposed and no additional mobile home parks should be provided for through zoning.

The most important consideration for this land use category is to carefully review the zoning standards to minimize the number of nonconforming lots in each area. Based on a recommendation in the 2006 Land Use Plan Element, zoning regulations were adopted in the form of Floor Area Ratio (FAR) standards intended to diminish the negative impacts of over-sized homes on small lots. Not only should lot size conformity be an issue in the development of zoning.
standards, but they should address building height, yard setbacks, placement of accessory buildings, building and lot coverage, along with floor area ratios. All of these zoning techniques should be considered for each of the small lot High Density Residential use categories. The High Density Residential use category is essentially fully built out.

Many of the homes on the barrier island were seriously damaged or destroyed in 2012 during Superstorm Sandy. During the rebuilding process, it has become apparent that with homes being elevated to address flooding issues, the size and scale of the rebuilt homes has been brought sharply into focus. The Township has responded by putting in place impervious lot coverage limitations and floor area ratio controls. This Land Use Plan Element now recommends that in the R-40B zoning district on the barrier island that the ordinance be made more restrictive by only permitting two-family dwellings as conditional uses. In an effort to further limit development intensity and some of the problems attendant to it such as the loss of on-street parking, the conditional use standards should include the following: a minimum lot size of 6,000 square feet, a minimum lot frontage of 60 feet, and strict adherence to the parking requirements set forth in the ordinance.

The following changes are recommended in mapping:

In the Downtown Toms River area, the R-50 zone was expanded west of Main Street as recommended in the 2006 Land Use Plan Map (Map 2). This expansion runs generally from Lien Street to Broad Street and would adjoin an existing senior citizen affordable housing complex located on Colfax Street and Highland Parkway.

Another small expansion of the R-50 Zone recommended in the 2006 Land Use Plan Element was made in Downtown in the vicinity of Hooper Avenue along Field Street and Lawn Street. This latter area was changed in order to provide compatible housing and land uses along both sides of these residential streets. The remaining portion of this block would continue as VO, Village Office zone.

5. Multifamily Housing-This use category includes conventional multiple dwellings and townhouses. Multifamily housing built or anticipated to be built to address the Township’s need for low and moderate income housing is also shown in this category. Specific sites for low and moderate income housing are identified in the Housing Plan Element of the Master Plan.

Density varies in multifamily developments throughout the Township and zoning standards should reflect the prevailing development density for the site. The range of densities is from six to sixteen units per acre, with the higher densities found on the barrier island and in redevelopment plans within the Downtown and
possibly other redevelopment areas recommended in this Land Use Plan Element.

Several approvals for multifamily dwellings were granted through use variances and the sites are fully developed and operating. Those parcels should be rezoned to reflect their use as multiple dwellings.

In addition to modifying the zoning map to reflect sites that are developed as multifamily, the following changes are recommended:

As recommended in the 2006 Land Use Plan Element, the higher density multifamily zones now require a 20 percent setaside with a 15% density bonus for affordable rental units. This aspect of the Master Plan is set forth in detail in the Housing Element and Fair Share Plan adopted by the Planning Board on February 15, 2017.

In order to further implement the provisions of the 2006 Master Plan related to existing multifamily development, the Land Use Plan and Land Use Plan Map was amended in 2007 by creating two new land use categories as follows: Existing Multi-Family – 18 (EMF-18) and Existing Multi-Family – 10 (EMF-10). The land use categories are intended to designate existing multi-family developments and prescribe densities (18 and 10 dwelling units/acre respectively) more reflective of existing conditions and thereby render the sites more conforming with the Township’s adopted Master Plan.

In addition, Block 404, Lot 79 abuts Route 166 on the westerly side of the highway, just north of the intersection with Old Freehold Road and Presidential Boulevard. The property was zoned O-15 except for the frontage on Route 166, which was zoned Highway Business to a depth of 200 feet. No change was made for the Highway Business portion of the parcel, but the O-15 portion was changed to the MF-8 zoning district in 2008, reflecting a more compatible land use relationship with the multifamily developments that lie immediately to the north and the south of the parcel. The MF-8 zoning district has a 16 bedroom per acre density control that effectively accommodates the typically smaller households found in the region. The change from O-15 to MF-8 not only provided a more compatible land use relationship with adjoining parcels, but it avoids encouraging office development in that heavily traveled portion of Route 166. Due to access difficulties to Route 166, a cross-access easement was strongly recommended through the apartment complex to the south, which offers an opportunity not only for left-turning movements through a signalized intersection at Route 166 and Old Freehold Road, but for more convenient access to the shopping center. As with all multifamily developments, and in accordance with the Township’s adopted zoning provisions, 20 percent of the units would be set aside for affordable housing.
6. **Office**—Within the Village Office areas of Downtown Toms River and along Lakehurst Road where medically related offices are encouraged, zoning controls have been established that will protect the existing architectural and historic character of the area. Within this area, restoration of existing structures to be utilized for office and related uses should continue to be encouraged. New office structures should have the size and scale limited in order to be compatible with existing residences in the area. It is a specific intent of this Land use Plan that office uses be so designed that they will have long term compatibility with single family dwellings in the area. Lighting, parking, building size, buffering, setbacks and architectural style are all important elements in generating compatibility. In drafting zoning controls to implement this plan, strong consideration should be given to more restrictive controls on building height and building size. The existing controls of 40 feet and 5,000 square feet per building allow for structures that are significantly larger than the homes found in these areas.

Since the 2006 Master Plan there has been increasing interest in diversifying uses along Main Street in Downtown Toms River. The stretch of Main Street between Route 37 and Lien Street remains identified as a Historic District in the Historic Preservation Element, but in the interest of revitalizing the “Downtown Core”, the Township and the Downtown Business Improvement District (TRBID) have agreed that uses should be more diverse than just office and residential in order to stimulate pedestrian activity and to make the Downtown both a daytime and evening destination. Such new permitted uses would include restaurants and taverns, brew-pubs, entertainment venues, Bed and Breakfast Inns (the only B&B in the Downtown is at 600 Main Street), and art galleries. It will be important to distinguish the Village Office zone on Main Street from that zone along Lakehurst Road, where retail would be inappropriate. It is recommended that a new VO-B (Village Office-Business) zone be designated from the existing VO zone along Main Street and the regulations for the new VOB include residential, office, mixed-use buildings, and certain business uses such as are listed above. It is also recommended that “Nano Breweries” (a micro-brewery in a small space, usually 1,000 square feet or less) be defined and permitted in the new VOB.

The VS Village Seaport zone is included in the Office land use category on **Map 2**. As indicated in the Downtown Toms River Master Plan, this zoning district is retained to reflect unique waterfront locations and incorporates some offices and historic buildings. No changes in the size of the Village Seaport zone are recommended, but additional uses that promote cultural and heritage tourism (theaters, performing venues, art galleries, brew-pubs (micro-brewery with associated pub), are encouraged.

The 2006 Land Use Plan Element recommended that the office areas along Hooper Avenue south of Bay Avenue be developed with a maximum land coverage of 15 percent and a minimum open space requirement of 20 percent of the land area. It was also recommended that office buildings in this area be permitted to utilize up to 10 percent of their first floor space for commercial
service type uses, such as restaurants or other types of commercial uses that are ancillary to the office use and serve the office workers. These provisions were added to the Land Use and Development Regulations, but subsequent discussions regarding the declining economic conditions in the area that includes the Regional Commercial Zone around the Ocean County Mall and the office park on Hooper Avenue that includes offices of Ocean County and the State of New Jersey suggest that the entire Hooper Avenue corridor between the existing O-15 zone to the east and the O-10 zone at Oak Street to the west of Ocean County Mall be evaluated for a more blended mix of office, retail and residential development (see Figure 3).

The O-10C zone at the intersection of Fischer Boulevard and Hooper Avenue is one of the gateway locations in the Township. This location is adjoined by open space and environmentally sensitive areas and is separated from retail commercial uses to the north and south. This area should continue to be zoned for Office uses. Retail use would not be compatible because of the high volume of traffic passing through this intersection. However, a mid-rise hotel use would be compatible with the high visibility of the location, and the traffic patterns associated with a hotel use would generally not coincide with peak traffic flows through the intersection. A hotel use would also serve as a housing resource for people visiting Ocean County College and this function will have increasing importance as OCC implements its plans to offer a four year baccalaureate program. As this area was not accepted by the Office of Planning Advocacy of the State Planning Commission as a “center” for purposes of retaining the prior 80% impervious surface coverage, it will revert back to 30% coverage upon the expiration of the original center designation. In order to compensate for the more restrictive impervious coverage, it may be necessary to increase allowable height to allow for viable hotel development.

The following zoning changes are recommended:

Based on the recommendation in the 2006 Land Use Plan Element, the Village Office zone in Downtown Toms River along Main Street was expanded to West Gateway, replacing the Highway Business zone that applied to those lots. This is in response to some proposed traffic flow changes in that immediate area.

In the southwest quadrant of the intersection of Hooper Avenue and Bay Avenue, a property now zoned Regional Commercial was recommended to be rezoned to Office in the 2006 Land Use Plan Element. Access to this 3.7 acre parcel from Hooper is not good. Lands lying to the south of Mapletree Road are in office use, and those lying to the northwest of this parcel are Township-owned or environmentally constrained wetlands and flood-prone areas.

On the westerly side of Fischer Boulevard south of Bay Avenue, the small lot single family homes have been rezoned in accordance with the 2006 Master Plan to permit office use, but not retail. Lot sizes are too small for retail and it is
difficult to maintain sound residential development along that section based on the volume of traffic and the presence of retail development across Fischer Boulevard. The Office zone applies only to the frontage lots in order to avoid adverse impacts on the dwellings to the rear that are served by local streets. Since the 2006 Master Plan requests have been received to permit multifamily development on these lots rather than office. However, given the shallow nature of these lots, the single family neighborhood to the rear that prevents buffering and the potential congestion on Bay Avenue from multiple driveway cuts, it has been determined that the Office use should remain unchanged.

Recommendations of the 2017 Periodic Reexamination Report:

1. **Main Street VO Zone**: The request is from TR BID to permit restaurants in the VO Zone, with the understanding that some accommodation would have to be made for parking. This section of the Township has been identified as an historic corridor by the Historic Preservation Commission, but it has not been memorialized in the Master Plan in accordance with historic preservation procedures identified in the Municipal Land Use Law and other governing statutes. 

   It is recommended that agreed that a new Village Office-Business (VOB) be created from the existing VO Zone along Main Street in Downtown Toms River to encourage future development in the downtown consistent with cultural heritage tourism and higher density residential development, including allowing mid-rise residential and mixed-use buildings at a maximum of 10 stories.

2. **Permit mid-rise residential buildings downtown, including in the VO Zone on Hooper**: This is more of a general request to increase housing in the downtown area as a means of providing convenient access to employment opportunities and to strengthen the commercial aspect of downtown. The specific request is for six to eight story buildings on sites that are at least one-half acre in size.

3. **Adopt a Redevelopment Plan for the Water Street Redevelopment Area**: This proposal has been under consideration since before the last comprehensive Master Plan update in 2006. There has been a declaration that the area is an Area in Need of Redevelopment, and there has been a proposed redevelopment plan prepared at the request of TR BID, but to date the plan has not been adopted. There are a number of complicating factors that are part of the planning process, including the ongoing coal tar cleanup, flood elevations, traffic flows, communication towers and others.

4. **Hooper Avenue O-15 inclusion of commercial options**: No immediate change recommended, but as referenced earlier, it is recommended that the O-15, RC and O-10 Zones along Hooper Avenue around the intersection of Hooper and Bay Lea Avenue be studied with
specific emphasis on revitalizing the Ocean County Mall and O-15 Office Park.

5. Hooper Avenue O-10 to RC: This is a request not only for a map change but for a change in the minimum floor area for a business. This parcel (Block 394.0, Lot 124.01) immediately adjoins a shopping center and is about 2.6 acres in size.

**Recommended changing from O-10 to RC and also change some adjacent lots to RC. Other lots in the immediate vicinity should be examined to potentially include in RC zone from O-10.**

6. South of Caudina and South of Seacourt Pavilion: This is another area with paper streets and small lots that are mostly owned by one entity. The paper street system includes two zoning districts – O-15 and R-120. In order for this area to effectively develop it would be appropriate to treat it as a redevelopment area so lot consolidation could occur and the obsolete street system changed. As part of the preparation of a redevelopment plan, proper consideration could be given to compatibility with nearby uses, including a fire house and bank, and zoning for both multifamily and single family homes.

**Recommend a redevelopment area. This site is recommended to be part of the land use study of the Hooper Avenue corridor, inclusive of Ocean County Mall, Seacourt Pavilion and its adjacent high density residential development and the O-15 Zone.**

7. O-10 on Oak Avenue adjoining Penny Layne condos: This parcel was the subject of a separate request to rezone the property to O-15. While there is no pending request for rezoning to any particular zoning district, it is included because of its recent history before both the Planning Board and Township Council.

**Undeveloped and currently located in the O-10 zone. It is recommended that the best way to encourage the appropriate development would be to change zone to RC if it would support the Ocean County Mall. This site is recommended to be part of the land use study of the Hooper Avenue corridor, inclusive of Ocean County Mall, Seacourt Pavilion and its adjacent high density residential development and the O-15 Zone.**

7. Commercial-The 2006 Master Plan recommended that commercial areas on the barrier island along N.J. Route No. 35 northbound be permitted on minimum lot sizes of 5,000 square feet. Since many of the commercial uses on the beach are seasonal and largely service walking trade, their off-street parking needs may be less than would be required for similar uses elsewhere in the Township. That recommendation was implemented in amendments to the General Business zone on the island. In addition, shared parking provisions were added to the GB zone regulations. These standards provide for the option of securing parking off-site within walking distance through the provision of a long term instrument. Each proposed commercial use on the barrier island should be considered individually as part of development review, and where it is determined that reduced parking requirements may be appropriate, design exceptions should be considered. A
wide range of commercial uses is permitted in the General Business zone found primarily on the barrier island. Based on the Coastal Neighborhoods Component of the Toms River Master Plan Reexamination and Land Use Plan Amendment, the General Business zone will be modified to permit mixed use development in the GB zone because of the pedestrian scale of development, opening up opportunities for the effective use of floor space above stores. As with other portions of the intensely developed barrier island, careful consideration should be given during the preparation of updated zoning standards to building height, lot coverage, building coverage and parking regulations. Due to the limited space and small lot sizes, overcrowding is a serious issue, particularly since Route 35 is the only major north-south roadway serving the area between Island Beach State Park and Point Pleasant Beach.

Within the pedestrian scale core of Downtown Toms River area, commercial uses should not be required to provide their own off-street parking. Parking to service the commercial, office and other downtown uses are provided in large parking areas operated by the Toms River Township Parking Authority and the County of Ocean. Also, it is proposed that in the Downtown Toms River area, it is recommended that uses be encouraged that will complement the office and commercial activities of the Downtown Toms River area. Significant retail expansion and higher density mixed use development is proposed for Downtown Toms River. Modifications to the traffic patterns were implemented since the 2006 Master Plan and have reduced congestion with the movement of pass-through traffic in the vicinity of Water Street and Route 166. See the Downtown Toms River Master Plan in Appendix E for additional details. Additional circulation improvements are recommended in conjunction with the Downtown Waterfront Phase 1 Redevelopment Plan, as is detailed in the Circulation Plan Element.

The following map changes affect the Commercial land use category, which includes the Highway Business, Rural Highway Business, Regional Commercial, General Business and Village Business zones:

The existing Highway Business zone between Lakehurst Road and Route 37 on the west side of the Garden State Parkway should be rezoned to R-400C. This area is constrained by several features that make it inappropriate for commercial development. There are wetlands associated with the Toms River, there are overhead power lines in a 320 foot wide easement running north-south through the 65 acre zoning district, and there are significant access constraints along both Route 37 and Lakehurst Road. This area, as well as similarly constrained lands in private ownership lying to the north of Route 37 and to the south of Lakehurst Road, should become part of the open space network associated with the Toms River Riverine Corridor. This recommendation was made in the 2006 Master Plan, but not implemented. It remains a valid recommendation in this Land Use Plan Element.
On Route 70 between Whitesville Road and Massachusetts Avenue, change a portion of the Office-10 zone to HB making it compatible with the recommended rezoning of adjoining RHB zones to HB. East of Massachusetts Avenue a small portion of land now zoned for Light Industrial, but located in close proximity to the highway and an existing shopping center, should be rezoned HB, as shown on Map 3.

In the Downtown Toms River area, the Village Business zone should be expanded to Lien Street, as shown in the Downtown Toms River Master Plan. The Village Business zone south of Water Street was designated to be a redevelopment area, with the broad purpose of establishing a critical retail and residential massing that is conveniently linked and within walking distance of the center of Toms River (see Figure 2).

At the southeast corner of Bay Avenue and Fischer Boulevard, the HB zone should be increased slightly to incorporate lots that are in common ownership with the portion that lies in the HB zone. This will provide added frontage along Bay Avenue, improving the potential for access to the lot as it redevelops for commercial purposes.

Recommendations of 2017 Periodic Reexamination Report:

The locations are as follows along with recommendations on each recommended zone change:

1. **Massachusetts Avenue at Lakewood Border:** This area consists of small lots and paper streets, most of which is under the control of one owner. Existing zoning is one acre RR and request is for R-200. This particular location has been the subject of many written comments from Lakewood residents living in Fairways at Lake Ridge who would like to have the area preserved as open space. Based on diverse ownership and an obsolete street pattern, this area should be treated as an Area in Need of Redevelopment. With that designation, the Township would be in a position to vacate streets and acquire lots through eminent domain. A redevelopment plan would be prepared setting forth development controls in order to make the land available for development. The development controls would be subject to a public hearing and adoption by ordinance and would function in a similar manner to zoning. The R-200 could be applied to the area lying east of Massachusetts as well across from the cemetery, which now lies in the RR zone. This recommendation was made in the 2006 Master Plan but not implemented by ordinance.

**Recommended that the RR zone remain in place and a redevelopment area be investigated for designation. Cluster option can be exercised once redevelopment plan is adopted and streets are vacated and ownership is**
consolidated. Another option is to add this to the adjoining Lake Ridge development in Toms River, which may be difficult due to the existing street layout and the secured access points to the gated community.

2. **NW Corner Route 70 and Massachusetts Avenue:** Property now lies in RHB along the road frontage and R-200 behind. Development of this site has consistently been objected to by residents of Lake Ridge. Under the terms of the RHB zone, this site is large enough to accommodate the minimum tract size of 20 acres needed for a PUD, which allows for mixed commercial and residential development.

   **Increase depth of RHB in order to allow for feasible commercial development. Increase depth of RHB zone to about 600’ from 200’. Keep R-200 in the rear of the properties to remain a buffer to Lake Ridge. On Route 70 change RHB to HB for smaller parcels.**

3. **Block 135, Lot 4, Route 70 East of Whitesville Road:** This tract is over 15 acres in size and is zoned O-10 Office. While not the subject of a recent rezoning request, it did surface in Housing Element discussions by an interested party since the 2006 Master Plan Update. The existing zoning is O-10. The private road known as Yale Avenue adjoins the parcel and provides access to the Saratoga multifamily development, which lies in the MF-6 multifamily zone. The portion of the site that lies closer to Route 70 is adjoined by the RHB zone. The earlier rezoning request was for multifamily development with an inclusionary component. As with other multifamily rezoning requests, this would depend to some extent on findings with respect to affordable housing.

   **Recommend that the front portion of the lot be O or HB along with the rezoning of adjacent RHB properties and the rear portion remain O-10 and follow existing zone lines.**

4. **Route 9 Light Industrial Zone:** This location is about 37 acres in size. As with Site 1 above, this area consists of paper streets and small lots, most of which are under one ownership. The adjoining zoning to the west, north and east is RHB and it adjoins a mobile home park to the south. A reasonable approach to providing development opportunities at this location would be to identify it as an Area in Need of Redevelopment, allowing for comprehensive development of the site through vacating streets and consolidating ownership. This site provides potential access to both Route 9 and Route 70, and with proper improvements of North Maple Avenue is can provide access to Massachusetts Avenue as well, which should be a distinct advantage for commercial development. Specific development controls would be spelled out in an adopted Redevelopment Plan ordinance.

   **Best course of action is to declare a redevelopment area. Recommend HB zone use and possibly expand HB zone to existing Stop & Shop property.**

5. **Planned Unit Development as a Conditional Use:** Currently, Planned Unit Developments are allowed as a permitted use in the RHB Zone on tracts of 20
acres or more. Because the 20 acre tract requirement is not linked to a Conditional Use standard at least one application has applied for relief as an bulk variance for tracts as small as 10 acres.

**Recommend changing PUD to a Conditional Use in RHB and changing smaller parcels fronting Route 9 to HB.**

6. Church Road adjoining HB Zone, Block 192.05, Lots 47-48: These two lots adjoin the entrance to a recently approved commercial development on Hooper Avenue that also has access from Church Road. The lots lie in the RR one acre residential zone and are about 4.5 acres in size. The property is over 600 feet deep and 300 feet wide. Consideration is requested for expansion of the HB zone or some other business zone.

**Change from RR to HB and extend depth of HB zone.**

7. Cardinal Drive, Block 508.03, Lot 4: This lot is zoned R-90 and adjoins an HB Zone. The request is to expand the HB to include this lot in order to provide a more suitable development site for a proposed commercial use, with Lot 4 used primarily to accommodate a proposed extension of Wren Place to Cardinal Drive.

**Change from R 90 to HB**

8. R-90 to Hospital Zone between Lakehurst Road and Route 37: There are two clusters of houses included in this request that has been filed through the offices of Harvey York, Esq. The operating premise of this request appears to be that the two neighborhoods do not have sufficient critical mass to remain viable as residential neighborhoods long-term. Based on citizen participation at work sessions on the Master Plan and on comments related to development applications in this area, it is anticipated that there will be significant opposition from the public. This area was the subject of another request in January of 2017 to change a six acre parcel between the Smith Street and Oliver Street neighborhoods, owned by the owner of Community Hospital, from R-90 to HMS.

**Leave as R-90. There has been a trend of available residential lots and homes in the R-90 being purchased by owners of medical uses (see Figure 2 below) and the Zoning Board recently denied a Use Variance application of the Health South Rehabilitation Hospital to expand a parking area and building a 20,000 square foot office building in the R-90 Zone on Oliver Street. It is estimated that around 30 residential homes remain in each of the two R-90 neighborhoods, which is substantial enough to maintain the current zone plan.**
8. **Industrial**—The existing Toms River Corporate Park accounts for the majority of proposed Industrial land use in the Township. While the Ciba-Geigy site is currently designated as an existing industrial zone in the zoning ordinance, it is shown as a redevelopment area in this Master Plan, with use determinations to be made as a part of the process of adopting a redevelopment plan. The Light Industrial zoning district can be eliminated based on the recommendations set forth herein.

The following changes are recommended in the Industrial zone in addition to those described in the preceding Commercial section of this Plan:

Given the current limitations of Route 9 to support the more extensive trip generation of residential and retail uses and the lack of any commitment from NJDOT to fund a widening project in the foreseeable future, it is recommended that the RHB zoning south of Cox Cro Road be changed to Light Industrial, except that the major signalized intersection of Cox Cro and Route 9 be a retail node zoned as HB. The four-way signalized intersection makes it more attractive to retail uses and the relatively narrow but deep (“bowling alley” lots) along that
section of Route 9 are appropriate for light industrial uses that do not rely on visibility from the highway and have lower trip generation characteristics.

9. **Hospital and Medical Service**—Existing hospital and medical service uses include the Community Medical Center, HealthSouth Rehabilitation Facility and other medically related uses located adjacent to the hospital. Opportunities should be provided for hospital expansion either on-site or on other nearby locations, but only in a manner that will not adversely affect established single family residential neighborhoods. In the development of zoning standards related to hospital and medical service uses, the HMS zone should primarily be limited to hospital locations because of the increased height limits associated with hospitals. The supporting medical service and medical professional uses can fall within the HMS zone if they are in the immediate vicinity of a hospital, or they can be placed within an Office zone. The zoning and site limitation standards for hospital expansion should be closely coordinated with any long range facility planning carried out by the hospital. This recommendation is a continuation of the land use policy of the 2006 Land Use Plan Element and is retained despite several requests by adjoining medical property owners to change the R-90 zoning of properties that they acquired to HMS. As long as there are R-90 neighborhoods that represent a significant number of households, the primary objective will be to keep the residential zoning in place.

10. **Quasi-Public**—Existing quasi-public uses consist of houses of worship, non-public schools, cemeteries, the YMCA and other nonprofit and charitable uses. The Land Use Plan does not designate areas for future development of quasi-public uses, but it shows the location of existing uses in that category. It is recommended that quasi-public uses be permitted as conditional uses, with lot size and location criteria directing them to larger lots on streets that have a collector function or higher.

11. **Public Facilities**—These areas of the Land Use Plan indicate the locations of existing and proposed public buildings including major County and Township facilities. Consideration should be given to creating a zoning district that will specifically identify all public facilities on the zoning map. This district designation should only apply to properties that are in public ownership. Properties proposed for public acquisition need to fall within a zoning district that permits private development in order to avoid an inverse condemnation issue.

12. **Public Schools**—These areas of the Land Use Plan indicate the locations of existing and proposed public schools including all existing property of the Toms River Regional Board of Education, the County Vocational School and the Ocean County College. Public schools should be placed in the same zoning district as other public facilities, as noted in the preceding paragraph.

13. **Parks and Recreation**—The park and recreation areas shown on the Land Use plan include existing and developed as well as existing but undeveloped facilities.
They also include any areas known at this time to be proposed for future recreation purposes. Part of the overall approach to recreation and open space planning has been addressed in earlier planning documents, the most recent of which is a needs assessment completed in 2003. Those earlier reports should be supplemented by an analysis of the remaining recreation facility needs of the Township and it should be coordinated through a joint effort of the Planning Board, Recreation Committee and Township Council. Existing public parks and recreation areas should be placed in a new zoning district for public facilities, as described above.

14. **Conservation Areas**—The recommended conservation areas within the Township include the tidal wetland areas along the Barnegat Bay, floodplain areas along the Toms River, Long Swamp Creek, Kettle Creek and North Branch Creek of Silver Bay as well as other drainage courses and other internal wetlands areas which are not suitable for development. Some of these areas are not separately designated in this Land Use Plan, but are incorporated in the above referenced land uses. The inclusion of these areas in the above land use designations does not, in any way, reduce the need to protect conservation areas. It is anticipated that most, if not all of the area in the Township designated as conservation will be secured as permanent open space in conjunction with future developments.

The Riverine Corridor along the Toms River has been singled out for particular conservation measures. Steps have been taken to have the Toms River designated as a Category 1 stream corridor. In that regard, and in the interest of protecting the integrity of the stream, this Land Use Plan encourages land conservation measures throughout the entire length of the corridor, particularly in the areas lying west of the Parkway and west of Whitesville Road and Route 571. Among the conservation measures to be incorporated into the land use regulations would be the opportunity to transfer development potential from the corridor to lands outside the corridor, or to lands within the corridor that are not environmentally sensitive and meet all the appropriate setbacks from Category 1 streams.

Certain areas of the Township are designated as Planning Area 5 in the State Development and Redevelopment Plan. PA-5 is the designation given to lands that are environmentally sensitive and sufficiently sized to be of statewide or regional significance. The Township is in the process of securing Plan Endorsement through the Office of Smart Growth and part of that process is to examine the various planning areas set forth in the State Plan to determine whether any boundary modifications are warranted.

To the extent conservation areas shown in the Master Plan are in public ownership, they should be shown in the public lands zoning district used for public facilities, public schools, parks and recreation areas. This distinction was made in both the Conservation, Recreation and Open Space Plan Element
(adopted into the Master Plan on March 15, 2017) and the Community Facilities Plan Element (also adopted into the Master Plan on March 15, 2017).

15. **Centers**-The Township obtained Conditional Plan Endorsement through the State Planning Commission and the Office of Planning Advocacy on January 18, 2017. As a part of the Plan Endorsement process, center boundaries were established and will serve to identify areas that will function with interactive land uses and generally at a pedestrian scale, although larger centers at a more regional scale need to be receptive to automobile and commercial traffic as well. The centers approved by the State Planning Commission involve commercial cores within the Township along major roadways (Route 37, Route 70, Route 166, Hooper Avenue and Fischer Boulevard, as well as Downtown Toms River (Downtown Regional Center East and West) and the Industrial Regional Center (former Ciba Giegy site and adjacent properties on the Manchester border of Route 37). Mixed residential and nonresidential uses will be encouraged within these areas. See Figure for the approved boundaries.
Figure 8: Toms River Plan Endorsement - Approved Centers
16. **Redevelopment Areas** - The Land Use Plan shows those areas that have either been determined to be Areas in Need of Redevelopment, including Route 37 East (Coates Point), Downtown Toms River Waterfront Redevelopment Area, Dover Mall and Ciba-Geigy. The Draft Waterfront Redevelopment Area Phase 1 Plan was developed as a draft in 2011 and will be revised pursuant to a Circulation Plan developed with a Post Sandy Planning Grant. A model of the potential buildout pursuant to these two documents is shown in Figure 2. The Dover Mall has an approved redevelopment plan which is mostly constructed, while the Coates Point redevelopment areas has not yet had a redevelopment plan created. The normal process for adopting redevelopment plans calls for referral action by the Planning Board and adoption by Township Council by ordinance. The controls for redevelopment areas supersede zoning. In addition to the areas that have been determined to be redevelopment areas, there are two areas that are proposed for such a designation. One is the vacant area of subscription lots and paper streets north of Maple Avenue west of Route 9. Other potential redevelopment areas are the vacant area of subscription lots and paper streets between Seacourt Pavilion and Hooper Avenue north of the O-15 zone on the east side of Hooper Avenue, and another substantial area of subscription lots and paper streets on Massachusetts Avenue.

While there have been no previous designations of Areas In Need of Rehabilitation in Toms River, the older sections of Downtown Toms River, such as along Main Street and Washington Street, may benefit from such a designation as a way of employing five-year tax abatements to incentivize economic investment in rehabilitation of existing buildings and infilling vacant lots and any underutilized surface parking lots.

**Recommendations from 2006 Master Plan**

The following recommendations from the 2006 Master Plan Land Use Plan Element are carried forward as follows:

- Non-residential use encroachment into viable residential neighborhoods should be discouraged and constrained and special planning controls should be established to assure residential neighborhoods are protected. Although this is a Township-wide problem, areas of special concern are: the Route 37 business corridor, the Hooper Avenue business corridor, the Village Business/Office areas, the Route 37/Lakehurst Rd. Village Office and HMS areas, and the Route 9, Route 166 and Route 70 business corridors.

- Architectural themes should be incorporated into local planning where permitted by statute, including historic preservation areas, special improvement districts, and redevelopment areas.

- Single family residential developments that need to provide affordable housing to meet “growth share” requirements should be given some flexibility in the zoning
regulations to provide affordable housing through the use of accessory apartments and duplexes. These affordable units would be provided within the overall zoning density framework of each zoning district.

- In designing traffic circulation plans and road improvements, efforts should be made throughout the residential areas of the Township to discourage regional traffic from taking shortcuts through residential streets.

- Site yield adjustments should be incorporated into the land use regulations to reduce development potential in those areas that are environmentally constrained. Typical constraints to be addressed would be wetlands, floodplains and seasonally high water tables.