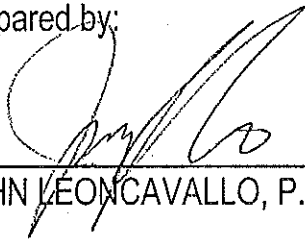


**RE-EXAMINATION REPORT
OF THE
MASTER PLAN AND LAND DEVELOPMENT REGULATIONS
BOROUGH OF ISLAND HEIGHTS**

2007

Adopted by:
Borough of Island Heights Planning Board
March 14, 2007

Prepared by:



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REEXAMINATION REPORT
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INTRODUCTION

The Island Heights Borough Planning Board has reviewed its Master Plan and Land Development Ordinance in accordance with the periodic reexamination requirements of the Municipal Land Use Law as contained in N.J.S.A. 40:55-89. Following adoption of this Reexamination Report, copies are to be filed with the Borough Council, Borough Clerk, Board of Adjustment, Ocean County Planning Board and the adjoining municipality of the Township of Toms River.

The Borough of Island Heights has periodically reviewed its Master Plan and Land Development regulations. The current Master Plan was adopted in 1997. The Land Development Regulations were adopted on September 12, 2000.

The Planning Board finds that the adopted Master Plan and Land Development Regulations generally reflect the overall goals and objectives of the Borough. Continued focus should be given to open space designation and preservation; preservation of environmentally sensitive land and resources and amendments/revisions of the zoning regulations for better land use controls and implementation of "smart growth" principles.

Reexamination Reports are required to be prepared at a minimum of once every six years. In accordance with the Municipal Land Use Law, the next Reexamination Report to be prepared by the Island Heights Planning Board will be required on or before September 2012.

REEXAMINATION OF MASTER PLAN, ZONING MAP AND DISTRICTS AND LAND DEVELOPMENT REGULATIONS

The Municipal Land Use Law requires that periodic Reexamination Reports address five topics in accordance with N.J.S.A. 40:55D-89. The five topics are identified from the Law as follows:

A. THE MAJOR PROBLEMS AND OBJECTIVES RELATING TO LAND DEVELOPMENT IN THE BOROUGH AT THE TIME OF THE LAST REEXAMINATION REPORT.

Detailed information on the problems and objectives of the Borough at the time of the last preparation of the Land Use Plan element of the Master Plan are set forth in that document.

The following "Special Considerations" are found in the adopted Land Use Plan:

In Addition to the Land Use classifications proposed, the following measures and / or policy statements are also recommended:

1. With the goal of maintaining the Borough of Island Heights as a unique, attractive community on the Toms River, it is not desirable in the future to allow additional apartments or multi-family dwellings in any residential, commercial or marina zone districts.
2. Additionally, certain uses are proposed to be specifically labeled as prohibited land uses in the Zoning Ordinance: these "Prohibited Uses" include, but are not limited to, auto repair garages, auto body collision and repair and auto repair service.
3. With the intent of protection of the environmental quality of the Borough, it is recommended that a measure be adopted to maintain and protect sensitive landscape features, especially wetlands, steep slopes, landmarks, historic sites and areas containing scenic or recreational resources.

To this end, as a Condition of Approval to all future applications where wetlands are found, it is recommended that all property deeds for the affected lots, contain the intent of the following provision:

" The lands designated herein are wetlands and wetland buffer areas. There shall be no fill, improvement or change of grade within the wetlands buffer areas without written approval of the New Jersey Department of Environmental Protection. This restriction shall run with the land and be binding upon the grantees, their heirs, successors and assigns. "

B. THE EXTENT TO WHICH SUCH PROBLEMS AND OBJECTIVES HAVE BEEN REDUCED OR HAVE INCREASED SUBSEQUENT TO 1997.

Many of the problems and objectives continue to the present. The remaining vacant tracts continue to be the focus of attention by the Borough since their ultimate use can have a significant impact on the existing land use pattern.

The following problems and issues have arisen since the preparation and adoption of the Land Use Plan element of the Master Plan:

- 1). With steady Statewide housing growth for the past several years, the major concern of the Borough , given its extraordinary location in the County and the State, is still development of the remaining private land parcels and their impact on infrastructure, municipal costs and the quality of life for Borough residents.
- 2). The opposite side of the coin to No. 1 above, is the need for additional open space due to the pressures of development and the fiscal impacts generated by standard residential subdivision development. Active and passive open space preservation cannot be achieved if open land is not

available. The competition between land uses is becoming much more intense as the land supply diminishes to zero.

3). Continued concerns for traffic generation in the Borough, such as West End Avenue, is a problem which frustrates all residents and officials and must be continually reviewed and revisited by local and County officials for potential alternative solutions given new opportunities as a result of development in and outside of the Borough. The Circulation Plan Element is vital in any future transportation strategies to assist the Borough and County in, at the very least, coping with this never-ending problem.

4). Continued valid adjustments and revisions of the zoning regulations and ordinance are prudent choices of the Governing Body as the Borough continues to change due to demands of its residents and needs of the local economy. The potential for change may involve such subjects as residential zoning setbacks and lot intensity coverages, height requirements, cluster and open space development, new conditional uses as well as revisions of subdivision and site plan issues including but not limited to definitions, administration, general provisions, design standards and fee restructuring. Zoning ordinance regulations must continue to be flexible, efficient and responsive to local conditions.

C. THE EXTENT TO WHICH THERE HAVE BEEN SIGNIFICANT CHANGES IN THE ASSUMPTIONS, POLICIES AND OBJECTIVES FORMING THE BASIS FOR THE MASTER PLAN OR DEVELOPMENT REGULATIONS AS LAST REVISED, WITH PARTICULAR REGARD TO THE DENSITY AND DISTRIBUTION OF POPULATION AND LAND USES; HOUSING CONDITIONS; CIRCULATION; CONSERVATION OF NATURAL RESOURCES; ENERGY CONSERVATION; COLLECTION, DISPOSITION AND RECYCLING OF DESIGNATED RECYCLABLE MATERIALS AND CHANGES IN STATE, COUNTY AND MUNICIPAL POLICIES AND OBJECTIVES.

Since the adoption of the 1997 Master Plan, The New Jersey Council on Affordable Housing has adopted updated rules and regulations which provide housing allocations to municipalities which cover the next housing period to 2014. On December 20, 2004, the Council on Affordable Housing's third round substantive and procedural rules became effective. The third round rules used a new methodology (Growth Share) to calculate a municipality's new construction affordable housing obligation. On January 25, 2007 the New Jersey Appellate Court issued a decision on a appeal filed by the New Jersey Builders Association et al regarding COAH's third round rules. The Court affirmed many aspects of the rules, but invalidated other parts and remanded certain issues back to COAH for rulemaking. These changes are to be completed by late June.

Since the Borough Housing Plan element of the Master Plan has been adopted and received substantive certification from COAH, no revisions are anticipated until clarification of the rules as mandated by the Appellate Court or upon Borough legal counsel's advice.

The State Planning Commission currently is engaging communities in discussions regarding the next steps in "Smart Growth". The State will provide new resources to communities such as brownfields funding, impact fees and green acres dollars for local parks. These resources should be utilized by the Borough to the greatest extent in order to dovetail with local municipal land use policies. Concurrently, the next round of Cross Acceptance under The State Plan is being initiated in the short term future. Coordination of this process with the Master Plan is recommended. As required in the Municipal Land Use Law, planning at the local level is to take into consideration the plans of the State Planning Commission.

In conjunction with the above, new stormwater management regulations for new residential development have been established as of January of 2004. These rules address nonpoint source pollution, the greatest threat to our drinking water supplies statewide. This is the first major update of stormwater management rules (N.J.A.C. 7:8) since their adoption in 1983. Planning Boards must now implement the new regulations for any new residential development that involves an acre or more of land disturbance. The Borough has specific requirements to meet for reduction of pollution to the ecosystem. The Borough has prepared and adopted a Stormwater Pollution Prevention Plan as well as other stormwater control ordinances.

At the time of adoption of the various Master plan elements in 1997, consideration was given to the regional planning framework in place at that time, including Ocean County Plans and Toms River Township. These plans should be reviewed to determine whether any changes are warranted in the Borough Plans.

D. THE SPECIFIC CHANGES RECOMMENDED FOR THE MASTER PLAN OR DEVELOPMENT REGULATIONS, IF ANY, INCLUDING UNDERLYING OBJECTIVES, POLICIES AND STANDARDS, OR WHETHER A NEW PLAN OR REGULATIONS SHOULD BE PREPARED.

The following specific actions are recommended to be taken at this time:

1. Update Master plan goals and objectives to clearly prescribe the most appropriate physical development of the Borough's land uses in the future.
2. Review and update as needed the Land Use Plan element of the Master plan in order to consider changes in development patterns over the past six years and to update the inventory of vacant and potentially developable sites. As a part of this review, continue to evaluate the appropriateness of zoning designations for all areas of the Borough.
3. Review the Housing Plan element in order to respond to any new housing allocation strategy

of COAH. This document can also provide a review of changes in demographics in the Borough which should be considered as a part of long range planning. This would include analysis of particular relevant data released in the 2000 Census, and births, deaths and covered employment information released subsequent to 2000 by the N.J. Labor Department.

4. Review and update the regional considerations to make certain that appropriate attention is given to the State Development and Redevelopment Plan as well as plans of Ocean County and plans of Toms River Township.

E. THE RECOMMENDATIONS OF THE PLANNING BOARD CONCERNING THE INCORPORATION OF REDEVELOPMENT PLANS ADOPTED PURSUANT TO THE "LOCAL REDEVELOPMENT AND HOUSING LAW" INTO THE MASTER PLAN, AND RECOMMENDED CHANGES, IF ANY, IN THE LOCAL DEVELOPMENT REGULATIONS NECESSARY TO EFFECTUATE THE REDEVELOPMENT PLANS OF THE BOROUGH.

After reviewing the status of the existing Borough plans and land use strategies, this section is not applicable.

Borough of Island Heights
Ocean County, New Jersey

Addendum No. 1

To the Master Plan for
Borough of Island Heights, Ocean County, New Jersey

Prepared by:

O'Donnell, Stanton & Associates, Inc.
John Leoncavallo, Community Planning Consultant
Adopted: November 6, 1999

Addendum No. 1 hereby amends and supplements the above referenced Master Plan and made part of the 2007 Reexamination Report..

INTRODUCTION AND BACKGROUND STUDIES

REGIONAL SETTING

Page i-2

In the second sentence of the second paragraph change the word "easy" to "east".

Change the last sentence of the third paragraph to read as follows:

"Since 1970, the population of Ocean County has more than doubled to over 500,000."

ISLAND HEIGHTS BOROUGH

Page i-5

At the end of the third paragraph add the following:

"In 1992, the Police Headquarters was renovated and expanded and now serves as the Borough's Emergency Operations Center. Additionally, the Municipal Clerk's Office was renovated and expanded to become the Municipal Office Building. The Borough was attempting to secure funding for the rehabilitation of the Wanamaker Hall Building. After fire caused structural damage, the Wanamaker Recreation Hall was demolished in June 2005."

POPULATION PROJECTIONS: 1980 – 2000

Page i-7

In the heading at the top of this page change the year "2000" to "2010".

The first five sentences in the first paragraph are changed to read as follows:

"In 2005, Ocean County estimated the population of Island Heights at 1,861. Based on low past growth trends, it appears safe to assume the low population growth trend will likely continue in the foreseeable future."

LAND USE ANALYSIS

DEVELOPED AND UNDEVELOPED LAND

Page i-14

The acreage and percentage numbers provided in this paragraph are changed to the following:

"275.3" acres to "294"; "71.7" percent to "76.6"; "108.7" acres to "90" and "28.3" percent to "23.4".

RESIDENTIAL DEVELOPMENT

Page i-14

The first sentence in this paragraph is changed to read as follows:

"The Borough of Island Heights currently contains 199.7 acres of residential land uses."

At the end of the second sentence change "(184.0 acres)" to "(195.1 acres)".

Also change the following average and percentage numbers:

"68.5" percent to "67.9"; "49.1" percent to "52.0"; "47.9" percent to "50.8"; "66.9" percent to "66.4".

At the end of this subsection add the following:

"The Borough of Island Heights approved a thirteen lot subdivision located on Lake Avenue and the subdivision is presently under construction."

COMMERCIAL AND BUSINESS

Page i-15

The acreage and percentage numbers provided in this paragraph are changed to the following:

"13.9" acres to "20.5"; "5.1" percent to "7.0"; "3.6" percent to "5.3" "2.5" percent to "2.3"; "1.3" acres to "1.8"; "0.5" percent to "0.6"; "5.5" acres to "11.6"; "2.0" percent to "3.9".

INDUSTRIAL

Page i-15

The percentage numbers provided in this paragraph are changed to the following:

"1.3" percent to "1.2"; "1.2" percent to "1.1".

PUBLIC

Page i-15

The acreage and percentage numbers provided in this paragraph are changed to the following:

“16.5” acres to “17.5”; “5.9” percent to “6.0”; “4.3” percent to “4.6” “3.1” percent to “2.9”; “3.4” acres to “4.4”.

STREETS AND HIGHWAYS

Page i-15

The percentage number provided in this paragraph are changed to the following:

“18.7” percent to “17.5”.

VACANT AND WOODED

Page i-16

The acreage and percentage number provided in the first paragraph is changed to the following:

“108.7” acres to “90”; “28.3” percent to “23.4”.

The first sentence in the second paragraph is changed to read as follows:

“An updated Table 2 showing the current land uses within the Borough based on the 1976 Ocean County Planning Board and Water Quality Planning Project survey undertaken in 1976 is shown on the following page.”

TABLE 2, ISLAND HEIGHTS, EXISTING LAND USES – 1976

Page i-17

Replace Table 2 page i-17 with Updated Table 2 page i-17 attached hereto.

SECTION 1 LAND USE ELEMENT

PLAN DESCRIPTION AND POLICY

HC – HIGHWAY COMMERCIAL

Page (1-2)

In the second sentence of this paragraph change the name “Dover Township” to “Township of Toms River”.

SECTION 3 RECYCLING ELEMENT

BOROUGH OF ISLAND HEIGHTS RECYCLING PROGRAM

Page (3-1)

Following the fourth paragraph of this subsection add the following paragraph:

“Residents will also be able to take recycling material to a recycling center to be located behind the

Department of Public Works on Lake Avenue. Contract documents for the construction of the recycling center are completed and construction is scheduled for mid-summer 2007. Large roll-off containers will be provided for the collection of the recycling material previously discussed under this subsection.”

SECTION 4 STATEMENT OF PLAN RELATIONSHIPS

STATEMENT OF PLAN RELATIONSHIPS

Page (4-1)

In the last sentence of the second paragraph from the top of this page change the name “Dover Township” to “Township of Toms River”.

CONTIGUOUS MUNICIPALITIES

Page (4-1)

In the first sentence of the first paragraph under this subsection change “Township of Dover” to “Township of Toms River”.

OCEAN COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN

Page (4-1)

The first sentence of this subsection is changed to read as follows:

“The County Solid Waste Management Plan was originally adopted by the Ocean County Board of Chosen Freeholders on July 18, 1979 and last amended April 20, 2005.”

Change the first line at the top of page (4-2) to read as follows:

The Plan mandates the recycling of additional materials for the residential and non-“.....

STATE DEVELOPMENT AND REDEVELOPMENT PLAN

Page (4-2)

Add the following paragraphs at the end of this subsection:

“The National Estuary Program was established by Congress in 1987 to promote comprehensive planning, conservation and management of national significant estuaries threatened by pollution, development or overuse and to encourage the preparation of management plans for those estuaries.

The Barnegat Bay estuarine system was accepted into the program in 1996 and in May 2002, a Comprehensive Conservation and Management Plan (COMP) for the estuary was approved by the United States Environmental Protection Agency.

To improve water quality in Barnegat Bay and its watershed, the Borough is implementing the Phase II Municipal Stormwater Rules by improving the Borough’s stormwater drainage system. All stormwater inlets located within the contract limits of local road improvement project will be modified to comply

with the Phase II rules”.

SECTION 5 COMMUNITY FACILITIES AND UTILITIES SOURCES PLAN

3. SEWER PLANT AND SEWAGE COLLECTION SYSTEM

Page 5-2

In the first sentence of this paragraph change “Ocean County Sewerage Authority” to “Ocean County Utilities Authority”.

In the second sentence of this paragraph change “juste” to “just”.

4. VOLUNTEER FIRE COMPANY

Page 5-2

The last three sentences in the last paragraph on this page are changed as follows:

“In 2007 the Fire Company has 20 active members, 6 active exempted members and 8 exempted members. Equipment includes a 1999 and 2003 Pierce pumpers, each having a pumping capacity of 1,500 gallons per minute, three Explorers and miscellaneous small hand equipment.”

6. LIBRARY

Page 5-3

In the last sentence of the second paragraph add “1000” square foot in the first space provided and the year “1982” in the last space provided at the end of this sentence.

7. ELEMENTARY SCHOOL

Page 5-3

Replace the last paragraph at the bottom of this page, with the following paragraph:

“The Island Heights Grade School is centrally located within the Borough. The school is situated on the northeast corner of Summit Avenue and Simpson Avenue Street intersection. Since 1993, the school has undergone two major building additions and the installation of new playground equipment. The existing school facility is adequate to handle the present and projected elementary school enrollments.”

8. WATER SYSTEMS

Page 5-4

Replace the first paragraph under this section with the following paragraph:

“The Island Heights water system is operated and maintained by the Borough. The Borough has two (2) new water supply wells, Well No. 9 and Well No. 10. The pumping capacity of each well is 500 gallons per minute and both wells extend into the Piney-Point Aquifer. The two old wells, Well No. 7 and Well No. 8 respectfully are abandoned.”

QUASI-PUBLIC FACILITIES

Page 5-6

The following is added at the end of the first paragraph on this page:

“West of Cozy Cove Yacht Club is Nelsons Marina situated along Lake Drive. Both marinas share the same inlet to the Toms River. A third marina located within the Borough, Dillons Creek Marina, is situated along Dillons Creek at the eastern end of the Borough on Lake Avenue.”

SECTION 6 PARK AND CONSERVATION PLAN

PARKS, RECREATION AND OPEN SPACE AREAS

Page 6-1

The third sentence in the second paragraph is changed to read as follows:

“A soccer field is located at the northern end of the property.”

The first sentence of the fourth paragraph under this subsection is changed to read as follows:

“One of the unique features of Island Heights is the boardwalk that extends along the Toms River adjacent to Simpson Avenue and River Avenue. In 2005, the boardwalk was extended in the westerly direction and the total length of the Boardwalk has nearly doubled. Boardwalk lighting, benches and access ramps are provided at regular intervals. Shade trees were planted along the west end of the boardwalk. The boardwalk provides residents passive recreational activities including strolling, jogging and general viewing of the Toms River. Fishing areas are also provided along the boardwalk.”

In the first sentence of the last paragraph on this page, change “Roms River” to “Toms River”.

SECTION 7 CIRCULATION PLAN

ROADWAY IMPROVEMENTS

Page 7-2

The first four sentences in the first paragraph is changed to read as follows:

“The roadway system of Island Heights is not expected to be expanded through development of new roadways in the future. The system is in the process of reconditioning. A major roadway improvements project completed within the Borough was River Avenue from Ocean Avenue to Central Avenue. River Avenue was raised up in elevation to reduce periodic flooding. Numerous other local street improvements have been completed which included roadway resurfacing and curbing improvements.”

Table 2
Island Heights, Existing Land Uses – 2007

<u>LAND USE</u>	<u>ACRES</u>	<u>PERCENT OF DEVELOPED LAND</u>	<u>PERCENT OF TOTAL LAND</u>
Residential	199.7	67.9	52.0
Single Family	195.1	66.4	50.8
Two Family	4.0	1.4	1.0
Multi Family	0.6	0.2	0.2
Commercial & Business	20.5	7.07	5.3
Retail & Wholesale	6.9	2.3	1.8
Professional Offices & Banks	1.8	0.6	0.5
Services (hotels, beauty shops, etc)	0.2	0.1	0.1
Marine commercial	11.6	3.9	3.0
Industrial	3.4	1.2	0.9
Light Industrial	0.2	0.1	0.1
Utilities & Transportation	3.2	1.1	0.8
Public	17.5	6.0	4.6
Borough Uses	8.4	2.9	2.2
School	3.5	1.2	0.9
Parks	4.4	1.5	1.1
Borough Beaches	1.2	0.4	0.3
Quasi Public	1.4	0.5	0.4
Streets & Highways	51.5	17.50	13.4
Total Developed Land	294	100	76.6
Vacant & Wooded	90		23.4
Total Land	384.0		100.0

Source: Ocean County Planning Board and 208 Water Quality Project – Summer 1976.

