



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
STATE PLANNING COMMISSION
OFFICE OF SMART GROWTH
PO Box 204
TRENTON NJ 08625-0204

RICHARD J. CODEY
Acting Governor

CHARLES A. RICHMAN
Acting Commissioner

CHRISTIANA FOGLIO
Chair

MAURA K. MCMANIMON
Executive Director

Resolution No. 2005-03
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Date: December 7, 2005
Patron: John Eskilson

R E S O L U T I O N

**ENDORING THE PETITION FOR INITIAL PLAN ENDORSEMENT SUBMITTED BY THE
TOWNSHIP OF OCEAN AND DESIGNATING WARETOWN AS A TOWN CENTER**

WHEREAS, the State Planning Commission, pursuant to its responsibilities under the State Planning Act, N.J.S.A. 52:18A-196 et seq., has prepared and adopted a State Development and Redevelopment Plan (State Plan) which includes a State Plan Policy Map; and

WHEREAS, in adopting a State Plan, the State Planning Commission has laid out goals, policies, and objectives for the use of land in the State of New Jersey (including the concept of Planning Areas and Centers as the organizing planning principles for achieving a more effective and efficient pattern of development in the State); and

WHEREAS, the State Planning Commission is empowered, pursuant to N.J.S.A. 52:18A-203 of the State Planning Act, to adopt rules and regulations to carry out and implement its statutory responsibilities and purposes, including establishing a process for the endorsement of municipal, county and regional plans that are consistent with the State Plan; and

WHEREAS, pursuant to its authority under N.J.S.A. 52:18A-203, the State Planning Commission has adopted regulations, set forth in N.J.A.C. 5:85-7.1 et seq., that establish procedures for filing of petitions with the State Planning Commission for the purpose of requesting Plan Endorsement in order that the State Plan and State Plan Policy Map can better serve to foster cooperation and coordination of planning activities between State agencies and county and local governments; and

WHEREAS, the State Planning Commission encourages municipalities, regions, and counties to demonstrate that their plans are consistent with the goals, policies and objectives of the State Plan, thereby rendering their plans eligible for Endorsement from the Commission; and

WHEREAS, the governing body of the Township of Ocean adopted a resolution on January 13, 2005 authorizing submission of the Petition for Initial Plan endorsement to the State Planning Commission; and

WHEREAS, the Township of Ocean filed a petition with the State Planning Commission in January of 2005, pursuant to the provisions of N.J.A.C. 5:85-7.1 et seq., seeking Initial Plan Endorsement of its planning documents, along with an amendment to the State Plan Policy Map to



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reflect the requested designation of the Waretown section in the Township of Ocean as a Town Center (Waretown Town Center); and

WHEREAS, after working cooperatively with the State agencies, the Township of Ocean agreed to the delineation of amore compact Waretown Town Center; and

WHEREAS, the Township of Ocean amended the area within the proposed Waretown Town Center from Suburban Planning Area 2, Fringe Planning Area 3 and a very small portion of Environmentally Sensitive Planning Area 5 to a Suburban Planning Area 2 in its entirety; and

WHEREAS, the Township of Ocean amended the area outside of the proposed Waretown Town Center to expand the Environmentally Sensitive Planning Area 5 to include an area north of Wells Mill Road and east of the Garden State Parkway that is currently delineated Fringe Planning Area 3, an area south of Wells Mill Road and east of the Garden State Parkway that is currently delineated as Suburban Planning Area 2, and an area east of Route 9 and adjacent to Oyster Creek that is currently Suburban Planning Area 2; and

WHEREAS, the Township of Ocean proposed to add a Critical Environmental Site (CES) over Lochiel Creek; and

WHEREAS, the Executive Director of the Office of Smart Growth subsequently deemed the Petition complete on July 18, 2005 and provided public notice of said determination pursuant to N.J.A.C. 5:85-1.7(i); and

WHEREAS, the Petition, plans, supporting documents and the map identifying the proposed boundaries, as amended, were subject to a 45 day public comment period; and

WHEREAS, the Petition, plans and supporting documents were received by the State agencies represented on the State Planning Commission pursuant to N.J.A.C. 5:85-7.5(c); and

WHEREAS, the Staff and Executive Director of the Office of Smart Growth reviewed the petition filed by the Township of Ocean, as amended, the comments received by the State agency partners and the public and determined that the petition meets the requirements of N.J.A.C. 5:85-7.6 for Initial Plan Endorsement; and

WHEREAS, the Staff and Executive Director of the Office of Smart Growth, in a report dated September 30, 2005 to the Plan Implementation Committee, found that the Township of Ocean had met the criteria for the designation of the Waretown Town Center and the planning area changes, and



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recommended that the State Planning Commission approve the petition and the revised Planning and Implementation Agreement (PIA) submitted by the Township of Ocean as consistent with the State Plan; and

WHEREAS, on October 19, 2005 the Plan Implementation Committee reviewed and considered the petition for Initial Plan Endorsement of the Township of Ocean, the State Plan Policy Map Amendments, designation of the Waretown Town Center, the Planning and Implementation Agreement, the September 30, 2005 Report of the Staff and Executive Director of the Office of Smart Growth to the Plan Implementation Committee evaluating the petition, and the public comments made regarding the petition; and

WHEREAS, the Plan Implementation Committee concurred with the recommendations summarized in the September 30, 2005 report forwarded by the Staff and Executive Director of the Office of Smart Growth to the Plan Implementation Committee that the Petition was consistent with the State Plan and to designate a portion of Ocean Township as a Town Center, revise planning area boundaries and create a Critical Environmental Site over Lochiel Creek; and

WHEREAS, the Township of Ocean is a growing suburban community in Ocean County, New Jersey seeking to implement smart growth practices into its planning documents and future development and redevelopment in response to pressure to overdevelop and redevelop its lands without consideration of constraints on the land; and

WHEREAS, the Township of Ocean is currently located in the Suburban Planning Area, Fringe Planning Area, and the Environmentally Sensitive Planning Area; and

WHEREAS, Township officials have prepared a plan to promote compact, mixed-use core development; and

WHEREAS, the Township of Ocean has taken a proactive approach to involving the community in the preparation of its various plans, and through a public participation process performed during the preparation of said plans, has crafted a detailed vision statement which is consistent with the goals, policies and objectives of the State Plan; and

WHEREAS, the State Plan identifies five types of Centers: Urban Centers, Regional Centers, Towns, Villages, and Hamlets, and sets forth policies regarding the identification, delineation criteria, development and redevelopment of Centers; and

WHEREAS, the Township of Ocean's plan is consistent with the goals, policies and strategies



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of the State Plan including Goal 2 to *Conserve the State's Natural Resources and Systems*, Goal 3 to *Promote Beneficial Economic Growth*, Goal 5 to *Provide Adequate Public Facilities and Services at a Reasonable Cost*, Goal 6 to *Provide Adequate Housing at a Reasonable Cost*, and Goal 7 to *Preserve and Enhance Areas with Historic, Cultural, Scenic, Open Space and Recreational Value*; and

WHEREAS, the proposed Waretown Town Center is consistent with the State Plan criteria for centers as the Township is proposing compact center-based development that will accommodate municipal buildings, public facilities, open space, housing and commercial uses commonly needed on a daily basis by residents of the Town Center; and

WHEREAS, the proposed Waretown Town Center will be entirely comprised of Planning Area 2, a designation consistent with the criteria for the Suburban Planning Area as it includes a pedestrian-oriented, mixed-use center that will expand employment and recreation opportunities for all residents as well as to help create a distinct destination for visitors; and

WHEREAS, the proposed Environmentally Sensitive Planning Area 5 outside of the center is consistent with the designation criteria for the Environmentally Sensitive Planning Area as it will preserve much of the area north of Wells Mill Road between the Garden State Parkway (GSP) and Route 9, a rare contiguous coastal forest area that represents the last substantial undeveloped land in the Township which is a critical habitat for threatened and endangered species wildlife, and includes the protection of Oyster Creek, Waretown Creek and wetlands, as well as areas east of the GSP that will preserve a large contiguous ecosystem; and

WHEREAS, Ocean Township's 2003 Amended Land Use Element, under *Environmentally Constrained Lands - Critical Habitat*, states that "During the Master Plan process, the desire to maintain large contiguous tracts of land, a form of habitat protection was identified as a goal for the Township;" and

WHEREAS, the Township of Ocean has adopted a revised Environmental Resource Inventory, and a revised land use element and map that reflect the agreements reached between the Township of Ocean and State agencies and shall serve to guide the protection of environmentally sensitive resources; and

WHEREAS, the Township of Ocean shall revise its municipal zoning ordinance to be consistent with the master plan and planning area changes within 60 days of the endorsed plan and PIA; and

WHEREAS, the Township of Ocean has agreed to file a petition for substantive certification with the Council on Affordable Housing by December 20, 2005; and



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WHEREAS, the Township of Ocean consulted with the Department of Environmental Protection, Green Acres program over the extension of Volunteer Way and resolution of issues related to its Recreation and Open Space Inventory; and

WHEREAS, the Township has agreed to revisions of the draft Planning and Implementation Agreement in the Township's petition as recommended by the Staff and Executive Director of the Office of Smart Growth as amended by the Plan Implementation Committee during its review of the Township's petition at its October 19, 2005 meeting; and

WHEREAS, the State Planning Commission has considered the petition submitted by the Township of Ocean, including the revised Planning and Implementation Agreement, the findings of the Staff and Executive Director of the Office of Smart Growth with regard to the petition, the recommendations of the Commission's Plan Implementation Committee with regard to the petition, and all of the comments and written correspondence submitted to the Office of Smart Growth and the State Planning Commission with regard to the petition; and

WHEREAS, the State Planning Commission has determined that the petition for initial plan endorsement submitted by the Township of Ocean, as revised, and including the revised Planning and Implementation Agreement, is consistent with the State Plan as required by N.J.A.C. 5:85-7.6(c); and

WHEREAS, the State Planning Commission has determined it appropriate to approve the amendment of the State Plan Policy Map to designate a portion of the Township of Ocean as the Waretown Town Center and expand the Environmentally Sensitive Planning Area 5 to include an area north of Wells Mill Road and east of the Garden State Parkway that was delineated as Planning Area 3, an area south of Wells Mill Road and east of the Garden State Parkway that was delineated as Planning Area 2, and an area east of Route 9 and adjacent to Oyster Creek that was delineated as Planning Area 2, and delineating a Critical Environmental Site over Lochiel Creek, consistent with the boundaries depicted on the map dated November 23, 2005 attached to the Report prepared by the Staff and the Executive Director of the Office of Smart Growth; and

NOW, THEREFORE, BE IT RESOLVED, that, the State Planning Commission, pursuant to N.J.A.C. 5:85-7.6(c), hereby approves the petition for Initial Plan Endorsement submitted by the Township of Ocean; and

BE IT FURTHER RESOLVED, that the State Planning Commission hereby affirms and adopts the Plan Endorsement Report of Township of Ocean, dated November 23, 2005, prepared by the Staff



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and the Executive Director of the Office of Smart Growth, together with the map dated November 23, 2005 depicting the Waretown Town Center, planning area changes, and CES and attached to the Report;

BE IT FURTHER RESOLVED, that the State Planning Commission, hereby designates the Waretown section of the Township of Ocean as a Town Center and expands the Environmentally Sensitive Planning Area 5 to include an area north of Wells Mill Road and east of the Garden State Parkway that was delineated as Planning Area 3, an area south of Wells Mill Road and east of the Garden State Parkway that was delineated as Planning Area 2, and an area east of Route 9 and adjacent to Oyster Creek that was delineated as Planning Area 2, and delineating a Critical Environmental Site over Lochiel Creek under the State Plan; and

BE IT FURTHER RESOLVED, that the State Planning Commission hereby authorizes its secretary and principal executive officer, Maura K. McManimon, to execute the attached Planning and Implementation Agreement; and

BE IT FURTHER RESOLVED, that, in implementing the endorsed plan of Ocean Township, the Township is obligated to work on and complete the various items in the revised Planning and Implementation Agreement in a timely manner and to continue to carry out its plans in accordance with the goals, strategies and policies of the State Development and Redevelopment Plan; and

BE IT FURTHER RESOLVED, that, in implementing the endorsed plan of Ocean Township, as stated in the Planning and Implementation Agreement, the Township shall prepare and submit within 60 days of endorsement revisions to its wastewater management plan to the Department of Environmental Protection that reflect the agreements reached between the Township of Ocean and State agencies; and

BE IT FURTHER RESOLVED, that, in approving the petition for initial plan endorsement submitted by the Township, it is understood that N.J.A.C. 5:85-7.13 provides that the endorsement may be revoked if the State Planning Commission determines that the Township of Ocean has either made substantial changes to its endorsed plans or substantially violated the terms of its Planning and Implementation Agreement so that the plans of the Township of Ocean are no longer consistent with the State Development and Redevelopment Plan; and

BE IT FURTHER RESOLVED, that the State Planning Commission and the Township of Ocean have entered into a mutual planning partnership by virtue of the Planning and Implementation Agreement, and therefore it is the obligation of the State agencies to provide the assistance to the Township of Ocean specified in the Planning and Implementation Agreement consistent with statutory



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and regulatory requirements and to the extent of available resources; and

BE IT FURTHER RESOLVED, that, in approving the amendment of the State Plan Policy Map for the purpose of designating a portion of the Township of Ocean as the Waretown Town Center, amending planning areas and delineating a Critical Environmental Site over Lochiel Creek, it is understood that such amendment in no way exempts property owners and/or development applicants within the area affected by this amendment from securing all approvals required by law from the relevant federal, state, county and/or local agencies, nor does this amendment override or modify the terms and conditions under which said approvals are secured; and

BE IT FURTHER RESOLVED, that in approving the amendment of the State Plan Policy Map for the purpose of designating a portion of the Township of Ocean as the Waretown Town Center, amending Planning Areas and delineating a Critical Environmental Site over Lochiel Creek, it is understood that the Township will file a petition with the Council on Affordable Housing for substantive certification on or before December 20, 2005; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Acting Governor, the Senate President, the Assembly Speaker, members of the Legislature representing the Township of Ocean and the Ocean County Board of Chosen Freeholders and Planning Board, the governing body of the Township of Ocean, the Planning Board of the Township of Ocean, the Commissioners and Secretaries of State Agencies and that notice of this decision be provided as set forth in N.J.A.C. 5:85-7.6(d) and (e).