

BERKELEY TOWNSHIP ACTION PLAN - APPROVED BY THE STATE PLANNING COMMISSION ON SEPTEMBER 16, 2009

NOTE: Each Action Item and Deliverable must fully resolve the corresponding Consistency Issue and related Items.

| Item No. | Subject | Consistency Issue | Action Item | Deliverable | Municipal Deadline | State Deadline |
|----------|------------------------------|---|--|---|---|---|
| A1 | State Plan Policy Map (SPPM) | Proposed State Plan Policy Map (SPPM) Amendments | The Township shall work with the Office of Smart Growth (OSG) and our partner State agencies to finalize boundaries for the Center(s), Node(s), Core(s), Sending Areas, Receiving Areas, Planning Areas, Critical Environmental Sites (CESS) and potential Historic and Cultural Sites (HCSs). | GIS shapefile(s) | Initial proposal included with petition submission. Negotiations with State agencies based on proposal are ongoing. | Negotiations with Township based on initial proposal are ongoing. |
| B1 | Land Use | Secondary Town Center Zoning Regulations and Design Standards | The Secondary Town Center will also need to address the items identified for the Primary Town Center, as well as show how transferred development rights will be used and that there is capacity (land, water, wastewater, etc.) to support increased density and population as a result of the TDR program. Zoning Regulations and Design Standards must also be created for the Secondary Town Center, as to outline the specific bulk standards, uses and densities. Design Standards must also be created and put in place to ensure context-sensitive development that complements and provides connectivity to adjacent residential areas. | Secondary Town Center Plan and Zoning Regulations | 31-Oct-09 | Within 45 days of submission |
| B2 | Land Use | Zoning Ordinance | The Township should modify Chapter 35, Section 3 Article II Definitions and Word Usage of the Land Development Ordinance, to define environmentally sensitive areas in the Township to include Natural Heritage Priority (NHP) Sites, threatened and endangered species habitat, wellhead protection areas and groundwater recharge areas. These should be included with development applications as part of the “conservation design process”. | Amended Zoning Ordinance | 30-Sep-09 | Within 45 days of submission |
| C1 | Conservation | Coastal Consistency Statement | This statement must address natural resource protection and coastal management in coastal municipalities through demonstration of consistency of local plans and ordinances with the goals of the Coastal Zone Management Program found in the Coastal Zone Management Rules at N.J.A.C. 7:7E et seq. Municipal plans must also be consistent with any existing NJDEP regulation, permit or plan including Municipal Stormwater Regulations and Federal River Management Plans. | Coastal Consistency Statement | 30-Sep-09 | Within 45 days of submission |

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| C2 | Conservation | Implementing Ordinances | <p>In order to be considered consistent by the SPC, the Township shall adopt a suite of resource conservation ordinances, many of these are identified as recommendations in Berkeley Township's Land Use Plan Element. These ordinances should be designed to protect environmental features such as Natural Heritage Priority (NHP) Sites, threatened and endangered species habitat, water quality and quantity, stream corridors, and wellhead protection areas, for example. In order to gain support from NJDEP for the Township's petition for Plan Endorsement before the SPC, NJDEP urges Berkeley to adopt the following ordinances:</p> <ul style="list-style-type: none">• Water Conservation ordinance• Wellhead Protection ordinance• Stream Corridor Protection ordinance• Steep Slope ordinance• Environmental Assessment ordinance• Septic Density Ordinance• Zoning and other development regulations must be consistent with all required conservation documents | Amended Zoning Ordinance | 31-Oct-09 | Within 45 days of submission |
| D1 | Utilities | Wastewater Management Plan and Wastewater Treatment | <p>The WMP must be up-to-date, comply with NJDEP's current Rules and be consistent with the Township's Master Plan and Plan Endorsement petition. The Plan will also require the implementation of local ordinances to protect surface and groundwater quality, as provided throughout this Consistency Determination. Proposed wastewater service must be pulled back from any Coastal Rural or Environmentally Sensitive Planning Areas, and other areas identified by the NJDEP's Division of Watershed Management as environmentally sensitive.</p> | Wastewater Management Plan | 31-Oct-09 | Within 45 days of submission |
| D2 | Utilities | Water Availability and Supply | <p>Municipalities must provide documentation that water supply capacity exists for the amount of growth detailed in the Endorsed Master Plan. This documentation must identify existing and proposed water supply sources. For existing public water sources, identify the available approved allocations and firm capacity. In addition, municipalities must identify local water conservation measures required to ensure efficient use of available resources and methods to be used to promote wastewater reuse. Information specific to the Township's proposed TDR Receiving Zones should be specifically outlined in the Township's Utility Service Plan Element, provided below.</p> | Water Supply Capacity Analysis and documentation | 30-Sep-09 | Within 45 days of submission |

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| E1 | Community Facilities | Board of Education 5-Year Facilities Plan | Berkeley Township shall submit the Board of Education's 5-Year Facilities Plan. Like the importance of other community facilities, schools should be appropriately sited within a municipality. Where possible they should be within walking distance from students. Walking paths or sidewalks should be located away from fast moving traffic to accommodate younger students. Schools in particular play a significant role in a municipality's built environment due to their potential impacts, both positive and negative, on community development, land use and transportation. It is critical that land use decisions and school siting be coordinated. Schools should not be isolated campuses but part of the neighborhood fabric, doubling as focal points for the community as a whole. Whether by local streets and or walking/biking paths, schools should be accessible by modes other than the car or school bus, thereby helping to reduce transportation costs. Where possible, walking/biking should be the primary mode of access for schools. | Board of Education 5-Year Facilities Plan | 30-Sep-09 | Within 45 days of submission |
| F1 | Hazard Planning | Emergency Planning | A balanced perspective is necessary to ensure that we do not sacrifice everyday quality of life in the face of intermittent risk, especially as it is impossible to plan away all risk. In this regard, the municipality should also have an Emergency Operating Plan that provides for coordinated responses and actions. The petition shall include formal evidence that the Township has an Emergency Operating Plan approved by the New Jersey State Police. An approval letter from the State Police may be submitted in lieu of the full Plan. | Approval letter from State Police for an Emergency Operating Plan | 30-Sep-09 | Within 45 days of submission |
| G1 | TDR | Development Transfer Plan Element | <p>This element of the municipal master plan provides the framework of the municipality's TDR program. This element must:</p> <ul style="list-style-type: none"> • Include an estimate of anticipated population and economic growth for the next 10 years • Identify and describe all prospective sending and receiving zones • Analyze how the anticipated population growth is to be accommodated in the municipality and in the receiving zones • Include an estimate of existing and proposed infrastructure of the receiving zone • Provide a procedure and method to transfer development rights from sending to receiving zones • Provide explicit planning objectives and design standards to govern the review of applications for development in the receiving zone. | Development Transfer Plan Element | Revised Draft TDR Element by 31-Oct-09 | Within 45 days of submission |

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| G2 | TDR | Real Estate Market Analysis | The real estate market analysis examines the relationship between the development rights generated in the sending area and the capacity of the receiving zone to accommodate the necessary development. The purpose of the analysis is to validate the transfer system proposed in the development transfer plan element prior to the adoption of the implementing ordinance. | Real Estate Market Analysis | 15-Dec-09 | Within 45 days of submission |
| G3 | TDR | Utility Service Plan | The utility service plan element of the master plan specifically addresses providing necessary utility services within receiving zones within a specified period, so that no development using TDR is unreasonably delayed because infrastructure is not available. | Utility Service Plan | 30-Nov-09 | Within 45 days of submission |
| G4 | TDR | Capital Improvement Plan | The Capital Improvement Program must be adopted pursuant to the guidelines in the Municipal Land Use Law. With regard to transfer of development rights, it must also that includes the location and cost of all infrastructure for the receiving zone and a method of cost sharing if any portion of the costs are to be assessed against developers. | Capital Improvement Plan | 30-Nov-09 | Within 45 days of submission |
| G5 | TDR | Transfer Ordinance | The transfer ordinance implements the TDR program. It codifies the location of the sending and receiving zones located, credit allocation schema, and administrative transfer procedures. | Transfer Ordinance | 15-Dec-09 | Within 45 days of submission |
| G6 | TDR | Public Outreach | TDR planning will be an open process, particularly with regard to determining the location of the receiving area, appropriate densities and design detail. This will require significant public outreach and education. OSG has supplied some educational materials and have set up a website that the municipality can link to for additional information. The municipality may want to budget for mailing. It is suggested that at least two TDR education/brainstorming workshops occur. In addition, any Master Plan amendments for Plan Endorsement and TDR will require appropriate public hearings and outreach. Lastly, a public hearing will be held prior to submission of the final Development Transfer Element and supporting documents outlined in the State TDR Act. | Satisfactory completion of public outreach identified in this Action Plan | Schedule TDR Public Outreach (1) and hearings for Master Plan amendments for Plan Endorsement and TDR by 30-Nov-09; Schedule TDR Public Outreach (2) prior to submission of the final Development Transfer Element and supporting documents outlined in the State TDR Act by 31-Dec-09. | Within 45 days of submission |

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| H1 | Planning & Implementation Agreement (PIA) | Planning & Implementation Agreement (PIA) | The Township shall prepare a draft PIA with proposed timetables for activities. State agencies will revise and add items as necessary per the June 17, 2009 Consistency Determination. | PIA following OSG template (Excel format) | 30-Sep-09 | Within 45 days of submission |