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MEMORANDUM

June 11, 2009

To: Leigh Jones, NJ Office of Smart Growth

Re: Monthly Report No. 4

This is the fourth in a series of monthly reports on Toms River's efforts to secure Plan Endorsement. Our schedule calls for reaching agreement with the staff of the Office of Smart Growth no later than June 30, 2009, followed by completion of Action Plan items by the end of 2009.

At our meeting on May 7 we discussed the center and node boundaries that were submitted to your office. It is our understanding that OSG supports conceptually the designation of centers in Downtown Toms River, the barrier island both north and south of Lavallette, and in the northwesterly part of the Township served by Route 9, Route 70 and Cox Cro Road, as provided in our recent as well as earlier submissions. Other proposed centers and nodes are still under consideration and no determination has been made by staff on those proposals.

It was understood at the meeting that the Township is to start fleshing out ordinance and design approaches to be used in the two mainland centers that will allow them to function effectively in that regard, including consideration of traffic and pedestrian circulation, bicycle routes, recreation facilities, and other aspects of effective infrastructure. It was suggested by OSG that we look into the approaches used by Brick that served as the basis for granting Plan Endorsement. In that regard, we have downloaded the Brick language and will consider that in drafting our recommended approach to the two centers.

Also addressed at the meeting was an outline of a concept that could improve water quality in the surface water system as development occurs. It was outlined in broad terms in our May report as a Mitigation Plan, the objective of which is to direct money to those areas that most directly impact water quality, namely the outfalls into the surface water system. As a follow up to that meeting we are continuing to refine the issues and the viability of the program as it relates to Toms River and, perhaps, to other Planning Area 2 municipalities under CAFRA jurisdiction. We have a mitigation program adopted as a part of our upgraded stormwater management plan and ordinances, but full implementation to get the desired benefits will require an economic engine to generate mitigation funds (i.e. new development) and a modification in CAFRA Rules to permit an increase in impervious coverage outside of designated centers in exchange for a contribution into the mitigation fund to upgrade obsolete stormwater structures, such as direct discharge outfall pipes.

In the interest of outreach on the above mitigation program, we intend to solicit input and support from the Ocean County Planning Board and from other municipalities in the County who have designated PA-2 areas so we can offer amendments that have broad support.

On June 4 we received correspondence from the Special Master on the Housing Element and Fair Share Plan that was submitted to the Court in December 2008. While there are numerous comments offered on the Plan, most of the issues simply relate to the need to provide more information and documentation. In the meantime we are keeping abreast of statutory amendments, legislative proposals, and active appeals that are under consideration by the courts so that we will be in a position to adjust or modify our approach to providing affordable housing, as may be appropriate.

I am representing Toms River at a Brownfields round table on Tuesday, June 16 to see the applicability of funding certain aspects of some of our redevelopment areas, including the Ciba/BASF area, the Water Street Redevelopment Area, and possibly the Route 37 Redevelopment Area near the bridge to Seaside Heights.