

Master Plan Reexamination Report

Borough of Seaside Park Ocean County, New Jersey

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Prepared for:
Borough of Seaside Park Planning Board

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Adopted on _____, 2021 by the Borough of Seaside Park Planning Board.

*The original of this document has been signed
and sealed in accordance with New Jersey Law.*

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I — Introduction

The New Jersey Municipal Land Use Law (M.L.U.L.) requires that each municipality in New Jersey undertake a review of its master plan and prepare a reexamination report at least once every ten years. The purpose of the reexamination report is to review and evaluate the master plan and municipal development regulations on a regular basis to determine the need for updates and revisions. The reexamination report also is intended to review the progress of the municipality in achieving its planning objectives, and to consider the need for changes to ensure that the master plan is current and meets the needs of the municipality. In addition, the preparation of a statutorily compliant reexamination report provides a presumption of validity of the municipal zoning ordinance under the law.

The Borough of Seaside Park last adopted a Master Plan in 2008. In 2016, Seaside Park adopted a Master Plan Reexamination Report in response to damages incurred from Superstorm Sandy in 2012 which brought forward a need to review the Borough's policies in relation to emergency management, resiliency, and disaster recovery. The findings and recommendations contained in this Reexamination Report are based upon the review of the following documents:

- 2008 Seaside Park Master Plan, T&M Associates;
- Seaside Park Borough 2016 Master Plan Reexamination Report, CME Associates;
- Seaside Park Borough Land Use Ordinance; and
- 2020 US Census Data; and
- 2019 American Community Survey.

The municipal planning board is responsible for reviewing the master plan and preparing and adopting by resolution a master plan reexamination report at least every ten years. This document serves as the 2021 Master Plan Reexamination Report for the Borough of Seaside Park as required by the M.L.U.L. at N.J.S.A. 40:55D-89.

The M.L.U.L. requires that the reexamination report describe the following:

- (a) The major problems and objectives relating to land development in the municipality at the time of the adoption of the last Master Plan update.
- (b) The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- (c) The extent to which there have been significant changes in 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.
- (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 regulation should be prepared.
 - (e) The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the “Local Redevelopment and Housing Law,” P.L. 1992, c. 79 (N.J.S.A. 40A:12A-1 et seq.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.
 - (f) The recommendations of the planning board concerning locations appropriate for the development of public electric vehicle infrastructure, including but not limited to, commercial districts, areas proximate to public transportation and transit facilities and transportation corridors, and public rest stops; and recommended changes, if any, in the local development regulations necessary or appropriate for the development of public electric vehicle infrastructure.

The 2021 Master Plan Reexamination Report addresses each of the foregoing statutory requirements.

II — Major Problems and Objectives Relating to Land Development in Seaside Park Borough at the Time of the Adoption of the Last Reexamination Report and the Extent to Which Such Problems and Objectives Have Been Reduced or Increased

The goals and objectives of the 2016 Master Plan Reexamination Report and the extent to which goals and objectives have been reduced or increased are outlined below. In addition, this report addresses specific goals and objectives related to the 2008 Master Plan which are identified separately in the beginning of this subsection. Each of the specific goals and objectives are listed with commentary as to how each has changed in ***bold italics*** text.

2008 Master Plan (Limited review of specific goals and objectives)

Land Use Element

Goal: Mixed Use

The land use plan recommends that the Borough change its planning strategy and take a fundamentally different approach to commercial land use and to residential development for two-family, multifamily, attached housing, and affordable housing. Because of the Borough's character as a seasonal residential community and its small size, it is difficult for commercial enterprise to be sustained year round within the Borough. To allow more flexibility for non-residential development, the Borough should consider mixed-use development.

This goal does not remain valid. The Borough no longer believes that mixed-use and multi-family development is appropriate for the entirety of the Route 35 (Central Avenue) corridor given the proximity and potential impact to the well-established existing single family residential district, the lack of interest in mixed-use or multifamily housing development within the majority of Route 35 corridor over the past 13 years and the significant existing use of land within the corridor for existing single-family housing. Specific zoning revisions related to this corridor and other areas in the Borough are provided in Section IV of this report.

Objectives

Central Avenue will be planned as a new mixed-use corridor that extends from the northern boundary of the Borough and Seaside Heights to the southern boundary with South Seaside Park (Berkeley Township). This new land use designation will also apply to an area currently zoned hotel/motel, located from Stockton Avenue to L Street. This new mixed use area will allow commercial as well as single-family, duplex, multifamily housing, and hotel/motel use.

The mixed use will allow greater flexibility for the Borough to provide for commercial uses, professional offices, and mixed uses, such as residential and commercial within a structure.

The existing land area within the mixed use area includes residential, commercial, hotel/motel, and church uses. Design guidelines for the mixed-use area should be prepared to encourage creative and interesting architecture.

These objectives do not remain valid. The Borough no longer believes that mixed-use and multi-family development is appropriate for the entirety of the Route 35 (Central Avenue) corridor or the area currently zoned for Multi Dwelling (MD) given the proximity and potential impact to the well-established existing single family residential district, the lack of interest in mixed-use or multifamily housing development within the majority of Route 35 corridor over the past 13 years and the significant existing use of land within the corridor for existing single-family housing. Specific zoning revisions related to this corridor and other areas in the Borough are provided in Section IV of this report.

2016 Reexamination Report

General

Comprehensive Goal 1

To maintain consistency with the purpose of the Municipal Land Use Law (MLUL) as contained within N.J.A.C. 40:55D-2.

Objectives

- a) Preserve the high level of public services and provide new facilities where necessary, in order to accommodate population growth, economic development and the changing needs of the residents;
- b) To collaborate with other government, non-government and private entities to create the most efficient and effective means for realizing Seaside Park's Master Plan goals, while minimizing the financial burden on the Borough.
- c) Review applicable recycling-related sections of the Borough Code and update as necessary.

This goal and these objectives remain valid.

Land Use- General

Goal

- To continue to be a stable and diverse community through the provision of a balanced land use pattern.

This goal remains valid.

Objectives + Recommendations

- a) To encourage the redevelopment or revitalization of vacant or underutilized properties;
- b) Review and revise the Boardwalk Zone to determine the most effective use of this District. Consider adopting a Form Based Zoning Code to maintain consistency between the permitted uses and aesthetics of the Boardwalk Zone, and the goals of the Master Plan Re-examination.
- c) Review and revise bulk standards for Schools and Churches permitted in the Mixed Use Zone and Business Zone.
- d) Determine appropriate reuse of the Seaside Park Elementary School property.
 - (1) Consider repurposing the property and rezoning the portion along Central Avenue to Commercial and the remainder to Residential.
 - (2) Any future use should be consistent with the size and character of adjacent lots and uses.

While objective a) and d) remain valid, the Borough completed the Form Based Zoning Code for the Boardwalk Zone and updated the bulk standards for schools and churches. However, the Mixed Use (MU) zoning district is recommended for removal within this reexamination report.

Land Use- Housing

Goal

- Encourage and support the rehabilitation and infill of the housing stock where appropriate while maintaining the character, scale and privacy of the established residential neighborhoods in the Borough.

Objective

- a) Encourage the utilization of innovative and creative approaches in order to facilitate the provision of housing for low, moderate, and work force housing opportunities and choices, which will enhance the quality within and contribute to the value of the community.

This goal and objective remain valid. Additional specific recommendations regarding the provision of overlay zoning for affordable housing opportunities are provided in Section IV of this report.

Land Use- Recreation

Goals

- Encourage the development of both active and passive recreation opportunities for the residents and visitors, while maintaining sensitivity to environmental and cultural resources.
- Evaluate the current open space that is owned by the Borough to determine if uses can be improved.

These goals remain valid.

Land Use- Circulation

Goal

To coordinate land uses with transportation facilities to improve access and encourage alternatives to driving.

This goal remains valid.

Resiliency + Sustainability

Goals

- To encourage the establishment of policies, codes and standards that promotes the use of sustainable development practices, including but not necessarily limited to: infrastructure, public and private buildings, open space and recreation, local waste and recycling among other things.
- To continually improve the sustainability profile of the Borough.
- To continue to promote the health, safety and general welfare and to minimize public and private losses due to flood conditions and specific areas by provisions designed to: protect human life and health; minimize of expenditure of public money for costly flood control project; minimize the need to rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; minimize prolonged business interruption; and minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard.
- Ensure that the Borough's code is up to the latest flood hazard prevention standards.

Objectives

- a) Wherever possible, promote energy efficiency, conservation and increased use of renewable energy to reduce waste and increase recycling; to reduce the use of hazardous materials and eliminate toxic substances; and to reduce greenhouse gas emissions, for the new construction and/or retrofitting of public and private structures;
- b) To plan for mitigating the effects of climate change;
- c) Continue to review the Borough's Flood Hazard standards and revise according to latest FEMA recommendations;
- d) Retrofit existing municipal facilities to reduce vulnerabilities to future storm and flooding events;
- e) Reference and implement the recommendations set forward in the Strategic Recovery Planning Report to reduce vulnerabilities to future natural disasters. Recommendations to be considered include, but shall not be limited to:
 - (1) Strengthen the Borough's Participation in FEMA's Community Rating System.
 - (2) Amend planning documents to adequately address the impacts of Superstorm Sandy on the community and to set goals and recommendations for resilient development.
 - (3) Improve drainage system maintenance to ensure that all storm drains are free and clear of debris before major storm events.
 - (4) Continue to review and reevaluate methods to reduce vulnerabilities to future natural disasters.
 - (5) Consider anchoring standards for various accessory structures to reduce vulnerabilities.
- f) Utilize Best Management Practices (BMP) when planning for stormwater reduction and flood prevention.
 - (1) Improve stormwater management by implementing policies and practices as outlined by the New Jersey Department of Environmental Protection (NJDEP) and the Environmental Protection Agency (EPA).
 - "NJ Stormwater Best Management Practices Manual" –NJDEP
 - "Green Infrastructure in NJ" –NJDEP
 - "Green Streets: Sustainable Stormwater Management" –EPA
 - "Stormwater to Street Trees: Engineering Urban Forests for Stormwater Management"- EPA
 - (2) Consider improving local roads to include BMP techniques such as, but not limited to: green streets; stormwater planters; street tree trenches; corner bump-outs; sand filters; pervious pavements; manufactured treatment devices; and vegetated filter strips.
- g) Continue to periodically review and upgrade emergency power backup systems and solutions for the Borough's emergency responders;
- h) Continuously review and update the Borough's general and emergency debris management plans;

- i) Develop and adopt a fertilizer ordinance to reduce the amount of fertilizer-related pollutants discharged into the Barnegat Bay; and
- j) Review the Borough's Stormwater Control Ordinance for consistency with current technical guidance and update as necessary.

These goals and objectives remain valid.

Economic

Goals

- To maintain and enhance a local economy that encourages the provision of more cost effective public services in order to improve the quality of life for Seaside Park Borough residents.
- Recognize the need to adapt to the changing dynamics and demands of a diverse and increasingly globalized economy.
- Encourage those public and private actions necessary to develop and sustain the long-term vitality of the key commercial/retail areas. This can be achieved by improving streetscapes through unified signage, facades, public walkways and landscaping, and improving vehicular and pedestrian circulation and a unified wayfinding program. This will help guide residents and visitors to the plethora of environmental and recreational opportunities in the Borough.
- Evaluate the potential for economic and rehabilitation plans in strategic locations within the Borough, where appropriate, to encourage sound land use development that can provide economic development opportunities, while at the same time balancing the preservation of neighborhood character as well and the protection of environmental resources.

These goals remain valid.

III — Extent to Which There Have Been Significant Changes in the Assumptions, Policies, and Objectives

The following sub-sections outline the extent to which there have been significant changes in the assumptions, policies, and objectives related to land development in Seaside Park Borough since the adoption of the 2016 Master Plan Reexamination Report.

Changes at the Local Level

The following review of changes at the local level is concentrated on changes in demographic and housing characteristics, changes in local employment dynamics, and recent planning and zoning board applications.

Changes in Demographic and Housing Characteristics

At the time of the 2010 Census, Seaside Park Borough had a population of 1,579 residents. In the years since, the Borough’s population has increased. This is demonstrated by the American Community Survey’s 2019 population estimate of 1,628 residents. This represents an increase of 49 residents or about a 3 percent change from the 2010 Census population of 1,579 residents.

Recent population trends are shown in Table 1.

Table 1: Recent Population Trends

1990	2000	2010	2020
1,871	2,263	1,579	1,628

Source: United States Census Bureau (Decennial Census: 1990, 2000, 2010) and 2019 Five-Year Estimates of the American Community Survey

According to information from the United States Census Bureau, key demographic indicators have changed in the period since the 2010 Census. Indeed, as reflected between the 2010 Census and 2019 Five-Year Estimates of the American Community Survey, the median age has increased by approximately 6.7 percent from 52.1 to 58.8. In addition, the number of households has increased by approximately 5 percent from 833 to 879. The changes in these indicators are presented in Table 2.

Table 2: Household Indicators

Number of Households		Median Age	
2010	2019*	2010	2019*
833	879	52.1	58.8

Source: US Census Bureau*

Values are Five-Year American Community Survey Program estimates of average conditions in the period from 2015 through 2019. Values from 2020 were unavailable as of the preparation of this reexamination report.

With further regard to housing characteristics, it is noted that the total number of housing units in Seaside Park Borough decreased from 2,733 to 2,617, or by approximately 4 percent, between the time of the 2014 American Community Survey and the 2019 Five-Year Estimates of the American Community Survey. During the same time period, however, the vacancy rate increased slightly from 65.1 percent to 66.4 percent, which explains why the growth in the number of households, as discussed above, increased by only 5 percent (n.b., the number of occupied housing units in a community is analogous with the number of households). While the vacancy rate decreased, the vacancy rate is quite high as compared to the surrounding communities. The high vacancy rate is typically associated with the presence of housing units that are for seasonal use only (e.g., vacation homes)

Housing tenure, as an indicator, realized the greatest change in the period between the time of the 2010 Census and the 2019 Five-Year Estimates of the American Community Survey. Indeed, at the time of the 2010 Census, owner-occupied housing units accounted for 58.5 percent of all occupied housing units and, by the time of the 2019 Five-Year Estimates of the American Community Survey, they accounted for 71.3 percent. This represents a change of 16.9 percent. Reciprocally, the percentage of renter-occupied housing units decreased by 33.5 percent, from 41.4 percent at the time of the 2010 Census to 28.6 percent by the time of the 2019 Five-Year Estimates of the American Community Survey signaling an increased desire among residents to occupy the existing housing stock in lieu of renting the units.

Table 3 summarizes change in housing occupancy and tenure.

Table 3: Housing Occupancy and Tenure

	2010	2019*	Change	
			Number	Percent
Occupancy Status				
Total Housing Units	2,626	2,617	-9	.03
Occupied Housing Units	915	879	-36	3.9
Vacant Housing Units	1711	1,738	27	1.5
Vacancy Rate	65.1	66.4	—	—
Tenure				
Occupied Housing Units	915	879	-36	3.9
Owner-Occupied	536	627	91	16.9
Renter-Occupied	379	252	-127	33.5
Percent Owner-Occupied	58.5	71.3	---	---
Percent Renter-Occupied	41.4	28.6	—	—

Source: US Census Bureau

* Values are Five-Year American Community Survey Program estimates of average conditions in the period from 2015 through 2019. Values from 2020 were unavailable as of the preparation of this reexamination report.

Changes at the County/Regional Level

As indicated in the following subsections, there have been several changes at the county/regional level since the adoption of the 2016 Master Plan Update.

Ocean County Comprehensive Master Plan

It is noted that the Ocean County Comprehensive Master Plan was originally adopted in December 2011, and subsequently amended in: January 2018 to include a functional roadway map for Ocean County, provide right-of-way widths for Ocean County roadways, and incorporate the Ocean County Transportation Model 2017 Update; and September 2018 to include updated right-of-way widths for certain county roadways in Jackson and Lakewood Boroughs. As of the preparation of the 2021 Master Plan Reexamination Report, there are no pending amendments to the Ocean County Comprehensive Master Plan.

The Ocean County Comprehensive Master Plan serves as a county policy statement about the future development of Ocean County. While it makes no statement that are explicitly relevant to future land use planning within Seaside Park Borough, it does make a number of recommendations that would promote sustainability and resiliency in Seaside Park Borough. These include (commentary in ***bold italics***):

- Encourage the New Jersey Department of Transportation to modernize and upgrade state highways throughout Ocean County, including US Route 9, NJ Route 35, NJ Route 37, NJ Route 70, NJ Route 72, NJ Route 88 and NJ Route 166.

Modernizing and upgrading Ocean County's highways will improve mobility and facilitate evacuation of Seaside Park Borough in times of crisis, including during weather emergencies. This is particularly true for NJ Route 35, which traverses Seaside Park Borough and provides connections to other important roadways.

- Encourage the retention of established residential neighborhoods and the rehabilitation of the county's older housing stock. Facilitate participation in home rehabilitation and historical preservation grant programs, where applicable.

Home rehabilitation may help to improve the structural integrity of existing housing stock. This, in turn, facilitates increased security and protection during extreme weather events. The Borough supports the rehabilitation of existing dwellings especially for the low and moderate income households and will look to partner with the County on their rehabilitation program.

- Encourage low-impact design techniques to minimize the disturbance of natural areas and maximize the recharge of stormwater on-site.

Maximizing the recharge of stormwater on-site may help to decrease the incidence of flooding.

- Support the tourism amenities and needs of shore towns and continue to facilitate the protection and replenishment of the county's beaches and shoreline areas.

Protection and replenishment of Ocean County's beaches and shorelines, including the Seaside Park Borough beaches, will promote resiliency.

- Maintain an ongoing evaluation of the recreational needs of Ocean County residents and assist in identifying new park and open space areas, as necessary.

Expansion of park and open space areas helps to preserve and protect natural and other areas from development, which has a number of benefits, not the least of which are promotion of biodiversity and minimization of impervious surface cover.

- Continue to work with all federal, state, local, and non-profit partners to acquire open space and maximize financial resources available for preservation.

As has been previously noted, expansion of open space areas helps to preserve and protect natural and other areas from development.

- Encourage land use planning strategies, such as low-impact design to preserve open space and maximize the natural infiltration of stormwater.

Preservation of open space and maximization of stormwater infiltration helps to minimize flooding and promotes resiliency to extreme weather events.

- Explore and assess best management practices used by other areas in the country to address stormwater management.

Effectively addressing stormwater management helps to minimize flooding and promotes resiliency to extreme weather events.

- Continue to assess structural and nonstructural options for stormwater management to increase infiltration, remove debris and reduce nutrient and pollution loads.

Increasing infiltration will help to reduce flooding. Additionally, removing debris will help to increase the efficiency of existing stormwater management facilities.

- Encourage compliance with new legislation that requires New Jersey Department of Transportation to address stormwater management issues on state highways, including US Route 9, NJ Route 35, NJ Route 37, NJ Route 70, NJ Route 72, NJ Route 88 and NJ Route 166.

Addressing stormwater management issues along highways will help to minimize their impacts and increase their safety. This is particularly important as highways generate stormwater runoff and may serve as evacuation routes during emergencies.

Ocean County Multi-Jurisdictional Hazard Mitigation Plan

The Ocean County Multi-Jurisdictional Hazard Mitigation Plan (Ocean County HMP) was last adopted in 2018 and approved by FEMA in 2020. The next update of the Ocean County HMP is scheduled to commence in 2023 and be completed by 2025 (n.b., the current Ocean County Multi-Jurisdictional Hazard Mitigation Plan is set to expire in 2025).

The Ocean County HMP documents Ocean County's continuing attempts to identify potential natural hazards and associated risks across jurisdictions and to develop an integrated mitigation strategy. The Plan addresses the mitigation of potential damage to public, quasi-public, and private entities, facilities, and infrastructure. Ocean County's intention for the Ocean County HMP is to substantially reduce and/or eliminate long-term risk to life and properties associated with natural hazards.

The Borough of Seaside Park affirms and incorporates the Ocean County HMP municipal mitigation measures as part of its 2021 Master Plan Reexamination Report.

Changes at the State Level

As indicated in the following subsections, there have been considerable changes at the state level since the adoption of the 2016 Master Plan Reexamination Report.

Land Use Plan Statement of Strategy on Smart Growth, Storm Resiliency, and Environmental Sustainability

The M.L.U.L. was amended in 2018 to provide that any land use element adopted after the effective date of P.L.2017, c.275, must provide a statement of strategy concerning: smart growth, which shall consider potential locations for the installation of electric vehicle charging stations; storm resiliency with respect to energy supply, flood-prone areas, and environmental infrastructure; and, environmental sustainability. The law became effective on January 8, 2018.

The Borough of Seaside Park should consider the development of a smart growth statement of strategy as part of a comprehensive update to its master plan.

Climate Change-Related Hazard Vulnerability Assessment

The M.L.U.L. was amended by P.L. 2021, c.6 to provide that any land use plan element adopted after the effective date of the amendment, must provide a climate change-related hazard vulnerability assessment which shall:

- Analyze current and future threats to, and vulnerabilities of, the municipality associated with climate change-related natural hazards, including, but not limited to increased temperatures, drought, flooding, hurricanes, and sea-level rise;
- Include a build-out analysis of future residential, commercial, industrial, and other development in the municipality, and an assessment of the threats and vulnerabilities identified above;
- Identify critical facilities, utilities, roadways, and other infrastructure that is necessary for evacuation purposes and for sustaining quality of life during a natural disaster, to be maintained at all times in an operational state;
- Analyze the potential impact of natural hazards on relevant components and elements of the master plan;
- Provide strategies and design standards that may be implemented to reduce or avoid risks associated with natural hazards;
- Include a specific policy statement on the consistency, coordination, and integration of the climate-change related hazard vulnerability assessment with any existing or proposed natural hazard mitigation plan, floodplain management plan, comprehensive emergency management plan, emergency response plan, post-disaster recovery plan, or capital improvement plan; and
- Rely on the most recent natural hazard projections and best available science provided by the New Jersey Department of Environmental Protection.

Redevelopment Case Law

There have been a number of recent amendments to the Local Redevelopment and Housing Law (L.R.H.L.) that were made in response to court decisions concerning the criteria used for determining an area “in need of redevelopment.” The most significant of these decisions include the New Jersey Supreme Court decision in *Gallenthin vs. Paulsboro*, 191 N.J. 344 (2007), which reevaluated and set guidelines for the use of the statutory criteria for determining an area in need of redevelopment; *Harrison Redevelopment Agency v. DeRose*, 398 N.J. Super. 361, 942 A.2d 59 (App. Div. 2008), which addressed the requirements for notifying property owners in connection with a redevelopment area designation; and the New Jersey Supreme Court decision in *62-64 Main Street, L.L.C. v. Hackensack*, 221 N.J. 129 (2015), which further refined the application of the statutory criteria post-*Gallenthin*. In response to the *Gallenthin* and *Harrison* decisions, the L.R.H.L. was amended in 2013 to provide for both a non-condemnation and condemnation redevelopment area designation and redefine the criteria and procedures for

designating an area in need of redevelopment and rehabilitation, including an update to the requisite notice requirements during the redevelopment area designation process.

The LRHL was subsequently amended in 2019 to expand the criterion for designation as an area in need of redevelopment that is provided at N.J.S.A. 40A:12A-5(b) to include the discontinuance or abandonment of buildings used for retail, shopping malls and office parks, as well as buildings with significant vacancies for at least two (2) consecutive years. As amended, N.J.S.A. 40A:12A-5(b) reads:

- b. The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.*

The L.R.H.L was further amended in 2019 to include a new requirement that redevelopment plans identify proposed locations for electric vehicle charging infrastructure. It was amended once again in 2021 to further encourage the development of electric vehicle charging infrastructure, as well as the inclusion of zero-emission vehicle fueling infrastructure.

Cannabis Legalization

Governor Murphy signed into law legislation legalizing and regulating adult cannabis use and possession.

Municipalities had until August 21, 2021 in order to take actions to: either prohibit or limit the number of cannabis establishments, distributors, or delivery services; and, in the event that the municipality opts to not prohibit such uses, regulate the location, manner and times of operation and establish civil penalties for violation of ordinances.

If a municipality did not take action by August 21, 2021, any class of cannabis establishment or distributor will be permitted to operate in the municipality and, depending upon the use, be considered a permitted use in certain zones.

Once a municipality takes action to permit cannabis establishments, their action remains valid for a period of five years. In addition, if a municipality did not take action to limit cannabis establishments by August 21, 2021, it shall be prohibited from taking such action for a period of five years. After a period of five years has elapsed, municipalities shall be granted another 180-day window in which to take action as permitted in the period before August 21, 2021.

On May 13, 2021, Seaside Park Borough passed Ordinance #2021-15, effective May 23, 2021, to prohibit all classes of cannabis businesses and distributors from operating within the municipality, except for the delivery of cannabis items and related supplies by a delivery service.

Reexamination Report Requirements

The M.L.U.L. was amended in 2019 to require that master plan reexamination reports include recommendations concerning locations appropriate for the development of public electric vehicle infrastructure. The following requirement was added at N.J.S.A. 40:55D-89(f):

The recommendations of the planning board concerning locations appropriate for the development of public electric vehicle infrastructure, including but not limited to, commercial districts, areas proximate to public transportation and transit facilities and transportation corridors, and public rest stops; and recommended changes, if any, in the local development regulations necessary or appropriate for the development of public electric vehicle infrastructure.

The 2021 Master Plan Reexamination Report meets this requirement.

Electric Vehicle Supply and Make-Ready Parking Spaces

In July 2021, the M.L.U.L. was further amended to include specific numerical and zoning standards for the installation of electric vehicle supply equipment and “make-ready” parking spaces (n.b., “make-ready” parking spaces are parking spaces that include pre-wiring and other electrical equipment to support electric vehicle charging, excluding chargers).

Key aspects of the July 2021 M.L.U.L. amendment include:

- Stipulation that applications for development submitted only for the installation of electric vehicle supply equipment or “make-ready” parking spaces shall be considered a permitted accessory use and permitted accessory structure in all zoning districts of a municipality and shall not require a variance;
- Stipulation that applications for development of the installation of electric vehicle supply equipment or “make-ready” parking spaces at an existing gasoline service station, an existing retail establishment, or any other existing building:
 - Shall either be subject to site plan or other land use board review, nor require variance relief;
 - Shall be approved through issuance of a zoning permit, provided that bulk requirements, the conditions or original approval, and relevant construction codes are met;

- Require that, as a condition of preliminary site plan approval, applications involving multifamily development of five or more units shall:
 - Provide at least 15 percent of the required off-street parking spaces as “make-ready” parking spaces and install electric vehicle supply equipment on at least one-third of the required 15 percent of parking spaces;
 - Install electric vehicle supply equipment on an additional one-third of the required 15 percent of parking spaces within three years following the date of the issuance of the certificate of occupancy;
 - Install electric vehicle supply equipment on the final one-third of the required 15 percent of parking spaces within six years following the date of the issuance of the certificate of occupancy; and,
 - Make at least five percent of the electric vehicle supply equipment accessible for people with disabilities.
- Require that all other applications involving a parking lot or garage shall provide “make-ready” parking spaces as a condition of approval follows:
 - At least one if there will be 50 or fewer off-street parking spaces;
 - At least two if there will be at least 51 and no more than 75 off-street parking spaces;
 - At least three if there will be at least 76 and no more than 100 off-street parking spaces;
 - At least four, with one accessible for people with disabilities, if there will be at least 101 and no more than 150 off-street parking spaces; and,
 - For parking lots with more than 150 off-street parking spaces, install at least four percent of the total parking spaces as “make-ready” parking spaces with at least five percent of the required number of “make-ready” parking spaces accessible for people with disabilities.
- Stipulation that applicants may install electric vehicle supply equipment at parking spaces instead of providing “make-ready” parking spaces;
- Stipulation that parking spaces provided with electric vehicle supply equipment or provided as “make-ready” parking spaces shall count as at least two parking spaces for the purpose of complying with minimum number of parking space requirements, provided that the reduction in the required number of parking spaces is not more than ten percent.

These new requirements for electric vehicle supply and “make-ready” parking spaces, which are mandated by the July 2021 amendment to the M.L.U.L. should be reviewed and evaluated by the Borough Council and Planning Board and a determination made as to what amendments to the Borough’s Land Use Ordinance and zoning regulations may be necessary to respond to these newly enacted statutory provisions.

IV — Specific Changes Recommended for the Master Plan and Development Regulations

The following sections outline recommended changes to the master plan and development regulations.

Changes to the Master Plan

1. Land Use Element

This reexamination report does not recommend that the Borough prepare an updated land use element at this time. However, any update to the Land Use Element would need to conform with the new statutory requirements for land use elements that have been described in this report, which include the requirement to provide: a land use plan statement of strategy on smart growth, storm resiliency and environmental sustainability; and, a climate change related hazard vulnerability assessment.

2. Goals and Objectives

The master plan goals and objectives are recommended to be updated pursuant to the revisions described in Section II of this reexamination report.

Changes to Development Regulations

1. Updates to Zoning Map

It is recommended that Seaside Park Borough update the zoning map to remove the Mixed Use (MX) district and the Multi Dwelling (MD) district and rezone these areas as Residential (R) district. The Borough no longer believes that mixed-use and multi-family development is appropriate for the entirety of the Route 35 (Central Avenue) corridor or the area currently zoned for Mixed Dwelling (MD) given the proximity and potential impact to the well-established existing single family residential district, the lack of interest in mixed-use or multifamily housing development within the majority of Route 35 corridor over the past 13 years and the significant existing use of land within the corridor and the MD for existing single-family housing. In addition, the majority of non-residential uses within the MD are non-conforming uses.

2. Updates to Development Regulations

- a. It is recommended that the BU district be amended to remove the following permitted uses and the associated bulk and design requirement within the district:
 - i. Multiple dwelling units (three or more);
 - ii. Affordable housing (COAH), it fronts Central Avenue and is in accordance with all area, yard and bulk requirements of building uses within the Business Zone. Please note that this permitted use is not specifically defined within the Borough's land development ordinance and as such the Borough will look to providing opportunities for affordable housing through other mechanisms, such as, but not limited to overlay zones.

- b. It is recommended the residential use when associated with another use (mixed use) within the BU district be amended to limit the residential use to one dwelling unit per structure as part of a mixed use and allowed on the second floor only.

- c. It is recommended that the R district be amended to include the conditional use allowing retail stores and restaurant uses between O and H streets as currently permitted in the MX zoning district.

V — Recommendations Concerning the Incorporation of Redevelopment Plans

The Planning Board acknowledges that while there are no new areas specified in the Borough for redevelopment study at this time, the Borough continues to review several areas for redevelopment study consideration.

VI — Recommendations Concerning Electric Vehicle Charging Stations

According to information compiled by the United States Department of Energy, Seaside Park Borough contains no electrical vehicle (EV) charging stations. There are four EV charging stations in Seaside Heights. There are no hydrogen fueling station in Seaside Park Borough or the surrounding area.

The transportation sector accounts for 46 percent of New Jersey's net greenhouse gas emissions, making it the largest source of emissions. Accordingly, Governor Phil Murphy has set a goal of registering 330,000 electric vehicles in New Jersey by 2025 to reduce emissions from the transportation sector and help reach the goals of New Jersey's Energy Master Plan and the Global Warming Response Act.

Key to the adoption of electric vehicles is the development of a robust public EV charging network. In this regard, it is noted that as of the preparation of the 2021 Master Plan Reexamination Report, New Jersey had 952 EV charging stations. To encourage the development of more EV charging stations within New Jersey, the M.L.U.L. was twice amended: (1) in 2019 to require that master plan reexamination reports include recommendations concerning locations appropriate for the development of public EV infrastructure; and (2) in 2021 to include specific numerical and zoning standards for the installation of EV supply equipment and "make-ready" parking spaces.

Regarding the identification of appropriate locations for the development of public electric vehicle infrastructure, the Planning Board does not recommend that specific areas of the Borough be targeted for the creation of new public EV charging stations. Rather, it is recommended that opportunities for the development of public EV infrastructure should be maximized by applying the most recent (i.e., July 2021) amendments of the M.L.U.L., which are detailed in Section III, to all future development within the Borough. To facilitate same, it is recommended that the Borough's Land Use Ordinance and zoning regulations be reviewed to determine what amendments may be necessary to implement the July 2021 amendment to the M.L.U.L. concerning EV charging infrastructure and "make-ready" parking spaces.

It is further recommended that all future redevelopment plans or amendments to redevelopment plans include specific requirements and provisions for the development of public EV and zero emission infrastructure as required by recent amendments to the LRHL.

Seaside Park Existing Land Use



