

# 2021 Master Plan Reexamination Report

## Borough of Ship Bottom Ocean County, New Jersey

Prepared:  
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Prepared for:  
Ship Bottom Borough Land Use Board

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

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## Introduction

The New Jersey Municipal Land Use Law (NJSA 40:55D-1 et seq.; hereinafter MLUL) requires that each municipality undertake a reexamination of its master plan at least once every ten years. The purpose of the reexamination is to review and evaluate the master plan and municipal development regulations on a regular basis to determine the need for updates and revisions thereto. The reexamination is also 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 provides a presumption of validity of the municipal zoning ordinance under the law.

The municipal planning board, or, in the case of the Borough of Ship Bottom, the municipal land use board, is responsible for completing the reexamination, as well as preparing and adopting by resolution and report on the findings of the reexamination. The Borough of Ship Bottom originally adopted its master plan in 1979, and subsequently prepared reexaminations in: 1982; 1988; 1992; 2000; 2006; and 2018.

This report serves as the 2021 Master Plan Reexamination Report for the Borough of Ship Bottom. It has been prepared in accordance with the requirements for reexaminations that are specified in the MLUL at NJSA 40:55D-89. These requirements specify that reexamination reports 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 reexamination report.*
- 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 (C.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.*

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

## Major Problems and Objectives Relating to Land Development at the Time of the Adoption of the Last Reexamination Report

The major problems and objectives relating to land development in the Borough are embodied in its master plan goals and objectives. The goals and objectives, as expressed in the 2018 Master Plan Reexamination Report, are outlined below.

### Goals and Objectives

The Borough's goals and objectives relate to the following areas: land use; circulation; community facilities; recreation and open space; utilities; environmental sustainability; and compatibility with other planning initiatives and documents.

#### Land Use

- Promote policies and strategies that meet the demands of the current and future populations.
- Encourage occupancy of vacant commercial properties within the Commercial District.
- Continue to require residential on-site parking, especially in areas where on-site parking availability is minimal.
- Maintain the use of planning techniques and zoning regulations that preserve the integrity of the existing residential districts and preserve the character of the town as a seashore destination.
- Encourage attractive exterior elevations for dwellings raised to meet FEMA's flood regulations.
- Prioritize the value of public access to the waterfront and the importance of a sustainable shoreline void of erosion.

#### Circulation

- To maintain a community-wide circulation system that provides for the safe, convenient and efficient movement of people and goods within and through the Borough by means of transportation and land use planning.
- Support and assist the Borough's efforts in maximizing the number of available off-street and on-street parking spaces.
- Encourage continuation of walking and biking lanes where appropriate.
- Provide continued support of the LBI Shuttle System as a means of local mass transportation.

#### Community Facilities

- Maintain and support the acquisition of additional parcels to be used for community facilities.
- Provide adequate municipal, education and cultural facilities to meet the needs of Ship Bottom residents and vacationers.
- Utilize grant and loan programs to improve facilities provided the costs of applying for an administering the funding do not outweigh the benefits.

- Prioritize the raising or reconstruction of the Borough Hall to achieve compliance with the minimum FEMA flood standards for critical facilities.

#### Recreation and Open Space

- Maintain existing parkland and support the acquisition of additional parcels to be used for open space and recreation.
- Promote the revitalization of the existing parks system while specifically enhancing the natural features of each and support the development of park-specific improvement plans that are cost effective and achievable within a reasonable time period. An emphasis should be placed on sustaining the shorelines with natural vegetation or hard structures, if necessary.

#### Utilities

- Provide safe and dependable utilities to residential and commercial users.
- Continue coordination with local, state and federal partners to combat storm surge and nuisance flooding.
- Consider best-available sea level rise data when designing new utility infrastructure.
- Implement appropriate actions derived from recommendations relating to studies of storm water drainage, vulnerability and resiliency.
- Utilize best-available technology when upgrading existing utility infrastructure public water, sanitary sewer and storm water facilities.

#### Environmental Sustainability

- Protect, maintain and conserve the natural resources of Ship Bottom for continued environmental quality and health of all residents.
- Support and apply best-available data related to sea level rise and storm surge risks for substantial improvements, new developments and community facilities.
- Encourage provisions of such environmentally friendly features such as rain gardens, porous pavement and natural landscapes with native plantings as appropriate.

#### Compatibility with Other Planning Initiatives and Documents

- Participate in the Ocean County Master Plan Process.
- Participate in the Ocean County All Hazard Mitigation Plan.
- Participate in planning initiatives aimed at resiliency, mitigation and shoreline stability.

#### Major Land Use Trends and Issues

In addition to the major problems and objectives that are embodied in the Borough's master plan goals and objectives, the Borough's 2018 Master Plan Reexamination Report includes a discussion of major trends and issues that focuses on increased large-scale residential development, increasing sea level rise, and recent historic storm events that are directly affecting the Borough's shoreline and infrastructure. The 2018 Master Plan Reexamination Report notes that nuisance flooding is a major issue that has been aggravated by said increase in large-scale residential development, sea level rise, and storm events.

## Extent to Which Such Problems and Objectives Have Been Reduced or Increased

Since the adoption of the 2018 Master Plan Reexamination Report, some of the problems and objectives relating to land development in the Borough have changed substantially, while others have only changed slightly or not at all.

As part of this master plan reexamination report, the Borough has assessed its master plan goals and objectives, as well as the current state of major land use trends and issues, that were identified in the 2018 Master Plan Reexamination Report. The results of this assessment are provided in **bold italicized font** in the following subsections.

### Goals and Objectives

#### Land Use

- Promote policies and strategies that meet the demands of the current and future populations.  
– ***This goal remains valid.***
- Encourage occupancy of vacant commercial properties within the Commercial District.  
– ***This goal remains valid.***
- Continue to require residential on-site parking, especially in areas where on-site parking availability is minimal.  
– ***This goal remains valid.***
- Maintain the use of planning techniques and zoning regulations that preserve the integrity of the existing residential districts and preserve the character of the town as a seashore destination.  
– ***This goal remains valid.***
- Encourage attractive exterior elevations for dwellings raised to meet FEMA's flood regulations.  
– ***This goal remains valid.***
- Prioritize the value of public access to the waterfront and the importance of a sustainable shoreline void of erosion.  
– ***This goal remains valid.***

#### Circulation

- To maintain a community-wide circulation system that provides for the safe, convenient and efficient movement of people and goods within and through the Borough by means of transportation and land use planning.  
– ***This goal remains valid.***
- Support and assist the Borough's efforts in maximizing the number of available off-street and on-street parking spaces.  
– ***This goal remains valid.***
- Encourage continuation of walking and biking lanes where appropriate.

- ***This goal remains valid.***
- Provide continued support of the LBI Shuttle System as a means of local mass transportation.
  - ***This goal remains valid.***

#### Community Facilities

- Maintain and support the acquisition of additional parcels to be used for community facilities.
  - ***This goal remains valid.***
- Provide adequate municipal, education and cultural facilities to meet the needs of Ship Bottom residents and vacationers.
  - ***This goal remains valid.***
- Utilize grant and loan programs to improve facilities provided the costs of applying for an administering the funding do not outweigh the benefits.
  - ***This goal remains valid.***
- Prioritize the raising or reconstruction of the Borough Hall to achieve compliance with the minimum FEMA flood standards for critical facilities.
  - ***This goal remains valid.***

#### Recreation and Open Space

- Maintain existing parkland and support the acquisition of additional parcels to be used for open space and recreation.
  - ***This goal remains valid.***
- Promote the revitalization of the existing parks system while specifically enhancing the natural features of each and support the development of park-specific improvement plans that are cost effective and achievable within a reasonable time period. An emphasis should be placed on sustaining the shorelines with natural vegetation or hard structures, if necessary.
  - ***This goal remains valid.***

#### Utilities

- Provide safe and dependable utilities to residential and commercial users.
  - ***This goal remains valid.***
- Continue coordination with local, state and federal partners to combat storm surge and nuisance flooding.
  - ***This goal remains valid.***
- Consider best-available sea level rise data when designing new utility infrastructure.
  - ***This goal remains valid.***
- Implement appropriate actions derived from recommendations relating to studies of storm water drainage, vulnerability and resiliency.
  - ***This goal remains valid.***
- Utilize best-available technology when upgrading existing utility infrastructure public water, sanitary sewer and storm water facilities.
  - ***This goal remains valid.***



### Environmental Sustainability

- Protect, maintain and conserve the natural resources of Ship Bottom for continued environmental quality and health of all residents.
  - ***This goal remains valid.***
- Support and apply best-available data related to sea level rise and storm surge risks for substantial improvements, new developments and community facilities.
  - ***This goal remains valid.***
- Encourage provision of such environmentally friendly features such as rain gardens, porous pavement and natural landscapes with native plantings as appropriate.
  - ***This goal remains valid. It is noted that provision of such features would promote resiliency and mitigate nuisance flooding, which is identified as a major land use issue in the 2018 Master Plan Reexamination Report.***

### Compatibility with Other Planning Initiatives and Documents

- Participate in the Ocean County Master Plan Process.
  - ***This goal remains valid. It is noted that the Borough of Ship Bottom has been an active participant in the Ocean County Master Plan Process and intends to sustain its participation in the future. It is further noted that the Ocean County Comprehensive Master Plan was originally adopted in December 2011, and subsequently amended in January and September 2018. As of the preparation of the 2021 Master Plan Reexamination Report, there are no pending amendments to the Ocean County Comprehensive Master Plan.***
- Participate in the Ocean County All Hazard Mitigation Plan.
  - ***This goal remains valid. It is noted that the Borough of Ship Bottom has been an active participant in the Ocean County Hazard Mitigation Planning Process and intends to sustain its participation in the future. It is further noted that 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).***
- Participate in planning initiatives aimed at resiliency, mitigation and shoreline stability.
  - ***This goal remains valid.***

### Major Land Use Trends and Issues

In addition to the major problems and objectives that are embodied in the Borough's master plan goals and objectives, the Borough's 2018 Master Plan Reexamination Report includes a discussion of major trends and issues that focuses on increased large-scale residential development, increasing sea level rise, and recent historic storm events that are directly affecting the Borough's shoreline and infrastructure. The 2018 Master Plan Reexamination Report notes that nuisance flooding is a major issue that has been aggravated by said increase in large-scale residential development, sea level rise, and storm events.

***Sea level rise and the threat of severe weather continue to be major trends and issues within the Borough of Ship Bottom. Without intervention, the issue of nuisance flooding will likely increase in the future due to the fact that, as outlined in the Ocean County HMP, climate change can alter the frequency and intensity of flooding.***

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

The following subsections outline the extent to which there have been significant changes in the assumptions, policies and objectives related to land development in the Borough of Ship Bottom since the preparation of the 2018 Master Plan Reexamination Report.

### Changes at the Local Level

As described in the following subsections, there have been some important changes in local assumptions, policies and objectives since the adoption of the 2018 Master Plan Reexamination Report.

#### Population Development

Since the adoption of the 2018 Master Plan Reexamination Report, the Borough of Ship Bottom’s population has remained relatively stable, as has been the case since the time of the 2010 United States Census. Recent population development is shown in Table 1.

**Table 1: Recent Population Development**

<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
1,156	1,146	1,140	1,137	1,123	1,126	1,136	1,138	1,146	1,153

Source: United States Census Bureau

As can be seen in Table 1, the Borough’s population has been relatively stable in the period since 2010. Indeed, there has been a loss of three residents in the period between 2010 and 2019, and the annual change has averaged at -0.33 residents. It is, however, important to note that while population change may appear to be significant between individual years, only sustained, long term trends should be considered to be a valid representation of population development in the Borough.

The stability in the Borough’s population is reflective of its fully developed character and limited capacity to accommodate new residential growth and development.

In addition to the above, please note that the population values provided in this section represent full-time (i.e., year-round) population. Annual estimates of seasonal population are unavailable from the United States Census Bureau.

#### Residential Development Activity

As reflected in data of the New Jersey Department of Community Affairs, Division of Codes and Standards, there was a net increase of 20 housing units in the period from May 1, 2018 through November 30, 2020 (n.b., this reflects the period beginning the first month after the preparation of the 2018 Master Plan Reexamination Report and ending at the last point for which data is currently published). This net increase of 20 housing units is shown in Table 2.

**Table 2: Residential Development Activity Since 2018 Master Plan Reexamination Report**

	<b>2018 (From 05-01-18)</b>	<b>2019</b>	<b>2020 (Through 11-30-20)</b>
<b>Certificates of Occupancy</b>	17	29	14
<b>Demolition Permits</b>	10	18	12
<b>Net</b>	7	11	2
<b>Net Total</b>	<b>20</b>		

Source: New Jersey Department of Community Affairs, Division of Codes and Standards

As can be seen in Table 2, there has been a net increase of 20 housing units in the period since the preparation of the 2018 Master Plan Reexamination Report. It is, however, important to note that while the Borough is fully developed, these units were likely associated with densification, which is identified as a major land use trend and issue in the 2018 Master Plan Reexamination Report. To illustrate, the 2018 Master Plan Reexamination Report indicates that: “older and smaller structures are being demolished in favor of larger homes that can accommodate multiple families simultaneously”; and “larger parcels, especially those that are at least 100 feet in width, are being subdivided to allow for the construction of two or more homes.”

#### Non-Residential Development Activity

As reflected in data of the New Jersey Department of Community Affairs, Division of Codes and Standards, there was a small amount of non-residential development that occurred in the period since the preparation of the 2018 Master Plan Reexamination Report. The area of this non-residential development measured 8,234 square feet and included: 1,478 square feet of office space; 2,116 square feet of retail space; and 4,640 square feet of assembly space for uses related to food and/or drink consumption (e.g., restaurants, banquet halls, etc.).

Please note that this total of 8,234 square feet represents new area. It does not represent a net increase of non-residential space (n.b., estimates of demolished square footage are not available from the New Jersey Department of Community Affairs, Division of Codes and Standards).

#### Land Use Change

Recent land use changes are depicted in Table 3, which compares land use classifications of parcels provided in MOD-IV property tax assessment information from 2018 and 2020.

**Table 3: Land Use Classification of Parcels in 2018 and 2020**

	2018		2020		Change: 2018–2020	
	Number	Percent	Number	Percent	Number	Percent
<b>Class 1 — Vacant</b>	79	3.7	63	2.9	-16	-20.3
<b>Class 2 — Residential</b>	1,844	86.9	1,886	87.8	42	2.3
<b>Class 4A — Commercial</b>	139	6.5	138	6.4	-1	-0.7
<b>Class 4C — Apartments</b>	3	0.1	3	0.1	0	0.0
<b>Class 6A — Telephone</b>	1	0.0	1	0.0	0	0.0
<b>Class 15A — Public School</b>	2	0.1	2	0.1	0	0.0
<b>Class 15C — Public Property</b>	49	2.3	49	2.3	0	0.0
<b>Class 15D — Charitable</b>	2	0.1	2	0.1	0	0.0
<b>Class 15F — Other Tax Exempt</b>	4	0.2	4	0.2	0	0.0
<b>Total</b>	<b>2,123</b>	<b>100</b>	<b>2,148</b>	<b>100</b>	<b>25</b>	<b>1.2</b>

Source: MOD-IV Property Tax Assessment Information

In the period between 2018 and 2020, the numbers of vacant and commercial parcels have decreased by approximately 20.3 percent and 0.7 percent, respectively. During the same period, the number of residential parcels has increased by approximately 2.3 percent. This suggests that infill development on vacant properties and subdivision of existing residential parcels is occurring (n.b., the change in commercial properties represents the loss of one commercial parcel and is, therefore, insignificant).

[Ordinance Revisions](#)

Since the adoption of the 2018 Master Plan Reexamination Report, the Borough Council has amended the Borough’s Land Development Code with the adoption of Ordinance No.: 2018-08, which revised the definition of “Building Height” provided in Section 16.08.020. The amendment expanded the definition to add the following provision to the existing definition: “[f]or all lots westward of Long Beach Boulevard that have been filled sixteen (16) inches for interior lots and twenty (20) inches for lots fronting the bay or lagoon, the building height shall be increased by one (1) foot.”

Based on a review of the Borough’s Land Development Code, no further amendments have been made since the adoption of the 2018 Master Plan Reexamination Report.

[Long Beach Island Grade School \(Block 48, Lot 1\)](#)

The site of the Long Beach Island Grade School is surrounded by Central Avenue (Ocean County Route No.: 89), West 19<sup>th</sup> Street, East Bay Terrace, and West 20<sup>th</sup> Street, and identified on the Borough’s tax assessment records as Block 48, Lot 1. The property has an area of approximately 3.96 acres and tax records indicate that the school was constructed in 1951. The property is located in the P (Public) Zone District.

According to the Long Beach Island Consolidated School District, the closure of the Long Beach Island Grade School is planned due to low enrollments at the school and within the district overall as well as the planned expansion of the Ethel A. Jacobsen Elementary School, which is located on Block 60, Lot 2 in the Borough of Surf City.

The Borough has significant concerns about the closure of Long Beach Island Grade School and the potential for its subsequent conversion to uses not consistent with the property's current P (Public) zoning. The Borough's position is that the property should remain in public use to maintain existing neighborhood character and prevent further densification within the Borough. In addition, the Long Beach Island Grade School site is anticipated to be an essential component of the Borough's comprehensive recreation and open space plan.

The prevention of further densification within the Borough is important due to the fact that the Borough experiences significant nuisance flooding, which is exacerbated by increased impervious cover within the Borough and has contributed to the need for infrastructure improvements, including the need for infrastructure upgrades to East Bay Terrace and West 20<sup>th</sup> Street (n.b., the Borough adopted Ordinance 2020-17 to bond for infrastructure upgrades in this area and, in addition, the New Jersey Department of Transportation awarded a local assistance grant of \$375,000 in 2019 to fund improvements to roadway infrastructure in this area).

In addition to the above, it is noted that the Long Beach Island Grade School site contains an athletic field and playground. These areas represent an important and large area of porous cover and natural landscape that should be preserved to mitigate nuisance flooding, as well as an important recreational resource that could be used by the community at large. Retention of public use on the Long Beach Island Grade School site would provide the best means of ensuring the continued presence of these features. It is further noted that the Ocean County Multi-Jurisdictional Hazard Mitigation Plan, which is discussed later in this report, recommends the retention of the Long Beach Island Grade School site for public use as an emergency shelter.

The continued public use of the Long Beach Island Grade School site would be consistent with the following master plan goals and objectives:

- **Community Facilities:**
  - Maintain and support the acquisition of additional parcels to be used for community facilities.
  - Provide adequate municipal, education and cultural facilities to meet the needs of Ship Bottom residents and vacationers.
- **Recreation and Open Space:**
  - Maintain existing parkland and support the acquisition of additional parcels to be used for open space and recreation.
- **Environmental Sustainability:**

- Protect, maintain and conserve the natural resources of Ship Bottom for continued environmental quality and health of all residents.
- Encourage provision of such environmentally friendly features as rain gardens, porous pavement and natural landscapes with native plantings as appropriate.

#### Former CVS Pharmacy Site (Block 107, Lot 9)

Block 107, Lot 9, which is located at the northeastern corner of East 8<sup>th</sup> Street and Long Beach Boulevard (Ocean County Route No.: 607), contains a vacant, 9,775 square-foot building that was previously occupied by CVS Pharmacy. The property in question is located in the GC (General Commercial) Zone District and has an area of approximately 0.73 acres.

In 2019, the Ship Bottom Borough Land Use Board approved a “d(1)” use variance to permit the development of a family entertainment/amusement use, subject to certain conditions, within the existing building. While the specifics of the particular application to develop a family entertainment/amusement use on the property in question resulted in the grant to a “d(1)” use variance, it is the Borough’s position that the integrity of the GC (General Commercial) Zone District should be maintained and encroachment of non-permitted uses into the district should be prevented as part of the Borough’s comprehensive land use plan. This is important from the perspective of maintaining the character of the Borough’s existing neighborhoods and mitigating negative impacts of development, such as traffic and exacerbation of nuisance flooding. Accordingly, the intent of the current GC (General Commercial) Zone District, including uses currently permitted in the district, is reaffirmed and it is recommended that no additional uses, including entertainment/amusement uses be permitted in the district.

#### Changes at the Regional Level

As described in the following subsections, there have been changes at the regional level since the adoption of the 2018 Master Plan Reexamination Report.

#### Ocean County Comprehensive Plan Amendment

In September 2018, the Ocean County Comprehensive Plan was amended to include new required right-of-way widths for specific county roadways. It is noted, however, that none of the affected roadways were located in the Borough of Ship Bottom. Thus, the required right-of-way widths of county roadways within the Borough of Ship Bottom remain as specified in the January 2018 amendment to the Ocean County Comprehensive Plan. These required right-of-way widths are as follows:

- 100-foot right-of-way:
  - Long Beach Boulevard (Ocean County Route No.: 607).
- 60-foot right-of-way:
  - Central Avenue (Ocean County Route No.: 89);
  - North Barnegat Avenue, south of West 8<sup>th</sup> Street (New Jersey Route No.: 72 West);
  - West 28<sup>th</sup> Street, between Central Avenue (Ocean County Route No.: 89) and Long Beach Boulevard (Ocean County Route No.: 607); and

- West 11<sup>th</sup> Street, between Central Avenue (Ocean County Route No.: 89) and Long Beach Boulevard (Ocean County Route No.: 607).

#### Ocean County Multi-Jurisdictional Hazard Mitigation Plan

The Ocean County Multi-Jurisdictional Hazard Mitigation Plan was adopted in 2018 and subsequently submitted to the Federal Emergency Management Agency (FEMA). FEMA approved the Ocean County Multi-Jurisdictional Hazard Mitigation Plan on July 16, 2020. The term of approval expires on July 15, 2025.

The Ocean County Multi-Jurisdictional Hazard Mitigation Plan identifies the following as hazards, which confront the Borough of Ship Bottom:

- Coastal erosion;
- Flood, flash flood, ice jam;
- Hurricane, tropical storm, nor'easter;
- Tornado, wind storm;
- Winter storm;
- Utility interruption; and
- Climate change.

To address the aforementioned hazards, the Ocean County Multi-Jurisdictional Hazard Mitigation Plan identifies a series of mitigation actions to be completed within the Borough. These actions include:

- Elevation of 186 dwelling units;
- Elevation or replacement of municipal building;
- Inform and educate property owners about the National Flood Insurance Program;
- Upgrade to next class level in the Community Rating System Program;
- Elevate and improve drainage along Long Beach Boulevard (Ocean County Route No.: 607);
- Acquire the Long Beach Island Grade School Property;
- Elevate the West 15<sup>th</sup> Street Water Well Plant; and
- Construct a living shoreline on Shore Avenue and West 12<sup>th</sup> Street.

With specific regard to the action described as “acquire the Long Beach Island Grade School Property,” it is noted that said property is Block 48, Lot 1, which has been discussed above within the context of “Changes at the Local Level.” The purpose of said action, as outlined in the Ocean County Multi-Jurisdictional Hazard Mitigation Plan, is to acquire the property to retain it as an emergency shelter.

#### Transportation Improvement Program for Fiscal Years 2020 through 2023.

The North Jersey Transportation Planning Authority (NJTPA) is the Metropolitan Planning Organization for 13 New Jersey counties, including Ocean County. A key function of the NJTPA is to channel federal funding for transportation projects within its jurisdiction. To this end, the NJTPA periodically publishes a Transportation Improvement Program, which contains detailed



information on the funding, scheduling, and purpose of transportation projects within its jurisdiction.

Transportation Improvement Program for Fiscal Years 2020 through 2023 outlines specific projects within the Borough of Ship Bottom, as follows:

- Project Number (DBNUM): 11385 — Contract 1B of this project will include operational and safety improvements. Specifically, approximately 3,000 linear feet of West 9<sup>th</sup> Street (New Jersey Route No.: 72 East) and West 8<sup>th</sup> Street (New Jersey Route No.: 72 West) and three perpendicular roadways (viz., Barnegat Avenue, Central Avenue [Ocean County Route No.: 89] and Long Beach Boulevard [Ocean County Route No.: 607]) will be widened. Two-way traffic will be provided along said perpendicular roadways, and five traffic signals will be reconstructed. In addition, a new traffic signal will be installed at the intersection of West 8<sup>th</sup> Street and Long Beach Boulevard (Ocean County Route No.: 607). A new storm drainage system will also be installed along West 9<sup>th</sup> Street (New Jersey Route No.: 72 East) and West 8<sup>th</sup> Street (New Jersey Route No.: 72 West). Bicycle and pedestrian facilities, Intelligent Transportation Systems (ITS) improvements, lighting and utility relocations will also be provided.
- Project Number (DBNUM): 00357D1 — To facilitate protection of Bay Avenue Bridge (New Jersey Route No.: 72), this project will include the implementation of Submerged Aquatic Vegetation (SAV) mitigations requirements in the Manahawkin Bay in compliance with applicable regulations. The overall goal of this work is to offset losses to SAV through a combination of adaptive management and facilitate research to establish and enhance SAV beds within the Barnegat Bay. The research element will include the monitoring of existing SAV beds to measure recovery post Superstorm Sandy, and the adaptive management component will include establishing and/or enhancing up to 10 acres of new or existing SAV beds to facilitate recovery efforts and promote resiliency.

### Changes at the State Level

As described in the following subsections, there have been considerable changes at the state level since the adoption of the 2018 Master Plan Reexamination Report.

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

The MLUL was amended in 2018 to provide that any land use element adopted after January 8, 2018 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.

#### Climate Change Related Hazard Vulnerability Assessment

The MLUL was further amended in 2021 to provide that any land use element adopted after February 4, 2021 must include a Climate Change-Related Hazard Vulnerability Assessment, which analyzes climate change-related natural hazards, such as increased temperatures, drought, flooding, hurricanes and sea level rise. The Climate Change-Related Hazard Vulnerability Assessment will be required to include the following additional components:

- Build-out analysis;
- Critical evacuation assets analysis;
- Impact analysis;
- Risk reduction strategy; and
- Policy recommendations.

The amendment requires that municipalities must rely on the most recent natural hazard projections and best available science provided of the New Jersey Department of Environmental Protection when preparing the Climate Change-Related Hazard Vulnerability Assessment.

#### Local Redevelopment and Housing Law

The Local Redevelopment and Housing Law (NJSA 40A:12A-1 et seq.; hereinafter LRHL) was 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 consecutive years. As amended, NJSA 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.*

#### New Jersey Council on Affordable Housing

The Council on Affordable Housing (COAH) originally adopted affordable housing rules for the third-round period (i.e., the period from 1999 through 2025) in 2004. However, an Appellate Division decision in 2007 stayed COAH from reviewing any plans as part of a petition for substantive certification and resulted in a remand of the 2004 rules back to COAH to revise them to be consistent with the Appellate Division decision. COAH subsequently adopted revised third-round rules in 2008.

In 2010, the Appellate Division invalidated COAH's 2008 third-round rules, and the "growth share" methodology upon which they were based. In 2013, the New Jersey Supreme Court upheld and modified the Appellate Division's 2010 decision that invalidated COAH's third-round rules. As a result, COAH was then charged with the task of adopting new affordable housing rules.

Due to COAH's failure to adopt such rules, the New Jersey Supreme Court concluded, on March 10, 2015, that there no longer exists a legitimate basis to block access to the courts, which was the original intent of the COAH process. The New Jersey Supreme Court's 2015 decision notes that: "parties concerned about municipal compliance with constitutional affordable housing obligations are [now] entitled to such access, and municipalities that believe they are constitutionally compliant[,] or that are ready and willing to demonstrate ... compliance [with such obligations,] should be able to secure declarations that their housing plans and implementing ordinances are presumptively valid in the event they ... must defend [themselves] against exclusionary zoning litigation."

COAH records indicate that the Borough of Ship Bottom has not petitioned for third-round substantive certification (n.b., the Borough filed a petition for second-round substantive certification on August 14, 2000, but said petition was not approved). Given the issues surrounding the Long Beach Island Grade School site (Block 48, Lot 1) and former CVS site (Block 107, Lot 9), it is recommended that the Borough consider filing a petition for third-round substantive certification.

## Specific Changes Recommended to the Master Plan and Development Regulations

At this juncture, the most critical issue facing the Borough of Ship Bottom is the need to maintain the integrity of its P (Public) and GC (General Commercial) zone districts. The need to address this issue is heightened as a result of the issues related to the Long Beach Island Grade School (Block 48, Lot 1) and former CVS Pharmacy (Block 107, Lot 9) sites that have previously been discussed in this report. To address said issues, this report recommends the strategies that are outlined in the following subsections.

### Prepare Ordinance Amendments

Land development regulations for the P (Public) and GC (General Commercial) zone districts are provided in chapters 16.20 and 16.48 of the Code of the Borough of Ship Bottom, respectively. While said chapters very clearly define permitted principal and accessory uses, they do not specify the purpose of the respective zone district or define prohibited uses. It is, therefore, recommended that the Borough revise said chapters to very clearly communicate the purpose of the respective zone district and specify uses prohibited therein. By doing so, the Borough's intentions for each zone district would be clarified and provide a framework for the Ship Bottom Borough Land Use Board in analyzing any future requests for "d" variances.

### Amend Land Use Element

This report recommends that the Borough prepare an updated land use element. The new land use element should provide detailed description of the Borough's intent and purpose for each land use district. The new land use element should also be coordinated with a new recreation and open space element for the Borough as recommended in the following subsection.

Any update to the Land Use Element would also need to conform with the new statutory requirements for land use elements that have been described in this report. These 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.

### Amend Recreation and Open Space Element

It is further recommended that the Borough amend its current recreation and open space element, which is included in the 2018 Master Plan Reexamination Report. The purpose of such an amendment would be to identify specific preservation and acquisition targets for recreation and open space, which would include, at a minimum, the Long Beach Island Grade School Site (Block 48, Lot 1).

When preparing an amended recreation and open space element, it is recommended that the Borough follow applicable guidelines for recreation and open space elements that are published by the Green Acres Program of the New Jersey Department of Environmental Protection.

By amending the recreation and open space element in the manner that has been described herein, the Borough is maximizing its potential to secure funding from the Green Acres Program to support the acquisition of specified preservation targets.

#### Prepare a Third-Round Housing Element and Fair Share Plan

The Borough has not prepared a third-round housing element and fair share plan. It is therefore recommended that the Borough engage its legal counsel to develop a third-round compliance strategy and prepare a third-round housing element and fair share plan.

When developing said plan, it is recommended that the Borough consider preparing a vacant land adjustment in accordance with applicable affordable housing regulations that have been accepted by the courts. It is noted that the regulations pertaining to vacant land adjustments permit municipalities to reserve up to: three percent of their developed and developable land area for future use as active recreation; and three percent of their total area for use as conservation, parklands and open space (i.e., passive recreation). It is noted, however, that reservation of land for active and passive recreation requires that the lands to be reserved be designated in the municipality's master plan, which would be addressed in an amended recreation and open space plan.

## Recommendations Concerning the Incorporation of Redevelopment Plans

The Borough of Ship Bottom neither contains designated areas in need of redevelopment, nor is the designation of such areas contemplated at this time.