

Master Plan Reexamination Report

Township of Barnegat Ocean County, New Jersey

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Prepared for:
Township of Barnegat Planning Board

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Adopted on _____, 2021 by the Township of Barnegat Planning Board.

*The original of this document has been signed
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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 Township of Barnegat adopted a comprehensive master plan in 1978. In 1982, Barnegat updated the 1978 Master Plan to incorporate the Pinelands Management Areas into the Township Master Plan per the requirements of the Pinelands Comprehensive Management Plan (n.b., this update was prepared as a supplement to the 1978 Master Plan). In 1988, the second update to the 1978 Master Plan was adopted to revise goals and objectives as well as add a natural resource inventory. Master plan reexamination reports were subsequently adopted in 1997 and 2005. In 2011, Barnegat adopted a third update to the 1978 Master Plan to add a Statement of Goals and Objectives, Land Use Plan, Circulation Plan, and Historic Preservation Plan Element. While the 2011 Master Plan Update was the last comprehensive update to the municipal master plan and, therefore, serves as the basis for this reexamination, Barnegat subsequently adopted a Green Buildings and Environmental Sustainability Plan Element in 2013 and a Housing Plan Element and Fair Share Plan in 2018.

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 Township of Barnegat 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 Barnegat Township at the Time of the Adoption of the Last Reexamination Report

The goals and objectives of the 2011 Master Plan Update are outlined below.

Land Use

Goal I

To maintain the existing quality of life in Barnegat Township by encouraging a balance of appropriate residential and non-residential land uses, by providing guidelines for the fostering of historic preservation and recreational facilities to meet the needs of all residents.

Objectives

- a) To continue the concept of clustering housing with supporting land use types in a neighborhood environment.
- b) To preserve the Township's cultural heritage through consideration of a program for identifying and registering all significant historic resources and consideration for the preparation of development guidelines to minimize negative impacts of new construction in areas of historic significance.
- c) To revise the boundaries of the historic district to conform to the recommendations of the Historic Preservation Commission and their consultant.
- d) To apply for the inclusion of specific areas of the Township within a Certified Local Historic District or National Register of Historic Places designation.
- e) To adopt a revised Historic Preservation Ordinance to comply with state and federal regulations for funding and preservation purposes.
- f) To regulate development along the shoreline of Barnegat Bay in order to ensure continuing recreational access to the Bay by Township residents.
- g) To enhance the existing recreational facilities of the Township and address the future recreation needs of new Township residents through the preservation of open space.
- h) To adopt a landscaping ordinance for the portion of the Township located under the purview of the Pinelands Comprehensive Management Plan.
- i) To adopt a Commercial Design Standards Ordinance for the Township.
- j) To revise the existing sign ordinance to more closely regulate sign design, size and location and the number of signs permitted in order to preserve the historic character of the Township.
- k) To revise the Land Use Ordinance to eliminate the inconsistencies between the landscape ordinances, buffer ordinance and various design standards.
- l) To adopt an updated lighting ordinance.
- m) Update Floodplain regulations that are located in Code Section 55-126.6 of the Township Ordinance.

Goal II

To promote sustainable or “green” design and development in order to achieve a more environmentally and socially responsible, healthy, and prosperous environment that improves the quality of life for Barnegat Township residents.

Objectives

- a) To adopt a Green Building and Environmental Sustainability Plan Element of the Master Plan, which encourages the efficient use of natural resources and the protection of ecosystems, consideration of the impact of buildings on the local, regional, and global environment, conservation and reuse of water, treatment of storm water on-site, and the optimization of sustainability through site orientation and design.
- b) To update the Township’s land use ordinance to encourage development applications that incorporate sustainable development design, methods, materials and practices.
- c) To encourage and implement the use of solar and wind energy and other alternative energy methods and resources to satisfy the energy needs of the Township and its residents.
- d) To perform an energy audit to pinpoint areas where energy is being used inefficiently and identify ways to increase the efficiency while reducing operating costs.

Goal III

To protect the environmental quality of the Township's natural resources in order to preserve the balance of its ecological systems and safeguard the future health and welfare of its residents.

Objectives

- a) To encourage the preservation of all environmentally sensitive lands within the entire Township.
- b) To encourage the protection of all wetlands areas in the Township in accordance with the provisions of the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A) and, where applicable, the Coastal Area Facility Review Act (CAFRA).
- c) To monitor compliance with fire safety standards as required by the Township’s Land Use Ordinance and the Pinelands Comprehensive Management Plan.
- d) To adopt a riparian zone ordinance in order to help protect riparian areas located along surface waterbodies and protect and enhance the water quality of these waterbodies.
- e) To adopt a wellhead protection ordinance in order to more closely regulate permitted uses within wellhead protection areas and help prevent the migration of potential pollutants into the groundwater of wells located within these areas.

- f) To update the Environmental Review Ordinance, Section 55-148(E), to bolster existing environmental impact statement requirements.
- g) To consider removing uses associated with large areas of disturbance from the list of uses currently permitted within the Preserved Waterfront (PW) Zone ordinance.
- h) To adopt a steep slope ordinance in order to regulate the development on areas containing steep slopes and minimize the potential for erosion, soil failure, stream siltation, and contamination of surface waters caused by the misuse of steep slope areas.
- i) To reinstate the CAFRA Town Center and revise boundaries, based upon discussions with state agencies, to be consistent with the State Plan goals, policies and delineation criteria.

Goal IV

To provide for a continuing assessment of the Township's needs and responsibilities within a local and regional planning context.

Objectives

- a) To work with the Office of Planning Advocacy (OPA) in order to establish a new Town Center area within the eastern portion of the Township and achieve Initial Plan Endorsement.
- b) To implement the projects and programs set forth within the Housing Element of the Master Plan and the Fair Share Plan in order to address the Township's responsibility with regard to providing its fair share of affordable housing for low- and moderate-income households in accordance with applicable affordable housing regulations.
- c) To call for the preparation of an updated Recreation and Open Space Plan for the eastern portion of the Township in order to protect the environment in the bay front area of the Township and to provide for continuing public access. This Plan should also provide for the maintenance of and promotion of recreational land uses along Barnegat Bay, including linking pedestrian and bicycle paths and trails to form a continuous network.
- d) To update the Township's ordinance, policy, and programs to reflect the changing demographics within Barnegat Township.
- e) To encourage the development of healthcare facilities to better serve the Township.
- f) To continue to assess zoning and areas targeted for development.
- g) To enforce that water resources are of critical importance to the Township, additional consideration needs to be given to land use development techniques to protect water quality, reduce unnecessary water usage and preserve natural resources throughout the entire Township.

Goal V

To continue to promote commercial development in appropriate areas of the Township, while establishing standards for commercial site design.

Objectives

- a) To encourage a diversity of appropriate commercial uses within existing commercial zones.
- b) To continue the enforcement of the Township’s design standards during construction in order to ensure that commercial developments are constructed as presented to the Township’s Land Use Boards in accordance with the design standards set forth within the Township’s Land Use Ordinance.
- c) To establish additional commercial areas to the west of the Garden State Parkway to serve the needs of residents located within the western portion of the Township.

Goal VI

To promote transportation infrastructure in accordance with the principles of smart growth in order to provide the Township’s residents with a more efficient, multimodal transportation system that meets their needs.

Objectives

- a) To promote opportunities for alternative means of travel, including pedestrian walkways, bicycle paths, bus routes, water taxi and rail transit through enhancing the Township’s infrastructure and programs, and through working with outside entities to enhance County, State and other programs and services.
- b) To encourage the provision of bicycle and walking paths throughout the Township in order to establish a continuous network of safer transportation routes for pedestrians and bicyclists. Of particular importance is the provision of a bicycle and walking path along the bay front area with links to other areas of the Township. In addition, the bicycle and walking paths should be linked to the “rails to trails” project that is proposed by Ocean County along the old railroad right-of-way and the “river to bay trail” project that is proposed by the Trust for Public Lands.
- c) To require that development applications include connected street patterns between subdivisions for reasons of emergency access and improved vehicular circulation.
- d) To encourage traffic calming techniques in areas that have been negatively impacted by through traffic in order to encourage safer driving. Additionally, the Township’s Land Use Ordinance should be updated to require traffic calming techniques to be included within future developments in order to avoid adverse impacts from traffic.
- e) To work with the State and the County to incorporate sidewalks, bike lanes and other pedestrian and bicycle friendly amenities along State and County roadways. Additionally, the Township should continue to work toward approval from Ocean County to permit a bike lane along County Road 609 in order to provide bicyclists with safer access to the views and the amenities located in the bayfront portion of the Township.

- f) To develop a program to enhance the availability and dissemination of information related to mass transportation and other alternative modes of transportation in order to increase the use of these alternative modes.

Goal VII

To identify areas within the Township that are in need of redevelopment or rehabilitation and develop a plan for revitalizing these areas.

Objectives

- a) To prepare a preliminary investigation for potential redevelopment or rehabilitation of properties within the Gunning River Road Site. This site includes Block 174, Lots 13, 36, 37, 47, 47.01 and 48; Block 175, Lots 1 and 2; Block 176 Lot 1; Block 177 Lot 1; Block 178 Lot 1; Block 179 Lots 1 and 2; Block 180, Lots 1 through 5 inclusive; Block 181, Lot 1; Block 182, Lot 1; Block 183, Lot 1; and Block 184, Lots 1, 2 and 3.
- b) To prepare a preliminary investigation for potential redevelopment for the Shoreline Sand and Gravel Site. This site includes Block 92, Lots 15, 16, 18, 18.01, 20 21, 23, 23.03 and 23.04; Block 92.103, Lots 1 through 4; Block 92.104, Lots 1 through 16; Block 92.105, Lots 1 through 23; Block 92.106, Lots 1 through 24; Block 92.107, Lots 7 and 8; Block 92.108, Lots 15 through 24; Block 92.109, Lots 14 and 15; Block 92.113, Lots 42, 43 and 44.
- c) To prepare a preliminary investigation for potential redevelopment or rehabilitation of properties within the Main Street Site. This site includes Block 250 Lots 1.01 through 27; Block 251, Lots 1, 1.01, 2 and 8; and Block 255, Lots 9 through 16.
- d) To periodically analyze current land use and identify opportunities for revitalization through redevelopment or rehabilitation.
- e) To analyze deteriorating residential developments for opportunities for revitalization through rehabilitation or redevelopment.

Circulation

Traffic congestion and safety affect the quality of life for residents, as well as transient traffic, throughout the Township of Barnegat. Therefore, it is necessary to plan for future circulation and transportation needs by taking into consideration both future traffic volumes and the impact of changing patterns in modes of transportation. The goals and policies for the circulation were formulated based on the problems and issues identified within the Circulation Plan. The goals are as follows:

- a) Provide improved traffic circulation and the reduction of hazardous traffic conditions throughout the Township.
- b) Provide opportunities for alternative means of travel including pedestrian walkways, bicycle paths, bus routes, air and rail transit, and the utilization of the inland waterways.

- c) Investigate traffic calming techniques to implement in areas that have been negatively impacted by traffic in order to encourage safe driving. In addition to the goals set forth above, the following list of policies is intended to provide guidance and establish standards to be applied by the Township's Planning Board and Zoning Board of Adjustment when considering development proposals.

In addition to the goals set forth above, the following list of policies is intended to provide guidance and establish standards to be applied by the Township's Planning Board and Zoning Board of Adjustment when considering development proposals.

- a) Site plan submissions should be designed in such a manner that the development of unconnected street patterns between subdivisions is avoided for reasons of emergency access and improved vehicular circulation.
- b) It is recommended that curbs and sidewalks be installed throughout the town to encourage safe pedestrian traffic.
- c) Local collector streets created as a result of subdivision approvals should be added to the Master Plan on a regular basis.
- d) Encourage reporting and monitoring of areas that have frequent accidents to determine whether traffic signalization or geometric improvements are warranted.
- e) Subdivisions should be designed to provide traffic calming sensitive design in the street layout.
- f) The NJDOT Highway Access Management Code lists most of Route 9 as a minor arterial with a desirable typical section of 114 feet across and four (4) travel lanes. The Township should consider challenging this designation given the existing development along this corridor.

Historic Preservation

The Goals for historic preservation are set forth below.

Goal I

In accordance to N.J.S.A 40:55D-2(j), which promotes "the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State to prevent urban sprawl and degradation of the environment through improper use of land," the overall goal of the Historic Preservation Plan Element of the Barnegat Master Plan is to provide a basis for examining the appropriateness of the established boundaries of the historic district, to examine if the boundaries need to be revised for inclusion of additional sites in the vicinity, and to examine if any additional areas or individual properties are deemed worthy of a historic designation.

- a) Increase awareness about the Historic Preservation Commission and their role in planning for Barnegat Township.

- b) Improve funding for the protection, maintenance, and enhancement of historic resources by encouraging beautification and potentially private reinvestment in historic landmarks, historic districts and surrounding properties.
- c) Apply for the Certified Local Government (CLG) Designation, a program jointly administered through the New Jersey Historic Preservation Office and New Jersey National Parks Service. This certification enables communities to receive priority funding and other personal assistance from the Historic Preservation Office. Additionally, municipalities with the CLG designation are given the opportunity to comment on New Jersey National Register nominations within their jurisdiction.
- d) Establish transition areas from the established historic district to encourage development that is architecturally compatible with the architectural styles present in the district.

Goal II

Identify and designate individual historically significant sites, if any, located outside of the established Historic District boundaries. These sites would be designated based upon considerations regarding the age of the site or its structure, the historic, archaeological or architectural significance of the site, building or district from a local, regional, statewide, or national perspective.

Goal III

Protect resources that have intrinsic merit and aesthetic value, evoke feelings of community loyalty and consciousness of the past through a sense of time, place or identity by adopting provisions and protective measures.

- a) Commemorate the historic character of Barnegat Township.
- b) Protect and maintain the existing historic places and districts listed on the local and the New Jersey State registry.
- c) Encourage municipal action that will result in the long-range preservation of historical assets throughout the Township.
- d) Adopt ordinances that would establish architectural design standards in the historic district as well as the transition areas to avoid intrusive and incompatible buildings and to consequently encourage construction of buildings with designs that complement and are congruent with the diversity of historic structures.

Goal IV

Regulate historic landmarks and districts in order to preserve their historic significance. Preserve the cultural, archaeological, and architectural integrity of those sites and districts identified as having historic significance by the Historic Preservation Commission or the Township Committee.

Goal V

Maintain and develop an appropriate and harmonious setting for historic landmarks and districts within Barnegat Township.

Goal VI

Discourage the unnecessary demolition of historic resources and encourage the proper maintenance and preservation of the historic settings.

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

Since the adoption of the 2011 Master Plan Update, some Township policies have changed substantially, while others have only changed slightly or not changed at all. As part of this master plan reexamination report, the Planning Board has assessed the master plan goals and objectives and has identified the extent to which each has changed since the 2011 Master Plan. In the following sub-sections, each of the master plan goals and objectives, as expressed in the 2011 Master Plan Update, are listed, with commentary as to how each has changed in ***bold italics*** text.

Land Use

Goal I

To maintain the existing quality of life in Barnegat Township by encouraging a balance of appropriate residential and non-residential land uses, by providing guidelines for the fostering of historic preservation and recreational facilities to meet the needs of all residents.

This goal remains valid.

Objectives

- a) To continue the concept of clustering housing with supporting land use types in a neighborhood environment.

This objective remains valid.

- b) To preserve the Township's cultural heritage through consideration of a program for identifying and registering all significant historic resources and consideration for the preparation of development guidelines to minimize negative impacts of new construction in areas of historic significance.

While this objective remains valid, it is noted that Cedar Bridge Tavern, which is located at 200 Old Highway Road, was listed on the New Jersey and Federal registers of historic places in 2013.

- c) To revise the boundaries of the historic district to conform to the recommendations of the Historic Preservation Commission and their consultant.

This objective remains valid.

- d) To apply for the inclusion of specific areas of the Township within a Certified Local Historic District or National Register of Historic Places designation.

This objective remains valid.

- e) To adopt a revised Historic Preservation Ordinance to comply with state and federal regulations for funding and preservation purposes.

This objective should be removed. Architectural design standards for the historic district and historic district transition overlay were adopted in 2014 via Ordinance 2014-05.

- f) To regulate development along the shoreline of Barnegat Bay in order to ensure continuing recreational access to the Bay by Township residents.

This objective remains valid.

- g) To enhance the existing recreational facilities of the Township and address the future recreation needs of new Township residents through the preservation of open space.

This objective remains valid.

- h) To adopt a landscaping ordinance for the portion of the Township located under the purview of the Pinelands Comprehensive Management Plan.

This objective remains valid.

- i) To adopt a Commercial Design Standards Ordinance for the Township.

This objective should be removed. Architectural design standards for commercial zones were adopted in 2014 via Ordinance 2014-04.

- j) To revise the existing sign ordinance to more closely regulate sign design, size and location and the number of signs permitted in order to preserve the historic character of the Township.

This objective remains valid.

- k) To revise the Land Use Ordinance to eliminate the inconsistencies between the landscape ordinances, buffer ordinance and various design standards.

This objective remains valid.

- l) To adopt an updated lighting ordinance.

This objective remains valid.

- m) Update Floodplain regulations that are located in Code Section 55-126.6 of the Township Ordinance.

This objective remains valid.

Goal II

To promote sustainable or “green” design and development in order to achieve a more environmentally and socially responsible, healthy, and prosperous environment that improves the quality of life for Barnegat Township residents.

This goal remains valid.

Objectives

- a) To adopt a Green Building and Environmental Sustainability Plan Element of the Master Plan, which encourages the efficient use of natural resources and the protection of ecosystems, consideration of the impact of buildings on the local, regional, and global environment, conservation and reuse of water, treatment of storm water on-site, and the optimization of sustainability through site orientation and design.

This objective should be removed. The Green Building and Environmental Sustainability Plan Element was adopted in 2013.

- b) To update the Township’s land use ordinance to encourage development applications that incorporate sustainable development design, methods, materials and practices.

This objective remains valid.

- c) To encourage and implement the use of solar and wind energy and other alternative energy methods and resources to satisfy the energy needs of the Township and its residents.

While this objective remains valid, it is noted that the requirements for solar energy facilities were adopted in 2019 via Ordinance 2019-13.

- d) To perform an energy audit to pinpoint areas where energy is being used inefficiently and identify ways to increase the efficiency while reducing operating costs.

This objective remains valid.

Goal III

To protect the environmental quality of the Township's natural resources in order to preserve the balance of its ecological systems and safeguard the future health and welfare of its residents.

This goal remains valid.

Objectives

- a) To encourage the preservation of all environmentally sensitive lands within the entire Township.

This objective remains valid.

- b) To encourage the protection of all wetlands areas in the Township in accordance with the provisions of the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A) and, where applicable, the Coastal Area Facility Review Act (CAFRA).

This objective remains valid.

- c) To monitor compliance with fire safety standards as required by the Township's Land Use Ordinance and the Pinelands Comprehensive Management Plan.

This objective remains valid.

- d) To adopt a riparian zone ordinance in order to help protect riparian areas located along surface waterbodies and protect and enhance the water quality of these waterbodies.

This objective should be removed. A riparian zone ordinance was adopted in 2010 via Ordinance 2010-02. It was subsequently amended in 2010 via Ordinance 2010-21.

- e) To adopt a wellhead protection ordinance in order to more closely regulate permitted uses within wellhead protection areas and help prevent the migration of potential pollutants into the groundwater of wells located within these areas.

This objective should be removed. The wellhead protection ordinance was adopted in 2012 via Ordinance 2012-10.

- f) To update the Environmental Review Ordinance, Section 55-148(E), to bolster existing environmental impact statement requirements.

This objective remains valid.

- g) To consider removing uses associated with large areas of disturbance from the list of uses currently permitted within the Preserved Waterfront (PW) Zone ordinance.

This objective remains valid.

- h) To adopt a steep slope ordinance in order to regulate the development on areas containing steep slopes and minimize the potential for erosion, soil failure, stream siltation, and contamination of surface waters caused by the misuse of steep slope areas.

This objective should be removed. The steep slope ordinance was adopted in 2009 via Ordinance 2009-31.

- i) To reinstate the CAFRA Town Center and revise boundaries, based upon discussions with state agencies, to be consistent with the State Plan goals, policies and delineation criteria.

Barnegat Township secured plan endorsement and designation of the Barnegat Town Center on December 7, 2011. Barnegat's center designation is scheduled to expire on December 7, 2021. It is, therefore, critical that the municipality work with the OPA to secure an extension of its center designation.

Goal IV

To provide for a continuing assessment of the Township's needs and responsibilities within a local and regional planning context.

This goal remains valid.

Objectives

- a) To work with the Office of Planning Advocacy (OPA) in order to establish a new Town Center area within the eastern portion of the Township and achieve Initial Plan Endorsement.

Barnegat Township secured plan endorsement and designation of the Barnegat Town Center on December 7, 2011. Barnegat's center designation is scheduled to expire on December 7, 2021. It is, therefore, critical that the municipality work with the OPA to secure an extension of its center designation.

- b) To implement the projects and programs set forth within the Housing Element of the Master Plan and the Fair Share Plan in order to address the

Township's responsibility with regard to providing its fair share of affordable housing for low- and moderate-income households in accordance with applicable affordable housing regulations.

This objective remains valid. It is, however, noted that a new Housing Element and Fair Share Plan was approved by the Court in 2018 and the Township completed a midpoint review of implementation of its Housing Element and Fair Share Plan in 2020. Further details are provided later in the 2021 Master Plan Reexamination Report.

- c) To call for the preparation of an updated Recreation and Open Space Plan for the eastern portion of the Township in order to protect the environment in the bay front area of the Township and to provide for continuing public access. This Plan should also provide for the maintenance of and promotion of recreational land uses along Barnegat Bay, including linking pedestrian and bicycle paths and trails to form a continuous network.

This objective remains valid.

- d) To update the Township's ordinance, policy, and programs to reflect the changing demographics within Barnegat Township.

This objective remains valid.

- e) To encourage the development of healthcare facilities to better serve the Township.

This objective remains valid.

- f) To continue to assess zoning and areas targeted for development.

This objective remains valid.

To further this objective, and given the success of the Barnegat 67 mixed-use development, it is recommended that the current zoning in the C-PHD Planned Highway Development Commercial Zones along the US Route 9 corridor outside of the Town Center, and specifically the standards and requirements in the CC-CPHD Commercial Core Planned Highway Development Overlay Zone should be evaluated and revised as necessary to further encourage mixed use development where appropriate; and that any newly adopted development standards should be designed to promote compact development forms and environmentally sustainable design.

- g) To enforce that water resources are of critical importance to the Township, additional consideration needs to be given to land use development techniques to protect water quality, reduce unnecessary water usage and preserve natural resources throughout the entire Township.

This objective remains valid.

Goal V

To continue to promote commercial development in appropriate areas of the Township, while establishing standards for commercial site design.

This goal remains valid.

Objectives

- a) To encourage a diversity of appropriate commercial uses within existing commercial zones.

This objective remains valid.

To further this objective, it is recommended that the requirements and standards for automotive filling stations that are currently permitted in the C-PHD Planned Highway Development Commercial Zone be reviewed to determine if it would be appropriate to permit automotive mini-marts, which combine an automotive filling station use with a small-scale retail commercial use, where such uses would be permitted as a conditional use in the C-PHD Zone. Factors to consider regarding the location of these uses should include the avoidance of existing well-head protection areas.

- b) To continue the enforcement of the Township's design standards during construction in order to ensure that commercial developments are constructed as presented to the Township's Land Use Boards in accordance with the design standards set forth within the Township's Land Use Ordinance.

This objective remains valid.

- c) To establish additional commercial areas to the west of the Garden State Parkway to serve the needs of residents located within the western portion of the Township.

The area of the Township west of the Garden State Parkway is under the jurisdiction of and subject to the Pinelands Comprehensive Management Plan. Any proposed changes to the Township's plan that adds additional commercial zoning would require approval by the Pinelands Commission.

The permitted uses within the CN District west of the Garden State Parkway was recently amended to add a planned commercial development overlay that allows assisted living facilities as a permitted use. This amendment was reviewed and approved by the Pinelands Commission. No additional commercial districts west of the Garden State Parkway are proposed at the current time.

Goal VI

To promote transportation infrastructure in accordance with the principles of smart growth in order to provide the Township's residents with a more efficient, multimodal transportation system that meets their needs.

This goal remains valid.

Objectives

- a) To promote opportunities for alternative means of travel, including pedestrian walkways, bicycle paths, bus routes, water taxi and rail transit through enhancing the Township's infrastructure and programs, and through working with outside entities to enhance County, State and other programs and services.

This objective remains valid.

- b) To encourage the provision of bicycle and walking paths throughout the Township in order to establish a continuous network of safer transportation routes for pedestrians and bicyclists. Of particular importance is the provision of a bicycle and walking path along the bay front area with links to other areas of the Township. In addition, the bicycle and walking paths should be linked to the "rails to trails" project that is proposed by Ocean County along the old railroad right-of-way and the "river to bay trail" project that is proposed by the Trust for Public Lands.

While this objective remains valid, it should be noted that the Barnegat Township segment of the Barnegat Bay Trail has been completed.

- c) To require that development applications include connected street patterns between subdivisions for reasons of emergency access and improved vehicular circulation.

This objective remains valid.

- d) To encourage traffic calming techniques in areas that have been negatively impacted by through traffic in order to encourage safer driving. Additionally, the Township's Land Use Ordinance should be updated to require traffic

calming techniques to be included within future developments in order to avoid adverse impacts from traffic.

This objective remains valid.

- e) To work with the State and the County to incorporate sidewalks, bike lanes and other pedestrian and bicycle friendly amenities along State and County roadways. Additionally, the Township should continue to work toward approval from Ocean County to permit a bike lane along County Road 609 in order to provide bicyclists with safer access to the views and the amenities located in the bayfront portion of the Township.

This objective remains valid.

- f) To develop a program to enhance the availability and dissemination of information related to mass transportation and other alternative modes of transportation in order to increase the use of these alternative modes.

This objective remains valid.

Goal VII

To identify areas within the Township that are in need of redevelopment or rehabilitation and develop a plan for revitalizing these areas.

This goal remains valid.

Objectives

- a) To prepare a preliminary investigation for potential redevelopment or rehabilitation of properties within the Gunning River Road Site. This site includes Block 174, Lots 13, 36, 37, 47, 47.01 and 48; Block 175, Lots 1 and 2; Block 176 Lot 1; Block 177 Lot 1; Block 178 Lot 1; Block 179 Lots 1 and 2; Block 180, Lots 1 through 5 inclusive; Block 181, Lot 1; Block 182, Lot 1; Block 183, Lot 1; and Block 184, Lots 1, 2 and 3.

While a preliminary investigation was prepared and the site was found to be in need of redevelopment in 2012, a redevelopment plan has not been prepared. The objective should be updated to recommend the preparation of a redevelopment plan.

- b) To prepare a preliminary investigation for potential redevelopment for the Shoreline Sand and Gravel Site. This site includes Block 92, Lots 15, 16, 18, 18.01, 20, 21, 23, 23.03 and 23.04; Block 92.103, Lots 1 through 4; Block 92.104, Lots 1 through 16; Block 92.105, Lots 1 through 23; Block 92.106, Lots 1 through 24; Block 92.107, Lots 7 and 8; Block 92.108, Lots 15 through 24; Block 92.109, Lots 14 and 15; Block 92.113, Lots 42, 43 and 44.

This objective should be removed. The preliminary investigation was prepared in 2017. The site was found to be in need of redevelopment and a redevelopment plan was subsequently prepared in 2018.

- c) To prepare a preliminary investigation for potential redevelopment or rehabilitation of properties within the Main Street Site. This site includes Block 250 Lots 1.01 through 27; Block 251, Lots 1, 1.01, 2 and 8; and Block 255, Lots 9 through 16.

This objective remains valid.

- d) To periodically analyze current land use and identify opportunities for revitalization through redevelopment or rehabilitation.

This objective remains valid.

- e) To analyze deteriorating residential developments for opportunities for revitalization through rehabilitation or redevelopment.

This objective remains valid.

Circulation

Traffic congestion and safety affect the quality of life for residents, as well as transient traffic, throughout the Township of Barnegat. Therefore, it is necessary to plan for future circulation and transportation needs by taking into consideration both future traffic volumes and the impact of changing patterns in modes of transportation. The goals and policies for the circulation were formulated based on the problems and issues identified within the Circulation Plan. The goals are as follows:

- a) Provide improved traffic circulation and the reduction of hazardous traffic conditions throughout the Township.

This goal remains valid.

- b) Provide opportunities for alternative means of travel including pedestrian walkways, bicycle paths, bus routes, air and rail transit, and the utilization of the inland waterways.

This goal remains valid.

- c) Investigate traffic calming techniques to implement in areas that have been negatively impacted by traffic in order to encourage safe driving.

This goal remains valid.

In addition to the goals set forth above, the following list of policies is intended to provide guidance and establish standards to be applied by the Township's Planning Board and Zoning Board of Adjustment when considering development proposals.

- a) Site plan submissions should be designed in such a manner that the development of unconnected street patterns between subdivisions is avoided for reasons of emergency access and improved vehicular circulation.

This policy remains valid.

- b) It is recommended that curbs and sidewalks be installed throughout the town to encourage safe pedestrian traffic.

This policy remains valid.

- c) Local collector streets created as a result of subdivision approvals should be added to the Master Plan on a regular basis.

This policy remains valid.

- d) Encourage reporting and monitoring of areas that have frequent accidents to determine whether traffic signalization or geometric improvements are warranted.

This policy remains valid.

- e) Subdivisions should be designed to provide traffic calming sensitive design in the street layout.

This policy remains valid.

- f) The NJDOT Highway Access Management Code lists most of Route 9 as a minor arterial with a desirable typical section of 114 feet across and four (4) travel lanes. The Township should consider challenging this designation given the existing development along this corridor.

This policy remains valid.

Historic Preservation

The Goals for historic preservation are set forth below.

Goal I

In accordance to N.J.S.A 40:55D-2(j), which promotes “the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State to prevent urban sprawl and degradation of the environment through improper use of land,” the overall goal of the Historic Preservation Plan Element of the Barnegat Master Plan is to provide a basis for examining the appropriateness of the established boundaries of the historic district, to examine if the boundaries need to be revised for inclusion of additional sites in the vicinity, and to examine if any additional areas or individual properties are deemed worthy of a historic designation.

This goal remains valid.

- a) Increase awareness about the Historic Preservation Commission and their role in planning for Barnegat Township.

This objective remains valid.

- b) Improve funding for the protection, maintenance, and enhancement of historic resources by encouraging beautification and potentially private reinvestment in historic landmarks, historic districts and surrounding properties.

This objective remains valid.

- c) Apply for the Certified Local Government (CLG) Designation, a program jointly administered through the New Jersey Historic Preservation Office and New Jersey National Parks Service. This certification enables communities to receive priority funding and other personal assistance from the Historic Preservation Office. Additionally, municipalities with the CLG designation are given the opportunity to comment on New Jersey National Register nominations within their jurisdiction.

This objective remains valid.

- d) Establish transition areas from the established historic district to encourage development that is architecturally compatible with the architectural styles present in the district.

This objective remains valid.

Goal II

Identify and designate individual historically significant sites, if any, located outside of the established Historic District boundaries. These sites would be designated based upon considerations regarding the age of the site or its structure, the historic,

archaeological or architectural significance of the site, building or district from a local, regional, statewide, or national perspective.

This goal remains valid.

Goal III

Protect resources that have intrinsic merit and aesthetic value, evoke feelings of community loyalty and consciousness of the past through a sense of time, place or identity by adopting provisions and protective measures.

This goal remains valid.

- a) Commemorate the historic character of Barnegat Township.

This objective remains valid.

- b) Protect and maintain the existing historic places and districts listed on the local and the New Jersey State registry.

This objective remains valid.

- c) Encourage municipal action that will result in the long-range preservation of historical assets throughout the Township.

This objective remains valid.

- d) Adopt ordinances that would establish architectural design standards in the historic district as well as the transition areas to avoid intrusive and incompatible buildings and to consequently encourage construction of buildings with designs that complement and are congruent with the diversity of historic structures.

This objective should be removed. Architectural design standards were adopted in 2014 via Ordinance 2014-05.

Goal IV

Regulate historic landmarks and districts in order to preserve their historic significance. Preserve the cultural, archaeological, and architectural integrity of those sites and districts identified as having historic significance by the Historic Preservation Commission or the Township Committee.

This goal remains valid.

Goal V

Maintain and develop an appropriate and harmonious setting for historic landmarks and districts within Barnegat Township.

This goal remains valid.

Goal VI

Discourage the unnecessary demolition of historic resources and encourage the proper maintenance and preservation of the historic settings.

This goal remains valid.

IV — 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 Barnegat Township since the adoption of the 2011 Master Plan Update.

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, Barnegat Township had a population of 20,936 residents. In the years since, the Township’s population has grown. This is demonstrated by the United States Census Bureau’s July 1, 2020 population estimate 23,988 residents. This represents an increase of 3,052 residents or about 14.6 percent over the 2010 Census population of 20,936 residents.

The increase in population since the time of the 2010 Census represents the continuation of a trend in population growth since at least the time of the 1990 Census. Indeed, the Township’s population grew by approximately 24.4 percent between the times of 1990 and 2000 censuses, and about 37.1 percent between the 2000 and 2010 censuses. Overall, in the period between the 1990 and 2020 censuses, Barnegat’s population grew by approximately 95.5 percent.

Recent population trends are shown in Table 1.

Table 1: Recent Population Trends

1990	2000	2010	2020
12,273	15,270	20,936	23,988

Source: United States Census Bureau (Decennial Census: 1990, 2000, 2010; Annual Population Estimate: 2020)

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 2.0 percent from 45.9 to 46.8, and average household size has increased by approximately 1.2 percent from 2.56 to 2.59. In addition, the number of households has increased by approximately 7.4 percent from 8,128 to 8,731. The changes in these indicators are presented in Table 2.

Table 2: Recent Population Trends

Number of Households		Average Household Size		Median Age	
2010	2019*	2010	2019*	2010	2019*
8,128	8,731	2.56	2.59	45.9	46.8

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 regard to age structure, it is noted that the following age cohorts saw increases in the period since the 2010 US Census: **Under 5 Years**; 10 to 14 Years; 15 to 19 Years; 30 to 34 Years; 35 to 39 Years; 40 to 44 Years; 55 to 59 Years; and 65 Years and Over. Conversely, the following age cohorts saw reductions in population: 5 to 9 Years; 20 to 24 Years; 25 to 29 Years; 45 to 49 Years; 50 to 54 Years; and 60 to 64 Years. The following age cohorts saw changes of more than 20 percent: 5 to 9 Years (-24.8); 10 to 14 Years (+30.6 percent); 15 to 19 Years (+25.6 percent); and 65 and Over (+27.3 percent). Population age structure is reported in Table 3.

Table 3: Population Age Structure

	2010		2019		Change	
	Number	Percent	Number	Percent	Number	Percent
Under 5 years	1,066	5.1	1,150	5.1	84	7.9
5 to 9 years	1,157	5.5	870	3.8	-287	-24.8
10 to 14 years	1,307	6.2	1,707	7.5	400	30.6
15 to 19 years	1,346	6.4	1,691	7.4	345	25.6
20 to 24 years	986	4.7	831	3.7	-155	-15.7
25 to 29 years	944	4.5	886	3.9	-58	-6.1
30 to 34 years	1,015	4.8	1,131	5.0	116	11.4
35 to 39 years	1,122	5.4	1,319	5.8	197	17.6
40 to 44 years	1,270	6.1	1,277	5.6	7	0.6
45 to 49 years	1,453	6.9	1,255	5.5	-198	-13.6
50 to 54 years	1,290	6.2	1,283	5.6	-7	-0.5
55 to 59 years	1,272	6.1	1,415	6.2	143	11.2
60 to 64 years	1,662	7.9	1,517	6.7	-145	-8.7
65 and Over	5,046	24.1	6,422	28.2	1,376	27.3
Total	20,936	100.0	22,754	100.0	1,818	8.7

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.

The number of households and average household size has been discussed above. With further regard to housing characteristics, it is noted that the total number of housing units in Barnegat Township increased from 9,085 to 9,992, or by approximately ten percent, between the time of the 2010 Census and the 2019 Five-Year Estimates of the American Community Survey. During the same time period, however, the vacancy rate increased from 10.5 percent to 12.6 percent, which explains why the growth in the number of households, as discussed above,

increased by only 7.4 percent (n.b., the number of occupied housing units in a community is analogous with the number of households). Key reasons for growing vacancy may include the presence of newly developed housing units that have not yet been sold and are unoccupied or the presence of housing units that are for seasonal use only (e.g., vacation homes).

In addition to the above, it is noted that housing tenure has been relatively stable 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 88.1 percent of all housing units and, by the time of the 2019 Five-Year Estimates of the American Community Survey, they accounted for only 87.3 percent. This represents a change of just -0.8 percent. Reciprocally, the percentage of renter-occupied housing units increased by 0.8 percent, from 11.9 percent at the time of the 2010 Census to 12.7 percent by the time of the 2019 Five-Year Estimates of the American Community Survey.

Table 4 summarizes change in housing occupancy and tenure between the time of the 2010 Census and the 2019 Five-Year Estimates of the American Community Survey.

Table 4: Housing Occupancy and Tenure

	2010	2019*	Change	
			Number	Percent
Occupancy Status				
Total Housing Units	9,085	9,992	907	10.0
Occupied Housing Units	8,128	8,731	603	7.4
Vacant Housing Units	957	1261	304	31.8
Vacancy Rate	10.5	12.6	—	—
Tenure				
Occupied Housing Units	8,128	8,731	603	7.4
Owner-Occupied	7,163	7,625	462	6.4
Renter-Occupied	965	1106	141	14.6
Percent Owner-Occupied	88.1	87.3	—	—
Percent Renter-Occupied	11.9	12.7	—	—

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 an eye to the future, it is noted that, according to projections of the North Jersey Transportation Planning Authority (NJTPA), Barnegat will have a total population of 28,411 residents in 2045, which is about an 18.4 percent increase over the United States Census Bureau’s 2020 population estimate of 23,988 residents. Similarly, the NJTPA projects that there will be 11,426 households in 2045, which is a 30.9 percent increase over the American Community Survey’s 2019 Five-Year Estimate of 8,731 households.

Changes in Local Employment Dynamics

With regard to the number of jobs located within Barnegat Township, it is noted that the New Jersey Department of Labor and Workforce Development reports that there was an average of 3,604 jobs in Barnegat Township during 2019 (n.b., 2019 is the last year for which this information is available). This represents an increase of 54.5 percent over the average of 2,333 jobs that were located in Barnegat Township during 2010. Looking to the future, it is noted that the NJTPA projects 4,382 jobs in 2045, which represents an increase of 21.6 percent over the 2019 average of 3,604 jobs.

Table 5 summarizes historic and projected changes in the total number of jobs in Barnegat Township.

Table 5: Jobs Located in Barnegat Township

2010	2019	2045
12,273	15,270	20,936

Source: New Jersey Department of Labor and Workforce Development (2010, 2019);
North Jersey Transportation Planning Authority (2045 [Projected])

With regard to the type of jobs held by Barnegat Township residents, it is noted that the most common industry of employment of the civilian employed population aged 16 years and over was “educational services, and health care and social assistance,” which accounted for 28.5 percent of all employment at the time of the American Community Survey’s 2019 Five-Year Estimates. “Retail trade” accounted for 17.2 percent of all employment, and “professional, scientific, management and administrative and waste management services” and “arts, entertainment, recreation, and accommodation and food services” accounted for 9.3 and 9.2 percent of all employment, respectively. Together, these industry classifications accounted for nearly two-thirds of employment.

Table 6 describes industry by employment of Barnegat Township residents at the time of the 2019 Five-Year Estimates of the American Community Survey.

Table 6: Industry of Occupation of Civilian Employed Population 16 Years and Over

Industry	2019* Employment
Agriculture, Forestry, Fishing and Hunting, Mining	20
Construction	648
Manufacturing	286
Wholesale Trade	267
Retail Trade	1,608
Transportation, Warehousing and Utilities	634
Information	252
Finance and Insurance, and Real Estate and Rental and Leasing	561
Professional, Scientific and Mgmt., and Administrative and Waste Mgmt. Services	865
Educational Services, and Health Care and Social Assistance	2,663
Arts, Entertainment, and Recreation, and Accommodation and Food Services	854
Other Services, Except Public Administration	196
Public Administration	474

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.

Zoning Board Annual Reports

Based on a review of the Barnegat Township Zoning Board’s annual reports, it decided 29 applications from 2015 through 2019. More than half of the applications (viz., 18) involved bulk variances. A total of six involved use variances, either alone or in combination with site plan approval.

In several of their annual reports, the Barnegat Township Zoning Board indicated that they found no consistent trend in the variances sought. A review of all annual reports from 2015 through 2019 confirms that no significant or apparent trends in variances sought took place during this period or would suggest a need to revised zoning as a result.

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 2011 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 Townships. 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 Barnegat Township, it does make a number of recommendations that would promote sustainability and resiliency in Barnegat Township. 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 Barnegat Township in times of crisis, including during weather emergencies. This is particularly true for US Route 9 and NJ Route 72, which traverse Barnegat Township and provide 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.

- 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 those along Barnegat Bay in the eastern part of Barnegat Township, will promote resiliency.

- Continue to support the Ocean County Agriculture Development Board in its mission to protect and enhance the county's agricultural resources.

There are currently more than 50 farmland-assessed tax parcels in Barnegat Township. Preservation of farmland not only helps to protect and promote agricultural land uses, but also minimizes the extent of impervious cover.

- 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.

- Continue to assist the State of New Jersey in the implementation of the Governor's Ten-Point Plan for Barnegat Bay.

Key parts of the Ten-Point Plan that will promote resiliency in Barnegat Township include funding stormwater mitigation projects and acquiring land in the Barnegat Bay watershed.

- 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.

Also, as part of its participation in the preparation of Ocean County HMP, the Township of Barnegat identified a number of municipal mitigation measures to mitigate the impacts of natural hazards. The Township's identified municipal mitigation measures include the following:

1. Elevate 20 homes;
2. Install riprap along the shoreline;
3. Acquire five homes next to municipal docks and buildings, repetitive loss bay front properties;
4. Continue annual beach replenishment program each spring;
5. Maintain and improve Forest Fire website, continue to post updates and share information through same;

6. Continue participation in the Community Rating System (CRS) program, consider upgrading participation to next class level;
7. Develop Community Emergency Response Team (CERT) program;
8. Maintain, improve, and expand Police outreach programs in schools;
9. Maintain, improve, and expand Junior Police Academy program;
10. Maintain and enhance data collection for “Register Ready — New Jersey’s Special Needs Registry for Disasters”;
11. Maintain, improve, and expand awareness level training for the public.

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

Ocean County Open Space, Parks and Recreation Master Plan

Ocean County adopted its most recent open space, parks and recreation master plan in December 2020. Elements of the 2020 Ocean County Open Space, Parks and Recreation Master Plan that are of particular relevance to Barnegat Township are described in the following sub-sections.

Barnegat Bay Watershed Land Acquisition.

In December 2010, the Office of the Governor released a Ten-Point Plan of action to protect and restore Barnegat Bay. The fifth item of the plan prioritizes the acquisition of land within the Barnegat Bay Watershed. Accordingly, Ocean County has been working with the New Jersey Department of Environmental Protection (NJDEP) Green Acres Program to prioritize additional lands for preservation. Many of these acquisitions involve a financial partnership with the Ocean County Natural Lands Trust (OCNLT). As a follow up to the Ten-Point Plan, in October 2017, the NJDEP released the *Barnegat Bay Restoration, Enhancement and Protection Strategy* to help guide future projects. Said strategy acknowledges that “acquiring available, ecologically sensitive lands along the Barnegat Bay and its tributaries is a cost-effective and critical measure to prevent development activities that could further degrade the bay’s water and ecological quality.” The OCNLT was identified in the *Barnegat Bay Restoration, Enhancement and Protection Strategy* as a significant partner with the NJDEP on important acquisitions in the Barnegat Bay watershed.

Barnegat Branch Trail

The Barnegat Branch Trail (BBT) is a rail-to-trail which, when complete, will be a 16-mile linear bike and pedestrian trail from Barnegat Township to downtown Toms River. Once finished, the regional BBT will facilitate alternative modes of transportation and can provide linkages to community facilities for users of all ages and abilities.

As of the preparation of the 2021 Master Plan Reexamination Report, the segment of the BBT that exists within Barnegat Township was complete and, as reported by Ocean County Planning Department, receiving high ridership.

Ocean County Parks Inventory

The 2020 Ocean County Open Space, Parks and Recreation Master Plan contains an inventory of Ocean County Parks, which identifies three parks/facilities within Barnegat Township. These include: Cloverdale Farm County Park; Cox House; and Lochiel Creek County Park.

Since the adoption of the 2011 Master Plan Update, several important points about the condition of each of the aforementioned areas have arisen. These are described below:

- Cloverdale Farm County Park: A visitor center was opened in May 2015;
- Cox House: The historic property, which is located near the southern terminus of the BBT, was acquired by Ocean County from Barnegat Township in 2017; and,
- Lochiel Creek County Park: was opened in 2014.

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 2011 Master Plan Update.

Time of Decision

On May 5, 2010, P.L. 2010 c.9 was signed into law, effectively nullifying the “time of decision” rule which had previously allowed municipalities the ability to alter zoning requirements even after an application for development had been filed but before a formal decision on the application had been rendered. The new time of decision law provides that the development regulations applicable to a property at the time an application for development is filed will govern the review of the application and any decision made pertaining to it. The law became effective on May 5, 2011, which was shortly after the adoption of the 2011 Master Plan Update.

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 Township of Barnegat 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.

Complete Streets

In late 2009, the New Jersey Department of Transportation (NJDOT) adopted a Complete Streets Policy. A “complete street” is defined by the NJDOT as a “means to provide safe access for all users by designing and operating a comprehensive, integrated, connected multi-modal network of transportation options.” The intent of the policy is to provide streets that meet the needs of all types of users and all modes of circulation (e.g., walking, bikes, cars, trucks, and buses).



The New Jersey Bicycle and Pedestrian Resource Center states that complete streets benefit communities by addressing the needs of all road users regardless of age, ability, or mode of transportation. Benefits can include the following:

- Enhancing mobility and accessibility by enhancing connections between local destinations, including critical and community facilities and retail destinations;
- Improving safety;
- Enhancing the sense of community and quality of life;
- Reducing reliance on automobiles;
- Reducing congestion;
- Revitalizing downtowns;

- Increasing private investment;
- Increasing property values; and
- Promoting tourism.

A municipal complete streets policy is the community’s formal strategy to focus decision making and funding on planning, designing, and constructing community streets that accommodate all intended users. According to the National Complete Streets Coalition, the following items represent some of the items in an ideal complete streets policy:

- A vision for how and why the community wants to complete its streets.
- Identification that “all users” includes pedestrians, bicyclists, and transit passengers of all age and ability, as well as automobile drivers and transit-vehicle operators.
- Emphasis on street connectivity and comprehensive, integrated, connected networks for all modes of transportation.
- Relevance to both new and retrofit projects, including design, planning, maintenance, and operations for the entire right-of-way.
- Use of the latest and best design standards while recognizing the need for flexibility in balancing user needs.
- Establishment of performance standards with measurable outcomes.
- Steps for implementation.

As of the preparation of the 2021 Master Plan Reexamination Report, a total of 169 New Jersey municipalities had adopted complete streets policies. Barnegat Township is note one of these municipalities.

It is recommended that Barnegat Township recommend adopting a complete streets policy.

Sustainable Jersey

Sustainable Jersey is a certification program for municipalities in New Jersey that want to go green, save money, and take steps to sustain their quality of life over the long term. The program provides tools, training, and financial incentives to support and reward communities as they pursue sustainability programs.



The Township of Barnegat registered to participate in the Sustainable Jersey program on August 16, 2010, but, to date, has not become a certified member.

It is recommended that Barnegat Township consider participating in the Sustainable Jersey program by becoming a certified member.

State Strategic Plan

The New Jersey State Planning Commission is staffed by the Office of Planning Advocacy (OPA), which is within the Department of State. The OPA has released a draft State Strategic Plan that would supersede the current State Development and Redevelopment Plan. The draft State Strategic Plan differs from previous plans in that it is based upon a criteria-based system rather than a geographic planning area. While public hearings were held in February, March, and September of 2012, the draft State Strategic Plan was put on hold following Hurricane Sandy, and to date has yet to be adopted by the State Planning Commission. The Township of Barnegat should continue to monitor the progress of the new plan and how it will affect local-level planning decisions.

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.

Safe Routes to School

New Jersey Safe Routes to School (SRTS) program, is supported by the New Jersey Department of Transportation with funding from the Federal Highway Administration in order to enable safer and more accessible walking and bicycling environments for children in New Jersey. In 2012, the SRTS program completed an update to the statewide strategic plan that identifies a mission and vision for the SRTS program, looks at past successes in the state, and identifies goals and performance measures to ensure success. The SRTS program also offers infrastructure grant funding that may be used for infrastructure (i.e., construction) projects that encourage and enable students from grades K-8 to safely walk and bike to school from within 2 miles of the school. Typical improvements include installation of Americans with Disabilities Act-compliant sidewalks, bike paths, striping, lighting, signals and traffic calming improvements.

New Jersey Council on Affordable Housing (COAH)

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."

Subsequent to the New Jersey Supreme Court's March 10, 2015 decision, Barnegat Township filed a declaratory judgment action and motion for temporary immunity on July 2, 2015. This act would initiate legal proceedings which would culminate with: entry into a settlement agreement with intervenors in 2017; amendment of said settlement agreement in 2018; preparation and amendment of a Housing Plan Element and Fair Share Plan in 2018; and, ultimately, the grant of a Judgment of Compliance and Repose by the Court in 2018.

Thereafter, Barnegat Township prepared a mid-point review of housing plan implementation in 2020. Said review was prepared in order to satisfy specific conditions of the Township's settlement agreement with the Fair Share Housing Center.

Cannabis Legalization

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

Municipalities have 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 does 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 does 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 4, 2021, Barnegat Township passed an ordinance 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 Township Committee and Planning Board and a determination made as to what amendments to the Township’s Land Use Ordinance and zoning regulations may be necessary to respond to these newly enacted statutory provisions.

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

The following sections outline recommended changes to the master plan and development regulations, as well as capital/other recommendations.

Changes to the Master Plan

1. Comprehensive Master Plan

While this reexamination report provides a continued foundation for land use planning policies within Barnegat, it is recommended that Barnegat prepare a new comprehensive master plan that includes all required master plan elements, including a statement of goals and objectives and land use plan element, as well as optional elements of specific relevance to the Township, including a circulation plan element, community facilities element, and an update to the previously adopted Green Buildings and Environmental Sustainability Plan Element. The Township's current Housing Plan Element and Fair Share Plan has court approval through 2025 and does not need to be updated at the present time. As previously noted, with an updated to the Land Use Plan Element, the Township will need to prepare a climate change-related hazard vulnerability assessment.

2. Amend Land Use Element

This reexamination report recommends that the Township prepare an updated land use element. 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, 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.

3. Goals and Objectives

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

Changes to Development Regulations

1. Updates to Zoning Map

It is recommended that Barnegat Township ensure that its zoning map is up-to-date and prepare and adopt any relevant map revisions, including incorporating zoning changes and overlay zones that have gone into effect since the date of the last zoning map revision.

2. Updates to Development Regulations

- a. It is recommended that the Township's Land Use Ordinance and zoning regulations be reviewed to determine what amendments will be necessary to implement the July 2021 revisions of the M.L.U.L. concerning the electric vehicle supply charging infrastructure and "make-ready" parking spaces.
- b. Given the success of the Barnegat 67 mixed-use development, it is recommended that the current zoning in the C-PHD Planned Highway Development Commercial Zones along the US Route 9 corridor outside of the Town Center, and specifically the standards and requirements in the CC-CPHD Commercial Core Planned Highway Development Commercial Zone should be evaluated and revised as necessary to further encourage mixed use development where appropriate; and that any newly adopted development standards should be designed to promote compact development forms and environmentally sustainable design.
- c. It is recommended that the requirements and standards for automotive filling stations that are currently permitted in the C-PHD Planned Highway Development Commercial Zone be reviewed to determine if it would be appropriate to permit automotive mini-marts, which combine an automotive filling station use with a small-scale retail commercial use, where such uses would be permitted as a conditional use in the C-PHD Zone. Factors to consider regarding the location of these uses should include the avoidance of existing well-head protection areas.

Capital/Other Recommendations

1. Complete Streets Policy

It is recommended that Barnegat Township investigate and consider the appropriateness of adopting a municipal complete streets policy.

2. Sustainable Jersey Participation

This reexamination report recommends that municipal efforts in the Sustainable Jersey certification program be continued, and the municipality consider whether or not an increased level of participation is appropriate.

3. Ocean County Multi-Jurisdictional All-Hazards Mitigation Plan Recommendations

It is recommended that Barnegat Township implement the municipal mitigation measures that have been identified as part of its participation in the preparation of the Ocean County Multi-Jurisdictional All-Hazards Mitigation Plan.

VI — Recommendations Concerning the Incorporation of Redevelopment Plans

The Planning Board acknowledges that no new areas in the Township are recommended for redevelopment study at this time.

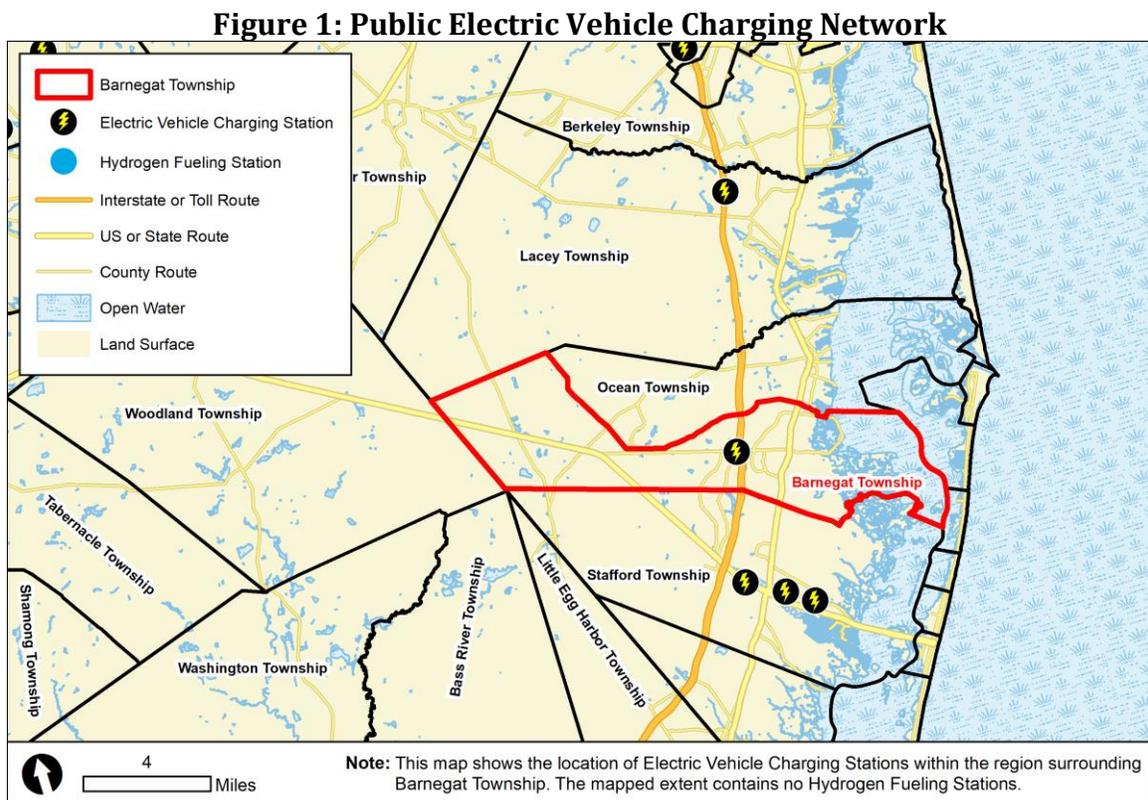
The Planning Board further acknowledges that the following redevelopment plans were adopted after the 2011 Master Plan update and shall, hereby, be incorporated into the municipal master plan.

1. Sweet Jenny Redevelopment Plan — April 2018
2. Shoreline Sand and Gravel and Compass Point Redevelopment Plan — May 2018

VII — Recommendations Concerning Electric Vehicle Charging Stations

According to information compiled by the United States Department of Energy, Barnegat Township contains one electrical vehicle (EV) charging station, which is located at 945 West Bay Avenue. There are four additional EV charging stations in adjacent municipalities, including three in Stafford Township and one in Lacey Township. There are no hydrogen fueling station in Barnegat Township or the surrounding area.

Figure 1 depicts the location of electric vehicle charging stations within Barnegat Township and 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 Township 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 IV, to all future development within the Township. To facilitate same, it is recommended that the Township’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.