

MASTER PLAN REEXAMINATION
BOROUGH OF LAVALLETTE
OCEAN COUNTY, NEW JERSEY

Prepared by:

Borough of Lavallette Planning Board

Adopted:

DECEMBER 13, 2006

Borough of Lavallette

The Ideal Family Seashore Resort

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Terry Brady, Esq., Planning Board Attorney
Michael F. O'Donnell, PE, Planning Board Engineer, O'Donnell, Stanton & Associates,
Rosemary Robertson, Planning Board Secretary

RESOLUTION

WHEREAS, the Planning Board of the Borough of Lavallette is authorized to prepare and after public hearing adopt and from time-to-time amend a Master Plan for the physical development of the municipality, generally comprising land use, circulation and a report presenting the objectives, assumptions, standards and principles which are embodied in the various interlocking portions of the plan, all pursuant to R.S. 40:55D-28; and

WHEREAS, a public hearing was held on Wednesday, December 13, 2006, upon notice pursuant to R.S. 40:55D-13 and to adjoining municipalities and the County Planning Board, pursuant to R.S. 40:55D-13;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD OF THE BOROUGH OF LAVALLETTE THIS 13th DAY OF DECEMBER, 2006, that the Borough of Lavallette Master Plan Reexamination prepared by the Planning Board of the Borough of Lavallette, is hereby adopted; and

BE IT FURTHER RESOLVED that a copy of such Master Plan Reexamination be filed with the Ocean County Planning Board within thirty days after adoption, pursuant to R.S. 40:55D-13.

CERTIFICATION:

I hereby certify that the foregoing resolution was duly adopted by the Borough of Lavallette Planning Board at its meeting of December 13, 2006.

Rosemary Robertson, Secretary
Lavallette Borough Planning Board

DATED: December 13, 2006

BOROUGH OF LAVALLETTE
Master Plan Reexamination
Draft Proposal

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BOROUGH OF LAVALLETTE

Master Plan Reexamination

November 2006

INTRODUCTION

The New Jersey Municipal Land Use Law, NJSA 40:55D-1 et seq. stipulates that each municipality in the State of New Jersey reexamine its Master Plan and development regulations at least every six years. Specifically, NJSA 40:55D—89 states:

“The governing body shall, at least every six years, provide for a general reexamination of its Master Plan and development regulations by the Planning Board which shall prepare and adopt by resolution a report on the findings of such reexamination, a copy of which shall be sent to the county planning board and the municipal clerk of each adjoining municipality.”

This reexamination of the Borough of Lavallette Master Plan conforms with the requirements of the Municipal Land Use Law and addresses the requirements of NJSA 40:55D-89 by including among other things:

- a. The major problems and objectives relating to land development in the municipality at the time of the Master Plan adoption, or last revision or reexamination, if any.
- 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 the 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 regulations should be prepared.
- e. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the “Local Redevelopment and Housing Law,” P.L. 1992, c 79 (C.40A:12A-let 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.

This reexamination report represents the second reexamination of the Lavallette Master Plan that was adopted in November 1999. The first reexamination was in September 2001.

A. Major Problems and Objectives Relating to Land Development in the Borough of Lavallette in 1999-the Year the Current Master Plan was Adopted

The major problems and objectives related to land development in Lavallette in 1999 in large measure concerned maintenance of the Borough's natural attributes and retention of the community's position as a family—oriented summer resort. A list of goals and objectives contained in the Master Plan best expresses the concerns related to land development in 1999. These goals and objectives are repeated below:

1999 MASTER PLAN GOALS AND OBJECTIVES

- + Maintain and promote Lavallette as a family residential community!
- + Avoid commercialization of the boardwalk, bay front, and recreation areas at all costs.
- + Recognize the existing development pattern and allocate appropriate land uses for the remaining vacant land and potential reconstruction so that a balanced and compatible arrangement of residential, commercial, public and quasi-public land uses is created.
- + Encourage a moderate residential growth rate by retaining the present density structure in the community; discourage approvals for applications that expand non-conforming uses.
- + Recognize and encourage continued high level of maintenance and care of all Borough facilities in conjunction with municipal housekeeping; continually update Borough infrastructure as needed; establish a property maintenance code to preserve sound housing and commercial development within the Borough; update and codify Lavallette's remaining codes.
- + Work to establish an up-to-date, efficient, dependable, local bus service along the Barrier Island from Point Pleasant to Seaside Park and over the bay to Toms River.
- + Preserve the natural attributes of the community by protecting the ocean-side and bayside beachfronts from despoliation; consider construction of bulkheads to protect all ocean front properties.
- + Through comprehensive planning, preserve and develop the bayside beach and recreation area to maximize its full potential. Establish an aerobic exercise path on the undeveloped bay parkland and construct a boardwalk along the bay front for seniors and the disabled, once the beach is stabilized.
- + Encourage, at all levels of municipal, county, state and federal government, the enhancement of our beaches through beach renourishment programs.
- + Encourage and promote planning, per se, to become an integral and on-going part of municipal operations. The Planning Board and Borough Council should meet on an annual basis to review capital improvement projects and short- and long-term goals.
- + Maintain the Borough Hall and municipal complex at the current location in the business district to serve as a focus for public and social purposes and as a catalyst for identification purposes for business district improvements; expand, as necessary, to meet citizen needs.

- + Encourage the preservation and maintenance of Lavallette's historic sites, and through the Heritage Commission, continue to make residents aware of Lavallette's history. The Planning Board should appoint an advisory committee to develop guidelines for the restoration and preservation of existing structures, which are Lavallette's tangible evidence of our history, subject to applications before the Board.
- + Develop a community identity with municipal government taking a leadership position with private enterprise as a partner.
- + Develop a comprehensive curbside and off-street parking plan for the Business district along Grand Central Avenue; consider the purchase of land, such as Tycoon's, for parking garage.
- + Prepare and adopt new Land Use and Zoning Ordinances that include provisions for site plan review, streamlined procedures for modernizing nonconforming buildings, and more precise, less ambiguous terms; uniformly enforce all codes. Prepare and adopt an *Official Map*.
- + Adopt a uniform municipal property maintenance code to prevent deterioration of certain neighborhoods and enforce it uniformly and with compassion; include specific regulations for conversion of seasonal dwellings to year-round housing.
- + Protect and maintain the recreational resources of the Borough.
- + Work toward a program of sidewalk improvement, replacement, and installation, preferably under Borough control and supervision to maintain consistent standards and integrity.
- + Develop standards for impervious lot coverage that include prohibiting sheet plastic in lawns, gardens, etc. to aid percolation in all areas and zones of the Borough.
- + Support county efforts to reestablish a primary rail route into Ocean County to open wider employment opportunities to our citizenry.

B. Extent to Which Problems and Objectives Have Been Reduced or Increased Since 1999

The extent to which the problems and objectives identified in the 1999 Master Plan have been reduced or increased is discussed in this section. Each of the goals and objectives of the 1999 Master Plan is repeated below, followed by a brief discussion of any changes.

1. Maintain Lavallette as a family—summer resort and residential community.

Since 1999 not only has Lavallette been maintained as a family—summer resort, but the residential use of the community has expanded at either end of the summer to the extent that the Borough can now be considered a spring—summer—fall residential resort community.

2. Avoid commercialization of the boardwalk, bay front, and recreation areas at all costs.

There have been no attempts to commercialize the boardwalk, bay front, and recreation areas since 1999.

3. Recognize the existing development pattern and allocate appropriate land uses for the remaining vacant land so that a balanced and compatible arrangement of residential, commercial, and public land uses is created.

The amount of vacant land remaining in Lavallette has declined even further since 1999. The existing development pattern has changed somewhat since 1999 in that large townhouse condominiums have sprung up along Route 35 North. An ordinance was passed to contain such condominiums to the same lot coverage as all other residential uses in the community. There has been no change in the allocation of appropriate land uses for the remaining vacant land. A balanced and compatible arrangement of residential, commercial, public and quasi-public land uses continue to be important as a Master Plan goal.

4. Encourage a moderate residential growth rate by retaining the present density structure of the community; discourage approvals for applications that expand non-conforming uses.

The goal of retaining the present residential density structure of Lavallette, as permitted by Zoning, has not changed. The Planning Board has made a number of significant compromises by allowing some expansion but tying it to deed restrictions that remove the nonconformity and return the property to single-family status when the property is transferred by whatever reason. The Planning Board no longer seeks to eliminate non-conforming residential uses, but rather seeks to discourage the expansion of non-conforming uses including the conversion of seasonal uses to year-round uses.

5. Recognize and encourage continued high level of maintenance and care of all borough facilities in conjunction with municipal housekeeping; continually update Borough infrastructure as needed; establish a property maintenance code to preserve sound housing and commercial development within the Borough; update and codify Lavallette's remaining codes.

Maintenance and care of Borough facilities is continuing and the infrastructures in the form of paving overlays, curbs and sewer lining is occurring on a scheduled basis. The Borough now has its own Property Maintenance code.

6. Work to establish an up-to-date, efficient, dependable local bus service along the Barrier Island from Point Pleasant to Seaside Park and over the bay to Toms River.

Limited bus service is available three days a week from Seaside Heights to Ocean Beach and across Barnegat Bay to selected stops through the cooperative efforts of Lavallette and Seaside Heights.

The service is free. There is also an Ocean County Bus Service called *Ocean Ride*. It offers daily service for a nominal fee (\$2 or \$3) and travels several times daily from Lavallette, Seaside Heights, and Toms River stopping at the Library, the A&P, the Ocean County Mall and several other key locations. It costs about \$600,000 annually. Because of the cost, however, the original concept of a bus service from Point Pleasant Beach across the bay to Toms River may not be forthcoming.

7. Preserve the natural attributes of the community by protecting the ocean-side and bayside beachfronts from despoliation; consider construction of bulkheads to protect all oceanfront properties.

The oceanfront beaches and dunes are in much better shape than in 1999. An application is being prepared to the DEP to allow better maintenance of the dunes and boardwalk cleanup. Riprap has been added to much of the bay front to protect the beaches there.

8. Through comprehensive planning, preserve and develop the bayside beach and recreation area to maximize its full potential. Establish an aerobic exercise path on the undeveloped bay parkland and construct a boardwalk along the bay front for seniors and the disabled, once the beach is stabilized.

Because of the desire of residents to curtail any development along the bay side, the Planning Board now recommends that the bayside recreation area not be developed beyond maintenance and adding low-lying natural landscaping.

9. Encourage, at all levels of municipal, county, state and federal government, the enhancement of our beaches through beach renourishment programs.

A proposal exists to work toward a beach nourishment project from Manasquan Inlet to Barnegat Inlet.

10. Encourage and promote planning, per se, to become an integral and on-going part of municipal operations. The Planning Board and Borough Council should meet on an annual basis to review capital improvement projects and short- and long-term goals.

Although there has not been significant progress on this goal, there are a number of issues that the Planning Board believes need to be addressed and, as necessary, in the development regulations. The intent of the Planning Board is to build on the many positive aspects of the Borough's past and to avoid future problems that in hindsight have become apparent. We believe this can be achieved by using the Master Plan as a comprehensive policy statement on which land use, capital improvements and other decisions influencing the redevelopment can be based. It is the determination of the Planning Board that the 1999 Master Plan reflects current thinking. The Planning Board has defined that same series of Goals and Objectives plus the additional one added in 2001 should serve as a framework for future decision-making and planning.

11. Maintain the Borough Hall and municipal complex at the current location in the business district to serve as a focus for public and social purposes and as a catalyst for identification purposes for business district improvements; expand, as necessary, to meet citizen needs.

The Police Department building has been upgraded.

12. Encourage the preservation and maintenance of Lavallette's historic sites, and through the Heritage Commission, continue to make residents aware of Lavallette's history. The Planning Board should appoint an advisory committee to develop guidelines for the restoration and preservation of existing structures, that are Lavallette's tangible evidence of our history, subject to applications before the Board.

The Planning Board has discussed with the Heritage Committee the possibility of appointing them as an

advisory committee to develop guidelines for the restoration and preservation of existing historical structures and other landmarks.

13. Develop a community identity with municipal government taking a leadership position with private enterprise as a partner.

The Borough Council has authorized an application for a NJ state grant to convert a three-block area into a “Down Jersey” type atmosphere according to specifications proposed by the Beautification Committee. The Planning Board recommends that an architectural plan for the business districts be prepared to better define the identity that the Beautification Committee is seeking.

14. Develop a comprehensive curbside and off-street parking plan for the Business district along Grand Central Avenue; consider the purchase of land, such as Tycoon’s, for parking garage and or lots.

Although little progress has been made on a business district parking plan, the governing body should consider developing an off-street parking plan.

15. Prepare and adopt new Land Use and Zoning Ordinances that include provisions for site plan review, streamlined procedures for modernizing nonconforming buildings, and more precise, less ambiguous terms; uniformly enforce all codes. An *Official Map* has been adopted.

A new Site Plan Ordinance has been approved, and a dozen or more amendments have been introduced and passed to update the Zoning Ordinance. An *Official Map* has been prepared and adopted.

16. Adopt a uniform municipal property maintenance code to prevent deterioration of certain neighborhoods and enforce it uniformly and with compassion; include specific regulations for conversion of seasonal dwellings to year-round housing.

For many of the property maintenance issues, the borough has adopted a property maintenance code.

17. Protect and maintain the recreational resources of the Borough. This goal is being met.

18. Work toward a program of sidewalk improvement, replacement, and installation, preferably under Borough control and supervision to maintain consistent standards and integrity.

The Borough Council has addressed this issue and has clarified the appropriate ordinance. Further consideration will undoubtedly continue.

19. Develop standards for impervious lot coverage that include prohibiting sheet plastic in lawns, gardens, etc. to aid percolation in all areas and zones of the Borough.

Such standards have been prepared and the Council is considering an ordinance.

20. Support county efforts to reestablish a primary rail route into Ocean County to open wider employment opportunities to our citizenry.

This goal appears to be completed with a state recommendation for a primary rail route into Lakewood.

C. Extent to Which There Have Been Significant Changes in the Assumptions Policies, Goals and Objectives Forming the Basis for the 1999 Master Plan

There has been only one major change in the assumptions, policies, goals, and objectives that formed the basis of the 1999 Master Plan, that has been addressed by the establishment of the Downtown Business District. However, a number of smaller issues, some of which are new and some of which date back prior to 1999, are important enough to remain a part of the Master Plan. Thus, the goals and objectives that formed the basis for the 1999 Master Plan are still valid to varying degrees and should continue to be included in the Master Plan, with the commentary included in Section B above.

The Planning Board finds that many of the residential non-conforming uses have disappeared as a result of the trend to purchase property and demolish all of the older bungalows and build large single-family homes in their place. As a result many rental properties are no longer available. Thus, we recommend that the existing non-conforming residences be allowed to maintain and upgrade the properties so long as there is no expansion of the use including the conversion of seasonal uses to year-round uses.

The Planning Board also feels there is a strong need to continue updating Lavallette's codes, particularly in the area of land use.

There has been a new problem that has come up. There are several older homes with basements that have sump pumps that pump water that has seeped into their basements directly into the streets. From there the water runs down hill from the ocean block and lies in the business district where there is insufficient storm drains. The water becomes green in warm weather and freezes in cold weather. It is an unhealthy and unsafe condition. Thus, the Planning Board has added a new goal on page 8.

D. Recommended Revisions to the Borough Master Plan and Development Regulations

It is the determination of the Planning Board that the 1999 Master Plan should be updated to reflect current thinking. This update builds upon the goals and objectives of the 1999 Master Plan by adding a couple of minor goals and objective:

1. We believe that consideration should be given to expand the “downtown business” district at least from Bond Avenue on the north to Vance Avenue on the south. The remaining portion of the business district both north and south of this area should remain as stated in the previous Master Plan and so designated in a revised Zoning Ordinance. The “Down the Jersey Shore” theme or look, circa 1900, proposed by the Beautification Committee—should be advanced for the downtown area through the concept put forth in the Borough’s grant application and through the creation of architectural and signage standards. Enforce the new Property Maintenance to control the deterioration that is evident in some areas of town.

A downtown business district is essential to the life of a community. A recent survey of our residents indicated that they would like to see more businesses basic to our community primarily more restaurants and fewer condominiums, although real estate and insurance agencies, medical and/or dental facilities, drugs and sundries, clothing and accessories and other daily necessities were also mentioned.

2. As mentioned in C. above, many of the residential non-conforming uses have disappeared as a result of the trend to demolish all of the older bungalows when a property is purchased and build large single-family home in their place. As a result many rental properties are no longer available. Thus, rather than encourage the elimination of non-conforming uses, we recommend that the existing non-conforming residences be allowed to maintain and upgrade the properties so long as there is no expansion of the use, including the conversion of seasonal uses to year-round uses.

Rental income is important to seniors who have owned these non-conforming uses for years and need the income. Furthermore, the number of people attracted to these rentals is very important to our business community. Thus, allowing them to be updated and maintained would encourage a large number of vacationers to summer in Lavallette.

3. The Planning Board also feels there is a strong need to continue updating Lavallette’s codes, particularly in the area of land use.

4. Because of serious sump pump discharge on to the public streets that makes for an unsafe and unhealthy condition, the Planning Board now recommends that a solution be found to this serious condition.

D. Recommendations Concerning the Incorporation of Redevelopment Plans into the Land Use Plan Element of the Master Plan.

The Borough of Lavallette through the efforts of the Planning Board conducted an extensive study designed to address the capabilities of the Borough to provide for affordable housing in 1992 in accordance with the Municipal Land Use Law and the rules and regulations established by the Council on Affordable Housing (COAH). The Board had reviewed the "Local Redevelopment and Housing Law," passed simultaneously with that study, and found that the Lavallette Housing Element adopted by the Planning Board on August 24, 1992 and included by reference in the 1999 Master Plan still meets the requirements of the law. The Borough of Lavallette has no vacant developable parcels upon which new affordable housing units can be constructed pursuant to the requirements of the Law. The Borough still intends, however, to meet its responsibility to provide opportunities for low and moderate-income residents to occupy housing within the Borough that meet code standards and basic structural conditions. We recommend accomplishing this by encouraging eligible homeowners to apply for assistance in rehabilitating their homes through applicable Federal, State, and/or County rehabilitation programs as outlined in the current Housing Plan Element.