

**BOROUGH OF ROOSEVELT
PLANNING BOARD**

**REEXAMINATION REPORT
2017**

Adopted by: Roosevelt Borough Planning Board

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Draft Prepared By:



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REEXAMINATION REPORT

BOROUGH OF ROOSEVELT Monmouth County, New Jersey

2017

The New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-89 et seq., as amended by Chapter 65 Laws of 2011 enacted on May 4, 2011, requires that Municipal Planning Boards review municipal master plans and zoning and land development regulations for their municipalities at least once every ten years. The previous Reexamination Report prepared by the Roosevelt Planning Board was adopted on March 29, 2007.

The purpose of a Reexamination Report prepared in accordance with the Municipal Land Use Law is to periodically reexamine the master plan, zoning and land development regulations of a municipality to determine whether they continue to address the development goals and objectives of the municipality and to provide recommendations for changes that will address changes in development goals, the impact of development within the municipality and the impact of planning and development regulations by Monmouth County, the State of New Jersey and the Federal government.

The Municipal Land Use Law requires that municipalities review the master plan and zoning and land development regulations in terms of the following:

- a. The major problems and objectives relating to land development in the municipality at the time of adoption of the last reexamination report.
- b. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- c. The extent to which there have been significant changes in 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 (N.J.S.A. 40A:12A-1 et al.) 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.

Roosevelt Borough reexamined its Master Plan in 2000-2001. That effort culminated in the adoption of a new Master Plan on December 11, 2001. Subsequently, the Borough amended the Master Plan to include a new Housing Element on February 1, 2005, a Stormwater Management Plan on March 8, 2005 and a Recycling Plan Element on August 10, 2011.

During the period 2000-2007, the Borough reexamined and amended the Borough Zoning Ordinance to implement the adopted 2001 Master Plan, to address State requirements for Affordable Housing and Stormwater Management, and other zoning and administrative amendments. On December 11, 2011, the Borough Council adopted Ordinance #97-39 which consolidated Ordinance #97 through Ordinance #97-38 into a comprehensive and updated Zoning Ordinance. Ordinance #97-39 was incorporated into the Borough Code adopted by the Borough Council by Ordinance No. 15-004 on June 22, 2015. Subsequently, the Zoning Ordinance was amended on October 22, 2012 to revise regulations for houses of worship and parking standards. On December 23, 2013 the Zoning Ordinance was amended to update solid waste and recycling requirements. A summary of Zoning Ordinance amendments during the past 10 years is shown below.

ORDINANCE NUMBER	ADOPTION DATE	PURPOSE OF AMENDMENT
# 97-36	April 23, 2007	Amended the R/Ag-400 Zone to permit houses of worship, public and private schools and associated dormitories within the zone.
# 97-37A	April 28, 2008	Amended Definitions Section for home occupations and schools and revised regulations in the R-100, R-40, AH, C-40, I-80 and R-Ag-400 Zones.
# 97-37	October 12, 2010	Schedules A and B, application and review fee schedules revised
# 97-38	February 28, 2011	Schedule C, Application Checklists revised and updated
# 97-39	December 15, 2011	Consolidation, restating and updating of Ordinances #97 through #97-38 into a unified ordinance.
# 97-40	October 22, 2012	Revisions to houses of worship regulations and parking standards
# 97-41	December 23, 2013	Revisions to solid waste and recycling requirements

During 2002 and 2003, the Borough Planning Board also undertook a study of existing structures within the Borough to determine if there was a need for redevelopment of deteriorated and vacant structures. This resulted in a Redevelopment Plan that was adopted in September 2003 for five sites within the Borough.

In 2015, the Planning Board approved a new redevelopment study of Block 2 Lots 4.01 and 4.03 known as the "Garage Site" on North Rochdale Road (County Road 49). The study was prepared by Roosevelt resident and professional planner Alan Mallach P.P., F.A.I.C.P. The resulting Redevelopment Plan dated November 2015 was approved by the Planning Board and adopted by the Borough Council per Ordinance #16-002 on April 26, 2016.

The 2017 Reexamination of the Master Plan and Land Development Regulations was prepared in accordance with the statutory requirements of N.J.S.A. 40:55 as provided below.

A. THE MAJOR PROBLEMS AND OBJECTIVES RELATING TO LAND DEVELOPMENT IN THE MUNICIPALITY AT THE TIME OF ADOPTION OF THE LAST REEXAMINATION REPORT.

The major problems identified by the Planning Board in the 2007 Reexamination Report related to the continuing efforts of the Borough in the restoration and preservation of Roosevelt Borough in accordance with the 1934-1937 Jersey Homesteads development plan and the designation of the entire Borough as a Historic District by the New Jersey and National Registers of Historic Places. The Reexamination Report identified several areas of the Borough for changes to implement the Historic District Plan. These included re-designation and restoration of the northern portion of the Borough to be preserved as an agricultural area; addressing the environmental remediation and disposition of an abandoned gasoline service station site on Block 2 Lot 4.01 on North Rochdale Avenue for public use and as a potential site for affordable housing; creation of a "Conservation" land use classification for the protection of the remaining environmentally fragile open space areas within the Borough; preservation of the residential character of the historic village area and the abutting greenbelt areas along the tributaries of the Empty Box Brook extending through the central portion of the original Jersey Homesteads development area, the Assunpink Brook tributaries in the southern portion of the Borough and tributaries of the Rocky Brook in the northern portion of the Borough; maintenance of the RC Residential Conservation area in the east central portion of the Borough; and revision of the I Industrial area north of Oscar Drive to Agricultural Residential.

The Master Plan also identified issues pertaining to pedestrian access particularly relating to protection of environmentally sensitive features such as freshwater wetlands, wetlands transition areas, floodplains and threatened and endangered flora and fauna habitat which forms much of the greenbelt environs of Roosevelt; discouraging the introduction of incompatible land uses; encouraging compatible commercial and office uses in the commercial areas of the Borough; discouraging incompatible industrial uses; encouraging the rehabilitation of key historic structures; and establishing design standards to encourage new development to be compatible with the style and scale of existing structures.

The historic residential areas within the R-40 Zone were originally designed as a planned community and have been preserved to maintain the character of the Jersey Homesteads "planned community". Residential lots and homes are relatively small, which also encourage an interactive community and neighborliness. There is little question that the preservation of the plan and its spirit, including restricting intense uses within the R-40 Zone, serves a compelling public and historic interest in accordance with the State and National Historic Register designations of the Borough as a historic community. There is no other means of accomplishing these ends other than preserving the R-40 zone for single family residential development as it is now zoned.

Through the years the Borough has worked to protect the environmental resources within the Borough and also to preserve and/or protect the agricultural areas within the Borough that were major components of the original Jersey Homesteads Master Plan.

B. THE EXTENT TO WHICH SUCH PROBLEMS AND OBJECTIVES HAVE BEEN REDUCED OR HAVE INCREASED SUBSEQUENT TO SUCH DATE.

Roosevelt has worked diligently to address many of the issues and objectives in the 2001 Master Plan and the 2007 Reexamination Report. The Borough changed its zoning to eliminate the industrial zoning north of Oscar Drive, adopted an updated Housing Plan and adopted an Affordable Housing zone for existing affordable housing in the Solar Village Senior Housing development and the creation of a new affordable housing zone on North Rochdale, supported property owners desiring to maintain their properties in the New Jersey Farmland Preservation Program in the northern part of the Borough, prepared a Redevelopment Planning Program that resulted in the rehabilitation and reconstruction of some vacant structures and prepared a comprehensive Stormwater Management Plan and Stormwater Management Regulations in accordance with New Jersey State Stormwater Management Guidelines.

The Notterman Tract east of Valley Road was acquired by the State of New Jersey and incorporated into the Assunpink Wildlife Management Area extending along the southern portion of the Borough as noted in the Master Plan. The Borough subsequently rezoned the Notterman Tract from R-AG-400/PCD to R-Ag-400.

The Borough acquired the former service station site (Block 2 Lot 4.01) on North Rochdale, initiated the required environmental cleanup, rezoned a portion of the property and made it available to non-profit organizations for use as an affordable housing site. In 2007, the County of Monmouth acquired Block 5 Lots 5, 8 and 9 consisting of 131 acres located north of Oscar Drive. This tract had been proposed for development of more than 300 homes by the U.S. Home Company. U.S. Home had filed a Builder's Remedy Lawsuit. After more than two years of litigation U.S. Home withdrew the lawsuit.

The Borough also updated several of the Borough Zoning Districts. The Borough compiled a Land Subdivision and Site Plan Ordinance in 2005 in accordance with Ordinance 187 as amended. The Planning Board compiled and drafted a codified Borough Zoning Ordinance in 2006 in accordance with Ordinance 97 adopted on May 23, 1979 and amended through June 12, 2006. The Borough Planning Board compiled recommended changes to the Zoning Ordinance including modified design standards, recommended residential parking regulations and application and review procedures. A codified Zoning Ordinance was adopted by Ordinance # 97-39 on December 15, 2011.

In June 2016, the Planning Board reviewed Ordinance #16-005, which addressed a question of an "Air B'n'B" operating in one of the residential districts. On August 2, the Board memorialized a resolution to include prohibition of "all rentals or portions of the entire residential structures or individual residences" in the R-40, R-100 and R-Ag-400 zones for durations of less than 30 days. The ordinance also added Section 4.430 to the Borough Zoning Code.

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.

The Roosevelt Borough Master Plan adopted on December 11, 2001 and amended through 2005, continues to provide an overall guide to future development within the Borough. The Borough has continued its efforts to protect the integrity of the original New Jersey Homesteads design from the mid-1930s consistent with its State and National Historic Register designation. The Borough has continued to work with County, State and non-profit organizations to preserve the original agricultural areas of the original Jersey Homesteads development plan. The Borough has also developed on-going Geographic Information System (G.I.S.) mapping of environmental features including freshwater wetlands and 50 and 150 foot wetlands transition areas, Category One Stream protection areas (300 feet) and other natural features within the Borough.

Roosevelt Borough was the first municipality in the State to adopt and submit a Housing Plan in accordance with the New Jersey Council on Affordable Housing Round 3 Rules adopted on December 20, 2004. The Round 3 Rules became subject to revisions as a result of an Appellate Court decision rendered on January 25, 2007 rejecting provisions of the Round 3 Rules pertaining to "Growth Share". On March 10, 2015, the New Jersey Supreme Court suspended the Council on Affordable Housing Administrative powers and assigned the COAH functions to the 15 Superior Court Vicinages. Roosevelt is located with the Monmouth County Vicinage. If and when the Court establishes municipal fair share allocations and adopts applicable administrative procedures, the Borough may be required to adopt a new Housing Plan and Fair Share Plan.

During the period 2007 - 2010 Roosevelt Borough, the Roosevelt Borough Planning and Zoning Board and the Roosevelt Preservation Association, LLC, were sued by the Congregation Anshei Roosevelt which owned and operated existing synagogue on a property at 20 Homestead Lane designated as Block 6, Lots 11, 12 and 13 in the R-40 Residential District and by Congregation Yeshiva Me'on Hatorah which had leased the synagogue property for use as a yeshiva. The principal lawsuit was filed in United States District Court and resulted in a 26 page decision on August 28, 2008 dismissing the lawsuit. The decision was recorded as Congregation Anshei Roosevelt and Congregation Yeshiva Me'on Hatorah vs. Roosevelt Borough et al, Civ. No. 07-4109 (GEB).

The second case involved the denial of a proposed dormitory on Homestead Lane related to the proposed yeshiva by Yeshiva Me'on Hatorah. A Monmouth Superior Court decision upheld the Borough Planning and Zoning Board denial of the use of an existing single family residence as a student dormitory. The decision was recorded as Congregation Anshei Roosevelt and Congregation Yeshiva Me'on Hatorah vs. Roosevelt Borough et al, Superior Court of New Jersey, Monmouth County Law Division, Docket No. Mon-L-4386-08

Houses of worship and school uses are permitted in the R-AG 400 district (Section 4.500), so long as the intensity of the use is consistent with the conditional use requirements for houses of worship included in the Roosevelt Zoning Ordinance in Section 7.440. Dormitory use, which Roosevelt is not required to provide under the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), was not a permitted use in the R-40 or any other district in the Borough. One issue before Roosevelt was whether it could find a means of accommodating religious schools desiring dormitory uses within its boundaries consistent with the Master Plan and the historic designation of Roosevelt as “Jersey Homesteads” under the Federal and State Registers of Historic Places. While the Federal Religious Land Use and Institutionalized Persons Act (RLUIPA), Public Law 106–274, codified as 42 U.S.C. § 2000cc et seq., may not govern dormitory uses, Roosevelt amended the Zoning Ordinance to provide for dormitory use for private schools contiguous to and located on the same property as the private school within the R-Ag-400 Zone (Ordinance #97-36). The ordinance required that such facilities be located on sites large enough to accommodate a school, dormitory and related facilities without impairing the important National and State designated historic land use elements of the Borough’s Jersey Homestead residential and planned development heritage as provided for in the Borough Master Plan and Zoning Ordinance.

As a result of the adoption of Ordinance #97-36 on April 23, 2007, which permitted houses of worship, religious schools and dormitories within the R-Ag 400 Residential Agricultural Zone, a property owner (and residents) in the zone, filed a lawsuit against the Borough since the amendment could potentially affect their single family residential property. The case was filed as Carduner v. Borough of Roosevelt, et al, Superior Court of New Jersey, Monmouth County Law Division, Docket No. MON-L-2791-07. At issue were questions of public notice for the Reexamination Report adopted by the Planning Board on March 29, 2007 and the fact that the Borough Council Resolution citing reasons for adoption of the ordinance which was deemed inconsistent with the adopted Borough Master after adoption of the Ordinance even though the resolution was at the same meeting. Judge Lawson, in a written opinion on May 29, 2008, dismissed the plaintiff’s allegation and upheld the Borough Council and the Planning Board actions.

The Planning Board undertook the identification and recommended five sites in the Borough to be in need of redevelopment in 2003. One of the sites designated as being in need of redevelopment in was an abandoned gas and service station referred to as the “Garage Site” on North Rochdale on Lots 4.01 and 4.03 in Block 2. A Redevelopment Plan was prepared for the site and adopted by the Borough Council on November 10, 2003 as a potential “Affordable Housing Site”.

In November 2015 Alan Mallach, AIP, FAICP prepared a new redevelopment plan for the “Garage Site” and designated as the “Roosevelt Gateway Redevelopment Area”. The new Roosevelt Gateway Redevelopment Plan was designed to permit a variety of retail sales, retail services and offices on the site. It was adopted by Ordinance #16-02 by the Borough Council on April 26, 2016. The Ordinance also deleted the AH Affordable Housing Zone for the site.

Ordinance #123, “An Ordinance Providing for the Designation and Preservation of the Historic District of the Borough of Roosevelt, New Jersey.”, adopted on April 9, 1986, was amended by Ordinance #123-1 to establish procedures and standards for determining whether a building within the designated Historic District is suitable for demolition. Ordinance #123-1 provides in part that:

123-3.1.1 “The Construction Official, the Borough Engineer and an engineer certified by the State of New Jersey to do such an evaluation (“Owner’s Engineer”) retained by the owner each determine that the Structure (a) is not in compliance with applicable codes, (b) does not otherwise qualify for its historic use under any exemption from or grandfathering provision of applicable codes and (c) the condition of the structure is an imminent danger to persons or property.”

The Planning Board, exercising its rights as the designated Borough Historic Preservation Commission, recommended to the Borough Council in 2014 that the dwelling known as the Britton House, located at 30 Homestead Lane (Block 6, Lot 16), be designated by the Council as a Principal Historic Structure, as defined in paragraph 1.4 of Ordinance #123. The Britton House dates from the period of approximately 1830 to 1850 (as noted in the nomination for inclusion of the Borough in the National Register of Historic Places) and clearly predates the period 1936-1939 applicable to designation as a Principal Historic Structure. The Borough Council approved the designation of the Britton House as a Principal Historic Structure by resolution on November 10, 2014.

D. THE SPECIFIC CHANGES RECOMMENDED FOR THE MASTER PLAN AND DEVELOPMENT REGULATIONS, IF ANY, INCLUDING UNDERLYING OBJECTIVES, POLICIES AND STANDARDS, OR WHETHER A NEW PLAN OR REGULATIONS SHOULD BE PREPARED.

1. MASTER PLAN. The Borough Master Plan was adopted on December 11, 2001. Changes are recommended in the Master Plan to bring it into conformance with revisions to zoning regulations and the Zoning Map (as last amended on October 10, 2005), in the preservation of farmland tracts and with updated environmental constraints established by the NJDEP on February 2, 2004 resulting from the NJDEP designated 300 foot Special Water Resource Protection Areas along Category One Streams including areas along the Assunpink Creek, Empty Box Brook and Stony Brook and to include Block 2 Lots 4.01 and 4.03 commonly known as the “Garage Site Redevelopment Site” which were designated for Redevelopment by Ordinance #16-002 as a “Redevelopment Site”.

The Land Use Plan Element of the Master Plan was adopted in 2001. It is recommended that the Land Use Plan Element be updated to reflect the current Zoning Map as last amended October 10, 2005 and to include Block 2 Lots 4.01 and 4.03 commonly known as the “Garage Site Redevelopment Site” which was designated for Redevelopment by Ordinance #16-002 as a “Redevelopment Site”.

The Housing Plan Element may require changes pending the results of a decision on March 10, 2015 by the New Jersey Supreme Court to remove the administrative powers of the Council on Affordable Housing and transfer those powers to 15 Superior Court judges throughout the State. The Housing Plan should be reviewed and updated, if necessary, once the courts have established projected municipal affordable housing obligations and once updated guidelines and or rules for preparing and implementing affordable housing plans are adopted.

Incorporate the Environmental Resource Inventory completed in 2015 and the Forest Management Plan developed by the Environmental Commission into the Master Plan.

The Planning Board recommended approval of a “land or property exchange agreement” between Elsbeth Battel, owner of Footlight Farm, and the Borough of Roosevelt in 2014. The Borough Council adopted Resolution 14-105 on October 14, 2014 approving the property exchange and applying for approval from the NJDEP and the State House Commission for diversion of parkland that has Green Acres restrictions in accordance with N.J.A.C. 736-26. Footlight Farm is located at Lake Drive and Spruce Lane. The property exchange would exchange 12.8215 acres of Footlight Farm property fronting on South Valley Road for 2.5 acres of Borough owned property with Green Acres restrictions fronting along the north side of Clarksburg Road (CR 571) east of Spruce Lane. Following approval of the exchange, it is recommended that the Land Use Plan of the Master Plan be revised to reflect the revised ownership of the two parcels. The exchange of properties, when finalized, will promote the objectives of the Master Plan by converting 12.8215 acres of private land into public open space and extending the Greenbelt Concept of the original 1936 development plan for Jersey Homesteads that clustered the houses around common open space areas in the middle of each block. The property exchange is subject to Monmouth County Planning Board and formal approval from Green Acres (NJDEP) and the State House Commission. Following these approvals, property transfer deeds will be filed with the Monmouth County Clerk’s Office.

The Planning Board notes that notice requirements for adoption of Master Plans and Master Plan amendments were revised with approval of P.L. 2016 Chapter 21 on August 1, 2016 which established the Office of Planning Advocacy in the Department of State. Notice to the Office of Planning Advocacy is required comparable to notice requirements to the County Planning Board, i.e. 10 days advance notice of a public hearing on a master plan or master plan amendment and filing of a master plan and master plan amendment within 30 days following adoption by the planning board.

2. ZONING ORDINANCE. The Zoning Ordinance was reviewed, partially updated and codified in 2014. No major changes were made to the Borough Zoning Districts. A study of the R-40 Zone was undertaken in 2013. At that time it was recommended that the R-40 Zone be revised to R-20 for most of the developed portion of the Borough that was platted with 100 ft. x 200 ft. lots to more accurately reflect the actual size of the lots. In addition two areas were recommended to be rezoned to R-18 where the lots are 90 ft. x 200 ft. If these changes are approved by the Borough Council, it is recommended that the Planning Board amend the Master Plan to reflect these changes.

It is recommended that the buffer provisions pertaining to non-residential properties be reviewed.

It is recommended that parking standards for residential properties should be reviewed and updated pursuant to past studies by the Planning Board.

It is recommended that the issue of the parking of recreational and commercial vehicles in the residential zoning districts be reviewed.

It is recommended that the standards for open storage and storage structures on residential properties reviewed, including the potential need for specific standards governing the use of recreational vehicles and accessory buildings for storage.

It is recommended that there be a review of the Zoning Ordinance to identify if there are any provisions that would create barriers to residents being able to “age in place.”

It is recommended that the Zoning Map be updated to identify the “Garage Site Redevelopment Area” and upon development to be rezoned to reflect the type of development that actually occurs such “C-Commercial”.

It is recommended that the Planning Board consider the addition of a Circulation Plan Element to the Master Plan, which would address improvement to the Borough’s pedestrian infrastructure.

OTHER REGULATORY ORDINANCES

The Planning Board recommends the consideration of an ordinance to address salvage businesses in residential zones since several unsightly outdoor storage area situations have become problematic. The ordinance should distinguish the difference between "Yard Sales" and "Flea Markets".

The Planning Board should consider recommending an ordinance governing the use of recreational trailers as storage.

E. THE RECOMMENDATIONS OF THE PLANNING BOARD CONCERNING THE INCORPORATION OF REDEVELOPMENT PLANS ADOPTED PURSUANT TO THE "LOCAL REDEVELOPMENT AND HOUSING LAW", P.L. 1992, C. 79 (C.40A:12A-1 ET AL.) 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.

As noted above, it is recommended that “Roosevelt Gateway Redevelopment Area” be included in the Land Use Plan Element of the Master Plan as a designated “Garage Site Redevelopment Area” and, upon development, be revised to reflect the actual use category such as “Commercial”. Similarly, the Zoning Map is recommended to be revised to identify Block 2 Lots 4.01 and 4.03 as the “Garage Site Redevelopment Area”.

The Planning Board finds that there are no additional areas or specific sites in Roosevelt that require redevelopment in accordance with N.J.S.A. 40A:12A-1 et seq., the Local Redevelopment and Housing Law, at this time.