

MASTER PLAN REEXAMINATION REPORT

BOROUGH OF FAIR HAVEN
MONMOUTH COUNTY, NEW JERSEY

Prepared for the

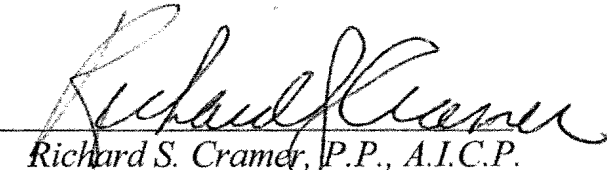
BOROUGH OF FAIR HAVEN PLANNING BOARD

By



Eleven Tindall Road
Middletown, NJ 07748

December 8, 2005


Richard S. Cramer, P.P., A.I.C.P.
License No. 002207

Approved December 13, 2005 by the Borough of Fair Haven Planning Board

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

BOROUGH OF FAIR HAVEN

MASTER PLAN REEXAMINATION REPORT

December 2005

INTRODUCTION

The Borough of Fair Haven Planning Board periodically reviews its Master Plan, Zoning Map, and Zoning and Land Development Regulations as required by the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-89).

The purpose of the periodic reexamination is to maintain a current local plan by recommending changes to the plan and regulations. The changes are responsive to community needs and ensure that the Borough Plan meets the purposes of planning and zoning as provided by the Municipal Land Use Law. The Borough is required to complete a periodic reexamination at least once every six years from the previous reexamination. The Borough Planning Board has compiled this report to meet the law's periodic reexamination requirements.

THE BOROUGH MASTER PLAN AND PRIOR REEXAMINATIONS

This is the third reexamination of the Borough of Fair Haven Master Plan since its adoption in August 1991. The Planning Board first reexamined the Borough Master Plan and Development Regulations in 1997. The 1997 Reexamination Report recommended changes to the Borough plan and land use regulations. Subsequent to the 1997 reexamination, the Planning Board, from 1997 to 1998, revised the land use element, the historic preservation element, the housing element, and the circulation element of the Master Plan.

In December 1998, the Borough Council adopted a revised land use ordinance and zoning map.

In 1999, the Planning Board completed a second reexamination and issued a report recommending additional changes to the Borough land use regulations. The Borough Council adopted further revisions to the land use regulations to implement the Planning Board's recommendations.

In 2005, the Borough Planning Board created a subcommittee to assist the Planning Board in preparing a third reexamination report to address the requirements for a periodic reexamination of the Borough plan and regulations. Six advisory members from the community supported the subcommittee. The advisory members included representatives from the business community, the Borough Environmental Commission, the Borough Zoning Board of Adjustment, the Long Range Planning Committee, and the residential community.

CONTENT OF MASTER PLAN REEXAMINATION REPORT

The Municipal Land Use Law (N.J.S.A.40:55D-89) specifies the topics that the Borough Reexamination Report must address. The Borough report must review the problems and objectives relating to land development at the time of the last reexamination; it must evaluate the Borough's progress in addressing the problems and objectives identified in the prior Borough reexamination; it must identify changes that have occurred that would affect the Borough plan and regulations; it must recommend changes that should be made to the Borough Master Plan and Development Regulations; and it must indicate whether any plans adopted pursuant to the Local Housing and Redevelopment Law should be included as part of the Master Plan and land use regulations.

Accordingly, this report addresses each of the required topics.

THE MAJOR PROBLEMS AND OBJECTIVES RELATING TO LAND DEVELOPMENT IN THE BOROUGH OF FAIR HAVEN AT THE TIME OF THE LAST REEXAMINATION REPORT IN 1999.

The 1999 reexamination noted that the overall assumptions, policies and objectives of the Borough Master Plan had not changed. It reviewed the Borough concern, expressed in

the 1997 reexamination, that the intensification of development in the Borough's residential neighborhoods would result in increasingly large building expansions and large infill dwellings that would be out-of-scale, oversized and out of character with the Borough neighborhoods. The resulting impact would be to the detriment of the visual environment of the community and deprive residents of the privacy and the quality of neighborhood light, air, open space that the Borough enjoys. The Borough further desired to maintain neighborhood character and a varied housing stock affordable to all income groups.

In an effort to address those problems, the reexamination noted that the Borough Council had revised the Borough land use regulations and enacted standards to control the intensity of development. The 1999 reexamination recommended additional revisions to the land use regulations to control building coverage, building height, and the maximum permitted building size as measured by habitable floor area. It also recommended a clarification of the regulations controlling the use of vacant nonconforming lots and the expansion of nonconforming structures.

The reexamination noted an ongoing review of the Master Plan recommendations for the Borough historic district and that the Borough had retained an historic preservation consultant to draft a revised ordinance to address the historic preservation objectives of the Borough Master Plan and address the concerns of property owners and residents over the regulation of the historic district.

THE EXTENT TO WHICH THE PROBLEMS AND OBJECTIVES RELATING TO LAND DEVELOPMENT HAVE BEEN REDUCED OR HAVE INCREASED SUBSEQUENT TO THE LAST REEXAMINATION.

Subsequent to their adoption, the Borough land use regulations limiting "monster homes" became subject to legal challenge. The objective of the Borough regulations was to maintain a diversity of housing within Fair Haven and protect the character of the Borough's residential neighborhoods. The litigation ended in 2003 with the decision of

the New Jersey Supreme Court in *Rumson Estates v. Mayor of Fair Haven*. The decision upheld the Borough zoning regulations capping the size of dwellings permitted in each zone district. The decision was an important legal milestone for land use controls in developed communities such as Fair Haven and an affirmation of the Borough effort to ensure that new building construction and expansions are compatible with neighborhood character. Although the Borough cap that was upheld by the Supreme Court was for the floor area of residential dwellings, the principle established is far reaching and has been cited as a basis for controlling non-residential development as well, such as "big box" stores. Municipalities rely upon the Fair Haven decision as the legal authority for local efforts to control tear-downs and "monster houses" that are out of character with residential neighborhoods. The case also established that an ordinance could require that each lot contain a minimum land area that is unencumbered by environmental constraints such as wetlands or floodplains. Moreover, it established that the New Jersey Municipal Land Use Law (MLUL) allowed local zoning ordinances to define terms differently from the MLUL definition, as long as the local definition met the intent of the law.

Ordinance Revisions

Subsequent to the 1999 reexamination, the Borough continued to periodically amend its development regulations. The modifications responded to the recommendations of the 1999 reexamination as well as the Borough experience with continued building expansions and the impact on the Borough's residential neighborhoods. The Borough increased side yard setback requirements in residential neighborhoods and increased the required rear yard for development in the B-1 Business District adjacent to residential zones. The ordinance regulations were modified to permit the use of isolated undersized lots and alterations to nonconforming structures. The Borough adopted minimum setback requirements to streams to protect water quality. The Borough modified the zone regulations to permit wireless telecommunications facilities ("cell towers") in the PB Public Use District.

The Borough amendments to the land use regulations adopted subsequent to the last reexamination have included the following ordinances. The ordinances are listed in the order of their introduction and adoption.

- ❑ Ordinance B427, adopted 1999, revises the definition of building height, modified the fee requirements, and modified the standards for street width.
- ❑ Ordinance B434A, adopted 1999, revises the definition of "building height" and "habitable floor area" and reduces the maximum permitted building coverage in residential zones R-20, R-15, R-10A, R-10B, R-10, R-7.5, and R-5.
- ❑ Ordinance B458, adopted 2000, adopts definitions for "attic" and "approved stairway" and excludes attics from the definition of habitable floor area.
- ❑ Ordinance 482, adopted 2004, revises development application fees.
- ❑ Ordinance 483, adopted 2004, amends the regulations to allow the construction of a second dwelling on a lot provided the original dwelling would be occupied for not more than one year while the second dwelling was constructed, and further provided that the original dwelling would be demolished within thirty days of the issuance of a certificate of occupancy for the new dwelling.
- ❑ Ordinance 486, adopted 2004, revises the schedule of permitted uses to permit wireless telecommunications facilities ("cell towers") in the PB Public Use District.
- ❑ Ordinance 489 corrects the codification of the definition of "habitable floor area".

- ❑ Ordinance 7-11-05A and Ordinance 7-11-05B, adopted 2005, amends the regulations to authorize construction on property which contains preexisting nonconformities or the development of isolated nonconforming lots.
- ❑ Ordinance 9-26-05C, adopted 2005, requires a riparian buffer of 300 feet along the Navesink River and a buffer of 25 feet along other streams, lakes, or ponds in the Borough.
- ❑ Ordinance 9-26-05E, adopted 2005, increases the rear yard setback required for properties in the B-1 zone next to a residential zone from 10 feet to 30 feet.
- ❑ Ordinance 10-24-05A, adopted 2005, regulates the feeding of wildlife.
- ❑ Ordinance 10-24-05B, adopted 2005, regulates connections to the municipal stormwater system.
- ❑ Ordinance 10-24-C, adopted 2005, establishes litter regulations as part the municipal approach to improved stormwater management.
- ❑ Ordinance 10-24-D, adopted 2005, regulates pet waste as part the municipal approach to improved stormwater management.
- ❑ Ordinance 10-24-05E, adopted 2005, increases side yard setback requirements in the R-5, R-7.5, R-10, R-10A, R-10B, R-15, R-20, R-30, and R-40 residential districts.

- Ordinance 10-24-05F, adopted 2005, further amends the provisions of Ordinance 7-11-05B to specifically include lots which contain a pre-existing building, or structure.

Other Planning Initiatives

In addition to revising the land use ordinance, the Borough established a Long Range Planning Committee, the Borough Environmental Commission completed a new environmental resource inventory, the Borough planning consultant completed a report on the Borough's realistic development potential for affordable housing, and the Planning Board amended the Master Plan to include a stormwater management plan element.

Current Issues and Problems

The Borough Planning Board has ongoing concerns with the effectiveness of its zoning standards to maintain the character and scale of its residential neighborhoods. It also is concerned with the character and the future of the B-1 Business District; the Borough need for affordable housing; traffic safety issues; and the need to enhance and protect the Borough's remaining open spaces and environmentally and culturally significant features. The Borough concerns are discussed below.

Residential Neighborhoods - The residential neighborhoods of Fair Haven continue to experience the impact of infill development, "tear-downs", and the expansion of existing buildings. The Borough has amended the land use ordinance definitions and bulk standards several times in an effort to maintain appropriate yard space and building mass and height.

Home Occupations - The Borough regulations permit home occupations and home businesses in residential districts as an accessory use. The variety of uses permitted under the umbrella of home occupation, and the limited review required for these uses, is a concern. The Borough needs a more effective approach to reviewing and permitting home occupations and home businesses, particularly those uses that generate non-family employees at a home site and/or traffic from client or patient visits.

Business District - The Borough has concern with the future of the B-1 Business District. The Borough foresees a need to improve the district for reasons of traffic safety, compatibility with adjoining residential zones, enhancing the community image, and for developing or redeveloping new uses that would be beneficial to the Borough. With respect to the edges of the B-1 district adjoining single family residential zone districts, buffer and screening requirements should be set to better protect the residential neighborhoods from the impact of commercial use and operation such as hours of operation during the night, lighting, traffic movements, visual impact, and related planning concerns.

The character of the business district and the design of commercial buildings is an issue. The image projected by the business district is not uniform, its visual environment is variable, and the circulation system is not pedestrian friendly.

The Borough is also concerned that the high impervious coverage limit permitted in the business district conflicts with the need for better stormwater management and the conservation of the Borough's streams and surface waters.

Pedestrian and vehicle movements between commercial sites in the B-1 district can be difficult and conflicting. To facilitate convenient and safe circulation for pedestrians, school children, bicyclists, and automobiles, the Borough foresees a need for pedestrian-friendly design and traffic calming along River Road. Linking off-street parking sites, shared parking arrangements, and/or locating parking to the rear of buildings to allow for an attractive main shopping street is desirable.

The Borough housing stock consists primarily of single family detached housing. Opportunities to expand the housing stock for smaller households are limited. To diversify the available housing opportunities, the B-1 district has potential for mixed residential and commercial renovations or expansions that feature apartments over commercial uses. Age-restricted housing and affordable dwelling units would be appropriate to the business district of the Borough.

Pedestrian Circulation - With its compact town design and residential areas close to shopping and community facilities, pedestrian activity in the Borough is significant. All Fair Haven students attending Borough schools either walk, bike, or are driven to school. Children also frequently walk or bike to the Borough's park and recreation areas and to the business district. Third Street is a major thoroughfare for school children to walk, however it is a narrow street that lacks sidewalks for much of its length.

Consequently, pedestrian safety is an ongoing issue. To provide safe and convenient pedestrian circulation, the Borough should establish a sidewalk fund ordinance as a dedicated revenue source for improving sidewalks or pedestrian paths within the Borough based on an overall circulation pedestrian and bicycle circulation plan.

Environmental, Recreational, and Cultural Features - Although the Borough is a developed community, it is characterized by environmental and cultural features that are important to the quality of life enjoyed by residents and Fair Haven's attractiveness as a place to live. Environmental features include stream corridors and ponds, the Navesink River, and passive open space and natural areas such as the natural areas at Fair Haven Fields and the Harding Bird Sanctuary. Active recreation areas are located on Third Street, Willow Street, and Fair Haven Fields. The Borough dock on the Navesink River at Fair Haven Road provides opportunities for fishing and passive enjoyment of the River. Cultural features include the Borough historic district and individual historic buildings such as Fisk Chapel, as well monuments such as the War Memorial and the recently completed 9/11 Memorial at Memorial Park. Although the Navesink River is a major feature that provides opportunities for both passive and active recreational enjoyment, public access is limited. Increasing the opportunities for community access to the Navesink River is desirable.

The Borough needs to plan and establish a program of specific improvements to maintain, protect, and enhance its environmental, recreational and cultural features. To supplement local funds and volunteer efforts, the Borough should seek to establish a

dedicated fund for environmental projects similar to the environmental disturbance ordinance established by Middletown Township. The Borough should also establish a local preservation trust fund with locally dedicated revenues that can be used to leverage funds available from the County and from the Garden State Preservation Trust for historic preservation and open space projects.

Affordable Housing - There is a need for affordable housing within the community and a need to consider new approaches to create affordable housing. Different approaches to addressing the Borough affordable housing needs would include a review of Borough owned land to determine if any town-owned property is available and suitable for affordable housing construction, creating and funding an accessory apartment program, actively promoting mixed use residential development in the business district (provided it includes affordable housing), establishing an affordable housing trust fund as a dedicated revenue source to support affordable housing in the Borough, and working with non-profit organizations to provide affordable housing.

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.

Borough Assumptions, Policies, Objectives and Goals. In general, the policies and goals of the original Borough Master Plan continue to be valid. In addition, the Borough Planning Board recently amended the Master Plan to include a stormwater management element that establishes Master Plan goals and objectives for the protection of water resources in the Borough.

Moreover, upon review and reexamination, the Planning Board finds a need for more effective efforts to do the following:

- Protect and enhance the small town and historic character of the Borough and the

desirable residential qualities of its neighborhoods.

- ❑ Improve and redevelop the Business District as the "Main Street" of the community. The Business District on River Road functions as the "Main Street" of Fair Haven for commercial as well as civic activity. The concept of a "Main Street" as the principal business street of a small American town and the heart of civic life is rooted in the town planning traditions of this nation. The concept is well suited to Fair Haven and the Borough Business District, which includes retail stores and personal services as well as professional and business offices, restaurants, and civic uses such as Borough Hall, the Borough Library, and the Post Office.
- ❑ Protect, restore, and maintain the important environmental and cultural features of the Borough.
- ❑ Plan for and make improvements that support a safe, convenient, and efficient circulation pattern for pedestrians and bicyclists.
- ❑ Improve the enforcement of Borough development regulations and monitor compliance with the conditions of development approvals.
- ❑ Provide opportunities for affordable housing and age-restricted housing in the Business District.

CHANGES WITH REGARD TO THE DENSITY AND DISTRIBUTION OF POPULATION AND LAND USES AND HOUSING CONDITIONS

Density and Distribution of Population and Land Use. The overall density and distribution of population and the land use pattern within the Borough have not changed substantially since the last reexamination in 1999. The housing stock continues to be in overall good condition. The Borough is a small, developed residential community approximately 1.6 square miles in area. Its population peaked in 1970. Population declined until 1990, largely as a result of changes in demographics and shrinking household size. The increase in

population since the 1990 census is the result of demographic shifts as younger households with children replaced smaller older households. There has also been a modest increase in the number of dwelling units in the community. The current estimated average household size of the Borough is 2.97 persons per household.

Since the Borough is largely developed, there has not been a significant increase in the number of dwelling units since the last reexamination. In 1990, the Census reported that Fair Haven had a total of 1,967 dwelling units. In 2000, the Census recorded 2,037 dwelling units in the Borough. As of 2004, the Monmouth County Planning Board estimates that the Borough has 2,056 dwelling units. However, the Borough is an attractive community and is in a very desirable location for residential and supporting commercial land uses. Consequently, development continues to occur either as infill within developed neighborhoods, as expansions of existing buildings, as re-subdivision of lots, or as tear-down and new construction on existing lots.

BOROUGH OF FAIR HAVEN
POPULATION CHANGE 1970 – 2004

	1970	1980	1990	2000	2004
Population	6,142	5,679	5,270	5,937	5,990

Source: US Census, Monmouth County Planning Board

CHANGES IN 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.

There have been no significant changes to the overall circulation pattern within the community. The Borough has made changes to improve the efficiency of the Borough recycling program and the curbside collection of recyclables. There have been changes at the State level affecting the Borough either through Court decisions or State programs that affect Borough planning. Those changes are summarized below.

New Jersey Supreme Court Decisions. An important decision by the New Jersey Supreme Court in 2003 (*Rumson Estates, Inc. vs. Mayor and Council of the Borough of Fair Haven*) was favorable to municipalities and reversed an earlier Appellate decision (*Manalapan Builders v. Manalapan Township*) that had ruled it impermissible to deduct critical environmental features such as flood plains and wetlands from minimum lot area calculations. The Supreme Court decision greatly broadens the municipal ability to apply the terms and definitions of the New Jersey Municipal Land Use Law and enact standards to promote a valid public purpose, such as environmental protection or to protect the character of stable neighborhoods.

Council on Affordable Housing. The New Jersey Council on Affordable Housing (COAH) has adopted new rules to address the State's affordable housing needs for the period 2004 to 2014. The rule requires that, in future, the Borough fair share of the affordable housing need will be based upon the actual residential and employment growth that occurs in Fair Haven over the next ten years. Under the proposed rule, the Borough would be required to develop a strategy to ensure the development of one affordable housing unit for every ten units of new construction. In addition, it would be required to provide one affordable unit for every thirty jobs that are created in new or substantially rehabilitated non-residential development. COAH has estimated that the Borough will incur a growth share for three affordable units for the period 2004 to 2014. The Borough has a prior obligation from the prior period 1987 to 1999 of one hundred forty one

affordable units. The Borough has documented that it has no realistic development potential for producing the one hundred forty one units. The Borough obligation will be to meet its growth share responsibilities and to make a good faith effort to capture opportunities that create affordable units to help address the "unmet need" from the prior period.

State Plan. The State is revising the State Plan and has initiated the cross acceptance process for the changes. The Borough has participated in the County cross acceptance process for the State Plan and the County Cross Acceptance Report to the Office of Smart Growth incorporates comments made by the Borough in response to the County planning questionnaire on the State Plan.

Stormwater Management. On January 5, 2004, the New Jersey Department of Environmental Protection adopted new rules to establish and implement a Municipal Stormwater Regulation Program. The rule is part of a comprehensive approach being taken by the State to address the water quality and the water quantity problems that arise from nonpoint pollution and the loss of groundwater recharge areas. The rules at N.J.A.C. 7:8-4.3(a) require that a municipality adopt a municipal stormwater management plan as an integral part of its master plan. The Borough Planning Board satisfied the planning requirement and adopted the stormwater plan in March 2005. Within one year of the adoption of the stormwater plan, the municipality must adopt stormwater control ordinances to implement the plan. The Borough has begun to adopt the necessary ordinances.

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.

Master Plan Recommendations. As a result of this reexamination, the Planning Board recommends the following changes to the Borough Master Plan.

Business District Plan - The Borough should revise the Master Plan to include a sub-plan element specifically for the B-1 and the B-2 Borough Business District areas on River Road from Smith Street to Locust Avenue and from Church Street to Oak Place. Although the B-1 and B-2 zones permit mixed use residential development as a conditional use in the zone, there has been little interest by property owners or developers to take advantage of those provisions. The sub-plan should focus on directing the future development and improvement of the business district so that it is clearly identified and functions as Fair Haven's "Main Street" and commercial and civic center. The plan should address the relationship and linkages of the district to the adjoining residential areas; identify improvements to the district for the convenient, safe, and efficient circulation for pedestrians, bicyclists, and, vehicles; provide recommendations to encourage mixed use residential and commercial development; and provide recommendations to improve the image of the business district and its buildings based upon a common design theme suitable to the Borough.

As part of an overall plan for the business district, the Borough should establish building design standards and an architectural review process so that building design is compatible with the residential character of the Borough and consistent with the "Main Street" concept. The review process should include the creation of an Architectural Review Committee as an advisory board to help guide decision-making on development proposals and applications.

Circulation Plan - The Borough should revise the Master Plan to update the circulation element to include a sub-plan element for pedestrian and bicycle circulation that identifies specific areas in need of sidewalks or improvements. The recommendations should be prioritized for inclusion as part of a capital improvement program. The Borough Engineer has previously studied the need for bicycle and pedestrian improvements and sought funding to implement them. The circulation element of the plan should be coordinated with the study recommendations.

Conservation, Recreation, and Open Space Plan - The Borough should update the Master Plan conservation, recreation and open space element to coordinate with the recently compiled environmental resource inventory and the stormwater plan element of the Master Plan adopted in 2005. The element should be drawn to meet State Green Acres program guidelines. It should identify easements or open space purchases to protect stream corridors and surface waters such as Schwenkers Brook, Schwenkers Pond, Doughty's Gully, Shippees Pond, Fourth Creek, McCarter Pond, and the Navesink River. Conservation efforts should include streambank stabilization and vegetation projects to protect water resources and deter geese; and a plan to improve public access to the Navesink River. The conservation and recreation plan should be coordinated with previous studies and plans completed by the Borough Engineer for improvements to McCarters Pond and for access to the Navesink River.

Housing Plan - The Borough should update the Master Plan to include a new housing element and fair share plan, consistent with N.J.A.C. 5:94-1.1 as adopted in 2004, to address the Borough affordable housing obligation for 2004 to 2014. The Borough should file the plan with the New Jersey Council on Affordable Housing (COAH) and petition COAH for substantive certification of the plan.

Master Plan Document - The Borough Master was originally adopted in 1991 and has been amended and reexamined periodically over the past decade. As a result, the original document needs to be edited and revised as one user-friendly document for public use and reference. The Planning Board recommends that, upon completion of the changes to the Master Plan recommended in this reexamination, that the Borough edit and format the Master Plan as one user-friendly document that includes all the approved changes, maps, and graphics. The Master Plan should then be published on the Borough web site and also made available for public viewing, use, and reference at Borough Hall as required by law.

Recommended Land Development Regulations. As part of this reexamination, the Borough Planning Board recommends the following changes to the Borough development regulations.

Standards for Maximum Permitted Building Volume - The Borough has revised the development regulations several times to control "monster homes" from overwhelming the Borough neighborhoods. The standards have included limits on building floor area, building height, building coverage, and changes in definitions. However, to effectively control the total bulk and mass of the building, the Planning Board recommends that the Borough adopt standards for each zone district that establish a maximum building volume permitted on a lot. The standard will limit the total building volume that would be permitted on the lot.

Buffer and Screening Requirements Between the Business District and Residential Zone District - The minimum buffer distance and the screening requirements between nonresidential uses in the business districts and residential districts should be increased. Buffers are needed to shield residential property from unattractive views, noise, lights, or other nuisances. Typically, buffers are open spaces, landscaped areas, fences, walls, or a combination. Criteria for effective buffering include the width of the buffer and the type of material to be planted or installed.

Impervious Coverage in the Business District - The maximum permitted impervious coverage in the business districts should be reduced to reflect the need for more effective measures and improved site design to protect water quality and water resources consistent with the recommendations of the recently adopted stormwater management plan element.

Fee Ordinances - This reexamination recommends that the Borough establish, by ordinance, development requirements for fees to be dedicated to fund Borough programs for affordable housing, tree preservation, environmental mitigation, side walk improvements, and stormwater system maintenance.

Home Occupations - The Planning Board recommends that the Borough regulations permitting home occupations and home businesses in residential districts be further revised to limit the activities that would be permitted as an accessory use. More appropriate restrictions are needed to ensure that the residential neighborhood and surrounding residences are not substantially impaired by home occupations and home businesses. Occupations that involve non-family employees in a residence, or that result in client or patient visits to a site in a residential zone district, should be subject to review and approval by the Planning Board as a conditional use pursuant to a noticed public hearing.

THE RECOMMENDATIONS OF THE PLANNING BOARD CONCERNING THE INCORPORATION OF REDEVELOPMENT PLANS ADOPTED PURSUANT TO THE "LOCAL REDEVELOPMENT AND HOUSING LAW" PUBLIC LAW 1992, CHAPTER 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.

At this time, the Borough of Fair Haven has not prepared nor has it adopted any redevelopment plans based upon N.J.S.A. 40A:12A-1 et seq., Local Redevelopment and Housing Law, that would need to be incorporated into the Master Plan or require changes to the Borough development regulations.

REVENUE SOURCES FOR IMPLEMENTING PLANNING RECOMMENDATIONS.

The Planning Board recognizes that implementing the recommendations of the reexamination report and the Master Plan will require funding. The Board recommends that the Borough establish dedicated funds to help the Borough implement improvements to enhance the community, the Borough's environment, and the quality of life enjoyed by Borough residents. The Board further recommends that the Borough use those local

dedicated funds to leverage grants available from State and County government programs to help implement local projects and achieve Borough objectives.

The Borough should establish specific dedicated funds, from user fees or development fees, for affordable housing, for sidewalk improvements, for mitigating environmental disturbance, and for stormwater system maintenance.

The Borough should continue to identify and pursue opportunities through ISTEA (Intermodal Transportation Surface Efficiency Act) and TEA-21 (Transportation Equity Act for the 21st Century) for funding for local improvements that enhance or improve the Borough circulation system.

Additionally, the Borough should, through referendum, seek voter approval to establish a local open space and historic preservation trust, funded by a dedicated levy of one to two cents from the municipal property tax. The open space trust can be used to leverage grant funds from the State Green Acres Program, the Garden State Historic Preservation Trust Fund, and the County program for Borough open space, recreation, and historic preservation projects.

Finally, to help the Borough develop more detailed plans for the business district and the future of Fair Haven, the Borough should apply for a Smart Future Planning Grant from the New Jersey Department of Community Affairs. A Smart Future Planning Grant could be used to develop a more detailed plan for the redevelopment of the Borough's business district as its "Main Street". The deadline for submission for the next round of Smart Future Planning Grants is February 15, 2006.

ENFORCEMENT OF LAND USE REGULATIONS.

The Planning Board recommends that the Borough improve the enforcement of the Borough land use regulations and the monitoring of compliance with any conditions attached to the approval of development applications or variances. The Board recognizes that the Borough zoning officer is a part-time employee with limited available time. The

Board recommends that the Borough review its enforcement procedures and practices and evaluate the possibility of using the Borough Police Department to assist and support the zoning officer in enforcing the land use regulations of the Borough.