



# SEA BRIGHT DOWNTOWN PROPERTIES REDEVELOPMENT PLAN

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***PREPARED FOR:***

***THE BOROUGH OF SEA BRIGHT, MONMOUTH COUNTY, NEW JERSEY***

***APRIL 2020***

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The original of this report was signed and sealed in accordance with N.J.S.A. 45:14A-12.

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# ***TABLE of CONTENTS***

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<b>I. INTRODUCTION</b>	<b>1</b>
BASIS FOR THE PLAN	1
OVERVIEW OF PLAN	1
LOCATION OF REDEVELOPMENT AREA	2
<b>II. Vision, Goals, &amp; Context</b>	<b>7</b>
REDEVELOPMENT PLAN VISION	7
RELATIONSHIP TO MASTER PLAN AND LOCAL GOALS	8
<b>III. Land Use, Site Planning, and Building Design</b>	<b>9</b>
LAND USES	13
BULK AND MASSING	14
Building Height	15
PARKING AND LOADING	15
Parking Location	15
Loading	16
STREETSCAPE IMPROVEMENTS	16
Street Trees	16
Street Lighting	16
SITE LIGHTING	16
OPEN SPACE	16
BUILDING MATERIALS	18
RELATIONSHIP TO THE SURROUNDINGS	18
SIGNAGE	18
General Signage Requirements	18
SUPPORT SERVICES	18
Solid Waste and Recycling	18
Mechanical and Utilities	19
Telecommunications Equipment	19

# ***TABLE of CONTENTS***

---

<b>IV. Plan Consistency Review</b>	<b>20</b>
RELATIONSHIP TO SEA BRIGHT ZONING CODE	20
RELATIONSHIP TO ADJACENT MUNICIPALITIES	20
RELATIONSHIP TO THE MONMOUTH COUNTY MASTER PLAN	20
RELATIONSHIP TO THE STATE DEVELOPMENT AND REDEVELOPMENT PLAN	21
<b>V. Redevelopment Actions</b>	<b>22</b>
RELOCATION	22
OTHER ACTIONS	22
<b>VI. General Provisions</b>	<b>23</b>
DEFINITIONS	23
EASEMENTS	23
SITE PLAN AND SUBDIVISION REVIEW	23
APPROVALS BY OTHER AGENCIES	23
ADVERSE INFLUENCES	24
NON-DISCRIMINATION PROVISIONS	24
DEVIATION REQUESTS	24
ESCROWS	25
INFRASTRUCTURE	25
<b>VII. Other Provisions</b>	<b>26</b>
<b>VIII. Procedure for Amending the Approved Plan</b>	<b>27</b>

# ***LIST of FIGURES***

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<b>FIGURE 1.</b>	<b>3</b>
"Downtown" properties under consideration.	
<b>FIGURE 2.</b>	<b>4</b>
Photos of the Plan Area.	
<b>FIGURE 3.</b>	<b>10</b>
Renderings of the proposed development within the Plan Area.	
<b>FIGURE 4.</b>	<b>11</b>
The Break Hotel renderings.	
<b>FIGURE 5.</b>	<b>12</b>
Plan Area conceptual plan.	
<b>FIGURE 6.</b>	<b>17</b>
Examples of small public plazas.	



# I. INTRODUCTION

## BASIS FOR THE PLAN

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This Redevelopment Plan (“Plan”) has been prepared for certain properties, known as Block 15, Lots 2, 3, and 4 in the Borough of Sea Bright, Monmouth County, New Jersey. Land uses include a vacant building containing a dry cleaning business and a vacant lot along Ocean Avenue as well as a demolished building that once contained a school.

In this Plan, the Downtown Properties Redevelopment Area will generally be referred to as the “Redevelopment Area” or “Plan Area.”

The Borough of Sea Bright Council directed the Borough’s Planning Board on to study the area in order to determine whether it was an “Area in Need of Redevelopment” in accordance with the criteria specified at N.J.S.A. 40A:12A-5. The Borough retained the Cofone Consulting Group to conduct the Redevelopment Area investigation. A public hearing on the investigation was held by the Planning Board on June 14, 2016, and the Board recommended that the study area be designated as an Area in Need of Redevelopment by Resolution on that same date. The Sea Bright Council subsequently adopted the findings of the Planning Board on November 14, 2016.

## OVERVIEW OF PLAN

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The intent of the Plan is to allow for development that capitalizes on the Site’s location within the Borough’s Downtown area and near the Shrewsbury River and the Atlantic Ocean. The overarching objectives for inclusion in this Redevelopment Plan include the protection of the public interest; sustainability; viable residential, retail, commercial, and hotel uses; and synergies with the Borough’s Downtown, Shrewsbury River waterfront, and the Atlantic Ocean.

The Plan proposes to create an aesthetically-pleasing, mixed-use, pedestrian-friendly development with a variety of uses. Please refer to Section Four for a detailed breakdown of uses.

The Plan sets forth standards for land use, circulation, open space, parking, and design. Some Plan elements are fixed, while others are flexible in keeping with

overall Plan goals and objectives.

## **LOCATION OF REDEVELOPMENT AREA**

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Situated in northern Monmouth County, the Borough of Sea Bright has a total area of 1.287 square miles of land, according to the United States Census Bureau. The Borough is bordered to the north by Highlands Borough and the southern portion of Sandy Hook, the east by the Atlantic Ocean, the south by Monmouth Beach, and the west by the Shrewsbury River.

The Redevelopment Area is generally characterized by a vacant building containing a dry cleaning business and a vacant lot along Ocean Avenue as well as a demolished building on River Street that once contained a school.

The Redevelopment Area is located along and immediately to the west of the Ocean Avenue downtown area. See Figure 1, Location of Redevelopment Area.

Figure 1.

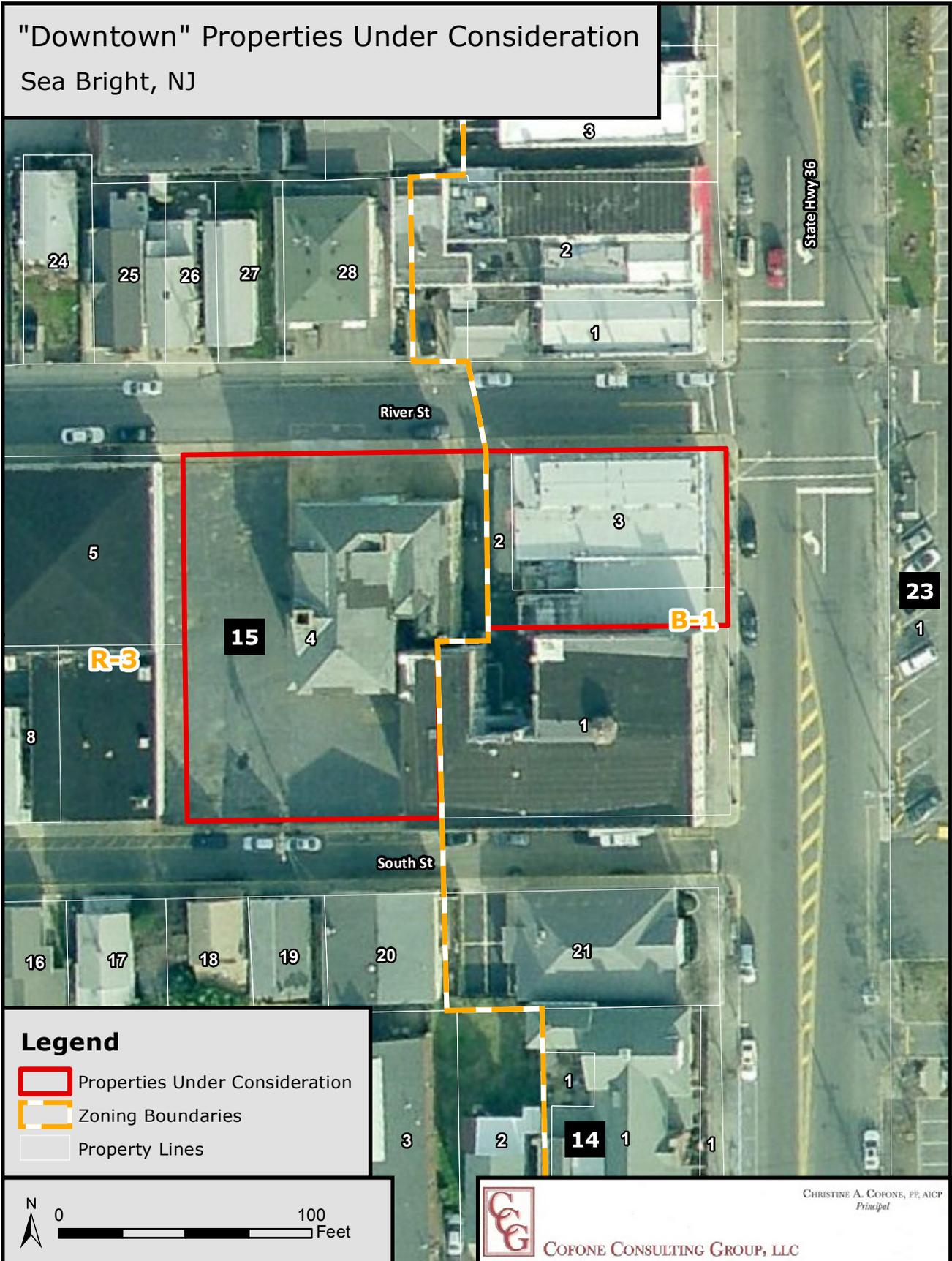


Figure 2. Photos of the Plan Area:





## II. VISION, GOALS, & CONTEXT

### REDEVELOPMENT PLAN VISION

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The following is a summary of the key Redevelopment Plan goals.

- Provide for the type of redevelopment that removes the existing stagnant influence and provides invigorating land uses that serve the community.
- Capitalize on the proximity to the Shrewsbury River, the Atlantic Ocean, and New York City.
- Recognize the importance of the Plan Area as a focal point within the Downtown and larger community that demonstrates ongoing progress in the Borough.
- Develop a mixture of uses that are consistent with smart growth principles and important for potential employment opportunities and tax ratable and economic growth.
- Establish site and building design standards that foster a visually pleasing streetscape and inviting, high quality, and environmentally sustainable construction within the Plan Area.
- Create an enjoyable pedestrian experience that takes into account lighting, scale, street decorations, and other features.
- Allow a flexible range of uses to facilitate high occupancy levels and create a viable mix of uses that provide for outdoor spaces where feasible.

## RELATIONSHIP TO MASTER PLAN AND LOCAL GOALS

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The Borough published its first Master Plan in April 1989. Subsequent related planning documents include the Reexamination Report of the Master Plan and Development Regulations in 1996, Recycling Plan Element of the Master Plan in 1996, Stormwater Management Plan Element of the Master Plan in 1996, the Housing Plan Element of the Master Plan in 1996, Reexamination Report of the Master Plan and Development Regulations in 2003, the Downtown & Oceanfront Smart Growth Plan in 2007, the 2020 Recovery Plan in December 2013, the Strategic Recovery Planning Report in 2014, and a Master Plan in 2017.

The 1989 Master Plan contains a variety of goals and objectives to guide the future development of the Borough. Specific to the context of the Plan Area, certain goals and objectives are as follows:

The Borough should undertake a comprehensive redevelopment plan for the Central Business District (See separate CBD Plan). The plan would serve to improve the efficiency and aesthetics of the business district which would in turn strengthen the Borough's resort character. (Page 16(c)).

The 1989 Master Plan also identified various issues within the Central Business District, which includes properties adjacent to the Shrewsbury River:

In order to formulate a comprehensive plan for Sea Bright's Business District, the existing physical characteristics of the CBD were first assessed. For the purposes of this plan, the CBD has been defined as the central portion of the Borough on either side of Ocean Avenue (Route 36) between Osborne Street and the Shrewsbury Bridge.

The Borough's business district currently suffers from a number of design problems. These include inadequate and inefficient parking facilities design, no unifying architectural theme, and the lack of street trees and "green areas".

The area includes those properties within the B-1 central business zone, as well as the municipally owned properties east of Ocean Avenue and the R-2 residential properties adjacent to the Shrewsbury River. (Page 45-1)

The 1989 Master Plan further discussed infill development of vacant parcels:

Infill Development of Vacant Parcels – There are several vacant parcels located within the CBD. These include two parcels on the west side of Ocean Avenue. One parcel is located at the intersection of Ocean Avenue and Surf Street, and the second is at the intersection of Peninsula

Avenue and Ocean Avenue. The frontages of these properties should be developed with commercial uses with buildings of similar mass and style to the adjacent buildings. The rear portion of the lot adjacent to the Shrewsbury River at the end of Peninsula Avenue might be appropriately used for townhouses or condominiums. (Page 47-e)

Following the 1989 Master Plan, there were no changes specifically recommended within the Study Area in 1996 and 2003.

In 2007, the Borough issued a "Downtown & Oceanfront Smart Growth Plan," which proposed to retain and "spur more [commercial] vitality" along Ocean Avenue, while simultaneously encouraging higher density residential development and providing for riverfront access in the area to the west of Ocean Avenue.

Following Hurricane Sandy, which struck in October 2012, in December 2013 the Borough issued the "Sea Bright 2020 Recovery Plan," which highlights key recovery issues, summarizes recovery projects developed to address those issues and outlines the community's strategy for moving forward in the aftermath of Hurricane Sandy.

The 2020 Recovery Plan summarized the widespread damage inflicted on the Borough:

The Borough of Sea Bright was heavily damaged by both waves from the ocean and flooding from the Shrewsbury River. Public facilities, infrastructure, the business district, and virtually all neighborhoods were impacted. Of the Borough's seven private beach clubs, three were completely destroyed by Hurricane Sandy and one was seriously damaged. The municipal beach building was completely destroyed and other public facilities, including the Borough Hall, the firehouse, the library, and police building sustained damage. The Borough's business district was heavily impacted by both wave damage and flooding. Several buildings have been demolished and many others remained boarded up a year later.

Virtually all of the structures in the Borough sustained flood damage. Of the 1,263 individual properties assessed by FEMA in November 2012, 47 were deemed unsafe for entry and another 52 were deemed uninhabitable and in need of further structural analysis. Of the remaining properties, 707 had either moderate structural damage or damage to decks, roofs, and windows. Many of the residences are still unoccupied, awaiting repairs and/or elevation. A key part of any recovery is to return families to their homes and reopen damaged businesses. The Borough, like other municipalities across the state, relies on ratables and property taxes, so restoring the community to its pre-storm economic levels is vital to a full recovery. (Page 11)

The 2014 Borough Strategic Recovery Planning Report expanded on the financial costs:

Overall, it is estimated that the Borough lost \$60 million in tax ratable property due to Superstorm Sandy. According to building permit data maintained by the Borough, Sea Bright sustained over \$18 million in property damages as a result of Sandy. The Borough has filed for over \$6 million in FEMA Public Assistance (PA) claims. (Page 8)

The 2020 Recovery Plan also noted that the Borough suffered a decline in economic vitality due to the storm and recommended “an attractive, vibrant business district” to “draw residents and visitors alike to shop, eat, drink, and spend time enjoying the area.” (Page 32) The 2020 Recovery Plan linked the improvement of the downtown to the overall vitality of the Borough, stating that developing the downtown business district “provides a positive image for Sea Bright as a whole and gives investors confidence that Sea Bright is a vibrant, economically viable community.” (Page 32)

The 2020 Recovery Plan addressed the issue of abandoned and unmaintained properties, stating that they “continue to create areas of blight in residential neighborhoods throughout the Borough” and create a sense of uncertainty since “Borough officials and concerned neighbors do not know the status of these properties or the long-term intentions of the property owners.” (Page 42) Moreover, the 2020 Recovery Plan noted that the vacant properties pose “a safety hazard to neighbors” and depress “the overall property values and character of the neighborhood and the entire Borough.” (Page 46)

The 2014 Strategic Planning Report also recommended redevelopment as a legal mechanism to spur economic resiliency:

There are multiple vacant or underutilized properties in the Borough that would benefit from a formal redevelopment process. This includes both publicly owned property and privately owned property. The Borough Council has recognized this and has authorized the Planning Board to initiate redevelopment planning. A key goal in this redevelopment will be economic resiliency. A redevelopment plan or plans would also articulate the vision for the future of Sea Bright, and thus lay the necessary foundation for future business development strategies. (Page 32)

The 2017 Master Plan carries forward the planning vision, goals, and objectives of the Borough.

Planning efforts initiated approximately 30 years ago provide strong support for the redevelopment efforts proposed within the Study Area.



### **III. LAND USE, SITE PLANNING, AND BUILDING DESIGN**

This section sets forth standards for the Plan Area that are designed to foster a walkable and pedestrian-scaled environment in a vibrant multi-use setting. The design standards seek to create a “sense of place” that allows for an active relationship with streets; emphasizes important visual corridors; attractive parking areas; promotes the use of outdoor space; and requires high-quality choice and application of materials. See Figure 3 for “The Break at Ocean Avenue” renderings, Figure 4 for “The Break Hotel” renderings, and Figure 5 for the Plan Area conceptual plan.

The design of buildings in relation to the surrounding area is an important element of creating the community identity. Building design should respect and be conducive to the existing framework of surrounding buildings, sidewalks, the orientation of surrounding streets, and the coastal environment. It should not attempt to replicate or recreate a perfect copy of any particular architectural vernacular, but be seamlessly linked to their surroundings.

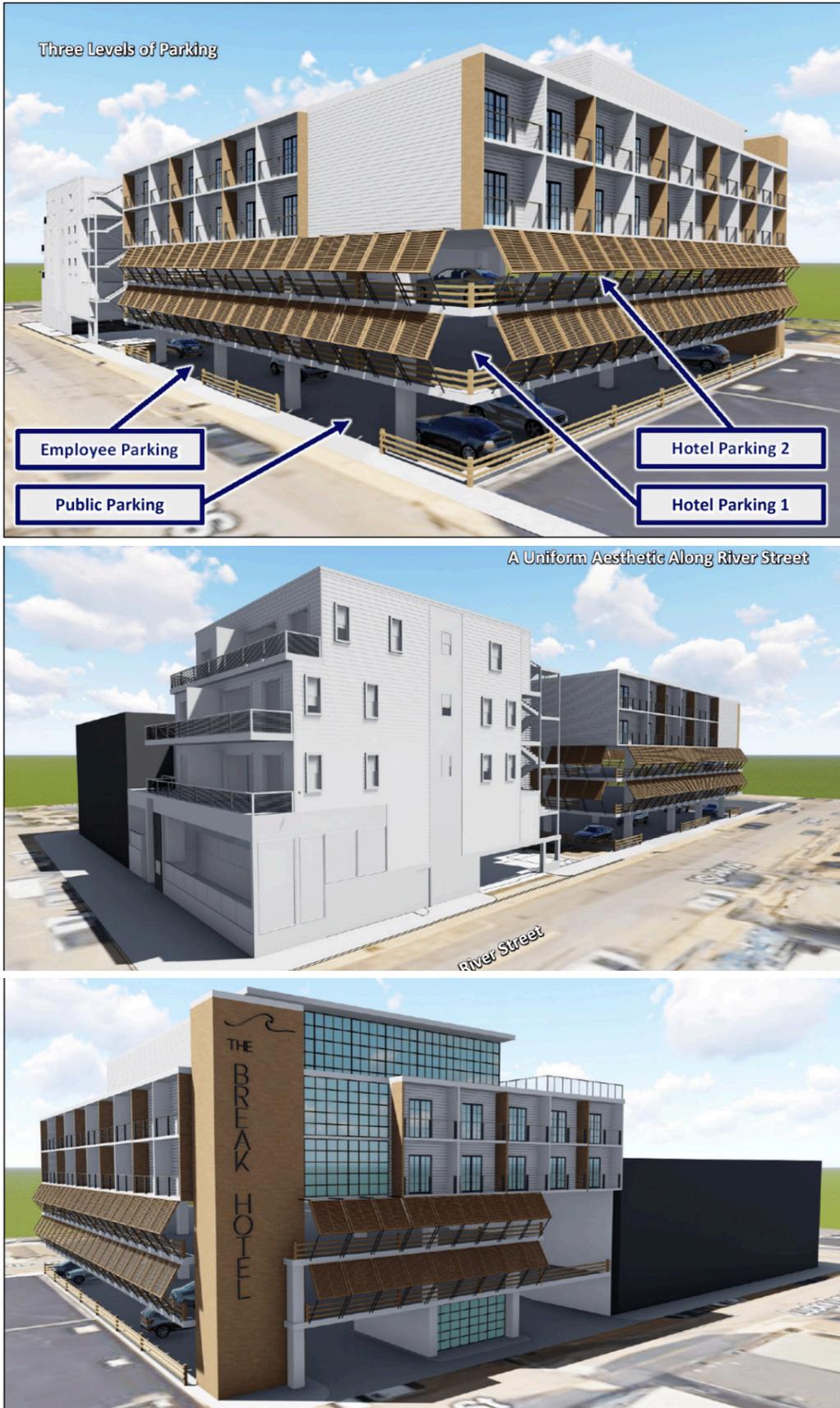
New buildings shall strive for a contextual approach to design that is sensitive to the surrounding urban, historical built environment by being engaging along Ocean Avenue and avoiding the presence of long blank walls.

Specific, overarching uses are recommended (i.e. residential; hotel; retail; multi-purpose space) to achieve a vibrant mixed-use area. One of the key objectives of the Redevelopment Plan is to create synergies with the Downtown and the redevelopment area along the Shrewsbury River area. As such, the intention is to provide a variety of uses throughout the Plan Area using the redevelopment process.

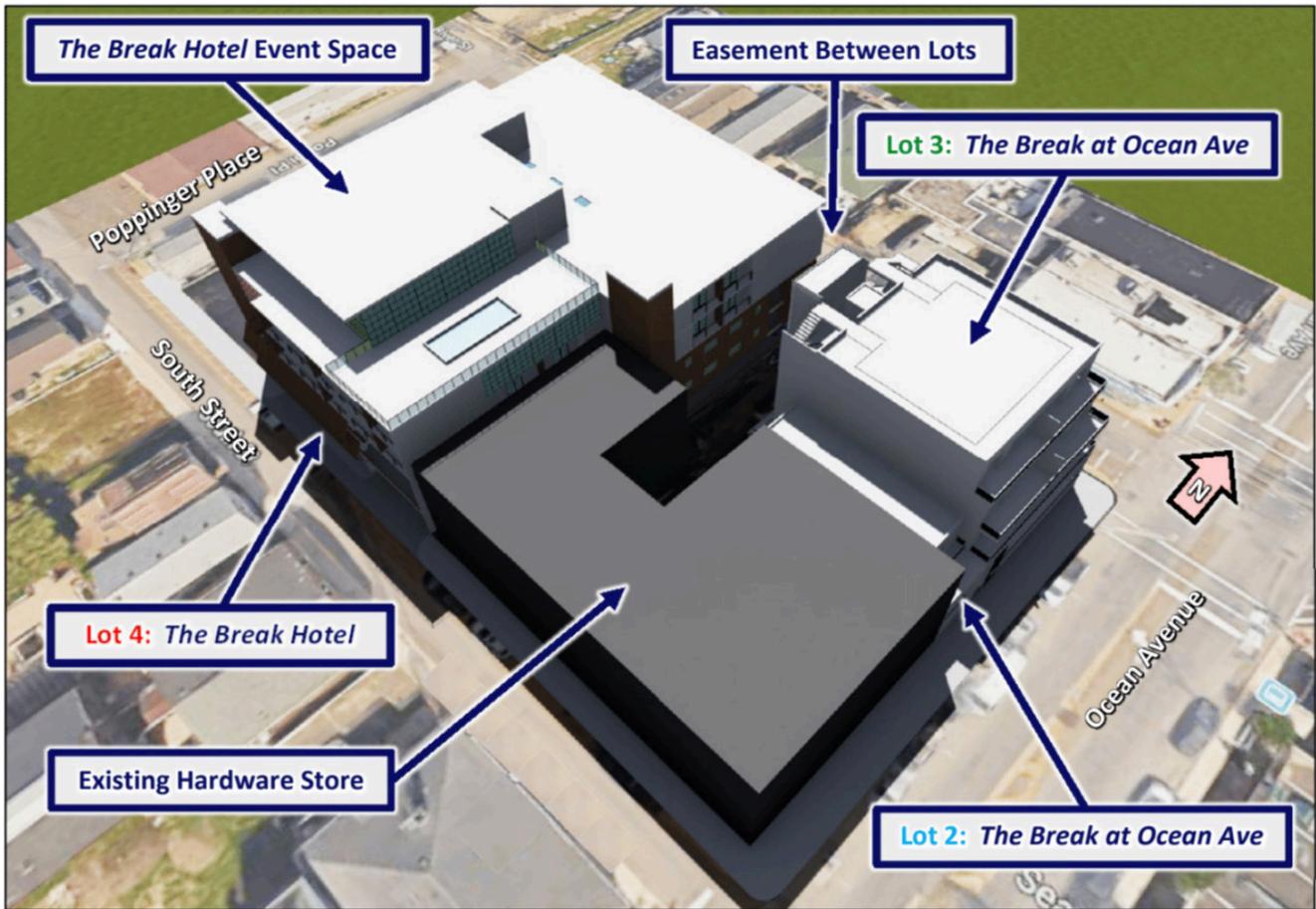
**Figure 3.** The Break at Ocean Avenue



**Figure 4.** The Break Hotel Renderings



**Figure 5.** Plan Area Conceptual Plan



## LAND USES

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### **PERMITTED PRINCIPAL USES**

- Office space, including but not limited to, professional and business non-profit and for-profit; design and creative professionals, e.g. architects, engineers, planners, interior designers, graphic and web designers; and attorneys, real estate brokers, physicians, etc.
- Commercial, personal service establishments, and retail service, including, but not limited to, dry cleaners, copy centers, printing establishments, cafeterias, food prep, florists, salons/spas, etc.
- General retail uses
- Limited service cafés, i.e. such uses that serve non-alcoholic hot and cold beverages and prepared foods
- Restaurants, bars, brewpubs, microbreweries, nanobreweries, and taverns.
- Gyms and fitness studios
- Hotel only if there is adequate on-site parking
- Boutique hotel on Lot 3 with frontage on Ocean Avenue, a maximum of 30 rooms, a maximum height of 50 feet, adequate on-site parking, and coffee shops and restaurants permitted as ancillary uses
- Public plaza on Lot 2
- Event space
- Mixed-use
- Apartment units

### **PERMITTED ACCESSORY USES**

In addition to the uses listed above, the following are permitted as accessory uses:

- Off-street parking (for the principal uses, as well as visitors)
- Outdoor dining
- Rooftop deck
- “Back room” facilities associated with buildings, such as mechanical, loading, transformers, laundry, trash and recycling rooms, or other service-type facilities;
- Personal storage rooms or areas to serve residents
- Any other use determined to be customary and incidental to permitted principal uses

## BULK AND MASSING

Description	Proposed
Bulk Requirement	
<b>Lot Size</b>	3,000 SF
Lot Frontage at Curbline	50 FT
Lot Width at Midpoint	50 FT
Lot Depth	50 FT
Building Frontage Setback	0 FT
Building Side Setback to Prop. Line	0 FT
Building Rear Setback to Prop. Line	0 FT
Patio / Deck Setback to Prop. Line	0 FT
Lot Coverage - SF Lot	100%
Building Coverage - SF Lot	100%
Building Height - Flat Roof	55 FT
Building Height - Other Elements	67 FT
Maximum Mezzanine Size	1/3 Floor Below
Parking Per Residential Unit	2 Spaces
Parking Space Size	8.5 by 18 FT
Parking Compact	7.5 by 15 FT

## Building Height

### Building Stories

The maximum building height shall be 55 feet, measured at the base floor elevation at datum. The following standard shall apply:

- Rooftop appurtenances including architectural features such as spires, cupolas, domes, and belfries, as well as mechanical screening and elevator/stair shafts, are permitted to exceed the listed maximum height, as long as they are uninhabited, their highest points are no more than 12 feet above the maximum overall height of the building, and as long as the total area enclosed by the outer edges of the appurtenances, measured at the maximum overall height of the building, does not exceed 15 percent of the total horizontal roof area of the building.
- Parapet walls permitted up to 12 feet in height, as measured from the maximum height limit, or finished level of the roof. A guardrail with a surface of at least 70 percent open or with opacity of not more than 30 percent (as viewed in elevation) shall be permitted above a parapet wall or within two feet of a parapet wall, provided that such guardrail is not more than four feet in height. Such restriction on guardrail height shall not apply when located beyond two feet from a parapet wall, in which case the guardrail shall be exempt from parapet height requirements.
- Mechanical equipment shall be set back from all building facades by at least 10 feet and screened from new and existing sidewalk view as well as the views from the rail embankment to the greatest extent possible.
- Solar panels are permitted on flat roofs anywhere below the parapet, regardless of building height. Portions of taller solar installations that are higher than 4 feet shall be subject to limits on roof coverage and height. On sloping roofs, panels may be flat-mounted but may not exceed 18" above the roofline.
- Vegetated roofs shall be permitted, provided they do not exceed 3 feet, 6 inches in height, excluding vegetation, as measured from the maximum height limit. On roofs with slopes greater than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to the roof surface.

## PARKING AND LOADING

### Parking Location

The following regulations apply with respect to the location of parking facilities.

- Parking areas shall be designed to function efficiently and safely.
- In accordance with the Americans with Disabilities Act, the requisite amount of handicapped-accessible spaces shall be provided in appropriate locations.

## **Loading**

General mailboxes shall be provided at the garage level in a condominium building for each resident. The specifics regarding loading zones and considerations will be addressed within Redevelopment Agreement(s).

## **STREETSCAPE IMPROVEMENTS**

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In general, all streetscape and landscape improvements shall be integrated with building design and placement, parking, buffering and other site features, as depicted in the redeveloper's site plan.

Public benches shall be provided in the public plaza on Lot 2.

### **Street Trees**

Sidewalks along the access way in the Plan Area should incorporate street trees, where possible, as depicted in the redeveloper's site plan.

### **Street Lighting**

The access way shall be lit with pedestrian-scale street lamps. All outdoor lighting, including street lamps and accent lighting, shall be downcast and screened to illuminate only the intended areas so as not to cause disabling glare that affects driver safety, reduces the visibility of starry night skies, and causes spillover into residential areas.

Bright, stadium-style lighting is prohibited in all areas.

## **SITE LIGHTING**

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Overall building lighting shall be held to a minimum of 0.5 foot candles to provide adequate lighting for its users. No lighting shall spill on to adjacent private properties.

## **OPEN SPACE LANDSCAPING**

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As the 1989 Master Plan recognized a lack of street trees and green areas in the business district, a public plaza shall be developed on Lot 2.

Landscaping may include trees, shrubs, ground cover, raised planters, flowers, as well hardscaping, such as sculptures, art, and similar materials, should be designed to fulfill aesthetic environmental, ornamental, and related objectives.

**Figure 6.** Examples of small public plazas:



## **BUILDING MATERIALS**

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Materials shall be authentic and high quality. Building facades shall be visually pleasing and not have a monolithic appearance. Materials to be used include aluminum, glass, PVC, and Hardie or composite siding. The use of vinyl, steel, galvanized metal, and exposed CMU block will not be permitted. Any changes in primary wall material from lower to upper levels should occur along a horizontal line, with the visually heavier material below the visually lighter material. Building massing, special architectural features, and changes in the roofline shall be used to emphasize building entrances. A building shall be constructed to withstand the coastal environment with little maintenance and deterioration.

## **RELATIONSHIP TO THE SURROUNDINGS**

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Encourage the named Redeveloper to explore the feasibility of widening River Street in order to minimize congestion and improve traffic flow through the Borough.

## **SIGNAGE**

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### **General Signage Requirements**

The following signage requirements shall apply within the Plan Area:

- Signs shall be permitted only on the condominium building at a maximum of 20 square feet per facade.
- Signs must be architecturally compatible with the style, composition, materials, colors and details of each building. Signs must not obscure the architectural details of a façade. Signs shall be externally lighted. No internal lighting is permitted.
- No fluorescent or glowing paint is permitted for any signage within the Plan Area.
- No signs or advertising devices that are rooftop mounted, intermittently illuminated, flashing or moving are allowed.
- The property owner and tenants are prohibited from installing signs that might be mistaken for traffic control devices.

## **SUPPORT SERVICES**

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### **Solid Waste and Recycling**

Each building must be designed to provide adequate storage of solid waste disposal, including provisions for recycled materials, within a building or parking lot. Each building shall have at least one trash and recycling pickup location.

All exterior trash and recycling locations shall be enclosed and located in a manner

that is obscured from view from parking lots, streets and adjacent buildings by a fence, wall, planting or combination thereof.

### **Mechanical and Utilities**

All machinery and mechanical controls for same, including but not limited to transformers, junction boxes, lift stations, electrical meters, condensers and signal boxes shall be masked by building elements in a manner consistent with the design of the building. A wall of venting for mechanical rooms shall not be permitted along facades facing streets or public open spaces.

### **Telecommunications Equipment**

With the exception of the antenna, all parts and components of personal communications antennas and television and radio antennas shall be screened from view regardless of elevation, or shall be disguised within an enclosed structure.

The screening shall be designed as part of the overall design theme of the building to which it is associated.

Antenna panels for personal communications services (PCS) may be attached to the parapet of a building provided they are indistinguishable in color and texture from the building material.



## **IV. PLAN CONSISTENCY REVIEW**

### **RELATIONSHIP TO SEA BRIGHT ZONING CODE**

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This Redevelopment Plan shall supersede all provisions of the Land Development Code of the Borough of Sea Bright regulating development in the area addressed by this Redevelopment Plan. In all situations where underlying zoning requirements are not specifically addressed herein, the Sea Bright Land Development Code shall, however, remain in effect, including development design and performance standards. Final adoption of this Plan by the Borough Council shall be considered an amendment of the Borough of Sea Bright Zoning Map.

### **RELATIONSHIP TO ADJACENT MUNICIPALITIES**

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The Redevelopment Area is situated in the southern section of the Borough. The nearest border to an adjacent municipality, Rumson Borough, is situated across the Shrewsbury River. Any impact on Rumson will be positive given the removal of a blighting influence in proximity to the municipality and the redevelopment of productive uses.

### **RELATIONSHIP TO THE MONMOUTH COUNTY MASTER PLAN**

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Monmouth County adopted its latest comprehensive Master Plan in September 2016. The document identifies the Borough as both a "Priority Growth Investment Area" and a "Priority Preservation Investment Area". A "Priority Growth Investment Area" is an area for development and redevelopment opportunities. A "Priority Preservation Investment Area" is an area where an investment in land preservation and other techniques is preferred and encouraged. The objectives of the Redevelopment Plan are consistent with the goals, strategies, and policies of the 2016 Monmouth County Master Plan.

## **RELATIONSHIP TO THE STATE DEVELOPMENT AND REDEVELOPMENT PLAN**

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Among the State Plan's intentions is to revitalize the State's existing urban areas by directing growth and development to those areas. On the latest State Plan Policy Map, the Redevelopment Area is located in the Metropolitan Planning Area (PA-1), which is identified in the State Plan as an appropriate location for much of the State's new growth.

A stated goal of the State Plan is to revitalize the State's cities and towns by protecting, preserving, and developing the valuable human and economic assets in cities, towns and other urban areas. The Redevelopment Area, by virtue of its location within a part of New Jersey that has extensive existing infrastructure and a long history of development, is by all measures an appropriate location for growth and redevelopment. The Redevelopment Plan will facilitate growth in this area and contribute to the economic revitalization of the State. The objectives of the Redevelopment Plan are consistent with the goals, strategies, and policies of the State Plan. The Redevelopment Plan will redevelop a deteriorated and underutilized area within Sea Bright, placing currently unproductive lands into productive use in order to better serve the needs of residents of the Borough, County, and State as a whole.



## V. REDEVELOPMENT ACTIONS

### RELOCATION

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Implementation of the Redevelopment Plan does not require the displacement or relocation of any residents or businesses within the Plan Area.

### OTHER ACTIONS

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Several other actions may be taken by the governing body to further the goals of this plan. These actions may include, but shall not be limited to: (1) provisions for public infrastructure necessary to service new development; (2) environmental remediation; (3) vacation of public utility easements and other easements and rights-of-way as may be necessary for redevelopment.



## **VI. GENERAL PROVISIONS**

### **DEFINITIONS**

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Except for those words defined in this Redevelopment Plan, words that appear in this document shall be defined in accordance with the definitions that appear in the Borough's land use ordinances, or, where these ordinances do not provide a definition, in accordance with the definitions in the Municipal Land Use Law.

### **EASEMENTS**

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No building shall be constructed over a public easement in the Redevelopment Area without prior written approval of the Borough of Sea Bright.

### **SITE PLAN AND SUBDIVISION REVIEW**

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Prior to commencement of construction, a site plan, prepared in accordance with the requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), shall be submitted by the applicants for review and approval by the Sea Bright Planning Board.

Any subdivision of lots and parcels of land within the Redevelopment Area shall be in accordance with the requirements of this Redevelopment Plan and the subdivision ordinance of the Borough of Sea Bright.

### **APPROVALS BY OTHER AGENCIES**

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The Redeveloper shall be required to provide the Borough with copies of all permit applications made to federal, state and county agencies upon filing such applications, as will be required by the Redeveloper's agreement to be executed between the Redeveloper and the Borough.

## **ADVERSE INFLUENCES**

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No use or reuse shall be permitted which will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration, or other objectionable features so as to be detrimental to the public health, safety or general welfare.

## **NON-DISCRIMINATION PROVISIONS**

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No covenant, lease, conveyance or other instrument shall be affected or executed by the Borough Council or by a developer or any of his successors or assignees, whereby land within the Redevelopment Area is restricted by the Borough Council, or the developer, upon the basis of sexual preference, race, creed, color, or national origin in the sale, lease, use or occupancy thereof. Appropriate covenants, running with the land forever, will prohibit such restrictions and shall be included in the disposition instruments. There shall be no restrictions on occupancy or use of any part of the Redevelopment Area based on sexual preference, race, creed, color or national origin.

## **DEVIATION REQUESTS**

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The Sea Bright Planning Board may grant deviations from the regulations contained within this Redevelopment Plan where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Redevelopment Plan would result in peculiar practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Sea Bright Planning Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Plan and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the Redevelopment Plan. An application for a deviation from the requirements of this Redevelopment Plan shall provide public notice of such application in accord with the requirements of public notice as set forth in N.J.S.A. 40:55D-12.a. and b.

## **ESCROWS**

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The Redeveloper shall be responsible to post sufficient escrows to cover any and all costs of the professional consultants retained by the Borough or the Planning Board to review the proposed redevelopment project, including the site plan submissions, and advise the Borough or the Planning Board on any and all aspects of the redevelopment process.

## **INFRASTRUCTURE**

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The Redeveloper, at its cost and expense, shall provide all necessary engineering studies for, and construct or install all on- and off-site municipal infrastructure improvements and capacity enhancements or upgrades required in connection with the provision of water, sanitary sewer, and storm water management, and sewer service to the project, in addition to all required tie-in or connection fees. The Redeveloper shall also be responsible for providing, at the Redeveloper's cost and expense, all sidewalks, curbs, streetscape improvements (street trees and other landscaping), and street lighting for the project or required as a result of the impacts of the project. The Redevelopment Agreement between the Borough and the Redeveloper will contain the terms, conditions, specifications, and a description of required performance guarantees (such as performance bonds or other acceptable performance security) pertaining to Redeveloper's obligation to provide the infrastructure and improvements required for the project.

## VII. OTHER PROVISIONS

In accordance with N.J.S.A. 40A:12A-1 et seq., known as The Local Redevelopment and Housing Law, the following statements are made:

- The Redevelopment Plan herein has delineated a definite relationship to local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreation and community facilities and other public improvements. The Plan has laid out various programs and strategies needed to be implemented in order to carry out the objectives of this Plan
- The Redevelopment Plan lays out the proposed land uses and building requirements for the Redevelopment Area.
- All privately owned lots within the Redevelopment Area are subject to acquisition by the Borough of Sea Bright as part of the redevelopment effort.
- The Redevelopment Plan is substantially consistent with the Master Plan for the Borough of Sea Bright. The Plan also complies with the goals and objectives of the New Jersey State Development and Redevelopment Plan.
- This Redevelopment Plan shall supersede all provisions of the Zoning and Development Regulations of the Borough of Sea Bright regulating development in the area addressed by this Redevelopment Plan, except where specifically mentioned within the text of this Plan. In all situations where zoning issues are not specifically addressed herein, the Borough of Sea Bright Zoning and Development Regulations shall, however, remain in effect. Final adoption of this Plan by the Borough Committee shall be considered an amendment of the Borough of Sea Bright Zoning Map.
- If any section, paragraph, division, subdivision, clause or provision of this Redevelopment Plan shall be adjudged by the courts to be invalid, such adjudication shall only apply to the section, paragraph, division, subdivision, clause or provision so judged, and the remainder of this Redevelopment Plan shall be deemed valid and effective.



## **VIII. PROCEDURE FOR AMENDING THE APPROVED PLAN**

This Redevelopment Plan may be amended from time to time upon compliance with the requirements of state law. A non-refundable application fee of \$1,000 shall be paid by the party requesting such amendment, unless the request is issued from an agency of the Borough. The Borough of Sea Bright Council, at its sole discretion, may require the party requesting the amendments to prepare a study of the impact of such amendments, which study must be prepared by a Professional Planner licensed in the State of New Jersey.

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