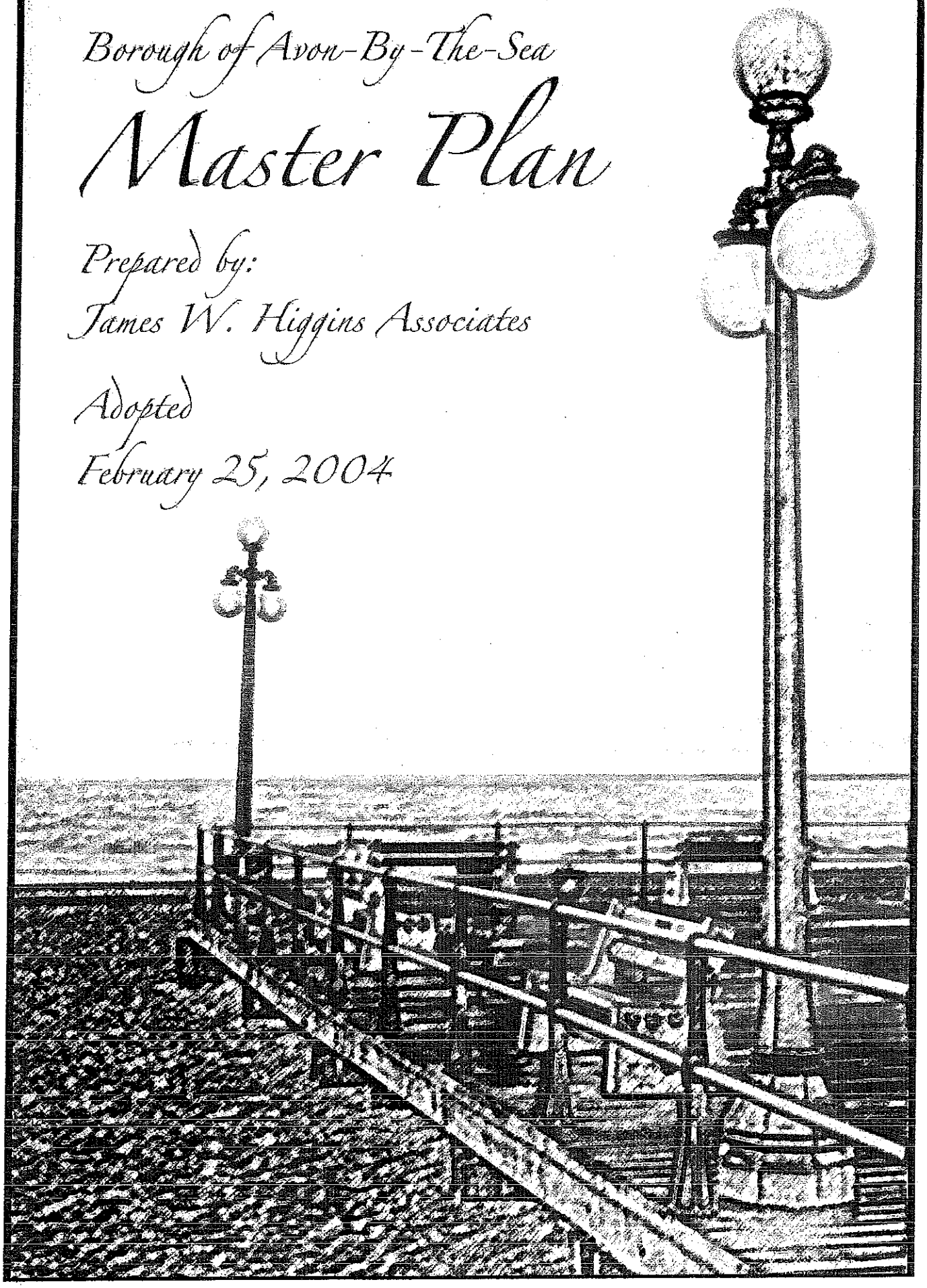
Borough of Avon-By-The-Sea

Master Plan

Prepared by:
James W. Higgins Associates

Adopted
February 25, 2004



Master Plan

BOROUGH OF AVON-BY-THE-SEA
MONMOUTH COUNTY, NEW JERSEY

Prepared for:
Borough of Avon-By-The-Sea Planning Board

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Adopted
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Introduction

The Borough of Avon-By-The-Sea is a small seaside community located in southern Monmouth County. Avon is isolated from adjacent municipalities by both natural and man-made barriers and has developed a character that is separate and distinct from its neighbors. The Borough is bounded by the Atlantic Ocean to the east, the Shark River to the south, the Jersey Coast Line Railroad to the west, and Sylvan Lake to the north. The width of the Borough, in a North/South direction, averages .5 miles, and its length, in an East/West direction, is approximately .75 miles. The total land area of the Borough is approximately 278 acres, of which all but 2.54 acres is developed, used for recreational purposes, or open water.

The land encompassing Avon-By-The-Sea was purchased by William Batchelor in 1879, who subsequently founded the Avon Inn, for which the town is named, and built the Berwick Hotel, which is now the Columns. He also subdivided the town into its characteristic 50' by 140' lots separated by wide streets and backed by narrow lanes. The Borough of Avon-By-The-Sea was incorporated in March of 1900 and originally developed as a seaside resort area, with limited year round housing. Over the years the Borough has evolved into a primarily year round residential community with a significant but diminishing summer resort economy. The changing residential character of the Borough is a major concern that will be addressed by this Master Plan.

The Borough's proximity to the Atlantic Ocean has had a major impact on the character of its development. Besides the obvious beachfront resort flavor of the community, this impact is reflected in the style of the architecture of the single-family residences. The characteristic open porches on the larger, older homes, the sweeping decks and many windows of the newer homes, affording the best possible water views, and the updated cottages of yesteryear combine to give the town a charm and style inherently its own.

Goals and Objectives

General Goals and Objectives

- To encourage municipal action to guide the appropriate use or development of all lands in Avon-By-The-Sea in a manner which will promote the public health, safety, morals, and general welfare;
- To secure safety from fire, flood, panic and other natural and manmade disasters;
- To provide adequate light, air and open space;
- To ensure that the development of individual neighborhoods does not conflict with the development and general welfare of adjacent neighborhoods;
- To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, and preservation of the environment;
- To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
- To provide sufficient space in appropriate locations for a variety of land uses both public and private, according to their respective environmental requirements;
- To encourage the design and maintenance of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;
- To promote a desirable visual environment through creative development techniques and good civic design and arrangements;
- To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the Borough and to prevent urban sprawl and degradation of the environment through improper use of land;
- To encourage affordable senior citizen housing;
- To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;
- To promote utilization of renewable energy sources;

- To provide for adequate public utilities;
- To promote improved water quality for adjacent water bodies;
- To protect environmentally sensitive areas;
- To promote development of the Business District.

Specific Goals and Objectives

Housing Element

- To provide an adequate, affordable, and balanced supply of housing types for the current and prospective population of the Borough.
- To provide adequate affordable housing to senior citizens.
- To maintain the character and value of existing residential neighborhoods.
- To insure that housing for seasonal residents does not adversely impact the stable year-round housing within the Borough.
- To maintain the predominant single family residential character of the Borough.
- To maintain adequate light, air and open space in all residential areas.

Circulation Element

- To categorize all streets in the Borough and provide recommended right-of-way and pavement widths for each category of street.
- To provide for free and safe traffic flow along the major thru traffic streets in the Borough.
- To identify potentially hazardous street segments, and recommend a course of action to eliminate any potential hazards, such as speeding.
- To provide for the maintenance and repair of curbs, sidewalks, and pavement.

Utility Service Plan

- To insure that supplies of water, natural gas, and electric are available to support the needs of the citizens of Avon-By-The-Sea.
- To insure that storm drainage systems in the Borough are adequate to support the needs of the citizens of Avon-By-The-Sea.
- To insure that the sanitary sewer system is adequate to meet the needs of the citizens of Avon-By-The-Sea.
- To provide for the maintenance and periodic upgrade of the water plant and infrastructure.
- To identify existing areas of the Borough where utilities do not adequately serve the needs of the citizens of Avon-By-The-Sea and recommend a course of action to improve such conditions.
- To reduce inflow and infiltration.

Community Facilities Plan

- To analyze the existing municipal facilities and services, including administrative offices, police department, fire and rescue squads, and library to determine if they are adequate to serve the existing and future population of the Borough.
- To analyze the need for additional facilities and services to meet the needs of all residents of the Borough and to correct inadequacies where they are found.
- To provide for adequate facilities and services to meet the needs created by the seasonal fluctuations in population which result from the Borough's function as a seaside resort.
- To identify lands which may become available for municipal use in the future and analyze how they may best benefit the community.
- To promote ADA compliance for municipal buildings.

Recreation Plan

- To examine the existing recreation facilities to determine if they are adequate to serve the existing and future population of the Borough.
- To provide adequate recreational facilities for all the residents of the Borough, including senior citizens.

Recycling Plan Element

- To ensure that future development within the Borough considers the need to recycle waste materials.
- To provide for a comprehensive recycling plan for the Borough to serve existing and future development.

Community Characteristics and Design Element

- To maintain the desirable existing characteristics of developed neighborhoods within the Borough.
- To insure that future development of the Borough incorporates the desirable aspects of existing neighborhoods, while reducing the adverse impacts of undesirable aspects.
- To improve the appearance and function of specific areas of the Borough, including the Main Street corridor, and the Ocean Ave./beachfront area.

Land Use Plan

- To insure that land development in the Borough provides a balance of land uses which will help maintain the quality of life within the Borough for all of its current and future citizens.
- To insure that future development in the Borough does not conflict with existing land uses.
- To insure that future development occurs in an orderly manner and is consistent with other planned development in the Borough.
- To analyze the land uses of specific areas of the Borough, including the Main Street Corridor.
- To maintain the existing residential density throughout the Borough, and, where appropriate, to reduce it.

Existing Land Use

General

The Borough of Avon-By-The-Sea consists of a total of 278.4 acres of land, most of which is developed or utilized for recreational purposes. Currently, only 2.54 acres, or 0.91% of the total land area of the Borough, is vacant developable land. The remainder consists of Residential (122.03 acres), Commercial (10.36 acres), Industrial (2.00 acres), Public (17.91 acres), Semi-public (1.78 acres), Streets (90.53 acres), Railroad right-of-way (7.05 acres), and Open Water (24.2 acres).

A comparison of the current land uses in the Borough with those existing at the time of the previous existing land use survey shows that the trend noted in the 1990 Master Plan of year round residential uses replacing resort oriented uses has continued, most notably with the construction of several residential homes on the site of the former Buckingham Hotel and with the construction of several townhouse units along the Main Street corridor.

The following chart shows the relative land use types as they currently exist within the Borough:

Land Use	Acres
Residential	122.03
Commercial	10.36
Industrial	2
Public	17.91
Semi Public	1.78
Vacant	2.54
Streets	90.53
Railroad right-of-way	7.05
Open Water	24.2

Residential

By far, the predominant land use in the Borough is residential. Total residential land area occupies 122.03 acres (44%) of the total 278.4 acres of land within the Borough. The types of residences present in the Borough are varied, including single-family dwellings, two family dwellings, three and four family dwellings, garage apartments, rental and condominium apartments, and townhouses.

In many instances, more than one residential structure exists on a single lot. This is a reflection of the Borough's history as a resort community, when many of the secondary residential structures were utilized as summer rentals to supplement family incomes. Over the past few decades, as Monmouth County developed into a year round employment and residential center, many of these summer residences were converted for year round use. In isolated instances the second structure was subsequently divided off of the original lot, but in most instances the 2 structures remained on the same lot.

The result of this evolution is the wide diversity of housing types and densities throughout the Borough. The following chart shows acreage of the total residential uses, broken down into the types of units on each lot.

Type of Unit	Acres
Single Family	91.25
Two Family	5.96
Three Family	0.18
Four Family	0.32
2 Single Family on 1 Lot	0.93
Single Family & Two Family on 1 Lot	2.53
Single Family & Garage Apartment on 1 Lot	16.92
Two Family & Garage Apartment	0.24
Multi Family Rental	1.73
Multi Family Condominium/ Townhouse	1.97

Commercial

Commercial uses occupy only 10.37 acres, or 3.7% of the Borough's land area. The majority of these uses are located along Main Street within the Borough's principal commercial district. Commercial uses are broken down into retail (4.09 acres), resort commercial (2.38 acres), office (2.77 acres), and commercial with residential apartments (1.13 acres). All of these uses, with the exception of the resort commercial, are located on or within one block of Main Street. The resort commercial uses, which consist of restaurants, hotels, and bed and breakfasts, are located primarily within the 2 block area bounded by Ocean Avenue, Woodland Avenue, Second Avenue, and Norwood Avenue.

Industrial

Industrial uses occupy 2 acres, or 0.72% of the total land area of the Borough. They exist exclusively in the area north of Garfield Avenue, on the west side of Main Street. All of the industrial uses are considered light industrial uses, and have existed for a significant period of time.

Public

Public uses generally consist of municipal, state, county, and federal facilities. In Avon-By-The-Sea, they consist of the municipal building and complex, parks and playgrounds, the beach area, the public works facility, the municipal pool complex, the public library, the post office, and the U.S. Coast Guard facilities. The total land area of public uses is 17.91 acres, with the largest portion being recreational land, and the second largest being the municipal complex.

Semi-public

Semi-public uses in Avon-By-The-Sea consist of 4 churches and church property. They currently occupy a total of 1.78 acres. Three of the churches are located on Fifth Avenue between Lincoln and Sylvania Avenues, and the fourth is located at the intersection of Woodland and First Avenues. The four churches were constructed between 1884 and 1916, and have remained constant in their locations and sizes for several decades.

Vacant Land

Vacant land occupies 2.54 acres of the total Borough land area. One developable lot, located on Sylvania Avenue between Second and First Aves., is most likely to be developed with a single family residence. There are three other significant vacant parcels: a 0.44 acre parcel located on Main Street at Rulon Street and a 0.21 acre parcel at the corner of Main Street and Poole Avenue and a large vacant piece fronting the Shark River Inlet at Ocean Avenue.

Streets, Railroads, and Open Water

The remaining land area in the Borough consists primarily of streets (90.53 acres), railroads (7.05 acres), and open water (24.2 acres).

Streets occupy the second largest land area (32.5%) within the Borough. This is an unusually large percentage of land area for streets, and is due to the exceptionally wide rights-of-way of the majority of streets within the Borough, in addition to the lanes which bisect most of the blocks. The standard right-of-way for local streets is 50',

making the area of right-of-way for each block equal to one-half the width of that right-of-way (25') times the length of the block on each side of the block. In Avon-By-The-Sea, the majority of streets have 80' rights-of-way, which results in a street area equal to the half width of 40' times the perimeter of the block. The interior lanes add an additional 20' of roadway width times the length of the block to the street area in many blocks. The result is that the street area in Avon-By-The-Sea is approximately 35% greater than it would be in another municipality with a similar density of development and standard street rights-of-way. It is important to note, however, that that right-of-way of a street is substantially wider than the actual paved width, so that the total paved area of streets is substantially less than 90.53 acres.

A railroad right-of-way exists along the western boundary of the Borough, occupying only 2.3% of the Borough's land area. The presence of the railroad has had a substantial impact on the types of land uses which exist along the Borough's western border. It also creates a barrier which limits the vehicular traffic in an east/west direction to and from the Borough.

Open water surrounds the Borough of three sides. The 24.2 acres of open water includes those portions of Sylvan Lake and the Shark River which are within the confines of the Borough. It is 8.7% of the Borough's land area, the third largest land use category. Since the Borough's eastern boundary is defined by the high water line of the Atlantic Ocean, no portion of the Ocean is included within the calculated open water in the Borough. In addition, there are no other areas of open water within the confines of the Borough. Because of the location and size of the open water, it has a significant impact on the character of the Borough, including the uses which occur near it as well as traffic circulation patterns to and from the Borough.

Summary

The predominant land use in the Borough is residential, which consists primarily of single family residences, in many cases two to a lot. This pattern has not changed significantly over the past 20 years, with the exception that a number of resort oriented uses, including seasonal residences, hotels, and boarding homes, have been converted to or replaced with year round residences. The single most important change in the past 10 years has been the destruction of the Buckingham Hotel and its subsequent replacement with single family residences.

Community Characteristics and Design Element

Introduction

The character of communities can vary widely from municipality to municipality, as well as within a single municipality. The nature and extent of this diversity is determined by a number of factors, including the size of the municipality, its location, its age, the regional and local transportation network, the location and quality of municipal facilities and services, and the public's perception of the municipality and of the specific neighborhoods within the municipality.

Regardless of these factors, one common element of community character is the relationship of neighborhoods, or distinct areas within a community, to each other and to central places or focal points within the community.

Ideally, this relationship between neighborhoods and central places develops in one of two forms:

The first is a radial relationship, within which the central place is literally the center of the community, and functions as a focal point of the community.

The second of these types of relationships is more linear in nature, with a series of smaller central locations, linked together by more intensely developed corridors.

Ideally, a community would be planned so that it developed along the lines of one of these two patterns. Each feature of the community would be readily identifiable, and would not encroach upon the other. Consequently, a readily identifiable network of community areas could be created. Such development is possible when a community is sufficiently large to permit such places to develop, and the planning for such a community has preceded development.

Due to the small size of Avon-By-The-Sea, the nature of the major traffic corridors within the Borough, and the seasonal resort character of the Borough, the above relationships have not developed in a traditional manner. The Borough has instead developed three distinct areas: the Main Street corridor; the beachfront area; and the residential area located between the two.

The Main Street corridor consists of all properties fronting on Main Street within the Borough, and between Main Street and the Western boundary of the Borough.

The beachfront area consists of all properties fronting on Ocean Avenue.

The residential area consists of all other properties in the Borough.

Main Street Area

The Main Street Area is the community center of the Borough due to a number of factors. These include the fact that Main Street is the primary through street in the Borough, the Municipal Complex is located on Main Street, and that nearly all of the Borough's commercial uses are located on it.

Historically, Main Street has been the transportation center of the Borough, providing access into and out of the Borough from three directions. In the early 1900's, the Avon Railroad Station operated on the current site of the Municipal Complex, providing rail access to both New York and Philadelphia. Rail service to Avon continued until the 1970's, when it was eliminated shortly after the construction of the Municipal Complex. In the early 1900's a trolley service also ran along Main Street, providing easy access to both Belmar and Asbury Park.

Today Main Street contains the vast majority of the Borough's commercial and all of its industrial uses. If the area has any one prominent characteristic, it is that it lacks a specific character. This is primarily due to the diversity of land uses, including commercial retail, office, industrial, single family residential, apartments, townhouses, and public uses.

The focal point of the Main Street Area is located between Woodland Avenue and a half block south of Lincoln Avenue. This area contains the majority of community oriented retail uses, such as salons, real estate offices, delis, retail stores, and service uses. More importantly, it contains the Municipal Building, which has a particular significance within a small community such as Avon. The Municipal Building, which is the center for Municipal government, serves as a center for community services including recreation, fire, police, and social events, in addition to having a significant parking lot. It is not surprising that this area is the most aesthetically pleasing part of Main Street. This is primarily due to the open space and landscaping surrounding the municipal complex, including the large street trees located along Main Street in front of the municipal building.

The character of Main Street south of the municipal center is significantly less intensive than areas to the north. The primary use is residential, including single-family residences, garden apartments, and townhouses. Building heights are generally from 1-1/2 to 2 stories. The signs of the transformation of this area are visible. The construction of a small office complex at the intersection of Jefferson Avenue and Main Street, the construction of townhouses fronting Main Street, and the existence of a vacant lot and a small vacant building, both suitable for commercial redevelopment at the intersection of Poole Avenue and Main Street, are an indication that the character of the area is changing. The very southern portion of Main Street is occupied by recreational uses including a Municipal Park and private marinas. These uses provide a more open feeling than the remainder of the Main Street Area.

Main Street north of Woodland Avenue consists of a variety of uses, including residential, service, retail, office, and industrial, as well as a variety of types and sizes of

buildings. This area serves as the northern gateway to the Borough along Main Street/Route 71, and has seen development activity in recent years, including a new office building and an approved affordable housing development of 12 age-restricted units.

At this time, the New Jersey Department of Transportation has recently completed a major redesign of Main Street where it passes through Avon-By-The-Sea. The improvements include reducing the number of lanes from four to two, landscaped center islands, curb bump outs at intersections to reduce the crosswalk distance, street trees, brick sidewalks, and on-street parking.

The overall impact of these changes should be a significant improvement of the Main Street corridor, both in function and aesthetic impact. The changes have served to unify the appearance of the Main Street Area, creating visual unity for the length of the Borough. The new streetscape offers an opportunity for the Borough to reevaluate the Land Use patterns along Main Street and create new zoning districts to reinforce specific development patterns along its length.

Recommendations for improving Main Street are geared towards improving the business climate through changes in the zoning ordinance:

- the creation of three zoning districts which more clearly define the three distinct areas of Main Street, as outlined in the Land Use Element;
- the establishment of zoning incentives for uses and architectural design which enhance the atmospheres of the entire length of Main Street;
- a reduction in the number of uses permitted, including the elimination of industrial and residential uses from parts of Main Street;
- the establishment of landscaping and/or architectural standards on commercial and industrial lots, with emphasis on upgrading the portions of the lots facing Main Street as well as buffering any adjacent residences;
- the establishment of zoning incentives to encourage the consolidation of adjacent smaller lots into larger lots which are more conducive to commercial or office development, where appropriate;
- the encouragement of office development, similar to that which has been constructed at the north and south ends of Main Street, in areas north of Sylvania Avenue, and south of Batchelor Place.
- the study of restaurants and outdoor seating along Main Street to determine the need for an Ordinance controlling such uses.

Beachfront Area

Historically, the Beachfront Area was the main attraction of the Borough. The Beachfront was originally developed as a seaside resort area, with its most prominent feature being the Avon Inn located on Ocean Avenue. Numerous other hotels and guest houses could be found between Second Avenue and the ocean, including the Columns and the Norwood Inn, which are both still in operation, and the Sylvan Hotel, the Stratford Inn, the Avalon Hotel, the Ocean View Inn, and the Buckingham Hotel, all of which no longer operate.

In recent decades, the trend in the Beachfront Area has been to replace the old resort commercial uses with single-family residential uses. The Avon Inn, which had closed its doors in the early 1970's, was badly damaged by fire in 1976, and was subsequently demolished. Several single-family dwellings have been constructed in its place. The Buckingham Hotel, built in 1913, was demolished in 1994, and five new single-family homes were constructed in its place. The Oxford House, c. 1888, was demolished in 1974 and replaced with four single-family homes. The Avalon Hotel, c. 1921, the Sylvan Hotel, and the Ocean View Inn have been converted into private residences.

The impact of these demolitions and conversions has been the gradual but dramatic diminishment of the resort character of the Beachfront Area.

Today, the resort uses remaining in the area include the Columns Restaurant and Hotel, the Cashelmara Inn, the Norwood Inn, several other Bed and Breakfasts, the Pavilion Restaurant, and a beachfront boutique. The majority of these uses are contained within a four-block area in the northeast corner of the Borough bounded by the Atlantic Ocean, Sylvan Lake, Woodland Avenue, and Second Avenue. Lots in this area tend to be larger, ranging from 14,000 sq. ft. to 40,000 sq. ft., and in addition to the resort uses, there are several multi-family buildings and a number of single-family residences, some with garage apartments.

The Borough maintains a boardwalk with beach access along the full length of Ocean Avenue. Recreational uses in this area include the boardwalk, the beach, volleyball nets, and a playground. On the opposite side of Ocean Avenue, adjacent to the Columns Hotel, is the Municipal Pool Complex. The Columns, the Pool, and the commercial and recreational uses on the boardwalk all are resort related uses that significantly increase the activity in the area during the summer months.

The area south of Woodland Avenue is primarily residential, with the sole exception being the Sewerage Pumping Station. This area underwent a significant change with the destruction of the Avon Inn, located between Sylvania and Garfield Avenues, and its subsequent replacement with a single-family residential subdivision. The majority of buildings in this area are wood sided.

The obvious predominant visual characteristic along the Beachfront Area is the boardwalk and Atlantic Ocean. As a result, the majority of buildings are designed and oriented to take advantage of the view. The majority of single-family residences are 2 to

2 1/2 stories, although the majority of houses south of Garfield Avenue are 1 to 2 stories. Other uses in the area range from 2 to 3 stories.

Property maintenance and building conditions are generally good. This is due to the increased value of these oceanfront properties, and the desire to maintain that value.

There are no street trees along Ocean Avenue. This is due primarily to the fact that most street trees will not withstand the salt spray from the ocean. In addition, street trees are not desirable since they would block the view of the ocean.

It is recommended that the Beachfront Area maintain its existing character, which is predominantly residential. The few remaining resort commercial uses in this area should be allowed to continue, in order to preserve in some part the resort character for which the Borough is so well known. In addition, the Borough is planning improvements along Ocean Avenue which include the creation of a bikeway and walkway.

Residential Area

The majority of the Borough is residential. Though residential uses are present in both the Main Street and Beachfront Areas, for the purposes of this Master Plan, the Residential Area will encompass all areas of the Borough not included in either of the other two areas, roughly from one-half block west of Fifth Avenue to one half block east of First Avenue.

Although there are subtle differences between different locations within the Residential Area, these differences are not significant, and do not merit any further subdivision of this area.

The Borough's Residential Area has several unique and distinguishing characteristics, including: its location between and relationship to the Main Street retail area and the resort-oriented Beachfront; the predominance of multiple residential structures on individual lots; the unusually wide streets; the ample on street parking; and the existence of the lanes which run east/west through the center of blocks.

The current atmosphere of the residential area was established early in the Borough's development. Shortly after purchasing the lands comprising Avon-By-The-Sea in 1879, William Batchelor subdivided the town into the characteristic 50' by 140' lots separated by wide streets and backed by narrow lanes. This original layout is still prevalent today, with the majority of residential lots being 140' deep and 50' or 100' wide. The wide street rights-of-way and rear lanes still exist and have a tremendous impact on the wide-open feeling of the Residential Area of the Borough.

Initially, this area was developed with a number of hotels and seasonal rooming houses in addition to residential dwellings. Beginning in the 1970's (shortly after the Railroad Station was closed), the Residential Area began a transition from a seasonal resort

oriented area to a year-round residential area. The number of resort oriented uses, primarily boarding houses and hotels, has diminished over the past 25 years. This trend has increased the residential character of the area, adding to its stability and improving its appearance.

The relationship of the Residential Area to the Main Street Area and the Beachfront Area, along with its confinement by bodies of water to the north and south, give the Borough's residential area a distinct identity as a neighborhood. This identity is reinforced by the small size of the area, which makes it both possible and desirable for residents to walk to and from the commercial and community services center of the Borough on Main Street, or the recreation center of the community along the Beachfront. This pedestrian friendly atmosphere increases a resident's familiarity with the neighborhood, which in turn creates a stronger sense of community. The unique characteristics mentioned above tend to reinforce that sense of community by creating a neighborhood character that is distinct to Avon-By-The-Sea.

The width of the streets provides an open feeling to the area despite the relatively high density of housing units. Street right-of-way widths are 80', which is 30' wider than the traditional 50' right-of-way. Pavement widths are also wider than the traditional 30' to 36' for residential areas. The visual impact of the wider streets is to provide 30' additional separation between the fronts of buildings, which accounts for the feeling of openness.

This open feeling is more pronounced in areas closer to the ocean primarily due to the fact that there are fewer and smaller street trees closer to the ocean. There are virtually no street trees within a block of the ocean. The primary reasons for this are the intolerance to salt spray and the desire to leave open vistas to the ocean. The size and number of trees increases as the distance from the ocean increases, to where there are many street trees to the west of 4th Avenue which are approximately 50' in height.

Nearly all streets within the Residential Area have sidewalks that vary from 4' to 5' in width. The predominant type of sidewalk is concrete, although many older, uneven slate sidewalks are interspersed throughout the area. There is no clear pattern or predominance of slate sidewalks in any area. Since most of the development in the area has been in place for a number of years, some sidewalks do not have barrier free ramps at intersections. This situation has the potential for unduly restricting the mobility of the Borough's elderly and disabled population. Recent road projects have included the installation of ADA ramps at some intersections, and the conversion of intersections to achieve ADA compliance ongoing.

The 20' wide lanes that bisect most of the residential blocks has the greatest impact on the character of the area. These lanes provide a rear access to the residential lots, thereby eliminating the need of driveways in the front yards for most of the residences in the Borough. This has several dramatic effects on the appearance of the area:

1. There is a limited amount of paving in residential yards, which makes the front yards, and therefore lots, appear larger. The existence of traditional driveways

would reduce the landscaping in front yards by 10%-25% and segment the front yards, making them appear smaller than they are. As they currently exist, front yards tend to flow into one another, which creates a park like impact for many blocks, particularly within 2 blocks of the Beachfront Area.

2. By providing rear access to the residences, the lanes eliminate the need for driveways to extend between the buildings. This has both negative and positive impacts. The current situation permits more landscaping to exist between the buildings in areas that would otherwise be covered with impervious surfaces. This creates a flow of front yard area into the rear yards. However, it has also permitted buildings to be spaced closer together, since there is no need to provide the space between them for a driveway. Consequently, in some parts of the Residential Area, the feeling of open space is diminished due to the proximity of the buildings.

3. By providing a rear access to the residences, many of the garages and secondary structures are located in the rear yards and are obscured from view by the primary residences. As these garages and secondary structures have been converted into garage apartments and secondary residences, they were not visible from the street front. As a result, the visual impact of the high residential density is reduced.

Landscaping within the Residential Area is generally well designed and well maintained. As with street trees, shade trees on residential lots are larger and more prevalent in areas farther from the ocean. Lots within one block of the ocean tend to have more lawn area and fewer smaller shrubs.

Although the Residential Area is not directly on the ocean, it is still impacted by its proximity to the ocean. As already discussed, this impact is noticeable in the amount and size of trees and other shrubs in relation to the proximity of the ocean. A second, and more obvious, impact is the architecture of the area. The design and materials used in buildings are both a direct result of the proximity of the ocean. Most primary residences have open front porches that take advantage of the ocean breezes which moderate temperature extremes. Building materials reflect the potentially damaging effects of the salt spray from the ocean, being primarily wood, brick, or stucco. Aluminum siding, which can be pitted by salt spray, is noticeably absent. The combination of the open porches and traditional wood siding adds to the warmth of the neighborhood and to the sense of community discussed earlier.

Building coverage and setbacks also have significant impact on the character of the area. Building coverages are low despite the high density of housing. The vast majority of lots have coverages of less than 30%. Front yard setbacks range from 15' to 30', with the majority being about 20'. Side yard setbacks vary considerably from less than a foot to over 50' in isolated circumstances. Generally, side yard setbacks tend to be between 5' and 10', and increase with proximity to the ocean. Rear yard setbacks vary from 0' to 5' along the lanes, and from 5' to 25' in other areas.

A major concern within this area is the current trend to knock down existing dwellings and construct new homes that are out of character with the surrounding neighborhood. The most significant deviations include buildings that are much higher than the surrounding homes, as residents attempt to take full advantage of any possible ocean view, and architectural styles that clash with the existing Victorian character of the Borough.

Recommendations for the Residential Area are intended to provide for the maintenance of the existing residential character of the area in order to maintain and enhance the sense of community that has developed in the area. Recommendations include:

- a reduction in the area and number of resort related uses within the Residential Area as well as the development of standards to reduce the impact of existing resort related uses on existing residences.
- the encouragement of architectural styles and materials which complement the existing architectural character of the area.
- the prohibition of additional secondary residential structures on residential lots.
- the continued encouragement of rear access drives to residential lots in order to maintain the openness of front lawn areas.
- the establishment and enforcement of proper setback requirements in order to provide adequate light, air, and open space.
- maintaining appropriate maximum building coverages on all residential lots in the Borough.
- the establishment of a program to provide barrier free sidewalk access at all intersections.
- the establishment and enforcement of proper building height requirements in order to provide adequate light, air, and open space.
- the rehabilitation of sidewalks according to consistent design standards to eliminate tripping hazards.
- the review of setback and impervious coverage requirements on non-standard lots, to determine a sliding scale for these requirements.

Population

Current Population and Growth Trends

The Borough's current population, as indicated by the 2000 census is 2,244 which is slightly less than double the 1940 population. The trend toward population growth in the Borough has been erratic over the past sixty years as shown in the following chart:

Year	1940	1950	1960	1970	1980	1990	2000
Population	1211	1650	1707	2163	2337	2165	2244
Population Change		439	57	456	174	-172	79
Percent of Change		36.3%	3.5%	26.7%	8.0%	-7.4	3.6%

It should be emphasized that the population figures shown here are for year round population. Since the Borough is a seaside summer resort community, population in the summer months increases considerably. Because of the transient nature of the summer residents, it is impossible to accurately estimate the summer population of the Borough.

The year round population of the Borough has shown significant increases in the periods between 1940 and 1950 and between 1960 and 1970. The rate of increase in the 1950's and 1970's was considerably less. Between 1970 and 1980, the Borough's rate of increase roughly paralleled the County's and was considerably greater than that of the State. During that period the State of New Jersey experienced a 2.7% increase, and Monmouth County's growth rate was 8.9%. The Borough experienced a decrease in population between 1980 and 1990, and a slight increase between 1990 and 2000.

The large population increase in the 1960's was due in large part to in-migration. In-migration is a result of a number of factors, the most prominent being the movement of families from the New York Metropolitan area in search of less expensive housing, suburban living, proximity to the ocean, better schools, and purer air, and yet within reach of the job producing centers by automobile or mass transportation. The opening of the Garden State Parkway, which has made connections north and south easily available, increased the attractiveness of the Borough drastically during this period.

Projected Population

The lack of available vacant land, and the declining family size within the State and County, make it likely that the Borough will not experience any significant year round population growth in the future. It is anticipated that in-migration will be limited to the conversion of seasonal dwellings. Consequently, it is anticipated that the Borough's year round population will remain between 2,250 and 2,300.

Density

The 2000 density of the Borough was approximately 5.5 times the 2000 density for the County. The 2000 density for the Borough was 5610 persons per square mile, as compared to a density of 1305 persons per square mile for the County. This has remained relatively the same since 1970.

Distribution

The following chart is a compilation of age groups for the Borough, according to the 2000 census. The population has been grouped in such a way as to represent certain specific age group characteristics, i.e. pre-school, grammar school, high school, and the different working age groups.

Age	Number	Percent of Population
Under 5	112	4.99%
5-9	111	4.95%
10-14	120	5.35%
15-19	102	4.55%
20-24	75	3.34%
25-34	293	13.06%
35-44	351	15.64%
45-54	315	14.04%
55-59	153	6.82%
60-64	111	4.95%
65-74	269	11.99%
75-84	164	7.31%
85 and over	68	3.03%

Summary

Population in the Borough has approximately doubled over the past 48 years and is expected to level off between 2,250 and 2,300. However, the seasonal increase that is experienced each summer will continue to cause problems in regard to parking, traffic flow, and municipal services.

Housing

New Jersey's Fair Housing Act of 1985 and the Municipal Land Use Law (MLUL) require municipalities to adopt a housing element that addresses the municipal present and prospective housing need, with particular attention to low and moderate income housing. A housing element shall contain at least the following:

1. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics and type including the number of units affordable to low and moderate income and substandard housing capable of being rehabilitated;

2. A projection of the municipality's housing stock, including the probable future construction of low and moderate income housing for the next six (6) years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;

3. An analysis of the municipality's demographic characteristics, including, but not necessarily limited to, household size, income level and age;

4. An analysis of the existing and probable future employment characteristics of the municipality;

5. A determination of the municipality's present and prospective fair share for low and moderate income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low and moderate income housing; and

6. A consideration of the lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing.

Analysis of Housing Stock

As of the 1990 Census, there were 1,371 housing units in Avon Borough. Consistent with the character of a shore community, only 72.1 percent of the units were occupied. Of the 989 occupied housing units, 571 were owner occupied and 418 units (or 42 percent) were rentals. In examining the Borough's housing stock, it is clearly more diverse than the housing stock of other municipalities within Mercer-Monmouth-Ocean

County Housing Region established by New Jersey's Council on Affordable Housing (COAH).

Table H-1

Units in Structure	Number	Percent of Total Units
1, Detached	858	62.6
1, Attached	57	4.2
2	151	11.0
3 or 4	35	2.6
5 to 9	16	1.2
10 to 19	63	4.6
20 to 49	117	8.5
50 or more	0	0.0
Mobile home or trailer	0	0
Other	74	5.4
Total	**1,371**	**100.00**

The median value of sales housing within Avon Borough was $241,500 according to the 1990 Census. By comparison, the median value of sales housing in Monmouth County was $180,400 in 1990.

Table H-2
Value of Sales Housing

Value ($)	Units	Percentage
Less than 75,000	9	1.9
75,000 – 99,999	12	2.5
100,000 – 124,999	14	3.0
125,000 – 149,999	13	2.8
150,000 – 174,999	39	8.3
175,000 – 199,999	48	10.2
200,000 – 249,999	121	25.7
250,000 – 299,999	92	19.5
300,000 – 399,999	74	15.7
400,000 – 499,999	24	5.1
500,000 or more	25	5.3
Total	**471**	**100.0**

For rental units, the median gross rent was $674. Of the 418 rental units reported by the Census, twelve were efficiency unites; 140 were one bedroom units; 166 were two bedroom units; and 100 were three bedroom units. Approximately 72 percent of the rentals were occupied by a head of household who was less than 65 years old. One hundred and ninety-eight of the rentals, or 47 percent, were occupied by a head of household between 25 and 44. Therefore, it appears that Avon's rental units are serving the needs of younger households with families.

Table H-3
Cost of Rental Units by Bedroom Size

Rent ($)	None	One	Two	Three
0-199	0	0	0	0
200-299	0	0	2	2
300-499	0	22	12	6
500-749	12	88	91	26
750-999	0	21	51	31
1000 or more	0	3	4	22
No cash rent	0	6	6	12

Units Affordable to Low and Moderate Income Households

Low income households are defined as earning less than or equal to 50 percent of a regional median income. Moderate income households earn more than 50 percent but less than 80 percent of median income.

COAH has developed a sliding scale defining the income of eligible low and moderate income households. For example, the median income of a household of one, and therefore the definition of low and moderate income, is less than for a household of two. COAH has determined separate median incomes for households of one (1) up to households of eight (8).

Similarly, housing units are to be priced to be affordable to households who could reasonably be expected to live within the housing units. For example, the current COAH rules require that an efficiency unit to be affordable to a household of one. The average one bedroom unit should be affordable to a theoretical household of 1.5 people. The average two and three bedroom units are to be priced for household sizes of 3.0 and 4.5 respectively. The following table displays COAH's 1990 income limits for the Mercer-Monmouth-Ocean housing region by household size:

Table H-4
Income by Household Size

	1 Person	2 Person	3 Person	4 Person	5 Person
Moderate	$23,464	$26,816	$30,168	$33,520	$35,616
Low	$14,665	$19,640	$22,095	$24,550	$26,085

To be affordable, a household should not be paying more than 28 percent of its gross income on principal, interest, taxes, and insurance, subsequent to a minimum down payment of five (5) percent. A rental unit is affordable of the household is paying no more than 30 percent of its income on rent and utilities. To illustrate, the average three (3) bedroom rental unit should be affordable to a theoretical household of 4.5 people. Assuming that a 4.5 person moderate income household earns $34,568 in 1990, the rent and utilities for an affordable three bedroom unit could not exceed $864. (The income for a 4.5 person household is calculated by averaging the incomes for four and fie person households).

It is difficult, and probably not terribly productive, to try and determine how many units were affordable to low and moderate income households when the Census was taken. To make this calculation properly would require an analysis of 1990 income limits, interest rates and tax rates. However, assuming that most of the owner occupied housing in Avon are three bedroom units, an owner occupied unit would have been considered affordable if it could be purchased by a moderate income household of 4.5. Assuming a household can afford a home priced at 2.5 times the household income, a household earning $34,568 could afford an $86,420 house. By interpolating the data in Table H-2, one can estimate that approximately 14 owner occupied housing units fell into this category within Avon Borough in 1990.

With regards to rentals, it is assumed that efficiency units should be affordable to a one person household. One (1) bedroom units must be affordable to a theoretical one and one-half (1.5) person household. Two (2) bedroom units must be affordable to a household of three (3); and three (3) bedroom units must be affordable to a theoretical household of four and one-half people (4.5). In addition, rent plus utilities may not exceed 30 percent of a qualifying household's gross income.

For example, an efficiency housing unit must be affordable to a one (1) person household. A one (1) person household in 1990 could earn no more than $23,464 to qualify as a moderate income household. To be affordable, the rent plus utilities on an efficiency unit may not exceed 30 percent of $23,464. Given these standards, rent plus utilities on an affordable efficiency, one, two, and three bedroom units may not exceed $568, $628, $754, and $864 respectively to be affordable to moderate income households.

The 1990 Census does not provide a detailed enough summary of rents to determine the precise number of affordable rents based on COAH's criteria. However, by comparing COAH's criteria to rents by bedroom size provided in Table H-3 and assuming that rent includes utilties, one can conclude that:

1. approximately 4 efficiency units were affordable in 1990;
2. approximately 67 one (1) bedroom units were affordable;
3. approximately 105 two (2) bedroom units were affordable; and
4. approximately 48 three (3) bedroom units were affordable during 1990.

Conditions of Housing Stock

COAH utilizes the 1990 Census to try to estimate the number of substandard housing units in Avon that are occupied by low and moderate income households. COAH uses the Census to determine which units are occupied by low and moderate income households. COAH then analyzes the low and moderate income housing stock based on the following factors:

Year Structure Built	A distinction is made between units built before 1940 and units built thereafter. Research has demonstrated that units built before 1940 are much more likely to be in substandard condition. This factor is probably the most dominant factor in estimating the condition of a municipal housing stock.
Persons Per Room	1.01 or more persons per room is an index of overcrowding
Plumbing Facilities	Inadequate plumbing facilities is indicated by either a lack of exclusive use of plumbing facilities or incomplete plumbing facilities
Kitchen Facilities	Inadequate kitchen facilities are indicated by shared use of a kitchen or the lack of a sink with piped water, a stove, or a refrigerator
Heating Fuel	Inadequate heating is use of coal, coke, wood, or no fuel for heating
Sewer	Inadequate sewer services are indicated by a lack of public sewer, septic tank or cesspool
Water	Inadequate water supply is indicated by a lack of either city water, drilled well, or dug well

Not all of the Census indicators of substandard housing are available at the municipal level. Therefore, COAH developed a procedure in which it estimates the number of low and moderate income households in substandard housing within a Census region and then estimates the number of low and moderate households in substandard housing at the municipal level based on Census indicators that are available at the municipal level. The procedure classifies a low and moderate income unit as substandard if it "fails" two of the Census indicators listed above. Once a Census regional total of substandard low and moderate income units has been calculated, the procedure assigns a share of this total to each municipality within the Census region based on the following Census indicators that are available at the municipal level"

Plumbing Facilities	Non-exclusive use of complete plumbing
Persons per Room	More than 1.01 persons per room
Age of Housing	Housing built in 1939 or earlier
Water or Sewer	Deficiency in one or the other
Telephone	Absence of phone unit
Heating Fuel	Use of coal, coke or wood for heating or no fuel

In Appendix A of its rules, COAH describes its approach for estimating the condition of low and moderate income housing in a municipality as follows:

> It should be realized that any of these characteristics need not signal a deficiency on their own. The units must be occupied by a poor household; be more than 50 years old and contain a single deficiency; or be similarly occupied, be 50years or less, but contain an additional detrimental condition, to signal deficiency. Even then, the unit may not be actually deficient, but there is a high probability that it will be subsequently lost from the housing stock.
>
> This procedure for establishing housing deficiency: (1) is drawn from the literature of the field; (2) encompasses a broad array of physical insufficiency including such items as incomplete or inadequate kitchen and plumbing, crowding, inadequate heating fuels, and insufficient sewer and water resources; (3) ensures against erroneous inclusion of good units; and (4) provides a very high probability that the housing identified at least in relative terms, is clearly less than adequate.

The reason COAH must use indicators of substandard housing is that the Census does not classify housing units as standard or substandard. Thus, the data presented below are the data COAH uses to generate its estimates for Avon:

Table H-5
Indicators of Substandard Housing

Census Housing Indicator	Total	Percentage
Number of Persons Per Room		
1.01 or more	6	1.5
Plumbing Facilities		
Units with Complete Plumbing	1,368	99.8
Units Lacking Complete Plumbing	3	0.2
Heating Equipment		
Utility Gas	634	64.1
Bottle, tank, or lp gas	13	1.3
Electricity	60	6.1
Fuel, oil, kerosene, etc.	277	28.1
Coal or coke	3	0.3
Wood	0	0.0
Solar Energy	0	0.0
Other Fuel	2	0.2
No fuel used	0	0.0
Kitchen Facilities		
Complete kitchen facilities	1,369	99.9
Lacking facilities	2	0.1
Sources of Water		
Public system or private company	1,364	99.5
Individual well		
Drilled	5	0.4
Dug	0	0.0
Some other source	2	0.2
Sewage Disposal		
Public sewer	1,363	99.4
Septic tank or cesspool	6	0.4
Other means	2	0.1
Telephone		
With telephone	980	99.1
No telephone	9	0.9
Year Structure Built		
1989 until census	10	0.7
1985-1988	4	0.3
1980-1984	6	0.4
1970-1979	98	7.1
1960-1969	187	13.6
1950-1959	113	8.2
1940-1949	131	9.6
Before 1940	822	60.0

Most of the data available at the municipal level indicate a sound housing stock. Less than two (1.5) percent of the units are occupied by more than one person per room. Virtually the entire housing stock has complete plumbing facilities and is served by conventional sewer and water systems. Nearly every housing unit has a telephone and complete kitchen facilities. Most of the units are heated with standard heating fuels.

The one Census variable that is in indication of potential housing quality problems is the age of the housing stock. Sixty percent of the Borough's housing was constructed prior to 1940. Given that units constructed prior to 1940 is COAH's most powerful indicator of substandard housing, one would expect COAH would estimate that there area a substantial number of substandard housing units within the Borough. Regardless of COAH's estimates, the age of the Borough's housing stock indicates that the Borough may wan to institute a program to encourage the maintenance of buildings within the Borough.

Projected Housing Stock

Most of the land within the Borough has been developed and the building permit data collected by New Jersey's Department of Labor reflects the lack of vacant land within Avon. Since 1983, Avon has issued: building permits for the construction of 15 single family housing units; and three permits to demolish housing units. The data indicate a net gain of 12 housing units, all of which were single family housing.

Table H-5
Dwelling Units Authorized

Year	Single Family	2 to 4 Family	5 or more Family	Residential Demolitions	Total
1983	0	0	0	0	0
1984	0	0	0	0	0
1985	0	0	0	0	0
1986	0	0	0	0	0
1987	0	0	0	0	0
1988	0	0	0	0	0
1989	4	0	0	0	4
1990	1	0	0	0	1
1991	2	0	0	0	2
1992	0	0	0	1	(-1)
1993	4	0	0	0	4
1994	4	0	0	0	4
1995	0	0	0	2	(-2)

The Borough has purchased Block 22, Lot 9 and raised the structure on this property (the former Buckingham Hotel). Its intent is to subdivide the property into five lots and

convey them to a developer who will build single family detached housing. It is anticipated that the Borough will create low and moderate income housing opportunities, though zoning amendments that will expand the Borough's housing stock. Even with such zoning amendments, given the scarcity of vacant land within the Borough, it is not anticipated that the housing stock will increase by more than 50 housing units within the next six (6) years.

It is anticipated that most of the growth in the Borough's housing stock will result from its response to its low and moderate income housing obligation. It is anticipated that a greater percentage of the new units created within the Borough will be multi-family units or apartments that may be permitted on existing residential and commercial properties.

Demographic Characteristics

Avon Borough grew rapidly during the 1940s and 1960s. Its population increased to 2,337 people as of the 1980 Census. However, from 1980 to 1994, the Borough's population has decreased by 6.8 percent.

Table D-1
Population Growth

Year	Population	Population Increase	Percentage Increase
1940	1,211	-	-
1950	1,650	439	36.3
1960	1,707	57	3.5
1970	2,163	456	26.7
1980	2,337	174	8.0
1990	2,165	(-172)	(-7.4)
1994	2,179	14	0.7

The Borough's April, 1990 Master Plan anticipated that the Borough's lack of vacant land and a trend towards smaller families will limit any significant year round population growth in the future. It anticipated that the Borough's year round population will stabilize at approximately 2,340. The Master Plan's projection of growth is somewhat higher yet consistent with the Monmouth County projection of population within the Borough. The County projects a 2010 population of 2,200 for Avon Borough.

The 1990 Census documents that there were 1,003 households in the Borough in 1990. Given the 1990 population of 2,165, the average Avon household consisted of 2.16 people. By way of comparison, the average household size in Monmouth County was 2.74.

The average household size and the data in Table D-2 indicate that a large percentage of the Borough's population that is 65 or over is almost twice the comparable percentage for Monmouth County. Similarly, the median age of Avon residents in 1990 was nearly seven (7) years higher than the median age of all Monmouth residents. These data suggest a need for senior citizen housing.

Table D-2
Population by Age Cohort

Age Cohort	Avon Borough Distribution (%)	Monmouth County Distribution (%)
Under 5	5.9	7.0
5 - 17	12.2	17.3
18 – 24	8.3	9.1
25 – 44	28.4	29.6
45 – 64	21.9	20.6
65+	23.3	12.7
Median Age	41.7	35.0

The 1990 Census indicates that the median income of Avon residents was lower than the median income for Monmouth County or the State. The median household income of Avon residents in 1990 was $35,694. The median household income for the County was $45,912; and the State household median income was $40,927. The lower household income is at least partially explained by less people in Avon's households, since Avon's per capita household income of $21,221 is higher that the Monmouth County per capita income of $20,359 or the per capita income for all New Jersey households of $18,714.

Table D-3
Households by Income ($)

Income ($)	Avon Borough	Monmouth County
0- 4,999	3.0	2.5
5,000 – 9,999	7.4	5.6
10,000 – 14,999	6.1	5.2
15,000 – 24,999	14.5	10.8
25,000 – 34,999	18.3	12.1
35,000 – 49,999	14.6	18.3
50,000 – 74,999	22.0	22.9
75,000 – 99,999	7.2	11.4
100,000 – 149,999	5.0	7.3
150,000+	2.0	3.9

Employment Characteristics

The census reports on work activity of residents 16 years and older. From this population, 662 out of 822 men and 569 out of 994 women worked in 1989. The average commuting time of the Avon worker was 26.4 minutes. Most Avon residents worked in the private sector as depicted in Table E-1

Table E-1
Class of Worker

Private for profit wage and salary	673
Private not for profit wage and salary	80
Local Government	148
State Government	34
Federal Government	29
Self Employed	86
Unpaid Family	3

An analysis of the employed (over 16) by economic sector indicates that the majority of Avon workers were involved in the retail trade; finance, insurance and real estate; and service industries. Within the service sector, 7.2 percent of Avon's workforce were involved in health related services and 13.0 percent were involved in educational services. Table E-2 is a consolidated summary of the Avon work force.

Table E-2
Work Force by Sector

Sector	Employees	Percentage of Work Force
Agriculture, forestry and fisheries	2	0.2
Mining	0	0.0
Construction	63	6.0
Manufacturing	63	6.0
Transportation	34	3.2
Communications & other public utilities	35	3.3
Wholesale trade	32	3.0
Retail trade	177	16.8
Finance, insurance & real estate	109	10.4
Services	406	38.6
Public Administration	74	7.0

Most Avon workers are involved in managerial and service occupations. Over 87 percent of the Avon workforce have been classified as managerial and professional; technical, sales and administrative support; or as being involved in service occupations. By way of comparison, slightly more than 79 percent of Monmouth County's work force work in these occupations.

Table E-3
Occupation Characteristics

Occupation	Avon (%)	Monmouth County (%)
Managerial and professional	41.5	34.1
Technical, sales & administrative support	33.9	34.3
Service occupations	10.8	10.7
Farming, forestry, and fishing	1.3	1.2
Precision production, craft & repair occupations	7.7	9.9
Operators, fabricators & laborers	4.8	9.8

The New Jersey Department of Labor compiles data on private sector employers who pay unemployment insurance. These private sector data related to covered jobs are perhaps the best data available to measure the growth in employment within a municipality or county. However, the Department of Labor's covered employment data have been analyzed by the Avon Post Office, which found that much of the employment that the data indicates is located in Avon is actually located elsewhere.

However, even considering the errors inherent in the method of reporting covered employment, it is clear that Avon has not shared in the job expansion experienced in Monmouth County. The data indicate that, since 1984 (an important date in that it is used by COAH to assign housing need), the covered jobs within the Borough decreased by 67.3 percent. During the same time period, the covered jobs within the County increased by 15.9 percent. Given the scarcity of vacant land within the Borough, it is not likely that the Borough will experience a significant increase in employment over the next six (6) years.

Table E-4
Covered Jobs

Year	Avon Borough	Monmouth County
1984	739	154,573
1985	585	155,240
1986	613	161,207
1987	490	171,250
1988	432	175,707
1989	429	178,154
1990	420	170,419
1991	347	163,333
1992	372	164,925
1993	473	172,156
1994	271	175,156
1995	242	179,137

Determination of Low and Moderate Income Housing Need

The *Mount Laurel* Decisions established that every municipality is responsible for a share of a regional housing need. COAH, pursuant to the Fair Housing Act, is responsible for defining regions and developing criteria for establishing each municipality's share of the regional need. Avon Borough lies within a region consisting of Mercer, Monmouth, and Ocean Counties.

The Avon low and moderate income housing responsibility consists of: a present need; a share of the low and moderate income households that COAH has estimated to have formed from 1987-1993; and a share of the low and moderate income households that COAH projects will form during the 1993-1999 period. The present need is an estimate of substandard units occupied by low and moderate income households. It is estimated, for each municipality and for the housing region, through use of the 1990 census. COAH then establishes a *regional* standard of low and moderate income households living in substandard housing. The following excerpt from *The COAH Handbook* describes the calculation of the *regional* standard and its use:

> The standard is determined by dividing the number of substandard units occupied by low and moderate households by the total occupied housing units in the region. In examining the census estimates of substandard housing units occupied by low and moderate income households within each municipality, the municipal responsibility for addressing substandard units is limited by this regional standard. Thus, if the regional standard is two percent and within a specific municipality three percent of the occupied housing stock represents substandard units

> occupied by low and moderate income households, the municipal responsibility is capped at the regional standard of two percent. The remaining obligation becomes a regional obligation assigned to municipalities within the housing region.

The logic of reallocating a portion of the present need stems from language in the *Mount Laurel II* Decision. The court determined that some municipalities had a disproportionate share of low and moderate income housing in substandard condition because the municipalities had housed a disproportionate share of low and moderate income households. Therefore, the court "capped" an individual municipality's responsibility at a regional standard. The substandard low and moderate income units that remain the municipal responsibility represent the municipal *indigenous need*. The substandard units that become a regional responsibility are called *reallocated present need*.

In Avon, COAH estimates that there are 26 substandard units occupied by low and moderate income households. Fourteen of these units have been assigned to the housing region as reallocated present need, leaving the Borough with an indigenous need of 12. COAH has determined that the Borough has a responsibility for two units that are generated from the regional reallocated present need.

In 1986, COAH projected the 1987-1993 housing need for each municipality based on the population projections available at the time. Population projections were converted into household projections and, since approximately 40 percent of all households are low and moderate income households, the 1987-1993 projection of need equaled approximately 40 percent of the household projection.

COAH's 1987-1993 projections overstated the number of households that actually formed during the projection period. The actual growth from 1987-1993 was approximately one-half the projection. Therefore, COAH scaled back each municipality's 1987-1993 housing responsibility based on the estimates of actual growth.

The final component of municipal housing need is a projection of housing need for the 1993-1999 period. This projection of low and moderate income household formation is performed in a similar manner to the 1987-1993 projection.

COAH's formula for determining housing need is very complex. One reason it is so complex is that it tries to recognize that sound housing is lost and becomes available to low and moderate income households as a result of market forces. Demolitions reduce the number of market rate units available to low and moderate income households. Sound housing units are sold to low and moderate income households (filtering). Owners of structures convert them into housing units that are affordable to low and moderate income households (conversions). Landlords rehabilitate substandard units without any subsidy from the municipality (spontaneous rehabilitation).

COAH attempts to project the level of all this activity that will occur in each municipality from 1993-1999. COAH projects this activity based on data related to attached housing and the income of municipal residents. These projections of secondary sources of demand and supply (demolitions, filtering, conversions, and spontaneous rehabilitation), act to reduce the number of low and moderate income units a municipality must address in its housing element.

COAH's formula results in a 1987-1999 Avon Borough housing obligation of 31 units. The 31 units may be divided into a rehabilitation component (indigenous need-spontaneous rehabilitation) and a new construction component. The following is a summary of Avon's 1987-1999 low and moderate income housing obligation pursuant to COAH's formula:

Table HN-1
Avon Borough's 1987 – 1999 Housing Obligation

Rehabilitation Component	
Indigenous Need	12
Spontaneous Rehabilitation	-1
Rehabilitation Component	**11**
New Construction Component	
Reallocated Present Need	2
Prospective Need	23
Prior Cycle Prospective Need	14
Subtotal	**39**
Secondary Sources	
Demolition	0
Filtering	-16
Conversions	-3
Subtotal	**-19**
Total New Construction Component	**20**
Precredited Need	**31**

Having established a cumulative housing obligation for 1987-1999, COAH's rules permit municipalities to receive credit for housing activity that has addressed the housing obligation. The estimates of substandard housing are based on the 1990 census. The census was performed on April 1, 1990. Therefore, any rehabilitation activity that was performed after April 1, 1990 may be eligible for a credit. To be eligible for a credit, the rehabilitation must repair or replace a major housing system and average at least $8,000 in actual hard costs (the cost of repairs).

Avon Borough does not administer its own rehabilitation program. However, the Monmouth County Community Development program does administer a program that is available to Avon Borough. According to the Monmouth County records, work has been completed on three (3) units within Avon Borough since April 1, 1990. Most of the information regarding this rehabilitation activity is confidential. However, work on File #740-AS-0491 was completed September 15, 1992. The work cost $14,977 to complete. the work on File #913-AS-0493 was completed on May 3, 1995 and cost $13,000. Finally, the work on File #1055-AS-0593 was completed on December 16,1996. The cost of the work was $13,200. Six year liens were placed on each unit. The liens require repayment if the units are sold within the six (6) year period. According to the Monmouth County records, the people who received the loans still reside in the units.

The court has ruled that units that were rehabilitated in 1992 and 1995 qualify for a credit pursuant to COAH's rules. The unit that was rehabilitated in 1996 has not been reviewed by the Special Master of the court as yet. However, it is anticipated that this unit will also qualify for a credit, reducing the Borough's rehabilitation obligation from 11 to eight (8).

COAH's rules also provide credit for housing units that have been constructed since 1980 that satisfy various criteria. In preparing this Housing Element, the Borough conducted an exhaustive analysis of housing units that could qualify for a credit pursuant to COAH's rules. However, after working with the Special master assigned by the court, it was determined that none of the housing units constructed or created (through substantial rehabilitation) qualified for credit.

Thus, assuming credit for three rehabilitated housing units, the Borough's housing obligation should be reduced from 31 to 28. The 28 housing units consist of a rehabilitation component of eight (8) and an inclusionary component of 20.

Data Refinements

In implementing its rules, COAH developed procedures for municipalities who believed that there was an error in the data forming the basis of its housing allocation. One common source of error was in the use of covered employment statistics in allocating housing need.

Covered employment data are collected by the Department of Labor. The data are not collected for housing allocation purposes; but these data were used by the court and COAH for this purpose because it was believed that low and moderate income households should be able to live near places of employment. It was believed that there should be a strong link between jobs and housing responsibility.

It was acknowledged that the covered employment data did not always accurately reflect the precise location of employment. Sometimes employers choose to use a "prestige address." Sometimes all the employees in various company branches are reported to be located in a central location. Sometimes the address provided is the

address of the accounting firm that completed the Department of Labor's form. As a result of these errors, some municipalities received a disproportionate share of the regional obligation.

COAH provided a process to determine if a municipality had received a disproportionate share of the obligation as a result of an incorrect application of covered employment data. Municipalities seeking a data refinement based on covered employment data were to receive a list of covered employers that were used in determining the municipal 1987-1993 housing allocation. This list was referred to the local postmaster, as an objective third party, to certify whether or not the employer was actually located in the affected municipality.

COAH normally accepts the postmaster's certification to determine the correct covered employment number used in its formula. Therefore, if the postmaster certified that 10 employers were not located in a municipality, COAH would add the employment represented by the remaining employers to determine an amended housing allocation.

COAH has eliminated covered employment as a factor in allocating each municipality's share of reallocated present need and 1993-1999 prospective need. However, it remains a very important factor in COAH's allocation of 1987-1993 prospective need. Since this component of need contributes 14 housing units to the Avon obligation, the Borough decided to pursue the process permitted by COAH to determine if the data that formed the basis for its housing obligation had been calculated correctly.

The post office review of the Department of Labor's data indicated that a substantial percentage of covered employment attributed to Avon was not located in the Borough. Therefore, the Special Master recommended that the Borough's housing obligation be recalculated based on corrected covered employment data. The recalculation resulted in lowering the Borough's housing obligation by five (5) housing units.

The Special Master recommended to the court that Avon's housing obligation be reduced by five (5) housing units based on the corrected covered employment data. the court accepted this recommendation.

Therefore, it is believed that the Borough's remaining housing obligation is 23 housing units. The rehabilitation component is eight (8) units and the inclusionary component is 15 housing units.

The Adjustment Process

COAH, pursuant to the Fair Housing Act, is responsible for allocating a share of a regional housing obligation to each municipality within the housing region. Whenever an agency tries to assign portions of a regional need (which by its nature is very large) to individual municipalities with a limited amount of vacant area, there is likely to be a poor relationship between the housing need assigned to a municipality and the municipality's ability to address the housing need with its remaining vacant land.

Thus, COAH has developed a process that recognizes the limits of vacant and underutilized parcels in the community. The process also recognizes that redevelopment takes place; and, as redevelopment occurs, municipalities are expected to develop plans to capture a contribution toward addressing the remaining housing obligation.

The first part of the process involves determining the number of low and moderate income housing units that can realistically be expected to be constructed within the framework of sound land use planning on the vacant and underutilized sites within the municipality. This calculation is called the Borough's *realistic development potential.*

The process of calculating the realistic development potential begins with an inventory of *all* vacant and underutilized land in the Borough. This inventory is, in effect, an inventory of possibilities for low and moderate income housing. However, sites or portions of these sites may be eliminated due to: environmental limitations; deed restrictions that prevent development of the site; the need to provide a buffer from historic structures; poor access; plans to devote the site for recreation or open space; and incompatible surrounding land uses.

Once a site, or a portion of a site, has been determined to be suitable for inclusion in the realistic development potential, it is necessary to determine an appropriate density for the site. The density assigned to the site should be consistent with sound planning principles after considering factors such as, but not limited to, the existing infrastructure, the accessibility of the site and the character of the surrounding area. In determining the appropriate density, the court is not limited by the existing density of a particular area of the Borough. Indeed, it is the court's challenge to balance the need for low and moderate income housing with the character of a given area.

The density is then multiplied by the acreage of the site, or that portion of the site that has been determined suitable for low and moderate income housing. This product is the total development capacity of the site. For example, a ten acre site might be suitable for residential development at six (6) units per acre. Multiplying six (6) units per acre by 10 acres yields a site capacity of 60 units.

COAH's rules require that 20 percent of the site's capacity be reserved for low and moderate income households. This reservation is termed a *set-aside*. With a 20 percent set-aside, the hypothetical site used in the example would yield 12 low and moderate income units. The sum of each site's capacity analysis equals the realistic development potential.

Upon review of the vacant and underutilized sites within the Borough, some sites were eliminated as potential housing sites due to poor access and environmental limitations. For other sites, it was determined that the sites were too small to accommodate the five units necessary to yield one (1) lower income unit. These sites were also eliminated from consideration as potential low and moderate income housing sites.

As a result of this process, the court considered only two sites for low and moderate income housing. The court determined that the Buckingham property (Block 22, Lot 9) could accommodate three (3) low and moderate income housing units. The Buckingham property is located at the corner of Sylvania and Second Avenues. It is 35,000 sq. ft. in size and was the former home of the Buckingham Hotel. The court's determination was consistent with a recommendation from the Special Master that the site could be zoned at a density of 19 units per acre with a 20 percent set-aside.

The court also determined that Block 4.02, Lot 2.02 and 2.03 could accommodate two (2) low and moderate income housing units. this site is an L-shaped lot of approximately 18,400 square feet in size with frontage on Main Street and Norwood Avenue. The court accepted the Special Master's recommendation that this site could be zoned at 25 units per acre.

Thus, the court has determined that Avon Borough has a realistic development potential of five (5) housing units. The realistic development potential is an important planning number for the Borough. COAH's rules allow 25 percent of the realistic development potential to be reserved for senior citizens. Thus, one housing unit may be reserved for senior citizens. Another rule requires the Borough to create an opportunity for at least one low or moderate income unit to be a rental housing unit.

The Borough must develop a plan to address the five unit realistic development potential. However, within the framework of COAH's rules, there is flexibility in developing this plan. The Borough is not, for example, required to zone the Buckingham property or the property on Main Street and Norwood Avenue for affordable housing. It may choose acceptable options that would allow the Borough to avoid zoning one or both sites for low and moderate income housing.

The calculation of the realistic development potential does not reduce the Borough's 23 unit housing obligation. Therefore, in addition to developing a plan to address its realistic development potential, the Borough must adopt a plan to capture a contribution for affordable housing as development or redevelopment occurs. COAH's rules anticipate the adoption of a development fee ordinance that would mandate the payment of fees into an affordable housing trust fund when property is developed or redeveloped in the Borough. The rules also anticipate zoning amendments that would allow affordable housing to be created as development or redevelopment occurs. By way of example, the rules discuss specific types of areas that might result in affordable housing if appropriate zoning was in place:

> Examples of such areas include, but are not limited to: private clubs owned by its members; publicly owned land; downtown mixed used areas; high density residential areas surrounding the downtown; areas with a large aging housing stock appropriate for accessory apartments; and properties that may be subdivided and support additional development.

The Borough may address some of its remaining housing obligation by devising a rehabilitation program designed to address its eight (8) unit rehabilitation component. However, if it chooses to design such a program, the Borough must develop administrative procedures that provide a framework for the rehabilitation activity. It must also fund the program. COAH's rules provide that the average rehabilitated housing unit require at least $8,000 worth of repairs in order to repair or replace a major housing system and bring the unit into compliance with the appropriate housing code standard. In addition, the Borough must provide personnel to administer the program or pay a consultant or organization to perform this service. The minimum cost for this service is $2,000 per housing unit; but it can cost as much as $3,000 per unit.

COAH's rules do not require a municipality to spend municipal dollars to fund the administration and construction costs associated with a rehabilitation program. However, the rules do provide that a municipality may be required to apply for a housing grant to fund such activity it if is determined that it is realistic to receive such a grant.

In summary, the court has determined that the Borough has sufficient vacant or underutilized land to address five low and moderate income housing units (realistic development potential). In addition to devising a plan to address these five (5) units, Avon has an obligation to adopt a plan to capture a contribution for affordable housing to address its remaining obligation. As part of a plan to address the rehabilitation component of the obligation, COAH's rules provide for requiring a municipality to apply for a housing grant when it is realistic to think that such an application will be successful.

Senior Citizen Cap, Regional Contribution Agreements, and Rental Housing Obligation

COAH has adopted rules that provide a framework for preparing a response to the housing obligation. These rules allow a municipality to age-restrict a portion of the housing units that are created in response to the housing obligation. They also permit a municipality to transfer part of their obligation to another municipality through a regional contribution agreement. These agreements require a municipality that is interested in such a transfer to pay a sum of money to a municipality that is interested in accepting the responsibility for actually building the low and moderate income housing units. COAH's rules also require that municipalities create the opportunity for rental housing.

COAH's rules that permit municipalities to restrict occupancy of housing to the elderly allow Avon to age-restrict up to 25 percent of its realistic development potential for senior citizens. With a realistic development potential of five (5), the Borough can, pursuant to COAH's rules, age-restrict one (1) low or moderate income housing unit.

Similarly, COAH's rules that pertain to rental housing require the Borough to create rental opportunities based on the following formula:

> For a municipality that receives an adjustment pursuant to N.J.A.C. 5:93-4.2, the rental obligation shall equal 25 percent of the realistic development potential.

Thus, the Borough must provide a realistic opportunity for at least one (1) of the mow and moderate income units to be rental. This can be done through a number of techniques. By way of illustration, a municipality may create zoning that permits accessory apartments; it may enter into a regional contribution agreement with a "receiving" municipality to create rental housing; it can build the unit itself; it can satisfy the requirement by permitted a new group home, boarding home, or similar facility; or it can create the opportunity for rental housing by creating an incentive for a developer to construct rental housing by permitted higher densities for a developer that is interested in creating rental property. These examples should not be viewed as limiting any realistic options for producing rental housing.

COAH's rules on regional contribution agreements permit the Borough to transfer up to five (5) units to a willing "receiving" municipality. The five (5) unit transfer is based on a formula that allows a municipality to transfer up to half of the sum represented by the realistic development potential and rehabilitation component (13) provided that no portion of the rehabilitation component (8) is transferred.

The Avon Response to the Realistic Development Potential

As has been discussed in an earlier section of this Housing Element, the court has determined that Avon Borough has sufficient vacant or underutilized land to create five (5) low and moderate income housing units (the realistic development potential). In calculating the Borough's realistic development potential, the court determined that Block 4.02, Lots 2.02 and 2.03 may be zoned for low and moderate income housing at 25 units per acre provided that 20 percent of the housing units are restricted to low and moderate income households.

In making his recommendation to the court, the Special Master noted that the site's proximity does not lend itself well to housing that generates children. The Special Master noted that the site is located in a commercial area between a State road and the railroad. Thus, he indicated that it would be appropriate to limit the housing units constructed on the site to one (1) and two (2) bedroom units.

It is recommended that Block 4.02, Lots 2.02 and 2.03 be rezoned in a manner that is consistent with the Special Master's recommendation. The site should be zoned at 25 units per acre with a 20 percent set-aside. The ordinance that is drafted should limit housing constructed on this site to one (1) and two (2) bedroom units. The ordinance shall limit occupancy on the site to households where at least one member of the household is at least 62 years of age. (The court has granted a waiver from COAH's limit on age-restricted housing based on the Special Master's conclusion that Block 4.02, Lots 2.02 and 2.03 does not lend itself to family housing)

It is recommended that the ordinance provide the Borough with the option of allowing the developer of Block 4.02, Lots 2.02 and 2.03 to pay a fee in lieu of constructing low and moderate income housing. It is recommended that the fee in lieu of construction be at least $25,000 per low and moderate income unit. The fee must be used for affordable housing purposes. It is recommended that any fee in lieu of building low and moderate income housing be used: to finance a regional contribution agreement; and for other purposes that are consistent with COAH's rules.

It is recommended that the remaining three units of the Borough's realistic development potential be addressed through a regional contribution agreement. A regional contribution agreement requires that the Borough enter into a contractual agreement with a willing "receiving" municipality. The cost of entering into a regional contribution agreement may be estimated at between $20,000 and $25,000 per unit.

It is anticipated that Avon will enter into a regional contribution agreement with Asbury Park (see Exhibit A). The regional contribution agreement will respond to the Borough's one (1) unit rental obligation. Once Avon transfers the money to its partner in such an agreement, the Borough has no more responsibility in the construction of the three housing units.

Rehabilitation

It is recommended that the Borough create a rehabilitation program to address its rehabilitation component of eight (8) housing units. The purpose of this program is to repair or replace a major system (roof, plumbing, heating, electricity, sanitary plumbing and/or a load bearing structural system) and bring the unit up to BOCA code standard. The rehabilitation program must be available to rental units and owner occupied housing. The Borough must provide for the administration of such a program.

The Borough must fund the rehabilitation effort. COAH's rules require that the municipality provide $10,000 per housing unit or $80,000. COAH's rules require funding for one-third of the rehabilitation activity to be available within one year of receiving repose from the court. The remaining funding must become available on a pro-rata basis over the next four years.

The reason why a greater percentage of money must be available in the first year is to help develop the administrative capacity of the rehabilitation program. It is recognized that rehabilitation activity does not happen overnight. Administrative capacity must be developed, the program must be marketed and interest in the program must be cultivated. It is usual for relatively little activity to take place in the initial year of a rehabilitation program. It is anticipated that, after the initial year, activity will increase.

The funding is to pay for the "hard costs" of rehabilitation and the administration fees. COAH's rules require that 20 percent of the funding (or $2,000 per housing unit) be

devoted to administrative expenses. The average cost of rehabilitating a housing unit must be at least $8,000.

It is recommended that the Borough enter into an agreement with the Monmouth County community Development Program to administer the rehabilitation effort. The County is administering rehabilitation programs with a number of Monmouth County municipalities. The County Program has developed its own procedures, forms and manual that have been approved for use in addressing municipal low and moderate income housing obligations. The County's fee fore administering a rehabilitation program for a municipality is $2,000 per unit.

The County has indicated that it is not in a position to immediately commit to administering the Avon rehabilitation program. If the County cannot make such a commitment, the Borough may administer the program itself or hire a consultant to administer the rehabilitation effort. The court has allowed the Borough at least one year to enter into an agreement with the County to administer its rehabilitation program. Given the relatively small number of housing units in need of rehabilitation (8) the court determined that it could provide this time without sacrificing the realistic opportunity of completing the rehabilitation within the six (6) years of repose.

Pursuant to COAH rules, the rehabilitation program will be available for owner-occupied housing units and rental units. For owner-occupied units, money shall be made available as a forgivable loan. A lien will be placed on the property that will forgive repayment if the low and moderate income household remains in the housing unit for at least six years. Full repayment shall be required if the household sells the housing unit prior to the six year term.

A deed restriction shall be placed on each rental unit that is rehabilitated through the Avon program. The deed restriction will require that the units remain reserved for and affordable to low or moderate income households during the ten year period. A rental unit occupied by a low income household when the unit is rehabilitated shall be considered a low income unit; and a unit occupied by a moderate income household shall be considered a moderate income unit. Affordable rents shall be determined by bedroom size pursuant to N.J.A.C. 5:93-7. During the period of controls, rents may be increased based on the Housing Consumer Price Index for the United States or any other index adopted by COAH for rental units.

It is expected that landlords will be required to invest in their properties. Avon shall provide loans for up to 65 percent of the rehabilitation costs for rental units. However, loans shall not exceed: $10,000 for a three bedroom unit; $7,500 for a two bedroom unit; $5,000 for a one bedroom unit; and $3,000 for an efficiency unit. Loans provided by Avon shall be repaid if the Borough determines that the landlord has allowed the unit to fall below code standard and the condition has not been corrected within 60 days of that determination.

Assuming that the landlord maintains the unit, loans shall be repaid upon the expiration of the 10 year controls on affordability. However, if the landlord chooses to

maintain the unit as a rental unit subject to controls on affordability for another ten years, the loan shall be forgiven, unless there is a code violation during the ten year period. All recaptured loans shall be used to foster low and moderate income housing or to repay any municipal bond that was issued to finance low and moderate income housing.

COAH's rules require a municipality to develop a rehabilitation manual, as a condition of substantive certification, which summarizes the administration of the program. The manual shall include a copy of the lien to be used by the program and shall describe:

1. The rehabilitation program's staff and their responsibilities;
2. Procedures for program marketing;
3. Eligible repairs and improvements;
4. The amount of money available for rehabilitation;
5. Financing terms;
6. Income qualification criteria;
7. Procedures for application intake;
8. Procedures for review and approval of work; and
9. The length of affordability controls.

Since it is the Borough's intent to contract with the County to administer its rehabilitation program, the Borough has not developed its own procedures manual at this time.

Avon's Response to the Remaining Inclusionary Obligation

Avon Borough can satisfy its realistic development potential of five (5) housing units by rezoning Block 4.02, Lots 2.02 and 2.03 and by entering into a three (3) unit regional contribution agreement. However, the Borough must also develop a plan that captures a contribution toward low and moderate income housing as development or redevelopment occurs. COAH's rules provide examples regarding such a plan's content including: the imposition of a development fee ordinance; the rezoning of private clubs that are owned by its members; the rezoning of publicly owned land; the rezoning of downtown mixed use areas and high density residential areas surrounding the downtown'; and zoning amendments that would permit the creation of apartments within the existing housing stock (accessory apartments).

Development Fees

Having analyzed the Borough's redevelopment potential, it is recommended that the Borough enact a development fee ordinance. Development fees are an exaction paid during the development process. They are a valuable tool in supplementing municipal efforts in providing low and moderate income housing. The New Jersey Supreme Court, in Holmdel Builder's Association v. Holmdel Borough, 121 N.J. 550, issued

December 13, 1990 determined that mandatory development fees are both statutorily and constitutionally permitted.

Development fees may be collected when existing structures are modified or when new structures are developed. They may be imposed by ordinance, when COAH or a court approves the ordinance while conducting a comprehensive review of the municipal housing element. Unless a municipality provides a density bonus on a site, the maximum fees that may be collected are: one-half of one percent of equalized assessed value on residential development; and one percent of equalized assessed value on non-residential development.

Development fees may be used to support virtually any housing activity designed to implement a housing element. They can, for example, be used to supplement municipal efforts to construct low and moderate income housing. They can also be utilized to finance a regional contribution agreement or a rehabilitation program. When not supplementing a municipal construction project, a regional contribution agreement or a rehabilitation program, 30 percent of the fees collected must be used to foster housing affordability.

It is recommended that the Borough prepare a development fee ordinance and submit it to the court for review. It is further recommended that development fees be placed on all new construction, with the exception of developments that propose low or moderate income housing (COAH's rules do not permit the imposition when a developer already has a responsibility to construct low and moderate income housing), and all non-residential additions. The court's approval of such an ordinance will create a funding mechanism that will decrease the financial burden associated with implementing the housing element.

Apartments

COAH's rules allow a municipality to create low and moderate income housing opportunities within the existing housing stock when the housing stock lends itself to such a use. Avon has a number of larger, older structures that have been converted into two or more housing units. The Borough also has a number of accessory buildings, notably garages, that have and can be converted into accessory apartments. COAH also views second and third floors above commercial properties as an opportunity to create housing opportunities. It is recommended that the Borough enable property owners to create affordable housing opportunities on residential and commercial properties until the Borough has addressed its entire housing obligation.

The Borough has proposed a response to its five unit realistic development potential that includes the rezoning of Block 4.02, Lots 2.02 and 2.03 and entering into a regional contribution agreement. The Borough has also proposed a rehabilitation program to address the eight (8) unit rehabilitation component of its housing obligation. This leaves 10 units to be addressed through redevelopment.

The Borough intends to adopt zoning amendments that permit accessory apartments. However, the Borough plans to repeal this ordinance once it has created sufficient accessory apartments to address its housing obligation.

It is suggested that the Borough permit housing units and accessory buildings on residential lots to be converted into apartments on lots subject to the following conditions:

1. The owner of the lot must reside on the property in question;

2. No apartments may be created on a lot that does not conform to the area and dimensional requirements of the Avon Zoning Ordinance;

3. Accessory apartments may be created in existing single family homes and accessory buildings provided there is no encroachment into the front, rear, or side yards required by the Avon Zoning Ordinance;

4. There shall be no more than one (1) accessory apartment in any lot;

5. The accessory apartments shall be in full compliance with all applicable health and construction codes;

6. No accessory apartment may occupy more than thirty-five (35) percent of the total square footage of the applicant's house;

7. Each accessory apartment should have a minimum of two (2) rooms and provide living, sleeping, cooking and bathroom facilities. Direct access to the outside must be provided. The egress door will not alter the character of the exterior façade of the house;

8. The occupant must meet the income limitations established by COAH for the Mercer-Monmouth-Ocean Housing Region;

9. The owner must submit an affidavit of continuing use every two years; and

10. Affordability controls of at least ten (10) years shall be imposed on the accessory apartment via a deed restriction or other instrument acceptable to the Borough's attorney and the court.

In addition, it is recommended that property owners be allowed to create a lower income apartments over commercial areas in the Borough's central business district provided:

1. No building may exceed the height limitations for the Borough's Commercial Zone or encroach into the minimum front, rear and side yard areas established by Avon's Zoning Ordinance;

2. The accessory apartments shall be in full compliance with all applicable health and construction codes;

3. Each accessory apartment should have a minimum of two (2) rooms and provide living, sleeping, cooking and bathroom facilities. Direct access to the outside or a hall with direct access to the outside must be provided;

4. The occupant must meet the income limitations established by COAH for the Mercer-Monmouth-Ocean Housing Region;

5. The owner must submit an affidavit of continuing use every two years; and

6. Affordability controls of at least ten (10) years shall be imposed on the accessory apartment via a deed restriction or other instrument acceptable to the Borough's attorney and the court.

COAH's rules do not require the Borough to subsidize redevelopment activities. The rules exempt accessory apartments from COAH's bedroom mix requirements (N.J.A.C. 5:93-7.3). However, the rents on accessory apartment units must, on average, be affordable to a household earning 57.5 percent of median income, in accordance with N.J.A.C. 5:93-7.4. It is recommended, subject to the court's approval, that applicant's who are proposing one accessory apartment be allowed to create housing units that are affordable to a household earning 57.5 percent of median income. In the Borough's commercial areas, if a developer can create more than one (1) accessory apartment, at least half of the apartments should be affordable to low income households and the average accessory apartment should be affordable to a household earning 57.5 percent of median income.

Variance Applications

The Borough recognizes that there are opportunities to create affordable housing when applicants come before the Board of Adjustment for use variance applications. it is recommended that the Borough acknowledge the ongoing nature of New jersey's constitutional housing obligation and view use variance applications as an opportunity to address the housing obligation when such a variance will not result in a "substantial detriment to the public good" (NJSA 40:55D-70).

Affirmative Marketing

New Jersey's low and moderate income housing obligation is a regional obligation. Each municipality receives a share of the region's housing need for additional low and moderate income housing. Thus, low and moderate income housing units must be marketed and made available to all households within the housing region.

In order to ensure that low and moderate income units are available to households throughout the housing region, a municipality must prepare an affirmative marketing plan. This plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of sex, age or number of children, to housing units which are being marketed by a developer or sponsor of affordable housing. It is a continuous program and covers the period of deed restriction.

The affirmative marketing program provides the following information:

1. The name and address of the project;
2. The number of units, including the number of sales and rental units within the project;
3. The price of sales and/or rental units;
4. The name of the rental manager and/or sales agent;
5. A description of outreach efforts to groups that are not readily reached by commercial media efforts; and
6. A description of the random selection method that will be used to select occupants of low and moderate income housing.

It is recommended that Avon Borough contract with the Department of Community Affairs' Affordable Housing Management Service (AHMS) to affirmatively market affordable housing, income qualify applicants, certify households for available low and moderate income housing and ensure that affordable housing units are properly deed restricted.

Training and General Responsibilities

Pursuant to COAH's rules, the Borough should designate a person as AHM's municipal contact. This representative should attend an affirmative marketing training program approved by COAH.

In implementing the affirmative marketing program, the Borough may elect to delegate specific tasks to the developer of its inclusionary project. If this occurs, the Borough will

require that all applicant and sales records of low and moderate income units be returned to AHMS for reporting purposes and to aid in future sales.

In general, all administrative functions shall be performed by AHMS. This includes the counseling services envisioned by N.J.A.C. 5:93-11.2.

The Marketing Program

The advertising program will be designed to conform with AHMS procedures. The availability of low and moderate income units shall be advertised beginning at least four months prior to the expected issuance of a Certificate of Occupancy for any of the low and moderate income units. There shall be at least one paid advertisement in a newspaper of general circulation within the housing region during the first week of the marketing program. The cost of the advertisement shall be the developer's responsibility. This requirement will be a condition of preliminary approval. It is anticipated that advertising will take the form of press releases and paid block advertisements. Such ads shall include:

1. The location of the units;
2. Directions to the housing units;
3. A range of prices for the housing units;
4. The size, as measured in bedrooms, of the housing units;
5. The maximum income permitted to qualify for the housing units;
6. The location of applications for the housing units;
7. The business hours when interested households may obtain an application for a housing unit.

It is anticipated that advertising will occur in regional and local newspapers. Ads may be placed in regional papers such as the *Asbury Park Press* and *Trenton Times*. Avon will also market units through the *Ocean Grove/Neptune Times* and the *Wall Herald*.

AHMS supplements newspaper advertisement in a number of ways. AHMS provides quarterly outreach to: County Offices on Aging throughout the region; public housing authorities and CDBG programs throughout the region; a mailing list of non-profit agencies that provide housing services throughout the region; each County Board of Social Services within the region; and to a mailing list of employers throughout the region. Such employers may include AT&T in Holmdel, Prudential Insurance in Holmdel, Roberts Pharmaceuticals in Eatontown, UPS in Tinton Falls, and Fort Monmouth in Eatontown. AHMS also posts information sheets in local businesses and mails information sheets to church organizations within the housing region.

AHMS does not normally advertise on radio stations or local cable television. However, Avon Borough will cooperate with such efforts if AHMS wishes to utilize the radio or television media.

Applications for low and moderate income housing will be available at the municipal building, the municipal library and the developers' sales office. Applications shall be mailed to prospective applicants upon request.

Random Selection Procedures

The process of interviewing and placing low and moderate income applicants in affordable housing shall conform to the procedures in N.J.A.C. 5:93-11.4. Specifically:

1. Households that apply for low and moderate income housing shall be screened for preliminary income eligibility by comparing their total income to the low and moderate income limits adopted by COAH. Applicants shall be notified as to their eligibility status. This task will be performed by AHMS.

2. Having screened applicants for preliminary income eligibility, AHMS may analyze the income and household sizes of applicants to determine which applicants have the assets and/or income necessary to purchase or rent each available low or moderate income unit.

3. AHMS shall interview each applicant and utilize the procedures outlined in N.J.A.C. 5:93-9.1 to" verify the applicant's income and household size; determine the applicant's asset availability; and review the applicant's credit history. Applicants shall be required to submit income verification for each household member 18 years or older. This process shall be utilized in establishing the final certified applicant group.

4. The process outlined above shall not begin sooner than one month after the initial advertisement of the housing units in a newspaper of general circulation within the housing region. Households shall proceed through the AHMS certification process based on their ability to provide the information necessary for AHMS to review their applications. Households shall be certified for low and moderate income units using the procedures outlined in N.J.A.C. 5:93-9.1. This process of interviewing and certifying households for low and moderate income units shall continue until all the low and moderate income units are occupied.

Continuing Marketing Activities

Following the initial occupancy of low and moderate income units, it is anticipated that AHMS will advertise the units periodically throughout the region. AHMS shall maintain a pool of at least five income eligible applicants for each low and moderate income unit. AHMS shall contact each income eligible applicant annually to request updated information regarding income and family size. As units become available, AHMS will contact eligible applicants pursuant to the procedures used for the initial sale or rental of low and moderate income units.

Accessory Apartments

The marketing process for accessory apartments will be similar to the process for marketing low and moderate income units within an inclusionary development. However, COAH, in order to provide incentives for property owners to create housing opportunities where they live, has developed a policy that allows owners of accessory apartments to select a tenant from the list of prospective tenants by the affirmative marketing effort.

Spending Plan

Before a municipality can spend money collected through development fees, it must receive the court's approval of a plan that outlines the projected expenditure of the fees. The plan must include:

1. A projection of anticipated revenues from imposing fees on development, based on historical development activity;

2. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;

3. A description of the anticipated use of all development fees;

4. A schedule for the creation or rehabilitation of housing units;

5. If the municipality envisions being responsible for public sector or non-profit construction of housing, a proforma statement of the anticipated costs and revenues associated with the development; and

6. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan.

Projection of Revenues

There is little vacant land in Avon Borough. Since 1980, the Borough's population has decreased by approximately 158 people. Since 1983, a total of 15 new housing units have been constructed in Avon. It is anticipated that most of the new housing units created within the Borough over the next six (6) years will be in response to the Borough's response to its housing obligation. This housing, pursuant to COAH regulations, is exempt form the collection of development fees.

Since 1983, the Borough has added an average of one (1) housing unit per year. If one assumes a continuation of past trends, the Borough may expect six (6) new homes that may yield a development fee. In 1990, the average value of sales housing in Avon was $263,646. A development fee of 0.5 percent (conforming with COAH's rules) on six new homes averaging $263,646 in value would yield a total of $7,909.

Given the lack of available land in the Borough, this Plan will not include a projection of revenues that may result from non-residential development in the Borough. Thus, upon review of vacant land and past development trends, it is clear that the Borough cannot rely heavily on development fees to address its housing obligation.

Administrative Mechanism

Development fees shall be paid at building permit and certificate of occupancy. Before the issuance of a building permit, the Borough's tax assessor will estimate the equalized value of the proposed construction activity. The applicant for the building permit will be required to pay 50 percent of the estimated fee before the issuance of the building permit. Before a certificate of occupancy is issued, the tax assessor will calculate the equalized assessed value of the construction activity. The remaining fee will be paid prior to the issuance of a certificate of occupancy.

The Borough will establish an Affordable Housing Agency that will be responsible for ensuring that development fees are deposited in an interest bearing housing trust fund. The Agency will be empowered to review all requests for the use of development fees to ensure that such use is consistent with this plan.

Use of Development Fees

COAH's rules on development fees allow revenues to be used for any activity approved by the COAH for addressing the municipal fair share. The rules allow 20 percent of the fees to be used for administrative purposes. Thirty percent of development fees must be used for affordability assistance, which includes, but is not limited to, down payment assistance, low interest loans and rental assistance. However, COAH has indicated that the 30 percent affordability assistance requirement is not applicable if the municipality chooses to use the money to finance a rehabilitation program of a regional contribution agreement.

Housing Element Addendum

The New Jersey Fair Housing Act of 1985 established the Council on Affordable Housing (COAH) and charged COAH with the responsibility of establishing a methodology for determining each municipal obligation for low and moderate income housing. COAH adopted rules that provided a framework for calculating each 1987-1999 municipal fair share in 1994.

Avon-By-The-Sea Borough (Avon) sought and received a judgment of repose from the Superior Court in 1998. While seeking repose, Avon found an error in the data base (covered employment) COAH uses in the calculation of the Borough's fair share housing obligation. As a result, the Court applied the correct covered employment data in calculating the Borough's housing obligation. The Court also determined that the Borough was entitled to three (3) credits for rehabilitation activity.

The Court determined that the Borough's housing obligation (COAH uses the term calculated need) was 23 units. Of this total, the court determined that the Borough had a rehabilitation obligation of eight units and a new construction obligation of 15 units. The rehabilitation obligation is an estimate of substandard housing units occupied by low and moderate income households. Pursuant to COAH's rules, a municipality may structure a program to address the deficiencies in the existing low and moderate income housing. The court approved the Borough's plan to rehabilitate its eight (8) unit rehabilitation component.

The new construction component is the result of a COAH formula that assigns each municipality a share of a regional need for additional low and moderate income housing. This portion of the housing obligation, in general, must be addressed by creating a new low and moderate income unit or by paying another municipality to address the unit through a regional contribution agreement.

The court determined that there was insufficient vacant and underdeveloped land in Avon to address 15 new units through inclusionary development. It determined that the Borough had sufficient land capacity to accommodate five (5) low and moderate income units through new development. COAH refers to this five (5) unit capacity as a realistic development potential.

Avon's plan to address these five units included rezoning Block 4.02, Lots 2.02 and 2.03 at a density of 25 units per acre with a 20 percent set-aside. This development was to yield two (2) low and moderate income units. Recently, the Avon Borough Joint Land Use Board approved a site plan for this site that will yield three (3) low and moderate income housing units.

Avon's plan also anticipated a regional contribution agreement with another municipality in the housing region. The Borough entered into an agreement with Asbury Park that was never finalized. The Borough found itself caught in a procedural "Catch 22."

The Fair Housing Act requires COAH to review all regional contribution agreements. COAH has determined that it would not review the regional contribution agreement without Court direction, preferably in the form of a court order, to review the regional contribution agreement. Avon has not received a court order from the court to initiate this review.

Normally, a Special Master, appointed by the Court, might help resolve what seems like a simple procedural matter. However, in this case, the Court's Master retired shortly after Avon receiving repose. Thus, for a variety of reasons, the Borough has not been able to finalize a regional contribution agreement with Asbury Park or any other municipality within the housing region.

The Borough is still committed to fulfilling its obligation with a regional contribution agreement and seeks the court's assistance in resolving its procedural "Catch 22." However, since Block 4.02, Lots 2.02 and 2.03 has been approved for three (3) units, rather than the two (2) anticipated by the Court's repose, it is respectfully submitted that the Borough can address its five (5) unit realistic development potential with a regional contribution agreement of two (2) rather than (3) units.

It is the Borough's intent to enter into a regional contribution agreement with Asbury Park for these two (2) units at the current COAH standard of $25,000 per unit. Should Asbury Park be unwilling to accept a regional contribution at these terms, the Borough shall seek other potential "receiving communities" within the housing region.

When land is a scarce resource, COAH's rules require that the Borough establish one or more mechanisms to capture a contribution toward addressing the new construction obligation in excess of the realistic development potential. COAH often refers to the housing obligation that remains after the calculation of the realistic development potential as the "unmet need." The term refers to that component of the new construction obligation that cannot be addressed with vacant and/or underdeveloped land.

Since the Borough's new construction obligation is 15 and the realistic development potential is five, the Borough was required to develop a plan to address a 10 unit "unmet need." The Borough addressed these 10 units by adopting ordinances that: provide for the collection of development fees to be used for affordable housing; and permit accessory apartments in the community.

COAH's experience with accessory apartments is very poor. Few municipalities that have zoned for accessory apartments have created any. However, Avon has experienced interest in creating apartments in its business district. The owners of several properties have expressed an interest in creating low and moderate income apartments over stores if

they can also create some market apartments. In other words, the owners of these properties are seeking a financial incentive for creating affordable apartments.

The Ordinance that the court approved in 1988 established accessory apartments as a conditional use in the General Commercial Zone provided that the apartment is affordable to low and moderate income households. In order to foster the production of affordable accessory apartments, Avon is proposing to amend its plan to allow *market and "affordable" apartments* within the General Commercial Zone. The Borough is proposing that at least half of the apartments proposed by any property owner be affordable to low and moderate income households. Where this formula results in an even number of low and moderate income apartments, the Borough proposes the option of allowing the property owner to fund a regional contribution agreement for half of its accrued affordable housing obligation. For example, if a property owner proposes four (4) apartments over stores, the owner would have the option of: providing two market apartments and two low and moderate income apartments; or providing three market units, one low and moderate income unit and funding a regional contribution agreement. If a property owner proposes one (1) apartment, the maximum rent must not exceed a rent that is affordable to a household earning 57.5 percent of median income. This approach is consistent with language in the New Jersey Fair Housing Act and COAH's rules that allow up to half of a municipal housing obligation to be transferred via regional contribution agreements.

52C

COAH has indicated that development fees may be used to reimburse a municipality for municipal expenditures on affordable housing. For example, if a municipality issues a bond or budgets public money to finance a regional contribution agreement, a municipal construction project or a rehabilitation program, it may use development fees to reimburse itself for the public expenditure. The Borough intends to use development fees to reimburse itself for municipal dollars expended on the proposed rehabilitation program and regional contribution agreement.

Schedule for the Creation or Rehabilitation of Housing Units

The Avon responses to its housing obligation includes zoning amendments that will allow the private sector to construct low and moderate income housing. It also involves a regional contribution agreement and a rehabilitation program. It is the Borough's intent to fund the regional contribution agreement and the rehabilitation effort and reimburse itself with development fees.

The Borough will make sufficient money available within a time period approved by the court, to ensure that both programs create a realistic opportunity. The Borough's intent is to use money received from the sale of the Buckingham property (Block 22, Lot 9) to finance the regional contribution agreement and rehabilitation program. The Borough expects the Buckingham transaction to occur within a year of a decision by the court to release the Buckingham property from the court's restraint on the development of land.

Proforma Statement

The Avon Housing element does not envision Avon being responsible for public sector or non-profit construction. Therefore, it is not necessary for Avon to prepare a proforma statement.

Shortfall Contingencies

The Borough is not relying on development fees to fund any aspect of its housing element. Development fees will be used to reimburse the Borough for municipal expenditures on eligible housing activities.

Circulation Plan

Introduction

The safe and efficient transportation of people and goods is necessary for the proper development of every community. The Master Plan should consider such transportation within the community as well as how the community's transportation systems relate to the surrounding region.

The most significant changes to the circulation plan for the Borough involve the recently completed renovation of the Main Street corridor. The improvements included reducing the number of lanes from four to two, maintaining on street parking, constructing curb bump-outs at intersections, and the construction of landscaped center islands.

Regional Transportation System

General

Access to surrounding communities, and the regional transportation system is limited due to Avon's isolation by natural and man-made features. There are a total of 5 points of access into the Borough, 2 of which are from the north (Main Street and Ocean Avenue), one of which is from the west (Sylvania Avenue), and 2 of which are from the south (Main Street and Ocean Avenue). The two southern access points cross over the Shark River inlet, and are impacted by drawbridges.

Access to Regional Traffic Systems

The 2 streets providing access in a north/south direction through the Borough are Ocean Avenue and Main Street (N.J. Route 71). Main Street is a secondary arterial highway, which also serves as the main north/south artery in a number of nearby municipalities, including Belmar, Bradley Beach, and Asbury Park. It also provides indirect access to N.J. Route 35, which in turn provides indirect access to the interstate highway system.

Ocean Avenue provides access to the Avon-By-The-Sea beachfront, as well as the beachfronts of Bradley Beach, Belmar, and Spring Lake. Traffic volumes vary considerably with the season, due to its function as a beachfront access street.

Both Main Street and Ocean Avenue are constrained to the south by drawbridges over the Shark River inlet. The periodic opening of the bridges, along with the occasional malfunctions that leave the bridges in an open position, severely impact access to and from the Borough on its south side. In addition, on occasion, both

bridges have been closed to automobile traffic for extended periods for maintenance purposes. These extended closings have significantly impacted traffic within the Borough.

Sylvania Avenue is the only east/west artery serving the Borough. It provides access directly to N.J. Route 35 via an elevated bridge over the New Jersey Shore Line railroad tracks.

Bus Service

Regional and local bus service is available along Main Street. Local bus service is provided by Academy Bus routes M-20 and 830 , which run between Asbury Park and Point Pleasant. Connections in Asbury Park and Point Pleasant continue service onto New York Port Authority and Philadelphia.

Train Service

Train service is available along the Jersey Coast Line at stations in both Bradley Beach to the north and Belmar to the south. The Bradley Beach station is the most convenient, since it is within walking distance of most areas of Avon-By-The-Sea.

Regional Transportation Summary

Avon-By-The-Sea has no direct access to regional transportation routes due to its isolation by natural and man-made barriers. However, indirect access to these routes is sufficient to meet the needs of the Borough's residents.

Local Transportation System

General

Due to the small size of the Borough, the local transportation system is limited. The primary means of transportation is by automobile, although walking and bike use are both prevalent. No intra-borough bus or rail systems exist or are necessary.

Local Street System

The local street system consists of the three primary streets providing access to and from the Borough, as well as a number of local streets, and a series of lanes, which provide access to the rear of a number of properties.

The three primary streets, as discussed above in the regional transportation system, are Main Street, Ocean Avenue, and Sylvania Avenue.

Main Street is classified as a Secondary Arterial street. Secondary Arterial streets act as secondary routes to primary arterials, such as Route 35. They generally carry less traffic than primary arterials, and traffic generally flows at a lower speed. In many instances they are State Highways, as is Main Street.

Both Ocean Avenue and Sylvania Avenue are classified as Major Streets, which provide a network between arterial streets and major traffic generators, such as the beachfront area. In many cases, Major Streets are County Streets, as is the case with both Ocean Avenue and Sylvania Avenue.

A third category of streets in Avon-By-The-Sea is Minor Streets. These are generally local streets which provide access to residential neighborhoods. They may interconnect, but do not serve as preferred routes of access to or from specific generators or arterials. The majority of streets in Avon-By-The-Sea fall into this category.

A fourth category of streets within the Borough is unique to Avon-By-The-Sea. These streets are referred to as lanes, and as the name suggests, they are narrow streets which provide limited access to residential lots. These streets have rights-of-way of 20' and pavement widths which are slightly less.

Rights-of-way

The rights-of-way on Avon's streets vary. In particular, the right-of-way width of the majority of minor streets is significantly wider than normally experienced on minor streets in most communities. For the most part, minor streets have widths of 80', while a width of 50' is considered standard for a Minor Street right-of-way. This deep right-of-way width has contributed greatly to the feeling of openness throughout the Borough.

Recommendations

Due to the developed nature of the Borough, and the generally adequate nature of the street system, there are few recommendations that are necessary or practical which would improve the street system.

The major areas of concern are the volume of accidents along Main Street, the high speed of traffic along Main Street, and the high speed of traffic traveling along residential streets between Main Street and the Beachfront Area.

- It is recommended that the traffic patterns and speed on the Borough's cross streets be studied to determine if any action is required to slow the speed of

vehicles passing through the residential areas, such as stop signs at some intersections, rotaries, or any other traffic calming methods.

Community Facilities Plan

Introduction

Adequate community facilities and services are an essential ingredient in the makeup of any community. Municipal administrative and maintenance services, police protection, fire and rescue services, recreational facilities, and schools all play vital roles in the function of a community. In Avon-By-The-Sea, the roles that these facilities and services occupy are complicated by the seasonal fluctuation of the population and the seashore resort nature of the Borough and surrounding municipalities.

Municipal Administrative Services

Municipal services are situated in the Borough Hall located on Main Street between Garfield and Washington Avenues. Municipal offices consist of 3 rooms, including a conference room and 2 offices. Three full time employees – the municipal Clerk/Administrator, the Tax Collector, and a secretary – currently occupy the offices. Other municipal employees and officials are part time and utilize the offices on an as needed basis. The Clerk's office is also responsible for the sale of beach badges during the first week of sales, after which the badges are transferred to the beachfront for sales.

In addition to the municipal offices, the municipal building houses a gymnasium which is utilized for meetings, Planning Board meetings, and Borough and School recreational activities.

The municipal administrative offices are not adequate at this time. There is a general lack of office space and storage space for municipal records, and a court room space is greatly needed. In addition, the gymnasium is not adequate for the proper conduct of municipal meetings, due to poor acoustics and lack of permanent seating, as well as the inherent conflict with recreational activities.

Public Works

The Department of Public Works and Sanitation is located on South Station Avenue on a .56 acre site. The site contains 3 buildings: a main garage, a storage building, and a 2 bay garage for small equipment storage.

The Department consists of 2 divisions – Sanitation and Streets & Roads. The Sanitation division is responsible for the collection and disposal of sanitary waste, and the collection and disposal of recyclable materials. The division of Streets and Roads is responsible for the maintenance of streets, the boardwalk, the beach, all public buildings and grounds, and all parks and recreational facilities.

The Department employs a total of 10 full time, year round employees, and 12 additional seasonal employees during the summer. Although employees are assigned to a particular division, there is considerable overlap in their duties, due to the nature of the Department.

The Department currently utilizes the following equipment:

4 garbage trucks – a 1978 Ford, a 1986 GMC, a 1995 White/GMC, and a 2000 Volvo

4 dump trucks – a 1990 International, a 1995 Ford, a 1987 Dodge, and a 2001 Ford

6 pickup trucks – a 1961 Jeep, a 1980 Jeep, a 1968 Jeep, a 1992 Dodge with a snow plow, a 1967 Jeep, and a 2001 Ford.

2 front-end loaders

2 mechanical cleaning machines for beach cleanup

1 street sweeper

In addition, the Department maintains a dump truck for the Department of Water and Sewer.

Current needs include the periodic repair and replacement of equipment.

Police Department

The Avon-By-The-Sea Police Department offices are located in the municipal building on Main Street. The police force currently consists of 12 uniformed police officers including a Chief, a Captain, two Lieutenants, and 8 Patrolmen, one of whom is assigned to the Detective Bureau. The Department also employs 6 part time civilian dispatchers, between 5 and 7 special police including both Class One and Class Two officers, 6 school crossing guards, and 2 police matrons.

The facilities consist of 3 offices, a bath and shower, a utility room, a squad room (which was formerly a garage), 2 jail cells, and a space for records and file storage.

Equipment used by the police includes 3 marked patrol cars, 1 unmarked vehicle, 1 unmarked Police Chief's vehicle, and 1 patrol bicycle. All but one marked patrol car are under 3 years old.

The Department currently responds to approximately 4000 calls per year, and averages 14 arrests per month during the year. The number of calls and arrests is substantially higher during the summer months, when the population of the Borough increases substantially, and when the number of people utilizing the Borough's beach facilities, or traveling through the Borough to neighboring resort communities, increases

substantially. When the current facilities were built, the average annual number of calls handled by the police was 800, or nearly one-fifth the current level. The 1978 Master Plan indicated that the annual number of calls in the mid-1970's averaged around 2000. The 1990 Master Plan indicated an annual number of calls of 4000. Consequently, the number of calls has not increased substantially during the past 10 years, though it has increased nearly 500% since the construction of the current facilities.

In addition to the normal responsibilities of a police department, the Borough Police are responsible for the support services to the U. S. Coast Guard Station in Avon-By-The-Sea. Specifically, the police are responsible for the custody of prisoners, usually consisting of disorderly persons, brought in by the Coast Guard, as well as assisting in the handling of medical emergencies when injured persons are transported to the Coast Guard Station after marine accidents.

At present, the facilities are inadequate for the proper operation of the police department at its current level of activity. Existing problems include the size and arrangement of the spaces. Among the most obvious deficiencies are the location of the jail cells in the most trafficked area of the space, and the inadequate size of the cells. In addition, the layout of the offices is not conducive to the proper processing of simultaneous, multiple arrests, and is especially problematic during the summer months with the support services with the Coast Guard. This problem was noted in the 1990 Master Plan, and has not been remedied.

Fire Department

The Avon-By-The-Sea fire department is currently located in the southern end of the municipal building. The fire department is supported by municipal tax revenues, and consists entirely of volunteers. The current membership is approximately 75, with between 35 and 40 of the members being active. There are a total of 9 officers including: a Chief, a Deputy Chief, a Captain, a First Lieutenant, a Second Lieutenant, a Chief Engineer, and 3 Engineers.

The fire department has 3 trucks: a 100' rear mount Persh ladder, approximately 13 years old; a 1250 Hahn pumper built in 1980; and a 750 Ford pumper built in 1962.

The existing facilities are not adequate. It is recommended that a study be undertaken to determine what improvements are required to meet current needs.

First Aid Squad

The Avon-By-The-Sea First Aid Squad is located in a facility on Main Street between Woodland and Sylvania Avenues. The Squad is an independent corporation which is supported solely by contributions, with the exception that the Borough provides insurance for the ambulances.

The Squad has 2 ambulances and 1 rescue utility vehicle. It consists entirely of volunteers and has a membership of approximately 40, of which 25 are active. In addition to the normal duties of a rescue squad, the Avon-By-The-Sea First Aid Squad responds to assist the Coast Guard in medical emergencies, and is responsible for providing first aid assistance to the beachfront area during the summer season.

Currently, the facilities and staffing of the Squad are adequate, with the exception of the available parking at the First Aid Station. The lack of parking at this facility has proven to be a problem at times in that it increases response time due to the need for volunteers, responding to calls, to search for parking spaces.

Emergency Management

The Borough's Emergency Management program is vital to the protection of the residents and visitors to the community. The ever-present threat of severe weather, including hurricanes and "Nor-easters", place the Borough in a potentially hazardous position. The Office of Emergency Management coordinates the Borough's preparations and response to the threats from coastal storms, severe weather, and all other exposures from natural or man-made disasters. Emergency Operations are governed by a formal plan, which has been developed by Borough Emergency Managers, and met with the approval of the New Jersey State Police Office of Emergency Management.

The Municipal Building serves as the Emergency Operations center, as well as a staging center for evacuations during coastal storms. This Center allows for the co-ordinations of all Borough resources to assist with the handling of emergencies throughout the community.

Schools

The Avon School District provides a comprehensive educational program for students from Kindergarten through eighth grade. High school students attend public school at Asbury Park High School or attend private, parochial, or vocational schools within the area.

Due to the small size of the Borough, only one school is located within the Borough. The Avon-By-The-Sea Elementary School building is a 3-floor brick structure located on the southwest corner of the intersection of Fifth Avenue and Lincoln Avenue. The Board of Education has indicated that the total functional capacity of the building is 192 students.

The total school enrollment, which includes special education and high school students, has experienced variations in the six-year period from the 1995-96 school year to the 2001-02 term. Current total enrollment in the school system is 145 students, which is 23 students less than the 1996-97 count. Projected enrollments for the 2002-03 school year through the 2004-05 term indicate that the school population will increase to approximately the same level experienced in the 1996-97 school year.

The accompanying chart includes enrollment figures from the 1996-97 school year through the projected enrollment for the 2004-05 term. Total enrollment encompasses the number of students in three categories: 1) students who are enrolled and participate in the educational program in the Avon School Facility, 2) special education students who reside in the Avon district but are placed in other educational facilities, and 3) high school students who are residents of Avon and attend public high schools. Actual enrollment has been provided for the 1996-97 through 2001-02 terms. Projected enrollment has been given for 2002-03 through 2004-05 terms. (This information was provided by the Board of Education)

Year	Enrollment	Special Education Students	High School	Total
1996-97	139	5	24	168
1997-98	133	5	26	164
1998-99	140	5	28	173
1999-00	140	7	26	173
2000-01	122	8	25	155
2001-02	118	7	20	145
2002-03	*134*	*4*	*17*	*155*
2003-04	*135*	*4*	*17*	*156*
2004-05	*143*	*4*	*20*	*167*

* *projected figures are given in italics.*

In addition to the existing elementary enrollment included in the Avon Elementary School, approximately 48 elementary age students are presently enrolled in private and parochial schools. The majority of these students are enrolled in St. Catherine School in Spring Lake, New Jersey and St. Rose Elementary School, which is located in Belmar, New Jersey.

The Borough's 1978 Master Plan indicates that the enrollment was 301 at the end of the 1971-72 school year, and the 1990 Master Plan indicated an enrollment of 140 students. Enrollment declined significantly to a low of 119 in the 1984-85 school year, and increased to its current level since then.

A survey conducted by the Borough in January 1989, which was reported in the 1990 Master Plan, indicates that the population concentration in Avon was changing toward a greater percentage of younger age groups. The results of this survey are consistent with the projected increase in the number of births within the community (2000-01 through 2004-05) as report in the Five Year Long Range Facility Plan.

Because the increase in births is relatively small and the anticipated increase in enrollment in the ensuing years, (though the 2004-05 school year), will result in approximately the same number of students enrolled as in the 1996-97 term, school capacity is not a critical concern at this time.

The percentage of younger families within Avon, and potential increase in school age population should continue to be monitored. If increases in the number of school age children exceeds projections as reported in this document, the school's adequacy to meet the needs of students should be reevaluated.

Library

The Borough Library is located on the southeast corner of Garfield and Fifth Avenue. It provides free service to residents of Avon-By-The-Sea, and service at a nominal fee to residents of other municipalities.

The Library has a staff of six, a book collection of over 21,000 titles, 52 magazine titles, and computer facilities. The Library Building itself was donated to the Borough by Andrew Carnegie and is on the Monmouth County Registry of historic places.

Since the 1990 Master Plan, the Library's electrical system has been upgraded and modified. The phone lines have been upgraded to allow new technology. Computer facilities include 5 computers with Internet access, four of which are public. Approximately 10% of the library's patrons come in for computer use only.

The 1978 Master Plan and 1990 Master Plan indicated that the building was over utilized and needs to be expanded. Additional space is needed specifically for the historical collections of the Borough. The site is insufficient to provide for adequate expansion and no available land exists to provide for expansion. That situation has not changed.

Recreation

The recreation facilities of the Borough consist of a municipal ball field, a playground, and 2 half-court basketball courts, a playground and two tennis courts located on South Station Avenue, the municipal pool located on Ocean Avenue, playgrounds located at Avon-By-The-Sea Elementary School and on the beach, the gymnasium located in the Municipal Building, and the Boardwalk and beachfront area.

The facilities available to the majority of year-round residents of the Borough appear to be adequate. Ample open space is available along the boardwalk, the beach, and along Sylvan Lake for passive recreation, though a formal pathway could be developed along the edge of Sylvan Lake. The active recreation facilities, primarily the ball field, tennis courts, and playground, appear to meet the needs for active recreation.

Summary and Recommendations

Facilities and services in Avon-By-The-Sea must serve both the year-round and seasonal population of the Borough. Although services in general are currently adequate, some

facilities are inadequate. These are the Municipal Offices and Police Station located within the same building on Main Street, and the municipal library located on Fifth and Garfield Avenues.

Due to the extreme lack of available land within the Borough, the only feasible possibility of providing adequate facilities is to expand the current municipal building. It is recommended that the Borough undertake an architectural study, to provide a scheme which will utilize both the existing library facility and the municipal building, in order to provide the necessary adequate facilities for municipal offices, police protection, emergency management, library, and senior citizen recreation.

One purpose of the Master Plan is to identify vacant and available parcels that may serve to meet the needs of the community. There are no available vacant parcels in the Borough that could serve any of the above-mentioned Municipal needs. It is recommended that the Borough therefore seek out existing structures as they become available that could be modified to meet the current needs of the community.

Utility Service Plan

General

Adequate public utilities are essential for the proper maintenance and growth of a community. In Avon-By-The-Sea, these utilities include water, sanitary sewer, electric and natural gas. Since the Borough is fully developed, the primary concern regarding utilities is that they function adequately and can be expected to maintain their current level of service.

Water

The Borough owns and operates a water treatment plant that delivers potable water to its residents during the months of May through October. During the remaining months, the water demands of the Borough are satisfied by the purchase of raw water from the New Jersey Water Supply Authority (NJSWA), which is delivered to the New Jersey American Water Company (NJAWC) for treatment and delivery to the Borough via an interconnection on Ocean Avenue.

The requirement to purchase water from the NJSWA and NJAWC was the result of the New Jersey Department of Environmental Protection (NJDEP) reducing groundwater allocations of water supply systems located within the depleted aquifer area known as Critical Area No. 1. This current groundwater allocation of all three production wells, (NO. 1, 2, and 4), is 56.87 MGY, which together with the purchased amount of 51.83 MGY, provides a total available supply of 108.70 MGY, which currently satisfies the estimated average annual demand of 100.08 MGY.

Raw water supply derived from the three ground water wells is treated primarily for iron and manganese removal, which exists at various concentrations depending on geologic formation utilized by each well. The iron and manganese concentrations measured in the raw water supply of Wells No. 1 and 2, which are both finished within the Mt. Laurel formation have remained relatively low and can be effectively treated by adding a sequestering agent and chlorine prior to entering the distribution system. Alternatively, the raw water iron concentration for Well No. 4, which is completed within the Old Bridge formation, has significantly higher levels, which requires additional treatment at the plant including aeration, sedimentation, and filtration.

Currently the Borough is evaluation several options to upgrade the water treatment process and equipment at the plant to ensure that the water quality meets safe drinking water standards. The Borough is also updating its maintenance program, which will include annual inspection of production, treatment and metering equipment to anticipate when repairs and replacement of each is necessary. Recent maintenance and inspection activities have included cleaning of water mains in areas of the distribution

systems where rusty water complaints have been received and replacement of the motor and pumping equipment in Production Well No. 4.

Once the water treatment plant has been upgraded, a comprehensive review and rehabilitation of the water distribution system should be performed. Looping of lines, installation of water mains, and larger water mains may be required to maintain water quality and ensure adequate flow and pressure throughout the Borough.

Sanitary Sewer

The Borough operates and maintains its own sanitary sewer collection system that is approximately 75 to 100 years old and comprised primarily of clay pipe. the collection system includes a pumping station located at the intersection of Ocean and Lincoln Avenues, which pumps sewerage to the Neptune Township Sewerage Authority for treatment. The amount of infiltration and inflow (I/I) has increased over time requiring relining and replacement of sewer main where necessary. The Borough has embarked upon a comprehensive sanitary sewer rehabilitation program to correct chronic maintenance problems (i.e. blockages), as well as to reduce infiltration and inflow (I/I). Each year, for the past two years, the Borough has identified areas of rehabilitation based on discussions with the Borough's Superintendent of Water/Sewer and by use of video taping of sewer lines. This program should continue for the next several years until the entire Borough system has been repaired.

Electric

Electric service is provided by GPU Energy. It is currently adequate to meet the Borough's needs and an adequate supply is anticipated for the future.

Natural Gas

New Jersey Natural Gas Co. supplies the Borough with Natural Gas for heating, cooling, and cooking. At this time the supply is adequate and an adequate supply is anticipated for the future.

Telephone

Verizon provides telephone service for the Borough. It is currently adequate to meet the Borough's needs, and an adequate level of service is anticipated for the future.

Cable

Monmouth Cablevision provides cable service for the Borough through a renewable franchise agreement. It is currently adequate to meet the Borough's needs, and an adequate level of service is anticipated for the future.

Summary

The current and anticipated public utilities are adequate to meet the current needs of the Borough. Since no significant expansion of the Borough's population is anticipated, and no shortages in the capacity of these utilities is foreseen, the utilities should be adequate to meet the Borough's needs in the future.

Recycling Element

General

As facilities for solid waste disposal become more scarce, the need to recycle solid waste becomes more critical. Due to this situation, the Municipal Land Use Law provides for the incorporation of a Recycling Element in a community's Master Plan. It is the purpose of this element to provide for the continuance of the Borough's ongoing recycling efforts through the collection, disposition and recycling of recyclable materials and to incorporate the goals of the State Recycling Plan.

Specifically, the Recycling Element incorporates provisions for collection of recyclables within new single family housing developments of 50 or more units, new and expanded multi-family units of 25 or more units, conversions of rental apartments of 25 or more units to condominiums, and new or renovated non-residential uses.

Existing Recycling Efforts

The Borough's recycling program predates the New Jersey Statewide Mandatory Source Separation and Recycling Act. It provides for an extensive and detailed recycling effort which includes provisions for the collection of bottles, aluminum and bi-metal cans, newspapers, leaves, motor oil and industrial corrugated cardboard.

Provisions for residential pickup involve the collection of glass bottles, aluminum and bi-metal cans, and newspapers of every other Wednesday at curbside. In addition, elderly and disabled residents may arrange for in-house pickup by appointment. A drop of center for these materials is also in operation 6 days a week.

The existing program provides for the disposal of used motor oils at the Borough yard weekdays between 8:00 AM and 4:30 PM. In addition, used motor oils in quantities of 5 gallons or less may be dropped off at any service station having a "used oil holding tank".

Industrial cardboard is picked up by the Borough Public Works Department at commercial and industrial sites on a regularly scheduled basis and by appointment if desired.

Provisions for the collection of asphalt, concrete, and construction debris have recently been implemented. These provisions designate the responsibility of the disposal of such debris to the contractor if a contractor is involved, and provide for municipal pickup and disposal for debris, by appointment, if the project does not involve a contractor.

Leaves are picked up by vacuum at curbside between Oct. 1 and Dec. 1, and are bagged at all other times.

Future Development Potential

The limited land availability within the Borough significantly reduces the impact that future development will have. It is highly improbable that any development of 50 or more single family residences will be constructed in the Borough. The probability of future multi-family development of 25 units or more is also slight, however it is probable that conversions of existing rental units to condominium units will occur. It is highly probable that commercial and industrial developments will occur on land areas of 1,000 sq. ft. or more. Such development is likely to be in the form of redevelopment or replacement of existing structures, although a few vacant parcels exist which could support new development.

Recommendations

Although several of the forms of development which are required to be addressed by the N. J. State Land Use Law are not likely to occur within the Borough, the Recycling Element will address them. Consequently, it is recommended that each application for: a residential development of 50 or more single family units; a new or expanded multi-family development of 25 units or more; conversion of a rental unit of 25 units or more to a condominium form of ownership; and any non-residential development, provide a plan for the collection of recyclable materials. Any such plan should be consistent with the Borough's current recycling program and should include, at a minimum:

1. Provisions for the temporary storage and pick-up of newspapers, cans and glass.

   In the case of single -family residences, such provisions should include a minimum storage space of approximately 6 square feet of floor space, to be located in the kitchen, basement, or garage of the residences.

   In the case of multi-family developments, a minimum of 3 sq. ft. of floor space shall be provided in the kitchen, basement, or garage for temporary storage. In addition, a centrally located common area for the storage and pick-up of recyclable materials shall be provided in the same general location as the sanitary waste pick-up. Such area shall be shown on the plans and shall provide for the convenient separation of recyclable materials, and shall be adequate in area and volume to store a minimum of 2 weeks of recyclable materials for the multi-family development.

   In the case of commercial or industrial developments, a common area for the storage and pick-up of recyclable materials shall be provided in the same general location as the sanitary waste pick-up. Such area shall be shown on the plans and shall provide for the convenient separation of recyclable materials, and shall be adequate in area

and volume to store a minimum of 1.5 times the anticipated material to be generated between pick-ups of recyclable materials for the non-residential development.

2. A narrative statement regarding the materials to be recycled, who will pick up the materials, the frequency of pick-up, and the anticipated volume of material to be accumulated between pick-ups. The statement should include details regarding how the volume of material was calculated.

Summary

This Recycling Element is a reaffirmation of the existing efforts that the Borough has in place to provide for the recycling of recyclable materials, and a guide for the provision for recycling in regard to future major development within the Borough. Applications for such development should include the appropriate measures to provide for recycling as described in this Element. In addition, standards for location, size, and construction of storage areas should be included in the development ordinances of the Borough in order to provide guidance both developers and the Planning Board.

Land Use Plan

General

In a developed community such as Avon-By-The-Sea, land use patterns are already established. It is the purpose of the Land Use Plan to solidify these patterns by providing the opportunity for redevelopment to eliminate conflicts, while preventing the creation of additional conflicting situations.

It is the intent of this Land Use Plan to solidify the residential character of the portions of the Borough to the east of Main Street, while providing an opportunity for the Main Street Corridor to develop as a viable office/commercial corridor. The Borough's function as a resort community is recognized by the maintenance of marine commercial uses along the Shark River at the southern end of Main Street, as well as the maintenance of the Boardwalk and Beach area.

The proposed land use areas are designated on the attached map entitled "Land Use Plan".

Residential

The predominant land use designated for the Borough is residential. Although the existing residential uses in this area are a mixture of residential types, including multiple dwellings and structures on single lots, it is the intent of the Master Plan to limit the construction of new single-family residences on lots smaller than 7,000 sq. ft and to limit the creation of additional residential units, such as garage apartments, on developed residential lots. The reason for this is that the current residential density of the Borough is excessive, due to the conversion of summer rental units to year round housing units. The construction of additional year-round residences, either on lots smaller than 7,000 sq. ft., or on larger lots with existing dwellings on them, will further increase the density, and adversely impact the existing character of the Borough's residential areas.

It is the intent of the Master Plan that this be enforced by prohibiting the construction of secondary residential units on lots with existing residences, and by prohibiting the subdivision of existing lots into lots smaller than 7,000 sq. ft. It is not the intent to prohibit the construction of a single family residence on an existing, isolated lot where additional land cannot be acquired and the lot cannot be sold to adjacent property owners at a fair market price.

It is recommended that a study be undertaken to refine the zoning requirements to more closely match the existing character of the Borough. At present, there is a trend within the Borough to tear down existing dwellings and replace them with larger

structures out of character with surrounding homes, which is adversely impacting the existing character of the Residential Area. Specifically, building setbacks, coverage, and height should be considered. Additionally, there are a few other problem zoning issues which require some attention, including but not limited to:

Appropriate guidelines for second story decks.

Dog kennels and runs.

Appropriate controls regarding drainage, underground storage tanks, and dumpster locations.

Appropriate controls regarding the size and location of decks and patios.

Setback controls and refined definitions for accessory buildings.

The location of exterior air conditioning units in residential districts.

The location of fences, especially on corner lots.

Definition for "1/2 story"

Main Street Area

The Main Street Area has undergone a major renovation as part of the NJDOT Route 71 redesign. The completed improvements included reducing the number of lanes from 4 to 2, landscaped center islands, curb bump outs at intersections, brick pavers for sidewalks, street lighting and trees, and on street parking. The overall impact of these changes has been a dramatic improvement to the atmosphere and function of the Main Street Area.

This transformation of the streetscape offers a good opportunity to reevaluate the types of land uses permitted along the entirely of Main Street. A detailed study of the existing uses along Main Street reveals that there are three distinct sections which different characters that have developed over time. It is recommended that three separate land use areas be created to reinforce the existing pattern, as follows:

Downtown Commercial

The area of the Main Street located between Woodland Avenue and a half block south of Lincoln Avenue contains the majority of community oriented retail uses, such as salons, real estate offices, delis, retail stores, and service uses, and the Municipal Building, which is the center for Municipal government, and serves as

a center for community services including recreation, fire, police, and social events, in addition to having a significant parking lot. This section of Main Street has numerous buildings with little or no front yard setback, and is predominantly designed for pedestrian access.

The Downtown Commercial area is this central section of Main Street. The intent of this designation is to reinforce the community oriented commercial uses, preserve the Municipal Building as a social center for the town, and provide standards for residential apartments located above commercial business.

It is recommended that a zoning district be created for this area which provides for specific permitted uses, including those listed above, landscaping standards to help reinforce the newly redesigned streetscape, parking, minimum floor area, and density standards for residential apartments, bulk standards which reflect the existing conditions and encourage the construction of commercial areas with park like courtyards fronting Main Street.

General Commercial

Main Street north of Woodland Avenue has a significantly greater number of single-family residences than the Downtown Commercial area, interspersed with office and retail uses. At the very northern end, west of Main Street, there are several existing industrial uses and a restaurant. This section of Main Street is more open than the Downtown Commercial area, with buildings being setback farther from the street and parking often available on site. The area currently has numerous existing problems, including: a lack of proper building and property maintenance, including numerous buildings with peeling paint; a lack of proper landscaping both within the right-of-way and on individual properties; the lack of any visual continuity of building size, style, or use; and a proliferation of signs.

The purpose of the General Commercial Area is to provide a plan through which this area of Main Street can be improved upon while encouraging the development of office and commercial uses. Uses recommended in the General Commercial Area include residential uses (single family, apartments, and townhouses), commercial services, professional office, restaurants, medical offices, and retail. It is also recommended that zoning standards be created which encourage the conversion of existing residences to office and service uses, where such residences front on Main Street.

Block 4.02, Lots 2.02 and 2.03 should be rezoned in accordance with the COAH approved Housing Element's recommendations: "The site should be zoned at 25 units per acre with a 20 percent set-aside. The ordinance that is drafted should limit housing constructed on this site to one (1) and two (2) bedroom units. The ordinance shall limit occupancy on the site to households where at least one member of the household is at least 62 years of age."

Mixed Office Residential

The character of Main Street south of the Municipal Building (approximately 1/2 block south of Lincoln Avenue) is a predominantly residential area, with a varied mix of residential types (single family, two-family, apartment, and townhouses). The area also contains a significant number of professional and medical offices, a bakery, a diving supply retailer, and two marinas. This area also contains a large Borough recreation area and recycling center.

The purpose of the Mixed Office Residential area is to preserve the residential character of this section of Main Street while allowing for new office uses to come into the Borough. Permitted uses in this area should include a variety of residential uses, professional offices, medical offices, and marinas, as well as municipal and recreational uses.

Public

Public uses include the Municipal Complex, public works yard, water and sewerage facilities, Avon Elementary School, the Coast Guard station, the Avon Public Library, the Post Office, recreational facilities, and the beach area. In addition, public access has been designated along the entire length of Sylvan Lake.

Semi-Public

Semi-public uses designated in the Land Use Plan consist of the four churches which currently exist.

Policy Statement

Introduction

The Municipal Land Use Law requires that a Municipality analyze the relationship of its Master Plan to the Master Plans of adjacent municipalities; the Master Plan of the respective County in which the municipality is located; the State Development and Redevelopment Plan; and the district solid waste management plan. It is the purpose of this portion of Avon's Master Plan to examine the Master Plan of Neptune City, Neptune Township, Bradley Beach, and Belmar, as well as any pertinent plans that may be in effect regarding Monmouth County, and the State Development and Redevelopment Plan.

Adjacent Municipalities

Due to its unique situation, the Borough of Avon-by the Sea is isolated from its neighbors by natural and manmade conditions. Given this isolation, and the relative maturity of the surrounding municipalities, there is limited relationship between Avon's Master Plan and the adjacent municipalities. The Master Plans on file with the Borough Clerks of each municipality have been reviewed as they relate to the Borough of Avon-By-The-Sea:

Neptune City

Neptune City borders Avon to the west. Land uses recommended in Neptune City along its border with Avon include single family residential on minimum 7,500 sq. ft. lots, limited industrial, limited commercial, and public uses.

The two municipalities are separated by the railroad along most of their border and additionally by the width of Route 35 along the southern portion of the shared boundary, which effectively isolates Avon from Neptune City. One of the access points to and from Avon, that of Sylvania Avenue, provides access to and from Neptune City.

Neptune Township

There is a small shared boundary with the Township of Neptune at the southwest corner of Avon. The land uses permitted along this border include multi-family residential, marina, and commercial uses.

Avon and Neptune Township are completely separated by the railroad and Route 35. There are no access points between the two municipalities. At present, the Department

of Transportation is constructing a bridge over the Shark River at Route 35 that will further serve to isolate the municipalities from each other.

Bradley Beach

The Borough of Bradley Beach borders Avon to the north, along Sylvan Lake. Land uses designations recommended by the Bradley Beach Master Plan include Office Professional and General Commercial along Main Street, Planning District B (residential on lots with 50' or greater widths) along most of Sylvan Lake, Residential Commercial (mixed residential and resort commercial) approximately 1 block west of Ocean Avenue, and Beachfront Commercial and Public along Ocean Avenue.

Sylvan Lake separates Avon and Bradley Beach along most of their shared boundary. The two points of access between the towns are Main Street and Ocean Avenue. Along Main Street, the land use designations of Bradley Beach (Office Commercial and General Commercial) are similar to the General Commercial designation for this section of Avon. At Ocean Avenue, there is no developable land at the north end of Sylvan Lake, which provides a transition between the Beachfront Commercial area in Bradley Beach and the Residential Area in Avon.

Belmar

Belmar borders Avon to the South. The municipalities are isolated from one another by the Shark River. Access between Avon and Belmar is provided by bridges at Main Street and Ocean Avenue.

At this time, Belmar does not have on file a Land Use Plan outlining land use designations along this boundary. However, given their relative isolation, there is no anticipated impact of this Master Plan on the development of this section of Belmar.

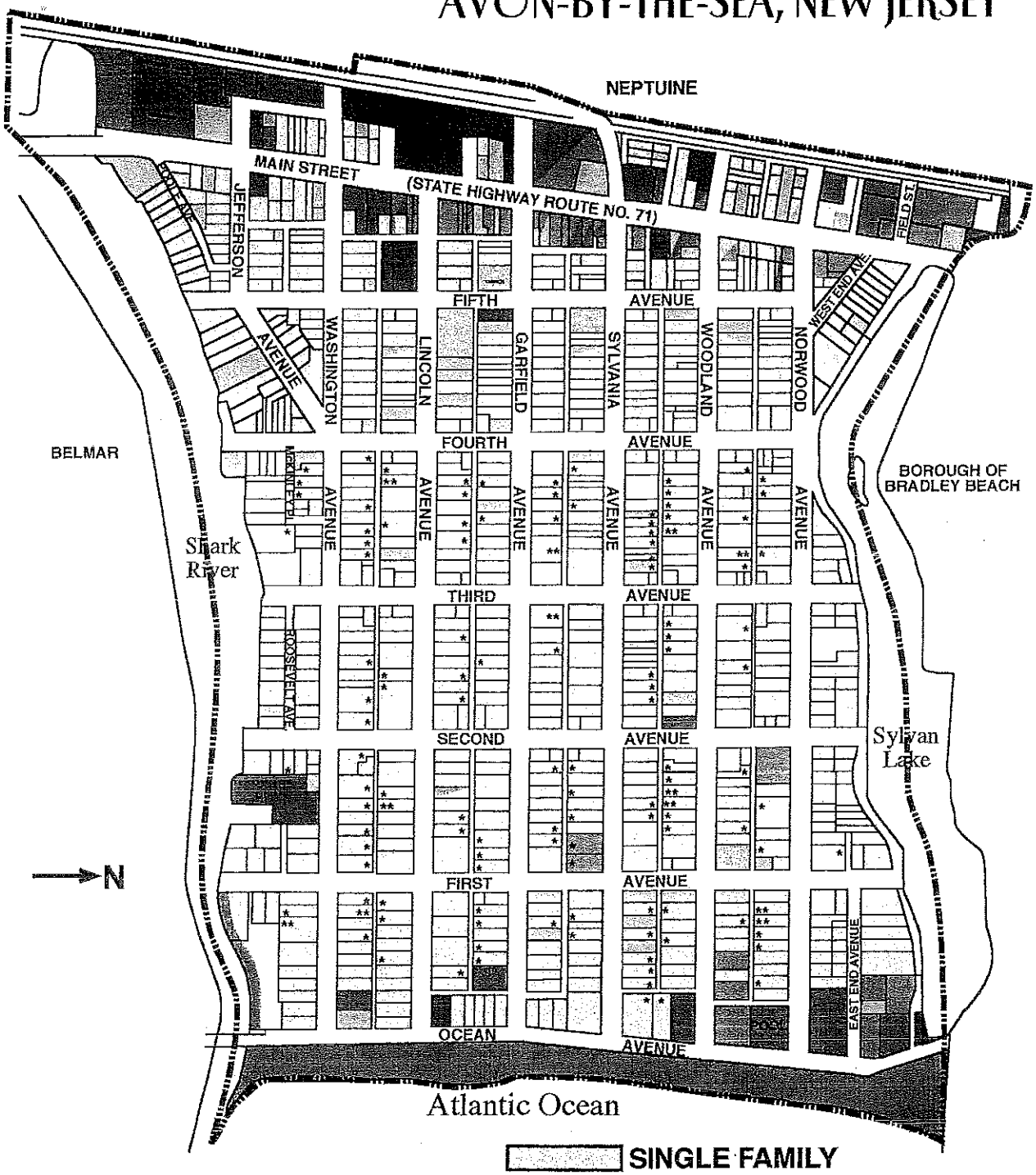
County

In December 1995, the Monmouth County Planning Board adopted a Growth Management Guide for the county. The Master Plan for the Borough of Avon-By-The-Sea works to advance the goals, objectives, and policies of this guide.

State Development and Redevelopment Plan

The State Development and Redevelopment Plan identifies the entire Borough as being located within the Metropolitan Planning Area. The Master Plan has no conflicts with this designation.

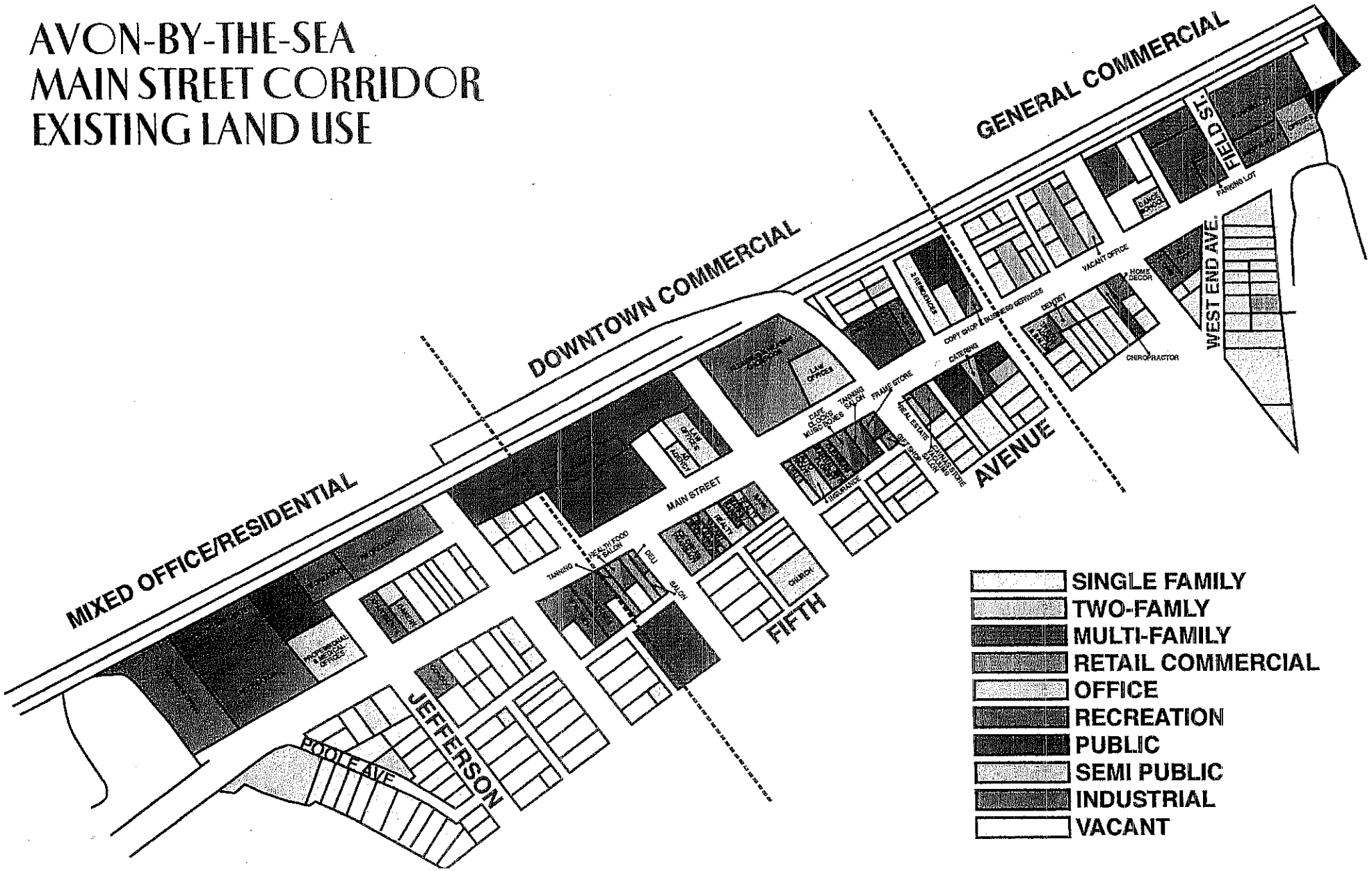
EXISTING LAND USE
AVON-BY-THE-SEA, NEW JERSEY



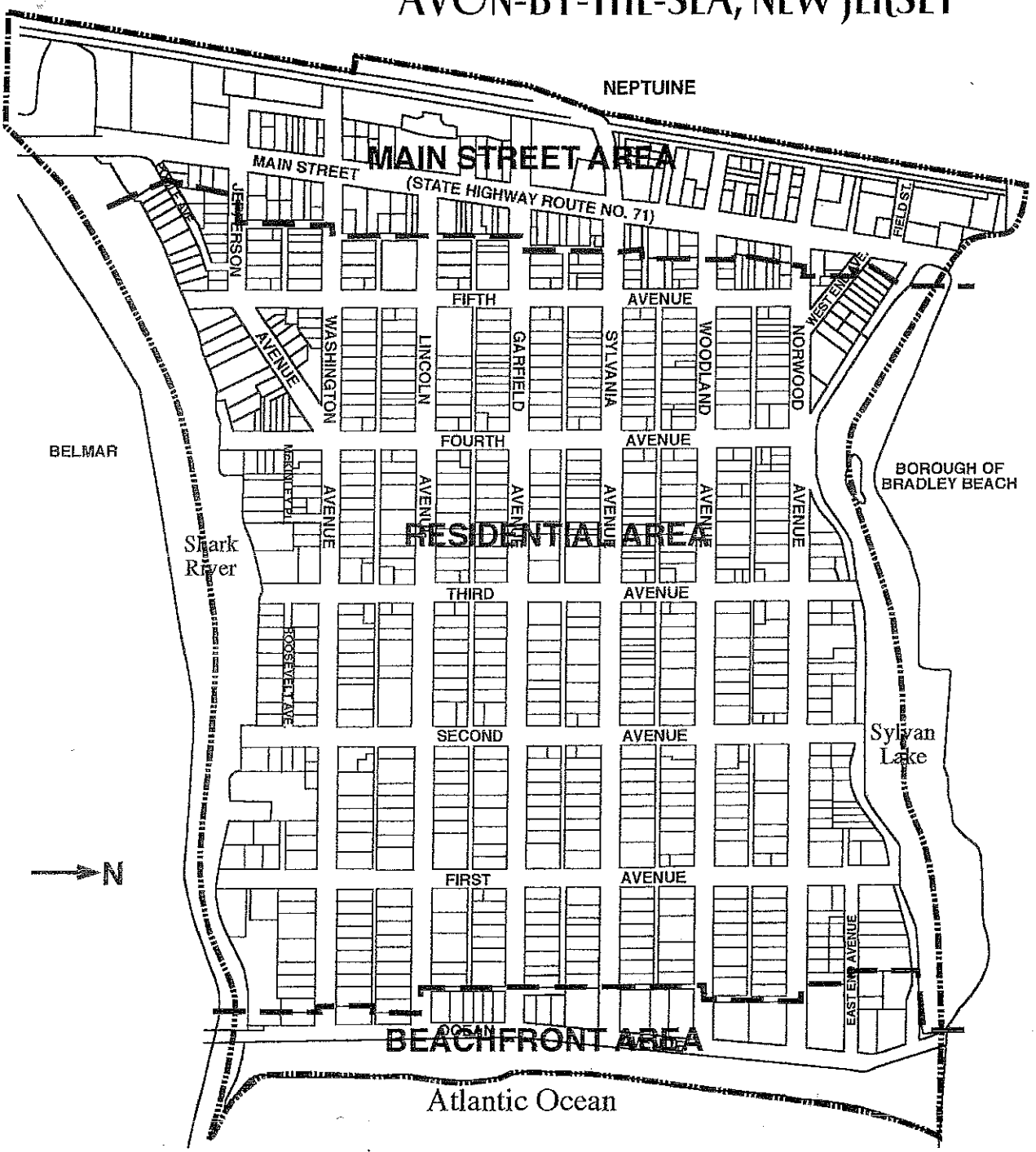
- SINGLE FAMILY
- TWO-FAMLY
- MULTI-FAMILY
- RETAIL COMMERCIAL
- OFFICE
- RECREATION
- PUBLIC
- SEMI PUBLIC
- INDUSTRIAL
- VACANT
- * GARAGE APARTMENT

Existing Land Use inventory is based on the prior map and a visual survey of property uses in the Borough and does not necessarily reflect pre-existing nonconforming uses.

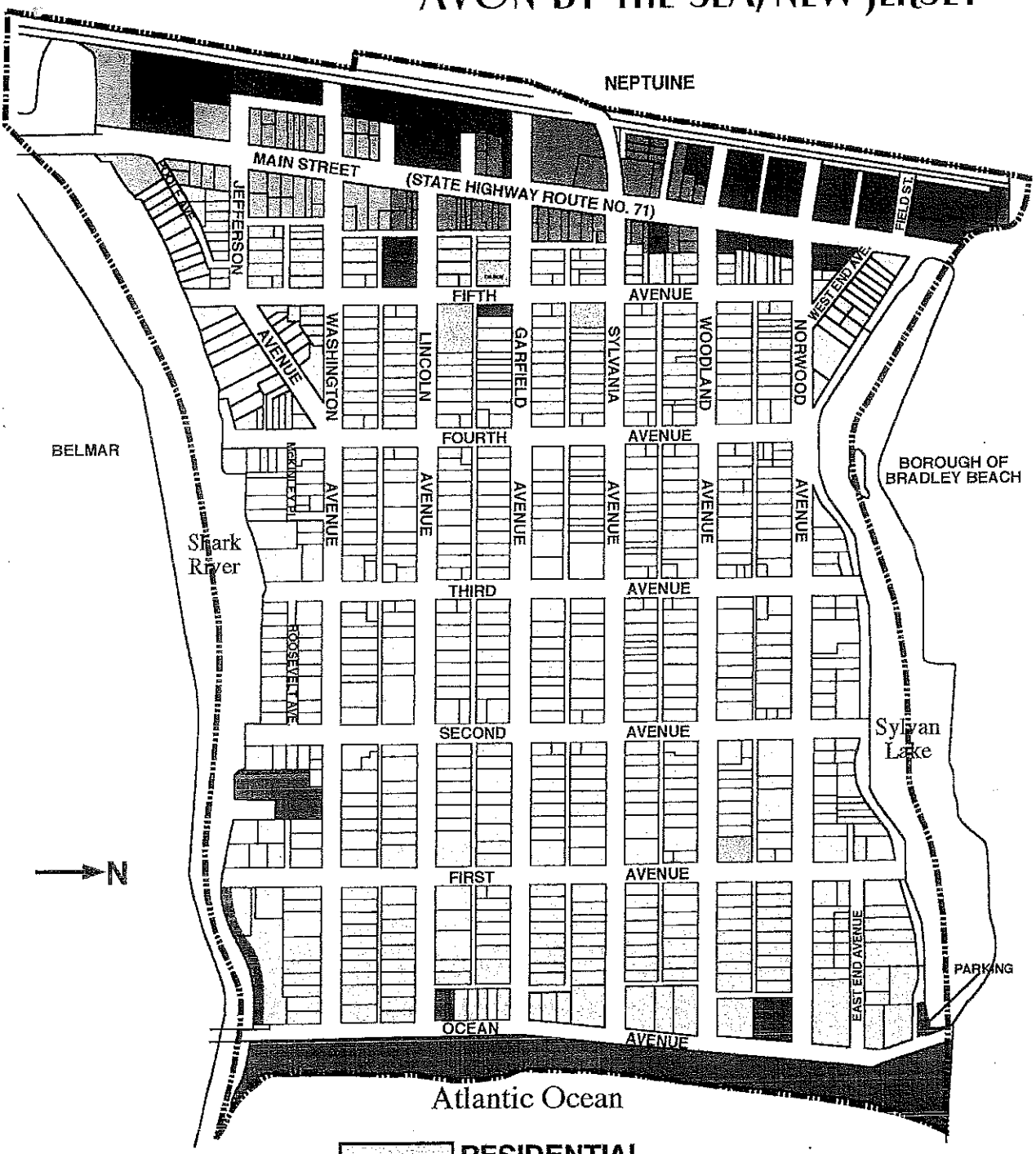
AVON-BY-THE-SEA
MAIN STREET CORRIDOR
EXISTING LAND USE



COMMUNITY CHARACTERISTICS AREAS
AVON-BY-THE-SEA, NEW JERSEY



LAND USE PLAN
AVON-BY-THE-SEA, NEW JERSEY



- RESIDENTIAL
- DOWNTOWN COMMERCIAL
- GENERAL COMMERCIAL
- MIXED OFFICE RESIDENTIAL
- PUBLIC
- SEMI PUBLIC

MONMOUTH COUNTY PLANNING BOARD

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Draft Date Received: 2/20/2004
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- ☐ **Certified Mail (Number)**
- ☐ **Hand Delivered**

Draft Certified:
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Other Certified:

Resolution Number: MP

Document Type: Master Plan

The following document(s) was received on this date at the offices of the Monmouth County Planning Board, in accordance with the provisions of R.S. 40:55D-15 and 40:55D-16 – Municipal Land Use Law (Chapter 291 Laws of 1975) and other applicable statutes.

Copy of Master Plan

If we have any comments or recommendations concerning the above document(s), they will be forwarded to you prior to the Public Hearing scheduled to be held on **2/25/2004**

Date Adopted:

PLEASE RETAIN ALL CORRESPONDENCE AND RECEIPTS FROM THE MONMOUTH COUNTY PLANNING BOARD FOR YOUR OFFICIAL RECORDS.

Date Transmitted: 11/15/2011
Transmitted By: JMB
Title: Sup Planner