

MASTER PLAN AMENDMENT

Land Use Element

BOROUGH OF RUMSON
MONMOUTH COUNTY, NEW JERSEY

PREPARED FOR
RUMSON BOROUGH PLANNING BOARD

Adopted November 18, 2002

PREPARED BY
C. BERNARD BLUM, JR., P.E., P.P.
RUMSON BOROUGH ENGINEER

OF THE FIRM OF



11 TINDALL ROAD
MIDDLETOWN, NJ 07748



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

Resolution No. 2002-

RESOLUTION OF THE PLANNING BOARD
OF THE BOROUGH OF RUMSON
COUNTY OF MONMOUTH, STATE OF NEW JERSEY

Adopting An Amendment To The Land Use Element
Of The Rumson Master Plan

WHEREAS, the Planning Board of the Borough of Rumson has undertaken a general re-examination of the Master Plan and Development Regulations of the Borough of Rumson pursuant to its obligations under N.J.S.A. 40:55D-89; and

WHEREAS, a report entitled "Master Plan Re-examination Report" dated November 11, 2002 was prepared by the Borough Engineer; and

WHEREAS, the Planning Board of the Borough of Rumson did, at a duly noticed public meeting on November 18, 2002 review and adopt said report; and

WHEREAS, the Planning Board desires to amend the Land Use Element of the Borough's Master Plan in accordance with the said Re-examination Report; and

WHEREAS, at a duly noticed public meeting was held on November 18, 2002, at which time public comment was heard concerning said amendment to the Master Plan;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Rumson in accordance with the Master Plan Re-examination Report as amended, dated November 11, 2002, that the Planning Board does hereby adopt an amendment to the Land Use Element as prepared by the Borough Engineer under date of November 18, 2002.

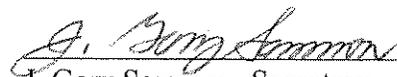
The foregoing was Moved by Mrs. Armitage, Seconded by Mr. B. Ekdahl, and on Roll Call, the following vote was recorded:

Affirmative: Doremus, B. Ekdahl, Emery, Hintelmann, Sorrentino, Armitage and Slingluff.

Negative: None.

Absent: Mayor Callman, Councilman J. Ekdahl and Mrs. Parton.

I, J. Gary Sammon, Secretary to the Planning Board of the Borough of Rumson, do hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Board of the Borough of Rumson at a public meeting held on November 18, 2002.



J. Gary Sammon, Secretary
Planning Board

Dated: November 18, 2002.

Introduction

This is an amendment to the Rumson Borough land use plan element of the Master Plan originally adopted on July 5, 1988. This amendment is based on the Planning Board reexamination of the Master Plan undertaken in 2002. In the spring of 2002, the Borough initiated the general reexamination process. The reexamination considers the need for changes in order to maintain a current Master Plan.

On June 3, 2002, the Borough Planning Board adopted a reexamination of the Master Plan which noted the demographic profile of the community based on information received from the U.S. Census (2000) as well as other development issues and trends affecting the Borough. The reexamination specifically recommended that the Borough Master Plan be amended to recognize Barley Point as seasonal bungalow colony as well as a local historic landmark. In response to this recommendation, on June 3, 2002 the Planning Board also adopted changes to the land use element and historic preservation element of the Master Plan that were consistent with the reexamination report.

The June 3, 2002 reexamination report further requested that the Planning Board continue to study other land use and development issues facing the Borough and to formulate appropriate recommendations to address these issues. Recommendations regarding land development regulations, minimum lot size requirements, agricultural and horticultural uses, and other types of development standards are presented in the November 11, 2002 Master Plan reexamination report.

Land Use Element

The Borough land use element is based on the principles, objectives, assumptions, and policies set forth by the 1988 Master Plan and reasserted in both the June 2, 2002 and November 11, 2002 reexamination reports. Master Plan principles and objectives include maintaining Rumson's character as a

residential community, encouraging the most appropriate use of land consistent with neighborhood character, and establishing appropriate population densities and limiting the intensity of development to both preserve the natural environment and to ensure neighborhood, community and regional well being. The land use element supports these principles and objectives by placing a major emphasis on maintaining harmonious land use patterns at their current levels of intensity. The land use element establishes land use types including residential, business/commercial, and public and quasi-public uses, landmarks and critical areas.

Agricultural and Horticultural Uses

The number of agricultural and horticultural uses for profit, accessory to residential uses in the Borough, has increased in recent years. Significant agricultural and horticultural uses can conflict with the quality and character of nearby residential neighborhoods by creating disruptive physical nuisances such as excessive or objectionable amounts of dust, fumes, smoke, odor, noise, glare or waste products. Residents may have to contend with early morning operations, the movement of product and heavy equipment, traffic generated by a commercial business, and potential exposure to chemical fertilizers and pesticides.

The Borough should enact regulations to protect the public health and safety of residents from the harmful impacts posed by agricultural and horticultural uses for profit on adjacent residential properties. Any regulations considered by Rumson must take New Jersey's Right to Farm Act into consideration. The Right to Farm Act does not preclude municipalities from enacting zoning regulations that are intended to protect the health and safety of residents. It does, however, protect farms from unduly restrictive municipal regulations and public and private nuisance law suits. In order for a commercial farm to qualify for protection under the Right to Farm Act, it must; (1) not be a direct threat to public health and safety; (2) be located in an area where agriculture was a permitted use under

municipal zoning ordinance or; (3) must have been operating as of December 31, 1997.

Minimum Lot Area Requirements

In order to preserve the community's existing character, to prevent an increase in densities in established neighborhoods, and to preserve environmentally sensitive lands the Borough should increase the required minimum lot size in certain areas of the R-1 and R-2 zone districts. The New Jersey State Development and Redevelopment Plan (SDRD), see Exhibit 1, identifies areas along the Navesink River, north of River Road, Black Point Road and Black Point Horseshoe as Planning Area 5 (PA-5). The State has designated PA-5 areas as being environmentally sensitive. This designation describes large contiguous land areas with valuable eco-systems, geological features and wildlife habitats. The PA-5 designated area in Rumson consists of coastal wetlands and sedge islands that are part of a larger environmentally sensitive area which includes the Navesink Highlands on the north shore of the river and the McClees Creek Basin. PA-5 emphasizes maintaining large contiguous areas of undisturbed habitat to protect sensitive natural resources and wildlife. The PA-5 also includes the islands in the Navesink and Shrewsbury Rivers.

In addition to the PA-5 designation, the State Plan identifies several critical environmental/historic sites (CEHS) within Rumson. This designation applies the conservation objectives of Planning Area 5 to smaller locations that are less than one square mile in area. In Rumson, the historic Oceanic Village, the southern shoreline of Rumson along the Shrewsbury River (inclusive of the Rumson Country Club holdings) and the sedge islands in the Shrewsbury River are recognized as critical environmental/historic sites. The plan also recognizes Monmouth County's scenic corridor along Rumson Road as a CEHS.

Stable areas that have a predominate number of lots in excess of the minimum lot size should be considered for rezoning to increase the minimum required lot area. This recommendation applies to the following areas:

- Properties north of River Road and west of Third Street along the Navesink River; the minimum lot area should be increased from 1.5 acres to 4.0 acres.
- Properties along the Shrewsbury River, east of the Rumson Country Club and west of Bellevue Avenue excluding any property which fronts Bellevue Avenue; the minimum lot area should be increased from 1.5 acres to 4.0 acres.
- (General area) Properties along the Shrewsbury River and Navesink River, east of Ward Avenue and north of Black Point Horseshoe; the minimum lot area should be increased from 1.0 acres to 2.0 acres.
- In general, properties north of Shrewsbury Drive, west of Oyster Bay Drive, east of Osprey Lane and south of Rumson Road including several properties west of Osprey Lane and east of Tuxedo Road and properties south of Shrewsbury Drive between Osprey Lane and Avenue of Two Rivers; the minimum lot area should be increased from 1.5 acres to 2.5 acres.
- Properties along the Shrewsbury River south of Shrewsbury Drive and west of Oyster Bay Drive, lots immediately adjacent to the east of Avenue of Two Rivers and to the west of Osprey Lane that front the river; the minimum lot area should be increased from 1.5 acres to 4.0 acres.
- Rumson Country Club; the southern portion of the property along the river should have a minimum lot size of 4.0 acres. The remainder of the parcel is should have a minimum lot size of 3.0 acres.
- (General area) Properties along the western portion of Bingham Avenue between Ridge Road and Rumson Road; minimum lot size should be increased from 1.5 acres to 4.0 acres.
- Lots 27, 28, 29, and 30 in Block 18 located in the R-3 zone district have, on average, lot sizes more consistent with the adjacent R-1 zone district. These lots should be rezoned from the current R-3 to R-1 which increases the minimum lot size from 0.75 acres to 1.75 acres.

For properties within a proposed rezoning area, all provisions under the existing zone plan, except for the requirement for minimum lot size, should remain in effect. Lots with less than the new minimum lot size but conforming to prior zoning should not be treated as non-conforming with regard to lot area.

Setbacks and the Permitted Size of Houses in Residential Zone Districts

Rumson already uses land use techniques to limit the size of residential dwellings including limits on maximum building coverage and maximum floor area ratios. These regulations are effective and do not require modification. However, clarification should be provided for certain definitions and for lots with multiple frontages and frontages on rivers or navigable waterways. Existing setbacks for principal and accessory structures in the larger zone districts appear to be satisfactory due to larger lot sizes and the increased distance between neighboring houses. In smaller zones, encroachments into setback areas for appurtenances such as chimneys, eaves, steps, decks and windows should be established. The size of these types of structures has been steadily increasing over the years.

Amended Land Use Plan Element

Exhibit 2 shows the proposed land use changes to the Master Plan. Current and proposed zone district regulations are consistent with the recommendations of the land use element of the 1988 Master Plan and subsequent Master Plan reexaminations and amendments.

EXHIBIT 1

New Jersey State Plan Policy Map

Planning Areas

Borough of Rumson
Monmouth County, New Jersey

State Plan Areas by Type

-  METROPOLITAN (PA-1)
-  ENVIRONMENTALLY SENSITIVE (PA-5)
-  ENV. SENSITIVE BARRIER ISLAND
-  STATE PARK
-  COUNTY PARK
-  CEHS (Critical Environmental Historic Site)
-  Roads
-  Municipal Boundaries
-  Water Features



1000 0 1000 2000 Feet

Prepared by:

TM
ASSOCIATES

November 2002

Sources: This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not state-authorized; U.S. Census Bureau TIGER files (2000).

