

# **Master Plan Amendment Housing Plan Element and Fair Share Plan**

## **Borough of Pine Beach Ocean County, New Jersey**

Prepared:  
June 20, 2025

Prepared for:  
Borough of Pine Beach Land Use Board

Prepared by:



A handwritten signature in blue ink, appearing to read 'Mark Rohmeyer'.

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Adopted on June 30, 2025 by the Borough of Pine Beach Land Use Board.  
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*The original of this document has been signed  
and sealed in accordance with New Jersey Law.*

## **Table of Contents**

|                                                                                                                                       |    |
|---------------------------------------------------------------------------------------------------------------------------------------|----|
| HOUSING PLAN ELEMENT .....                                                                                                            | 1  |
| MANDATORY CONTENTS OF THE HOUSING PLAN ELEMENT .....                                                                                  | 2  |
| ANALYSIS OF DEMOGRAPHIC, HOUSING, AND EMPLOYMENT CHARACTERISTICS.....                                                                 | 3  |
| PINE BEACH'S DEMOGRAPHICS.....                                                                                                        | 4  |
| PINE BEACH'S HOUSING STOCK.....                                                                                                       | 6  |
| PINE BEACH'S EMPLOYMENT AND INCOME CHARACTERISTICS.....                                                                               | 8  |
| AFFORDABLE HOUSING OBLIGATION .....                                                                                                   | 9  |
| PRESENT NEED .....                                                                                                                    | 9  |
| PRIOR ROUND OBLIGATION .....                                                                                                          | 10 |
| PROSPECTIVE NEED.....                                                                                                                 | 10 |
| ABILITY TO ACCOMMODATE AFFORDABLE HOUSING OBLIGATION .....                                                                            | 10 |
| ANTICIPATED LAND USE PATTERNS .....                                                                                                   | 10 |
| ANTICIPATED DEMAND FOR TYPES OF USES PERMITTED BY ZONING, BASED ON PRESENT<br>AND ANTICIPATED FUTURE DEMOGRAPHIC CHARACTERISTICS..... | 10 |
| AVAILABILITY OF EXISTING AND PLANNED INFRASTRUCTURE .....                                                                             | 11 |
| ECONOMIC DEVELOPMENT POLICIES .....                                                                                                   | 11 |
| CONSTRAINTS ON DEVELOPMENT .....                                                                                                      | 11 |
| IDENTIFICATION OF AFFORDABLE HOUSING SITES.....                                                                                       | 12 |
| FAIR SHARE PLAN.....                                                                                                                  | 13 |
| FULFILLMENT OF THE PRESENT NEED.....                                                                                                  | 13 |
| FULFILLMENT OF THE UNMET NEED (PROSPECTIVE NEED OBLIGATIONS).....                                                                     | 13 |
| VACANT LAND ANALYSIS REPORT .....                                                                                                     | 15 |
| INTRODUCTION.....                                                                                                                     | 16 |
| PERMITTED EXCLUSIONS .....                                                                                                            | 17 |
| METHODOLOGY.....                                                                                                                      | 19 |
| METHOD 1: Minimum Lota Area to Meet Density .....                                                                                     | 19 |
| METHOD 2: ROSI (Registered Open Space Inventory) or Green Acres Designation.....                                                      | 19 |
| METHOD 3: Prior Round RDP .....                                                                                                       | 18 |
| METHOD 4: Previously Site Plan Approved.....                                                                                          | 19 |
| METHOD 5: Landlocked Parcels .....                                                                                                    | 20 |
| METHOD 6: Environmentally Sensitive Lands.....                                                                                        | 20 |
| METHOD 7: Constructed / No longer vacant .....                                                                                        | 20 |
| SUMMARY & CONCLUSION.....                                                                                                             | 21 |
| APPENDICES .....                                                                                                                      | 22 |
| Vacant Land Inventory Table.....                                                                                                      | 22 |
| Vacant Land Map .....                                                                                                                 | 23 |
| Existing Land Use Map.....                                                                                                            | 24 |

## **List of Figures**

|                                                           |    |
|-----------------------------------------------------------|----|
| TABLE 1: POPULATION TRENDS.....                           | 6  |
| TABLE 2: DEMOGRAPHIC INDICATORS.....                      | 7  |
| TABLE 3: POPULATION BY AGE .....                          | 7  |
| TABLE 4: HOUSING UNIT TOTALS.....                         | 8  |
| TABLE 5: HOUSING PHYSICAL AND VALUE CHARACTERISTICS.....  | 9  |
| TABLE 6: OCCUPATION OF EMPLOYED CIVILIAN POPULATION ..... | 10 |
| TABLE 7: HOUSEHOLD INCOME .....                           | 11 |

# **Housing Plan Element**

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The Borough of Pine Beach, Ocean County, has prepared this Housing Plan Element and Fair Share Plan as an amendment to the municipal master plan in accordance with the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-310 et seq.).

The Municipal Land Use Law requires that a municipal master plan include a housing plan element to enable the municipality to exercise the power to zone and regulate land use. The housing plan element is adopted by the municipal planning board and endorsed by the municipal governing body and is drawn to achieve the goal of meeting the municipal obligation to provide for a fair share of the regional need for affordable housing.

This Housing Plan Element and Fair Share Plan amends the Borough's master plan to address current affordable housing planning requirements. It addresses the Borough's cumulative fair share obligation for the period from 2025 through 2035 and supersedes and replaces the Housing Plan Element and Fair Share Plan that was previously adopted by the Borough's Land Use Board on March 28, 2017.

The rules and regulations that have been followed to prepare this plan are the applicable provisions of the substantive rules of the New Jersey Council on Affordable Housing (COAH) for the periods beginning on June 6, 1994 (N.J.A.C. 5:93-1.1 et seq.) and on June 2, 2008 (N.J.A.C. 5:97-1.1 et seq.), as impacted and influenced by the March 10, 2015 decision of the New Jersey Supreme Court In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by COAH., 221 N.J. 1 (2015) ("Mount Laurel IV"), In re Declaratory judgment Actions Filed By Various Municipalities, and a Settlement Agreement, dated October 6, 2016, between the Borough and the Fair Share Housing Center (hereinafter "FSHC Agreement"), which was approved by Hon. Mark A. Troncone, J.S.C. on November 18, 2016.

## **Mandatory Contents of the Housing Plan Element**

The Municipal Land Use Law (N.J.S.A. 40:55D-1, et. seq.) provides that a municipal master plan must include a housing plan element as a prerequisite for the adoption of zoning ordinances and zoning amendments. This Housing Plan Element and Fair Share Plan was prepared in accordance with N.J.S.A. 40:55D-28. Pursuant to Section 10 of the Fair Housing Act (N.J.S.A. 52:27D-310), a municipal housing plan element is to be designed to achieve the goal of providing access to affordable housing to meet present and prospective housing needs, with particular attention to "low" and "moderate" income housing.

The New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 to -136 (MLUL) and the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 to -329 (FHA) require every municipal planning board to adopt a housing plan element as part of its master plan and permit the board to adopt a fair share plan as a component to the housing plan element. Once adopted, the fair share plan may be endorsed by the governing body and thereafter filed with COAH or the courts for review and approval. To be approved, the fair share plan must address the municipal present and prospective housing needs, "with particular attention to low- and moderate-income housing."

The Borough of Pine Beach has prepared this Housing Plan Element and Fair Share Plan in response to Mount Laurel IV, and at the direction of the Ocean County Superior Court. This Housing Plan Element and Fair Share Plan has been prepared in accordance with the provisions of N.J.A.C. 5:93, as outlined in the Mount Laurel IV decision, and with the provisions of the FSHC Agreement and the order approving same entered by the Court on November 14, 2016.

In accordance with the Fair Housing Act at N.J.S.A. 52:27D-310, a housing plan element shall contain at least the following:

- 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 households and substandard housing capable of being rehabilitated, and in conducting this inventory the municipality shall have access, on a confidential basis for the sole purpose of conducting the inventory, to all necessary property tax assessment records and information in the assessor's office, including but not limited to the property record cards;
- A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years subsequent to the adoption of the housing plan element, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands.

- An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level, and age.
- An analysis of the existing and probable future employment characteristics of the municipality.
- 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.
- 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.

The preparation and submission of a housing plan element of a municipality's Master Plan, and a Fair Share Plan, is the first major step in the process for seeking the approval of same by the Court via a Judgment of Compliance and Repose. Affordable Housing regulations define "Fair Share Plan" as follows:

"Fair Share Plan" means that plan or proposal which is in a form that may readily be converted into an ordinance, by which a municipality proposed to satisfy its obligation to create a realistic opportunity to meet its fair share of low and moderate income housing needs of its region and which details the affirmative measures the municipality proposes to undertake to achieve its fair share of low and moderate income housing, as provided in sections 9 and 14 of the Act, addresses the development regulations necessary to implement the housing element, and addresses the requirements of N.J.A.C. 5:93-7 through 11.

This Housing Plan Element and Fair Share Plan satisfies all of the applicable requirements set forth within the MLUL, the FHA, applicable COAR regulations, Mount Laurel IV, in re Declaratory Judgment Actions Filed by Various Municipalities, and the FSHC Agreement.

## **Analysis of Demographic, Housing, and Employment Characteristics**

As required by N.J.S.A. 52:27D-310, all housing plan elements must contain a discussion of the municipality's demographic, housing, and economic characteristics. The following subsections fulfill this requirement by providing a profile of the Borough of Pine Beach with information from the US Census Bureau

(incl., the 2020 US Census and 2019-2023 American Community Survey), the New Jersey Department of Labor and Workforce Development, and the North Jersey Transportation Planning Authority.

### **Pine Beach's Demographics**

The Borough of Pine Beach had a population of 2,378 residents at the time of the 2023 ACS 5-Year Estimates provided by the US Census. This figure represents a 9.1 percent increase over the 2010 US Census population figure of 2,127, which represented a 9.1 percent increase from the 2000 US Census population figure of 1,950. By comparison, Ocean County's population grew by 10.5 percent during the period between 2010 and 2020, and 17.9 percent between 1990 and 2000. Table 1 shows the rate of growth experienced by Pine Beach and Ocean County from 1990 through 2023.

**Table 1: Population Trends, 1930-2023**

| <b>Borough of Pine Beach, Ocean County, NJ</b> | <b>Year</b> | <b>Percent Change</b> |
|------------------------------------------------|-------------|-----------------------|
| <b>1930</b>                                    | 72          | —                     |
| <b>1940</b>                                    | 163         | 126.4%                |
| <b>1950</b>                                    | 495         | 203.7%                |
| <b>1960</b>                                    | 985         | 99.0%                 |
| <b>1970</b>                                    | 1,395       | 41.6%                 |
| <b>1980</b>                                    | 1,796       | 28.7%                 |
| <b>1990</b>                                    | 1,954       | 8.8%                  |
| <b>2000</b>                                    | 1,950       | -0.2%                 |
| <b>2010</b>                                    | 2,127       | 9.1%                  |
| <b>2020</b>                                    | 2,139       | 0.6%                  |
| <b>2023</b>                                    | 2,378       | 11.2%                 |

Source: US Census Bureau

According to the 2023: ACS 5-Year Estimates US, the Borough's population is composed of 962 households with an average household size of 2.45 members (Table 2). The average household size is smaller than the State of New Jersey's and Ocean County's average of 2.68 and 2.65 persons per household, respectively. The Borough's percentage of population over 65 years of age (25.9 percent) is higher than at the county level (23.0%) and the state level (17.7%). The median age of the Borough's population of 53.6 years is also higher than the county and state median ages of 41.1 years and 40.4 years, respectively.

**Table 2: Demographic Indicators, 2023**

|                              | Number of Households | Average Household Size | Median Age | Percent of Population 65 Years+ |
|------------------------------|----------------------|------------------------|------------|---------------------------------|
| <b>Borough of Pine Beach</b> | 962                  | 2.45                   | 44.9       | 25.9%                           |
| <b>Ocean County</b>          | 245,827              | 2.65                   | 42.6       | 23.0%                           |
| <b>New Jersey</b>            | 3,538,457            | 2.68                   | 40.4       | 17.7%                           |

Source: US Census Bureau

As shown in Table 3, there were 109 pre-school age residents in 2023, or 4.6 percent of the Borough's population. School age children accounted for 318 residents, or 13.4 percent of the total population. Working aged persons accounted for 56.2 percent of the Borough's population, with 1,334 individuals. Seniors aged 65 years and older accounted for 25.9 percent of Pine Beach's population, with 617 individuals.

**Table 3: Population by Age, 2023**

|                       | Number | Percent |
|-----------------------|--------|---------|
| <b>Pre-School Age</b> |        |         |
| Under 5 Years         | 109    | 4.6%    |
| <b>School Age</b>     |        |         |
| 5 to 9 Years          | 130    | 5.5%    |
| 10 to 14 Years        | 83     | 3.5%    |
| 15 to 19 Years        | 105    | 4.4%    |
| <b>Working Age</b>    |        |         |
| 20 to 24 Years        | 144    | 6.1%    |
| 25 to 34 Years        | 86     | 3.6%    |
| 35 to 44 Years        | 289    | 12.2%   |
| 45 to 54 Years        | 305    | 12.8%   |
| 55 to 59 Years        | 164    | 6.9%    |
| 60 to 64 Years        | 346    | 14.6%   |
| <b>Senior Age</b>     |        |         |
| 65 Years and Older    | 617    | 25.9%   |

Source: US Census Bureau

### **Pine Beach's Housing Stock**

According to 2023 ACS Survey, Pine Beach had a total of 1,065 housing units (Table 4). This was an increase of 162 units since 2010, from 903 units. Of this total, 962 units (90.3 percent) were listed as occupied; owners occupied 96.4 percent of these units, and renters occupied 3.6 percent.

Of the total of 962 occupied households, the average household size was 2.34 persons, and the average family size was 3.0 persons. Of the total number of households, family households accounted for 671 units and non-family household accounted for 201 units. Householders 65 years of age or older were present in 286 (29.7 percent) of households.

**Table 4: Housing Unit Totals and Occupancy Characteristics, 2023**

|                                                | Number | Percent |
|------------------------------------------------|--------|---------|
| <b>I. Housing Units</b>                        |        |         |
| <b>Number of units</b>                         | 1,065  | 100.0%  |
| <b>Occupied Housing Units</b>                  | 962    | 90.3%   |
| <b>Vacant Housing Units</b>                    | 103    | 9.7%    |
| <b>II. Occupancy/Household Characteristics</b> |        |         |
| Number of Households                           | 962    | 100.0%  |
| <b>Average Persons Per Household</b>           | 2.34   | N/A     |
| <b>Average Persons Per Family</b>              | 3.0    | N/A     |
| Family Households                              | 671    | 79.1%   |
| Non-Family Households                          | 201    | 20.9%   |
| <b>Householders 65 and over</b>                | 286    | 29.7%   |

**Source: US Census Bureau**

With regard to the age of the Borough's housing stock, it is noted that a total of 24.4 percent of all housing units were constructed in 1980 or later, and a total of about 8.9 percent of all housing units were constructed in 2000 or later (Table 5). It is also noted that the housing stock has zero (0) units lacking complete plumbing facilities, zero (0) units exhibiting overcrowded conditions (i.e., having at least 1.01 persons per room), and zero (0) units lacking complete kitchen facilities. The source of this information is the 2019-2023 American Community Survey of the US Census Bureau.

In addition to the above, it is noted that the 2019-2023 American Community Survey of the US Census Bureau indicates that the median value of the owner-occupied housing units in Pine Beach is \$438,300. This is higher than the median value of \$408,000 in Ocean County, but lower than the median value of \$461,000 in the State of New Jersey. The 2019-2023 American Community Survey of the US Census Bureau also indicates that Pine Beach's median gross rent is \$1,219 per month; this is lower than the median gross rents of \$1,667 in the State of New Jersey and the median gross rent of \$1,692 in Ocean County.

**Table 5: Housing Physical and Value Characteristics, American Community Survey  
(2019-2023 Five-year Estimates)**

|                                                                                           | Number  | Percent |
|-------------------------------------------------------------------------------------------|---------|---------|
| <b>I. Year Structure Built (2019-2023 American Community Survey)</b>                      |         |         |
| 2020 or later                                                                             | 8       | 0.8%    |
| 2010 or 2019                                                                              | 26      | 2.7%    |
| 2000 to 2009                                                                              | 52      | 5.4%    |
| 1980 to 1999                                                                              | 149     | 15.5%   |
| 1960 to 1979                                                                              | 207     | 21.5%   |
| 1940 to 1959                                                                              | 226     | 23.5%   |
| 1939 or earlier                                                                           | 294     | 30.6%   |
| <b>II. Condition of Units and Overcrowding (2019-2023 American Community Survey)</b>      |         |         |
| lacking complete plumbing facilities                                                      | 0       | 0%      |
| lacking complete kitchen facilities                                                       | 0       | 0%      |
| Overcrowding (units with 1.01 persons/room}                                               | 0       | 0%      |
| <b>III. Median Home Value (Owner-Occupied Units; 2019-2023 American Community Survey)</b> |         |         |
| Median Value                                                                              | 438,300 | ■ ■ ■   |
| <b>IV. Median Gross Rent (Renter-Occupied Units; 2019-2023 American Community Survey)</b> |         |         |
| Median Gross Rent                                                                         | 1,219   | ■ ■ ■   |

Source: US Census Bureau

### **Pine Beach's Employment and Income Characteristics**

According to the 2019-2023 American Community Survey of the US Census Bureau, 1,385 of Pine Beach's residents aged 16 years and over were employed in the civilian labor force. A total of 45.7 percent of those who were employed in the civilian labor force were involved in management, business, science, and arts occupations, while approximately 17.7 percent were employed in sales and office related occupations. Service occupations employed 22.2 percent of Pine Beach residents that were employed in the civilian labor force. Natural resources, construction, and maintenance occupations employed 6.4 percent of the Borough's residents, whereas production, transportation, and material moving occupations employed 8.1 percent of the Borough's residents.

**Table 6: Occupation of Employed Civilian Population, 16 and Over, American Community Survey (2019-2023 Five-Year Estimates)**

|                                                              | Number | Percent |
|--------------------------------------------------------------|--------|---------|
| Management, Business, Science, and Arts Occupations          | 611    | 45.7%   |
| Sales and Office Occupations                                 | 236    | 17.7%   |
| Service Occupations                                          | 296    | 22.2%   |
| Natural Resources, Construction, and Maintenance Occupations | 85     | 6.4%    |
| Production, Transportation, and Material Moving Occupations  | 108    | 8.1%    |

Source: US Census Bureau

Regarding the number of jobs that are located within the Borough, it is noted that the New Jersey Department of Labor indicates that there was an average of 221 jobs located within the municipality in 2015, which is the latest available data. This is down 114 jobs over the 2010 average of 335 jobs. The Department of Labor's basis for this information is the number of jobs that are covered by public unemployment and disability insurance.

The number of jobs in Pine Beach is expected to grow throughout the future. This is indicated by recent projections of the North Jersey Transportation Planning Authority, which projects a total of 323 jobs by 2050.

Regarding household income, it is noted that Pine Beach's median household income, as reported by the 2019-2023 American Community Survey of the US Census Bureau, is \$121,333. This was \$34,389 more than the 2015 median household income of \$86,944. Table 7 provides complete information on the income of Pine Beach's households.

Table 7: Household Income, American Community Survey (2019-2023 Five-Year Estimates)

|                                        | Number  | Percent |
|----------------------------------------|---------|---------|
| Less than \$10,000                     | 7       | 0.7%    |
| \$10,000 to \$14,999                   | 30      | 3.1%    |
| \$15,000 to \$24,999                   | 0       | 0.0%    |
| \$25,000 to \$34,999                   | 44      | 4.6%    |
| \$35,000 to \$49,999                   | 29      | 3.0%    |
| \$50,000 to \$74,999                   | 156     | 16.2%   |
| \$75,000 to \$99,999                   | 135     | 14.0%   |
| \$100,000 to \$149,999                 | 302     | 31.4%   |
| \$150,000 or More                      | 259     | 26.9%   |
| Median Household Income (2023 Dollars) | 121,333 | ■■■     |

Source: US Census Bureau

## Affordable Housing Obligation

The Borough's affordable housing obligation is described in the following subsections.

### Present Need

The present need is a measure of overcrowded and deficient housing that is occupied by low- and moderate-income households.<sup>1</sup> The present need has previously been called "rehabilitation share." The present need for the Borough of Pine Beach is **zero (0) units**.

<sup>1</sup> It is acknowledged that a January 18, 2017 ruling of the New Jersey Supreme Court has modified the definition of "present need" to include "... an analytic component that addresses the affordable housing need of presently existing New Jersey low- and moderate-income households, which formed during the gap period and are entitled to their delayed opportunity to seek affordable housing." However, the township entered into a settlement agreement with the Fair Share Housing Center that was approved by the court before the January 18, 2017 New Jersey Supreme Court ruling. Consequently, this Housing Plan Element and Fair Share Plan continues to define "present need" as a measure of overcrowded and deficient housing that is occupied by low- and moderate-income households and in need of rehabilitation.

### **Prior Round Obligation**

The prior round obligation covers the period from 2000 through 2024 and is a municipality's adjusted third round new construction obligation carried forward to the fourth round. The Borough's prior round obligation is **zero (0) units**.

### **Prospective Need**

The prospective need is a measure of low- and moderate-income housing needs, based on development and growth that occurred or is reasonably likely to occur in a region or municipality. The prospective need covers the period from 2025 through 2035. The township's prospective need is **thirty (30) units**, this is established by the New Jersey Department of Community Affairs.

### **Ability to Accommodate Affordable Housing Obligation**

The Borough lacks vacant, developable land that is suitable for residential use. Pine Beach anticipates that future development and growth will predominantly be limited to redevelopment activity (incl., reconstruction of existing housing), as well as infill development and expansions as may be permitted under the Borough's zone plan. Further changes and residential development within the Borough will be incremental and small in scale and on scattered sites. The compliance mechanisms included in the Borough's Housing Plan Element and Fair Share Plan provide as much affordable housing as possible, given the Borough's development character, to meet the Borough's affordable housing obligation.

### **Anticipated Land Use Patterns**

The Borough of Pine Beach is a fully developed community with an established pattern of land use, small lots and a limited capacity for growth. The anticipated land use pattern is expected to be consistent with the adopted land use and zone plans of the Borough.

### **Anticipated Demand for Types of Uses Permitted by Zoning, Based on Present and Anticipated Future Demographic Characteristics**

According to 2023 US Census data, 103 of the 1,065 housing units in Pine Beach were vacant. Of these 103 vacant housing units, 91, or 8.5 percent of the total housing stock were for seasonal, recreational, or occasional use. The 2023 percentage of seasonal, recreational, or occasional use housing in the Borough highlights an increase from the

total recorded in the 2010 US Census, where seasonal, recreational, or occasional use housing comprised 55 of 85 vacant units, of the total 903 housing units in the Borough, or six (6) percent of the total housing stock.

As has been previously demonstrated, Pine Beach's population has grown in the period since 2000. Indeed, in the period from 2000 to 2023, the Borough's population grew by approximately 428 residents, or around 22 percent. The North Jersey Transportation Planning Authority projects that the Borough's population could drop to 2,303 by 2050, which represents a decrease of 75 residents, or around 3.2 percent, over the population of 2,378 that was reported in the 2010 US Census.

Since Pine Beach is a developed community, the projected residential and non-residential growth is expected to be the result of limited infill and small-scale private redevelopment efforts.

### **Availability of Existing and Planned Infrastructure**

The Borough is a fully developed community and has a developed infrastructure. Water and sewer service are available within the Borough. As has been previously stated, Pine Beach anticipates that future development and growth will predominantly be limited to redevelopment activity (incl., reconstruction of existing housing), as well as infill development and expansions as may be permitted under the Borough's zone plan.

### **Economic Development Policies**

The Borough has limited land for commercial development; however, the Borough has encouraged owners in the Business Highway Zone to improve their properties. The goal for economic development in the Borough's Master Plan, adopted in 1995, is to enhance and expand the Borough's economic base by promoting the growth of business for employment opportunities and purposes. The objective to this goal is to promote economic development by encouraging redevelopment efforts such as infill, land assembly, public/private partnerships and infrastructure improvements. The Borough policy is to provide for economic development that is beneficial to the community, permitted by the Borough zone plan, and compatible with the overall goals and objectives of the Borough's master plan. The Borough has an existing Inclusionary Development policy within its B-1 zone.

### **Constraints on Development**

The Borough contains several environmental features that are constraints to development, including water bodies and flood hazard areas. Generally, these environmentally constrained areas are located along the Toms River. The Borough also contains areas in the CAFRA Zone, which results in additional regulatory constraints on development.

In the three previous rounds, COAH granted the Borough a Vacant Land Adjustment each of the times it approved the Borough's Housing Plan Element and Fair Share Plan, due to the lack of land within the Borough that is suitable for the development of affordable housing. As such, COAH assigned the Borough a zero (0)-unit Realistic Development Potential (RDP), which was reaffirmed in the FSHC Agreement.

For the Fourth Round, the municipality is unable to identify a site suitable for realistic development within the Borough.

### **Identification of Affordable Housing Sites**

Through the Vacant Land Analysis Report, found later in this document, there are no vacant lots of sufficient size and suitability to support a new development with affordable housing. The Borough is almost completely developed and there are no large, underdeveloped tracts available for low to moderate income housing.

The Borough must obtain 25% of their unmet need, which totals eight (8) units needed to satisfy the Fourth Round Obligations. This comes from the original unmet need for the Fourth-Round totaling (30) units. The Borough will address its unmet need of through a combination of credits from existing affordable units, a proposed municipally sponsored project, an existing inclusionary zoning overlay in the Borough's B-1 (Business Highway) Zone, as well as the existing municipal-wide inclusionary zoning ordinance.

## Fair Share Plan

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The fair share plan outlines the mechanisms by which the Borough proposes to fulfill its: present and prospective needs, which is a measure of overcrowded and deficient housing that is occupied by low- and moderate-income households<sup>1</sup>; prior round obligation; and, prospective need, which is a measure of low and moderate-income housing needs based on development and growth that occurred or is reasonably likely to occur in a region or municipality. This plan will also demonstrate how the Borough is creating a realistic opportunity for satisfaction of its RDP and how it is taking appropriate action to address its unmet need.

### **Fulfillment of the Present Need**

As has been previously noted, the Borough's present need is zero (0) units.

### **Fulfillment of the Unmet Need (Prospective Need Obligations)**

The difference between the Borough's affordable housing obligation and its RDP is known as unmet need. Pine Beach's unmet need is calculated as the sum of its prior round obligation and prospective need. The prior round obligation covers the period from 2000 through 2024, and is a municipality's adjusted third round new construction obligation carried forward to the fourth round. The Borough's prior round obligation is **(0) units**.

The prospective need is a measure of low- and moderate-income housing needs, based on development and growth that occurred or is reasonably likely to occur in a region or municipality. The prospective need covers the period from 2025 through 2035. The township's prospective need is **(30) units**.

The Borough has applied the standards set forth in N.J.A.C. 5:93-4.2 to determine its entitlement to a Vacant Land Adjustment to the cumulative (30) units of prospective need. Resulting from that analysis, the Borough has determined that it is entitled to adjust its cumulative prospective need to (0) units, leaving the Borough with an RDP of (0) units and an unmet need of (30) units.

The resulting unmet need from the prior round obligation and prospective need is **(30) units**. The Borough proposes to address its unmet need through multiple avenues including;

#### *Redevelopment Overlay*

There is an existing inclusionary overlay in the Borough's B-1 (Business Highway) Zone. This inclusionary redevelopment overlay in the B-1 zone calls for 20% of all new units in

apartments buildings to be set-aside for low- and moderate-income housing. This can be found in Pine Beach's municipal code § 175-61(3).

#### *Mandatory Set-Aside Ordinance*

The Borough will establish a mandatory set-aside ordinance that requires all residential development (containing 5 or more units), including approvals of use or density variances, site plans, or subdivisions; redevelopment projects subject to a redevelopment plan adopted by the Borough Council that governs the development and redevelopment of designated areas in need of rehabilitation or areas in need of redevelopment in the Borough; and substantial revisions to previously approved developments, to have a 20% set-aside for the affordable units, regardless of whether they are for-sale or rental. All affordable units shall be restricted, regulated, and administered consistent with the Borough's affordable housing regulations, the Uniform Housing Affordability Controls and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

#### *Scattered Site Program*

The Borough will establish a Scattered Site Program designed to construct housing units that are not part of a larger development project.

The Borough also considered an accessory apartment program but found that their lots were relatively small (predominately 8,000 square feet or less) and the neighborhoods follow an existing character of individual dwellings on individual lots. The predominately 8,000 square foot lots that exist within the Borough along with COAH requirements for 10-year affordability controls on accessory apartments and the lack of control by the property owner on the selection of apartment renters make the successful development of an accessory apartment program impractical.

Since the Borough is almost fully developed, and there are no large undeveloped properties available for low- and moderate-income housing, overlay zones were determined not practical.

# 2025 VACANT LAND ANALYSIS REPORT

Prepared For:

**Borough of Pine Beach**

**Ocean County, New Jersey**

Dated: 6/20/25

Prepared By:



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Mark Rohmeyer P.E., P.P., C.M.E.  
Morgan Municipal, LLC  
137 Central Avenue, Island Heights, NJ 08732

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

## INTRODUCTION

Affordable housing regulations allow municipalities to request an adjustment from their housing need due to a lack of available vacant and developable land. Pursuant to N.J.A.C. 5:93-4.2, municipalities requesting an adjustment of their fair share obligation due to lack of available land must submit an inventory of vacant and undeveloped parcels by lot and block, with property ownership and acreage.

In recognition of the need to provide the opportunity to adjust municipal affordable housing obligations, N.J.A.C. 5:93 outlines standards and procedures for municipalities to demonstrate that a municipal response to its housing obligation is limited by lack of land, water, or sewer. This report outlines the methodology and summarizes the results of the vacant land analysis prepared on behalf of Borough of Pine Beach by Morgan Municipal, LLC.

This document serves as Pine Beach Borough's Vacant Land Inventory and Analysis to reflect the conditions in 2025. The Borough of Pine Beach is seeking to obtain a vacant land adjustment due to the built-out nature of the Borough and recent government purchases of land now preserved as open space, and the limitations this puts on attempts to satisfy the Borough's affordable housing obligations.

In order to demonstrate the lack of vacant, developable land in Pine Beach Borough, the Borough has identified all vacant parcels currently existing within its borders through 2025 data from the Borough Tax Assessor's office, and has listed each parcel on the vacant land inventory table in accordance with N.J.A.C. 5:93-4.2(b) (see Appendix A).

A vacant land map depicting vacant properties within the Borough is included as Appendix B.

An existing land use map for the Borough has been appended to this report as Appendix C in accordance with N.J.A.C. 5:93-4.2(a).

Morgan Municipal, LLC has analyzed the Realistic Development Potential, or RDP, of the remaining vacant lands within the Borough in accordance with the provisions of Subchapter 4 of N.J.A.C. 5:93. This analysis reveals that Borough of Pine Beach has 1 vacant, developable site, which could yield an RDP of 2 units.

## **PERMITTED EXCLUSIONS**

This Vacant Land Inventory is prepared in accordance with N.J.A.C. 5:93, which establishes criteria by which sites, or portions thereof, in a municipal land inventory may be excluded from a municipality's RDP.

As per COAH's Second Round Rules (N.J.A.C. 5:93-4.2), the inventory includes the block, lot, address, owner's name, current zone, total lot acreage, total acreage suitable for development (uplands) and total acreage unsuitable for development (constraints) for each vacant property based on current Borough property tax records (See Vacant Land Inventory in Appendix).

As provided by N.J.A.C. 5:93-4.2.c, lands meeting certain specified criteria may also be excluded from the Inventory. The following criteria were used to further exclude vacant properties from the Inventory:

- 1) **Minimum Lota Area to meet Density** - Vacant contiguous publicly or privately-owned parcels where the merged total could not accommodate at least 5 dwelling units at a minimum density of 6 units per acre (less than 0.83 acres);
- 2) **ROSI or Green Acres Designation** - Parcels engaged with the Green Acres program may also be excluded
- 3) **Prior Round RDP** - Properties that were included in the Prior Round RDP based on the 1997 Vacant Land Inventory.
- 4) **Previously Site Plan Approved** - Vacant lots under development or properties for which site plan approval has been granted may also be excluded.
- 5) **Landlocked parcels** - or sites with limited or no access
- 6) **Environmentally sensitive lands**, including flood hazard areas, wetlands, and areas characterized by steep slopes of greater than 15 percent, which limits the contiguous developable uplands area to less than 0.83 acres. Additionally, groundwater contamination areas have been included.
- 7) **Constructed / No Longer Vacant** – properties that have been determined to have development occur within the parcel. Determination of development was made based on a review of the vacant land analysis.

### **N.J.A.C. 5:93-4.2(e)4:**

"4. Active recreational lands may be excluded as follows:

- i. Municipalities may reserve three percent of their total developed and developable acreage for active municipal recreation and exclude this acreage from consideration as potential sites for low- and moderate-income housing. However, all sites designated for active recreation must be designated for recreational purposes in the municipal master plan. In determining developable acreage, municipalities shall calculate their total vacant and undeveloped lands and deduct from that total number the lands excluded by the Council's rules regarding historic and architecturally important sites, agricultural lands and environmentally sensitive lands. Municipalities shall also exclude from this calculation of total vacant and undeveloped lands, those owned by nonprofit organizations, counties and the State or Federal government when such lands are precluded from development at the time of substantive 32 certification. Municipalities shall submit appropriate documentation demonstrating that such active recreational lands are precluded from development. Existing active municipal recreation areas shall be subtracted from the three percent calculation of total developed and developable acreage to determine additional land that may be reserved for active municipal recreation.
- ii. Sites designated for active recreation must be purchased and limited to active recreational purposes within one

year of substantive certification. Sites that are not purchased and limited to active recreational purposes shall, if determined necessary by the Council, be zoned to permit inclusionary development.”

It should be noted that the Borough is permitted to reserve up to three percent of its total developed and developable acreage, less existing active municipal recreation areas, for active municipal recreation and exclude this acreage from consideration as potential sites for low- and moderate-income housing pursuant to N.J.A.C. 5:93-4.2(e)4. Any such site designated for active recreation in accordance with this section must be purchased and limited to active recreational purposes within one year of substantive certification. **Although this calculation has not been completed as part of this analysis, because the available vacant land has not been designated in the previous Master Plan as active recreation, the Borough reserves the right to revise this analysis to complete this calculation.**

#### **Consideration of Previous Vacant Land Analysis**

Our office has taken into consideration sites that have changed in circumstances since the previous Vacant Land Analysis that was done in 1997. We did not determine any sites that had changed significantly enough to warrant redevelopment on the site.

#### **Consideration of Redevelopment Sites**

N.J.A.C. 5:93-4.2(d) states that “The Council shall review the existing land use map and inventory to determine which sites are most likely to develop for low and moderate income housing. All vacant sites shall initially be presumed to fall into this category. In addition, the Council may determine that other sites, that are devoted to a specific use which involves relatively low-density development would create an opportunity for affordable housing if inclusionary zoning was in place. Such sites include, but are not limited to: golf courses not owned by its members; farms in SDRP planning areas one, two and three; driving ranges; nurseries; and nonconforming uses. The Council may request a letter from the owner of sites that are not vacant indicating the site’s availability for inclusionary development.”

Our office has found that there are no suitable sites matching the description within the aforementioned New Jersey Administrative Code.

## **METHODOLOGY**

The Borough has identified all vacant parcels currently existing within its borders through 2025 data from the Borough Tax Assessor's office. The following information summarizes our findings:

**(983) Total Lots** exist within the Borough of Pine Beach.

**(17) Vacant Private Lots** exist within the Borough of Pine Beach.

**(30) Vacant Borough Lots** exist within the Borough of Pine Beach.

**(47) Vacant Private & Borough Lots** exist within the Borough of Pine Beach.

### **METHOD 1: Minimum Lot Area to meet Density**

As per N.J.A.C. 5:93-4.1f, properties may be excluded from the RDP if the minimum density to be applied to developable acres is less than 6 dwelling units per acre (this excludes lots less than 0.83 acres).

*a) Of the (47) Vacant Lots in the Borough, (40) lots are less than 0.83 acres.*

*Therefore, this results in a total of (7) Vacant & Sufficient Area Lots.*

### **METHOD 2: ROSI (Registered Open Space Inventory) or Green Acres Designation**

As per N.J.A.C. 5:93-4.2, properties may be excluded from the RDP if the parcels are engaged with the Green Acres program.

*a) Out of the remaining (7) lots available for RDP analysis, (6) lots are on the ROSI list. Therefore, this results in a total of (1) lot left available for RDP analysis.*

### **METHOD 3: Prior Round RDP**

As per N.J.A.C. 5:93-4.2, properties may be excluded from the RDP if the lots were included in the prior round RDP based on the 1997 Vacant Land Inventory.

The following lot(s) are currently listed as vacant which was part of the 3<sup>rd</sup> Round and have since been nearing completion or fully completed for construction:

1. None

*a) Out of the remaining (1) lot available for RDP analysis, (0) lots have been nearing completion or fully completed from the Prior Round RDP. Therefore, this results in a total of (1) lot left available for RDP analysis.*

### **METHOD 4: Previously Site Plan Approved**

As per N.J.A.C. 5:93-4.2, properties may be excluded from the RDP if a Site Plan has previously been approved:

We note the following Block & lots were currently listed as vacant, but have received site Plan Approval:

1. None

*a) Out of the remaining (1) lot available for RDP analysis, (0) additional sites are being excluded due to previous site plan approval. Therefore, this results in a total of (1) lot left available for RDP analysis.*

#### **METHOD 5: Landlocked parcels**

Landlocked parcels or sites with limited or no access may also be excluded from the calculation of the RDP.

- a) Out of the remaining (1) lot available for RDP analysis, (0) lots are being excluded due to the parcel being landlocked. Therefore, this results in a total of (1) lot left available for RDP analysis.*

#### **METHOD 6: Environmentally sensitive lands**

##### **METHOD 6.1: Wetlands**

As per N.J.A.C. 5:93-4.2, properties may be excluded from the RDP if a parcel contains inland wetlands which render a site unsuitable for low- and moderate-income housing.

- a) Out of the remaining (1) lot available for RDP analysis, (0) lots are being excluded due to wetlands. Therefore, this results in a total of (1) lot left available for RDP analysis.*

##### **METHOD 6.2: Steep Slope**

As per N.J.A.C. 5:93-4.2, properties may be excluded from the RDP if a parcel contains steep slopes (in excess of 15%) which render a site unsuitable for low- and moderate-income housing.

- a) Parcels have been analyzed for steep slope exclusions. Out of the remaining (1) lot available for RDP analysis, (0) lots are being excluded due to steep slope. Steep slope(s) have been located; however, the buildable lot area for these lot(s) with steep slope is above the 0.83-acre threshold. Therefore, this results in a total of (1) lot left available for RDP analysis.*

##### **METHOD 6.2: Groundwater Contamination Area**

Parcels with groundwater contamination which render a site unsuitable for low- and moderate-income housing may also be excluded from the calculation of the RDP.

We note the following Block & lots were currently listed as vacant, but have been excluded do to groundwater contamination:

1. None

- a) Out of the remaining (1) lot available for RDP analysis, (0) lots are being excluded due to groundwater contamination. Therefore, this results in a total of (1) lot left available for RDP analysis.*

#### **METHOD 7: Constructed / No longer vacant**

Parcels or sites that have been determined to have development occur within the parcel may also be excluded from the calculation of the RDP.

We note the following Block & lots were currently listed as vacant, but have been excluded due to groundwater contamination:

1. Block 78, Lots 1.01 through 16
    - a. This property is currently developed as a landfill and does not have enough remaining land to support affordable housing.
- a) Out of the remaining (1) lot available for RDP analysis, (1) lot is being excluded due to development within the parcel, or the parcel is no longer vacant. Therefore, this results in a total of (0) lots left available for RDP analysis.*

## **SUMMARY & CONCLUSION**

This analysis reveals that the Borough has (0) vacant and developable sites which yields an RDP of zero (0) affordable units, which is less than the required RDP number of thirty (30) units.

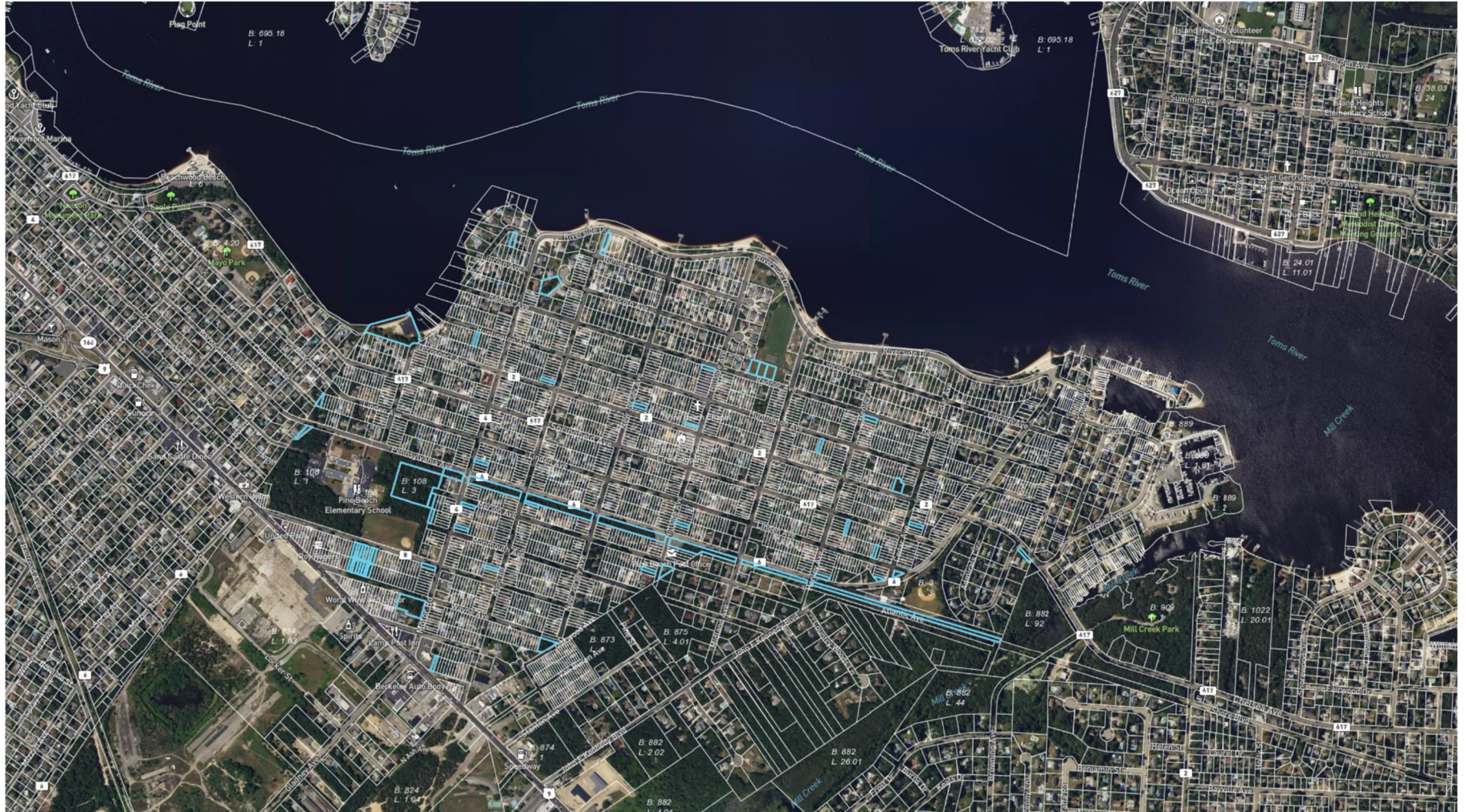
Thus, the Borough does NOT have a sufficient amount of land to meet the required obligation.

## APPENDICES

### A. Vacant Land Inventory Table

| Block | Lot             | OWNER_OWNER                         | PROPERTY_CLASS | Property Location    | Land Description | Tax Map Pg | Zoning            | SITE AREA (ACRES) | AREA EXCLUSIONS PURSUANT TO N.J.A.C 5:93-4.2(e) | BUILDABLE NET AREA REMAINING (ACRES) | NOTES/EXCLUSIONS                                                         | POTENTIAL UNITS | RDP (Realistic Development Potential) |
|-------|-----------------|-------------------------------------|----------------|----------------------|------------------|------------|-------------------|-------------------|-------------------------------------------------|--------------------------------------|--------------------------------------------------------------------------|-----------------|---------------------------------------|
| 3.01  | 1               | BORO OF PINE BEACH                  | 15C            | 801 PENNSYLVANIA AVE | 1708X33          | 5          | R150              | 1.29              | 1.29                                            | 0.00                                 | ROSI LIST                                                                | 0               | 0                                     |
| 3.02  | 1               | BORO OF PINE BEACH                  | 15C            | 901 LINDEN AVE       | .0401 AC         | 5          | R150              | 0.04              | 0.04                                            | 0.00                                 | LOT AREA IS NOT SUFFICIENT                                               | 0               | 0                                     |
| 4     | 2               | OCEAN COUNTY SEWERAGE AUTHORITY     | 15C            | 1001 PROSPECT AVE    | 30X87 IRR        | 5          | Exempted Property | 0.09              | 0.09                                            | 0.00                                 | LOT AREA IS NOT SUFFICIENT                                               | 0               | 0                                     |
| 14    | 7               | MCHALE, JOHN D & SHERYL             | 1              | 514 CEDAR AVE        | 100X125          | 004        | R75               | 0.29              | 0.29                                            | 0.00                                 | LOT AREA IS NOT SUFFICIENT                                               | 0               | 0                                     |
| 16    | 1               | BORO OF PINE BEACH                  | 15C            | 718 HENLEY AVE       | 25X125           | 5          | R75               | 0.07              | 0.07                                            | 0.00                                 | LOT AREA IS NOT SUFFICIENT                                               | 0               | 0                                     |
| 16    | 31              | BORO OF PINE BEACH                  | 15C            | 829 PENNSYLVANIA AVE | 65X68 IRR        | 5          | R75               | 0.10              | 0.10                                            | 0.00                                 | LOT AREA IS NOT SUFFICIENT                                               | 0               | 0                                     |
| 17    | 11              | BORO OF PINE BEACH                  | 15C            | 805 SPRINGFIELD AVE  | 50X125           | 4          | R75               | 0.14              | 0.14                                            | 0.00                                 | LOT AREA IS NOT SUFFICIENT                                               | 0               | 0                                     |
| 17    | 36              | BORO OF PINE BEACH                  | 15C            | 838 LINDEN AVE       | 50X125           | 4          | R75               | 0.14              | 0.14                                            | 0.00                                 | LOT AREA IS NOT SUFFICIENT                                               | 0               | 0                                     |
| 19    | 36              | WALLING, ROBERT & JANE              | 1              | 834 PROSPECT AVE     | 81XIRR           | 004        | R75               | 0.20              | 0.20                                            | 0.00                                 | LOT AREA IS NOT SUFFICIENT                                               | 0               | 0                                     |
| 20    | 1               | BORO OF PINE BEACH                  | 15C            | 801 RADNOR AVE       | 50X125           | 4          | R75               | 0.14              | 0.14                                            | 0.00                                 | LOT AREA IS NOT SUFFICIENT                                               | 0               | 0                                     |
| 26    | 29              | ORR, JEFFREY & NICOLE               | 1              | 735 HUNTINGTON AVE   | 125X125          | 004        | R75               | 0.36              | 0.36                                            | 0.00                                 | LOT AREA IS NOT SUFFICIENT                                               | 0               | 0                                     |
| 29.01 | 1               | BORO OF PINE BEACH                  | 15C            | 701 PENNSYLVANIA AVE | 33X600           | 5          | R75               | 0.45              | 0.45                                            | 0.00                                 | LOT AREA IS NOT SUFFICIENT                                               | 0               | 0                                     |
| 30    | 6               | BORO OF PINE BEACH                  | 15C            | 615 PENNSYLVANIA AVE | 33X600           | 5          | R75               | 0.45              | 0.45                                            | 0.00                                 | LOT AREA IS NOT SUFFICIENT                                               | 0               | 0                                     |
| 30.01 | 1               | BORO OF PINE BEACH                  | 15C            | 601 MERION AVE       | 110X50           | 5          | R75               | 0.13              | 0.13                                            | 0.00                                 | LOT AREA IS NOT SUFFICIENT                                               | 0               | 0                                     |
| 31    | 7               | SAXTON, JUSTINE A & JAMES J         | 1              | 706 HILLSIDE AVE     | 100X125          | 005        | R75               | 0.29              | 0.29                                            | 0.00                                 | LOT AREA IS NOT SUFFICIENT                                               | 0               | 0                                     |
| 36    | 1.06            | BORO OF PINE BEACH                  | 15C            | 626 RADNOR AVE       | 76X120           | 4          | R-2               | 0.21              | 0.21                                            | 0.00                                 | LOT AREA IS NOT SUFFICIENT                                               | 0               | 0                                     |
| 36    | 1.07            | BORO OF PINE BEACH                  | 15C            | 622 RADNOR AVE       | 76X120           | 4          | R-2               | 0.21              | 0.21                                            | 0.00                                 | LOT AREA IS NOT SUFFICIENT                                               | 0               | 0                                     |
| 36    | 1.08            | BORO OF PINE BEACH                  | 15C            | 618 RADNOR AVE       | 76X120           | 4          | R-2               | 0.21              | 0.21                                            | 0.00                                 | LOT AREA IS NOT SUFFICIENT                                               | 0               | 0                                     |
| 42    | 39              | BORO OF PINE BEACH                  | 15C            | 301 HILLSIDE AVE     | 250X125          | 2          | R75               | 0.72              | 0.72                                            | 0.00                                 | LOT AREA IS NOT SUFFICIENT                                               | 0               | 0                                     |
| 43    | 8.01            | LAMBOOK, LLC                        | 1              | 400 NEW JERSEY AVE   | 75X125           | 002        | R75               | 0.22              | 0.22                                            | 0.00                                 | PREVIOUS SITE PLAN APPROVAL, LOT AREA IS NOT SUFFICIENT                  | 0               | 0                                     |
| 43    | 47              | PINE BEACH VOL FIRE CO              | 1              | PROSPECT AVE         | 50X125           | 002        | R75               | 0.14              | 0.14                                            | 0.00                                 | LOT AREA IS NOT SUFFICIENT                                               | 0               | 0                                     |
| 47    | 25              | BORO OF PINE BEACH                  | 15C            | 501 PENNSYLVANIA AVE | 600X66           | 3          | R75               | 0.91              | 0.91                                            | 0.00                                 | ROSI LIST                                                                | 0               | 0                                     |
| 48    | 42              | BORO OF PINE BEACH                  | 15C            | HILLSIDE AVE         | 50X100           | 3          | R75               | 0.14              | 0.14                                            | 0.00                                 | LOT AREA IS NOT SUFFICIENT                                               | 0               | 0                                     |
| 55    | 1               | BORO OF PINE BEACH                  | 15C            | 812 AVON RD          | 25X125           | 3          | R75               | 0.07              | 0.07                                            | 0.00                                 | LOT AREA IS NOT SUFFICIENT                                               | 0               | 0                                     |
| 55    | 25              | BORO OF PINE BEACH                  | 15C            | 401 PENNSYLVANIA AVE | 600X66           | 3          | R75               | 0.91              | 0.91                                            | 0.00                                 | ROSI LIST                                                                | 0               | 0                                     |
| 63    | 1               | BORO OF PINE BEACH                  | 15C            | RIVERSIDE DR         | 200X188          | 2          | R75               | 0.86              | 0.86                                            | 0.00                                 | ROSI LIST                                                                | 0               | 0                                     |
| 65    | 37              | SAXTON, JAMES & JUSTINE             | 1              | AVON RD              | 50X125           | 002        | R75               | 0.14              | 0.14                                            | 0.00                                 | LOT AREA IS NOT SUFFICIENT                                               | 0               | 0                                     |
| 68    | 7               | ANDERSON, BRAD J                    | 1              | 710 MOTOR RD         | 100X125          | 003        | R75               | 0.29              | 0.29                                            | 0.00                                 | LOT AREA IS NOT SUFFICIENT                                               | 0               | 0                                     |
| 69    | 20              | BORO OF PINE BEACH                  | 15C            | 301 PENNSYLVANIA AVE | 66X475           | 3          | R75               | 0.72              | 0.72                                            | 0.00                                 | LOT AREA IS NOT SUFFICIENT                                               | 0               | 0                                     |
| 70    | 1.01            | JCM ELECTRIC LLC                    | 1              | 301 MERION AVE       | 50X125           | 003        | R75               | 0.14              | 0.14                                            | 0.00                                 | LOT AREA IS NOT SUFFICIENT                                               | 0               | 0                                     |
| 70    | 9               | BORO OF PINE BEACH                  | 15C            | 910 MOTOR RD         | 50X125           | 3          | R75               | 0.14              | 0.14                                            | 0.00                                 | LOT AREA IS NOT SUFFICIENT                                               | 0               | 0                                     |
| 71    | 35              | ZACCARO, ANTHONY & KATHLEEN M       | 1              | 1035 AVON RD         | 100X125          | 003        | R75               | 0.29              | 0.29                                            | 0.00                                 | LOT AREA IS NOT SUFFICIENT                                               | 0               | 0                                     |
| 73    | 60.01           | BORO OF PINE BEACH                  | 15C            | 411 WAYNE AVE        | .39AC            | 3          | R75               | 0.39              | 0.39                                            | 0.00                                 | LOT AREA IS NOT SUFFICIENT                                               | 0               | 0                                     |
| 74    | 15              | SANTANDER BANK-LEASE ADMINISTRATION | 1              | 290 LEE AVE          | 150X125          | 003        | R75               | 0.43              | 0.43                                            | 0.00                                 | LOT AREA IS NOT SUFFICIENT                                               | 0               | 0                                     |
| 77    | 29.01           | SHTANDER, GEORGIY                   | 1              | 1201 MOTOR RD        | .7174 AC         | 003        | B1                | 0.72              | 0.72                                            | 0.00                                 | LOT AREA IS NOT SUFFICIENT                                               | 0               | 0                                     |
| 78    | 49              | BORO OF PINE BEACH                  | 15C            | 1101 MOTOR RD        | 50X125           | 3          | R75               | 0.14              | 0.14                                            | 0.00                                 | LOT AREA IS NOT SUFFICIENT                                               | 0               | 0                                     |
| 78    | 1.01 THROUGH 16 | BORO OF PINE BEACH                  | 15C            | WASHINGTON AVE       | 225X250          | 3          | B1                | 1.29              | 1.29                                            | 0.00                                 | DEVELOPED, CURRENT LANDFILL SITE                                         | 0               | 0                                     |
| 80    | 44              | BORO OF PINE BEACH                  | 15C            | 219 MERION AVE       | 44X125           | 3          | R75               | 0.14              | 0.14                                            | 0.00                                 | LOT AREA IS NOT SUFFICIENT                                               | 0               | 0                                     |
| 80    | 46              | BORO OF PINE BEACH                  | 15C            | 220 MONMOUTH AVE     | 25X125           | 3          | R75               | 0.14              | 0.14                                            | 0.00                                 | LOT AREA IS NOT SUFFICIENT                                               | 0               | 0                                     |
| 81    | 30              | BORO OF PINE BEACH                  | 15C            | 251 PENNSYLVANIA AVE | 175X66           | 3          | R75               | 0.27              | 0.27                                            | 0.00                                 | LOT AREA IS NOT SUFFICIENT                                               | 0               | 0                                     |
| 85.01 | 1               | BORO OF PINE BEACH                  | 15C            | 198 PROSPECT AVE     | 1.80 AC          | 2          | R75               | 1.80              | 1.80                                            | 0.00                                 | ROSI LIST                                                                | 0               | 0                                     |
| 87    | 1               | HIGLEY, LINDA S                     | 1              | LINDEN AVE           | 25X125           | 003        | R75               | 0.07              | 0.07                                            | 0.00                                 | LOT AREA IS NOT SUFFICIENT                                               | 0               | 0                                     |
| 95    | 33              | BRUNO, JOAN TRUST                   | 1              | 231 HUNTINGTON AVE   | 75X125           | 002        | R75               | 0.22              | 0.22                                            | 0.00                                 | LOT AREA IS NOT SUFFICIENT                                               | 0               | 0                                     |
| 98    | 7               | LA PIERRE INC                       | 1              | 203 BUHLER AVE       | 40X125           | 002        | R75               | 0.11              | 0.11                                            | 0.00                                 | LOT AREA IS NOT SUFFICIENT                                               | 0               | 0                                     |
| 107   | 7               | GREGORY, DANIEL J & POTASKI, K C    | 1              | 301 LINCOLN CT       | 91X160           | 002        | R75               | 0.33              | 0.33                                            | 0.00                                 | LOT AREA IS NOT SUFFICIENT                                               | 0               | 0                                     |
| 108   | 1.01            | PASCOE, WARREN F & CHELSEA S R      | 1              | PENNSYLVANIA AVE     | 45X159           | 3          | R75               | 0.16              | 0.16                                            | 0.00                                 | LOT AREA IS NOT SUFFICIENT                                               | 0               | 0                                     |
| 108   | 3               | BORO OF PINE BEACH                  | 15C            | MERION AVE           | 2.41 AC          | 3          | R75               | 2.41              | 0.48                                            | 1.93                                 | DESIGNATED FOR ROSI LIST JUNE 2025, PER OCEAN COUNTY NATURAL LANDS TRUST | 0               | 0                                     |
|       |                 |                                     |                |                      | Total            |            |                   | 19.14             | 17.21                                           | 1.93                                 |                                                                          | 0               | 0                                     |

## B. Vacant Land Map



Source: NJ MAP Parcel Explorer

C. Existing Land Use Map



## **RESOLUTION NO. 2025-07**

### **RESOLUTION OF THE LAND USE BOARD OF THE BOROUGH OF PINE BEACH, IN THE COUNTY OF OCEAN, APPROVING AND ADOPTING A HOUSING ELEMENT AND FAIR SHARE PLAN TO SATISFY THE BOROUGH'S FOURTH ROUND AFFORDABLE HOUSING OBLIGATION**

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the 1985 New Jersey Fair Housing Act ("Amended FHA"); and

**WHEREAS**, the Borough adopted a "binding resolution" committing to a Present Need obligation of zero (0) units and a Prospective Need obligation of zero (0) based on the Township's Affordable Housing Planner, Mark Rohmeyer, P.E., P.P., C.M.E. ("Planner")'s calculations using the methodology in the Amended FHA; and

**WHEREAS**, in accordance with the Amended FHA and the Administrative Office of the Court's Directive No. 14-24, the Borough filed a timely Fourth Round Declaratory Judgment complaint ("DJ Complaint") with the Affordable Housing Dispute Resolution Program ("Program") on January 16, 2025, along with its binding resolution; and

**WHEREAS**, the filing of the DJ Complaint gave the Borough automatic, continued immunity from all exclusionary zoning lawsuits, including builder's remedy lawsuits, which is still in full force and effect; and

**WHEREAS**, the New Jersey Builders Association ("NJBA") and Fair Share Housing Center ("FSHC") filed timely challenges to the DJ Action; and

**WHEREAS**, the Honorable Julio L. Mendez, J.S.C. (Ret.) was assigned to manage the proceedings, host settlement conferences, and make recommendations to the Honorable Sean J. Gertner, J.S.C., the Mount Laurel Judge of Ocean Vicinage; and

**WHEREAS**, the Borough and FSHC reached an agreement that was put on the record at a settlement conference that took place on March 20, 2025 before Judge Mendez; and

**WHEREAS**, NJBA did not participate in the settlement negotiations, nor did it object to any settlement reached between the Borough and FSHC; and

**WHEREAS**, on April 15, 2025, Judge Gertner prepared an order fixing the Borough's obligation at 0 for the Present Need and thirty (30) for the Prospective Need, and authorized the Borough to proceed with preparing and adopting its Housing Element and Fair Share Plan for the Fourth Round ("Court Order"); and

**WHEREAS**, per the Amended FHA, Directive 14-24 and the Court Order, the Planner drafted a Fourth Round Housing Element and Fair Share Plan ("Fourth Round HEFSP"); and

**WHEREAS**, pursuant to N.J.S.A. 40:55D-28, the Borough of Pine Beach Land Use Board ("Board") may prepare and adopt or amend a master plan or component parts thereof, after a public hearing, to guide the use of lands within the municipality in a manner which protects health and safety and promotes the general welfare; and

**WHEREAS**, upon notice in accordance with N.J.S.A. 40:55D-13, the Board held a public hearing on June 30, 2025 on the adoption of the Fourth Round HEFSP as required by the Municipal Land Use Law. Said hearing was attended by the Planner, who was duly sworn, and provided testimony regarding the Fourth Round HEFSP; and

**WHEREAS**, the hearing was opened to the public; and

**WHEREAS**, the Board determined that the Fourth Round HEFSP is consistent with the goals and objectives of the Borough's current Master Plan, and that adoption and implementation of the Fourth Round HEFSP is in the public interest and protects public health and safety and promotes the general welfare.

**NOW, THEREFORE, BE IT RESOLVED** by the Land Use Board of the Borough of Pine Beach, County of Ocean, State of New Jersey, that the Land Use Board hereby adopts the Fourth Round HEFSP, attached hereto as Exhibit A.

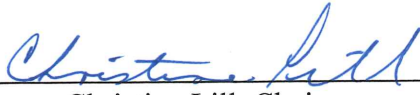
**BE IT FURTHER RESOLVED** that the Land Use Board of the Borough of Pine Beach adopts this resolution to memorialize the action taken by the Board following the close of the public hearing on June 30, 2025.

**BE IT FURTHER RESOLVED** that the Secretary is hereby authorized and directed to transmit a copy of the adopted Fourth Round HEFSP and a certified copy of this Resolution to the governing body together with this Board's request that the governing body endorse the adopted Fourth Round HEFSP.

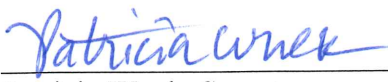
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ROLL CALL VOTE ON MOTION TO ADOPT THE HOUSING ELEMENT AND FAIR SHARE PLAN AFTER FINDING THAT IT IS CONSISTENT WITH THE MASTER PLAN.  
(June 30, 2025)

| RECORD OF LAND USE BOARD VOTE |     |    |         |        |       |        |
|-------------------------------|-----|----|---------|--------|-------|--------|
|                               | Yes | No | Abstain | Absent | Moved | Second |
| Mayor Cuneo                   | X   |    |         |        |       |        |
| Mr. Higham                    | X   |    |         |        |       | X      |
| Mrs. McDonnell                |     |    |         | X      |       |        |
| Mrs. Saxton                   | X   |    |         |        | X     |        |
| Mr. Slickers                  |     |    |         | X      |       |        |
| Mr. Wieck                     |     |    |         | X      |       |        |
| Mrs. Wnek                     | X   |    |         |        |       |        |
| Mrs. Lill                     | X   |    |         |        |       |        |
| Mr. Vega (Alt.)               |     |    |         | X      |       |        |
| Mr. Zisa (Alt.)               |     |    |         | X      |       |        |

  
Christine Lill, Chair

I hereby certify this to be a true and accurate copy of the resolution adopted by the Land Use Board of the Borough of Pine Beach, Ocean County, New Jersey at a public meeting held on June 30, 2025.

  
Patricia Wnek, Secretary

Pine Beach Borough Land Use Board  
2025-07-063025 v.4

**BOROUGH OF PINE BEACH  
COUNTY OF OCEAN  
RESOLUTION 2025-82**

**RESOLUTION ENDORSING THE FOURTH ROUND  
HOUSING ELEMENT AND FAIR SHARE PLAN**

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the 1985 New Jersey Fair Housing Act ("Amended FHA"); and

**WHEREAS**, pursuant to the Amended FHA and the Administrative Office of the Court's Directive No. 14-24, the Borough of Pine Beach ("Borough") Council adopted a "binding resolution" committing to a Present Need obligation of zero (0) units and a Prospective Need obligation of three (0) units based on the Borough's Affordable Housing Planner, Mark Rohmeyer, P.E., P.P., C.M.E. ("Planner")'s calculations using the methodology in the Amended FHA; and

**WHEREAS**, the Borough filed a timely Fourth Round Declaratory Judgment action ("DJ Action") with the Affordable Housing Dispute Resolution Program ("Program"), along with its binding resolution, on January 16, 2025; and

**WHEREAS**, the filing of the DJ Action gave the Borough automatic, continued immunity from all exclusionary zoning lawsuits, including builder's remedy lawsuits, which is still in full force and effect; and

**WHEREAS**, the New Jersey Builders Association ("NJBA") and Fair Share Housing Center ("FSHC") filed timely challenges to the DJ Action; and

**WHEREAS**, the Honorable Julio L. Mendez, J.S.C. (Ret.) was assigned to manage the proceedings, host settlement conferences, and make recommendations to the Honorable Sean J. Gertner, J.S.C., the Mount Laurel Judge of Ocean Vicinage; and

**WHEREAS**, the Borough and FSHC reached an agreement that was put on the record at a settlement conference that took place on March 20, 2025 before Judge Mendez; and

**WHEREAS**, NJBA did not participate in the settlement negotiations, nor did it object to any settlement reached between the Borough and FSHC; and

**WHEREAS**, on April 15, 2025, Judge Gertner prepared an order fixing the Borough's obligation at 0 for the Present Need and thirty (30) for the Prospective Need, and authorized the Borough to proceed with preparing and adopting its Housing Element and Fair Share Plan for the Fourth Round; and

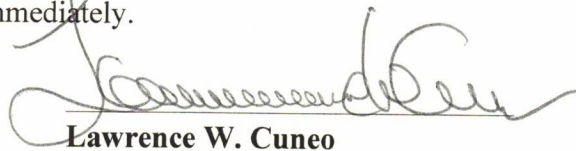
**WHEREAS**, the Planner has prepared a Fourth Round Housing Element and Fair Share Plan ("Fourth Round HEFSP") that addresses the Borough's Fourth Round affordable housing obligation; and

**WHEREAS**, the Borough of Pine Beach Planning Board ("Board"), at a duly noticed meeting held on June 30, 2025, reviewed the Fourth Round HEFSP and determined that it was consistent with the Master Plan and that implementation of the Fourth Round HEFSP is in the public interest and would promote the general welfare and, by Resolution No. 2025-07, dated June 30, 2025, adopted the Fourth Round HEFSP.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Pine Beach, County of Ocean, State of New Jersey, on this 9<sup>th</sup> day of July 2025, that:

1. The Borough Council hereby endorses the Fourth Round HEFSP as adopted by the Board as an amendment to the Borough's Master Plan and agrees to implement the Fourth Round HEFSP by adopting applicable ordinances.

2. The Mayor and Borough Clerk, together with all other officers, professionals and employees of the Borough are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution.
3. This Resolution shall take effect immediately.

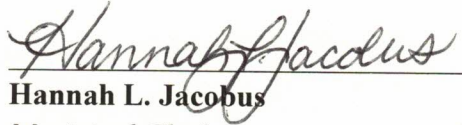


**Lawrence W. Cuneo**

*Mayor*

**CERTIFICATION**

I, **Hannah L. Jacobus**, Municipal Clerk of the Borough of Pine Beach, do hereby certify the foregoing to be a true and correct copy of a Resolution duly adopted by the Governing Body of the Borough of Pine Beach at the Reorganization meeting held the 9<sup>th</sup> Day of **July 2025**.



**Hannah L. Jacobus**

*Municipal Clerk*

