

**MASTER PLAN REEXAMINATION
REPORT
BOROUGH OF LAKE COMO
MONMOUTH COUNTY, NEW JERSEY**

1740 Main Street
Lake Como, New Jersey

H2M Project No.
LKCP1901

JULY 2019

Prepared for:

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1.0 INTRODUCTION

New Jersey Municipal Land Use Law (hereinafter "MLUL") requires municipalities to periodically reexamine their municipal Master Plan and development ordinances no less than every ten years. It should be noted that this recurrence term as set forth in the MLUL was increased from every six years to every ten years in 2011. The Borough of Lake Como (hereinafter "Borough") issued a document entitled "Statement of Objectives and Land Use Plan Element of the Borough of Lake Como Master Plan" (as prepared by Birdsall Engineering, Inc.) in August 2009. This previous planning document provides the basis for this report and is hereby incorporated by reference.

The reexamination report format utilized hereinafter is organized in keeping with the statutory requirements for reexamination (as enumerated at NJSA 40:55D-89), addressing the following issues:

- The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report;
- The extent to which such problems and objectives have been reduced or have increased subsequent to such date;
- The extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis of the Master Plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in State, County and municipal policies and objectives;
- The specific changes recommended for the Master Plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared; and
- The recommendations of the Planning Board concerning the incorporation of redevelopment plans adopted pursuant to the 'Local Redevelopment and Housing Law' P.L.1992, c.79 (C.40A:12A-1 et al.) into the land use plan element of the municipal Master Plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

In compliance with the statutory requirement, this Reexamination Report has been developed by the Borough Planning Board and its professionals via public workshops held on March 11, 2019 and May 13, 2019, and has been adopted by the Board via Resolution on July 8, 2019 (included herein in Appendix A). Further, a copy of this report shall be submitted to the Monmouth County Planning Board and the Municipal Clerks of the Boroughs of Spring Lake, Spring Lake Heights, and Belmar, and the Township of Wall.

2.0 MAJOR LAND DEVELOPMENT PROBLEMS AND OBJECTIVES AT THE TIME OF THE 2009 MASTER PLAN

The "Statement of Objectives and Land Use Plan Element of the Borough of Lake Como Master Plan" issued in August 2009 represented the first documented planning efforts by the Borough since the mid-1990's and is incorporated herein by reference. That Master Plan recognized existing land use patterns and demographics and presents a general statement for the desirable long-term development policy for lands throughout the Borough. The cited objectives, principles, assumptions, policies and standards are pertinent Borough-wide, and continue to guide planning activities and land use decisions to this day.

Specific problems and objectives that were notable at the time or have evolved subsequent to the 2009 Master Plan update are as follows:

- a. Need to revitalize underutilized sites that are poorly maintained or poorly designed;
- b. Need to improve to existing design standards in commercial districts, including building facades, streetscapes, parking areas, signage, lighting, screening/planting;
- c. Need for Mixed Use node within Overlay District to limit residential overdevelopment of the Main Street area;
- d. Need for proactive of Code Enforcement effort with respect to land use, both residential and commercial;
- e. Need for review and update of Development Regulations to eliminate internal inconsistencies and clarify word usage through definitions;
- f. Need for buffering between incompatible uses, both through buffer establishment and maintenance;
- g. Need to develop Mixed Use Zone limitations, including reducing the allowable coverage of 70% to 60%, and limiting the allowable height of principal structures to 35 feet and 3 stories;
- h. Need for parking and policy regarding alternate transportation enhancements;
- i. Need for relocation of overhead utilities to underground;
- j. Need to amend Zoning Map for updates and redesignation;
- k. Consideration of setback methodology changes;
- l. Need to infuse RSIS references for residential development;
- m. Need for front yard parking/impervious limitation.

3.0 EXTENT TO WHICH PROBLEMS HAVE BEEN REDUCED OR INCREASED

The extent to which the problems and objectives that were notable at the time or have evolved subsequent to the 2009 Master Plan update are as follows:

- a. **Need to revitalize underutilized sites that are poorly maintained or poorly designed** – This area of concern has largely been gone unrealized in the last ten years, although some small progress has been made through renewal of individual properties through private initiative. In the meantime, some properties that may not have fit within this category ten years ago may fall into this category now and continue foster such concerns for the Borough.
- b. **Need to improve existing design standards in commercial districts, including building facades, streetscapes, parking areas, signage, lighting, and screening/planting** - This area of concern has remained the same in the last ten years, meaning that it has not really been addressed, but remains an area concern for the Borough. It should be noted that in early 2019, the Mayor and Administration organized an ad hoc committee composed of municipal officials

and concerned citizens in an effort to examine various of these issues, particularly as they impact and apply to Main Street (hereinafter referred to as the "Main Street Committee").

- c. **Need for Mixed Use node within Overlay District to limit residential overdevelopment of the Main Street area** – This area of concern relates to the consideration and implementation of set ratios of commercial to residential use in the Mixed Use Zone area. While this issue has largely remained unaddressed in the last ten years, the Borough has not entertained any projects where such considerations would have applied. Notwithstanding, the current Main Street Committee initiative is discussing such issues as they directly relate to redevelopment opportunities along Main Street.
- d. **Need for proactive of Code Enforcement effort with respect to land use, both residential and commercial** – This area of concern has been addressed as the code enforcement effort can be easily classified as proactive with particular attention on formal complaints. It should be noted that the aftermath of Superstorm Sandy forced an active period of code enforcement given the widespread damage to lower lying neighborhoods and concerns for health and welfare of the public. The post-Sandy cleanup is largely complete at this time, allowing Code Enforcement to resume more normal operations.
- e. **Need for review and update of Development Regulations to eliminate internal inconsistencies and clarify word usage through definitions** – This area of concern has largely gone unaddressed over the last ten years, except in specific instances specifically addressed by the Planning Board or the Governing Body. In many ways, terms and definitions within ordinances evolve or present themselves as problematic over time, and on the whole, this issue still requires review, discussion, and revision.
- f. **Need for buffering between incompatible uses, both through buffer establishment and maintenance** – This area of concern remains an issue and has been unaddressed since the last Master Plan Update. It should be noted that few, if any, Board applications where such features would be required have come before the Board in that time.
- g. **Need to develop Mixed Use Zone limitations, including reducing the allowable coverage of 70% to 60%, and limiting the allowable height of principal structures to 35 feet and 3 stories** – This area of concern has already been addressed by the municipality via ordinance amendment; however, the application of these requirements remains untested as the Board has yet to entertain an application where they apply.
- h. **Need for parking and policy regarding alternate transportation enhancements** – Although the Borough has implemented a number of capital projects along Main Street through State and County grants which has improved parking and other transportation facilities there, this area of concern remains so for the Governing Body and stakeholders along Main Street. It should be noted that this issue is of primary importance to the current Main Street Committee, and it is anticipated that such enhancements to be considered will include maximizing on-street parking, considering requirements for off-street parking, electric vehicle charging stations, and bicycle circulation and parking.
- i. **Desire for relocation of overhead utilities to underground** – The Borough has inquired with JCP&L regarding this issue, and have found that the cost for such reworking the distribution facilities is overwhelming; however, with the exception of requesting individual homeowners to place overhead services underground through applications before the Planning Board, little progress has been made to realize this initiative.

- j. **Need to amend Zoning Map for updates and redesignation** – This item was completed via the issuance of a new Zoning Map dated November 12, 2010 as prepared by Birdsall Services Group.
- k. **Consideration of setback methodology changes** – This area of concern relates to the reference points for the measurement of development setbacks required by ordinance. This item has not been specifically addressed or codified as yet; however, such considerations have taken place in the context of a number of house-raising applications in the aftermath of Superstorm Sandy. Given the current development patterns throughout the Borough, it seemed through those deliberations that the current methodology remains appropriate, rendering this area of concern moot.
- l. **Need to infuse RSIS references for residential development** – this item has largely been achieved via various Land Use ordinance updates and is no longer considered a priority.
- m. **Need for front yard parking/impervious limitation** – This area of concern was addressed via ordinance passage and codification, and experience with the new ordinance has demonstrated its effectiveness in achieving the Borough initial goal. Accordingly, this area of concern is no longer a concern.

4.0 SIGNIFICANT CHANGES SINCE 2009 MASTER PLAN UPDATE

4.1. Demographics

The 2009 Master Plan Update referenced herein utilized 2000 Census data. Since the adoption of that document, the United States Census has released the 2010 Census Report. This section, therefore, updates the general demographic changes in the Borough of Lake Como with Census 2010 data.

4.1.1. Population

The Borough of Lake Como encompasses 0.2 square miles with total population, as reported in the 2010 United States Census, of 1,806 persons. Accordingly, the Borough has a population density of 9,030 residents per square mile. As illustrated in **Table 1** below, the total population of Lake Como decreased by 2.6% between 2000 and 2010. The only growing population in the ten-year period between 2000 and 2010 was that population of Working Age (20 to 64 years) which increased by 5.2%. The senior population over the age of sixty-five decreased by nearly 21% over that same time span.

Table 1 - Population by Age Group			
Age Group	2010	2000	% Δ
Preschool (Under 5 years)	96	113	-15.0%
School Age (5 to 19 years)	282	322	-12.1%
Working Age (20 to 64 years)	1,196	1,137	+5.2
Senior Citizens (65 and over)	185	234	- 20.9%
Total	1,759	1,806	- 2.6%
<i>Sources: 2000 United States Census and 2010 United States Census</i>			

4.1.2. Racial Composition

The racial composition of the Borough of Lake Como's residents in 2010 was 1,458 white, 108 African American, and 177 Asian or another race. There were 322 people with Hispanic origin as reported in 2010. During the decade between 2000 and 2010, there were marginal racial changes except for the 32.1% decrease in African Americans. The racial composition of the Borough as reported by the 2000 and 2010 Census is illustrated in **Table 2** below.

Table 2 - Racial Composition			
Race	2010	2000	% Δ
White	1,458	1,524	- 4.5%
African American	108	159	-32.1%
Asian or Other	177	168	+5.4%
Hispanic Origin *	322	366	- 12.0%
* Hispanic Origin is not a race class			
<i>Sources: 2000 United States Census and 2010 United States Census</i>			

4.1.3. Income

As depicted in **Table 3**, the average income of the Borough residents substantially increased during the decade between 2000 and 2010. The per capita income for the Borough increased by over thirty-nine percent (39%), while the median family and household incomes increased by approximately fifty percent (50%) and sixty-one percent (61%), respectively.

Table 3 – Income			
	2010	2000	% Δ
Median Family Income	\$84,821	\$56,538	+50%
Median Household Income	\$76,576	\$47,566	+61.0%
Per Capita Income	\$37,729	\$27,111	+39.2%
<i>Sources: 2000 United States Census and 2010 United States Census</i>			

4.2. Land Use

As the Borough of Lake Como was already largely developed at the time that the 2009 Master Plan Update was adopted, the Municipality has not experienced any significant land use changes since that issuance. The predominant change that has occurred is the development of residential homes on pre-existing vacant parcels within the Borough, infill development throughout the Borough, and redevelopment spurred in part by Superstorm Sandy. For the most part, these developments were in keeping with the Zone Plan for the Municipality. The most significant change impacting land use has been imposed through the adoption of revised flood zone maps as issued by FEMA. The revisions both expand the lateral extent of the flood zones, primarily adjacent to the lake, and consequently, the requisite flood elevations affecting each property within the various zones.

5.0 SPECIFIC CHANGES RECOMMENDED FOR THE MASTER PLAN AND DEVELOPMENT REGULATIONS

Since the adoption of the 2009 Master Plan Update, the Planning Board, and the Administration have identified some inconsistencies and issues with the current land use regulations. Accordingly, the following suggested discussion topics and ordinance changes would help eliminate those inconsistencies.

- a. **Specifically list Radio Towers as a non-conforming use** – This recommendation became self-evident through the course of and aftermath of the Greater Media hearings and legal proceedings. By convention, any use not specifically listed as permitted is considered non-conforming. Unfortunately, even this convention was challenged through the Greater Media processes. A specific prohibition within the ordinance would forever obviate the intent and desires of the Borough with regard to radio towers.
- b. **Consider the future of marijuana dispensaries along Main Street** – Given the central location of the Academy Charter High School along Main Street, the bulk of the commercial district along Main Street is within 1,000 feet of the school. While marijuana usage may be legalized at some point, crafting prohibitions with respect to proximity to the school may be warranted.
- c. **Consider strengthening the maximum allowable number of stories through creation of Floor Area Ratio (FAR) limits** – As it stands currently, any request for an increase of stories is technically a bulk variance. The introduction of a FAR limit would force applicants in most cases to seek a use criteria variance (d(4)) when desirous of a structure with more than 2-1/2 stories.
- d. **Create definitions and criteria for ordinary accessories and features** – This recommendation would include patios, decks, mechanical equipment, arbors, pergolas, and other structures that may have a common connotation but no precise codified definition.
- e. **Prohibition of sumps and limitations of basements to 1-2 feet above Seasonal High Ground Water Table** – This item stems from the problem of sump pumps discharging to Borough streets, causing either standing water or icing problems, or illicit connections to the sanitary sewer.
- f. **Consider the openness of “offices and office buildings” as permitted uses** – This item relates to the non-specific identification of these structures as permitted uses. The Board should consider if there are any undesirable offices or uses to determine if the openness is warranted, or if specific uses, such as professional offices, medical offices, and the like (with definitions) should be interjected into the ordinance.
- g. **Consider making utility grade telecommunications installations a conditional use Borough-wide** – This item relates to evolving technology that can be building top mounted and provide additional capacity for wireless telecommunications between dedicated cell tower sites.
- h. **Develop a completeness checklist for Planning Board Applications** – As no checklist currently exists, application completeness is left solely to the quantitative and qualitative review of submissions by the Board Engineer. The codification of an official checklist would allow the Board’s administrative staff the ability to nearly determine quantitative completeness before ever involving the Board Engineer and the other professionals.
- i. **Require Grading Plans for all development exceeding some set amount of disturbance** – This item has been at issue Borough-wide for some time, and has become standard in most local municipalities. Although the ordinance currently prohibits the passage of stormwater from one property to another, the grading plans would require applicants to consider these items prior to building, and demonstrate to Borough officials that controls are possible and reasonable.

- j. **Consider defining and developing criteria for partial destruction of principal structures –** This item recently became a consideration following a tragic fire at high profile residential structure along the lake. It was realized post-fire that the ordinance provides essentially no guidance on reconstruction of significantly damaged properties, and this lack of guidance slowed the recovery process available to the owners.
- k. **Consider modifying parking regulations to more align with flex uses within the Business Zone –** This item is seen as a positive step toward helping ensure that available commercial space would have flexibility to allow a wider range of permitted uses through Zoning Permit issuance.

6.0 REDEVELOPMENT RECOMMENDATION

The Borough continues to not have any specific redevelopment areas; however, early discussions of the Main Street Committee have mentioned the possibility for some parts of Main Street. This issue will be considered more thoroughly with the Committee and the Borough as the work of the committee becomes more refined.



APPENDIX A: ADOPTING RESOLUTION

RESOLUTION NO. 2019-06
MEETING DATE: JULY 8, 2019

**RESOLUTION ADOPTING THE 2019 BOROUGH OF LAKE COMO
MASTER PLAN REEXAMINATION REPORT**

WHEREAS, the Municipal Land Use Law (MLUL) in New Jersey requires municipalities to periodically reexamine their municipal Master Plan and development ordinances no less than every ten years; and

WHEREAS, the Borough Planning Board last performed a Master Plan Update in 2009, as adopted via Plan prepared by Birdsall Services Group, dated August 10, 2009; and

WHEREAS, the Borough Planning Board held public workshops during regular Board Meetings held on March 11, 2019 and May 13, 2019; and

WHEREAS, the Planning Board has developed a recent reexamination through a document entitled "Master Plan Reexamination Report" as prepared by H2M Associates, Inc., dated July 2019 in accordance with MLUL and good planning practice.

NOW, THEREFORE, BE IT RESOLVED BY the Planning Board of the Borough of Lake Como **THAT:**

1. The "Master Plan Reexamination Report" as prepared by H2M Associates, Inc., dated July 2019, is adopted in its entirety; and
2. This resolution shall take effect immediately; and
3. A copy of this report shall be submitted to the Monmouth County Planning Board and the Municipal Clerks of the Boroughs of Spring Lake, Spring Lake Heights, Belmar, and the Township of Wall.

ROLL CALL: Mr. Witte offered a motion to approve, Seconded by
Mrs. Fierro and approved with the following vote:

AYES: 6 (DW, KM, EC, SP, BF, JC)

NAYS: 0

ABSTAINED: 0

ABSENT: 4 (KH, ND, AK, CN)

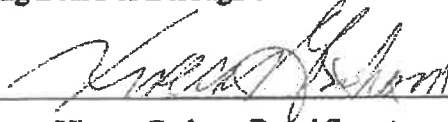
Signed: _____

Joseph Cavaluzzi, Board Chairman

CERTIFICATION

I, Viveca Graham do hereby certify that the foregoing is a true copy of a resolution adopted by the Planning Board of Borough of Lake Como at a meeting held on July 8, 2019.

Signed: _____

A handwritten signature in dark ink, appearing to read "Viveca Graham", is written over a horizontal line.

Viveca Graham, Board Secretary

In Witness Whereof, I have hereunder set my hand and official seal of the municipality this 9th day of July, 2019.