

## **RESOLUTION**

**TOWNSHIP OF HOWELL PLANNING BOARD  
MONMOUTH COUNTY, NEW JERSEY  
RESOLUTION OF MEMORIALIZATION  
ADOPTION OF THE MASTER PLAN REEXAMINATION REPORT  
AS PART OF THE MASTER PLAN**

**Approved: October 19, 2023  
Memorialized: December 14, 2023**

### **IN THE MATTER OF: THE MASTER PLAN REEXAMINATION REPORT**

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

**WHEREAS**, pursuant to N.J.S.A. 40:55D-89, a municipality is required to re-examine its Master Plan at least every ten (10) years; and

**WHEREAS**, N.J.S.A. 40:55D-28 permits a Planning Board to adopt a Reexamination Report as part of the Municipal Master Plan; and

**WHEREAS**, a public hearing was held before the Planning Board on October 19, 2023 to consider the adoption of a Master Plan Reexamination Report and also adopt same as part of the the Municipal Master Plan; and

**WHEREAS**, the Planning Board’s Professional Planner, Jennifer Beahm, PP, AICP of Leon S. Avakian, Inc. prepared a Master Plan Reexamination Report dated September 2023; and

**WHEREAS**, the Planning Board has heard testimony and comments from its own consultants, and with the public having had an opportunity to be heard and present expert testimony; and

**WHEREAS**, based upon the testimony and draft Land Use Element as well as the Re-examination Report;

**NOW, THEREFORE**, does the Howell Township Planning Board make the following findings of fact and conclusions of law with regard to the Master Plan Reexamination Report.

1. The Board Planner, Christine Bell, P.P., AICP, testified that the Municipal Land Use Law (MLUL) required reexamination of the master plan every ten (10) years. Ms. Bell stated that her firm had begun the reexamination of the master plan in summer 2022. She further testified that the previous Reexamination Report was previously adopted in December 2019.

2. Ms. Bell also testified that the Reexamination Report recommended several specific changes to the Master Plan. Ms. Bell stated that it was recommended that flex space buildings be a conditionally permitted use within the Special Economic Development (SED) and Highway Development (HD) Zones south of Lanes Mills Road. She further stated that it was also recommended that warehouse/distribution uses be eliminated as a permitted use from these Zones.

3. Ms. Bell further testified that it was recommended that the definition of “flex space” be revised to specifically include trade contractor business, research and development uses. She also stated that several proposed conditions for flex space were recommended as follows:

- a. No building containing flex space shall be larger than 75,000 square feet in area;
- b. No single unit of flex space shall be larger than 60% of the building area or exceed 45,000 square feet in building area;
- c. The building height of a flex space shall not exceed 32 feet;
- d. All loading and unloading shall take place at loading docks to be located at the rear of the building. No more than one loading dock per 7,500 square feet of flex space shall be permitted;
- e. No flex space shall operate any outdoor activity between the hours of 11:00pm and 6:00 a.m.;

- f. Facades of all structures facing public streets, or which are located within 500 feet of a residential zone shall be constructed of materials which are of brick, decorative masonry, or a combination of materials which will be compatible with uses in the area; Rear of building architecture not within the requirements above need not comply with bump out requirements or treatment requirements;
- g. No storage shall be permitted outside. No temporary storage units, storage pods, or storage trailers shall be permitted. The overnight parking of vehicles associated with a flex space use shall be permitted provided that such parking is identified on an approved site plan;
- h. Trash receptacles and dumpsters shall be screened from public streets and adjacent residential uses utilizing masonry similar to the façade of the building. Screening walls shall be masonry material that is compatible with the character with the building façade.

4. Ms. Bell further testified that the Reexamination Report recommended adding vertical farming; self-storage; indoor recreation including but not limited to basketball, hockey, baseball; and trade contractor businesses as permitted uses within the SED Zone.

5. Ms. Bell further also explained that it was recommended that the Township eliminate any contradictory definitions contained in the Ordinances. She stated that it was also recommended that the Township consider allowing data centers as permitted uses in the SED and HD Zones.

6. Ms. Bell further testified that the Reexamination Report recommended adding the following permitted uses to the HD-1 Zone south of Lanes Mills Road: banquet facilities (excluding concert halls and night clubs); business expo centers; and four-story office buildings as a conditional use within an enhanced setback and a maximum height of 60 feet.

7. Ms. Bell also stated that the Reexamination Report recommended removing the SED Zone at the Victory Road/Oak Glen Road/Route 547. She explained that it was also recommended that the Township consider additional opportunities for Redevelopment Areas along the Route 9 area as well as Harms Pit.

8. Ms. Bell next testified that it was recommended that banquet facilities on farm properties be permitted as a conditional use. She stated that it was also recommended that the Township evaluate the site plan checklist requirements for banquet facilities on farm properties.

9. Ms. Bell next testified that it was recommended that the Township consider adopting a Utility Plan Element of the Master Plan in order to investigate appropriate locations for solar facilities; battery storage facilities for public utilities, as well as evaluate the utility service throughout the Township. She stated that the Reexamination Report also encouraged utilization of green infrastructure with incentives. She also stated that the Township should also consider allowing green houses on warehouse roof tops of warehouse, while still maintaining maximum building heights.

10. The hearing was opened to the public, at which time Bob Carroll, 406 Oak Glen Road, asked about the impervious coverage recommendation for the ARE Zone. Ms. Bell explained that the evaluation of the impervious coverage for the ARE Zone was part of the prior 2019 Reexamination Report and that the Township ultimately chose not to act on that recommendation. Mr. Carroll further asked about the process of reexamination, which the Board Attorney provided a thorough explanation of the process.

11. Betty Gimble, 97 Victory Road, asked if the stormwater recommendations automatically updated with the NJDEP requirements. Ms. Bell stated that the stormwater recommendations would be incorporated by law prior July 2024. Ms. Gimble opined that the definition of trade contractor business was unfair to those trade contractors with large parcels. Ms. Gimble also asked how the proposed height for flex space buildings would be measured. The Board Attorney and Ms. Bell explained that the formula for height would be determined by the Governing

Body and that the Reexamination Report did not provide any recommendations on how the height was to be measured.

12. In response to further questions from Ms. Gimble, Ms. Bell stated that the “rear” of a building was considered the side of the building opposite the frontage. Ms. Bell stated that idling was limited to three (3) minutes pursuant to state regulations.

13. Ms. Gimble also asked if the outdoor activity could be limited between 10:00 p.m. to 6:00 a.m. She further inquired if the buffer between flex space and residential could be increased to 100 feet. She also asked about the conditions to be applied to banquet facilities on farm properties. In response Ms. Bell stated that all those questions would be determined by the Governing Body.

14. The Planning Board determines that the policy goals and objectives contained in the Master Plan Reexamination Report dated September 2023 prepared by the Planning Board’s Professional Planner, Jennifer Beahm, PP, AICP of Leon S. Avakian, Inc., accurately reflect the policy of the Planning Board based upon the current land use patterns as well as land use challenges which presently exist within the municipality. The Planning Board further finds that the Master Plan Reexamination Report contains policy recommendations which best reflect the Planning Board’s goal of smart growth.

15. The Planning Board therefore adopts and incorporates the Master Plan Reexamination Report prepared by the Planning Board’s Professional Planner, Jennifer Beahm, PP, AICP of Leon S. Avakian, Inc. dated September 2023 and also incorporates that Report as part of the Master Plan.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Howell on this 14<sup>th</sup> day of December, 2023, that the action of the Planning Board taken on October 19, 2023 adopting and incorporating the Master Plan Reexamination Report prepared by the

Planning Board's Professional Planner, Jennifer Beahm, PP, AICP of Leon S. Avakian, Inc. dated September 2023 as part of the Master Plan pursuant to N.J.S.A. 40:55D-28 is hereby memorialized.

**BE IT FURTHER RESOLVED** that the Board secretary is hereby authorized and directed to cause a notice of this decision to be published in the official newspaper and to send a certified copy of this Resolution to the Monmouth County Planning Board and to the Township clerk, engineer, attorney and tax assessor, and shall make same available to all other interested parties.

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Paul Boisvert, Chairman  
Howell Township Planning Board

ON MOTION OF:

SECONDED BY:

ROLL CALL:

YES:

NO:

ABSTAINED:

ABSENT:

DATED:

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Howell Township Planning Board, Monmouth County, New Jersey at a public meeting held on December 14, 2023.

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Eileen Rubano, Secretary  
Howell Township Planning Board