

# **2025 Master Plan Reexamination Report**

## **Borough of Rumson Monmouth County, New Jersey**

Prepared for:  
Borough of Rumson Planning Board

Prepared by:



Adopted on \_\_\_\_\_ by the Borough of Rumson Planning Board.

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

  
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Kendra Lelie, PP, AICP  
NJ Professional Planner No.: 5537

## **Acknowledgements**

### **Planning Board**

John Brodsky, Chair  
Maryann Baret, Vice Chair  
Gary Casazza, Borough Council  
J. Clayton Kingsbery, Borough Council, Mayor Representative  
Lauren Carras  
Anthony Ciambrone  
Betsy Ford  
Alex Shissias  
Richard Torres  
David Goodes, Alternate

Marie DeSoucey, Planning/Zoning Board Secretary

Edward Hermann, PE, Board Engineer

Michael B. Steib, Esquire, Board Attorney

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## **I — Introduction**

The New Jersey Municipal Land Use Law (M.L.U.L.) requires that each municipality in New Jersey undertake a review of its master plan and prepare a reexamination report at least once every ten years. The purpose of the reexamination report is to review and evaluate the master plan and municipal development regulations on a regular basis to determine the need for updates and revisions. In addition, the preparation of a statutorily compliant reexamination report provides a presumption of validity of the municipal zoning ordinance under the law.

The municipal planning board is responsible for reviewing the master plan and preparing and adopting by resolution a master plan reexamination report at least every ten years. This document serves as the 2025 Reexamination Report for the Borough of Rumson as required by the M.L.U.L. at N.J.S.A. 40:55D-89.

The M.L.U.L. requires that the reexamination report describe the following:

- (a) The major problems and objectives relating to land development in the municipality at the time of the adoption of the last Master Plan update.
- (b) The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- (c) The extent to which there have been significant changes in assumptions, policies, and objectives forming the basis for 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.
- (d) 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 regulation should be prepared.
- (e) 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 (N.J.S.A. 40A:12A-1 et seq.) 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.
- (f) The recommendations of the planning board concerning locations appropriate for the development of public electric vehicle infrastructure, including but not limited to, commercial districts, areas proximate to public transportation and transit facilities and transportation corridors, and public rest stops; and recommended changes, if any, in the local development

regulations necessary or appropriate for the development of public electric vehicle infrastructure.

## **II — Major Problems and Objectives Relating to Land Development in Rumson Borough at the Time of the Adoption of the Last Reexamination Report**

Major problems and objectives relating to land development in Rumson Borough at the time of the adoption of the 2015 Reexamination Report are reflected in the recommendations of said reexamination report. See Appendix for Copy of 2015 Reexamination Report.

## **III — Extent to Which Such Problems and Objectives Have Been Reduced or Increased**

This section reiterates the status of objectives, problems, and assumptions of the 2015 Reexamination Report with the following updated information:

Table #1 from the 2015 Reexamination Report depicted Housing Units Authorized by Building Permits For New Construction in the Borough of Rumson from 2004 to 2013. This data has been updated as indicated below. The average building permits issued from 2014-2023 dropped slightly from the previous decade, which had an average of 32.1 building permits issued.

Table 1: Housing Units Authorized by Building Permits for New Construction

Year	1&2 Family	Mixed Use	Total
2014	38	0	38
2015	37	0	37
2016	41	0	41
2017	25	0	25
2018	32	0	32
2019	20	0	20
2020	14	0	14
2021	24	0	24
2022	35	0	35

Year	1&2 Family	Mixed Use	Total
2023	18	0	18
Average	28.4	0	28.4

Source: NJ Department of Community Affairs, Construction Reporter

#### **IV — Extent to Which There Have Been Significant Changes in the Assumptions, Policies, and Objectives**

There have not been significant changes in the assumptions and objectives since the 2015 Reexamination Report. However, below are significant policy changes at the State level that have occurred since 2015.

##### **Local Demographic Change**

The overall density and distribution of population and the land use pattern within the Borough has not changed substantially since the last reexamination plan in 2012. However, the 2020 Census data was released and in accordance with this new data, the total population of the Borough was 7,343, which was a 3% increase from the 2010 population of 7,122.

##### **Changes at the State Level**

As indicated in the following subsections, there have been changes at the state level since the adoption of the 2015 Reexamination Report.

##### **Land Use Plan Statement of Strategy on Smart Growth, Storm Resiliency, and Environmental Sustainability**

The M.L.U.L. was amended in 2018 to provide that any land use element adopted after the effective date of P.L.2017, c.275, must provide a statement of strategy concerning: smart growth, which shall consider potential locations for the installation of electric vehicle charging stations; storm resiliency with respect to energy supply, flood-prone areas, and environmental infrastructure; and environmental sustainability. The law became effective on January 8, 2018.

##### **Climate Change-Related Hazard Vulnerability Assessment**

The M.L.U.L. was amended by P.L. 2021, c.6 to provide that any land use plan element adopted after the effective date of the amendment, must provide a climate change-related hazard vulnerability assessment which shall:

- Analyze current and future threats to, and vulnerabilities of, the municipality associated with climate change-related natural hazards, including, but not limited to increased temperatures, drought, flooding, hurricanes, and sea-level rise;

- Include a build-out analysis of future residential, commercial, industrial, and other development in the municipality, and an assessment of the threats and vulnerabilities identified above;
- Identify critical facilities, utilities, roadways, and other infrastructure that is necessary for evacuation purposes and for sustaining quality of life during a natural disaster, to be maintained at all times in an operational state;
- Analyze the potential impact of natural hazards on relevant components and elements of the master plan;
- Provide strategies and design standards that may be implemented to reduce or avoid risks associated with natural hazards;
- Include a specific policy statement on the consistency, coordination, and integration of the climate-change related hazard vulnerability assessment with any existing or proposed natural hazard mitigation plan, floodplain management plan, comprehensive emergency management plan, emergency response plan, post-disaster recovery plan, or capital improvement plan; and
- Rely on the most recent natural hazard projections and best available science provided by the New Jersey Department of Environmental Protection.

#### **Redevelopment Case Law**

There have been a number of recent amendments to the Local Redevelopment and Housing Law (L.R.H.L.) that were made in response to court decisions concerning the criteria used for determining an area “in need of redevelopment.” The most significant of these decisions include the New Jersey Supreme Court decision in *Gallenthin vs. Paulsboro*, 191 N.J. 344 (2007), which reevaluated and set guidelines for the use of the statutory criteria for determining an area in need of redevelopment; *Harrison Redevelopment Agency v. DeRose*, 398 N.J. Super. 361, 942 A.2d 59 (App. Div. 2008), which addressed the requirements for notifying property owners in connection with a redevelopment area designation; and the New Jersey Supreme Court decision in *62-64 Main Street, L.L.C. v. Hackensack*, 221 N.J. 129 (2015), which further refined the application of the statutory criteria post-*Gallenthin*. In response to the *Gallenthin* and *Harrison* decisions, the L.R.H.L. was amended in 2013 to provide for both a non-condemnation and condemnation redevelopment area designation and redefine the criteria and procedures for designating an area in need of redevelopment and rehabilitation, including an update to the requisite notice requirements during the redevelopment area designation process.

The LRHL was subsequently amended in 2019 to expand the criterion for designation as an area in need of redevelopment that is provided at N.J.S.A. 40A:12A-5(b) to include the discontinuance or abandonment of buildings used for retail, shopping malls and office parks, as well as buildings with significant

vacancies for at least two (2) consecutive years. As amended, N.J.S.A. 40A:12A-5(b) reads:

- b. The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.*

The L.R.H.L was further amended in 2019 to include a new requirement that redevelopment plans identify proposed locations for electric vehicle charging infrastructure. It was amended once again in 2021 to further encourage the development of electric vehicle charging infrastructure, as well as the inclusion of zero-emission vehicle fueling infrastructure.

### **Third and Fourth Rounds of Affordable Housing and The Fair Housing Act**

The Council on Affordable Housing (COAH) originally adopted affordable housing rules for the third round period (i.e., the period from 1999 through 2025) in 2004. However, the Appellate Division decision in 2007 stayed COAH from reviewing any plans as part of a petition for substantive certification and resulted in a remand of the 2004 rules back to COAH to revise them to be consistent with the Appellate Division decision. COAH subsequently adopted revised third round rules in 2008.

In 2010, the Appellate Division invalidated COAH's 2008 third round rules, and the "growth share" methodology upon which they were based. In 2013, the New Jersey Supreme Court upheld and modified the Appellate Division's 2010 decision that invalidated COAH's third round rules. As a result, COAH was then charged with the task of adopting new affordable housing rules.

Due to COAH's failure to adopt such rules, the New Jersey Supreme Court concluded on March 10, 2015, that there no longer exists a legitimate basis to block access to the courts, which was the original intent of the COAH process. The New Jersey Supreme Court's 2015 decision notes that: "parties concerned about municipal compliance with constitutional affordable housing obligations are [now] entitled to such access, and municipalities that believe they are constitutionally compliant[,] or that are ready and willing to demonstrate ... compliance [with such obligations,] should be able to secure declarations that their housing plans and implementing ordinances are presumptively valid in the event they ... must defend [themselves] against exclusionary zoning litigation."



After the New Jersey Supreme Court's March 10, 2015, decision, Rumson Borough filed a declaratory judgement action and developed a Third Round Housing Element and Fair Share Plan which was approved by Superior Court. The key result of the Borough's Final Judgement of Compliance and Repose granted in 2020, 2021, and 2024 is immunity from builder's remedy and exclusionary zoning lawsuits through July 2, 2025.

As to the upcoming Fourth Round, which begins on July 1, 2025, Governor Murphy signed an affordable housing Bill into law on March 20, 2024, that altered the Fair Housing Act (FHA) with regards to the upcoming Fourth Round. Fourth Round Plans will be reviewed and recommended by an entity known as The Program, which is made up of seven retired Mount Laurel judges with a Judgment of Compliance issued by Superior Court. The Borough accepted the Fourth Round obligation of 117 prospective need units and will prepare and adopt a Fourth Round Housing Element and Fair Share Plan prior to June 30, 2025.

### **Cannabis Legalization**

Governor Murphy signed into law legislation legalizing and regulating adult cannabis use and possession.

Municipalities had until August 21, 2021 in order to take actions to: either prohibit or limit the number of cannabis establishments, distributors, or delivery services; and, in the event that the municipality opts to not prohibit such uses, regulate the location, manner and times of operation and establish civil penalties for violation of ordinances.

If a municipality did not take action by August 21, 2021, any class of cannabis establishment or distributor would have been permitted to operate in the municipality and, depending upon the use, be considered a permitted use in certain zones.

Once a municipality took action to permit cannabis establishments, their action would remain valid for a period of five years. In addition, if a municipality did not take action to limit cannabis establishments by August 21, 2021, it would be prohibited from taking such action for a period of five years. After a period of five years has elapsed, municipalities shall be granted another 180-day window in which to take action as permitted in the period before August 21, 2021.

On July 13, 2021, Rumson Borough passed Ordinance No. 21-009D to prohibit all classes of cannabis businesses and distributors from operating within the municipality.

### **Reexamination Report Requirements**

The M.L.U.L. was amended in 2019 to require that master plan reexamination reports include recommendations concerning locations appropriate for the development of public electric vehicle infrastructure. The following requirement was added at N.J.S.A. 40:55D-89(f):

*The recommendations of the planning board concerning locations appropriate for the development of public electric vehicle infrastructure, including but not limited to, commercial districts, areas proximate to public transportation and transit facilities and transportation corridors, and public rest stops; and recommended changes, if any, in the local development regulations necessary or appropriate for the development of public electric vehicle infrastructure.*

This reexamination report meets this requirement.

### **Electric Vehicle Supply and Make-Ready Parking Spaces**

In July 2021, the M.L.U.L. was further amended to include specific numerical and zoning standards for the installation of electric vehicle supply equipment and “make-ready” parking spaces (n.b., “make-ready” parking spaces are parking spaces that include pre-wiring and other electrical equipment to support electric vehicle charging, excluding chargers).

### **Flood Hazard Area Control Act Update (2016)**

The Flood Hazard Area (FHA) Control Act Rules, N.J.A.C. 7:13, were adopted on November 5, 2007, and amended on June 20, 2016. The FHA rules implement the New Jersey Flood Hazard Area Control Act (N.J.S.A. 58:16A-50 et seq.). Because development within flood hazard areas can compound the frequency and intensity of flooding, the FHA rules incorporate strict standards for development within flood hazard areas to mitigate the adverse effects of development. The 2016 comprehensive amendment reduced unnecessary burdens, added appropriate flexibility, and provided better consistency with Federal, local, and other State requirements. The amendment additionally addressed several implementation issues that had been identified since the implementation of the 2007 rules.

### **NJDEP Rule: Inland Flood Protection Rule**

The Inland Flood Protection Rule adopted in 2023 establishes new design flood hazard elevations that estimate changes to New Jersey’s changing climate and intensity of rainfall events. The updated standards apply to certain new and substantially reconstructed development in inland riverine areas that are subject to

flooding, but they do not prohibit development in these flood hazard areas. The rule elevates the habitable finish floor elevations by two feet based on NJDEP state flood maps and three feet based on FEMA maps. In addition, the rule will require utilizing higher rainfall intensity precipitation data when calculating peak flow rates for sizing stormwater management systems.

## **V — Specific Changes Recommended for the Master Plan and Development Regulations**

At this time, there are no specific changes recommended for the Master Plan and development regulations above and beyond those recommended and not yet completed in the 2015 Master Plan Reexamination Report except for the Fourth Round Housing Element and Fair Share Plan that will be due prior to June 30, 2025.

## **VI — Recommendations Concerning the Incorporation of Redevelopment Plans**

The Planning Board finds that there are no areas within the Borough of Rumson currently that require investigation as possible “areas in need of redevelopment” in accordance with N.J.S.A. 40A:12A et seq., the Local Redevelopment and Housing Law. Therefore, changes in the local development regulations are not necessary currently.

## **VII — Recommendations Concerning Electric Vehicle Charging Stations**

The transportation sector accounts for 46 percent of New Jersey’s net greenhouse gas emissions, making it the largest source of emissions. Accordingly, Governor Phil Murphy has set a goal of registering 330,000 electric vehicles in New Jersey by 2025 to reduce emissions from the transportation sector and help reach the goals of New Jersey’s Energy Master Plan and the Global Warming Response Act.

Key to the adoption of electric vehicles is the development of a robust public electric vehicle charging network. In this regard, it is noted that as of the preparation of this reexamination report, New Jersey had 1,491 public electric vehicle charging stations. The Borough does not yet have public electric vehicle charging stations.

To encourage the development of more electric vehicle charging stations within New Jersey, the M.L.U.L. was twice amended: (1) in 2019 to require that master plan reexamination reports include recommendations concerning locations appropriate for the development of public EV infrastructure; and (2) in 2021 to include specific numerical and zoning standards for the installation of electric supply equipment and “make-ready” parking spaces.

Regarding the identification of appropriate locations for the development of public electric vehicle infrastructure, the Planning Board does not recommend that specific areas of the Borough be targeted for the creation of new public EV charging stations. Rather, it is recommended that opportunities for the development of public EV infrastructure should be maximized by applying the most recent (i.e., July 2021) amendments of the M.L.U.L., which are detailed in Section IV, to all future development within the Borough. To facilitate same, it is recommended that the Borough's Land Use Ordinance and zoning regulations be reviewed to determine what amendments may be necessary to implement the July 2021 amendment to the M.L.U.L. concerning EV charging infrastructure and "make-ready" parking spaces.