

## 4. EXISTING COMPATIBILITY TOOLS

This section of the JLUS report covers the existing land use and other policies and programs addressing military-community compatibility around NWS Earle that are already in place. These are summarized at the different governmental levels involved – Federal, state, county, and township/borough. The next chapter addresses proposed future programs and policies that could augment these existing ones resulting from the analysis completed in this JLUS.

### A. FEDERAL

The Federal government has several ways it has been addressing compatibility since NWS Earle was established. These include the following:

- **Federal Environmental Legislation:** A number of environmental laws have been passed since the 1970s that NWS Earle, as a Federal Department of Navy installation, must adhere to. These environmental regulations often either directly or indirectly involve coordination with the state, county or surrounding jurisdictions to meet applicable Federal regulatory requirements. The most notable of these include:
  - Clean Air Act (CAA), involving coordination with the NJ Department of Environmental Protection (DEP) to meet CAA State Implementation Plan (SIP) requirements;
  - Clean Water Act (CWA), involving coordination with NJDEP as part of New Jersey's Watershed Management Area (WMA) 12;
  - National Environmental Policy Act (NEPA), involving public scoping and environmental impact review of major projects at NWS Earle that trigger NEPA review;
  - National Historic Preservation Act (NHPA), involving consultation with the State Historic Preservation Office (SHPO) to meet NHPA, Section 106 requirements.

The Federal government also has regulations for hazardous waste transport which are applicable to ordnance transport on public roads outside the base boundaries. These regulations ensure safe transport of munitions to NWS Earle by government personnel or private contractors to ordnance storage facilities on-base using DOD's Strategic Highway Network (STRAHNET) described in Chapter 2.

- **Land Acquisition and Conservation Partnering:** DOD has established a program – called the Readiness and Environmental Protection Integration (REPI) - to limit encroachment and incompatible land use through land acquisition of properties with proximity to military bases. Funding for this is done on a competitive basis across DOD by interested installations and can be used for conservation easements or the purchase of property. While two REPI grant applications have been submitted for lands surrounding NWS Earle, none have yet received funding.
- **Federal involvement in Superstorm Sandy recovery:** The Federal government has been involved in multiple ways in assisting New Jersey and surrounding states with recovery efforts. These efforts have included Federal Emergency Management Agency (FEMA) funding, as well as funding for shoreline stabilization and other coastal protection efforts along the New Jersey coast. Currently, the U.S. Army Corps of Engineers (USACE) is conducting the *New York- New Jersey Harbor and Tributaries Coastal Storm Risk Management Study*, which includes the Raritan Bay and Sandy Hook Bay, to identify measures to better manage coastal flood risks in the region in the future. Depending on the results of this study, any coastal protection actions proposed for implementation could benefit both NWS Earle Waterfront facilities and the

adjacent coastal municipalities in the MIA including Keansburg, Middletown, Atlantic Highlands, and Highlands.

- NWS Earle initiatives: NWS Earle has addressed military-community compatibility through several steps including participation in this JLUS. In 2012, the base established a Community Plans and Liaison Officer (CPLO) who reports to the Commanding Officer and helps interact and coordinate with local community representatives on issues potentially affecting base operations or its mission. In 2014, the base prepared an internal document – the *NWS Earle Encroachment Action Plan* - to inform base leadership of potential encroachment challenges with action steps and timelines established to help mitigate any identified challenges. The base also has a master plan with planned projects to address future requirements and land use compatibility within the fence line. In addition, NWS Earle has undertaken several joint efforts with the County and municipalities addressing mutual areas of concern. These have included:
  - A joint effort with Monmouth County to assist with mosquito control on base property;
  - Working with the NY/NJ Baykeeper to establish an oyster reef in Sandy Hook Bay offshore of NWS Earle and Middletown coastal residential areas to help minimize beach erosion from storms and hurricane events;
  - Shared use of Normandy Road for County and municipal emergency vehicles and Middletown Township school buses.

NWS Earle has also established Shared Service Agreements with the County. These agreements are discussed below under the County section on existing compatibility tools.

## B. STATE

### 1. State Legislation

In 2005, New Jersey passed state legislation concerning land use adjacent to military facilities. This legislation is similar to what other states have enacted that recognize an area within 3,000 feet of a military base as a buffer area requiring notice for zoning changes. Specifically, the New Jersey legislation provides the following amendments to existing public laws:

- *Section 7.1 of Public Law 1975, c. 291 was amended requiring the notice of hearings on applications for approval of a major subdivision or site plan be given to military facility commanders for any properties within 3,000 feet of a military base. In addition, the municipal clerk shall provide notice of a hearing on an amendment to the zoning ordinance proposing a change to the classification or boundaries of a zoning district, exclusive of classification or boundary changes recommended in a periodic general reexamination of the master plan, to the Office of Planning Advocacy, and to any military facility commander who has registered with the municipality pursuant to section 1 of P.L.2005, c.41 (C.40:55D-12.4), at least 10 days prior to the hearing, by personal service or certified mail.*
- *The military base must register with the town if they want to receive notices. As per PL2005, c41 ([MLUL](#)) 40:55D-12.4- Notice to military facility commander from municipality:*
  - a. Any military facility commander interested in receiving notice pursuant to paragraph (2) of subsection h. of section 7.1 of P.L.1975, c.291 (C.40:55D-12) and section 2 of P.L.1995, c.249 (C.40:55D-62.1) may register with the administrative officer of the municipality in which the*

*military facility is situated and any municipality situated within 3,000 feet in all directions of the military facility. The registration shall remain in effect until revoked by the military facility commander.*

*b. The administrative officer of every municipality in which a military facility is situated or which is situated within 3,000 feet in all directions of a military facility shall adopt a registration form and shall maintain a record of any military facility which has registered with the municipality pursuant to subsection a. of this section. The registration form shall include the name and address of the military facility commander to whom notice shall be forwarded, as required pursuant to paragraph (2) of subsection h. of section 7.1 of P.L.1975, c.291 (C.40:55D-12).*

## 2. State Task Force

In 2014 the State of New Jersey created a Task Force to study the current state of military installation growth and development within the State of New Jersey, led by then Acting Governor Kim Guadagno.

The New Jersey Military Installation Growth and Development Task Force Report, Findings and Recommendations, dated June 2015, details provided recommendations under the section entitled, *Develop Synergistic Opportunities Enabling Greater Cooperation Between Military Installations and Local Communities a) Coordinate to Establish a Plan for Symbiotic Land Use*. The study defines the JLUS process, the negative impacts of development near an installation, the need for notification of development proposals and zoning changes near bases, and more, and recommends a greater role for the State Office for Planning Advocacy (OPA) in mediating conflicting matters.

Specific conflicting situations that the military seeks to avoid by engaging in the JLUS process include undue encroachment on military installations to avoid potential hazards and limitations on the base, including:

- *Building residential areas too close to installations thereby exposing residents to noise from planes, helicopters, and firing ranges; and*
- *Limiting potential for future expansion on the installation by reducing open or undeveloped surrounding property.*

The Task Force arose from the on-going national dialogue regarding BRAC and mission loss and the impacts on New Jersey. A summary report from the Task Force was produced in June 2015. The report included an economic overview of each military base remaining in the state. Specific information on NWS Earle highlighted the installation’s contribution to the state economy as follows:

Table 4.01 Annual Economic Impact

<b>Annual Economic Impact on NJ’s Economy</b>			
	<b>Indirect/Direct Effects</b>	<b>Induced Effects</b>	<b>Total</b>
<b>Output (x\$1,000)</b>	32,532.2	35,754.9	68,287.1
<b>Employment</b>	295	185	481
<b>Earnings (x\$1,000)</b>	17,628.7	11,127.5	28,756.2
<b>GDP (x\$1,000)</b>	25,092.7	19,624.5	44,717.2

Based on the analysis conducted by the Task Force, the final report produced the following recommendations to enhance all military installations in the state.

#### **A. Appoint a Military and Defense Economic Ombudsman**

This recommendation has been completed. Acting Governor Guadagno officially established this position with Executive Order 192 in November 2015. At that time, she appointed retired Major General Clark W. Martin as the Ombudsman who is still currently serving in this position.

#### **Establish a Coordinated Approach to Improve Military and Defense Industry Economic Development**

##### 1. Attract Private Capital to and Around Our Military Installations

- a) Develop Targeted State Incentive Programs for Businesses Working with Military Installations
- b) Cut Red Tape for Military Installations and the Defense Industry
- c) Targeted Marketing Campaign by Choose New Jersey (looking at ways to improve interactions on communications and economics between military leaders and the State of New Jersey)
- d) Establish and Deploy a Military Mobile Cabinet
- e) Develop Asset Management Databases of New Jersey Resources

##### 2. Improve Relationships Among Federal Contractors

- a) Establish New Jersey Procurement Partnership Program
  - Establish a Mentorship Program
  - Host Procurement Seminars
  - Identify Federal Procurement Resources and Develop a Plan to Make Them More Accessible
  - Engage with NJ Market Shift
- b) Organize Regular Military “Resources for Growth” Events in Coordination with Military Installations.

#### **B. Align New Jersey’s Workforce with the Military and Defense- Industry Current and Future Needs**

##### 1. Understand and Respond to the Needs of Our Military Installations and the Industries that Support Them

- a) Convene a Military Skills Council
- b) Target Workforce Training Dollars Towards Supportive Grantees

##### 2. Improve New Jersey’s Pipeline of STEM (Science, Technology, Engineering and Math) - Educated Employees Who Can Fill the Needs of Our Future Military and Defense Jobs

- a) Include Military and Defense-Industry Membership on the STEM Pathways Network
- b) Collaborate with Military Installations on Increasing STEM Education

3. Continue Expanding Prior Learning Assessments for Veterans

**C. Develop Synergistic Opportunities Enabling Greater Cooperation Between Military Installations and Local Communities**

1. Facilitate Shared Services Between Installations and Neighboring Governments

Examples of military installations and municipalities sharing services around the country include:

- Shared maintenance of the installation's streets, sewers, storm drains, and fence systems;
- Allowing installation personnel to utilize the civilian 9-1-1 service;
- Shared vehicle, grounds, and road maintenance;
- Refuse and snow removal;
- Shared utility infrastructure and maintenance including sewer, water, and electric; and
- Consolidated police and fire units to maximize effective coverage area.

2. Minimize Encroachment Through Strategic Land Use Planning

- a) Coordinate to Establish a Plan for Symbiotic Land Use (including preparing a JLUS, cooperatively working on utilities and other local issues, and coordinating on comprehensive plan updates and zoning changes)
- b) Preserve Open Space Near Military Installations

3. Improve Energy Resiliency

4. Increase Supportive Coalitions to Forge and Strengthen Local Relationships

**3. NJ FRAMES Project (2016):**

New Jersey Fostering Regional Adaptation through Municipal Economic Scenarios (NJ FRAMES) is a comprehensive regional planning effort to build coastal resilience in a 15-municipality pilot to perform a stakeholder led scenario planning process; deploy new and enhanced decision-making tools; and develop consistent state- and community-level policy and practices that support resilience and adaptation actions. NJ FRAMES is a 3-year federal grant funded project spearheaded by the NJDEP Coastal Management Program in cooperation with the Two Rivers Council of Mayors, working with Rutgers University, Jacques Cousteau National Estuary Research Reserve, and Louis Berger. This State sponsored planning effort provided some of the initial methodology used to project Sea Level Rise scenarios along this portion of the Atlantic Seaboard, including the Middletown Township area along Sandy Hook Bay, where the NWS Earle's pier is located. NWS Earle and the County are both partners in this project.

## C. COUNTY

Over the last several years the County has worked with NWS Earle to establish Intergovernmental Support Agreements to utilize and engage the County Public Works for tasks related to Normandy Road, including snow plowing. Both parties are looking at opportunities to expand this cooperation, and the County has assisted the base with other tasks such as re-grading and stoning of perimeter areas.

The County and NWS Earle coordinate construction scheduling to assure that there is adequate access to the entrances on Route 34 at Mainside and on Route 36 at the Pier Complex during state, county or local road construction in the area.

The Monmouth County Master Plan (2016) references NWS Earle and associated projects in several chapters including Natural Resources; Community Resiliency; and Planning Services, Outreach and Coordination.

As noted in the Master Plan Chapter 12, the Monmouth County Highway Division in the Department of Public Works and Engineering assisted Naval Weapon Station Earle by desnaging areas of the Ware Creek Salt Marsh to control invasive species, improve habitat, and increase stormwater capacity.

Section 12.4.2 State and Federal Partnership Efforts addressed numerous planning efforts to improve resiliency including discussion of the Oyster Restoration project located in the Sandy Hook Bay adjacent to the pier within the restricted area of NWS Earle that the County cites as a positive effort towards greater resiliency. Within the section 12-23: U. S. Navy and Department of Defense (DoD), the following was noted:

*“In 2014, the Monmouth County Board of Chosen Freeholders passed a resolution supporting a Superstorm Sandy Coastal Resiliency Competitive Grant Application by Middletown. Naval Weapons Station Earle, and Monmouth County entered into a partnership to enhance the Ware Creek salt marsh, located on Raritan Bay between the Belford Ferry Terminal and the Naval Weapons Station pier. The project would restore the salt marsh, improve stormwater capacity, increase storm surge resistance, restore the natural ecosystem, and lessen localized flooding around Ware Creek. Invasive species control increased habitat and stormwater management capacity.”*

A relationship has also developed between the County Farmland Preservation Program, the County Park System and NWS Earle through the preparation of two REPI grants, neither of which was funded. However, the County Park System has already acquired land in the Military Influence Area (MIA) around Earle, in the Bayshore, and along Normandy Road including: Dorbrook Recreation Area, Monmouth Cove Marina, and Bayshore Waterfront Park. In fact, there are 14 Monmouth County Park System facilities within the Earle MIA. These parks currently total in excess of 3,200 acres with more than 2,000 acres of these parks being within the boundary of the Earle MIA. Of these 14 parks one has a current, pending acquisition of 6.5 acres. The 2017 draft MCPS Open Space Plan identifies the potential for 13 of the 14 park areas within the MIA to expand anywhere from 3 acres to 1,900 acres for a total possible park expansion of 5,100 acres. Of these 5,100 acres of park expansion, 3,500 acres are within the Earle MIA and should be eligible for DOD REPI funds or other DOD funding to remove the potential for incompatible development by moving them into permanently protected open space. The Farmland Preservation Program continues to work with local farmers to preserve agricultural properties within the MIA. Target farms have been identified within the MIA, several of which are currently in discussion with program staff for potential preservation. Recreation and farming uses are both compatible with the Base’s mission, and preservation is a good tool to use to assure compatibility into the future.

Below is a map created for this study that shows the relationship of preservation efforts to the perimeter, 3000' buffer area and 2-mile MIA. It is hoped that cooperative efforts with the County can be used as a means of re-applying for potential outside funding.

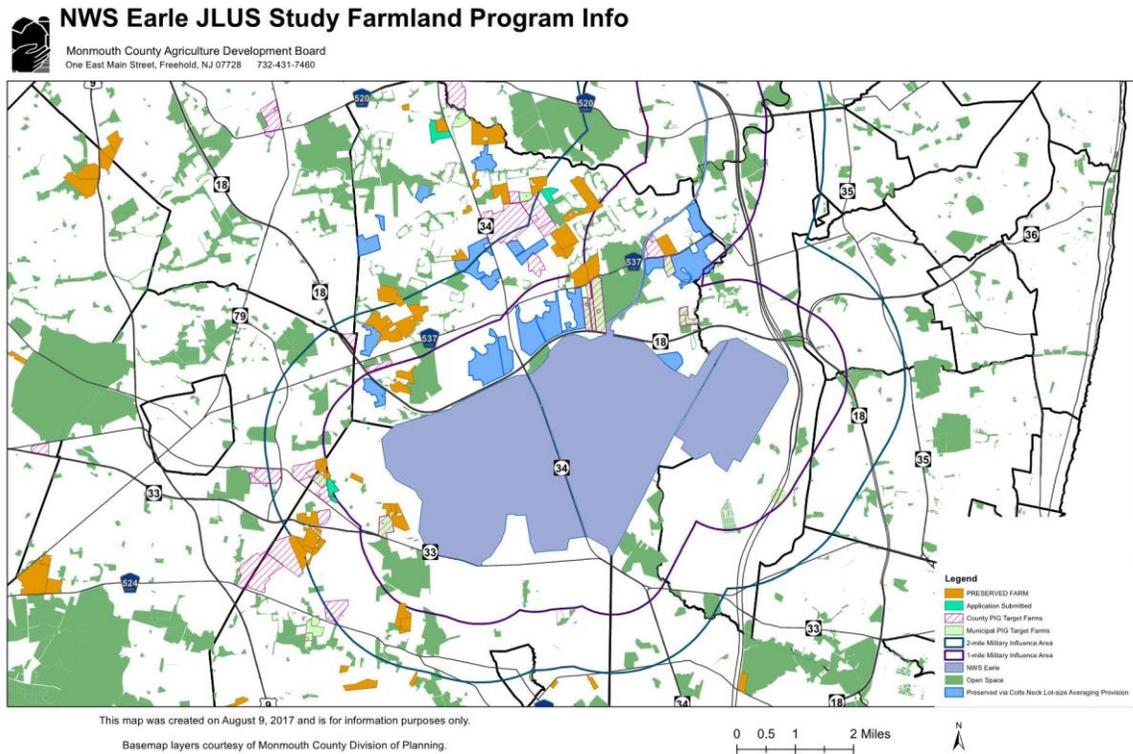


Figure 4.01 Farmland Program identified within NWS Earle and MIA area

## D. MUNICIPAL

An important part of the information gathering portion of the JLUS was to solicit input from as many of the surrounding communities as were willing to contribute and to meet individually with the 5 Earle municipalities: - Colts Neck, Wall, Middletown, Tinton Falls and Howell.

The Community Plans and Liaison Officer for the Base is regularly involved in various projects, events and functions, and meets with a number of the municipalities on a wide range of topics, from future redevelopment plans in the area, to the creation of shared services agreements for both regular maintenance and emergency services.

Some of the comments from the Municipal Interviews are excerpted below:

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### COLTS NECK TOWNSHIP

- There is generally a positive perception of Earle and it is considered an asset to the local commercial economy
- Shared volunteer fire services from town
- Earle base residents use Colts Neck municipal services for such things as marriage licenses and recreational sports.
- High school age children of military personnel are assigned to Colts Neck High School, within the Freehold Regional High School District
- The Township has begun preliminary discussions with NWS Earle regarding their interested in long term leasing or acquiring land from Earle to accommodate public works and possibly recreation on the south side of Route 18

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### HOWELL TOWNSHIP

- It is believed that a number of Earle employees have found off-base housing in Howell
- The Township is considering some form of military area zoning that would limit the Military Influence Area (MIA) from potential high density housing
- Earle and Township have discussed potential cooperation on resiliency related items such as wetlands banking.
- The Township presently has some Mutual Aid Agreements with the base for use of facilities such as the Fire Academy.

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### MIDDLETOWN TOWNSHIP

- It is believed that a number of Earle employees have found off-base housing in Middletown
- Township is working with Earle and other partners on a BPU funded feasibility study to determine if an energy microgrid could provide additional power, particularly during future storm events, for local, county, state and Navy facilities located within the Township's Bayshore area.
- Township and Base have Cooperative Services agreements for emergency services and permission for Township school buses to use Normandy Road

- Township had discussions with Earle about open space acquisition near Kings Highway for development, ideally residential, that is getting appraisals now
- The Township included NWS Earle representatives in the recently completed Belford Development Plan study
- The Township of Middletown Sewerage Authority provides treatment of wastewater for Earle's pier complex and ships in port. Recently completed a corridor study of the NJSH Route 36 area which includes the Earle Pier Complex.

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#### WALL TOWNSHIP

- Much of the local STRAHNET route to Earle is within Wall Township (parts of 195, 34 & 33).
- Most of the NJSH Route 34 corridor within Wall Township is zoned for office park and commercial uses that would seem to be compatible with the base's mission.
- The 1999 Township Master Plan recognizes Earle as a self-functioning entity within the Township.

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#### BOROUGH OF TINTON FALLS

- The Borough has shared services agreements with Earle and emergency services have permission to use Normandy Road
- Elementary school aged children residing on the Base attend Tinton Falls schools.
- The Borough has obtained surplus military vehicles and equipment
- Earle land within Town is heavily wooded and provides a sufficient buffer visually but the Town has some concerns with the current state of the wooded area and the potential for fires.

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#### OVERALL IMPRESSIONS FROM MUNICIPAL MEETINGS

1. All of the Earle Towns seem to have a positive relationship and impression of the Base and have no immediate concern with the mission of the base.
2. The Route 33 & 34 Corridor should be studied from a Transportation, Land Use, Zoning and Economic Development aspect. After the meeting it was found that there was a study done some years ago (2004) of this area that needs to be reviewed.
3. There are numerous access points around the perimeter of the base and numerous uses, mostly commercial that have some impact or potential impact on the Base.
4. The Normandy Road corridor has issues relating to traffic and rail signalization that will need to be resolved but is an important part of the area.
5. The waterfront corridor between the shoreline of Sandy Hook Bay and Route 36 needs to be studied further as one area for potential Sea Level Rise and resiliency issues that affect both NWS Earle access and usage, and the impact on the surrounding residential and commercial neighborhoods.

While each community seemed to have slightly differing impressions of NWS Earle, with some towns more cognizant of the mission of the base than others, it would seem that all had a favorable impression of the Base.