

**TOWNSHIP OF FREEHOLD
ORDINANCE O-21-6
TOWNSHIP COMMITTEE MEETING – APRIL 27, 2021**

**BOND ORDINANCE AUTHORIZING VARIOUS CAPITAL
IMPROVEMENTS IN AND FOR THE TOWNSHIP OF
FREEHOLD, IN THE COUNTY OF MONMOUTH, NEW JERSEY,
APPROPRIATING \$15,088,000 THEREFOR AND AUTHORIZING
THE ISSUANCE OF \$13,687,000 BONDS OR NOTES TO FINANCE
PART OF THE COST THEREOF**

BE IT ORDAINED, BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF FREEHOLD, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the “Improvements”) are hereby authorized to be undertaken by the Township of Freehold, New Jersey (the “Township”) as general improvements. For the said Improvements there is hereby appropriated the amount of \$15,088,000, such sum includes the sum (a) \$290,000 expected to be received as a grant from the New Jersey Department of Transportation in connection with the improvement described in Section 3(a)(d) for Iron Bridge Road, (b) \$400,000 expected to be received as a grant from the New Jersey Department of Transportation in connection with the improvement described in Section 3(a)(d) for Center Street improvements, (d) \$25,000 expected to be received as a grant from the Monmouth County Historic Commission in connection with the improvement described in Section 3(a)(f) (collectively, the “Grants”) and (b) \$686,000 as the down payment (the “Down Payment”) required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the “Local Bond Law”). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments or capital improvement purposes.

SECTION 2:

In order to finance the additional cost of the Improvements not covered by application of the Down Payment and the Grants, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$13,687,000 pursuant to the provisions of the Local Bond Law (the “Bonds”). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Township are hereby authorized to be issued in the principal amount not exceeding \$13,687,000 pursuant to the provisions of the Local Bond Law (the “Bond Anticipation Notes” or “Notes”).

SECTION 3:

(a) The Improvements authorized and the purposes for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each Improvement are as follows:

<u>Improvements</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
(a) Providing for the purchase of equipment, including but not limited to acquisition of computers, telephone system upgrades, body cameras, license plate reader, mobile data terminals, tractor, aerator and brush cutter with chain.	\$530,000	\$504,500	5 Years
(b) Providing for various traffic light upgrades, including all work and materials necessary therefore or incidental thereto.	42,000	40,000	10 Years
(c) Providing for Land Acquisition at Block 83, Lot 9 for Affordable Housing, including all work and materials necessary therefore or incidental thereto.	2,580,000	2,457,000	40 Years
(d) Providing for road improvements, including but not limited to bituminous concrete overlay for various roads, Three Brooks Road reconstruction, Iron Bridge Road Phase II, Center Street improvements, Rose Court Outfall reconstruction and Burke Road landfill closure, including all work and materials necessary therefore or incidental thereto.	9,462,000	8,354,000	15.03 Years
(e) Providing for recreation improvements, including but not limited to acquisition of playground equipment at Opatut Park, bathroom renovations at Jackson Mills Park, improvements to irrigation system, improvements to hockey rinks, improvements to walkway at Opatut Park, resurfacing of various tennis courts, replacement of bleachers and picnic tables at various parks, improvements to various buildings and structures and ballfield and dugout renovations at various parks, including all work and materials necessary therefore or incidental thereto.	2,438,000	2,321,500	15 Years

<u>Improvements</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
(f) Providing for improvements to Georgia Road Schoolhouse, including all work and materials necessary therefore or incidental thereto.	36,000	10,000	15 Years
TOTAL	\$15,088,000	\$13,687,000	

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$13,687,000.

(c) The estimated cost of the Improvements is \$15,088,000 which amount represents the initial appropriation made by the Township. The excess of the appropriations made for each of the Improvements over the estimated maximum amount of Bonds or Notes authorized to be issued therefor and the Grant is the amount of the Down Payment for each purpose.

SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Township (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Township Committee of the Township at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Township Clerk and is available for public inspection.

SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Township may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the Improvements, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 19.12 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Township, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$13,687,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$2,417,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds received from time to time by the Township as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Township authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9:

The Chief Financial Officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 10:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Improvements prior to the date that Township incurs debt obligations under this Bond Ordinance. The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$13,687,000.

SECTION 11:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**TOWNSHIP OF FREEHOLD
ORDINANCE O-21-7
TOWNSHIP COMMITTEE MEETING – APRIL 27, 2021**

**BOND ORDINANCE AUTHORIZING VARIOUS
WATER/SEWER CAPITAL IMPROVEMENTS IN AND
FOR THE TOWNSHIP OF FREEHOLD, IN THE COUNTY
OF MONMOUTH, NEW JERSEY APPROPRIATING
\$6,054,000 THEREFOR AND AUTHORIZING THE
ISSUANCE OF \$6,054,000 BONDS OR NOTES TO
FINANCE THE COST THEREOF**

BE IT ORDAINED, BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF FREEHOLD, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvement described in Section 3 of this Bond Ordinance (the “Improvement”) is hereby authorized to be undertaken by the Township of Freehold, in the County of Monmouth, New Jersey (the “Township”) as a general improvement. For the said Improvement there is hereby appropriated the amount of \$6,054,000. No down payment is required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the “Local Bond Law”) as the purpose authorized herein is deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the Township, as more fully explained in Section 6(e) of this Ordinance.

SECTION 2:

In order to finance the additional cost of the Improvements, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$6,054,000 pursuant to the provisions of the Local Bond Law (the “Bonds”). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Township are hereby authorized to be issued in the principal amount not exceeding \$6,054,000 pursuant to the provisions of the Local Bond Law (the “Bond Anticipation Notes” or “Notes”).

SECTION 3:

(a) The Improvements authorized and the purposes for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each Improvement are as follows:

<u>Improvements</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
1. Providing for improvements to the water system within the Township, including but not limited to Lafayette Court overlay, construction of new water tank, replacement of South Side filter media and internals, replacement of Jackson Mills Road generator, replacement of chemical room doors at all water treatment plants and valve replacement, including all work or materials necessary therefore or incidental thereto and all as shown on and in accordance with the plans and specifications on file in the office of the Clerk and hereby approved.	\$5,916,000	\$5,916,000	29.46 Years
2 Providing for improvements to the sewer system within the Township, including but not limited to, replacement of receiving manhole on Elton Adelpia Road, including all work or materials necessary therefore or incidental thereto and all as shown on and in accordance with the plans and specifications on file in the office of the Clerk and hereby approved.	138,000	138,000	40 Years
TOTAL	\$6,054,000	\$6,054,000	

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$6,054,000.

(c) The estimated cost of the Improvements is \$6,054,000 which amount represents the initial appropriation made by the Township.

SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Township (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Township Committee of the Township at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Township Clerk and is available for public inspection.

SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Township may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the Improvements, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 29.70 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Township, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$6,054,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$1,009,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

(e) The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A 40A:2-44(c).

SECTION 7:

Any funds received from time to time by the Township as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Township authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9:

The Chief Financial Officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 10:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Improvements prior to the date that Township incurs debt obligations under this Bond Ordinance. The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$6,054,000.

SECTION 11:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**TOWNSHIP OF FREEHOLD
ORDINANCE NO. O-21-8
TOWNSHIP MEETING DATE – APRIL 27, 2021**

ORDINANCE AUTHORIZING THE LEASING OF CERTAIN CAPITAL EQUIPMENT BY THE TOWNSHIP OF FREEHOLD, NEW JERSEY FROM THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY AND THE EXECUTION OF A LEASE AND AGREEMENT RELATING THERETO

BE IT ORDAINED by the Township Committee of the Township of Freehold, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

Section 1. Pursuant to Section 78 of the County Improvement Authorities Law, N.J.S.A. 40:37A-44, et seq., the Township of Freehold (the “Municipality”) is hereby authorized to unconditionally and irrevocably lease certain items of capital equipment from The Monmouth County Improvement Authority (the “Authority”) pursuant to a Lease and Agreement, substantially in the form submitted to this meeting (the “Lease”), a copy of which is on file in the office of the Clerk to the Municipality. The Mayor is hereby authorized to execute the Lease on behalf of the Municipality in substantially such form as submitted to this meeting and with such changes as may be approved by the Mayor, which approval shall be conclusively evidenced by the execution thereof, and the Clerk to the Municipality is hereby authorized to affix and attest the seal of the Municipality.

Section 2. The following additional matters are hereby determined, declared, recited and stated:

- (a) In recognition of the fact that the lease payment of the Municipality under the Lease will be based, in part, on the amount of bonds issued by the Authority to finance the acquisition of the leased equipment and the interest thereon, the maximum amount of bonds which the Authority shall issue to finance the acquisition of the equipment to be leased to the Municipality shall not exceed \$1,661,000 and the interest rate on said bonds shall not exceed five and fifty hundredths percent (5.50%) per annum;
- (b) The items to be leased from the Authority shall be as set forth in Schedule A hereto; provided that the Mayor or any authorized municipal representative (as defined in the Lease) may substitute or add items of equipment in accordance with the provisions of the Lease; and
- (c) The lease term applicable to a particular item of leased equipment shall not exceed the useful life of such item.

Section 3. This ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by law.

SCHEDULE A - EQUIPMENT LIST

Township of Freehold

<u>Equipment</u>	<u>Useful Life (Years)</u>	<u>Lease Term (Years)</u>	<u>Estimated Cost</u>
SUV Vehicles	5	5	\$ 70,000
Four (4) F250 Dump Trucks	5	5	170,000
Four (4) F450 Dump Trucks	5	5	210,000
Stump Grinder	15	10	40,000
Single Axle Dump Trucks	5	5	660,000
Leaf Machines	15	10	130,000
Roll Off Truck	15	10	230,000
Total			\$1,510,000

ORDINANCE NO. O-21-9
TOWNSHIP MEETING DATE: April 27, 2021

AN ORDINANCE AMENDING CHAPTER 190, LAND USE, ARTICLE XI, ZONES AND SCHEDULE OF REQUIREMENTS OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF FREEHOLD, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

BE IT ORDAINED by the Township Committee of the Township of Freehold, County of Monmouth, and State of New Jersey as follows:

I

PURPOSES: The purposes of this Ordinance are to amend Chapter 190, Land Use, Article XI, Zones and Schedule of Requirements, and Article XIII Zone Regulations to rezone designated parcels and create the following new zoning district: “ML-9 Moderate- and Low-Income Housing Zone”.

Note: Additions are underlined and deletions are shown with ~~strikethroughs~~.

II

Article XI, Zones and Schedule of Requirements, §190-97, Zones, is hereby amended with the following new zone as indicated:

§ 190-97 Zones.

For the purpose of this chapter, the Township is divided into the following classes of zones:

ML-9 - Moderate- and Low-Income Housing Zone

III

Article XI, Zones and Schedule of Requirements, § 190-99 Zoning Map Amendments, the Zoning Map (Schedule B) is hereby amended to include Block 83, Lot 9 as “ML-9” as depicted on a map dated April 20, 2021 prepared by Thomas Planning Associates attached hereto and made a part hereof as Appendix A and to add the Ordinance amendment number and adoption date, following adoption, as follows:

Ordinance	Date
<u>O-21-</u>	<u> /2021</u>

IV

Chapter 190, Land Use, Article XI, § 190-101 Schedule C, Schedule of Area, Yard and Bulk Requirements, is hereby amended to add a new line under the heading “RESIDENTIAL” following the line entitled ML-9 as follows: “ML-9 Moderate- and Low-Income Housing Zone”. (See §190-142.5 ML-9 Moderate and Low Income Housing Zone)

V

Chapter 190, Land Use, Article XIII, Zone Regulations, is hereby amended, by adding a new Section 190-142.5, “ML-9 Moderate- and Low-Income Housing Zone” as follows:

§ 190-142.5. ML-9 Moderate- and Low-Income Housing Zone. The following standards shall apply to development within the ML-9 zone district. All other provisions of Chapter 190, Land Use of the Freehold Township Code shall apply to development in the ML-9 zone only where specifically indicated as applicable herein.

- A. **Purpose.** The purpose of the ML-9 Moderate- and Low-Income Housing Zone is to provide a realistic opportunity for the construction of housing for persons and families of low and moderate incomes as part of a mixed income development, as required by the New Jersey Supreme Court in Southern Burlington County NAACP v. Twp. of Mt. Laurel, 92 N.J. 158 (1983) (Mount Laurel II) and by the Fair Housing Act, P.L. 1975, c. 222 (N.J.S.A. 52:27D-301 et seq.). and as required by the New Jersey Supreme Court's decision in In re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) ("Mount Laurel IV"), and in accordance with the Fair Housing Act, P.L. 1975, c. 222 (N.J.S.A. 52:270-301 et seq.)

B. **Permitted uses.** In the ML-9 Zone, the following uses shall be permitted:

(1) Permitted Principal Uses.

- a. Townhouses;
- b. Multifamily housing development;
- c. Notwithstanding Section 190-105 of the Township Code, multiple principal buildings and uses shall be permitted on each lot.

(2) Permitted Accessory Uses. The following may be permitted as an accessory use:

- a. Community Building with offices for leasing, management and maintenance operations;
- b. Outdoor barbecue structure, gathering and sitting areas;
- c. Essential utilities;
- d. Parks and playgrounds and shade structures (such as gazebos);
- e. Maintenance and equipment sheds;
- f. Fences in accordance with § 190-165;
- g. Signs, in accordance with the provisions set forth herein;
- h. Outdoor waste collection and recycling areas enclosed and constructed of materials similar to the facade of the building;
- i. Any use customary and incidental to a permitted principal use.

C. **Area, Yard and Building Requirements.**

- (1) Maximum Density: Eight (8) dwelling units per developable acre and a maximum of 60 units for townhouses and multifamily housing developments. Developable acres shall be determined consistent with requirements of Schedule C at the end of this chapter and footnotes thereto. See § 190-101.
- (2) Minimum Lot Area: Minimum lot area for townhouses and multifamily housing developments: 8 acres of developable land.
- (3) Minimum Lot Frontage On Public Street: 300 feet, with a minimum of two access points from public roads, one of which may be an emergency access road.

(4) Maximum Lot Coverage: 50%. For purposes of this subsection, lot coverage shall be computed on the basis of all buildings and paving over the portion of the developable area as delineated by Subsection C(1) above and not on the basis of individual buildings upon individual lots, e.g. townhouses. There shall be no maximum floor area ratio applicable to properties within the ML-9 Zone.

(5) Setback to property or lot lines for buildings: 50 feet

(6) Scenic Corridor Buffer: 35 feet

(7) Additional Area, Yard and Building Requirements:

a. Townhouses.

i. Front yard setback: 15 feet. Structure setbacks shall be measured from the sidewalk or curblin.

ii. Rear yard setback: 15 feet but not less than 50 feet between structures parallel to having window-to-window exposure.

iii. Side yard setback:

1. 10 feet from all buildings and structures.

2. 15 feet from all streets.

3. 10 feet from all parking areas.

iv. Lot Size:

1. Minimum 2,000 square feet in area.

2. Minimum of 20 feet in width.

v. Maximum Number of Townhouse Units in One Building: 8.

b. Multifamily Housing Development.

i. No structure or building shall have more than 20 dwelling units.

ii. No structure or building shall exceed two hundred fifty (250) feet in length.

iii. Setback to property or lot lines: 50 feet.

iv. Setback requirements to roadways and parking areas:

1. Building to interior roadways: 15 feet.

2. Building to parking areas: 10 feet.

3. Building to exterior public roadways: 50 feet.

- v. Minimum distance between buildings: 25 feet.
- c. Notwithstanding anything to the contrary contained herein, parking, interior roadways, stormwater facilities and permitted accessory uses shall be permitted within required setbacks.

(8) Maximum Height:

- a. Townhouse: 3 stories / 35 feet.
- b. Multifamily Housing Development: 3 stories / 35 feet.

(9) Off-Street Parking Requirements:

- a. Off-street parking shall be provided in spaces measuring not less than eighteen (18) feet by nine (9) feet for perpendicular parking stalls in accordance with N.J.A.C. 5:21, Residential Site Improvement Standards. Parking spaces for persons with disabilities shall be in accordance with the New Jersey Uniform Construction Code (N.J.A.C. 5:23-7) or the Americans with Disabilities Act,^[2] as applicable.
- b. No structure or portion of a structure constructed as a private garage or storage area shall be converted into living area.

(10) Open space requirement. Not less than 30% of the development site shall be devoted to Open Space (as defined in this chapter). Notwithstanding the foregoing, any outdoor recreational space proposed as part of a residential development shall be counted towards the Open Space requirement.

(11) Provisions specifically waived or modified within the ML-9 zone.

- a. The provisions of Article XVIII, § 190-189 et seq., are waived or modified as follows: Subsections A, B and E are waived. Subsection D is modified to permit the following minimum gross habitable floor areas as provided for in the New Jersey Housing and Mortgage Finance Agency's Selection, Underwriting & Financing Guidelines & Policy for new construction:
 - i. Efficiency/Studio 550 sq. ft.
 - ii. One-Bedroom 600 sq. ft.
 - iii. Two-Bedroom 850 sq. ft.
 - iv. Three-Bedroom 1,150 sq. ft.
- b. Subsection E of § 190-190 is waived; all other requirements of that subsection shall apply.

- c. Rental Unit Registration. Chapter 257 shall not apply to any dwelling units developed pursuant to this Ordinance. Such dwelling units and the owners thereof shall not be subject to the fees pursuant to Section 150-22. Notwithstanding the foregoing, upon issuance of a certificate of occupancy, each dwelling unit shall be registered with the Township, which registration shall be updated annually thereafter.
- d. Rent Control. Chapter 261 shall not apply to any dwelling units developed pursuant to this Ordinance.

D. Affordable Housing Requirements

- (1) Except as otherwise specified in this section Developer or Applicant shall comply with the Township’s Affordable Housing Ordinances. Developer shall satisfy the affordable housing obligation required in connection with the Project by setting aside at least fifty percent (50%) of all residential units developed for very low-, low- and moderate-income households as described herein (the “Affordable Units”).
- (2) All Affordable Units shall be non-age-restricted family rental units and shall fully comply with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq. (“UHAC”) and Section 42 of the Internal Revenue Code relative to Federal Low-Income Housing Tax Credits (“Section 42”), including but not limited to the required bedroom and income distribution, with the sole exception that thirteen percent (13%) of the Affordable Units within each bedroom distribution shall be required to be for very low income households earning less than thirty percent (30%) of the median income. In the event of any conflict between the requirements of UHAC and Section 42, Section 42 shall control. The Project, including the Affordable Units, shall substantially conform to the following bedroom distribution:

<u>Income Level</u>	<u>Number of Units</u>		
	<u>1 Bedroom</u>	<u>2 Bedroom</u>	<u>3 Bedroom</u>
<u>Very Low Income (811)</u>	<u>5</u>	<u>0</u>	<u>0</u>
<u>Very Low Income (30% AMI)</u>	<u>1</u>	<u>2</u>	<u>2</u>
<u>Low Income (50% AMI)</u>	<u>1</u>	<u>4</u>	<u>3</u>
<u>Moderate Income (60% AMI)</u>	<u>1</u>	<u>6</u>	<u>5</u>
<u>Market Rate</u>	<u>5</u>	<u>13</u>	<u>12</u>
<u>Total</u>	<u>13</u>	<u>25</u>	<u>22</u>

- (3) Further, the Affordable Units shall be subject to affordability controls of at least 30 years and affordable deed restrictions as provided for by UHAC, which may be extended pursuant to recorded Deed of Easement and Restrictive Covenant.
- (4) The Affordable Units shall be integrated with the market units to the extent possible, and the Affordable Units shall not be concentrated in separate building(s) or in separate area(s) from the market units. In buildings with multiple dwelling units, this shall mean that the Affordable Units shall be generally distributed within each building with market units. The residents of the Affordable Units shall have full and equal access to all the amenities, common areas, and recreation areas and facilities as the market units.

D. **Permitted Signage.** The following signs shall be permitted within the ML-9 Zone:

- (1) One freestanding, ground lit illuminated, double-sided sign, advertising the name and/or address of the residential development. The freestanding sign may not exceed 32 square feet in area and shall not exceed a height of 8 feet from ground level. All freestanding signs shall be at least 25 feet from all buildings, and shall be setback at least 15 feet from any lot line. Signage must be outside the sight triangle area as determined utilizing AASHTO guidelines
- (2) Two single-faced, freestanding, non-illuminated, temporary real estate signs of not more than 32 square feet for each sign; or, in lieu thereof, one double-faced sign of not more than 16 square feet of surface area for each face. Such sign or signs shall be permitted only in the case where it pertains to the lease or rental of the property on which it is located. No such sign shall be closer than 15 feet to any lot line. The overall height of each such sign shall not exceed a height of 8 feet from ground level. Each such sign shall be removed upon the leasing, or rental of the property.
- (3) Wayfinding signs, building identification signs, parking restriction and other community restriction signs shall be permitted throughout the ML-9 Zone.

E. **Application Requirements**

- (1) Any application for development for any portion of the ML-9 Zone shall be submitted in accordance with the site plan submission requirements of Chapter 190, except as hereinafter set forth.

(2) Notwithstanding other provisions of the Township Code regarding site plan submissions and submission requirements, applications for site plan approval in the ML-9 Zone shall be permitted to submit the following items as a condition of final site plan submission rather than as part of the preliminary site plan submission:

- i. Providing exterior material sample board for proposed buildings.
- ii. Environmental impact statement for projects in this zone shall be deemed satisfied by a summary letter from an environmental engineer detailing the general environmental conditions of the property, provided a valid wetlands letter of interpretation from the New Jersey Department of Environmental Protection is submitted along with either a preliminary assessment or Phase 1.
- iii. Application for sign permit.
- iv. Proof of application to the Monmouth County Planning Board.
- v. Proof of application to the Freehold Soil Conservation District.
- vi. Proof of application to the New Jersey Department of Transportation.
- vii. Proof of application to the New Jersey Department of Environmental Protection for either flood hazard area or freshwater wetlands permit or letter of interpretation.
- viii. Tree save and tree clearing plan per § 336-10. However, a heritage tree survey will be required as part of any preliminary application.
- ix. Proof of application to the Freehold Township Historic Preservation Committee.
- x. Off-site drainage and utility plans.
- xi. Center line profiles of streets bordering the site, if required by the Township Engineer.
- xii. Full soil boring logs. Test pits shall be sufficient for preliminary applications.
- xiii. Landscape plans. Applicants shall be required to provide preliminary landscaping plans as part of any preliminary application, which shall include the various species and the general planting locations; however, the full landscape plans, including final plant counts, shall not be required until submission of the final site plan application.
- xiv. Tree removal permit. While projects for low- and moderate-income rental apartments shall be required to provide and apply for tree removal permits as part of their final site plan application submission, it is agreed, due to the nature of those developments, said projects shall be limited to a permit fee of \$500 and not be required to make any restitution or repayments for the value of trees being removed, except as to heritage trees for which there will be a cap of \$30,000.

F. **Governmental subsidies.** Freehold Township shall take such steps as are necessary to assist the developer in obtaining state and/or federal subsidies for low- and moderate-income housing when such subsidies are sought by the applicant as a means to provide such housing.

G. **Elimination of Cost Generating Features.** It is further acknowledged that Section 14(b) of the Fair Housing Act N.J.S.A. 52:27D-301 et seq. incorporates the need to eliminate unnecessary cost-generating features from municipal land use ordinances. Accordingly, Freehold Township will eliminate development standards that are not essential in its reasonable opinion to protect the public welfare and to reasonably expedite or fast-track municipal approvals/denials on certain affordable housing developments.

VI.

Notice of this Ordinance shall be given in accordance with N.J. S. A 40:55D-62.1 at least 10 days prior to the hearing by the Township Clerk to the owners of all real property as shown on the current tax duplicates, located within 200 feet in all directions of Block 83, Lot 9 including a map delineating the proposed boundaries of the ML-9 Moderate and Low Income Housing Zone which is the subject of the hearing. Notice shall be given by mailing a copy thereof by verified mail and regular mail to the property owner at his address as shown on the said current tax duplicate. The notice requirements set forth herein are to govern the zone changes proposed under this Ordinance and do not govern any applications for development.

VII.

The Clerk shall execute affidavits of proof of service of the required public hearing on the proposed zoning ordinance change. Costs of the notice provision shall be the responsibility of the proponent of the proposed zoning amendment.

VIII.

All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

IX.

If any section, paragraph, sentence, clause or phrase of this ordinance shall be held to be invalid, such decision shall not invalidate any remaining portion of this ordinance.

X.

The ordinance shall take effect immediately upon passage, publication according to law, and filing with the Monmouth County Planning Board.

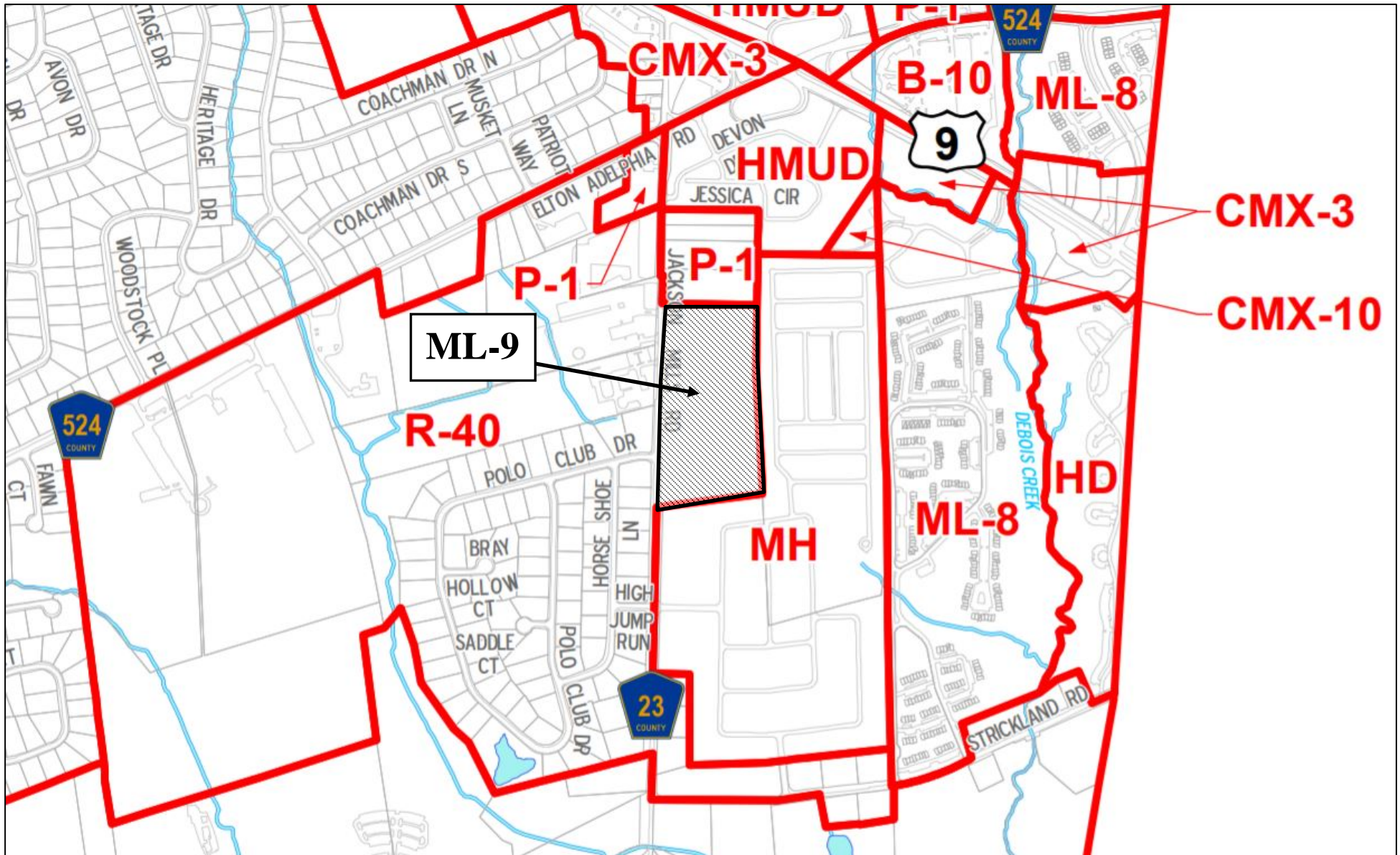
XI.

Copies of this ordinance shall be filed with the Freehold Township Clerk, Tax Assessor, Planning Board, Municipal Attorney, Township Engineer, Township Planners, Zoning Officer, Construction Official, Special Housing Counsel and the Court Appointed Special Master.

EXPLANATORY STATEMENT

The purposes of this Ordinance are: (1) to amend Chapter 190, Land Use, Article XI, Zones and Schedule of Requirements, to rezone and create the following new zoning district: “ML-9 Moderate- and Low-Income Housing Zone” to permit the development of multi-family, affordable housing on Lot 9 in Block 83 as depicted on Tax Map Sheet 38 consisting of approximately 17.44 acres on Jackson Mill Road north of Strickland Road; (2) To amend the Zoning Map to designate Block 83 Lot 9 as a ML-9 Moderate and Low-Income Zone and (3) To establish site development standards and affordable housing requirement for the ML-9 Zone including limiting the height of a multi-family building to 35 feet and three (3) stories and the number of multi-family, affordable units shall be limited to no more than 50% or 30 housing units.

APPENDIX A
ZONING MAP REVISION



Zoning Revision
 Block 83, Lot 9
 ML-9 - Moderate and Low Income Housing Zone
 55 Jackson Mills Rd.
 Freehold Township

Map not to scale

Prepared: April 20, 2021

ORDINANCE NO. O-21-10

TOWNSHIP MEETING DATE: May 25, 2021

AN ORDINANCE AMENDING CHAPTER 190, LAND USE, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF FREEHOLD, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

BE IT ORDAINED by the Mayor and Township Committee of the Township of Freehold, County of Monmouth, and State of New Jersey as follows:

I.

PURPOSE: The purpose of this Ordinance is to amend the following subsections of Chapter 190, Land Use, of the Revised General Ordinances of the Township of Freehold:

Article I, General Provisions, §190-3, Definitions

Article XI, Zones and Schedule of Requirements, §190-97 Zones, §190-98, Zoning Map (Schedule B) and §190-199 Zoning Map Amendments

Article XI, Zones and Schedule of Requirements, §190-101, Schedule of Area, Yard and Bulk Requirements (Schedule C)

Article XIII, Zone Regulations, §190-158, Regional Mall Zones RMZ-1, RMZ-2, RMZ-2A and RMZ-3

Article XIV, Off-Street Parking, Loading and Unloading Requirements, §190-163, Minimum Parking Spaces

Article XVII, Signs, §190-181, Signs permitted in RMZ Regional Mall Zones

These amendments are intended to update zoning and land use requirements related to the Freehold Raceway Mall and the Township's RMZ zones by amending definitions for new and existing uses; eliminating the RMZ-2A Zone and rezoning said properties to RMZ-1 and RMZ-2 as set forth in the Amended General Development Plan for Freemall Associates, LLC adopted December 7, 2006; permitting certain new principal, accessory, and conditional uses in the RMZ-1 zone; amending the parking requirements for regional mall shopping centers; and amending permitted signage in the RMZ-1 and RMZ-2 zones.

Note: Additions are underlined and deletions are shown with ~~strikethroughs~~.

II.

Article I, General Provisions, §190-3, Definitions is hereby amended and supplemented to read as follows:

190-3 Definitions

A. No change.

B. As used in this chapter, the following terms shall have the meanings indicated:

COWORKING SPACE

A building or portion thereof consisting of a shared office environment containing desks or other workspaces and customary office facilities, which allows individuals and groups employed by various organizations to operate independently or collaboratively.

DRIVE THRU FACILITY

A facility such as a window or kiosk associated with a commercial use which permits customers to order, pay for, or receive goods or services while remaining in their automobile outside of an enclosed building.

INDOOR COMMERCIAL RECREATION

An establishment where recreation activities are provided to the general public within an enclosed building and for which user fees are charged. Uses include, but are not limited to, movie theaters, performing arts facilities, assembly halls, roller- and ice-skating rinks, indoor climbing gyms, amusement arcades, bowling alleys, billiards, batting cages, play equipment, and virtual experience centers. Indoor commercial recreation does not include fitness and recreational sports centers (NAICS 713940), nightclubs; or instructional schools or studios.

INSTRUCTIONAL SCHOOLS AND STUDIOS

Establishments which provide classes, instruction, courses of study, and workshops to the general public, including but not limited to dance, yoga, Pilates, personal training, culinary arts, creative arts and crafts, music, martial arts, academics and athletics.

PAD SITE

An ancillary, freestanding commercial development area located within a shopping center or planned commercial development but separate and apart from the principal structure(s).

REGIONAL MALL SHOPPING CENTER

An integrated commercial development consisting of over 400,000 square feet of gross leasable area, which is planned, constructed, and operated as single entity consisting of such uses as retail stores and shops, personal service establishments, professional and business offices, banks, post offices, restaurants, and indoor commercial recreation housed in an enclosed building or buildings on one or more lots and utilizing such common facilities as customer parking, pedestrian walkways, truck loading and unloading space, utilities, and sanitary facilities.

RESTAURANT, COUNTER-SERVICE

An eating establishment at which food and beverages are typically ordered and paid for at a counter within an enclosed building for consumption on or off the premises.

RESTAURANT, FAST-FOOD

An eating establishment at which food and nonalcoholic beverages are typically ordered, paid for, and served to patrons at a counter within an enclosed building and/or within automobiles outside of an enclosed building via a drive-thru facility, for consumption on or off the premises. ~~to patrons seated within or outside an enclosed building and also available for consumption in motor vehicles parked at the premises or by pedestrian patrons and for takeaway by pedestrians or vehicular traffic.~~

RESTAURANT, FULL-SERVICE

An eating establishment at which food and beverages are ordered by and delivered to patrons at a seating area for consumption on the premises, with or without service of alcoholic beverages, and which may provide ancillary take-out service.

RETAIL STACK STORAGE

A retail use that stocks an inventory of goods in large quantities for the purpose of selling retail from a building in which the goods are held and which utilizes warehouse stack storage technique on the sales floor area. A retail stack storage use is open to the general public, and its patronage is not restricted by a membership requirement. ~~This type of use includes the term "big box retail."~~

WAREHOUSE CLUB

A business that sells goods or items in bulk or large quantity at costs below market price to individuals and/or businesses paying an annual membership fee.

C. No change.

III.

Article XI, Zones and Schedule of Requirements, §190-97, Zones, is hereby amended to remove the following zone:

§190-97 Zones

For the purpose of this chapter, the Township is divided into the following classes of zones:

~~RMZ-2A Regional Mall—Hotel/Conservation Center Zone~~

IV.

Article XI, Zones and Schedule of Requirements, §190-98, Zoning Map (Schedule B) and §190-199 Zoning Map Amendments, are hereby amended for the following blocks and lots or portions thereof, as depicted on a map dated December 2020 prepared by Phillips Preiss Grygiel Leheny Hughes LLC attached hereto and made a part hereof and to add the Ordinance amendment and adoption date as follows:

Regional Mall Zone RMZ-2A to Regional Mall Zone RMZ-1

Block	Lot	Tax Sheet	Approximate Area	Location
69.01	18.01 (portion)	20	22 acres	North of Raceway Mall Drive; east of Winners Circle; west of U.S. 9; south of Business NJ-33

Regional Mall Zone RMZ-2A to Regional Mall Zone RMZ-2

Block	Lot	Tax Sheet	Approximate Area	Location
69.01	18.02 (portion)	21, 22, 23	21 acres	North of NJ-33; west of Winners Circle

V.

Article XI, Zones and Schedule of Requirements, §190-101, Schedule of Area, Yard and Bulk requirements, is hereby amended to remove the **RMZ-2A zone** from Schedule C Schedule of Area, Yard and Building Requirements.

VI.

Article XII, Zone Regulations, § 190-158 Regional Mall Zones RMZ-1, RMZ-2, RMZ-2A and RMZ-3, is hereby amended to read as follows:

§ 190-158 Regional Mall Zones RMZ-1, RMZ-2, ~~RMZ-2A~~ and RMZ-3.

The RMZ-1, RMZ-2, ~~RMZ-2A~~ and RMZ-3 Regional Mall Zones are intended to provide for the planned development of properties primarily devoted to a regional mall shopping center ~~mall~~ as permitted within the RMZ-1 Zone and development of adjacent parcels of property contiguous to the mall within the RMZ-2, ~~RMZ-2A~~ and RMZ-3 Zones for uses that complement and enhance the overall development of the regional mall and to provide for the orderly development of the regional mall area through coordinated roadway, drainage and utility infrastructure improvements and architectural and site design. ~~Development within the RMZ Zones shall be in accordance with a general development plan approved by the Freehold Township Planning Board.~~

A. Permitted uses within the RMZ-1 Zone:

- (1) Regional mall shopping center, which may contain any combination of uses permitted in this subsection.
- (2) Retail stores and shops, including temporary, nonpermanent and permanent vendor displays.
- (3) Personal service establishments including barbershops, beauty parlors, shoe repair shops, tailor shops and similar types of uses.
- (4) ~~Theaters and assembly halls.~~ Indoor commercial recreation.
- (5) Restaurants, including full-service restaurants, and cafes; counter-service restaurants, and fast-food restaurants without drive-through facilities. provided, however, that fast-food-type restaurants shall be located within a permitted mall shopping center structure.
- (6) Offices buildings for professional, executive or administrative purposes, including coworking spaces.
- (7) Hotels and convention centers.
- (8) Passenger bus stations.
- (9) Municipal and other governmental facilities; senior citizen, cultural, civic and other similar facilities of general public interest.
- ~~(10) Extension and commercial schools.~~
- (10) Higher educational institutions, including colleges, universities, medical education associated with a hospital or health care system, extension schools, technical schools and business schools.
- (11) Public utility installations and structures.
- (12) Banks, financial institutions, insurance, and real estate businesses. professional and administrative offices.
- (13) Fitness and recreational sports centers (NAICS 713940).
- (14) Instructional schools and studios; commercial schools.
- (15) Brewpubs and other brewery, winery, and craft distillery facilities subject to licensing requirements of the State of New Jersey Division of Alcoholic Beverage Control.
- (16) Medical and health care facilities providing outpatient care such as offices for the examination and treatment of patients by physicians, dentists, psychologists or other medical personnel; ambulatory surgery centers; and urgent care centers. Such facilities may include customary ancillary services such as laboratories, pharmacies, and medical education as permitted by Subsection A(11).
- (17) Warehouse clubs.
- (18) Child care centers licensed by the State of New Jersey Department of Human Services.

(19) Storage of new automobiles by automobile dealerships located in Freehold Township, in locations outside of the loop road (Winners Circle) only.

B. Permitted accessory uses within the RMZ-1 Zone.

(1) Storage buildings on a temporary or permanent basis, provided that it can be demonstrated to the satisfaction of the reviewing board that such accessory buildings are necessary to the successful operation of the principal use on the premises, and that a definite economic hardship or a health or safety hazard would be created if such accessory building were not permitted; and further provided that no accessory building be used for retail, wholesale or bulk storage purposes of any nature.

(2) Signs in accordance with Article XVII of this chapter, § 190-173 et seq.

(3) Fences.

(4) Garbage storage and recycling enclosures.

(5) Parking garages.

(6) Electric vehicle charging stations.

(7) Roof- or building-mounted solar energy systems; fuel cells.

(8) Outdoor seating areas associated with a permitted restaurant use, subject to site plan review.

(9) Gasoline or alternative motor vehicle fueling stations associated with a warehouse club, in locations outside of the outer loop road (Winner's Circle)

C. Uses permitted subject to issuance of conditional use permit within the RMZ-1 Zone. ~~Day care centers, provided that they are contained within the mall shopping center structure, or a commercial or office building. One freestanding day care center of not less than 5,000 square feet nor greater than 10,000 square feet may be permitted in the RMZ-1 Zone adjacent to Winners Circle (outer loop road).~~

(1) Self-service storage facilities, provided that the following standards are met:

(a) The minimum rental storage area shall be 40,000 square feet.

(b) No storage of any kind shall be permitted out of doors.

(c) Self-service storage facilities shall provide for the dead storage of customer's goods and materials only. No business activity other than the rental of storage space, related office operations, and the sale of packing materials associated with moving and/or storage of goods and materials shall be permitted.

(d) All storage units shall be accessed from the interior of the building. No unit doors, loading bays, or docks shall be visible from the building's exterior except in designated loading areas.

(e) One (1) designated loading space shall be provided for each 20,000 square feet of rental storage space.

(2) Restaurants with drive-through facilities, provided that the following standards are met:

(a) The restaurant shall be located on a pad site and meet all bulk requirements as set forth in §190-158G(2) of this chapter.

(b) One (1) drive-through facility such as a window or service area shall be permitted per establishment.

(c) A drive-through facility shall be utilized only for pickup of food for consumption off the premises, where an order has been placed and paid for in advance (i.e., “app-thru” service where orders are placed and paid for via mobile or internet platforms). No ordering or payment shall be permitted to be conducted via a drive through facility.

(d) No outdoor menu boards shall be permitted in conjunction with a drive-thru facility.

(e) All drive-through lanes shall be accessed via internal roadways and drive aisles; no direct access shall be permitted from Winners Circle, Trotters Way, or Raceway Mall Drive.

(f) Adequate on-site stacking spaces for vehicles shall be provided so that drive-through traffic does not interfere with vehicular traffic flow or pedestrian circulation or block access to and from internal roadways, parking spaces, or loading areas.

(3) Wireless telecommunications towers and antennas, subject to the conditional use regulations set forth in §190-206 of this chapter.

D. ~~RMZ-2, RMZ-2A~~ and RMZ-3.

(1) Permitted uses on property designated as RMZ-2:

(a) Retail stores, retail stack storage, warehouse clubs and restaurants, provided that each individual use, tenant, or unit within a building contains a minimum of ~~10,000~~ 2,500 square feet of gross floor area; and provided that for multi-tenant buildings, the average gross floor area for each use, tenant, or unit within such buildings on the overall development parcel is at least 20,000 square feet.

~~square feet of gross floor area and provided that the average gross floor area for each use, tenant, or unit on the overall development parcel is at least 40,000 square feet. On parcels where the aggregate gross floor area for each use, tenant, or unit on the overall development parcel is less than 75,000 square feet each individual use, tenant, or unit within a building shall contain a minimum gross floor area of 10,000 square feet and the average gross floor area for each use, tenant, or unit shall be at least 20,000 square feet. A retail stack storage use shall not exceed 65,000 square feet, provided that if more than one retail stack storage use exceeding 40,000 square feet of floor area is located within the RMZ-2 overall development parcel, then they shall be separated by a distance of at least 200 feet from each other.~~

(b) Theaters and assembly halls.

(c) Office buildings for professional, executive, medical or administrative purposes which contain a minimum gross leasable floor area of not less than 20,000 square feet.

- (d) Hotel and conference/convention centers.
- (e) Passenger bus stations.
- (f) Horse racetracks, horse racecourses, stables and accessory structures and premises wherein pari-mutuel wagering is permitted by the state.
- (g) Municipal and other governmental facilities, ~~including~~; senior citizen, cultural, civic and other similar ~~use public facilities~~ of general public interest.
- (h) Colleges, technical and business schools.
- (i) Public utility installations and structures.
- (j) Banks, financial institutions, insurance and real estate businesses.
- (k) Fitness and recreational sports centers (NAICS 713940).

~~(2)~~ Permitted uses on property designated as RMZ-2A:

- ~~(a) Hotel and convention centers subject to special design standards for motels and hotels contained in § 190-204B(2),(3), (4), (5) and (6) of this chapter.~~
- ~~(b) Restaurants are permitted subject to the following: a minimum gross floor area of 5,000 square feet and a minimum of 225 seats for a freestanding restaurant on an individual lot and an average of 200 seats and an average of 4,500 square feet minimum gross floor area for two or more restaurants on one lot. All restaurants shall have a minimum parking ratio of one space for every four seats. No drive-through service shall be permitted in any restaurant in the RMZ-2A Zone.~~
- ~~(c) In the RMZ-2A Zone on parcels of less than five acres in accordance with the general development plan approved by the Planning Board June 9, 2003, in conjunction with P.B. Application 697-02, the following uses are permitted:~~
 - ~~[1] Banks and other financial institutions subject to the following: a maximum building coverage of 15%, a maximum floor area ratio of 0.25 and a minimum gross leasable floor area of 5,000 square feet.~~
 - ~~[2] Professional and administrative offices subject to the following: a maximum building coverage of 15%, a maximum floor area ratio of 0.25 and a minimum gross leasable floor area of 10,000 square feet.~~
- ~~(d) Office buildings for professional, executive or administrative purposes which contain a minimum gross leasable floor area of not less than 20,000 square feet.~~
- ~~(e) Fitness and recreational sports centers (NAICS 713940).~~

~~(3)~~ (2) Permitted uses on properties located in the RMZ-3 Zone:

- (a) Retail stores and shops, provided that the minimum gross floor area for each use, tenant or unit shall be at least 8,000 square feet; however, any building standing alone

and comprising less than 8,000 square feet may be used for any permitted retail use within the zone.

(b) Restaurants, provided that fast-food and drive-through restaurants shall not be permitted.

(c) Office buildings for professional, executive or administrative purposes.

(d) Horse racetracks, horse racecourses, and accessory structures and premises wherein pari-mutuel wagering is permitted by the state.

(e) Municipal and other governmental facilities.

(f) Public utility installations and structures.

(g) Banks, financial institutions, insurance and real estate businesses.

(h) Fitness and recreational sports centers (NAICS 713940). [Added 6-26-2012 by Ord. No. O-12-15]

E. Permitted accessory uses in the RMZ-2 and RMZ-2A RMZ-3 Zones: same as for RMZ-1 (§ 190-158B).

F. ~~Uses permitted subject to issuance of a conditional use permit.~~

~~(1) Same as permitted in the RMZ-1 Zone.~~

~~(2) In the RMZ-2A Zone only, restaurants are permitted subject to the following: a minimum lot area of four acres, a minimum gross floor area of 5,000 square feet, a minimum of 225 seats, no drive-through service, a minimum parking ratio of one space for every four seats and approval of a planned development concept plan for the entire RMZ-2A Zone delineating existing critical environmental features including steep slopes, freshwater wetlands and transition areas, streams, floodplains, heritage trees, and adjacent structures and roadways within 200 feet and the location of planned land uses, access drives, site circulation for vehicles and pedestrians, parking areas, water and sanitary sewers, stormwater management and development phasing plans.~~

G. Area, yard and building requirements: as provided for in Schedule C at the end of this chapter, subject, however to the following:

(1) Within the mall outer loop road, in the RMZ-1 Zone, for regional mall ~~developments~~ shopping centers where the approved mall structure contains 400,000 square feet or more of gross leasable floor area, and preliminary and final site plan approval for the mall structure development area has been obtained, the approved site plan parcel of property may be subdivided into lots within the approved development area having minimum dimensions as follows and subject to the conditions contained in Subsection G(2) herein.

(a) Minimum lot area: 40,000 square feet.

(b) Minimum lot dimensions; lot frontage, width and depth: 100 feet.

(c) Impervious surface coverage (including maximum building coverage): Principal and accessory buildings, roadways and parking areas combined shall not exceed the coverage shown on the approved final site plan. Landscape areas for buildings, parking islands and other areas within the subdivided area shall not be less following subdivision than the approved final site plan.

(d) Minimum yard depths: zero feet for principal and accessory buildings.

(e) Minimum size of principal building in square feet: 80,000 square feet total.

(f) Floor area ratio: FAR shall not apply to individual subdivided parcels; provided, however, that each freestanding structure or structures shall comply with the required maximum impervious surface coverage requirements.

(g) Public or private utility structures supporting the common uses on the property shall have minimum setback and yard depths to lot lines of zero feet.

(2) On properties in the RMZ-2 Zone, for non-mall facilities and combinations of connected and unconnected structures on contiguous parcels containing a minimum of 25,000 square feet of gross floor area per structure, where the initial approved site was not less than eight acres, and for which preliminary and final site plan approval for the overall development of the parcel has been obtained; the approved site plan parcel of property may be subdivided into lots within the approved development area having minimum dimensions as follows and subject to the conditions contained in Subsection G(4) herein.

(a) Minimum lot area: 100,000 square feet.

(b) Minimum lot dimensions, lot frontage, width and depth: 150 feet.

(c) Impervious surface coverage (including maximum building coverage): same as §190-158G(1)(c).

(d) Minimum yard depths: zero feet for principal and accessory buildings where buildings are connected by common or back-to-back walls, enclosed or covered walkways.

(e) Minimum size of principal building in square feet: 25,000 square feet gross floor area.

(f) Floor area ratio: FAR shall not apply to individual subdivided parcels.

(g) Public and private utility structures supporting the common uses on the property shall have minimum setback and yard depths to lot lines of zero feet.

(3) The following conditions must be met before the municipal agency can approve the above area, yard and bulk requirements:

(a) All applicable requirements of the preliminary and final site plan approval other than as provided for above shall apply to the subdivided lots as if the site plan approved parcel had not been subdivided; and

(b) Any areas designed in the approved site plan to be used in common with other approved site plan uses, or for the benefit of the public, shall be required of the subdivided lots.

(c) All improvements required by Article IX, § 190-70 et seq., as approved on final site plan approval for the subdivided parcel shall continue to apply; and so long as the recording of common usage easements or agreements are made a condition of subdivision approval, the subdivided lots shall be deemed to comply with Article IX of this chapter.

(d) All off-street parking, loading and unloading requirements that apply to the unsubdivided parcel approved final site plan pursuant to Article XIV of this chapter shall be deemed to be in conformity as to the subdivided lots, so long as the recording of common usage easements or agreements are made a condition of approval.

(4) The subdivisions provided for in Subsection G(1) and (2) above may be granted as minor subdivisions without further public hearings.

(5) In the RMZ-2 ~~and RMZ-2A~~ Zones, development of improvements shall be architecturally compatible as to facade and roof treatments, materials and exterior colors used, and landscaping so as to create aesthetic compatibility with the primary improvements in the RMZ-1 Zone and other surrounding structures and natural features.

(6) In the RMZ-1 Zone, a maximum of three (3) pad sites may be developed with freestanding commercial uses, which may be located within or outside of the mall outer loop road (Winners Circle). Subdivision shall not be required. Pad sites shall be subject to the following area, yard and bulk requirements:

(a) Pad site building footprints shall not exceed 25,000 square feet. Impervious coverage, building coverage, and floor area ratio shall be subject to the overall requirements for the RMZ-1 Zone as set forth in Schedule C.

(b) The minimum building setback shall be 25 feet from any property line or internal roadway. The minimum setback for accessory structures shall be 10 feet from same.

(c) Pad site buildings shall not be located within 500 feet of another pad site building except where separated by Winners Circle, Raceway Mall Drive, or Trotters Way.

(d) The number of parking spaces required for each pad site use shall be included in the overall parking calculation for the regional mall shopping center as determined by §190-163 of this chapter. Parking spaces serving each pad site use shall be adjacent to the use and shall not require pedestrian crossing of Winners Circle, Trotters Way, or Raceway Mall Drive.

(e) Pad site buildings shall have architectural treatments on all four sides and shall be architecturally compatible as to facade and roof treatments, materials and exterior colors used, and landscaping so as to create aesthetic compatibility with the primary improvements in the RMZ-1 Zone and other surrounding structures and natural features.

H. No Change

VII

Article XIV, Off-Street Parking, Loading and Unloading Requirements, §190-163, Minimum Parking Spaces is hereby amended to read as follows:

§190-163 Minimum Parking Spaces

<u>Use</u>	<u>Minimum Number of Spaces</u>	<u>Per</u>
Single or multifamily dwellings		Per New Jersey Site Improvement Standards (N.J.A.C. 5:21)
Mobile homes		Per New Jersey Site Improvement Standards (N.J.A.C. 5:21)
Auditoriums, houses of worship, theaters, stadia, community centers, union halls, and similar places of assembly	1	4 seats or for every 4 persons who may be legally admitted, whichever is maximum
Automobile service stations	2	Plus 1 per 200 square feet of floor area
Banks, financial and business offices and professional offices	1	For each and every 200 square feet gross floor area on first floor plus 1 per 300 gross square feet on any additional floors
Barber- and beauty shops	1 1/2	Barber or beauty chair, plus 1 per employee
Bowling alleys	5	Alley
Cemeteries	1	400 square feet of gross floor area for office
Drive-in restaurants, car-hops	1	Every 3 customer tables or booths, plus 1 for every 2 counter seats, plus 1 for every 2 employees
Health clubs	1	100 square feet, plus 1 per employee
Hospitals	1	4 beds, plus 1 per 2 employees and staff on maximum shift
Hotels, motels, rooming houses and boardinghouses	1	Sleeping or dwelling unit, plus 1 per employee, plus parking for any ancillary use based on the standards of this section
Industrial or manufacturing establishments	1 1/2	Every employee on maximum shift
Laundromats	1	2 washing machines
Life care facilities		
Nursing home	1	4 beds, plus 1 per employee for maximum shift
Congregate care/assisted life	1	3 beds, plus 1 per employee for largest shift
Individual living/personal care	1	2 beds, plus 1 per employee
Manufacturing	1	300 square feet

<u>Use</u>	<u>Minimum Number of Spaces</u>	<u>Per</u>
Mixed-use industrial/flex-office	1	Every 1.5 employees on the maximum shift for manufacturing area, plus 1 for every 5,000 square feet for storage area, plus 1 per 200 square feet of office area
Motor vehicle sales and service	1	200 square feet of floor area
Restaurants, luncheonettes cafeterias, bars, diners, nightclubs and taverns	1	2 persons allowed within the maximum occupancy load established by fire, building or health codes
Retail and service stores, except as otherwise specified	1	125 square feet of floor area
Retail furniture and appliance	1	300 square feet of floor area
Supermarkets, convenience stores and self-service food stores	2	100 square feet of floor area for the first 10,000 square feet, plus 1.5 per 1,000 square feet for the floor area greater than 10,000 square feet (storage areas and food preparation and processing areas may be excluded)
Swim clubs	1	2 memberships
Veterinarian/veterinarian hospitals	6	Doctor or examination room, whichever is greater
Warehouse	1	5,000 square feet

NOTE: When and wherever any of the uses above or other permitted uses are so combined or commingled in such a manner so as to constitute a regional mall shopping center, shopping center, shopping plaza or other combination of commercial, office, industrial or other facilities, except hotels or motels, the following parking requirements shall apply, in lieu of those stated heretofore:

Use	Number of Spaces
Shopping center containing more than 10,000 square feet but less than 100,000 square feet of gross leasable floor area	5.5 per 1,000 square feet of gross leasable floor area between 10,000 square feet and 100,000 square feet when the center includes a convenience store; centers which do not include a convenience store and/or supermarket shall provide a minimum of 5.0 parking spaces per 1,000 square feet of gross leasable floor area
Shopping center containing greater than 100,000 square feet and up to 350,000 square feet of gross leasable floor area.	5.5 per 1,000 square feet of gross leasable floor area for the first 10,000 to 100,000 square feet, plus 5.0 per 1,000 square feet for gross leasable area between 100,000 and 350,000 square feet; centers which do not include a convenience store and/or supermarket shall provide a minimum of 5.0 parking spaces per 1,000 square feet of gross leasable floor area
Shopping center containing greater than 350,000 square feet of gross leasable floor area; <u>or any shopping center in the RMZ-2 Zone</u>	4.5 per 1,000 square feet of gross leasable floor area ⁽⁴⁾
<u>Regional mall shopping center</u>	<u>4.0 per 1,000 square feet of gross leasable floor area⁽¹⁾</u>

Other As specified by the Planning Board based upon recognized national parking standards, including Urban Land Institute, Parking Generation by Institute of Traffic Engineers or other nationally recognized parking standards

NOTES:

(1) A parking management plan (PMP) shall be submitted and approved by the reviewing board if gross leasable floor area of an existing regional mall shopping is increased by 50,000 square feet or greater which details peak day parking requirements and plans for employee off-site, remote or peripheral area parking; shuttle bus service for employees and/or customers; valet parking for customers; shared parking with non-shopping-center facilities, including commuter parking facilities; and other planned programs for reducing peak-period parking requirements at the designated customer parking areas.

VIII

Article XVII, Signs, §190-176, General Requirements, is hereby amended to read as follows:

§190-176 General Requirements

A. – Z. No Change

AA. Electronic graphic display signs are permitted only in the RMZ-1 Regional Mall Zone in accordance with §190-181A, or on a site with an entertainment event center in accordance with the following:

(1)- (18) No Change

IX

Article XVII, Signs, §190-181, Signs permitted in RMZ Regional Mall Zones, is hereby amended to read as follows:

§190-181 Signs permitted in RMZ Regional Mall Zones

A. General requirements for Ppermitted signs in all RMZ Zones.

(1) – (5) No Change

~~(6) Along each public roadway that the mall fronts on directly, or on a contiguous parcel to the mall for which a sign structure easement has been obtained, the mall owner shall be permitted to erect one freestanding, illuminated, single-faced, double-faced or triple-faced sign designating the name and/or logo of the regional mall shopping center subject to the following:~~

~~(a) Lighting of the sign shall be by floodlights or spotlights at ground level or by internal or back lit forms of illumination.~~

~~(b) The sign shall be a maximum of 40 feet in height, including the support structure.~~

~~(c) No sign shall be erected closer than 50 feet from the edge of the right of way of any public roadway or closer than 25 feet to any adjacent lot line, other than a lot line for a lot owned by the mall owner.~~

~~(d) The enclosed face of each side of the sign shall not exceed 300 square feet.~~

(e) Where there is insufficient room at a public roadway entrance to install a sign in accordance with Subsection A(6)(a) through (d) above, the mall owner may install an entrance sign designed in accordance with Subsection A(8) and all of Subsection B.

~~(7) Separate mall-related activity signs may be placed by the mall owner at each of the main access roads to the mall on property owned by the mall owner or contiguous thereto, providing information as to events on the mall or contiguous properties, public interest messages, or for other directory and informational purposes as freestanding signs providing for one, two or three faces with a maximum printed area of 50 square feet per side, being a maximum of six feet high and being either internally or back lit illuminated. These signs, if provided for as an enclosed sign contained within the mall signs set forth in Subsection A(6) above so that this sign is combined within the enclosure of the freestanding mall signs, may be one, two or three sided and 180 square feet maximum sign area on each side.~~

~~(8) Additional directional signs utilizing the appropriate logo may be placed at various locations along the access roads and parking areas for directional purposes. These signs shall be freestanding, no more than eight feet in height and containing no more than 32 square feet of sign space on each side. They shall be internally illuminated, backlit or illuminated by ground spotlights or floodlights.~~

~~(9) (6) Mall identification signs may be painted on permanent utility structures with the express consent of the utility structure owner entity on one, two or more sides limited however to mall identification, logo and location script subject to the following:~~

~~(a) The total amount of painted sign space shall not exceed 30% of the solid face area of the utility structure;~~

~~(b) Illumination may be by spotlight and/or floodlight either ground-mounted or structure-mounted.~~

~~(10) The mall building itself, as well as each anchor department store structure attached to the mall building, may display one or more signs on the exterior of each wall of the building to identify its company name, logo and/or principal function or service. These signs shall be applied flat against the building facade or extend out from the building wall by not more than 15 inches at a location that is not extended above the top of the parapet or beyond the ends of the facade of any walls. Such signs shall be backlit, illuminated from within and/or under parapet or ground, flood or spotlighted. Such signs shall not exceed 15% of the exterior face area of each side of the building.~~

~~(11) Non mall or non mall attached buildings in the RMZ Zone shall be permitted those signs set forth below:~~

~~(a) Each principal structure may display one or more signs, to identify the occupants and their principal function or service, flat against the building facade, facing each street on which the lot fronts; provided however, that the total area of all such signs shall not exceed 10% of the surface area of each side of the building to which the signs are attached; and providing no facade sign shall be located on the rear facade of a building unless any loading and trash areas are adequately screened from view from adjoining~~

public roadways and the building rear facade is finished with the same materials as the exterior walls of the structure.

(b) Each lot may have one double-faced or triple-faced, freestanding, internally illuminated or nonilluminated monument-type sign not exceeding 20 feet in height and 45 square feet in area per sign face. For a retail commercial development or shopping center containing more than 300,000 square feet of floor area on a lot with more than 2,000 feet of frontage, two freestanding signs may be erected. The signs may be single-faced or double-faced and may contain not more than 200 square feet in area per sign face. The face of all freestanding signs shall be of a recognized geometric shape and shall not contain characters or graphics exceeding three inches in relief from the sign face. No freestanding sign shall be located closer than 25 feet to any property line or building line.

(c) For uses which exceed 25,000 square feet of gross floor area additional directional signs as set forth in Subsection A(8) may be installed.

(d) Theaters, cultural and recreational centers may erect one freestanding or attached sign of the type and size set forth in Subsection A(7) above, in addition to a similar sign on their own lot, along each public roadway on which the RMZ Zone fronts where the sign location is not within 300 feet of a residential zone.

(e) One temporary real estate sign shall be permitted to advertise a property for sale, rental or lease. Such sign shall be located only on the aforesaid property which is for sale, rental or lease. Such sign shall not exceed 150 square feet in surface area if it is a single-faced sign or 300 square feet if a double-faced sign.

B. Requirements for freestanding signs.

(1) The owner of the regional mall shopping center in the RMZ-1 Zone shall be permitted to erect one (1) freestanding illuminated sign along each public roadway on which the regional mall shopping center fronts directly, or where a sign structure easement has been obtained on a contiguous parcel with frontage on a public roadway.

(a) Each freestanding sign shall be constructed as a single-faced or double-faced sign. Each sign shall be illuminated by floodlights or spotlights at ground level or by internal or back lit forms of illumination and/or include an electronic graphic display sign in accordance with Subsection B(2).

(b) Each sign shall designate the name and/or logo of the regional mall shopping center, the names and/or logos of up to eight (8) stores/tenants of the regional mall shopping center or a contiguous property, and/or provide information as to events related to the regional mall shopping center or a contiguous property. No more than 50% of store/tenant panels may measure the full width of the sign. If an electronic graphic display sign is provided in accordance with Subsection B(2), no more than four (4) additional names and/or logos of stores/tenants may be displayed on the electronic portion of the sign, such that a maximum of twelve (12) stores/tenants are visible at any given time.

(c) No freestanding sign shall exceed the following heights, including the support structure, along a public roadway frontage:

[1] Route 537: 40 feet

[2] Route 33 & Route 9: 45 feet

(d) No freestanding sign shall be erected closer than 20 feet from the right-of-way of Route 33; 30 feet from the right-of-way of any other public roadway; or closer than 25 feet to any adjacent lot line, other than a lot line for a lot located within the RMZ-1 or RMZ-2 Zone.

(e) The area of the enclosed face of each side of the sign shall not exceed 500 square feet.

(f) The distance from ground level to the bottom of the enclosed face of each side of the sign shall not be less than 12 feet, except that if a raised decorative landscape planter is provided, the distance from ground level to the bottom of the sign face may be reduced to 10 feet. Such a raised decorative planter structure may not exceed than 3 feet in height.

(2) Electronic graphic display signs shall be allowed only as part of the enclosed face of a freestanding sign constructed along Route 33 or Route 9 as permitted per Subsection B(1). Such signs shall be subject to the requirements of §190-176AA, except as follows:

(a) Setback. The leading edge of the sign must be a minimum distance of 500 feet from an abutting single-family residential district boundary.

(b) Orientation. When located within 750 feet of a single-family residential district boundary, any part of the electronic graphic display sign shall be oriented so that no portion of the sign face is visible from an existing or permitted principal structure on that lot.

(c) Electronic display area. The electronic graphic display area shall not exceed 50% of the total area.

(d) Limitation of characters. There shall be no limitation of characters on a sign, provided that it meets the requirements of Subsection B(2)(e) below.

(e) Limitation of Content. Content displayed on the electronic display sign shall be limited to signage and advertising related to the regional mall shopping center and its tenants, tenants on adjacent lots within RMZ zones, and events, promotions and activities that will occur on the site within two months of signage display. All content shall be in accordance with Subsection B(1)(b).

(3) In the RMZ-2 and RMZ-3 Zones, the following freestanding signs shall be permitted:

(a) For a retail commercial development or shopping center containing more than 150,000 square feet of floor area, one (1) freestanding sign may be erected per 1,000 feet of frontage. The sign(s) may be single-faced or double-faced, may contain no more

than 200 square feet in area per sign face, and may not exceed 20 feet in height. The face of all freestanding signs shall be of a recognized geometric shape and shall not contain characters or graphics exceeding three inches in relief from the sign face. No freestanding sign shall be located closer than 25 feet to any property line or building.

(b) Theaters shall be permitted up to two (2) freestanding signs providing for one, two or three faces with a maximum printed area of 50 square feet per side, being a maximum of six (6) feet high and being either internally or back-lit illuminated. One (1) such sign shall be located along a public roadway on which the RMZ-2 Zone fronts where the sign location is not within 300 feet of a residential zone and one (1) shall be located on the lot on which the theater is located.

(c) For all other uses, each lot may have one double-faced or triple-faced, freestanding, internally illuminated or nonilluminated monument-type sign not exceeding 20 feet in height and 45 square feet in area per sign face.

(d) One temporary real estate sign shall be permitted to advertise a property for sale, rental or lease. Such sign shall be located only on the aforesaid property which is for sale, rental or lease. Such sign shall not exceed 150 square feet in surface area if it is a single-faced sign or 300 square feet if a double-faced sign.

(4) Directional and/or directory signs may be placed at various locations along the access roads and parking areas for purposes related to the regional mall shopping center, its anchor stores, or any use in an RMZ Zone which exceeds 25,000 square feet of gross floor area. Such signs shall identify parking and loading areas, entrances, exits, mall-related activity, public interest messages, or similar features for the convenience of the general public. These signs shall be freestanding, no more than eight feet in height and containing no more than 50 square feet of sign space on each side. They shall be internally illuminated, backlit or illuminated by ground spotlights or floodlights.

C. Requirements for wall signs.

(1) Wall signs attached to a regional mall shopping center in the RMZ-1 Zone shall be subject to the following requirements:

(a) Each anchor store, mall tenant with an exterior entrance, or the regional mall shopping center as a whole shall be permitted to install wall signs identifying the name, logo, and/or principal function or service on one or more building facades.

(b) Up to two (2) walls signs identifying the name, logo, and/or principal function or service of mall tenants without exterior entrances shall be permitted at each common entrance to the regional mall shopping center. Such signs may be located above the entrance, beside the entrance, or below the parapet or roofline.

(c) The total area of all signs on each side of the building shall not exceed 15% of the exterior face area of such building side to which the signs are attached.

(d) Wall signs shall be applied flat against the building facade or extend out from the building wall by not more than 15 inches at a location that is not extended above the top of the parapet or beyond the ends of the facade of any walls.

(e) Wall signs shall be backlit, illuminated from within and/or under parapet or ground-, flood- or spotlighted.

(2) Wall signs attached to all other principal structures in an RMZ Zone shall be subject to the following requirements:

(a) All principal structures shall be permitted to install one or more wall signs, to identify the occupants and their principal function or service, flat against the building facade, facing each public street or internal roadway on which the structure fronts

(b) The total area of all signs on each side of a building shall not exceed 10% of the exterior face area of such building side to which the signs are attached.

(c) No wall sign shall be located on the rear facade of a building unless any loading and trash areas are adequately screened from view from adjoining public roadways and the building rear facade is finished with the same materials as the exterior walls of the structure.

B. D. Prohibited signs. All signs prohibited by § 190-175 as well as all signs not specifically permitted above are prohibited.

C. E. Application and approval procedures.

(1) Applications for signs provided for in Subsection A ~~(1), (2), (3), (4), (5) and (9)~~ of this §190-181 shall be allowed without the necessity of filing for a sign permit.

(2) Applications for new signs provided for in Subsections A(6), (7), (8), (10) and (11) B and C of this §190-181 shall be applied for to the Planning Board of the Township of Freehold by the filing of an architect's rendering of the types of signs to be installed setting forth architectural schematics of the signs providing for the height, width, amount of enclosed surface area on each side of the sign, color scheme, illumination, construction details and such other information as is necessary to determine compliance with the terms and provisions of this subsection together with a site plan setting forth the proposed locations of each of said signs which should be superimposed on a copy of the approved site plan for the mall development and such contiguous properties as are necessary. Approval of the signs shall be by a sign permit issued by the Construction Code Official after review and approval by the Planning Board.

(3) No Change

(4) No Change

(5) Graphic content of the sign may be modified without obtaining a new sign approval, provided that the proposed graphic content if originally submitted would have complied with the applicable provisions of this section and further provided that any condition of approval of a specific sign receiving conditional recommendation of the Planning Board shall not be modified

without additional review and recommendation by the Planning Board as to the graphic content modification.

(6) A sign approval once issued shall continue unless the specific sign structure permitted is abandoned, removed, moved more than five feet, or increased to a size which exceeds the allowed face size or height of the sign at any time. Replacement, renovation, maintenance and/or repair of a permitted sign shall not affect the sign permit.

D. Fees for signs.

(1) No Change

(2) There shall be an initial review fee as provided in §150-15D of Chapter 150, Fees, and an annual fee thereafter in accordance with ~~§ 150-15D~~ §150-62A(5) of Chapter 150 for signs provided for in Subsection ~~C(2)~~ E(2) above.

(3) There shall be an initial review fee as provided in §150-15D of Chapter 150, Fees, and an annual fee thereafter in accordance with ~~§ 150-15D~~ §150-62A(5) of Chapter 150 for each sign provided in Subsection ~~C(3)~~ E(3) above.

(4) No Change

E. General standards.

(1) All signs, unless specifically stated otherwise in this subsection, shall relate solely to the ownership, trade name, logo, use or occupancy of the property upon which the sign is located and/or affixed or for which a sign structure easement has been obtained; other than for recreational facility and informational and event signs; and/or directional signs where properties are interconnected by common driveways and/or common parking areas.

~~(2) Graphic content of the sign may be modified without obtaining a new sign approval, provided that the proposed graphic content if originally submitted would have complied with the applicable provisions of this section and further provided that any condition of approval of a specific sign receiving conditional recommendation of the Planning Board shall not be modified without additional review and recommendation by the Planning Board as to the graphic content modification.~~

~~(3)-(11)~~ (2) - (10) No Change

~~(12) A sign approval once issued shall continue unless the specific sign structure permitted is abandoned, removed, moved more than five feet, or increased in size to a size which exceeds the allowed face size or height of the sign at any time. Replacement, renovation, maintenance and/or repair of a permitted sign shall not affect the sign permit~~

~~(13)-(11)~~ (11) No Change

EXPLANATORY STATEMENT

The purpose of this Ordinance is to update certain zoning and land use requirements related to Freehold Township's RMZ-1 and RMZ-2 Regional Mall Zones by amending Chapter 190, Land Use, Article XI, Zones and Schedules of Requirements; Article XIII, Zone Regulations; Article XIV, Off-Street Parking, Loading and Unloading Requirements; and Article XVII, Signs, to update definitions for new and existing uses; eliminate the RMZ-2A Zone and rezone said properties to RMZ-1 and RMZ-2; permit certain new principal, accessory, and conditional uses in the RMZ-1 Zone and RMZ-2 Zones; establish site development standards related to pad sites in the RMZ-1 Zone; amend the parking requirements for shopping centers in the RMZ-1 and RMZ-2 Zones; and amend permitted signage in the RMZ-1 and RMZ-2 zones.

ORDINANCE NO. O-21-11
TOWNSHIP MEETING DATE: May 25, 2021

AN ORDINANCE AMENDING CHAPTER 190 (LAND USE), ARTICLE XII (GENERAL ZONING PROVISIONS), SECTION 190-117 (PROHIBITION OF USES) AND ARTICLE XIII (ZONE REGULATIONS), CHAPTER 190 (LAND USE), SECTION 190-149 (HOSPITAL ZONE H-1) OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF FREEHOLD, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

WHEREAS, on October 9, 2018, the Township of Freehold adopted Ordinance O-18-12 providing for the prohibition of various marijuana facilities throughout the Township; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act provides, in relevant part, that “any ordinance enacted by a municipality prior to the effective date of this section addressing the issue of prohibiting one or more types of cannabis-related activities within the jurisdiction of the municipality is null and void[;]” and

WHEREAS, the Act authorizes municipalities to prohibit by ordinance the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality, except for the delivery of cannabis items and related supplies by a delivery service based and initiated from outside of the municipality; and

WHEREAS, the Township of Freehold wishes to amend its ordinances to provide for the prohibition of cannabis businesses in accordance with the Act.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Freehold, County of Monmouth, and State of New Jersey as follows:

I

Chapter 190 (Land Use), Article XII (General Zoning Provisions), Section 190-117 (Prohibition of Uses) is hereby amended as follows (additions are underlined, and deletions are in [brackets]):

Section 190-117 – Prohibition of Uses.

A. [No change.]

B. [~~For purposes of clarity, and not in any manner diluting the all-encompassing prohibition of Subsection A above, from time to time, given the advent of new uses, which may evolve and which may bear similarities to uses either permitted or conditionally permitted in certain zones, the following are descriptions of specifically prohibited uses:~~

~~(1) Retail or wholesale establishments, businesses, persons or entities selling or offering for sale:~~

~~(a) Marijuana or marijuana products, whether for medicinal and/or recreational use;~~

~~(b) Paraphernalia that facilitates any use of marijuana, including but not limited to inhalation, ingestion or injection of any substance which contains marijuana.~~

~~(2) The growing, cultivation or harvesting of any type of marijuana plant, including but not limited to cannabis sativa, cannabis indica, and cannabis ruderalis.]~~

For purposes of clarity, and not in any manner diluting the all-encompassing prohibition of Subsection A above, this Subsection B shall provide for specifically prohibited uses.

(1) Definitions.

a. “Cannabis” means all parts of the plant Cannabis sativa L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with P.L. 2016, c. 16 for use in cannabis products as set forth in this act, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. “Cannabis” does not include: medical cannabis dispensed to registered qualifying patients pursuant to the “Jake Honig Compassionate Use Medical Cannabis Act,” P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.); marijuana as defined in N.J.S.2C:35-2 and applied to any offense set forth in chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L.2001, c.114 (C.2C:35B-1 et seq.), or marihuana as defined in section 2 of P.L.1970, c.226 (C.24:21-2) and applied to any offense set forth in the “New Jersey Controlled Dangerous Substances Act,” P.L.1970, c.226 (C.24:21-1 et al.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the “New Jersey Hemp Farming Act,” P.L.2019, c.238 (C.4:28-6 et al.).

- b. “Cannabis cultivator” means any licensed person or entity that grows, cultivates, or produces cannabis in this State, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.
- c. “Cannabis delivery service” means any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer.
- d. “Cannabis distributor” means any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment, and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities.
- e. “Cannabis manufacturer” means any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.
- f. “Cannabis retailer” means any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer.
- g. “Cannabis wholesaler” means any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers.

(2) Prohibition of Cannabis Uses. All cannabis cultivators, cannabis delivery services, cannabis distributors, cannabis manufacturers, cannabis retailers, and cannabis wholesalers are hereby prohibited from operating anywhere in the Township of Freehold, except for the delivery of cannabis items and related supplies by a licensed cannabis delivery service based and initiated from a cannabis delivery service licensed location outside of the Township of Freehold.

II

Chapter 190, Land Use, Article XIII, Zone Regulations, Section 190-149, Hospital Zone H-1, is hereby amended to read as follows:

190-149 Hospital Zone H-1.

A. Permitted Uses.

(1) – (5) No change.

(6) Medical cannabis dispensary as defined in N.J.S.A. 24:61-3 with or without an indoor medical consumption area on premises. Any indoor on premises consumption area shall comply with N.J.S.A. 24:61-21. No outdoor onsite consumption area shall be permitted.

B. – C. No change.

III

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

IV

If any section, subparagraph, sentence, clause or phrase of this Ordinance shall be held to be invalid, such decisions shall not invalidate the remaining portion of this Ordinance.

V

This Ordinance shall take effect upon adoption and publication according to law and filing in the Office of the Monmouth County Planning Board.

EXPLANATORY STATEMENT:

This Ordinance repeals and replaces certain provisions of Chapter 190 (Land Use), Article XII (General Zoning Provisions), Section 190-117 (Prohibition of Uses) of the Revised General Ordinances of the Township of Freehold which were rendered void by the adoption of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act. This Ordinance prohibits various classes of cannabis establishments within the Township in accordance with the municipal authority granted by the Act, but permits medical cannabis dispensaries in the H-1 zone.

ORDINANCE NO. O-21-12
TOWNSHIP MEETING DATE: May 25, 2021

AN ORDINANCE CREATING CHAPTER 251 (RECREATIONAL CANNABIS) OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF FREEHOLD, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act provides that municipalities may enact ordinances to prohibit the possession or consumption of cannabis items by underage persons on private property; and

WHEREAS, the Act also provides that municipalities may enact ordinances to make it unlawful for a person of legal age to consume, other than by smoking, vaping, or aerosolizing, a lawful cannabis item in a public place; and

WHEREAS, the Township of Freehold wishes to amend its ordinances to prohibit the consumption of cannabis items in accordance with the grants of municipal authority provided in the Act.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Freehold, County of Monmouth, and State of New Jersey as follows:

I

Chapter 251 (Recreational Cannabis) is hereby created as follows:

Chapter 251 – Recreational Cannabis.

§ 251-1 Purpose

The purpose of this chapter is the prohibition of the consumption of cannabis items within the Township of Freehold to the extent possible pursuant to P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act”.

§ 251-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

“Cannabis” means all parts of the plant *Cannabis sativa* L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with P.L. 2016, c. 16 for use in cannabis products as set forth in this act, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. “Cannabis” does not include: medical cannabis dispensed to registered qualifying patients pursuant to the “Jake Honig Compassionate Use Medical Cannabis Act,” P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.); marijuana as defined in N.J.S.2C:35-2 and applied to any offense set forth in chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L.2001, c.114 (C.2C:35B-1 et seq.), or marihuana as defined in section 2 of P.L.1970, c.226 (C.24:21-2) and applied to any offense set forth in the “New Jersey Controlled Dangerous Substances Act,” P.L.1970, c.226 (C.24:21-1 et al.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the “New Jersey Hemp Farming Act,” P.L.2019, c.238 (C.4:28-6 et al.).

“Cannabis item” means any usable cannabis, cannabis product, cannabis extract, and any other cannabis resin. “Cannabis item” does not include: any form of medical cannabis dispensed to registered qualifying patients pursuant to the “Jake Honig Compassionate Use Medical Cannabis Act,” P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the “New Jersey Hemp Farming Act,” P.L.2019, c.238 (C.4:28-6 et al.).

§ 251-3 Prohibition of Possession or Consumption of Cannabis Items by Underage Persons on Private Property.

- A. No person under the legal age may, without legal authority, knowingly possess or knowingly consume, other than by smoking, vaping, or aerosolizing, any cannabis item on private property.
- B. Any adult under the legal age to purchase cannabis items found to be in violation of this section shall be subject to the following penalties:
 - (1) If the cannabis item possessed is an amount which may be lawfully possessed by a person of the legal age to purchase cannabis items pursuant to section 46 of P.L.2021, c.16 (C.2C:35-10a): for a first offense, a civil penalty of \$100; for a second offense, a civil penalty of \$200; and for a third or subsequent offense, a fine of \$350.
 - (2) If the cannabis item possessed is an amount that exceeds what may be lawfully possessed by a person of the legal age to purchase cannabis items pursuant to section 46 of P.L.2021, c.16 (C.2C:35-10a), or if any cannabis item is consumed: for a first offense, a fine of \$250; and for a second or subsequent offense, a fine of \$350.

§ 251-4 Prohibition of Consumption of Cannabis Items on Public Property.

- A. No person 21 years of age or older may consume, other than by smoking, vaping, or aerosolizing, any cannabis item in a public place, including any indoor public place as that term is defined in section 3 of P.L.2005, c.383 (C.26:3D-57), or portion thereof.
- B. Any person found to be in violation of this section shall be subject to a civil penalty of up to \$200.

II

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

III

If any section, subparagraph, sentence, clause or phrase of this Ordinance shall be held to be invalid, such decisions shall not invalidate the remaining portion of this Ordinance.

IV

This Ordinance shall take effect upon adoption and publication according to law and filing in the Office of the Monmouth County Planning Board.

EXPLANATORY STATEMENT:

This Ordinance creates Chapter 251 (Recreational Cannabis) of the Revised General Ordinances of the Township of Freehold to prohibit the consumption of cannabis items in accordance with the grants of municipal authority provided in the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act.



Resolution of the Township of Freehold
Monmouth County, New Jersey

No: R-21-112

Date of Adoption: May 25, 2021

**TITLE: RESOLUTION ACKNOWLEDGING RECEIPT AND REVIEW OF
PLANNING BOARD REPORT RE: ORDINANCE NO. O-21-9**

- - - R E S O L U T I O N - - -

WHEREAS, the Township Committee introduced Ordinance No. O-21-9 on April 27, 2021 referred it to the Planning Board, pursuant to N.J.S.A. 40:55D-26(a); and,

WHEREAS, on May 6, 2021 the Planning Board reported its findings on the Ordinance to the Township Committee and finds it to be consistent with the Freehold Township Master Plan as stated in the Board's most recent Master Plan Re-examination and Amendments;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee acknowledges receipt that it has reviewed the Planning Board report;

BE IT FURTHER RESOLVED that a copy of this Resolution, certified by the Township Clerk to be a true copy, be forwarded to the Planning Board Secretary.

No. R-21-112

VOTE OF THE TOWNSHIP COMMITTEE							
COMMITTEEMAN	I	S	Y	N	NV	AB	
Mr. Ammiano							
Mrs. Fasano							
Mr. Preston							
Mr. Walker							
Mayor Cook							

I-Introduced By S-Seconded By X- Indicates Vote NV- Not Voting AB- Absent



Resolution of the Township of Freehold
Monmouth County, New Jersey

No: R-21-113

Date of Adoption: May 25, 2021

TITLE: RESOLUTION DISBURSING OVERPAYMENTS OF TAXES

- - - R E S O L U T I O N - - -

WHEREAS, a certain property owner has credit balances on their account; and,

WHEREAS, the following Taxpayer Schedules include 2014, 2015, 2016 and 2017 State Judgments, creating overpayments, applicable to the block and lot and in the amounts set forth; and,

WHEREAS, the Tax Collector of the Township of Freehold has certified to the Township Committee of the Township of Freehold that the items designated with the word "REFUND" on Schedules A, B, C and D be refunded to the name appearing below;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Freehold that the refunds be made to the taxpayer appearing on Schedules A, B, C and D and the check for the aforesaid refunds be issued by the Treasurer;

BE IT FURTHER RESOLVED that the Tax Collector is hereby authorized to make corrections and notations upon the Municipal records as may be necessary to effect this Resolution;

BE IT FURTHER RESOLVED by the Township Committee of the Township of Freehold that the Township Clerk is hereby authorized to forward a certified copy of the within Resolution to the Tax Collector and Treasurer/Director of Finance.

SCHEDULE A
2014 - STATE TAX APPEAL - REFUND

5 19.03	METZ FAMILY LTD PARTNERSHIP % BRACH EICHLER, LLC 101 EISENHOWER PARKWAY ROSELAND, NJ 07068	\$22,149.61
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SCHEDULE B
2015 - STATE TAX APPEAL - REFUND

5 19.03	METZ FAMILY LTD PARTNERSHIP % BRACH EICHLER, LLC 101 EISENHOWER PARKWAY ROSELAND, NJ 07068	\$31,730.80
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SCHEDULE C
2016 - STATE TAX APPEAL - REFUND

5 19.03	METZ FAMILY LTD PARTNERSHIP % BRACH EICHLER, LLC 101 EISENHOWER PARKWAY ROSELAND, NJ 07068	\$25,663.87
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SCHEDULE D
2017 - STATE TAX APPEAL - REFUND

5 19.03	METZ FAMILY LTD PARTNERSHIP % BRACH EICHLER, LLC 101 EISENHOWER PARKWAY ROSELAND, NJ 07068	\$23,719.54
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	TOTAL	\$103,263.82
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TOTAL REFUNDED \$103,263.82

No. R-21-113

VOTE OF THE TOWNSHIP COMMITTEE							
COMMITTEEMAN	I	S	Y	N	NV	AB	
Mr. Ammiano							
Mrs. Fasano							
Mr. Preston							
Mr. Walker							
Mayor Cook							

I-Introduced By S-Seconded By X- Indicates Vote NV- Not Voting AB- Absent



Resolution of the Township of Freehold
Monmouth County, New Jersey

No: R-21-114

Date of Adoption: May 25, 2021

TITLE: RESOLUTION APPROVING CONSOLIDATED BILLS LIST

--- RESOLUTION ---

BE IT RESOLVED by the Township Committee of the Township of Freehold that the vouchers listed on the Consolidated Bills List, in the amount of \$4,324,712.50 dated May 25, 2021 as presented by the Township Treasurer/Chief Financial Officer, be paid from existing appropriations subject to adoption of resolution authorizing expenditures.

No. R-21-114

VOTE OF THE TOWNSHIP COMMITTEE							
COMMITTEEMAN	I	S	Y	N	NV	AB	
Mr. Ammiano							
Mrs. Fasano							
Mr. Preston							
Mr. Walker							
Mayor Cook							

I-Introduced By S-Seconded By X- Indicates Vote NV- Not Voting AB- Absent



Resolution of the Township of Freehold
Monmouth County, New Jersey

No: R-21-115

Date of Adoption: May 25, 2021

TITLE: RESOLUTION TO AMEND THE FREEHOLD TOWNSHIP FIRE DISTRICT NO. 2 2021 BUDGET

- - - R E S O L U T I O N - - -

WHEREAS, the Freehold Township Fire District No. 2 2021 Budget was rejected by the voters of the District in a duly held election on April 20, 2021; and,

WHEREAS, the Public Hearing on said budget has been advertised on May 19, 2021 in the Asbury Park Press within thirty (30) days of the Fire District Election; and,

WHEREAS, The New Jersey State Division of Local Government Services requires that a budget amendment be submitted to them;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Freehold, in the County of Monmouth, State of New Jersey that the amendments to the rejected budget of 2021, are hereby made:

	FROM	TO
Revenues and Fund Balance Utilized		
Amount to be Raised by Taxation to		
Support the Budget	\$1,093,184.00	\$1,052,338.00
Total Anticipated Revenues	\$1,728,827.00	\$1,687,981.00
Appropriations		
Total Administration	\$ 170,000.00	\$ 150,000.00
Total Cost of Operations & Maintenance	769,581.00	748,735.00
Total Appropriations	\$1,728,827.00	\$1,687,981.00

BE IT FURTHER RESOLVED that two (2) certified copies of this Resolution be filed with the Director of the Division of Local Government Services for certification of the 2021 Freehold Township Fire District No. 2 Budget, so amended.

It is hereby certified that this is a true copy of a resolution amending the budget, adopted by the Governing Body on the 25th day of May, 2021.

No. R-21-115

VOTE OF THE TOWNSHIP COMMITTEE							
COMMITTEEMAN	I	S	Y	N	NV	AB	
Mr. Ammiano							
Mrs. Fasano							
Mr. Preston							
Mr. Walker							
Mayor Cook							

I-Introduced By S-Seconded By X- Indicates Vote NV- Not Voting AB- Absent



Resolution of the Township of Freehold

Monmouth County, New Jersey

No: R-21-116

Date of Adoption: May 25, 2021

TITLE: RESOLUTION AUTHORIZING RENEWAL OF SHARED SERVICES AGREEMENT FOR THE WESTERN MONMOUTH ACTIVE SHOOTER TRAINING GROUP

- - - R E S O L U T I O N - - -

WHEREAS, Freehold Township, Freehold Borough, Manalapan Township, Howell Township, Colts Neck Township, Englishtown Borough, Allentown Borough, Marlboro Township and the Monmouth County Sheriff's Department are interested in continuing the Western Monmouth Active Shooter Training Group, in which Freehold Township is the Lead Agency and Provider; and,

WHEREAS, this cooperative Agreement between the above entities is beneficial to the respective communities, allowing interagency standardization of active shooter response protocols and facilitating a rapid response and coordination in the likely event that officers from multiple agencies may be the first responders in neighboring communities for these types of incidents; and,

WHEREAS, an Agreement entitled "Shared Services Agreement - Western Monmouth Activer Shooter Training Group" has been proposed and found acceptable;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Freehold that the Mayor and Township Clerk are hereby authorized to execute the aforementioned Agreement;

BE IT FURTHER RESOLVED that a copy of the Agreement be maintained in the Township Clerk's Office and available for public inspection;

BE IT FURTHER RESOLVED that, pursuant to NJSA 40A:65-1, a certified copy of the within Resolution shall be forwarded to New Jersey Department of Community Affairs, Division of Local Government Services;

BE IT FURTHER RESOLVED that a certified copy of the within Resolution, and Agreements for execution, shall be forwarded to the Clerks of Freehold Borough, Manalapan Township, Howell Township, Colts Neck Township, Englishtown Borough, Allentown Borough, Marlboro Township and the Monmouth County Sheriff's Department; the Freehold Township Administrator; the Freehold Township Police Chief; the Freehold Township Police Captain; Freehold Township Lt. Jarrad Kodran; and the Freehold Township Director of Finance.

No. R-21-116

VOTE OF THE TOWNSHIP COMMITTEE							
COMMITTEEMAN	I	S	Y	N	NV	AB	
Mr. Ammiano							
Mrs. Fasano							
Mr. Preston							
Mr. Walker							
Mayor Cook							

I-Introduced By S-Seconded By X- Indicates Vote NV- Not Voting AB- Absent



Resolution of the Township of Freehold
Monmouth County, New Jersey

No: R-21-117

Date of Adoption: May 25, 2021

TITLE: RESOLUTION AUTHORIZING EXECUTION OF A SHARED SERVICES AGREEMENT WITH ENGLISHTOWN BOROUGH FOR INFORMATION TECHNOLOGY SERVICES

- - - R E S O L U T I O N - - -

WHEREAS, the Township of Freehold and the Borough of Englishtown are interested in Freehold Township providing Information Technology Services to the Borough of Englishtown; and,

WHEREAS, this cooperative Agreement between municipalities would be beneficial to the taxpayers in both municipalities; and,

WHEREAS, an Agreement entitled "Shared Services Agreement between Freehold Township and Englishtown Borough for Information Technology Services" has been proposed and found acceptable;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Freehold that the Administrator and Township Clerk are hereby authorized to execute the aforementioned Agreement;

BE IT FURTHER RESOLVED that a copy of the Agreement shall be maintained in the Township Clerk's Office upon passage of this Resolution and available for public inspection;

BE IT FURTHER RESOLVED that, pursuant to NJSA 40A:65-1, a certified copy of the within Resolution shall be forwarded to New Jersey Department of Community Affairs, Division of Local Government Services;

BE IT FURTHER RESOLVED that a certified copy of the within Resolution and copy of the Agreement be forwarded to the Englishtown Borough Administrator, the Freehold Township Administrator, the Freehold Township Director of Information Technology and the Freehold Township Director of Finance.

No. R-21-117

VOTE OF THE TOWNSHIP COMMITTEE							
COMMITTEEMAN	I	S	Y	N	NV	AB	
Mr. Ammiano							
Mrs. Fasano							
Mr. Preston							
Mr. Walker							
Mayor Cook							

I-Introduced By S-Seconded By X- Indicates Vote NV- Not Voting AB- Absent



Resolution of the Township of Freehold
Monmouth County, New Jersey

No: R-21-118

Date of Adoption: May 25, 2021

**TITLE: RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT
WITH CENTRASTATE FITNESS & WELLNESS CENTER**

- - - R E S O L U T I O N - - -

WHEREAS, the Township Committee and Administration of the Township of Freehold continue to be committed to the health and wellness of its employees; and,

WHEREAS, pursuant to the Local Public Contracts Law, three quotes were obtained for employee health and wellness facilities, services and programs; and,

WHEREAS, CentraState Fitness & Wellness Center, which provided the lowest conforming quote, has continued their gracious offer for Freehold Township employees to conduct a wellness initiative in their health and wellness by utilizing their facilities, services and programs; and,

WHEREAS, the Township of Freehold considers an employee fitness and wellness strategy critical in reducing the long-term exposure to certain preventable health insurance claims; and,

WHEREAS, the Purchasing Agent has determined and certified in writing that the value of the acquisition will not exceed the Township's bid threshold, but will exceed \$17,500 in vendor aggregation, pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and,

WHEREAS, the employees of the Township of Freehold are in agreement with the cost of a reduced price membership, and recognize this to be a voluntary program with an appropriate payroll deduction; and,

WHEREAS, said Agreement, to be attached to this Resolution, has been reviewed and approved by the Township Attorney; and,

WHEREAS, CentraState Fitness & Wellness Center has completed and submitted a Business Entity Disclosure Certification which certifies that CentraState Fitness & Wellness Center has not made any reportable contributions to a political or candidate committee in the Township of Freehold, County of Monmouth, in the previous one year, and that the contract will prohibit CentraState Fitness & Wellness Center from making any reportable contributions throughout the term of the contract; and,

WHEREAS, the Director of Finance has certified to the Township Clerk that funds are available in the following Budget Account:

1-01-23-220-220-210

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Freehold, that the Township Administrator is herein authorized to execute said Agreement with CentraState Fitness & Wellness Center in the amount of \$35,998.00;

BE IT FURTHER RESOLVED that the Township Clerk shall forward a certified copy of this Resolution and Agreement to Gail Goldstein, General Manager, CentraState Fitness & Wellness Center, 901 West Main Street, Freehold, NJ 07728; the Freehold Township Administrator; the Freehold Township Personnel Officer; the Freehold Township Health Officer; the Freehold Township Director of Finance and the Freehold Township Purchasing Agent;

BE IT FURTHER RESOLVED that the Township Clerk shall retain a copy of this Resolution, and a copy of the Agreement, in the Office of the Township Clerk.

No. R-21-118

VOTE OF THE TOWNSHIP COMMITTEE							
COMMITTEEMAN	I	S	Y	N	NV	AB	
Mr. Ammiano							
Mrs. Fasano							
Mr. Preston							
Mr. Walker							
Mayor Cook							

I-Introduced By S-Seconded By X- Indicates Vote NV- Not Voting AB- Absent



Resolution of the Township of Freehold

Monmouth County, New Jersey

No: R-21-119

Date of Adoption: May 25, 2021

TITLE: RESOLUTION AMENDING RESOLUTION R-21-100 ADOPTED ON APRIL 27, 2021 AUTHORIZING CONTRACTS FOR SPORTS CAMP DIRECTOR SERVICES AS AN EXTRAORDINARY UNSPECIFIABLE SERVICE

- - - R E S O L U T I O N - - -

WHEREAS, R-21-72 awarded Contracts for Sports Camp Director Services as an Extraordinary Unspecifiable Service on March 23, 2021 to the following Sports Camp Directors:

Patriot Pride BB	John Sciarappa	Not to Exceed \$ 8,000.00
Sharp Shooters BB	Brian Golub	Not to Exceed \$12,000.00
Patriot Shooters BB	Brian Golub	Not to Exceed \$12,000.00
Pre-Season BB Clinic	John Sciarappa	Not to Exceed \$ 3,000.00
Spring Track & Field	Todd Briggs	Not to Exceed \$12,000.00
Summer Track & Field	Todd Briggs	Not to Exceed \$12,000.00
Fall Track & Field	Todd Briggs	Not to Exceed \$12,000.00
Cross Country Camp	Todd Briggs	Not to Exceed \$12,000.00; and,

WHEREAS, R-21-100 was adopted on April 27, 2021 cancelling Patriot Shooters Basketball directed by Brian Golub and adding Patriot Soccer Camp directed by Dave Patterson and Joshua Mehl, in an amount not to Exceed \$12,000.00; and,

WHEREAS, Cross Country Camp directed by Todd Briggs, was charged to Parks and Recreation Trust Account T-49-56-150-408-299. Cross Country Camp should have been charged to Parks and Recreation Trust Account T-49-56-150-413-299, in an amount Not to Exceed \$16,000.00. The increased amount is due to more participants than expected; and,

WHEREAS, the amount of award for the Spring, Summer, Fall Track and Field, T-49-56-150-408-299 will be increased to an amount not to exceed \$16,000.00 per camp due to more participants than expected; and,

WHEREAS, The Township's Director of Finance has certified to the Township Clerk that funds are available in the following Parks and Recreation Trust Accounts:

T-49-56-150-413-299-Not to Exceed \$16,000.00
T-49-56-150-408-299 - Not to Exceed \$48,000.00

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Freehold hereby authorizes the Resolution amending the Parks and Recreation Trust Account to T-49-56-150-413-299 for Cross Country Camp in an amount not to exceed \$16,000.00 and amending the Parks and Recreation Trust Account T-49-56-150-408-299 for Spring, Summer, Fall Track and Field amount not to exceed \$16,000.00 per camp;

BE IT FURTHER RESOLVED that a certified copy of the within Resolution be forwarded to the Director of Finance, the Superintendent of Parks and Recreation, the Purchasing Agent and Todd Briggs.

No. R-21-119

VOTE OF THE TOWNSHIP COMMITTEE							
COMMITTEEMAN	I	S	Y	N	NV	AB	
Mr. Ammiano							
Mrs. Fasano							
Mr. Preston							
Mr. Walker							
Mayor Cook							

I-Introduced By S-Seconded By X- Indicates Vote NV- Not Voting AB- Absent



Resolution of the Township of Freehold
Monmouth County, New Jersey

No: R-21-120

Date of Adoption: May 25, 2021

TITLE: RESOLUTION DISBURSING OVERPAYMENTS OF TAXES

- - - R E S O L U T I O N - - -

WHEREAS, certain property owners have credit balances on their accounts; and,

WHEREAS, the following Taxpayer Schedule includes Overpayments of Taxes; creating overpayments, applicable to the blocks and lots and in the amounts set forth; and,

WHEREAS, the Tax Collector of the Township of Freehold has certified to the Township Committee of the Township of Freehold that the items designated with the word "REFUND" on Schedule A be refunded to the names appearing below;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Freehold that the refunds be made to the taxpayers appearing on Schedule A and the checks for the aforesaid refunds be issued by the Treasurer;

BE IT FURTHER RESOLVED that the Tax Collector is hereby authorized to make corrections and notations upon the Municipal records as may be necessary to effect this Resolution;

BE IT FURTHER RESOLVED by the Township Committee of the Township of Freehold that the Township Clerk is hereby authorized to forward a certified copy of the within Resolution to the Tax Collector and Treasurer/Director of Finance.

SCHEDULE A

2021 - OVERPAYMENT OF TAXES - REFUND

41.02	115	BAUM, KENNETH % ROBERT ZIRPOLI, ESQ 85 MAIN STREET - SUITE 301 HACKENSACK, NJ 07601	\$2,106.54
71.25	3	UNITED LAND TITLE 600 SYLVAN AVENUE - SUITE 102 ENGLEWOOD CLIFFS, NJ 07632	\$2,555.72
86.182	55.06	ABSOLUTE TITLE AGENCY 1733 SHEEPSHEAD BAY ROAD SUITE 38 BROOKLYN, NY 11235	\$1,377.95
90	13.08	WELLS FARGO REAL ESTATE TAX SERVICES ATTN: REFUNDS/FINANCIAL SUPPORT/R1 PO BOX 14506 DES MOINES, IA 50306	\$3,596.23
		TOTAL	\$9,636.44

TOTAL REFUNDED \$9,636.44

No. R-21-120

VOTE OF THE TOWNSHIP COMMITTEE							
COMMITTEEMAN	I	S	Y	N	NV	AB	
Mr. Ammiano							
Mrs. Fasano							
Mr. Preston							
Mr. Walker							
Mayor Cook							

I-Introduced By S-Seconded By X- Indicates Vote NV- Not Voting AB- Absent



Resolution of the Township of Freehold
Monmouth County, New Jersey

No: R-21-120

Date of Adoption: May 25, 2021

TITLE: RESOLUTION DISBURSING OVERPAYMENTS OF TAXES

- - - R E S O L U T I O N - - -

WHEREAS, certain property owners have credit balances on their accounts; and,

WHEREAS, the following Taxpayer Schedule includes Overpayments of Taxes; creating overpayments, applicable to the blocks and lots and in the amounts set forth; and,

WHEREAS, the Tax Collector of the Township of Freehold has certified to the Township Committee of the Township of Freehold that the items designated with the word "REFUND" on Schedule A be refunded to the names appearing below;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Freehold that the refunds be made to the taxpayers appearing on Schedule A and the checks for the aforesaid refunds be issued by the Treasurer;

BE IT FURTHER RESOLVED that the Tax Collector is hereby authorized to make corrections and notations upon the Municipal records as may be necessary to effect this Resolution;

BE IT FURTHER RESOLVED by the Township Committee of the Township of Freehold that the Township Clerk is hereby authorized to forward a certified copy of the within Resolution to the Tax Collector and Treasurer/Director of Finance.

SCHEDULE A
2021 - OVERPAYMENT OF TAXES - REFUND

41.02	115	BAUM, KENNETH % ROBERT ZIRPOLI, ESQ 85 MAIN STREET - SUITE 301 HACKENSACK, NJ 07601	\$2,106.54
71.25	3	UNITED LAND TITLE 600 SYLVAN AVENUE - SUITE 102 ENGLEWOOD CLIFFS, NJ 07632	\$2,555.72
86.182	55.06	ABSOLUTE TITLE AGENCY 1733 SHEEPSHEAD BAY ROAD SUITE 38 BROOKLYN, NY 11235	\$1,377.95
90	13.08	WELLS FARGO REAL ESTATE TAX SERVICES ATTN: REFUNDS/FINANCIAL SUPPORT/R1 PO BOX 14506 DES MOINES, IA 50306	\$3,596.23
		TOTAL	\$9,636.44

TOTAL REFUNDED \$9,636.44

No. R-21-120

VOTE OF THE TOWNSHIP COMMITTEE							
COMMITTEEMAN	I	S	Y	N	NV	AB	
Mr. Ammiano							
Mrs. Fasano							
Mr. Preston							
Mr. Walker							
Mayor Cook							

I-Introduced By S-Seconded By X- Indicates Vote NV- Not Voting AB- Absent



Resolution of the Township of Freehold
Monmouth County, New Jersey

No: R-21-121

Date of Adoption: May 25, 2021

TITLE: RESOLUTION CANCELLING TAXES

- - - R E S O L U T I O N - - -

WHEREAS, the Township of Freehold instituted an In Rem Foreclosure on Municipal Liens; and

WHEREAS, the Final Judgment was recorded with Monmouth County on November 4, 2020 and the Township of Freehold is now the property owner; and

WHEREAS, these properties will be exempt from taxes; and

WHEREAS, the following Taxpayer Schedule includes Preliminary Taxes that were billed on said properties for 2021 that will be cancelled; and

WHEREAS, taxes billed in the 2021 Extended Duplicate for said properties for Final 2021/Preliminary 2022 will also be cancelled; and

WHEREAS, the Tax Collector of the Township of Freehold has certified to the Township Committee of the Township of Freehold that the items designated with the word "CANCEL" on Schedule A be cancelled to the names appearing below;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Freehold that the cancellations be made to the properties appearing on Schedule A;

BE IT FURTHER RESOLVED that the Tax Collector is hereby authorized to make corrections and notations upon the Municipal records as may be necessary to effect this Resolution;

BE IT FURTHER RESOLVED by the Township Committee of the Township of Freehold that the Township Clerk is hereby authorized to forward a certified copy of the within Resolution to the Tax Collector and Treasurer/Director of Finance.

SCHEDULE A
2021 PRELIMINARY TAXES - CANCEL

4 2	TOWNSHIP OF FREEHOLD ONE MUNICIPAL PLAZA FREEHOLD, NJ 07728	\$ 337.74
96 10	TOWNSHIP OF FREEHOLD ONE MUNICIPAL PLAZA FREEHOLD, NJ 07728	\$ 275.59
101 7	TOWNSHIP OF FREEHOLD ONE MUNICIPAL PLAZA FREEHOLD, NJ 07728	\$ 171.43
101 9	TOWNSHIP OF FREEHOLD ONE MUNICIPAL PLAZA FREEHOLD, NJ 07728	\$ 168.18
101 11	TOWNSHIP OF FREEHOLD ONE MUNICIPAL PLAZA FREEHOLD, NJ 07728	\$ 1,083.92
101 12	TOWNSHIP OF FREEHOLD ONE MUNICIPAL PLAZA FREEHOLD, NJ 07728	\$ 919.00
105 80	TOWNSHIP OF FREEHOLD ONE MUNICIPAL PLAZA FREEHOLD, NJ 07728	\$ 292.95
109 21/21.01	TOWNSHIP OF FREEHOLD ONE MUNICIPAL PLAZA FREEHOLD, NJ 07728	\$ 201.81
109 22/23	TOWNSHIP OF FREEHOLD ONE MUNICIPAL PLAZA FREEHOLD, NJ 07728	\$ 224.60
110 24	TOWNSHIP OF FREEHOLD ONE MUNICIPAL PLAZA FREEHOLD, NJ 07728	\$ 317.91
110 25	TOWNSHIP OF FREEHOLD ONE MUNICIPAL PLAZA FREEHOLD, NJ 07728	\$ 362.39

110 27	TOWNSHIP OF FREEHOLD ONE MUNICIPAL PLAZA FREEHOLD, NJ 07728	\$ 1,043.77
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TOTAL	\$ 5,399.29
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TOTAL CANCELLED \$5,399.29

No. R-21-121

VOTE OF THE TOWNSHIP COMMITTEE							
COMMITTEEMAN	I	S	Y	N	NV	AB	
Mr. Ammiano							
Mrs. Fasano							
Mr. Preston							
Mr. Walker							
Mayor Cook							

I-Introduced By S-Seconded By X- Indicates Vote NV- Not Voting AB- Absent