

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**

<b>Block</b>	<b>Lot</b>	<b>Tax Sheet</b>	<b>Approximate Area</b>	<b>Location</b>
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**

<b>Block</b>	<b>Lot</b>	<b>Tax Sheet</b>	<b>Approximate Area</b>	<b>Location</b>
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:

<b>Use</b>	<b>Number of Spaces</b>
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 <sup>(4)</sup>
<u>Regional mall shopping center</u>	<u>4.0 per 1,000 square feet of gross leasable floor area<sup>(1)</sup></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.



*Resolution of the Township of Freehold*  
Monmouth County, New Jersey

No: R-21-162

Date of Adoption: July 13, 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 \$13,918,536.50 dated July 13, 2021, as presented by the Township Treasurer/Chief Financial Officer, be paid from existing appropriations subject to adoption of resolution authorizing expenditures.

No. R-21-162

<b>VOTE OF THE TOWNSHIP COMMITTEE</b>							
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-21-163

Date of Adoption: July 13, 2021

**TITLE: RESOLUTION AUTHORIZING THE UNIFIED PLANNING BOARD TO DETERMINE IF BLOCK 91, LOTS 51, 52, 53 & 54 AND BLOCK 92, LOTS 25 & 41 IS AN AREA OF PROPERTY IN NEED OF REDEVELOPMENT**

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

WHEREAS, Block 91, Lots 51, 52, 53, & 54; and Block 92, Lots 25 & 41, shown in blue on the copy of the tax map attached hereto as Exhibit "A" (collectively, the "Property") is located off Burke Road in the Township owned by Lone Pine Corp.; and

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et. seq. sets forth the specific procedure for establishing an area in need of redevelopment; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, prior to the Township Committee's determination whether a particular study area qualifies as an area in need of redevelopment, the Township Committee must authorize the municipal Planning Board, by Resolution, to undertake the preliminary investigation to determine whether the area meets the criteria of a redevelopment area as set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the Township Committee has determined that the Township Unified Planning Board (hereafter "Planning Board") should undertake such a preliminary investigation and hearing to determine that the Property qualifies under the Local Redevelopment and Housing Law as an area in need of redevelopment; and

WHEREAS, N.J.S.A. 40A:12A-6(a) further provides that, in making such a determination, the Resolution authorizing the Planning Board to undertake the preliminary investigation shall state if the redevelopment area determination shall authorize the municipality to use all the powers provided by the legislature for use in a redevelopment area, including the power of eminent domain; and



WHEREAS, the Township Committee has determined that the redevelopment area determination should authorize the Township of Freehold to use all its powers provided by the legislature for use in the redevelopment area, including the use of eminent domain, thus designating the Property a “Condemnation Redevelopment Area” under N.J.S.A. 40A:12A-6(a).

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Freehold, that the Township Planning Board be and is hereby directed to conduct the necessary investigation including the holding of a public hearing to determine whether or not the Property is or is not an area in need of redevelopment under the criteria set forth in N.J.S.A. 40A:12A-1 et. seq.

BE IT FURTHER RESOLVED that the Planning Board is directed that the redevelopment area determination shall authorize the Township to use all the powers provided by the legislature for use in redevelopment, including the power of eminent domain.

BE IT FURTHER RESOLVED that the Planning Board shall submit its findings and recommendations to the Township Committee in the form of a Resolution with supporting documentation.

BE IT FURTHER RESOLVED that a copy of this Resolution certified by the Township Clerk to be a true copy be forwarded to the following:

1. Freehold Township Planning Board
2. Lone Pine Corp., c/o O'Mara, 100 Broad Street, Eatontown, NJ 07724
3. Roger McLaughlin, Esq., Planning Board Attorney

No. R-21-163

<b>VOTE OF THE TOWNSHIP COMMITTEE</b>							
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-21-164

Date of Adoption: July 13, 2021

**TITLE: RESOLUTION ADOPTING AMENDED AFFORDABLE HOUSING SPENDING PLAN PREPARED BY THOMAS PLANNING ASSOCIATES DATED MAY 11, 2021**

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

WHEREAS, on November 8, 2019 the Township of Freehold (“Township”) entered a settlement agreement with Fair Share Housing Center (“FSHC”), which established the Township’s fair share obligation and preliminarily approved the Township’s compliance mechanisms in accordance with the March 10, 2015 decision of the Supreme Court, which transferred responsibility to review and approve housing elements and fair share plans from the Council on Affordable Housing (“COAH”) to designated Mount Laurel trial judges within the Superior Court; and

WHEREAS, that Settlement Agreement was approved by the Superior Court via Order dated December 31, 2019; and

WHEREAS, pursuant to the Settlement Agreement with FSHC the Township must implement a Spending Plan in accordance with N.J.A.C. 5:93-5.1, et. seq.; and

WHEREAS, the Township of Freehold adopted a Spending Plan on June 30, 2020 consistent with P.L.2008, c.46 COAH regulations and the FSHC Settlement Agreement; and

WHEREAS, the Township of Freehold has prepared an amended Spending Plan consistent with P.L.2008, c.46 COAH regulations and the FSHC Settlement Agreement, which will be submitted to the Court for approval in connection with the Township’s Declaratory Judgment Action;

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Freehold, County of Monmouth, State of New Jersey hereby approves the amended Spending Plan that is attached hereto as Exhibit A.

BE IT RESOLVED, that a certified copy of the within Resolution shall be forwarded to Robert F. Munoz, Esq., Township Attorney; T. Andrew Thomas, Planner; and Michael J. Edwards, Esq., Affordable Housing Attorney.

No. R-21-164

<b>VOTE OF THE TOWNSHIP COMMITTEE</b>							
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-21-165

Date of Adoption: July 13, 2021

**TITLE: RESOLUTION AUTHORIZING THE EXECUTION OF ASSIGNMENT OF DEED OF EASEMENT BETWEEN THE TOWNSHIP OF FREEHOLD AND THE MONMOUTH COUNTY AGRICULTURE DEVELOPMENT BOARD**

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

WHEREAS, on December 9, 2020, the Township of Freehold entered into a Contract for Assignment of a Development Easement with the Monmouth County Agriculture Development Board in connection with Block 44, Lots 4, 5, 6 and 7; and

WHEREAS, in order to complete the assignment of the easement, it is necessary for the Township to execute an Assignment of Deed of Easement.

NOW, THEREFORE, BE IT RESOLVED by the Township of Freehold that the Mayor and Township Clerk be and are hereby authorized to execute an Assignment of Deed of Easement and any other documents necessary in connection with the assignment of the easement to the Monmouth County Agriculture Development Board.

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

No. R-21-165

<b>VOTE OF THE TOWNSHIP COMMITTEE</b>							
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-21-166

Date of Adoption: July 13, 2021

**TITLE: RESOLUTION AUTHORIZING SHARED SERVICES AGREEMENT  
WITH MANALAPAN TOWNSHIP FOR TEMPORARY HEALTH  
OFFICER SERVICES**

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

WHEREAS, the Manalapan Township Health Officer has recently resigned his position; and,

WHEREAS, New Jersey Law requires that every municipality in New Jersey have the services of a full-time Health Officer; and,

WHEREAS, New Jersey Law also permits Agreements between municipalities to share the services of a full-time Health Officer to meet the requirements of Law; and,

WHEREAS, the Township of Manalapan has requested a Temporary Agreement for the services of the Freehold Township Health Officer on a month-to-month basis, as "Temporary Health Officer," for \$3,500.00 per month; and,

WHEREAS, Freehold Township has agreed to provide such services, with either party having no right of termination, at the above rate, through December 31, 2021; and,

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

NOW, THEREFORE, BE IT RESOLVED that Authorizing Resolutions by both Municipalities shall constitute said Agreement;

BE IT FURTHER RESOLVED that a copy of this Resolution shall 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 be forwarded to the Manalapan Township Clerk, the Freehold Township Administrator, the Freehold Township Health Officer, the Freehold Township Director of Finance and the Freehold Township Treasurer.

No. R-21-166

<b>VOTE OF THE TOWNSHIP COMMITTEE</b>							
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-21-167

Date of Adoption: July 13, 2021

**TITLE: RESOLUTION AWARDING A CONTRACT FOR THE 2021 FALL PAVEMENT OVERLAY PROGRAM AND FY 2021 MUNICIPAL AID PROGRAM (MA-2021-IRON BRIDGE ROAD PHASE II-00688)**

**- - - RESOLUTION - - -**

WHEREAS, bids were accepted by the Township Purchasing Agent for the 2021 Fall Pavement Overlay Program and FY 2021 Municipal Aid Program (MA-2021-Iron Bridge Road Phase II-00688) on Friday, July 2, 2021 at 11:00 a.m.; and,

WHEREAS, the following bids were submitted:

Bidder	Total Bid Amount Proposal A & Proposal B
Meco, Inc.	\$ 845,414.75
Earle Asphalt Company	\$ 899,413.13
Lima Charlie Construction	\$ 9 84,501.75
S & G Paving, Inc.	\$1,005,470.63
Black Rock Enterprises, LLC.	\$1,009,000.00
L & L Paving Company	\$1,078,630.00

\*Meco, Inc. total adjusted for mathematical error

WHEREAS, the Township Engineer, by memorandum dated July 6, 2021, recommends that a Contract be awarded to Meco, Inc. for the total bid amount of \$845,414.75; and,

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

- C-04-20-910-004-951 - \$502,264.00
- C-04-21-906-004-951 - \$343,150.75

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Freehold hereby awards a Contract for the 2021 Fall Pavement Overlay Program and FY 2021 Municipal Aid Program (MA-2021-Iron Bridge Road Phase II-00688) to Meco, Inc. in the amount of \$845,414.75;

BE IT FURTHER RESOLVED that a certified copy of the within Resolution be forwarded to the Director of Finance, the Township Engineer, the Purchasing Agent and all bidders.

No. R-21-167

<b>VOTE OF THE TOWNSHIP COMMITTEE</b>							
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

R-21-168

RESOLUTION AWARDING A CONTRACT FOR THE 2021 OPATUT  
PARK SITE IMPROVEMENTS PROJECT

TO BE FINALIZED AND DISTRIBUTED AT MEETING



*Resolution of the Township of Freehold*  
Monmouth County, New Jersey

No: R-21-169

Date of Adoption: July 13, 2021

**TITLE: RESOLUTION AUTHORIZING A CONTRACT FOR 2021 TRAFFIC STRIPING PROGRAM**

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

WHEREAS, the Township of Freehold has a need for Traffic Striping for the Department of Public Works as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and,

WHEREAS, the Purchasing Agent has determined and certified in writing that the value of the acquisition will not exceed that Township's bid threshold, but will exceed \$17,500.00 in vendor aggregation; and,

WHEREAS, the anticipated term of this contract is for 1 year; and,

WHEREAS, Traffic Lines, Inc. can supply the Township with the required services for a cost not to exceed \$30,713.92; and,

WHEREAS, Traffic Lines, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Traffic Lines, Inc. 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 Traffic Lines, Inc. from making any reportable contributions through 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:

1-01-26-290-290-252

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Freehold that a Contract for Traffic Striping for the Department of Public Works is hereby authorized with Traffic Lines, Inc. in an amount not to exceed \$30,713.92;

BE IT FURTHER RESOLVED that certified copies of the within Resolution be forwarded to the Director of Finance, the Superintendent of Public Works, the Purchasing Agent and Traffic Lines, Inc.



No. R-21- 169

<b>VOTE OF THE TOWNSHIP COMMITTEE</b>							
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-21-170

Date of Adoption: July 13, 2021

**TITLE: RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT  
FOR THE REMOVAL OF DISEASED ASH TREES AT MICHAEL J.  
TIGHE PARK**

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

WHEREAS, the Township of Freehold has a need to remove diseased ash trees at Michael J. Tighe Park as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and,

WHEREAS, the Purchasing Agent has determined and certified in writing the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is one year; and,

WHEREAS, Central Jersey Tree Experts has submitted a proposal indicating they will remove the diseased ash trees at Michael J. Tighe Park in an amount not to exceed \$17,000.00; and,

WHEREAS, Central Jersey Tree Experts has completed and submitted a Business Entity Disclosure Certification which certifies that Central Jersey Tree Experts 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 Park Builders from making any reportable contributions through the term of the contract; and,

WHEREAS, the Director of Finance has certified to the Township Clerk that funds are available in the following 2021 Budget Accounts:

1-01-26-292-292-266 and 1-01-28-370-370-276-Not to Exceed \$17,000.00

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Freehold that a Contract for the removal of diseased Ash Trees at Michael J. Tighe Park in an amount not to exceed \$17,000.00 is hereby authorized with Central Jersey Tree Experts;

BE IT FURTHER RESOLVED that certified copies of the within Resolution be forwarded to the Director of Finance, the Superintendent of Parks and Recreation, the Purchasing Agent, the Shade Tree Commission and Central Jersey Tree Experts.

No. R-21-170

<b>VOTE OF THE TOWNSHIP COMMITTEE</b>							
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-21-171

Date of Adoption: July 13, 2021

**TITLE: RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT  
FOR THE RESTORATION AND REPLACEMENT OF THE  
GEORGIA ROAD SCHOOL HOUSE ROOF**

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

WHEREAS, the Township of Freehold requires the restoration and replacement of the Georgia Road School House Roof as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

WHEREAS, the Purchasing Agent has determined and certified in writing that the value of the acquisition will not exceed that Township's bid threshold, but will exceed \$17,500.00 in vendor aggregation; and

WHEREAS, the anticipated term of this contract is for 1 year; and

WHEREAS, Albitron LLC has submitted a proposal indicating they will provide the Township with the required services to the Georgia Road School House Roof for a cost of \$28,900.00; and

WHEREAS, Albitron LLC. has completed and submitted a Business Entity Disclosure Certification which certifies that Albitron LLC 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 Albitron LLC from making any reportable contributions through the term of the contract; and

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

C-04-21-906-012-951

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Freehold that a contract for restoration and replacement of the Georgia Road School House Roof is hereby authorized with Albitron LLC in the amount of \$28,900.00;

BE IT FURTHER RESOLVED that certified copies of the within Resolution be forwarded to the Director of Finance, the Historic Preservation Commission Chairman, the Township Administrator, the Purchasing Agent and Albitron LLC.

No. R-21-171

<b>VOTE OF THE TOWNSHIP COMMITTEE</b>							
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-21-172

Date of Adoption: July 13, 2021

**TITLE: RESOLUTION AMENDING 2021 BUDGET (CHAPTER 159)  
TO INSERT A MODIFICATION TO THE SPECIAL ITEMS OF  
REVENUE AND APPROPRIATIONS FOR THE NEW JERSEY  
DEPARTMENT OF HEALTH - STRENGTHENING LOCAL PUBLIC  
HEALTH CAPACITY PROGRAM 2022**

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

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any Special Item of Revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the Budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township of Freehold has received notice of an award of \$291,042 from the State of New Jersey, Department of Health, Strengthening Local Public Health Capacity Program 2022 and wishes to amend the 2021 Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Freehold, in the County of Monmouth, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 the sum of \$291,042 which is now available as revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated  
with Prior Written Consent of the Director  
of the Division of Local Government Services:

Public and Private Revenues Offset with Appropriations:

NJ DOH - Strengthening Local Public Health Capacity Program 2022



BE IT FURTHER RESOLVED that the like sum of \$291,042 be and the same is hereby appropriated under the caption of:

General Appropriations:

(a) Operations excluded from "CAPS"

Public and Private Programs Offset by Revenues:

NJ DOH - Strengthening Local Public Health Capacity Program 2022

BE IT FURTHER RESOLVED, that certification of adoption of this Resolution will be electronically forwarded to the Director of the Division of Local Government Services;

BE IT FURTHER RESOLVED, that the Township Clerk forward copies of this Resolution to the Township Health Officer and the Director of Finance.

No. R-21-172

<b>VOTE OF THE TOWNSHIP COMMITTEE</b>							
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-21-173

Date of Adoption: July 13, 2021

**TITLE:** RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE  
GUARANTEES FOR IRWIN LINCOLN MERCURY, SITE PLAN NO.  
417-1-15, BLOCK 67, LOT 1

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

WHEREAS, the developer of Site Plan No. 417-1-15, located at 4000 U.S. Highway 9, has requested release of its performance guarantees previously posted with the Township of Freehold in accordance with its previously received Planning Board approval; and

WHEREAS, the Township Engineer has, in a memorandum dated June 14, 2021, (attached hereto as Exhibit "A") recommended that the following performance guarantees be released:

Letter of Credit No. 172, dated June 10, 2019, issued by Two River Community Bank in the amount of \$79,506.00.

Cash Bond Deposit in the amount of \$8,834.00.

WHEREAS, the balance of the Engineering Inspection Fee is to remain on account through the maintenance period.

WHEREAS, the recommended release of the above performance guarantees is subject to the posting of a cash maintenance guarantee or a Maintenance Bond for a duration of two years, or a Maintenance Letter of Credit for a duration of two and one-half years, in the amount of \$11,926.00.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Freehold as follows:

1. It has reviewed, agrees with and hereby adopts all recommendations by the Township Engineer as set forth in Exhibit "A".

2. It hereby authorizes the release of the performance guarantees set forth in the Township Engineer's Memorandum attached hereto as Exhibit "A", subject to the conditions set forth therein.

3. Pursuant to the recommendation of the Township Engineer, as set forth in the memorandum referred to above, the Township hereby accepts the public improvements, if any, and any easements and/or dedications of property to be accepted by the Township of Freehold pursuant to the Planning Board approval.

4. In the event that sufficient and satisfactory maintenance guarantees as required hereby are not posted within ninety (90) days from adoption of this Resolution, the provisions of this Resolution shall be null and void and the performance guarantees shall remain in full force and effect.

BE IT FURTHER RESOLVED that a copy of this Resolution, certified by the Township Clerk to be a true copy, be forwarded to each of the following:

- (a) Township Engineer
- (b) Township Chief Financial Officer
- (c) Township Attorney
- (d) Superintendent of Public Works
- (e) Township Construction Official
- (f) Developer

No. R-21-173

<b>VOTE OF THE TOWNSHIP COMMITTEE</b>							
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