

# MASTER PLAN PERIODIC REEXAMINATION REPORT

  

## BOROUGH OF FREEHOLD



Adopted: April 13, 2011

Prepared By:

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The original of this report was signed and sealed in accordance with N.J.S.A. 45:14A-12

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# Master Plan Reexamination

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## INTRODUCTION

The New Jersey Municipal Land Use Law, N.J.S. 40:55 D-1, et seq. stipulates that each municipality in the State of New Jersey reexamine its Master Plan and development regulations at least every six years. Specifically, N.J.S. 40:55D-89 states:

The governing body shall, at least every six years, provide for a general reexamination of its master plan and development regulations by the planning board which shall prepare and adopt by resolution a report on the findings of such reexamination, a copy of which report and resolution shall be sent to the county planning board ... [and] the municipal clerk of each adjoining municipality.

It is the intent of the Borough of Freehold Master Plan and this Reexamination Report to advance the intents and purposes of the New Jersey Municipal Land Use Law which are as follows:

- a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals and general welfare;
- b. To secure safety from fire, flood, panic and other natural and man-made disasters;
- c. To provide adequate light, air and open spaces;
- d. To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole
- e. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;
- f. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
- g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open



- space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;
- h. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;
  - i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement;
  - j. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land;
  - k. To encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential , commercial, industrial and recreational development to the particular site;
  - l. To encourage senior citizen community housing construction;
  - m. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;
  - n. To promote utilization of renewable energy resources; and
  - o. To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the Sate Recycling Plan goals and to complement municipal recycling programs.

This reexamination of the Borough of Freehold Master Plan conforms to the requirements of the Municipal Land Use Law and addresses the requirements of N.J.S. 40:55D-89 by including the following:

- a. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
- b. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.



- c. The extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for such plan or regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.
- d. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.
- e. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the “Local Redevelopment and Housing Law,” P.L. 1992, c.79 (C.40A:12A-1,et al.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

This reexamination report considers the Master Plan Reexamination Report and Amendment adopted on April 13, 2005. The 2005 Reexamination Report was also formally adopted as an amendment to the Land Use Plan Element of the Master Plan.



**A. Major Problems and Objectives Relating to Land Development in the Borough of Freehold in 2005, the Year the Last Reexamination of the Master Plan was Adopted**

On April 13, 2005 a Master Plan Reexamination and Amendment was adopted by the Borough of Freehold Planning Board. At that time there were two major issues of concern: the appropriate zoning for Block 108 Lots 11 and 12; and revised parking standards. Block 108 Lots 11 and 12 were designated as being in the A Apartment District despite the fact that they were not developed for apartment uses but instead were developed for commercial uses consisting of two small office buildings and associated parking and parking for the adjacent Food Town Supermarket on Lot 9. Also revised parking standards had been recommended in February 2005 and the April 2005 Reexamination Report recommended that those parking standards be adopted.

Preceding the 2005 Master Plan Reexamination in 2003 a Master Plan Reexamination Report and Amendment was adopted which recommended a significant number of zoning changes. Thus, in 2005 the issues that needed to be addressed were limited. In 2003 revisions to the CM (Commercial Manufacturing) Zoning Districts were recommended in five locations. At the end of Institute Street it was recommended that certain lots be rezoned from CM to R-5. Along Jerseyville Avenue, Throckmorton Street and Bannard Street changes in the types of uses permitted in the CM Zone were recommended. The CM Zoning which encompassed Freehold Raceway was recommended for rezoning to a new zone district allowing specialty retail and offices. Expansion of the B-1, B-1a and B-2 Zoning districts was recommended in a number of locations in 2003 to reflect current uses, ownership patterns or consistency with adjacent uses. Also a new zone to permit home based offices was recommended on West Main Street between Park Avenue and Route 9.

**B. The Extent to Which Such Problems and Objectives Have Been Reduced or Have Increased Since 2005.**

The two major issues identified in the 2005 Reexamination Report, proper zoning for Block 108 Lots 11 and 12 and revised parking standards were both addressed through zoning ordinance amendments. Thus both problems were reduced through the implementation of amended zoning.



Likewise, all the problems and objectives identified in the 2003 Reexamination Report and Amendment were also addressed through zoning amendments.

**C. The Extent to Which There Have Been Significant Changes in the Assumptions, Policies and Objectives Forming the Basis for the 2005 Reexamination Report**

Changes in the assumptions, policies and objectives forming the basis for the prior Reexamination Report can be caused by events or changes in philosophy internal to Freehold Borough or from outside influences such as surrounding municipalities or State action and policies. There have been no major occurrences in recent years in the municipalities surrounding Freehold Borough that would lead to significant changes in the assumptions, policies and objectives relating to land use and development in the Borough. Growth in surrounding municipalities in the last decade has declined significantly from that experienced in the prior three decades.

***State Level Changes in Assumptions, Policies and Objectives***

At the State level, there have been changes in policies and objectives since 2005, many of which affect the Borough of Freehold in some fashion.

**Surface Water Quality Standards**

The Surface Water Quality Standards (SWQS) establish antidegradation policies for all surface waters of the State under N.J.A.C. 7:9B-1.1 et seq. The SWQS require that all existing and designated uses shall be maintained and protected for all surface waters of the State. Impaired waters must be restored to meet SWQS. Existing water quality shall be maintained. The antidegradation designations include the establishment of Category One Waters by NJDEP with a requirement of a 300 foot wide buffer adjacent to streams. There are no Category One Waters in Freehold.

**Council on Affordable Housing**

In addition to the SWQS, there have been changes to the Council on Affordable Housing (COAH), as well. COAH is empowered to: (1) define housing regions, (2) estimate low and moderate income housing needs, (3) set criteria and guidelines for municipalities to determine



and address their own fair share numbers and then (4) review and approve housing elements/fair share plans and regional contribution agreements for municipalities.

New Third Round COAH Regulations became effective on December 20, 2004. That same year COAH's methodology for calculating the Third Round obligation was challenged and overturned in court. COAH proposed new methodology and rules in January and May of 2008, which were finally adopted on October 20, 2008. These new regulations and amendments include N.J.A.C. 5:94-1.1 et seq, N.J.A.C. 5:95, N.J.A.C. 5:96, N.J.A.C. 5:97-1.1 et seq, and N.J.A.C. 5:97 – Appendix F, and govern municipal housing obligations for the periods 1999-2014 and 1999-2018. Freehold has not filed a petition with COAH for Third Round Substantive Certification.

#### Residential Site Improvement Standards

The NJDCA Residential Site Improvement Standards (RSIS) sets forth the standards for residential development. Residential applications before the Borough must conform to the standards or apply for exemptions or waivers to the standards based on special conditions. The latest regulation can be found at N.J.A.C. 5:21-1.1 et seq. effective on June 7, 2010. The Site Improvement Advisory Board provides a mechanism to hear requests for modifications or make changes to the RSIS.

#### Municipal Stormwater Management

Under the Municipal Land Use Law Section 40:55D-93, every municipality shall prepare a storm water management plan and a storm water control ordinance or ordinances to implement the plan. The Borough adopted a Stormwater Management Plan in accordance with New Jersey Department of Environmental Protection requirements on October 22, 2008. As required by the Municipal Land Use Law the Stormwater Management Plan has been reexamined and there are no recommended changes.

#### State Development and Redevelopment Plan

The New Jersey State Development and Redevelopment Plan (SDRP) was most recently adopted on March 2, 2001. It contains goals, objectives, and policies to guide the development and redevelopment of New Jersey. Proposed changes to the SDRP were released for cross



acceptance in 2004. After many years of delay a Draft Final Plan was issued on January 13, 2010. The primary objective of the SDRP is to guide development to areas where infrastructure is available or can be readily extended such as along existing transportation corridors, in developed or developing suburbs, and in urban areas. The SDRP encourages new growth in “centers” which are “compact” forms of development, rather than in “sprawl” development. Freehold Borough has been designated as a center by the State and the Borough’s planning is consistent with the SDRP.

Assumptions at the municipal level revolve around the fact that Freehold is essentially a developed community. Therefore an underlying objective has been to preserve and enhance the community as it is rather than seek a new or changed direction with the exception of the Freehold Center Core which has been the subject of a Revitalization Plan. However, there are a number of issues that have risen to the forefront in recent years that need to be considered and addressed. Several of these issues have been in the background over the years and did not create enough concern to be addressed in previous reexamination reports. The assumption may have been that the issues would resolve themselves. Over time however it has become apparent that these issues must be addressed as a matter of policy. The issues can be categorized as either threshold zoning issues or other concerns regarding review procedures, design standards or related matters.

The Threshold zoning issues referred to above are as follows:

- Whether payment of a fee should be instituted to offset the granting of a parking waiver.
- Home based office restrictions.
- Whether grocery/convenience stores, taxi service and limousine services should be conditional rather than permitted uses.
- Motor vehicle service stations and public garages are listed as conditional uses in the section of the Zoning Chapter which describes requirements to be met by conditional uses but there is no zoning district wherein they are listed as permitted conditional uses. This needs to be resolved.
- Whether the current zoning is still appropriate for the following areas:
  - The B2a Zone on Throckmorton Street



- The SRO Zone at Freehold Raceway
- The REC Zone off Hudson Street

Aside from the above threshold zoning issues, the other concerns which should be addressed include:

- Whether informal review of development applications should be formalized as part of the Land Use Procedures Section of the Code.
- Whether garages should be required in the R-5 Zone.
- Inconsistencies between the Center Core Redevelopment Plan and the Zoning Ordinance should be resolved especially with regard to signage.
- Should limited retail such as art stores, bookstores, live/work units, etc. be allowed in residential zone districts adjacent to business districts?
- Should there be flexible setback standards for new homes to insure consistency with neighborhood character?
- Lot coverage requirements and definitions should be reviewed with an eye to increasing permitted lot coverage in residential zones.
- Size of accessory structures permitted in residential zones and business zones should be reviewed.
- The general provisions section of the Zoning Ordinance should be modified to prohibit boats, recreational vehicles, etc. from being parked on driveways in front yard areas.
- Other corrections to the Zoning Ordinance as enumerated in a Zoning Ordinance Review prepared by the Zoning Officer.

Following is a review of the threshold zoning issues and the assumptions and background associated with each:

**Parking Waiver Fee** - It is recognized that there is a shortage of available parking in the downtown area. Also little land is available for the provision of new parking spaces. Applicants seeking development approvals frequently request parking waivers. The Planning Board has suggested that if, and only if, an applicant successfully demonstrates that the granting of a



parking waiver is justified under N.J.S.A. 40:55D-51 (i.e. the request is reasonable under the circumstances), then the ordinance would provide for the imposition of a parking waiver fee.

Assuming the governing body adopts such an ordinance, N.J.S.A. 40:55D-42 permits contributions from developers for off tract water, sewer, drainage and street improvements. If the Council wished to adopt such a fee, it would be permissible under the definition of “street” under N.J.S.A. 40:55D-7, which includes “land between the street lines.., curbs, parking areas”, as well as “drives or other ways”. Contributions by ordinance and impact fees have also been treated in the courts (see Holmdel Builders v. Holmdel Township 232 NJ Super 182 App. Div. (1989), New Jersey Builders Association v. Bernards Township 108 NJ 223 (1987), Mill Race v. Mayor and Township Committee 230 NJ Super 160 App. Div. (1985), cert denied 117 NJ 154; F&W Associates v. Somerset County, 276 NJ Super 519 App Div. (1994). In short, under N.J.S.A. 40:55D-42 and the above case law, a governing body may affect contributions and impact fees by developers through ordinances so long as the legislative requirements bear a direct logical nexus to the needs created by and benefits conferred upon the proposed development.

This contribution must be done by action of the governing body by ordinance, and may only require the developer to pay a pro rata share of the cost of providing only reasonable and necessary street improvements located off tract but necessitated by a development provided for by a subdivision or site plan. The regulations must be based on circulation and comprehensive utility service plans under N.J.S.A. 40:55D-28.

**Home Based Offices**- The issue of home based offices, where they should be allowed and for what types of occupations has been a discussion topic for at least a decade in the Borough. The August 23, 1995 Master Plan Reexamination Report noted that the Court Street corridor and West Main Street from Manalapan Avenue to Route 9 among other areas were experiencing pressure for change of use (conversions of dwellings to office use). It was recommended that each area be investigated to determine the most appropriate uses for the future and recommendation for zoning changes made as warranted.



A report entitled Existing Land Use and Special Planning Report on Five Areas of Concern was prepared in March 1996 by Maser Consulting. The five areas of concern included Court Street and West Main Street between Manalapan Avenue and Route 9. The report noted that consideration should be given to extending the B-1 District on the west side of Court Street to extend as far as Haley Street and to extend the B-1 District on the east side of Court Street in order to add two additional lots. It was also suggested that residential uses be added to the list of permitted principal uses in the B-1 Zone District so as to grandfather residential uses currently existing on Court Street should the change to B-1 zoning be considered. On West Main Street the report noted that residential uses were well established and there was limited pressure for conversions to office use in recent years. However, the report also noted that some consideration should be given to allowing office uses on the north side of West Main Street between Park Avenue and Route 9 since the properties in this area were less desirable for residential use given the fact that they abutted the Freehold Raceway parking lot. No action was taken at the time (1996) on any of the recommendations contained in this report.

The 2003 Master Plan Reexamination Report and Amendment recommended that a new zone be created on West Main Street that would allow home-based offices as a conditional use. Pursuant to the 2003 recommendations in 2005 the RPO Residential Professional Office Zone was created on the north side of West Main Street between Park Avenue and Route 9. This new zone permitted home-based offices as a conditional use. The Planning Board in early 2010 considered proposing a similar ordinance in other residential areas of the Borough but ultimately determined that the current RPO district is acceptable, is located in an appropriate zone in town, and that the governing body should not at this time take any action to change, decrease, increase or otherwise alter RPO standards or home office standards in the municipality.

Home office use has continued to be an issue along Court Street due to its proximity to the Monmouth County Court House which makes it a desirable location for legal offices. In recent years at least one use variance was granted for a home-based law office and one was denied, but later reversed and granted by the Planning Board subsequent to litigation in Superior Court. In the latter case there was a mistaken assumption on the part of the plaintiff that the RPO Zone was



an overlay zone that applied to the entire Borough. Given the controversy engendered by the Court Street cases, the area of home-based offices needs to be revisited and clarified.

**Grocery/Convenience Stores, Taxi and Limousine Services** – The Planning Board has suggested that the Borough ordinance be revised such that any permitted use for a grocery/convenience store, taxi service or limousine service be changed to a conditional use. The Planning Board feels that such uses are too intensive to be permitted without Board oversight, and should be changed to conditional uses with specific conditional use standards and particular emphasis on parking. The advantages and disadvantages of permitted versus conditional uses for these activities needs to be explored further.

**Motor Vehicle Service Stations and Public Garages** – These uses are listed in the Zoning Ordinance as a conditional use, yet there is no zone which includes them in their listing of permitted conditional uses. The appropriateness of these uses in the Borough’s commercial zones needs to be investigated and then a determination made as to whether they should be permitted principal uses or permitted conditional uses. The standards to be applied whether as permitted or conditional uses also need to be evaluated.

**B-2a Zone on Thockmorton Street** – This Zone is a general commercial district that permits the sale of retail goods, service establishments, shopping centers, hotels and public institutions of higher education. It occupies a limited area along Thockmorton Street adjacent to the B-1 and B-2 Zones and is the only B-2a Zone in the Borough. The area has never developed commercially. Whether this zoning for this area continues to be appropriate needs to be investigated.

**SRO Zone at Freehold Raceway** – The SRO Zone (Specialty Retail Office District) was adopted in 2005 to apply to Freehold Raceway in anticipation of the possibility that harness racing may cease to be the principal use of the property in the future. The zoning anticipates the development of a “lifestyle center” to include retail, office, restaurants, hotels and entertainment uses. Whether or not this mix of uses is still viable given recent economic conditions should be evaluated.



**REC Zone Off Hudson Street** -The REC (Residential Zone) off Hudson Street was created in 2001 to encourage new recreation uses including outdoor and indoor active recreation facilities. The development of such uses has not occurred and the opportunity to do so has been tempered with the construction of similar facilities in neighboring Townships. Whether or not there continues to be a market for these uses and the zoning remains viable needs investigation.

#### **D. Recommended Revisions to the Borough Master Plan and Development Regulations**

**Parking Waiver Fee** - The Planning Board is in favor of investigating the feasibility of a parking waiver fee as described in Section C of this report.

**Home Office Uses** - The Borough Planning Board has recommended that the RPO as presently constituted is correctly placed and should not be extended to other areas of the Borough. However, a use variance case on Court Street (68 Court Street) has called into question whether the RPO Zone should be extended to Court Street. A review of the testimony offered by residents of Court Street during the application hearing for 68 Court Street indicates that residents are passionate about their neighborhood which essentially extends from 52 Court Street to 68 Court Street containing a total of eight residential lots. Residents feel that theirs is a stable residential neighborhood and are opposed to the introduction of any office use. This position is endorsed by the Borough Historic Preservation Commission which called Court Street among the most graceful neighborhoods in the Borough (letter dated July 26, 2005).

In a report dated March 1996 entitled “Existing Land Use and Special Planning Report on Five Areas of Concern” the Borough Planning Consultant had recommended that consideration should be given to extending the B-1 District on the west side of Court Street to include the area between Broad Street and Haley Street. This recommendation was against a backdrop of a number of use variances for office use having been granted on this block, the latest in 1993. Other use variances for office use were granted in prior years.

All of the use variances granted on Court Street during this time period were for 78 – 86 Court Street between the Monmouth County Historical Society property and Haley Street. This section



of Court Street is almost directly opposite Monmouth County Courthouse. No use variances were granted for Court Street for the area between 52 and 68 Court Street prior to 1993.

Since 1993 Court Street has remained stable as a residential neighborhood. Until the 68 Court Street case only one use variance was granted between 52 and 68 Court Street and it was very limited. The variance was granted for a law office in a residence at 54 Court Street and the limitations included no signs, no client visits, no business deliveries and employees were limited to one person – the owner who must maintain a bona fide residence on this site. This variance was granted in January 2006.

The recent case of 68 Court Street has been controversial in that it was initially denied by the Planning Board, a combined land use board in its capacity as a zoning board, but the denial was appealed to the Superior Court which remanded the case back to the Planning Board for reconsideration. Upon reconsideration the Planning Board reversed its findings and approved the variance. This decision is now being appealed by the governing body. The case did bring out the resolve of Court Street residents who are dedicated to maintaining their neighborhood as a residential neighborhood. This resolve and dedication combined with the 2005 findings of the Borough Historic Preservation Commission should be acknowledged and no change should be made to the residential zoning on Court Street. Uses of similar intensity to those permitted at 54 Court Street by way of variance should be considered to be allowed elsewhere on Court Street as well as a permitted use in any residential zone in the Borough.

Court Street is not appropriate for an extension of the RPO Zone District. The RPO Zone on West Main Street west of Park Avenue has a vastly different character than Court Street. West Main Street is much more heavily travelled and the presence of the Freehold Raceway literally in the backyard of residences along West Main Street detracts from the residential qualities of the area.

Home office use has been a concern statewide. A Family Home Occupation Act was prefiled for introduction in the 2004 legislative session. The Borough has been tracking this and similar legislation introduced since 2004. Legislation is filed, it seems, every legislative session but never advances according to the staff attorney for the State League of Municipalities. The



current bill, A1371, is opposed by the League of Municipalities because it would invalidate existing municipal ordinances dealing with home based businesses and because it would legalize some uses that are currently illegal.

In view of the above, the Planning Board recommends that an overlay zone be established for all residential districts in the Borough to allow home office use. The standards to be established include that no signs shall be permitted, there shall be no client visits allowed, employment is limited to residents of the home and one employee who does not reside in the home. There shall be at least one additional off-street parking space provided for the outside employee and the home office shall not be more than twenty (20) percent of the total habitable square footage of the dwelling exclusive of any basement or attics.

**Grocery/Convenience Stores** – Grocery/convenience stores are currently listed as a permitted principal use in the B-2, B-2a, B-2b and RCR Zones. The SRO Zone also permits sales of retail goods which could be interpreted to allow grocery/convenience stores. The availability of adequate parking is essential for proper operation of grocery/convenience stores so that they do not adversely impact surrounding land use. The parking demand for grocery/convenience stores on a square foot basis is among the highest of all land uses categories. With the availability of parking already at a premium in the Borough, there are few areas in the Borough suitable for grocery/convenience stores and their attendant parking needs. In addition to the generation of parking and traffic, grocery/convenience stores can also be a source of noise from loading docks. Hours of operation also tend to be extended beyond those of other retail uses. For those reasons grocery/convenience stores should be made a conditional use in the B-2, B-2b, CM, SRO and RCR Zone Districts. They should not be permitted in the B-2a Zone District. As a conditional use if a conditional use standard is not met a use variance under NJSA40:55D-70d is required. The conditional use standards to be established for grocery/convenience stores should include minimum lot size, demonstrated ability to provide adequate off-street parking which meets Borough parking standards and suitable distances from residential zones. It is noted that the parking requirements section in the Freehold Borough ordinance is contained within the Design Criteria Section (Section 16.24.030) under Site Plan Review and Approval. Relief from parking requirements is thus a waiver and not a variance. By making parking one of the conditional use



standards for grocery/convenience stores relief can only be granted for failure to meet parking requirements by way of variance which requires more extensive proofs than the grant of a waiver.

**Taxi and Limousine Services** - Taxi and Limousine Services also have the potential to disrupt nearby land uses due to the frequency of trips and hours of operations. They should also be made conditional uses with specific conditions imposed on parking requirements and on their location with respect to residential zones. Taxi office and vehicle storage should be conditional uses in all B Zones and the CM Zones. Limousine services including office and vehicle storage areas should be conditional uses in the CM Zones only. However limousine services which contain only standard size sedans in their fleet should be conditional uses in all B and CM Zones. Specific conditions related to parking requirements and location with respect to residential zones should be established.

**Motor Vehicle Service Stations and Public Garages** - Motor vehicle service stations and public garages are included under Chapter 18.84 Conditional Uses. Standards which must be met to satisfy conditional use requirements are enumerated in this section. The introduction to Section 18.84.050 notes that motor vehicle service stations and public garages may be permitted in any district where specifically noted herein as being a permitted use with a conditional use permit. However, there is no district where these uses are listed as being a permitted use with a conditional use permit. The term “public garage” is an antiquated term no longer in vogue and it is not defined in the Zoning Code. Motor vehicle service stations are defined in the Code, and it is recommended that the term public garage be stricken from the ordinance. Motor vehicle service stations in many jurisdictions are only allowed as a conditional use. The standards to be met as enumerated in Section 18.84.050 are typical of conditions established in many jurisdictions. It is therefore recommended that motor vehicle service stations remain as a conditional use but it must be determined in which zone district this use is appropriate provided the conditional use standards are met.

The most appropriate zones where motor vehicle stations should be permitted as a conditional use include the B-2, B-2b and C-M Zone Districts. As noted the current conditions or standards to be met which are enumerated in the ordinance are fairly typical conditions for motor vehicle



service stations. However, conditions related to signage are subject to the restrictions of the business district in which the motor vehicle service station is located and parking requirements refer to the prior code Section 19-18.5. Motor vehicle service stations have unique requirements for signage (fuel price signs, directional signs over bay doors, etc.) and these requirements should be recognized in the code and standards established. Likewise, parking requirements should be spelled out in the current code without reference to a prior code.

The current conditions in the code are also silent with respect to canopies and convenience stores which are now typically associated with motor vehicle service stations. Conditions for the location and size of canopies as well as permitted signage on these canopies and lighting levels underneath should be established and adopted. Likewise, conditional use standards should be established for convenience stores when they are associated with motor vehicle service stations.

**B-2A Zone on Throckmorton Street** - The B-2a Zone on Throckmorton Street (the only B-2a Zone in the Borough) permits the same uses as the B-2 General Commercial District which occupies the downtown commercial area of Freehold Borough. The only difference between the two zones is that a 0 foot front yard setback is required in the B-2 Zone where a 15 foot front yard setback is required in the B-2a Zone. There are 12 lots currently in the B-2a Zone. Of the 12 lots, 7 lots have residential uses, 3 lots have commercial uses and 2 lots are the site of the Walter J. Conley Lodge. In terms of area, approximately 50% of the Zone is devoted to commercial use. When the lodge property is included along with the commercial lots over 60% of the Zone area is devoted to non-residential uses. In addition, the 7 residential lots are not consecutive as they are divided into groupings of 4 lots and 3 lots by the lodge and a commercially used lot. On this basis it does not appear that a change in zoning is warranted at this time.

**SRO Zone at Freehold Raceway** - The SRO Zone allows a mix of uses (retail, office, restaurants, hotels and entertainment) in anticipation that someday Freehold Raceway may cease to exist. While the raceway continues to operate, its future is probably more uncertain now than when the SRO Zone was created in 2005. Given the excellent highway access of this parcel the uses permitted by the SRO Zone remain relevant. However, in view of current economic conditions the list of permitted uses should be expanded and should the Raceway close without



any development proposals put forth by the owners declaring the property as an area in need of redevelopment should be considered. Absent redevelopment, consideration should be given to zoning changes which maximize the number of potential uses by adding convention and conference centers, auto dealerships, banks, pharmaceutical research, light assembly, public storage and warehousing as conditional uses. However, it is recognized that the Raceway property is a gateway to the Borough from Route 9 and that any zoning changes instituted by the Mayor and Council must be sensitive to this fact by protecting against the establishment of objectionable uses on this prominent property. Proposed uses should be such that unnecessary competition with businesses in the Freehold Downtown Business District is avoided in order to continue to promote the viability of the downtown.

**REC Zone off Hudson Street** - Properties in the REC Zone remain undeveloped ten years after the zone was created. Uses in the Zone are currently limited to recreational facilities and areas including club houses, parks, swimming pools, tennis courts, basketball courts and other indoor court sports, ice and roller hockey rinks, miniature golf and other recreational activities. Parking lots are also permitted so as to alleviate congestion in the Market Yard parking area. The owners of the properties in the Zone have approached the Borough about rezoning of the properties maintaining that there is no market for the zoned uses. At one time there was thought given by the owners to pursuing an ice hockey rink on the site or similar indoor athletic facilities such as have been constructed in surrounding Townships. The property owners are interested in developing a mixture of uses including residential, office/warehouse space and a limited amount of retail. The Planning Board has reviewed the issue and feels there is still a market for the permitted uses. Privately owned indoor athletic facilities which are available for training and recreation purposes are common in New Jersey. Bridgewater Sports Arena, Hoop Heaven and Zoned Sports Academy are examples from the Bridgewater area. To expand the uses permitted, family entertainment centers should be added to the list of permitted uses. Examples of similar facilities include i Play America in Freehold Township, Howell Ice World and the Funplex in East Hanover and Mt. Laurel.

It has only recently been discovered that Block 77, Lot 36 which was intended to be incorporated into the Recreational Zone (REC) when it was created in 2001 was inadvertently omitted from



the text of the enabling resolution amending the zoning map. This error should be corrected by adding Block 77, Lot 36 to the Recreational Zone as originally intended.

### **Other Concerns/Recommendations Related to Zoning and Development Regulations**

- Informal review of development applications should be formalized as part of the Land Use Procedures Section of the Code. Many municipalities allow for informal review and it generally is productive leading to a better product and resulting in less public hearing time.
- Garages should not be required in the R-5 Zone. Section 18.72.110 currently requires all new residential units in the R-10, R-7 and R-5 Zone Districts to have a garage. With a required minimum lot width of 50 ft. it is difficult to locate a driveway adjacent to a dwelling in the R-5 Zone for access to a detached garage.
- Inconsistencies between the Center Core Redevelopment Plan and the Zoning Ordinance, including sign standards, should be clarified. The Planning Board recommends that the Governing Body consider refining Section 4.0 of the Revitalization Plan, to state that the Redevelopment Plan supersedes the zoning ordinance of the Borough of Freehold and that all proposed uses, bulk requirements and design standards under the Redevelopment Plan shall be permitted uses under Title 18 (zoning of the Freehold Borough ordinance).
- Limited retail including uses such as art stores, bookstores, live/work units, etc. should be allowed as a conditional use in the R-4 Residential District within 200 ft. of the B-2 General Commercial District.
- To insure consistency with neighborhood character the front setback of new homes should be allowed to be consistent with the majority of existing homes on the block in question even though the setback does not meet the zone district standards.
- Lot coverage requirements and definitions should be reviewed with an eye to increasing permitted lot coverage in residential zones while including decks, patios, driveways,



sidewalks and other impervious features within the definition of lot coverage. Side and rear yard setbacks should remain as is. Additional standards should be adopted to control the minimum floor area required for dwellings with more than 4 bedrooms in the Schedule of Area Yard and Building Requirements. Currently there are controls for 1 through 3 bedrooms only.

- Size of accessory structures permitted in all residential zones, the RPO Zone and the B-1A Zone should be limited to 750 sq. ft. in size and 20 ft. height (to peak). The size of accessory structures in the B-1, B-2 and B-2B Districts should be limited to 1500 sq. ft. in size and 20 ft. height (to peak). There should be a limit of two 200 sq. ft. sheds per property.
- The general provisions section of the Zoning Ordinance g 18.72.050F should be modified to prohibit boats, recreational vehicles, etc. from being parked on driveways in front yard areas. Also temporary vehicle canopies or enclosures, tents and similar temporary structures should be prohibited.
- The general provisions Section 18.72.090 A should prohibit the keeping of fowl, horses, cattle, goats, etc. in addition to the prohibition on swine.
- The general provisions Section 18.72.090 J should include a prohibition of displaying automobiles for sale within the front yard of any property with the exception of driveways.

## **E. Recommendations Concerning the Incorporation of Redevelopment Plans**

There are no recommendations at this time concerning the incorporation of redevelopment plans. However, if Freehold Raceway should close, consideration should be given to declaring it an area in need of redevelopment and a redevelopment plan prepared if appropriate.

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