MASTER PLAN PERIODIC REEXAMINATION REPORT

BOROUGH OF FREEHOLD

Adopted on April 12, 2017

Prepared By:

Joseph J. Layton, P.P., AICP
NJ Planner's License # 33L100144300
Maser Consulting P.A.

MC PROJECT NO. 15001485G

www.maserconsulting.com

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

Governing Body Members
Mayor J. Nolan Higgins
Councilman Michael DiBenedetto
Councilman Ronald Griffiths
Councilman Kevin Kane
Councilman George Schnurr
Councilwoman Sharon Shutzer
Councilman Jaye Sims

Planning Board Members
William Barricelli
Cornelius Begley
Jamie Bennett
Michele Gibson
Garry Jackson
Annett Jordan
Adam Reich
Alice MacCormack

Councilman George Schnurr, Council Representative
Mayor J. Nolan Higgins
Joseph B. Bellina, Borough Administrator
Ronald D. Cucchiaro, Esq.
William Wentzien, Eng.

Prepared by:

RONALD D. CUCCHIARO, ESQ.

THE PLANNING BOARD OF THE BOROUGH OF FREEHOLD
(JOINT LAND USE BOARD)
RESOLUTION OF MEMORIALIZATION
ADOPTION OF AMENDMENT TO LAND USE
ELEMENT OF THE MUNICIPAL MASTER PLAN

RESOLUTION

Mr. Barricelli offered the following Resolution and moved its adoption which was seconded by Mr. Begley.

WHEREAS, the Planning Board of the Borough of Freehold (Joint Land Use Board) ("Board") may prepare and, after public hearing, adopt or amend a master plan or component parts thereof, to guide the use of lands within the municipality in a manner which protects public health and safety and promotes the general welfare; and

WHEREAS, pursuant to N.J.S.A. 40:55D-89, a municipality is required to re-examine its Master Plan at least every ten (10) years; and

WHEREAS, N.J.S.A. 40:55D-28b(2) permits a Planning Board to adopt a land use element of the municipal master plan; and

WHEREAS, a public hearing was held before the Planning Board on April 12, 2017 to consider the adoption of an amended land use element and re-examination report; and

WHEREAS, the Planning Board's Professional Planners, Maser Consulting, PA prepared a draft amended land use element and re-examination report dated March, 2017; and

WHEREAS, the Planning Board has heard testimony and comments from its own consultants, and with the public having had an opportunity to be heard and present expert testimony; and

WHEREAS, based upon the testimony and draft land use element as well as the re-examination report;

NOW, THEREFORE, does the Freehold Borough Planning Board make the following findings of fact and conclusions of law with regard to the draft land use element.

1. The Planning Board determines that the policy goals and objectives contained in the draft amendment to the land use element and re-examination report prepared by Maser Consulting, P.A., accurately reflect the policy of the Planning Board based upon the current land use patterns as well as land use challenges which presently exist within the municipality. The Planning Board further finds that the draft amended land use element and re-examination report contains policy recommendations which best reflect the Planning Board's goal of smart growth.

2. The Planning Board therefore adopts the draft amended land use element and re-examination report (which is included as part of the master plan land use amendment) prepared by Maser Consulting, P.A., dated March, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Freehold on this 27th day of September, 2017, that the action of the Planning Board taken on April 12, 2017 adopting the draft amended land use element and re-examination report prepared by Maser Consulting, P.A., dated March, 2017 pursuant to N.J.S.A. 40:55D-28 is hereby memorialized.

ROLL CALL

YES: Barricelli, Begley, Bennett, Gibson, Jackson, Jordan, Reich

NO:

ABSENT: Schnurr, MacCormack

ABSTAINED:

DISQUALIFIED:

DATED:

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution which was approved by the Freehold Borough Planning Board at its meeting held on September 27, 2017.

Joseph B. Bellina

JOSEPH B. BELLINA, Planning Board Secretary

State of New Jersey:

County of Monmouth: ss:

Be it remembered on this 28 day of September, 2017, before me, a Notary Public of the State of New Jersey personally appeared JOSEPH B. BELLINA, who being duly sworn by me, according to law on his oath stated:

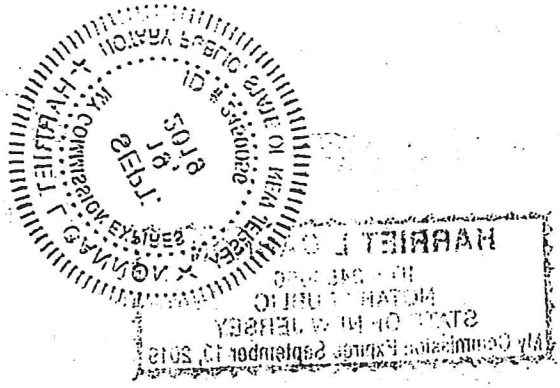
1. He is the Secretary of the Planning Board of the Borough of Freehold;
2. The within Resolution represents the action taken by the Freehold Borough Planning Board at its meeting of September 27, 2017.

Harriet L Cannon

HARRIET L CANNON
ID # 2450056
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires September 19, 2019

Record and return to:
JOSEPH B. BELLINA,
FREEHOLD BOROUGH
ADMINISTRATOR
51 West Main Street
Freehold, New Jersey 07728

1295193_1 FREE-022 Resolution of Adoption of Amendment to Land Use Element of the Municipal Master Plan (Freehold) 9.27.17



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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 ten years. Specifically, N.J.S. 40:55D-89 states:

> The governing body shall, at least every ten 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, 2011. The Borough has chosen to prepare a reexamination report sooner than the ten year period required by law because of concerns with current zoning of the Freehold Raceway and adjoining vacant land parcels owned by the Raceway. The lands owned by Freehold Raceway are shown on the accompanying map.

A. Major Problems and Objectives Relating to Land Development in the Borough of Freehold in 2011, the Year the Last Reexamination of the Master Plan was Adopted

On April 13, 2011 a Master Plan Reexamination and Amendment was adopted by the Borough of Freehold Planning Board. At that time there were a number of concerns including whether the mix of uses permitted in the SRO Zone at Freehold Raceway was still viable given changes in economic conditions. The intent of this current reexamination report is not to revisit all of the land use concerns discussed in the 2011 Reexamination Report but instead to focus on the concerns associated with Freehold Raceway properties including the Raceway property proper as well as adjoining vacant parcels controlled by the Raceway.

In anticipation that harness racing could cease at the Freehold Raceway in the future, the SRO Zone (Specialty Retail Office District) was adopted in 2005 to apply to Freehold Raceway. The zoning anticipated the development of a "lifestyle center" to include retail, office, restaurants, hotels and entertainment uses. The 2011 reexamination report reviewed whether or not this mix of uses was still viable given economic conditions in the years immediately preceding 2011.

The 2011 Reexamination Report noted that the SRO Zone allows a mix of uses, including retail, office, restaurants, hotels and entertainment. The report recommended that in view of 2011 economic conditions the list of permitted uses should be expanded with consideration given to zoning changes to add convention and conference centers, auto dealerships, banks, pharmaceutical research, light assembly, public storage and warehousing. All of these uses, as well as uses permitted in the REC (Recreational Zone) and grocery and convenience stores, were added to the Borough Land Use Code in 2013 as uses permitted in the SRO Zone with a conditional use permit.

The above zoning changes applied to the property upon which the Raceway proper is located (Block 105, Lot 2) a 27 ± acre tract. The SRO Zone however did not include other Freehold Raceway properties which are vacant and used for parking. These lots include Block 24, Lots 1, 10.01, 15 and 16 and Block 105, Lots 3 and 10. Lots 3 and 10 in Block 105 are relatively small lots contiguous to the 27 acres of Lot 2 in the same block. The lots within Block 24 are across Park

Avenue from the Raceway proper and in total contain a little over 13 acres. These lots are within the R-10 Single-Family Residential Zone with a minimum lot size requirement of 12,000 sq. ft.

B. The Extent to Which Such Problems and Objectives Have Been Reduced or Have Increased Since 2011

The status of Freehold Raceway has not changed appreciably since 2011 with daily attendance and gross betting handle continuing to be at historic lows. In recent years the daily attendance has been about 30% and the handle has been about 25% of what it was in 1999-2000. Attendance records were not available for 2014 and 2015 but in 2012 the average daily attendance was 667 persons/day and in 2013 the daily attendance was only 547 persons/day. This compares to a 1999 average daily attendance of 2,011 persons/day and a 2,000 average daily attendance of 1,556 persons/day. At its peak between 1950 and 1975, before the advent of casino gambling in New Jersey, the track would draw over 10,000 persons on a good day with the all-time attendance record being set on August 15, 1964 with 15,747 patrons. During these years all parking lots were full and fully utilized. Now with very little parking demand, the vacant lots in Block 24 are seldom utilized.

The continued low attendance and handle raises a concern over the continued viability of Freeway Raceway. Even if the track were to continue at it's present level of operation there is little need for the vacant lots in Block 24. With parking requirements at a minimum these lots are significantly underutilized and will be considered excess property by the Raceway. When these lots were utilized for parking on almost a daily basis there was little concern about their zoning designation. As they become less and less utilized it is likely the Raceway will seek alternative uses other than parking for them or dispose of the property. This being the case, the zoning of the lots on Block 24 as well as the zoning of the racetrack itself on Block 105 should be reviewed.

C. The Extent to Which There Have Been Significant Changes in The Assumptions, Policies and Objectives Forming the Basis for The 2011 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 of from outside influences such as surrounding municipalities, the County 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. Likewise there have been no significant changes in County policies or actions that directly bear on the status of Freehold Raceway.

At the State level however, changes in licensed gambling policy have eroded the ability of Freehold Raceway to compete for the gamblers dollar ever since casino gambling started in Atlantic City in 1978. In 2001 the Off-Track Wagering and Account Wagering Act allowed betting on horse racing at casinos and other facilities not located at race tracks. By 2011 four such facilities were in operation in New Jersey and as of late 2015 five were operating and a sixth was approved to operate in Hillsborough. Three of the facilities (Woodbridge, Toms River and Hillsborough) are within 40 miles of Freehold Raceway.

As a result of changes in State policies, lifestyle changes and gambling choices, Freehold Raceway continues to see a decline in attendance and handle. This continuing decline coupled with the improving economy make it more likely that the racetrack will look to dispose of some of its properties for economic gain. The zoning of these properties should be reviewed to insure that potential uses are compatible with surrounding uses.

D. Specific Changes Recommended for the Master Plan or Development Regulations

The Borough Master Plan should be modified to take into consideration the continued erosion of Freehold Raceway as a viable entity. The SRO Zone which is in place for the Raceway property on Block 105 continues to be appropriate when one takes into consideration the uses added as conditional uses in the Zone in 2013. However, the Borough may want to consider adding "big box" retail to the mix of uses allowed in this Zone. The single-family residential zoning on Block 24 however should be reconsidered. The uses proposed should be ones that are compatible with the surrounding single-family uses that front on Ann Street and Phyllis Drive but which do not impose the tax burden on the Borough that single-family uses do. It is proposed that uses related to serving the aging baby boom population and those with physical disabilities be considered. Such

uses would be compatible with the adjacent single-family uses and consistent with the Brookside Assisted Living across Manalapan Avenue from Block 24.

Among the uses that should be included in new zoning for Block 24 are small lot detached single-family age-restricted housing, other housing options for seniors including assisted living and perhaps age-restricted townhomes or condominiums, and care facilities for seniors such as adult daycare, nursing homes and stand-alone Memory Care Facilities. Continuing care retirement communities would also be a use that should be encouraged but most such facilities require considerably more acreage than is available in Block 24. Perhaps a condensed higher density version of a continuing care retirement community would be viable.

Freehold Borough offers an ideal environment for uses associated with senior citizens. It offers many of the amenities that seniors are looking for including a vibrant downtown, a walkable community, health facilities such as those associated with Centra-State Medical Center, nearby shopping, mass transit availability etc. In addition, the location of County offices in the Borough is a plus. Based on the above considerations, it is recommended that a zone be created for Freehold Raceway properties in Block 24 that permits and encourages various senior citizen uses. Also independent living facilities for individuals with disabilities should be considered.

E. Recommendations Concerning The Incorporation of Redevelopment Plans

At this time the Planning Board has no recommendations for the incorporation of redevelopment plans within the Borough.

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0 100 200 300 400 Feet

1 inch = 350 feet

Lands Owned by Freehold Raceway

Freehold Borough
Monmouth County, New Jersey

MASER CONSULTING P.A.

2-26-16