

**BOROUGH OF FREEHOLD
COUNTY OF MONMOUTH**

ORDINANCE #2023/4

**ORDINANCE OF THE BOROUGH OF FREEHOLD, COUNTY OF MONMOUTH,
NEW JERSEY ADOPTING THE REDEVELOPMENT PLAN ENTITLED "200 PARK
AVENUE REDEVELOPMENT PLAN"**

WHEREAS, the Borough of Freehold, a public body corporate and politic of the State of New Jersey (the "**Borough**"), is authorized pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.* (the "**Redevelopment Law**") to determine whether certain parcels of land within the Borough constitute either an area in need of redevelopment, or an area in need of rehabilitation, as further described in the Redevelopment Law; and

WHEREAS, the Mayor and Council of the Borough (the "**Council**") referred a proposed resolution declaring the Entire Borough as an area in need of rehabilitation to the Planning Board of the Borough (the "**Planning Board**") in accordance with the provisions of *N.J.S.A. 40A:12A-14*, and directed the Planning Board to study the Entire Borough, review the proposed resolution, and submit any and all recommendations to the Council; and

WHEREAS, the Planning Board reviewed the proposed resolution on December 8, 2021; and

WHEREAS, the Planning Board's review of the proposed resolution included submissions from the Borough Engineer supporting a determination that the Entire Borough could be declared an area in need of rehabilitation pursuant to the Redevelopment Law; and

WHEREAS, following the Planning Board's review of the proposed resolution, the Planning Board recommended to the Council that the Entire Borough be deemed and declared an area in need of rehabilitation; and

WHEREAS, by Resolution No. 216-21 (the "**Resolution**"), adopted on December 20, 2021 and as supported by the Planning Board's recommendation, the Council determined and declared the Entire Borough to be an area in need of rehabilitation, in accordance with the provisions of the Redevelopment Law; and

WHEREAS, in accordance with the Resolution and the Redevelopment Law, Pennoni Associates (the "**Planner**") drafted a redevelopment plan entitled "200 Park Avenue Redevelopment Plan" (the "**Redevelopment Plan**") for the property commonly identified as Block 117, Lot 21 (the "**Property**") on the official tax maps of the Borough; and

WHEREAS, by Resolution No. 220-22, adopted December 5, 2022, and pursuant to the Redevelopment Law, specifically *N.J.S.A. 40A:12A-7(e)*, the Council referred the proposed Redevelopment Plan to the Planning Board for review and recommendation and instructed the

Planning Board to transmit its recommendations relating to the Redevelopment Plan to the Council prior to final adoption; and

WHEREAS, the Planning Board reviewed the proposed Redevelopment Plan on December 14, 2022; and

WHEREAS, by resolution of the Planning Board memorialized on January 11, 2023, the Planning Board found that the Redevelopment Plan was substantially consistent with the municipal master plan, and made recommendations to the Redevelopment Plan; and

WHEREAS, the Planning Board's recommendations have been incorporated into the Redevelopment Plan; and

WHEREAS, upon receipt and review of the Planning Board's recommendations relating to the Redevelopment Plan, and in consultation with the Planner and redevelopment counsel, the Council believes that adoption of the Redevelopment Plan is in the best interests of the Borough; and

WHEREAS, the Council has determined to adopt the Redevelopment Plan to ensure the success of redevelopment within the Property in conformity with the Borough's redevelopment objectives.

NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FREEHOLD, IN THE COUNTY OF MONMOUTH, as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. Contingent upon the receipt of the Planning Board's recommendations within the time period set forth in the Redevelopment Law, the Redevelopment Plan, as filed in the Office of the Borough Clerk and attached hereto as **Exhibit A**, is hereby approved and adopted pursuant to the terms of the Redevelopment Law.

Section 3. The Development and Zoning Ordinances of the Borough are hereby amended and supplemented to incorporate the Redevelopment Plan.

Section 4. This Ordinance shall be part of the Borough of Freehold Land Use Code as though codified and set forth fully therein.

Section 5. A copy of this Ordinance and the Redevelopment Plan shall be available for public inspection at the Office of the Borough Clerk during regular business hours.

Section 6. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

Section 7. This Ordinance shall take effect as provided by law.

Introduced: January 17, 2023

Adopted: February 13, 2023

EXHIBIT A

200 PARK AVENUE REDEVELOPMENT PLAN

Attached hereto.

LAST REVISED January 17, 2023



DRAFT FOR ADOPTION BY THE PLANNING & ZONING BOARD

Freehold Borough, New Jersey

200 PARK AVENUE REDEVELOPMENT AREA



ACKNOWLEDGMENTS

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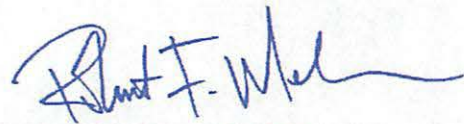
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1.0 INTRODUCTION

The entirety of Borough of Freehold in Monmouth County, New Jersey, was declared an Area in Need of Rehabilitation through Resolution No. 216-21 adopted December 20, 2021.

This redevelopment plan ("Plan") has been prepared for Block 117, Lot 21 (the "Plan Area" or "Park and Main Affordable Housing (AH) District"). This Plan is being prepared under the Borough-wide Rehabilitation designation. No specific redevelopment area has been declared for this parcel.

1.1 SITE DESCRIPTION

The Plan Area site is at the corner of Park Avenue and West Main Street. There is one one-story building on the property that is presently a church, the Living Springs Fellowship. The building is about 8,000 sq ft. Outside of the building, along the roadways, there is an L-shaped parking lot with approximately 50-60 parking spots. There is one drive-way entrance to the parking lot along Park Avenue. The site is surrounded by single-family homes, landscaping, and mature trees. A buffered sidewalk runs along West Main Street and Park Avenue. There is a bus stop outside of the church along Park Avenue.

Figure 1 below identifies the location and surrounding environs of the investigation parcels, and Figure 2 identifies the addresses and owners of the investigation parcels.

Figure 1. Location of Plan Area



Figure 2. Ownership information

Block	Lot	Owner Name	Address	City & State
117	21	CT95-CT07 200 PARK LLC, ETAL	200 Park Ave	Freehold Borough, NJ

Source: NJ Division of Taxation - MOD-IV

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1.2 OBJECTIVES OF THE PLAN

This Plan is being conducted to effectuate the redevelopment of the Plan Area in a manner that will aid the Borough in fulfilling its affordable housing requirements pursuant to the settlement of a builders' remedy lawsuit. Except where otherwise expressly provided, this Plan serves to supersede all existing zoning and design guidelines for the Property.

The following objectives highlight the purpose of this Plan:

1. 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;
2. To further the redevelopment of the area with distinctive multi-family buildings that benefit from the proximity to public transportation, health care providers, municipal services, shopping and driving opportunities.
3. Establish site and building design standards that foster a visually pleasing streetscape and inviting, high-quality construction within the Plan Area.

The purpose of the Park and Main Affordable Housing (AH) District is to provide development that contributes to the Borough of Freehold's municipal affordable housing obligation and to implement and incorporate the court approved Settlement Agreement, captioned CT95-CT07 200 Park LLC and DT95-DT07 200 Park LLC v. Borough of Freehold, et al., Docket No. MON-L-3624-19, which was approved by the Superior Court of New Jersey at a Fairness Hearing on April 8, 2022.

2.0

PLAN VISION

The Plan vision for the Plan Area is to utilize the site for multi-family residential development that fits within the character of the existing residential development of the area. The proposed building should be similar in footprint to the existing structure but will better relate to the streetscape by bringing the building into the forefront of the property and providing parking both under and behind the building. The remainder of the site will be landscaped, particularly around the edges to mitigate the potential impact to adjacent property owners and improve the streetscape, while preserving as many mature trees as possible, particularly street trees. Figure 3 shows general rendering/elevations/examples of the anticipated residential building type.

3.0 SITE DEVELOPMENT PLAN

3.1 PERMITTED USES/DEVELOPMENT PROGRAM

A. Permitted Principal Uses

Property in the Plan Area may be developed for multifamily residential use at a maximum gross density of 37 units per acre, provided that no more than 52 dwelling units are permitted in the Plan Area, including the set-aside of 9 affordable units required by Section C.

B. Affordable units

1. 18% of the total number of residential units shall be rental units affordable to low- and moderate-income households and said units shall be deed restricted pursuant to the requirements of N.J.A.C. 5:97-1 et seq. ("COAH regulations") and of N.J.A.C. 5:80-26.1 et seq ("UHAC"). A minimum of 50% of the affordable units shall be low-income units. Of the affordable rental units, 13% shall be affordable to households earning 30% or less of median income. These units shall be provided as part of the low-income housing requirement and not in addition to it.
2. The development shall comply with the requirements of N.J.A.C. 5:97-3.14 regarding accessible and adaptable affordable units.
3. The development shall comply with the affordable housing ordinance.

C. Principal building(s)

No more than one principal building containing a ground level parking area and three stories of residential units above parking shall be permitted ("residential building").

D. Permitted Accessory Buildings, Structures and Uses

The following accessory buildings, structures and uses are permitted in the Plan Area:

1. Off-street parking in accordance with § 18.73.010 A. 1. Parking shall be constructed at a ratio of one and one-half spaces per dwelling unit.
2. Permitted signage shall include: two building mounted identification signs (one along West Main Street and one along Park Avenue, each having no more than 100 square feet in area; two (2) two-sided ground mounted monument signs at the intersection of Park Avenue and West Main Street with each side have a maximum area of 50 square feet; and one ground mounted directional sign at the site access along Park Avenue with an area of no more than 10 square feet. The monument sign at the intersection of West Main Street and Park Avenue shall have a height of no greater than 8'. The structural base of the monument sign shall not be included in calculating the sign area. All signage may be illuminated from the exterior and will be downward lit.
3. Structures for garbage collection and recycling collection, including, but not limited to, dumpsters.

Figure 3. Character Image (General Appearance and Massing)



Figure 4. Character Image (General Appearance and Massing)



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4. Utility structures serving the development, including, but not limited to, a sanitary sewer pump station, cable television and telephone boxes, manholes, fire hydrants, electrical transformers, and other utilities that are customary to a residential development of this type.
5. Brick paver patios, outdoor seating areas, and related outdoor furniture.
6. Any other building, structure, or use, which is customary, incidental and subordinate to the multifamily residential use located on the same lot.

3.2 AREA, BULK AND OFF-STREET PARKING STANDARDS

The following zoning standards shall apply to development in the Park and Main AH District:

1. Minimum tract area: 1.4 acres.
2. Minimum principal building setbacks:
 - a. From Park Avenue right of way: 15 feet.
 - b. From West Main Street right of way: 23 feet. This setback shall be to the right of way and may incorporate a proposed 7' county ROW easement within the setback. In the event that Monmouth County requires a 7' right of way (ROW) dedication in lieu of a 7' ROW easement, then the foregoing setback shall be to what the ROW would have been if an easement had been granted and not a dedication.
 - c. Side yard: 35 feet.
 - d. Rear yard: 85 feet.
3. Minimum setbacks for accessory uses or structures and building appurtenances:
 - a. 10' from any property line for all accessory uses or structures except for patios, decks, driveways, gates, directional signs and outdoor seating areas, retaining walls, sidewalks, trash enclosures, transformer pads, electric vehicle charging equipment, transformer and related electrical equipment serving the electric vehicle charging stations, underground stormwater and sanitary sewer improvements, above-ground stormwater management facilities, which shall have a zero foot (0') set back.
 - b. Placement of accessory structures shall not interfere with sight triangles at site access points.
 - c. Balconies, bay windows, roof overhangs, chimneys and similar appurtenances may extend not more than two feet into a required setback.
4. Maximum building height
 - a. In accordance with § 18.04.040, building height shall mean the vertical distance measured from the mean elevation of the proposed finish grade at

the front of the building to the highest point of the roof line for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

- b. Architectural and mechanical features such as bulkheads, roof mounted mechanical equipment, stair towers, parapets and screens shall not be included in the roof line measurement of maximum building height for flat roofs. Such rooftop appurtenances shall be limited to a height no greater than 15% of the maximum building height as calculated herein and shall be screened from view below.
- c. As so calculated above, maximum building height shall not exceed the following:
 - i. Residential building: 60 feet/4 stories.
 - ii. Accessory structures: 16 feet.
- 5. Maximum number of dwelling units: 52.
- 6. Maximum lot coverage pursuant to the definition contained in §18.04.040: 75%.
- 7. Minimum lot width: 200 feet.
- 8. Off-street parking: Off-street parking in accordance with § 18.73.010 A.1. of the Borough's zoning provisions.
 - a. Parking shall be constructed at a ratio of one and one-half spaces per dwelling unit.
 - b. Accessible parking spaces shall be provided in accordance with the New Jersey State Uniform Construction Code Barrier Free Subcode (N.J.A.C. 5:23-7.10). The minimum parking setback to a property line or to right-of-way shall be 7 feet. Parking shall be provided on the grade level of the building and within a surface parking area adjacent to the building. All required parking shall be provided on the same lot as the building.
 - c. The minimum width of the primary access drive from Park Avenue shall be 24 feet. Standard parking stalls shall be 9' x 18'. Spaces that are 8'x16' can be added for compact cars if designated by signage.
 - d. Make Ready parking spaces shall be provided pursuant to N.J.S.A. 40:55D-66.20, which spaces may be located within the ground level parking of the building as wall-mounted equipment.
- 9. Minimum apartment size: Market rate and affordable apartments shall have a floor area of at least 650 square feet for a one-bedroom configuration, 825 square feet for a two-bedroom configuration and 950 square feet for a three-bedroom configuration.

10. Apartment configuration: Market rate apartments shall consist of 31 one-bedroom apartments and 12 two-bedroom apartments. Affordable apartments shall consist of one (1) one-bedroom apartment, six (6) two-bedroom apartments and two (2) three-bedroom apartments. A total of 52 apartments may be constructed.
11. Temporary construction trailers: A temporary construction trailer shall be permitted beginning from the time of commencement of site work for the development and ending thirty days after issuance of a certification of occupancy for the residential building. The dimensions of any temporary construction trailer shall not exceed a width of 10 feet, a length of 42 feet and a height of 10 feet. Temporary construction trailers may be placed in areas that are approved for disturbance during construction.
12. Fencing and buffers/landscaping: Fencing shall be installed in a manner consistent with §18.76.030-A, B, C, D and O and §18-76.020-G of the Borough's zoning provisions. Buffers and landscaping shall be installed in a manner consistent with §16-24.030-A.15 and A.17 of the Borough's zoning provisions. Street trees and other mature street trees on site shall be preserved to the greatest extent possible.

3.3 DESIGN STANDARDS

The following design standards shall apply to development in the Park and Main AH District:

1. Architectural treatment.
 - a. The facade of the residential building shall have a contextual architectural treatment which shall consist of any combination of brick, finished masonry, stone, HardiePlank®, wood and/or vinyl.
 - b. Any dumpster or other solid waste or recyclable disposal area shall be fully enclosed and screened by masonry or brick materials matching the building façade material and color. The dumpster or other solid waste or recyclable disposal area shall also be fully screened by landscaping.
 - c. Any ground-mounted mechanical equipment and any rooftop mechanical equipment shall be screened.
 - d. The type and location of site and building lighting shall preclude direct glare onto adjoining property, streets, or skyward.

4.0 GENERAL ADMINISTRATION

Ensuring proper coordination between the Borough and a developer will require adherence to certain provisions.

4.1 APPLICABILITY

The preceding regulations shall apply to the Plan Area and shall supersede regulations within the Zoning Ordinance of the Borough of Freehold, except where the regulations herein

are silent, in which case the regulations within the Zoning Ordinance shall govern.

4.2 ZONING MAP AMENDMENT

The Zoning Map of the Borough of Freehold should be amended to include the Plan Area (Block 117, Lot 21) as identified, discussed, and outlined in this document.

The regulations within this Plan shall supersede regulations within the Freehold Borough Zoning Ordinance, except where regulations herein are silent.

4.3 STRUCTURE AND POWER OF THE BOROUGH AS "REDEVELOPMENT ENTITY"

The Freehold Borough Council shall act as the "Redevelopment Entity" pursuant to N.J.S.A. 40A:12A-4.c for purposes of implementing this Plan and carrying out redevelopment projects, consistent with N.J.S.A. 40A:12A-8.

4.4.DEVELOPMENT REVIEW, VARIANCES, WAIVERS, AND PERMISSIONS

Development and subdivision within the Plan Area shall be controlled by the Borough's laws governing Land Use Procedures, Subdivisions and Development, and Zoning, as well as the State of New Jersey's laws governing development and redevelopment.

Approvals, waivers and variances will be governed by the requirements of the Municipal Land Use Law and the Borough's usual procedure.

Developers shall be required to comply with all applicable application submission requirements, design standards, and development regulations established in the Plan for the Plan Area, as well as those established by the Borough, Monmouth County, and the State, except where variances and waivers are properly approved, and except as set forth in Section 4.4 herein.

Renovations that do not physically expand the use, do not expand the intensity of use, or add additional parking shall only require review by the Borough. The Freehold Borough Planning Board (the "Planning Board") shall review and consider all other plans and specifications for development with respect to conformance with this Plan.

It is the intention of this Section that the Planning Board may grant variances, waivers or deviations from the strict application of the regulations contained within this Plan, for "bulk standards" or design criteria, in accordance with the provisions of N.J.S.A.

40:55D-60 and -70c, but that the Planning Board may not grant variances for use and other standards governed by N.J.S.A. 40:55D-70d. Any relief from standards otherwise governed by N.J.S.A. 40:55D-70d shall require that this Plan be amended.

Developers of the site) is required to obtain all necessary permissions, including for access, from NJDOT and Monmouth County as the project is sited on a state highway and a county road.

4.5 AMENDING THE PLAN

The Plan may be amended from time to time upon compliance with the requirements of the LRHL. No amendment of the Plan shall be approved without the review and recommendation of the Planning Board.

4.6 OFF-SITE IMPROVEMENTS

As defined by the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., the developer undertaking the development of a redevelopment area) may be responsible for their pro-rata share of any and all improvements required by the construction of the redevelopment project, as determined pursuant to N.J.S.A. 40:55D-42, such as installation or upgrade of infrastructure necessitated by the construction of the project whether on-site or off-site.

4.8 RELOCATION

No property will be acquired as part of the implementation of this Plan Accordingly, it will not be necessary for the Borough to comply with the New Jersey Relocation Assistance Law, P.L. 1967, c.79 *N.J.S.A. 52:31B-1 et seq.), the Relocation Assistance Act, P.L. 1971, c 362 (N.J.S.A. 20:4-1 et seq), and associated regulations (N.J.A.C. 5:L11-1 et seq.) adopted by the New Jersey Department of Community Affairs (the "DCA").

4.9 VALIDITY OF PLAN

If any section, paragraph, division, subdivision, clause or provision of this Plan shall be adjudged by the courts to be invalid, such adjudications shall only apply to the section, paragraph, division, subdivision, clause or provision so judged, and the remainder of this Plan shall be deemed valid and effective.

4.10 ACQUISITION

The Plan Area has been designated as a rehabilitation area, meaning that the LRHL does not authorize property acquisition by eminent domain. Therefore, no eminent domain is anticipated or enabled by this Plan. To the extent that property acquisition will be required, all property must be acquired by the developer through private negotiations

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with the property owner(s).

4.11

AFFORDABLE HOUSING

All new development within the Plan Area shall adhere to the affordable housing requirements of the State of New Jersey that are in place at the time the development receives municipal site plan approvals, must be consistent with the Borough's Housing Element and Fair Share Plan. and, except as otherwise provided in this Plan or the Settlement Agreement, any municipal ordinances that relate to the provision of affordable housing are applicable within the Rehabilitation Area. In the event of a discrepancy between such ordinances and this Plan and/or the Settlement Agreement, the Settlement Agreement and this Plan shall control.

5.0 RELATIONSHIP TO OTHER PLANS

5.1 LOCAL GOALS AND OBJECTIVES

This Plan is consistent with the Freehold Master Plan's goals and objectives, including:

1. Preserve the present character of the housing stock.
2. Provide for residential expansion and rehabilitation within the framework of existing land use patterns

5.2 RELATIONSHIP TO COUNTY PLANS

As the County seat, the Borough is an important part of the County's land use, transportation, economic development, and open space planning. As such, this Plan is consistent with many of the County's planning goals and objectives. The Plan aligns with the following goals and objectives of the 2016 Monmouth County Master Plan:

1. **Goal #3:** "Promote beneficial development and redevelopment that continues to support Monmouth County as a highly desirable place to live, work, play, and stay." The principles and objectives of this goal lay out the County's vision for vibrant and sustainable communities, housing, economic development, and redevelopment, and transit investments. New development should also be balanced with efforts to preserve the character of the community, especially in historic centers, through preservation, rehabilitation, and adaptive reuse strategies.

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5.3 RELATIONSHIP TO STATE DEVELOPMENT AND REDEVELOPMENT PLAN

The Plan is consistent with the policies in the New Jersey State Development and Redevelopment Plan. The Plan Area is within a Metropolitan Planning Area, classified as Planning Area 1 (PA 1) on the State Plan Policy Map.

The Plan is consistent with the following policy goals for Metropolitan Planning Areas:

1. **Land Use:** "Promote redevelopment and development in Cores and neighborhoods of Centers and in Nodes that have been identified through cooperative regional planning efforts. Promote diversification of land uses, including housing where appropriate, in single use developments and enhance their linkages to the rest of the community. Ensure efficient and beneficial utilization of scarce land resources throughout the Planning Area to strengthen its existing diversified and compact nature." The Plan promotes mixed-use redevelopment in a downtown area with regional transportation access. The proposed density will ensure efficient utilization of the available land, consistent with the compact development patterns that already exist in the downtown.
2. **Redevelopment:** "Encourage redevelopment at intensities sufficient to support transit, a broad range of uses and efficient use of infrastructure. Promote design that enhances public safety, encourages pedestrian activity and reduces dependency on the automobile." The Plan intends to create higher-density, mixed-use development to encourage transit use and walking. Design guidelines and public realm standards reinforce these principles by promoting human-scaled design, wide sidewalks, and pedestrian amenities.

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2. RELATIONSHIP TO THE FREEHOLD BOROUGH

ROCKFORD BOROUGH

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DRAFTED FOR FREEHOLD BOROUGH BY:

