

ORDINANCE NO. O-15-22
TOWNSHIP MEETING DATE – November 24, 2015

AN ORDINANCE AMENDING SALARY
AND COMPENSATION OF CERTAIN
OFFICES, POSITIONS AND EMPLOYEES IN THE TOWNSHIP OF
FREEHOLD, COUNTY OF MONMOUTH, STATE OF NEW JERSEY,
FOR THE YEAR 2016 AND THEREAFTER KNOWN BY ITS SHORT TERM AS:

“THE 2016 SALARY ORDINANCE”

Be it ordained by the Township Committee of the Township of Freehold, in the County of Monmouth and the State of New Jersey as follows.

SECTION 1:

The full-time classified offices and positions under the Municipal Government of the Township of Freehold shall be compensated for the year 2016 within the ranges fixed in this Ordinance.

SECTION 2:

The Township Treasurer be and is hereby authorized to transfer such sums of money from the Municipal operating accounts to the payroll accounts as may be necessary to cover periodic payments.

SECTION 3:

Every person hereafter appointed to any classified or unclassified position shall receive a salary established within the pay grade for such position as provided for in this Ordinance.

SECTION 4:

Every employee who shall hereafter be promoted to another position shall, at the time of said promotion, receive a salary equal to or in excess of the minimum salary that is established for that position to which he shall have been promoted.

SECTION 5:

The following full-time classified positions in the Police Department shall be compensated in the year 2016 as follows:

SECTION 5A:

| Title | Minimum | Maximum |
|-----------|----------|-----------|
| Patrolmen | \$33,000 | \$130,000 |

SECTION 5B:

| | | |
|-----------|-----------|-----------|
| Sergeants | | |
| Junior | \$98,000 | \$135,000 |
| Senior | \$100,455 | \$140,000 |

SECTION 5C:

| | | |
|-------------------|-----------|-----------|
| Police Lieutenant | \$111,000 | \$150,000 |
|-------------------|-----------|-----------|

SECTION 5D:

| | | |
|----------------|-----------|-----------|
| Police Captain | \$123,000 | \$190,000 |
|----------------|-----------|-----------|

SECTION 5E:

| | | |
|--------------|-----------|-----------|
| Police Chief | \$136,000 | \$200,000 |
|--------------|-----------|-----------|

SECTION 5F:

In addition to the salary noted in Sections 5A, 5B, and 5C, Longevity will be paid as follows:

| | | |
|-----------------------------|-------------------|----------------------------------|
| | <u>Patrolmen</u> | <u>Sergeants and Lieutenants</u> |
| After 5 th Year | \$2,050 per annum | \$2,150 per annum |
| After 10 th Year | \$2,950 per annum | \$3,200 per annum |
| After 15 th Year | \$3,350 per annum | \$3,800 per annum |
| After 20 th Year | \$4,150 per annum | \$5,200 per annum |
| After 24 th Year | \$4,650 per annum | \$6,200per annum |

SECTION 5G:

In addition to the salaries noted in Section 5D for the position of Police Captain, and Section 5E for the position of Police Chief, Longevity pay will be paid as follows:

| | |
|-----------------------------|-------------------|
| After 5 th Year | \$2,150 per annum |
| After 10 th Year | \$3,200 per annum |
| After 15 th Year | \$3,800 per annum |
| After 20 th Year | \$5,200 per annum |
| After 24 th Year | \$6,200 per annum |

SECTION 5H:

In addition to the salary noted in sections 5A, 5B, 5C, 5D, and 5E, College Incentive Pay will be paid at the rate of \$18.00 per course credit as conditioned in the police employment contracts.

SECTION 5I:

In addition to the salary noted in Sections 5A and 5B, off duty Police services will be paid at a maximum rate of \$70.00 an hour. After 8 consecutive hours Police services will be paid at the maximum rate of \$90.00 an hour.

SECTION 5J:

The following positions in CWA Local 1034 shall be compensated in 2016 within the following schedule:

| Title | Minimum | Maximum |
|---|----------|----------|
| Building Maintenance Worker Garage Attendant Laborer Mason | \$29,000 | \$80,000 |
| Public Works Repairer Recycling Operator Sewer Repairer/Water Repairer Water Meter Reader/Water Meter Repairer | \$29,000 | \$76,000 |
| Mechanic Helper Sign Maker I | \$32,500 | \$62,000 |
| Assistant Water Treatment Plant Operator | \$34,000 | \$63,500 |
| Motor Broom Driver Motor Broom Driver/Public Works Repairer | \$34,500 | \$65,000 |

| Title | Minimum | Maximum |
|---|----------|-----------|
| Equipment Operator Senior Recycling Operator Water Treatment Plant Operator | \$40,000 | \$70,000 |
| Sign Maker II Sr. Public Works Repairer Sr. Sewer Repairer/Sr. Water Repairer | \$37,000 | \$67,500 |
| Sr. Motor Broom Driver | \$38,000 | \$68,500 |
| C Mechanic | \$39,000 | \$70,000 |
| Sewer Repairer/Water Repairer/Water Treatment Plant Operator Sr. Equipment Operator | \$39,000 | \$70,000 |
| B Mechanic | \$42,000 | \$100,000 |
| Sr. Sewer Repairer/Sr. Water Repairer/Sr. Water Treatment Plant Operator | \$45,000 | \$83,000 |
| A Mechanic | \$48,000 | \$110,000 |
| Sr. Mechanic | \$57,000 | \$118,000 |

In addition to the salary noted in Sections 5J licenses shall be revised to the following schedules:

| | | | |
|-----|------------|-------------|----------|
| C-1 | \$525.00 | CDL Class A | \$625.00 |
| C-2 | \$625.00 | CDL Class B | \$425.00 |
| C-3 | \$1,075.00 | | |
| W-1 | \$525.00 | | |
| W-2 | \$625.00 | | |
| W-3 | \$1,075.00 | | |
| T-1 | \$1,225.00 | | |
| T-2 | \$1,750.00 | | |
| T-3 | \$1,900.00 | | |
| T-4 | \$2,450.00 | | |

SECTION 5K:

In addition to the salary noted in Section 5J, Longevity pay will be paid as follows:

| | |
|--|-------------------|
| After 5 years through 10 years | \$1,350 per annum |
| From the 11 th year through 15 th year | \$1,650 per annum |
| From the 16 th year through 20 th year | \$2,150 per annum |
| From the 21 st year through 25 th year | \$2,650 per annum |
| 26 years and over | \$3,150 per annum |

SECTION 5L:

The following positions in the International Union of Operating Engineers, Local 68 (IUOE) shall be compensated in 2016 within the following schedule:

| Title | Minimum | Maximum |
|---|----------|----------|
| Building Maintenance Worker Laborer | \$29,000 | \$80,000 |
| Park Maintenance Worker Park Maintenance Worker/Turf Maintenance Repairer/Recreation Maintenance Worker/Park Maintenance Worker Recreation Maintenance Worker Tree Trimmer | \$29,000 | \$71,000 |
| Tree Climber | \$30,000 | \$77,000 |
| Maintenance Repairer | \$31,000 | \$66,000 |
| Parks Maintenance Worker/Recreation Maintenance Worker Park Maintenance Worker/Sr. Turf | \$34,000 | \$63,500 |
| Sr. Building Maintenance Worker Sr. Recreation Maintenance Worker | \$37,000 | \$78,000 |
| Assistant Supervisor Recreation Maintenance | \$44,510 | \$71,065 |
| Building Maintenance Worker | \$40,000 | \$75,000 |

In addition to the salary noted in Sections 5L licenses shall be revised to the following schedules:

| | |
|--|----------|
| CDL Class A | \$625.00 |
| CDL Class B | \$425.00 |
| CPO | \$650.00 |
| Pesticide Commercial Applicator | \$850.00 |
| CFC License | \$700.00 |
| Shade Tree 24 hour/7 day on-call stipend | \$350.00 |

SECTION 5M:

In addition to the salary noted in Section 5L, Longevity pay will be paid as follows:

| | |
|--|-------------------|
| After 5 years through 10 years | \$1,350 per annum |
| From the 11 th year through 15 th year | \$1,650 per annum |
| From the 16 th year through 20 th year | \$2,150 per annum |
| From the 21 st year through 25 th year | \$2,650 per annum |
| 26 years and over | \$3,150 per annum |

SECTION 6:

The annual salary ranges for full-time classified offices and positions, with yearly increment, contingent upon merit, the availability of funds and other provisions of this Ordinance, are established for 2016 as follows:

| Pay Grade | Minimum | Title | Maximum |
|-----------|----------|--|-----------|
| 26 | \$26,500 | Account Clerk Assessing Aide Assessing Clerk Clerk Clerk Stenographer Clerk Typist Clerk Typist Bilingual in Spanish and English Geographic Information Systems Spec. III Payroll Clerk Permit Clerk Personnel Clerk Police Records Clerk Purchasing Clerk Recreation Leader Receptionist/Telephone Operator Registered Environmental Health Spec. Trainee Registered Environmental Health Spec. I | \$90,000 |
| 27 | \$26,500 | Administrative Clerk Assistant Violations Clerk Coordinator of Scheduling Rec. Activities Personnel Assistant Recreation Center Director Sr. Account Clerk Sr. Clerk Stenographer Sr. Clerk Typist Sr. Personnel Clerk Sr. Tax Clerk | \$100,000 |

| Pay Grade | Minimum | Title | Maximum |
|-----------|----------|---|-----------|
| 28 | \$26,500 | Assistant Assessor Code Enforcement Officer Engineering Aide Fire Prevention Specialist Fire Protection Inspector Geographic Information Systems Spec. II Housing Inspector Housing Inspector Bilingual in Spanish and English Pr. Account Clerk Pr. Assessing Clerk Pr. Clerk Stenographer Pr. Clerk Typist Pr. Engineering Clerk Pr. Tax Clerk Recreation Supervisor Research Aide Secretary Board/Commission TACO Violations Clerk | \$102,000 |
| 30 | \$31,500 | Data Processing Technician Deputy Municipal Court Administrator Geographic Information Systems Spec. I Public Information Officer Public Works Inspector Sr. Assistant Assessor Sr. Engineering Aide | \$104,000 |
| 32 | \$28,000 | Accounting Assistant Civil Engineer Trainee Electrical Inspector Prin. Drafting Technician Sr. Payroll Clerk Supervising Water Treatment Plt. Opr./ Supervisor Water Supervisor, Public Works Supervisor, Recycling Operations Systems Analyst | \$115,000 |
| 36 | \$30,000 | Assistant Municipal Recycling Coord. Building Inspector Data Processing Programmer Electrical Subcode Official General Supervisor, Public Works Personnel Assistant Plumbing Inspector Purchasing Agent Sr. Public Works Inspector Sr. Registered Environmental Health Spec. | \$104,000 |

| Pay Grade | Minimum | Title | Maximum |
|-----------|----------|--|-----------|
| 38 | \$32,500 | Assistant Street Superintendent Sr. Engineer Civil Supervisor Sewers/Supervisor Water Tree Maintenance Supervisor | \$120,000 |
| 42 | \$35,000 | Assistant Municipal Engineer Assistant Planner Bldg. Subcode Official/Fire Protection Subcode Official Chief Public Safety Telecommunicator Fire Official Mechanical Inspector/Plumbing Subcode Off. Personnel Officer Plumbing Subcode Official Principal Engineer Pr. Registered Environmental Health Spec. Program Specialist Alcohol Abuse Activities Sr. Data Processing Programmer Street Superintendent Supervisor, Building Services Supervisor Parks/Supervisor Recreation Maint. Supervisor, Trees | \$125,000 |
| 44 | \$40,000 | Asst. Municipal Parks Superintendent/Asst. Superintendent of Recreation Asst. Sewer Superintendent/Asst. Water Superintendent Bldg. Subcode Official/Code Enforcement Officer/Zoning Officer Municipal Court Administrator Public Works Superintendent Research Scientist Senior Planner Supervising Mechanic | \$135,000 |
| 46 | \$50,000 | Assistant Director of Finance Construction Official Director of Information Technology Director of Public Works Health Officer Management Information Systems Spec. Municipal Parks Superintendent/Supt. Of Recreation Principal Accountant Sewer Superintendent/Water Superintendent | \$185,000 |

SECTION 7:

The following full-time unclassified offices and positions shall be compensated in the year 2016 as follows:

| | Minimum | Maximum |
|---|----------|-----------|
| Confidential Aide | \$26,500 | \$90,125 |
| Deputy Municipal Administrator | \$50,000 | \$160,000 |
| Deputy Municipal Clerk | \$25,500 | \$100,000 |
| Director of Finance/Chief Financial Officer | \$60,000 | \$205,000 |
| Executive Secretary | \$30,000 | \$100,000 |
| Municipal Administrator | \$75,000 | \$215,000 |
| Municipal Clerk | \$35,000 | \$110,000 |
| Municipal Court Director | \$40,000 | \$135,000 |
| Municipal Department Head | \$50,000 | \$185,000 |
| Personnel Officer | \$35,000 | \$120,000 |
| Public Information Officer | \$26,500 | \$105,000 |
| Research Scientist | \$40,000 | \$131,000 |
| Secretary Board/Commission | \$25,500 | \$100,000 |
| Tax Assessor | \$40,000 | \$135,000 |
| Deputy Tax Assessor | \$35,000 | \$85,000 |
| Tax Collector/Tax Search Officer | \$40,000 | \$130,000 |
| Township Engineer | \$60,000 | \$205,000 |

SECTION 8:

The following part-time unclassified offices and positions shall be compensated in the year 2016 as follows:

| | Minimum | Maximum |
|------------------------------|----------|-----------|
| Mayor | \$9,000 | \$13,000 |
| Township Committee Member | \$8,000 | \$12,000 |
| Judge of the Municipal Court | \$65,000 | \$120,000 |
| Municipal Prosecutor | \$55,000 | \$95,000 |
| Public Defender | \$15,000 | \$50,000 |

SECTION 9:

In addition to the salaries noted in sections 6, 7, and 8, longevity pay will be paid as follows:

| | |
|---|-------------------|
| After 5 years through 10 th year | \$1,200 per annum |
| From 11 th year to 15 th year incl. | \$1,500 per annum |
| From 16 th year to 20 th year incl. | \$2,000 per annum |
| From 21 st year to 25 th year incl. | \$2,500 per annum |
| 26 years and over | \$3,000 per annum |

SECTION 10:

The following part-time offices and positions shall be compensated in the year 2016 as follows:

| | Minimum/Hr. | | Maximum/Hr. |
|--|-------------|---------|-------------|
| Account Clerk | \$15.00 | | \$70.00 |
| Aerobics Instructor | 35.00 | | 80.00 |
| Alternate Deputy Registrar of Vital Stats. | 500.00 | -annum- | 1,500.00 |
| Assistant Instructor | \$25.00 | | 70.00 |
| Assistant Municipal Engineer | 20.00 | | 80.00 |
| Assistant Planner | 15.00 | | 75.00 |
| Assistant Zoning Officer | 2,500.00 | -annum- | 10,000.00 |
| Baseball Camp | \$8.00 | | \$160.00 |
| Bldg. Maintenance Worker/Messenger | 12.26 | | 55.00 |
| Building Subcode Official | 30.00 | | 75.00 |
| Camp Administrator | \$17.00 | | \$60.00 |
| Camp Director | 22.00 | | 65.00 |
| Camp Director | 3,000.00 | -annum- | 6,000.00 |
| Camp First Aid | 10.00 | | 100.00 |
| Camp Maintenance | 10.00 | | 50.00 |
| Center Attendant | 15.00 | | 55.00 |
| Certified Tree Expert | 20.00 | | 100.00 |
| CIT Director | 17.00 | | 60.00 |
| Clerk Stenographer | 12.00 | | 55.00 |
| Clerk Typist | 9.45 | | 55.00 |
| Clinician Sports Instructor | 35.00 | | 160.00 |
| Conservation Officer-Water | 10.00 | | 55.00 |
| Counselor | 8.00 | | 34.50 |
| Deputy Registrar Vital Statistics | \$5,000.00 | -annum- | \$10,500.00 |
| Door Monitor | 10.00 | | 50.00 |
| Electrical Inspector | \$15.00 | | \$70.00 |
| Electrical Subcode Official | 15.00 | | 70.00 |
| Emergency Management Coordinator | 5,000.00 | -annum- | 10,000.00 |
| Engineering Aide | 11.00 | | 57.00 |
| Fire Prevention Inspector | 15.00 | | 60.00 |
| Fire Protection Sub-code Official | 2,500.00 | | 15,000.00 |
| Handicap Parking Enforcement Officer | \$10.50 | | \$51.00 |
| Head Counselor | 11.00 | | 55.00 |
| Health Educator | 13.00 | | 30.00 |
| Helper | 10.00 | | 100.00 |
| Housing Inspector | 15.00 | | 60.00 |

| Instructor | \$15.00 Minimum/Hr. | | \$160.00 Maximum/Hr. |
|---|------------------------|---------|-------------------------|
| Lacrosse Instructor | \$35.00 | | \$160.00 |
| Lacrosse Referee | 25.00 | | 95.00 |
| Lifeguard | 8.00 | | 50.00 |
| Maintenance Man-Park Crew | \$8.00 | | \$50.00 |
| Mechanic | 10.00 | | 55.00 |
| Mechanical Inspector/Plumbing Subcode Official | 15.00 | | 60.00 |
| Municipal Recycling Coordinator | 2,500.00 | -annum- | 5,000.00 |
| Municipal Surveyor | 6,000.00 | -annum- | \$10,000.00 |
| Omnibus Operator | \$15.00 | | \$55.00 |
| Patriot Shooter Basketball Camp | \$35.00 | | \$150.00 |
| Pre-Season Basketball Clinic | 35.00 | | 150.00 |
| Planning Aide | 10.00 | | 35.00 |
| Plumbing Inspector | 15.00 | | 45.00 |
| Plumbing Subcode Official | 20.00 | | 70.00 |
| Police Records Clerk | 10.00 | | 50.00 |
| Program Supervisor | 15.00 | | 55.00 |
| Public Safety Attendants | 11.50 | | 55.00 |
| Receptionist | \$10.00 | | \$50.00 |
| Records Management Coordinator | 1,000.00 | -annum- | 5,000.00 |
| Recreation Leader-Arts & Crafts | 10.00 | | 60.00 |
| Recreation Leader-Sr. Counselor | 10.00 | | 45.50 |
| Recreation Supervisor | 15.00 | | 55.00 |
| Referee | 25.00 | | 95.00 |
| Registered Environmental Health Spec. | 15.00 | | 65.00 |
| Registrar Vital Statistics | 5,000.00 | -annum- | 13,125.00 |
| School Traffic Guards | 10.00 | | 35.00 |
| Scorekeeper | 10.00 | | 30.50 |
| Secretary, Advisory Boards | 12.15 | | 40.15 |
| Secretary, Board/Commission | 12.20 | | 50.00 |
| Secretary/Fire Prevention Bureau | 1,000.00 | -annum- | 1,500.00 |
| Secretary/Historic Preservation | 9.45 | | 56.00 |
| Secretary/Municipal Alliance | 9.45 | | 56.00 |
| Secretary/Shade Tree Commission | 9.45 | | 56.00 |
| Site Inspector | 7.25 | | 45.00 |
| Softball Supervisor | 15.00 | | 55.00 |
| Special Events | \$10.00 | | \$ 100.00 |
| Special Police Officer I | 8.95 | | 35.45 |
| Special Police Officer II | 13.50 | | 40.50 |
| Specialty Staff | 10.00 | | 100.00 |
| Sr. Clerk Typist | 12.16 | | 55.00 |
| Sr. Registered Environmental Health Spec. Supervisor | 18.00 15.00 | | 55.00 55.00 |

| | Minimum/Hr. | | Maximum/Hr. |
|------------------------------|-------------------------------------|---------|-------------|
| Teen Chaperone | \$10.00 | | \$100.00 |
| Truck Driver-Snow Removal | 12.26 | | 65.00 |
| Water Meter Reader/Repairer | \$12.26 | | \$55.00 |
| Water/Sewer Account Searcher | 1,500.00 | -annum- | 2,500.00 |
| Yoga Instructor | \$35.00 | | \$80.00 |
| Zoning Officer | \$6,000.00 | -annum- | \$20,000.00 |
| Dog Census Takers | Not to exceed \$377.00 per district | | |

SECTION 11:

All Ordinances or part of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

All salary or compensation provided for by this Ordinance shall be payable from and after the first day of January 2016.

SECTION 12:

Payment for accrued sick leave pursuant to section 47-12.A.6 or individual employment agreements may be treated as Deferred Compensation at election of employee and included in periodic payments pursuant to section 2.

SECTION 13:

This Ordinance shall take effect upon its passage and publication according to law.

ORDINANCE NO. O-15-23
TOWNSHIP MEETING DATE - November 24, 2015

ORDINANCE AMENDING CHAPTER 150, SECTION 150-59, SUBSECTION C, 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 (additions are underlined, and deletions are in [brackets]):

I

Chapter 150, Fees, Section 150-59, Subsection C, is hereby amended to read as follow:

SEWER AND WATER CONNECTION FEE

| Description | Water | Sewer |
|--|--|--|
| Connection fee for new residential dwelling units; labor and materials by developer. (1 EU) | \$3,333 <u>\$3,393</u> | \$2,148 <u>\$2,205</u> |
| Connection fee for new buildings other than residential; labor and materials by developer. | \$3,333 <u>\$3,393</u> | \$2,148 <u>\$2,205</u> |
| | Per E.U. | Per E.U. |
| Connection and installation fee for existing dwelling unit, including labor and materials by Township. | \$4,333 <u>\$4,393</u> | \$3,148 <u>\$3,205</u> |
| Connection and installation fee for existing building, non-single family home; labor and materials by developer. | \$3,333 <u>\$3,393</u> | \$2,148 <u>\$2,205</u> |
| | Per E.U. | Per E.U. |
| 201 <u>34</u> Average Flow Per Single Family Dwelling Unit (GPD) | 224.79 <u>235.71</u> | 193.23 <u>209.54</u> |
| Calculation of equivalent units (E.U.) | Estimated average water system consumption (gallons per day) divided by average flow per single family dwelling unit (in gallons per day) for year 201 <u>34</u> | Estimated average wastewater system flow (gallons per day) divided by average flow per single family dwelling unit (in gallons per day) for year 201 <u>34</u> |

II

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

III

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

IV

This Ordinance shall take effect upon adoption and publication according to law.

Explanatory Statement:

This Ordinance updates the fees for Chapter 150.

ORDINANCE NO. O-15-24

TOWNSHIP MEETING DATE – November 24, 2015

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, State of New Jersey as follows:

I

PURPOSES: The purposes of this Ordinance are to amend Chapter 190, Land Use, as follows:

- 1) Create a new zone, Planned Adult Community-4 PAC-4, and establish applicable development regulations for the Planned Adult Community-4 PAC-4 zoning district.
- 2) Establish requirements and regulations for on-site and/or off-tract affordable housing units to satisfy affordable housing obligations applicable to the PAC-4 zoning district.
- 3) Rezone Block 67 Lot 21 containing 45.75 acres (also known as the Grossman Tract) located on the north side of N.J.S.H. Route 33 west of U.S. Route 9 from CMX-3 Corporate Multi-Use to PAC-4 Planned Adult Community-4.

NOTE: Deletions are shown with ~~[strike throughs in brackets]~~ and additions are underlined.

II

Article XI, Zones and Schedule of Requirements, §190-97 Zones, is hereby amended to add a new zone, PAC-4 Planned Adult Community-4 Zone, to the list of Zones following the PAC-3 Planned Adult Community-3 Zone.

III

Article XI, Zones and Schedule of Requirements, §190-99, Zoning Map Amendments, the Zoning Map (Schedule B) is hereby amended in accordance with a map dated March 17, 2015 prepared by Thomas Planning Associates attached hereto and made a part hereof as follows:

CMX-3 to PAC-4 Planned Adult Community-4: Block 67 Lot 21 containing 45.75

| Block | Lot | Tax Sheet | Approximate Acreage | Location |
|--------------|------------|------------------|----------------------------|-----------------------------------|
| 67 | 21 | 20 | 45.75 ac. | NJSH 33 (north side) west of US 9 |

IV

Article XI, Zones and Schedule of Requirements, Section 190-99, Zoning Map Amendments, the list of ordinances and adoption dates is hereby amended to add the adoption date of this ordinance under “**Ordinance**” and the applicable adoption date under “**Date**”.

V

Article XI, Zones and Schedule of Requirements, §190-101 Schedule of Area, Yard and Bulk Requirements, is hereby amended to add a new zone, PAC-4 Planned Adult Community-4 Zone to Schedule C, Schedule of Area, Yard and Building Requirements, as follows:

- (1) In the Column titled “Zone, RESIDENTIAL” add PAC-4 below PAC-3.
- (2) On the PAC-4 line add: (See §190-140.3, Planned Adult Community PAC-4)

VI

Article XIII, Zone Regulations, is hereby amended to add a new zone, Planned Adult Community-4 (PAC-4) as follows:

§ 190-140.3 Planned Adult Community-4 (PAC-4).

Purpose: The Planned Adult Community-4 PAC-4 Zone is designed to permit a planned adult, age-restricted development consisting of single-family detached housing units and community amenities as provided herein, subject to the following standards and requirements:

A. General tract requirements.

- (1) The minimum gross tract area for a planned adult community shall be 40 acres.

- (2) The maximum gross density for the residentially zoned PAC-4 tract area is 3.0 dwelling units per acre.
- (3) The development shall be serviced by public water supply and public sanitary sewer facilities.
- (4) The development shall have primary access and egress in accordance with the Residential Site Improvement Standards (N.J.A.C. 5:21 et seq.)
- (5) Residential units shall be age-restricted in accordance with the requirements of this section.
- (6) Not more than 20% of the entire tract shall be covered by buildings.
- (7) Not more than 40% of the entire tract shall be covered by impervious surface.

B. Permitted uses:

- (1) Single-family detached age-restricted housing units.
- (2) Attached single family and duplex age restricted affordable housing units.
- (3) Recreation buildings and facilities for residents of the PAC-4.
- (4) Maintenance building and equipment storage yard for PAC-4 related services, including pump stations.

C. Single-family detached lot requirements. Single-family lots shall conform to the following requirements:

- (1) Minimum lot area: 6,600 square feet.
- (2) Minimum lot frontage: 55 feet; except that on a cul-de-sac or street with a curved alignment having an outside radius of 500 feet or less, lot frontage shall not be less than 75% of the required lot frontage. For corner lots, the smaller of the two lot lines coexistent with the street line shall be considered the lot frontage.
- (3) Minimum lot width: 55 feet at the front building setback line.
- (4) Minimum lot depth: 120 feet.
- (5) Minimum front yard setback: 20 feet.
- (6) Minimum side yard: seven feet; driveways shall have a minimum side yard setback of five feet, except that on a cul-de-sac or street with a curved alignment, the side yard setback for the driveway may be reduced to two feet at the front lot line.
- (7) Minimum rear yard: 20 feet unencumbered by deed restricted conservation or planted buffer.
- (8) Maximum building height: 30 feet and two stories.
- (9) Maximum lot impervious coverage: 65%.
- (10) Decks/patios: same as principal structures, except rear yard setback: 10 feet.
- (11) Single-family detached housing unit lots abutting existing off tract residential housing units shall provide a twenty-five-foot planted buffer area along the property abutting the existing residential housing units. The planted buffer shall be deed restricted as a planted buffer and the screening area shall be maintained by the homeowners' association and/or property owner. The planted buffer area may be a separate lot or lots. If included within single family lots, the affected lots shall be a minimum of 125 feet in depth, of which 25 feet shall be deed restricted as a planted buffer.

D. Single Family Attached and Duplex Housing Units Lot Requirements for Affordable Housing Units. Single family attached and duplex affordable housing unit lots shall conform to the following requirements:

- (1) Minimum combined lot area: 9,000 square feet.
- (2) Minimum lot frontage: 90 feet for combined housing units and 45 feet for individual housing units; except that on a cul-de-sac or street with a curved alignment having an outside radius of 500 feet or less, lot frontage shall not be less than 75 percent of the required lot frontage. For corner lots, the smaller of the two lot lines coexistent with the street line shall be considered the lot frontage
- (3) Minimum lot width: 90 feet for combined and 45 feet for individual housing units at the front building setback line
- (4) Minimum lot depth: 100 feet
- (5) Minimum front yard setback: 20 feet.
- (6) Minimum side yard: seven feet; driveways shall have a minimum side yard setback of five feet, except that on a cul-de-sac or street with a curved alignment, the side yard setback for the driveway may be reduced to two feet at the front lot line. Attached and duplex housing units lots shall have a zero foot shared lot line between the combined units.
- (7) Minimum rear yard: 20 feet.
- (8) Maximum building height: 35 feet and 2-1/2 stories.
- (9) Maximum impervious lot coverage: 65%.
- (10) Decks/patios: same as principal structures except rear yard setback: 10 feet.
- (11) Single family attached and duplex housing unit lots abutting existing residential housing units shall provide a 25 foot planted buffer area along the property abutting the existing residential housing units. The planted buffer shall be deed restricted as a planted buffer and screening area to be maintained by the Home Owners Association and/or property owner. The planted buffer area may be a separate lot or lots. If attached to the single family detached housing lot, the affected lots shall be a minimum of 125 feet in depth of which 25 feet shall be deed restricted.

E. Recreation and common elements. A planned adult community shall provide developed and undeveloped open space and common recreational and community facilities for the exclusive use of its residents, in accordance with the following standards:

- (1) Not less than 25% of the gross tract area shall be devoted to common open space. Common open space shall be deed restricted or owned by and shall be maintained by a homeowners' association. The common open space may include man-made ponds and existing ponds. All critical areas on the site, including freshwater wetlands, wetland transition areas, floodplains and slopes of 15 percent or greater shall be encompassed within either designated common open space areas or subject to a conservation easement preserving the critical area.
- (2) There shall be not less than 15 square feet of floor space per dwelling unit provided in a community or clubhouse building, which building or buildings shall have a minimum total floor area of at least 3,000 square feet. Such facility shall be designed and equipped to meet the social and recreational needs of the development residents. The facility or facilities may include hobby and craft rooms, lounge areas, meeting rooms, card rooms, kitchen, social hall and rooms providing support facilities for outdoor recreation facilities or other similar facilities to meet the needs of adult residents. The community or clubhouse building(s) shall not exceed two stories or 35 feet in height. The building(s) shall meet the required off-street

parking standard of one (1) space per 350 s.f.

(3) Within the common open space, facilities shall be included for outdoor recreational use. These facilities may include, as a minimum, a tennis court or a Bocce court and an in-ground swimming pool and their related improvements, such as parking, lighting and ancillary buildings, and may also include, by way of illustration and not limitation, picnic areas, walking, jogging and bicycle paths, shuffleboard and horseshoe courts and similar types of facilities.

(4) The community clubhouse shall be operational on or prior to the issuance of certificates of occupancy for 50% of the approved residential units.

(5) A homeowners' association administrative area and sales office within the community clubhouse or within a separate building shall be permitted.

(6) A community maintenance and storage facilities shall be permitted. Such facilities shall be landscaped. Outdoor storage areas shall be fenced and visually screened with trees and shrubs.

6. Sidewalks. A sidewalk system within the PAC-4 development shall be provided and designed to interconnect residential housing units with internal recreation and other on-site community service facilities. The sidewalk system shall also provide access to the frontage of N.J.S.H. 33.

(7) Perimeter setback requirements. No buildings or structures, other than roadways, access drives, entrance sign, walking, jogging and bicycle paths, walkways, entrance gatehouses, walls, fences, drainage facilities, utility structures and residential decks and/or patios with at least one wall contiguous with the principal building shall be located within 50 feet of any exterior tract boundary, except when the lot fronts on a cul-de-sac bulb or eye brow bulb, the setback may be reduced to 25 feet. The outer 20 feet of the perimeter setback shall be designated as a landscape/conservation easement, and may be included within the single lot area. Where the outer 20 feet of the non-roadway perimeter setback is existing preserved landscaping or is landscaped with deciduous trees, evergreen trees and evergreen shrubs to effectively create a landscape visual screen/buffer to the adjoining properties, the fifty-foot perimeter setback may be reduced to 40 feet. If the contiguous property along the non-roadway perimeter boundary line is an environmentally sensitive area containing freshwater wetlands, streams, ponds, or floodplains that are deed restricted for conservation or open space purposes, the perimeter setback may be reduced one foot for every two feet of restricted area on the contiguous property; provided, however, that setback shall not be less than the required rear yard setback.

F. Deed restrictions. Approval of a PAC-4 planned adult community shall be conditioned upon the placement of restrictive covenants on the deeds to any and all portions of the tract so developed to:

(1) Ensure that the age-restricted units qualify as "55 or over housing" within the meaning of the Federal Fair Housing Act. The age-restrictive covenants shall be subject to review by the Township Attorney.

(2) Garages shall not be converted to habitable space.

G. Solar facilities. Rooftop solar facilities shall be permitted and shall conform to the requirements of N.J.S.A. 45:22A-48.2 and N.J.S.A. 52:27D-141.1 et seq. pertaining to provision of solar facilities for residential developments, or other such state-wide solar or alternative energy standards as may be applicable at the time of the application for development.

H. On-site affordable housing units. Approval of a planned adult community shall be conditioned upon the provision of an inclusionary component of fifteen percent (15%) affordable low- and moderate-income housing

units to be located on site or off-site as set forth above and/or in accordance with affordable housing requirements in effect through regulations adopted by the New Jersey Council on Affordable Housing (COAH), regulations established by statutory provisions and/or in accordance with a Housing Plan and affordable housing regulations approved by order of the Superior Court. On-site affordable housing development shall provide a minimum of 50% low-income and a maximum of 50% moderate-income housing units. Affordable housing units built on-site shall be distributed equitably throughout the development. The developer may request that affordable housing units be located within single-family attached buildings comprising not more than two housing units. Such units shall be designed to be similar architecturally and compatible with non-affordable housing units and shall be distributed equitably throughout the development. On-site affordable housing units shall be shown on a plan clearly identifying the location and type of on-site affordable housing units, including whether such housing unit is a low-income or moderate-income housing unit.

I. Off-Tract Affordable Housing.

(1) A developer of age-restricted housing units may satisfy all or a portion of the applicable affordable housing obligation for the development through the purchase of an existing off-tract market rate housing units at another location in Freehold Township and the conversion of such units to deed restricted low and moderate income Housing units in accordance with all of the relevant criteria set forth in the New Jersey Department of Community Affairs Uniform Housing Affordability Controls (U.H.A.C.) at N.J.A.C. 5:80-26.1 et seq. criteria, and all other regulations and policies controlling the creditworthiness of such units on the effective date of the final site plan approval. Such conversion can be accomplished through reconstruction, and /or a “buy-down/write-down program” controlling the creditworthiness of such units against the Township affordable housing obligation provided that any affordable housing units so provided are deemed creditworthy against the Township obligation to provide additional affordable housing by a court of competent jurisdiction or by a state agency designated by law to do so. Any development in a planned adult community shall be in accordance with all applicable reements of applicable current laws including, but not limited to, requirements regarding a phasing schedule, controls on affordability, low/moderate-income split, heating source, maximum rent and/or sales prices, affordability average, bedroom distribution and affirmative marketing. An applicant shall only be entitled to satisfy its affordable housing obligation via one or more of the alternative of-tract mechanisms set forth above if the applicant first secures the written authorization of the Township Committee.

(2) Before the execution of the final subdivision plat, the developer must submit to the Township of Freehold its plan as to the manner in which alternative mechanism(s) will be used to achieve the creation of the off-tract affordable residential units. The developer’s proposal shall be in accordance with Court, COAH or other designated state agency and New Jersey Department of Community Affairs Uniform Housing Affordability Controls (U.H.A.C.) at N.J.A.C. 5:80-26.1 et seq. criteria, regulations and policies or participation.

(3) If the developer elects to provide affordable housing units off-tract, certificates of occupancy for such housing units shall be issued within ten (10) years from the date of an approved Developer’s Agreement.

(4) The developer shall enter into a Developer’s Agreement with the Township of Freehold and the Township Planning Board and shall post a performance bond or letter of credit as a guaranty for the provision of the off-tract affordable units off-tract. The bond or letter of credit shall be posted prior to the recording of the subdivision plat or site plan for the development.

(5) Full and complete satisfaction of all relevant affordable housing requirements of the development shall be a specific, automatic, essential and non-severable condition of the land use approvals. Pursuant to this condition, the developer must demonstrate that it has satisfied the Planning or Zoning Board conditions of approval for affordable housing prior to obtaining the first building permit, and compliance with the affordable housing requirements shall be a continuing condition of all Planning or Zoning Board approvals for the development.

J. Other ordinances. In the event of any conflict between the provisions and requirements of this section and the provisions and requirements of any other subsections, the provisions and requirements of this section shall govern.

VII

Notice shall be given in accordance with N.J.S.A. 40:55D-62.1 at least 10 days prior to the hearing by the Township Clerk to the owners of all real property as shown on the current tax duplicates, located within 200 feet in all directions of Block 67 Lot 21 delineating the proposed boundaries of the proposed new zoning district which is the subject of the hearing. Notice shall be given by mailing a copy thereof by certified mail and regular mail to the property owner at his address as shown on the said current tax duplicate. The Township Clerk shall execute affidavits of proof of service of the required notices and shall keep the affidavits on file along with the proof of publication of the notice of the required public hearing on the proposed zoning ordinance change. Costs of the notice provision shall be the responsibility of the proponent of the amendment.

VIII

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

IX

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

X

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

XI

Following adoption, copies of this Ordinance shall be filed with the Freehold Township Clerk, Tax Assessor, Planning Board, Board of Adjustment, Municipal Attorney, Planning Board Attorney, Board of Adjustment Attorney, Township Engineer, Township Planner, Zoning Officer and Construction Official.

PUBLICATION NOTICE STATEMENT

The purposes of this Ordinance are to amend Chapter 190, Land Use, as follows:

- 1) Create a new zone, Planned Adult Community-4 PAC-4 and establish applicable development regulations for the Planned Adult Community-4 zoning district.
- 2) Establish requirements and regulations for on-site and/or off-tract affordable housing units to satisfy affordable housing obligations applicable to development within the PAC-4 zoning district.
- 3) Rezone Block 67 Lot 21 containing 45.75 acres (also known as the Grossman Tract) located on the north side of N.J.S.H. Route 33 west of U.S. Route 9 from CMX-3 Corporate Multi-Use to PAC-4 Planned Adult Community-4.

ORDINANCE NO. O-15-25
TOWNSHIP COMMITTEE MEETING DATE – November 24, 2015

AN ORDINANCE AMENDING CHAPTER 190, LAND USE, OF THE CODE OF THE TOWNSHIP OF FREEHOLD, COUNTY OF MONMOUTH AND 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 Chapter 190, Land Use: (1) to permit long-term care and nursing home facilities licensed by the State of New Jersey within a designated R-40 Overlay Zone on Block 28, Proposed Lot 19.02 as depicted on a map entitled “Minor Subdivision Block 28 Lot 19” prepared by Steven M. Edwards, P.L.S., County of Monmouth Division of Engineering dated June 15, 2015 as approved by the Freehold Township Planning Board, Case # 893-15, on September 3, 2015, containing 8.315 acres located on the north side of Dutch Lane Road (County Road 46) east of the Henry Hudson Trail; and (2) to establish site and building design standards, building set-back requirements, parking standards, and planted screening requirements for long-term care and nursing home facilities within the R-40 Overlay Zone.

Note: Additions are underlined and deletions are shown with ~~strike throughs~~.

II

Article I, General Provisions, §190-3, Definitions, is hereby amended to add a new definition, “Long – Term Care Facility” as follows:

“Long-Term Care Facility” means a facility or distinct part of a facility licensed by the New Jersey State Department of Health and Senior Services as a long-term care facility in accordance with Title 8, Health, Chapter 39, Standards for Licensure of Long-Term Care Facilities, of the New Jersey Administrative Code.

III

Article XIII, Zone Regulations, §190-131, Residential Zone R-40, is hereby amended as follows:

A. Purpose. The principal purpose of the R-40 Residential Zone is to permit the development of single family housing units on individual lots, ~~and~~ to provide for conditional uses compatible with single family home neighborhoods and to permit long-term and nursing home facilities in designated R-40 Overlay Zones.

B. Permitted uses: (1) - (5) No Change.

C. Permitted accessory uses: same as R-R Zone.

D. Uses permitted subject to issuance of a conditional use permit: (1) – (7) No Change.

E. Area, yard and building requirements for uses permitted in Section B above: as specified in Schedule C.
F. R-40 Overlay Zone.

(1) Permitted uses:

(a) All uses permitted in section B.

(b) Long-term care and assisted living residential facilities licensed by the New Jersey Department of Health in accordance with N.J.A.C. 8:39-1 et seq., Standards for Licensure of Long-Term Care Facilities.

(c) Nursing home facilities licensed by the New Jersey Department of Health in accordance with N.J.A.C. 8:33H-1 et seq., Certificate of Need: Policy Manual for Long-Term Care Facilities.

(d) Outpatient clinics, medical laboratories and professional medical offices which are part of and located within a long-term care facility as permitted in (a) and (b) and defined herein.

(2) Accessory uses:

(a) Fences in accordance with the Freehold Township fence regulations contained in §190-165.

(b) Signs in accordance with Article XVII, Signs, and as permitted in §190-179, of this chapter.

(c) Common parking areas.

(d) Common storage structures and facilities subject to the same limitations and requirements as the principal structures.

(e) Physical therapy facilities.

(f) Entertainment facilities.

(g) Libraries.

(h) Food preparation facilities.

(i) Dining facilities.

(j) Linen service facilities.

(k) Housekeeping service facilities.

(l) Security facilities, administrative offices, ancillary office space, storage facilities, chapels, and facilities for the temporary lodging of patients or residents.

(3) Area, yard and building requirements:

(a) Minimum lot area: Five (5) acres.

(b) Minimum lot frontage: Five hundred (500) feet

(c) Minimum lot depth: Three hundred fifty (350) feet

(d) Maximum building height: Four stories / 50 feet

(e) Maximum building coverage: Twenty (20) percent

(f) Maximum floor area ratio: 0.35

(g) All buildings shall be set back a minimum of ninety (90) feet from an existing public street right-of-way;

(h) All buildings shall be set back a minimum of forty (40) feet from any property line within a residential zone;

(i) All buildings shall be set back a minimum of twenty (20) feet from a parking area (except for loading and unloading areas for persons and supplies);

(j) Building height shall not exceed four (4) stories or 50 feet.

(k) Required planted screening. A planted screen area along the rear and side yards of the site adjacent to residential uses not less than 20 feet in width shall be provided containing evergreen and deciduous trees and shrubs planted in such a manner that will provide a visual screen throughout the entire year. Where an area required for a planted screen has existing plants and shrubs, it shall be left in its natural state to the greatest extent practicable, and existing vegetation shall be supplemented with additional plant material where deemed necessary.

(l) Required planted screening areas shall be used for no other purpose than as a screen area. Structures which may be erected within a buffer area include fences, as elsewhere regulated in this chapter, storm water management structures [including but not limited to basins, swales and related improvements] provided such facilities shall be suitably landscaped to be visually compatible and harmonious with the surrounding natural and or planted screening areas. All non-paved areas shall conform with Article XV, Fence and Buffer Regulations.

(m) Parking spaces shall provide for a minimum of 1.25 parking spaces per peak hour employee rates including required handicapped parking spaces in accordance with the Americans with Disabilities Act.

IV

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

V

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

VI

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

VII

Copies of this Ordinance shall be filed with the Freehold Township Clerk, Tax Assessor, Planning Board, Board of Adjustment, Municipal Attorney, Planning Board Attorney, Board of Adjustment Attorney, Zoning Officer, Construction Official, Engineer, Utility Engineer and Planner; the Monmouth County Planning Board, the Monmouth County Clerk, the Monmouth County Engineer and the Freehold Borough Clerk.

STATEMENT

This Ordinance amends Chapter 190, Land Use, of the Freehold Township Code to permit Long-Term Care and Nursing Home Facilities licensed by the New Jersey Department of Health as a permitted development option within the R-40 Residential Zone in designated R-40 Overlay Zones. The ordinance establishes definitions, permitted uses, site and building design standards, building set-back requirements, parking standards and planted screening requirements for Long-Term Care Facilities within R-40 Overlay Zones. The ordinance designates one R-40 Overlay Zone on the north side of Dutch Lane Road on Block 28, Proposed Lot 19.02 as depicted on a map entitled “Minor Subdivision Block 28 Lot 19” prepared by Steven M. Edwards, P.L.S., County Monmouth Division of Engineering dated June 15, 2015 as approved by the Freehold Township Planning Board, Case # 893-15, on September 3, 2015, consisting of 8.315 acres which is the site of the John L. Montgomery Home long-term care and nursing home facility.

ORDINANCE NO. O-15-26
TOWNSHIP MEETING DATE - November 24, 2015

ORDINANCE AMENDING CHAPTERS 2, 10, 150, 190 (LAND USE), 232, 286 AND 355 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF FREEHOLD, COUNTY OF MONMOUTH, STATE OF NEW JERSEY TO REFLECT COMBINING THE BOARD OF ADJUSTMENT INTO THE PLANNING BOARD

BE IT ORDAINED by the Township Committee of the Township of Freehold, County of Monmouth, State of New Jersey, as follows (additions are underlined, and deletions are in [~~brackets~~):

I

Chapter 2, Administration of Government, Article VI, Administrative Organizations, Section 2-25, Department, boards and commissions, is hereby amended as follows:

§2-25 Department, boards and commissions.

There shall be the following departments, offices, boards and commissions in the Township of Freehold:

A. - B. No change.

C. Boards and commissions.

Note to Codifier: Delete (1) and renumber the remaining names.

Chapter 10, Administration of Government, Article III, Environmental Commission, Section 10-12, Membership; terms; vacancies, is hereby amended as follows:

§10-12 Membership; terms; vacancies.

A. Appointment.

(1) The Commission shall consist of seven members appointed by the Mayor, at least one of whom shall also be a member of the Township Planning Board [~~and one of whom shall be a member of the Board of Adjustment~~] and all of whom shall be residents of the Township. The members of the Commission shall serve without compensation. The Mayor shall designate one of the members to serve as Chairperson and the presiding officer of the Commission.

(2) No change.

B. - C. No change.

Chapter 150, Fees, Section 150-15, Land Use (Chapter 190), is hereby amended as follows:

§150-15 **Land use (Chapter 190).**

Note to Codifier: Delete the words "Board of Adjustment" each time it appears in this Section 150-15.

Chapter 232, Peace and Good Order, section 232-1, Disorderly conduct, is hereby amended as follows:

§232-1. **Disorderly conduct.**

A. - 0. No change.

P. Violations of conditions of development approvals.

No person who is in possession of and/or the operator of property within the Township which has been the subject of a development application approval as evidenced by a written resolution of the Planning Board or of the former Zoning Board of Adjustment which resolution contains or references other documents or maps establishing conditions applicable to the continuing use of the property, shall violate any such conditions. In the event such conditions are violated, the person in possession or control of the subject property shall be issued a written notice of such violation. If such violation is not permanently discontinued or permanently remedied within ten (10) days of issuance of the notice of violation, a municipal summons may issue subjecting any party found guilty to the

penalties set forth in Chapter I, Sections 1-3, 1-4, and 1-6 hereof.

Chapter 286, Soil Removal and Soil Fill, Section 286-3, Permit required, review of application, and Section 286-6 Considerations, are hereby amended as follows:

§286-3 Permit required; review of application.

A. No change.

B. Determination.

(1) Determination of an application submitted under §286-4A hereof in conjunction with a land use application shall be by either of the following boards as the circumstances may require:

(a) No change.

(b) Where it is claimed that the right to remove or import the soil from the premises is by reason of a valid nonconforming prior use of the property in conjunction with the removal or importing of the soil, following public notice as provided under Chapter 190, Land Use, of this Code, there shall be a public hearing before the Planning Board [~~of Adjustment~~] of the Township for the purpose of determining the existence of the valid nonconforming prior use in conjunction with the removal or importing of soil from the premises.

(2) [~~Neither the~~] The Planning Board [~~nor the Board of Adjustment~~] shall not act until a written report has been received from the Township Engineer, which report shall be rendered within 30 days of the filing of the application for the soil removal/soil fill permit.

C. No change.

D. No change.

§286-6 Considerations.

A. Prior to consideration of the application by the Township Committee, the Planning Board [~~or the Board of Adjustment~~], there shall also be a determination by the Township Clerk that the application is in order and that all reports have been submitted by the Township Engineer.

B. In considering whether to approve an application and grant a soil removal permit, the Township Committee, the Planning Board [~~or the Board of Adjustment~~] shall consider the following factors:

(1) - (6) No change.

C. In considering whether to approve an application and grant a soil removal permit, whereby soil will be removed to a location or locations outside of the Township, the Township Committee, and the Planning Board [~~and the Board of Adjustment~~] shall consider the following additional factors:

(1) - (4) No change.

D. Upon examination of the entire record by the Township Committee, and the Planning Board [~~and the Board of Adjustment,~~] including any supplemental reports by the Township Engineer, if the Township Committee, or the Planning Board [~~or the Board of Adjustment~~] determines that the proposed soil removal will not create conditions inimical to the public health, welfare and safety and will not result in the creation of any sharp declivities, pits or depressions, soil erosion or fertility problems, or depressed land values, nor create any drainage or sewage problems or other conditions inimical to the land use in the Township, it shall authorize the issuance of a soil removal permit by the Township Clerk. The Township Committee, or the Planning Board [~~or the Board of Adjustment~~] shall make its final decision and determination not later than its second regular meeting following the hearing concerning the application for the soil removal permit. If no action has been taken within that time period, the application shall be deemed denied.

Chapter 355, Water Resources Protection, Section 355-6, State regulations; administration, is hereby amended as follows:

§355-6 State regulations; administration.

The regulations herein are intended to complement the Standards for the Construction of Individual Subsurface Sewage Disposal Systems as promulgated by the Division of Water Resources, New Jersey State Department of Environmental Protection, N.J.A.C. 7:9-2.1 et seq., as amended to date. [~~The provisions of this chapter shall not be subject to application and/or review by the Freehold Township Zoning Board of Adjustment. That Board is specifically prohibited from accepting jurisdiction to consider any adjustment or variation of the standards herein.~~] The Planning Board shall be the sole forum for application made hereunder and may apply its general jurisdiction thereto.

II

Chapter 190, Land Use, is hereby amended to read as follows:

§190-3 Definitions.

Note to Codifier: Change only definitions below. All other definitions remain unchanged.

~~[BOARD OF ADJUSTMENT~~

~~The Board established pursuant to this chapter.]~~

MINOR SITE PLAN

(1) No change.

(2) No development, including parking spaces, shall encroach into any buffer, landscape area, drainage area, wetlands area or open space required by this chapter or designated for such purpose(s) on a previously approved site plan or subdivision plan or other approved by the Planning Board [~~or Board of Adjustment~~].

(3) - (5) No change.

TOWNSHIP AGENCY

The Township Planning Board, [~~the Township Board of Adjustment~~], or the Township Committee when acting pursuant to this chapter as well as any agency which is created by or responsible to one or more municipalities when such agency is acting pursuant to this chapter.

§190-11 **Exclusive authority of Planning Board** [~~and Board of Adjustment~~].

Any power expressly authorized by this chapter to be exercised by the Planning Board [~~or the Board of Adjustment~~] shall not be exercised by any other body, except as otherwise provided in this chapter.

§190-14 **Membership.**

A. No change.

B. Membership classes.

(1) No change.

(a) Class I: No change.

(b) Class II: One of the officials of the Township other than a member of the Township Committee to be appointed by the Mayor. [~~provided that the member of the Planning Board, as required by N.J.S.A. 40:56A-1, shall be deemed to be the Class II Planning Board member for purposes of this chapter in the event that there be among the Class IV or alternate members of the Planning Board both a member of the Zoning Board of Adjustment and a member of the Board of Education.~~]

(c) - (d) No change.

(2) The members of the Class IV shall hold no other Township office, except that ~~[one Class IV member may be a member of the Zoning Board of Adjustment, and]~~ one Class IV member may be a member of the Board of Education. The member of the Environmental Commission, who is also a member of the Planning Board (N.J.S.A. 40:56A-1), shall be a Class IV Planning Board member. ~~[, unless there be among the Class IV members of the Planning Board both a member of the Zoning Board of Adjustment and a member of the Board of Education in which case the member common to the Planning Board and Municipal Environmental Commission shall be deemed a Class II member of the Planning Board.]~~

C. No change.

(1) The term of the member composing Class I shall correspond to the Mayor's official tenure or if the member is the Mayor's designee in the absence of the Mayor, the designee shall serve at the pleasure of the Mayor during the Mayor's official tenure. The terms of the members composing Class II and Class III shall be for one year or terminate at the completion of their respective terms of office, whichever occurs first. ~~[except for a Class II member who is also a member of the Environmental Commission.]~~ The term of the ~~[Class II or]~~ Class IV member who is also a member of the Environmental Commission shall be for three years or terminate at the completion of his term of office as a member of the Environmental Commission, whichever occurs first. The term of Class IV member who is also a member of the ~~[Board of Adjustment, or]~~ Board of Education, shall terminate whenever he/she is no longer a member of such other body or at the completion of his Class IV term, whichever occurs first. The terms of all Class IV members first appointed under this chapter shall be so determined that to the greatest practicable extent the expiration of such terms shall be distributed evenly over the first four years after their appointment; provided that the initial Class IV term of no member shall exceed four years. Thereafter, the Class IV term of each such member shall be four years, except as provided above.

D. No change.

(1) - (3) - No change.

§190-15 Additional voting restrictions on certain members. [Lack of quorum.]

~~If the Planning Board lacks a quorum because any of its regular or alternate members is prohibited by Subsection b of Section 14 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-23) or Section 13 of P.L. 1979, c. 216 (N.J.S.A. 40:55D-23.1) from acting on a matter due to the member's personal or financial interests therein, regular members of the Board of Adjustment shall be called upon to serve, for that matter only, as temporary members of the Planning Board in order of seniority of continuous service to the Board of Adjustment until there are the minimum number of members necessary to constitute a quorum to act upon the matter without any personal or financial interest therein, whether direct or indirect. If a choice has to be made between regular members of equal seniority, the Chairman of the Board of Adjustment shall make the choice.] Pursuant to N.J.S.A. 40:55D-25c(2), Class I and Class II members, as well as any designees or alternates who may be serving in their place, shall not participate in the consideration of applications for development which involve relief pursuant to Subsection d. of N.J.S.A. 40:55D-70.~~

§190-16 **Organization.** No change.

§190-17 **Powers.**

A. No change.

(1) - (6) No change.

(7) To the same extent and subject to the same restrictions, all the powers of a board of adjustment as set forth in Sections 190-242, 190-244, 190-246, 190-247 and 190-248.

B. - C. No change.

§190-18 **Referrals to Planning Board.** No change.

~~§190-19 [Planning Board in lieu of Board of Adjustment.~~
RESERVED

~~A. The Planning Board, when reviewing applications for approval of subdivision plats, site plans, or conditional uses shall have the power to grant to the same extent and subject to the same restriction as the Board of Adjustment:~~

~~(1) Variances pursuant to §190-242C of this chapter;~~

~~(2) Direction pursuant to §190-30 of this chapter for issuance of a permit for a building or structure in the bed of a mapped street or public drainageway, flood control basin, or public area reserved pursuant to Article IV of this chapter and N.J.S.A. 40:55D-32;~~

~~(3) Direction pursuant to §190-32 of this chapter for issuance of a permit for a building or structure not related to a street;~~

~~(4) Conditional uses as set forth hereafter in this chapter.~~

~~B. Whenever relief is requested pursuant to this section, notice of the hearing on the application for development shall include reference to the request for a variance, direction for issuance of a permit or conditional use permit as the case may be.]~~

§190-20 Time periods.

A. - B. No change.

C. When exercising "Board of Adjustment" powers. Whenever the Planning Board is exercising "Board of Adjustment" powers, it shall render a decision not later than 120 days after the date:

(1) An appeal is taken from the decision of an administrative officer; or

(2) Upon which an application is deemed complete.

Failure of the board to render a decision within such one-hundred-twenty-day period or within such further time as may be

consented to by the applicant shall constitute a decision favorable to the applicant.

D. Inquiries as to whether a proposed land use is permissible under the zoning provisions of this chapter or official Zoning Map shall be submitted in writing to the Planning Board which shall issue a written response within 45 days after the next meeting following receipt of the request or within such additional time as may be consented to by the inquirer.

§190-21 **Simultaneous review of conditional use applications.** No change.

§190-22 **Advisory committees.**

A. - B. No change.

C. No change.

(1) A Sign Review Subcommittee consisting of three members of whom [~~one~~] two shall be appointed by the Planning Board [~~, one shall be appointed by the Board of Adjustment~~] and one shall be appointed by the Architectural Review Board. One professional member of the Township staff shall be appointed by the Mayor as an Administrative Coordinator of the Committee.

(2) The Sign Review Subcommittee may review and make recommendations on applications for variances from sign design requirements and for the number and location of signs upon request of the Zoning Officer[~~7~~] or Planning Board. [~~or Board of Adjustment.~~]

(3) No change.

D. No change.

§190-30 Issuance of permits for buildings or structures in conflict with Official Map.

A. For purpose of preserving the integrity of the Official Map of the Township, no permit shall be issued for any building or structure in the bed on any street or public drainageway, flood control basin or public area reserved on the Official Map, or shown on a plat filed pursuant to this chapter before adoption of the Official Map, except as herein provided. Whenever one or more parcels of land, upon which is located the bed of such a mapped street or public drainageway, flood control basin, or public areas reserved pursuant to this chapter cannot yield a reasonable return to the owner unless a building permit is granted, the Planning Board [~~of Adjustment~~] may, in a specific case, by an affirmative vote of a majority of the full authorized membership of the Board, direct the issuance of a permit for a building or structure in the bed of such mapped street or public drainageway or flood control basin or public area reserved pursuant to this chapter, which will as little as practicable increase the cost of opening such street, or tend to cause a minimum change of the Official Map, and the Board shall impose reasonable requirements as a condition of granting the permit so as to promote the health, morals, safety and general welfare of the public.

B. No change.

§190-32 Appeals from the requirements of §190-31.

A. Where the enforcement of §190-31 hereof would entail practical difficulty or unnecessary hardship, or where the circumstances of the case do not require the building or structure to be related to a street, the Planning Board [~~of Adjustment~~] may upon application or appeal, vary the application of §190-31 of this chapter and direct the issuance of a permit subject to conditions that will provide adequate access for fire-fighting equipment, ambulances, and other emergency vehicles necessary for the protection of health and safety and that will protect any future street layout shown on the Official Map or on a general circulation plan element of the Township Master Plan.

B. No change.

§190-33 Approval by Planning Board [~~and other agencies.~~]

A. Planning Board approval. The Planning Board shall approve subdivision plats by resolution as a condition for filing such plats with the Monmouth County recording officer, and the approval of site plans by resolution of the Planning Board is deemed a condition for issuance for a permit for any development except that subdivision or individual lot applications for detached one- or two-family dwelling unit buildings shall be exempt from site plan review and approval. [~~provided that a resolution of the Board of Adjustment shall substitute for that of the Planning Board whenever the Board of Adjustment has jurisdiction over a subdivision or site plan pursuant to this chapter~~].

B. - D. No change.

§190-35 **Procedures and standards.**

When reviewing an application for residential development, the Planning Board [~~and Board of Adjustment~~] shall comply with the procedures and standards contained in the New Jersey Residential Site Improvement Standards prepared in accordance with N.J.S.A. 40:55D-40.4 and contained in the New Jersey Administrative Code under N.J.A.C. 5:21 effective June 3, 1997, which are hereby adopted by reference. When reviewing any other type of application for development, the Planning Board [~~and Board of Adjustment~~] shall ensure:

A. - D. No change.

E. The Planning Board [~~and the Board of Adjustment~~] shall not approve any application unless there is proof that there are not taxes or assessments for local improvements due or delinquent or any other Township liens on the property for which any subdivision, site plan or planned development application is made.

F. No change.

G. The Forester, in consultation with the Shade Tree Commission, shall act in an advisory capacity to the Planning Board [~~and Board of Adjustment~~] on all applications. The Forester shall advise the Planning Board [~~and Board of Adjustment as to~~] whether the developer has taken the steps necessary to preserve existing trees on the site to the maximum extent practicable.

H. No change.

§190-38 **Submittal procedure for minor site plans.**

A. - No change.

B. A complete application for preliminary approval shall consist of the following:

(1) - No change.

(2) Three copies of the paper print of the site plan for purposes of determining completeness by the administrative officer. Upon determination of completeness, 15 copies of the paper print of the site plan on which the following is set out:

(a) - (m) No change.

(n) The following legends shall be on the site plan map:

SITE PLAN OF

LOT _____ BLOCK _____ ZONE _____

DATE _____ SCALE _____

APPLICANT

ADDRESS

I CONSENT TO THE FILING OF THIS SITE PLAN WITH THE PLANNING BOARD [~~_____ BOARD OF ADJUSTMENT _____~~]

~~{Check one only}~~

(Owner)

(Date)

I HEREBY CERTIFY THAT I HAVE PREPARED THIS SITE PLAN AND THAT ALL DIMENSIONS AND INFORMATION ARE CORRECT.

(Name)

(Title and License No.)

I HAVE REVIEWED THIS SITE PLAN AND CERTIFY THAT IT MEETS ALL CODES AND ORDINANCES UNDER MY JURISDICTION.

(Date)

(Municipal Engineer)

To be signed before issuance of a building permit:

I HEREBY CERTIFY THAT ALL THE REQUIRED IMPROVEMENTS HAVE BEEN INSTALLED OR A BOND POSTED IN COMPLIANCE WITH ALL APPLICABLE CODES AND ORDINANCES.

(If Improvements Installed)
 (Township Engineer) (Date)
 (If Bond Posted)
 (Township Clerk) (Date)
 Building Permit Issued (Date)
 [~~(or BOARD OF ADJUSTMENT)~~]
 APPROVED BY THE PLANNING BOARD/(Preliminary) _____
 (Final _____)
 (Chairman) (Date)

(3) No change.

C. Other information. The Planning Board [~~or Board of Adjustment~~] may require other information and data for specific site plans. These data may include but are not limited to geologic information, water yields, flood data, environmental information, traffic counts, road capacities, market information, and similar material. A site plan application shall not be deemed complete until such additional information is received.

D. - E. No change.

F. Distribution of site plan. The administrative officer shall distribute the site plan for review and report and where required, approval, as follows:

(1) - (6) No change.

(7) Planning Board [~~or Board of Adjustment~~]
 Secretary: nine copies.

(8) - (9) No change.

G. - No change.

§190-39 **Time for decision.**

A. - B. No change.

C. ~~[Reserved] [Upon the receipt by the administrative officer of a complete application for site plan approval pursuant to §190-248B, the Board of Adjustment shall grant or deny approval of the application within 120 days of the date upon which the application is deemed complete or within such further time as may be consented to by the applicant.]~~

D. Failure of either the Planning Board ~~[or the Board of Adjustment]~~ to reach a decision within the specified time periods or extensions thereof shall result in the approval of the site plan as submitted.

E. - G. No change.

§190-47 Submission of minor subdivision plat.

A. Any owner of land within the Township, prior to subdividing resubdividing land as defined in this chapter shall submit to the administrative officer at least 10 working days prior to the next regular workshop meeting of the Planning Board ~~[or Board of Adjustment if proceeding pursuant to N.J.S.A. 40:55D-76(b),]~~ the following:

(1) - (2) No change.

B. No change.

§190-49 Minor subdivision action.

A. No change.

B. Minor subdivision approval shall be granted or denied within 45 days of the date upon which the application is deemed complete or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute minor subdivision approval and a certificate of the administrative officer as to the failure of the Planning Board to act shall be issued on request of the applicant; and it shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and shall be so accepted by the county recording officer for purposes of filing subdivision plat. ~~[Whenever an applicant is seeking minor subdivision approval before the Board of Adjustment, the Board of Adjustment shall grant or deny approval of the application within 120 days of the date upon~~

~~which an application is deemed complete or within such further time as may be consented to by the applicant.]~~

C. No change.

D. Expiration; changing conditions

(1) Approval of a minor subdivision shall expire 190 days from the date of the Township Planning Board [~~or Board of Adjustment~~] approval unless within such period a plat in conformity with such approval and the provisions of the Map Filing Law, P.L. 1960 c. 141 (N.J.S.A. 46:23-9.9), or a deed clearly describing the approved minor subdivision is filed by the developer with the Monmouth County recording officer, the Township Engineer and the Township Tax Assessor. Any such plat or deed accepted for such filing shall have been signed by the Chairman and Secretary of the Planning Board. In reviewing the application for development for a proposed minor subdivision, the Planning Board shall be permitted to accept a plat not in conformity with the Map Filing Act, P.L. 1960, c. 141 (N.J.S.A. 46:23-9.9 et seq.), provided that if the developer chooses to file the minor subdivision as provided herein by plat rather than deed, such plat shall conform with the provisions of said Act. Where a minor subdivision applicant was granted a waiver or variance in conjunction with the approval, the minor subdivision must be perfected by the filing of the plat.

(2) No change.

E. - F. No change.

§190-50 Preliminary procedure for major subdivision.

A. No change.

B. Copies of the preliminary plat shall be forwarded by the administrative officer in accordance with the administrative procedures of the reviewing board and shall be submitted to the following:

(1) - (6) No change.

(7) Planning Board [~~or Board of Adjustment~~] Secretary: nine copies.

(8) - (11) No change.

C. - (G) No change.

H. Reserved [~~Whenever an applicant is seeking relief pursuant to §190-248B, the Board of Adjustment shall grant or deny approval of the application within 120 days of the date upon which the application is deemed complete or within such further time as may be consented to by the applicant.~~]

I. No change.

§190-53 Final approval of major subdivision.

A. The Planning Board [~~or Board of Adjustment (where applicable)~~] shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established for final approval, the conditions or preliminary approval, and the standards prescribed by the Map Filing Law, P.L. 1960, c. 141 (N.J.S.A. 46:23-9.9 et seq.), provided that in the case of a planned unit development, the Planning Board may permit minimal deviations from the conditions of preliminary approval necessitated by change of conditions beyond the control of the developer since the date of preliminary approval without the developer being required to submit another application for development for preliminary approval. Before consideration of the final subdivision plat by the Planning Board, the subdivider or owner shall submit a plat entitled "Final Construction Plans and Profiles," showing all utilities and construction, their exact location and elevation based upon USCG data.

B. - G. No change.

§190-54 Effect of final approval of major subdivision.

The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer therefrom, whether conditionally or otherwise, shall not be changed for a period of two years after the date of final approval, provided that in the case of major subdivision the rights conferred by this section shall expire if the plat has not been duly recorded within the time period provided. If the

developer has followed the standards prescribed for final approval, and in the case of subdivision has duly recorded the plat, the Planning Board [~~or Board of Adjustment~~] may extend such period of protection for extensions of one year but not to exceed three extensions. Requests for extensions shall be filed at least 60 days prior to the expiration date. Notwithstanding any other provisions of this chapter, the granting of final approval terminates the time period of preliminary approval for the section granted final approval.

§190-55 Recording of final approval of major subdivision; filing of all subdivision plats.

A. Final approval of a major subdivision shall expire 95 days from the date of signing of the plat unless within such period the plat shall have been duly filed by the developer with the county recording officer. The Planning Board [~~or Board of Adjustment~~] may for good cause shown extend the period for recording for an additional period not to exceed 190 days from the date of signing of the plat.

B. No change.

§190-76 Site preparation.

A. No change.

B. Any tree on the site having a trunk diameter of more than four inches at a height of two feet from the ground shall not be removed unless such removal is in accordance with a plan approved by the Planning Board [~~or Board of Adjustment (where applicable).~~]

C. No change.

§190-80 Stormwater management.

A. No change.

B. Definitions. Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the meanings they have in common usage and to give this section its most reasonable application. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

BOARD - Planning Board [~~or Zoning Board of Adjustment.~~]

Note to Codifier: All other definitions in this subsection remain unchanged.

§190-93 Fencing on reverse frontage roadways.

The Planning Board [~~and Board of Adjustment~~] may approve coordinated fencing along reverse frontage roadways on collector and arterial roadways in conjunction with the approval of a major subdivision or residential site plan, or subsequent amendment to an approved major residential subdivision or site plan. A coordinated fencing design for the project site shall be submitted with the proposed location, type of fencing and construction details. Said fencing must be of uniform height and appearance, may not exceed six feet in height but may be located at the street line or within a required buffer, provided that the fencing is a decorative fence with facing on the roadway side where exposed to view from the roadway or from the exterior of the lot. Coordinated fencing shall be subject to property owner maintenance requirements of the fencing as well as the area between the street line and fencing. Gates shall be provided for individual lots in major subdivisions for access to the roadway side of the fence for maintenance purposes. Requirements for coordinated fencing shall be included as conditions of final, or amended final, major residential subdivision and site plan approvals.

§190-110 Accessory structures.

A. No change.

B. In all residential zones, any accessory structures exceeding 192 square feet in area shall be constructed of materials which are the same as or consistently similar to the materials of the principal structure. Any owner or occupant of property in any residential zone seeking permission to place upon his or her property a structure not in compliance with the foregoing, may appeal any permit denial to the Planning Board [~~of Adjustment~~] under §190-248A of this chapter

C. No change.

§190-114 Architectural design requirements for commercial, office and industrial development.

All commercial, office and industrial buildings and sites shall be designed and developed in a manner that will be compatible with the architectural and visual characteristics of historic buildings, sites or districts in the Township. This shall include the scale, height, and location of buildings, as well as the specific construction materials that are used.

A. General guidelines.

(1) Determination of compliance. All applications for commercial, office and industrial buildings shall be reviewed by the Historic Preservation Commission in accordance with the standards of review contained in §190-233E of this chapter. The Historic Preservation Commission shall review applications for conformance with this section within 35 days following receipt from the Planning Administrator. The Commission shall issue a letter of certification of compliance or noncompliance of the architectural design requirements of this section. If an application is not in compliance with this section, the Commission shall specify the elements of the proposed building or building addition that does not conform with the requirements of this section. The letter of certification shall be submitted as a recommendation to the Planning Board [~~or Board of Adjustment~~], and the Planning Board [~~or Board of Adjustment~~] shall make the final determination of compliance or noncompliance.

(1) - (6) No change.

B. - H. No change.

§190-120 Undersized lot for drainage, utility, open space, or other public facilities.

Whenever a developer shall propose to locate drainage, utility, open space or other public facilities on a separate lot, ownership of which will be dedicated to the local, county or state government, there shall be no necessity for the developer to seek a variance if any such lot does not meet the requirements of Schedule C, Schedule of Area, Yard and Building Requirements, at the end of this chapter, if the Planning Board

~~[or the Board of Adjustment, as the case may be,]~~ finds that the lot dimensions are appropriate for the use proposed.

§190-161.2 **Riparian Zone.**

A. No change.

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

Note to codifier: Change only the definition below. All other definitions remain unchanged.

APPLICANT

A person, corporation, government body or other legal entity applying to the Planning Board, ~~[Board of Adjustment]~~ or the Construction Office proposing to engage in an activity that is regulated by the provisions of this section, and that would be located in whole or in part within a regulated riparian zone.

C. - No change.

D. Variances. To the extent allowed by the Stormwater Management Rules (N.J.A.C. 7:8), the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13), and the Highlands Water Protection and Planning Act Rules (N.J.A.C. 7:38), new disturbances for projects or activities in the riparian zone established by this Ordinance may be allowed through the ~~[Zoning]~~ Planning Board ~~[of Adjustment]~~ review and approval of a variance, provided the disturbance is proposed to be located on a preexisting lot (existing as of the effective date of this section) when there is insufficient room outside the riparian zone for the proposed use otherwise permitted by the underlying zoning; there is no other reasonable or prudent alternative to placement in the riparian zone, including containing variances from setback or other requirements that would allow conformance with the riparian zone requirement; and upon proof by virtue of submission of appropriate maps, drawings, reports and testimony, that the disturbance is:

(1) - (4) - No change.

§190-176 **General requirements.**

Note to Codifier: Delete words "or Board of Adjustment" in paragraph N (6).

§190-188 **Deviations from requirements.**

Deviations from the requirements of this article may be permitted upon application to and approval of the Planning Board [~~or Board of Adjustment, as applicable,~~] through the Zoning Officer of the Township. Any such application for a deviation shall be considered as applications for variances pursuant to N.J.S.A. 40:55D-70.

§190-200 **Adult uses.**

Adult bookstores, adult motion-picture theaters, body painting studios, exotic dance or strip clubs, modeling shops and tattoo shops may be permitted in the specified zones only upon receipt of a conditional use permit and provided that the following standards are met, together with any other requirement deemed necessary by the Planning Board [~~of Adjustment~~] and any other applicable requirements of this chapter:

A. - D. No change.

§190-219 **Affordable housing requirements.**

A. No change.

B. Affordable housing regulations for development approvals. All development approvals shall provide for affordable housing opportunities, and requirements shall apply to approvals granted by the Planning Board [~~or Zoning Board of Adjustment~~] as follows:

(1) - (4) No change.

§190-220 **Requirements for affordable housing units.**

The Freehold Township Fair Share Obligation will be divided equally between low- and moderate-income households as per N.J.A.C. 5:93-2.20. Furthermore, except for inclusionary developments constructed pursuant to low-income tax credit regulations, developments which include affordable housing units shall be subject to the following provisions:

A. - B. No change.

C. Age restriction. The sales and rentals of not more than 25% of the affordable housing units constructed within the Township may be age-restricted to senior citizens, aged 62 or older as defined by and in accordance with the Federal Fair Housing Act and N.J.A.C. 5:93-5.1 and as regulated by N.J.A.C. 5:93-5.12. A request to age-restrict housing units may only be granted after the Planning Board [~~of Adjustment~~] has received the consent of the Township Committee. In designing an age-restricted affordable housing project, the applicant may propose constructing the senior citizen restricted affordable units in the same building or buildings in order to maximize the potential of preserving a more tranquil lifestyle for the senior citizen residents; and to the foregoing extent, the requirement of integration of the affordable units with conventional units is modified.

D. - G. No change.

§190-223 **Administration.**

The affordable housing regulations shall be administered in accordance with the following provisions:

A.- G. No change.

H. (1) - (2) No change.

(3) (a) - (c) No change.

(d) If the cost of advertising low- and moderate-income units are to be a developer's responsibility, the requirement shall be a condition of the Township Planning Board [~~or Board of Adjustment~~] approval.

(4)- (6) No change.

I.- O. No change.

§190-224.1 **Provision of affordable housing pursuant to COAH round 3 Growth Share Regulations.**

A. - B. No change.

C. Exemptions.

(1) Developments that received preliminary or final approval from the Planning Board [~~and/or Board of Adjustment~~], as applicable, prior to the effective date of this section.

(2) - (6) No change.

D. - J. No change.

§190-228 Establishment of Historic Preservation Commission; membership; terms; vacancies.

A. No change.

B. (1) - (2) No change.

(3) Class C: regular members who are not designated Class A or B shall be designated as Class C. Class C members shall be citizens of the municipality who shall hold no other municipal office, position or employment, except for membership on the Planning Board [~~or the Board of Adjustment~~]. Of the regular members, a total of at least four must be of Class A and B.

(4) No change.

C. Term; vacancies; removal.

(1) No change.

(2) Thereafter, the term of a regular member shall be four years and the term of an alternate member shall be two years. If the members of the Planning Board [~~and/or the Board of Adjustment~~] are appointed to membership on the Commission, their terms on the Commission shall be concurrent with their terms on their respective boards.

(3) - (4) No change.

§190-229 Organization of Historic Preservation Commission.

A. - C. No change.

D. Appeals. Unless otherwise provided in this article, whenever the Commission shall make a final decision pursuant to this article, the decision shall be subject to appeal to the Planning Board [~~of Adjustment~~] in the same manner as decisions of an administrative official pursuant to N.J.S.A. 40:55D-70(a).

§190-230 Responsibilities of Historic Preservation Commission.

A. Powers and duties. The powers and duties of the Historic Preservation Commission shall be as follows:

(1) - (8) No change.

(9) Advise the Planning Board [~~and the Board of Adjustment~~] on applications for development.

(10) - (15) No change.

(16) Recommend to the Planning Board [~~of Adjustment~~] the granting of use variances where such are deemed to be within the intent and purposes of this article.

(17) - (21) No change.

(22) The Commission shall on or before January 14 of each year provide to the Township Committee, Township Clerk, Township's Planning Board, [~~Board of Adjustment,~~] Construction Official and administrative officer an update list of all properties designated as historic landmarks, sites of historic interest and those included within an historic district. Throughout the year, the Commission shall update such lists as designations change.

B. Compatibility with other agencies.

(1) No change.

(2) If the Planning Board [~~or Board of Adjustment~~] is required, as part of the review of a development application, to pass upon an action relating to an historic landmark or property within an historic district, over which the Commission would otherwise have binding authority, the Commission shall make a recommendation to the reviewing board which shall consider such

recommendation in making its final decision. In those circumstances, the final decision shall be reserved for the reviewing board after considering the recommendation of the Commission.

§190-233 Review by Historic Preservation Commission.

A. Applications subject to Historic Preservation Commission review.

(1) All building permit, demolition and development applications affecting a historic landmark/site of historic interest or an exterior improvement within a historic district shall be reviewed by the Commission. Such review shall be required for, but not limited to the following which are merely listed as examples: demolition, relocation, changes in exterior appearance, construction of any improvements, changes in signs or lights, site plan review or subdivisions, or zoning variance requests. In addition, application and plans for new construction of nonresidential buildings and residential developments throughout the Township, which have been referred to the Commission by the Planning Board, [~~Board of Adjustment~~] or Township Committee shall be reviewed by the Commission.

(2) No change.

B. No change.

C. Referrals to Historic Preservation Commission. The Planning Board [~~or Board of Adjustment~~] shall refer all development applications; and the administrative officer shall refer all building permit applications, including permit applications for new construction, demolition, alterations, additions, or replacements which affect a historic landmark, a site of historic interest or an improvement within a historic district to the Commission.

(1) Applications involving historic landmark or historic district properties.

(a) No change.

(b) The Commission shall provide written advice and recommendation to the Planning Board [~~or Board of Adjustment~~]; or, in the case of the permit application

through the administrative officer, except otherwise provided by §190-230B, shall direct such officer to approve, deny or conditionally approve the application. Such determinations by the Commission shall be made within 45 days of the Commission's determination that the application is complete, unless such time is extended by consent of the applicant.

(c) No change.

(2) No change.

D. - E. No change.

F. Demolitions. An application for a permit to demolish a historic landmark/site of historic interest or a structure or improvement within a historic district shall be forwarded by the Construction Official to the Commission.

(1) - (2) No change.

(3) Demolitions in conjunction with a development application. In those circumstances where the planned demolition is part of a development application pending before the Planning Board [~~or Board of Adjustment~~], the hearing provided for in this section shall be combined as part of the development application hearing held before the reviewing board. The Commission shall be given notice of the hearing and its members or representative shall be allowed to ask questions, request information and present evidence to the reviewing board relating to the demolition. The Commission shall further be accorded the opportunity of making a recommendation to the reviewing board as to whether or not the demolition should be allowed.

G. Relocations. In regard to an application to move any historic landmark, or to move any improvement within a historic district, the application shall be forwarded by the responsible Township official to the Commission.

(1) - (3) No change.

(4) In those circumstances where the planned relocation is part of a development application pending before the Planning Board [~~or Board of Adjustment~~], the

hearing provided for in this section shall be combined as part of the development application hearing held before the reviewing board. The Commission shall be given notice of the hearing and its members or representative shall be allowed to ask questions, request information and present evidence to the reviewing board relating to the relocation. The Commission shall further be accorded the opportunity of making a recommendation to the reviewing board as to whether or not the relocation should be allowed.

H. Advice regarding nonhistoric properties.

(1) The Commission also serves in an advisory capacity in the review of plans referred by the Planning Board, [~~Zoning Board of Adjustment~~] or Township Committee pertaining to the exterior appearance of structures that are not historic landmarks and not within a historic district. The purpose and intent of this additional role of the Commission is to assist other Township boards in their review capacity, where development is proposed in close proximity to areas and/or structures of historic significance or because the owners or applicants desire to construct improvements with historic design and character. The goals of the Commission are to advise applicants on how to amend and improve designs rather than to impose individual design choices on any specific proposal.

(2) No change.

(3) When plans are referred to the Commission by the Planning Board [~~or Board of Adjustment~~], the referral should include the timing schedule for the submission in order to enable the Commission to make its review and, if necessary, meet with the applicant to discuss adjustments, within the timing framework for the submission, the dates of public hearings, Planning Board [~~or Board of Adjustment~~] meetings, etc.

I. No change.

§190-241 [~~Membership, appointment, organization.~~] RESERVED

~~[A. The Zoning Board of Adjustment shall consist of seven members and four alternate members; the method of appointment of such members shall be as follows: The terms of the regular members shall be four years. The Township Committee may appoint four alternate members who shall be designated by the Township Committee as Alternate No. 1, Alternate No. 2, Alternate No. 3 and Alternate No. 4, as appropriate. Alternate members may participate in discussions of the proceedings but may not take place in a decision in order that a regular member may vote instead of an alternate. In the event a choice must be made as to which alternate may vote, the alternate members shall vote in the order of their numerical designation. The term of each alternate member shall be two years; however, not more than two alternate members shall expire in any one year. No member may hold any elective office or position under the Township. No member of the Board of Adjustment shall be permitted to act on any matter in which he has either directly or indirectly any personal or financial interest. A member may after public hearing if he requests, be removed by the Township Committee for cause. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term. Each year in the month of January, the Board of Adjustment shall elect a Chairman and Vice Chairman from its members and select a Secretary who may or may not be a member of the Board of Adjustment or a Township employee.~~

~~B. If the Board of Adjustment lacks a quorum because any of its regular or alternate members is prohibited by Section 56 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-69) from acting on a matter due to the member's personal or financial interest therein, Class IV members of the Planning Board shall be called upon to serve, for that matter only, as temporary members of the Board of Adjustment. The Class IV members of the Planning Board shall be called upon to serve in order of seniority of continuous service to the Planning Board until there are the minimum number of members necessary to constitute a quorum to act upon the matter without any personal or financial interest therein, whether direct or indirect. If a choice has to be made between Class IV members of equal seniority, the Chairman of the Planning Board shall make the choice.]~~

§190-242 Additional Powers.

The Planning Board [~~of Adjustment~~] shall possess the following additional powers when exercising traditional Board of Adjustment powers:

A. - B. No change.

C. Where by reasons of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, or by reason of other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation of this chapter would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property, grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship including a variance for a conditional use; provided, however, that no variance shall be granted under this subsection to allow a structure or use in a district restricted against such structure or use. [~~and provided further that the proposed development does not require approval by the Planning Board of a subdivision, site plan or conditional use in conjunction with which the Planning Board shall review a request for a variance pursuant to this chapter.~~]

D. No change.

(1) No variance or other relief may be granted under the terms of this section unless such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning provisions of this chapter. An application under this section may be referred to any appropriate person or agency, [~~including the Planning Board pursuant to this chapter,~~] for its report, provided that such reference shall not extend the period of time within which the [Zoning] Planning Board [~~of Adjustment~~] shall act.

(2) No change.

§190-243 [~~Costs and expenses.~~] **RESERVED**

~~[A. The Township Committee shall make provision in its budget and appropriate funds for the expenses of the Board of Adjustment.~~

~~B. The Board of Adjustment may employ, or contract for, and fix the compensation of legal counsel, other than the Township Attorney, and experts and other staff and services as it shall deem necessary, not exceeding, exclusive of gifts or grants, the amount appropriated by the Township Committee for its use. In the interest of uniformity of development, the Township Engineer shall serve the Board of Adjustment in his field of expertise.]~~

§190-244 **Appeals and applications.**

A. Appeals to the Planning Board [~~of Adjustment~~] may be taken by any interested party affected by any decision of an administrative officer of the Township based on or made in the enforcement of the zoning provisions of this chapter or Official Map. Such appeal shall be taken within 20 days by filing a notice of appeal with the officer from whom the appeal is taken specifying the grounds of such appeal. The officer from whom the appeal is taken shall immediately transmit to the board all the papers constituting the record upon which the action appealed from was taken.

B. A developer may file an application for development with the Planning Board [~~of Adjustment~~] for action under any of its powers without prior application to an administrative officer.

§190-245 [~~Time for decision.~~] **RESERVED**

~~[A. The Board of Adjustment shall render a decision not later than 120 days after the date:~~

~~(1) An appeal is taken from the decision of an administrative officer; or~~

~~(2) Upon which an application is deemed complete.~~

~~B. Failure of the board to render a decision within such one hundred twenty day period or within such further time as may be consented to by the applicant shall constitute a decision favorable to the applicant.~~

~~C. Inquiries as to whether a proposed land use is permissible under the zoning provisions of this chapter or official Zoning Map shall be submitted in writing to the Board of Adjustment which shall issue a written response within 45 days after the next meeting following receipt of the request or within such additional time as may be consented to by the inquirer.]~~

§190-246 Modification on appeal.

The Planning Board [~~of Adjustment~~] may reverse or affirm, wholly or in part, or may modify the action, order, requirement, decision, interpretation or determination appealed from and to that end have all the powers of the administrative officer from whom the appeal is taken.

§190-247 Stay of proceedings by appeal; exception.

An appeal to the Planning Board [~~of Adjustment~~] shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made unless the officer from whose action the appeal is taken certifies to the Planning Board [~~of Adjustment~~], after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate of stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by an order of the Superior Court upon notice to the officer from whom the appeal is taken and on due cause shown.

§190-248 Other powers of Planning Board [~~of Adjustment~~].

A. Sections 190-244 through 190-247 of this chapter shall apply to the power of the Planning Board [~~of Adjustment~~] to:

- (1) - (2) No change.

~~[B. The Board of Adjustment shall have the power to grant to the same extent and subject to the same restrictions as the Planning Board subdivision or site plan approval pursuant to Articles V, VI and VII (§190 31 et seq.) of this chapter or conditional use approval pursuant to Article XIX (§190 191 et seq.) of this chapter whenever the proposed development requires approval by the Board of Adjustment of a variance pursuant to §190 242D. The Board of Adjustment shall have the power to relax~~

~~and or waive any provision of Chapter 142, Environmental Impact Statements, to the same extent that the Planning Board may do so. The developer may elect to submit a separate application requesting approval of the variance and a subsequent application for any required approval of a subdivision, site plan or conditional use. The separate approval of the variance shall be conditioned upon grant of all required subsequent approvals by the Board of Adjustment. No such subsequent approval shall be granted unless such approval can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and zoning provisions of this chapter. The number of votes of Board members required to grant any such subsequent approval shall be as otherwise provided in this act for the approval in question, and the special vote pursuant to the aforesaid §190 242 shall not be required.~~

~~C. Whenever an application for development requests relief pursuant to Subsection B of this section, the Board of Adjustment shall grant or deny approval of the application within 120 days after the date upon which an application is deemed complete or within such further time as may be consented to by the applicant. In the event a developer submits separate consecutive applications this provision shall apply to the application for approval of the variance. The period for waiting or denying any subsequent approval shall be as otherwise provided in this chapter. Failure of the Board of Adjustment to act within the period prescribed shall constitute approval of the application and a certificate of the administrative officer as to the failure of the Board of Adjustment to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and shall be so accepted by the county recording officer for purposes of filing subdivision plats.~~

~~D. Whenever review of approval of the application by the County Planning Board is required by Section 5 of P.L. 1968, c. 285 (N.J.S.A. 40:27-6.3), in the case of a subdivision, or Section 8 of P.L. 1968, c. 285 (N.J.S.A. 40:27-6.6), in the case of a site plan, the Township Board of Adjustment shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time.~~

~~E. An application under this section may be referred to any appropriate person or agency, including the Planning Board pursuant to §190-18 of this chapter for its report; provided that such reference shall not extend the period of time within which the Zoning Board of Adjustment shall act.]~~

[~~F.~~] B. When acting upon an application, the Planning Board [~~of Adjustment~~] may, based upon the record before it, place a reasonable time limit within which construction allowed by the granting of the application must be completed.

III

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

IV

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

V

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

EXPLANATORY STATEMENT:

This ordinance amends seven (7) Chapters and numerous Sections of the Revised General Ordinances of the Township to combine the Board of Adjustment into the Planning Board as approved by the voter referendum at the 2015 General Election.

ORDINANCE NO. O-15-27

TOWNSHIP MEETING DATE – November 24, 2015

AN ORDINANCE APPROPRIATING THE SUM OF \$95,000.00 CURRENTLY LOCATED WITHIN THE WATER AND SEWER UTILITY CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP OF FREEHOLD FOR THE REHABILITATION OF WELL #11 LOCATED AT THE JACKSON MILLS ROAD WATER TREATMENT PLANT

WHEREAS, there is currently within the Water and Sewer Utility Capital Fund of the Township of Freehold an item entitled Capital Improvement Fund; and

WHEREAS, there is in this Fund at least \$95,000.00; and

WHEREAS, it is deemed appropriate to make use of the \$95,000.00 for the rehabilitation of Well #11 located at the Jackson Mills Road Water Treatment Plant.

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

SECTION 1. There is hereby appropriated from the Capital Improvement Fund contained within the Water and Sewer Utility Capital Budget of the Township of Freehold, the sum of \$95,000.00 for the rehabilitation of Well #11 located at the Jackson Mills Road Water Treatment Plant and includes site work and general construction.

SECTION 2. In connection with the purpose and the amount authorized in Section 1 hereof, the Township of Freehold determines the purpose described in Section 1 is not a Current Expense and is an improvement which the Township of Freehold may lawfully make as a general improvement.

SECTION 3. All Ordinances or parts of Ordinances which are inconsistent with the terms of this Ordinance be and the same are hereby repealed to the extent of inconsistency.

SECTION 4. This Ordinance shall take effect immediately upon proper passage and publication in accordance with law.

SUMMARY

The purpose is to make use of the \$95,000.00 from the Water and Sewer Capital Improvement Fund for the rehabilitation of Well #11 located at the Jackson Mills Road Water Treatment Plant.