



# Resolution of the Township of Freehold

Monmouth County, New Jersey

No: R-17-25

Date of Adoption: January 24, 2017

**TITLE:** RESOLUTION SETTING FORTH REASONS FOR ADOPTING LAND USE ORDINANCE O-17-1 NOTWITHSTANDING THE PLANNING BOARD'S REPORT OF INCONSISTENCY WITH THE MASTER PLAN

## --- RESOLUTION ---

WHEREAS, the Township Committee of the Township of Freehold has adopted on first reading Ordinance O-17-1 ("the Ordinance") which would modify land development regulations for property designated Block 69.01, Lot 23 on the Tax Map located in the vicinity of the south side of Business State Route 33 and west of the Freehold Hebrew benefit Society Cemetery; and

WHEREAS, the Ordinance was referred to the Freehold Township Planning Board pursuant to N.J.S.A. 40:55D-26a for a Master Plan Consistency Report; and

WHEREAS, the Planning Board at its meeting of January 19, 2017 adopted a Resolution finding the Ordinance inconsistent with the Master Plan; and

WHEREAS, the Planning Board has forwarded that result to the Township Committee; however, notwithstanding that finding, the Planning Board recommended that the Township Committee adopt the Ordinance, setting forth its reasons for making that recommendation; and

WHEREAS, as required by N.J.S.A. 40:55D-26 and 40:55D-62a, the Township Committee hereby sets forth the following reasons for adopting the Ordinance despite the finding of inconsistency by the Planning Board that a Planned Adult Community for low and moderate income senior housing is not specifically identified as a planned use within the R-80 Residential Zone:

1. The Township Committee agrees with the Planning Board in its reasoning as reflected in its Resolution of January 19, 2017 that the Ordinance will advance the purposes of the Municipal Land Use Law, N.J.S.A. 40:55D-2;
2. The Ordinance will encourage development of a planned adult community ("PAC") for low and moderate income seniors at an appropriate location consistent with the Housing Plan Element of the Master (Chapter 8-6) which provides:

*"Freehold Township encourages the development of a variety of housing types suitable to the needs*

*of existing and future residents. Housing development is designed to be compatible with existing residential neighborhoods, with environmental constraints, with the availability of infrastructure, and with the need to maintain adequate levels of service for public facilities.”*

3. The PAC is also consistent with the guidelines for affordable housing development in the Housing Plan Element of the Master Plan (Section 8, Page 8-13) in that the PAC will be located on property with access to a major state highway; is within an existing sanitary sewer service area; has access to public water; is located with access to public transportation and is near needed services and facilities

4. The Ordinance will encourage development compatible with the surrounding uses and development and will be buffered from existing or future potential residential development within the R-80 Zone by existing natural vegetation and required landscape screening.

5. The PAC Overlay Ordinance will facilitate the construction of affordable senior citizen housing consistent with goals and objectives of the Fair Housing Act (N.J.S.A 52:27D310).

6. The traffic generation of an age restricted development is "off-peak", generally 10:00 a.m. to 3:00 p.m.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Freehold that it is of the opinion that Ordinance O-17-1 should be adopted for the reasons set forth herein.

BE IT FURTHER RESOLVED that a copy of this Resolution, certified by the Township Clerk to be a true copy, be forwarded to the Monmouth County Planning Board when filing a copy of the adopted Ordinance, and that copies of this Ordinance be filed with the Township Engineer, Township Planning Consultants, the Township Zoning and Construction Officials and with Surenian Associates, Special Housing Counsel and CGPH, Affordable Housing Consultants.

No. R-17-25

<b>VOTE OF THE TOWNSHIP COMMITTEE</b>							
COMMITTEEPERSON	I	S	Y	N	NV		
AB							
Mr. Ammiano							
Mr. Cook							
Mrs. McMorrow							
Mr. Salkin							
Mayor Preston							

I-Introduced By   S-Seconded By   X- Indicates Vote   NV- Not Voting   AB- Absent

**ORDINANCE NO. O-17-1**  
**TOWNSHIP MEETING DATE: January 10, 2017**

**AN ORDINANCE AMENDING CHAPTER 190, LAND USE, OF THE REVISED  
GENERAL ORDINANCES OF THE TOWNSHIP OF FREEHOLD, COUNTY OF  
MONMOUTH, STATE OF NEW JERSEY**

**BE IT ORDAINED** by the Mayor and Township Committee of the Township of Freehold, County of Monmouth, and State of New Jersey, as follows:

**I**

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

- 1) To create a Planned Adult Community-Affordable Housing Overlay Zone (PAC-AHO) for Block 69.01 Lot 23 as shown on Tax Map Sheet 20 containing 7.35 acres located on the south side of New Jersey State Highway Business Route 33 west of Cardigan Bay Road and the Freehold Hebrew Benefit Society Cemetery to provide a realistic opportunity for the construction of rental apartment housing for seniors of low and moderate incomes as required by the New Jersey Supreme Court in Southern Burlington County NAACP v. Twp. of Mt. Laurel, 92 N.J. 158 (1983) (Mount Laurel II) and by the Fair Housing Act, P.L. 1975, c. 222 (N.J.S.A. 52:27D-301 et seq.).
- 2) To add the Planned Adult Community-Affordable Housing Overlay (PAC-AHO) Zone to the list of zones (§190- 97 Zones) and to the Zoning Map (§190- 99 Zoning Map Amendments)
- 3) To create zoning requirements for the Planned Adult Community-Affordable Housing Overlay (PAC-AHO) Zone as new section §190-140.4 Planned Adult Community-Affordable Housing Overlay (PAC-AHO)

**Note:** Additions are underlined and new sections are so noted.

## II

Article XI, Zones and Schedule of Requirements, § 190-99 Zoning Map Amendments, the Zoning Map (Schedule B) is hereby amended to include Block 69.01 Lot 23 as “PAC-AHO” as depicted on a map dated January 5, 2017 prepared by Thomas Planning Associates, LLC attached hereto and made a part hereof and to add the Ordinance amendment number and adoption date, following adoption, as follows:

### **Ordinance Date**

0-17-\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_/ 2017

## III

Chapter 190, Land Use, Article XIII, Zone Regulations, is hereby amended to add a new section, § 190-140.4 Planned Adult Community-Affordable Housing Overlay (PAC-AHO), as follows:

### § 190-140.4 Planned Adult Community-Affordable Housing Overlay (PAC-AHO)

Purpose: The Planned Adult Community-Affordable Housing Overlay Zone is designed to permit a planned adult, age-restricted, affordable housing development consisting of multi-family housing units as an affordable housing development option on Lot 23 in Block 69.01, subject to the following standards and requirements:

#### A. Permitted Uses.

(1) All uses permitted in the R-80 Zone.

(2) Multi-Family Age Restricted Affordable Rental Housing for those persons 55 years of age or older as permitted by the Federal Fair Housing Act of 1968 and Housing for Older Persons Act of 1995. Age-restricted housing” means a housing unit that is designed to meet the needs of, and is exclusively for, an age-restricted segment of the population such that: 1. All the residents of the development where the unit is situated are 62 years or older; 2. At least 80 percent of the units are occupied by one person that is 55 years or older; or 3. The development has been designated by the Secretary of HUD as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. §§ 3607. Multi-family units shall be subject to the following development provisions:

(a) The minimum gross tract area for a planned adult affordable housing community shall be seven (7) acres.

(b) The maximum gross density shall be ten (10) dwelling units per acre.

(c) Minimum Lot and Yard Dimensions:

[1] Width at building line: 100 feet

[2] Minimum Yard Depths

[a] Principal Buildings

[i] Front Yard: 100 feet

[ii] Side Yard: 30 feet

[iii] Rear Yard: 10 feet

[b] Accessory Buildings

[i] Front Yard: 100 feet

[ii] Side Yard: 30 feet

[iii] Rear Yard: 30 feet

[c] Minimum Frontage: 100 feet

(d) Maximum Lot Coverage

[1] All buildings: 25 percent

[2] Accessory Buildings: 5 percent

[3] All impervious surfaces: 40 percent. For purposes of this subsection, lot coverage shall be computed on the basis of all buildings and paving over the gross acreage of the lot.

(e) Maximum Floor Area Ratio: 0.60

(f) Maximum Building Height

[1] Feet: 50

[2] Stories: 3

(g) Setback requirements to roadways and parking areas.

[1] Building to interior roadways: 15 feet.

[2] Building to parking area: 10 feet.

[3] Building to public exterior roadway: 50 feet.

[4] Building to perimeter tract boundary: 30 feet minimum.

(h) Off-street parking requirements.

[1] Off-street parking shall be provided in spaces measuring not less than 18 feet by nine feet for perpendicular parking stalls in accordance with N.J.A.C. 5:21, Residential Site Improvement Standards. Parking spaces for people with disabilities shall be in accordance with the New Jersey Uniform Construction Code (N.J.A.C. 5:23-7) or the Americans with Disabilities Act, as applicable.

[2] As senior rental apartments are not a specific type listed within N.J.A.C. 5:21, Residential Site Improvement Standards ("RSIS") and as Table 4.4 (Parking Requirements) of the RSIS permits parking requirements which are commensurate with similar uses to be used, a minimum standard of one (1) parking spaces per unit shall be required.



- [3] No structure or portion of a structure constructed as a private garage or storage area shall be converted into living area or shall be included in the calculation of the number of parking spaces as described herein.
- (i) Signage. The setback for Identification Signs shall be 10 feet from the property line and said Identification Signs may be double-sided meaning the permissible square footage of signage shall be permitted for each side of the sign. Signage must be outside the sight triangle area as determined utilizing AASHTO guidelines.
  - (j) Open space and recreational area requirement. Not less than the 30% of the project site shall be devoted to private passive open space as defined in this chapter. Senior rental projects shall provide indoor common meeting rooms, exercise rooms and outside seating areas for the residents of the project.
  - (k) A resident superintendent, although allowed, shall not be required for the development.
  - (l) Apartments shall conform with New Jersey Housing Mortgage Finance Agency guidelines for closet and cabinet space.
  - (m) The development shall be serviced by public water supply and public sanitary sewer facilities.
  - (n) The development shall have primary access and egress in accordance with the Residential Site Improvement Standards (N.J.A.C. 5:21 et seq.).

B. Permitted accessory uses.

- (1) On site offices for leasing, management and maintenance operations
- (2) Essential utilities.
- (3) Outdoor gathering and sitting areas, such as gazebos.
- (4) Maintenance and equipment sheds.
- (5) Fences in accordance with § 190-165.
- (6) Signs in accordance with § 190-178, as modified herein.
- (7) Outdoor waste collection and recycling areas enclosed and constructed of materials similar to the facade of the building.
- (8) Services for residents including computer room, library, indoor common meeting rooms, exercise rooms, outside seating areas, office for visiting physician/professional and similar types of facilities and services.

C. Low and moderate income housing requirements

- (1) At least one-half (50%) of all units shall be affordable to low-income households; and
- (2) At least one-half (50%) of all units shall be affordable to moderate-income households.

D. Bedroom Distribution.

- (1) Not more than 20% of all units shall be 2 bedroom units.
- (2) The remaining units shall be 1 bedroom units.

E. Other requirements. All housing units shall be age restricted, to those persons 55 years of age or older as permitted by the Federal Fair Housing Act and the Housing for Older Persons Act of 1995 (HOPA). All development shall comply with the New Jersey Uniform Housing Affordability Controls at N.J.A.C.5:80-26.1 et seq.; the applicable Affordable Housing requirements of the New Jersey Housing and Mortgage Finance Agency and Section 42 of the Low Income Housing Tax Credit regulations, provided, however, that all units shall be deemed restricted as age restricted affordable housing for a period not less than 30 years.

F. Notwithstanding the existing Township Ordinances regarding site plan submissions and submission requirements, applications for site plan approval in the Planned Development – Affordable Housing Overlay Zone shall be permitted to submit the following items as a condition of Final Site Plan Submission rather than as part of the Preliminary Site Plan Submission.

(1) Providing exterior material sample board for proposed buildings.

(2) Environmental Impact Statement for projects in this Zone shall be deemed satisfied by a summary letter from an environmental engineer detailing the general environmental conditions of the property, provided a valid Wetlands Letter of Interpretation from the New Jersey Department of Environmental Protection is submitted along with either a Preliminary Assessment or Phase 1.

(3) Application for Sign Permit.

(4) Proof of application to the Monmouth County Planning Board.

(5) Proof of application to Freehold Soil Conservation District

(6) Proof of application to the New Jersey Department of Transportation.

(7) Proof of application to the New Jersey Department of Environmental Protection for either Stream Encroachment Permit or Letter of Interpretation.

(8) Tree Save and Tree Clearing Plan per Section 336-10. However, a Heritage Tree survey will be required as part of any preliminary application.

(9) Proof of application to the Freehold Township Historic Preservation Committee.

(10) Off Site Drainage and Utility Plans.

(11) Center line profiles of streets bordering the site, if required by the Township engineer.

(12) Full Soil Boring Logs. Test pits shall be sufficient for Preliminary applications.

(13) Landscape Plans. Applicants shall be required to provide preliminary landscaping plans as part of any preliminary application, which shall include the various species and the general planting locations, however the full Landscape Plans including final plant counts shall not be required until submission of the Final Site Plan Application.

(14) Tree Removal Permit. While projects for Low and Moderate Income Senior Rental Apartments shall be required to provide and apply for Tree Removal Permits as part of their Final Submission, it is agreed to the nature of those developments, said projects shall be limited to a permit fee of \$500 and not be required to make any restitution or repayments for the value of trees being removed, except as to Heritage Trees for which there will be a cap of \$30,000.

G. Governmental Subsidies. The Township shall take such steps as are, in its reasonable opinion, reasonably necessary to assist the developer in obtaining state and/or federal subsidies for low- and moderate-income housing when such subsidies are sought by the applicant as a means to provide such housing. Nothing herein shall require the Township to expend any funds, other than funds it would typically incur in its ordinary course of business, to promote, support or provide any subsidies.

H. Elimination of Cost Generating Features. It is further acknowledged that Section 14(b) of the Fair Housing Act N.J.S.A. 52:27D-301 et seq. incorporates the need to eliminate unnecessary cost-generating features from municipal land use ordinances. Accordingly, Freehold Township will eliminate development standards that are not essential in its reasonable opinion to protect the public welfare and to reasonably expedite or fast-track municipal approvals/denials on certain affordable housing developments.”

#### IV

Chapter 190, Land Use, Article XI, § 190-101 Schedule C, Schedule of Area, Yard and Bulk Requirements, is hereby amended to add a new line under the heading “RESIDENTIAL” following the line entitled PAC-4 as follows: “PAC-AHO (See § 190-140.4, Planned Adult Community-Affordable Housing Overlay.)”

## **V**

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 69.01, Lot 23 including a map delineating the proposed boundaries of the Affordable Housing Overlay Zone which is the subject of the hearing. Notice shall be given by mailing a copy thereof by verified mail and regular mail to the property owner at his address as shown on the said current tax duplicate.

## **VI**

The Clerk shall execute affidavits of proof of service 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 proposed zoning amendment.

## **VII**

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

## **VIII**

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

## **IX**

The ordinance shall take effect immediately upon passage, publication according to law, filing with the Monmouth County Planning Board.

## **X**

Copies of this ordinance shall be filed with the Freehold Township Clerk, Tax Assessor, Planning Board, Municipal Attorney, Township Engineer, Township Planners, Zoning Officer, Construction Official, Special Housing Counsel and the Court Appointed Special Master.

## **STATEMENT FOR PUBLICATION**

The purposes of this Ordinance are: (1) to amend Chapter 190, Land Use, Article XI, Zones and Schedule of Requirements, to permit the development of multi-family, age restricted affordable rental housing units on Lot 23 in Block 69.01 as depicted Tax Map 20 consisting of approximately 7.35 acres N.J.S.H. 33 west of Cardigan Bay Lane and the Freehold Hebrew Benefit Society Cemetery as an Affordable Housing Overlay Zone; (2). To amend the Township Zoning Map to designate Block 69.01 Lot 23 as a PAC-AHO Planned Adult Community-Affordable Housing Overlay Zone and (3) To establish site development standards and affordable housing requirements for the PAC-AHO Zone including limiting the height of a multi-family structure to 50 feet and three (3) stories and the number of multi-family, affordable housing units shall be limited to no more than 73 housing units.

ORDINANCE NO. O-17-2  
TOWNSHIP MEETING DATE - January 24, 2017

ORDINANCE AMENDING CHAPTER 257 (RENTAL PROPERTY REGISTRATION) and SECTION 150 (FEES), SECTION 150-22 (RENTAL PROPERTY REGISTRATION (CHAPTER 257) OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF FREEHOLD, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

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 257, Rental Property Registration, is hereby amended to read as follows:

257-1 Purpose.

The purpose of this chapter is to implement the authority granted to municipalities pursuant to N.J.S.A. 40:48-2.12b et. seq. and N.J.S.A. 46:8-28 in order to ensure that residential rental units are properly maintained in accordance with the property maintenance and related codes as well as to protect the property and the health, safety and welfare of Township residents. To this end, this chapter shall be liberally construed to assure the provision of decent and safe units of dwelling space.

257-2 Definitions.

Unless the context clearly indicates a different meaning, the following words or phrases when used in this chapter shall have the following meanings:

The following two (2) definitions are added alphabetically to the existing definitions.

## DEFICIENCY

One or more nuisances, defects or other condition(s) of the premises not in compliance with the requirements of any Township ordinance or State law applicable to it.

## PREMISES

Any rental unit, rental facility, apartment or dwelling subject to this chapter.

### 257-3 Registration.

Each and every rental unit shall hereafter be registered annually with the [~~Zoning Official/Local Enforcing Agency~~] Township Clerk on forms which shall be provided for that purpose and which shall be obtained from the office of the [~~Zoning Official/Local Enforcing Agency~~] Township Clerk. The initial registration shall occur within 90 days following the final adoption of this chapter. Such registration shall be renewed and amended annually, as well as within 20 days of each change of ownership or occupancy of any rental unit. No rental unit shall hereafter be rented unless the rental unit is registered in accordance with this chapter. This registration does not mean approval for the use and occupancy. A certificate of occupancy is required for each unit, as well as continued certificate of occupancy upon a change of occupancy of a unit.

### 257-4. Contents of registration form.

A. Every owner of a rental unit shall file annually with the [~~Zoning Official/Local Enforcing Agency~~] Township Clerk a registration form for each unit contained within a building or structure which shall include the following information:

(1) - (7)

(8) As to each rental unit, a specification of the exact number of sleeping rooms contained in the rental unit. In order to satisfy the requirement of this provision, an owner shall submit a floor plan outlining and identifying each room in the unit, including the dimensions and floor location of each room, which shall become part of the application and which shall be attached to the registration form when filed with the [~~Zoning Official/Local Enforcing Agency~~] Township Clerk.

(9) No change.

(10) The name, age and gender, including children, of every tenant of record as to each rental unit. A copy of the most recent continuing certificate of occupancy shall be attached. The information contained in the registration form must set forth information for each rental unit within the rental property and must include all tenants in each rental unit. This information shall be made available to the Board of Education and the Zoning Official/Local Enforcing Agency. This information shall otherwise remain confidential and shall not be available to the public.

B. No change.

257-5. Filing and indexing of registration form.

The [~~Zoning Official/Local Enforcing Agency~~] Township Clerk shall annually file with the [~~Township Clerk~~] Zoning Official/Local Enforcing Agency a copy of the registration form. [~~, except for t~~] The information as to the names of the tenants of record and occupants, which information shall be kept in a confidential file in the office of the Zoning Official/Local Enforcing Agency. The Township Clerk shall index and file the registration forms. In doing so the Township Clerk or designee shall follow the mandates of N.J.S.A. 46:8-28.1 as amended and supplemented so that the filing of the registration form will simultaneously satisfy the registration requirements of N.J.S.A. 46:8-28 to the extent that it applies to the property being registered and will also satisfy the registration requirements of this chapter.

257-6. Amended registration form.

Every person required to file a registration form pursuant to this chapter shall file an amended registration form within 20 days after any change in the information required to be included thereon. [~~No fee shall be required for the filing of an amendment, except where the ownership of the premises has changed~~] Each person is required to file an updated registration form each year. Fees are as set forth in Section 150-22.

257-7. Inspections. No change.



257-8. Access for inspections; repairs; complaints.

A. - B. No change.

C. Within 10 days of receipt of a complaint alleging a reported violation of this chapter, an inspecting officer shall, as time and resources allow, conduct an inspection as hereinbefore provided.

257-9. Identification and conduct of inspection officers. No change.

257-10. Refusal of entry for Inspection; use of search warrants. No change.

257-11. Occupancy of unregistered premises prohibited. No change.

257-12. Fees.

At the time of the filing of the first registration form the owner or agent of the owner must pay [a] the registration fee as provided in Chapter 150, Fees. If the owner of the property [~~is a senior citizen (age 65 years or older) who resides in a unit of the property and rents out the remaining units and would otherwise qualify under the State of New Jersey property tax deductions under N.J.S.A. 54:4-8.41, there shall be no fee.~~] (1) resides on the same block and lot as the rental unit, or (2) is a senior citizen (age 65 years or older) who resides in a unit of the property and rents out the remaining units and would otherwise qualify under the State of New Jersey property tax deductions under N.J.S.A. 54:4-8.41, or (3) is designated as a non-profit organization and qualifies as a 501 (c) 3 under IRS regulations, there shall be no fee. However, this waiver does not absolve the annual requirements for registration. After the initial registration, there shall be no fee for an amended registration regarding a change of occupancy; [~~the registration fee for a change of ownership is as provided in Chapter 150, Fees.~~] there shall be a registration fee for a change of unit ownership consistent with a first time registration of the unit with an appropriate fee as set in Section 150. Every person is required to file an updated registration form each year.

257-13. Registration form to be provided to occupants and tenants. No change.

257-14. Posting of maximum allowable number of occupants. No change.

257-15. Occupancy standards. No change.

257-16. Service of notice.

In the event that there is any Deficiency in the condition of a rental unit subject to this chapter, the Zoning Official/Local Enforcing Agency may provide notice to the owner, the lessor or the agent by personal service or by Certified Mail, Return Receipt Requested. In the event the owner or lessor has failed to register the rental unit under this chapter, or has designated an agent which cannot be found at the address given in any registration, adequate service shall be by posting it upon the Premises in a conspicuous place.

257-17. Abatement of Deficiency; correction by Township; lien upon the Premise; appointment of custodian.

In the event, after notice to correct a Deficiency, the Zoning Official/Local Enforcing Agency gets no response after a reasonable time, or the Deficiency is not corrected after a reasonable time, taking into consideration the nature of the Deficiency, the Township may, by resolution, authorize the expenditure of funds at the cost of the owner or lessor for putting the Premises in proper condition to correct the Deficiency. In such case, the Township may further, by resolution, certify the amount so expended to the Tax Collector and the same shall be a lien upon the Premises. The Township may also, by resolution, appoint a custodian of the Premises as provided in accordance with N.J.S.A. 40:48-2.12g.

257-~~16~~18. Violations and penalties.

NOTE TO CODIFIER:

(1) Any reference in this Chapter to Section 257-16 shall be changed to Section 257-18.

(2) The only other change to this section is the section number designation to Section 257-18.

II

Chapter 150, Fees, Section 150-22 Rental property registration (Chapter 257), is hereby amended to read as follows:

150-22 Rental property registration.

~~A. Fee for registration of rental facilities, rental units, rooming houses and boarding houses: \$100.00.~~

~~B. Fee for change of ownership: \$20.~~

Rental Property Registration fees:

(1) Registration of 1 thru 5 units - \$100.00 each.

(2) Registration of 6 thru 25 units - \$500.00 plus \$75.00 for each unit over 5 units.

(3) Registration of 26 thru 100 units - \$2,000.00 plus \$50.00 for each unit over 25.

(4) Registration of 101 thru 200 units - \$5,750.00 plus \$25.00 for each unit over 100.

(5) Registration of 201+ units - \$8,250.00 plus \$20.00 for each unit over 200.

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.

**Explanatory Statement:**

This ordinance amends Chapter 257, Rental Property Registration, and Chapter 150, Fees, to require annual registration and to implement the powers granted to the Township by N.J.S.A. 40:48-2.12b et. seq. in order to better provide for maintenance of rental housing stock and protection of tenants.



# Resolution of the Township of Freehold

Monmouth County, New Jersey

No: R-17-26

Date of Adoption: January 24, 2017

**TITLE:** RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF FREEHOLD FINDING THAT THE PROPOSED PROJECT ON BLOCK 69.01, LOT 23 WILL MEET AN EXISTING HOUSING NEED

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

WHEREAS, PIRHL Acquisitions, LLC and its assigns (hereinafter referred to as the “Sponsor”) proposes to construct and operate a 66 unit affordable senior apartment community (hereinafter referred to as the “Project”) pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1 et seq., and all applicable guidelines (the foregoing hereinafter referred to as the “HMFA Requirements”) within the Township of Freehold (hereinafter referred to as the “Township”) on a site described as Block 69.01, Lot 23, as shown on the Official Assessment Map of the Township of Freehold, Monmouth County; and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the “Agency”); and

WHEREAS, pursuant to the HMFA Requirements, the Governing Body of the Township hereby determines that there is a need for this housing project in the Township.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Freehold (the “Committee”) that:

- (1) The Committee finds and determines that the proposed Project will meet or meets an existing housing need;
- (2) The Committee does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in the conformity with the provisions of the HMFA Requirements with the intent and purpose that the Agency shall rely thereon in making a mortgage loan to the Sponsor, which shall construct, own and operate the Project.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption.

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

- (a) Township Engineer
- (b) Township Planners
- (c) Township Special Mount Laurel Counsel
- (d) Township Administrator
- (e) Township Attorney

No. \_\_\_\_\_

<b>VOTE OF THE TOWNSHIP COMMITTEE</b>							
COMMITTEEMAN	I	S	Y	N	NV	AB	
Mr. Ammiano							
Mr. Cook							
Mrs. McMorrow							
Mr. Salkin							
Mayor Preston							

I-Introduced By   S-Seconded By   X- Indicates Vote   NV- Not Voting   AB- Absent



ORDINANCE NO. O-17-3

TOWNSHIP MEETING DATE – January 24, 2017

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF FREEHOLD AUTHORIZING THE TOWNSHIP TO EXECUTE A PILOT AGREEMENT WITH PIRHL ACQUISITIONS, LLC IN CONNECTION WITH THE PROJECT AT BLOCK 69.01, LOT 23

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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

WHEREAS, PIRHL Acquisitions, LLC and its assigns (hereinafter referred to as the “Sponsor”) proposes to construct and operate a 66 unit affordable senior apartment community (hereinafter referred to as the “Project”) pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1 et seq., and all applicable guidelines (the foregoing hereinafter referred to as the “HMFA Requirements”) within the Township of Freehold (hereinafter referred to as the “Township”) on a site described as Block 69.01, Lot 23, as shown on the Official Assessment Map of the Township of Freehold, Monmouth County; and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the “Agency”); and

WHEREAS, pursuant to the HMFA Requirements, the governing body of the Township has adopted a Resolution determining that there is a need for this housing project in the Township; and

WHEREAS, the Sponsor has presented to the Township Committee of the Township of Freehold a revenue projection for the Project which sets forth the anticipated revenue to be received by the Sponsor from the operation of the Project as estimated by the Sponsor and the Agency, a copy of which is attached hereto and made a part hereof as Exhibit A.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Freehold (the “Committee”) that:

- (1) The Committee does hereby make the determination and findings herein contained by virtue of, pursuant to, and in the conformity with the provisions of the HMFA Requirements with the intent and purpose that the Agency shall rely thereon in making a mortgage loan to the Sponsor, which shall construct, own and operate the Project; and
- (2) The Committee does hereby adopt the within Ordinance with the further intent and purpose that from the date of execution of the Agency mortgage, the proposed Project, including both the land and improvements thereon, will be exempt from real property taxation as provided in the HMFA Requirements, provided that payments in lieu of taxes for municipal services supplied to the Project are made to the municipality in such amounts and manner set forth in the Agreement for Payments in Lieu of Taxes attached hereto as Exhibit “B”; and
- (3) The Committee hereby authorizes the Mayor and Township Clerk of the Township of Freehold to execute, on behalf of the municipality, the Agreement for Payments in Lieu of Taxes in substantially the form annexed hereto as Exhibit “B”; and
- (4) The Committee understands and agrees that the revenue projections set forth in Exhibit “A” are estimates and that the actual payments in lieu of taxes to be paid by the Sponsor to the municipality shall be determined pursuant to the Agreement for Payments in Lieu of Taxes executed between the Sponsor and municipality.

## II

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.

## III

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

Explanatory Statement:

This purpose of this Ordinance is to authorize the Township to execute a PILOT Agreement with PIRHL Acquisitions, LLC in connection with the project at Block 69.02, Lot 23.



# Resolution of the Township of Freehold

Monmouth County, New Jersey

No: R-17-27

Date of Adoption: January 24, 2017

**TITLE: RESOLUTION AUTHORIZING AN AFFORDABILITY ASSISTANCE  
LOAN REPAYMENT AGREEMENT WITH THE BUYER OF AN  
AFFORDABLE HOUSING UNIT AT 34 CAMELOT COURT, UNIT 6**

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

WHEREAS, Danielle Monica is purchasing property located at 34 Camelot Court, Unit 6, Freehold Township, Block No. 86.180, Lot 34.06, which property is governed by the statutes, ordinances, rules and regulations restricting ownership and use of the property as an Affordable Housing unit which, among other restrictions, restricts the property owner in financing the property or otherwise encumbering the property by way of mortgage, home equity loan, or other form of financing; and,

WHEREAS, the property owner has requested an Affordability Assistance Program loan from the Affordable Housing Trust Fund; and,

WHEREAS, the Township is willing to extend a loan to the property owner in the amount of \$12,500.00; and,

WHEREAS, it is appropriate for the Township to enter into an Agreement with the property owner setting forth the terms of the agreement at this time;

NOW THEREFORE BE IT RESOLVED on this 24<sup>th</sup> day of January, 2017, by the Township Committee of Freehold Township, County of Monmouth, State of New Jersey, that:

1. The Mayor, Administrator, Clerk and Attorney are hereby authorized to execute an Affordability Assistance Program Agreement with the new owner of an Affordable Housing unit located at 34 Camelot Court, Unit 6;
2. A copy of the fully executed Agreement shall be kept on file with the Clerk. The original shall be kept in the unit file by the Administrative Agent;
3. A certified copy of the within Resolution shall be forwarded to Peter R. Valesi-Township Administrator; Catherine M. Campbell-Director of Finance, Ximena Calle-CGP&H and Gary McLean, Esq.-Davison, Eastman & Munoz;

I do hereby certify that the foregoing is a true copy of a Resolution passed by the Township Committee at a meeting duly held on the 24<sup>th</sup> day of January, 2017.

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Clerk

No. R-17-27

<b>VOTE OF THE TOWNSHIP COMMITTEE</b>							
COMMITTEEMAN	I	S	Y	N	NV	AB	
Mr. Ammiano							
Mr. Cook							
Mrs. McMorrow							
Mr. Salkin							
Mayor Preston							

I-Introduced By   S-Seconded By   X- Indicates Vote   NV- Not Voting   AB- Absent



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

No: R-17-28

Date of Adoption: January 24, 2017

**TITLE: RESOLUTION APPROVING CONSOLIDATED BILLS LIST**

**--- RESOLUTION ---**

BE IT RESOLVED by the Township Committee of the Township of Freehold that the vouchers listed on the Consolidated Bills List, in the amount of \$11,821,518.98 dated January 24, 2017, as presented by the Township Treasurer/Chief Financial Officer, be paid from existing appropriations.

No. R-17-28

<b>VOTE OF THE TOWNSHIP COMMITTEE</b>							
COMMITTEEMAN	I	S	Y	N	NV	AB	
Mr. Ammiano							
Mr. Cook							
Mrs. Mc Morrow							
Mr. Salkin							
Mayor Preston							

I-Introduced By   S-Seconded By   X- Indicates Vote   NV- Not Voting   AB- Absent





# Resolution of the Township of Freehold

Monmouth County, New Jersey

No: R-17-29

Date of Adoption: January 24, 2017

**TITLE: RESOLUTION CANCELLING TAXES**

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

WHEREAS, pursuant to N.J.S.A. 54:4-23.8, Rollback taxes are based on the general tax rate of the municipality and should not include any special district taxes; and

WHEREAS, the Rollback tax bills for both Block 42 Lot 2 and Block 78 Lot 2.02 included special taxes for the Fire District; and

WHEREAS, the Tax Collector of the Township of Freehold needs to remove the Special District Taxes from both sets of Rollback tax bills;

WHEREAS, the Tax Collector of the Township of Freehold has certified to the Township Committee of the Township of Freehold that the items designated with the word "CANCEL" on Schedule A be cancelled to the name appearing below;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Freehold that the cancellations be made to the properties appearing on Schedule A;

BE IT FURTHER RESOLVED that the Tax Collector is hereby authorized to make corrections and notations upon the Municipal records as may be necessary to effect this Resolution;

BE IT FURTHER RESOLVED by the Township Committee of the Township of Freehold that the Township Clerk is hereby authorized to forward a certified copy of the within Resolution to the Tax Collector and Treasurer/Director of Finance.

SCHEDULE A  
ROLLBACK TAXES - CANCEL

42 2	NORTHFIELD, ROBERT 260 BURLINGTON ROAD FREEHOLD, NJ 07728	\$1,767.30
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78 2.02	SILVER SHORE LAND COMPANY LLC 850 RT 33 FREEHOLD, NJ 07728	\$ 812.80
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	TOTAL	\$2,580.10
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TOTAL CANCELLED \$2,580.10

No. R-17-29

<b>VOTE OF THE TOWNSHIP COMMITTEE</b>							
COMMITTEEMAN	I	S	Y	N	NV	AB	
Mr. Ammiano							
Mr. Cook							
Mrs. McMorrow							
Mr. Salkin							
Mayor Preston							
I-Introduced By   S-Seconded By   X- Indicates Vote   NV- Not Voting   AB- Absent							



# Resolution of the Township of Freehold

Monmouth County, New Jersey

No: R-17-30

Date of Adoption: January 24, 2017

**TITLE: RESOLUTION AUTHORIZING THE DISPOSAL OF SURPLUS  
PROPERTY NO LONGER NEEDED FOR PUBLIC USE AND NOT  
VIABLE FOR SALE**

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

WHEREAS, the Township of Freehold has determined that the following item is no longer needed for public use; and,

"Trax Pro" Traffic Data Analysis Device

WHEREAS, the Township of Freehold has examined the items and found said item to be in a condition not suitable for sale, and desires to dispose of the the item;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Freehold that the Township is hereby authorized to dispose of the item listed above;

BE IT FURTHER RESOLVED that a certified copy of the within Resolution shall be forwarded to the Division of Local Government Services; Township Director of Finance Catherine Campbell; Township Police Chief Ernest Schriefer; Township Police Captain George Baumann; Township Police Lt. Daniel Pasquinucci; Township Police Lt. Thomas McGowan; and Township Police Lt. Raymond Piccolini.

No. R-17-30

<b>VOTE OF THE TOWNSHIP COMMITTEE</b>							
COMMITTEEMAN	I	S	Y	N	NV	AB	
Mr. Ammiano							
Mr. Cook							
Mrs. McMorrow							
Mr. Salkin							
Mayor Preston							

I-Introduced By   S-Seconded By   X- Indicates Vote   NV- Not Voting   AB- Absent



# Resolution of the Township of Freehold

Monmouth County, New Jersey

No: R-17-31

Date of Adoption: January 24, 2017

**TITLE: RESOLUTION AUTHORIZING CHANGE ORDER NUMBER 1, CONTRACT 15-12, FOR THE TWO YEAR CONTRACT - AS-NEEDED REPAIRS AND INSTALLATION OF WATER AND SEWER COMPONENTS AND EMERGENCY SERVICE**

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

WHEREAS, a Contract was awarded to Montana Construction Corporation, Inc. by Resolution R-15-159 on July 21, 2015 for the Two Year Contract - As Needed Repairs and Installation of Water and Sewer Components and Emergency Service in the amount of \$281,981.40 for 2015/2016 and \$281,981.40 for 2016/2017; and

WHEREAS, the Superintendent of Utilities, by memorandum dated January 18, 2017, recommends Change Order Number 1 in the amount of \$22,625.96 due to several emergency water main breaks in 2016, thereby increasing the 2016 Contract amount to \$304,607.36; and

WHEREAS, the Director of Finance has certified to the Township Clerk that additional funds are available in account 6-09-55-502-502-208;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Freehold, based on the above referenced recommendations, authorizes Change Order Number 1 in the amount of \$22,625.96, thereby increasing the 2016 Contract amount to \$304,607.36;

BE IT FURTHER RESOLVED that a certified copy of the within Resolution be forwarded to the Director of Finance, the Superintendent of Utilities, the Purchasing Agent and Montana Construction Corporation, Inc.

No. R-17-31

<b>VOTE OF THE TOWNSHIP COMMITTEE</b>							
COMMITTEEMAN	I	S	Y	N	NV	AB	
Mr. Ammiano							
Mr. Cook							
Mrs. McMorrow							
Mr. Salkin							
Mayor Preston							

I-Introduced By   S-Seconded By   X- Indicates Vote   NV- Not Voting   AB- Absent



# Resolution of the Township of Freehold

Monmouth County, New Jersey

No: R-17-B

Date of Adoption: January 24, 2017

**TITLE: RESOLUTION - EXECUTIVE SESSION**

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

WHEREAS, N.J.S.A. 10:4-13 of the Open Public Meetings Act permits the exclusion of the public from meetings of public bodies in certain circumstances which are set forth in N.J.S.A. 10:4-12 (b); and

WHEREAS, the Township Committee of the Township of Freehold is of the opinion that such circumstances currently exist.

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

1. The public shall be excluded from the discussion of any action upon the hereinafter specified matters.

2. The nature of the subject matter to be discussed is as follows:

1. PERSONNEL

1A. Two (2) Human Relations Council Membership Interviews

3. It is anticipated at this time the above-stated subject matter will be made public in approximately thirty days or at such time as any litigation discussed is resolved.



No. R-17-B

<b>VOTE OF THE TOWNSHIP COMMITTEE</b>							
COMMITTEEMAN	I	S	Y	N	NV	AB	
Mr. Ammiano							
Mr. Cook							
Mrs. McMorrow							
Mr. Salkin							
Mayor Preston							

I-Introduced By   S-Seconded By   X- Indicates Vote   NV- Not Voting   AB- Absent