

**BOROUGH OF FREEHOLD**

**COUNTY OF MONMOUTH**

**#2022/17**

**ORDINANCE OF THE BOROUGH OF FREEHOLD, COUNTY OF MONMOUTH,  
STATE OF NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR 26-28  
COURT STREET/2-6 BROAD STREET IDENTIFIED AS BLOCK 36 LOTS 5 (5.01), 6  
(6.01), 7, AND 9 (9.01) AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH  
OF FREEHOLD**

WHEREAS, the Borough of Freehold, County of Monmouth (the "Borough") is a public body corporate and politic of the State of New Jersey; and

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et. seq. (the "Redevelopment Law"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute "areas in need of redevelopment"; and

WHEREAS, the Redevelopment Law authorizes the governing body to adopt by ordinance redevelopment plans for areas in need of redevelopment or rehabilitation; and

WHEREAS, on January 21, 2020, the Borough Council of the Borough adopted Resolution No. 31-20 which authorized and directed the Borough of Freehold Planning Board (the "Planning Board") to undertake a preliminary investigation to determine whether certain areas along Broad Street and Court Street identified as Block 36, Lots 5 (5.01), 6 (6.01), 7, and 9 (9.01) on the Tax Map of the Borough of Freehold (the "Study Area") qualify as an area in need of redevelopment (non-condemnation) pursuant to the statutory criteria within the Redevelopment Law; and,

WHEREAS, Robert F. Melvin, PP, AICP, of Pennoni conducted an investigation and prepared a report entitled "26-28 Court Street/2-6 Broad Street" (the "Study") pertaining to those certain areas along Broad Street and Court Street identified as Block 36, Lots 5 (5.01), 6 (6.01), 7, and 9 (9.01) on the Tax Map of the Borough of Freehold; and

WHEREAS, by Resolution adopted May 27, 2020, the Planning Board, based upon the findings and conclusions set forth in the Study, found and recommended that the entire Study Area satisfies the statutory criteria necessary to be declared as An Area in Need of Redevelopment (Non-Condensation); and

WHEREAS, by Resolution No.140-19, the Borough Council adopted the findings of the Borough Planning Board and the contents of the Study and designated the Study Area as a non-condemnation area in need of redevelopment; and

WHEREAS, thereafter, a Redevelopment Plan was prepared by Pennoni entitled "26-28 Court Street/2-6 Broad Street" (the "Redevelopment Plan" or the "Plan") and at a public meeting of the Borough Council on June 21, 2022, the Borough Council adopted Resolution #146-22

referring the Redevelopment Plan to the Planning Board for review and recommendation pursuant to N.J.S.A. 40A-12A- 7; and,

WHEREAS, on July 13, 2022, the Planning Board recommended, and on August 10, 2022 adopted, a Resolution memorializing its findings for the information and review of the Borough Council (the "Planning Board Resolution"), which Resolution sets forth the determination of the Planning Board that the Redevelopment Plan (the "Plan") is substantially consistent with the Freehold Borough Master Plan; and,

WHEREAS, the Planning Board Resolution also recommends that the residential building be no more than five (5) stories and a maximum of 12,000 square feet; that the Redevelopment Plan permit up to five (5) materials, including glass, that are consistent with the Historic Preservation Commission's design guidelines; and that the Redevelopment Plan limit the permitted colors to those that are consistent with the Historic Preservation Commission's design guidelines; and

WHEREAS, the Borough Council has reviewed the report of the Planning Board and the Planning Board Resolution regarding the Redevelopment Plan; and,

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Freehold, as follows:

### **Section 1**

1. The Redevelopment Plan has been reviewed and public comments have been solicited by, inter alia, posting the Redevelopment Plan on the Borough's website and holding a public hearing concerning the same.

2. Due consideration to the comments and recommendation of the Planning Board regarding the Redevelopment Plan has been given.

3. The comments of the Planning Board have been weighed against the overall redevelopment and planning goals and objectives of the Borough and it has been determined that adopting and implementing the Redevelopment Plan as well as including the recommendations of the Planning Board is in the best interest of the Borough.

4. Pennoni is directed to incorporate the recommendations of the Planning Board into the Redevelopment Plan.

5. The Redevelopment Plan, after incorporating the Planning Board recommendations, meets the criteria, guidelines and conditions set forth in N.J.S.A. 40A:12A-7 and is otherwise in conformance with the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.

6. The amended "26-28 Court Street/2-6 Broad Street" Redevelopment Plan is hereby adopted and shall supersede the existing zoning requirements for said area as described in the Redevelopment Plan.

## **Section II**

If any part of this Ordinance shall be deemed invalid such part shall be deemed severable and the invalidity thereof shall not affect the remaining part of this Ordinance.

## **Section III**

Any Ordinance or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed and superseded.

## **Section IV**

This Ordinance shall take effect upon final passage and publication in accordance with Law.





# **2020 REDEVELOPMENT PLAN 26-28 COURT STREET/2-6 BROAD STREET**

Freehold Borough, New Jersey

DRAFT FOR ADOPTION BY THE PLANNING & ZONING BOARD



LAST REVISED AUGUST 15, 2022



## ACKNOWLEDGMENTS

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# 1.0 INTRODUCTION

Freehold Borough (the "Borough"), through both Resolution No. 140-19 adopted October 7, 2019 and Resolution No. 31-20 adopted January 21, 2020, authorized Pennoni to perform a Preliminary Investigation of Block 36, Lots 5 (5.01), 6 (6.01), 7, and 9 (9.01) to ascertain whether the specified area qualifies under N.J.S.A. 40A:12A-5 as a non-condemnation "Area in Need of Redevelopment."

## 1.1 SITE DESCRIPTION

Each of the lots in the proposed redevelopment area contain structures. The properties all are large, former single-family homes that have been converted into professional office or apartment uses. All of the lots are owned by KFM Partnership, LLC. These buildings were in poor condition when KFM Partnership, LLC bought them. Each has been subdivided into an assortment of apartments and office spaces that are ill-suited to the needs of tenants. In addition, the buildings all have significant structural issues with the foundations, porches/fire escapes, and roofs. Behind the properties is a small field that is used for parking and a vacant out building.

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

Figure 1. Location of Redevelopment Site



Source: NJ Division of Taxation - MOD-IV



**Figure 2. Ownership Information**

Block	Lot	Owner Name	Address	City & State
36	5 (5.01)	K.F.M. Partnership, LLC	6 Broad Street	Freehold Borough, NJ
36	6 (6.01)	K.F.M. Partnership, LLC	4 Broad Street	Freehold Borough, NJ
36	7	K.F.M. Partnership, LLC	2 Broad Street	Freehold Borough, NJ
36	9 (9.01)	K.F.M. Partnership, LLC	26 Court Street	Freehold Borough, NJ

Source: NJ Division of Taxation - MOD-IV

## 1.2 SUMMARY OF REDEVELOPMENT INVESTIGATION FINDINGS

The Preliminary Investigation found that the study area meets the statutory criteria for designation as an Area in Need of Redevelopment (collectively, the "Redevelopment Area").

- Block 36, Lots 5 (5.01), 6 (6.01), 7, and 9 (9.01) qualify under Criterion "A" because each of the buildings on the lots have units that have fallen into such a state of disrepair as to be unsafe to current and future occupants, and because many of these units are so poorly maintained, unsanitary, and lacking in light, air, and space as to be conducive to unwholesome living conditions.
- Block 36, Lots 6 (6.01) and 9 (9.01) qualify under Criterion "B" because the structures on both lots have vacant commercial space that has become increasingly difficult to rent over the years, despite the location in Freehold's Center Core, where the borough has sought to attract commercial tenants.
- Block 36, Lots 5 (5.01), 6 (6.01), 7, and 9 (9.01) qualify under Criterion "D" because the buildings on each of these lots have been added onto, divided, and rearranged in a manner that has resulted in both faulty units and lot layouts. These issues have created units that are both undesirable, difficult, and in some cases, unsafe to live in. In addition, the configuration of the lots has created a space out of street view that has encouraged and sheltered illegal and illicit activity.
- Block 36, Lots 5 (5.01), 6 (6.01), 7, and 9 (9.01) qualify under Criterion "E" because for three reasons. First, all exhibit some level of vacancy. Second, the lack of proper utilization has resulted in a stagnant and unproductive condition of potentially valuable land near the heart of Freehold's Center Core business district and commercial area. Finally, this vacancy and stagnancy is having a negative social and economic impact both upon the Borough's Center Core, and upon the safety, health, morals, and welfare of Freehold overall.
- Block 36, Lots 5 (5.01), 6 (6.01), 7, and 9 (9.01) qualify under Criterion "H" due to their proximity to Freehold's Center Core and bus station, which recent planning efforts - such as the 2018 "Downtown Freehold Vision Plan" and 2018 "Courthouse Square Redevelopment Plan" - have targeted as the hub of a new transit-oriented downtown for the Borough.

### **1.3 NON-CONDEMNATION**

Pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the "LRHL"), the Legislature requires that Preliminary Investigations state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including or excluding the power of eminent domain.

Resolution No. 153 - 19 authorized a preliminary investigation to determine whether the study area qualifies as a "Non-Condemnation Redevelopment Area," such that the Borough may use all those powers provided by the Legislature for use in a redevelopment area, other than the power of eminent domain.

## **2.0 RELATIONSHIP TO LOCAL GOALS & OBJECTIVES**

### **2.1 LOCAL GOALS AND OBJECTIVES**

This redevelopment plan (the "Redevelopment Plan") is consistent with the goals of the Borough. This Redevelopment Plan also furthers the following Smart Growth goals that were identified in the original Center Core Redevelopment Plan dated September 30, 2018:

- Revitalizing the commercial district;
- Strengthening neighborhoods;
- Providing economic development opportunities;
- Providing housing opportunities;
- Providing a mixture of land uses;
- Providing a pedestrian oriented environment; and
- Utilizing form-based requirements and high quality design standards.

These goals were reinforced by the Center Core Rehabilitation Plan of 2020. This Redevelopment Plan is also consistent with Borough Master Plan Re-Examination Report adopted April 12, 2017 (the "Master Plan").

## **3.0 REDEVELOPMENT VISION**

### **3.1 REDEVELOPMENT PLAN VISION**

The Redevelopment Plan vision of Block 36, Lots 5 (5.01), 6 (6.01), 7, and 9 (9.01) is for a residential neighborhood adjacent to (and supporting) a walkable mixed-use core. It supports transit initiatives by being within walking distance of the Freehold bus hub. Figures 3 and 4 show character examples of the different residential building types.



Figure 3. Character Image (General Appearance & Massing) - Court Street



Figure 4. Character Image (General Appearance & Massing) - Broad Street





## 4.0 SITE DEVELOPMENT PLAN

### 4.1 PERMITTED USES/DEVELOPMENT PROGRAM

The redevelopment of the site shall substantially conform to the conceptual site plans and the design standards provided in this Redevelopment Plan, including Figure 5 through Figure 15. All elements must be designed to the satisfaction of the Borough.

The redevelopment program will include:

- up to 2-story courthouse
- 5-story building (maximum 12,000 SF footprint) with no more than 27 total brownstone-style townhomes and apartments
- 5 covered parking spaces
- 32 surface parking spaces, with 1 space assigned to the courthouse

### 4.2 BUILDING DESIGN STANDARDS

#### 4.2.a. Building Massing and Design

1. There are to be no blank façades. All façades must provide windows and façade offsets and breaks as prescribed in Section 5.b.2. of the Center Core Rehabilitation Plan of 2020. Distance between breaks should relate to the scale and rhythm of existing buildings.
2. The rhythm of entrances, store fronts, windows, canopies, and awnings of new or renovated façades shall be consistent with the prevailing rhythm and patterns of such elements along the block.
3. Vertical breaks that define bays shall continue from the ground floor through the shaft of the building through to the crown of the building.
4. Entablatures, cornices, or a similar horizontal expression line shall define the transition of the second floor and the upper floors, maintaining a visual connection to the scale of surrounding buildings.

#### 4.2.b. Orientation and Entrances

1. Building fronts shall be oriented to the primary street upon which the structure is sited.
2. All buildings shall have pedestrian access on both the street frontage side of the building (Front) and the off-street parking lot side of the building (Rear). The Front entrance shall be the primary entrance and Rear access may be achieved through a mid-block pedestrian cut-through. Exterior units will have street-side access.

3. Corner buildings shall have multiple entrances at least one entrance addressing each street frontage.
4. Building entrances shall be clearly defined by recessing the entrance or utilizing elements such as lintels, pediments, pilasters, columns, porticoes, or overhangs. Any such element shall be architecturally compatible with the style, materials, colors, and details of the primary building.
5. Upper-floor units shall have a separate exterior entrance unless a large common lobby or atrium is provided.
6. If a building has several entrances, they shall be unified in design treatment, such as the design of windows and door openings, materials, or color.

#### **4.2.c. Awnings, Overhangs, and Encroachments**

1. Awnings, bay windows, upper-floor balconies and porches are permitted on front, side and rear façades. Awnings, bay windows and upper-floor balconies may encroach into building setbacks and right-of-ways as prescribed in Section 4.a.6.f. of the Center Core Rehabilitation Plan of 2020.
2. Entrances shall be shaded by either an awning, solar screen, or canopy.
3. The projection of awnings and canopies shall be larger than or equal to the vertical height to encourage proportionality.

#### **4.2.d. Architectural Features**

1. Architectural embellishments that add visual interest to roofs – such as parapets, dormers, belvederes, masonry chimneys, cupolas, clock towers, and such similar elements – shall be permitted provided that such are architecturally compatible with the style, materials, colors, and details of the building.
2. New buildings should be designed so that they do not appear to have been built significantly earlier than they were. Any mimicry of past architectural styles should not be exercised in such a way that the historical record becomes confused. The use of materials, scale, or massing found on older buildings is strongly encouraged.
3. New buildings should not attempt to copy historic architectural features or ornaments.

#### **4.2.e. Windows, Ground Floor**

1. Mirror glass windows are not permitted except for the tint which results from the use of low-e (emissivity) glass.
2. Ground floor façades of retail, restaurant, and related uses facing a street shall have windows providing views of display areas and/or the building interior. Pop-out café windows and bi-fold doors are encouraged where appropriate.

3. Ground floor windows shall have a sill height of at least 18" (eighteen inches) but no more than 6'0" (six feet) along Broad Street.
4. Display windows shall not be blocked with merchandise or interior merchandise display.
5. Windows shall be architecturally compatible with the style, materials, colors, and details of the primary building.

#### **4.2.f. Windows, Upper Floors**

1. Mirror glass windows are not permitted except for the tint which results from the use of low-e (emissivity) glass.
2. The location of the windows on the upper stories shall be vertically aligned with the location of windows and doors on the ground floor of the building.
3. Windows should be proportional to the overall structure. When feasible, windows should substantially align with those on adjacent buildings.
4. Windows between horizontal breaks should be spaced equally and symmetrically.
5. Windows on the same story shall have the same sill height unless deemed appropriate by the Borough.
6. Historic architectural features should not be duplicated when not original to the building.

#### **4.2.g. Lighting**

1. Indirect lighting shall be used to highlight window displays, signs, doorways, or other architectural details. Acceptable lighting fixtures include, but are not limited to: gooseneck, stemmed flood, and spotlight. Accent lighting and/or uplighting is required to illuminate upper-floor façades.
2. Exterior light fixtures shall be compatible with the style, materials, colors, and details of the primary building.
3. Bare bulb fixtures and flood lights attached to the building exterior are prohibited.
4. All lighting designs and installations are subject to Borough review and approval.

#### **4.2.h. Roofs**

1. The type, shape, pitch, texture and color of a roof and the roofline shall be considered as an integral part of the design of a building and shall be architecturally compatible with the styles, materials, colors and details of such building. There shall be no false fronts.
2. A flat roof may be permitted on a building two or more stories in height, provided that a parapet wall extends above the height of the roof surface.



3. Roofline heights shall vary as appropriate to the architectural style in order to provide architectural interest and variety to the massing of the building and relieve the negative visual effect of a single, long roof.
4. Shed, gambrel, and mansard roofs are prohibited unless pre-existing.

#### **4.2.i. Building Materials**

1. Consistency of materials is encouraged to create a uniform and recognizable identity. Wherever possible, harmonization of colors is preferred. Design features on buildings and the color of signage shall be consistent and compatible.
2. The standards for colors and materials of buildings shall, to the maximum extent possible, be adhered to in future site plan submissions. Permitted colors shall be consistent with the Historic Preservation Commission's design guidelines.
3. All building facades may be composed of two (2) dominant materials and not more than five (5) materials, including glass, that are consistent with the Historic Preservation Commission's design guidelines.
4. Permitted primary materials:
  - a. Brick, stone, cast stone, or other forms of masonry
  - b. Stucco or synthetic stucco
  - c. Decorative masonry veneer
  - d. Horizontal siding
  - e. Wood, synthetic wood, or panel system
  - f. Permitted secondary materials:
    - g. Metal panels
    - h. Clear glass
    - i. Permitted roofing materials:
      - j. Standing metal seam
      - k. Copper
      - l. Natural or artificial slate
      - m. Rubber sheet roofing
      - n. Asphalt or fiberglass "architectural" shingles
      - o. EPDM, TPO, or other layered roof system
5. Those materials not specifically allowed are prohibited. This includes: vinyls, metal siding, fiber cement siding, concrete block, and exterior insulation and finishing

systems (EIFS).

#### **4.2.j. Site Furniture and Lighting**

1. Site and street furniture shall be decorative, functional, properly scaled to the space, and consistent in style with the street furniture in the Redevelopment Area and the surrounding districts.
2. All elements of site furniture including, but not limited to, lighting, trash receptacles, benches, bollards, and armatures for traffic lights shall match those of the surrounding area to the satisfaction of the Borough.
3. A site furniture amenities package shall be submitted for review and approved at the time of the first site plan application.
4. Site furniture and lighting shall be designed and implemented to the satisfaction of the Borough.
5. Street lighting shall be provided along public streets, consistent with the standards set forth in the Center Core Rehabilitation Plan of 2020 (Section 7.j.).

#### **4.2.k. HVAC, Rooftop Mechanical and Utility Structures**

1. All HVAC, utility boxes, and telecommunication systems must be screened or minimized from public view and from view of adjacent properties. Screens must be designed to blend with the architecture of the principal building and achieve a minimum of 70% opacity.
2. Building roofs are to be uncluttered. Vertical roof projections such as vents, stacks, elevator mechanical rooms, or roof mounted equipment including renewable energy systems shall be integrated into the architecture. All penetrations through the roof (i.e. mechanical equipment or skylights) shall be organized in a manner that is integral to the architectural form of the building, completely screened from view by parapet walls or an approved enclosure. Screen shall reflect and complement the architecture of the building.
3. Telecommunication equipment is permitted provided they are (1) located on the roofs of buildings, (2) not to exceed in height 10 feet above a prescribed building height and (3) incorporated into the architecture and screened from public view.
4. All utility and related appurtenances shall be located underground or be in the main building or structure.

### **4.3 Landscaping Standards**

#### **4.3.a. General Landscaping**

1. All plans shall be signed and sealed by New Jersey certified landscape architects and shall be subject to Borough review and approval.

2. Landscaping schemes are permitted to include seasonal flowers in planters, planting beds and hanging baskets.
3. Plant suitability, maintenance, and compatibility with site and construction features are critical factors which shall be considered when preparing a landscape plan.
4. Plantings shall be drought tolerant, noninvasive, and native species.
5. Only nursery grown plant materials shall be acceptable and all trees, shrubs and ground covers shall be planted according to accepted horticultural standards.
6. Trees and shrubs shall be planted according to the following minimum caliper, height and spread requirements:
7. Street trees: 3 ½-inch caliper
8. Ornamental deciduous trees: 8-foot height
9. Evergreen trees: 6-foot height
10. Shrubs: 18-inch spread
11. Within two (2) years from the time of planting, all dead or dying plants, whether installed new, transplanted or existing, shall be replaced by the developer. The developer shall be responsible for the required maintenance and watering for the initial two (2) years. Trees or other vegetation which die after the second year shall be replaced and maintained by the property owner or their agents.
12. All landscaping shall be maintained in excellent condition by the property owners or development association by cutting, trimming, feeding, watering and weeding as necessary.
13. Landscaping shall be installed upon the substantial completion of the building, weather and season permitting, and an underground irrigation system may be required by the Borough in some landscaped areas.
14. Street trees shall be required along all existing or proposed public streets within the public realm of a subdivision or site plan, and are in addition to other required plantings. The planting of street trees are required when substantive improvements are made to property. Street trees shall be planted in accordance with the standards of the Center Core Rehabilitation Plan of 2020 (Section 7.g.).

#### **4.3.b. Stormwater Management**

1. Stormwater management shall be designed and implemented in conformance with all applicable state and local laws. Green infrastructure and/or environmentally sustainable strategies to reduce stormwater runoff are permitted and encouraged, including, but not limited to: bioswales, rain gardens, pervious pavement, and xeriscaping.

### **4.4 Parking & Circulation**



#### **4.4.a. Parking Requirements**

1. Off-street parking shall be provided as required in Section 18.73 of the Freehold Borough Ordinance, except as modified herein.
2. Parking for all residential construction shall be a minimum of 5 covered parking spaces and 32 surface parking spaces, including 1 space assigned to the courthouse.

#### **4.4.b. Parking Design Standards**

1. It is the intent of these regulations to promote and support access by bicycle and walking throughout the community. To this end, all parking lots must be designed to provide safe and convenient pedestrian and bicycle access as a part of any parking lot design. Motor vehicle parking areas shall be located, designed, and constructed to facilitate safe and convenient pedestrian and bicycle movement to and from public walkways and/or bikeways, streets, or transit stops.
2. Parking may be located on the ground floor of a building so long as it is at least 18 feet from the front façade and techniques, such as display windows, are used on all side façades to reduce the visual impact of parking on side streets.

#### **4.4.c. Circulation**

1. Primary vehicle circulation shall allow for two-way traffic flow within the Redevelopment Area, connecting to roadways, surface parking, and loading areas.
2. Two-way driveway access shall be provided on Court Street, and there will also be access to a proposed common driveway off of Broad Street.
3. Adequate pedestrian circulation shall be provided to connect all permitted principal and accessory uses and parking areas internal and external to the site.
4. Sidewalks shall be consistent with the surrounding area.

#### **4.4.d. Parking Lot Landscaping**

1. A screen planting (hedge) and/or architectural wall, not less than 3 feet in height shall be provided where there is available space between the proposed parking and any 3' side yard setback.
2. Parking lots shall be constructed using Belgian block curbing.
3. Planted bulbouts shall contain one (1) shade tree and a mix of shrubs, ground cover, and ornamental grasses.

### **4.5 Maintenance**

All site improvements including, but not limited to, streets, drives, parking lots, drainage areas, culverts, curbing, buildings, signage, trash enclosures, and lighting must be maintained in good condition and repair by either the owner or other designated entity. Such maintenance

includes, but is not limited to, the following:

1. Prompt removal of all litter, trash, refuse, and wastes.
2. Lawn mowing.
3. Tree and shrub pruning.
4. Landscape watering.
5. Keeping exterior lighting and mechanical facilities in working order.
6. Keeping lawn and garden areas alive, free of weeds, and attractive.
7. Keeping parking areas, driveways, and roads in good repair.
8. Complying with all government health and police requirements.
9. Striping of parking areas and repainting of improvements.
10. Repair of exterior damages to improvements.

## **5.0 IMPLEMENTATION**

The LRHL empowers municipalities and local governments with the ability to initiate a process that transforms underutilized or poorly designed properties into healthier, more vibrant, or economically productive land areas.

### **5.1 REDEVELOPMENT PLANNING IN NEW JERSEY**

The LRHL requires municipalities to perform a number of steps before it may exercise its redevelopment powers. This process is meant, in part, to ensure that the governing body acts in concert with the goals and objectives of the municipality's master plan. Recognizing the planning board's role as the steward of the master plan, these steps require the planning board to make recommendations to the governing body. The required steps are as follows:

1. The governing body must adopt a resolution directing the planning board to perform a preliminary investigation to determine whether a specified area is in need of redevelopment according to criteria set forth in the LRHL (N.J.S.A. 40A:12A-5).
2. The planning board must prepare and make available a map delineating the boundaries of the proposed redevelopment area, specifying the parcels to be included in it. This map should be accompanied by a statement setting forth the basis of the investigation.
3. The planning board must then conduct the investigation and produce a report presenting the findings. The board must also hold a duly noticed hearing to present the results of the investigation and to allow interested parties to give testimony. The planning board then may adopt a resolution recommending a course of action to

the governing body.

4. The governing body may act on this recommendation by adopting a resolution designating the area an "Area in Need of Redevelopment." The governing body must make the final determination as to the Redevelopment Area boundaries.
5. A redevelopment plan must then be prepared establishing the goals, objectives, and specific actions to be taken with regard to the "Area in Need of Redevelopment."
6. The governing body may then act on the redevelopment plan by passing an ordinance adopting the redevelopment plan as an amendment to municipality's zoning ordinance.

Only after completion of this process the municipality is able to exercise the powers granted to it under the LRHL. The process has been used successfully across the state to creatively improve properties meeting statutory redevelopment criteria. Projects approved for redevelopment are often eligible for certain types of technical and financial assistance from the State.

## **6.0 GENERAL ADMINISTRATION**

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

### **6.1 APPLICABILITY**

The preceding regulations shall apply to the Redevelopment Area and shall supersede regulations within the Zoning Ordinance of the Borough of Freehold, except where the regulations herein are silent, in which case the regulations within the Zoning Ordinance shall govern.

### **6.2 ZONING MAP AMENDMENT**

The Zoning Map of the Borough of Freehold should be amended to include this Redevelopment Area (Block 36, Lots 5, 6, 7, 8, and 9) as identified, discussed, and outlined in this document. The regulations within this Redevelopment Plan shall supersede regulations within the Center Core Rehabilitation Plan of 2020 and Freehold Borough Zoning Ordinance, except where regulations herein are silent.

### **6.3 STRUCTURE AND POWER OF THE BOROUGH AS "REDEVELOPMENT ENTITY"**

The Freehold Borough Council shall act as the "Redevelopment Entity" pursuant to N.J.S.A. 40A:12A-4.c for purposes of implementing this Redevelopment Plan and carrying out redevelopment projects. In doing so, the Borough Council shall have the powers set forth



in N.J.S.A. 40A:12A-8 to effectuate all of its duties and responsibilities in the execution and implementation of this Redevelopment Plan.

When necessary for implementation of the Redevelopment Plan, the redevelopment entity as authorized by the governing body shall designate and enter into a contract with a Redeveloper for any construction or other work forming a part of this Redevelopment Plan (N.J.S.A. 40A:12A-4(c)).

The Redeveloper shall enter into a "redevelopment agreement" with the Borough prior to its submission of any application for preliminary or final site plan approval for a project to be undertaken pursuant to this Redevelopment Plan.

## **6.4 DEVELOPMENT REVIEW, VARIANCES, AND WAIVERS**

Development and subdivision within the Redevelopment Area shall be controlled by the Borough's laws governing Land Use Procedures, Subdivisions and Development, and Zoning, as well as the State of New Jersey's laws governing development and redevelopment. Approvals, waivers and variances will be governed by the requirements of the Municipal Land Use Law and the Borough's usual procedure.

The designated Redeveloper shall agree to comply with all applicable application submission requirements, design standards, and development regulations established in the Redevelopment Plan for the Redevelopment Area, as well as those established by the Borough, Monmouth County, and the State, except where variances and waivers are properly approved.

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

It is the intention of this Section that the Planning Board may grant variances, waivers or deviations from the strict application of the regulations contained within this Redevelopment Plan, for "bulk standards" or design criteria, in accordance with the provisions of N.J.S.A. 40:55D-60 and -70c, but that the Planning Board may not grant variances for use and other standards governed by N.J.S.A. 40:55D-70d. Any relief from standards otherwise governed by N.J.S.A. 40:55D-70d shall require that this Redevelopment Plan be amended.

## **6.5 AMENDING THE REDEVELOPMENT PLAN**

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

## **6.6 OFF-SITE IMPROVEMENTS**

As defined by the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., the designated redeveloper (or other such parties responsible for the development of a redevelopment area) may be responsible for their pro-rata share of any and all improvements required by the redevelopment as determined by the Borough, such as installation or upgrade of infrastructure related to their project whether on-site or off-site. Infrastructure items include but are not limited to gas, electric, water, sanitary and storm sewers, traffic control devices, streets, curbs, sidewalks, street lighting and street trees.

The extent of the redeveloper's responsibility will be outlined in the redevelopment agreement with the Borough.

All infrastructure improvements shall comply with applicable local, state and federal codes and laws, including the Americans with Disabilities Act. All utilities shall be placed underground.

## **6.7 RELOCATION**

If a property is acquired as part of the implementation of this Redevelopment Plan is occupied, the Borough of Freehold will comply with the New Jersey Relocation Assistance Law, P.L. 1967, c.79 \*N.J.S.A. 52:31B-1 et seq.), the Relocation Assistance Act, P.L. 1971, c. 362 (N.J.S.A. 20:4-1 et seq), and associated regulations (N.J.A.C. 5:L11-1 et seq.) adopted by the New Jersey Department of Community Affairs (the "DCA") which govern the procedures by which municipalities and public agencies assist residents and business displaced by such plans and projects. The Borough will be responsible for the payments of any property acquired for such purposes.

## **6.8 VALIDITY OF REDEVELOPMENT PLAN**

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

## **6.9 ACQUISITION**

The Redevelopment Area has been designated as a Non-Condemnation Redevelopment Area, meaning that the LRHL does not authorize property acquisition by eminent domain. Therefore, no eminent domain is anticipated or enabled by this Redevelopment Plan. To the extent that property acquisition will be required, all property must be acquired by the designated redeveloper through private negotiations with the property owner(s).

## **6.10 RELOCATION OF DISPLACED RESIDENTS AND BUSINESSES**

As this Redevelopment Area contains existing businesses and residents, the redeveloper shall provide a Workable Relocation Assistance Plan. In doing so, it must comply with all relevant

state and local laws.

## 6.11 AFFORDABLE HOUSING

All new development within the Redevelopment Area shall adhere to the affordable housing requirements of the State of New Jersey that are in place at the time the development receives municipal site plan approvals.

All development within the Redevelopment Area must be consistent with the Borough's Housing Element and Fair Share Plan. Any municipal ordinances that relate to the provision of affordable housing and/or development fees are applicable within the Rehabilitation Area.

## 7.0 RELATIONSHIP TO OTHER PLANS

### 7.1 LOCAL GOALS AND OBJECTIVES

In 2018, the Borough adopted the Downtown Element of the Master Plan. This element expressed a new set of vision and goals, that were identified by a wide group of stakeholders to guide the next phases of Downtown Freehold's revitalization. This Redevelopment Plan is substantially consistent with the goals and objectives of the Downtown Element and is an important next step in implementing the vision articulated in that Element. In particular, this Redevelopment Plan aligns with the following goals:

1. **Connectivity:** "Downtown Freehold will have a safe, direct, convenient, and aesthetically pleasing complete streets network that provides high-quality infrastructure to support walking, biking, driving, and public transportation." The Redevelopment Plan encourages the creation of a complete pedestrian network and installation of pedestrian amenities and bike facilities throughout the downtown. Parking regulations seek to accommodate car traffic in the downtown while minimizing the negative impacts that parking has on public streets, including pedestrian conflicts.
2. **Housing:** "The Downtown will have high-quality modern urban housing that provides immediate access to the downtown amenities and the bus station." The vision of this Redevelopment Plan is to create a mix of new, modern apartment housing close to downtown and the bus station.
3. **Transit-Orientation:** "Development downtown will support and be supported by a high-quality bus center that serves as a safe and attractive gateway into the Borough." The redevelopment area is only a few blocks away from the bus station. In addition, the design guidelines of this Redevelopment Plan are consistent with transit-supportive principles that encourage walkability and promote vibrancy in areas around transit.
4. **Historic Integrity:** "Freehold Borough's unique history will be celebrated and supported by local initiatives." The design standards of this plan seek to promote

development that is consistent in scale, massing, and materials with the surrounding context. At the same time, the standards seek to discourage “faux historicism” or copying of historic styles so that new development will not detract from the downtown’s unique history.

5. **Inclusivity:** “Downtown will be an age-, income-, and culturally-inclusive environment that provides affordable business and living opportunities for the Boroughs large and growing Hispanic population as well as its aging residents. Residents and stakeholders will actively engage in the exchange of ideas and cultures that invite and encourage participation in community processes.” It is the intent of the Redevelopment Plan to add to the variety of building types, uses, and housing options available within the Borough to cater to the needs of a variety of Borough residents.
6. **Sustainability:** “Development projects will meet the economic, environmental and social needs of current residents without compromising the ability of future generations to meet their own needs.” Sustainable building and parking lot design principles are permitted and encouraged to promote green building practices.

## 7.2 RELATIONSHIP TO COUNTY PLANS

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

1. **Goal #2:** “Promote the protection and conservation of natural and cultural resources.” The principles and objectives of this goal encompass natural resource conservation, promoting arts and culture, and historic preservation. New development should reinforce local arts, cultural history, and historic identity.” This Redevelopment Plan includes strong design guidelines meant to ensure that new development is consistent with the existing historic character of Downtown Freehold as well as standards for the appropriate rehabilitation of historic structures.
2. **Goal #3:** “Promote beneficial development and redevelopment that continues to support Monmouth County as a highly desirable place to live, work, play, and stay.” The principles and objectives of this goal lay out the County’s vision for vibrant and sustainable communities, housing, economic development, and redevelopment, and transit investments. New development should also be balanced with efforts to preserve the character of the community, especially in historic centers, through preservation, rehabilitation, and adaptive reuse strategies. The objectives directly related to this planning effort are as follows:
  - **Principle 3.1:** “Create vibrant and sustainable communities through community engagement, development of multi-modal and well-connected circulation networks, a range of housing types to meet the needs of a variety of residents, and a diverse array of uses, occupations, services and amenities in downtown



and business districts. In addition, communities should seek to enhance landscapes and streetscapes, support creative placemaking efforts, and improve recreational opportunities.” This redevelopment plan includes high-quality standards for the public realm to promote walkability and connections to downtown and the bust station. The plan increases the mix of uses and housing types in the Borough, which will enhance vibrancy downtown and provide more housing and commercial options for residents, business owners, government agencies, and visitors.

- **Principle 3.3:** “Encourage a variety of housing that caters to all stages of life, consider rezonings to accommodate shifts in demand, and encourage housing near transit options that reduce automobile dependency.” The Redevelopment Plan encourages density and a variety of housing within walking distance of downtown amenities and transit. The regulations seek to encourage new housing with modern amenities that will serve a wide range of residents.
- **Principle 3.4:** Encourage public investments that enhance local and regional competitiveness in the marketplace to retain and attract businesses and provide quality jobs to create a stronger, more resilient tax base. The intent of the Redevelopment Plan is to encourage new investment in the downtown and enhance the attractiveness of the Borough to both businesses and residents in the region.

### **7.3 RELATIONSHIP TO STATE DEVELOPMENT AND REDEVELOPMENT PLAN**

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

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

1. **Land Use:** “Promote redevelopment and development in Cores and neighborhoods of Centers and in Nodes that have been identified through cooperative regional planning efforts. Promote diversification of land uses, including housing where appropriate, in single use developments and enhance their linkages to the rest of the community. Ensure efficient and beneficial utilization of scarce land resources throughout the Planning Area to strengthen its existing diversified and compact nature.” The Redevelopment Plan promotes mixed-use redevelopment in a downtown area with regional transportation access. The proposed density will ensure efficient utilization of the available land, consistent with the compact development patterns that already exist in the downtown.
2. **Redevelopment:** “Encourage redevelopment at intensities sufficient to support

transit, a broad range of uses and efficient use of infrastructure. Promote design that enhances public safety, encourages pedestrian activity and reduces dependency on the automobile." The Redevelopment Plan intends to create higher-density, mixed-use development within the core of Freehold's downtown to encourage transit use and walking. Design guidelines and public realm standards reinforce these principles by promoting human-scaled design, wide sidewalks, and pedestrian amenities.

3. **Economic Development:** "Promote economic development by encouraging strategic land assembly, site preparation and infill development, public/private partnerships and infrastructure improvements that support an identified role for the community within the regional marketplace. Encourage private sector investment through supportive government regulations, policies and programs, including tax policies and expedited review of proposals that support appropriate redevelopment." The Redevelopment Plan will help facilitate the types of economic development activity envisioned in the State plan.

DRAFTED FOR FREEHOLD BOROUGH BY:

