

BOROUGH OF FREEHOLD

REQUEST FOR PROPOSALS

**ACQUISITION AND REDEVELOPMENT OF BLOCK
35, LOTS 15, 16, 17, 18, 19, 26.02, 28, 29, 30, 31, AND 32
WITHIN THE BLOCK 35 REDEVELOPMENT AREA**

ISSUE DATE: MARCH 17, 2023

RESPONSE DUE DATE: MAY 17, 2023

The Borough of Freehold (the “**Borough**”) issues this request for proposals (“**RFP**”) pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.* (the “**Redevelopment Law**”) and all other applicable laws. Any successful Respondent (defined below) is required to redevelop the Redevelopment Site (as defined in Section II herein), or any portion thereof, or such other area that may be added to the Redevelopment Site as may be approved by the Borough, in accordance with the Redevelopment Law and as set forth in a Redevelopment Agreement (defined below).

All responses to this RFP (a “**Proposal**”) shall be prepared at the cost and expense of the prospective purchaser/redeveloper who proposes a project in response to the RFP (the “**Respondent**”). The Borough is not responsible for paying any costs or expenses associated with the preparation of a Proposal.

Respondent and its contractors and subcontractors must always comply with all applicable obligations pursuant to The New Jersey Campaign Contributions and Expenditure Reporting Act, *N.J.S.A. 19:44A-1, et seq.*, and any local or municipal restrictions adopted in accordance with said Act.

This RFP constitutes an invitation for responsive submissions to the Borough and does not represent an offer, obligation, or agreement on the part of the Borough. The Borough reserves the right to protect the best interests of the Borough, to waive any technical errors, to request clarification of any submission, to reject any submission (or any part thereof) for any reason whatsoever, or to reject all Proposals for any reason whatsoever. The Borough reserves the right at any time to withdraw this RFP or modify the schedule or requirements set forth herein.

The Borough reserves the right, if it is deemed to be in the public interest, to enter directly into negotiations with one or more Respondents, or to reissue a request for proposals in order to advance the planning and disposition process. This RFP does not commit the Borough to any disposition process or to enter negotiations with any Respondent. While every effort has been made to provide accurate information within this RFP regarding the Redevelopment Site, the Borough is not bound by any of the statements or assumptions set forth herein.

I. BACKGROUND

The Borough is approximately 1.9 square miles in area, situated in the heart of Monmouth County, located within central New Jersey, and completely surrounded by Freehold Township. The Borough is in an area which allows for citizens to commute to New York City, Trenton, and points beyond such as Philadelphia, Boston, and Washington D.C.

The Borough has undertaken planning activities to make the community a vital and sustainable place to live, work and place. Among various efforts in creating this vision and in order to address conditions within the Borough and stimulate private investment, the Mayor and Council (the “**Borough Council**”) have determined that the appropriate course of action is to redevelop and rehabilitate the Borough in accordance with the Redevelopment Law.

By Ordinance 2023-11, the Borough Council adopted the Downtown Freehold: Hometown Redevelopment Phase 1 Block 35 Redevelopment Plan (the “**Redevelopment Plan**”) for Block 35, Lots 15, 16, 17, 18, 19, 26.02, 28, 29, 30, 31, and 32 (the “**Redevelopment Site**”).

As 2020 progressed, the impacts of the pandemic became more evident with several long-time establishments temporarily or permanently closed as well as an emerging “new reality” that post-pandemic life would be different. For the Borough, like almost every local government across the country, it became clear that new strategies and actions would be necessary to re-position the community for the post-pandemic period – sitting still and taking no action was not an option. Fortunately, during 2020 opportunities to advance downtown redevelopment consistent with the Master Plan in the downtown emerged.

II. SITE DESCRIPTION

The Borough seeks one or more qualified developer(s) or redevelopment team(s) (a “**Respondent**”) to respond to this RFP with submissions of redevelopment proposals (a “**Proposal**”) and statements of their qualifications to redevelop all or a portion of the following properties within the Redevelopment Site and such other adjacent properties as may be proposed for redevelopment by a Respondent and approved by the Borough:

<u>Block</u>	<u>Lot</u>	<u>Street Address</u>
35	15	32 Broad Street
35	16	30 Broad Street
35	17	28 Broad Street
35	18	Broad Street*
35	19	Broad Street*
35	26.02	Broad Street*
35	28	51 W. Main Street*
35	29	53 W. Main Street
35	30	55 W. Main Street
35	31	57 W. Main Street
35	32	61 W. Main Street

* **Denotes Borough-owned property**

The Borough seeks to identify Respondent(s) with the ability and capacity to commence a redevelopment project as described in this RFP. **Proposals may be for the entire Redevelopment Site or a portion of the Redevelopment Site and may include properties adjacent to the Redevelopment Site.** The details regarding the Redevelopment Site are found below, and the Downtown Freehold: Hometown Redevelopment Phase 1 Block 35 Redevelopment Plan is attached to this RFP.

The Redevelopment Site was designated as an area in need of redevelopment with condemnation, allowing the Borough to exercise eminent domain. The Redevelopment Site is located in the center portion of the Borough with frontages along Broad Street to the northwest

and W. Main Street to the southeast and is a portion of a larger area referred to as “Borough Hall and Surrounding Commercial Area” which was also determined to be an area in need of redevelopment. To the northwest of the property is a shopping center and residential apartments and to the Norwest is a rail right-of-way followed by restaurants and a car detailing center. To the southeast and southwest are professional offices within former residential homes, as well as a mixed-use building and houses of worship.

The Redevelopment Site is approximately 5.26 acres or approximately 229,000 square feet. Many of the Lots within the Redevelopment Site are a part of the underlying B-1 zone (permitting professional offices, as well as banks, funeral homes, photography studios, music/dance/art studios and public institutions of higher education) or the underlying B-2 zone (permitting retail sales and service establishments, automobile parking areas, shopping centers, hotels, and public institutions of higher learning).

III. DEVELOPMENT PROGRAM GOALS

The Borough seeks Proposal(s) which achieve the goals of the Redevelopment Plan, maximize the Redevelopment Site’s and immediate areas potential and benefit and complement the surrounding area. Specifically, the Borough seeks Proposals which address one or more of the following:

- High-quality modern urban housing that provides immediate access to amenities and the bus station;
- At least one major high-quality public space that serves the everyday need of users while being able to accommodate larger special events;
- Developing an inclusive environment for all ages, incomes, and cultures, while providing affordable business and living opportunities for residents;
- Meeting the economic, environmental, and social needs of current residents without comprising the ability of future generations;
- Preservation of the historic nature and character of the community.

IV. RFP RESPONSE

A. GENERAL REQUIREMENTS AND DEADLINES

During the RFP application period, no oral interpretation of any requirement of the RFP will be given to any prospective Respondents. Questions regarding this RFP may be submitted periodically via email to: Stephen J. Gallo, Borough Administrator, at sgallo@freeholdboro.com, with a copy to Joseph P. Baumann, Esq., at jbaumann@msbnj.com, until no later than 4:00 p.m. on May 1, 2023. Responses to questions will be periodically posted on the Borough website as and when received. **It is the responsibility of all prospective Respondents to check the Borough’s website periodically for updates to this RFP as well as any responses to questions.**

Proposals may be submitted via email, hand delivered to the Borough's offices, sent by email, U.S. certified mail return receipt requested, or sent by private courier service. Proposals submitted via email must be sent in PDF format to Stephen J. Gallo, Borough Administrator, at sgallo@freeholdboro.com, with a copy to Joseph P. Baumann, Esq., at jbaumann@msbnj.com no later than 12:00 PM on May 17, 2023. Proposals submitted via certified mail, private courier service or hand delivery must include 3 paper copies and 1 electronic copy (on CD or USB drive format preferred) of the Proposal. All Proposals that are sent directly to the Borough (i.e. not via email) shall be delivered no later than 12:00 PM on May 17, 2023, to the Borough of Freehold, Attn. Stephen J. Gallo, Borough Administrator, 30 Mechanic Street, Freehold, NJ 07728. The Borough shall not be responsible for the loss, non-delivery, or physical condition of Proposals sent by mail or courier service.

All Proposals must include a non-refundable submission fee of \$3,000.00, which must be paid at the time of submission of the Proposal, except if a Respondent's Proposal is submitted via email, then such Respondent shall mail the submission fee to the Borough, and the Borough shall receive the submission fee, no later than May 16, 2022. Proposals that include payment of the submission fee by check, which check is dishonored for insufficient funds, shall be considered to have not included the submission fee and may be rejected. Any Proposals received after the deadline or without a submission fee may be rejected.

All Proposals will become the property of the Borough and will not be returned to the Respondent.

Respondent should not rely on the information contained in this RFP, but instead should conduct their own investigation and inquiry regarding the Redevelopment Site and independently assure themselves of the conditions and regulations affecting the Redevelopment Site, including but not limited to environmental conditions. Respondents should be creative in their responses and propose creative and innovative solutions to traditional redevelopment challenges. The Borough will consider Proposals that include financial incentives, including a payment in lieu of taxes, but the Borough does not guarantee that such financial incentives will be awarded. The Borough will consider Proposals that include properties outside the Redevelopment Site under control of the Respondent.

B. FORMAT OF PROPOSALS

The Borough requires a standard format for all Proposals submitted to ensure that clear, concise, and complete statements are available from each Respondent in response to the RFP requirements. It is recommended that Respondent utilize headings, section numbers and/or page numbers to organize its Proposals. The Borough is not under any obligation to search for clarification through additional or unformatted information submitted as a supplement to the formatted Proposal. Where a Proposal contains conflicting information, the Borough at its option may either request clarification or may consider the information submitted unresponsive.

Each Proposal submitted must contain, in sequence and with the appropriate heading, each of the following sections:

1. Title Page
2. Executive Summary
3. Proposal for the Project
4. Project Financing
5. Proposal for acquisition of Borough owned portions of the Redevelopment Site, if such property is the subject of the Proposal
6. Proposal for sale, lease, joint venture, or other relationship with owners of private property that is part of the Proposal
7. Government Responsibilities
8. Experience and Qualifications; Key Personnel
9. Examples of Successful Projects completed by Respondent

These required sections are further described and defined as follows:

1. Title Page

The Proposal must include a title page, which identifies the proposed project, the Respondent's firm, name of the Respondent's primary contact, Respondent's address, telephone number and e-mail address.

2. Executive Summary

A summary of the key points and highlights of the Proposal which should illustrate why the Respondent is best suited for the project.

3. Proposal for the Project

Include a detailed description of the Respondent's proposed project, including capital improvements, concept plans, three-dimensional massing models, architectural elevations, perspective renderings, site sections, and similar illustrative materials, etc. Respondent should highlight any risks it deems to be significant enough in nature which could delay or stop the proposed project. All Proposals shall comply with the zoning and planning requirements of the Redevelopment Plan, although the Borough will consider reasonable changes to the Redevelopment Plan that may be included in a Proposal, provided it meets the Borough's goals. Proposed Redevelopment Plan amendments should be set forth in the Proposal. The Borough may also consider proposals that seek to expand the Redevelopment Site by including additional parcels under control of the Respondent. The Proposal should describe such additional properties and the importance of including them in the proposed project.

4. Project Financing

Provide a breakdown of the total of all projected development costs and the sources of all anticipated funds to meet those costs.

The Respondent must state their financial offer for the purchase of the portion of the Redevelopment Site owned by the Borough.

The Borough makes no representation as to the state of remediation of the Redevelopment Site or delivery of environmentally remediated property including Borough-owned property.

5. Proposal for acquisition of Borough owned portions of the Redevelopment Site, if such property is the subject of the Proposal

To the extent it is part of Respondent's Proposal, the Proposal should include a proposal to acquire any Borough owned properties necessary for the proposed redevelopment project.

6. Proposal for the inclusion of privately owned property as part of the proposed redevelopment project

To the extent it is part of Respondent's Proposal, the Proposal should describe all privately owned parcels necessary for the proposed redevelopment project as well as the consent of such private property owners for the proposed redevelopment, if available. Failure to have obtained such consent from privately owned parcels within the Project Site will not disqualify the Proposal. However, the inclusion of properties outside the Redevelopment Site should be under the control of the Respondent.

7. Government Responsibilities

The Respondent should specifically describe the expectations relating to the responsibilities and/or financial commitments (or otherwise) the Respondent is expecting of the Borough throughout the life of the proposed project including payments-in-lieu-taxes and such financial incentives that may be required from the State.

For purposes of evaluating the Respondent's Proposal, the Borough makes no representation as to responsibility for remediation of the Redevelopment Site or delivery of environmentally remediated property.

8. Experience and Qualifications; Key Personnel

Include a brief history of the Respondent and how its experience is analogous to and qualifies it to meet the requirements of the RFP. The citation of specific projects that are currently being developed or have been completed in the past is strongly encouraged.

Identify the proposed project team, the role that each proposed team member will assume and detailing the qualifications for the role that the team member possesses. This should include the Respondent as well as attorneys, architects, engineers, contractors, builders, and financiers.

9. Experience and Qualifications; Key Personnel

Include a list of projects of similar scope and size that the Respondent believes highlights its strengths and creativity.

V. REDEVELOPMENT AGREEMENT

The successful Respondent(s) (the “**Redeveloper**”) will be required to enter into a redevelopment agreement with the Borough (the “**Redevelopment Agreement**”). Upon conditional designation as the Conditional Redeveloper, the successful Respondent(s) shall enter into an Interim Cost and Conditional Designation Agreement with the Borough to defray the Borough’s expenses pending execution of the Redevelopment Agreement.

Neither the Borough’s acceptance of a Proposal nor the Borough’s conditional designation of successful Respondent(s) as a redeveloper will create any rights or obligations regarding such Respondent(s) until the full execution of the Redevelopment Agreement. The Borough will have the option to terminate negotiation of a Redevelopment Agreement at any time without cause, including on the basis that the Borough is not satisfied with the progress of negotiations. The successful Respondent shall have no cause of action or right to damages arising from the termination of negotiations with the Respondent prior to the Borough’s execution of a Redevelopment Agreement with the Respondent(s).

VI. EVALUATION PROCESS

The Borough will evaluate Proposals based on their completeness, feasibility, responsiveness to the RFP requirements and redevelopment goals described herein, strength of the development approach, innovation of the Proposal, and Respondent’s comparable experience and capacity to successfully complete the proposed project.

The Borough will evaluate Proposals based consideration of key criteria, which includes, but is not limited to:

- Conformance to RFP format requirements
- Appropriateness of proposed project to RFP requirements and the goals of the Redevelopment Plan
- Timeframe for completion of the proposed project
- Development team qualifications, comparable prior experience, and capacity
- Soundness of the Respondent’s financial plan and commitments
- Vision and quality of development approach
- Public benefits from the proposed project, including the proposed number of affordable housing units and the goals articulated in Section III above
- Commitment to diversity regarding utilization of minority and women-owned business enterprises and local businesses and workers
- Financial feasibility and capacity
- Adherence to the Development Program Goals set forth in Section III
- Creative solutions to preserve, integrate and/or document the historic nature of buildings and properties within the Redevelopment Site

The Borough shall not be obligated to explain the results of the evaluation process to any Respondent. The Borough may elect to ask some or all Respondents to give presentations on their Proposals. The Proposal(s) determined by the Borough and its professionals to best satisfy the

criteria and goals of the Redevelopment Plan and RFP requirements will be recommended to the Borough Council for consideration. The Borough Council will consider the recommendation and, at its discretion, vote on whether to: recommend the Proposal(s), conditionally designate the successful Respondent(s) as redeveloper and authorize the execution of Interim Cost and Conditional Designation Agreement(s) (a form of which is included in Exhibit B). It is expected that the successful Respondent(s) will execute Redevelopment Agreement(s) within 6 months of designation by the Borough Council.

The Borough reserves the right to:

- Select a short list of Respondents;
- Enter exclusive negotiations with selected Respondent(s) with the intent of entering into a redevelopment agreement(s).
- Request additional information from any Respondent, including references related to past or current projects; or
- Take no action.

VII. DISCLAIMERS

- A. Respondent is responsible for ensuring that its Proposal is compliant with all applicable Federal, State, and local laws, regulations, and ordinances.
- B. Respondent acknowledges that the preparation and submission of a Proposal is at its own risk and expense, and in no event may it seek reimbursement or contribution from the Borough.
- C. In an effort to foster the timely redevelopment of the Redevelopment Site, each Respondent acknowledges that by submitting a Proposal, such Respondent waives its right to file or maintain, through itself or any other party with which it is affiliated, any action or proceeding challenging determinations made by the Borough pursuant to this RFP.
- D. The successful Respondent must have sufficient monetary resources to provide for all predevelopment costs associated with the proposed project. The Borough will not provide any funding to pay for predevelopment costs including, but not limited to, architectural and engineering fees, legal fees, environmental reports or testing, financing and syndication costs, and surveys.
- E. Designation of a successful Respondent as redeveloper for a proposed project will not create any rights whatsoever in the successful Respondent until the execution by the Borough of a redevelopment agreement.
- F. The Borough in its sole discretion will have the option to terminate negotiations at any time if not satisfied with the progress of negotiations.
- G. The Borough reserves the right to reject all Proposals.

- H. Any successful Respondent is required to comply with requirements of the Law Against Discrimination, P.L. 1975, Ch. 127, *N.J.A.C.* 10:5-31, *et seq.*, the Affirmative Action Rules, *N.J.A.C.* 17:27-1.1, *et seq.*, the Americans with Disabilities Act of 1990, 42 U.S.C. § 2101, *et seq.*

Exhibit A

**Downtown Freehold: Hometown Redevelopment Phase 1 Block 35
Redevelopment Plan**



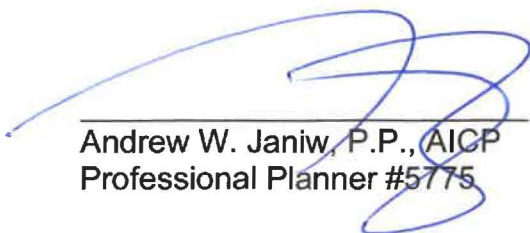
BEACON PLANNING AND CONSULTING SERVICES, LLC
315 STATE HIGHWAY 34, SUITE 129
COLTS NECK, NEW JERSEY 07722
TEL: 732.845.8103/FAX: 732.845.8104


**DOWNTOWN FREEHOLD:
HOMETOWN REDEVELOPMENT PHASE 1
BLOCK 35 REDEVELOPMENT PLAN
FREEHOLD BOROUGH, NEW JERSEY**

Beacon File: A22087
January 2023



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


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FIGURES

Figure 1: Location Map

Figure 2: Block 35 Redevelopment Area Map

Figure 3: Existing Zoning

Figure 4: Proposed Zoning

Figure 5: Tax Map

APPENDIX	TITLE
1	Borough of Freehold Resolution No. 31-22, adopted 02/07/2022
2	Borough of Freehold Resolution No. R 42-22, adopted 02/07/2022

1.0 INTRODUCTION

1.1 Background

The Block 35 Redevelopment Area (as defined herein) subject to this Freehold Downtown: Block 35 Redevelopment Plan (this “Redevelopment Plan” or this “Plan”) is located in the center portion of the Borough with frontages along Broad Street to the northwest and W. Main Street to the southeast, and is a portion of a larger area referred to as ‘Borough Hall and Surrounding Commercial Area’ determined to be an “area in need of redevelopment” with condemnation by the Borough Council via Resolution 31-22 adopted February 07, 2022, pursuant to the requirements of New Jersey’s Local Redevelopment and Housing Law (LRHL). Resolution 42-22 adopted February 07, 2022 authorized the preparation of redevelopment plan(s) for the designated properties, including Block 35, Lots 15, 16, 17, 18, 19, 26.02, 28, 29, 30, 31, and 32.

The resulting plan, which is this document, identifies the land uses that are suitable for the property designated as Block 35, Lots 15, 16, 17, 18, 19, 26.02, 28, 29, 30, 31, and 32 on the official tax map of the Borough of Freehold (the “Block 35 Redevelopment Area”). It also sets forth area and bulk requirements to guide the redevelopment of these properties in a manner which promotes the health, safety, and welfare of the Freehold community. The Redevelopment Plan will encourage the redevelopment of this property located within this portion of the community. The Plan establishes a comprehensive, integrated approach to development that will result in an attractive and complementary use of the property within the Block 35 Redevelopment Area. The Plan is designed to complement and implement the specific goals, objectives and policy statements set forth in the Borough Master Plan.

1.2 Statutory Basis for the Redevelopment Plan

The Local Redevelopment and Housing Law (LRHL) sets forth the following criteria that must be addressed in a redevelopment plan:

- A. No redevelopment project shall be undertaken or carried out except in accordance with a redevelopment plan adopted by ordinance of the municipal governing body, upon its finding that the specifically delineated project area is located in an area in need of redevelopment or in an area in need of rehabilitation, or in both, according to criteria set forth in section 5 or section 14 of P.L.1992, c.79 (C.40A:12A-5 or 40A:12A-14), as appropriate.

The redevelopment plan shall include an outline for the planning, development, redevelopment, or rehabilitation of the project area sufficient to indicate:

1. Its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
2. Proposed land uses and building requirements in the project area.
3. Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.
4. An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan.
5. Any significant relationship of the redevelopment plan to (a) the master plans of contiguous municipalities, (b) the master plan of the county in which the municipality is located, and (c) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et al.).
6. As of the date of the adoption of the resolution finding the area to be in need of redevelopment, an inventory of all housing units affordable to low and moderate income households, as defined pursuant to section 4 of P.L.1985, c.222 (C.52:27D-304), that are to be removed as a result of implementation of the redevelopment plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure.
7. A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan. Displaced residents of housing units provided under any State or federal housing subsidy program, or pursuant to the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), provided they are deemed to be eligible, shall have first priority for those replacement units provided under the plan; provided that any such

replacement unit shall not be credited against a prospective municipal obligation under the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), if the housing unit which is removed had previously been credited toward satisfying the municipal fair share obligation. To the extent reasonably feasible, replacement housing shall be provided within or in close proximity to the redevelopment area. A municipality shall report annually to the Department of Community Affairs on its progress in implementing the plan for provision of comparable, affordable replacement housing required pursuant to this section.

8. Proposed locations for public electric vehicle charging infrastructure within the project area in a manner that appropriately connects with an essential public charging network.
- B. A redevelopment plan may include the provision of affordable housing in accordance with the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.) and the housing element of the municipal master plan.
 - C. The redevelopment plan shall describe its relationship to pertinent municipal development regulations as defined in the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.). The redevelopment plan shall supersede applicable provisions of the development regulations of the municipality or constitute an overlay zoning district within the redevelopment area. When the redevelopment plan supersedes any provision of the development regulations, the ordinance adopting the redevelopment plan shall contain an explicit amendment to the zoning district map included in the zoning ordinance. The zoning district map as amended shall indicate the redevelopment area to which the redevelopment plan applies. Notwithstanding the provisions of the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) or of other law, no notice beyond that required for adoption of ordinances by the municipality shall be required for the hearing on or adoption of the redevelopment plan or subsequent amendments thereof.
 - D. All provisions of the redevelopment plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan; but the municipal governing body may adopt a redevelopment plan which is inconsistent with or not designed to effectuate the master plan by

affirmative vote of a majority of its full authorized membership with the reasons for so acting set forth in the redevelopment plan.

- E. Prior to the adoption of a redevelopment plan, or revision or amendment thereto, the planning board shall transmit to the governing body, within 45 days after referral, a report containing its recommendation concerning the redevelopment plan. This report shall include an identification of any provisions in the proposed redevelopment plan which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the board deems appropriate. The governing body, when considering the adoption of a redevelopment plan or revision or amendment thereof, shall review the report of the planning board and may approve or disapprove or change any recommendation by a vote of a majority of its full authorized membership and shall record in its minutes the reasons for not following the recommendations. Failure of the planning board to transmit its report within the required 45 days shall relieve the governing body from the requirements of this subsection with regard to the pertinent proposed redevelopment plan or revision or amendment thereof. Nothing in this subsection shall diminish the applicability of the provisions of subsection d. of this section with respect to any redevelopment plan or revision or amendment thereof.
- F. The governing body of a municipality may direct the planning board to prepare a redevelopment plan or an amendment or revision to a redevelopment plan for a designated redevelopment area. After completing the redevelopment plan, the planning board shall transmit the proposed plan to the governing body for its adoption. The governing body, when considering the proposed plan, may amend or revise any portion of the proposed redevelopment plan by an affirmative vote of the majority of its full authorized membership and shall record in its minutes the reasons for each amendment or revision. When a redevelopment plan or amendment to a redevelopment plan is referred to the governing body by the planning board under this subsection, the governing body shall be relieved of the referral requirements of subsection e. of this section.

1.3 Area Description

The Freehold Downtown: Block 35 District (the "District") is located within the central portion of the borough and part of an area designated as an "area in need of redevelopment" with condemnation. Figures located in the back of this Plan depict the geometry of the parcel. Figure 1 shows the location of the District within the Borough with the subject parcels outlined while Figure 2

outlines the Block 35 Redevelopment Area addressed by this Redevelopment Plan which is located within the District. As described above, the Block 35 Redevelopment Area subject to this Redevelopment Plan consists of a property identified by the Borough Tax Assessor as Block 35, Lots 15, 16, 17, 18, 19, 26.02, 28, 29, 30, 31, and 32, which is located between and maintain frontages along Broad Street and West Main Street.

Downtown Freehold: Block 35						
Block	Lot	~Area (Sq.Ft.)	~Acreage *	Zone	Ownership	Property Address
35	15	43,164	0.9909	B-1	15 Hardy Street Corp.	32 Broad St.
35	16	17,402	0.3995	B-2	Hamilton Kuser Associates, LLC	30 Broad St.
35	17	9,479	0.2176	B-2	Bank of America Corp. Real Estate AS	28 Broad St.
35	18	10,846	0.249	B-2	Boro of Freehold	Broad St.
35	19	22,246	0.5107	B-2	Boro of Freehold	Broad St.
35	26.02	9,400	0.2158	A	Boro of Freehold	Broad St.
35	28	21,301	0.489	B-2	Boro of Freehold	51 W. Main St.
35	29	22,499	0.5165	B-2	Bank of America Corp. Real Estate AS	53 W. Main St.
35	30	22,499	0.5165	B-2	American Realty Enterprises, LLC	55 W. Main St.
35	31	24,002	0.551	B-2	Mainstream 57, LLC	57 W. Main St.
35	32	35,702	0.8196	B-2	Blitz 61 West Main Street, LLC	61 W. Main St.
Total:		238,539	5.48			
*Approximate acreage obtained from Freehold Borough tax records and tax maps. Lots have not been surveyed and lot areas are subject to change as additional information is obtained.						

The District is comprised of ~5.26 acres or ~229,139 sq.ft. The underlying B-1 district permits professional offices, as well as banks, funeral homes, photography studios, music/dance/art studios and public institutions of higher education while the B-2 underlying zone permits retail sales and service establishments, automobile parking areas, shopping centers, hotels, and public institutions of higher learning. The District is made of an intermingling of uses, including a one-story office building, an auto repair facility, the former Borough Hall, a Bank of America drive through, professional offices, and a mixed-use building. However, the predominate feature of the area are the large areas of surface parking that break up the continuity of this portion of the downtown.

The Block 35 Redevelopment Area is located proximate and is a part of the Borough's downtown neighborhood. To the northwest of the property is a shopping center and residential apartments and to the northwest is a rail right-of-way followed by restaurants and a car detailing center. To the southeast and southwest are professional offices within former residential homes, as well as a mixed-use building and houses of worship.

As a result of a number of factors, including the existing condition and configuration of improvements as well as the large areas of surface parking, a stagnant and declining condition has emerged in this area of the Borough. The Borough is pursuing a revitalization of this area, which is underutilized commercial in character including additional blocks and lots within the

downtown area. The redevelopment of the Block 35 Redevelopment Area is one of the first efforts within this area to address cited conditions.

1.4 Utility and Infrastructure

Municipal water, sanitary sewer, storm water provisions, natural gas, electricity, and voice and data transmission facilities either serve or are available to serve the parcels within the District.

- **Water:** Freehold Borough provides water services to the subject property.
- **Sanitary Sewerage:** Freehold Borough provides sanitary sewer services to the subject property.
- **Electricity:** Electrical power is provided to the District by Jersey Central Power & Light (JCPL).
- **Natural Gas.** Gas lines that service the District are provided by New Jersey Natural Gas.
- **Voice and Data Transmission:** Telecommunication services are reportedly available to the District.

1.5 Environmental Conditions

Any and all redevelopment/rehabilitation efforts must consider the status of environmentally sensitive areas within the District. Potential environmental liabilities present within the District must be identified and all planning and redevelopment/rehabilitation pursued pursuant to all applicable laws, statutes, and pertinent rules.

1.6 Urban Enterprise Zone Status

The Block 35 Redevelopment Area is not located within an Urban Enterprise Zone (UEZ).

2.0 DESCRIPTION OF SITE AND FINDING OF NEED FOR REDEVELOPMENT

The findings of the Planning Board's preliminary investigation are summarized in a report entitled "Borough Hall and Surrounding Commercial Area In Need of Redevelopment Study, Borough of Freehold," dated October 7, 2021 and prepared by Peter Van Den Kooy, PP, AICP (CME Associates). The properties within the Block 35 Redevelopment Area qualified under Criteria A, B, and D, as well as per stipulations within the state statutes permitting the inclusion of lands which are necessary to effectuate a redevelopment area. The following statutory criteria were cited together with a description of the condition evident as justification for inclusion of the subject property or properties for redevelopment:

Criterion A: The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.

Criterion B: The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.

Criterion D: Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.

The preliminary investigation and subsequent Planning Board recommendation represented the first step of an extensive planning process. In turn, the governing body elected to proceed with the recommendation of the Planning Board, pursuant to Borough Resolution No. 31-22 adopted February 7, 2022 wherein the properties were designated an area in need of redevelopment with condemnation. The Council directed the preparation of redevelopment plan(s) via Resolution No. 42-22 adopted February 7, 2022. The statute governing this process allows a redevelopment plan to encompass the redevelopment and/or rehabilitation of some or all of the properties within the designated area. The CME Assessment and subsequent designation highlighted the fact that the properties within the study area are not utilized in a manner that allows the achievement of their full development potential, and thus does not enable them to contribute to the public health, safety, and general welfare of the community.

3.0 BLOCK 35 REDEVELOPMENT AREA REGULATIONS

3.1 Approach

The planning approach outlined in this Redevelopment Plan is to create an enhanced opportunity for reutilization of existing improvements as well as the development of new improvements to promote the vitality of the Borough's downtown area by broadening both the type of retail/service establishments permitted as well as the variety of housing within the Borough, and to provide an opportunity for affordable housing in a manner that advances the Master Plan's goals and objectives.

Of note, the redevelopment district is situated adjacent to the proposed My Hometown: The Bruce Springsteen Story center. The proposal consists of a multimedia center with rotating exhibits about the life and times of Bruce Springsteen and his early days in Freehold Borough, and how his story relates to the American Story.

3.2 Plan Interpretation

A replacement zoning district to accommodate the intended permitted land uses will be established and be known as the "Freehold Downtown: Block 35 District." Since this is a replacement zone, the Freehold Downtown: Block 35 District may be used in accordance with the current, underlying zoning designation for the Block 35 Redevelopment Area (see Figure 3) until such time as it is to be redeveloped. Final adoption of this Redevelopment Plan by the Borough Council shall be considered an amendment to the Borough of Freehold Zoning Code and Zoning Map. Unless otherwise defined herein, terms used in this plan shall have the same meaning ascribed to them in the Borough's Zoning Code.

The continued use of the Downtown Freehold: Block 35 District is permitted until the lots are to be developed, redeveloped, or substantially rehabilitated, at which time the provisions of this Redevelopment Plan shall be applied. In the case where a particular land use or site standard is not specifically addressed in this Redevelopment Plan, compliance with the Borough of Freehold's Zoning Code and/or other applicable Borough codes or ordinances shall be required.

The flexibility of land uses within the Block 35 Redevelopment Area is essential to allow for the best design possible in order to:

- 1) Broaden opportunities to reutilize existing, historic improvements;
- 2) Provide for a variety of residential housing within the community;
- 3) Create an opportunity to address the Borough's affordable housing obligation;

- 4) Expand commercial/retail opportunities in a way that complements the existing downtown;
- 5) Create market-driven opportunities to ensure the success of the efforts.

The local land development regulatory process will be administered by the Freehold Borough Planning Board in order to ensure that the goals and objectives of the Redevelopment Plan are met.

3.3 Purpose and Intent

It is the intent of this Redevelopment Plan to achieve the following goals and objectives for the Borough of Freehold as noted within the July 2018 Downtown Freehold Vision Plan:

- A. The downtown will have high-quality modern urban housing that provides immediate access to the area amenities and the bus station;
- B. The downtown will have at least one major high-quality public space that serves the everyday need of users while being able to accommodate larger special events;
- C. Downtown will be an age-, income-, and culturally-inclusive environment that provides affordable business and living opportunities for the borough's 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;
- D. Development project will meet the economic, environmental and social needs of current residents without compromising the ability of future generations to meet their own needs.

The Freehold Vision Plan also notes the importance of new residents/workers as customers for downtown retailers, which will 'inject vitality' into the area.

3.4 Permitted Uses

The Redevelopment Plan seeks to create a mixed-use development that will accommodate a variety of commercial uses that complement the existing downtown area while also providing for a density of housing that both supports local businesses as well as promotes use of the available public transportation. Additionally, the development shall provide affordable housing within the Borough.

Table 1 below lists the permitted uses for this area. Any use not specifically permitted shall be prohibited.

Table 1
Permitted Principal Uses

1. The sale of retail goods such as but not necessarily limited to the following types: meat and poultry stores, drug stores, variety stores, drygood stores, baked good stores, packaged liquor stores and taverns, flower stores, confectionery stores, household supply stores, stationery supplies stores, haberdashery, and apparel stores;
 2. The provision of service establishments such as but not limited to the following types: barber or beauty shops, clothes cleaning and laundry pick-up establishments, shoe repair shops, the office of a member of a recognized profession such as physicians, attorneys, dentists, ministers, chiropractors, architects, engineers, accountants, insurance agents, real estate brokers, stock brokers and other generally recognized professional service personnel and organizations, banks, photography studios, music, dance and art studios;
 3. Restaurants, luncheonettes, and eateries, including fast casual dine-in facilities, but prohibiting drive-thru and take-out only establishments. Walk-up windows shall only be permitted in restaurants situated along a public courtyard and must face the public courtyard. Seasonal outdoor dining shall be permitted in the courtyard.
 4. Grocery stores, not to exceed 10,000 sq.ft.;
 5. Multifamily dwellings;
 6. Mixed-use structures consisting of permitted uses
-

A. Required accessory uses. Required accessory uses include public open space, configured as either a public central courtyard located at the ground level in the core of the structure along Main Street or along Main Street between the new structure and the existing fire house. The public courtyard shall be attractively designed and landscaped, should include architectural components of the new structure and consider surrounding structures, and shall contain a minimum area of 7,500 feet.

- a. Center Courtyard Public Open Space
- b. Main Street Public Courtyard

Below please find photos of exemplary courtyards:



- B. Permitted accessory uses. Permitted accessory uses may include fences and walls, signage, dog washing stations, fitness centers, virtual fitness centers, gazebos, sports courts, a swimming pool, and uses that are commonly ancillary to principal permitted uses. Sheds and similar accessory structures are not permitted.

The following accessory uses shall be permitted within a multi-family dwelling structure for the use of its residents: package storage including refrigerated

foot storage for tenant delivers, mail room, computer rooms, music rooms, libraries, golf simulators, bowling lanes, game rooms, community rooms, theaters, hobby rooms, recreation rooms, personal storage lockers, and other similar accessory uses which are for the common benefit of all residents of the multi-family dwelling; and a leasing office, building manager or superintendent's office, including space for the storage of maintenance equipment may be provided within a principal multi-family building for the purpose of serving such building; one apartment may be designated for a resident superintendent.

1. Specific Use Standards

- a. A 15% set aside for affordable housing shall be provided and unit mix be as set forth in the Redevelopment Agreement (defined below).
- b. A secure package receiving and storage system shall be provided for the residential units.
- c. Bicycle storage shall be provided. The number of bicycle storage spaces shall be set forth in the Redevelopment Agreement. Storage shall be provided within a secure room with racking conducive to securing bicycles with owner provided locks. The bicycle storage room shall also provide a work bench for bicycle repairs. The bicycle storage space shall anticipate the storage of e-mobility vehicles and potential risks associated with same, such as batteries overheating and causing fires/damages when re-charging. In order to prevent this risk from occurring within residential units, the bicycle storage area shall provide UL tested and approved charging stations and the area itself shall be constructed so as to minimize the potential impacts affecting the remainder of the structure, i.e. the space shall be sprinklered, of fire-resistant construction and shall include smoke detectors. Lease documentation and/or condominium documentation shall explicitly prohibit charging batteries anywhere in the structure other than locations specifically designed for this purpose.
- d. Trash and recycling shall be collected and stored within a designated area of the building.
- e. Each apartment shall provide laundry facilities for the resident within the apartment. There shall be no common laundry facility.
- f. Controlled and secure access for the residential use shall be provided.
- g. Dwelling units shall contain a complete kitchen, toilet, and bathing facilities. Market rate units shall contain no more than two bedrooms.

Market rate units are only permitted in one- and two- bedroom configurations.

- h. The fifth and sixth floors of the building, if proposed, must setback a minimum of 20 ft. from the perimeter of the fourth floor.
- i. Retail uses shall be oriented toward Main Street and Main Street oriented courtyards.
- j. Off-street parking for multifamily dwelling units shall be provided in accordance with the New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21, as amended). Off-street parking for the commercial uses shall be provided in accordance with §18.73.010 of the Borough's Zoning Ordinance. In the case of a development proposal in which there are efficiencies derived by shared parking for uses which have complementary peak demands, the applicant shall submit parking generation data, based upon standard methodology (such as that published by the Urban Land Institute) sufficient for the redevelopment entity to determine the appropriate reduction. The final parking configuration shall be set forth in the Redevelopment Agreement.
- k. Off-street parking facilities, to the greatest extent possible, shall be designed so as to provide parking sufficient for use by both residents and the general public visiting the area.
- l. A designated area for pick-up and drop-off by such ride share services as Uber or Lyft, shall be provided in an enclosed waiting area along Broad Street. The parking/drop-off point must be clearly visible from the enclosed waiting area. This area must be provided along Broad Street and may consist of curb-side parking stalls. Parking shall not be permitted in this area.
- m. The building shall include on each floor, all separate from individual dwelling units and access hallways and as specifically reviewed and approved by the Planning Board, one or more trash chutes in enclosed areas and/or one or more other enclosed areas for temporary storage of waste and recyclable materials prior to being conveyed to the outside garbage and recycling storage and pick-up structure(s) by property janitorial and/or maintenance workers. Minimum unit sizes for all units shall be set forth in the Redevelopment Agreement.
- n. Public Open Space along Main Street. Retail spaces along Main Street may vary in setback by up to 10 feet from the property line in order to create interest and outdoor space complimenting the commercial uses.

- o. Historic Center. A successful developer shall be cognizant of the historic character of the community and key historic elements within the designated redevelopment area. The designated developer shall respect the historical character of our streetscape, and integrate any new structures into that streetscape and shall consider:
 - a. Wrap-around construction;
 - b. Integration and adaptive reuse;
 - c. Relocation of existing historic structures on site
 - d. Relocation of existing historic structures to another site
 - e. Italianate architectural elements.
- p. Developer will consult with the Freehold Historic Preservation Advisory Commission on such subjects as:
 - a. Preservation of structures considered to be historic in nature;
 - b. Building facades, architectural styles, materials and finishes;
 - c. Integration with the historic character of the surrounding community.
- q. To the greatest extent possible, building facades shall be designed to appear as separate structures. Façade treatments shall be designed with a variety of district characteristics incorporating the stylistic theme.

2. Exemplary Photos of Styles and Themes

a. Façade Treatments

- i. Individual exterior stairs provide the illusion of brownstone development.



- ii. Step backs at upper floors reduce visual impacts of the building's height.





- iii. Façade treatments break up the continuity of the structure and create the illusion of multiple buildings.



iv. Decorative rooflines add character to structures.





b. Stylistic Examples

i. Samples of Italianate





ii. Samples of Romantic Architectural Styles







c. Examples of Tenant Courtyard Treatments

- i. Note walkways and landscaping utilized to soften the appearance of the structure.



- ii. Seating areas provided to encourage outdoor meetups.





3. Bulk Standards

Table 2

Downtown Freehold: Block 35 Bulk Regulations

Zoning Standard	Redevelopment District Requirement
Minimum Lot Area (Acres.)	5
Minimum Front Yard Setback to Building (Feet)	
Main Street	10
Broad Street	10
Minimum Side Yard Setback to Building (Feet)	5
Minimum Combined Side Yard Setback to Building (Feet)	10
Minimum Rear Yard Setback to Building (Feet)*	N/A
Minimum Side Yard Setback to Driveways and Circulation Aisles (Feet)	20
Maximum Impervious Coverage (%)	90
Maximum Building Height (Stories)(Feet)**	6-Stories/ 70' to top of parapet or midpoint of sloped roof
Minimum Width of Two-Way Circulation Aisles (Feet)	24

*The Block 35 Redevelopment Area represents a through lot; therefore, for purposes of this plan, it will be defined as having two frontages (Main Street and Broad Street) and two side yards.

**Refer to §18.04.040 of the Lane Use Ordinance of the Borough for 'Building, Height of'.

3.5 Supplemental Regulations

A. General Regulations

1. In the event of any conflicts between the regulations set forth herein and any other Borough of Freehold development ordinances, the District regulations shall apply.

B. Distribution of Uses

1. Delineation on plan required. The applicant shall identify the square footage devoted to principal and accessory uses within the District. The amount of open space and landscaped open space shall be calculated.
2. In all instances, adequate screening and buffering shall be provided between conflicting land uses.

C. Landscaped Open Space Requirements

1. A minimum of twenty percent of a site's land area shall be devoted to landscaped/naturally vegetative open space. Up to 50% of this obligation may be met with 'green' treatments on elevated courtyards.
2. Open space shall be suitably landscaped and planted so as to provide an attractive year-round visual amenity.
3. The site shall be suitably landscaped. Plans and specifications for planting, top soiling, lawn making and other landscape work shall be prepared by a competent landscape architect and be a part of the plans submitted for approval. All planting shall be in place and in a satisfactory condition at the time of issuance of a certificate of occupancy or an adequate bond shall be posted therefor.
4. Street trees shall be planted at intervals depending on the type: large trees, 50-70 feet; medium trees, 40-50 feet; small and ornamental trees, 30-40 feet.

D. Signs

All signs shall be architecturally compatible with the styles, materials, colors and details of the building and other signs used on the subject property. Signs shall be consistent with the provisions of Chapter 15.16 Signs, specifically general regulations and regulations associated with the B-2 District.

One building mounted community identification sign shall be permitted. The sign shall be architecturally compatible with the style of the structure, shall not exceed 100 square feet in area and 5 feet in height. The sign shall not be internally illuminated, and the message shall be limited to the name of the community.

Additional signage for wayfinding and identification of loading areas shall also be permitted pursuant to Planning Board approval and not to exceed 6 sq.ft. each.

Signage shall be provided in accordance with the aforementioned Borough Code sections except for façade identification sign, which shall be governed by section 3.5D of this plan.

E. Stormwater Management

Stormwater management facilities located in and serving development pursuant to the District shall satisfy all applicable requirements established by local and regional jurisdictions and the New Jersey Department of Environmental Protection.

F. Street, Curbs and Sidewalks

Proposed right-of-way improvements shall meet the requirements set forth in the Borough's Land Code at Title 10 (Vehicles and Traffic) and Title 12 (Streets, sidewalks and Public Places); and Title 15 (buildings and Construction) and shall be consistent with the streetscape design and standards being implemented elsewhere in the Borough.

G. Deviation Requests

The Planning Board may grant deviations from the bulk standards provided in this redevelopment plan where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, preexisting structures or physical conditions uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design standard or regulation adopted pursuant to the redevelopment plan, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the development of such property. The Planning Board may also grant such relief in an application relating to a specific piece of property where the purposes of this redevelopment plan would be advanced by a deviation from the strict application of the bulk standards of this Plan, and the benefits of the deviation would substantially outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of this Plan. No deviations may be granted that would result in permitting a use that is not permitted in the District. An application requesting a deviation from the requirements of this redevelopment plan shall provide notice of such application in accordance with the requirements of N.J.S.A. 40:55D-12a, b.

Deviations from the uses permitted in the District shall be permitted only by means of an amendment to this redevelopment plan by the Borough Council.

3.6 Design Standards

Fundamental to the redevelopment of the District is the creation of a mixed-use district that is cognizant of and responds to the needs of the local community and aids in addressing the Borough's affordable housing needs. Visual and functional transition elements are essential. Off-street parking, clearly defined access from Broad Street and/or Main Street, an architectural style that is compatible with neighboring structures, quality building materials, and an enticing streetscape are all key requirements of the Redevelopment Plan.

To the extent practical, these standards should be considered for any building that will be rehabilitated; however, architectural design standards shall not be mandatory for any building seeking rehabilitation.

Purpose

- To set forth guidelines and standards that promote the creation of functional and attractive development that shall promote and give due consideration to the health, safety, general welfare, morals, order, efficiency, economy, maintenance of property values and character of the Borough of Freehold.
- To ensure that any development shall comply with the stated goals and objectives of this redevelopment plan.
- To provide guidelines and standards that shall be used by an applicant in preparing a redevelopment proposal, and the designated redevelopment entity in reviewing same.
- To minimize adverse impacts of flooding, drainage, erosion, vehicular traffic, pedestrian movement, parking, vibration, lighting and glare, noise, odor, solid waste disposal, litter, ventilation, vibration, crime and vandalism, and inappropriate design and development.
- To ensure that any new development gives due consideration to the physical, visual and spatial characteristics of the existing and proposed streetscape, neighborhood and district in which it is located and the Borough generally, while providing sufficient opportunity for creativity in design.

Site Standards

- *Vehicular access.* It is the intent of this Plan to provide sufficient driveways and curb cuts onto the existing public rights-of-way to provide adequate

circulation while limiting potential impacts to neighboring uses. Vehicle access from Main Street shall not be permitted. A maximum of 2 curb cuts along Broad Street may be permitted. Parking within the District shall be provided completely on site. Off-street parking shall be prohibited within 10 feet of any public right-of-way or street. Emergency circulation shall be provided to the satisfaction of the Fire Official. Loading areas shall be located to the side and rear of buildings when possible. If the configuration of the property prohibits the placement of loading areas to the rear or side, proper screening shall be provided in order to minimize the impact on the traveling public.

- *Educational and residential activity.* Land uses permitted by this redevelopment plan may draw both pedestrian and motor vehicle activity, and this redevelopment plan is dependent on both to varying degrees according to the type of proposed uses. Sufficient parking for the District is important to the long-term success of the Plan. Emphasis should also be placed on providing parking in sufficient quantity and in reasonable proximity to building access points.
- *Building location.* Buildings shall be located to front towards and relate to public streets, both functionally and visually. All buildings shall be located to allow for adequate fire and emergency access. Refuse collection facilities located outside of the structure are prohibited.
- *Pedestrian Circulation.* Barrier-free, uninterrupted walkway systems shall be provided in each District in order to allow pedestrian access to the buildings from the onsite parking facilities and site amenities to the building's main entrances. Walkways shall be separated from motor vehicle circulation to the greatest extent possible.
- *Site Lighting.* The style, size, color and type of light source of lampposts shall be in accordance with generally accepted Borough standards or its functional and aesthetic equivalent. Lighting levels from such fixtures shall be in accordance with Borough standards.
- *Sidewalk type and streetscape details.* Sidewalks and all other streetscape improvements along adjacent public streets, if deemed necessary, shall be completed in accordance with the Borough's design standards.

Architectural Design Standards

- *Massing.* Building wall features, including architectural features, color and texture changes, projections and recesses, shall be provided along any building wall measuring greater than 75 feet in length in order to provide architectural interest and variety to the massing of a building and relieve the negative visual effect of a single, long wall. More detailed architectural and

landscaping requirements shall be incorporated within the Redevelopment Agreement of the Block 35 Redevelopment Area's surroundings.

- *Continuity of treatment.* All sides of a building shall be architecturally designed so as to be compatible with regard to style, materials, colors and details.
- *Roof.* The type, shape, pitch, texture and color of a roof shall be considered as an integral part of the design of a building and shall be architecturally compatible with the style, materials, colors and details of such building.
- *Windows.* Fenestration shall be architecturally compatible with the style, materials, colors and details of a building.
- *Entrances.* All entrances to a building shall be defined and articulated by utilizing such elements as lintels, pediments, pilasters, columns, canopies, porticoes, porches, overhangs, railings, balustrades and other such elements, where appropriate. Any such element utilized shall be architecturally compatible with the style, materials, colors and details of such building.
- *Physical plant.* All air-conditioning units, HVAC systems, exhaust pipes or stacks, and elevator housing shall be shielded from view for a minimum distance of 500 feet from the site. Such shielding shall be accomplished by utilizing the walls or roof of the building or a penthouse-type screening device that shall be designed to be architecturally compatible with the style, materials, colors and details of such building. Any HVAC or device penetrations (such as PTAC sleeves and grills) or vents located along any street-oriented façade shall be shielded from view with decorative metal grills. The design of the grills shall be presented to the Planning Board for approval at the time the redevelopment application is presented for review.
- *Materials, colors, and details.* All materials, colors and details used on the exterior of a building shall be architecturally compatible with the style of such building. A building designed of an architectural style that normally includes certain integral materials, colors and/or details shall have such incorporated into the design of such building.

Materials and systems should be selected with best efforts towards energy efficiency and the promotion of sustainability. Roof materials that reduce 'heat island' effects should be considered. The utilization of high SEER and energy efficient heating components should be incorporated. Insulated glass should be utilized and formaldehyde free insulation should be considered. Where practical, materials derived from recycled raw goods are encouraged. Low energy LED lighting and the utilization of sensors to control lighting are desirable. Utilization of low VOC paints is encouraged.

Where practical, the introduction of renewable energy components, i.e. solar or wind, should be incorporated.

- *Lighting.* Light fixtures attached to the exterior of a building shall be designed to be architecturally compatible with the style, materials, colors and details of such building and other lighting fixtures used within the Districts. Consideration shall also be given to the type of light source utilized and the light quality such sources produce. The type of light source used on buildings, signs, parking areas, pedestrian walkways and other areas of a site shall be the same or compatible. The use of low-pressure sodium or mercury vapor lighting either attached to buildings or to light the exterior of buildings is prohibited. Energy efficient LED lighting shall be used to the greatest extent possible.
- *Awnings and canopies.* The ground level of a building in the Redevelopment District may have awnings or canopies at entry doors (other than overhead doors intended to accommodate tailgate loading, where appropriate) to complement the architectural style of a building. The design of awnings shall be architecturally compatible with the style, materials, colors and details of such a building.
- *Materials.* Exterior building materials shall consist of the following:
 - Walls shall consist of textured masonry, pre-cast concrete, brick, insulated metal panels, finished cementitious materials, or glass.
 - The Redeveloper shall present samples and all proposed materials and finishes (inclusive of colors) to the Planning Board at the time of initial application.
- *Prohibited materials.* The use of bare aluminum or other bare metal materials or panels, brick face, vinyl, thin-brick, EIFS or exposed non-decorative concrete block as exterior building materials is prohibited. The use of unusual shapes, colors, and other characteristics that create a jarring disharmony shall be avoided.

Landscaping Design Guidelines

- *Landscaping.* The entire development shall be landscaped in accordance with a landscape plan conceived as a complete pattern and style throughout the total site.
 - Preservation and enhancement, to the greatest extent possible, of existing natural features on the site, including vegetation and land forms;

- Assistance in adapting a site to its proposed development;
 - Mitigation and control of environmental and community impacts from a development;
 - Creation of an attractive appearance for the development, as viewed from both within the District itself and the surrounding area;
 - Definition of yard areas and other open space;
 - Energy conservation and micro-climatic control.
- *Other site design elements.* The site plan shall incorporate landscaping with other functional and ornamental site design elements, where appropriate, such as the following:
 - Ground paving materials;
 - Paths and walkways;
 - Fences, walls and other screens;
 - Street and site furniture.
 - *General standards.* The following general standards shall be used to prepare and review landscaping for any development plan.
 - All deciduous trees planted shall have a caliper of not less than 2.5 inches measured at a height of 4.5 feet above ground level. All evergreen trees planted shall have a height of 6.0 to 8.0 feet.
 - Any tree or other planting installed in accordance with the plans which dies shall be replaced, within the current or next planting season, in kind and at the same size as it had reached at the time of death; except that if it died more than three years after planting its replacement need not be larger than the size it had reached three years after planting. The same replacement requirements shall apply to any tree or other planting installed in accordance with the plans if subsequently removed because of damage or disease.
 - During site preparation or construction, no fuel storage, and no refueling, maintenance, repair or washdown of construction vehicles or equipment, shall occur within 50 feet of any tree to be preserved.

- No mulch shall be placed, or allowed to accumulate, within six inches of the trunk of any tree or shrub planted within the Districts in compliance with this resolution. Mulch shall not be applied, or allowed to accumulate, elsewhere within the drip line of the tree or shrub to a depth in excess of four inches.
- *Specific standards.* The following standards shall be used to prepare and review landscaping within the District:
 - The interior area of all parcels shall be landscaped to enhance the site's aesthetic appearance, provide visual relief from the monotonous appearance of extensive building and parking areas, and to provide shading. In parking lots, such landscaped areas shall be provided in protected planting islands or peninsulas located within the perimeter of the parking lot and shall be placed so as not to obstruct the vision of motorists.
 - The redeveloper shall provide to the redevelopment entity an acceptable landscaping plan in accordance with this Redevelopment Plan.
 - Benches, trash receptacles, kiosks, and other street or site furniture shall be located on-tract, and shall be positioned and sized in accordance with the functional need of such. Selection of such furniture shall take into consideration issues of durability, maintenance and vandalism. Benches shall be configured with seat dividers or in a non-linear configuration in order to dissuade an individual from lying across the bench. All such furniture shall be architecturally compatible with the style, materials, colors and details of buildings on the site.

Exceptions

The design standards contained herein shall be used as the Borough's presumptive minimum requirements for development in the District. However, these guidelines and standards are not intended to restrict creativity, and a potential redeveloper may request that the guidelines and standards be modified or waived. The Planning Board may grant a redeveloper reasonable waivers or modifications from these design guidelines provided the redeveloper demonstrates the following:

- The proposed design waiver or modification will not substantially impair the intent of this redevelopment plan;
- The proposed design waiver or modification is consistent with the Borough's normally acceptable engineering, planning and/or architectural practices;

- The proposed design waiver or modification will not have an adverse impact on the physical, visual or spatial characteristics of the overall development plan for the parcel or tract to be developed;
- The proposed design waiver or modification generally enhances the overall development plan for the tract;
- The proposed design waiver or modification will not have an adverse impact on the physical, visual or spatial characteristics of the existing streetscape and neighborhood in the District;
- The proposed design waiver or modification generally enhances the streetscape of the District and the surrounding neighborhood;
- The proposed design waiver or modification will not reduce the useful life or increase the cost of maintenance of the improvement to be modified or otherwise have an adverse impact on the long-term function of the development;
- The proposed design waiver or modification will not materially detract from the real property value of the development or adjacent or nearby properties; and
- The proposed design waiver or modification will not present a substantial detriment to the health, safety and welfare of the neighborhood, community or citizens of the Borough of Freehold.

Deviations from the uses permitted in the District shall be permitted only by means of an amendment to this redevelopment plan by the Borough Council.

4.0 ACQUISITION AND RELOCATION

4.1 Properties to be Acquired

Properties may need to be acquired in order to implement the purposes of this redevelopment plan. Some, but not all, properties within the Downtown Freehold: Block 35 Redevelopment District that are not owned by the Borough of Freehold may be acquired to enable this redevelopment plan. Properties may be acquired for the following purposes:

- Redevelopment or rehabilitation of existing lots;
- Assembly of development parcels; and
- Alteration of lot lines.

This Redevelopment Plan authorizes the Borough to exercise its power of eminent domain within the Downtown Freehold: Block 35 Redevelopment District to acquire any and all property within the Block 35 Redevelopment Area or to eliminate any restrictive covenants, easements or similar property interests that may obstruct or undermine the implementation of the Plan.

Only the properties identified in Table 2 below may be acquired to enable this redevelopment plan:

Table 3

Downtown Freehold: Block 35			
Block	Lot	Ownership	Property Address
35	15	15 Hardy Street Corp.	32 Broad St.
35	16	Hamilton Kuser Associates, LLC	30 Broad St.
35	17	Bank of America Corp. Real Estate AS	28 Broad St.
35	29	Bank of America Corp. Real Estate AS	53 W. Main St.
35	30	American Realty Enterprises, LLC	55 W. Main St.
35	31	Mainstream 57, LLC	57 W. Main St.
35	32	Blitz 61 West Main Street, LLC	61 W. Main St.

4.2 Relocation

Relocation, temporary or permanent, of businesses/residents displaced as a result of the implementation of this Redevelopment Plan shall be carried out by the Borough, or such entity designated by the Borough (Relocation Entity) in accordance with the provisions of the State of New Jersey Relocation Assistance Law of 1967 (N.J.S.A. 52:31B-1 et seq.) and the Relocation Assistance Act of 1971 (N.J.S.A. 20:4-1 et seq.), the rules promulgated there under, and a State-approved Workable Relocation Assistance Plan (WRAP) for

the Block 35 Redevelopment Area. Said WRAP shall be available for public inspection at the offices of the Relocation Entity.

A WRAP, as defined by the NJ Department of Community Affairs (DCA), demonstrates that the municipality knows the number of people, businesses, or farm operations impacted by the relocation plan and that there is are enough comparable replacement housing units or business sites in the area for the people to find new homes, apartments, or business locations. NJ Department of Community Affairs approval of the WRAP is required before relocation activities may commence.

It is estimated that adequate opportunities for the relocation of businesses and public facilities currently located within the Downtown Freehold: Block 35 District are available in the immediate region during the relocation period. Implementation of the Redevelopment Plan will not result in the relocation of any residences within the Block 35 Redevelopment Area. The Relocation Entity will seek to identify potential new locations for businesses that may be displaced as a result on the implementation of this Redevelopment Plan.

5.0 RELATIONSHIP TO OTHER PLANS

The LRHL requires a Redevelopment Plan to include a statement regarding any significant relationship that the redevelopment plan may have to contiguous municipalities, the County Master Plan, and the State Development and Redevelopment Plan. A review of the documents reveals that the proposed redevelopment plan is generally consistent with these various documents. The District is located within the center of the Borough and, therefore, not located adjacent to any adjoining municipality, but the overall goals and objectives are generally consistent with the land use planning philosophies espoused in the master plans of contiguous communities.

5.1 Freehold Master Plan

It is the intent of this Redevelopment Plan to achieve the following goals and objectives for the Borough of Freehold as noted within the July 2018 Downtown Freehold Vision Plan:

- E. The downtown will have high-quality modern urban housing that provides immediate access to the area amenities and the bus station;
- F. The downtown will have at least one major high-quality public space that serves the everyday need of users while being able to accommodate larger special events;
- G. Downtown will be an age-, income-, and culturally-inclusive environment that provides affordable business and living opportunities for the borough's 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;
- H. Development project will meet the economic, environmental and social needs of current residents without compromising the ability of future generations to meet their own needs.

The Vision Plan also notes the importance of new residents/workers as customers for downtown retailers, which will 'inject vitality' into the area.

Redevelopment of the study area advances the goals and objectives of both the Borough Master Plan and the State Development and Redevelopment Plan.

5.2 Sewer and Water Service

The District is located within public water and sewer service areas.

5.3 Transportation and Public Transportation

The District is served by a NJ Transit bus hub. Access to the regional highway network is readily available as Routes 9 and 33 provides access to the larger roadways/highways, such as the Garden State parkway and Interstate 195.

5.4 Relation to Master Plans of Adjacent Municipalities

The Borough of Freehold is encircled by the Township of Freehold on all sides. The Redevelopment District is located toward the center of the Borough and will; therefore, not impact Freehold Township.

5.5 Relation to Monmouth County Plan

The Monmouth County 2016 Master Plan Reexamination. Goal #3 of the plan states: "Promote beneficial development and redevelopment that continues to support Monmouth County as a highly desirable place to live, work, play and stay." Objectives provided in support of the goal include: Encourage a range of housing options including types, sizes, styles and accommodations to meet the needs associated with various lifestyles, life-stages, abilities, and occupations of residents while supporting economic sustainability with the region; and Promote vibrancy, attractiveness, and a diverse array of uses, occupations, services, and amenities for downtowns and business districts. The Downtown Freehold: Block 35 Redevelopment District furthers the goals and objectives of the Monmouth County Plan by providing an expanded range of housing and commercial opportunities available to the community.

5.6 Relation to State Development and Redevelopment Plan

This Redevelopment Plan is designed to affirm the overall redevelopment concepts set forth in the State Development and Redevelopment Plan. Specifically, the State Development and Redevelopment Plan encourages development in older cities and in suburbs that have the necessary infrastructure to accommodate it, as well as in locations along existing transportation corridors. The Downtown Freehold: Block 35 District is located in a "Metropolitan Planning Area." That classification has the following characteristics: predominantly developed with little vacant land; aging infrastructure; recognize that redevelopment will be the predominant form of growth; and understands that certain municipal services and systems need to be regionalized. This Redevelopment Plan affirmatively addresses the State Plan's goal of promoting public and private investment/reinvestment in the Metropolitan Planning Areas.

6.0 AFFORDABLE HOUSING

6.1 Inventory and Replacement of Affordable Housing

Multi-family developments proposed within the District must provide a 15% set aside for affordable housing. The redeveloper is responsible for complying with the Borough's Affordable Housing regulations and applicable provisions of the Borough's Fair Share Housing Agreement.

7.0 ELECTRIC VEHICLE RECHARGE STATIONS

Each District within the proposed redevelopment shall provide electric vehicle recharge stations as mandated by State regulations.

8.0 IMPLEMENTATION OF THE REDEVELOPMENT PLAN

This section summarizes the implementation process for a successful redevelopment plan.

8.1 Redevelopment Entity

The Borough Council shall serve as the Redevelopment Entity hereunder.

8.2 Phasing

The District shall be developed in a single phase.

8.3 Appointment of a Redeveloper

The designation of a Redeveloper by the Redevelopment Entity shall be subject to the execution of an appropriate redevelopment agreement ("Redevelopment Agreement") and financial agreement, if applicable. By designating the Block 35 Redevelopment Area as an area in need of redevelopment, a redevelopment project within the Block 35 Redevelopment Area may be eligible for a tax exemption pursuant to the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq., subject to approval by Borough Council and execution of a financial agreement between the redeveloper and the Borough. Estimates of total development cost and time schedule for project start and completion shall be finalized by the designated redeveloper(s) at the time of execution of such Redevelopment Agreement. Development plans shall also be submitted for approval to the Borough Planning Board, as required by the Borough's Land Development Ordinance. If a different redeveloper is designated for each District within the Block 35 Redevelopment Area, then the term "Redeveloper" as used herein shall apply to the Redeveloper designated to its respective District, and the requirements herein imposed on such Redeveloper shall relate to the respective District for which the Redeveloper was so designated.

8.4 Development Review

No application for development or redevelopment of a District may be approved by the Planning Board until such time as the applicant has applied for and received a designation as redeveloper from the Redevelopment Entity and has executed a Redevelopment Agreement with the Redevelopment Entity providing for the proposed application. Preliminary and Final Site Plans, with details sufficient to comply with the Municipal Land Use Law and the Borough's Land Use Ordinance, will be submitted for Planning Board review and approval for each development parcel, pursuant to N.J.S.A 40:55D-1 et seq.

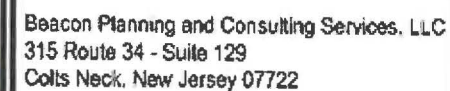
The Planning Board may require the redeveloper to provide a bond or bonds of sufficient size and duration to guarantee the completion of the various project phases in each District in compliance with the requirements of the Municipal Land Use Law and planning approvals.

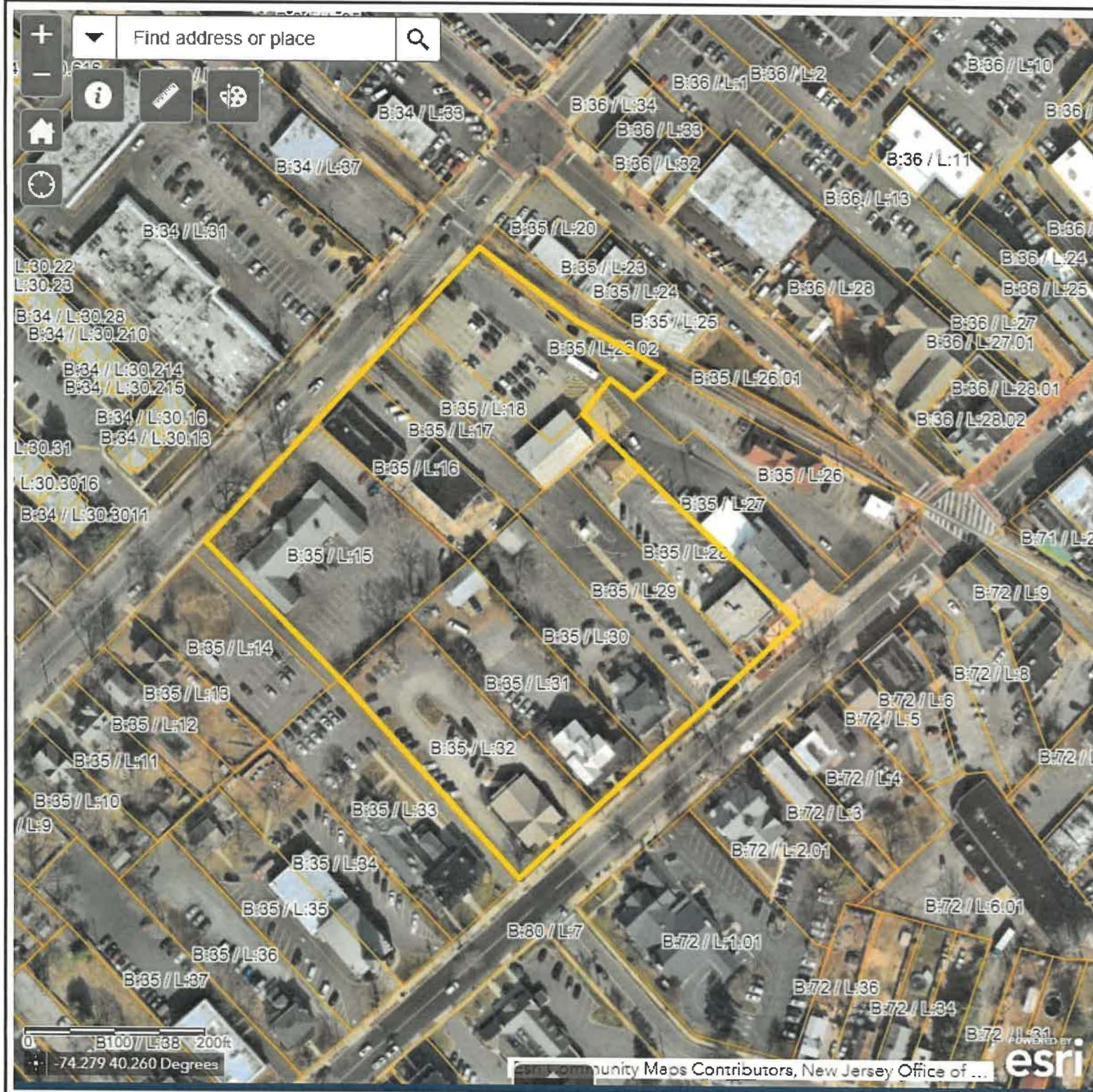
The objectives, standards and requirements contained in this Redevelopment Plan, shall regulate development within the Redevelopment District and take precedent over the Land Development Ordinance of the Borough of Freehold. For standards not specifically addressed within this Redevelopment Plan, the Land Development Ordinance shall apply. The regulations for the zone or zones permitting the most similar types of use or uses shall be applied. These requirements may be varied by the Planning Board pursuant to N.J.S.A. 40:55D-1 et seq.

8.5 Amending the Redevelopment Plan

This Redevelopment Plan may be amended from time to time in compliance with the requirements of law.

FIGURES 1 - 5





Downtown Freehold: Block 35 Redevelopment Plan

Freehold Borough
New Jersey

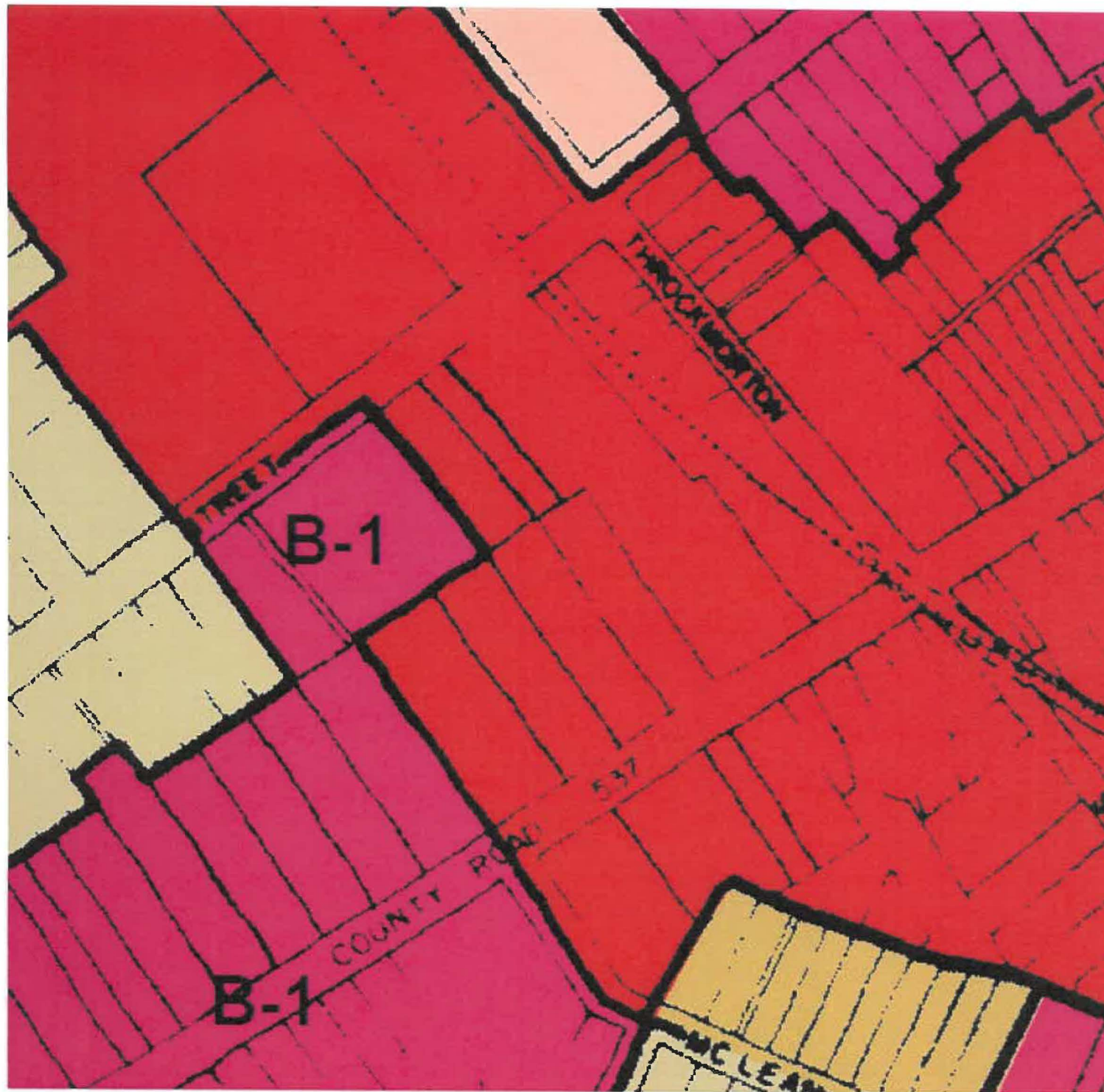
Figure 2:

Redevelopment
Area Map

Monmouth County Nearmap Aerial Imagery -
Spring 2020 (public display)

Beacon Planning and Consulting Services, LLC
315 Route 34 - Suite 129
Colts Neck, New Jersey 07722

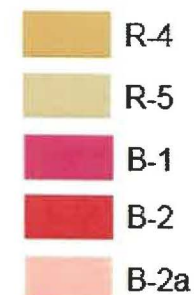




Downtown Freehold:
Block 35
Redevelopment Plan

Freehold Borough
New Jersey

Figure 3:
Borough Zoning Map



Obtained from
Freehold Borough
Zoning Map
Adopted 09/19/2005
Amended 12/18/2006





Downtown Freehold: Block 35 Redevelopment Plan

Freehold Borough
New Jersey

Figure 4:
Proposed Zoning

Monmouth County Nearmap Aerial Imagery -
Spring 2020 (public display)

Beacon Planning and Consulting Services, LLC
315 Route 34 - Suite 129
Colts Neck, New Jersey 07722





NEW JERSEY DEPARTMENT OF TREASURY
APPROVED AS A TAX MAP PURSUANT TO N.J.A.C. 17:27
RECEIVED BY THE CLERK OF THE BOARD OF TAXATION
JUNE 10, 2014
DATE: APR 21 2014
1062

TAX MAP
BOROUGH OF FREEHOLD
MONMOUTH COUNTY, NEW JERSEY
SCALE: 1" = 50'
VINCENT CREEVEY, P.L.S.
NJ License No. 35716
AE ADDINGTON ENGINEERING, LLC
170 WHITE HOLE RD. 22
FREEHOLD, NJ 07728

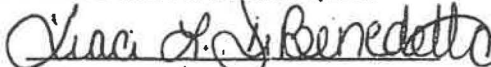
THIS MAP HAS BEEN REDRAWN USING COMPUTER AIDED
DRAWING/DESIGN (CAD) BASED ON THE MAP PREPARED BY
JAMES P. ADAMS, P.E. & L.S. NO. 12718 AND DATED MARCH 2003

APPENDIX 1

Borough of Freehold Resolution No. 31-22, adopted 02/07/2022

OFFERED BY:	<u>Reich</u>				SECONDED BY	<u>Jordan</u>			
	AYE	NAY	ABSENT	ABSTAIN		AYE	NAY	ABSENT	ABSTAIN
DI BENEDETTO	X				ROGERS	X			
JORDAN	X				SCHNURR	X			
REICH	X				SHUTZER	X			

I, TRACI L. DI BENEDETTO, CLERK OF THE BOROUGH OF FREEHOLD, DO HEREBY CERTIFY THE FOLLOWING RESOLUTION WAS ADOPTED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FREEHOLD AT A MEETING HELD ON: FEBRUARY 7, 2022.


 TRACI L. DI BENEDETTO, RMC, BOROUGH CLERK

Resolution No. 31-22
 Agenda No: 3/2022

RESOLUTION OF THE COUNCIL OF THE BOROUGH OF FREEHOLD DESIGNATING THE PROPERTIES KNOWN AS BLOCK 34, LOTS 31 and 37, BLOCK 35, LOTS 15, 16, 17, 18, 19, 23, 24, 26, 26.01, 26.02, 27, 28, 29, 30, 31, and 32 ON THE TAX MAP OF THE BOROUGH OF FREEHOLD, STATE OF NEW JERSEY, AS AN AREA IN NEED OF REDEVELOPMENT WITH THE POWER OF CONDEMNATION, PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1, *et seq.*

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

WHEREAS, by Resolutions No. 136-21 and No. 162-21, adopted on July 19, 2021 and September 7, 2021, the Municipal Council (the "**Council**") of the Borough authorized and directed the Planning Board of the Borough of Freehold (the "**Planning Board**") to investigate certain properties within the Borough and to recommend to the Council whether all or a portion of such properties should be designated as an area in need of redevelopment with the power of eminent domain ("**Condemnation Redevelopment Area**") in accordance with the Redevelopment Law, N.J.S.A. 40A:12A-6; and

WHEREAS, in areas designated as Condemnation Redevelopment Areas, the Borough may use all of those powers provided under the Redevelopment Law for use in a redevelopment area, including the power of eminent domain; and

WHEREAS, in accordance with the Redevelopment Law, the Planning Board caused CME Associates (the "**Planner**") to conduct a preliminary investigation of the following properties (hereinafter referred to collectively as the "**Study Area**");

BLOCK	LOT	ADDRESS
34	31	25-31 Broad St.
34	33	62 Throckmorton St.
34	34	80 Throckmorton St.
34	35	78 Throckmorton St.
34	37	21 Broad St.
35	14	46 Broad St.
35	15	32 Broad St.
35	16	30 Broad St.
35	17	28 Broad St.
35	18	Broad St.
35	19	Broad St.
35	20	60 Throckmorton St.
35	23	58 Throckmorton St.
35	24	52 Throckmorton St.
35	25	46-50 Throckmorton St.
35	26	47 West Main St.
35	26.01	Throckmorton St.
35	26.02	Throckmorton St.
35	27	49 West Main St.
35	28	51 West Main St.
35	29	53 West Main St.
35	30	55 West Main St.
35	31	57 West Main St.
35	32	61 West Main St.
36	32	57 Throckmorton St.
36	33	59 Throckmorton St.
36	34	61 Throckmorton St.
37	19	17 Broad St.

WHEREAS, the Planner prepared a map of the Study Area and an investigation report entitled “Preliminary Investigation to determine if the following lots can be designated as a Condemnation Area in Need of Redevelopment,” dated October 8, 2021 (the “Study”); and

WHEREAS, the Study concluded that the entire Study Area qualifies as a Condemnation Redevelopment Area pursuant to the Redevelopment Law, for the reasons set forth in the Study; and

WHEREAS, the Redevelopment Law requires that the Planning Board conduct a public hearing prior to making its recommendation as to whether the Study Area should be designated as a Condemnation Redevelopment Area, at which hearing the Planning Board shall hear all persons who are interested in, or would be affected by, a determination that the Study Area is a Condemnation Redevelopment Area; and

WHEREAS, on October 27, 2021, November 10, 2021 and December 8, 2021, pursuant to the Redevelopment Law, the Planning Board held duly noticed public hearings concerning the Study (the "**Public Hearings**"), at which the Planner testified to the Planning Board that to prepare the Study, he performed an analysis of the Study Area's existing land uses, site layout, and physical characteristics, which are included in the Study. In doing so, the Planning Consultant testified that he reviewed the Borough's tax records, aerial photographs, Master Plan and other planning documents, existing zoning ordinance and maps, zoning, police activity logs, and conducted physical inspections of each property within the Study Area to assess the status of the existing properties, improvements, surrounding context, configuration, physical conditions and evidence of occupancy or lack thereof; and

WHEREAS, at the Public Hearings, members of the general public were given an opportunity to present their own evidence, cross-examine the Planner, and address questions to the Planning Board and its representatives concerning the potential designation of the Study Area as a Condemnation Redevelopment Area, as fully set forth on the record; and

WHEREAS, at the Public Hearings, the Planning Board considered the Study, heard the comments of the Planner, took the public comments into account, and deliberated on the matter using the criteria set forth in the Redevelopment Law; and

WHEREAS, on January 12, 2022, the Planning Board approved a resolution (the "**Planning Board Resolution**"), in the form introduced to it at the Public Hearings, accepting and adopting the recommendations contained in the Study, with the exception of the following properties: Block 34, Lots 33, 34 and 35; Block 35, Lots 14, 20, 25 and 32; Block 36, Lots 32, 33, and 34; and Block 37, Lot 19 (the "**Revised Study Area**") and recommending that the Revised Study Area be declared a Condemnation Redevelopment Area for the reasons set forth therein; and

WHEREAS, on January 12, 2022, the Planning Board memorialized the Planning Board Resolution, accepting and adopting the recommendations contained in the Study as it related to the Revised Study Area, and recommending that the Revised Study Area be declared a Condemnation Redevelopment Area for the reasons set forth therein; and

WHEREAS, after careful consideration of the Study, the Planning Board Resolution, and all of the relevant facts and circumstances concerning this matter,

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FREEHOLD, as follows:

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

Section 2. Based on substantial evidence and the recommendation of the Planning Board, the Council hereby designates the Revised Study Area as a Condemnation Redevelopment Area to be known as the "Throckmorton Street Redevelopment Area".

Section 3. Notwithstanding the recommendation of the Planning Board, the Council finds that Block 35, Lot 32 also qualifies as a Condemnation Redevelopment Area pursuant to the Redevelopment Law, for the reasons set forth in the Study and specifically that the lot satisfies criterion "d" pursuant to Section 5 of the Redevelopment Law for various reasons specific to the lot, including, but not limited to, that because of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, the buildings or improvements are detrimental to the safety, health, morals, or welfare of the community. This includes that the existing asphalt drive/parking lot is deteriorated, the amount of paved area and impervious coverage is excessive, dumpsters are overflowing with garbage, concrete curbs and wheel stops are deteriorating, and the front entrance concrete patio is weather-beaten. The Council further finds that inclusion of Block 35, Lot 32 is necessary, regardless of whether its condition is detrimental to the public health, safety or welfare, for the effective redevelopment of the area in which it is a part, as set forth in N.J.S.A. 40A:12A-3, for various reasons, including, but not limited to, that such lot abuts other lots that satisfy criteria pursuant to Section 5 of the Redevelopment Law and that it would be an impediment to the redevelopment of the abutting lots and the commercial corridor as a whole if same were not included in the Condemnation Redevelopment Area. Accordingly, the Council hereby designates Block 35, lot 32 as part of the Throckmorton Street Redevelopment Area along with the Revised Study Area.

Section 4. The City Council hereby directs the Borough Clerk to transmit a certified copy of this Resolution forthwith to the Commissioner of the Department of Community Affairs for review pursuant to Section 6(b)(5) of the Redevelopment Law.

Section 5. The Council hereby directs the Borough Clerk to serve, within ten (10) days hereof, a copy of this Resolution upon (i) all record owners of property located within the Study Area, as reflected on the tax assessor's records, and (ii) each person who filed a written objection prior to the Public Hearing, service to be in the manner provided by Section 6 of the Redevelopment Law.

Section 6. This Resolution shall take effect immediately.

APPENDIX 2

Borough of Freehold Resolution No. R 42-22, adopted 02/07/2022

OFFERED BY: Rogers

SECONDED BY Shutzer

	AYE	NAY	ABSENT	ABSTAIN		AYE	NAY	ABSENT	ABSTAIN
DI BENEDETTO	X				ROGERS	X			
JORDAN	X				SCHNURR	X			
REICH	X				SHUTZER	X			

I, TRACI L. DI BENEDETTO, CLERK OF THE BOROUGH OF FREEHOLD, DO HEREBY CERTIFY THE FOLLOWING RESOLUTION WAS ADOPTED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FREEHOLD AT A MEETING HELD ON: FEBRUARY 7, 2022.


TRACI L. DI BENEDETTO, B.M.C. BOROUGH CLERK

Resolution No. 42-22

Agenda No: 3/2022

**RESOLUTION OF THE COUNCIL OF THE BOROUGH OF FREEHOLD
AUTHORIZING THE PREPARATION OF REDEVELOPMENT PLAN(S)
FOR PROPERTIES IDENTIFIED AS BLOCK 34, LOTS 31 and 37, BLOCK
35, LOTS 15, 16, 17, 18, 19, 23, 24, 26, 26.01, 26.02, 27, 28, 29, 30, 31, and 32
ON THE TAX MAP OF THE BOROUGH OF FREEHOLD, STATE OF
NEW JERSEY**

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 Borough of Freehold (the "Borough") constitute areas in need of redevelopment; and

WHEREAS, pursuant to the Redevelopment Law, by Resolutions No. 136-21 and No. 162-21, adopted on July 19, 2021 and September 7, 2021, the Municipal Council of the Borough of Freehold (the "Council") authorized and directed the Planning Board of the Borough of Freehold (the "Planning Board") to conduct an investigation of the following properties within the Borough (collectively, the "Study Area"), and to determine whether all or a portion of such area meets the criteria set forth in the Redevelopment Law, *N.J.S.A. 40A:12A-5*, to be designated as an area in need of redevelopment with the power of eminent domain ("Condemnation Redevelopment Area") in accordance with the Redevelopment Law, *N.J.S.A. 40A:12A-6*:

BLOCK	LOT	ADDRESS
34	31	25-31 Broad St.
34	33	62 Throckmorton St.
34	34	80 Throckmorton St.
34	35	78 Throckmorton St.
34	37	21 Broad St.
35	14	46 Broad St.
35	15	32 Broad St.
35	16	30 Broad St.
35	17	28 Broad St.
35	18	Broad St.

35	19	Broad St.
35	20	60 Throckmorton St.
35	23	58 Throckmorton St.
35	24	52 Throckmorton St.
35	25	46-50 Throckmorton St.
35	26	47 West Main St.
35	26.01	Throckmorton St.
35	26.02	Throckmorton St.
35	27	49 West Main St.
35	28	51 West Main St.
35	29	53 West Main St.
35	30	55 West Main St.
35	31	57 West Main St.
35	32	61 West Main St.
36	32	57 Throckmorton St.
36	33	59 Throckmorton St.
36	34	61 Throckmorton St.
37	19	17 Broad St.

WHEREAS, pursuant to the Redevelopment Law, on October 27, 2021, November 10, 2021, and December 8, 2021, the Planning Board conducted public hearings and, after conclusion of the public hearings, voted to accept the recommendations contained in the report prepared by CME Associates, entitled, "Preliminary Investigation to determine if the following lots can be designated as a Condemnation Area in Need of Redevelopment", dated October 8, 2021, with the exception of the following properties: Block 34, Lots 33, 34 and 35; Block 35, Lots 14, 20, 25 and 32; Block 36, Lots 32, 33, and 34; and Block 37, Lot 19 (the **"Revised Study Area"**), and recommended that the Revised Study Area be declared a Condemnation Redevelopment Area, in accordance with the Redevelopment Law; and

WHEREAS, the Council agreed with the recommendation of the Planning Board in part and, pursuant to the Redevelopment Law, on February 7, 2022 by Resolution the Council designated the Revised Study Area as a Condemnation Redevelopment Area; and

WHEREAS, notwithstanding the recommendation of the Planning Board, the Council found that Block 35, Lot 32 also qualifies as a Condemnation Redevelopment Area pursuant to the Redevelopment Law, for the reasons set forth in the Study and specifically that the lot satisfies criterion "d" pursuant to Section 5 of the Redevelopment Law for various reasons specific to the lot, including, but not limited to, that because of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, the buildings

or improvements are detrimental to the safety, health, morals, or welfare of the community. This includes that the existing asphalt drive/parking lot is deteriorated, the amount of paved area and impervious coverage is excessive, dumpsters are overflowing with garbage, concrete curbs and wheel stops are deteriorating, and the front entrance concrete patio is weather-beaten. The Council further found that inclusion of Block 35, Lot 32 is necessary, regardless of whether its condition is detrimental to the public health, safety or welfare, for the effective redevelopment of the area in which it is a part, as set forth in N.J.S.A. 40A:12A-3, for various reasons, including, but not limited to, that such lot abuts other lots that satisfy criteria pursuant to Section 5 of the Redevelopment Law and that it would be an impediment to the redevelopment of the abutting lots and the commercial corridor as a whole if same were not included in the Condemnation Redevelopment Area. The Council therefore designated Block 35, lot 32 as part of the Condemnation Redevelopment Area along with the Revised Study Area and identified the area as the "Throckmorton Street Redevelopment Area"; and

WHEREAS, to carry out its powers under the Redevelopment Law, the Borough has a need for professional planning consultant services in connection with the redevelopment of the Throckmorton Street Redevelopment Area; and

WHEREAS, Beacon Planning and Consulting Service, LLC (the "Planner") possesses the experience and qualifications to perform professional planning consultant services; and

WHEREAS, by Resolution adopted February 7, 2022, pursuant to a request for proposals for professional planning consultant services issued in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.*, the Borough awarded a professional services contract to the Planner to provide professional planning consultant services to the Borough for the year 2022; and

WHEREAS, the Borough desires to authorize the Planner to prepare one (1) or more redevelopment plans for the Study Area; and

WHEREAS, funds shall be available for this purpose pursuant to funding agreement(s) with the Borough applicable to the Throckmorton Street Redevelopment Area and/or pursuant to the existing contract for professional services by and between the Planner and the Borough,

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE BOROUGH OF FREEHOLD, NEW JERSEY AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Council hereby authorizes the Planner to prepare one (1) or more redevelopment plans for the Throckmorton Street Redevelopment Area. The Planner shall prepare the redevelopment plan(s) when and as directed by the Borough.

Section 3. A copy of this resolution, the Planner's contract, and applicable funding agreement(s) shall be available for public inspection at the offices of the Borough.

Section 4. This Resolution shall take effect immediately.

Exhibit B

Interim Cost and Conditional Designation Agreement

INTERIM COST AND CONDITIONAL DESIGNATION AGREEMENT
BY AND BETWEEN THE BOROUGH OF FREEHOLD
AND []

THIS AGREEMENT dated as of ___, 2023 (“**Effective Date**”), by and between the **BOROUGH OF FREEHOLD**, (the “**Borough**”), located at 30 Mechanic Street, Freehold, New Jersey 07728, acting pursuant to the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the “**Redevelopment Law**”), and [], a [] company of the State of [New Jersey], located at [] (“**Conditional Redeveloper**”).

WITNESSETH

WHEREAS, the Redevelopment Law provides a process for municipalities to participate in the redevelopment and improvement of areas designated as areas in need of redevelopment or as areas in need of rehabilitation; and

WHEREAS, the Borough desires that the land located in an area which has been determined to be an area in need of redevelopment in accordance with the Redevelopment Law, designated as Block 35, Lots 15, 16, 17, 18, 19, 26.02, 28, 29, 30, 31, and 32 on the tax maps of the Borough (the “**Project Site**”), be redeveloped in accordance with the Downtown Freehold: Hometown Redevelopment Phase 1 Block 35 Redevelopment Plan adopted by the Borough Council on _____ (the “**Redevelopment Plan**”); and

WHEREAS, various Lots within the Project Site are currently owned by 15 Hardy Street Corp; Hamilton Kuser Associates, LLC; Bank of America Corp Real Estate AS; the Borough; American Realty Enterprises, LLC; Mainstream 57, LLC; and Blitz 61 West Main Street, LLC (the “**Site Owners**”); and

WHEREAS, the Conditional Redeveloper is under contract to purchase Project Site; and

WHEREAS, on or about _____, the Conditional Redeveloper submitted to the Borough a Proposal in response to a Request for Proposals issued by the Borough (“**RFP**”) and certain accompanying information seeking to be designated as the Redeveloper of the Project Site (collectively, the “**Proposal**”); and

WHEREAS, the Borough and the Conditional Redeveloper desire to negotiate a redevelopment agreement to redevelop the Project Site based generally upon the Proposal as a starting point for negotiations, subject to the provisions herein, and further review by the Borough; and

WHEREAS, the Borough shall, during the Interim Period, as that term is defined herein, negotiate exclusively with the Conditional Redeveloper regarding the Proposal for the redevelopment of the Project Site; and

WHEREAS, the Borough requires that the Conditional Redeveloper pay the reasonable costs incurred by the Borough associated with the review of the Proposal, the drafting and negotiation of a redevelopment agreement and any other related agreements or documents, and all other reasonable costs and expenses related to this matter prior to the execution of any redevelopment agreement, should such an Agreement ultimately be executed, or the determination by the Borough that such a redevelopment agreement cannot be executed, should that result occur; and

WHEREAS, payment of such costs by the Conditional Redeveloper in no way assures any particular result,

NOW, THEREFORE, for and in consideration of the promises and of the mutual representations, covenants and agreements herein set forth, the parties hereto, each binding itself, its successors, and assigns, do mutually promise, covenant, and agree as follows:

1. **Conditional Designation.** Upon the complete execution of this Agreement, the Conditional Redeveloper shall be designated as the Conditional Redeveloper of the Project Site. The Borough and Conditional Redeveloper shall negotiate in good faith all the issues identified herein and execute a redevelopment agreement within the Interim Period set forth herein. In the event that the parties are unable to reach agreement on the terms of a redevelopment agreement, this Agreement shall be terminated, and the designation set forth herein shall be automatically terminated, subject to the provisions herein and Conditional Redeveloper shall cease to have any liability to pay any further Borough professional costs and fees that were incurred after termination of this Agreement.

2. **Interim Period.** The term “**Interim Period**” shall mean the period of 180 calendar days commencing on the date of the full execution of this Agreement; provided however, that the Parties may continue to negotiate with each other beyond the initial 180 calendar days of the Interim Period without the necessity for any formal amendment to this Agreement, and this Agreement will remain in effect during such ongoing negotiations provided that either party may, in its sole discretion, terminate the agreement by written notice at any time after such 180 day period. Notwithstanding the foregoing, if at any time following the Interim Period it is reasonably determined by the Borough that a redevelopment agreement cannot be successfully negotiated and executed for any reason, the Borough may terminate this Agreement, subject to the provisions herein, upon 30 days written notice by the Borough to Conditional Redeveloper and provided that Conditional Redeveloper is unable to cure the Borough’s reason for termination within said 30 day period, failing which the termination shall be deemed effective as of close of business on the thirtieth (30th) day following such written notice.

During the Interim Period, the Borough agrees to negotiate exclusively with the

Conditional Redeveloper toward the preparation and execution of a redevelopment agreement, which shall include all the project details, terms and conditions, schedules, and financial arrangements between the Borough and the Conditional Redeveloper with respect to the redevelopment of the Project Site. During the Interim Period, either party may cease negotiations and terminate this Agreement if the other party is not diligently negotiating in good faith, or it is determined that a redevelopment agreement cannot be successfully negotiated and executed for any reason. In the event that this Agreement is terminated, then neither party hereto shall be bound by any further obligations hereunder to the other, except as may exist under Paragraph 3 pertaining to the Payment of Interim Costs.

3. **Payment of Interim Costs.** The Conditional Redeveloper shall pay or reimburse the Borough, as applicable, all reasonable professional fees and costs incurred by the Borough and as more thoroughly defined below in paragraph 3A which have been incurred by the Borough beginning on the Effective Date, and which shall continue to be incurred prior to the execution of any redevelopment agreement or the determination that such a redevelopment agreement cannot be executed, should that result occur.

A. **Definition of Interim Costs:** The term “**Interim Costs**” shall include, but not be limited to, all costs incurred by the Borough in connection with, related to or arising out of the designation of the Conditional Redeveloper as the Conditional Redeveloper of the Project Site, the drafting and negotiation of any redevelopment agreement and any other related agreements or documents, the review of any future revised proposal(s) submitted, and reasonable professional fees charged by any legal, engineering or financial consultant, contractor or vendor retained by the Borough in connection with same. The Conditional Redeveloper shall fully reimburse all Interim Costs incurred by the Borough, even if a redevelopment agreement between the Borough and

Conditional Redeveloper is not executed notwithstanding the Borough and Conditional Redeveloper's good faith, due diligent efforts to the contrary **except that** in no event shall the Conditional Redeveloper's obligation to pay or reimburse the Borough include fees, costs and expenses of any litigation or action instituted by Borough or the Conditional Redeveloper relating to any claim associated with the subject matter of the within Agreement and/or the Conditional Redeveloper's designation as Conditional Redeveloper. In the event of such litigation, the Borough, and Conditional Redeveloper each shall be responsible for their own costs and expenses, inclusive of legal fees. In the event of any litigation or action instituted by a third party relating to any claim associated with the subject matter of the within Agreement and/or the Conditional Redeveloper's designation as Conditional Redeveloper, the Conditional Redeveloper shall be obligated to pay or reimburse the Borough for all fees, costs, and expenses in connection with the defense of said litigation. The Conditional Redeveloper further agrees that in the event the Parties continue good faith negotiations following the expiration of the Interim Period, all Interim Costs incurred by the Borough following such expiration shall be included in the definition of Interim Costs and shall be reimbursed by the Conditional Redeveloper in the same manner as Interim Costs. Notwithstanding anything contained in this Paragraph 3A to the contrary.

B. **Deposit of Project Funds:** Concurrently with the full execution of this Agreement, Conditional Redeveloper shall pay \$25,000.00 ("**Project Funds**") to the Borough to be maintained in a separate, non-interest bearing escrow account by the Borough and to be drawn down upon by the Borough to cover Interim Costs. The Borough shall provide Conditional Redeveloper with detailed invoices setting forth the work, time expended, and costs incurred by the Borough which have been drawn down from the Project Funds. Within 15 days of the receipt by Conditional Redeveloper of written notice from the Borough that the amount of Project Funds

has decreased to \$5,000.00 or less, Conditional Redeveloper shall promptly replenish the Project Funds to the amount of \$15,000.00. If at any time the Interim Costs exceed the amount of the Project Funds, on hand, the Borough shall provide Conditional Redeveloper payment notice and billing to support its requests for additional funds and within 15 days of receipt of the same the Conditional Redeveloper agrees to remit payment to the Borough.

C. **Termination:** Subject to the terms herein, in the event that a redevelopment agreement is not ultimately executed, and this Agreement is terminated, the Borough shall draw down upon the Project Funds in order to pay all invoices for Interim Costs incurred up to the termination. Within 30 days from the date of termination, the Borough shall return all remaining Project Funds to the Conditional Redeveloper. In the event that a redevelopment agreement is ultimately executed, the Project Funds shall remain on deposit with the Borough to cover any additional Interim Costs incurred by the Borough and to cover any costs incurred by the Borough pursuant to the redevelopment agreement, which redevelopment agreement shall contain a provision providing for the payment of such costs.

4. **Scope.** The Parties have had preliminary discussions regarding the scope of the project to be covered by the redevelopment agreement. The Parties agree that the description set forth in the Proposal shall provide the basis for the commencement of the negotiations for the redevelopment agreement, subject to the provisions herein. The Parties further agree that the Parties are not bound by the description of the project set forth in the Proposal, nor does the Proposal contain an exhaustive list of all terms, conditions, and obligations to be included in a redevelopment agreement. The continuing negotiations shall address several issues to refine the description set forth in the Proposal and determine where amendments to the Redevelopment Plan may arise.

5. **Entire Agreement.** This Agreement contains the entire agreement of the Parties with respect to the subject matter of this Agreement, and supersedes all prior negotiations, agreements, and understandings with respect thereto.

6. **Controlling Law.** New Jersey law shall govern the within Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed, all as of the date first above written.

[]

Attest:

By:

Name:

Title:

BOROUGH OF FREEHOLD

Attest:

By:

Stephen J. Gallo, MSM, ARM
Borough Administrator

[Signature Page for Interim Cost Agreement]

STATE OF NEW JERSEY)
) ss:
COUNTY OF MONMOUTH)

I CERTIFY that on _____, 2023, _____ personally
came before me, and this person acknowledged under oath, to my satisfaction, that this
person, _____ is the [_____] of [____], which is the company named in this
document; and signed and delivered this document as his/her act and deed on behalf of the said
company.

Signed and sworn to before me

on _____, 2023.

Notary Public

STATE OF NEW JERSEY)
) ss:
COUNTY OF MONMOUTH)

I CERTIFY that on _____, 2023, TRACI L. DIBENEDETTO,
personally came before me, and this person acknowledged under oath, to my satisfaction, that:

- (a) this person is the Clerk of the Borough of Freehold, named in this document;
- (b) this person is the attesting witness to the signing of this document by the proper
Borough of Freehold official who is Stephen J. Gallo, Borough Administrator;
- (c) this document was signed and delivered by the Borough of Freehold as its voluntary
act duly authorized by a proper resolution of the Borough of Freehold; and
- (d) this person signed this proof to attest to the truth of these facts.

Signed and sworn to before me

on _____, 2023.

Notary Public