

ORDINANCE NO. O-21-16
TOWNSHIP MEETING DATE – October 26, 2021

AN ORDINANCE ADOPTING THE FREEHOLD MALL REDEVELOPMENT AREA PLAN AND AMENDING CHAPTER 190, LAND USE, ARTICLE XI ZONES AND SCHEDULE OF REQUIREMENTS, AND ARTICLE XIII, ZONING REGULATIONS, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF FREEHOLD, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

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

I.

PURPOSES: The purposes of this Ordinance are to adopt the Freehold Mall Redevelopment Area Plan attached hereto and amend Chapter 190, Land Use, Article XI, Zones and Schedule of Requirements, and Article XIII Zoning Regulations to adopt the Plan including applicable zoning provisions, and rezone the designated parcel from B-10.

Note: Additions are underlined and deletions are shown with ~~strikethroughs~~.

II.

Article XI, Zones and Schedule of Requirements Regulations, §190-97 Zones, is hereby amended to add the “Freehold Mall Redevelopment Area” to the list of zones where applicable:

§190-97 List of Zones

For the purpose of this chapter, the Township is divided into the following classes of zones:

Freehold Mall Redevelopment Area

III.

Article XI, Zones and Schedule of Requirements Regulations, §190-98 Zoning Map, is hereby amended to rezone the following block and lot from B-10 to “Freehold Mall Redevelopment Area” as follows:

§190-98 Zoning Map

Block	Lot	Address	Acres	Current Zone	Proposed Zone
50	25	3681 US Route 9 (northbound)	24.83 (approximate)	B-10	Freehold Mall Redevelopment Area

IV.

Article XIII, Zoning Regulations, is hereby amended to add new subsection §190-160.1, Freehold Mall Redevelopment Area Plan as follows:

§190-160.1 – Freehold Mall Redevelopment Area Plan

The Freehold Mall Redevelopment Area Plan is hereby established for the area as designated on the Township Zoning Map. A copy of The Freehold Mall Redevelopment Area Plan is located on the Township website at: https://twp.freehold.nj.us/planning-board_office or a copy can be requested at the office of the Township Clerk or Planning Board.

V.

All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

VI.

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

VII.

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

VIII.

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

EXPLANATORY STATEMENT:

This Ordinance adopts the Freehold Mall Redevelopment Area Plan located on U.S. Route 9 northbound and known as Block 50, Lot 25. The Ordinance also amends Chapter 190, Land Use, Article XI, Zones and Schedule of Requirements, and Article XIII Zoning Regulations to adopt the Plan including applicable zoning provisions, and rezones the designated parcel from the current B-10 zone to the “Freehold Mall Redevelopment Area”.

Freehold Mall (Burlington Coat Factory) Redevelopment Plan

3681 U.S. Route 9
(Block 50, Lot 25)

TOWNSHIP OF FREEHOLD
Monmouth County, New Jersey



2015 Aerial Map – source NJDEP

Prepared: September 27, 2021

Freehold Mall (Burlington Coat Factory) Redevelopment Plan

3681 U.S. Route 9
(Block 50, Lot 25)



2015 Aerial Map – source NJDEP

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Prepared: September 27, 2021

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Redevelopment Plan
Freehold Mall (Burlington Coat Factory)
3681 U.S. Route 9
(Block 50, Lot 25)

Introduction and Purpose

On February 25, 2020, the Freehold Township Committee adopted Resolution R-20-49 (See Appendix 1) authorizing the Township Planning Board to undertake a preliminary investigation and public hearing to determine whether the Freehold Mall (Burlington Coat Factory) located at 3681 U.S. Route 9 (northbound) (Block 50, Lot 25) within the Township, meets the statutory criteria for designation as a “redevelopment area,” in accordance with the Local Redevelopment and Housing Law (LRHL), N.J.S.A. 40A:12A-1 et seq.. The Township Committee determined that such a redevelopment area determination would authorize the Township to use all the powers provided by law for use in the redevelopment area, including the use of eminent domain, thus designating the property a “Condemnation Redevelopment Area.”

On March 19, 2020 in accordance with Resolution R-20-49 of the Township Committee, the Planning Board authorized an investigation of the site and a report by the Township Planning Board as to whether the Study Area meets the criteria for an area in need of redevelopment pursuant to N.J.S.A. 40A:12A-5. The Planning Board authorized its planning consultant, Thomas Planning Associates to assist the Board in undertaking the required investigation and report.

On April 16, 2020 the Planning Board conducted a public hearing. There was no opposition to the designation of the delineated area as an area in need of redevelopment. Based upon the Board's observations and the conclusions of the Planning Consultant's Report the Planning Board found that reasons existed justifying that the delineated area (Block 50 Lot 25 known as the Freehold Mall) be designated as an "area in need of redevelopment" within the meaning of N.J.S.A. 40A:12A-6. Following the public hearing, the Planning Board determined the area was an area in need of redevelopment within the definitions and requirements of the law and adopted a Resolution to that effect.

On April 28, 2020, the Freehold Township Committee adopted Resolution R-20-97 (Appendix 1) designating the Subject Property as a property in need of redevelopment under the LRHL.

On June 12, 2020, Aspen, RT 9, LLC filed an Action in Lieu of Prerogative Writs, Docket Number MON-L-1840-20, seeking declaratory judgment in opposition to the Area in Need of Redevelopment using eminent domain and to intervene in the Township's affordable housing litigation case

The parties engaged in negotiations in late 2020 and early 2021 in order to resolve the issues related to the use of condemnation and the requirement for affordable housing.

The Township Committee adopted an amended resolution R-21-138 on June 22, 2021 reversing its determination declaring the subject property as “an area in need of redevelopment with

condemnation” and modified its determination that the property be designated as “an area in need of redevelopment without the use of condemnation or eminent domain”.

This Redevelopment Plan sets forth the plan to redevelop and renovate the existing site and buildings including land uses, bulk and area requirements and design standards for redevelopment without eminent domain.

Statutory Process and Authority

This Plan, and the provisions herein, have been prepared pursuant to Section 7 of the LRHL (N.J.S.A. 40A:12A-7), which provides that “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 rehabilitation...according to criteria set forth in section 5...as appropriate.” Pursuant to the requirements of the LRHL, this Redevelopment Plan includes an outline for the planning, development, redevelopment, and rehabilitation of the redevelopment area sufficient to indicate:

1. Its relationship to definitive 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 proposed to be acquired in accordance with Redevelopment Plan;
5. Any significant relationship of the Redevelopment Plans to:
 - The Master Plans of contiguous municipalities;
 - The Master Plan of the County in which the municipality is located, and;
 - The State Development and Redevelopment Plans adopted pursuant to the "State Planning Act".
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.185 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.185 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 the progress in implementing the plan for the provision of comparable, affordable replacement housing required pursuant to this section.
8. Proposed locations for public electric charging infrastructure within the project area in a manner that appropriately connects with an essential public charging network.
9. The LRHL provides that “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.” Finally, the Plan is required to describe its relationship to pertinent municipal development regulations and must note whether the provisions of the Plan supersede applicable provisions of the development regulations of the municipality or constitute an overlay zoning district.

Redevelopment Plan Overview

This Redevelopment Plan recommends and provides for the redevelopment of the overall shopping center including the retention of all four (4) freestanding buildings, with the option to remove and replace one of the freestanding buildings known as Building 2 (Jersey Strong Gym). The Plan also recommends the relocation of the Route 9 turning lane and jug handle northward on the site to allow for connection of the Trotter’s Way extension from Route 537 at such time the M&M property is developed. This relocation of the jug handle would reduce the size of the Township Commuter Parking Lot and revise the internal parking layout but also improve the circulation to and from the Freehold Mall site at Route 9 and allow for access via the proposed Trotter’s Way Extension.

The Freehold Mall (Burlington Coat Factory) site is a prominent development within the Township due to its central location along U.S. Route 9 just south of the Borough of Freehold. It is the intent of Freehold Township, through the implementation of this Redevelopment Plan, to provide an opportunity for revitalization of the overall site to maximize the economic development opportunities of the site and to enhance the overall architectural and aesthetic design while minimizing any adverse impact to the Township.

The Redevelopment Plan sets forth standards and guidelines for land use, circulation, lighting, parking, loading, architectural and signage. These guidelines are set forth to create an overall development design that meets the goals and objectives of the Plan.

Location of Study Area

Appendix 2 and 3 show the boundaries of the site and consists of the entire Freehold Mall site (also known as the Burlington Coat Factory site) shown as Block 50, Lots 25. It is located along U.S. Route 9 northbound as identified on the official Freehold Township Tax Map No. 24 as Block 50 Lot 25. The site contains a total of 24.83 acres.

Block	Lot	Site Address	Acres	Land Use	Owner
50	25	3681 U.S. Route 9	24.83	Strip shopping center (several tenants including Burling Coat Factory)	ASPEN, RT 9., LLC 12 Lincoln Blvd., Suite 207 Emerson. NJ 07630

The site is located in the central portion of Freehold Township just south of Freehold Borough and east of and across Route 9 from the Bank of America building. Access to the property is from Route 9 and also an interconnection to the Freehold Savings and Loan Bank property located on adjacent lot 25.03 to the south and an interconnection with the South Freehold Shopping Center to the southeast. The regional location of the site is in central Freehold Township in Monmouth County as shown in Appendix 4.

The site contains four individual commercial buildings, the sizes of which are noted in the table below:

Bldg.	Description	Building Size (sq. ft.)
1	Freestanding building - north end of site (Vitamin Shoppe)	6,760 s.f.
2	Freestanding building - north end of site (Jersey Strong – gym)	22,111 s.f.
3	Freestanding building - north end of site - smaller portion of the L-shaped building (various food/retail)	44,554 s.f.
4	Freestanding building - western portion of site - larger portion of the L-shaped building (Burlington Coat Factory and others)	149,637 s.f.
Total		223,062 s.f.

The site also contains a 330-vehicle parking area within the west central portion of the main parking area that is leased to Freehold Township as a “Park and Ride” facility. Residents of the

Township may purchase a parking permit for the facility and utilize covered bus stops located adjacent to the Park and Ride along Route 9 with service to New York City and northern New Jersey. The parking lot is also available to customers of the Mall after hours to serve as a shared parking lot.

The site previously contained a Texaco gasoline service station which is located at the northwest corner of the property. The station is registered with New Jersey Department of Environmental Protection pursuant applicable NJDEP regulations. (See Appendix 7)

Existing Land Uses, Master Plan and Zoning Designations

A. Existing Land Uses

The existing land uses of the site are located within a traditional strip retail shopping center comprised of four individual buildings containing retail, personal services, restaurant and automotive repair as well as several vacant stores. The site also contains a vacant area in the northwestern corner of the site which was the location of a former Texaco gasoline service station. The specific uses at the Study Area are shown in the table below. A map of the site showing the existing land uses including the location of the commuter parking lot is also shown on an Existing Land Use Map in Appendix 5.

The area that is adjacent to and north and east of the Study Area contains single family houses on approximately 9,000 s.f. lots. To the west and south of the site along U.S. Route 9 are other highway oriented business uses including the Freehold Savings Bank site immediately adjacent to and south of the site.

Building or Area	Description	Existing Land Uses
Building 1	Freestanding building - north end of site	Vitamin Shoppe
Building 2	Freestanding building - north end of site	Jersey Strong - gym
Building 3	Freestanding building - north end of site - smaller portion of the L-shaped building	Pearl Vision
		Terrace Bagel and Café
		Vacant
		Vacant
		Rt. 9 Farmers Market
Building 4	Freestanding building - western portion of site - larger portion of the L-shaped building	Burlington Coat Factory
		Vacant
		Urgent Care
		Vacant
		Freehold Music
		Vacant
		Leslies Pool Supplies
		Vacant (larger space)
		Vacant
		Stylish Nails
Firestone Complete Auto Care		
Vacant Area	Northwestern corner of site	Former Texaco gas station
Parking Area	East central portion of site	Freehold “Park and Ride”

Prepared: April 12, 2021 - site investigation by Thomas Planning Associates

Vacancy rates among the existing buildings on site are very high and have been high for many years. The vacancy rate at the time of the site investigation was approximately 41 percent and included some of the larger leasable spaces within the Mall.

B. Master Plan

Freehold Township adopted its current Master Plan on March 20, 1985. The Land Use Plan Element has been amended and revised several times since that date with the last amendment occurring on August 4, 2016.

The current Master Plan designation for the Study Area is B-10 - Highway Development 10 Acres. The site has been designated B-10 since the 1985 Master Plan adoption.

The B-10 designation of the Master Plan includes the following:

“Highway Development B-10 business areas constitute the major type of business and commercial development within the Township. The principal focus of the B-10 development areas is U.S. 9 which extends from the northwestern corner of the Township from Manalapan Township west of Freehold Borough then southeasterly into Howell Township. The B-10 areas identify major shopping centers including Pond Road, Freehold Mall, South Freehold Shopping Center and others.”

The Planning Board adopted its last Reexamination Report on August 21, 2014. There were no recommended changes in the Reexamination Report for the Study Area.

C. Zoning

The current zoning for the Study Area is B-10 Highway Development 10 Acres. The Study Area was originally zoned B-10 in the early 1980s. The zone has been amended to permit additional uses as defined by the North American Industrial Classification System (NAICS) as noted below. The boundaries and zoning of the Study Area and surrounding area are shown in Appendix 6, Zoning Map.

The permitted uses in the B-10 Zone include the following:

- (1) Office buildings for professional, executive, engineering or administrative purposes.
- (2) Retail stores and shops, provided that no exterior storage or sales of building materials shall be permitted.
- (3) Personal service establishments.
- (4) Restaurants, cafes and coffee shops. Fast-food restaurants shall not be located nearer than 3,000 feet from one another, except that this provision shall not apply to fast-food restaurants located within shopping centers. Family-style restaurants without liquor licenses with video interactive games and/or child entertainment centers with

or without video interactive games shall be permitted subject to the following design standards:

- (a) Minimum floor area devoted to an individual family style restaurant or child entertainment center use: 2,500 square feet.
 - (b) Minimum floor area for each restaurant where two or more family-style restaurants are located in the same building: 2,500 square feet.
 - (c) Minimum number of seats is 125.
 - (d) No separate take-out service area is permitted.
 - (e) No drive-up windows are permitted.
 - (f) Video interactive devices, video games, and children entertainment uses in conformance with Chapter 75, Article II, § 75-19, provided that the area used for such uses shall not reduce the minimum required restaurant floor area and shall not exceed 25% or 1,000 square feet of the total floor area of a family-style restaurant, whichever is less.
 - (g) In any child entertainment center the area which contains video interactive games shall not exceed 7,500 square feet and the total area devoted to food service and party rooms shall not exceed 20% of the total floor area of the child entertainment center.
- (5) Shopping centers comprised only of uses permitted in this zone.
 - (6) Wholesale business and distributors.
 - (7) Passenger bus stations.
 - (8) Research laboratories and light industries for the manufacture of products which may be produced without the creation of objectionable or detrimental effects on any other properties, subject to the performance requirements and specifications as hereinafter set forth in this chapter.
 - (9) Horse racetracks, horse racecourses, and premises wherein pari-mutuel wagering is permitted by the state.
 - (10) Municipal facilities.
 - (11) Extension and commercial schools.
 - (12) Public utility installations.

- (13) Fitness and recreational sports centers (NAICS 713940). [Added 6-17-2008 by Ord. No. O-08-11]
- (14) Bowling centers (NAICS 713950). [Added 6-17-2008 by Ord. No. O-08-11]
- (15) Other indoor recreational facilities including dancing schools, gymnastic and cheerleading centers, miniature golf, target golf, archery centers, skateboard parks and similar types of indoor recreational activities and/or instruction. [Added 6-17-2008 by Ord. No. O-08-11]

The bulk standards for the B-10 Zone are summarized in the following table with an indication if the Study Area conforms to each of the standards:

**SITE CONFORMANCE TO
B-10 ZONING STANDARDS**

Requirement	Standard	Site	Study Area Conforms (Yes/No)
Minimum Lot Area	10 Acres	24.83 Acres	Yes
Minimum Lot Frontage	1,000 ft.	+/- 1,597 ft.	Yes
Minimum Lot Depth	500 ft.	+/- 1,000 ft.	Yes
Maximum Lot Coverage – All Buildings	15%	+/- 20.6%	No
Maximum Lot Coverage – All Impervious Surfaces	60%	+/- 84.6%	No
Maximum Floor Area Ratio	0.15	+/- 0.23	No
Maximum Building Height (Feet)/Stories	35 ft./2 Story	1 Story	Yes
Front Yard Setback	100 ft.	+/- 100 Ft. Building 1; greater than 100 Ft. other buildings	Yes
Side Yard Setback	100 ft.	38.5	No
Rear Yard Setback	100 ft.	49.56	No
Minimum Width Buffer Zone	75 ft.	0 ft. along eastern side of property	No

As shown in the table above the Study Area does not conform with many of the B-10 Zone bulk standards.

Environmental Conditions

Environmental conditions in the Study Area were analyzed in order to document the potential presence of critical features and any natural constraints on development. A site inspection of the Geographic Information System (GIS) data from the NJDEP NJ-GeoWeb was reviewed for this analysis. There were no environmental conditions found at the Study Area including freshwater wetlands, steep slopes, critical habitat or stream corridors. There was, however, a known contaminated site and an area of groundwater contamination resulting from the former Texaco gasoline station that was previously located at the northwestern corner of the site behind the present Vitamin Shoppe building. The Texaco station building was removed and the area is currently vacant. A map showing the location and extents of the known contaminated site and groundwater contamination area is located in Appendix 7. Also, the NJDEP database description of the site contamination is included in Appendix 7.

Property / Building Evaluation

The buildings on the site contain approximately 223,000 square feet. The main portion of the Shopping Center, including the Burlington Coat Factory, was constructed in 1963. The other buildings were constructed between 1970 and 1979. Access to the buildings and parking area is from Route 9 with additional access to adjacent commercial properties to the south. The main building is oriented in an L-shaped design at the rear of the property and is set back from Route 9 approximately 675 feet at its furthest point. Loading areas are located at the rear of the building adjacent to the residential uses.

The buildings have an unusual building orientation and the two freestanding buildings to the north do not have a consistent relationship to the main building and are not oriented toward the street. There is, however, a freestanding sign located in the middle of the parking lot for these two buildings.

The exteriors of the buildings are in generally fair condition albeit they are between 40 and 50 years in age. The façades of the buildings are outdated and contain signage that is inconsistent with the other parts of the building.

The parking lot has been recently repaved and is in good condition throughout.

The Park and Ride area is conveniently located toward the center of the site and near the bus stop on Route 9. It is utilized by commuters, however currently at a reduced capacity since the COVID-19 restrictions and the reduction of workforce commuting to New York City. It is located in the center of the main parking area for the commercial uses.

Planning Relationship

As required by the Redevelopment and Housing Law, this section describes the consistency between the Redevelopment Plan and the Freehold Township Master Plan and how the provisions herein are designed to effectuate the Master Plan. It also describes the relationship of

the Redevelopment Plan to the Monmouth County Master Plan, adjacent municipal Master Plans, and the New Jersey Development and Redevelopment Plan.

A. Freehold Township Master Plan

This Redevelopment Plan is consistent with the Freehold Township Master Plan as last amended August 4, 2016. It is particularly consistent with several objectives and policies that are stated in the Township Master Plan including:

Objectives:

- To encourage municipal actions which will guide the long range appropriate use and development of lands within Freehold Township in a manner which will promote the public health, safety, morals and general welfare of present and future residents.
- To promote a desirable visual environment through creative development techniques which respect the environmental qualities and constraints of the Township and of particular sites.
- To encourage the continued economic development of the Township as a regional commercial and industrial center in areas which are suitable for such development.
- To encourage energy efficient site designs and provisions for renewable energy resources including solar, wind and recycled heat.

Policies:

- Planning will include a variety of residential and non-residential uses which will encourage continuation of and enhancement of Freehold Township as a quality suburban/rural residential community and as a commercial, employment, governmental and recreational center for western Monmouth County.

B. Monmouth County Master Plan

This Redevelopment Plan is consistent with the goals, principles, and objectives (GPOs) of the 2016 Monmouth County Master Plan particularly with respect to Master Plan Goal #3 which states: Promote beneficial development and redevelopment that continues to support Monmouth County as a highly desirable place to live, work, play, and stay. The following objectives from Master Plan Goal #3 are applicable to this Redevelopment Plan:

- Encourage the redevelopment and revitalization of highway commercial corridors that incorporate multi-purpose uses, higher design standards, are located outside Special Flood Hazard Areas (SFHA), and improve circulation both on and off-site.
- Encourage the use of green technology and design to reduce the impact of property

improvements on natural systems.

- Promote the development and use of design standards that reinforce neighborhood character and improve the appearance and appeal of special improvement districts, commercial districts and corridors, and redevelopment areas.
- Encourage development of a high quality, diversified tax base to provide superior economic resiliency when confronted with unanticipated changes in the overall economy.

The 2016 Monmouth County Master Plan also references a number of consultative and supportive documents which provide additional information and resources. One of those documents is the Route 9/ Western Monmouth Development Plan, which establishes a framework for municipal Master Plans. This Redevelopment Plan is consistent with the Route 9/Western Monmouth Development Plan, particularly with the goals of establishing interconnection between businesses along Route 9, improving traffic flow and pedestrian connections. The Plan indicates that there are areas suitable for redevelopment specifically including the Freehold Mall.

C. New Jersey Development and Redevelopment Plan

The Freehold Mall is located in Suburban Planning Area (PA-2) of the New Jersey State Development and Redevelopment Plan that was adopted by the State Planning Commission on March 1, 2001. The site is also within a proposed regional center named "The Greater Freehold Regional Center."

In the Suburban Planning Area, the State Plan's intention is to:

- provide for much of the state's future development
- promote growth in Centers and other compact forms
- protect the character of existing stable communities
- protect natural resources
- redesign areas of sprawl
- reverse the current trend toward further sprawl
- revitalize cities and towns

Two of the specific policy objectives of the PA-2 are as follows:

"Land Use: Guide development and redevelopment into more compact forms - Centers and former single-use developments that have been retrofitted or restructured to accommodate mixed-use development, redevelopment, services and cultural amenities."

"Redevelopment: Encourage redevelopment efforts in existing Centers and single-use areas which can be redeveloped into mixed-use areas, and areas within walking distance of train stations or other major public transit facilities."

The revitalization of the Freehold Mall is consistent with the goals of the Suburban Planning Area (PA 2). It provides an opportunity for redevelopment in an appropriate location that can accommodate growth with convenient access to transportation routes, including public transportation and infrastructure which meets the policy objectives of PA 2. It also provides the opportunity for affordable housing production within a mixed use development as an overlay option.

D. Master Plans of Adjacent Municipalities

There is no significant relationship of this Redevelopment Plan to the Freehold Borough Master Plan or the master plans of other adjacent municipalities.

E. Public Electric Vehicle Charging Infrastructure

NJAC 40A:12A-7 was amended on November 6, 2019 by the New Jersey Legislature requiring that redevelopment plans indicate the proposed locations for public electric vehicle charging infrastructure within the project area in a manner that appropriately connects with an essential public charging network.

Electric vehicle charging stations shall be provided pursuant to the Redevelopment Law (NJAC 40A:12A-7(8))

Redevelopment Plan

The Redevelopment Plan provides the terminology, goals and objectives, land use plan, circulation plan, utility plan, land use and development standards and phasing of the Redevelopment Area.

A. Redevelopment Plan Goals and Objectives

The objectives of the Redevelopment Plan are as follows:

- Create land use requirements specific to the Redevelopment Area that effectuate the rehabilitation of the buildings and grounds on the site, that are sensitive to properties adjoining the Redevelopment Area and the general welfare of the Township to advance the intent and purpose of the zoning ordinance and master plan;
- Provide an opportunity for the development of a mix of non-residential uses that will foster the long-term viability of the existing buildings and grounds;
- Provide increased employment opportunities for the existing and future residents of the Township of Freehold;
- Provide for the redevelopment of the property to increase tax ratables within the

Township of Freehold;

- Provide infrastructure improvements for the Redevelopment Area;
- Provide circulation improvements for the Redevelopment Area that promote the free flow of traffic internally and ingress and egress to and from the abutting roadways;
- Provide for interconnection to adjacent uses and improve pedestrian circulation and safety;
- Maintain the current integrity of the site by eliminating obsolete or faulty building arrangements;
- Utilize to the maximum extent practicable, Smart Growth Planning Principles in the redevelopment of the Freehold Mall. Such principles include:
 - Master Planning for community rehabilitation and redevelopment;
 - Utilizing high quality design and planning techniques.
- Institute land use and building controls to promote visually attractive buildings and the overall site;
- Promote maximum visibility of the principal building in the shopping center from Route 9.
- Provide the opportunity for the production of affordable housing.

B. Terminology

Except as otherwise provided herein, words that appear in this Redevelopment Plan shall be interpreted in accordance with the "Definitions" section in the Freehold Township Land Use Regulations set forth in Chapter 190-3 of the Township Code.

"Redeveloper" shall mean the corporation, partnership or other entity designated by the Redevelopment Entity as Redeveloper pursuant to N.J.S.A. 40A:12A-1 et seq., and having entered into a Redevelopment Agreement with the Redevelopment Entity for the purpose of advancing this Redevelopment Plan. The Redeveloper is hereby designated as Aspen Rt. 9, LLC and/or its successor in title.

"Redevelopment Agreement" shall mean a contract made by and between the designated Redeveloper and the Township, acting in its capacity as Redevelopment Entity for the redevelopment area, which shall detail the specific rights, responsibilities and obligations of each party related to the development of the redevelopment area.

"Redevelopment Entity" shall mean the Township of Freehold, acting as the implementing agent for this Redevelopment Plan in accordance with and under the provisions of N.J.S.A. 40A:12A-1 et seq.

"Redevelopment Plan" see Freehold Mall Redevelopment Plan. Upon adoption by the Township Committee, this Redevelopment Plan shall satisfy all statutory requirements of the Local Redevelopment and Housing Law and shall constitute a Redevelopment Plan under N.J.S.A. 40A:12A-3, -7 & -15.

"Redevelopment Statute" shall mean the New Jersey Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.).

C. Land Use Plan and Building Requirements

The Redevelopment Plan proposes the adaptive reuse of the existing buildings in the Mall to permit a variety of retail, personal service, restaurants, and professional offices as indicated in the "Permitted Principal Uses" section of the Plan. It will include the upgrading of the building facades, circulation and parking configuration and improvements.

In order to implement the Redevelopment Plan consistent with the objectives herein, the redevelopment area shall be redeveloped in accordance with the standards detailed in the Redevelopment Plan. The Plan shall supersede the provisions of the existing zoning and Township development regulations for the redevelopment area. Unless specifically provided otherwise herein, the development of the redevelopment area shall be governed solely by the provisions of this Redevelopment Plan, either as set forth in the text of the Redevelopment Plan, or as shown on the plans and other materials attached as Appendices. For standards not specifically covered in this Redevelopment Plan, or reflected in the plans and other materials attached as Appendices, the Township Land Use regulations shall apply including specific regulations within the B-10 zone.

Applications for development may proceed either under the redevelopment zoning standards, or the overlay redevelopment standards found within this Plan. The developer shall have the option but once chosen the option cannot be altered or combined. No benefits or incentives available as per the Local Redevelopment and Housing Law (LHRL) to a redeveloper shall be available unless development occurs in accordance with the standards put forth in this Redevelopment Plan.

D. Permitted Principal Uses

- (1) Shopping centers comprised only of uses permitted in this zone.
- (2) Supermarket / specialty food stores
- (3) Office buildings for professional, executive, medical (including dialysis center), engineering or administrative purposes.

- (4) Banks, retail stores and shops, provided that no exterior storage or sales of building materials shall be permitted.
- (5) Personal service establishments.
- (6) Wholesale business and distributors.
- (7) General automotive repair shall remain as a permitted use at the current location of the tenant on the south end of the center. This use shall not be permitted elsewhere within the redevelopment site.
- (8) Retail automotive parts sales, with no repair component.
- (9) Restaurants, cafes and coffee shops.
- (10) Fast-food restaurants on separate pad sites subject to the following design standards:
 - a. Minimum floor area: 2,000 square feet.
 - b. Maximum of one (1) drive-thru fast-food restaurant is permitted within the Redevelopment Area, unless Building 2 (gym building) is demolished, which would allow one (1) additional drive-thru fast-food restaurant.
- (11) Fitness and recreational sports centers (NAICS 713940).
- (12) Park and Ride
- (13) Passenger bus stations
- (14) Extension and commercial schools.
- (15) Municipal facilities.
- (16) Public utility installations.
- (17) Day Care Facility

E. Permitted Accessory Uses

- (1) Signs
- (2) Fences
- (3) Garbage storage and recycling centers
- (4) Any other uses which are subordinate and customarily incidental to a permitted use.

- (5) Electric vehicle charging stations

F. Prohibited Uses

Any use not provided for in this Redevelopment Plan is prohibited.

G. Area, Yard and Building Requirements

The following schedule of area, yard and building requirements shall apply:

Standard	Requirement
Minimum Lot Area	20 Acres
Minimum lot frontage	1,000 Feet
Minimum Front Yard Setback	90 Feet
Minimum Rear Yard Setback	45 Feet
Minimum Side Yard Setback	35 Feet
Minimum Size of Principal Building	2,500 S.F.
Minimum Width of Buffer Zone	Existing buffer zone of 100' shall be maintained along the northern property boundary; 10' along the easterly property boundary
Scenic Corridor Buffer	N/A
Maximum Building Coverage	25%
Maximum Impervious Coverage	85%
Maximum Floor Area Ratio	0.27
Maximum Building Height	35 ft. / 2 stories

H. Landscape Plan

When the property is developed in the future, all landscaping and buffer regulations shall apply in accordance with §190-166. For the pending proposal for an Aldi’s tenant only additional landscaping along the perimeter of the property in accordance with Appendix 8 is required.

I. Off Street Parking, Loading and Circulation Requirements

- (1) All off-street parking, loading and unloading requirements shall meet Article XIV – Off Street Parking, Loading and Unloading Requirements unless modified below:

Standard	Requirement
Parking Requirements	3.0 Spaces/1,000 S.F (for Shopping Centers Only) parking spots designated as onsite Commuter Parking shall be included in the above ratio
Minimum Driveway Setback from Property Line	0 feet

It is anticipated that there will be a right-of-way extension into the subject property from Route 9 as part of the proposed Trotter’s Way extension. Appendix 9 – “ROW comparison” provides the preliminary proposed Alignment of the right-of-way and its impact on the site, including its impact to the commuter parking lot. Appendix 9 also provides a comparison of the existing right-of-way being returned back to the site (Option A) and without the right-of-way being returned to the site in Option B. Both options show the compliance with various Redevelopment requirements. The transfer and dedication of the right-of-way is further described in the Redeveloper Agreement.

- (2) Any re-configuration of the parking lot or construction of new free-standing buildings shall meet Article XIV-Off Street Parking, Loading and Unloading Requirements.

J. Other Design Standards

- (1) The three existing pylon signs, including their height color, size and location are permitted to remain.
- (2) Sidewalks adjacent to and serving the commuter parking lot shall be provided.
- (3) Stormwater Management Regulations as found in §190-80 shall apply.
- (4) For new signs, applicable sign regulations as found in Article XVII shall apply including §190-179 for zone specific requirements, except as modified in subsections 8 below.
- (5) Architectural standards as found in §190-114 shall apply.
- (6) Outdoor trash enclosure and recycling storage area locations as reflected on Appendix 8 shall be permitted on the existing pavement (Not on new concrete pads). Any new outdoor trash enclosures and recycling storage areas shall be appropriately screened and landscaping as required by the Planning Board.
- (7) The Aldi supermarket use of 23,000 s.f. shall be incorporated as part of this Redevelopment Plan and subject to the conditions of any approvals by the Planning Board.

- (8) The proposed fast food restaurants may each have a monument sign not greater than 8 feet in height

K. Additional Standards

- (1) The Redevelopment Plan shall allow for additional square footage of up to 20,000 s.f. to be added to the rear of the existing Freehold Mall as shown on the Site Plan in Appendix 8.
- (2) If Redeveloper desires to retain free-standing Building 2 (Jersey Strong – gym), one (1) new pad site is permitted that may include a fast-food drive thru subject to the provisions within this Redevelopment Plan.
- (3) Notwithstanding number (2) above, if free-standing Building 2 (Jersey Strong – gym) is demolished by Redeveloper, one (1) additional new pad site is permitted on the subject property, which may be a fast-food type restaurant with drive-thru access.
- (4) Freestanding Building 1 (Vitamin Shop) shall permit drive-up access to be utilized as an accessory to the Vitamin Shop, but that building shall not be permitted for the sale of food.
- (5) As part of the proposal and approvals, Aspen, RT 9, LLC consents to and shall be required to dedicate a right-of-way to the Township along Route 9 to relocate and extend the proposed extension of Trotters Way, across Route 9 to and into the subject property. All professional costs and expenses shall be borne by the Township or a third party, with no costs to Aspen, RT 9, LLC for the conveyance. A new pylon sign will be required as part of the improvements and relocation. The new pylon sign shall be provided and installed at no cost to Aspen, Rt. 9, LLC. The new pylon sign will be located pursuant to applicable sign regulations as found in Article XVII including §190-179 for zone specific requirements. The new pylon sign will be the same height and square footage of the existing pylon sign. Other than the costs for conveyance and professional services, there shall be no other costs or fees for the dedication of the right-of-way from Aspen, RT 9, LLC to the Township, or for any construction or improvement costs, and Aspen, RT 9, LLC shall be held harmless with respect to cost-sharing or responsibilities relating to the right-of-way and any future construction thereon. The Township shall reserve the right to transfer the right-of-way to the New Jersey Department of Transportation (hereafter referred to the “NJDOT”) upon approval of the proposed extension. If needed, the right-of-way can be moved southward but not north of the location shown on Exhibit 8. The Township acknowledges that the relocation will result in the reduction of commuter parking spaces at the Freehold Mall and that there is no obligation by Aspen, RT 9, LLC to replace same.
- (6) The parties shall work together in order for the Township to obtain any existing excess right-of-way belonging to NJDOT that remain from the relocation of the Route 9 intersection. Once the new intersection is reconfigured, the Township will request the

release the unused right-of-way from the NJDOT. The Township at its sole discretion may release the right-of-way to Aspen, RT 9, LLC.

- (7) Electric vehicle charging stations shall be provided pursuant to the Redevelopment Law (NJAC 40A:12A-7(8)) and any applicable standards within the Municipal Land Use Law.

Redevelopment Plan – (Mixed Use Transit Village Overlay Option)

A. Permitted principal uses.

- (1) Retail sales and service stores.
- (2) Restaurants, including fast-food restaurants and drive-through restaurants.
- (3) Specialty food and food markets with seating areas for on-premises consumption as provided herein.
- (4) Offices for professional, executive or administrative purposes, and related business support services.
- (5) Banks, financial institutions, insurance and real estate businesses.
- (6) Multifamily residential buildings.
- (7) Mixed-use buildings as permitted herein.
- (8) Child-care centers in accordance with N.J.S.A. 40:55D—66.6.

B. Permitted accessory uses.

- (1) Signs for non-residential uses in accordance with the standards as set forth in §190-173 through §190-176 and § 190-183.
- (2) Fences.
- (3) Parking, including for multifamily residential dwellings as provided herein.
- (4) Garbage storage and recycling enclosures.
- (5) Active and passive recreational facilities for residents, which may include, but not be limited to, a clubhouse, swimming pool, tennis courts, fitness and exercise areas and bicycle/walking paths.
- (6) Management office(s) for multifamily residential use.
- (7) Any other uses which are subordinate and customarily incidental to a permitted use.
- (8) Electric Vehicle charging stations.

C. Location criteria.

- (1) No multifamily residential building shall be located within a distance of 200 feet from the rights-of-way of U.S. Route 9.

D. Development standards.

- (1) The ground floor of any mixed-use building shall be used for any permitted principal use other than multifamily residential dwellings. No permitted principal use other than multifamily residential dwellings shall be located above the ground floor of any mixed-use building.
- (2) Food and specialty food markets shall have a minimum gross floor area of 8,000 square feet and shall provide a minimum of 25 seats for on-premises consumption.
- (3) The maximum permitted residential density, inclusive of any multifamily dwelling units that are within mixed-use buildings, shall be twelve (12) units per acre as applied to the total tract area and shall permit up to 298 total units, inclusive of up to 60 affordable family non-age restricted units per the required 20% set-aside.
- (4) The maximum floor area ratio for all non-residential uses, inclusive of any non-residential floor area within mixed-use buildings, shall be shall be 0.10.
- (5) The maximum height of any building shall be four stories and 45 feet. However in any non-mixed use residential building the maximum number of stories shall be three (3), and it may permit residential units to be concentrated in portions of the site so long as the total number of residential units across the entire site does not exceed 298 units.
- (6) The maximum number of multifamily residential dwelling units in any single building shall not exceed 60. No multifamily residential or mixed-use buildings shall be more than 270 feet in length.
- (7) The maximum building coverage shall be 20 percent.
- (8) The maximum impervious coverage shall be 60 percent.
- (9) The minimum building setbacks shall be as follows:
 - (a) From a state right-of-way: 100 feet.
 - (b) From any abutting non-residentially zoned property: 50 feet.
 - (c) From any abutting residentially zoned property to multifamily residential development: 75 feet.
 - (d) From any abutting residentially zoned property to non-residential development: 150 feet.
- (10) The minimum number of off-street parking spaces for retail sales and service stores shall be four spaces per 1,000 square feet of floor area. For all other uses, the standards set forth in §190-163 or as otherwise established in this section shall apply.

- (11) Any outdoor refuse and recycling storage areas shall be appropriately screened by a wall enclosure constructed of materials similar to the facades of the buildings and with appropriate landscaping as required by the Planning Board.
- (12) A minimum twenty-five-foot-wide landscape buffer strip shall be provided where multifamily residential development abuts a residential zone. A minimum seventy-five (75) foot-wide landscaped buffer strip shall be provided where non-residential development abuts a residential zone. Said buffer zone shall comply with the standards set forth in §190-166 and shall be permanently maintained along the property line abutting the residential zone.
- (13) Multiple uses and buildings are permitted within the development tract.

E. Miscellaneous requirements for multifamily residential development.

- (1) Multifamily residential and mixed-use buildings shall contain one- or two-bedroom units only, except that a percentage of the affordable units may be three bedrooms to comply with applicable regulations as referenced herein and in accordance with COAH and UHAC regulations.
- (2) Multifamily residential and mixed-use buildings shall provide indoor trash disposal and storage facilities.
- (3) The following recreational and related amenities shall be provided for residents: swimming pool, clubhouse, fitness center, lounge, media and game room and business center. Additional active and/or passive recreational facilities, including, but not limited to tennis courts, fitness and exercise areas and bicycle/walking paths may be required at the discretion of the Planning Board based upon the number of multifamily residential dwelling units proposed.
- (4) Parking for multifamily residential dwellings may be provided by means of any or all of the following: at-grade surface spaces; tuck under, below building spaces; spaces in detached, single-story garage structures.
- (5) No parking space intended to satisfy the off-street parking requirement for multifamily residential use within either a multifamily residential or mixed-use building shall be located more than 125 feet from said building.
- (6) Affordable Housing Requirements
 - (a) A minimum of 20 percent of the total residential units shall be reserved for affordable housing regardless of tenure.

- (b) A minimum of 13 percent of all low- and moderate-income rental units shall be affordable to very low-income households, which very low-income units shall be part of the low-income requirement. Very low-income shall be defined, pursuant to the Fair Housing Act, as households earning no more than 30% of the region's median income.
- (c) The low, very low and moderate income units shall be constructed on site.
- (d) Affordable units shall be restricted, regulated and administered consistent with the Township's affordable housing regulations, the Uniform Housing Affordability Controls rules (N.J.A.C. 5:80-26.1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), including the Fair Housing Act's definition of very low-income households and all other provisions of the Township's Affordable Housing Ordinance. Units shall be income restricted for a period of at least 30 years from date of initial occupancy. Controls do not expire automatically, but only upon affirmative action of the municipality to release them and said controls may be extended at the sole discretion of the Township. The UHAC bedroom distribution requirements shall apply to each income strata individually, including compliance with UHAC bedroom distribution within the very low-income strata.

F. Architectural design requirements

- (1) Building articulation and massing. Multifamily residential and mixed-use building bulk shall be broken down vertically and differentiated horizontally to avoid monotonous and repetitive facades through any or all of the following: vertical changes in the façade plane; changes in material, color, pattern and/or texture; use of columns, pilasters, balustrades or similar ornamental features; changes in the size and rhythm of fenestration; use of design features such as balconies and terraces, changes in the roofline via coping, parapet, cornice or similar ornamental features. The base of mixed-use buildings in particular shall be highlighted architecturally and differentiated from upper floors in order to visually ground the building. Detailing and materials at the base of mixed-use buildings shall be richer than on upper floors and may include features such as horizontal banding, variation in window pattern and proportioning (i.e., larger window openings), as well as signage and lighting. The top and roof of multifamily residential buildings shall be defined and differentiated with multifaceted roof shapes where appropriate to break up the roofline.
- (2) Building façade detailing.
 - (a) Pedestrian building entries shall be clearly visible and highlighted within facades. Continuous expanses of windowless wall shall be prohibited at all levels. A change in plane and variation in materials and/or detailing shall be provided for any windowless wall in excess of 20 feet in length. Windows shall occupy at least 20 percent of the façade area within multifamily residential buildings and shall occupy at least 25 percent of the façade area within mixed-use buildings.

- (b) Preferred materials for facades shall be brick, cultivated stone or other masonry facing and vinyl or fiber cement siding or backboard. No more than three different materials shall be employed as primary materials on a building facade. Within the chosen primary materials, variation in color, texture and pattern may be employed to create further distinctions. The level of materials, detailing and articulation shall be consistent along all facades. Materials shall be extended around corners and extensions in order to avoid a "pasted on" appearance. Where buildings have "tuck under" parking at the ground level of multifamily buildings or where there are detached freestanding garages, garage doors shall be richer in color as compared to the remainder of the façade. Such doors shall further incorporate changes in texture and/or include ornamental framing/features as part of the design. Detached freestanding garages shall employ the same façade materials and articulation as the multifamily residential buildings.

- (c) All major mechanical equipment located on the roof of a building shall be screened from view of all vantage points with a material harmonious to that used in the façade of the building.

Administrative and Procedural Requirements

A. Acquisition and Relocation

The Redevelopment Area governed by this Redevelopment Plan is an Area in Need of Rehabilitation and does not confer any condemnation power to the Township of Freehold. The Redevelopment Area does not currently contain any residential uses. Therefore, provisions related to acquisition and relocation assistance are not required. In the event that it is determined that relocation assistance is necessary, the Township will provide the appropriate relocation assistance pursuant to applicable State and Federal law as necessary.

B. Inventory and Replacement of Affordable Housing

The Redevelopment Area governed by this Redevelopment Plan contains no 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). No affordable units will be removed as a result of implementation of this Redevelopment Plan. The provision of any newly required affordable housing shall be included in the redevelopment agreement(s) entered into by the Township and the designated redeveloper(s).

C. Amending the Redevelopment Plan

Upon compliance with the requirements of applicable law, the Township Committee may amend, revise, or modify the Redevelopment Plan in general or for specific properties within the Redevelopment Area as circumstances may make such changes appropriate. The review and

approval of any proposed amendments shall be undertaken in accordance with the procedures set forth in the LRHL. Any proposed changes in permitted uses, the land use plan, building height, or other core design concepts of this Plan shall require notice and public hearings in a manner similar to the adoption of the original Plan.

D. Redevelopment Powers

The Township may also use any and all redevelopment powers granted to it pursuant to the LRHL to effectuate this Plan. The Township may enter into agreements with a designated redeveloper(s) in connection with the construction of any aspect of the Redevelopment Plan, including off-site improvements.

E. Infrastructure

In addition to the new development resulting from the implementation of the Redevelopment Plan, several other actions may be taken to further the goals of this Plan. These actions may include, but are not limited to: (1) provisions for new or upgraded infrastructure necessary to service new development; (2) environmental remediation; (3) vacation of public utility easements and other easements and rights-of-way which are not needed to effectuate redevelopment; and (4) clearing any obsolete or underutilized accessory structures.

F. Adverse Influences

No use shall be permitted which, when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odor, dust or waste, undue noise or vibration, or other objectionable features so as to be detrimental to the public health, safety or general welfare.

G. Duration of the Plan

The Redevelopment Plan, as it may be amended from time to time, shall be in full force and effect upon its adoption by ordinance by the Township Committee and shall be in effect until the redevelopment of the Redevelopment Area is completed as evidenced by the issuance by the Township of a certificate of project completion in accordance with the Redevelopment Plan and the LRHL.

Redeveloper Obligations

Redevelopment under the terms of this Redevelopment Plan shall only be undertaken pursuant to a Redevelopment Agreement entered into between the Township and a designated redeveloper. The following restrictions and controls on redevelopment shall apply notwithstanding the provisions of any zoning or building ordinance or other regulations now or hereafter in force:

- (1) The redeveloper will be obligated to carry out the specified improvements in accordance with this Redevelopment Plan.

- (2) The redeveloper, its successors or assignees shall develop the Redevelopment Area in accordance with the uses and building requirements specified in the Redevelopment Plan.
- (3) Until the required improvements are completed and a Certificate of Completion is issued, the redeveloper covenants provided for in N.J.S.A. 40A:12A-9 and imposed in any redevelopment agreement, lease, deed or other instruments shall remain in full force and effect.
- (4) The redevelopment agreement(s) shall contain provisions to assure the timely construction of the redevelopment project, the qualifications, financial capability and financial guarantees of the redeveloper(s) and any other provisions necessary to assure the successful completion of the project.
- (5) The redevelopment agreement(s) shall contain provisions to assure that the redeveloper provides a good faith effort to pay a fair share towards, and cooperate in seeking any necessary outside agency approvals in connection with off-site transportation improvements.

Planning Board Review Process

Pursuant to N.J.S.A. 40A:12A-13, all development applications for development of sites governed by this Redevelopment Plan shall be submitted to the Planning Board for review and approval. The following provisions shall govern review of any proposed redevelopment projects for the redevelopment area:

- (1) No building or zoning permit shall be issued by the Construction Official or Zoning Official for any work resulting in a change of intensity of development or change of use for any properties or buildings within the area of the Redevelopment Plan without prior review and approval of the work by the Township Committee and the Planning Board.
- (2) Regular maintenance and minor repair shall not require Planning Board review and approval.
- (3) Where any change of tenancy or site alteration is proposed which would not require subdivision or site plan approval as per the Township's Planning and Development Regulations, or would not result in a change in the intensity of the development, review of the proposed change by the Planning Board shall not be required and a Building Permit or Zoning Permit may be issued by the Construction or Zoning Official.
- (4) The Planning Board shall conduct site plan and subdivision review, if applicable, pursuant to N.J.S.A. 40:55D-1 et seq. and the Township Land Use Ordinance.
- (5) As part of site plan approval, the Planning Board may require the redeveloper to furnish performance guarantees pursuant to N.J.S.A. 40:55D-53 and as required in the Township Land Use Ordinance. The performance guarantees shall be in favor of the Township of

Freehold, and the Township Engineer shall determine the amount of any performance guarantees.

- (6) Any subdivision of lots or parcels of land within the Redevelopment Area shall be in compliance with the Redevelopment Plan and reviewed by the Planning Board pursuant to the Local Redevelopment and Housing Law and Land Use Law, N.J.S.A. 40:55D-1 et seq.
- (7) Once a property has been redeveloped in accordance with the Redevelopment Plan, it may not be converted to any use not expressly permitted in this Redevelopment Plan. No non-conforming use, building, or structure may be expanded or made more non-conforming in nature after adoption of this Redevelopment Plan. A use or structure not conforming to the requirements of this Redevelopment Plan may not be reconstructed in the event of its destruction. The Planning Board shall determine the issue of whether the non-conforming use or building structure has been "destroyed."
- (8) The Planning Board may grant "C" variances, exceptions or waivers from design standards from the requirements for site plan or subdivision approval. Any exceptions or waivers granted shall be reasonable within the general purposes and intent of the provisions for site plan review and/or subdivision approval within this Redevelopment Plan. No deviations may be granted under the terms of this section unless such deviations can be granted without resulting in substantial detriment to the public good and will not substantially impair the intent and purpose of this Redevelopment Plan or the Township Master Plan.
- (9) No deviations may be granted which will result in permitting a use that is not a permitted use within this Redevelopment Plan. Any deviation from standards of this Redevelopment Plan that results in a "D" variance, pursuant to N.J.S.A. 40:55D-70d, may only be addressed as an amendment to the Redevelopment Plan by the Township Committee rather than via variance relief through the Township Planning Board. All development must be approved by the Planning Board and shall be submitted through the normal site plan and subdivision procedures as identified by N.J.S.A. 40:55D-1, et seq.
- (10) Final adoption of this Redevelopment Plan by the Township Committee shall be considered an amendment to the Township Land Use Ordinance and Township Zoning Map. Additionally, the listing of zoning districts in Chapter 190-97 of the Land Use Ordinance is hereby amended to include a reference to this Redevelopment Plan and Plan Area.
- (11) Unless otherwise defined in the Redevelopment Plan, terms used in this Redevelopment Plan shall have the same meaning as defined in the Township Land Use Ordinance.
- (12) The regulations and controls of this Redevelopment Plan shall be implemented, where applicable, by appropriate covenants, or other provisions and through agreements between the redeveloper and Township pursuant to N.J.S.A. 40A:12A-8 and 40A:12A-9.

- (13) The extent of the redeveloper's responsibility for any installation or upgrade of infrastructure related to the development of the Redevelopment Area, or contribution thereto, shall, whether on-site or off-site, be subject to a redevelopment agreement with the Township of Freehold, as the municipal redevelopment agency.
- (14) Any and all definitions contained within this Redevelopment Plan shall prevail. In the absence of a definition, the definition found within the Township Land Use Ordinance shall prevail. Any and all definitions inconsistent with N.J.S.A. 40A:12A-3 shall be considered invalid.
- (15) A redeveloper shall be required to pay all applicable escrow fees and other required charges in accordance with applicable provisions of the Township Ordinance and State law.

The above provisions are all subject to approval by ordinance and/or resolution according to law. If a court of competent jurisdiction finds any word, phrase, clause, section, or provision of this Redevelopment Plan to be invalid, illegal, or unconstitutional, the word, phrase, clause, section, or provision shall be deemed severable, and the remainder of the Redevelopment Plan and implementing ordinances shall remain in full force and effect.

Amendment to Zoning Map and Land Use Ordinance

The Township Zoning Map is hereby amended to reference this Redevelopment Plan as a Zoning District encompassing the Redevelopment Area in its entirety. Additionally, the listing of zoning districts in the Township of Freehold Land Use Ordinance is hereby amended to include a reference to this Redevelopment Plan constituting such a Zoning District and shall be named "Freehold Mall Redevelopment Area".

Where specifically provided for herein, the development standards set forth in this Redevelopment Plan shall supersede the Township of Freehold Land Use Ordinance. In all other instances, the Township Land Use Ordinance shall remain in full force and effect.

Other Provisions

In accordance with the LRHL, the following statements are made:

- (1) The Redevelopment Plan herein has delineated a definite relationship to local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreation and community facilities, and other public improvements. The Plan has laid out various programs and strategies needed to be implemented in order to carry out the objectives of this Plan.
- (2) The Redevelopment Plan lays out the proposed land uses and building requirements for the Redevelopment Area.

- (3) The Redevelopment Plan does not permit or require the acquisition of privately-owned property.
- (4) The Redevelopment Plan is substantially consistent with the Master Plan for the Township of Freehold. The Plan also advances the goals and objectives of the Monmouth County Master Plan and the New Jersey State Development and Redevelopment Plan.
- (5) Non-Discrimination Provisions - No covenant, lease, conveyance, or other instrument shall be affected or executed by the Township Committee or by a redeveloper or any of its successors or assignees, whereby land within the Redevelopment Area is restricted by the Township Committee, or the redeveloper, upon the basis of race, creed, color, sexual orientation, or national origin in the sale, lease, use, or occupancy thereof. Appropriate covenants, running with the land forever, will prohibit such restrictions and shall be included in the disposition instruments. There shall be no restrictions of occupancy or use on the basis of race, creed, color or national origin.

APPENDIX

Appendix 1 - Resolutions

Appendix 2 - Aerial Map

Appendix 3 - Tax Map

Appendix 4 - Regional Location Map

Appendix 5 - Existing Land Use Map

Appendix 6 - Zone Map (portion)

Appendix 7 - NJDEP Map and Database

Appendix 8 - Site Plan

Appendix 9 – Right-of-Way Comparison

Appendix 1 - Resolutions



Resolution of the Township of Freehold

Monmouth County, New Jersey

No: R-20-49

Date of Adoption: February 25, 2020

TITLE: RESOLUTION AUTHORIZING THE PLANNING BOARD TO DETERMINE IF BLOCK 50, LOT 25 IS A PROPERTY IN NEED OF REDEVELOPMENT

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

WHEREAS, Block 50, Lot 25 (the “Property”) is the Freehold Mall property located on Route 9 in the Township owned by Freehold Shopping, LLC; and

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et. seq. sets forth the specific procedure for establishing an area in need of redevelopment; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, prior to the Township Committee’s determination whether a particular study area qualifies as an area in need of redevelopment, the Township Committee must authorize the Township Planning Board, by Resolution, to undertake the preliminary investigation to determine whether the area meets the criteria of a redevelopment area as set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the Township Committee has determined that the Planning Board should undertake such a preliminary investigation and hearing to determine that the Property qualifies under the Local Redevelopment and Housing Law as an area in need of redevelopment; and

WHEREAS, N.J.S.A. 40A:12A-6(a) further provides that, in making such a determination, the Resolution authorizing the Planning Board to undertake the preliminary investigation shall state if the redevelopment area determination shall authorize the municipality to use all the powers provided by the legislature for use in a redevelopment area, including the power of eminent domain; and

WHEREAS, the Township Committee has determined that the redevelopment area determination should authorize the Township of Freehold to use all its powers provided by the legislature for use in the redevelopment area, including the use of eminent domain, thus designating the Property a “Condemnation Redevelopment Area” under N.J.S.A. 40A:12A-6(a).

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Freehold, that the Township Planning Board be and is hereby directed to conduct the necessary investigation including the holding of a public hearing to determine whether or not the Property is or is not an area in need of redevelopment under the criteria set forth in N.J.S.A. 40A:12A-1 et. seq.

BE IT FURTHER RESOLVED that the Planning Board is directed that the redevelopment area determination shall authorize the Township to use all the powers provided by the legislature for use in redevelopment, including the power of eminent domain.

BE IT FURTHER RESOLVED that the Planning Board shall submit its findings and recommendations to the Township Committee in the form of a Resolution with supporting documentation.

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

1. Freehold Township Planning Board
2. Freehold Shopping, LLC
3. The Ten-X Offices, 575 Fifth Avenue, 20th Floor, New York, NY 10017

No. R-20-49

VOTE OF THE TOWNSHIP COMMITTEE							
COMMITTEEMAN	I	S	Y	N	NV	AB	
Mr. Ammiano							X
Mr. Cook	X		X				
Mrs. Fasano			X				
Mr. Walker		X	X				
Mayor Preston			X				

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

PLANNING BOARD OF THE TOWNSHIP OF FREEHOLD

R E S O L U T I O N

Mr. Ammiano offered the following Resolution and moved its adoption which was seconded by Mr. Preston. :

WHEREAS, the Planning Board of the Township of Freehold requires the services of a planning consultant to prepare a preliminary investigation report pertaining to a proposed redevelopment area; and

WHEREAS, the Township Committee of the Township of Freehold has adopted a Resolution requesting that the Planning Board undertake a preliminary investigation pursuant to N.J.S.A. 40A:12A-6; and

WHEREAS, pursuant to the aforesaid provision of the Local Redevelopment and Housing Law, the Freehold Township Committee has authorized the Planning Board to undertake a preliminary investigation to determine whether the property known as Lot 25 in Block 50 on the tax map of the Township of Freehold located on Route 9 and known as the "Freehold Mall" property meets the criteria for a redevelopment area pursuant to N.J.S.A.40A:12A-5; and

WHEREAS, the Planning Board at its annual reorganization meeting has previously appointed Thomas A. Thomas, P.P. of Thomas Planning Associates, L.L.C. as a planning consultant to the Planning Board;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Freehold that Thomas Planning Associates, L.L.C. be and is hereby authorized and directed to perform a study and review of Lot 25 in Block 50 and to prepare a report to the Planning Board as to whether the aforesaid property meets the criteria for an area in need of redevelopment pursuant to N.J.S.A. 40A:12A-5:

BE IT FURTHER RESOLVED that in preparing its report, Thomas Planning Consultants shall address those issues as set forth in N.J.S.A.48:12A-6, including recommendations with respect to whether the redevelopment determination should authorize the Township to use all of those powers provided by the Legislature for use in redevelopment area other than the use of eminent domain or whether the redevelopment determination should authorize the municipality to utilize all such powers, including the power of eminent domain.

BE IT FURTHER RESOLVED that certified copies of this Resolution shall be provided by the Planning Board Secretary to the following:

1. Thomas Planning Associates, L.L.C.
2. Freehold Shopping, L.L.C., owner of Lot 25 in Block 50
3. Freehold Township Committee

ROLL CALL

YES: Mayor Preston, Mr. Ammiano, Mr. Bazzurro, Mr. Coburn, Mr. Gatto, Ms. Jahn, Mr. Shortmeyer, Ms. Kurtz and Mr. Levy.

NO:

ABSENT:

Mr. Bruno, Mr. Kash and Mr. Asadi.


ABSTAINED:

DISQUALIFIED:

DATED:

March 19, 2020

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution which was passed by the Freehold Township Planning Board at its meeting held on March 19, 2020.



Robert Shortmeyer, Secretary

**PLANNING BOARD OF THE TOWNSHIP OF FREEHOLD
RESOLUTION
AREA IN NEED OF REDEVELOPMENT
Freehold Mall (Burlington Coat Factory)
3681 U.S. Route 9 (Block 50, Lot 25)**

Mayor Preston offered the following Resolution and moved its adoption which was seconded by Mr. Shortmeyer.

WHEREAS, on February 25, 2020 the Freehold Township Committee adopted Resolution R-20-49 authorizing the Township Planning Board to undertake a preliminary investigation and public hearing to determine whether the Freehold Mall (Burlington Coat Factory) located at 3681 U.S. Route 9 (northbound) (Block 50, Lot 25) within the Township, herein referred to as the “Study Area” meets the statutory criteria for designation as a “redevelopment area,” in accordance with the Local Redevelopment and Housing Law, (N.J.S.A. 40A:12A-1 et seq.); and

WHEREAS, The Township Committee determined that the redevelopment area determination would authorize the Township to use all the powers provided by law for use in the redevelopment area, including the use of eminent domain, thus designating the property a “Condemnation Redevelopment Area.”; and

WHEREAS, On March 19, 2020 in accordance with Resolution R-20-49 of the Township Committee, the Planning Board authorized an investigation of the Study Area by the Township Planning Board to determine whether the Study Area meets the criteria for an area in need of redevelopment pursuant to N.J.S.A. 40A:12A-5; and

WHEREAS, Thomas Planning Associates prepared a Study Area Map of the site and a Report entitled “Area in Need of Redevelopment Report – Freehold Mall (Burlington Coat Factory) 3681 U.S. Route 9” dated March 24, 2020; and

WHEREAS, the Report concluded that the Study Area's conditions are detrimental to the health, safety, and welfare of the Township and demonstrate that the evidence necessary for criterion "c", "d", and "h" of the redevelopment Law have been met.; and

WHEREAS, the investigation of the Study Area has identified the requisite conditions prescribed under N.J.S.A. 40A:12A5d and other conditions that are sufficient to designate the Freehold Mall property (Block 50, Lot 25) as an Area in Need of Redevelopment with condemnation; and

WHEREAS, the Report and Study Area Map were placed on file for public inspection at the Township Clerk and Planning Board office and were properly Noticed for a public hearing via conference call; and

WHEREAS, the Report and Study Area Map were considered and reviewed by the Planning Board at a public hearing on April 16, 2020; and

WHEREAS, an Addendum to the Area in Need of Redevelopment Report prepared on April 6, 2020 was also considered at the public hearing on April 16, 2020, which provided additional photos to the rear of the existing buildings at the Study Area;

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Township of Freehold, Monmouth County, State of New Jersey, that the Planning Board hereby adopts the "Area in Need of Redevelopment Report" with the Addendum; and

BE IT FURTHER RESOLVED, that the Planning Board recommends to the Township Committee that the delineated Study Area be a Condemnation Redevelopment Area; and

BE IT FURTHER RESOLVED, that certified copies of this Resolution shall be provided by the Planning Board Secretary to the following:

1. Mayor and Township Committee
2. Sanabel Abouzeina, Township Clerk
3. Peter Valesi, Township Administrator
4. Michael Imbriaco, Township Tax Assessor
5. Tim White, P.E., Freehold Township Engineer
6. Todd Brown, Planner – Freehold Township
7. Robert F. Munoz, Esq. Township Attorney
8. Roger McLaughlin, Esq., Planning Board Attorney, McLaughlin, Stauffer & Shaklee, P.C.
9. Andrew Thomas, P.P. Thomas Planning Associates, LLC
10. Michael J. Edwards, Esq. – Special Housing Attorney - Surenian, Edwards and Nolan, LLC
11. Kendra Lelie, P.P. – Court Master - Kyle, McManus
12. Other such Boards and agencies or interested parties that may be affected by or may utilize the Report

ROLL CALL

YES: Mayor Preston, Mr. Ammiano, Mr. Bazzurro, Mr. Bruno, Mr. Gatto, Mr. Kash, Mr. Shortmeyer, Ms. Kurtz and Mr. Levy.

NO:


ABSENT: Mr. Coburn, Ms. Jahn and Mr. Asadi.

ABSTAINED:

DISQUALIFIED:

DATED: April 16, 2020

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution which was passed by the Freehold Township Planning Board at its meeting held on April 16, 2020.



Robert Shortmeyer, Secretary



Resolution of the Township of Freehold

Monmouth County, New Jersey

No: R-20-97

Date of Adoption: April 28, 2020

TITLE: RESOLUTION DECLARING BLOCK 50, LOT 25 AS A CONDEMNATION REDEVELOPMENT AREA

--- RESOLUTION ---

WHEREAS, the Township Committee of the Township of Freehold (“Township Committee”) has, by a Resolution dated February 25, 2020, authorized the Planning Board to undertake a preliminary investigation to determine whether a certain area of the Township, specifically Block 50, Lot 25 (the “Property”), also known as the Freehold Mall Property located on Route 9 in the Township, owed by Freehold Shopping, LLC, was an Area in Need of Redevelopment pursuant to N.J.S.A. 40A:12A-6; and

WHEREAS, the Township Committee also set forth in its Resolution stating its intentions to exercise the power of eminent domain for the designated redevelopment area site; and

WHEREAS, the Resolution of the Township Committee identified Block 50, Lot 25 as a “Condemnation Redevelopment Area” (“the CRA”); and

WHEREAS, in response to the authorization by the Township Committee, the Freehold Township Planning Board authorized the Board Planner and Engineer to inspect the CRA and prepare and submit to the Board a map of the Property and report as to their findings; and

WHEREAS, the Planning Board members personally inspected the CRA; and

WHEREAS, on March 24, 2020, the Planning Board did receive a map of the CRA and a report describing conditions thereon from T. Andrew Thomas, the Planning Board’s Planning Consultant; and

WHEREAS, based upon the Planning Board’s observations and the conclusions in the report of its consultants, the Planning Board found that reasons existed justifying the conducting of a public hearing to determine whether the CRA is a redevelopment area within the meaning of N.J.S.A. 40A:12A-5 and N.J.S.A. 40A: 12A-6a; and

WHEREAS, on April 16, 2020, the Planning Board did conduct the required public hearing and no one appeared in opposition to the designation; and

WHEREAS, an addendum to the March 24, 2020 report was also considered by the Planning Board, which included additional photos of the site and dated April 6, 2020; and

WHEREAS, the Planning Board determined that the CRA, Block 50, Lot 25, is an Area in Need of Redevelopment within the definitions and requirements of N.J.S.A. 40A:12A-1 et. seq. and adopted a Resolution to that effect; and

WHEREAS, the Planning Board further determined that the redevelopment area determination should authorize the municipality to use all of its powers provided by the legislature for use in a redevelopment area, including the power of eminent domain; and

WHEREAS, the Township Committee has thoroughly reviewed and agrees with the determination and recommendation of the Planning Board.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Freehold that the CRA, Block 50, Lot 25, is hereby designated as a Condemnation Redevelopment Area as defined by N.J.S.A. 40A:12A-6a.

BE IT FURTHER RESOLVED by the Township Committee of the Township of Freehold that it finds that the existence of 15 separate leasable spaces within the main building of which there are 10 currently in operation and the remaining are vacant together and two additional separate buildings with various diverse leases presents an obstacle for redevelopment of the site.

BE IT FURTHER RESOLVED by the Township Committee of the Township of Freehold that it finds that redevelopment of the property requires termination of several existing leases by the exercise of eminent domain to overcome the age and obsolete layout of the site.

BE IT FURTHER RESOLVED by the Township Committee of the Township of Freehold that it hereby authorizes the use of all powers provided by the legislature for use in a redevelopment area, including the power of eminent domain to acquire said property.

BE IT FURTHER RESOLVED that the Township's Professional Planners are hereby authorized to prepare a Redevelopment Plan for The Delineated Area.

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

- (a) Commissioner of the Department of Community Affairs.
- (b) Freehold Mall, LLC.
- (c) Freehold Township Planning Board.
- (d) Township Attorney.

No. R-20-97

VOTE OF THE TOWNSHIP COMMITTEE							
COMMITTEEMAN	I	S	Y	N	NV	AB	
Mr. Ammiano	X		X				
Mr. Cook			X				
Mrs. Fasano			X				
Mr. Walker		X	X				
Mayor Preston			X				

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



Resolution of the Township of Freehold

Monmouth County, New Jersey

No: R-21-138

Date of Adoption: June 22, 2021

**TITLE: RESOLUTION AMENDING RESOLUTION NO. R-20-97 DECLARING
BLOCK 50, LOT 25 AS A NON-CONDEMNATION REDEVELOPMENT
AREA**

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

WHEREAS, the Township Committee of the Township of Freehold (“Township Committee”) has, by a Resolution dated February 25, 2020 authorized the Planning Board to undertake a preliminary investigation to determine whether a certain area of the Township, specifically Block 50, Lot 25 (the “Property”), also known as the Freehold Mall Property located on Route 9 in the Township, owned by Freehold Shopping, LLC, was an Area in Need of Redevelopment pursuant to N.J.S.A. 40A:12A-6; and

WHEREAS, the Township Committee also set forth in its Resolution stating its intentions to exercise the power of eminent domain for the designated redevelopment area site; and

WHEREAS, the Resolution of the Township Committee identified Block 50, Lot 25 as an Area In Need of Redevelopment; and

WHEREAS, in response to the authorization by the Township Committee, the Freehold Township Planning Board authorized the Board Planner and Engineer to inspect the Property and prepare and submit to the Board a map of the Property and report as to their findings; and

WHEREAS, the Planning Board members personally inspected the Property; and

WHEREAS, on March 24, 2020, the Planning Board did receive a map of the area and a report describing conditions thereon from T. Andrew Thomas, the Planning Board’s Planning Consultant; and

WHEREAS, based upon the Planning Board’s observations and the conclusions in the report of its consultants, the Planning Board found that reasons existed justifying the conducting of a public hearing to determine whether the Property is a redevelopment area within the meaning of N.J.S.A. 40A:12A-5 and N.J.S.A. 40A: 12A-6a; and

WHEREAS, an addendum to the March 24, 2020 report was also considered by the Planning Board which included additional photos of the site and dated April 6, 2020; and

WHEREAS, the Planning Board determined that Block 50, Lot 25, is an Area in Need of Redevelopment within the definitions and requirements of N.J.S.A. 40A:12A-1 et. seq. and adopted a Resolution to that effect; and

WHEREAS, the Planning Board further determined that the redevelopment area determination should authorize the municipality to use all of its powers provided by the legislature for use in a redevelopment area, including the power of eminent domain; and

WHEREAS, the Township Committee has reviewed and agreed with the determination and recommendation of the Planning Board and adopted Resolution R-20-97 designating the subject property as an Area in Need of Redevelopment under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et. seq. and authorizing the use of eminent domain; and

WHEREAS, during the processing of the redevelopment declaration, the subject property was purchased by Aspen Rt. 9, LLC; and

WHEREAS, on June 12, 2020, Aspen Rt. 9, LLC filed an action in lieu of prerogative writs, Docket No. MON-L-1840-20 seeking a declaratory judgment in opposition to the designation of the Area in Need of Redevelopment and the use of eminent domain; and

WHEREAS, the parties have engaged in negotiations since the filing of the action in lieu of prerogative writs in order to resolve issues relating to the use of eminent domain and the requirement for providing affordable housing; and

WHEREAS, the parties have arrived at a settlement of the above referenced litigation retaining the designation of the Property without eminent domain.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Freehold that Block 50, Lot 25 is hereby designated as a Non-Condemnation Redevelopment Area as defined by N.J.S.A. 40A:12A-6(a).

BE IT FURTHER RESOLVED by the Township Committee of the Township of Freehold that it hereby withdraws the use of its power of eminent domain to acquire said property.

BE IT FURTHER RESOLVED that the Township's Professional Planners are hereby authorized to prepare a Redevelopment Plan for The Delineated Area.

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

- (a) Commissioner of the Department of Community Affairs
- (b) Aspen Rt. 9, LLC and its Attorneys
- (c) Freehold Township Planning Board
- (d) Township Planners
- (e) Township Attorney

No. R-21-138

VOTE OF THE TOWNSHIP COMMITTEE							
COMMITTEEMAN	I	S	Y	N	NV	AB	
Mr. Ammiano		X	X				
Mrs. Fasano			X				
Mr. Preston			X				
Mr. Walker	X		X				
Mayor Cook			X				

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

Appendix 2 - Aerial Map



AERIAL MAP STUDY AREA

Freehold Mall

Block 50, Lot 25

U.S. Route 9 - Freehold Township



Sources: NJDEP GIS data; NJDOT GIS data.
This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not state-authorized.

— Site

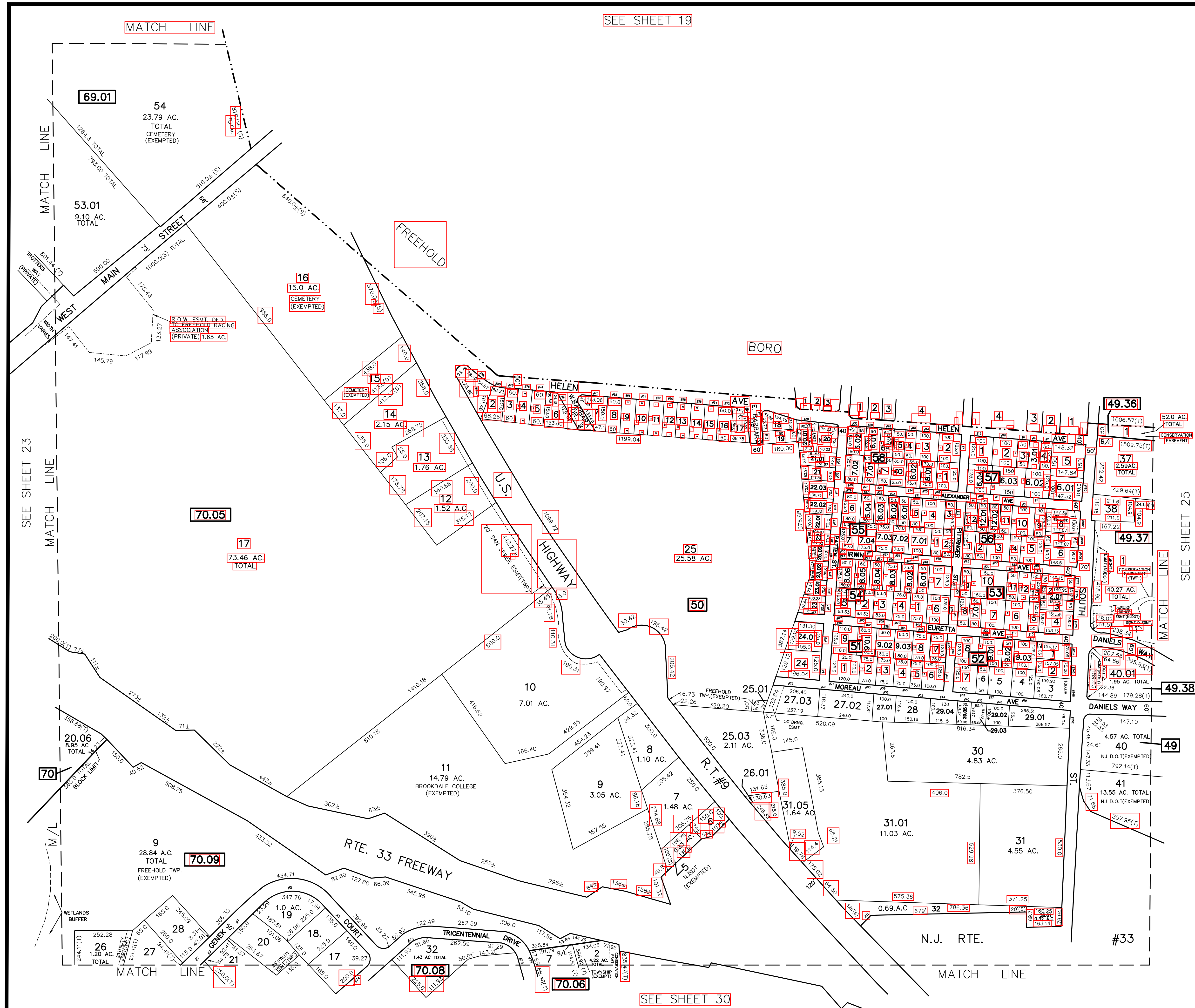
0 50 100 200 300 400 Feet

Prepared: April 12, 2021

	THOMAS PLANNING ASSOCIATES, LLC
	Professional Planning and G.I.S. Consultants P.O. Box 363 Brielle, N.J. 08730-0363
T. Andrew Thomas, P.P. Tel: (732) 556-6711 andy@tandj.com	Thomas A. Thomas, P.P. Tel: (732) 616-2289 tmap@tandj.com

Appendix 3 - Tax Map

REVISIONS		
DATE	NAME	LIC. NO.
3/6/17	TIMOTHY P. WHITE	24GB04257000



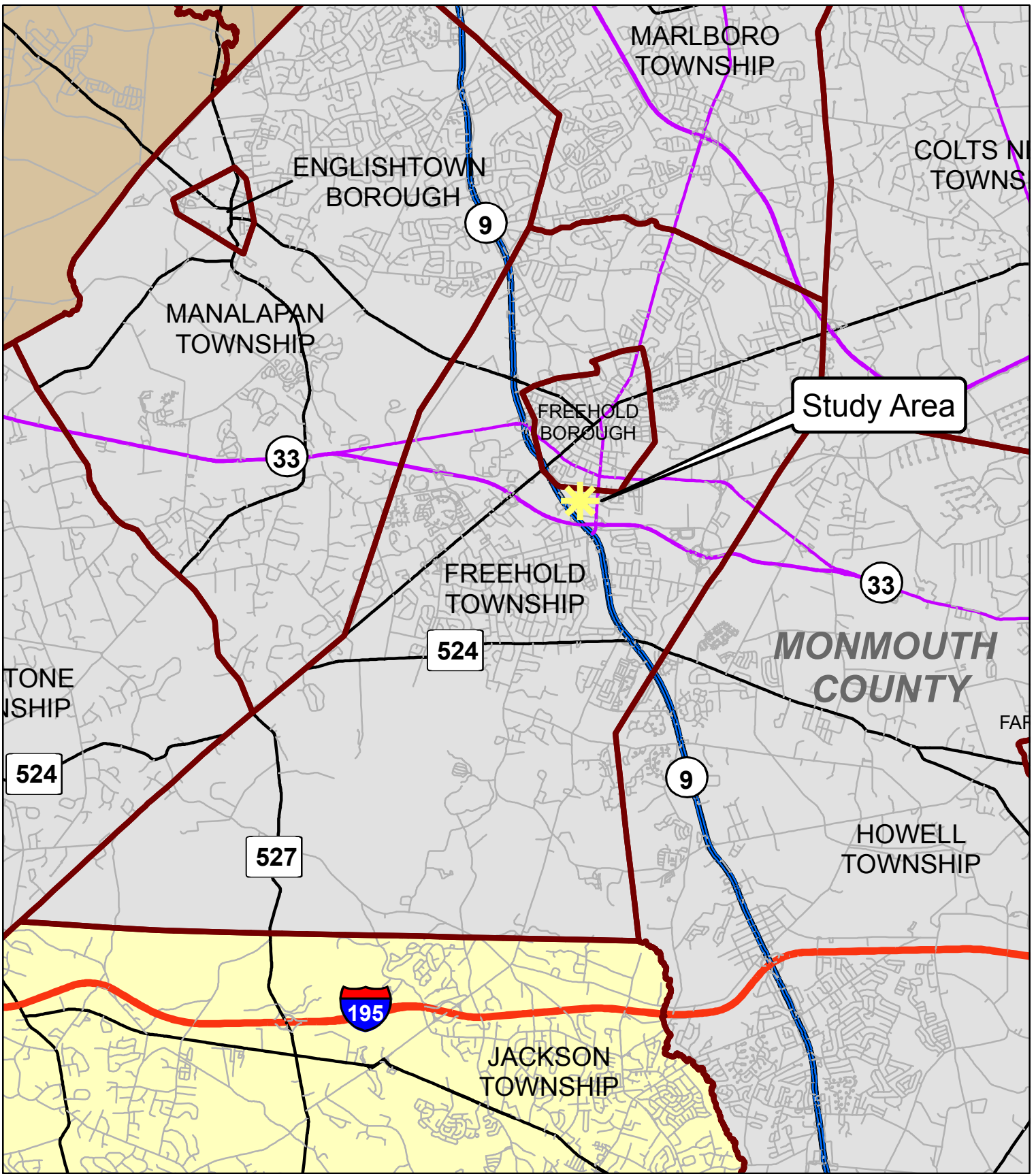
TM
ASSOCIATES
 11 TINDALL ROAD
 MIDDLETOWN, NJ 07748
 TEL 732-671-6400
 FAX 732-671-7365
 NEW JERSEY BOARD OF
 PROFESSIONAL ENGINEERS AND
 LAND SURVEYORS
 CERTIFICATE OF AUTHORIZATION
 24G427987500

TAX MAP
TOWNSHIP OF FREEHOLD
MONMOUTH COUNTY, NEW JERSEY
 SCALE: 1"= 200' JANUARY, 2008
JOSEPH M. MAVURO, P.E., P.L.S.
 1 MUNICIPAL PLAZA
 FREEHOLD, NEW JERSEY 07728

THIS MAP HAS BEEN DRAWN USING COMPUTER AIDED DRAFTING/DESIGN (CAD/D) AND COORDINATE GEOMETRY.

THIS MAP IS A COPY OF THE ORIGINAL MAP PREPARED BY WILLIAM HELD, P.E. & P.L.S. DATED MARCH 1962. THE ORIGINAL MAP IS ON FILE IN THE ENGINEER'S OFFICE.

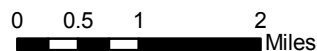
Appendix 4 - Regional Location Map




**REGIONAL LOCATION
STUDY AREA**

Freehold Mall
Block 50, Lot 25
U.S. Route 9 - Freehold Township

Sources: NJDEP GIS data; NJDOT GIS data.
This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not state-authorized.



Prepared: April 12, 2021


THOMAS PLANNING ASSOCIATES, LLC
 Professional Planning and GIS Consultants
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 Brielle, NJ 08730-0363
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 andy@tpaonline.com
 Thomas A. Thomas, P.P. Tel: (732) 616-2289
 tom@tpaonline.com

Appendix 5 - Existing Land Use Map



EXISTING LAND USE MAP

Freehold Mall

Block 50, Lot 25

U.S. Route 9 - Freehold Township


— Site

0 50 100 200 300 400 Feet

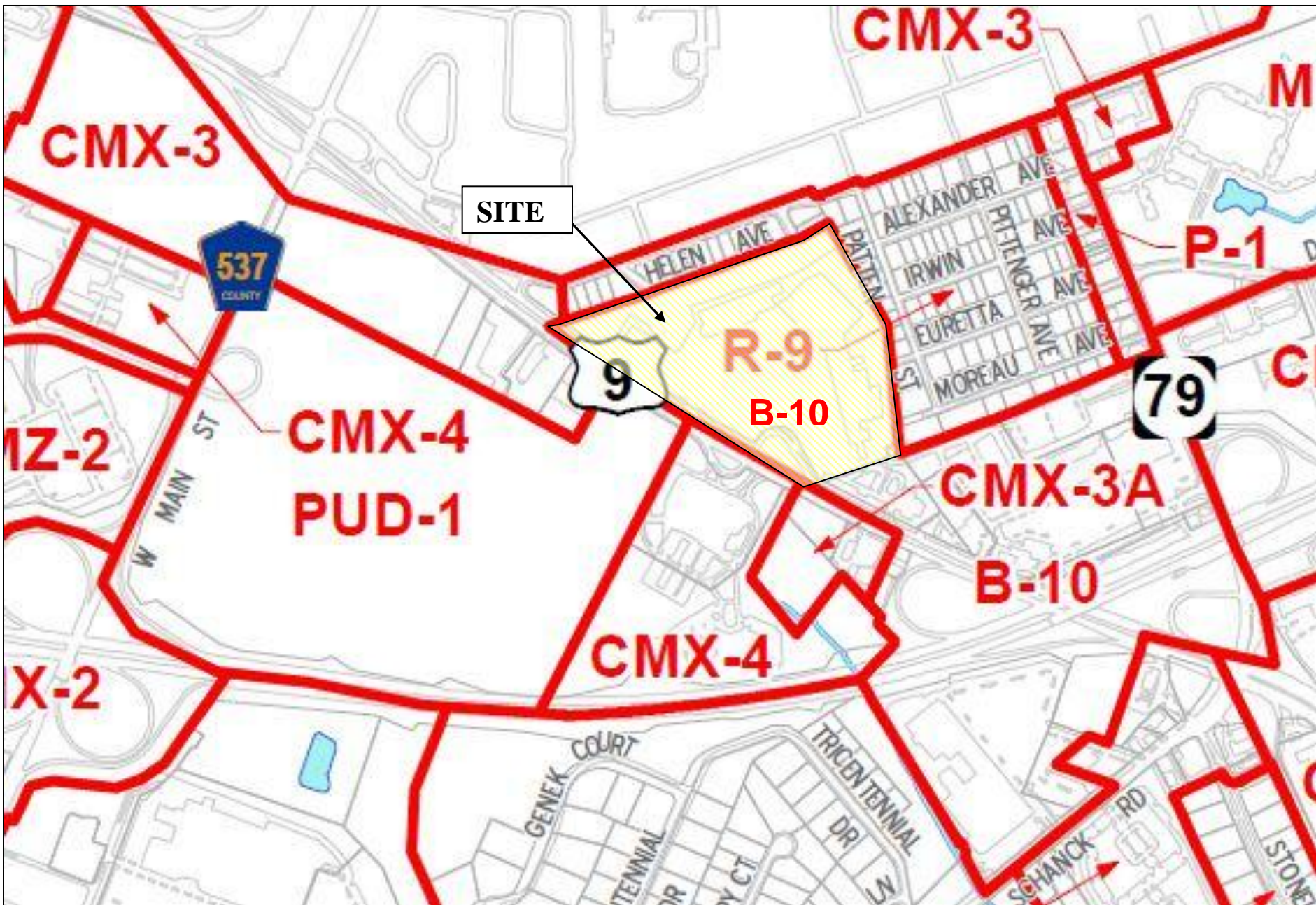
Prepared: April 12, 2021



Sources: NJDEP GIS data; NJDOT GIS data. This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not state-authorized.


THOMAS PLANNING ASSOCIATES, LLC
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 T. Andrew Thomas, P.P.
 Tel: (732) 556-6711
 andy@tplan.com
 Thomas A. Thomas, P.P.
 Tel: (732) 616-2289
 tawp@tplan.com

Appendix 6 - Zone Map (portion)



ZONING MAP


Freehold Mall

Block 50, Lot 25

U.S. Route 9 – Freehold Township

Prepared: January 28, 2020 Not to Scale




THOMAS PLANNING ASSOCIATES, LLC
 Professional Planning and G.I.S. Consultants
 P.O. Box 363
 Brielle, N.J. 08730-0363
 Thomas A. Thomas, P.P. Tel: (732) 616-2299 tomplan@verizon.net
 T. Andrew Thomas, P.P., A.I.C.P. Tel: (732) 616-6711 andyplan@aol.com

Appendix 7 - NJDEP Map and Database

Details of " Groundwater Contamination Areas (CEA) "

Attribute	Value
Preferred ID	016147
Subject Item ID	31779
Activity Number	LSR110001
Case Tracking Number	0
Name	Red Star Texaco
CEA Name	Red Star Texaco
Address	Route 9 & Craig Rd
Block / Lot	50-25
Municipality	Freehold Twp
County	Monmouth
Program	LSRP
Established Date	8/1/2017 12:00:00 AM
CEA Description	CEA extends to the south beyond site boundaries, beneath the Route 9 highway and includes the right-of-way of the Route 9. CEA delineated by ground water data.
Restriction Depth (ft)	50.00
Duration (yrs)	15
Well Restriction Area (WRA)	Yes
Groundwater Classification	II-A
Geologic Formation	Hornerstown Fm, Tinton Fm
Ground Water Flow Direction	Southeast
Benzene	Yes
Methyl Tertiary Butyl Ether (MTBE)	
t-Butyl Alcohol (TBA)	
Trichloroethene (TCE)	
Tetrachloroethene (PCE)	
Chloroform	
Carbon tetrachloride	
Vinyl chloride	
Naphthalene	

Benzo[a]pyrene	
Lead (Pb)	
Arsenic	
Chromium	
Cadmium	
Mercury	
Tentatively Identified Compounds (TICs)	Yes
Volatile Organics (VOs)	Toluene, Xylenes (total)
Base/Neutrals (BNs)	
Metals	
Pesticides	
Polychlorinated Biphenyls (PCBs)	
Dioxin	
Radionuclides	
Free Product	
Historic Fill	No
Other Contaminants	
Acres	1.07527
Perimeter (ft.)	969.42463223

Details of " Known Contaminated Sites List "

Attribute	Value
NJEMS Site ID	4,647.00
Preferred ID	016147
PI Name	RED STAR TEXACO
Address	RT 9 & CRAIG RD
Municipality	Freehold Twp
County	Monmouth
ZIP Code	07728
COMU Code	1316
Lead Program	LSRP
Site Status	Active
Status Dt	8/11/2011 12:00:00 AM
Remedial Level	C2
LSRP Fee Category	LSRP 2-10 CAOC
CEA Status	Ongoing
CEA Established	8/1/2017 12:00:00 AM
Deed Notice Status	
Deed Notice Filed	
Eng Control Status	
Eng Control Implemented	
National Priority List Status	
NPL Listing	
Unknown Source	No
Site Category	A
X Coordinate	552,512.00
Y Coordinate	515,269.00
Coordinate	NJ State Plane (NAD83) - USFEET
Dataload Date	1/27/2020 12:00:00 AM

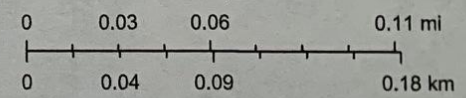
Freehold Mall (Block 50, Lot 25)



4/13/2021, 4:32:04 PM

1:4,514

- Wetlands (2012)
- Municipalities
- County Boundaries
- Parcels Data (Block and Lot)
- Groundwater Contamination Areas (CEA)
- Roads NJ (Centerlines)



Esri Community Maps Contributors, State of New Jersey,

New Jersey Department of Environmental Protection

Appendix 8 – Site Plan

ZONING COMPLIANCE CHART: SHOPPING CENTER					
B-10 (COMMERCIAL HIGHWAY DEVELOPMENT) ZONE (§ 190-145)					
SHOPPING CENTER: PERMITTED					
ORD SECTION	STANDARD	REQUIRED	EXISTING	PROPOSED	COMPLIES
REDEV PLAN	MIN. LOT AREA (ACRES)	20 ACRES	1,081.518 (24.828 AC)	1,041.588 (23.81 AC)	YES
SCHEDULE	MIN. LOT WIDTH (FT)	1,000	>1,000	>1,000	YES
REDEV PLAN	MIN. LOT FRONTAGE (FT)	1,000	>1,000	>1,000	YES
SCHEDULE	MIN. LOT DEPTH (FT)	300	>300	>300	YES
REDEV PLAN	PRINCIPAL BUILDING				YES
REDEV PLAN	MIN. FRONT YARD SETBACK (FT)	90	107.08	90.0	YES
REDEV PLAN	MIN. REAR YARD SETBACK (FT)	45	49.58	NO CHANGE	YES
REDEV PLAN	MIN. SIDE YARD SETBACK (FT)	35	38.50	NO CHANGE	YES
REDEV PLAN	MIN. SIZE OF PRINCIPAL BUILDING (SF)	2,500	6,780	3,300	YES
REDEV PLAN	MAX. BUILDING HEIGHT (STORIES)	2	(a)	NO CHANGE	YES
REDEV PLAN	MAX. BUILDING HEIGHT (STORIES)	2	1	NO CHANGE	YES
REDEV PLAN	ADDITIONAL BUFFERS				YES
REDEV PLAN	MIN. WIDTH OF BUFFER ZONE NORTHERN PROPERTY LINE (FT)	100	NIS	>100	YES
REDEV PLAN	MIN. WIDTH OF BUFFER ZONE EASTERLY PROPERTY LINE (FT)	10	NIS	>10	YES
REDEV PLAN	SCENIC CORRIDOR BUFFER (FT)	N/A	N/A	N/A	YES
SCHEDULE	ACCESSORY BUILDING				YES
SCHEDULE	MIN. REAR YARD SETBACK (FT)	30	N/A	>30	YES
SCHEDULE	MIN. SIDE YARD SETBACK (FT)	30	N/A	>30	YES
REDEV PLAN	LOT COVERAGE				YES
REDEV PLAN	MAX. BUILDING COVERAGE (%)	25	20.6	23.7	YES
REDEV PLAN	MAX. IMPERVIOUS COVERAGE (%)	85	84.6	82.9	YES
REDEV PLAN	MAX. FLOOR AREA RATIO	0.27	0.23	0.28	YES

(a) THIS PERTAINS TO AN EXISTING STRUCTURE WHICH WAS NOT MADE AVAILABLE TO THIS OFFICE
 (b) EXISTING BUILDINGS ON SITE CONTAIN 23,100 SF OF INTERNAL MEZZANINES AS FOLLOWS:
 7,500 SF - BURLINGTON, 2,000 SF - ALD'S, 1,800 SF - FIRESTONE, 2,500 SF - GYM, 10,000 SF - FARMER'S MARKET
 N/A - NOT APPLICABLE
 NIS - NOT SPECIFIED

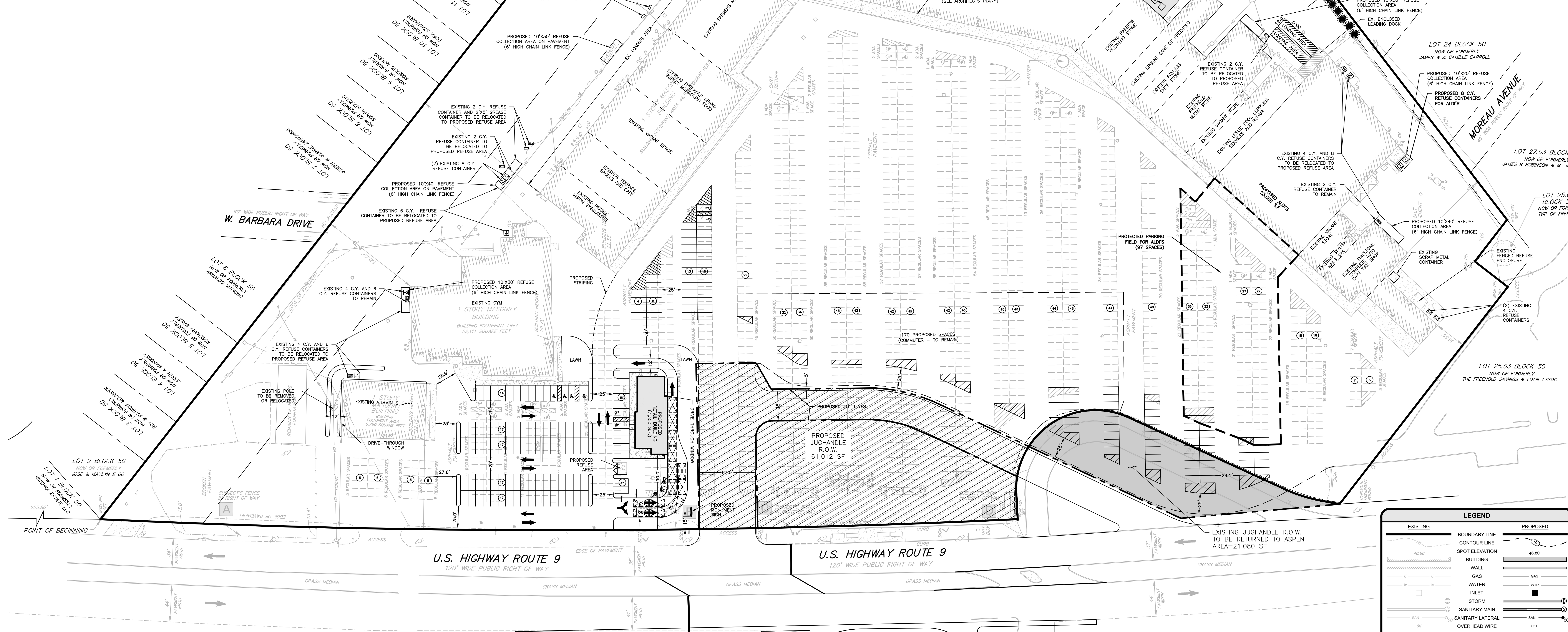
SIGNAGE COMPLIANCE CHART (§190-180)				
ORD SECTION	STANDARD	REQUIRED	EXISTING	COMPLIES
190-180(A)	MAX. AREA (SF)	200	>200	YES (E)
190-180(A)	MAX. HEIGHT (FT)	20	>20	YES (E)
190-180(A)	MIN. SETBACK TO R.O.W. (FT)	15	<15	YES (E)

(E) THREE EXISTING PYLON SIGNS TO REMAIN AS PERMITTED

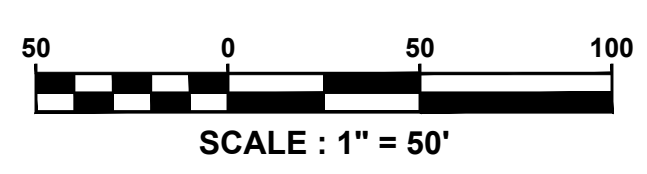
PARKING, DRIVEWAY & LOADING COMPLIANCE CHART (§ 190-162): SHOPPING CENTER					
ORD SECTION	STANDARD	REQUIRED	EXISTING	PROPOSED	COMPLIES
190-162	STALL SIZE (FT)	9 X 18	9 X 18	9 X 18	YES
REDEV PLAN	SHOPPING CENTER	270,145 / 1,000 + 270 SPACES	1,098 SPACES (INCLUDING 34 HANDICAP SPACES)	918 SPACES (INCLUDING 24 HANDICAP SPACES)	YES
190-162	3 PARKING SPACES PER 1,000 SF OF GROSS LEASABLE FLOOR AREA (TOTAL GROSS FLOOR AREA = 270,145 S.F.)	810 REQUIRED SPACES	(INCLUDING 300 COMM. SPACES)	(INCLUDING 170 COMM. SPACES)	YES
190-162	MIN. PARKING SETBACK FROM STREET LINE (FT)	10	>10	>10	YES
190-162	MIN. PARKING SETBACK FROM SIDE PROPERTY LINE (FT)	5	>5	>5	YES
190-162	MIN. PARKING SETBACK FROM REAR PROPERTY LINE (FT)	5	>5	>5	YES
190-162	MIN. DRIVEWAY SETBACK FROM INTERSECTIONS (FT)	0	0	0	YES
REDEV PLAN	MIN. DRIVEWAY SETBACK FROM PROPERTY LINES (FT)	0	0	0	YES
190-162	MIN. AISLE WIDTH (80' PARKING) (TWO-WAY) (FT)	25	>25	25	YES
190-164	MIN. LOADING SPACE SIZE (FT)	12x45	>12x45	>12x45	YES
190-164	MIN. NUMBER OF LOADING SPACES	12	>12	>12	YES

(1) 190-162(a) - PARKING SPACES SHALL BE A MINIMUM OF 9.5 FEET BY 18 FEET AND SHALL BE STRIPPED WITH FOUR-INCH STRIPING. PROVIDED, HOWEVER, THAT PARKING LOTS WITH 1,000 OR MORE SPACES APPROVED PRIOR TO JANUARY 1, 2000, WITH NINE FEET BY 18 FEET SPACES WITH HARPPIN STRIPING MAY BE CONTINUED AND, IF EXPANDED OR MODIFIED, SHALL BE PERMITTED TO MAINTAIN THE NINE-BY-EIGHTEEN SPACE DIMENSION WITH A TWENTY-FIVE-FOOT AISLE AND MARKED WITH HARPPIN STRIPING CONSISTENT WITH THE PREVIOUSLY APPROVED PARKING LOT DESIGN. PARKING SPACES FOR HANDICAPPED VEHICLES SHALL COMPLY WITH THE DESIGN AND ACCESS REQUIREMENTS OF THE AMERICANS WITH DISABILITIES ACT.
 (2) 190-164 - IN SHOPPING CENTERS, COMMERCIAL USES MAY UTILIZE COMMON LOADING SPACES AND NONPUBLIC DRIVEWAYS, OTHER THAN FIRE ZONES, DURING OUT OF NORMAL BUSINESS HOURS OF OPERATION FOR LOADING AND OFF-LOADING. THE NUMBER OF SPACES TO BE PROVIDED WILL BE IN ACCORDANCE WITH THE ABOVE SCHEDULE BASED ON GROSS LEASABLE FLOOR AREA RATHER THAN TOTAL FLOOR AREA.
 (3) 190-164 - OFF-STREET LOADING REQUIREMENT:
 (A) 1 TO 2,500 SF (NO MINIMUM)
 2,500 TO 10,000 SF (MINIMUM OF 1 SPACE)
 10,000 TO 25,000 SF (MINIMUM OF 2 SPACES)
 EACH ADDITIONAL 20,000 SF OR FRACTION THEREOF (1 ADDITIONAL SPACE)

- SITE LAYOUT NOTES**
- SEE LANDSCAPE PLANS FOR DETAILS ON HARDSCAPE AND PLANTING MATERIALS.
 - SEE ARCHITECT'S PLANS FOR BUILDING ELEVATIONS, FLOOR PLANS, CART SERVICE LOCATION, AND PROPOSED FACADE IMPROVEMENTS DETAIL.
 - ALL AREAS OF CRACKED, SETTLED, SPALLED OR OTHERWISE DISTURBED CURB AND SIDEWALKS SHALL BE REPAIRED AND/OR REPLACED AT THE DIRECTION OF THE TOWNSHIP ENGINEER.
 - ENCLOSE ALL REFUSE COLLECTION AREAS WITH 6' CHAIN LINK FENCE WITH PRIVACY SLATS.



PLANTING SCHEDULE				
KEY	QTY.	BOTANICAL NAME	COMMON NAME	MATURE HEIGHT / MATURE SPREAD
TP	74	EVERGREEN TREES THUJA PLICATA 'GREEN GIANT'	GREEN GIANT ARBORVITAE	40-50' / 10-12'



LEGEND

EXISTING	PROPOSED
BOUNDARY LINE	BOUNDARY LINE
CONTOUR LINE	CONTOUR LINE
SPOT ELEVATION	SPOT ELEVATION
BUILDING	BUILDING
WALL	WALL
GAS	GAS
WATER	WTR
INLET	INLET
STORM	STORM
SANITARY MAN	SAN
SANITARY LATERAL	SAN
OVERHEAD WIRE	OH
ELECTRIC	E
TELEPHONE	TEL
UTILITY POLE	UTL
HYDRANT	HYD
SIGN POST	SIGN
FENCE	FENCE
LIGHT FIXTURE	LIGHT
TEST PIT LOCATION	TEST PIT
GRADE FLOW ARROW	GRADE FLOW
SWALE CENTER LINE	SWALE

PROJECT INFORMATION

3684 ROUTE 9
 BLOCK 50, LOT 25
 BOROUGH OF FRESHFIELD
 MONMOUTH COUNTY, NEW JERSEY

APPLICANT'S PROFESSIONALS

SURVEYOR:
 ROCK AND CLARK CORPORATION
 AN INC COMPANY
 3550 W. MARKET STREET, SUITE 200
 AARON, OH 43333

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PRELIMINARY

REVISIONS

REV #	DATE	DESCRIPTION
0	09/22/21	INITIAL RELEASE

DATE: 09/22/21 DESIGNED BY: CMB
 DRAWN BY: JZL
 CHECKED BY: JLF
 JOB #: 20-1359-02
 CAD ID: 20-1359-02_01-Concept P

APPROVED BY: [Signature]

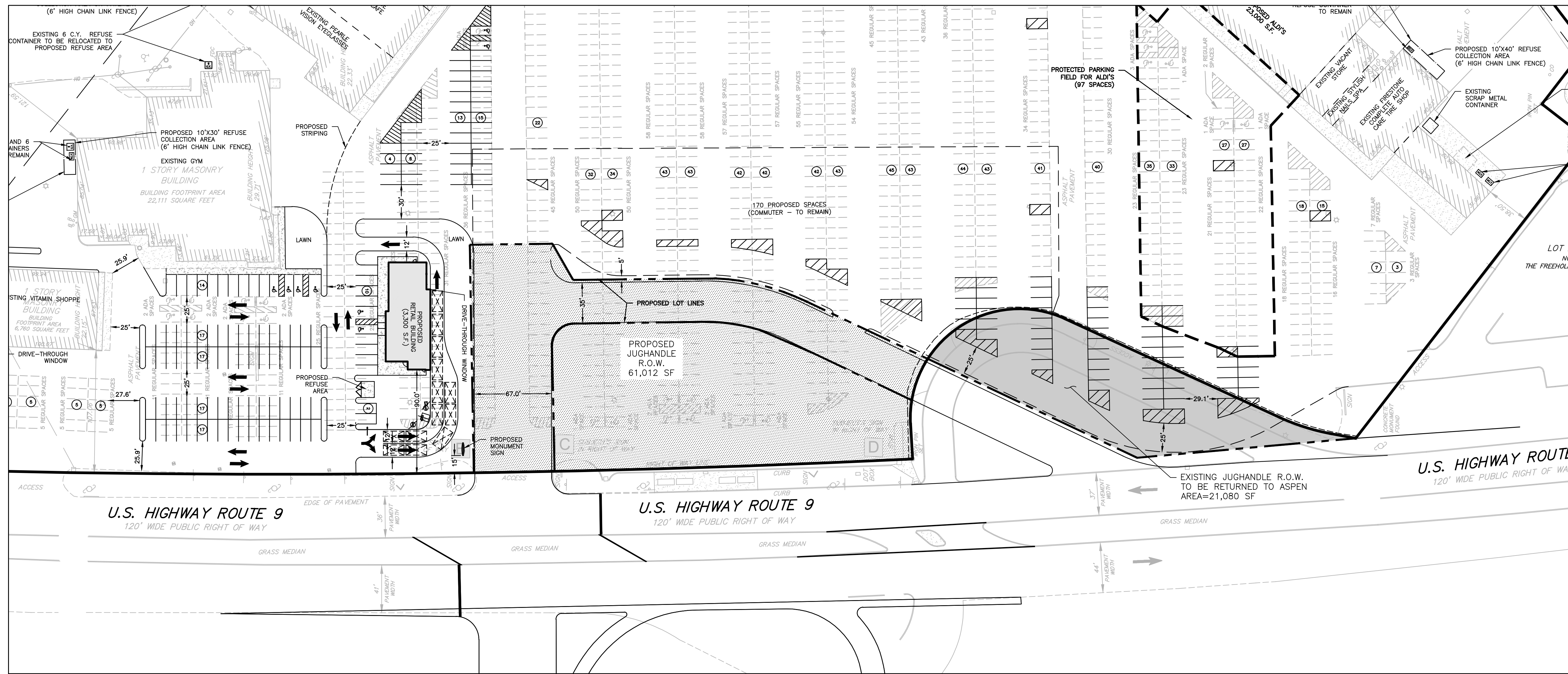
PLAN INFORMATION

CONCEPT PLAN

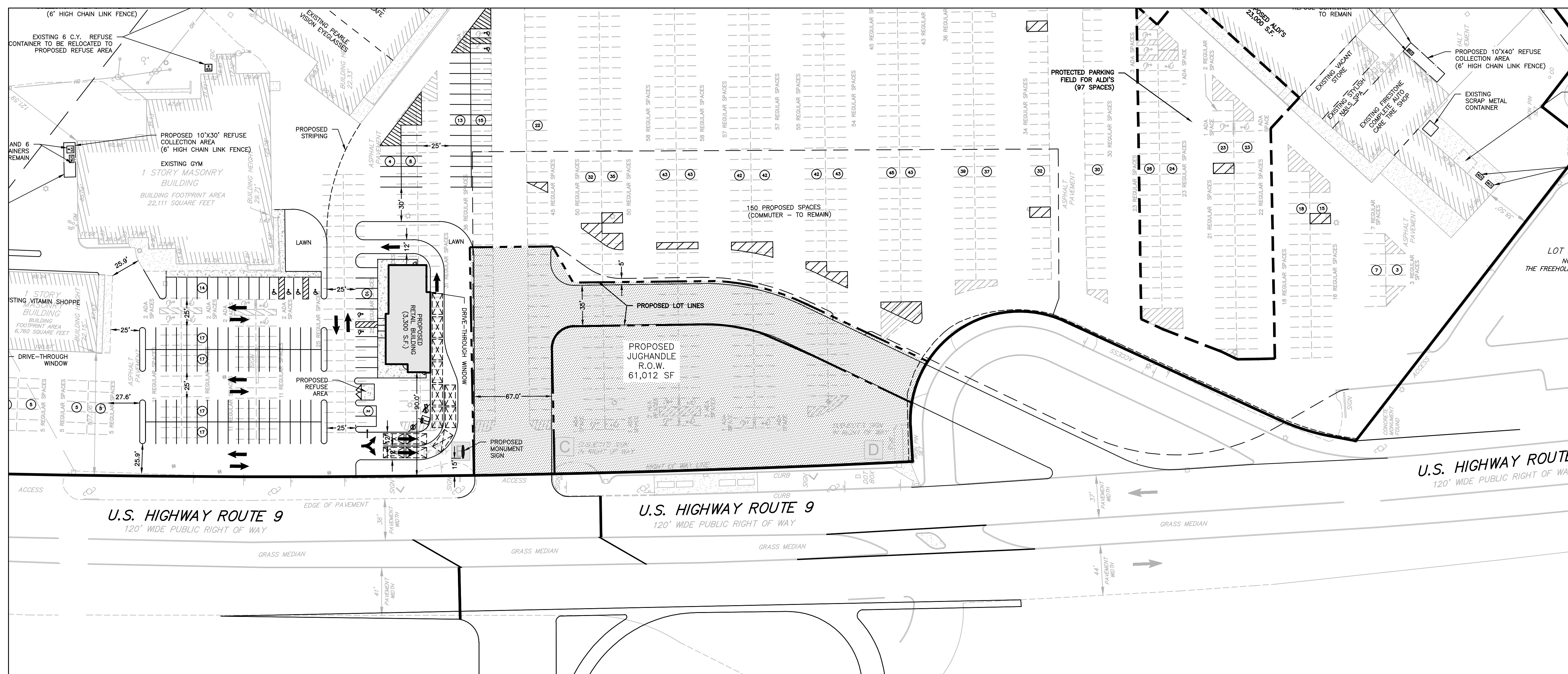
CONCEPT PLAN P

1 of 1

Appendix 9 – Right-of-Way Comparison



R.O.W. EXHIBIT - OPTION A



R.O.W. EXHIBIT - OPTION B

COMPLIANCE CHART - OPTION A

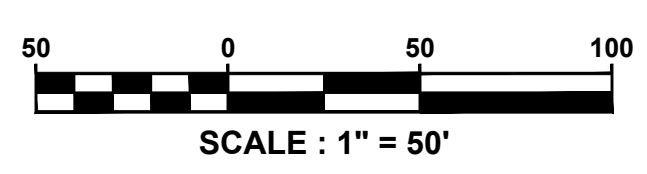
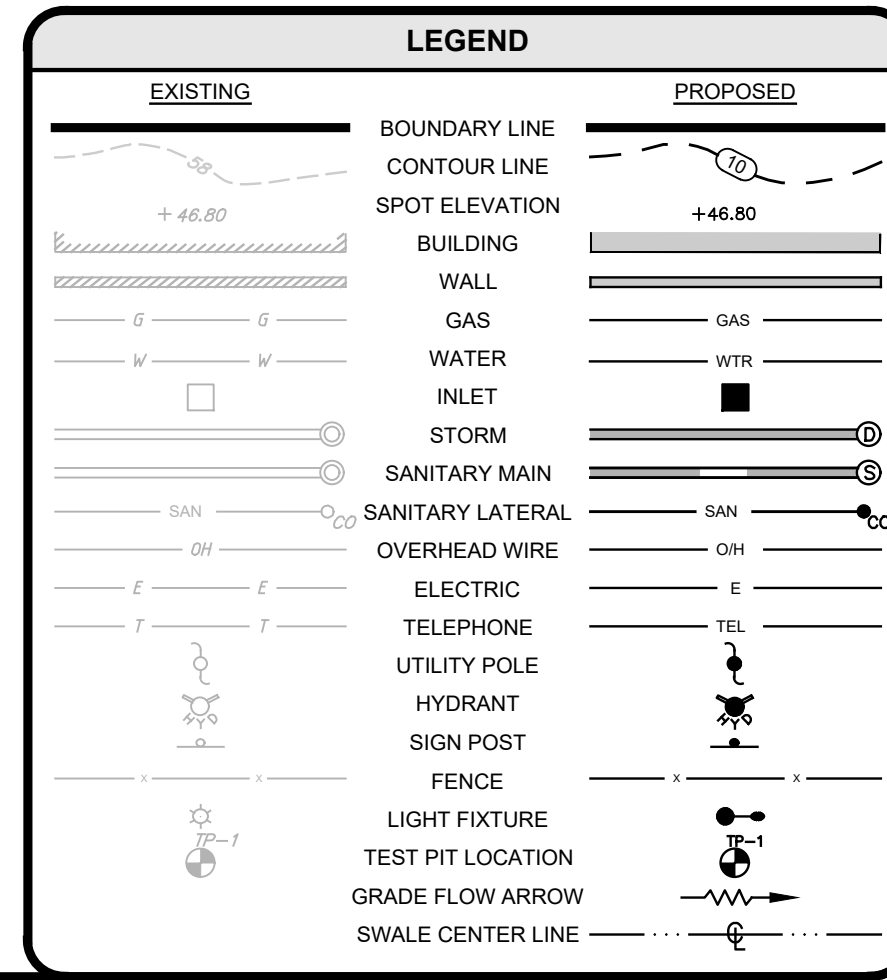
	RDP REQUIRED	EXISTING	PROPOSED
LOT AREA (SF)	871,200	1,081,518	1,041,588
NET AREA DEDICATED TO ROW (SF)	N/A	N/A	39,932
BUILDING AREA (SF)*	N/A	223,532	247,045
BUILDING COVERAGE (%)	25.0	20.7	23.7
IMPERVIOUS AREA (SF)	N/A	903,335	863,700
IMPERVIOUS COVERAGE (%)	85.0	83.5	82.9
TOTAL FLOOR AREA**	N/A	246,632	270,145
FLOOR AREA RATIO	0.27	0.23	0.26
TOTAL PARKING SPACES***	741	1,095	916
STANDARD PARKING	N/A	731	722
HANDICAPPED PARKING (2% OF TOTAL)	15	34	24
COMMUTER PARKING	N/A	330	170
NET ON-SITE PARKING (NO COMMUTER)	N/A	765	746
PARKING SPACES PER 1,000 SF GROSS	3.0	4.4	3.4
LEASABLE FLOOR AREA			

*INCLUDES EXISTING BUILDING SF (1ST FLOOR) AND RDP ALLOWED 20,000 SF BURLINGTON ADDITION AND 3,300 SF PAD SITE
 **INCLUDES EXISTING BUILDING SF (1ST FLOOR), 23,100 SF INTERNAL MEZZANINES, AND RDP ALLOWED 20,000 SF BURLINGTON ADDITION AND 3,300 SF PAD SITE
 ***PARKING REQUIREMENT ALLOWS INCLUSION OF ON-SITE COMMUTER PARKING SPACES

COMPLIANCE CHART - OPTION B

	RDP REQUIRED	EXISTING	PROPOSED
LOT AREA (SF)	871,200	1,081,518	1,020,506
NET AREA DEDICATED TO ROW (SF)	N/A	N/A	61,012
BUILDING AREA (SF)*	N/A	223,532	247,045
BUILDING COVERAGE (%)	25.0	20.7	24.2
IMPERVIOUS AREA (SF)	N/A	903,335	842,620
IMPERVIOUS COVERAGE (%)	85.0	83.5	82.0
TOTAL FLOOR AREA**	N/A	246,632	270,145
FLOOR AREA RATIO	0.27	0.23	0.265
TOTAL PARKING SPACES***	741	1,095	859
STANDARD PARKING	N/A	731	685
HANDICAPPED PARKING (2% OF TOTAL)	15	34	24
COMMUTER PARKING	N/A	330	150
NET ON-SITE PARKING (NO COMMUTER)	N/A	765	709
PARKING SPACES PER 1,000 SF GROSS	3.0	4.4	3.2
LEASABLE FLOOR AREA			

*INCLUDES EXISTING BUILDING SF (1ST FLOOR) AND RDP ALLOWED 20,000 SF BURLINGTON ADDITION AND 3,300 SF PAD SITE
 **INCLUDES EXISTING BUILDING SF (1ST FLOOR), 23,100 SF INTERNAL MEZZANINES, AND RDP ALLOWED 20,000 SF BURLINGTON ADDITION AND 3,300 SF PAD SITE
 ***PARKING REQUIREMENT ALLOWS INCLUSION OF ON-SITE COMMUTER PARKING SPACES



PROJECT INFORMATION

PROJECT NAME: 3684 ROUTE 9
 BLOCK 58, LOT 25
 BOROUGH OF FRESHFIELD
 MONMOUTH COUNTY, NEW JERSEY

APPLICANT'S PROFESSIONALS
 SURVEYOR:
 ROCK AND CLARK CORPORATION
 3550 W. MARKET STREET, SUITE 200
 AARON, OH 44333



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PRELIMINARY

REVISIONS

REV. NO.	DATE	DESCRIPTION

APPROVED BY:

FOR CONSTRUCTION

PLAN INFORMATION

9/22/21 INITIAL RELEASE
 SCALE: 1"=50'
 DATE: 09/22/21 DESIGNED BY: CMB
 JOB #: 20-1359-02 DRAWN BY: JZJ
 CAD ID: 20-1359-02_01-Concept P
 NOT FOR CONSTRUCTION
 SHEET TITLE:
 CONCEPT PLAN
 SHEET TITLE:
 ROW / PARKING EXHIBIT
 SHEET NO.:
 1 of 1

File: \\p1\edwin\Share\Jobs\1359 - Aspen Road Estate Addition\20-1359-02 - 3684 Route 9 - Freshfield, NJ\20-1359-02-01-Concept\10002 - ROW Parking Exhibit.dwg
 Date: 9/22/21 10:02 AM
 User: jzj
 Plot: 10/22/21 10:02 AM
 Plot Device: HP DesignJet T1300
 Plot Style: aspen.ctb
 Plot Range: All
 Plot Scale: 1"=50'
 Plot Orientation: Landscape
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