

TOWNSHIP OF FREDON
ORDINANCE 2016 – 01

CAPITAL ORDINANCE APPROPRIATING \$27,000.00 FROM THE
TOWNSHIP OF FREDON CAPITAL IMPROVEMENT FUND FOR THE
PURCHASE OF A PAVING ROLLER

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF FREDON, IN THE COUNTY OF SUSSEX, NEW JERSEY, AS
FOLLOWS:

Section 1. \$27,000.00 is hereby appropriated from the Capital Improvement
Fund for the purchase of a paving roller.

Section 2. This ordinance shall take effect immediately after final adoption.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance passed second reading and was
adopted by the Fredon Township Committee at a Regular Meeting of that body held on February
11, 2016.

Joanne Charner RMC
Municipal Clerk

TOWNSHIP OF FREDON ORDINANCE 2016-02
CALENDAR YEAR 2016
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK (N.J.S.A. 40A 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 1.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriations and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of Fredon in the County of Sussex, finds it advisable and necessary to increase its CY2016 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety, and welfare of its citizens; and,

WHEREAS, the Township Committee of the Township of Fredon hereby determines that a 3.5% increase in the budget for said year, amounting to \$60,886.07 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Committee of the Township of Fredon hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriations in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Fredon, in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the Township of Fredon shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$60,886.07, and the CY 2016 municipal budget for the Township of Fredon be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance passed second reading and was adopted by the Fredon Township Committee at a Regular Meeting of that body held on March 10, 2016.

Joanne Charner RMC
Municipal Clerk

**TOWNSHIP OF FREDON
ORDINANCE 2016-03**

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FREDON BY
THE ADDITION OF A NEW CHAPTER TO BE ENTITLED “VACANT AND
ABANDONED PROPERTIES” PROVIDING FOR REGISTRATION OF VACANT AND
ABANDONED PROPERTIES, CREDITOR RESPONSIBILITIES AND MUNICIPAL
POWERS TO REHABILITATE**

BE IT ORDAINED, by the Mayor and Committee of the Township of Fredon, Sussex County, New Jersey, that a new chapter of the Code of the Township of Fredon to be entitled “Vacant and Abandoned Properties” be adopted as follows:

ARTICLE I - Registration of Vacant Properties

SECTION 1 - DEFINITIONS

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

ABANDONED PROPERTY-

As defined in accordance with the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., shall mean the following:

- (1) Except as provided in Section 6 of P.L. 2003, c. 210 (N.J.S.A. 55:19-83), any property that has not been legally occupied for a period of six months and which meets any one of the following additional criteria may be deemed to be abandoned property upon a determination by the Public Officer that:
 - (a) The property is in need of rehabilitation in the reasonable judgment of the Public Officer, and no rehabilitation has taken place during that six-month period;
 - (b) Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six months as of the date of a determination by the Public Officer pursuant to this section;
 - (c) At least one installment of property tax remains unpaid and delinquent on that property in accordance with Chapter 4 of Title 54 of the Revised Statutes (see N.J.S.A. 54:4-1 et seq.) as of the date of a determination by the Public Officer pursuant to this section; or
 - (d) The property has been determined to be a nuisance by the Public Officer in accordance with Section 5 of P.L. 2003, c. 210 (N.J.S.A. 55:19-82).

- (2) A property which contains both residential and non-residential space may be considered abandoned pursuant to P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et seq.) so long as two-thirds or more of the total net square footage of the building was previously legally occupied as residential space and none of the residential space has been legally occupied for at least six months at the time of the determination of abandonment by the Public

Officer and the property meets the criteria of either Subsection (1)(a) or Subsection (1)(d) of this Subsection 1.

EVIDENCE OF VACANCY-

- (1) Any condition that on its own or combined with other conditions present would lead a reasonable person to believe that the property is or has been vacant for three or more months. Such evidence would include, but is not limited to, evidence of the existence of two or more of the following conditions at a property: overgrown or dead vegetation; accumulation of newspapers, circulars, flyers or mail; past-due utility notices or disconnected utilities; accumulation of trash, junk or debris; the absence of window coverings such as curtains, blinds or shutters; the absence of furnishings or personal items consistent with residential habitation; statements by neighbors, delivery agents, or government employees that the property is vacant or abandoned; infestation by insects, vermin, rats or other pests; windows or entrances that are boarded up or closed off; multiple window panes that are damaged, broken or unrepaired; doors that are smashed, broken, unhinged or continuously unlocked; or any uncorrected violation of a municipal building, housing or similar code during the preceding year.
- (2) Property determined to be "abandoned property" in accordance with the meaning of such term in the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., shall also be deemed to be vacant property for the purposes of this section.

OWNER-

Shall include the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity subject to the provisions of C.46:10B-51 (P.L. 2008, c. 127, § 17), or any other entity determined by the Township of Fredon to act with respect to the property.

VACANT PROPERTY-

Any building used or to be used as a residence which is not legally occupied or at which substantially all lawful construction operations or residential occupancy has ceased for a period of at least three months, and any commercial property that has not been legally occupied or at which substantially all lawful construction operations have ceased for a period of at least three months, and which exhibits evidence of vacancy such that a reasonable person would believe that the property is vacant. Any property that contains all building systems in working order, is being maintained on a regular basis, has not been cited by the Township for any violation of municipal ordinance within such time and is being actively marketed by its owner for sale or rental shall not be deemed vacant.

SECTION 2 - GENERAL REQUIREMENTS.

- (1) The owner of any vacant property as defined herein shall, within 30 days after the building becomes vacant property or within 30 days after assuming ownership of the vacant property, whichever is later, file a registration statement for each such vacant property with the Township of Fredon on forms provided by the Township of Fredon for such purposes. The registration shall remain valid until the end of the calendar year. The owner shall be required to renew the registration annually, no later than January 31, as long as the building remains vacant property and shall pay a registration or renewal fee in the amount prescribed in Subsection 5.4 of this section for each vacant property registered. The initial and renewal fees shall be prorated and or credited accordingly upon legal occupancy.
- (2) Any owner of any building that meets the definition of "vacant property" prior to adoption date, shall file a registration statement for that property on or before adoption date plus 60 days. The registration statement shall include the information required under Subsection 5.3 of this section, as well as any additional information that the Public Officer may reasonably require.
- (3) The owner shall notify the Township of Fredon within 30 days of any change in the registration information by filing an amended registration statement on a form provided by the Township of Fredon for such purpose.
- (4) The registration statement shall be deemed prima facie proof of the statement therein contained in any administrative enforcement proceeding or court proceeding instituted by the Township of Fredon against the owner or owners of the building.

SECTION 3 - REGISTRATION STATEMENT REQUIREMENTS; PROPERTY INSPECTION

- (1) After filing a registration statement or a renewal of a registration statement, the owner of any vacant property shall provide access to the Township of Fredon Health Officer if requested, following reasonable notice, during the period covered by the initial registration or any subsequent renewal. If an inspection is required of the interior of the property due to complaints or other cause, the fee for such inspection shall be the same as that for a Certificate of Occupancy inspection as provided in the applicable provisions of the Code of the Township of Fredon.
- (2) The registration statement shall include the name, street address, and telephone number of a natural person 21 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding, on behalf of such owner or owners in connection with the enforcement of any applicable code. The designated agent must have a contact number that will be available 24 hours per day on an emergency basis. The statement shall also include the name of the person responsible for maintaining and securing the property, if

different from the designated agent.

- (3) An owner who is a natural person and who meets the requirements of this section as to availability of a contact number on a twenty-four-hour emergency basis may designate himself or herself as agent.
- (4) By designating an authorized agent under the provisions of this section, the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purpose of this section until the owner notifies the Township of Fredon of a change of the authorized agent or until the owner files a new annual registration statement. The designation of an authorized agent in no way releases the owner from any requirement of this section.

SECTION 4 - FEE SCHEDULE.

The initial registration fee for each building shall be \$250. The fee for the first renewal is \$500. The fee for any subsequent renewal is \$1,000. After five years, the registration fee shall be \$5,000. Initial fee shall be prorated according to the month of registration and renewal fees shall be credited when a property becomes legally occupied during a renewal period.

Vacant and Abandoned Property Registration Fee Schedule

Registration	Fee
Initial registration	\$250
First renewal	\$500
Any subsequent renewal up to five years	\$1,000
After five years	\$5,000

SECTION 5 - REQUIREMENTS FOR OWNERS OF VACANT AND ABANDONED PROPERTY.

The owner of any building that has become vacant and abandoned property, and any person maintaining, operating or collecting rent for any such building that has become vacant, shall, immediately:

- (1) Post a sign affixed to the inside of the building indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process (if designated pursuant to Subsection 5.3 of this section), and the person responsible for the day-to-day supervision and management of the building, if such person is different from the owner holding title or authorized agent. The sign shall be of

a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than 15 inches by 17 inches; and

- (2) Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Code of the Township of Fredon and maintain the sign required in Subsection 5.(1) above until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete; and
- (3) Make provision for the maintenance of the lawn and yard, including regular grass cutting as required by the applicable provisions as per this ordinance; and;
- (4) Make provision for the cessation of the delivery of mail, newspapers and circulars to the property, including having the property listed on the exclusion list maintained by the Township of Fredon for the delivery of circulars and advertisements to the property; and
- (5) Make provision for the winterizing of the property by the cessation of water service to the property and the draining of water lines; other than buildings with a fire sprinkler system, and
- (6) Make provision for the cessation of electric or gas utility services to the property; other than buildings with a fire sprinkler system, and
- (7) Make provision for the regular maintenance of the exterior of the property.

SECTION 6 - ADMINISTRATION.

The Township of Fredon Mayor and Committee shall issue rules and regulations for the administration of the provisions of this section.

SECTION 7 - VIOLATIONS AND PENALTIES.

- (1) Any owner who is not in full compliance with this section or who otherwise violates any provision of this section or of the rules and regulations issued hereunder shall be subject to a fine of not less than \$500 and not more than \$1,000 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this section shall be recoverable from the owner and shall be a lien on the property.
- (2) For purposes of this section, failure to file a registration statement in time, failure to provide correct information on the registration statement, failure to comply with the provisions of Subsection 5 of this section, or such other matters as may be established by the rules and regulations of the Township of Fredon shall be deemed to be a violation of this section.

SECTION 8 - COMPLIANCE WITH OTHER PROVISIONS.

Nothing in this section is intended to nor shall be read to conflict or prevent the Township of Fredon from taking action against buildings found to be unfit for human habitation or unsafe structures as provided in applicable provisions of the Code of the Township of Fredon and/or the Uniform Construction Code. Further, any action taken under any such code provision other than the demolition of a structure shall not relieve an owner from its obligations under this section.

ARTICLE II - RESPONSIBILITIES OF CREDITORS

SECTION 9 - RESPONSIBILITIES OF CREDITORS, VIOLATIONS AND FINES

- (1) Pursuant to the provisions of N.J.S.A. 40:48-2.12s, the creditor filing the summons and complaint in an action to foreclose shall be responsible for the care, maintenance, security, and upkeep of the exterior of the vacant and abandoned residential property. This obligation applies whether the determination that the property is vacant and abandoned is made by the public officer pursuant to N.J.S.A. 2A:50-73.
- (2) If the creditor is located out-of-State, the creditor shall be responsible for appointing an in-State representative or agent to act for the foreclosing creditor.
- (3) An out-of-State creditor shall include the full name and contact information of the in-State representative or agent in the notice required to be provided to the municipal clerk pursuant to N.J.S.A. 46:10B-51(a)(1).
- (4) An out-of-State creditor found by the municipal court, or by any other court of competent jurisdiction, to be in violation of any provision of this Article shall be subject to a fine of \$2,500.00 for each day of the violation, commencing on the day after the ten (10) day period set forth in N.J.S.A. 46:10B-51(a)(1) for providing notice to the municipal clerk that a summons and complaint in an action to foreclose has been served.
- (5) A public officer appointed pursuant to N.J.S.A. 40:48-2.3 et seq., or any enforcement officer described in this chapter, shall be authorized to issue a notice to the creditor filing the summons and complaint in an action to foreclose, if the public officer or enforcement officer determines that the creditor has violated this chapter by failing to provide for the care, maintenance, security, and upkeep of the exterior of the property. The notice shall require the person or entity to correct the violation within thirty (30) days of receipt of the notice, or within ten (10) days of receipt of the notice if the violation presents an imminent threat to public health and safety. The issuance of this notice shall constitute proof that a property is “vacant and abandoned” for purposes of N.J.S.A. 2A:50-73.
- (6) A creditor found by the municipal court, or by any other court of competent jurisdiction, to be in violation of the requirement to correct a care, maintenance, security, or upkeep

violation cited in a notice issued pursuant to §9(1) shall be subject to a fine of \$1,500 for each day of the violation commencing thirty one (31) days following receipt of the notice, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence eleven (11) days following receipt of the notice.

**ARTICLE III - MUNICIPAL POWERS TO
REHABILITATE ABANDONED PROPERTIES**

SECTION 10 - MUNICIPAL POWERS TO REHABILITATE ABANDONED PROPERTY.

The Township of Fredon hereby grants to itself all such powers granted to municipalities by the State of New Jersey for the rehabilitation of abandoned property. Such powers are set forth, inter alia, in the "Abandoned Properties Rehabilitation Act" (N.J.S.A. 55:19-78 et seq.) and in applicable portions of the "New Jersey Urban Development Corporation Act" (N.J.S.A. 55- 19-1 through -77). These state statutory powers are collectively referred to herein as the "enabling statutes."

SECTION 11 - PUBLIC OFFICER.

The Public Officer, as defined in N.J.S.A. 55:19-80, who is responsible for executing the provisions of this chapter for the rehabilitation of abandoned property, shall be designated by resolution of the Township Committee.

SECTION 12 - ABANDONED PROPERTY.

The Public Officer shall designate a property as an "abandoned property" if said property meets the criteria set forth in N.J.S.A. 55:19-81 (abandoned property criteria) and/or N.J.S.A. 55:19-82 (nuisance property criteria). The Public Officer's designation is limited by the provisions of N.J.S.A. 55:19-83.

SECTION 13 - ABANDONED PROPERTY LIST.

The Public Officer shall establish an Abandoned Property List pursuant to N.J.S.A. 55:19-55. An interested party (as that term is defined in N.J.S.A. 55:19-105a) may request that the Public Officer include a property on the Abandoned Property List, pursuant to N.J.S.A. 55:19-105.

SECTION 14 - RIGHTS OF OWNER OF ABANDONED PROPERTIES.

The owner of a property on the Abandoned Property List has such rights designated to said owner by the enabling statutes. Such powers include but are not limited to:

- (1) Challenging the inclusion of a property on the Abandoned Property List, pursuant to N.J.S.A. 55:19-55e;

- (2) Seeking removal from said list, pursuant to N.J.S.A. 55:19-57 and 55:19-103;
- (3) Petitioning for reinstatement of control and possession, pursuant to N.J.S.A. 55:19-92 et seq.;

SECTION 15 - MUNICIPAL POWERS.

Township of Fredon has such powers and rights regarding abandoned properties as set forth in the enabling statutes. Such powers include but are not limited to:

- (1) Sale of tax lien, pursuant to N.J.S.A. 55:19-56;
- (2) Special tax sales, pursuant to N.J.S.A. 55:19-101;
- (3) Foreclosing the right to redemption, pursuant to N.J.S.A. 55:19-58;
- (4) Recourse directly against property owner, pursuant to N.J.S.A. 55:19-100;
- (5) Possession and control of property, pursuant to N.J.S.A. 55:19-84 to 55:19-92 et seq.;
- (6) Rehabilitation and reuse of property, while in possession and control, pursuant to N.J.S.A. 55:19-90;
- (7) Borrowing money and making applications for rehabilitation of property, while in possession and control, pursuant to N.J.S.A. 55:19-91;
- (8) Sale of property, pursuant to N.J.S.A. 55:19-96;
- (9) Purchase of property, pursuant to N.J.S.A. 55:19-96;
- (10) Recover rehabilitation costs by lien on property, pursuant to N.J.S.A. 55:19-98;
- (11) Clearance, development, redevelopment or repair of property through power of eminent domain, pursuant to N.J.S.A. 55:19-56, 55:19-102.

SECTION 16 - RIGHTS OF UTILITIES.

Electric and natural gas utilities are granted such rights to abandoned properties as are set forth in N.J.S.A. 55:19-106.

SECTION 17 - INTERPRETATION.

All references in this chapter to state statutes include reference to all amendments thereto. References to particular sections of the enabling statutes are for ease of reference, but may not be exhaustive and are not meant to be exclusive of other applicable statutory provisions contained in the enabling statutes or elsewhere in the New Jersey statutes.

SECTION 18.

All ordinances or parts of ordinances of the Township of Fredon inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 19.

If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 20.

This law shall take effect immediately upon final passage, approval and publication as required by law.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance passed second reading and was adopted by the Fredon Township Committee at a Regular Meeting of that body held on May 24, 2016.

Joanne Charner RMC
Municipal Clerk

TOWNSHIP OF FREDON
CAPITAL ORDINANCE 2016 - 04
CAPITAL ORDINANCE APPROPRIATING \$195,000.00 FROM THE NEW JERSEY
DEPARTMENT OF TRANSPORTATION FISCAL YEAR 2015 MUNICIPAL AID
PROGRAM, \$162,057.00 FROM THE NEW JERSEY DEPARTMENT OF
TRANSPORTATION FISCAL YEAR 2016 MUNICIPAL AID PROGRAM AND \$29,000.00
FROM THE TOWNSHIP OF FREDON GENERAL CAPITAL FUND CAPITAL
IMPROVEMENT FUND FOR IMPROVEMENTS TO FREDON-SPRINGDALE ROAD
SECTION I AND SECTION II

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF FREDON, IN THE COUNTY OF SUSSEX, NEW JERSEY, AS FOLLOWS:

Section 1. \$195,000.00 available from the NJDOT Fiscal Year 2015 Municipal Aid Program, \$162,057.00 from the NJDOT 2016 Fiscal Year Municipal Aid Program and \$29,000.00 from the Township of Fredon General Capital Fund Capital Improvement Fund for improvements to Fredon-Springdale Road Section I and II, is hereby appropriated.

Section 2. This ordinance shall take effect immediately after final adoption.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance passed second reading and was adopted by the Fredon Township Committee at a Regular Meeting of that body held on June 9, 2016.

Joanne Charner RMC
Municipal Clerk

FREDON TOWNSHIP
ORDINANCE 2016-05

AN ORDINANCE TO AMEND CHAPTER 245, "FEE SCHEDULE," OF THE
REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF FREDON

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

I. Chapter 245, "Fee Schedule," shall be amended to add the following provision:

245-2H Peddling and Soliciting Registration: There shall be a fee of \$100.00 to
cover the cost of processing the application and investigating the facts stated therein.

II. This Ordinance shall take effect upon its passage and publication as required
by law.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance passed second reading and
was adopted by the Fredon Township Committee at a Regular Meeting of that body held
on June 9, 2016.

Joanne Charner RMC
Municipal Clerk

TOWNSHIP OF FREDON
CAPITAL ORDINANCE 2016 - 06
CAPITAL ORDINANCE APPROPRIATING \$56,944.00 FROM TOWNSHIP
OF FREDON GENERAL CAPITAL FUND CAPITAL IMPROVEMENT FUND
FOR MICRO SURFACING PROGRAM FOR CERTAIN ROADS

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF FREDON, IN THE COUNTY OF SUSSEX, NEW JERSEY, AS
FOLLOWS:

Section 1. \$56,944.00 from the Township of Fredon General Capital Fund
Capital Improvement Fund for micro surfacing the following roads; Hollyhock, Primrose
Place, Betony Court, and Larkspur, is hereby appropriated.

Section 2. This ordinance shall take effect immediately after final adoption.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance passed second reading and was
adopted by the Fredon Township Committee at a Regular Meeting of that body held on June 9,
2016.

Joanne Charner RMC
Municipal Clerk

TOWNSHIP OF FREDON
ORDINANCE 2016-07

ARTICLE XII

PRRD Planned Golf Course Recreational/Residential Development Zone

§ 550-71. Purpose.

The Planned Golf Course Recreational/Residential Development Zone is established in recognition of the existing Bear Brook development in Fredon Township. Bear Brook is a fully developed project, which was developed under the Planned Recreational/Residential Development conditional use standards for the AR-6 Zone in place at the time of its approval. In order to avoid the existing uses, structures, and site layout from being rendered nonconforming due to the elimination of the former AR-6 Zone and 18 hole golf course, the Township hereby revises the Planned Golf Course Recreational/Residential Development Zone.

§ 550-72. Permitted uses.

- A. Single-family detached dwellings; single-family semi-attached dwellings;
- B. Catering Hall, Banquet Facility
- C. Golf course (9 & 18 hole) and non-motorized recreational uses including but not limited to mountain biking, cross-country skiing, horseback riding, etc. and an associated recreational facility/clubhouse locker rooms, snack area, kitchen, pro shop/gift shop.
- D. Public Utilities, wastewater/ stormwater facilities, bus shelters etc. where required or deemed necessary to balance of property or zone uses.

§ 550-73. Accessory Uses. - Common ancillary uses including but not limited to the following

- A. Golf course (1-8 holes); non-motorized recreational uses including mountain biking, cross - country skiing, their associated storage.
- B. Residential garages, tennis courts, swimming pools, decks, sheds, fences, walls, pergolas, lampposts, trellises ;
- C. Signage (in accordance with Article XXIII)
- D. Greenhouses, maintenance garages and/or storage buildings;
- E. Public utilities, wastewater/ stormwater facilities, bus shelters etc.
- F. Parking
- G. Solar systems. Residential will be limited to the lesser of 15 kilowatts (15 kw) or 110% of the average of the three prior years' electrical energy consumption. Ground mounted solar arrays subject to Board and/or site plan approval. All non-residential solar arrays and installation shall require site plan approval and an accessory use limited to on site power.

§ 550-74. Area, yard, bulk and design requirements.

- A. Setback. There shall be a minimum of 75 feet between all proposed building or structures and all property/tract boundaries.
- B. Parking – (in accordance with Article XXII or ITE requirements as recommended by the Board Engineer)
- C. Height restrictions. The maximum height of all buildings and other structures not elsewhere regulated by this chapter shall be 35 feet and 2 1/2 stories.
- D. Coverage. The maximum impervious surface coverage within the entire zone district shall be 20%.
- E. Landscaped buffers. Landscaped buffers shall be provided between residential uses both within and adjacent to the development and the active recreational and non-residential structures wherever necessary to protect privacy and shield views.
- F. Relation of dwelling units to open space. A minimum of 7% of all units shall abut the common open space, golf course or other nonstructural recreational areas within the development.
- G. Single-family detached dwellings.
 - (1) Minimum lot area shall be 30,000 square feet.
 - (2) Minimum lot width shall be 100 feet at the front of the dwelling unit line.
 - (3) Minimum side yard, each, shall be 20 feet. Total, both: 50 feet.
 - (4) Minimum front yard setback shall be 50 feet.
 - (5) Minimum rear yard setback shall be 50 feet.
- H. Single-family semi-attached dwellings.
 - (1) Minimum lot area shall be 5,000 square feet.
 - (2) Minimum lot width shall be 50 feet at the front of the dwelling unit line.
 - (3) Minimum side yard, each, shall be 10 feet. Total, both: 25 feet.
 - (4) Minimum front yard setback for dwellings shall be 20 feet, for garages or carports 10 feet from any cartway.
 - (5) Minimum rear yard setback shall be 20 feet.
 - (6) As an alternative to meeting the design provisions of Subsection H (1) through (5) above, the units may be clustered using a maximum net density of three units per acre, subject to intra-tract carrying-capacity limitations, with the common

open space reserved to those units. All dwelling units shall be a minimum of 25 feet apart.

- (7) Maximum number of single-family semi-attached dwellings shall not exceed 60% of the total number of dwellings in the development. Single-family semi-attached dwellings shall be constructed in separate clusters from the single-family detached dwellings.

I. Nonresidential buildings and structures on independent lots shall meet the following:

- (1) Minimum lot area shall be 50 acres;
- (2) Minimum principal building(s) setback shall be 200 feet from any residential use on any other property.
- (3) Minimum accessory building setback from a property line 75 feet.
- (4) Minimum setback between buildings of 30 feet.
- (5) Maximum building coverage 2%
- (6) Maximum impervious coverage 10%
- (7) The maximum height of all principal buildings shall be 36 feet and 2 1/2 stories.
- (8) The maximum height of any accessory buildings shall be 20 feet and building size not exceed 5,000 square feet in size.
- (9) All permitted uses for the property are subject to the limits of the existing and common easements and infrastructure (sanitary sewer, potable and stormwater, utilities, detention basins, lagoons, roads, landscaping, etc.). Said infrastructure and the zone's common elements shall be evaluated at the time of any site plan, subdivision or Board approval for a determination of whether or not any pro rata share of improvement are deemed necessary, and appropriate to insure the proposed project as well as the health, safety and welfare of the district and community.

J. Common open space.

- (1) Unimproved land, or lands not utilized for residential lots, or under private or separate ownership and/or membership recreational facilities shall be designated as common open space.
- (2) All residential property owners in the development shall have the right to use the designated common open space and any facilities located thereon.
- (3) All open space and all common elements in the development shall be deeded to a

homeowners' and/or management association established to own and maintain the common elements as provided at N.J.S.A. 40:55D-43. The homeowners' and/or management association documents shall be submitted to the Township Attorney prior to final approval.

- (4) If a public or private membership recreational facility is discontinued from active use, for whatever reason, the minimum amount of open space required to meet planned golf course recreational residential development requirements, thereupon, shall be required to be conveyed, by deed or other appropriate instrument, to the ownership of the property owners within the planned golf course recreational/residential development, each individual property owner to be a tenant in common with all other individual property owners and to own an equal undivided proportional interest therein.
 - (5) Any open space acreage in addition to the minimum acreage required to be set aside in order to meet the open space requirements of a planned golf course recreational/residential development may be retained by the owner of the discontinued public or private membership recreational facility. Provided, however, that such additional open space shall not be disposed of, by sale or otherwise, except to an organization conceived and established to own and maintain the open space for the benefit of such development, and, thereafter, such organization shall not be dissolved, nor shall same dispose of any of its open space without first offering to dedicate same to the Township. Such open space, in excess of the minimum open space required for planned golf course recreational residential development, after a public hearing and approval by the Planning Board, may be devoted to uses or activities permitted in the PRRD Zone. The Planning Board, in reviewing and application for use of such excess open space with has been retained by the owner of the recreational facility, shall be guided by the intent and purpose of the establishment of the planned golf course recreational/residential development in the PRRD Zone, in the first instance.
 - (6) Prior to the approval of any different or additional use of such excess open space, the Planning Board shall have been clearly satisfied that the intent, purpose and benefits which originally attended the approval of the planned golf course recreational/residential development, in the first instance, continue and are not significantly altered by any such subsequent application for use of such excess open space.
- K. Engineering and construction design standards. Engineering and construction design standards shall be consistent with other requirements of this chapter and all other applicable ordinances.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance passed second reading and was adopted by the Fredon Township Committee at a Regular Meeting of that body held on June 23, 2016.

Joanne Charner RMC
Municipal Clerk

TOWNSHIP OF FREDON
ORDINANCE 2016-08
AN ORDINANCE OF FREDON TOWNSHIP ESTABLISHING
AN ENERGY AGGREGATION PROGRAM

WHEREAS, the State of New Jersey has been engaged in a process to establish a competitive market place through deregulation and restructuring the electric utility market and natural gas market; and

WHEREAS, the establishment of a government aggregator and an energy aggregation program to purchase electric generation service pursuant to N.J.S.A. 48:3-93.1 *et seq.* and N.J.A.C. 14:4-6.1 *et seq.* will increase competition for the provision of electric power to residential users, thereby increasing the likelihood of lower electric rates for these users without causing any interruption in service; and

WHEREAS, under the aggregation process the residential ratepayers may likely receive a direct reduction in their electric bills; and

WHEREAS, the realization of energy costs savings is in the interests of the health, safety and welfare of the residents of Fredon Township; and

WHEREAS, the Township of Fredon hereby finds that it is in the best interests of residential ratepayers for the Township of Fredon to create the opportunity for them to enter into an aggregation agreement in order to seek substantial savings on electric rates; and

NOW, THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Fredon in the County of Sussex and the State of New Jersey, duly assembled in public session, as follows:

- 1- The Township of Fredon publicly declares its intent to become an aggregator of electric power on behalf of its residential users of electricity pursuant to the Government Energy Act of 2003, N.J.S.A. 48:3-91.3 to -98, and implementing regulations.
- 2- The Township of Fredon will utilize approved vendor Concord Engineering's dba Concord Energy Services Reverse Energy Auction Platform pursuant to the NJ E-PROCUREMENT Pilot program (P.L. 2001, c.30) under the NJ Department of Community Affairs. The Reverse Energy auction will seek bids from licensed and appropriate third party suppliers. If such winning bid is selected and agreement executed, individual residential consumers would retain the option not to participate and to choose any alternatives they desire.
- 3- The Mayor and Township Clerk are hereby authorized and directed to execute any documents necessary to carry out the purpose of the Ordinance.
- 4- All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

- 5- If any portion of this ordinance shall be deemed invalid by any court of competent jurisdiction, the remainder shall survive in full force and effect.
- 6- This ordinance shall be effective immediately upon adoption and publication in accordance with law.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance passed second reading and was adopted by the Fredon Township Committee at a Regular Meeting of that body held on August 25, 2016.

Joanne Charner RMC
Municipal Clerk

TOWNSHIP OF FREDON
ORDINANCE 2016-09

AN ORDINANCE OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF FREDON TO READOPT AND AMEND THE PD PLANNED RESIDENTIAL DEVELOPMENT DISTRICT TO IMPLEMENT A SETTLEMENT AGREEMENT AND JUDGMENT OF COMPLIANCE AND MODIFY THE PD ZONE TO IMPOSE CERTAIN REQUIREMENTS AND ALLOW MIXED USES AND RETAIL AND OFFICE USES

PURPOSE STATEMENT. The purpose of this ordinance is to require Fredon to re-adopt and amend the PD-Planned Development District applicable to Block 104, Lot 19 and Block 801, Lot 1.01 to implement a settlement agreement and judgment of compliance and modify the zone to impose certain requirements and to allow mixed uses, commercial, retail, and office uses.

Section 1.

Section 550-20 and titled “Zoning Districts” is hereby amended to add a new section 550-98.1 entitled “PD-Planned Development District.”

Section 2.

Chapter 550 entitled “Zoning” is amended to add a new Article XVII.A, entitled “PD-Planned Residential Development District” after Article XVII and before Article XVIII.

Article XVII.A - PD-Planned Residential Development District

Sec. 550-98.1 Purpose and Introduction.

A. The purpose of the PD district is to encourage the development of certain large vacant tracts of land which are located close to state highways and existing development, which are either reasonably close to existing water and sewer service areas or are potentially suitable for on-site sewage disposal systems, and, at the same time, to provide a realistic opportunity for affordable housing to be constructed in accordance with the guidelines set forth in the Fair Housing Act, N.J.S.A. 52:27D-301 et se. (Act), and regulations N.J.A.C. 5:91-1 et seq., and 5:93-1 et seq., and which development is shown on a Concept Plan, attached to this Ordinance, and made a part hereof as Exhibit B, which envisions the development of 260 dwelling units, including 5 Estate houses. Special standards and procedures applicable to this district only are set forth in this Article to expedite the production of affordable housing.

B. Recognizing that the provision of affordable housing, which is to be produced from among the 150 multi-family apartments intended to be developed, requires the elimination of provisions that are cost generating to a developer of affordable housing and thereby inhibit its production, the planning board shall process, review, and adjudicate the development applications for the Property consistent with the direction of N.J.A.C. 5:93-10 et seq., which requires the municipal board to expedite review and adjudication of the application, remove unnecessary cost-generating features, and cooperate in granting reasonable variances, waivers, and exceptions. Neither the Scenic Corridor ordinance, section 550-44, nor the Steep Slope ordinance, section 550-109, shall apply to Property in this District. Any provisions of this or any other municipal ordinance, regulation, or law, now existing and/or hereafter adopted, which are in

conflict with this Article, and which impose restrictions or limitations inconsistent with those of this District, shall be inapplicable to this District.

C. Settlement Concept Plan. The Township and the property owner have entered into a settlement agreement (Agreement) which permits the developer to submit, at its sole discretion, an application for a general development plan (GDP), as defined in the Municipal Land Use Law, see N.J.S.A. 40:55D-45.1 et seq., and which permits subsequent development applications seeking preliminary and final site plan approvals and preliminary and final subdivision approvals. The Concept Plan, Exhibit B, is presented for illustrative purposes; does not reflect detailed engineering or layout/design of the development on the site; and does not account for conditions or elements that may be imposed by other governmental agencies with jurisdiction over the development of the Property, including but not limited to County of Sussex authorities, the New Jersey Department of Environmental Protection, or the New Jersey Department of Transportation. The Concept Plan provides for development of up to 260 dwelling units, consisting of: up to 150 multi-family apartment units; 44 townhouses, or single-family houses under an overlay zone of that townhouse area consistent with single-family standards set forth in this District, and 66 single-family houses, which include up to 5 large single family lots. The Agreement also provides that development of the Property will yield 29 units of affordable housing. Of the 29 units, a minimum of 24 multi-family apartment units shall be built on the Property and shall be affordable to low and moderate income households. The developer, in its sole discretion, may also choose to construct on site five (5) additional multi-family apartment units that are restricted to households of low and moderate income, or it may provide five (5) units off-site in a group home for developmentally disabled individuals, where one credit of affordable housing is obtained for every bedroom in the home constructed off-site. In addition, the Property shall be zoned for the development of at least 20,000 square feet of commercial, retail and/or office space. This non-residential space is contemplated to be located in the area of the Property abutting Route 94, and it may be located in the same building or buildings as some of the residential units and such mixed-use buildings are permitted. The non-residential uses may exceed 20,000 square feet and may be contained in several independent structures. The townhouses may be proposed as shown on Exhibit B with the exception that the townhouses may include internal or attached garages provided they are not “snout” designs and do not extend more than five (5) feet in front of the remainder of the front of the townhouse.

While the standards of this Article and Zoning Ordinance are designed to minimize the number and extent of variances, exceptions, and/or waivers associated with the developer’s applications for the proposed dwelling units and non-residential development set forth above, and the applicant shall, to the maximum extent practical, prepare an application and plans which do not require any variances, waivers, or exceptions, the parties recognize that upon development of a fully engineered set of plans, complete for submission to the municipal board, such applications may include variances, waivers, and exceptions, as allowed by law under the MLUL. It is also understood by the parties that the Board shall have the authority to take any action authorized by law in connection with the application, variances, waivers, and exceptions. It is the intent of the governing body that the development of the Property, as described above, accords with the number, type, and variety of dwelling units and non-residential development contemplated for the Property; that the above-contemplated development promotes the public health, safety, general welfare, and public good, and Fredon’s zone plan.

Sec. 550-98.2 Application Procedures

A. The applicant shall submit all plans and documents to the planning board for review and approval, as required by the Township Site Plan Review ordinance. The Planning Board shall distribute the plans to those municipal departments which normally review development plans. The failure of the municipal agencies to submit a report to the planning board shall not extend the time for review and action by the planning board. All reviews by municipal boards, officials, and entities shall be consistent with the provisions of N.J.A.C. 5:93-10 et seq., and such reviews will be designed to expedite review; remove cost-generating standards; and cooperate reasonably to grant variances, waivers, and exceptions, as they may be requested to implement the development contemplated by the Agreement and generally illustrated in the Concept Plan, and not withstanding any deviations recognized during the design process to implement the intent of the Concept Plan.

B. The technical advisors to the planning board shall review the complete application for technical compliance and shall convey comments directly to the applicant's advisers at least 5 business days in advance of the public hearing so, that at the time of the public hearing, the applicant will have had sufficient opportunity to resolve any technical problems associated with the submission.

C. The planning board shall conduct a public hearing within the time prescribed by the MLUL on the application, with provision made for expedited review and adjudication in accord with N.J.A.C. 5:93-10. The planning board shall act on the development applications for preliminary and/or final approvals, and application made for subdivision approval(s), within the times set forth in the MLUL. Should a subsequent final approval be sought, action on the final plan shall be taken by the board within the number of days of the complete application, as required in the MLUL or such extensions consented to by the applicant.

D. The development plans submitted shall contain the information required in Chapter 424 of the Fredon code (Site Plan Review), except that the applicant will be exempted from any requirements to submit environmental statements as directed by Article V of chapter 424. The applicant may request waivers of any other requirements for submission, subject to review and the granting of such waiver requests under applicable law by the municipal board, and such waivers shall be granted in the normal course.

Sec. 550-98.3 Permitted Uses - planned developments, includes a following uses:

Permitted Uses

Single-family residential dwellings;

Garden Apartments;

Townhouses;

Assisted living or continuing care facilities;

Community residences for the developmentally disabled and community shelters for victims of domestic violence, subject to the standards for detached single-family residential dwellings

Public or private schools and day care facilities

Office and/or retail sales and services in the area east of state Route 94. Office and/or retail sales and services and the same mixed-use buildings with housing units in the area shown for commercial buildings in the area east of state Route 94. The office and retail uses may include the following:

Retail stores

Personal service establishments

Banks

Post offices

Restaurants/Takeout restaurants

Instructional studio spaces, including dance, artist, martial arts, music, and related studios

Museums, art galleries, and libraries

Child care facilities under N.J.S.A. 40:55D-66.6

Adult day care facilities

Professional, financial, and medical offices in a single use or mixed-use building

Health, fitness and physical therapy facilities.

Self-storage facilities

Development of non-residential uses may not impede, diminish, or be at the expense of development of the contemplated up to 150 apartment units, including the 29 units of affordable housing.

Accessory uses and structures

Garages and off street parking facilities

Public or private parks and playgrounds

Public or private recreation buildings and facilities

Storage and maintenance buildings

Customary accessory structures approved as part of the site plan for the development, including fences, walls, lampposts, trellises, and other similar structures

Signs, in accord with Article XXIII of the Fredon Zoning Code, as modified under sections 550-133 and 138 of this chapter

Trails in accord with section 550-45

Water, sewer, and other infrastructure-related structures and elements including but not limited to roads, towers, pipes, basins, customary and incidental to the provision of utility services

Conditional uses may include:

Public or institutional uses, subject to the conditions in section 550-50A

Public utility uses, subject to the conditions in section 550-50B

Accessory uses may include:

Off street parking and loading designed in accordance with section 424-32, 424-33, and Article XXII of the Fredon Zoning Code, as modified under section 550-125

Outdoor cafés associated with it on the same lot as indoor eating facilities such as coffee shops, restaurants, ice cream parlors, bakeries and cafés. Outdoor cafés shall be designed in accord with section 550-39

Fences and walls designed in accord with section 550-28

Signs in accord with Article XXIII of the Fredon Zoning code, as modified under sections 550-133 and 138 of this chapter

Other accessory buildings or uses customarily incidental to the principal permitted uses as defined within this zone district

Sec. 550-98.4 Development Requirements, Development Areas, and Density and Bulk Requirements

Development requirements – Development in the district may be served by public water and sewage systems, where available, but may be served by on-site water and/or sewer treatment facilities. Single-family detached residences on individual lot of 1.5 acres or larger need not be served by these water and sewage facilities. The development shall have a common architectural and design theme throughout the multi-family apartment structures.

In recognition that the Concept Plan has not yet been fully engineered or designed, the development shall endeavor to provide for pedestrian passive recreational trails along Paulins Kill; for pocket parks along pedestrian trails in order to provide active and passive recreational opportunities for the residents of the development, with the intent to connect to future and existing walkways and parks and open space in the proposed residential and nonresidential development. The trails, their design, and their linkage to other sites within the development shall be guided by the Township's Master Plan.

Reserved

Development Areas, Density, and Coverage

The areas of development shall be substantially consistent with the Concept Plan, with recognition that the Concept Plan has not been fully engineered and designed and may be subject to conditions and elements as result of further engineering, design and review by other agencies and entities with jurisdiction over the development. Notwithstanding such further engineering, design, and review, residential development of the property, as depicted on the Concept Plan shall not exceed 260 dwelling units, consisting of no more than 150 apartment units, 66 single-family dwelling units, which may include up to 5 single family large lots, and either 44 townhouses, or single-family dwelling units in the area designated for such townhouses. The maximum coverage by buildings for the entire Property shall not exceed 25%. The maximum coverage for the entire property by all impervious surfaces, including buildings, shall not exceed 50%.

Bulk Requirements – Apartments

There shall be the following minimum distances between buildings containing apartments:

Windowless wall to windowless wall - 20 feet

Window wall to window wall - 20 feet

Window wall to windowless wall - 20 feet

Window wall to window wall: front to front

Building height up to 30 feet	30 feet
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Building height of 30 feet or more	50 feet
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Rear to rear	30 feet
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End to end	30 feet
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Any building face, except garage face to common parking area or street	12 feet
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Garage face to common parking area	5 feet
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The planning board may reduce the above distances by not more than one third if there is an angle of 20° or more between buildings, and sufficient landscaping or buffers are placed between buildings.

Buffer areas. The building or associated parking area(s) shall be located within 30 feet of any tract boundary line.

Building height. No building shall exceed 35 feet in height and two and a half stories, except that: (a) a minority of buildings containing multi-family units, excluding townhouses, may be three stories; (b) multi-family units, excluding townhouses, shall not exceed 40 feet in height, (i.e., the vertical distance from the finished grade plane to the average height of the highest roof surface, with the average height to be determined by adding the heights of the highest roof surface at its lowest point and its highest point and dividing by two), excluding chimneys, parapets, cupolas, and the like, which may be no higher than four feet from the highest point on the roof of the building; (c) no commercial building shall exceed 40 feet in height; and (d) for a water tower to be located in the southeast corner of the Property, accessible by road, whose height shall be permitted to an elevation above ground demonstrated to be necessary to adequately serve water and fire protection for the development of the Property via a gravity force-fed system.

No other provisions in the Fredon Code, whether or not respecting height of building, shall apply to alter this standard for building height.

Bulk requirements – Townhouses

Front yard set back – minimum 20 feet

Rear yard set back – minimum 3 feet

Units per building – maximum 8 units

Side of building to side of building – minimum 20 feet

Side by side set back differential for abutting units within building – minimum 2 feet

Side yard – minimum 5 feet

Bulk requirements - Single-family residential dwellings

Lot area. No individual lot shall contain less than 8400 square feet, nor have a lot width of less than 70 feet and a lot depth of less than 120 feet.

Principal building setbacks:

Front yard: minimum of 25 feet

Rear yard: minimum of 30 feet

Side yards: minimum of 7 feet per side

Where individual lots are not being subdivided, yards shall be created for each building such that a subdivision could occur and all lots and buildings would conform to the area setback requirements set forth in this section.

Corner lots/yards: a corner lot's bulk requirements, relative to lot width, lot depth, and/or front yard setback may be reduced by up to 20% without need of variance relief.

Accessory building setbacks:

Front yard: no accessory building shall extend closer to any street than the nearest point of the principal building

Rear yard: minimum of 5 feet

Side yards: minimum of 5 feet

Maximum building coverage: 30%

Maximum impervious lot coverage: 45%

Sec. 550-98.5 Parking Requirements

A. Parking shall be provided for all residential uses in accord with the Residential Site Improvement Standards (RSIS). Parking for non-residential users shall be in accord with applicable municipal ordinances as noted within this chapter.

B. Parking spaces in common parking areas for multi-family residential development shall be located within 250 feet of the dwelling units served.

C. All required parking for multifamily dwelling units shall be provided off-street, except that nothing in this ordinance shall be construed to prohibit required parking spaces from being placed perpendicular to a one or a two-way local street, or at an angle on a one way local street, provided that both the pavement width of the street and the length of each parking space meet the requirements set forth in the RSIS.

D. No arterial or inter-tract collector street shall provide direct access to an individual required parking space for a multi-family dwelling unit.

E. Parking for commercial, retail and/or office use shall be in accord with the standards of section 550-124 Of the Fredon Code.

Sec. 550-98.6 Affordable Housing Requirements

A. Intent. The intent of this Article is to create a realistic opportunity for the development of the Property in order to yield 29 affordable rental housing units available to the region's low and moderate income

households, under relevant Affordable Housing Laws. Fractions between 0.0 and 0.499 shall be rounded down. Fractions between 0.5 and 0.999 shall be rounded up.

B. On Site Construction. At least 24 (but up to 29) affordable housing units shall be built on the Property. All on- site affordable housing units shall be built within, and dispersed throughout, the intended 150 multi-family, apartment units on the Property. Bedroom distribution of affordable units constructed on site shall be in accord with the provisions of N.J.A.C. 5:93-7.3. The design and exterior of affordable housing units shall be comparable to market units and shall be located to have access to the property comparable to that of market units.

C. Off Site Creation of Affordable Housing. Up to 5 affordable housing units may be created off-site as a group home for the developmentally disabled, with each bedroom in such a structure counting as a unit of credit of affordable housing, in accord with N.J.A.C. 5:93-5.8. Such off-site development shall be at the sole discretion of the developer.

D. Construction and Phasing. The 29 affordable housing units shall be completed consistent with the phasing requirements of N.J.A.C. 5:93-5.6(d) measured with respect to development of the multi-family apartment units.

E. Construction, Marketing, Pricing, Occupancy, Length of Price restriction, etc. All of affordable units shall be constructed, affirmatively marketed, priced, occupied, and restricted in pricing in compliance with the Uniform Housing Affordability Code regulations, N.J.A.C. 5:80-1 et seq. (UHAC).

F. Definitions of Affordability. Housing and income limits in relation to housing unit size and household size shall be in accord with the provisions UHAC and N.J.A.C. 5:93-7.4, and their distribution according to income strata shall be in accord with applicable Affordable Housing law.

G. Waiver of fees. Notwithstanding any other requirement of the Township, the following fees shall be waived for every unit designated as affordable housing and only for those units designated as affordable housing:

1. subdivision and site plan application fees applicable to affordable housing units;
2. Building permit fees, except state and third-party fees, applicable to affordable housing units;
3. Certificate of occupancy fees applicable to affordable housing units. The Township shall not oppose an application to the board of public utility commissioners for waiver of water connection fees or to the applicable municipal utilities authority for sewer connection fees, for affordable housing units.

Sec. 550-98.7 Common Open Space and Common Elements

Any portion of the Property on the northwesterly side of New Jersey State Route 94 not used for lots for single-family residential dwelling units, nor for townhouse development, and excluding areas for roads, sidewalks serving adjacent residential units or commercial buildings, utilities, environmentally sensitive areas, and other elements customary and incidental to residential development, may, at Martin's discretion, be designated as public use area, open space, recreation, and/or other common open space. The common open space area shall exclude private patios and yards, and any area located between a building and street. In recognition that the Concept Plan has not yet been fully engineered or designed, the

development shall endeavor to provide common open space in the vicinity of the buildings developed as multi-family apartments, however, common open space area shall exclude common parking areas. Open space in the southeast corner of the Property may be developed for recreational uses and facilities.

All property owners and tenants in the development shall have the right to use the common open space and any recreational facilities located on the site.

Common open space may be deeded to the Township if accepted by the governing body.

All common open space not accepted by the municipality and all common elements in the development may be deeded to an open space organization established to own and maintain the common elements as provided in N.J.S.A. 40:55D-43. In such event, the open space organization documents shall be submitted to the Planning Board attorney for review and approval.

Sec. 550-98.8 Engineering and construction design standards for multi-family apartment construction.

Drainage, lighting, and road construction standards shall be governed by those set forth in the Residential Site Improvement Standards (RSIS), subject to the elimination of cost generating requirements, as directed by N.J.A.C. 5:93-10 et seq.

Sec. 550-98.9 Multi-family apartment residential development requirements

No building or group of attached buildings shall contain more than 24 dwelling units.

No building shall exceed a length of 250 feet.

No room within a dwelling unit intended for human habitation shall be located in a cellar, basement, or attic, except that a cellar or basement may contain a family room or recreation room.

Accessory building shall meet the property line setbacks of the principal buildings.

The maximum height of an accessory building shall be 16 feet, except that recreational buildings and facilities shall be governed by the height limitations for principal buildings.

Garages may be built into the principle structure or separately constructed as hereafter provided. Each garage space shall be at least 10 feet wide and 20 feet in depth. Each group of attached garages to have a joint capacity not more than 12 automobiles arranged in a row, and there shall be a minimum distance of 10 feet between structures.

Exterior satellite and/or television antennae shall be limited to one master antenna per building, where the building does not have a flat roofline.

Laundry facilities may be provided in each building.

Screening and fencing shall be provided as needed to shield parking areas and other common facilities from the view of adjoining properties and streets

Provisions shall be made for the preservation of existing trees and natural features to the extent possible. All disturbed areas shall be landscaped. Landscaping shall be provided as follows:

Shade trees shall be planted along all streets and in the common parking areas. Such trees shall be one and one-half to two inches in caliper at the time of planting and shall be planted a minimum of 50 feet on center along both sides of all streets in common parking areas. The planning board shall approve the choice of planting and may rely upon recommendations of a municipal shade tree commission.

Common areas and yards shall be planted with: one conifer, six to eight feet high at the time of planting for each dwelling unit; one deciduous tree, 1 and one-half to 2 inches in caliper for every two dwelling units; and 10 shrubs, 15 to 18 inches high at time of planting for each dwelling unit.

Buffer areas shall be left in a natural state wherever they are outside the limits of disturbance. Otherwise, buffer areas shall be planted with mixed conifers, 6 to 8 feet in height at time of planting, and planted 8 feet on center.

All disturbed areas shall be planted in grass or ground cover.

All plantings shall be of nursery stock, balled and burlapped, and shall be healthy, free of disease, and guaranteed for two years.

Section 3. Severability

If any section, paragraph, subsection, clause, or provision of this ordinance shall be judged invalid, such adjudication shall apply only to that section, paragraph, subsection, clause, or provision, and the remainder of this Ordinance shall be deemed valid and effective.

Section 4. Repealer

All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 5. Effect

This Ordinance shall take effect upon action of the Mayor and Township Committee as approved by law and upon publication according to law.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance passed second reading and was adopted by the Fredon Township Committee at a Regular Meeting of that body held on December 22, 2016.

Joanne Charner RMC
Municipal Clerk

TOWNSHIP OF FREDON
ORDINANCE 2016-10
AN ORDINANCE TO PROVIDE AND DETERMINE RATES OF COMPENSATION RANGE
FOR OFFICIALS, OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF FREDON,
COUNTY OF SUSSEX, STATE OF NEW JERSEY
THE FOLLOWING SHALL BE PAID MONTHLY
ANNUAL SALARY RANGE

Mayor	\$2,000.	\$4,000.
Deputy Mayor	1,500.	3,750.
Township Committee	1,000.	3,500.
Tax Collector, Tax Search Officer	15,000.	40,000.
Tax Assessor	10,000.	25,000.
Board of Health Secretary	2,000.	5,000.
Environmental Commission Secretary	600.	2,000.
Animal Licensing	2,000.	5,000.
Recreation Secretary	1,200.	2,000.
Animal Control Officer	2,500.	5,000.

THE FOLLOWING SHALL BE PAID BI-WEEKLY
HOURLY SALARY RANGE

DPW Foreman	25.00	40.00
DPW Supervisor	20.00	35.00
Equipment Operator #1	20.00	30.00
Truck Driver/Laborer	15.00	25.00
Truck Driver On Call	12.00	25.00
Treasurer	25.00	50.00
Chief Financial Officer (Paid Monthly)	35.00	70.00
Deputy Tax Assessor (Paid Monthly)	15.00	25.00
Buildings & Grounds /Seasonal	10.00	15.00
Civic Center Attendant	10.00	15.00

THE FOLLOWING SHALL BE PAID BI-WEEKLY
ANNUAL SALARY RANGE

Clerk, Registrar, Assess. Search Officer	\$30,000	\$65,000.
Deputy Clerk	20,000	50,000.
Planning Board Secretary	5,000	17,000.
Board of Adjustment Secretary	3,000	10,000.
Deputy Tax Collector	4,000	10,000.
Systems Coordinator	3,000	8,000.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance passed second reading and was adopted by the Fredon Township Committee at a Regular Meeting of that body held on November 10, 2016.

Joanne Charner RMC
Municipal Clerk

TOWNSHIP OF FREDON
ORDINANCE NO. 2016-11

AN ORDINANCE TO VEST THE POWERS OF THE ZONING BOARD OF
ADJUSTMENT IN THE MUNICIPAL PLANNING BOARD

WHEREAS, N.J.S. 40:55D-25c authorizes a municipality to choose to exercise all of the powers of a zoning board of adjustment through its Planning Board; and

WHEREAS, the governing body of the Township of Fredon has determined that elimination of the municipal zoning board of adjustment and consolidation of all of its powers pursuant to the Municipal Land Use Law within the municipal Planning Board would result in benefits and efficiencies to the applicants, municipal staff, and community at-large.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Fredon as follows:

1. Chapter 9, Article II of the Code of the Township of Fredon is hereby rescinded in its entirety.

2. Chapter 45, Article II, Section 45-2, is amended to read as follows:

“45-2. Establishment & Composition. There shall be in the Township of Fredon, pursuant to the Municipal Land Use Law, N.J.S. 40:55D-1 et seq., and specifically N.J.S. 40:55D-25c, a Planning Board of nine members consisting of the following four classes:

Class I. The mayor.

Class II. One of the officials of the Township other than a member of the Township Committee, to be appointed by the Mayor.

Class III. A member of the Township Committee, to be appointed by it.

Class IV. Six other citizens of the Town, to be appointed by the Township Committee. The Class IV members shall hold no other office in Town.

There shall also be four alternate members appointed to the Planning Board in the same manner as Class IV members who shall be designated by the Chair of the Planning Board as “Alternate No. 1” through “Alternate No. 4.” Upon the effective date of this Ordinance, to stagger appointment expiration dates, Alternate Nos. 1 and 3 shall be appointed for a term of two years each, and Alternate Nos. 2 and 4 shall be appointed for a term of one year each. Thereafter an alternate member shall be appointed for a term of two years.

Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of any class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate members are to vote, Alternate No. 1 shall be chosen first, followed in turn by Alternate No. 2, then Alternate No. 3 and then Alternate No. 4, if necessary.”

3. Article II, Section 45-3 is deleted, and the subsections -4 through -7 are to be re-numbered to reflect the deletion of subsection 3.

4. There shall be a new Section 45-7:

“45:7 Expiration of Variance. Any variance from the terms of this Chapter hereinafter granted by the Planning Board permitting the erection or alteration of any structure or structures, or permitting a specified use of any premises, shall expire by limitation unless such construction or alteration shall have been actually commenced on each and every structure permitted by such variance, or unless such permitted use has actually been commenced within nine

months from the date of entry of the judgment or determination of the Board; except, however, that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the Board to the Township Committee, or to a court of competent jurisdiction, until the termination in any manner of such appeal or proceeding.”

5. Article II, Section 45-8, paragraph H, is amended to read as follows:

“H. Pursuant to N.J.S. 40:55D-25c the Planning Board shall exercise, to the same extent and subject to the same restrictions, all powers of a zoning board of adjustment as listed and provided under the Municipal Land Use Law. In the event an application requires relief under N.J.S. 40:55D-70d, the Class I and Class III members of the Planning Board shall not participate in the consideration thereof, and said application shall be considered by no more than seven members/alternates.”

6. Article III, “Zoning Board of Adjustment,” and all sections thereof, is deleted.

7. Article IV shall be amended to be retitled “Provisions Applicable to Planning Board Proceedings” and to strike reference to “zoning board of adjustment” and any conjunctive words linking “Planning Board” with “zoning board of adjustment,” such as “and” or “or” or “both.”

8. Article V, “Appeals,” shall be amended to replace “zoning board of adjustment” with “Planning Board.”

9. Article VII (“Miscellaneous Fees, Escrows, and Deposits”), and Article IX (“Affordable Housing”) are amended to strike reference to “zoning board of adjustment”

and any conjunctive words linking “Planning Board” with “zoning board of adjustment,” such as “and” or “or” or “both.” All references to “Zoning Board of Adjustment” (or variant thereof) without linkage to “Planning Board” in the Code of the Township of Fredon shall heretofore be replaced with “Planning Board.” In the event of any inconsistency between the language of this Ordinance and the language of an existing Ordinance, the language of this Ordinance shall control.

10. Upon passage of this Ordinance the Township Committee shall appoint two new Class IV members to the Planning Board and two new Alternates. The Planning Board shall otherwise continue as presently organized.

11. This Ordinance shall be effective January 1, 2017. Applications pending before the Zoning Board of Adjustment on the effective date of this Ordinance shall be transferred to the Planning Board for continuation of the application process before the Planning Board.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance passed second reading and was adopted by the Fredon Township Committee at a Regular Meeting of that body held on November 10, 2016.

Joanne Charner RMC
Municipal Clerk

TOWNSHIP OF FREDON
ORDINANCE NO. 2016-12

"AN ORDINANCE AUTHORIZING SALE BY PUBLIC AUCTION
OF MUNICIPAL LANDS NOT NEEDED FOR PUBLIC USE"

WHEREAS, the Township of Fredon has title to a certain 42.51-acre parcel of real property located on Route 94 and Fredon-Greendell Road known as Lot 6 in Block 1807 as shown on the Township Tax Map, which parcel of real property is not needed for public use; and

WHEREAS, the governing body has determined that said parcel be sold at public sale to the highest bidder subject to the terms and conditions hereinafter set forth, pursuant to N.J.S.A. 40A:12-13(a);

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Fredon in the County of Sussex and State of New Jersey as follows:

1. That the 42.51-acre parcel known as Block 1807, Lot 6, shall be offered for sale at public auction to the highest bidder with a minimum bid required and sale conditions as more particularly set forth below.
2. The sale shall be conducted at the Municipal Building of the Township of Fredon, 443 Route 94, Fredon, New Jersey on Thursday, December 22, 2016, at 6:00 p.m.
3. The governing body hereby appoints and designates the Township Clerk, or such other person as she shall appoint, to conduct the auction sale on behalf of the governing body.
4. The parcel placed for sale in this auction shall be auctioned with reservation. No bid shall be accepted in an amount less than is set forth below. The auctioneer shall commence the bidding at the minimum required bid and may accept the highest bid thereafter made, or reject all bids. The Township reserves the right to finally accept or reject any bid made, and no bid shall be considered finally accepted until passage of a resolution of the Township governing body as set forth in Paragraph 7 hereof.
5. The highest bidder shall execute an Offer to Purchase in a form attached hereto at the conclusion of the bidding and a deposit by cash or check equal to ten percent (10%) of the winning bid. The balance of the money shall be paid in cash or by certified check on the delivery of the deed.
6. The conveyance shall be by bargain and sale deed and the premises shall be sold subject to covenants, restrictions, conditions, reservations of record, easements established of record or by prescription, laws, municipal ordinances, and such state of facts as an accurate survey or inspection of the premises may disclose.

7. The highest bid shall be accepted or rejected by a resolution of the governing body no later than the second regular meeting of the governing body following the date of the auction. No bid may be withdrawn prior to such resolution. The winning bidder may not assign its rights except to a related corporate entity of which the winning bidder is principal.

8. Notice of the auction sale of said parcel shall be advertised in the New Jersey Herald at least once a week during two consecutive weeks, the last publication being not earlier than seven (7) days prior to the date of such sale.

9. This Ordinance shall take effect upon its passage and publication as required by law.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance passed second reading and was adopted by the Fredon Township Committee at a Regular Meeting of that body held on November 10, 2016.

Joanne Charner RMC

Municipal Clerk