



Agenda

Meeting of the Municipal Council
Wednesday, August 12, 2020
REGULAR MEETING 6:00 PM
Zoom Audio Meeting

To Join the Zoom Meeting

Dial: +1 929 205 6099

+1 312 626 6799

+1 301 715 8592

Meeting ID: 965 7928 8758

Optional: View Presentation Slides

<https://zoom.us/j/96579288758>

Dial *9 to be 'Raise Hand' to speak

I. Executive Session - 5:00 p.m.

2020-223 Resolution Authorizing a meeting which excludes the public

A. Contract Negotiations

1. Lease Agreement-Tops Taxi, Inc.-James J. Howard Transportation Center
2. Lease Agreement-J&A Concession-James J. Howard Transportation Center
3. Amendment to Subsequent Redeveloper Agreement with 202 Seventh Avenue, Block 4201, Lots 3 and 4
4. Amendment to Subsequent Redeveloper Agreement with 1401 Ocean Avenue, Block 4204, Lot 1

B. Attorney-Client Privilege

II. Workshop Session - 6:00 p.m.

1. Call to Order/Roll Call
2. Silent Prayer/Moment of Reflection
3. Salute to the Flag
4. Announcement - Open Public Meetings Act

As to comply with the "Open Public Meetings Act," Chapter 231, P.L. 1975, adequate Notice of this meeting has been provided in the following manner: The Annual Notice was forwarded to the Asbury Park Press, The Coaster and The Star Ledger on January 7, 2020, and posted on the bulletin board the same date. All notices are on file with the City Clerk.

Special Event Applications

Matters from City Council

Matters from City Manager

Matters from City Attorney

Items to be Presented by: Michele Alonso, Director of Planning & Zoning

1. Presentation by Michele Alonso, AICP, PP, Director of Planning and Redevelopment on Renewable Government Energy Aggregation (R-GEA)

III. Regular Meeting

A. Public Participation

B. Minutes

- Municipal Council-Executive Meeting-July 22, 5:00 PM
- Municipal Council - Regular Meeting - Jul 22, 2020 6:00 PM

C. Consent Agenda Resolutions

All matters listed on the Consent Agenda are presented collectively to the City Council, and will be considered for approval with one vote. These matters are considered to be routine in nature, and there will be no individual discussion of these items. If discussion is desired by one or more Council member(s) as to any particular item(s), then said item(s) shall be removed from the Consent Agenda and considered separately.

2020-224 Resolution Approving Special Event Applications

2020-225 Resolution to Credit Sewer Account 2603-11 806 Bond Street

2020-226 Resolution to Credit Sewer Account 2705-4 610 Second Avenue

2020-227 Resolution to Credit Sewer Account 1803-26 907 New Street

D. Individual Resolutions

2020-228 Resolution Approving Payment of Bills

2020-229 Resolution of the City of Asbury Park, County of Monmouth, State of New Jersey Providing for the Insertion of Special Items of Revenue in the 2020 Budget of the City of Asbury Park Pursuant to N.J.S.A. 40A:4-87 (Chapter 159) - Justice Assistance Grant

2020-230 Emergency Contract for the Continued Purchase of Personal Protective Equipment and Supplies as Needed following CDC Guidelines

2020-231 Resolution Authorizing an Increase to the Bid Threshold

2020-232 Resolution Amending Contract with A+ Technology for Additional Parts Needed for the Access Control Security System Via Change Order 1

2020-233 Designating Red Bank to Serve as Lead Municipal Agency as Part of The Sustainable Monmouth Alliance Energy Aggregation Program

2020-234 Resolution Amending Contract with IEC for the Emergency Cleaning of the RBC's Via Change Order Number 1

2020-235 Resolution to Refund Sewer Account Relating to Block 2404, Lot 10

- 2020-236 A Resolution of The City of Asbury Park Releasing the Performance Bond for Parking Lot Development Located at 1500 Sewall and 1201 Monroe Avenues (Block 1503, Lots 7 & 8) And Accepting Maintenance Guarantee
- 2020-237 A Resolution Referring to the Planning Board Certain Proposed Amendments to The Land Development Regulations of The City of Asbury Park (Chapter XXX of the City Code) To Amend Sections 30-15 (“Definitions”); 30-61 (“Signs”); and various subsections of 30-56 (“DESIGN STANDARDS—GENERAL”) pertaining to Lighting, Landscaping and Fences
- 2020-238 Resolution Authorizing Referral to The Planning Board a Proposed Revised Official Zoning Map.
- 2020-239 A Resolution Referring to the Planning Board Certain Proposed Amendments to The Land Development Regulations of The City of Asbury Park (Chapter XXX of the City Code) To Amend Sections 30-15 (“Definitions”); 30-66 (“Zone Districts); 30-67 (“Schedule of Zone District Area, Yard and Building Requirements”); 30-68 (“Supplementary Zone District Regulations”); 30-71 (“Use Regulations-Nonresidential Districts”) 30-73 (“Supplemental Use Regulations”); 30-75 (“Accessory Uses and Structures”); and 30-76 (“Regulations Governing Conditional Use”);
- 2020-240 Resolution of The City of Asbury Park, In the County of Monmouth, State Of New Jersey, Authorizing A \$23,810 Emergency Appropriation Pursuant to N.J.S.A. 40a:4-48 To Fund A Down Payment for A Bond Ordinance Authorizing the Undertaking of Improvements to The Sewer/Wastewater Treatment Plant, Including, But Not Limited To, The Replacement of Rotating Biological Contactors (Below 3%)

E. Ordinances

1. Introduction

- 2020-22 An Ordinance Adopting Amendments to The Strategic Area Rebuilding Spirit (S.T.A.R.S.) Redevelopment Plan
- 2020-23 Bond Ordinance Amending and Supplementing Bond Ordinance Number 3038 (Which Provides for Improvements to The Sewer Plant) Heretofore Finally Adopted by The City Council of The City of Asbury Park, In the County of Monmouth, State Of New Jersey, On January 16, 2013, To Increase the Appropriation By \$500,000 And to Increase the Authorization of Bonds or Notes By \$476,190
- 2020-24 Bond Ordinance Providing for Improvements to Bond Street (A Transportation Utility Improvement), By and In the City of Asbury Park, In the County of Monmouth, State Of New Jersey; Appropriating \$2,600,000 Therefor (Including A Grant Expected to Be Received from The New Jersey Department of Transportation) And Authorizing the Issuance Of \$2,600,000 Bonds or Notes of The City to Finance the Cost Thereof

F. Adjournment

**RESOLUTION NO. 2020-223****RESOLUTION AUTHORIZING A MEETING WHICH EXCLUDES THE PUBLIC**

BE IT RESOLVED by the Mayor and Council of the City of Asbury Park that this body will hold a meeting on August 12, 2020 at 6:00 PM in the Council Chambers located at 1 Municipal Plaza, Asbury Park, New Jersey, that will be limited only to consideration of an items or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

The general nature of the subject or subjects to be discussed are as follows:

A. Contract Negotiation:

1. Lease Agreement-Tops Taxi, Inc.-James J. Howard Transportation Center
2. Lease Agreement-J&A-Concession-James J. Howard Transportation Center
3. Amendment to Subsequent Redeveloper Agreement with 202 Seventh Avenue, Block 4201, Lots 3 and 4
4. Amendment to Subsequent Redeveloper Agreement with 1401 Ocean Avenue, Block 4204, Lot 1

B. Attorney Client Privilege:

The public is excluded from said meeting, and further notice is dispensed with, all in accordance with section 8 and 4a of the Open Public Meetings Act.

MELODY HARTSGROVE
CITY CLERK



Minutes
Meeting of the Municipal Council
Wednesday, July 22, 2020
REGULAR MEETING

Executive Session - 5:00 p.m.

2020-214 Resolution Authorizing a meeting which excludes the public

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jesse Kendle, Councilmember
SECONDER:	Eileen Chapman, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

Workshop Session - 6:00 p.m.

1. Call to Order/Roll Call

Attendee Name	Title	Status	Arrived
Eileen Chapman	Councilmember	Remote	
Yvonne Clayton	Councilmember	Remote	
Jesse Kendle	Councilmember	Remote	
Amy Quinn	Deputy Mayor	Remote	
John Moor	Mayor	Remote	
Melody Hartsgrove	City Clerk	Remote	
Donna Vieiro	City Manager	Remote	
Frederick Raffetto	City Attorney	Remote	

City Clerk Melody Hartsgrove called the meeting to order at 6:00 PM.

3. Silent Prayer/Moment of Reflection

4. Salute to the Flag

5. Announcement - Open Public Meetings Act

SPECIAL EVENT APPLICATIONS

Director of Recreation, Leesha Floyd presented special events applications to the Mayor and Council.

ITEMS TO BE PRESENTED:

1. Presentation of proposed roof deck and sound study for the Berkley Carteret Hotel (1401 Ocean Avenue) by George McGill, Esquire
George McGill, Esquire presented a roof deck and sound study plan for the Berkley Carteret Hotel (1401 Ocean Avenue) with the Mayor and Council.

Matters from City Council

Council member Chapman stated, free COVID-19 testing is now available at the transportation center. Music Mondays concert series in Springwood Park has resumed. The boardwalk concert band has moved to Bradley Park.

Council member Clayton stated, COVID-19 testing went very well today. The Census is very important. Help will be provided to complete the census at the transportation center at the same time as COVID-19 testing.

Council member Kendle had no comments at this time.

Deputy Mayor Quinn thanked City Manager Donna Vieiro and Direction of Transportation and Assistant City Manager Michael Manzella for doing an exceptional job in dealing with residents and the RE-open expanded dining plan. Thank you to Leesha Floyd for putting together the best recreation program in Monmouth County.

Mayor Moor stated, please fill out the Census. Please wear a mask whenever possible. The City of Asbury Park cannot issue tickets for not wearing masks because we legally cannot.

Matters from City Manager

City Manager, Donna Vieiro had no matters at this time.

Matters from City Attorney

City Attorney, Frederick Raffetto had no matters at this time.

PUBLIC PARTICIPATION

A motion was made by Council member Kendle and seconded by Council member Chapman to open the meeting to the public. All were in favor. The following members of the public spoke: Kevin Sheridan, Rita Morano, and Ernest Mignoli.

A motion to close the meeting to the public was made by Council member Kendle and seconded by Council member Clayton All were in favor.

MINUTES

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jesse Kendle, Councilmember
SECONDER:	Eileen Chapman, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

1. Municipal Council-Executive Session Meeting July 8, 5:00 PM
2. Municipal Council - Regular Meeting - Jul 8, 2020 6:00 PM **Accepted**

INDIVIDUAL RESOLUTIONS

2020-215 Resolution Approving Payment of Bills

Council Member Chapman abstained from 20-00788, 20-00776, and 20-01877.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Jesse Kendle, Councilmember
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle, Amy Quinn
NAYS:	John Moor

- 2020-216 Resolution of the City of Asbury Park, County of Monmouth, State of New Jersey Providing for the Insertion of Special Items of Revenue in the 2020 Budget of the City of Asbury Park Pursuant to N.J.S.A. 40A:4-87 (Chapter 159) - Madison Marquette Donation Special Police Boardwalk

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Jesse Kendle, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

- 2020-217 Authorizing a professional services contract to Meridian Occupational Health P.C. for Pre-Employment Exams

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

- 2020-218 Authorizing a Professional Services Contract to KMA for the Exploration of Rent Control

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

- 2020-219 Resolution Authorizing and Approving the Submittal of a Grant Application and Execute A Grant Contract with The New Jersey Department of Transportation for The Monroe & Comstock Street Roadway Improvements Project.

Minutes Acceptance: Minutes of Jul 22, 2020 6:00 PM (Minutes)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jesse Kendle, Councilmember
SECONDER:	Amy Quinn, Deputy Mayor
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2020-220 Authorizing the Emergency Cleaning of Rotating Biological Contactor (RBCs) at the Waste Water Treatment Plant

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Yvonne Clayton, Councilmember
SECONDER:	Amy Quinn, Deputy Mayor
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2020-221 Appointing an Acting Fire Official

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Jesse Kendle, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2020-222 Resolution Approving Special Event Applications

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

ORDINANCES

Second Reading/Public Hearing

2020-20 An Ordinance Establishing a Restricted Parking Space for use by Handicapped Persons at Property Located at 1215 1/2 Monroe Avenue, in the City of Asbury Park, and Amending and Supplementing Section 7-36, Entitled, "Handicapped Parking," of Chapter VII, "Traffic," of the "Revised General Ordinances of the City of Asbury Park, New Jersey."

A motion to open 2020-20 to the public was made by Council Member Chapman and seconded by Council Member Clayton. All in favor. The following members of the public spoke: Ernest Mignoli. A motion to close 2020-19 was made by Council Member Kendle and seconded by Council Member Chapman.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2020-21 An Ordinance Establishing Salaries of Certain Employees within the City of Asbury Park, Monmouth County, NJ

A motion to open 2020-21 to the public was made by Council Member Chapman and seconded by Council Member Kendle. All in favor. The following members of the public spoke: Rita Morano and Ernest Mignoli.

A motion to close 2020-21 was made by Council Member Kendle and seconded by Council Member Chapman

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Yvonne Clayton, Councilmember
SECONDER:	Amy Quinn, Deputy Mayor
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

ADJOURNMENT

The meeting was adjourned at 7:18 PM

A motion to close the meeting was made by Mayor Moor and seconded by Deputy Mayor Quinn. All in favor.

Meeting was adjourned at 7:18 PM

Respectfully submitted by:

Melody Hartsgrrove, Deputy City Clerk

Minutes Acceptance: Minutes of Jul 22, 2020 6:00 PM (Minutes)



RESOLUTION NO. 2020-224

**City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION APPROVING SPECIAL EVENT APPLICATIONS

WHEREAS, at work session meeting of the Mayor and Council held on August 12, 2020 the following Special Events Applications were presented for approval by the Director of Recreation:

1. Peace in the Park
2. One Mic One Soul Open Mic
3. Wedding: 10/10/20- 2nd Ave Beach

WHEREAS, the Mayor and Council have determined to approve said applications, so long as all requirements of the City's "Special Events" Ordinance (Section 4-10 of the City Code) have been satisfied by the respective applicants, as well as any other requirements imposed by the City's Police Department and/or Special events Committee.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park, in the County of Monmouth, State of New Jersey, that all the above referenced Special Events Applications are hereby approved, so long as all requirements of the City's "Special Events" Ordinance (Section 4-10 of the City Code) have been satisfied by the respective applicants, as well as any other requirements imposed by the City's Police Department and/or Special events Committee.

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2020-224 which was finally adopted by the City Council at a meeting held on the 12th day of August, 2020

CERTIFIED BY ME THIS DAY OF , .

MELODY HARTSGROVE
CITY CLERK



SPECIAL EVENTS PERMIT APPLICATION

Date Received: _____ APP. # _____

Please complete the following information as required by city Ordinance No 2016-55 "General Licensing: 4-10.4." All applications are to be received by the Asbury Park Office of Special Events (1 Municipal Plaza Asbury Park, NJ 07712) no less than 45 Days prior to the event for which permit is being requested. All application fees are non refundable and must be submitted with this application. Contact Leesha Floyd at 732.502.5759 or Leesha.floyd@cityofasburypark.com for additional information. Fax number is 732.775.1483

NAME OF EVENT: PEACE IN THE PARK

DATE(S): 8/16/20 Rain Date: 8/23/20
HOURS OF EVENT: From 3:33 PM To: 5:55 PM

EXACT LOCATION YOU ARE REQUESTING TO STAGE YOUR EVENT:

SPRINGWOOD PARK, ASBURY PARK

Name of Applicant/Organization: KYDS - KONSIOUS YOUTH DEVELOPMENT + SERVICE
Address: 5 HILLVIEW DR NEPTUNE NJ 07753
Contact: ELICKA UTEL Phone: 732-272-2025
Fax: _____ Email: ELICKA@KONSIOUS.ORG
Non-Profit? Yes ☒ No ☐ Tax Exempt ID Number: 47-4789359
If yes, please provide non-profit certificate

DESCRIBE IN DETAIL TYPE OF EVENT YOU WILL BE STAGING: KYDS would like to host a gathering of Peace and self awareness to help individuals look within for solutions. We are offering our solutions of healing through holistic practices.

On a separate sheet of paper, please provide a detailed description (footprint) of the proposed event and a sketch that shows the area or route to be used along with any proposed structures, tents, fences, barricades, signs, banners restroom facilities and electrical equipment. NOTE: sketch should identify the dimensions of exhibit booths, structures, etc.

OVER

Attachment: cm812 (2020-224 : Special Event Applications)

City of Asbury Park Special Events Application

Page Two

WILL APPLICANT REQUIRE A LIQUOR SOCIAL EVENT OR CATERING PERMIT

Yes _____ No ☒ If yes, please explain _____NUMBER OF PEOPLE ANTICIPATED TO ATTEND: 300ADMISSION CHARGE? YES _____ NO ☒ IF YES, HOW MUCH _____VENDOR CHARGE? YES _____ NO ☒ IF YES, HOW MUCH _____WILL YOU REQUIRE A STREET CLOSING? YES _____ NO ☒ Please Give Details: _____

PROVIDE COMPLETE DETAILS AS TO HOW THE APPLICANT INTENDS TO PROVIDE FOR SECURITY, TRAFFIC CONTROL, CLEAN UP, SEPARATION OF RECYCLABLE MATERIAL AND DISPOAL OF TRASH AND DEBRIS: We/KYDS will have our staff and volunteers clean up the park then email/text

Leesha with results.

DESCRIBE ALL CITY RESOURCES AND/OR SERVICES THAT WILL BE REQUIRED TO BE PROVIDED IN CONNECTION WITH THE EVENT: We welcome the presence of community police.

NOTE: There will be charges for all city services provided. Refer to the attached fee schedule.

*All vendors using tents and/or various cooking devices are required to obtain a vendor's permit from the Asbury Park Bureau of Fire Prevention.

*Asbury Park requires liability insurance. The amount of liability coverage depends upon the size and nature of the event planned. The minimum liability coverage is one million dollars. The City of Asbury Park must be named on the insurance policy as an "additional insured." All insurance policies are to be provided to the Special Events Office not less than 10 days prior to the date of the event.

*All estimated fees and/or costs the City of Asbury Park may incur as a result of the City issuing a special event's permit to stage this event must be paid in advance by certified or cashier's check, not less than 10 business days in advance of the event date.

*If the event insurance policy and all fees are not submitted to the City 10 days prior to the event, the City reserves the right to cancel the event.

Signature of Applicant

Date

Print Name of Applicant

For Special Events Office Use only:

Total Fees Calculated to be paid by Applicant \$ _____ Total Fees Collected \$ _____

Attachment: cm812 (2020-224 : Special Event Applications)



SPECIAL EVENTS PERMIT APPLICATION

Date Received: _____ APP. # _____

Please complete the following information as required by city Ordinance No 2016-55 "General Licensing: 4-10.4." All applications are to be received by the Asbury Park Office of Special Events (1 Municipal Plaza Asbury Park, NJ 07712) no less than 45 Days prior to the event for which permit is being requested. All application fees are non refundable and must be submitted with this application. Contact Leesha Floyd at 732.502.5759 or Leesha.floyd@cityofasburypark.com for additional information. Fax number is 732.775.1483

NAME OF EVENT: ONE MIC, ONE SOUL OPEN MIC

DATE(S): Saturday August 22nd Rain Date: —
HOURS OF EVENT: From 10 PM To: 8:30 PM

EXACT LOCATION YOU ARE REQUESTING TO STAGE YOUR EVENT:

SPRINGWOOD PARK, ASBURY PARK

Name of Applicant/Organization: KDS- KONSCHOW YOUTH DEVELOPMENT + SERVICE

Address: 5 HILLVIEW DR DEPTUNE NJ 07753

Contact: ERICKA LITEE Phone: 732.272.0035

Fax: _____ Email: ERICKA@KONSCHOWS.ORG

Non-Profit? Yes ☒ No ☐ Tax Exempt ID Number: 47-4789359

If yes, please provide non-profit certificate

DESCRIBE IN DETAIL TYPE OF EVENT YOU WILL BE STAGING: KIDS would like to host a gathering of live Poetry, Singing, storytelling and more. We are offering our community members to express through the love of art in a safe space.

On a separate sheet of paper, please provide a detailed description (footprint) of the proposed event and a sketch that shows the area or route to be used along with any proposed structures, tents, fences, barricades, signs, banners restroom facilities and electrical equipment. NOTE: sketch should identify the dimensions of exhibit booths, structures, etc.

OVER

Attachment: cm812 (2020-224 : Special Event Applications)

City of Asbury Park Special Events Application

Page Two

WILL APPLICANT REQUIRE A LIQUOR SOCIAL EVENT OR CATERING PERMIT

Yes _____ No ☒ If yes, please explain _____NUMBER OF PEOPLE ANTICIPATED TO ATTEND: 100ADMISSION CHARGE? YES _____ NO ☒ IF YES, HOW MUCH _____VENDOR CHARGE? YES _____ NO ☒ IF YES, HOW MUCH _____WILL YOU REQUIRE A STREET CLOSING? YES _____ NO ☒ Please Give Details: _____

PROVIDE COMPLETE DETAILS AS TO HOW THE APPLICANT INTENDS TO PROVIDE FOR SECURITY, TRAFFIC CONTROL, CLEAN UP, SEPARATION OF RECYCLABLE MATERIAL AND DISPOSAL OF TRASH AND DEBRIS: KYDS will have staff and volunteers

Clean up the park then email/text Leeshia with results.

DESCRIBE ALL CITY RESOURCES AND/OR SERVICES THAT WILL BE REQUIRED TO BE PROVIDED IN CONNECTION WITH THE EVENT: KYDS welcome the

presence of community police

NOTE: There will be charges for all city services provided. Refer to the attached fee schedule.

*All vendors using tents and/or various cooking devices are required to obtain a vendor's permit from the Asbury Park Bureau of Fire Prevention.

*Asbury Park requires liability insurance. The amount of liability coverage depends upon the size and nature of the event planned. The minimum liability coverage is one million dollars. The City of Asbury Park must be named on the insurance policy as an "additional insured." All insurance policies are to be provided to the Special Events Office not less than 10 days prior to the date of the event.

*All estimated fees and/or costs the City of Asbury Park may incur as a result of the City issuing a special event's permit to stage this event must be paid in advance by certified or cashier's check, not less than 10 business days in advance of the event date.

*If the event insurance policy and all fees are not submitted to the City 10 days prior to the event, the City reserves the right to cancel the event.

JS
Signature of Applicant

7/21/20
Date

Eliza Luter / KYDS
Print Name of Applicant

For Special Events Office Use only:

Total Fees Calculated to be paid by Applicant \$ _____ Total Fees Collected \$ _____

Attachment: cm812 (2020-224 : Special Event Applications)

1 Municipal Plaza Asbury Park, NJ 07712 (732)502-5759 or (732) 502-5749 Fax (732)775-1483

Checks or money orders should be made payable to the City of Asbury Park

Asbury Park requires minimum liability insurance. The amount of coverage depends upon the size of the event planned. The minimum liability coverage is one million dollars. The City of Asbury Park, its agents and employees must be named on the insurance policy as "the additional insured". (If you are a homeowner, some insurance companies allow a one day rider to be added on to your home insurance policy, please check with your individual insurance company. Or a one day insurance policy can be purchased from any insurance company.)

As per City ordinance, alcohol is prohibited on City beaches. Completed applications and payment must be received by the Special Events office at least 45 days prior to wedding date. Insurance policy must be provided to the office 10 days prior to the date of the wedding . I understand and agree by applying for this permit that I am responsible for the conduct of attendees, and that any violation of the rules can result in the cancellation of this event. I also understand that I am responsible for the cleanup of the area in which my event is held. If it becomes necessary for City employees to care for the area, then I am liable for all costs incurred. Lastly I understand that the wedding and park/beach rental fee are non refundable.

Christine Feola

Signature of Applicant

7/27/2020

Date

For Special Events Department Use:

Wedding fee paid:\$ _____

Date of payment _____

Insurance _____

Attachment: cm812 (2020-224 : Special Event Applications)



RESOLUTION NO. 2020-225

**City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION TO CREDIT SEWER ACCOUNT 2603-11 806 BOND STREET

WHEREAS: The Tax Collector was notified by Antonio Pragosa, owner of the property located at 806 Bond Street, Block 2603 Lot 11, that a discrepancy exists between the billing from New Jersey American Water Company and the City of Asbury Park for water and sewer consumption, account# 10621759-0; and

WHEREAS, it was made certain that New Jersey American Water Company billed for 206,000 gallons. By the way of evidence supplied by American Water Company there was a leak that occurred in the premise. American Water Company provided a leak adjustment credit for 78,000 gallons. The City of Asbury Park uploaded and billed for 206,000 gallons for December 2019 - February 2020 (due on the 2nd quarter) at a rate of \$934.90 (including \$80.00 quarterly demand charge); and

WHEREAS, it has been determined by the City of Asbury Park Tax & Sewer Department that the reading of 128,000 should be used for billing due to the aforementioned facts; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council for the City of Asbury Park authorize the Tax Collector to credit the sewer account # 10621759-0 for the 2020 3rd quarter sewer billing in the amount of **\$323.70** (for 78,000 gallons) and adjust said account to reflect the new total in the amount of \$611.20 which includes the \$80.00 quarterly demand charge and 128,000 gallons of consumption.

I, MELODY HARTSGROVE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2020-225 which was finally adopted by the City Council at a meeting held on the 12th day of August, 2020

CERTIFIED BY ME THIS DAY OF , .

MELODY HARTSGROVE
CITY CLERK



RESOLUTION NO. 2020-226

**City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION TO CREDIT SEWER ACCOUNT 2705-4 610 SECOND AVENUE

WHEREAS: The Tax Collector was notified by Susannah O'Brien, manager of the property located at 610 Second Avenue, Block 2705 Lot 4, that a discrepancy exists between the billing from New Jersey American Water Company and the City of Asbury Park for water and sewer consumption, account# 10639003-0; and

WHEREAS, it was made certain that New Jersey American Water Company billed for 173,000 gallons. By the way of evidence supplied by American Water Company there was a leak that occurred in the premise. American Water Company provided a leak adjustment credit for 34,000 gallons. The City of Asbury Park uploaded and billed for 173,000 gallons for March - May 2020 (due on the 3rd quarter) at a rate of \$1,197.95 (including \$480.00 quarterly demand charge); and

WHEREAS, it has been determined by the City of Asbury Park Tax & Sewer Department that the reading of 139,000 should be used for billing due to the aforementioned facts; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council for the City of Asbury Park authorize the Tax Collector to credit the sewer account # 10639003-0 for the 2020 3rd quarter sewer billing in the amount of **\$141.10** (for 34,000 gallons) and adjust said account to reflect the new total in the amount of \$1,056.85 which includes the \$480.00 quarterly demand charge and 139,000 gallons of consumption.

I, MELODY HARTSGROVE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2020-226 which was finally adopted by the City Council at a meeting held on the 12th day of August, 2020

CERTIFIED BY ME THIS DAY OF , .

MELODY HARTSGROVE
CITY CLERK



RESOLUTION NO. 2020-227

**City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION TO CREDIT SEWER ACCOUNT 1803-26 907 NEW STREET

WHEREAS: The Tax Collector was notified by Sherion Guy, owner of the property located at 907 New Street, Block 1803 Lot 26, that a discrepancy exists between the billing from New Jersey American Water Company and the City of Asbury Park for water and sewer consumption, account# 10210752-0; and

WHEREAS, it was made certain that New Jersey American Water Company billed for 47,000gallons. By the way of evidence supplied by American Water Company there was a leak that occurred in the premise. American Water Company provided a leak adjustment credit for 8,000 gallons. The City of Asbury Park uploaded and billed for 47,000gallons for December 2019 through February 2020 (due on the 2nd quarter) at a rate of \$275.05 (including \$80.00 quarterly demand charge); and

WHEREAS, it has been determined by the City of Asbury Park Tax & Sewer Department that the reading of 39,000 should be used for billing due to the aforementioned facts; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council for the City of Asbury Park authorize the Tax Collector to credit the sewer account # 10210752-0 for the 2020 2nd quarter sewer billing in the amount of **\$33.20** (for 8,000 gallons) and adjust said account to reflect the new total in the amount of \$241.85 which includes the \$80.00 quarterly demand charge and 39,000 gallons of consumption.

I, MELODY HARTSGROVE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2020-227 which was finally adopted by the City Council at a meeting held on the 12th day of August, 2020

CERTIFIED BY ME THIS DAY OF , .

MELODY HARTSGROVE
CITY CLERK



RESOLUTION NO. 2020-228

**City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION APPROVING PAYMENT OF BILLS

WHEREAS, the following listed vouchers payable have been approved by the Chief Financial Officer and have subsequently been audited and found correct:

BE IT RESOLVED, that these vouchers payable totaling \$3,416,174.02

BE IT FURTHER RESOLVED, that proper officers are hereby authorized to execute and issue warrants for payment of said vouchers, but only if and when the conditions of the City Treasury shall permit.

CURRENT VOUCHERS	\$ 1,192,532.24
BOARD OF EDUCATION	866,621.00
COUNTY TAX	<u>1,357,020.78</u>
 TOTAL VOUCHERS	 \$ <u>3,416,174.02</u>

I, MELODY HARTSGROVE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2020-228 which was finally adopted by the City Council at a meeting held on the 12th day of August, 2020

CERTIFIED BY ME THIS DAY OF , .

MELODY HARTSGROVE
CITY CLERK

August 6, 2020
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CITY OF ASBURY PARK
Bill List By Budget Account

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P.O. Type: Contract Print Alpha, Revenue, & G/L Accounts: Y Open: N Void: N Paid: N
Format: Condensed Held: Y Aprv: N Rcvd: Y
Range: 9-First to 0-Last Bid: Y State: Y Other: Y Exempt: Y
Rcvd Batch Id Range: First to Last Include Non-Budgeted: Y
Department Page Break: No Subtotal CAFR: Yes Subtotal Department: Yes Subtotal Extd: Yes

Budget Account	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
Fund: CURRENT						
Department: ADMINISTRATION						
Extd: ADMINISTRATION						
0-01-20-100-000-201	ADMINISTRATION General Plant					
ATECSEC	A+ TECHNOLOGY & SECURITY	20-01667	ES24294 SMART FACE TEMP DEVICE	5,350.00	0.00	
GEECHA	GEESE CHASERS, LLC	20-01774	3RD QTR 2020 CLEARING AND	1,079.00	0.00	B
SHOPOI	SHORE POINT ARCHITECTURE,PA	20-01920	Assessment of Fire Station	2,250.00	0.00	
KEPSPR	KEPWELL SPRING WATER	20-02103	INVOICE #431383 JUNE SERVICES	14.00	0.00	
				8,693.00		
0-01-20-100-000-202	ADMINISTRATION Office Supplies					
WBMASON	W.B.MASON CO., INC.	20-02096	office supplies	151.50	0.00	
0-01-20-100-000-209	ADMINISTRATION Fees					
ATLTOM	ATLANTIC TOMORROWS OFFICE	20-02016	INVOICE #CNIN022340 4/1-6/30	143.06	0.00	
0-01-20-100-000-250	ADMINISTRATION Covid					
TMASSO	T & M ASSOCIATES	20-01545	COVID 19 RISK MANAGEMENT	11,732.64	0.00	B
	Extd Total: ADMINISTRATION			20,720.20		
	Department Total: ADMINISTRATION			20,720.20		
Department: HUMAN RESOURCES						
Extd: HUMAN RESOURCES						
0-01-20-105-000-299	HUMAN RESOURCES Misc.					
LAWOFFS	LAW OFFICE OF STEVEN S.	20-02181	Services for July 2020	6,000.00	0.00	
	Extd Total: HUMAN RESOURCES			6,000.00		
	Department Total: HUMAN RESOURCES			6,000.00		
Department: MUNICIPAL CLERK						
Extd: MUNICIPAL CLERK						
0-01-20-120-000-201	MUNICIPAL CLERK General Plant					
SHIINT	SHI INTERNATIONAL CORP	20-01792	QUOTE #18779707 SDL RENEWAL	4,500.00	0.00	
NJDIVS	NJ DIVISION OF ABC	20-02003	liquor license renewal	126.00	0.00	
ATLTOM	ATLANTIC TOMORROWS OFFICE	20-02016	INVOICE #CNIN022340 4/1-6/30	299.00	0.00	
				4,925.00		
0-01-20-120-000-202	MUNICIPAL CLERK Office Supplies					
WBMASON	W.B.MASON CO., INC.	20-00921	Office Supplies	265.25	0.00	
0-01-20-120-000-212	MUNICIPAL CLERK Dues,Subscript.					
NJLEAMUN	NJ LEAGUE OF MUNICIPALITIES	20-02001	NJLM magazine subscription	175.00	0.00	

Attachment: Bill List 8-12-20 (2020-228 : Payment of Bills)

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CITY OF ASBURY PARK
Bill List By Budget Account

Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
0-01-20-120-000-212	MUNICIPAL CLERK Dues,Subscript.	Continued				
MCANJ	MUNICIPAL CLERKS' ASSOC. OF NJ	20-02159	2020-2021 Membership Dues	175.00	0.00	
				350.00		
0-01-20-120-000-217	MUNICIPAL CLERK Ads&Promotion					
ASBPAK	ASBURY PARK PRESS	20-02046	4276434,4276944,4276952	181.95	0.00	
ASBPAK	ASBURY PARK PRESS	20-02183	ACCT #ASB-002902 JULY 2020	97.90	0.00	
				279.85		
0-01-20-120-000-238	MUNICIPAL CLERK Contractual					
MCCI	MCCI, LLC	20-01728	#RNW000579 ANNUAL RENEWAL	2,875.00	0.00	
	Extd Total: MUNICIPAL CLERK			8,695.10		
	Department Total: MUNICIPAL CLERK			8,695.10		
Department: FINANCIAL ADMINISTRATION						
Extd: FINANCIAL ADMINISTRATION						
0-01-20-130-000-201	FINANCE General Plant					
ATECSEC	A+ TECHNOLOGY & SECURITY	20-01667	ES24294 SMART FACE TEMP DEVICE	5,350.00	0.00	
AMAZO005	AMAZON.COM SERVICES	20-01874	SURIGICAL MASKS & GLOVES	106.96	0.00	
NJLEAMUN	NJ LEAGUE OF MUNICIPALITIES	20-01976	ACCOUNTS PAYABLE CLERK AD	115.00	0.00	
ATLTOM	ATLANTIC TOMORROWS OFFICE	20-02016	INVOICE #CNIN022340 4/1-6/30	299.01	0.00	
AMAZO005	AMAZON.COM SERVICES	20-02051	IBM ELECTRIC TYPEWRITER	479.99	0.00	
MARBUS	MARLIN BUSINESS BANK	20-02151	INVOICE #18250891 AUGUST 2020	237.64	0.00	
WATSPR	WATCHUNG SPRING WATER CO.,INC.	20-02186	ACCT #014764 JULY 2020	39.52	0.00	
				6,628.12		
0-01-20-130-000-202	FINANCE Office Supplies					
WBMASON	W.B.MASON CO., INC.	20-01019	LTHVIS6008 TIME STAMPER RIBBON	43.17	0.00	
WBMASON	W.B.MASON CO., INC.	20-02008	TONER AND WRITING PADS	244.17	0.00	
				287.34		
0-01-20-130-000-223	FINANCE Condo Reimbursements					
1501OCE	1501 Ocean Av.Condo Assoc. Inc	20-01961	2nd Q 2020 Trash Reimb.	2,730.00	0.00	
PHISEA	PHILLIPS SEAVIEW TOWER	20-02004	2nd Q 2020 Trash Reimb.	18,501.38	0.00	
				21,231.38		
	Extd Total: FINANCIAL ADMINISTRATION			28,146.84		
	Department Total: FINANCIAL ADMINISTRATION			28,146.84		
Department: AUDIT SERVICES						
Extd: AUDIT SERVICES						
0-01-20-135-000-218	AUDIT SERVICES Contract Services					
WISCOM	WISS & COMPANY, LLP	20-02097	Progress Billing 2019 Audit	24,500.00	0.00	
	Extd Total: AUDIT SERVICES			24,500.00		
	Department Total: AUDIT SERVICES			24,500.00		

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CITY OF ASBURY PARK
Bill List By Budget Account

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Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
Department: COMPUTERIZED DATA PROCESSING						
Extd: COMPUTERIZED DATA PROCESSING						
0-01-20-140-000-218 COMPUTERIZED DATA PROC. General Plant						
SHIINT	SHI INTERNATIONAL CORP	20-00564	Q#18422134 - Temp Monitor	148.94	0.00	
SHIINT	SHI INTERNATIONAL CORP	20-00855	Q# 18569394 ESET A/V RENEWAL	1,652.00	0.00	
SHIINT	SHI INTERNATIONAL CORP	20-01113	Q#18302943 - Unitrends Renewal	4,248.74	0.00	
CDWGOV	CDW GOVERNMENT INC.	20-01191	Q#1C1P40T - APTV Software	94.50	0.00	
ATECSEC	A+ TECHNOLOGY & SECURITY	20-01923	Q#ES24742 - Access Cards	660.00	0.00	
				6,804.18		
Extd Total: COMPUTERIZED DATA PROCESSING				6,804.18		
Department Total: COMPUTERIZED DATA PROCESSING				6,804.18		
Department: TAX REVENUE ADMINISTRATION						
Extd: TAX REVENUE ADMINISTRATION						
0-01-20-145-000-202 TAX REV ADMIN Office Supplies						
EDMASS	EDMUNDS & ASSOCIATES, INC.	20-01998	INV #20-01473 EST TAX BILLS	1,050.48	0.00	
0-01-20-145-000-209 TAX REV ADMIN Fees						
ATLTOM	ATLANTIC TOMORROWS OFFICE	20-02016	INVOICE #CNIN022340 4/1-6/30	80.29	0.00	
Extd Total: TAX REVENUE ADMINISTRATION				1,130.77		
Department Total: TAX REVENUE ADMINISTRATION				1,130.77		
Department: TAX ASSESSOR						
Extd: TAX ASSESSOR						
0-01-20-150-000-202 TAX ASSESSOR Office Supplies						
CRAPRI	CRAFTMASTER PRINTING, INC.	20-01889	Additional Printing EST-3Q	203.00	0.00	
0-01-20-150-000-209 TAX ASSESSOR Fees						
HARHAU	HARRY HAUSHALTER	20-01933	SERVICES RENDERED MAY 2020	3,234.00	0.00	
READAT	REALTY DATA SYSTEMS LLC	20-01963	INV #499 INSPECTIONS JUNE	5,042.79	0.00	
READAT	REALTY DATA SYSTEMS LLC	20-01965	INV #500 2020 ADDED INSPECTION	4,025.00	0.00	
				12,301.79		
Extd Total: TAX ASSESSOR				12,504.79		
Department Total: TAX ASSESSOR				12,504.79		
Department: LEGAL SERVICES						
Extd: LEGAL SERVICES						
0-01-20-155-000-209 LEGAL SERVICES Fees						
MARFAL	MARAZITI FALCON, LLP	20-01123	PROF. SERVICES RENDERED MAR-20	2,607.50	0.00	
ANSZAR	ANSELL, GRIMM & AARON, P.C.	20-02015	June 2020 General Litigation	11,424.00	0.00	
MARFAL	MARAZITI FALCON, LLP	20-02054	SERVICES RENEDED THRU JUN-20	5,495.00	0.00	
				19,526.50		
Extd Total: LEGAL SERVICES				19,526.50		
Department Total: LEGAL SERVICES				19,526.50		

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CITY OF ASBURY PARK
Bill List By Budget Account

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Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
Department: ENGINEERING SERVICES Extd: ENGINEERING SERVICES						
0-01-20-165-000-209	ENGINEERING SERVICES Fees					
TMASSO	T & M ASSOCIATES	20-02190	July 2020 General Engineering	14,359.50	0.00	
Extd Total: ENGINEERING SERVICES				14,359.50		
Department Total: ENGINEERING SERVICES				14,359.50		
CAFR Total:				142,387.88		
Department: Planning Department Extd: Planning Department						
0-01-21-179-000-201	Planning Dept. General Plant					
SHIINT	SHI INTERNATIONAL CORP	20-00925	PLANNING QUOTE# 18580626	32.45	0.00	
SHIINT	SHI INTERNATIONAL CORP	20-01792	QUOTE #18779707 SDL RENEWAL	4,500.00	0.00	
ATLTOM	ATLANTIC TOMORROWS OFFICE	20-02016	INVOICE #CNIN022340 4/1-6/30	25.84	0.00	
WBMASON	W.B.MASON CO., INC.	20-02055	Fan for Planning Office	44.21	0.00	
CLACAN	CLARKE CATON HINTZ PC	20-02118	PB/ZB INVOICES JUNE-JULY 2020	500.00	0.00	
				5,102.50		
Extd Total: Planning Department				5,102.50		
Department Total: Planning Department				5,102.50		
CAFR Total:				5,102.50		
Department: CODE ENFORCEMENT AND ADMIN. Extd: CODE ENFORCEMENT AND ADMIN.						
0-01-22-195-000-299	CODE ENFORCE Misc.					
SHIINT	SHI INTERNATIONAL CORP	20-01792	QUOTE #18779707 SDL RENEWAL	11,250.00	0.00	
ATLTOM	ATLANTIC TOMORROWS OFFICE	20-02016	INVOICE #CNIN022340 4/1-6/30	177.37	0.00	
				11,427.37		
Extd Total: CODE ENFORCEMENT AND ADMIN.				11,427.37		
Department Total: CODE ENFORCEMENT AND ADMIN.				11,427.37		
Department: CONSTRUCTION CODE OFFICIAL Extd: CONSTRUCTION CODE OFFICIAL						
0-01-22-200-000-299	CONSTRUCTION CODE Misc. (In Cap)					
SHIINT	SHI INTERNATIONAL CORP	20-01792	QUOTE #18779707 SDL RENEWAL	11,250.00	0.00	
Extd Total: CONSTRUCTION CODE OFFICIAL				11,250.00		
Department Total: CONSTRUCTION CODE OFFICIAL				11,250.00		
CAFR Total:				22,677.37		

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Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
Department: EMPLOYEE GROUP INSURANCE						
Extd: EMPLOYEE GROUP INSURANCE						
0-01-23-220-000-209	EMPLOYEE GROUP INSURANCE Fees (IN CAP)					
NJSHBP NJSHBP		20-02124	HEALTH COVERAGE AUGUST 2020	466,914.61	0.00	
	Extd Total: EMPLOYEE GROUP INSURANCE			466,914.61		
	Department Total: EMPLOYEE GROUP INSURANCE			466,914.61		
	CAFR Total:			466,914.61		
Department: POLICE DEPARTMENT						
Extd: POLICE DEPARTMENT						
0-01-25-240-000-201	POLICE General Plant					
THEPHO THE PHOTO CENTER		20-00871	#3800 (2) Camera Bags	50.00	0.00	
CDWGOV CDW GOVERNMENT INC.		20-01215	QUOTE #1C1PTBF DVD COPY TOWER	897.38	0.00	
AMAZ0005 AMAZON.COM SERVICES		20-01793	Augbunny 600D Zipper Multi-	203.83	0.00	
AMAZ0005 AMAZON.COM SERVICES		20-01950	POSTAGE SHIPPING LABELS	98.00	0.00	
MERHEA MERIDIAN OCCUPATIONAL HEALTH		20-01995	INVOICE #448524 JUNE EXAMS	100.00	0.00	
AMAZ0005 AMAZON.COM SERVICES		20-02069	Winix 5500 Air Purifier	313.90	0.00	
COVHOL COVANTA ENERGY, LLC		20-02108	#292830UNION Narcotic Evidence	563.33	0.00	
				2,226.44		
0-01-25-240-000-202	POLICE Office Supplies					
WBMASON W.B.MASON CO., INC.		20-00883	#S101835011 DISINFECTING WIPES	154.40	0.00	
0-01-25-240-000-203	POLICE Motor Vehicle					
SEAFOR SEA BREEZE FORD INC.		20-00658	#Q000291829 Repairs Car 20	79.02	0.00	
SEACHE SEACOAST CHEVROLET OLDS-		20-01574	quote 062615 Parts Car 35	45.29	0.00	
SEAFOR SEA BREEZE FORD INC.		20-01579	Car 4 Parts	29.83	0.00	
EASAUT EASTERN AUTOPARTS WAREHOUSE		20-01721	Blanket Auto Repairs	861.78	0.00	B
SEAFOR SEA BREEZE FORD INC.		20-01724	#Q000301784 Extra Parts Car 5	210.46	0.00	
EASAUT EASTERN AUTOPARTS WAREHOUSE		20-02062	#40IV053064 Repaired Car8	1,813.70	0.00	
SEAFOR SEA BREEZE FORD INC.		20-02111	Q000305072 Repair Car 17	227.48	0.00	
SEAFOR SEA BREEZE FORD INC.		20-02142	#000306266 Repaired Car 9	301.89	0.00	
SEAFOR SEA BREEZE FORD INC.		20-02158	#Q000306346 Repaired Car 17	301.89	0.00	
				3,871.34		
0-01-25-240-000-205	POLICE Animal Control Services					
SPCA MONMOUTH COUNTY SPCA		20-02010	# 2015406 Animal Control June	4,733.15	0.00	
0-01-25-240-000-216	POLICE Supplies-Compu.					
CDWGOV CDW GOVERNMENT INC.		20-01484	#1C1XG1F Asus ZenScreen MB16AC	238.41	0.00	
0-01-25-240-000-218	POLICE Contract.Serv.					
WIRCOM WIRELESS COMMUNICATIONS &		20-01903	INVOICE #M59473 JULY 2020	1,220.00	0.00	
ATLTOM ATLANTIC TOMORROWS OFFICE		20-02014	QUARTERLY MAINTENANCE CONTRACTS	1,127.96	0.00	
ATLTOM ATLANTIC TOMORROWS OFFICE		20-02102	#CNIN054979C Contract 75080	51.48	0.00	
				2,399.44		

Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
0-01-25-240-000-237	POLICE Accreditation					
THEROG THE RODGERS GROUP, LLC		20-01540	Asbury Park Training	21,268.00	0.00	
	Extd Total: POLICE DEPARTMENT			34,891.18		
	Department Total: POLICE DEPARTMENT			34,891.18		
Department: FIRE DEPARTMENT						
Extd: FIRE DEPARTMENT						
0-01-25-265-000-201	FIRE DEPT. General Plant					
NJFIRE NJ FIRE EQUIPMENT COMPANY		20-01726	Est:52612-Misc. Equipment	470.75	0.00	
SHIINT SHI INTERNATIONAL CORP		20-01792	QUOTE #18779707 SDL RENEWAL	4,500.00	0.00	
POWDMS POWERDMS INC.		20-01917	Inv 36413 Annual doc mgmt syst	4,657.94	0.00	
JUNLAS JUNGLE LASERS, LLC		20-02005	INVOICE #95130 7/16 - 8/15/20	1,000.00	0.00	
				10,628.69		
0-01-25-265-000-203	FIRE DEPT. Motor Vehicle					
EASAUT EASTERN AUTOPARTS WAREHOUSE		20-00573	Blanket PO not to exceed	22.91	0.00	B
SEAGRA SEAGRAVE NEW JERSEY		20-01416	Order:105-90 windshield/75 mir	1,103.20	0.00	
MONCOU MONMOUTH COUNTY TREASURER		20-02091	INV:APFD 06-20-2020: 8389 brak	224.40	0.00	
				1,350.51		
0-01-25-265-000-214	FIRE DEPT. Building Maintenance					
AIRGAS AIR GAS TECHNOLOGIES, INC.		20-00192	Blanket PO not to exceed	1,393.01	0.00	B
0-01-25-265-000-218	FIRE DEPT. Contract.Serv.					
ATLTOM ATLANTIC TOMORROWS OFFICE		20-02016	INVOICE #CNIN022340 4/1-6/30	53.10	0.00	
0-01-25-265-000-229	FIRE DEPT. Medical Sup.					
HENSCE HENRY SCHEIN, INC.		20-00941	Blanket PO not to exceed	123.84	0.00	B
0-01-25-265-000-253	FIRE DEPT. Unif.Firesafety					
MONFIR MON.CTY.FIRE PREV.&PROT.ASSOC.		20-01916	2020 Membership renewal	90.00	0.00	
	Extd Total: FIRE DEPARTMENT			13,639.15		
	Department Total: FIRE DEPARTMENT			13,639.15		
Department: MUNICIPAL PROSECUTOR						
Extd: MUNICIPAL PROSECUTOR						
0-01-25-275-000-202	PROSECUTOR Fees					
GRAMAR Grace Marmero Monmouth LLP		20-02035	INVOICE #11270 FILE #M118-501	285.00	0.00	
JAMBUT JAMES N. BUTLER, JR.		20-02122	JULY 2020 FEES	3,900.00	0.00	
				4,185.00		
	Extd Total: MUNICIPAL PROSECUTOR			4,185.00		
	Department Total: MUNICIPAL PROSECUTOR			4,185.00		
	CAFR Total:			52,715.33		

Attachment: Bill List 8-12-20 (2020-228 : Payment of Bills)

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CITY OF ASBURY PARK
Bill List By Budget Account

Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
Department: STREETS & ROADS MAINTENANCE						
Extd: STREETS & ROADS MAINTENANCE						
0-01-26-290-000-201	STREETS & ROAD	General Plant				
ATLLOK	ATLANTIC LOCK & SAFE	20-00579	Various Supplies, Tools, etc	78.14	0.00	B
THEHAR	THE HARDWARE STORE	20-01073	Various Supplies, Tools, etc	95.64	0.00	B
CDWGOV	CDW GOVERNMENT INC.	20-01206	DPW Shop Printer	298.26	0.00	
PUNEA005	PUNEA HEALTHCARE LLC	20-01279	PPE Safety Supplies	458.40	0.00	
JOHGUI	JOHN GUIRE SUPPLY	20-01353	Various Supplies and Tools	99.93	0.00	B
UPTFAS	UP-TITE FASTNERS INC.	20-01573	Fasteners, Supplies and Tools	78.01	0.00	B
ATECSEC	A+ TECHNOLOGY & SECURITY	20-01667	ES24294 SMART FACE TEMP DEVICE	2,675.00	0.00	
SHIINT	SHI INTERNATIONAL CORP	20-01792	QUOTE #18779707 SDL RENEWAL	9,000.00	0.00	
GRAING	GRAINGER, INC.	20-01817	Various Supplies and Tools	647.62	0.00	B
CLABLO	CLAYTON BLOCK CO., INC.	20-01934	Various Supplies, Tools, etc	149.33	0.00	B
STAPLE	STAPLES BUSINESS ADVANTAGE	20-01960	Dart Cold Cups, 16 oz, white	67.89	0.00	
MERHEA	MERIDIAN OCCUPATIONAL HEALTH	20-01995	INVOICE #448524 JUNE EXAMS	700.00	0.00	
ATLTOM	ATLANTIC TOMORROWS OFFICE	20-02016	INVOICE #CNIN022340 4/1-6/30	102.49	0.00	
MCMCAR	MCMMASTER-CARR SUPPLY CO.	20-02033	Hose & Fittings for Blower	330.78	0.00	
THEHAR	THE HARDWARE STORE	20-02036	#1397372 Bow Rake, Fiberglass	81.56	0.00	
STAVOLA	STAVOLA ASPHALT COMPANY, INC.	20-02100	#167570 Hot Mixed Asphalt	124.53	0.00	
				14,987.58		
0-01-26-290-000-202	STREETS & ROAD	Office Supplies				
CRAPRI	CRAFTMASTER PRINTING, INC.	20-02000	EST #11032 BUSINESS CARDS	45.00	0.00	
0-01-26-290-000-203	STREETS & ROAD	Motor Vehicle				
ALLDIE	ALLIED DIESEL SERVICE, INC.	20-00291	Service, Supplies and Tools	251.86	0.00	B
MANGEN	MANASQUAN GENERATOR	20-00293	Automotive Parts and Tools	165.00	0.00	B
CHEVAL	CERRY VALLEY TRACTOR SALES	20-00674	Supplies, Parts and Service	191.68	0.00	B
THEHAR	THE HARDWARE STORE	20-01105	Various Supplies, Tools, etc	37.85	0.00	B
EDWTIR	EDWARDS TIRE CO., INC.	20-01108	Supplies, Tools and Service	820.81	0.00	B
CHEVAL	CERRY VALLEY TRACTOR SALES	20-01180	Supplies, Parts and Service	442.30	0.00	B
NORSWE	NORTHEAST SWEEPERS & RENTALS,	20-01202	Aluminum Brush Plate & Freight	198.14	0.00	
ODBCOM	OLD DOMINION BRUSH COMPANY INC	20-01204	Main Elgin Broom #0-SBTB6626E	870.00	0.00	
ODBCOM	OLD DOMINION BRUSH COMPANY INC	20-01453	Gutter Brooms #SBP200ENYC	612.00	0.00	
SEAFOR	SEA BREEZE FORD INC.	20-01576	Automotive Supplies & Tools	51.16	0.00	B
NORSWE	NORTHEAST SWEEPERS & RENTALS,	20-01623	Headlight H7 24V	44.88	0.00	
GPCNA091	GPC-NAPA AUTO PARTS	20-01643	Various Supplies, Tools, etc	485.46	0.00	B
ALLDIE	ALLIED DIESEL SERVICE, INC.	20-01716	Service, Supplies and Tools	224.85	0.00	B
EASAUT	EASTERN AUTOPARTS WAREHOUSE	20-01808	Automotive Supplies and Tools	987.98	0.00	B
NORSWE	NORTHEAST SWEEPERS & RENTALS,	20-01929	Compressor, Belt & Shipping	466.58	0.00	
EDWTIR	EDWARDS TIRE CO., INC.	20-01935	OTR 350MAG 6 Ply Kubota Tires	1,450.00	0.00	
YESGRA	YES GRAPHIC	20-01953	13x10 Outdoor Durable Decals	425.00	0.00	
WETIMM	W.E. TIMMERMAN COMPANY, INC.	20-02025	Item for RAVO - Sole Source	525.95	0.00	
JOHGUI	JOHN GUIRE SUPPLY	20-02044	STIHL Bristle Broom Refill	86.98	0.00	
				8,338.48		
0-01-26-290-000-210	STREETS & ROAD	Network Fleet				
NETWOR	NETWORKFLEET, INC.	20-02045	#02167055 Monthly Bundled	3,518.00	0.00	
Extd Total: STREETS & ROADS MAINTENANCE				26,889.06		
Department Total: STREETS & ROADS MAINTENANCE				26,889.06		

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Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
Department: SOLID WASTE COLLECTION						
Extd: SOLID WASTE COLLECTION						
0-01-26-305-000-209 SOLID WASTE Fees						
DELDEM	DELISA DEMOLITION, INC.	20-01455	Construction Debris Removal	2,462.20	0.00	B
TRECTY	TREASURER CTY OF MONMOUTH	20-01942	#56175 Reclamation Center	6,919.12	0.00	
				<u>9,381.32</u>		
	Extd Total: SOLID WASTE COLLECTION			9,381.32		
	Department Total: SOLID WASTE COLLECTION			9,381.32		
Department: BUILDINGS & GROUNDS						
Extd: BUILDINGS & GROUNDS						
0-01-26-310-000-201 BUILDING & GND General Plant						
CROCON	CROSSLIN CONTRACTOR SUPPLY CRP	20-01213	Various Ceiling Tiles	599.65	0.00	
GRAING	GRAINGER, INC.	20-01856	Foam Hand Soap #15A705, PK4	846.30	0.00	
MOOGEN	MOONEY GENERAL PAPER COMPANY	20-01951	General Maintenance Supplies	1,523.67	0.00	
GRAING	GRAINGER, INC.	20-01972	COVID-19 Barriers f/City Hall	463.04	0.00	
MCMCAR	MCMMASTER-CARR SUPPLY CO.	20-01982	Polycarbonate, Clear Impact-	2,526.00	0.00	
GRAING	GRAINGER, INC.	20-02059	Door Hardware for Keycards	926.75	0.00	
				<u>6,885.41</u>		
0-01-26-310-000-218 BUILDING & GND Contract.Serv.						
LAGGLA	LAGER GLASS COMPANY, INC.	20-02048	#91005 Material and Labor	340.00	0.00	
TERPES	THE TERMINIX INTERNATIONAL CO	20-02065	#398259104 Pest Control	170.00	0.00	
AUTBUI	AUTOMATED BUILDING CONTROLS,	20-02180	Labor for Service Call	422.50	0.00	
				<u>932.50</u>		
	Extd Total: BUILDINGS & GROUNDS			7,817.91		
	Department Total: BUILDINGS & GROUNDS			7,817.91		
	CAFR Total:			44,088.29		
Department: SOCIAL SERVICES:						
Extd: SOCIAL SERVICES:						
0-01-27-345-000-201 SOCIAL SERVICES General Plant						
PUNEA005	PUNEA HEALTHCARE LLC	20-01285	No Touch Thermometers	240.00	0.00	
ATLTOM	ATLANTIC TOMORROWS OFFICE	20-02016	INVOICE #CNIN022340 4/1-6/30	25.85	0.00	
AMAZO005	AMAZON.COM SERVICES	20-02052	COVID Intercom for clients	431.89	0.00	
				<u>697.74</u>		
	Extd Total: SOCIAL SERVICES:			697.74		
	Department Total: SOCIAL SERVICES:			697.74		
Department: SENIOR CENTER						
Extd: SENIOR CENTER						
0-01-27-350-000-201 SENIOR CENTER Cleaning & Maint.Supplies						
FEDER005	FEDERAL RESOURCES SUPPLY CO.	20-01725	205-V084R-GOVD Cl02 cleaner	376.91	0.00	
AMAZO005	AMAZON.COM SERVICES	20-01964	Cleaner for Sprayer	40.45	0.00	B
				<u>417.36</u>		

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Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
0-01-27-350-000-202	SENIOR CENTER	Util. and Service Contr.				
OPTIMUM	OPTIMUM	20-02121	#07866-196932-01-7 7/15 - 8/14	8.33	0.00	
EASFIR	EASTERN FIRE & SAFETY, LLC	20-02189	Annual Hood Inspection	300.00	0.00	
				308.33		
0-01-27-350-000-208	SENIOR CENTER	Water Cooler				
WBMASON	W.B.MASON CO., INC.	20-02037	5 gl Poland Spring Water (6)	65.94	0.00	
0-01-27-350-000-299	SENIOR CENTER	Misc.				
ATECSEC	A+ TECHNOLOGY & SECURITY	20-01667	ES24294 SMART FACE TEMP DEVICE	2,675.00	0.00	
	Extd Total: SENIOR CENTER			3,466.63		
	Department Total: SENIOR CENTER			3,466.63		
	CAFR Total:			4,164.37		
Department:	RECREATION SERVICES & PROGRAM					
Extd:	RECREATION SERVICES & PROGRAM					
0-01-28-370-000-299	RECREATION	Misc.				
ORITRA	ORIENTAL TRADING CO., INC.	20-01893	sidewalk chalk- art project	565.80	0.00	
DEPEN005	DEPENDABILITEES	20-01918	tshirts for ambassador program	770.00	0.00	
WBMASON	W.B.MASON CO., INC.	20-01986	#HEWCF281A BLACK TONER HP 81A	146.43	0.00	
AMAZO005	AMAZON.COM SERVICES	20-02050	waterpark/bball court supplies	2,344.65	0.00	
NJRPA	NEW JERSEY RECREATION AND PARK	20-02093	INV#02912 MEMBERSHIP RENEWAL	200.00	0.00	
				4,026.88		
	Extd Total: RECREATION SERVICES & PROGRAM			4,026.88		
	Department Total: RECREATION SERVICES & PROGRAM			4,026.88		
	CAFR Total:			4,026.88		
Department:	LIGHTING					
Extd:	LIGHT, HEAT & POWER					
0-01-31-435-435-299	LIGHT, HEAT & POWER	Misc.				
NJAMER	N.J. AMERICAN WATER CO.	20-02006	#1018-210025994611 6/3 - 7/2	50.47	0.00	
NJAMER	N.J. AMERICAN WATER CO.	20-02128	#07-31321100-1Y 6/12 - 7/15	1,961.82	0.00	
JCPL	JCPL	20-02152	#100 015 500 406 6/24 - 7/23	13,301.92	0.00	
JCPL	JCPL	20-02164	#100 016 770 099 6/25 - 7/24	3.10	0.00	
JCPL	JCPL	20-02187	#100 069 260 899 5/27 - 7/23	600.75	0.00	
				15,918.06		
	Extd Total: LIGHT, HEAT & POWER			15,918.06		
Extd:	STREET&TRAFFIC LIGHTING					
0-01-31-435-436-299	STREET&TRAFFIC	LIGHTING Misc.				
JCPL	JCPL	20-02086	#100 013 520 349 6/19 - 7/17	17,052.19	0.00	
JCPL	JCPL	20-02089	#100 082 843 747 6/23 - 7/21	66.75	0.00	
JCPL	JCPL	20-02127	#100 104 067 051 6/24 - 7/22	262.65	0.00	
JCPL	JCPL	20-02152	#100 015 500 406 6/24 - 7/23	3,932.22	0.00	

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0-01-31-435-436-299 JCPL JCPL	STREET&TRAFFIC LIGHTING Misc.	20-02164	Misc. Continued #100 016 770 099 6/25 - 7/24	1,342.39 22,656.20	0.00	
	Extd Total: STREET&TRAFFIC LIGHTING			22,656.20		
	Department Total: LIGHTING			38,574.26		
Department: TELEPHONE						
Extd: TELEPHONE						
0-01-31-440-000-299	TELEPHONE Misc.					
ATLLC AT&T MOBILITY LLC	20-02085	#287284651437	6/12 - 7/11	2,797.07	0.00	
ATLLC AT&T MOBILITY LLC	20-02087	#287286595693	6/12 - 7/11	64.52	0.00	
VERZON VERIZON BUSINESS	20-02090	150-717-354-0001-65	7/16- 8/15	2,309.65	0.00	
ATLLC AT&T MOBILITY LLC	20-02125	#287284936037	6/12 - 7/11	962.38	0.00	
VERIZON VERIZON WIRELESS	20-02185	#485430396-0001	6/26 - 7/25/20	1,229.76	0.00	
MONINT MONMOUTH INTERNET CORPORATION	20-02188	INVOICE #310127-M	AUGUST 2020	4,248.41	0.00	
				11,611.79		
	Extd Total: TELEPHONE			11,611.79		
	Department Total: TELEPHONE			11,611.79		
Department: GASOLINE						
Extd: GASOLINE						
0-01-31-460-000-299	GASOLINE Misc.					
GRIALLI GRIFFITH-ALLIED TRUCKING, LLC	20-01053	Ultra Low Sulfur Diesel Fuel		1,637.88	0.00	B
GRIALLI GRIFFITH-ALLIED TRUCKING, LLC	20-01054	Unleaded RFG Fuel		3,304.07	0.00	B
GRIALLI GRIFFITH-ALLIED TRUCKING, LLC	20-01944	#15014737 RFG Unleaded Fuel		4,433.60	0.00	
				9,375.55		
	Extd Total: GASOLINE			9,375.55		
	Department Total: GASOLINE			9,375.55		
	CAFR Total:			59,561.60		
Department: MUNICIPAL COURT						
Extd: MUNICIPAL COURT						
0-01-43-490-000-201	MUNIC COURT General Plant					
ATLTOM ATLANTIC TOMORROWS OFFICE	20-02016	INVOICE #CNIN022340	4/1-6/30	31.62	0.00	
GREFIN GREATAMERICA FINANCIAL SVCS.	20-02034	INV #27353724	JULY 2020	145.00	0.00	
CITY CITY OF ASBURY PARK	20-02095	may bank fees		22.14	0.00	
				198.76		
0-01-43-490-000-202	MUNIC COURT Office Supplies					
OFFBUS OFFICE BUSINESS SYSTEMS, INC.	20-02032	INV10365	RECORDING SYSTEM	875.00	0.00	
	Extd Total: MUNICIPAL COURT			1,073.76		
	Department Total: MUNICIPAL COURT			1,073.76		

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Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
Department: PUBLIC DEFENDER						
Extd: PUBLIC DEFENDER						
0-01-43-495-000-021	Fees					
RONTRO	RONALD J. TROPPOLI	20-02123	JULY 2020 SERVICES RENDERED	2,500.00	0.00	
	Extd Total: PUBLIC DEFENDER			2,500.00		
	Department Total: PUBLIC DEFENDER			2,500.00		
	CAFR Total:			3,573.76		
Department: DEFERRED CHARGES						
0-01-46-870-880-297	P/Y BILLS					
RL2ASB	RL2 ASBURY LLC	20-01816	301 6th Ave. Trash Reimb.	4,355.00	0.00	
RL4ASB	RL4 ASBURY LLC	20-01818	400 3rd Minot condo trash reim	1,608.00	0.00	
REUDUC3	REUSSI DUCKSAUCE3 LLC	20-01819	320 7th Trash Reimbursements	1,546.75	0.00	
RL3ASB	RL3 ASBURY LLC	20-01821	406 deal lake dr. trash reimb	2,412.00	0.00	
REUDUC	REUSSI DUCKSAUCE LLC	20-01822	211 First Trash Reimb.	1,614.00	0.00	
RL5ASB	RL5 ASBURY LLC	20-01823	510 Fifth Trash Reimb.	1,541.00	0.00	
				13,076.75		
	Extd Total:			13,076.75		
	Department Total: DEFERRED CHARGES			13,076.75		
	CAFR Total:			13,076.75		
CAFR: CURRENT FUND NON BUDGET ACCTS:						
Department: TAXES PAYABLE:						
Extd: TAXES PAYABLE:						
0-01-55-001-000-001	School Taxes Payable					
ASBBOA	ASBURY PARK BOARD OF EDUCATION	20-02140	School Tax August 2020	866,621.00	0.00	
0-01-55-001-000-002	County Taxes Payable					
COUMON	COUNTY OF MONMOUTH	20-02039	3RD QTR-2020 COUNTY TAXES	1,357,020.78	0.00	
	Extd Total: TAXES PAYABLE:			2,223,641.78		
	Department Total: TAXES PAYABLE:			2,223,641.78		
	CAFR Total: CURRENT FUND NON BUDGET ACCTS:			2,223,641.78		
	Fund Total: CURRENT			3,041,931.12		
Fund: BEACH						
Department: BEACH UTILITY O/E: OTHER EXPENSES:						
Extd: BEACH UTILITY O/E: OTHER EXPENSES:						
0-05-55-502-000-201	BEACH UTILITY O/E: General Plant					
FERENT	FERGUSON ENTERPRISES INC.	20-00907	Various Supplies, Tools, etc	170.45	0.00	B
BURCONT	BURKE CONTRACTING, LLC	20-01293	Proposal for Labor & Materials	14,000.00	0.00	
GRAING	GRAINGER, INC.	20-01357	Various Supplies and Tools	71.10	0.00	B
ACTION005	ACTION YAMAHA	20-01525	Service, Supplies and Parts	438.60	0.00	B
LIFUSA	LIFEFORCE USA, INC.	20-01595	BLS/EMR Digital Certificates	184.10	0.00	
WBMASON	W.B.MASON CO., INC.	20-01605	Beachfront Admin Supplies	151.99	0.00	
VERITIV	VERITIV OPERATING COMPANY	20-01851	Various Custodial Supplies	665.66	0.00	B
MERHEA	MERIDIAN OCCUPATIONAL HEALTH	20-01995	INVOICE #448524 JUNE EXAMS	3,080.00	0.00	

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Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
0-05-55-502-000-201	BEACH UTILITY O/E: General Plant		Continued			
STAPLE	STAPLES BUSINESS ADVANTAGE	20-02021	Various Office Supplies	203.63	0.00	
VERITIV	VERITIV OPERATING COMPANY	20-02058	47434980 Toilet Tissue, etc	1,173.48	0.00	
OPTIMUM	OPTIMUM	20-02066	#07866-197754-01-4 7/15 - 8/14	157.22	0.00	
THEHAR	THE HARDWARE STORE	20-02073	#1388557 Padlocks & Credit	114.20	0.00	
ATLLC	AT&T MOBILITY LLC	20-02125	#287284936037 6/12 - 7/11	44.66	0.00	
THEHAR	THE HARDWARE STORE	20-02135	#1398835 Master Padlock Comb	79.96	0.00	
VERITIV	VERITIV OPERATING COMPANY	20-02136	#47200920 Toilet Tissue, etc	1,964.49	0.00	
GRAING	GRAINGER, INC.	20-02143	#9593320915 Trash Bag #31DK84	106.47	0.00	
VERIZON	VERIZON WIRELESS	20-02185	#485430396-0001 6/26 - 7/25/20	85.28	0.00	
				<u>22,691.29</u>		
0-05-55-502-000-211	BEACH UTILITY O/E: Light & Power					
JCPL	JCPL	20-02086	#100 013 520 349 6/19 - 7/17	207.67	0.00	
	Extd Total: BEACH UTILITY O/E: OTHER EXPENSES:			22,898.96		
	Department Total: BEACH UTILITY O/E: OTHER EXPENSES:			22,898.96		
	CAFR Total:			22,898.96		
	Fund Total: BEACH			22,898.96		
Fund:	TRANSPORTATION UTILITY: BUDGET:					
Department:	TRANSPORT.UTILITY O/E: OTHER EXPENSES:					
Extd:	TRANSPORT.UTILITY O/E: OTHER EXPENSES:					
0-06-55-502-000-201	TRANSPORT.UTILITY O/E: General Plant					
SIGSEA	SIGNS,SEALED & DELIVERED, INC.	20-01503	Car 34 relettering	185.00	0.00	
IPSGRO	IPS GROUP, INC.	20-01915	#51669 Monthly DMS June 2020	6,966.00	0.00	
GRAING	GRAINGER, INC.	20-01959	#2044823000 Barricades/Paint	1,222.50	0.00	
INFOR005	INFORMS, INC.	20-01987	Ticket Paper Rolls (4 Cases)	1,450.00	0.00	
ATLTOM	ATLANTIC TOMORROWS OFFICE	20-02016	INVOICE #CNIN022340 4/1-6/30	25.85	0.00	
OPTIMUM	OPTIMUM	20-02088	#07866-196915-01-3 7/15 - 8/14	141.18	0.00	
				<u>9,990.53</u>		
	Extd Total: TRANSPORT.UTILITY O/E: OTHER EXPENSES:			9,990.53		
	Department Total: TRANSPORT.UTILITY O/E: OTHER EXPENSES:			9,990.53		
	CAFR Total:			9,990.53		
	Fund Total: TRANSPORTATION UTILITY: BUDGET:			9,990.53		
Fund:	SEWER UTILITY: BUDGET:					
Department:	SEWER UTILITY O/E: OTHER EXPENSES:					
Extd:	SEWER UTILITY O/E: OTHER EXPENSES:					
0-07-55-502-000-201	SEWER UTILITY O/E: General Plant					
BRUMAC	BRUCE NEWMAN	20-00303	Various Parts, Tools, etc	500.00	0.00	B
HACCEM	HACH COMPANY	20-00304	Various Supplies, Tools, etc	88.16	0.00	B
THEHAR	THE HARDWARE STORE	20-00571	Supplies & Miscellaneous Items	227.26	0.00	B
JEMIND	JEM INDUSTRIAL SERVICES, INC.	20-01201	Various Industrial Supplies	378.00	0.00	B
ATECSEC	A+ TECHNOLOGY & SECURITY	20-01667	ES24294 SMART FACE TEMP DEVICE	2,675.00	0.00	
SHOIND	SHORE INDUSTRIAL SUPPLY CORP.	20-01894	Emergency Pipe Repair	376.01	0.00	
GRAING	GRAINGER, INC.	20-01938	Air Conditioner #470D58	664.00	0.00	
GRAING	GRAINGER, INC.	20-01945	Crrsion Rsstnt Indstl Fan	1,839.28	0.00	
THEHAR	THE HARDWARE STORE	20-02064	#1388647 Saxon Rope, etc	254.18	0.00	
ATLLC	AT&T MOBILITY LLC	20-02125	#287284936037 6/12 - 7/11	89.32	0.00	

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Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
0-07-55-502-000-201	SEWER UTILITY O/E: General Plant		Continued			
VERIZON	VERIZON WIRELESS	20-02185	#485430396-0001 6/26 - 7/25/20	88.80	0.00	
				7,180.01		
0-07-55-502-000-211	SEWER UTILITY O/E: Light & Power					
NJAMER	N.J. AMERICAN WATER CO.	20-02128	#07-31321100-1Y 6/12 - 7/15	1,276.68	0.00	
JCPL	JCPL	20-02164	#100 016 770 099 6/25 - 7/24	21,892.60	0.00	
				23,169.28		
0-07-55-502-000-218	SEWER UTILITY O/E: Contract Services					
GENINC	GENSERVE, LLC	20-00893	Power Maintenance Agreement	1,454.00	0.00	B
INDEVI	I.E.C., INC.	20-01969	Proposal for RBC Pit Cleanings	3,150.00	0.00	B
RAPPUM	RAPID PUMP & METER SERVICE	20-01999	INV #RSRI60586 SERVICE CALL	524.63	0.00	
ATLTOM	ATLANTIC TOMORROWS OFFICE	20-02016	INVOICE #CNIN022340 4/1-6/30	3.20	0.00	
PILELE	PILOT ELECTRIC COMPANY, INC.	20-02042	#61641 Repairs on TACO Pump	2,249.00	0.00	
STATEOF	STATE OF NJ DEPT. OF LABOR &	20-02047	INV #151900 PV & BOILER INSP.	480.00	0.00	
OPTIMUM	OPTIMUM	20-02067	#07866-152521-04-4 7/14 - 8/14	99.89	0.00	
ANSWER	ANSERCOMM COMMUNICATIONS	20-02145	#M4541-072020 Answering Svcs	200.77	0.00	
				8,161.49		
0-07-55-502-000-224	SEWER UTILITY O/E: Sludge Removal					
RUSREI	RUSSELL REID WASTE HAULING &	20-01672	#5921020 Sludge Transportation	8,681.40	0.00	
0-07-55-502-000-230	SEWER UTILITY O/E: Hypochlorite					
JCIJ0005	JCI JONES CHEMICALS, INC.	20-02043	#826425 Hypochlorite Solution	4,018.30	0.00	
	Extd Total: SEWER UTILITY O/E: OTHER EXPENSES:			51,210.48		
	Department Total: SEWER UTILITY O/E: OTHER EXPENSES:			51,210.48		
	CAFR Total:			51,210.48		
	Fund Total: SEWER UTILITY: BUDGET:			51,210.48		
	Year Total:			3,126,031.09		
Fund:	CURRENT					
Department:	FINANCIAL ADMINISTRATION					
Extd:	FINANCIAL ADMINISTRATION					
0-01-20-130-000-223	FINANCE Condo Reimbursements					
REUDUC	REUSSI DUCKSAUCE LLC	19-03521	3rd Q. Condo Trash Reimb	1,517.40	0.00	
	Extd Total: FINANCIAL ADMINISTRATION			1,517.40		
	Department Total: FINANCIAL ADMINISTRATION			1,517.40		
	CAFR Total:			1,517.40		
Department:	POLICE DEPARTMENT					
Extd:	POLICE DEPARTMENT					
0-01-25-240-000-203	POLICE Motor vehicle					
EASAUT	EASTERN AUTOPARTS WAREHOUSE	20-02062	#40IV053064 Repaired Car8	469.42-	0.00	
	Extd Total: POLICE DEPARTMENT			469.42-		
	Department Total: POLICE DEPARTMENT			469.42-		
	CAFR Total:			469.42-		

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Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
CAFR:	CURRENT FUND NON BUDGET ACCTS:					
Department:	TAXES PAYABLE:					
Extd:	TAXES PAYABLE:					
9-01-55-001-000-010	REFUND OF PERMIT,LICENSE FEES					
SEACOMM	SEASCAPE COMMUNICATIONS GROUP	19-02257	REF.ST.OPENING PERMIT#19-0423	145.00	0.00	
	Extd Total: TAXES PAYABLE:			145.00		
	Department Total: TAXES PAYABLE:			145.00		
	CAFR Total: CURRENT FUND NON BUDGET ACCTS:			145.00		
	Fund Total: CURRENT			1,192.98		
	Year Total:			1,192.98		
Fund:	GENERAL CAPITAL FUND BUDGET:					
Extd:	Ord. 2016-28 4th Ave. Improvements					
C-04-55-998-164-002	4th Avenue Improvements					
KEYTEC	KEY-TECH	20-01997	CORE SAMPLING & TESTING	2,800.00	0.00	
	Extd Total: Ord. 2016-28 4th Ave. Improvements			2,800.00		
Extd:	Various Road Improv. 2017-30					
C-04-55-998-170-001	Var. Road Improv. Section 20 2017-30					
TMASSO	T & M ASSOCIATES	17-03316	LAF329167 Heck St.Improv.	539.00	0.00	B
	Extd Total: Various Road Improv. 2017-30			539.00		
Extd:	2019 Ord. 2019-9 Var. Capital Improv.					
C-04-55-998-177-004	Code Enforcement Vehicle					
CDWGOV	CDW GOVERNMENT INC.	20-01674	Q#1C23259 Police Monitors	278.30	0.00	
C-04-55-998-177-011	Administration IT					
CDWGOV	CDW GOVERNMENT INC.	20-01300	Q#1C1S88C APTV & IT EQUIP	751.28	0.00	
C-04-55-998-177-014	IT Security					
CDWGOV	CDW GOVERNMENT INC.	20-01345	Q#1C1THWY PD Shift Commander	1,999.96	0.00	
	Extd Total: 2019 Ord. 2019-9 Var. Capital Improv.			3,029.54		
Extd:	Ord. 2019-43 Police Computers & Equip.					
C-04-55-998-179-001	Police Computers & Equipment					
CDWGOV	CDW GOVERNMENT INC.	20-01345	Q#1C1THWY PD Shift Commander	698.30	0.00	
	Extd Total: Ord. 2019-43 Police Computers & Equip.			698.30		
	Department Total:			7,066.84		
	CAFR Total:			7,066.84		
	Fund Total: GENERAL CAPITAL FUND BUDGET:			7,066.84		

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Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
Fund:	SEWER CAPITAL FUND BUDGET:					
Extd:	Sewer Plant Improvements - Ord. #3038					
C-08-55-526-013-001	Sewer Plant Impr - 40A Costs (Ord #3038)					
TMASSO	T & M ASSOCIATES	20-01233	WWTP RBC REPLACEMENT	4,368.75	0.00	B
	Extd Total: Sewer Plant Improvements - Ord. #3038			4,368.75		
	Department Total:			4,368.75		
Extd:	Ord. 2018-5 Various Sewer Improv.					
C-08-55-528-019-002	Sewer Utility Improvements					
WHITF005	WHITFIELD SCHNEIDER ENTERPRISE	20-00928	BOILER REPLACEMENT AT WWTP	73,990.00	0.00	B
	Extd Total: Ord. 2018-5 Various Sewer Improv.			73,990.00		
Extd:	Ord. 2018-49 Var. Sewer Utility Impr.					
C-08-55-528-020-002	Sewer Utility Improvements					
TMASSO	T & M ASSOCIATES	20-01704	WWTP BOILER REPLACEMENT PROJEC	1,659.00	0.00	B
	Extd Total: Ord. 2018-49 Var. Sewer Utility Impr.			1,659.00		
	Department Total:			75,649.00		
	CAFR Total:			80,017.75		
	Fund Total: SEWER CAPITAL FUND BUDGET:			80,017.75		
Fund:	PARKING CAPITAL					
Department:	Ord. 2019-7 Transport.Utility Improve.					
Extd:	Ord. 2019-7 Transport.Utility Improve.					
C-09-17-903-000-901	Section 20 Soft Costs					
TMASSO	T & M ASSOCIATES	19-03697	Reso 2019-328 Asbury/Ridge	564.00	0.00	B
	Extd Total: Ord. 2019-7 Transport.Utility Improve.			564.00		
	Department Total: Ord. 2019-7 Transport.Utility Improve.			564.00		
	CAFR Total:			564.00		
	Fund Total: PARKING CAPITAL			564.00		
	Year Total:			87,648.59		
Fund:	GRANT FUND BUDGET:					
G-02-43-871-016-218	Brownfields Petroleum Assessment					
BRORED	BROWNFIELD REDEVELOPMENT	20-02011	Hazardous Assessment #38	1,678.75	0.00	
	Extd Total:			1,678.75		
	Department Total:			1,678.75		
G-02-43-873-017-200	Brownfields Assessment Grant					
BRORED	BROWNFIELD REDEVELOPMENT	20-02011	Hazardous Assessment #38	590.00	0.00	
	Extd Total:			590.00		
	Department Total:			590.00		

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CITY OF ASBURY PARK
Bill List By Budget Account

Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
G-02-43-913-019-200	Hazardous Discharge Remediation Grant					
TMASSO	T & M ASSOCIATES	20-02191	LAF 391452 Fire Department	1,853.00	0.00	
	Extd Total:			1,853.00		
	Department Total:			1,853.00		
G-02-43-926-020-200	Mental Health Grant					
VISNUR	VISITING NURSES ASSN. OF CENTR	20-00054	Nursing Serivces Blanket	15,999.99	0.00	B
	Extd Total:			15,999.99		
	Department Total:			15,999.99		
G-02-43-927-020-200	Senior Center Grant					
SPRCON	SPRINGWOOD CENTER CONDOMINIUM	20-01901	2nd Qtr. Sr. Ctr Condo Fees	7,497.75	0.00	
	Extd Total:			7,497.75		
	Department Total:			7,497.75		
	CAFR Total:			27,619.49		
	Fund Total: GRANT FUND BUDGET:			27,619.49		
	Year Total:			27,619.49		
Fund:	COMMUNITY DEVELOPMENT BLK GRANT BUDGET:					
Extd:	2018 CDBG Allotment					
T-17-75-850-850-001	Administration					
NTLCOM	NATIONAL COMM.DEVEL.ASSOC.	19-02298	membership dues	550.00	0.00	
	Extd Total: 2018 CDBG Allotment			550.00		
	Department Total:			550.00		
	CAFR Total:			550.00		
Extd:	2019 CDBG Allotment					
T-17-76-850-850-001	2019 Administration					
WBMASON	W.B.MASON CO., INC.	20-01954	OFFICE SUPPLIES NEEDED	60.86	0.00	
AMAZO005	AMAZON.COM SERVICES	20-02019	Typewriter	479.00	0.00	
				539.86		
T-17-76-850-850-010	2019 Fire Department					
NJFIRE	NJ FIRE EQUIPMENT COMPANY	20-00342	Air Paks, cylinders & valves	28,360.50	0.00	
	Extd Total: 2019 CDBG Allotment			28,900.36		
	Department Total:			28,900.36		
	CAFR Total:			28,900.36		
	Fund Total: COMMUNITY DEVELOPMENT BLK GRANT BUDGET:			29,450.36		
Fund:	TRUST OTHER					
T-20-56-850-851-801	Reserve for Public Defender					
RICKEI	RICHARD M. KEIL	20-01880	SERVICES RENDERED PUB DEFENDER	500.00	0.00	
	Extd Total:			500.00		

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CITY OF ASBURY PARK
Bill List By Budget Account

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Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
T-20-56-850-854-801	Reserve for Marriage Licenses Due StofNJ					
NJDEPH NJ DEPT.HEALTH/SNR.SERV.		20-02148	2nd Quarter Marriage Report	300.00	0.00	
	Extd Total:			300.00		
T-20-56-850-860-801	Reserve for Unemployment Compensation					
NJLABO NJ DEPT.OF LABOR:DIV.OF EMPLOY		20-02126	2ND QTR 2020 UNEMPLOYMENT	78,556.21	0.00	
	Extd Total:			78,556.21		
T-20-56-850-878-801	Reserve for Recreation					
MADASB MADISON ASBURY DRY		19-01908	#071818 summer camp activity	654.00	0.00	
	Extd Total:			654.00		
T-20-56-850-932-301	Reserve for Storm Recovery Trust Fund					
WBMASON W.B.MASON CO., INC.		20-01290	SUPPLIES NEEDED CORONAVIRUS	1,078.70	0.00	
KMOORE K.MOOREA CO., LLC		20-01333	KN 95-Masks Covid 19	850.00	0.00	
CARSUR CARLTON SURGICAL SUPPLY		20-01346	Hand Sanitizer Covid 19	944.40	0.00	
KMOORE K.MOOREA CO., LLC		20-01347	Retractable Cones -Covid 19	1,115.00	0.00	
KMOORE K.MOOREA CO., LLC		20-01350	DISPOSABLE CLEAR FACE SHEILDS	135.00	0.00	
WBMASON W.B.MASON CO., INC.		20-01553	DISINFECTANT MIST IT MACHINE	1,045.96	0.00	
NIPKO005 NIPKOW & KOBELT, INC		20-01978	HAND SANITIZER	450.00	0.00	
				5,619.06		
	Extd Total:			5,619.06		
T-20-56-850-935-312	AP PADDLE BOARD CONC.(DEAL LAKE DOCK,CO)					
ANSZAR ANSELL,GRIMM & AARON, P.C.		20-02017	456350 Peda1 Boats Concession	608.00	0.00	
T-20-56-850-935-314	AT&T TOWER(NEWARK BLDG.& CONSULTING,LLC)					
ANSZAR ANSELL,GRIMM & AARON, P.C.		20-02017	456350 Peda1 Boats Concession	32.00	0.00	
	Extd Total:			640.00		
	Department Total:			86,269.27		
	CAFR Total:			86,269.27		
	Fund Total: TRUST OTHER			86,269.27		
Fund:	PLANNING & ZONING ESCROW FUND BUDGET:					
CAFR:	PLANNING & ZONING ESCROW FUND BUDGET:					
T-21-00-106-000-299	910 4th Ave (GECC Ltd., FLP)					
INSENG INSITE ENGINEERING, LLC		20-01904	Insite PB/ZB bulk invoices	1,090.90	0.00	
	Extd Total:			1,090.90		
	Department Total:			1,090.90		
T-21-00-375-000-299	208 MAIN ST.(PLAN AMEND)(JOHNNY MAC HOS)					
CLACAN CLARKE CATON HINTZ PC		20-02118	PB/ZB INVOICES JUNE-JULY 2020	2,120.60	0.00	
	Extd Total:			2,120.60		
	Department Total:			2,120.60		

Attachment: Bill List 8-12-20 (2020-228 : Payment of Bills)

Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
T-21-00-441-000-299	1201 MONROE/1500 SEWALL(BOYS&GIRLS CLUB)					
INSENG	INSITE ENGINEERING, LLC	20-01904	Insite PB/ZB bulk invoices	1,342.40	0.00	
	Extd Total:			1,342.40		
	Department Total:			1,342.40		
T-21-00-451-000-299	1401 OCEAN AVENUE(1401 OCEAN, LLC)					
INSENG	INSITE ENGINEERING, LLC	20-01732	Insite PB/ZB inv.s Apr-May'20	851.15	0.00	
	Extd Total:			851.15		
	Department Total:			851.15		
T-21-00-466-000-299	215 1ST AVE(REGIONAL DEVELOPMENT GROUP)					
INSENG	INSITE ENGINEERING, LLC	20-01732	Insite PB/ZB inv.s Apr-May'20	762.50	0.00	
	Extd Total:			762.50		
	Department Total:			762.50		
T-21-00-473-000-299	1156 SPRINGWOOD-INSPECTIONS(INTERFAITH)					
INSENG	INSITE ENGINEERING, LLC	20-01732	Insite PB/ZB inv.s Apr-May'20	1,110.00	0.00	
	Extd Total:			1,110.00		
	Department Total:			1,110.00		
T-21-00-478-000-299	407-409 SEWALL AVE.(407 SEWALL AVE.,LLC)					
INSENG	INSITE ENGINEERING, LLC	20-01732	Insite PB/ZB inv.s Apr-May'20	1,475.00	0.00	
CLACAN	CLARKE CATON HINTZ PC	20-02118	PB/ZB INVOICES JUNE-JULY 2020	1,361.50	0.00	
				2,836.50		
	Extd Total:			2,836.50		
	Department Total:			2,836.50		
T-21-00-489-000-299	507 BOND STREET(EAGON BROS. PARTNERSHIP)					
INSENG	INSITE ENGINEERING, LLC	20-01904	Insite PB/ZB bulk invoices	525.00	0.00	
JACSER	JACK A. SERPICO	20-02117	Serpico Outstanding invoices	900.00	0.00	
CLACAN	CLARKE CATON HINTZ PC	20-02118	PB/ZB INVOICES JUNE-JULY 2020	467.50	0.00	
				1,892.50		
	Extd Total:			1,892.50		
	Department Total:			1,892.50		
Department: PUBLIC DEFEND.						
T-21-00-495-000-299	900-901 MATTISON AVE(ASBURY MEM.PARKWAY)					
CLACAN	CLARKE CATON HINTZ PC	20-02118	PB/ZB INVOICES JUNE-JULY 2020	320.00	0.00	
	Extd Total:			320.00		
	Department Total:		PUBLIC DEFEND.	320.00		
T-21-00-497-000-299	917 ASBURY AVENUE(H4 HOLDINGS, LLC)					
INSENG	INSITE ENGINEERING, LLC	20-01732	Insite PB/ZB inv.s Apr-May'20	3,362.50	0.00	

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Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
T-21-00-497-000-299	917 ASBURY AVENUE(H4 HOLDINGS, LLC)	Continued				
CLACAN CLARKE CATON HINTZ PC	20-02118 PB/ZB INVOICES JUNE-JULY 2020			110.00	0.00	
				3,472.50		
	Extd Total:			3,472.50		
	Department Total:			3,472.50		
T-21-00-498-000-299	704 4TH AVE(13 GRAND POINT WAY, LLC)					
CLACAN CLARKE CATON HINTZ PC	20-02118 PB/ZB INVOICES JUNE-JULY 2020			1,595.00	0.00	
	Extd Total:			1,595.00		
	Department Total:			1,595.00		
T-21-00-499-000-299	216-2183RD/215-219 2ND(TRC)(K.HOVNANIAN)					
INSENG INSITE ENGINEERING, LLC	20-01732 Insite PB/ZB inv.s Apr-May'20			1,000.00	0.00	
CLACAN CLARKE CATON HINTZ PC	20-02118 PB/ZB INVOICES JUNE-JULY 2020			4,835.20	0.00	
				5,835.20		
	Extd Total:			5,835.20		
	Department Total:			5,835.20		
Department: UTILITY OE						
T-21-00-502-000-299	117 BORDEN AVENUE(BBC CAPITAL GROUP, LLC)					
CLACAN CLARKE CATON HINTZ PC	20-02118 PB/ZB INVOICES JUNE-JULY 2020			1,127.50	0.00	
	Extd Total:			1,127.50		
	Department Total: UTILITY OE			1,127.50		
T-21-00-503-000-299	AP TRIANGLE-SUBDIV(ASBURY PARTERS/istar)					
INSENG INSITE ENGINEERING, LLC	20-01732 Insite PB/ZB inv.s Apr-May'20			3,000.00	0.00	
	Extd Total:			3,000.00		
	Department Total:			3,000.00		
T-21-00-506-000-299	321 SUNSET AVENUE(N.CINGULAR WIRELESS)					
JACSER JACK A. SERPICO	20-02117 Serpico Outstanding invoices			1,012.50	0.00	
	Extd Total:			1,012.50		
	Department Total:			1,012.50		
T-21-00-507-000-299	1207 BERGH STREET(1207 BERGH STREET, LLC)					
CLACAN CLARKE CATON HINTZ PC	20-02118 PB/ZB INVOICES JUNE-JULY 2020			790.00	0.00	
	Extd Total:			790.00		
	Department Total:			790.00		
	CAFR Total: PLANNING & ZONING ESCROW FUND BUDGET:			29,159.25		
	Fund Total: PLANNING & ZONING ESCROW FUND BUDGET:			29,159.25		

Attachment: Bill List 8-12-20 (2020-228 : Payment of Bills)

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CITY OF ASBURY PARK
Bill List By Budget Account

Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
Fund: HOWELL/ASBURY PARK RCA BUDGET:						
T-38-56-850-850-802	HOWELL/ASBURY PARK RCA - Miscellaneous					
MJREN005	M&J RENOVATION & HOME IMPROVE-	19-03713	RCA Rehab Not To Exceed	2,000.00	0.00	B
	Extd Total:			2,000.00		
	Department Total:			2,000.00		
	CAFR Total:			2,000.00		
	Fund Total: HOWELL/ASBURY PARK RCA BUDGET:			2,000.00		
Fund: MADISON-ASBURY RETAIL, LLC FUND BUDGET:						
CAFR: MADISON-ASBURY RETAIL, LLC FUND BUDGET:						
T-39-00-850-000-299	MADISON-ASBURY RETAIL - Miscellaneous					
ANSZAR	ANSELL,GRIMM & AARON, P.C.	20-02040	SERVICE RENDERED THRU JUN-2020	910.00	0.00	
	Extd Total:			910.00		
	Department Total:			910.00		
	CAFR Total: MADISON-ASBURY RETAIL, LLC FUND BUDGET:			910.00		
	Fund Total: MADISON-ASBURY RETAIL, LLC FUND BUDGET:			910.00		
Fund: CITY OF ASBURY PARK REDEVELOPMENT ESCROW						
T-48-56-850-000-812	1001 1ST AVENUE(ASBURY HOLDING, LLC)					
MARFAL	MARAZITI FALCON, LLP	20-02053	#38399: 1001 1ST AVENUE ESCROW	2,541.26	0.00	
T-48-56-850-000-822	216 3RD AVE/215 2ND AVE(K.HOVNANIAN DEV)					
ANSZAR	ANSELL,GRIMM & AARON, P.C.	20-02018	456384 216 Third Ave.	245.00	0.00	
T-48-56-850-000-830	216-218 3RD AVENUE(K.HOVNANIAN CO.,LLC)					
MARFAL	MARAZITI FALCON, LLP	20-02054	SERVICES RENEDED THRU JUN-20	1,332.50	0.00	
T-48-56-850-000-834	722-724 COOKMAN(C&C COOKMAN DEVELOPMENT)					
ANSZAR	ANSELL,GRIMM & AARON, P.C.	20-02017	456350 Pedal Boats Concession	16.00	0.00	
T-48-56-850-000-836	1401 OCEAN(1401 OCEAN,LLC/BERKLEY HOTEL)					
MARFAL	MARAZITI FALCON, LLP	20-01123	PROF. SERVICES RENDERED MAR-20	260.00	0.00	
MARFAL	MARAZITI FALCON, LLP	20-02054	SERVICES RENEDED THRU JUN-20	3,087.50	0.00	
				3,347.50		
T-48-56-850-000-837	BONDABLE/INFRASTRUCTURE(ISTAR/ASB.PART.)					
MARFAL	MARAZITI FALCON, LLP	20-01936	PROFESSIONAL SERVICES RENDERED	17,910.73	0.00	
T-48-56-850-000-838	500 GRAND AVENUE(HOPE ACADEMY CH.SCHOOL)					
ANSZAR	ANSELL,GRIMM & AARON, P.C.	20-02017	456350 Pedal Boats Concession	16.00	0.00	
	Extd Total:			25,408.99		
	Department Total:			25,408.99		
	CAFR Total:			25,408.99		
	Fund Total: CITY OF ASBURY PARK REDEVELOPMENT ESCROW			25,408.99		

Attachment: Bill List 8-12-20 (2020-228 : Payment of Bills)

Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
Fund:	CITY OF ASBURY PARK CONCESSIONS ESCROW					
T-49-56-850-000-801	SURF LESSONS CONC.(SUMMERTIMESURF,LLC)					
ANSZAR	ANSELL,GRIMM & AARON, P.C.	20-02017	456350 Pedal Boats Concession	160.00	0.00	
T-49-56-850-000-803	AP PEDAL BOATS(SUNSHINE PRODUCTIONS,LLC)					
ANSZAR	ANSELL,GRIMM & AARON, P.C.	20-02017	456350 Pedal Boats Concession	144.00	0.00	
Extd Total:				304.00		
Department Total:				304.00		
CAFR Total:				304.00		
Fund Total: CITY OF ASBURY PARK CONCESSIONS ESCROW				304.00		
Year Total:				173,501.87		
Total Charged Lines:	596	Total List Amount:	3,415,994.02	Total Void Amount:	0.00	

Totals by Year-Fund							
Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
CURRENT	0-01	3,041,931.12	0.00	3,041,931.12	0.00	0.00	3,041,931.12
BEACH	0-05	22,898.96	0.00	22,898.96	0.00	0.00	22,898.96
TRANSPORTATION UT	0-06	9,990.53	0.00	9,990.53	0.00	0.00	9,990.53
SEWER UTILITY: BU	0-07	51,210.48	0.00	51,210.48	0.00	0.00	51,210.48
Year Total:		3,126,031.09	0.00	3,126,031.09	0.00	0.00	3,126,031.09
CURRENT	9-01	1,192.98	0.00	1,192.98	0.00	0.00	1,192.98
GENERAL CAPITAL F	C-04	7,066.84	0.00	7,066.84	0.00	0.00	7,066.84
SEWER CAPITAL FUN	C-08	80,017.75	0.00	80,017.75	0.00	0.00	80,017.75
PARKING CAPITAL	C-09	564.00	0.00	564.00	0.00	0.00	564.00
Year Total:		87,648.59	0.00	87,648.59	0.00	0.00	87,648.59
GRANT FUND BUDGET	G-02	27,619.49	0.00	27,619.49	0.00	0.00	27,619.49
COMMUNITY DEVELOP	T-17	29,450.36	0.00	29,450.36	0.00	0.00	29,450.36
TRUST OTHER	T-20	86,269.27	0.00	86,269.27	0.00	0.00	86,269.27
PLANNING & ZONING	T-21	29,159.25	0.00	29,159.25	0.00	0.00	29,159.25
HOWELL/ASBURY PAR	T-38	2,000.00	0.00	2,000.00	0.00	0.00	2,000.00
MADISON-ASBURY RE	T-39	910.00	0.00	910.00	0.00	0.00	910.00
CITY OF ASBURY PA	T-48	25,408.99	0.00	25,408.99	0.00	0.00	25,408.99
CITY OF ASBURY PA	T-49	304.00	0.00	304.00	0.00	0.00	304.00
Year Total:		173,501.87	0.00	173,501.87	0.00	0.00	173,501.87
Total of All Funds:		3,415,994.02	0.00	3,415,994.02	0.00	0.00	3,415,994.02

Attachment: Bill List 8-12-20 (2020-228 : Payment of Bills)

August 12, 2020 Council Meeting:

Balance Brought Forward from Total List Amount	\$ 3,415,994.02
NJ DMV	<u>180.00</u>
	<u>\$ 3,416,174.02</u>



RESOLUTION NO. 2020-229

**City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION OF THE CITY OF ASBURY PARK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY PROVIDING FOR THE INSERTION OF SPECIAL ITEMS OF REVENUE IN THE 2020 BUDGET OF THE CITY OF ASBURY PARK PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159) - JUSTICE ASSISTANCE GRANT

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount,

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Asbury Park, in the County of Monmouth, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2020 in the sum of \$21,038. Which is now available from Bureau of Justice Assistance - Justice Assistance Grant.

BE IT FURTHER RESOLVED, that a like sum of \$21,038 is hereby appropriated under the following caption:

General Appropriations:

Operations Excluded from "CAPS":

Public & Private Programs Offset by Revenues:

Justice Assistance Grant \$21,038

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Asbury Park, that the City Clerk be and is hereby authorized to file said resolution in duplicate with the Director of the Division of Local Government Services and to provide a certified copy of this resolution to the City's Chief Financial Officer and City Auditor.

I, MELODY HARTSGROVE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of

RESOLUTION NO. 2020-229 which was finally adopted by the City Council at a meeting held on the 12th day of August, 2020

CERTIFIED BY ME THIS DAY OF , .

MELODY HARTSGROVE
CITY CLERK



RESOLUTION NO. 2020-230

**City of Asbury Park
County of Monmouth
State of New Jersey**

EMERGENCY CONTRACT FOR THE CONTINUED PURCHASE OF PERSONAL PROTECTIVE EQUIPMENT AND SUPPLIES AS NEEDED FOLLOWING CDC GUIDELINES

WHEREAS, Coronavirus disease 2019 ("COVID-19") is a contagious, and at times fatal, respiratory disease caused by the SARS-CoV-2 virus; and

WHEREAS, on March 9, 2020, pursuant to Executive Order No. 103, the Governor of the State of New Jersey has declared the concurrent invocation of both a State of Emergency pursuant to N.J. S.A. App.A.:9-33 *et seq* and a Public Health Emergency as contemplated by N.J. S.A. 26:13-1 *et seq*; and

WHEREAS, on March 16, 2020, pursuant to Executive Order No. 104, Governor Murphy directed several actions, with limited exceptions, designed to enhance the practice of "social distancing" to prevent community spread of the COVID-19; and

WHEREAS, LFN 2020-06 Coronavirus Response - Emergency Procurement and Use of Storm Recovery Reserves was issued on March 16, 2020; and

WHEREAS, on May 6, 2020, pursuant to Executive Order No. 138, Governor Murphy declared that the Public Health Emergency declared in Executive Order No. 103 continues to exist throughout the State of New Jersey; and

WHEREAS, on April 8, 2020 pursuant to Executive Order No. 122, Governor Murphy, based upon CDC recommendations, ordered that customers patronizing essential retail businesses in the State of New Jersey must, with limited exceptions, wear face coverings in such public settings to mitigate against the community spread of COVID-19; and

WHEREAS, as of August 4, 2020, there were 182,614 confirmed cases of COVID-19 in New Jersey; and

WHEREAS, the State expects that additional cases of COVID-19 will be identified in the future; and

WHEREAS, in accordance with N.J. S.A. 40A:11-6, the purchasing agent for the City of Asbury Park has determined that an emergency exists for the continued purchase of Personal

Protective Equipment and supplies; and

WHEREAS, the CFO has certified that funds are available in the Reserve for Storm Recovery Trust Fund T-20-56-850-932-301 and various operating accounts of the official budget; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asbury Park, County of Monmouth and State of New Jersey, herby affirms and authorizes the continued purchase of Personal Protective Equipment and supplies as needed to protect against the COVID-19 exposure; and

BE IT FURTHER RESOLVED that the City Clerk shall provide a certified copy of this Resolution to the City Manager, CFO and Director of Purchasing.

I, MELODY HARTSGROVE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2020-230 which was finally adopted by the City Council at a meeting held on the 12th day of August, 2020

CERTIFIED BY ME THIS 12th DAY OF August, 2020.

MELODY HARTSGROVE
CITY CLERK



RESOLUTION NO. 2020-231

**City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION AUTHORIZING AN INCREASE TO THE BID THRESHOLD

WHEREAS, N.J. S.A. 40A:11-3 permits the Governor of the State of New Jersey , in consultation with the Department of Treasury to adjust the bid threshold every five years in direct proportion to the rise and fall of the index; and

WHEREAS, the Governor has increased the minimum bid threshold from \$40,000 to \$44,000 for entitles subject to the Local Public Contracts Law whose purchasing agents possess a Qualified Purchasing Agent certificate awarded by the Division of Local Government Services effective July 1, 2020; and

WHEREAS, the Director of Purchasing, Tracy Lizardi, possess the designation and is certified as a Qualified Purchasing Agent as issued by the State of New Jersey Director of Division of Local Government Services in accordance with N.J. A.C. 5:34-5-1; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Asbury Park, Monmouth County, State of New Jersey hereby increases its bid threshold to \$44,000 pursuant to N.J. S.A. 40A:11-3(a) and that a copy of this Resolution shall be provided to the City Manager and Director of Purchasing.

I, MELODY HARTSGROVE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2020-231 which was finally adopted by the City Council at a meeting held on the 12th day of August, 2020

CERTIFIED BY ME THIS 12th DAY OF August, 2020.

MELODY HARTSGROVE
CITY CLERK



RESOLUTION NO. 2020-232

**City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION AMENDING CONTRACT WITH A+ TECHNOLOGY FOR ADDITIONAL PARTS NEEDED FOR THE ACCESS CONTROL SECURITY SYSTEM VIA CHANGE ORDER 1

WHEREAS, the City of Asbury Park received a proposal from A+ Technology & Security to purchase access control security system for the Senior Center, Transportation Office, Department of Public Works and the remainder of City Hall in response to additional security needed due to COVID-19 in an amount not-to-exceed \$172,754.63.00 and awarded contract for said services via Resolution 2020-196; and

WHEREAS, the project requires Changer Order #1 in the amount not to exceed four thousand two hundred twelve dollars and 85/100 cents (\$4,212.85); and

WHEREAS, the Change Order #1 is for an additional parts needed for the access control security system and an additional door needed at the Department of Public Works; and

WHEREAS, this change order reflects the costs activities as attached on change order number one; and

WHEREAS, Change Order #1 is attached and hereby authorized in the amount not to exceed \$4,212.85 for services rendered in conjunction with this Project; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account C-04-55-998-169-006; and

WHEREAS, the City Manager is hereby authorized to sign any contracts with the vendor.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Asbury Park, County of Monmouth, State of New Jersey, authorizes Change Order #1 to the contract authorized via Resolution 2020-196 in the amount of \$4,212.85.

NOW, THEREFORE, BE IT FURTHER RESOLVED that a copy of this Resolution be provided to the CFO, City Manager, Director of IT and Director of Purchasing.

I, MELODY HARTSGROVE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2020-232 which was finally adopted by the City Council at a meeting held on the 12th day of August, 2020

CERTIFIED BY ME THIS 12th DAY OF August, 2020.

MELODY HARTSGROVE
CITY CLERK



A+ TECHNOLOGY & SECURITY SOLUTIONS, INC.

www.aplustechnology.com

HEADQUARTERS • 1490 N. Clinton Avenue • Bay Shore, NY 11706 • 631.969.2600
 NEW ENGLAND • 1027 Fairfield Avenue • Bridgeport, CT 06605 • 203.290.6300

Quote

Date	Quote #
7/15/2020	ES24830

Bill To: City of Asbury Park
 1 Municipal Plaza
 Asbury Park NJ 07712

Ship To: City of Asbury Park
 1 Municipal Plaza
 Asbury Park NJ 07712

Title	Terms	Rep
Additional Door		Parish, Justin

Ln #	Qty	Description	Unit Price	Ext. Price
1	1	T15 Mifare Reader, Black Manuf. Part #: C300470	\$205.00	\$205.00
2	1	5000C-LBM Manuf. Part #: 10190412	\$219.20	\$219.20
3	1	Surface mount door contact, grey Manuf. Part #: 7939WG-GY	\$10.00	\$10.00
4	1	SIREN 12-24V SINGLE GANG 630 Manuf. Part #: 400U-SN	\$45.43	\$45.43
5	1	18/2 STR JKT CL2P 5C BX BGE Manuf. Part #: 31145512	\$51.59	\$51.59
6	1	18/4 STR JKT CL2P 5C BX BGE Manuf. Part #: 31155512	\$89.43	\$89.43
7	1	9400-630 Manuf. Part #: 9400-630	\$408.00	\$408.00
8	1	5200C-630 Manuf. Part #: 10590404	\$163.20	\$163.20
9	19	Installation & integration of locks, keys and security systems. Manuf. Part #: Install-Access Control/Lock Specialist	\$159.00	\$3,021.00

In accordance with NJ State Contract.

Contract/Blanket # 17-TELE-00231

Bid # 17DPP00085

Description – G2424 Surveillance and Access Control Security Systems

Subtotal	\$4,212.85
Sales Tax	\$0.00
Total	\$4,212.85

SCOPE OF WORK

- Will install a PIR motion detector at the emergency exit door
- Will install a siren at this door.
- The system will be set up so that the siren will sound if a person does not badge before exiting the door. This will also generate an alarm in the Gallagher system
- The door currently has a card reader and electric strike and is in the Gallagher system
- Will configure and install (1) card reader on the equipment room at DPW

ASSUMPTIONS

- There is one available input on the nearest Gallagher controller at the main building
- There is one available output on the nearest Gallagher controller at the main building
- There is available power in the Gallagher box for use with the siren at the main building
- Doors are in good working condition
- This doors will be done while guys are already there working on the existing project
- Conduit is not included
- All areas are asbestos free
- Installation will occur during normal business hours Monday - Friday 8:00am - 5:00pm
- Proof of tax exemption is required

Sign here to acknowledge that you have read and understand the Scope of Work, Assumptions & Notes/Customer's Expectations.

Signature

Print Name

TERMS & CONDITIONS

1. REMITTANCES: : All invoices shall be due and payable upon receipt in United States currency, free of exchange, or any other charges, or as otherwise agreed upon and set forth in writing by A+ Technology & Security Solutions, Inc. (hereinafter called "Seller"). The Customer, if so requested agrees to furnish Seller with all information including financial statements, necessary to make a proper credit appraisal. Refusal to supply information may cause this proposal to be withdrawn. Terms of payment originally granted are subject to the approval of continued credit status, Prices are subject to correction for error.

2. PROPOSALS: Proposals are based upon straight-time labor. Any request by the Customer for overtime work shall be considered an extra. This proposal expires 30 days after date received.

3. PROGRESS PAYMENTS: All equipment either delivered directly to the job site or received at seller's offices for configuration will be billed upon receipt. Seller reserves the right to invoice Customer as the work progresses. Invoices are due upon receipt (or based on approved terms) by Customer. If the Customer becomes overdue in any undisputed progress payment, Seller shall be entitled to suspend work & shall be entitled to interest at the annual rate of 18% or the maximum permitted by the State of NY and also to avail itself of any other legal remedies.

4. (RMA) RETURN MERCHANDISE AUTHORIZATION:

- Items returned for credit may be subject to a 25% restocking fee. In order to be considered for an eligible return, items must be returned to the Sellers office within 30 days of order. Credit return privileges may not apply to certain Third Party Distributed items. A 25% restocking fee applies to those Third Party items that are accepted for return.
- Items returned for credit must be in NEW, UNUSED, RESELLABLE condition and in their original packaging. Items showing any signs of use will not be accepted for return for credit.
- All items returned are subject to inspection and acceptance by A+ Technology & Security Solutions, Inc.
- In the event that a return is refused, the customer will be contacted to arrange for the product return and a \$125.00 test and inspection may be applied.
- Custom fabrication orders and special orders cannot be returned for credit as their purchase is considered final.

5. CANCELLATION AND SUSPENSION: Any contract resulting from this proposal is subject to cancellation or instructions to suspend work by the customer only upon agreement to pay Seller adjustment charge. Seller adjustment charge is equal to all invoices for work performed, all invoices for hardware delivered, plus 15%.

6. TAXES: The amount of any sales, use, occupancy, excise, or other tax, federal, state, or local which Seller hereafter shall be obligated to pay, either on its own behalf of the Customer or otherwise, with respect to the material and other service covered by this proposal, shall be added to such invoices and paid by the Customer.

7. LOSS, DAMAGE OR DELAY: Seller shall not be liable for any loss, damage, or delay occasioned by any causes beyond Seller's control, including, but not limited to, governmental actions or orders, embargoes, strikes, differences with workmen, fires, floods, accidents, or transportation delays. Client has full responsibility for disclosing to A+ any hazards including but not limited to asbestos locations prior to A+ beginning work. A+ is not responsible for damages caused by undisclosed hazards including but not limited to removal or remediation of any hazardous materials in relation to the work being performed. In no event shall seller be liable for any consequential or special damages.

8. WARRANTY: Seller warrants that the equipment installed and services furnished by it and covered by this proposal are free from defects under normal use and service and equipment found to be so defective in material or workmanship will be repaired or replaced, if written notice of failure is received by Seller within one (90) ninety days after date of installation, provided said equipment has been operated in accordance with Seller's instructions and provided such defects are not due to abuse, fire or decomposition by chemical or galvanic action. This express warranty is in lieu of and excludes all other warranties, guarantees, or representations, express or implied. There are no implied warranties of merchantability or of fitness for a particular purpose. Seller assumes no responsibility for repairs made on Seller's equipment unless done by Seller's authorized personnel, or by written authority from Seller. Seller makes no guarantee with respect to material not installed by it.

9. CUSTOMER'S REMEDIES: The Customer's remedies with respect to equipment found to be defective in material or workmanship shall be limited exclusively to the right of repair or replacement of such defective equipment. In no event shall seller be liable for claims (based upon breach of implied warranty) for any other damages, whether direct, immediate, foreseeable, consequential, or special or for any expenses incurred by reason of the use or misuse of equipment which or does not conform to the terms and conditions of any contract resulting from this proposal.

10. GOVERNING LAW: Any contract resulting from this proposal shall be governed by, construed, and enforced in accordance with the laws of the State of NY

11. LICENSING/SOFTWARE AGREEMENTS/MANUFACTURER WARRANTIES: All licensing/Software Agreements and Manufacturer Warranties commence on the day the the Seller procures them from the manufacturer.

12. ACCEPTANCE OF TERMS: This proposal shall become a binding contract between the Customer and Seller when accepted in writing by signature of Authorized Representative of Customer and Seller receipt of 50% Deposit. Such acceptance shall be with mutual understanding that the terms and conditions of this proposal are a part thereof with the same effect as though signed by both parties named herein and shall prevail over any inconsistent provision of said order. No waiver, alteration, or modification of the terms and conditions on this and the attached hereof shall be binding unless in writing and signed by an authorized representative of Seller.

13. PAYMENT TERMS: After initial 50% deposit is received; the customer will be invoiced for progress payments due upon receipt based on the percentage of job completion. For example, if job is 50% complete, customer will owe the original 50% deposit plus 50% of the remainder due.

Bill To:

City of Asbury Park
1 Municipal Plaza
Asbury Park NJ 07712

Ship To:

City of Asbury Park
1 Municipal Plaza
Asbury Park NJ 07712

Remarks

Work will be scheduled upon the receipt of an authorized signature and purchase agreement. An invoice from A+ Technology & Security Solutions, Inc. will be submitted for 30% of the project upon award for mobilization and equipment purchase. A+ Technology & Security Solutions, Inc. will perform all walkthrough's during normal business hours (8am - 5pm) Monday-Friday. Work requested outside of these days and times will be charged at the then current rates for overtime, premium time and holiday time.

As a condition of performance, payments are to be made on a progress basis. Invoice payment must be made within thirty (30) days of receipt.

Any alteration of deviation from the proposal involving extra cost of material or labor will become an extra charge over the sum stated above.

The proposal will become a binding agreement only after the acceptance by Customer and approved by an authorized employee of A+ Technology & Security Solutions, Inc. as evidence by their signature below. This agreement sets forth all of the terms and conditions binding upon the parties hereto; and no person has authority to make any claim, representation, promise, or condition on behalf of A+ Technology & Security Solutions, Inc. which is not expressed herein.

A+ Technology & Security Solutions, Inc. is authorized to proceed with the work as proposed.

Signature

Print Name

Date



RESOLUTION NO. 2020-233

**City of Asbury Park
County of Monmouth
State of New Jersey**

DESIGNATING RED BANK TO SERVE AS LEAD MUNICIPAL AGENCY AS PART OF THE SUSTAINABLE MONMOUTH ALLIANCE ENERGY AGGREGATION PROGRAM

WHEREAS, the City of Asbury Park strives to be a sustainable community by initiating and supporting environmental efforts aimed to preserve and maintain clean land, air and water; and

WHEREAS, the City of Asbury Park supports efforts to improve and increase the renewable content ("cleaner energy") of our electricity supply; and

WHEREAS, The City of Asbury Park supports efforts to both lower residents' electricity bills and reduce the environmental impact of their electrical usage, and

WHEREAS, the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 et seq. governs the establishment of a government energy aggregation program, which is a government-operated purchasing cooperative through which multiple energy consumers purchase energy together under the auspices of a government aggregator; and

WHEREAS, the New Jersey Board of Public Utilities ("BPU") has promulgated rules (N.J.A.C. 14:4-6) for the implementation of government energy aggregation programs; and

WHEREAS, pursuant to the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 et seq., the City of Asbury Park seeks to participate in a Government Energy Aggregation Program ("Program") for the purpose of obtaining cleaner energy at as low a cost as possible for residential and business participants in the Township; and

WHEREAS, the City of Asbury Park is participating in a coalition of Monmouth County municipalities, the Sustainable Essex Alliance ("SEA"), for the purpose of pooling purchasing and negotiating power for better energy pricing and improved environmental attributes; and

WHEREAS, the SEA committee is comprised of representatives from all the involved towns, mostly municipal employees, elected officials, or appointees, who on behalf of their respective townships shall make decisions regarding the Energy Aggregation Program, each town having a single vote on the committee, and

WHEREAS, the borough of Red Bank has agreed to be the Lead Agency in the Aggregation Program, meaning it will establish and manage the Program, including drafting the RFP for engaging the energy management consultant, and a rubric to assess responses to it, and

WHEREAS, the City of Asbury Park members of the SEA will present the Asbury Park City Council with the SEA's recommendation for the energy consultant, who will prepare ordinances, issue the required notifications, get the necessary approvals, and draft the bidding documents to solicit the third-party energy supplier pursuant to the statutory requirements of Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 *et seq.*

NOW, THEREFORE BE IT RESOLVED, by the Municipal Council of the City of Asbury Park that:

1. The City of Asbury Park be and is hereby authorized to participate in a Government Energy Aggregation Program; and
2. The Borough of Red Bank agrees to serve as the Lead Agency in the Sustainable Essex Alliance Government Energy Aggregation Program; and
3. The City Manager and the Municipal Clerk of the City of Asbury Park may execute any document to fulfill the intent of this Resolution.

I, MELODY HARTSGROVE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2020-233 which was finally adopted by the City Council at a meeting held on the 12th day of August, 2020

CERTIFIED BY ME THIS 13th DAY OF August, 2020.

MELODY HARTSGROVE
CITY CLERK

Sustainable Jersey How-To Guide: Renewable Government Energy Aggregation



Sustainable Jersey
Sustainability Institute at The College of New Jersey
Forcina Hall, 3rd Floor
2000 Pennington Rd.
Ewing, NJ 08628-0718

Sustainable Jersey How-To Guide: Renewable Government Energy Aggregation

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What is R-GEA?

In New Jersey, a Government Energy Aggregation (GEA) program is defined by the enabling statute, and the rules promulgated by the Board of Public Utilities. The “R” in R-GEA refers to the fact that enhanced renewable content will be part of the electricity product procured by the municipality on behalf of the aggregation entity members. Municipalities are able to procure an electric supply which is more sustainable, often less expensive, with better and more secure terms than can typically be achieved by individual residents.

In a GEA program without enhanced renewable content, the product is required to be priced at or below the basic generation supply offered by the Utility. However, the statute specifically makes an exception for projects containing enhanced renewable content, the price is allowed to exceed the basic generation supply offered by the utility.

The simplest way to describe an R-GEA is that it is a third party electrical contract negotiated by a municipality on behalf of its residents. By statute, membership is structured as an “opt out” program for residential customers and as an “opt in” program for commercial customers.

For residential customers, unless the customer elects to “opt out” of the program, or is already with a third party supplier, the residential customer is automatically enrolled in the GEA program. A residential customer is able to “opt out” of the program at any time during the term of the contract without penalty.

For commercial customers, when an R-GEA project is open to commercial entities, commercial clients must voluntarily elect to participate and they are also afforded the protection of being able to opt out of the program at any time during the term of the contract without penalty. However, the municipality may decide to structure the R-GEA project to include only residential customers to simplify the project.

Typically due to risk factors in the energy markets, contracts run no longer than 24 months. In addition, several municipalities can join together to create a joint aggregation entity.

Authority & Rules for Government Energy Aggregation

Primary Governing Statutes	N.J.S.A. 48:3-92 – N.J.S.A. 48:3-95
GEA Program Rules	N.J.A.C. 14:4-6
Local Public Contracts Law	N.J.S.A. 40A:11-1
Rules of the Department of Community Affairs	N.J.A.C.5:34-7; N.J.A.C.14:4-6.4(b)

Background Information about the Electrical Market

Understanding your Electric Bill

In NJ, all customers have the choice of purchasing their natural gas and/or electric supply from a third party supplier rather than their local utility company. This is a direct result of deregulation of the energy market in NJ, authorized by the Electric Deregulation and Energy Competition Act (“EDECA”) enacted in 1999. EDECA authorized the NJ Board of Public Utilities (BPU) to permit competition in the electric and gas supply marketplace.

A typical utility bill for a ratepayer in New Jersey has two components, supply and distribution:

Supply The supply portion of a utility bill represents the energy supply, with the corresponding dollar amount often referred to as the commodity cost of whatever fuel source is utilized. This could be natural gas, coal, nuclear, wind, solar, fuel cells, etc. The supply portion of the utility bill also captures the cost of moving the energy from the generation station to the local distribution network, commonly known as the local utility. The supply component is the portion of the bill that is subject to competition, and for which the customer may shop for alternative sources.

Delivery Delivery refers to the distribution of the energy to homes and businesses. The associated dollar amount represents the cost of the distribution highway that “pipe” the energy to NJ’s homes and businesses. Also included in the delivery portion of the bill are the State’s mandated programs such as energy efficiency programs and LIHEAP: the Low Income Home Energy Assistance Program. This portion of the utility bill is not subject to competition, and therefore, there are no shopping opportunities.

It is important to understand the difference between the supply and delivery portions of the utility bill, because R-GEA only impacts the supply portion. Storm response, line maintenance, and eligibility for State Programs are all aspects of the delivery portion of the contract and cannot be affected by participating in an R-GEA.

Where does my electricity come from? And what is PJM?

When you plug in your cell phone to charge, just where does that electricity come from? A coal plant in Kentucky? A gas fired turbine in Illinois? A nuclear plant in New Jersey? A coal plant in West Virginia? A wind turbine in Pennsylvania? The answer is all of those plants in those locations, and many more. The electricity delivered into your home at any given moment is a soup of electrons that originate from various sources located throughout our Regional Transmission Area (RTA). That electricity market is coordinated by a Regional Transmission Organization (RTO). In New Jersey, we are part of the RTO called PJM that coordinates the movement of wholesale electricity in all or parts of 13 states and the District of Columbia. The actual delivery of those electrons that originate in many places, by many different technologies is the responsibility of your electric utility.

Many of the participating states in PJM, including New Jersey, have Renewable Portfolio Standards (RPS) requiring them to source percentages of their electric supply from renewable resources. Over

time, the effect of RPS mandates is to change the “electric soup”, which today is a mix of dirty and clean energy sources, to predominately clean energy sources.

How New Jersey purchases electricity for its residential customers – the BGS

If a customer does not shop for electricity supply, they receive the default supply which is referred to as basic generation supply or BGS. A customer can identify BGS on their utility bill under electric supply as explained previously. New Jersey has mandated, through a NJ Board of Public Utilities Board Order, how the electricity should be procured.

Every February, the NJ Board of Public Utilities holds the BGS auction where electric supply companies compete to win the right to supply one third of the forecasted load. This results in the price for residential customers being comprised of 1/3 of the load with the winning bid price from the prior energy year (EY), 1/3 of the load with the winning bid price from the current energy year, and 1/3 of the load with the winning bid price for the coming EY. The reason for this structure is to help smooth over price volatility in the energy markets for New Jersey ratepayers.

The emergence of Third Party Suppliers (TPS) as an option to individual residents

A third party supplier (TPS) is an alternative provider for the supply portion of an electrical contract. Contracts with a third party supplier can be negotiated by individuals or by government entities (GEA.) Sometimes the “spot” market for electricity is lower than the BGS blended price, and third party suppliers will be able to offer lower priced alternatives to the BGS supply price. If this is not the case, there is likely not to be an active TPS market, assuming that customers are making their buying decisions based on price alone.

Over the last several years in New Jersey, an active market for TPSs has emerged, driven by the high cost of natural gas several years ago, reflected in the BGS blended price. A TPS will typically solicit residential customers through direct mail, commercial advertisements on radios and billboards, and frequently offer incentives for signing up with the TPS (frequent flyer mileage, gift certificates). The majority of TPSs offer lower prices than the incumbent energy supply prices provided by the utilities. There are also TPSs that sell based on the renewable energy content of their product. TPSs provide either fixed rate, a variable rate pricing, or both and terms vary. In some instances there may be penalties for canceling a contract before the term expires.

This market for individual contracts has emerged as a “buyer beware” marketplace where consumers should familiarize themselves with the rate and term details so as not to be surprised after executing contracts that may carry penalties for early termination, or that switch from fixed to variable rates during the term of the contract. Given the extreme cold of Winter 2013-2014, many NJ customers were unaware that their TPS contracts were on variable rates, and experienced “sticker shock” upon opening their bills due the high price of natural gas.

GEA provides protection against issues that concern individual contracts in the Third Party Market.

GEA takes advantage of the upside of TPS, increased renewables, while protecting residents from poorly constructed third party contracts. In GEAs, third party supply contracts undergo a competitive bidding process, which is reviewed by the municipal attorney and the Board of Public Utilities. Additionally, due to the larger pool of residents bundled together in a GEA contract, third party suppliers offer better pricing than an individual could secure.

What is a REC?

Renewable Energy Certificates or RECs are the method that is currently used to procure an increased renewable content for an R-GEA. RECs are an abstraction – they represent the renewable attribute, the green label, of renewable energy production. In New Jersey, RECs are legally defined under the Renewable Portfolio Standard or RPS. One REC is equivalent to 1,000 kilowatt-hours (kWh) of qualifying renewable generation.

It is important to understand that when renewable energy is generated at a physical generation facility at a specific location, two products are created: physical electricity and one REC for every 1000 kWh of physical electricity. These two products can stay joined, “bundled,” or can be bought and sold separately from each other, “unbundled.” How effective unbundled RECs are in encouraging renewable electricity depends in part on their price relative to that of the electricity actually purchased, which typically comes from low cost fossil fuel generation.

In addition to distinctions between how RECs originate there are two markets for RECs: compliance RECs used to meet state RPS requirements and voluntary RECs that are sold to companies, individuals, and others who want to claim the right to call their electricity renewable. These RECs, especially in the case of solar, have often been sold at price that plays an important role in supporting renewable energy construction.

Further, in New Jersey, there are several classes of RECs for different types of renewable energy resources as follows:

Class I renewable energy is defined as electricity derived from solar energy, wind energy, wave or tidal action, geothermal energy, landfill gas, anaerobic digestion, fuel cells using renewable fuels, hydroelectric facilities of 3 MW or less that are: placed in service after July 23, 2012; located in the state; connected to the distribution system; certified as low-impact by a nationally recognized organization based on a system that includes a variety of minimum criteria, and, with written permission of the New Jersey Department of Environmental Protection (DEP), certain other forms of sustainable biomass.

Class 1/Solar Carve Out is defined as electricity derived from solar energy, located in the state and connected to the distribution system. Solar remains an eligible Class 1 technology, however with a carve-out, it occupies a special place as the only resource eligible for the solar electric component of the standard. RECs that are generated using solar power are called SRECs.

Class II renewable energy is defined as electricity generated by hydropower facilities larger than 3 megawatts (MW) and less than 30 MW, and resource-recovery facilities (i.e., municipal solid waste or MSW) located in New Jersey approved by the DEP. Electricity generated by a resource-recovery facility outside of NJ qualifies as "Class II" renewable energy if the facility is located in a state with retail electric competition and the facility is approved by the DEP.

The Renewable Portfolio Standard is compiled from a blend of these types of RECs in percentages that change each year as we make progress increasing the renewable supply. In May 2018, the RPS requirement for Class 1 RECs was set to increase to 35% by 2025 and 50% by 2030. Additionally, 2.5% of the electricity each year must come from qualified Class II renewable energy sources. See Resources section for links to more information about the current New Jersey RPS.

All RECs are not created equal

To a large extent, the first step for a municipality in considering whether to pursue the R-GEA action is the easiest step. The municipality need only answer the question: Do we want enhanced renewable content in the electricity product we offer under our R-GEA program?

If the answer to the first question is yes, answering the second question – what does that enhanced renewable content look like – is much more complex as it leads to many more questions. What type of renewable generation do we want: wind, landfill gas, solar, small hydro, fuel cell? What type of generation do we NOT want? Where should that renewable generation be located? How is that renewable generation certified? Does the premium paid for the REC contribute to the build out of additional renewable generation, moving the market forward?

The gold standard that Sustainable Jersey works towards is locally sited renewable generation that directly benefits the communities, including residents, close to the location of the renewable energy generation facility. For many reasons that go beyond the scope of this background, the New Jersey market is not yet able to deliver this product.

Location matters. The more local, everything else being equal, the more benefits accrue to the communities purchasing the product (local = economic development, efficient distribution since “plant” is closer to where energy is actually used, less reliance on transmission infrastructure). This is the logic that informs the way Sustainable Jersey Actions and related points for R-GEA are structured. Where renewable generation is located and to a lesser extent how much renewable generation is in the product are the variables that matter.

The highest number of points (45 points) is reserved for R-GEA programs with renewable energy content that is at least 20% above the current RPS, with all the renewable supply coming from Class 1 resources located within PJM.

The second tier of points (35 points) requires that any R-GEA program with renewable energy content that is at least 10% above the current RPS, with all the renewable supply coming from Class 1 resources located within PJM.

PJM is a very large region, and one may reasonably ask: What good does a wind turbine sited in West Virginia do for my community?

There are several important considerations regarding the benefits of PJM sited renewable content. First, the PJM location is the standard upon which the State of New Jersey relies for meeting its RPS obligation. Although solar is an exception, with a carve out that exists in the Class 1 category,¹ with respect to PJM Class 1 and Class 2 resources, those RECs may be tied to resources located anywhere within the PJM footprint.

Second, New Jersey has determined that what happens in the PJM region has impacts on the air quality in New Jersey. In fact, due to the wind currents, certain pollutants emanating from power plants cited

¹ In order to be eligible for compliance, a SREC must be tied to a solar resource sited and connected to the distribution system in New Jersey.

in the southwest and mid-west, such as sulfur dioxide and particulate matter, travel to the Northeast and Mid-Atlantic region, and are in part to blame for air pollution and air quality issues in New Jersey. In response to this finding, in 2005, the USEPA promulgated the Clean Air Interstate Rule (CAIR) in an effort to address the transportation of pollution across state lines. Transitioning to cleaner power in the PJM region will have demonstrable effects on New Jersey's air quality, which is part of the rationale for NJ's RPS allowing renewable generation to be sited in the PJM region.

Green-e Certified RECs

There is another type of REC that is available for purchase, Green-e Certified RECs. Green-e certified RECs, which may be located anywhere in the country are often referred to as "National Any Technology" RECs and are not of the same quality as in-state or PJM RECs. The middle to long-term price signal for RECs emanating from certain jurisdictions, for instance, Texas, is quite low. This is due to an oversupply of wind in Texas and other states relative to the amount required by their State Renewable Portfolio Standards. As a result, a town can get RECs from these wind generation facilities at a very low cost, often with next to no net benefit above the transaction costs of selling the RECs. It would also be correct to assume that the premium paid for the REC at this level does not result in any additional wind or renewable generation. Note that states like Texas, which has been oversupplied with renewable energy (mostly from wind) for several years, have not chosen not to address this through a government-mandated demand for additional renewable energy. Based on consideration of these factors, Sustainable Jersey has determined at this time, while there is potential value Green-e Certified RECs, there are no Sustainable Jersey points available for R-GEAs in which the renewable content is made up solely of Green-e certified RECs.

Solar RECs (SRECs)

One persistent criticism of REC purchase as a way to support renewable energy has been that the REC premium, and where that premium ultimately flows, does not contribute in a meaningful way to the build out of renewable generation. However, an example of RECs increasing the build out of renewable generation is Solar RECs (SRECs). In NJ, SRECs are frequently included as an integral part of financing a NJ solar project, and therefore the purchase of NJ SRECs does in fact help stimulate solar energy project development. Other scenarios, for example the purchase of wind RECs in a distant market where the project has already been financed and achieved break-even, may have less direct impact in stimulating new capacity development. Even in that case, however, increased purchase of RECs, in markets where supply will eventually chase demand, REC purchases (through R-GEA programs) may help to improve the market for renewable energy development. Regardless, the market reality is that RECs are a primary mechanism for project development in the US, and their use represents the most accessible way for individual consumers to help stimulate renewable energy development.

In the end, communities must make informed decisions about the quality of the product they choose to purchase in an R-GEA program, recognizing the tradeoffs that exist between cost, quality, the particular culture of a community, and the collective level of engagement of its citizens.

It is important to recognize the limitations of a REC system, and its promise in a state like New Jersey. The direct effects and any secondary and tertiary effects of this system are complex and difficult to predict. On the positive side, a RPS using RECs for compliance that consistently meets or surpasses its goals in a market that sees a declining cost structure is on good footing, politically, to increase their demand for renewable energy. Ultimately, that is the desired outcome of RPS policy – more renewable energy.

This has been the story in New Jersey. The fact that New Jersey has met its solar RPS at lower costs over time is a large part of the reason that New Jersey's solar RPS has been increased twice over the last decade. Solar Installation has been at a pace that is ten times what was called for in the initial establishment of SRECs.

Sustainable Jersey has critically considered many perspectives in crafting the R-GEA Actions and how each will be recognized. It is expected the communities will wrestle with similar perspectives as well. The decision should be made by the community – not by hired consultants, and should reflect the will of the community. This is an important dialogue to have and will provide a unique opportunity to educate the township on critical issues that contribute mightily to climate change.

The Case for R-GEA

Why it matters & ancillary benefits

Increasing the Demand for Renewables

The primary reason why R-GEA matters is that it enables municipalities to influence the market for renewable energy. Municipalities going into the energy market for R-GEA products can potentially influence the source of electricity supply. Simply put, R-GEA communicates to the market that there is a preference for renewable energy.

Better Pricing and Consumer Protection

Two ancillary benefits emerge from R-GEA programs. First, the municipality enables the scale, through creation of the aggregation entity that will deliver lower prices than would be realized if a customer was buying in the market place as an individual consumer.

Second, the R-GEA program provides a layer of consumer protection that would otherwise not exist if the constituent was making the buying decisions on his/her own. This is especially relevant given the severe climate conditions (like “polar vortex” events) that are likely to be our new reality. These extreme weather events result in price spikes in natural gas, dramatically driving up the cost of electricity and providing sticker shock to consumers, unaware of the details of their TPS contracts.

Although the municipal R-GEA can ask for variable or fixed pricing, pricing in R-GEA contracts will typically be fixed rates for the entire term of the contract, as municipal leadership has an interest in protecting constituents from the fluctuations in the spot markets due to any number of unpredictable events.

Experience in other states

New York: Since 2015, a community choice aggregation (CCA) Co-op called Sustainable Westchester has provided 16 towns with Green-E Certified RECs. The towns maximized their purchasing power by creating a purchasing co-op and securing joint third party supply contracts for the participating municipalities.

The following examples are taken from World Wildlife Federation's 2014 report, *Leading from the Middle* (see resources section for URL).

Cape Light Compact, Massachusetts: Since 1997, this Compact services over 20 towns through a combination of its own energy efficiency programs and direct investments in local solar projects.

Cleveland, Ohio and Cincinnati, Ohio: In 2012, Cincinnati was the first major city to contract for 100% of its residents' electricity through RECs, and they did so with over 20% cost savings.

Illinois: Since 2013, a CCA with more than 90 Illinois towns representing 1.7 million people, taking advantage of favorable wind opportunities in Illinois and Iowa, have contracted for 100% of residents' electricity using Renewable Energy Credits or RECs.

Marin County, California: This CCA program invests heavily in new, locally built, renewable energy resources. The county's long term Power Purchasing Agreements have spurred the development of nearly 60 MW of new solar, wind and landfill gas.

Sonoma County, California: Sonoma County recently approved its own CCA program that focuses heavily on locally generated renewable energy. California's experience shows that longer-term contracts, typically ten years or more, provide the certainty electricity suppliers need to invest in more local renewable options.

CCAs are also supported by law in Ohio, Virginia, Rhode Island. Utah, Colorado and Minnesota are all exploring legislation to enable CCAs.

Selecting an Energy Consultant

Engagement of an energy consultant is the first step toward R-GEA implementation. It is not mandatory to go through the RFP process to hire an energy consultant, but it is highly recommended. A template RFP for the energy consultant selection is available in Appendix B.

The energy consultant has two key jobs in R-GEA projects: guiding the municipality through the process of completing a third party supply contract; and managing the outreach and logistics of the project once the contract is complete. When evaluating proposals for the energy consultant during the RFP process, it is important to consider how the proposals received address the both of these areas. A sample rubric for evaluating consultant proposals is in the appendix. How heavily each category is weighted will vary depending on the priorities of the entity establishing the R-GEA.

Roles that are commonly held by the energy consultant include:

- Expertise in advising the municipality about energy markets (i.e. timing the issuance of the bid for the third party supplier)
- Assisting in passing the required ordinances to create an aggregation entity (this may happen before an energy consultant is hired)
- Interfacing with the local utility, including facilitation of the necessary agreement between the municipality and the utility and collecting all utility usage information
- Designing and creating required bid documents for prospective energy suppliers, including procurement specifications and forms of contract between the municipality and the selected supplier, and reviewing drafts of these documents with BPU and Rate Counsel

- Expertise in advising about renewable energy markets and designing a renewable energy product that addresses the municipality's cost savings and sustainability goals
- Running an RFP process to solicit energy supply contract bids, evaluating bids
- Analyzing and making recommendations, and awarding of energy supply contract bids
- Conducting outreach to residents and businesses
- Providing customer support for the term of the contract (i.e. answering questions, attending community meetings as needed)
- Managing subsequent opt-ins and opt-outs
- Resolving billing issues for residents

It is advisable to offer potential energy consultants the option of scheduling a pre-bid meeting. The pre-bid meeting can be especially critical when considering a multi-municipality aggregation. Be prepared for energy consultants to advise you about the viability of the municipality pairings. Municipalities will benefit from being paired with other municipalities that have similar population density and energy usage patterns. Some towns that seem similar may not be well matched. Energy consultants will be able to advise on appropriate pairings.

How is the energy consultant paid? Almost always, the energy consultant works "on spec" until the TPS contract is signed. The price put forward by the energy consultant as part of the bidding process is a price that will be added to the per kWh price offered by the TPS. The TPS will pay the energy consultant directly with funds collected from the customers. So, though the municipality does not pay the energy consultant directly, the energy consultant's fee is reflected in the customer's bill.

Issuing the RFP: Appendix B includes a link to the current list of energy consultants compiled by the Board of Public Utilities. In addition to the regular notifications that accompany RFPs, it is a good idea to send a notification of the RFP to all the energy consultants on the list who work in the customer class (i.e. residential, commercial, Industrial) that your projects will include.

The R-GEA Implementation Process

The following steps must occur in order for the successful implementation of an R-GEA, where "successful implementation," means a master contract that is active in the market enabled under the GEA mechanism as defined by the enabling legislation: N.J.S.A. 48:3-92 – N.J.S.A. 48:3-95. In brief, a contract will stipulate that the municipal group has a contract for electrical supply for a fixed length of time at a rate that is determined by the contract.

The following abbreviations are used to indicate the entity that has primary responsibility for each task below:

ML:	Municipal Leadership
ME:	Municipal Employee
EC:	Energy Consultant
WS:	Winning Supplier
R:	Resident

Typical roles for each entity in the R-GEA process:

Enactment of Ordinance creating the R-GEA entity	ML
RFP for Energy Consultant	ME (with support from ML)
Outreach to constituents	EC (with support from L/ME)
Interfacing with local utility & review of EDC agreement	EC
Interface with Department of Consumer Affairs	EC
Collecting all utility usage information	EC
Design and creation of bid documents	EC
Review of all required documents with BPU/Ratepayer	EC
Running the RFP process to solicit bids	EC
Evaluation, analysis and recommendation for award	EC
Award of contract	EC (with authority from ML/ME)
Opt-Out	R (with support of EC)
Customer service/billing issues/follow up questions	EC

The Customer's Point of View

By NJ Statute, all residents of participating municipalities are enrolled unless they already have an agreement with a third party supplier of their own. At any time, with no fee, a resident can opt out and return to their previous supplier. For a household that has not enrolled with a TPS, the first sign of an R-GEA will typically be an announcement for a public meeting that provides information on the program. Methods of outreach will vary from town to town. This may be handled by a mailer, information on the website, information in a local newspaper, or some combination outreach elements. Municipalities will typically provide information about the program on their municipal website in the form of announcements of public meetings, videos of public meetings, FAQs that answer questions on the program and links to other materials.

There may also be a public presentation on R-GEA at a town council meeting open to the public. To form an R-GEA the township must enact an ordinance, which requires two readings. When that happens, there may be information offered about the program and opportunities to have questions asked and answered.

A household's utility usage information will be collected directly from the utility in order to prepare the bid documents. However, this exercise is invisible to the constituent, as this information is provided by the utility to the energy consultant directly.

Once the bid documents have been reviewed by the BPU and Rate Counsel, the request for energy supply bids is made to the supplier market. After analysis of bid results and recommendations made by the energy consultant, an energy supplier is selected. Typically, after the award, there will be a press release announcing the results of the bid, and any notable features of the contract (term, content, expected savings).

Before the contract may take effect, there is a mandatory 30 day opt-out period. Consistent with BPU rules, a mailer must be sent out to every eligible household, notifying residents of the program, the terms of the awarded contract, the and instructions for opting out should they chose to do so. After the 30-day period has ended, a household may still opt out at any time, without penalty. Apart from a

new default supplier on their bills, residents will not experience any difference. The grid and electrical infrastructure will still be entirely managed by the utility company, who will remain fully responsible for meter reading, billing, and repairing outages.

If a resident decides to take advantage of the R-GEA program, they simply do nothing and will automatically be put on the winning contract after the 30 day period ends. The participant will also receive a letter from their utility, alerting them to the switch of suppliers.

If a household wants to take advantage of the R-GEA program but is already with a TPS, they will need to either 1) terminate the contract before the TPS contract begins or 2) enroll in the R-GEA after their TPS contract expires, assuming there are provisions in the suppliers contract to allow “opt ins” at any point during the contract term.

The R-GEA contract will typically run from 12-24 months. As the term of the R-GEA contract comes to an end, the municipality may elect to continue to offer the R-GEA, and will need to undertake the process from the beginning. The ideal timing has the new contract going into effect right after the prior contract term lapses, for a seamless transition. It is quite possible that the winning supplier may be different than was awarded in the prior R-GEA. It will depend on the results of the current energy supply bid process.

Many residents will be concerned about how power outages and maintenance will be handled. Because the R-GEA only impacts the supply portion of the electric procurement, distribution (which includes billing, line maintenance repairs and meter reading) will still be done by the utility.

Responding to common questions from the public before an energy consultant is hired

Once your municipality establishes a contract with an energy consultant, the energy consultant will largely handle responding to questions from the public. In the lead up to the selection of the energy consultant, the project team will likely need to address some questions from residents. Here are answers to the questions that are most commonly asked:

- **How much will it cost to hire the energy consultant? Will we still have to pay the energy consultant if we do not go through with the renewable aggregation?** Usually, the energy consultants are paid out of the contract with the third party supplier, which means they don’t get paid until a third party supplier contract is finalized. If no contract materializes, no money is paid to the energy consultant.
- **What happens if the prices that are offered at the end of the bidding period aren’t better than what we have now?** The municipality is under no obligation to make a contract with a third party supplier and the end of the bidding window.
- **What happens during storms and other power outages?** The existing utility retains the distribution function and responsibility regardless of whether customers receive power supply from the utility or a third-party supplier, which means the lines will be serviced and maintained by the same company as currently maintains the lines.
- **What if I would rather stay with the current provider?** The R-GEA will provide an opt-out program for residential customers, as required by NJ Statute. At the beginning of the project, all residents will receive an opt-out notification; a customer can opt-out of the program and return to the utility or

another supplier at any time at no cost. That said, the municipality will likely not accept a bid from a third party supplier unless it is advantageous by price, increased renewable content, or both; so, it is likely that most residents will choose to stay in the program.

- **What makes a renewable aggregation program green?** In NJ, a percentage of the electrical supply is required to be from renewable sources, this percentage goes up each year. In a renewable aggregation, the municipality can negotiate to purchase renewables at a percentage even higher than is required for the default supply. This increases demand for renewable energy and promotes the development of more renewable energy generation, which lessens our dependence on fossil fuels.
- **What do I have to do to be in the aggregation program?** Because the program is set up so that all residents are initially included in the aggregation, unless they have already chosen a third party supplier, you simply do nothing and will automatically be put on the winning contract after the 30 day opt-out period ends. You will also receive a letter from the utility, alerting you to the switch of suppliers.
- **What if I already have a third party supplier?** If a household wants to take advantage of the R-GEA program but is already with a third party supplier, they will need to either 1) terminate the contract before the aggregation begins or 2) enroll in the renewable aggregation after their third party contract expires, assuming there are provisions in the suppliers contract to allow “opt-ins” at any point during the contract term. Households with an existing third-party supply contract are urged to review the contract terms before requesting to be switched over to the municipality’s R-GEA program to be sure that no ‘early-termination’ fees will be triggered.
- **Who will my bill come from?** Meter reading and billing are part of the distribution company’s function, which means they will still come from the utility. You will see on the utility bill that a new energy supplier is listed, but, other than that, the bill will look the same.
- **What happens at the end of the aggregation contract?** At the end of the contract, either the aggregation will roll over into a new aggregation contract, with a new 30 day opt-out window; or, if no new contract is established, the supply portion of the contract will revert to the utility.
- **I’m on the balanced billing plan, how will the aggregation impact my billing?** Aggregation should not change your ability to receive an equal payment (a.k.a. budget billing) plan. The utility will still provide an equal payment plan for the delivery charges on your bill. Your municipality can include a requirement in its program bid specifications that the R-GEA supplier also provide an equal payment plan for the power supply charges. In that case, the monthly budget amount for power supply will be set by the supplier by multiplying your recent 12-month electricity usage by the contract price, and then dividing by 12. This level monthly amount will appear on your utility bill, along with the balanced bill amount for the utility delivery charges. As the utility does, the supplier may periodically implement a ‘true-up’ adjustment to the monthly billing amount based upon your actual usage.
- **Will being in the aggregation impact my ability to participate in programs offered by the utility, like smart thermostat specials and clean energy programs?** Participation in an aggregation program has no impact on your ability to participate in utility programs such as smart thermostat and clean energy programs. No matter who supplies the electricity, the utility will still be your delivery company and will still render a bill. These programs are funded through utility delivery charges, and are available to all

eligible customers of the utility, whether they receive power supply from the utility under the basic generation service (BGS) tariff or whether they receive power supply from a third-party supplier.

Helpful Hints

Use competitive procurement process to hire an energy consultant

Although there is an exception in the Public Procurement Contracting Law (P.L. 1971 c. 198 (C.40A:11-36)) that allows a municipality to hire an energy consultant without going through a public procurement process, Sustainable Jersey recommends that the municipality go through the RFP process in order to select an energy consultant at a competitive cost and with the relevant expertise and experience in the New Jersey energy market. A link to a template RFP is available in Appendix B.

Politics of R-GEA

It is crucial to note that the R-GEA action is not necessarily a good fit for every town. Forming an R-GEA, or even a GEA can be seen by the political leadership as a liability. If the program fails in its execution in any way, this will result in calls to the mayor and the town administrator. There is varying sensitivity on this point depending on the town and the political leadership.

Also important to note is that “being green,” may not be of interest for some political leadership. If municipal leadership is interested in a program like this, their main, or exclusive, motivation will be the opportunity to attain the greatest cost savings for participants. “being green” costs more, even if that means less of a savings. The bottom line is to do some homework to understand the politics of your municipal leadership before you decide to pursue an R-GEA action.

Patience in the process

Given how heavily regulated the R-GEA process is, getting through all of the required steps will take time, perhaps as long as 6 months until a contract is operating in the market.

In some cases, that timeline may stretch longer due to volatile market conditions. Any number of disruptions around the world can cause spikes or volatility in what is a global energy market—instability in the Middle East, speculation on federal regulations, severe weather events, terrorist attacks, and other impossible-to-predict events effect electricity prices. Upon advice of your energy consultant, there may be reasons to delay going into the market for a contract. So be patient and trust your energy expert who is most familiar with the up-to-date market pricing and the forces that drive those prices. Ultimately, in order to be successful, the R-GEA program wants to deliver the desired product at the lowest possible cost.

Community organizing resources

There are several environmental organizations that have volunteers in communities throughout New Jersey they can mobilize to assist in promotion and community organizing activities to support the R-GEA.

Appendix A

Rubric for Evaluating Energy Aggregation Consultant Proposals

Name of Proposer _____

Compliance with RFP Submission Requirements: Max Point value = _____

Strength of Public Engagement Process Max Point Value = _____

Written materials/meetings with public/presentations to governing bodies/providing municipality with website content and updates/ability to communicate multi-lingually

Strength and Accessibility of Consultant's Team Max Point Value = _____

Project Lead/team members/subcontractors

Ability to Perform Basic Consultant Services Max Point Value = _____

Providing a timeline for projected completion of tasks to lead agency template ordinance for ordinance approvals by respective governing bodies, presentations of all required documents to the NJ BPU, execution of local delivery company agreement, all phases of bidding and executing contracts with the third party supplier with advice and consent of lead agency, notifications to residents of the pending program.

Experience Managing Energy Aggregation Programs Max Point Value = _____

Skill and resourcefulness in procuring renewable energy

Past experience procuring renewable energy/familiarity with procurement strategies in renewable energy markets.

Max Point Value = _____

Fees Max Point Value = _____

Total Points: _____

Appendix B

Resources

Document Templates

Certification letter form for SJ points

http://www.sustainablejersey.com/fileadmin/media/Actions_and_Certification/Actions/Energy/Template_Certification_Letter_for_RGEA_action.docx

Model ordinance to create an R-GEA

http://www.sustainablejersey.com/fileadmin/media/Actions_and_Certification/Actions/Energy/Template_RGEA_Ordinance.docx

Template RFP for hiring energy consultant

http://www.sustainablejersey.com/fileadmin/media/Actions_and_Certification/Actions/Energy/Template_RFP_for_RGEA_Consultant.docx

Background Resources

NJ Board of Public Utilities. List of registered energy consultants

http://www.state.nj.us/bpu/pdf/energy/shopping_forms/energyagents.pdf

NJ Board Of Public Utilities. GEA implementation rules

http://www.state.nj.us/bpu/pdf/energy/NJ_Gov_Energy_Aggregation_Summary.pdf

New Jersey Renewable Portfolio Standard

<https://www.energy.gov/savings/renewables-portfolio-standard-0>

New Jersey legislation authorizing GEA

http://www.sustainablejersey.com/fileadmin/media/Actions_and_Certification/Actions/Energy/NJ_legislation_authorizing_GEA_Law.pdf

Sustainable Jersey 2014. The Opportunity for Government Energy Aggregation to Improve Adoption of Renewable Energy in New Jersey.

http://sustainablejersey.com/fileadmin/media/Actions_and_Certification/Actions/Energy/GEA_Study_Report_Final_041014.pdf

World Wildlife Study on GEA (called Community Choice Aggregation)

http://www.sustainablejersey.com/fileadmin/media/Actions_and_Certification/Actions/Energy/World_Wildlife_Leading_from_the_Middle.pdf

Sustainable Monmouth County Sustainable Alliance (“SEA”)

Red Bank has adopted a resolution to be the lead agent for the proposed Sustainable Monmouth County Sustainable Alliance (“SEA”). The next step for each town will be to adopt a resolution accepting RB as the lead. This will not bind any town to the cooperative, but it will allow RB to send out the RFP to hire an energy consultant on behalf of the group, which is necessary to move the ball forward. Once the energy consultant is hired, they will take the lead in helping to coordinate each step moving forward.

In total, each town will need to pass 2 resolutions and 1 ordinance (1. accepting RB as the lead, 2. establishing the RGEA aggregation program within the municipality (required by state law), and 3. officially joining the cooperative purchasing system).

If at any point in time a town wants to pull out (or join in), they can do so up until the creation of the cooperative purchasing system (resolution #3). That said, if there is a significant change in the number/size of towns, the consultant may decide to adjust their fee structure.

Participants as of July 28, 2020: Asbury Park, Bradley Beach Eatontown, Freehold Borough, and Red Bank are committed to moving forward and exploring the potential energy and cost savings with an energy consultant.

Attached is Sustainable Essex Alliance's case study and timeline for implementation.

Multi-Municipal R-GEA Case Study – Sustainable Essex Alliance (SEA)

Below are the steps taken by the SEA to create a multi-municipal R-GEA program. This case study includes the steps listed below and the supporting documentation.

- Tasks to Establish Lead Agent
- Tasks to Select Energy Consultant
- Tasks to Establish R-GEA in Each Municipality
- Tasks to Establish the Cooperative Purchasing System
- Tasks to Bid for Electric Supply

Tasks to Establish Lead Agent

Lead Agent Passes Resolution Accepting Role of Lead Agent

November, 2017

Maplewood Resolution 217-17 Designating Maplewood the Lead Agent of SEA.

https://www.twp.maplewood.nj.us/sites/maplewoodnj/files/uploads/resolution_217-17.pdf

Most of the Other Municipalities Pass Resolutions Accepting Lead Agent

Jan 8, 2018

Resolution No. 2018-29 Verona Resolution naming Maplewood Lead Agent and authorizing Maplewood to go out to bid for a consultant with on behalf of Verona.

<https://evogov.s3.amazonaws.com/media/73/media/97771.pdf>

Tasks to Select Energy Consultant

Lead Agent Issues Request for Proposals (RFP) for Energy Consultant

Jan 30, 2018

Maplewood issues RFP for Energy Consultant on behalf of Sustainable Essex Alliance

https://www.twp.maplewood.nj.us/sites/maplewoodnj/files/bids/rfp_2017_v2_0.pdf

NOTE: At the time of the RFP, a list of likely municipalities was provided in the RFP but not all of the municipalities had passed resolutions joining the group. Here is an excerpt from the RFP: *The Sustainable Essex Alliance (SEA) is a coalition of several municipalities in Essex County, New Jersey, including Maplewood, South Orange, Millburn, Verona, and Glen Ridge, New Jersey, that have come together for the purpose of combining their purchasing power to procure cleaner and less expensive electrical power for their residential electrical users. There are other Essex County municipalities, including Montclair, whose governing bodies may authorize their inclusion in the SEA by Resolution.*

AFTER THIS POINT ENERGY CONSULTANT ASSISTS WITH EACH STEP

Lead Agent Issues Resolution Naming Consultant

March 6, 2018

Maplewood Resolution (53-18) designating Maplewood lead agent of R-GEA Purchasing group and naming energy consultant

https://www.sustainablejersey.com/fileadmin/media/Actions_and_Certification/Actions/Energy/SEA_Resolution_naming_energy_consultant_for_SEA.pdf

Tasks to Establish R-GEA in Each Municipality

Lead Agent Passes Ordinance Establishing Creation of Aggregation Program

(This is required by NJ State Aggregation Rules)

March 20, 2018

Maplewood passes Ordinance 2899-18 add name of ordinance as above

https://www.twp.maplewood.nj.us/sites/maplewoodnj/files/uploads/ordinance_2899-18.pdf

Other Municipalities Pass Ordinances Establishing Creation of Aggregation Program

(This is required by NJ State Aggregation Rules)

May 7, 2018

Verona passes Ordinance 2018-10 Establishing Aggregation Program

<https://evogov.s3.amazonaws.com/media/73/media/127861.pdf>

Tasks to Establish the Cooperative Purchasing System

Lead Agent Passes Resolution Authorizing Cooperative Purchasing System

April 3, 2018

Maplewood Resolution 78-18 Authorizing creation of Cooperative Purchasing System

https://www.twp.maplewood.nj.us/sites/maplewoodnj/files/uploads/resolution_78-18.pdf

NOTE: Member towns still not formalized at this point.

Other municipalities pass Resolution Joining Cooperative Purchasing System

May 7, 2018

Verona Resolution 2018-66 Joining the SEA Cooperative Purchasing System

<https://evogov.s3.amazonaws.com/media/73/media/127866.pdf>

Formalization of Cooperative Purchasing System

Application to form Cooperative Purchasing System is filed with the Department of Community Affairs Division of Local Government Services.

Lead Agent and other municipalities complete applications to the Department of Community Affairs Division of Local Government Services for authorization to become participating members of the Cooperative Purchasing System.

Tasks to Bid for Electric Supply

Consultant Issues RFP for Third Party Supplier

All municipalities have already agreed on the terms under which the lead agent should accept the offer. If one of the towns decides to pull out, the price proposal can be retracted.

NOTE: In the case of SEA, even though the towns had agreed on terms, a conference call was held on bid day and every town reaffirmed their commitment.

Millburn, which is located in JCPL territory and had a separate bid offer (other towns are in PSEG), received a less advantageous bid and decided not to move forward.



RESOLUTION NO. 2020-234

**City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION AMENDING CONTRACT WITH IEC FOR THE EMERGENCY CLEANING OF THE RBC'S VIA CHANGE ORDER NUMBER 1

WHEREAS, the City of Asbury Park received a proposal from Industrial Environmental Contracting, Inc. for the emergency cleaning of the Rotating Biological Contractors (RBC's) at the Waste Water Treatment Plant to maintain compliance with DEP in an amount not-to-exceed \$6,400.00 and awarded an emergency contract for said services via Resolution 2020-220; and

WHEREAS, the project requires Changer Order #1 in the amount not to exceed five thousand dollars (\$5,000.00); and

WHEREAS, the Change Order #1 is for the disposal and transportation of non-hazardous material; and

WHEREAS, this change order reflects the costs activities as attached on change order number one; and

WHEREAS, Change Order #1 is attached and hereby authorized in the amount not to exceed \$5,000.00 for services rendered in conjunction with this Project; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account 0-07-55-502-000-218; and

WHEREAS, the City Manager is hereby authorized to sign any contracts with the vendor.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Asbury Park, County of Monmouth, State of New Jersey, authorizes Change Order #1 to the contract authorized via Resolution 2020-220 in the amount not to exceed \$5,000.00.

NOW, THEREFORE, BE IT FURTHER RESOLVED that a copy of this Resolution be provided to the CFO, City Manager, Superintendent of DPW, Sewer Plant Manager and Director of Purchasing.

I, MELODY HARTSGROVE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2020-234 which was finally adopted by the City Council at a meeting held on the 12th day of August, 2020

CERTIFIED BY ME THIS 12th DAY OF August, 2020.

MELODY HARTSGROVE
CITY CLERK



Industrial Environmental Contracting, Inc.

July 21, 2020

Mr. Ed Mickla
Asbury Park Water Quality Center
8th & Ocean Street
Asbury Park, NJ 07712

RE: Proposal #: 037-0320
RBC Pit Cleanings

Dear Mr. Mickla:

IEC Inc. is pleased to submit the following proposal to provide labor and equipment to remove media from the RBC pits at your Asbury Park, NJ facility. All work will be performed by fully trained personnel in accordance with all applicable NJDEP and OSHA guidelines.

SCOPE OF WORK

IEC will provide a Guzzler with operator and three technicians, Confined Space Entry (CSE) Equipment and hand tools to vacuum the media from the RBC area. Personnel will enter each pit following CSE Protocol and vacuum the media into our truck and then transport the material to a licensed TSDF. If desired by the customer, the areas will be pressure washed after the solids have been removed.

Each mobilization will include up to 8 hours on site and assumes that the work will be done during normal weekday hours.

Costs are as follows:

Labor, Equipment and Materials	= \$ 2,750.00 per shift
Additional Time > 8 Hours	= \$ 250.00 per hour
4 Inch Flex Hose	= \$ 2.00 per foot
Disposal of Non-Haz Material	= \$ 260.00 per ton*
*Plus 11% EE&I Fee	
Transportation	= \$ 800.00 per load

Remediation And Industrial Maintenance Experts

50 Hampton Street ■ Metuchen, NJ 08840 ■ Telephone (732) 662-7222 ■ Fax (732) 662-7219
www.iec-nj.com



This proposal is valid for 30 days from the above date and does not include sales tax if applicable.

Thank you for this opportunity to be of service. Should you have any questions or comments regarding this matter please do not hesitate to contact me at 732-662-7222.

Sincerely
IEC Inc.

A handwritten signature in black ink, appearing to read "D. Oliver", is written over a horizontal line.

David Oliver
President



RESOLUTION NO. 2020-235

**City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION TO REFUND SEWER ACCOUNT RELATING TO BLOCK 2404, LOT 10

WHEREAS, the Property Manager, Herb Fehrenbach of Townsman Properties, LLC, notified the Tax Collector of erroneous billings on the property located at 603 Lake Avenue, also known as Block 2404, Lot 10 on the Asbury Park Tax Map, bearing account number 10525254-0; and

WHEREAS, it has been verified via a premise macro report that the New Jersey American Water Company billed for one 2-inch meter which is not in accordance with the City of Asbury Park Sanitary Sewer Service Charges, Schedule 2, Section A, paragraph #2 (see below):

“Apartments, Condominiums, Townhouses, Multi-Unit Dwellings and Units in Mixed Use Buildings Not Served by Separate Water Meters

An Apartment, Condominium, Townhouse, other multi-unit dwelling unit or unit in a Mixed-Use Building which is not serviced by a separate water meter to the unit, but which receives water service through a common water meter to the building, shall each be billed a DEMAND CHARGE equal to the charge imposed for a 5/8-inch water meter.”; and

WHEREAS, it has been confirmed by the City of Asbury Park Tax Collector that that this property was billed a quarterly demand charge in the amount of \$1,800.00 when it should have only been billed a quarterly demand charge in the amount of \$80.00 per unit for a total of \$480.00 for 6 units, with a difference of \$14,520.00; and

WHEREAS, the City of Asbury Park Tax Collector requests approval of the Governing Body to refund the overpayment in the amount of \$14,520.00 for quarterly demand charge payments from 2017 fourth quarter through 2020 second quarter and change accounts to reflect the quarterly demand charge in the amount of \$80.00 per unit for a total of \$480.00 for 6 units.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Asbury Park hereby authorize the Tax Collector to refund sewer account number 10525254-0 and adjust sewer accounts 10525254-1 through 10525254-6 to reflect the quarterly demand charge in the amount of \$80.00 per unit for a total of \$480.00 for 6 units, as set forth above.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Herb Fehrenbach of Townsmen Properties, LLC
- b. Donna Vieiro, City Manager; and
- c. Frederick C. Raffetto, Esq., Municipal Attorney.

I, MELODY HARTSGROVE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2020-235 which was finally adopted by the City Council at a meeting held on the 12th day of August, 2020

CERTIFIED BY ME THIS 13th DAY OF August, 2020.

MELODY HARTSGROVE
CITY CLERK



RESOLUTION NO. 2020-236

**City of Asbury Park
County of Monmouth
State of New Jersey**

**A RESOLUTION OF THE CITY OF ASBURY PARK RELEASING THE
PERFORMANCE BOND FOR PARKING LOT DEVELOPMENT LOCATED AT 1500
SEWALL AND 1201 MONROE AVENUES (BLOCK 1503, LOTS 7 & 8) AND
ACCEPTING MAINTENANCE GUARANTEE**

WHEREAS, InSite Engineering, LLC has inspected 1500 Sewall and 1201 Monroe Avenues (Block 1503, Lots 7 & 8); and

WHEREAS, InSite Engineering, LLC has determined that the condition of the parking lot improvements are satisfactory; and

WHEREAS, it is the recommendation of InSite Engineering, LLC that the City of Asbury Park release the Performance Guarantee in the amount of \$11,204.40 upon a posting of the two (2) year Maintenance Guarantee in the amount of \$1,400.55, provided that the release of the Performance Bond is contingent upon the payment of all outstanding escrow invoices.

WHEREAS, it is the intention of the City Council and in the best interest of the City of Asbury Park to release the Performance Guarantee and accept a two-year Maintenance Guarantee in the amount referenced herein, contingent upon the payment of all outstanding escrow invoices, in accordance with the InSite Engineering, LLC's recommendations.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the city of Asbury Park that the performance guarantee in the amount of \$11,204.40 be released for the improvements described above and accept a two (2) year maintenance guarantee of \$1400.55 as well.

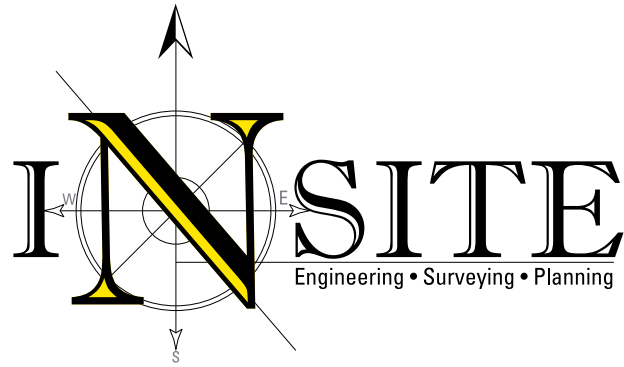
BE IT FURTHER RESOLVED that copies of this resolution shall be provided to the Finance Director, InSite Engineering, LLC, Planning Board Secretary, and applicant for their information and attention.

I, MELODY HARTSGROVE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2020-236 which was finally adopted by the City Council at a meeting held on the 12th day of August, 2020

CERTIFIED BY ME THIS DAY OF , .

MELODY HARTSGROVE
CITY CLERK

City of Asbury Park
 Zoning Board of Adjustment
 c/o: Irina Gasparyan
 Board Secretary
 Municipal Complex
 1 Municipal Plaza
 Asbury Park, NJ 07712



Via Email: irina.gasparyan@cityofasburypark.com

March 9, 2020

Subject: **PERFORMANCE GUARANTEE → MAINTENANCE GUARANTEE**
Major Site Plan – Boys & Girls Club – Parking Lot
 Block 1503, Lots 7 & 8;
 City of Asbury Park, Monmouth County, NJ

Ms. Gasparyan:

In accordance with our March 2, 2019 Site Inspection, we find the site improvements complete for the above-referenced development project. Therefore, in accordance with NJSA 40:55D-53, we recommend releasing the applicant's Performance Guarantee.

The construction cost estimate itemized in our April 22, 2019. "Performance Guarantee & Inspection Fees" letter to you was \$9,337.00 (as related to public improvements). In accordance with NJSA 40:55D-53a(1), the applicant therefore posted a Performance Guarantee in the amount of \$11,204.40 (i.e. 120% of the construction cost estimate).

In accordance with NJSA 40:55D-53a(2), the City Mayor and Council may now require the applicant to post a Maintenance Guarantee in the amount of \$1,400.55 (i.e. 15% of the construction cost estimate).

Based on the above information, we recommend the Board and City Mayor and Council release the applicant's Performance Guarantee and proceed with the establishment of the Maintenance Guarantee. The Maintenance Guarantee, shall be held for a period of two (2) years, which period shall commence upon the date of the City Mayor and Council's acceptance of the site improvements.

Please note the applicant remains responsible for all site improvements related to this development project. The City and this office shall not be held responsible for any physical improvements related to this development project.

InSite Engineering, LLC

1955 Route 34, Suite 1A • Wall, NJ 07719

732-531-7100 (ph) • 732-531-7344 (fx) • InSite@InSiteEng.net • www.InSiteEng.net

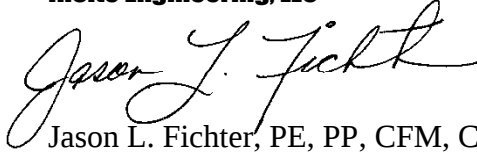
Licensed in NJ, PA, DE, NY, CT, MD, NC, DC, & CO

Performance Guarantee → Maintenance Guarantee
City of Asbury Park Zoning Board
City of Asbury Park, Monmouth County, NJ

Page 2 of 2
3/9/20
Block 1503 Lot 7&8

If you have any questions or require further information, please contact me anytime.

Sincerely,
InSite Engineering, LLC



Jason L. Fichter, PE, PP, CFM, CME
Zoning Board Engineer

¹ "Boys & Girls Club, Parking Lot; Block 1503 – Lot 7&8; City of Asbury Park, Monmouth County, New Jersey; Final Site Plan Submission" being dated 1/31/18; last revised 3/25/19; totaling thirteen sheets, as prepared by Langan Engineering Inc.

cc: Jack Serpico, Esq., Planning Board Attorney
Michele Alonso, Director of Planning and Redevelopment
Langan Engineering
Applicant

JserpicoLaw@aol.com
Michele.alonso@cityofasburypark.com

InSite Job # 18-442-27

InSite Engineering, LLC

1955 Route 35, Suite 1A • Wall, NJ 07719

732-531-7100 (ph) • 732-531-7344 (fx) • InSite@InSiteEng.net • www.InSiteEng.net

Licensed in NJ, PA, DE, NY, CT, NC, DC, & CO



RESOLUTION NO. 2020-237

**City of Asbury Park
County of Monmouth
State of New Jersey**

A RESOLUTION REFERRING TO THE PLANNING BOARD CERTAIN PROPOSED AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF ASBURY PARK (CHAPTER XXX OF THE CITY CODE) TO AMEND SECTIONS 30-15 (“DEFINITIONS”); 30-61 (“SIGNS”); AND VARIOUS SUBSECTIONS OF 30-56 (“DESIGN STANDARDS—GENERAL”) PERTAINING TO LIGHTING, LANDSCAPING AND FENCES

WHEREAS, the Asbury Park Planning Board (the “Planning Board”) adopted a Master Plan and Master Plan Reexamination Report in December of 2017 which includes zoning objectives and recommendations; and

WHEREAS, the Master Plan and Master Plan Reexamination Report recommended revisions to various design elements of the zoning ordinance (Chapter 30), including, fencing, lighting, and signage; and

WHEREAS, the City of Asbury Park (the “City”) retained the Planning firm of Clark Caton Hintz to work on the recommended amendments with the Master Plan and Zoning subcommittee comprised of members of the Planning Board, the Zoning Board of Adjustment, the Governing Body and staff of the Department of Planning and Redevelopment;

WHEREAS, the Mayor and Council wish to proceed with the adoption of Ordinance(s) to amend the City’s existing Land Development Regulations, in order to effectuate the recommendations made by the Planning Board and the Master Plan and Zoning subcommittee; and

WHEREAS, an Ordinance has been prepared entitled “An Ordinance Amending The Land Development Regulations of The City Of Asbury Park (Chapter XXX of the City Code) To Amend, Sections 30-15 (‘Definitions’); 30-61 (‘Signs’); and various subsections of 30-56 (‘DESIGN STANDARDS-GENERAL’) pertaining to lighting, landscaping and fences”; and

WHEREAS, a copy of the Ordinance is attached hereto and made a part hereof; and

WHEREAS, the New Jersey Municipal Land Use Law, specifically at N.J.S.A. 40:55D-26 and -62, requires referral to the Planning Board of any development regulation or amendment thereto, so that the Planning Board may review the proposed legislation and determine whether it is consistent with the Master Plan and/or to make any other recommendations that it deems

appropriate to the Governing Body; and

WHEREAS, in accordance with the above referenced statutes, the Mayor and Council of the City of Asbury Park now wish to refer the attached Ordinance, to the Planning Board for its review and recommendations; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park, in the County of Monmouth, State of New Jersey, as follows:

1. That the attached Ordinance is hereby referred to the Planning Board, so that the Planning Board may review the same and determine whether it is consistent with the Master Plan and/or to make any other recommendations that the Planning Board deems appropriate to the Governing Body, in accordance with the N.J. Municipal Land Use Law.
2. That, pursuant to N.J.S.A. 40:55D-26, the Planning Board's review of the proposed revisions to the City's existing Land Development Regulations shall be completed within a period of thirty five (35) days after referral, or else the Mayor and Council shall be relieved of the referral requirement.
3. That a certified copy of this Resolution, along with copies all of the attachments, shall be provided to each of the following:
 - a. Asbury Park Planning Board;
 - b. Donna Vieiro, Acting City Manager;
 - c. Michele Alonso, Director of Planning & Redevelopment; and
 - d. Frederick C. Raffetto, Esq., Municipal Attorney.

I, MELODY HARTSGROVE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2020-237 which was finally adopted by the City Council at a meeting held on the 12th day of August, 2020

CERTIFIED BY ME THIS DAY OF , .

MELODY HARTSGROVE
CITY CLERK



**Asbury Park, New Jersey
ORDINANCE NO. 2020-XX**

An Ordinance Amending The Land Development Regulations of The City Of Asbury Park (Chapter XXX of the City Code) To Amend Sections 30-15 ("Definitions"); 30-61 ("Signs"); and Various Subsections of 30-56 ("DESIGN STANDARDS—GENERAL") pertaining to Lighting, Landscaping and Fences.

WHEREAS, the Asbury Park Planning Board (the "Planning Board") adopted a Master Plan & Master Plan Reexamination Report in December 2017 that includes Land Use and Housing Objectives and recommendations; and

WHEREAS, the Master Plan & Master Plan Reexamination Report recommended certain revisions to the Design Standards section of the City Code regarding landscaping, lighting, fences, and signs; and

WHEREAS, the City of Asbury Park (the "City") retained the Planning firm of Clark Caton Hintz to work on the recommended amendments with the Master Plan and Zoning subcommittee (the "Committee") comprised of members of the Planning Board, the Zoning Board of Adjustment, the Governing Body and staff of the Department of Planning and Redevelopment; and

WHEREAS, the Committee and the Planning Board have recommended the adoption of certain amendments to the City's existing Land Development Regulations, as contained in Chapter XXX of the Code of the City of Asbury Park (the "City Code"), as set forth in the attached Exhibits.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Asbury Park, Monmouth County, State of New Jersey, that the Land Development Regulations are hereby amended as follows:

SECTION 1. *Amend Sections 30-15 ("Definitions") and 30-61 ("Signs") of the City Code as set forth in the attached **Exhibit A**, with additions shown as thus; and deletions shown as ~~thus~~.*

SECTION 2. *Replace the entirety of Section 30-61 of the City Code ("Signs") with the language as set forth in the attached **Exhibit A**.*

SECTION 3. *Amend Section 30-56 of the City Code ("DESIGN STANDARDS—GENERAL"), as set forth in the attached **Exhibit B**, with additions shown as thus; and deletions shown as ~~thus~~.*

SECTION 4. *Amend Section 30-56.4 of the City Code ("Exterior Lighting"), as set forth in the attached **Exhibit B**, with additions shown as thus; and deletions shown as ~~thus~~.*

SECTION 5. *Amend Section 30-57.5 of the City Code ("Open Space"), as set forth in the attached **Exhibit B**, with additions shown as thus; and deletions shown as ~~thus~~.*

SECTION 6. *Eliminate Sections 30-57.6 ("Parking and Loading Standards"); 30-57.7 ("Signs"); and 30-57.8 ("Fences or Walls") of the City Code, as set forth in the attached **Exhibit B**, with additions shown as thus; and deletions shown as ~~thus~~.*

SECTION 7. Amend Section 30-57.12 of the City Code ("Street Tree, Landscape and Planting Requirements"), as set forth in the attached Exhibit B, with additions shown as thus; and deletions shown as ~~thus~~.

SECTION 8. Amend Section 30-63 of the City Code ("Fences"), as set forth in the attached Exhibit B, with additions shown as thus; and deletions shown as ~~thus~~.

SECTION 9. Severability.

If any chapter, section, paragraph, subsection, clause or provision of this ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the chapter, section, paragraph, subsection, clause or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

SECTION 10. Effective Date.

This ordinance shall take effect immediately upon its passage and publication in accordance with law, following the required twenty (20) day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

SECTION 11. Repealer.

All ordinances or parts thereof that are inconsistent with this ordinance shall hereby be deemed repealed to the extent of such inconsistency.

I, MELODY HARTSGROVE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of ORDINANCE NO. 2020-_____, which was finally adopted by the City Council at a meeting held on the _____ day of August, 2020.

CERTIFIED BY ME THIS _____ DAY OF AUGUST, 2020.

MELODY HARTSGROVE
CITY CLERK

✓ Vote Record – Ordinance 2020-____						
			Yes/Aye	No/Nay	Abstain	Absent
☐ Adopted	Eileen Chapman		☐	☐	☐	☐
☐ Adopted as Amended	Yvonne Clayton		☐	☐	☐	☐
☐ Defeated	Jesse Kendle		☐	☐	☐	☐
☐ Tabled	Amy Quinn		☐	☐	☐	☐
☐ Withdrawn	John Moor		☐	☐	☐	☐

Draft Sign Regulation Update for Asbury Park

Replace/Add the following definitions:

§30-15 DEFINITIONS

ABANDONED OR DISCONTINUED SIGN OR SIGN STRUCTURE - A sign or sign structure whose owner has failed to operate or maintain said sign or sign structure for a period of six months or longer. The following conditions shall be considered as the failure to operate or maintain a sign or sign structure.

A. A sign displaying advertising for a product or service which is no longer available or displaying advertising for a business which is no longer licensed; or

B. A sign which is blank.

LUMINANCE - The amount of light coming from a sign expressed as a measurement of the brightness of a sign face of either the light that is emitted by, or reflected from, the surface of the sign. Luminance is measured in units called "candela" per square meter (cd/m²) and is informally known as a "nit". One nit = one cd/m².

NIT- Luminance measured in units called candela per square meter (cd/m²) and informally known as a "nit". One nit = one cd/m².

SIGN - Any device, fixture, placard or structure which uses color, form, graphics, illumination, architectural style or design with text, or writing to advertise, attract attention, announce the purpose of or identify the purpose of any person or entity, or to communicate information of any kind to the public. The term "sign" includes sign structure. The following shall not be considered signs subject to the regulations of this chapter: artwork, holiday or seasonal decorations, cemetery markers, machinery or equipment signs, memorial signs or tablets.

SIGN, ANIMATED - A sign which includes action, motion, or color changes, or the optical illusion of action, motion or color changes, including signs set in motion by movement of the atmosphere, or made up of a series of sections that turn.

SIGN AREA - The total area, as measured in square feet, of a sign surface, including all parts thereof devoted to the background including all borders and trim, computed by bounding the exterior of the sign structure or surface with a series of straight or curved lines tangent thereto. The area of a sign on an awning and signs with letters attached directly to walls or awnings shall be calculated by constructing an imaginary series of straight lines or lines formed, bounded or characterized by curves around the outside of all elements of the sign. Supports that not part of the sign face and contain no messaging shall not be included in the sign area calculation.

SIGN, AWNING - See "canopy sign."

SIGN, BANDIT - See "snipe sign."

BANNER - Any sign or string of one or more signs, usually made of fabric or other lightweight material, which is used to attract attention, whether or not imprinted with words or characters, including but not limited to balloons and pennants. This includes "feather banners". Flags shall not be considered banners.

BILLBOARD - A sign structure and/or sign utilized for advertising an establishment, an activity, a product, service or entertainment which is sold, produced, manufactured, available or furnished at a place other than on the property on which said sign structure and/or sign is located.

SIGN, BUILDING or WALL - Any sign erected, constructed or maintained on a building with the principal support of said sign being that building with its face in a parallel plane with the plane of the building facade or wall, that does not extend above the height of the vertical wall or eaves.

SIGN, CANOPY - Any sign that is a part of or attached to an awning or canopy, i.e., a fabric, plastic or structural protective cover constructed over a door, entrance, window or outdoor service area that is constructed as an integral part of a building.

SIGN, CONSTRUCTION - A temporary, on-premises sign identifying an approved development during the construction phase of a project prior to completion of the work for which permission was granted containing sign copy that is limited to the development activity and identifying the owner/developer, contractors/subcontractors, designers, financiers or sponsors.

SIGN, DIRECTIONAL - A noncommercial on-site sign providing direction or information to pedestrian or vehicular traffic that is related or reasonably necessary to the movement of pedestrian or vehicular traffic on the premises, and not displaying a commercial message (e.g., (entrance," "exit," "caution," "no parking", "one way", "no trespassing," and the like).

SIGN, DOUBLE-FACED - A single sign with copy on both sides of the sign and mounted as a single structure.

SIGN FACE - The part of the sign that is or can be used to identify, display, advertise, communicate information, or for the visual representation, which attracts or intends to attract the attention of the public for any purpose.

SIGN, FLASHING - A sign which permits light to be turned on or off intermittently more frequently than once per minute or any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including a LED (light-emitting diode) or digital sign, and changes more frequently than once per minute.

SIGN, FREESTANDING - A sign supported by structures or supports that are placed on or anchored in the ground or at ground level and which are independent of any building or other structure.

SIGN, FUTURE DEVELOPMENT - A sign that functions to advertise the future or proposed development of the premises upon which the sign is erected.

SIGN HEIGHT - The vertical distance measured from ground level nearest the base of the sign to the highest point on the sign.

SIGN, ILLEGAL - Any sign which was unlawfully erected or which has been determined to be in violation of any provision of Article XII of the Asbury Park City Land Development Ordinance.

SIGN, ILLUMINATED - Any sign or portion thereof that is illuminated by artificial light, either from an interior or exterior source, including outline, reflective or phosphorescent light, whether or not the source of light is directly affixed as part of the sign.

SIGN, INCIDENTAL - A sign not exceeding one square foot in size attached to a freestanding sign or affixed to a wall that either:

A. Identifies credit cards accepted by the owner, tenant or occupant of the lot where the incidental sign is located; or

B. Provides an official notice of services required by law or trade affiliation.

SIGN, INTERMITTENT - A sign which permits light to be turned on or off intermittently more frequently than once every 24 hours or which is operated in a way whereby light is turned on or off intermittently more frequently than once every 24 hours, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including a LED (light-emitting diode) or digital sign, and that varies in intensity or color more frequently than once every 24 hours.

SIGN MAINTENANCE - Replacing, repairing or repainting a portion of a sign structure, or periodically changing copy or renewing copy, which has been made unusable by ordinary wear.

SIGN, NAMEPLATE or OCCUPANT IDENTIFICATION- A sign indicating the name and/or profession or address of a person or persons residing or legally occupying the premises.

SIGN, NONCONFORMING - A sign that was lawfully erected but no longer conforms to the regulations provided in Chapter 30 of the Asbury Park City Land Development Regulations.

SIGN, OFF-PREMISES or OFF-SITE - Any sign relating in its subject matter to commodities, accommodations, services or activities on premises other than the premises on which the sign is located.

SIGN, PERMANENT -Any sign which, when installed, is intended for permanent use. For the purposes of this chapter, any sign with an intended use in excess of six months from the date of installation shall be deemed a permanent sign.

SIGN, PORTABLE -Any sign, banner or poster that is not permanently attached to the ground or structure. For purposes of this chapter, an inflatable sign shall be considered a portable sign.

SIGN, REAL ESTATE - A sign advertising the sale, rental or lease of the premises or part of the premises on which the sign is displayed temporarily.

SIGN, REVOLVING or ROTATING - Any sign that revolves or rotates.

SIGN, ROOF -Any sign erected and constructed wholly on or over the roof of a building which is supported by the roof structure, or any sign that extends in whole or in part above the roofline of a building. For purposes of this definition, "roofline" shall mean the highest continuous horizontal line of a roof. On a sloping roof, the roofline is the principal eave or the highest line

common to one or more principal eaves of a roof. On a flat roof, the roofline is the highest continuous line of a roof or parapet, whichever is higher.

SIGN, SAFETY -See "warning sign."

SIGN, SANDWICH BOARD - A temporary, portable, double-faced, freestanding sign in an "A-Frame" configuration and that is supported only by the two panels that also serve to display the message(s), or the legs that serve as the frame for display panels. Such signs shall not include any supporting elements separate from the display panels themselves.

SIGN, SNIPE (BANDIT SIGN) - Any sign tacked, nailed, posted, pasted, glued or otherwise attached to trees, rocks or other natural features, or poles, stakes or fences with the message appearing thereon not applicable to the present use of the premises upon which the sign is located. This shall not include warning signs such as "no trespassing" signs or "no hunting" signs.

SIGN, SPECIAL EVENT - A sign, regardless of its content, providing notice of or direction to an event, gathering, assembly or meeting that is open to the public at large.

SIGN, STATUTORY- A sign required by any statute or regulation of the State of New Jersey or United States.

SIGN, STREET ADDRESS -Any sign denoting the street address of the premises on which it is attached or located.

SIGN STRUCTURE - Any structure which is designed specifically for the purpose of supporting a sign, which has supports or which is capable of supporting a sign. The definition shall include any decorative covers, braces, wires, supports or other components attached to or placed around the sign structure.

SIGN, TEMPORARY -A sign intended for a use not permanent in nature. A sign with an intended use of 60 days or less shall be deemed a temporary sign, unless specified otherwise herein.

SIGN, TRAFFIC CONTROL DEVICE - Any sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the national standard. A traffic control device sign includes those signs that are classified and defined by their function as regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might not readily be apparent), and guide signs (that show route designations, directions, distances, services, points of interest, and other geographical, recreational or cultural information).

SIGN, VEHICLE - Any sign or signs where the total sign area covers more than 10 square feet of the vehicle.

SIGN, VIEWPOINT - A sign communicating information or views on matters of public policy or public concern or containing any other noncommercial message, that is otherwise lawful. Viewpoint signs are exempt from content regulations within the scope of protected speech; and any other requirements in conflict with federal and state common law protecting expressive activity and viewpoint communication.

SIGN, WARNING or SAFETY SIGN - A sign that functions to provide a warning of a dangerous condition or situation that might not be readily apparent or that poses a threat of serious injury (e.g., gas line, high voltage, condemned building, etc.) or that functions to provide a warning of a violation of law (e.g., no trespassing, no hunting allowed, etc.).

SIGN, WIND - A sign which uses objects or material fastened in such a manner as to move upon being subjected to pressure by wind, and shall include banners, pennants, ribbons, spinners, streamers or captive balloons; however, the term "wind signs" shall not include flags.

SIGN, WINDOW - Any sign mounted in any fashion on the interior or exterior of the surface of a window.

Delete the following existing definitions:

BANNER

~~shall mean any sign of lightweight fabric or similar material that is mounted on a pole, a building, or any other mounting. National flags, State or municipal flags, the official flag of any institution or business, or other officially recognized flags shall not be considered banners.~~

MARQUEE

~~shall mean any permanent roof-like structure located at an entry to an entertainment establishment that projects beyond the building or extends along and projects beyond the wall of a building, generally designed and constructed to provide protection from the weather, and any sign attached to or made part of such structure.~~

SIGN

~~shall mean a name, identification, description, display or illustration which is affixed to or represented directly or indirectly upon a building, structure or piece of land, directing attention to a product, business, service or individual. However, a sign shall not include a display of official, court or public notices, any official traffic control device and shall not include the flag, emblem or insignia of a nation, State, County, municipality or religious group. A sign shall not include a sign located completely within an enclosed building, except if it is visible and directed to be seen from outside the building. Each display surface of the sign shall be considered to be a single sign; except that where two (2) such surfaces of a sign are physically attached, parallel and separated by less than twelve (12) inches, the two (2) surfaces shall be considered a single sign. The sign area shall be measured according to the dimensions of the frame. Where there is no frame, the area shall be defined by a projected, enclosed, four (4) sided (straight sides) geometric shape which most closely outlines the sign.~~

SIGN, ADVERTISING

~~shall mean a sign, structure, symbol or billboard erected and maintained by an individual or corporation engaged in the sale or rental of space thereon to a clientele upon which space there is displayed advertising copy describing in a wide variety of products or services, which are not produced, assembled, stored or sold from the lot or premises upon which the advertisement is displayed.~~

SIGN, ANIMATED

shall mean any sign that uses movement or change of lighting to depict action or create a special effect or scene.

SIGN, BUILDING

shall mean any sign attached to any part of a building, as contrasted with a freestanding sign.

SIGN, CANOPY

shall mean any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

SIGN, CHANGEABLE COPY

shall mean a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face of the surface of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable sign for purposes of this chapter. A sign on which the only copy that changes is an electronic or mechanical indication of time and/or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this chapter.

SIGN, CONSTRUCTION

shall mean a sign erected on the premises where construction is taking place or approved to take place, indicating the name and contact information of the developer and also may indicate the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

SIGN, FREESTANDING

shall mean any sign supported by structures or supports that are placed on, anchored in, the ground and that are independent from any building or other structure.

SIGN, IDENTIFICATION

shall mean any sign, symbol, trademark, structure or similar device used to identify the occupant of any structure, the product made or the activity being pursued by an individual, business, service, commercial or industrial activity which is displayed upon the lot or premises occupied by a person or entity for the purpose of apprising the public of the location of such enterprise and the type of activity in which it is engaged.

SIGN, INCIDENTAL

shall mean a sign, generally informational, that has a purpose secondary to the use of the property on which it is located, such as "no parking," "entrance," "loading only," and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

SIGN, NONCONFORMING

shall mean any sign that does not conform to the requirements of this chapter.

SIGN, PORTABLE

shall mean any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked or visible from the public right-of-way, unless such vehicle is used in the normal day-to-day operations of the business.

SIGN, REAL ESTATE

shall mean a sign pertaining to the lease, rental or sale of the premises, or a portion of the premises on which the sign is located.

SIGN, RESIDENTIAL

shall mean any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods and services legally offered on the premises where the sign is located, if offering such goods or services at such location conforms with all requirements of the Land Development Regulations.

SIGN, ROOF

shall mean any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure.

SIGN, ROOF, INTEGRAL

shall mean any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

SIGN, SUSPENDED

shall mean a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

SIGN, TEMPORARY

shall mean any sign that is used only temporarily and is not mounted permanently.

SIGN, WALL

shall mean any sign attached parallel to, but within six (6) inches of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or

~~structure, which is supported by such wall or building, and which displays only one (1) sign surface.~~

~~SIGN, WINDOW~~

~~shall mean any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.~~

Replace the entirety of §30-61 Signs as follows:

§30-61 Signs

§30-61.1 Purpose and Intent

It is the purpose of this article to promote the public health, safety and general welfare through reasonable, consistent and nondiscriminatory sign standards. The sign regulations in this article are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the secondary effects of speech, and especially insofar as those secondary effects may adversely affect aesthetics and traffic and pedestrian safety. In order to preserve and enhance the City as a desirable community in which to live and do business, a pleasing, visually attractive environment is of foremost importance. The regulation of signs within the City is a highly contributive means by which to achieve this desired end. These sign regulations have been prepared with the intent of protecting and enhancing the visual character of the City and promoting its continued well-being, and are intended to:

- A. Encourage the effective use of signs as a means of communication in the City;
- B. Maintain and enhance the aesthetic character, both visually and spatially, and the City's ability to attract sources of economic development and growth;
- C. Improve pedestrian and traffic safety;
- D. Minimize the possible adverse effect of signs on nearby public and private property;
- E. Foster the integration of signage with architecture and landscape design;
- F. Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic;
- G. Allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;
- H. Encourage and allow signs that are appropriate to the zoning district in which they are located and consistent with the category of use and function to which they pertain;

- I. Curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business;
- K. Categorize signs based upon the function that they serve and tailor the regulation of signs based upon their function;
- L. Preclude signs from conflicting with the principal permitted use of the site and adjoining sites;
- M. Regulate signs in a manner so as to not interfere with, obstruct the vision of, or distract motorists, bicyclists or pedestrians;
- K. Except to the extent expressly preempted by State or Federal law, ensure that signs are constructed, installed and maintained in a safe and satisfactory manner, and protect the public from unsafe signs;
- O. Preserve, conserve, protect and enhance the aesthetic quality and scenic beauty of all districts of the City;
- P. Allow for traffic control devices consistent with national and State standards and whose purpose is to promote roadway safety and efficiency by providing for the orderly movement of users on streets and highways, and that notify road users of regulations and provide warning and guidance needed for the safe, uniform and efficient operation of all elements of the traffic stream;
- Q. Protect property values by precluding to the maximum extent possible sign types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness or movement;
- R. Protect property values by ensuring that sign types, as well as the number of signs, are in harmony with buildings, neighborhoods and conforming signs in the area;
- S. Regulate the appearance and design of signs in a manner that promotes and enhances the aesthetic character of the City and that compliments the surroundings in recognition of the City's reliance on its surroundings and beautification efforts in retaining economic advantage;
- T. Preserve and enhance the character of the City; and
- U. Enable the fair and consistent enforcement of these sign regulations.
- V. Ensure signs do not alter the function of buildings.

§30-61.2 Permitted Accessory Use

Signs shall be permitted as accessory uses in all zoning districts within the jurisdiction of this ordinance. Signs may be used, erected, maintained, altered, relocated, removed, or demolished only in compliance with the provisions of this section and any and all other ordinances and regulations of the municipality relating to the use, erection, maintenance, alteration, moving, or

removal of signs or similar devices. In the event of conflicting regulations, the most restrictive shall apply.

§30-61.3 Prohibited signs

The following signs and sign types are prohibited within the City and shall not be erected. Any lawfully existing permanent sign or sign type that is among the prohibited signs and sign types listed below shall be deemed a nonconforming sign subject to the provisions of §30-61.3

- A. Billboards.
- B. Revolving signs.
- C. Flashing, sparkling or glittering signs or signs having accent lights that flash, sparkle or glitter.
- D. Animated signs.
- E. Wind signs.
- F. Portable signs, except for those specifically permitted (i.e. sandwich board sign).
- G. Roof signs.
- H. Abandoned and discontinued signs.
- I. Snipe signs; bandit signs.
- J. Projecting signs, except as expressly allowed.
- K. Bus bench advertising signs; bus shelter advertising signs.
- L. Signs that emit smoke, visible vapor or smoke, sound, odor, or visible particles or gaseous matter.
- M. Signs that obstruct, conceal, hide or otherwise obscure from view any official traffic or governmental sign, signal or device.
- N. Signs within a sight triangle.
- O. Signs in the public right-of-way, other than traffic control device signs, warning signs, safety signs, or those specifically permitted, such as a sandwich board sign. Signs placed illegally in such locations shall be subject to removal by the City.
- P. Signs other than a traffic control sign that use the word "stop" or "danger" or present or imply the need or requirement of stopping or the existence of danger, or which copy or imitate any official traffic control device signs, and which are adjacent to the right-of-way of any road, street or highway.
- Q. Signs prohibited by State or Federal law.

- R. Vehicle sign or signs that have a total sign area on any vehicle in excess of 10 square feet, when the vehicle is not regularly used in the conduct of the business or activity advertised on the vehicle, and is visible from a street right-of-way within 100 feet of the vehicle, and is parked for more than five consecutive hours within 100 feet of any street right-of-way. A vehicle shall not be considered "regularly used in the conduct of the business or activity" if the vehicle is used primarily for advertising, or for the purpose of advertising, or for the purpose of providing transportation for owners or employees of the business or activity advertised on the vehicle.
- S. Signs located on real property without the permission of the property owner.
- T. Beacon signs, except as required by Federal or State law.
- U. Intermittent signs.
- V. Signs located, painted or affixed on a bridge, abutment, walls, fences, water tower, storage tower, communications tower, other utility or any accessory structure that are visible from a public street or roadway or from an adjacent residential use.
- W. Signs with changeable copy/graphics that exhibit any one of the following characteristics:
- (1) Change more frequently than once every 24 hours.
 - (2) Exceed 12 square feet in area.
 - (3) Are accessory to a principal use that is not specifically permitted.
 - (4) Would otherwise constitute a prohibited or nonconforming sign.
 - (5) Transition between messages using scrolling, fading, dissolving, pixilation, zooming, wiping, moving copy or any graphic effect other than an instantaneous static replacement of the message.
 - (6) Contain/exhibit more than a single color of copy/graphics.
 - (7) Contain/exhibit more than a single-color background.
 - (8) Contain/exhibit a background color that is lighter in contrast to the copy/graphics color.
 - (9) Contain/exhibit copy consisting of more than a single font type.
 - (10) Are located in a residential district.
- X. Banners, except in the case of temporary "grand opening" events as regulated herein.
- Y. Signs painted directly on a building.
- Z. Signs containing a message that states or implies that a property may be used for any purpose not permitted in the zoning district or by duly authorized variance in which said sign is located under the provisions of this Ordinance.

AA. Public property and rights-of-way. Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to removal. In addition to other remedies that may be imposed under this Ordinance, the City shall have the right to recover from the owner or person placing such sign the full costs of removal and disposal of such sign. No sign other than traffic control or similar official governmental signs shall be erected within or project over the right-of-way of any public street or sidewalk, except as hereinafter provided.

§30-61.4 Nonconforming signs.

A nonconforming sign that was lawfully erected may continue to be maintained until the nonconforming sign is substantially damaged or destroyed. Should the structure of a nonconforming sign be removed, the entirety of the sign may be replaced only in conformance with the regulations herein. At such time that the nonconforming sign is substantially damaged or destroyed, the nonconforming sign must either be removed or be brought into conformity with this subsection and with any other applicable law or regulation.

§30-61.5 Exemptions.

- A. A sign, other than a window sign, located entirely inside the premises of a building or enclosed space that is not placed parallel to front window and is not placed within three feet of a window.
- B. A sign on a car, other than a prohibited vehicle sign or signs.
- C. A statutory or municipal sign.
- D. A traffic control device sign.
- E. Any sign not visible from a public street, sidewalk or right-of-way, except that the foregoing does not exempt a sign for a commercial use that is visible from an abutting residential property or use.

§30-61.6 Permits.

- A. Construction permits. It shall be unlawful for any person or business or the person in charge of the business to erect, construct or alter a permanent sign structure whose construction is subject to the New Jersey Uniform Construction Code, without first obtaining such building permit from the City as may be required by the New Jersey Uniform Construction Code. Permit fees, if any, shall be paid in accordance with the applicable fee schedule. The requirement of a building permit under the New Jersey Uniform Construction Ordinance is separate and independent of the requirement for a sign permit under this article.
- B. Sign permits.

- (1) Allowed temporary signs, except for special event signs, of the type described in §30-61.12 of this subsection shall be exempt from sign permitting hereunder. Temporary special event signs shall require a permit.
- (2) Allowed permanent signs of the type described in §30-61.14 of this section shall be exempt from sign permitting hereunder.
- (3) No sign permit shall be issued for the erection of a prohibited sign.
- (4) Unless exempt from permitting as provided in § 30-61.14 of this article, no permanent sign shall be erected, altered, relocated, maintained or displayed until a sign permit is obtained from, and the appropriate fee, if any, is paid to, the City.
- (5) A sign lawfully erected under permit may be repainted or have ordinary and customary repairs performed without a new sign permit; however, if such sign is to be structurally altered in any manner, a new sign permit shall be required, and the altered sign must meet all requirements of this article and this chapter.

C. Sign permit application and issuance of sign permit.

- (1) A sign permit application shall be made upon a form provided by the City. The sign permit application is in addition to any building permit application required by the New Jersey Uniform Construction Ordinance. The sign permit application shall be accompanied by plans and specifications drawn to scale, together with any site plan required by this article or this chapter. The applicant shall furnish the following information on or with the sign permit application form:
 - (a) The block, lot and street address of the real property where the sign is proposed to be located.
 - (b) The zoning district for the real property on which the sign will be located.
 - (c) The name, mailing address and telephone number (where available) of the owner(s) of the real property where the sign is proposed to be located.
 - (d) A statement of authorization signed by the owner(s) consenting to the placement of the proposed sign on the real property.
 - (e) The name, mailing address and telephone number of the sign contractor (if known).
 - (f) Type of proposed sign (e.g., wall sign or freestanding sign).
 - (g) The proposed sign area.
 - (h) If the proposed sign is a freestanding sign:
 - [1] The height of the proposed freestanding sign.
 - [2] The sign area of the freestanding sign and the dimensions utilized to calculate the size.

- [3] The distance between the closest existing freestanding sign and the proposed freestanding sign as measured in each direction along each abutting street or right-of-way.
- [4] The location, height and area of any existing freestanding sign on the same lot where the proposed freestanding sign will be located.
- [5] The front and side yard setbacks for the proposed sign.
- (i) If the proposed sign is an attached sign, building elevation(s), to scale, of the building façade for the building to which the attached sign shall be affixed.
- (j) The number, type, location and surface area for all existing signs on the same lot and/or building on which the sign will be located.
- (k) Whether the proposed sign will be an illuminated or non-illuminated sign.
- (l) For an illuminated sign:
 - [1] Externally illuminated signs shall have details and specifications for the type, model, performance and placement (relative to the sign face) of light fixtures used to illuminate a sign relative to the luminance requirements of §30-61.17
 - [2] Internally or directly illuminated signs (i.e. digital) shall have details and specifications for the type, model and performance relative to the luminance requirements of §30-61.17
- (2) An applicant shall deliver a sign permit application for a permanent sign to the City's Zoning Officer or his or her designee, or such other person as designated by the City. The sign permit application shall be reviewed for a determination of whether the proposed sign meets the applicable requirements of this subsection and any applicable zoning law. The review of the sign permit application shall be completed within 10 business days from the date of receipt of the application, and the application shall be granted or denied within that time frame. In the event that no decision is rendered within 10 business days following submission, the application shall be deemed granted; however, the application shall be deemed denied if the application is for a prohibited sign, and the applicant may appeal to the Board of Adjustment pursuant to the MLJL.

D. Fees.

- (1) Sign permit fees. Every person making an initial application for a sign permit shall pay a sign permit fee to the City at the time of the application. This sign permit fee shall be \$25.00.
- (2) Building permit fees distinguished. The sign permit fee, if any, shall be separate and apart from any required fee for a building permit for the erection of a sign covered by the New Jersey Uniform Construction Code.

E. Conditions.

- (1) Duration of permit. If the work authorized under a sign permit has not been completed within 180 days after the date of issuance, the permit shall become null and void and a new application for a sign permit shall be required.
- (2) Maintenance of signs.
 - (a) All visible portions of a sign and its supporting structure shall be maintained in a safe condition and neat appearance according to the following:
 - [1] If the sign is lighted, all lights shall be maintained in working order and functioning in a safe manner.
 - [2] If the sign is painted, the painted surface shall be kept in good condition.
 - [3] Every sign shall be kept in such manner as to constitute a complete or whole sign.
- (3) Unlawful cutting of trees or shrubs. No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy, or remove any trees, shrubs or other vegetation located:
 - (a) Within the right-of-way of any public street or road, unless the work is done pursuant to the express written authorization of the City or agency having jurisdiction over the streets.
 - (b) On property that is not under the ownership or control of the person doing or responsible for such work, unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located.

§30-61.7. Revocation of Sign Permit

- A. Causes for Revocation. A permit to erect or maintain a sign may be revoked for any one or more of the following:
 - 1. Whenever the application used in obtaining a permit is knowingly false or misleading.
 - 2. Whenever any of the provisions of this chapter are violated.
 - 3. Whenever a licensed sign structure is not being maintained in a safe, sound and good condition.
- B. Removal of a Sign, Advertising Structure, Space or Wall. When a permit for a sign is revoked, the permittee shall remove the sign, advertising structure or space in accordance with the time specified by the Zoning Officer.

1. Failure to Remove. Whenever a person fails to remove an advertising structure or space after the expiration date of the removal notice, legal proceeding may be instituted against the person, or the power of removal may be exercised.
2. City Removal; Costs. Whenever the removal power is exercised for the elimination of a violation, the cost and expense incurred may be charged against the person responsible for it. A bill rendered for the cost of the removal shall bear legal interest charges and collection shall be made accordingly.

§30-61.8 Content neutrality as to sign message (viewpoint).

Notwithstanding anything in this article or this chapter to the contrary, no sign or sign structure shall be subject to any limitation based upon the content (viewpoint) of the message contained on such sign or displayed on such sign structure.

§30-61.9 Substitution of noncommercial speech for commercial speech.

Notwithstanding anything contained in this article or this chapter to the contrary, any sign erected pursuant to the provisions of this article or this chapter with a commercial message may, at the option of the owner, contain a noncommercial message unrelated to the business located on the premises where the sign is erected. The noncommercial message may occupy the entire sign face or any portion thereof. The sign face may be changed from a commercial to a noncommercial message, or from one noncommercial message to another, as frequently as desired by the owner of the sign, provided that the sign is not a prohibited sign or sign type, and provided that the size, height, setback and other dimensional criteria contained in this article and this chapter have been satisfied.

§30-61.10 Setback measurement.

Required setbacks for signs in all zoning districts shall be measured from the property line to the nearest part of the sign. Freestanding signs are only permitted in front yards.

§30-61.11 Double-faced signs.

Double-faced signs shall be permitted in all zoning districts, provided the signs are designed and constructed such that the two sign faces are back to back with a maximum distance of 18 inches between the two sign faces and directionally oriented 180 degrees from each other. The maximum permitted sign area is permitted for each sign face.

§30-61.12 Temporary on-site special event signs.

A. Temporary on-site special event signs shall be permitted in all districts, provided they have been approved by the Zoning Officer as meeting the following content-neutral criteria:

- (1) The signs are temporary signs for a limited time and frequency, limited to one per event;
- (2) The signs are for a special event as defined herein (see special event sign);
- (3) The temporary signs will not exceed 24 square feet in sign area and six feet in height;
- (4) The temporary signs will not conceal or obstruct adjacent land uses or signs;
- (5) The temporary signs will not conflict with the principal permitted use of the site or adjoining sites;
- (6) The temporary signs will not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians;
- (7) The temporary signs will be installed and maintained in a safe manner; and
- (8) The display of temporary signs for a special event shall not begin any earlier than three weeks before the event and shall be removed within two business days after the event.
- (9) Special events sign displays shall not exceed three per property per calendar year for a maximum duration of two weeks per event.
- (10) Grand opening signs, a type of special event sign, shall be permitted as follows:
 - (a) For a period not to exceed thirty calendar days
 - (b) Shall not be freestanding
 - (c) Shall have a maximum area of 12 square feet.

B. Consistent with §30-61.7 of this article, approval or disapproval shall not be based on the content of the message contained (i.e. the viewpoint expressed) on such signs. The Zoning Officer shall render a decision within 10 business days after an application is made for such temporary signs. In the event that no decision is rendered within 10 business days following submission, the application shall be deemed granted; however, the application shall be deemed denied if the application is for a prohibited sign, and the applicant may appeal to the Board of Adjustment. Such a decision shall be deemed an administrative interpretation, and any person adversely affected has the right to appeal the decision to the Board of Adjustment pursuant to the Municipal Land Use Law, N.J.S.A. 40:550-70; however, the appeal shall be accelerated and shall be heard by the Board of Adjustment and determined within 30 business days after the appeal is filed, pursuant to the Municipal Land Use Law, N.J.S.A. 40:550-70.

§30-61.13 Temporary Special Category Signs

A. Temporary real estate signs permitted in all zones. One non-illuminated, temporary ground sign pertaining to the lease, rental or sale on the same lot or building upon which it is placed and not exceeding nine (9) square feet in area on any one (1) side provided such sign is erected or displayed not less than five (5) feet inside of the property line and shall not be mounted on or attached to trees. This sign must be removed from the premises within seven (7) days after the property is sold or leased. In the case of a building containing three (3) or more dwelling units in a residential zone, a sign as described herein must be removed upon the issuance of certificates of occupancy (CO's) for eighty (80%) percent or more of the dwelling units contained therein. Not more than one (1) such sign shall be permitted for each premises. The maximum duration to display such signs is one year, but this period may be extended via a new application. Such signs shall be exempt from all other provisions of this section.

B. Special Category Signs:

Type	Max Size	Max. Height (feet)	Max. No.	Min. Set-Back	Permit Required	Illumination Permitted	Notes/Supplementary Regulations
Special Category Signs							
Construction Signs for minor or major developments; ground, pole or wall mounted	*40 contiguous square feet	8 feet From grade	1 per street front age	NA	Yes	No	To be placed no sooner than after final approval of the minor or major development project. Such signs must be removed after the issuance of the first temporary or final certificate of occupancy. Must be constructed of a rigid material
Construction Signs for minor or major developments mounted on construction fences	*No more Than 25% in contiguous length of the linear frontage of a construction fence along a street frontage	8 feet from grade or top of fence (which ever is lower)	1 per street front-age	NA	Yes	No	To be placed no sooner than after final approval of the minor or major development project. Such signs must be removed after the issuance of the first temporary or final certificate of occupancy. May be used only in lieu of a ground, pole or wall mounted construction sign.

Real Estate Signs for minor or major developments: ground, pole or wall mounted.	40 contiguous square feet	8 feet from grade	1 per street frontage	NA	Yes	No	To be placed no sooner than after final approval of the minor or major development project. Must be constructed of a rigid material. Must be removed after the sale, lease or rental of 80% or more of the nonresidential and/or residential units contained therein
Real estate signs for minor or major development: mounted on construction fences	"No more than 25% in contiguous length of the linear frontage of a construction fence along a street frontage.	8 feet from grade or top of fence (whichever is lower)	1 per street frontage	NA	Yes	Yes	To be placed no sooner than after final approval of the minor or major development project. May be used only in lieu of a ground or pole mounted real estate sign. Must be removed after the sale, lease or rental of 80% or more of the nonresidential and/or residential units contained therein.
Building wrap signs for minor or major developments	Shall not extend beyond the exterior building wall Text may not exceed 10% of the area of the sign or 400 square feet, whichever is less. along any street frontage	NA	1 per street frontage	NA	Yes	No	To be placed only after completion of the structural framing of a building Must be removed after completion of the exterior building wall. Building wrap signs shall display a graphic reproduction of the completed building facade located behind the sign
*The combined area of construction signs and real estate signs which are ground, pole or wall mounted shall not exceed 40 square feet along any street frontage. If both sign types are proposed along a street frontage, they shall be combined into a single sign board *The combined length of construction signs and real estate signs which are mounted on construction fences shall not exceed 25% of the linear frontage of the construction fence along any street frontage. If both sign types are proposed along a street frontage, they shall be combined to create a single sign.							

§30-61.14 Signs Permitted As-of-Right Without Permits

- A. Street address signs. For each lot, residence or business, one street address sign may be displayed. For each residence, the street address sign shall not exceed two square feet in sign area unless required by applicable law. For each business or lot in nonresidential use, the street address sign shall not exceed six square feet in sign area unless required by applicable law.
- B. Nameplate or occupant identification signs. For each residence, business or other occupancy, one nameplate sign may be displayed. Nameplate or occupant identification signs shall not exceed two square feet in sign area.
- C. Directional signs. Noncommercial, on-site directional signs, not exceeding 2.5 square feet in sign area and 3.5 feet in height, shall be allowed on each lot.
- D. Parking space signs. Noncommercial on-site parking space number signs, not exceeding one square foot of sign area, shall be for a noncommercial use having multiple parking spaces on site. One such sign shall be allowed for each parking space.
- E. Temporary viewpoint signs. Viewpoint signs may be freestanding or building-mounted. They are permitted in addition to any other sign permitted herein and shall conform to the following requirements:
 - (1) Viewpoint signs in all zones shall not exceed four square feet each in sign area. Freestanding viewpoint signs shall not exceed three feet in height. Building-mounted viewpoint signs shall not be located as to constitute a roof sign, as defined herein. The total combined sign area of the total array or assemblage of signs upon a premise shall not exceed 24 square feet.
 - (2) The maximum permitted duration for a viewpoint sign is 60 days.
 - (3) Viewpoint signs shall not be illuminated, directly, either indirectly or internally.
 - (4) Viewpoint signs shall not have changeable copy.
 - (5) Any viewpoint sign installed or placed on public property including public rights-of-way, excepting such public property, which the City may designate for such use, shall be forfeited to the public and subject to removal and no viewpoint sign shall be placed upon private property except with the consent of the owner or tenant.
 - (6) Viewpoint signs shall not be constructed, held, installed or erected so as to present a hazard to the safe transit of pedestrian or vehicular traffic, or to impede the free and safe ingress or egress from any premises.
- F. Flagpoles. One flagpole is allowed for each lot. A flagpole shall not exceed 35 feet in height and shall be subject to setbacks for principal buildings/structures in the applicable zones in which it is located.
- G. Flags. For each flagpole, two flags not greater than 15 square feet in sign area each may be displayed.

H. Warning signs and safety signs. Warning signs and safety signs, not exceeding four square feet in sign area, shall be allowed in all districts.

I. Temporary garage-yard sale signs. For each lot with a lawful residential use, a temporary garage-yard sale sign may be displayed, subject to the following limitations:

(1) Number. One temporary garage-yard sale sign may be displayed.

(2) Size and height. A temporary garage-yard sale sign shall not exceed four square feet in sign area and three feet in height.

(3) Setback. A temporary garage-yard sale sign shall be set back from any lot line by at least five feet.

(4) Duration. A temporary garage-yard sale sign may not be displayed for a period longer than three days twice a year.

J. Government or government agency signs.

K. "Private Driveway" signs indicating the private nature of a driveway not exceed two (2) square feet in sign area and limited to no more than one per driveway.

L. Sandwich Board Signs

(1) Shall be permitted in non-residential or mixed-use zones only.

(2) Shall only be permitted to advertise a retail sales, retail service or restaurant.

(3) May be located on a public sidewalk and within a public right-of-way.

(4) Shall be limited to one sandwich board sign business property address.

(5) Shall be located in close proximity to the public business entrance.

(6) Shall be located in such a manner as to maintain a relatively flat pedestrian passage that is not obstructed and has a minimum clear width of five feet.

(7) Shall have no illumination.

(8) Shall be no higher than 42 inches above the sidewalk.

(9) Sign area shall not exceed five square feet.

(10) May have a white board/chalkboard for handwritten changeable messages.

§30-61.15 Signs permitted in residential districts (Permits required)

A. Signs designating entrance or exits to or from a parking area having five or more parking spaces, limited to one (1) sign for each such exit or entrance, with a maximum of two (2) square feet in sign area for each sign.

- B. Signs designating the identity of a parking area having five or more parking spaces and limited to one sign with a maximum size of six (6) square feet in sign area and a maximum height of four feet.

§30-61.16 Signs permitted in nonresidential districts (Permits required)

- A. Number and Size of Exterior Identification Building Signs. A maximum of two signs are permitted per building. The total sign area for all signs, not including window vinyl, shall not exceed two square feet per linear foot of street frontage, with a maximum area of 40 square feet.
- B. Rear and Side Wall Signs. No signs shall be permitted on rear or side walls when the wall is within 100 feet of a residential use or residential zone line.
- C. Identification projecting signs may be substituted for identification wall signs, as permitted in paragraph a above, provided that no identification projecting sign shall exceed 12 square feet in area on either side or project more than five feet from the wall to which it is attached.
- D. Signs designating entrance or exits to or from a parking area, limited to one sign for each such exit or entrance, with a maximum of two square feet in sign area for each sign.
- E. Signs designating the identity of a parking area having five or more parking spaces and limited to one sign with a maximum size of six square feet in sign area and a maximum height of four feet.
- F. Signs for multi-use and multi-building developments shall comply with the following regulations:
1. Each such development shall submit a Signing Plan for approval. Such Signing Plan shall include details on:
 - (a) Letter style
 - (b) Lighting
 - (c) Color
 - (d) Construction and materials
 - (e) Height of sign(s)
 - (f) Height above grade or below roofline
 - (g) Locations
 - (h) Standards.
 2. The Signing Plan shall be based on an integrated design theme to include all of the elements (a) through (h) above. All of the above elements shall be designed to exhibit harmony and consistency among all signs. All signs shall be integrated with

the architecture and materials of the principal building(s) and the landscape design plan.

3. The total area of all signs, not including window vinyl, shall not exceed two square feet per linear foot of street frontage, with a maximum area of 40 square feet.

G. Window Lettering and Window Signs. Window lettering and window signs shall be construed as signs, and are subject to the following restrictions:

1. All window lettering and signs shall be located on, or affixed to, the interior facing side of a window.
2. The sign area of window lettering and signs includes the lettering and any background upon which it appears.
3. Permanent Window Lettering and Signs. Sign area shall not exceed twenty (20%) percent of the window area. Any painted area of any window shall be construed as window lettering or signs, whether or not such area actually contains letter or advertising.
4. Temporary window lettering or signs shall be permitted subject to the following restrictions:
 - a. Shall be removed within thirty (30) days after erection;
 - b. Shall not cover, in the aggregate, more than fifty (50%) percent of the window area, including the area of any permanent window lettering or sign;
 - c. Shall not be illuminated, either directly or indirectly.

§30-61.17 Sign Illumination; Sign Brightness.

A. Requirements for All Illuminated Signs

1. All illuminated signs shall be properly shielded and so located as to prevent glare or blinding effects upon pedestrians, motor vehicle traffic and so as not to cause a nuisance to residents on the premises of their home. Upon a finding by the Zoning Officer that a sign creates glare or blinding conditions, the property owner or owner of the sign, as the case may be, shall correct the situation within the period determined by the Zoning Officer. The Zoning Officer may be assisted in such determination by such lighting or visual acuity experts as necessary. Failure to correct the condition or file an appeal within the time specified shall constitute a violation of this Ordinance by the property owner or sign owner, as appropriate.
2. The contrast between the ambient light level of the vehicular cartway closest adjacent to a sign and the illuminance of the sign shall not exceed a ratio of 1:20.
3. Signs shall not be permitted to emit more than fifty percent (50%) of its illumination as the color white or light blue.

4. The level of light being emitted by such sign shall not exceed 0.1 footcandles of luminance from the vertical plane of the sign face at the edge of a vehicular travel lane.
5. Top-mounted fixtures are preferred over any other positioned light fixtures. When top-mounted light fixtures are not feasible for good cause shown, illumination from other positioned light fixtures shall continue to be restricted to the sign area.
6. Visors, baffles, shields or other directional control devices shall be used as necessary to eliminate any spill light and glare from light sources.
7. Illuminated signs shall be turned off between the hours of 10:00 p.m. and 7:00 a.m. the following morning, unless the business or uses advertised are open to the public later than 10:00 p.m. or earlier than 7:00 a.m., in which event any such establishment may keep a sign illuminated during business hours only.

B. Digital Sign Luminance Standards

Digital signs are subject to the general requirements of §30-61.17.A. However, should the Zoning Officer determine that a digital sign is exhibiting glare or blinding characteristics as described in §30-61.17.A.1, testing may be required to assess whether a sign meets the following requirement. After testing, signs that do not meet these requirements will be required to address the recommendations of the Zoning Officer in order to satisfy the following maximum permitted luminance standards:

1. Residential Districts:

- (a) Nighttime sign luminance shall not exceed 50 nits.
- (b) Daytime sign luminance shall not exceed 3,000 nits.

2. Non-Residential Districts

- (a) Nighttime sign luminance shall not exceed 150 nits.
- (b) Daytime sign luminance shall not exceed 3,000 nits.

C. Digital signs shall have a light sensing mechanism that will automatically adjust the brightness of the display as the natural ambient light conditions change to comply with the limits set forth herein.

D. Digital Sign Malfunction Protection. Digital signs are susceptible to malfunctions that can affect the display such that segments flash, pulse, increase in brightness and other erratic optical conditions. Therefore, all digital signs shall be equipped with a mechanism that turns off the display completely in the event of a malfunction until the malfunction is repaired.

§30-61.18 Administration and enforcement.

A. The Zoning Officer shall be the enforcing official.

- B. Whenever a temporary sign is erected or maintained in violation of this article, the Zoning Officer may remove the same at any time without notice.
- C. Whenever a temporary sign is erected or posted on public property in violation of this article, the same shall be considered litter and may be removed at any time.
- D. Whenever a permanent sign is erected or maintained in violation of this article or any other provision of this chapter, or whenever in the opinion of the Zoning Officer any sign becomes unsafe or endangers the safety of a building or premises or the public safety, the Zoning Officer shall send a letter by certified mail to the owner of said sign and/or the owner of the premises on which the sign is located, ordering that such sign be brought into conformance or removed in accordance with the period set by the zoning officer. If the sign is not brought into conformity or removed by the end of the thirty-day period, the Zoning Officer may cause the same to be removed at the expense of the owner of the sign and the owner of the premises on which the sign is located.
- E. The City may cause any sign or sign structure to be removed summarily and without written notice at the expense of the owner of the sign and the owner of the premises on which the sign is located, if it is an immediate peril to persons or property by virtue of its construction or moorings.

§30-61.19 Appeals to Board of Adjustment.

Whenever it is alleged that there has been an error in any order, action, decision, determination or requirement by an administrative official in the enforcement and application of any provision contained within this article (including any allegation that an administrative official has failed to act within applicable time frame), the aggrieved party shall file a written appeal with the Board of Adjustment in accordance with the provisions of the Municipal Land Use Law, N.J.S.A. 40:550-70. The appellate decisions of the Board of Adjustment shall be deemed final, subject to judicial review as provided by law.

§30-61.20 Violations and penalties.

Any person, firm or corporation who shall violate, disobey, omit, neglect or refuse to comply with any provision of this article shall be, upon conviction thereof, liable for any penalties.

§30-61.21 Effect on existing permits.

Any permit issued prior to the effective date of the adoption of the sign regulations that comprise this article shall remain valid until the earlier of the date that said permit expires by its own terms or one year after the effective date of the adoption of this article.

§30-61.22 Severability.

- A. Generally: severability where less speech results. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this article is declared or held to be invalid or unconstitutional by any court of competent jurisdiction, such declaration or holding shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this article, even if such severability would result in less speech, whether by subjecting previously exempt signs to this article's permitting requirements, or otherwise.
- B. Severability of provisions pertaining to billboards and other prohibited signs and sign types. Without diminishing or limiting in any way the declaration of severability set forth above or elsewhere in this article, this chapter or in any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this article or any other law is declared or held to be unconstitutional or invalid by any court of competent jurisdiction, such declaration or holding shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this article that pertains to prohibited signs, including, specifically, the prohibition on billboards and those signs and sign types prohibited and not allowed under §30-61.2 of this article.

Draft Design Standards Update for Asbury Park

Replace/Add the following new text:

30-56 DESIGN STANDARDS—GENERAL.

~~In reviewing any development, the Planning Board shall consider the items contained in this section.~~

The items contained in this selection shall apply to all properties and shall be part of the review of the appropriate land use board or the Zoning Officer.

30-56.4 Exterior Lighting.

~~Appropriate outdoor lighting shall be provided where necessary for the safety of pedestrians. Outdoor lighting and illuminated signs shall be shielded so that such lighting will not adversely affect abutting property or streets. (2000 Code § 3056.4)~~

- a. General. Sufficient exterior illumination shall be provided to ensure the safety of persons and security of property between the hours of sunset and sunrise. Lighting shall be designed so as to avoid the creation of hazards to pedestrians, vehicles or nuisances to adjoining property owners or residents. The following shall apply to all exterior lighting except for photovoltaic luminaires.
 1. Illumination levels, lamp color, and fixture type shall be coordinated in a consistent approach and shall complement architecture and landscape design.
 2. Lighting shall be designed to provide the greatest degree of legibility of site and building conditions, as perceived by persons entering, occupying and exiting the site by all modes of mobility, through using the lowest possible illumination s levels such that sky glow, glare and light trespass are minimized.
 3. Exterior lighting that is not building mounted shall be supplied with electricity from underground cabling.
 4. Lighting fixtures shall be non-glare, full cut-off.
 5. Except for any lighting for security purposes as required by N.J.A.C. 17:16K-10, all lighting for non-residential uses shall be controlled by photoelectric sensors and circuit timers so that lights may be automatically turned off during non-business hours.
 6. Except for security lighting, all lighting for non-residential uses shall be turned on no earlier than one hour and turned off no later than one hour after established public business hours.
 7. Illumination levels shall not exceed 0.1 foot-candles at the property line.

b. Specific Requirements for Parking Lots.

1. Exterior lighting fixtures shall not exceed a maximum height of 14 feet.
2. Lighting fixtures may be attached to a building, provided that such lighting is focused downward and is full cut-off.
3. Illumination Levels. The minimum level of illumination shall be 0.5 foot-candles, the average level of illumination shall be 1.0 foot-candle and maximum illumination shall not exceed the minimum illumination by more than a ratio of 10 to 1. The uniformity of lighting shall not exceed a ratio of maximum to average illumination of 4:1.
4. Parking lot lighting shall also comply with the provisions under 'a' of this subsection.

30-57.5 Open Space.

Inasmuch as open space contributes to the provision of light and air to occupants of a development, reduces density and improves the aesthetics of a development, site plans shall hereafter include designated areas of open space. Open space may be areas of the site left in an undisturbed natural condition, provided such is in keeping with the overall aesthetic integrity of the site plan. Open space may also be provided as landscaped sitting places, plazas and/or lawn areas. The amount of open space to be provided shall be in accordance with the open space ratios required ~~provided~~ in Article VI ~~Schedule 1~~.

30-57.6 Reserved ~~Parking and Loading Standards.~~

30-57.7 Reserved ~~Signs.~~

~~See Section 3061.~~

30-57.8 Reserved ~~Fences or Walls.~~

~~See Section 3063.~~

30-57.12 Street Tree, Landscape and Planting Requirements.

- a. It shall be unlawful to damage, ~~or~~ destroy ~~or remove~~ any street tree in the City. Removal of street trees may be permitted without the approval of the Zoning Officer, Asbury Park Environmental Shade Tree Commission or authority which required the tree planting. No

Certificate of Zoning Compliance for any new building shall be issued unless one (1) or more street trees have been planted in accordance with the provisions of this section and subsection 30-56.3 of the Land Development Ordinance.

- b. An applicant may make a written request that required street tree(s) will be planted within the earlier of six (6) months or sixty (60) days prior to the beginning of the next non-planting season. The non-planting season for the purpose of this section shall be June 15th to September 15th or any time of the year when the ground is frozen more than three (3) inches below the surface of the soil.
- c. Specifications for Street Tree Plantings.
 1. Design. Prior to the issuance of a Zoning Permit for the construction of a new building or the approval of a site plan or subdivision application, a plan shall be ~~required~~ submitted ~~which shall~~ showing the location of existing and proposed street trees. Trees shall either be massed at critical points or spaced ~~evenly~~ at regular intervals along the street, or both. When trees are planted at ~~predetermined~~ regular intervals along streets, spacing shall be ~~thirty between 30 and 40 feet on-center, depending on the species of tree(s) to be planted~~ depend on tree size as follows:

Tree Size Planting Interval

~~Large trees (40' high or higher) 50-60 feet apart~~

~~Medium-sized trees (30'-40') 40-50 feet apart~~

~~Small trees (to 30' in height) 30-40 feet apart~~

2. Street Tree Locations. The following requirements are intended to avoid conflicts with public street infrastructure and adjacent site conditions when street trees are installed:
 - a. Trees shall not be planted directly in front of building entrances in order to permit access by emergency services. A tree may be placed in front of an entrance if the sidewalk is at least 15' wide at that point or the distance from the entrance to the tree is at least 12'.
 - b. Trees should not reduce the minimum width of sidewalks free of impediments below five feet 5'.
 - c. The minimum horizontal distance from traffic signs to a tree trunk shall be five feet.
 - d. The minimum distance from a fire hydrant to a tree trunk shall be five feet.
 - e. The minimum distance from a curb cut or driveway to the edge of a tree pit shall be one foot.
 - f. The minimum distance from the corner of a street intersection to the tree trunk shall reflect the required site distance as determined by the City.

- g. All street tree planting beds shall be contiguous to the street curb. However, variations may be permitted subject discretion of the approving authority.
 - h. Street trees may be planted on either side of sidewalks in lawn areas where there is sufficient room between the property line and the street curb.
3. Tree type Species. Tree ~~type~~ species may vary depending on the overall effect desired, but as a general rule, all trees shall be of similar type (e.g. open vs. dense foliage) and height as the predominant species found in the immediate area, except where it is appropriate to vary the visual or spatial character of trees to achieve special effects. Exclusive use of one ~~(1)~~ species should be avoided to prevent the spread of pest or disease infestation. Selection of tree ~~type~~ species shall be approved by the Planning Board as part of the review of a site plan or subdivision application, or by the Zoning Officer for new construction not requiring development approval from the approving authority~~appropriate land use Board.~~
 4. Planting specifications Requirements. All trees shall conform to the most recent edition of the American Standard for Nursery Stock (ANSI Z60.1) as promulgated by the American Association of Nurserymen. ~~have~~ The minimum size for street trees shall be a caliper dimension of two and a half to three (3) inches measured six (6) inches from the base of the trunk. Trees shall be nursery grown, of substantially uniform size and shape, and have straight trunks. Trees shall be properly planted and shall be staked, if necessary or required by the Zoning Officer. Provision shall be made by the applicant for regular watering and maintenance until they are established. Dead or dying trees shall be replaced by the applicant during the next planting season.
 5. Planting area and planting medium. A prepared planting area shall be provided for each street tree. The planting area shall consist of a prepared soil planting medium and shall conform with the following requirements:
 - a. Street tree planting area, volume and surface cover:
 1. Sidewalks greater than 10 feet in width: five feet wide by 10 feet long and two feet deep, with an exposed planting area of five feet by five feet. The remainder of the tree planting area surface area shall be covered with pervious pavers, permeable pavement, vegetative groundcover or mulch.
 2. Sidewalks less than 10 feet in width: four feet wide by 12 feet long and two feet deep, with an exposed planting area of four feet by six feet. The remainder of the tree planting area surface area shall be covered with pervious pavers, permeable pavement, vegetative groundcover or mulch.
 3. In residential areas with low foot-traffic or on especially wide sidewalks, the entire planting area may have the entire surface area open with mulch, lawn or other vegetative groundcover.

4. In areas with heavy foot traffic, a surface treatment, such as permeable pavement, porous pavement, or permeable pavers may be used on top of a portion of the exposed planting area of the tree pit, so long as said treatment is able to adjust with the growth of the tree.
5. Planting Medium. Planting medium shall consist of natural loam topsoil. Topsoil must be free from subsoil, obtained from an area, which has never been stripped. It shall be removed to a depth of one foot or less if subsoil is encountered. Topsoil shall be of uniform quality, free from hard clods, stiff clay, hardpan, sods, particularly disintegrated stone, lime, cement, ashes, slag, concrete, tar residues, tarred paper, boards, chips, sticks or any other undesirable material. Topsoil shall meet the following requirements:
 - a. Organic Matter. Backfill shall contain between 5%-12% organic matter.
 - b. pH. The pH shall be in the range of 6.0 to 7.0 inclusive, unless otherwise approved.
 - c. Soil Textural Analysis. Topsoil shall consist of the following percentages of sand, silt and clay:
 - Rocks, Stone and Gravel (>2.0 mm) <5%
 - Sand (0.05-2 mm) 40%-60%
 - Silt (0.002-0.05 mm) 20%-50%
 - Clay (<0.002 mm) 20% Max.

d. Planting Requirements for Urban Conditions for Paved Areas

1. Applicability. These requirements shall apply to areas within sites where at least more than fifty (50%) percent of the ground surface is proposed to be covered with impervious surfaces paved and/or where pedestrian traffic is too intense to allow grass to grow.
2. Root zone size requirements. At the time of planting, A prepared root zone shall be provided for shade, ornamental and evergreen trees at a minimum diameter width equal to two one (2) square feet foot for every five (5) feet of canopy width projected for the tree at maturity five times the diameter of the root ball.
3. Soil mixture. The soil mixture for trees and shrubs planted in paved areas such as court yards and parking areas under the applicable conditions described herein shall contain not less than fifty (50%) percent porous aggregate such as an expanded slate material. Sufficient loam and organic material shall be included in the mixture to sustain plain nutrients and protect against chemical changes within the soil. utilize a structural soil that supports pavements while allowing air and water to move thorough the planting medium, such as CU soil or a soil cell system, such as Silva Cells.

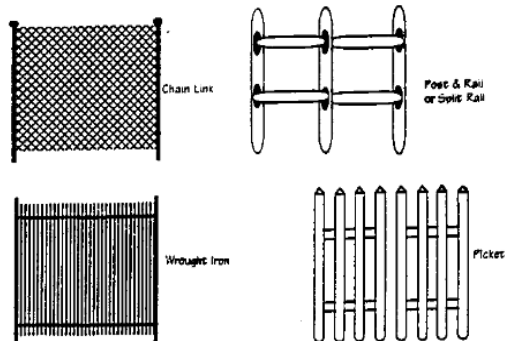
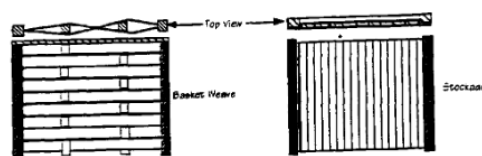
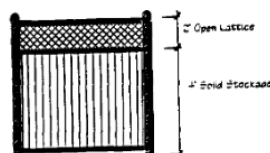
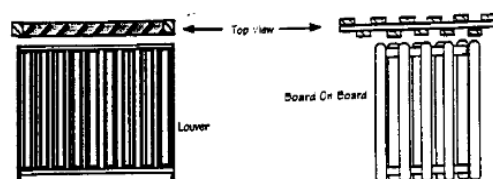
4. Drainage requirements. Where structural soil or soil cells are used, a drainage system consisting of horizontally laid one (1) inch minimum diameter perforated pvc pipe shall be installed at least thirty-six (36) inches below the ground surface on each side of the prepared root zone. The pipe shall be laid at a minimum slope of 0.5% and maximum slope of 2.0%, with perforations facing upward on a three (3) inch layer of crushed stone and shall be covered by a fiber mat to allow water percolation without siltation. Where the horizontal pipes intersect there shall be a vertical perforated pvc pipe of the same diameter extending to the ground surface in order to provide aeration and a mechanism for deep watering.
5. Surface material. The surface area over the prepared root zone in non-structural areas such as yards and buffers, shall be covered with organic mulch. In areas with pedestrian traffic such as courtyards, the surface over the prepared root zone shall be covered with either a monolithic pervious pavement, open jointed pavers or metal air vent grills to prevent soil compaction and to permit penetration of air and water. ~~Where possible, the surface material shall have a diameter equal to one-half (1/2) the mature height of the species being planted, but shall not be less than the area of the prepared root zone as is required in this chapter.~~

30-63 Fences.

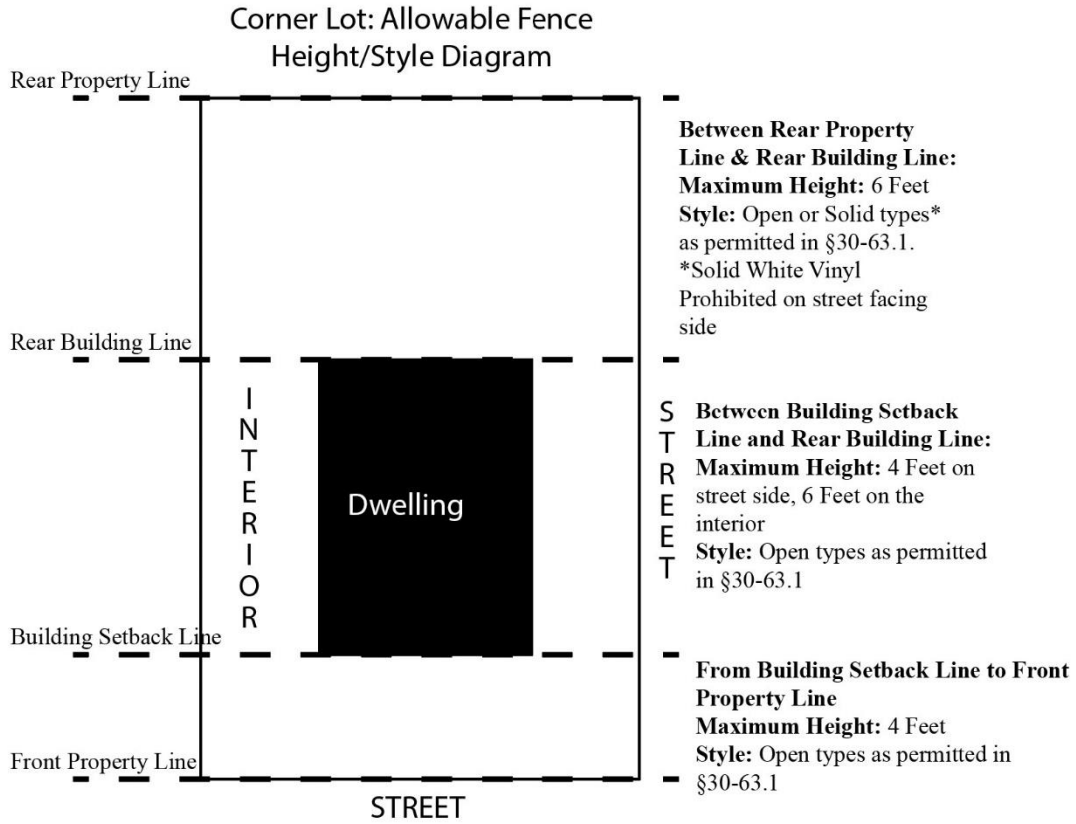
No fence shall be erected in the City except upon issuance of a Zoning Permit certifying compliance with the following requirements. (2000 Code § 3063)

30-63.1 Type of Fences Permitted.

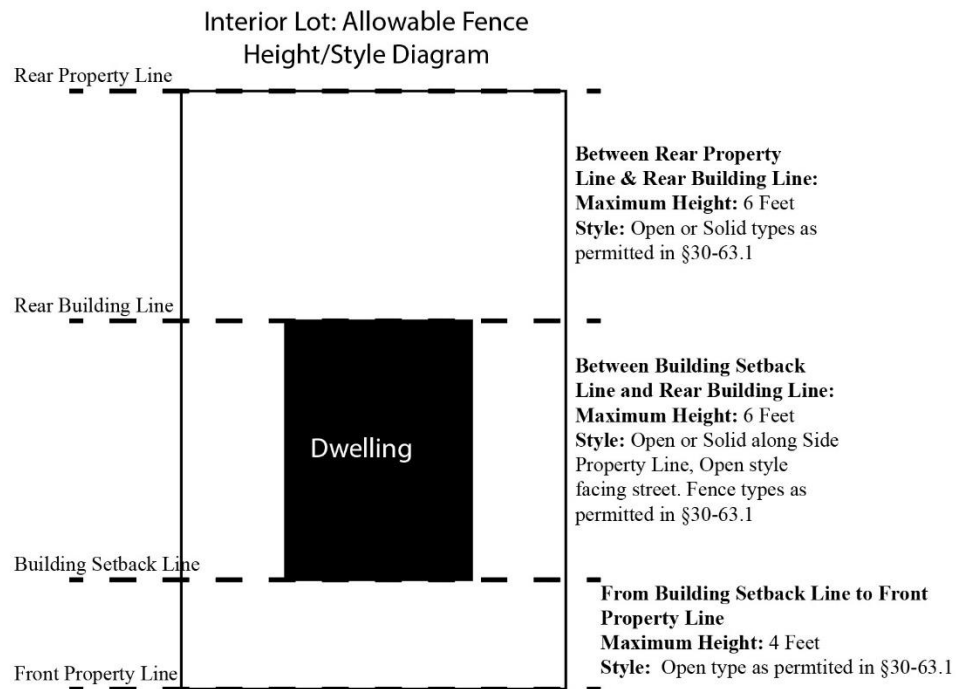
Any fence erected on or after the effective date of this section shall be one of the following fence types, or equivalent thereto in the discretion of the Zoning Officer. (2000 Code § 3063.1; Ord. No. 201552, Ex. B)

Open Fences**Solid Fences****Composite Fence****Semi-Open Fences****30-63.2 Maximum Height and Location.**

- a. ~~Any fence or wall shall be located at least one (1) foot removed from the nearest edge of the property line.~~ Any fence erected within a City street public right-of-way shall be removed by the property owner if its removal is required by the City.
- b. In all zones, no fence or wall, of more than four (4) feet in height shall be erected between any building facade facing public street and the streetline, except that for properties with frontage on two (2) parallel streets, a fence up to six (6) feet tall may be placed along the rear property line.
- c. ~~The maximum height for any fence or wall on a property shall be six (6) feet, except as provided for in Subsection b. above.~~ Fences on Corner Lots: Properties with frontage on two perpendicular streets are permitted to have a fence up to six feet in height along the property line that is coterminous with the street that faces the side of the principal building. The extent to which a fence may exceed four feet (and extend up to six feet) is limited to an area between the rear property line and a point created by a line starting from the rear building wall that is extended in parallel with the rear building wall to intersect with the street right-of-way. The maximum heights and for fences on corner lots is depicted below.



- d. Fencing for interior lots shall comply with maximum heights and styles shown below.



- e. Chain link, vinyl and solid fencing is prohibited for all street facing fences excluding alleys.
- f. The maximum height for any fence or wall on a property shall be six (6) feet.
- g. All fences shall be installed at least one (1) foot from any public street right-of-way, except alleys.

30-63.3 General Regulations on Fences and Walls.

- a. Sightlines. Fences at all street intersections shall not be constructed to limit or obscure sight distance within the sight triangle of any street intersection conform to the sightline preservation regulations as now or hereafter established by the Monmouth County Department of Public Works and Engineering.
- b. Vegetative Barriers. Hedges and other landscaping shall be exempt from the height limitations of this section but shall not be located so as to conflict with paragraph a. above.
- c. "Good Neighbor" Provision. Any fence type that has only one (1) finished side shall be erected so that the finished side faces the street or any adjacent property.
- d. Types of Fences Prohibited. No fence shall be constructed with barbed wire, razor wire, metal spikes other than decorative wrought iron style fences. Canvass or cloth fences, electrically charged fences, temporary fences except when used around construction sites, or expandable/collapsible fences shall be prohibited.

- e. Maintenance. Every fence shall be erected in a professional, workmanlike manner and maintained in a safe, sound upright condition. Every fence shall be uniform in color and appearance. Posts shall be uniform in height where possible according to the topography and metal posts shall be capped.
- f. Drainage. Retaining walls shall be designed and constructed so as not to block the flow of surface water and to permit adequate drainage.



RESOLUTION NO. 2020-238

**City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION AUTHORIZING REFERRAL TO THE PLANNING BOARD A PROPOSED REVISED OFFICIAL ZONING MAP.

WHEREAS, the Asbury Park Planning Board (the “Planning Board”) adopted a Master Plan and Master Plan Reexamination Report in December of 2017 which includes housing objectives and recommendations; and

WHEREAS, the Asbury Park Planning Board (the “Planning Board”) adopted a Master Plan and Master Plan Reexamination Report in December of 2017 which includes zoning objectives and recommendations; and

WHEREAS, the Master Plan and Master Plan Reexamination Report recommended comprehensive zoning amendments which included changes to the zoning map including zone and boundary changes; and

WHEREAS, the City of Asbury Park (the “City”) retained the Planning firm of Clark Caton Hintz to work on the recommended amendments with the Master Plan and Zoning subcommittee comprised of members of the Planning Board, the Zoning Board of Adjustment, the Governing Body and staff of the Department of Planning and Redevelopment; and

WHEREAS, the Mayor and Council wish to proceed with the adoption of an ordinance to amend the City’s existing zoning map to accompany zone and boundary changes, in order to effectuate the recommendations made by the Planning Board; and

WHEREAS, An Ordinance of the City of Asbury Park Re-Zoning Certain Properties and Adopting an Updated Zoning Map has been prepared; and

WHEREAS, a copy of the above-referenced Ordinance is attached hereto and made a part hereof; and

WHEREAS, a copy of the proposed revised Official Zoning Map is also attached to the Ordinance; and

WHEREAS, the New Jersey Municipal Land Use Law, specifically at N.J.S.A. 40:55D-26 and -62, requires referral to the Planning Board of any development regulation or amendment thereto, so that the Planning Board may review the proposed legislation and determine whether it

is consistent with the Master Plan and/or to make any other recommendations that it deems appropriate to the Governing Body; and

WHEREAS, in accordance with the above referenced statutes, the Mayor and Council of the City of Asbury Park now wish to refer the attached Ordinance, to the Planning Board for its review and recommendations; and

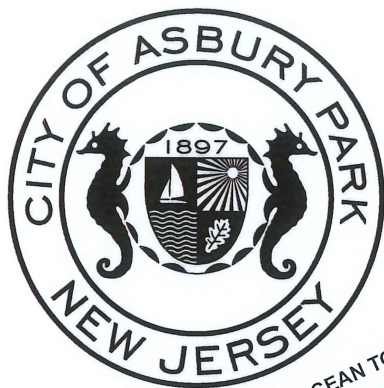
NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park, in the County of Monmouth, State of New Jersey, as follows:

1. That the attached Ordinance and Zoning Map is hereby referred to the Planning Board, so that the Planning Board may review the same and determine whether it is consistent with the Master Plan and/or to make any other recommendations that the Planning Board deems appropriate to the Governing Body, in accordance with the N.J. Municipal Land Use Law.
2. That, pursuant to N.J.S.A. 40:55D-26, the Planning Board's review of the proposed revisions to the City's existing Zoning Map shall be completed within a period of thirty five (35) days after referral, or else the Mayor and Council shall be relieved of the referral requirement.
3. That a certified copy of this Resolution, along with copies all of the attachments, shall be provided to each of the following:
 - a. Asbury Park Planning Board;
 - b. Donna Vieiro, Acting City Manager;
 - c. Michele Alonso, Director of Planning & Redevelopment; and
 - d. Frederick C. Raffetto, Esq., Municipal Attorney.

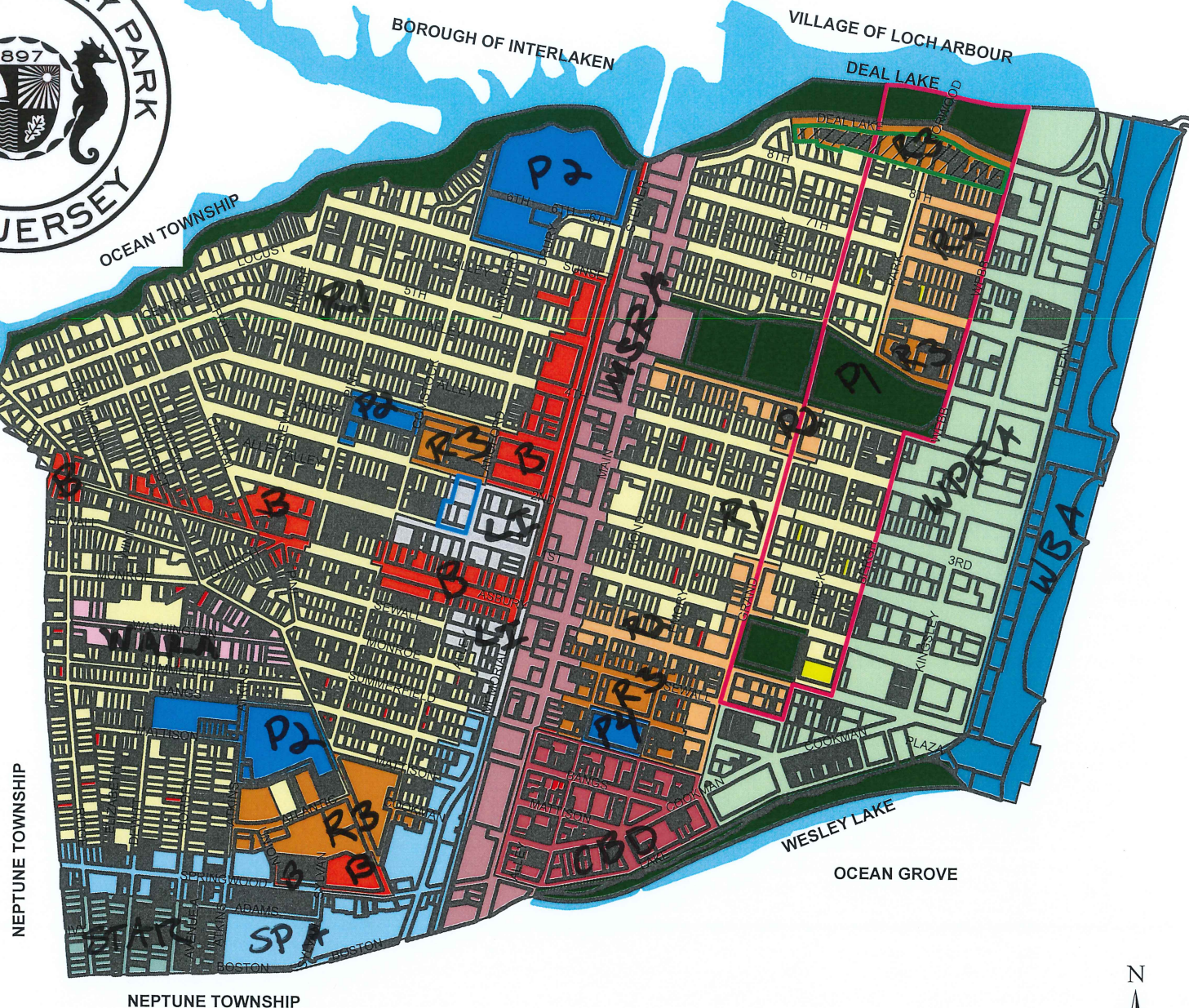
I, MELODY HARTSGROVE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2020-238 which was finally adopted by the City Council at a meeting held on the 12th day of August, 2020

CERTIFIED BY ME THIS DAY OF , .

MELODY HARTSGROVE
CITY CLERK



CITY OF ASBURY PARK ZONING DISTRICTS AND REDEVELOPMENT AREAS



- ZONING DISTRICTS AND REDEVELOPMENT AREAS**
- 1001 FIRST AVE REDEVELOPMENT AREA
 - DEAL LAKE DRIVE INCLUSIONARY HOUSING DISTRICT
 - WRIA WATERFRONT RENOVATION INFILL AREA
 - SCATTERED SITE REDEVELOPMENT PROGRAM PHASE IA
 - B BUSINESS DISTRICT
 - CBD CENTRAL BUSINESS DISTRICT REDEVELOPMENT AREA
 - LI LIGHT INDUSTRIAL
 - MSRA MAIN STREET REDEVELOPMENT AREA
 - P1 PARKS
 - P2 SCHOOLS
 - R1 SINGLE FAMILY RESIDENTIAL
 - R2 ONE AND TWO FAMILY RESIDENTIAL
 - R3 MEDIUM DENSITY RESIDENTIAL
 - SPA SPRINGWOOD AVENUE REDEVELOPMENT AREA
 - STAR STARS REDEVELOPMENT AREA
 - WARA WASHINGTON AVENUE REDEVELOPMENT AREA
 - WBA WATERFRONT BOARDWALK AREA
 - WPRA WATERFRONT PRIME RENEWAL AREA
 - SCATTERED SITE REDEVELOPMENT PROGRAM PHASE I

Prepared by the City of Asbury Park
Department of Planning and Redevelopment
August 2020 (draft)

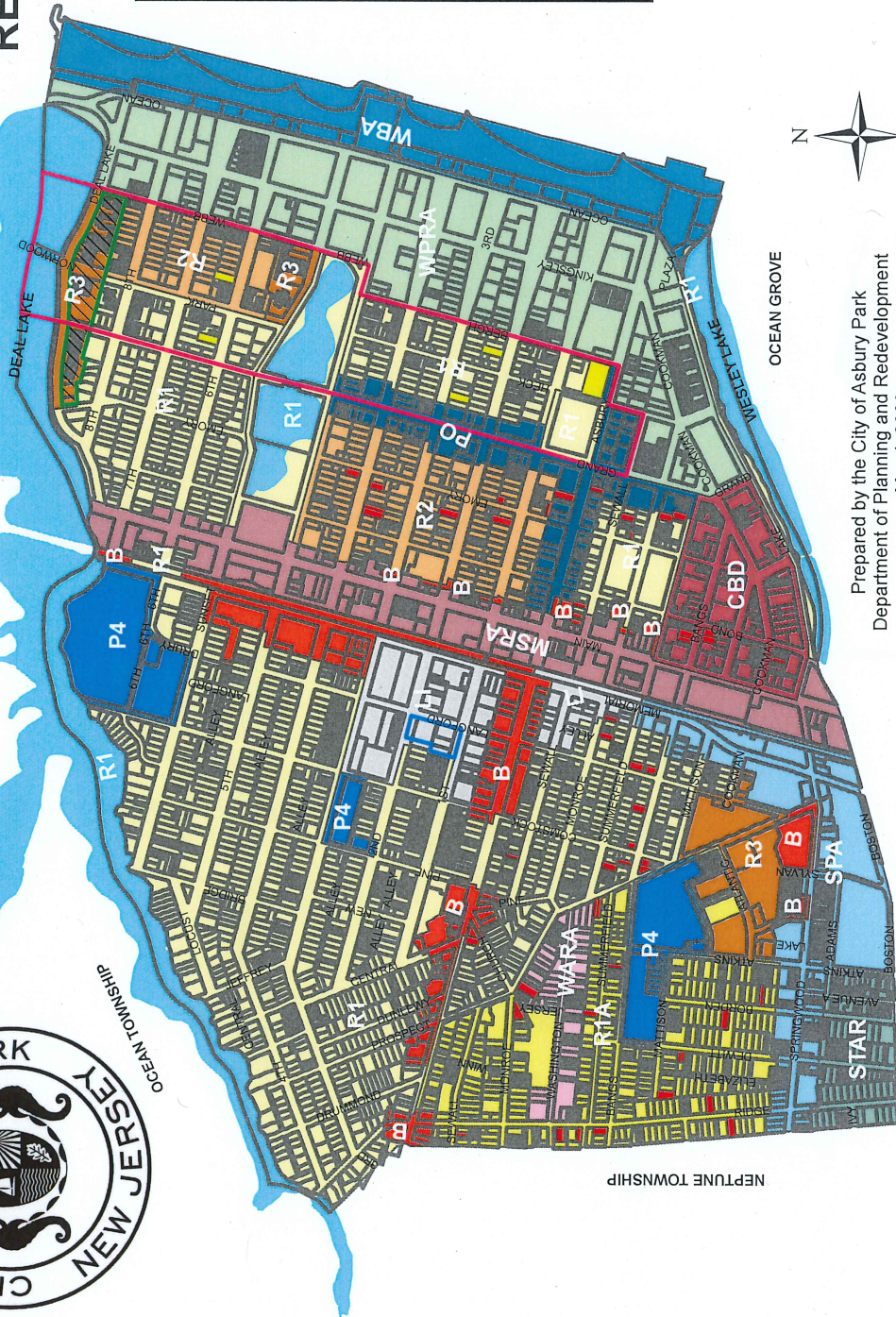


Current



CITY OF ASBURY PARK ZONING DISTRICTS AND REDEVELOPMENT AREAS

BOROUGH OF INTERLAKEN
VILLAGE OF LOCH ARBOUR



- ZONING DISTRICTS AND REDEVELOPMENT AREAS**
- WR1A WATERFRONT RENOVATION INFILL AREA
 - DEAL LAKE DRIVE INCLUSIONARY HOUSING DISTRICT
 - SCATTERED SITE REDEVELOPMENT PROGRAM PHASE 1A
 - SCATTERED SITE REDEVELOPMENT PROGRAM PHASE 1
 - 1001 FIRST AVE REDEVELOPMENT AREA
 - B BUSINESS DISTRICT
 - CBD CENTRAL BUSINESS DISTRICT REDEVELOPMENT AREA
 - LI LIGHT INDUSTRIAL
 - MSRA MAIN STREET REDEVELOPMENT AREA
 - P1 PARKS
 - P4 SCHOOLS
 - PO PROFESSIONAL OFFICE
 - R1 SINGLE FAMILY RESIDENTIAL
 - R1A SINGLE FAMILY ATTACHED RESIDENTIAL
 - R2 TWO TO FOUR FAMILY RESIDENTIAL
 - R3 MEDIUM DENSITY RESIDENTIAL
 - SPA SPRINGWOOD AVENUE REDEVELOPMENT AREA
 - STAR STARS REDEVELOPMENT AREA
 - WARA WASHINGTON AVENUE REDEVELOPMENT AREA
 - WBA WATERFRONT BOARDWALK AREA
 - WPRA WATERFRONT PRIME RENEWAL AREA



OCEAN GROVE

Prepared by the City of Asbury Park
Department of Planning and Redevelopment
March 2020

NEPTUNE TOWNSHIP



**Asbury Park, New Jersey
ORDINANCE NO. 2020-XX**

**AN ORDINANCE OF THE CITY OF ASBURY PARK RE-ZONING CERTAIN
PROPERTIES AND ADOPTING AN UPDATED ZONING MAP.**

WHEREAS, the City of Asbury Park (the “City”) has previously adopted an official Zoning Map which identifies the location and boundaries of all real properties and all zoning districts that are located within the City, pursuant to Section 30-66.2 of the “Code of the City of Asbury Park, New Jersey”; and

WHEREAS, the Asbury Park Planning Board (the “Planning Board”) adopted a Master Plan and Master Plan Reexamination Report in December of 2017 which includes zoning objectives and recommendations; and

WHEREAS, the Master Plan and Master Plan Reexamination Report recommended comprehensive zoning amendments which included changes to the zoning map including zone and boundary changes; and

WHEREAS, in furtherance of the above, the Mayor and Council wish to re-zone certain properties; and

WHEREAS, the City’s Department of Planning and Redevelopment has prepared an updated Zoning Map relating to the Zoning Districts which reflects and incorporates the new zoning classifications as referenced above; and

WHEREAS, it is also the desire of the Mayor and Council to adopt the attached updated and amended Zoning Map so that it shall now represent the Official Zoning Map of the City pursuant to Section 30-66.2 of the Code of the City of Asbury Park and N.J.S.A. 40:55D-32.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and Council of the City of Asbury Park (the “City”), in the County of Monmouth and State of New Jersey, as follows:

Section 1. That, in accordance with N.J.S.A. 40:55D-32 and Section 30-66.2 of the Code of the City of Asbury Park, the City hereby approves and adopts the amended and updated Zoning Map which is attached hereto as Exhibit “A,” as prepared by the Department of Planning and Redevelopment and dated January 2020, to represent the Official Zoning Map of the City of Asbury Park.

Section 2. That, following the adoption of this Ordinance, a copy of this Ordinance and the attached updated Zoning Map shall be filed with the Monmouth County Planning Board and the Monmouth County Clerk’s office in accordance with N.J.S.A. 40:55D-16.

Section 3. That this Ordinance shall become effective upon final passage and publication in accordance with the law, but not until a copy of this Ordinance and the attached updated Zoning Map have been filed with the Monmouth County Planning Board and the Monmouth County Clerk's office, pursuant to N.J.S.A. 40:55D-16.

I, MELODY HARTSGROVE, Deputy City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of ORDINANCE NO. 2020-_____, which was finally adopted by the City Council at a meeting held on the _____ day of _____, 2020.

CERTIFIED BY ME THIS _____ DAY OF _____, 2020.

MELODY HARTSGROVE
DEPUTY CITY CLERK

✓ Vote Record – Ordinance 2020-____						
			Yes/Aye	No/Nay	Abstain	Absent
☐ Adopted	Eileen Chapman		☐	☐	☐	☐
☐ Adopted as Amended	Yvonne Clayton		☐	☐	☐	☐
☐ Defeated	Jesse Kendle		☐	☐	☐	☐
☐ Tabled	Amy Quinn		☐	☐	☐	☐
☐ Withdrawn	John Moor		☐	☐	☐	☐



RESOLUTION NO. 2020-239

**City of Asbury Park
County of Monmouth
State of New Jersey**

A RESOLUTION REFERRING TO THE PLANNING BOARD CERTAIN PROPOSED AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF ASBURY PARK (CHAPTER XXX OF THE CITY CODE) TO AMEND SECTIONS 30-15 (“DEFINITIONS”); 30-66 (“ZONE DISTRICTS”); 30-67 (“SCHEDULE OF ZONE DISTRICT AREA, YARD AND BUILDING REQUIREMENTS”); 30-68 (“SUPPLEMENTARY ZONE DISTRICT REGULATIONS”); 30-71 (“USE REGULATIONS-NONRESIDENTIAL DISTRICTS”) 30-73 (“SUPPLEMENTAL USE REGULATIONS”); 30-75 (“ACCESSORY USES AND STRUCTURES”); AND 30-76 (“REGULATIONS GOVERNING CONDITIONAL USE”);

WHEREAS, the Asbury Park Planning Board (the “Planning Board”) adopted a Master Plan and Master Plan Reexamination Report in December of 2017 which includes zoning objectives and recommendations; and

WHEREAS, the Master Plan and Master Plan Reexamination Report recommended comprehensive revisions to the Zoning Ordinance (Chapter 30) for Zone Districts; and

WHEREAS, the City of Asbury Park (the “City”) retained the Planning firm of Clark Caton Hintz to work on the recommended amendments with the Master Plan and Zoning subcommittee comprised of members of the Planning Board, the Zoning Board of Adjustment, the Governing Body and staff of the Department of Planning and Redevelopment; and

WHEREAS, the Mayor and Council wish to proceed with the adoption of Ordinance(s) to amend the City’s existing Land Development Regulations, in order to effectuate the recommendations made by the Planning Board and the Master Plan and Zoning subcommittee; and

WHEREAS, an Ordinance has been prepared entitled “An Ordinance Amending The Land Development Regulations of The City Of Asbury Park (Chapter XXX of the City Code) to amend Sections 30-15 (“Definitions”); 30-66 (“Zone Districts”); 30-67 (“Schedule of Zone District Area, Yard and Building Requirements”); 30-68 (“Supplementary Zone District Regulations”); 30-71 (“Use Regulations-Nonresidential Districts”) 30-73 (“Supplemental Use Regulations”); 30-75 (“Accessory Uses and Structures”); and 30-76 (“Regulations Governing Conditional Use”); and

WHEREAS, a copy of the Ordinance is attached hereto and made a part hereof; and

WHEREAS, the New Jersey Municipal Land Use Law, specifically at N.J.S.A. 40:55D-26 and -62, requires referral to the Planning Board of any development regulation or amendment thereto, so that the Planning Board may review the proposed legislation and determine whether it is consistent with the Master Plan and/or to make any other recommendations that it deems appropriate to the Governing Body; and

WHEREAS, in accordance with the above referenced statutes, the Mayor and Council of the City of Asbury Park now wish to refer the attached Ordinance, to the Planning Board for its review and recommendations; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park, in the County of Monmouth, State of New Jersey, as follows:

1. That the attached Ordinance is hereby referred to the Planning Board, so that the Planning Board may review the same and determine whether it is consistent with the Master Plan and/or to make any other recommendations that the Planning Board deems appropriate to the Governing Body, in accordance with the N.J. Municipal Land Use Law.
2. That, pursuant to N.J.S.A. 40:55D-26, the Planning Board's review of the proposed revisions to the City's existing Land Development Regulations shall be completed within a period of thirty five (35) days after referral, or else the Mayor and Council shall be relieved of the referral requirement.
3. That a certified copy of this Resolution, along with copies all of the attachments, shall be provided to each of the following:
 - a. Asbury Park Planning Board;
 - b. Donna Vieiro, Acting City Manager;
 - c. Michele Alonso, Director of Planning & Redevelopment; and
 - d. Frederick C. Raffetto, Esq., Municipal Attorney.

I, MELODY HARTSGROVE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2020-239 which was finally adopted by the City Council at a meeting held on the 12th day of August, 2020

CERTIFIED BY ME THIS DAY OF , .

MELODY HARTSGROVE
CITY CLERK



**Asbury Park, New Jersey
ORDINANCE NO. 2020-XX**

An Ordinance Amending The Land Development Regulations of The City Of Asbury Park (Chapter XXX of the City Code) To Amend Sections 30-15 ("Definitions"); 30-66 ("Zone Districts"); 30-67 ("Schedule of Zone District Area, Yard and Building Requirements"); 30-68 ("Supplementary Zone District Regulations"); 30-71 ("Use Regulations-Nonresidential Districts") 30-73 ("Supplemental Use Regulations"); 30-75 ("Accessory Uses and Structures"); and 30-76 ("Regulations Governing Conditional Use")

WHEREAS, the Asbury Park Planning Board (the "Planning Board") adopted a Master Plan & Master Plan Reexamination Report in December 2017 that includes Land Use and Housing Objectives and recommendations; and

WHEREAS, the Master Plan & Master Plan Reexamination Report recommended certain revisions to the Sections 30-15 ("Definitions"); 30-66 ("Zone Districts"); 30-67 ("Schedule of Zone District Area, Yard and Building Requirements"); 30-68 ("Supplementary Zone District Regulations"); 30-71 ("Use Regulations-Nonresidential Districts") 30-73 ("Supplemental Use Regulations"); 30-75 ("Accessory Uses and Structures"); and 30-76 ("Regulations Governing Conditional Use")

WHEREAS, the City of Asbury Park (the "City") retained the Planning firm of Clark Caton Hintz to work on the recommended amendments with the Master Plan and Zoning subcommittee (the "Committee") comprised of members of the Planning Board, the Zoning Board of Adjustment, the Governing Body and staff of the Department of Planning and Redevelopment; and

WHEREAS, the Committee and the Planning Board have recommended the adoption of certain amendments to the City's existing Land Development Regulations, as contained in Chapter XXX of the Code of the City of Asbury Park (the "City Code"), as set forth in the attached Exhibits.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Asbury Park, Monmouth County, State of New Jersey, that the Land Development Regulations are hereby amended as follows set forth in Exhibit A:

SECTION 1. *Amend Sections 30-15 ("Definitions"), with additions shown as thus; and deletions shown as ~~thus~~.*

SECTION 2. *Amend Sections 30-15 30-66 ("Zone Districts") with additions shown as thus; and deletions shown as ~~thus~~.*

SECTION 3. *Amend Section 30-56 of the City Code 30-67 ("Schedule of Zone District Area, Yard and Building Requirements"), with additions shown as thus; and deletions shown as ~~thus~~.*

SECTION 4. Amend Section 30-68 ("Supplementary Zone District Regulations") with additions shown as thus; and deletions shown as ~~thus~~.

SECTION 5. Amend Section 30-71 ("Use Regulations-Nonresidential Districts") with additions shown as thus; and deletions shown as ~~thus~~.

SECTION 7. Amend Section 30-73 ("Supplemental Use Regulations") with additions shown as thus; and deletions shown as ~~thus~~.

SECTION 8. Amend Section 30-75 ("Accessory Uses and Structures") with additions shown as thus; and deletions shown as ~~thus~~.

SECTION 9 Amend Section 30-76 ("Regulations Governing Conditional Use") with additions shown as thus; and deletions shown as ~~thus~~.

SECTION 10. Severability.

If any chapter, section, paragraph, subsection, clause or provision of this ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the chapter, section, paragraph, subsection, clause or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

SECTION 11. Effective Date.

This ordinance shall take effect immediately upon its passage and publication in accordance with law, following the required twenty (20) day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

SECTION 12. Repealer.

All ordinances or parts thereof that are inconsistent with this ordinance shall hereby be deemed repealed to the extent of such inconsistency.

I, MELODY HARTSGROVE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of ORDINANCE NO. 2020-_____, which was finally adopted by the City Council at a meeting held on the _____ day of August, 2020.

CERTIFIED BY ME THIS _____ DAY OF AUGUST, 2020.

MELODY HARTSGROVE
CITY CLERK

✓ Vote Record – Ordinance 2020-____						
			Yes/Aye	No/Nay	Abstain	Absent
☐ Adopted	Eileen Chapman		☐	☐	☐	☐
☐ Adopted as Amended	Yvonne Clayton		☐	☐	☐	☐
☐ Defeated	Jesse Kendle		☐	☐	☐	☐
☐ Tabled	Amy Quinn		☐	☐	☐	☐
☐ Withdrawn	John Moor		☐	☐	☐	☐

Exhibit A

ARTICLE VI Zoning

30-65 PURPOSE AND INTENT.

a. The purpose of this article is to provide precise and detailed standards by which to guide the type and intensity of development in the City. It is intended to facilitate controlled growth and redevelopment in accordance with the Master Plan; including the Waterfront Redevelopment Plan and any other Master Plan amendments or revisions hereafter adopted.

b. This Zoning Article shall be termed permissive in structure. After the effective date of this article no use or structure shall be permitted in the City which is not listed as a permitted, accessory, or conditional use, or unless permitted by action of the Zoning Board of Adjustment.
(2000 Code § 30-65)

30-66 ZONE DISTRICTS.

30-66.1 Designation of Zoning Districts.

For the purpose of this chapter, the City is hereby divided into districts or zones, to be designated as follows:

R1 Single Family Residential

~~R1A Single Family Attached Residential~~

R2 ~~One and Two to Four~~ Family Residential

R3 ~~Medium Density~~ Multifamily Residential

~~B1 Downtown Retail District~~

B2 ~~Business~~ Main Street Retail Sales and Service

~~NC Neighborhood Commercial~~

L-I Light Industrial

~~PO Professional Office~~

P1 Parks

P2 ~~Schools~~ Municipal Property

~~P4 Schools~~

Deal Lake Drive Inclusionary Housing District

WRA Waterfront Redevelopment Area

MSRA Main Street Redevelopment Area

CBD Central Business District Redevelopment Area

STAR S.T.A.R.S. Redevelopment Area

SAR Springwood Avenue Redevelopment Area

WARA Washington Avenue Redevelopment Area

Scattered Site Redevelopment Program Phase 1A

1001 First Avenue Redevelopment Area

(2000 Code § 30-66.1)

30-66.2 Zoning Map.

The location and boundaries of the above districts are hereby established on the Zoning Map of the City, which is adopted by and made a part of this Chapter. The map or maps and all notations, references and designations shown thereon shall be a part of this Chapter as if the same were all fully described and set forth herein. The map shall also be the Official Map of the City pursuant to N.J.S.A. 40:55D-32. (The Zoning Map can be found in the City offices.) (2000 Code § 30- 66.2)

~~30-66.2A — Zoning Map Amendments.~~

~~a. — S.T.A.R.S. Redevelopment Zone and Waterfront Redevelopment Zone.~~

~~1. — The City Engineers, T&M Associates, have updated the City Zoning Map to add the S.T.A.R.S. Redevelopment Zone and the Waterfront Redevelopment Area boundaries.~~

~~2. — The areas that were added were based upon the S.T.A.R.S. Redevelopment Area Ordinance 2548, which was certified on July 6, 2000, and the Waterfront Redevelopment Area Ordinance No. 2607, certified June 6, 2002.~~

~~3. — The specific changes to the Zoning Map are as follows:~~

~~(a) The S.T.A.R.S. Area boundary has been added and the new Neighborhood Commercial (NC) S.T.A.R.S. District along with the Residential Redevelopment (RR) District have been shown. No separate designation has been provided for the S.T.A.R.S. Neighborhood Commercial Area (NC) Zone, other than a distinct color differentiation from the existing NC Zone, which exists throughout the City.~~

~~(b) The Waterfront Redevelopment Area boundary has been added and there has been a differentiation of the Renovation Infill Overlay Zone from the Prime Renewal Area. The Prime Renewal Area is shown as the "WRA" Zone and now fully encompasses the entire existing Prime Renewal Area and the P1 and P2 Properties which were previously designated on the Zoning Map in the Prime Renewal Area. The southern half of Block 141 (Lots 1 to 5), fronting on Sewall Avenue, between Grand Avenue and Heck Street, is now part of the Professional Office (R2PO) Zone.~~

The Zoning Map is added, as amended above and annexed hereto and made a part hereof, to subsection 30-66.2 and shall replace the prior Zoning Map in said subsection. (The Zoning Map can be found in the City offices.) (Ord. No. 2638)

30-66.3 Designation of District Boundaries.

a. Unless otherwise noted, the district boundary lines are intended generally to follow the center lines of streets; the center lines of railroad rights-of-way; existing lot lines; the center lines of rivers, streams and other waterways; and Municipal boundary lines. However, where a district boundary line does not follow such a line, its position shall be shown on the Zoning Map by a specific dimension expressing its distance in feet from a street line or other boundary line as indicated.

b. In the event a district boundary line divides one (1) or more lots, the zoning regulations of the zoning district which has the larger portion of the lot area shall apply. If the portions of the lot in each zoning district are equal, the zoning regulations of the least intense permitted uses shall apply. ~~then the zone boundary line shall be considered the lot limit for computing all area, bulk, yard, buffer and any other dimension requirements specified in this article, unless a zone district boundary line falls within twenty (20) feet of a lot line existing at the time of passage of this chapter, then the lot line shall be considered the zone boundary line.~~

c. In cases of uncertainty or disagreement as to the true location of any district boundary line, the determination shall be made by the Board of Adjustment.
(2000 Code § 30-66.3)

30-67 SCHEDULE OF ZONE DISTRICT AREA, YARD AND BUILDING REQUIREMENTS.

The Schedule of Area, Yard and Building Requirements is contained in Schedule 1. (2000 Code § 30-67)

SCHEDULE 1: SCHEDULE OF HEIGHT, YARD AND BULK REQUIREMENTS—COMMERCIAL
City of Asbury Park (Section 30-67)

Zone	Lot Size	Lot Width	Front Yard	Side Yard	Agg. Side	Rear Yard	Height	Bldg. Cov.	Imp. Cov.	Density	FAR
R1	5,000 sq. ft.	50 ft.	25 ft. ¹	6 ft.	14 ft.	25 ft.	2.5 st. 30 ft.	30%	65%	N/A	N/A
R2	2,500 s.f./unit	50 ft.	25 ft. ¹	6 ft.	14 ft.	25 ft.	2.5 st. 30 ft.	30%	65 %	$\frac{17}{D.U./Ac.}$	N/A
R3 1-2 Fam Multi	Same as R1 10,000 s.f.	Same as R1 100 ft.	30 ft. ¹	Same as R1 20% of Lot Width	Same as R1 40% Lot Width	30 ft.	Same as R1 5 st. 60 ft.	30%	65% 65%	N/A $\frac{50}{D.U./Ac.}$	N/A 1.5
B	Vacant parcels: 5,000 sf All others: existing lot area	Vacant parcels: 5,000 sf All others: existing lot width	Memorial Dr.: Min 10 ft; Max 25 ft All other streets: Min. 0 ft; Max. 10 ft	Adjacent to nonresidential district or use: none Adjacent to residential district or use: 5 ft	N/A	10 ft	4 stories. 50 ft	80%	80%	40 du/ac	2.5
LI	10,000 s.f.	75 ft.	10 ft.max.	5 ft.	10 ft.	20 ft.	3 st. 40 ft.	80%	90%	N/A	1

Commercial Uses Part1

ZONE	Min. Lot Size	Min. Lot Width	Min. Side Yd.	Min. Agg. Side	Min. Front Yd.
B1	None	None	None or 5' to abutting bldg.	—	None
B2	None	None	Same as B1	—	10 ft.
NC	5,000 s.f.	50 ft.	Same as B1	—	10 ft. min.
PO	5,000 s.f.	50 ft.	Same as R1	Same as R1	Same as R1
LI	None	None	Same as B1	—	10 ft.
WRA	PURSUANT TO WATERFRONT REDEVELOPMENT PLAN				

Commercial Uses Part2

ZONE	Min. Rear Yd.	Max. Density	Max. FAR	Min. OSR	Max. Bldg. Cov.	Max. Height	Height/Acc. Bldg.
B1	10% Lot Depth: 1	—	2.5	—	90% above 1st. St.	6 st. 75 ft.	Same as Princ. Struc.
B2	Same as B1	—	1	—	Same as B1	3 st. 40 ft.	Same as Princ. Struc.
NC	30 ft.	—	0.75	—	50%/80% w. Parking	3 st. 30 ft.	Same as Princ. Struc.
PO	Same as R1	—	0.75	—	35%/50% w. Parking	3 st. 30 ft.	Same as Princ. Struc.
LI	Same as B1	—	2.5	—	Same as B1	3 st. 40 ft.	Same as Princ. Struc.
WRA	PURSUANT TO WATERFRONT REDEVELOPMENT PLAN						

*Notes can be found at the end of the Schedule.

SCHEDULE 1: SCHEDULE OF HEIGHT, YARD AND BULK REQUIREMENTS—RESIDENTIAL
City of Asbury Park (Section 30-67)

Residential Uses Part 1

ZONE	Min. Lot Size	Min. Lot Width	Min. Side Yd.	Min. Agg. Side	Min. Front Yd.
R1	5000 sq. ft.	50 ft.	6 ft.	14 ft.	25 ft.
R1A	5000:22000 T.H.	50:20 T.H.(a)	6:0-10 T.H.	14:0-10 T.H.	25 ft.
R2	2500 s.f./unit	50 ft.	6	14	25 ft.
R3	10000 s.f.	50:100 Multi.	6:Multi. 20% Lot Width	14:Multi. 40% Lot Width	30 ft.
PO	2500 s.f./unit	50 ft.	Same as R2	Same as R2	Same as R2
NC	Same as R2	Same as R2	Same as R2	Same as R2	Same as R2
WRA	PURSUANT TO WATERFRONT REDEVELOPMENT PLAN				

Residential Uses Part 2

ZONE	Min. Rear Yd.	Max. Density	Max. FAR	Min. OSR	Max. Bldg. Cov.	Max. Height	Height/Acc. Bldg.
R1	25 ft.	8 D.U./Ac.	0.5	—	25%	2.5 st. 30 ft.	15 ft.
R1A	25 ft.	10 D.U./Ac.	0.5	0.35 T.H.	25%:n.a.T.H.	3 st. 30 ft.	15 ft.
R2	25 ft.	17 D.U./Ac.	0.5	—	25%	2.5 st. 30 ft.	15 ft.
R3	30 ft.	50 D.U./Ac.	0.5	0.3	25%/35% Multi.	5 st. 60 ft.	15 ft.
PO	Same as R2	Same as R2	Same as R2	—	35%	3 st. 30 ft.	15 ft.
NC	Same as R2	17 D.U./Ac.	0.75	0	35%	3 st. 40 ft.	Same as Princ. Struc.
WRA	PURSUANT TO WATERFRONT REDEVELOPMENT PLAN						

*Notes can be found at the end of the Schedule.

NOTES: SCHEDULE 1—Height, Yard and Bulk Requirements.

- (a) Minimum tract area for townhouse developments is twenty thousand (20,000) square feet and minimum tract frontage is one hundred (100) feet (See subsection 30-73.5, "Townhouse Developments"). Developments using three (3) or more attached "townhouse" style dwelling units and where the entire development is in a condominium form of ownership shall be considered multi-family residential uses and shall conform to the requirements of the zones in which they are located.
- (b) All residential dwelling units in a Commercial Zone shall be located on the second floor or above. Setback pertains to the portion of the building used for residential purposes in whole or in part.
- (c) The open space requirement in the Residential and B1 Zones may be met through provision of interior recreation areas, balconies and roof terraces.
- (d) Minimum lot sizes, lot widths and yard requirements apply to multi-family residential developments with densities equal to or less than the maximum permitted in the zone. A lot that has lot area or lot width less than the minimum permitted in the zone shall be developed in accordance with all requirements of a less dense residential zone containing minimum lot size and width requirements to which it conforms. One-family dwellings are permitted according to the requirements of the R1 Zoning districts and two-family uses may be developed according to R2 Zone requirements.
- (e) Front yards shall be appropriately landscaped with trees and shrubs. Landscape treatment subject to the approval of the Planning Board.

(Ord. No. 2211, Schedule 1; Ord. No. 2301 § 1; Ord. No. 2409)

30-68 SUPPLEMENTARY ZONE DISTRICT REGULATIONS.**30-68.1 General.**

a. No building or structure shall be erected and no existing building or structure shall be moved, altered, added to or enlarged, nor shall any land or building be designed, used, or intended to be used for any purpose or in any manner other than as specified among the uses listed as permitted, accessory or conditional in the district in which such building or land is located.

b. No building or structure shall be erected, reconstructed or structurally altered to exceed in height the limit designated for the district in which such building or structure is located.

c. No building or structure shall be erected, no existing buildings or structures shall be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity to the yard, lot area and building location regulations hereinafter designated for the district in which such building or open space is located. No yard or other open space provided for any building for the purpose of complying with the provisions of this article shall be considered as providing a yard or other open space for any other building on any other lot.

d. No land in a residential zone shall be used to fulfill open space, minimum area, minimum yard and setback requirements, parking or other similar requirements for uses in nonresidential zones.

e. The area or dimension of any lot, yard, parking area or other space shall not be reduced to less than the minimum required by this article; and if already less than the minimum required by this chapter, the area or dimension shall not be further reduced.

f. The maximum floor area ratio specified in this article shall not be exceeded, or, if already more than the maximum, shall not be further increased. The minimum open space ratio specified in this article shall be maintained, or, if already less than the minimum, shall not be further reduced.

g. Sexually oriented businesses are prohibited within all zoning districts.

(2000 Code § 30-68.1)

30-68.2 Lot Regulations.

a. *Nonconforming Lot.* Notwithstanding any other provisions of this Article, any existing nonconforming lot in the R1, ~~R1A~~, R2 and R3 Zones which is not adjacent to any other lot under the same ownership and which is nonconforming due to width or area may be improved with a new building or structure in accordance with the requirements of this article, provided that:

1. The minimum setbacks and other requirements shall be as specified in Schedule 1 except as noted below.
2. Required side street setbacks on corner lots may be reduced one (1) foot for each three (3) feet the lot is under the minimum width required in the zone district but shall not be reduced below one-half (1/2) the minimum required setback.
3. In no case shall a detached residential structure be less than twenty (20) feet in length or width.

b. *Lot Width.* On regularly shaped lots, the minimum lot width of any lot shall be measured at the front property line and required front yard setback line as required for the zone in which it is located and shall be maintained for a distance of not less than forty (40) feet to the rear of the required front yard setback line. Where lots front on cul-de-sacs or curved streets, the minimum lot width may be sixty-five (65%) percent of the required minimum or fifty (50) feet, whichever is greater, measured on the arc of the right-of-way line.

c. *Corner Lots.* Corner lots shall have two front yards, one rear yard and one side yard. The required front yard shall be maintained on both streets except as otherwise permitted in this article.

d. *Through Lots.* A through lot in a residence zone shall be considered as having two (2) street frontages, both of which shall be subject to the front yard requirements of this article. Where a lot is bounded on three (3) or more sides by roads, the side opposite the front yard shall be considered the rear yard and the minimum rear yard setback shall be maintained. The remaining frontage shall be considered side yard but the front yard setback shall be maintained for the side street.

e. *Frontage Upon a Street.* Every principal building shall be built upon a lot with the minimum required frontage upon an approved street which shall be improved in accordance with the street standards established by the City.

f. *Number of Buildings Restricted.* There shall not be more than one (1) principal structure on each lot in

the R1 through R3 districts.

g. For the purposes of this section, the "front yard" or "front yard setback" shall mean the "minimum front yard" specified in Section 30-67. When the prevailing setback of existing buildings along a block front is less than the setback required in Section 30-67, the prevailing setback may be applied as the "front yard setback" for a new building along the same block front, provided that such setback shall not be less than ten (10) feet. (2000 Code § 30-68.2)

30-68.3 Height Regulations.

a. *General Application.* No building or structure shall have a greater number of stories or greater height than permitted in the zone where such building or structure is located.

b. *Permitted Exceptions:*

1. Height limitations stipulated elsewhere in this chapter shall not apply to the following when attached to a principal structure: spires; belfries; cupolas and domes; monuments; chimneys; flagpoles; fire towers; tanks; water towers and standpipes; radio and satellite dish antennas when attached to nonresidential principal buildings. Freestanding structures that are not principal buildings shall be considered accessory structures and shall meet the height requirements set forth in Schedule 1 except as otherwise specified in the Land Development Regulations.

2. Mechanical appurtenances such as condensers, elevator penthouses, exhaust fans, air-conditioning equipment and other similar equipment are exempt from height restrictions, provided they do not extend more than twelve (12) feet above the maximum height limitations, cover no more than twenty (20%) percent of the roof area, and are properly shielded by a parapet wall.

3. In the B1, B2 and LI Zone Districts, penthouses are exempt from height restrictions provided they cover not more than twenty (20%) percent of the main roof area, are not more than twelve (12) feet, and further provided that all building service equipment and appurtenances are enclosed in the penthouse in addition to any use permitted in the zone where located. (2000 Code § 30-68.3)

c. *Accessory Structures:*

1. In all commercial and industrial districts, the height of accessory structures shall be limited to the height of the principal structure.

2. In all residential districts, the height of accessory structures shall not exceed 15 feet.

30-68.4 Yard Regulations.

a. Required yards shall be open to the sky and unobstructed, except that parapets, windowsills, door posts, rainwater leaders and similar ornamental or structural fixtures may project up to one (1) foot into such yards.

b. Cornices, eaves, bay windows and chimneys may project up to two (2) feet into any minimum required front, side or rear yard as set forth in Schedule 1.

c. Uncovered steps only may project up to five (5) feet into a required front or rear yard unless they are a structural component of a porch as defined in Section 30-15.

d. Room air-conditioning equipment, barbecues or patios or fire escapes may be located within any side or rear yard but shall not be less than five (5) feet from any property line.

e. Where any lot abuts a street right-of-way which is proposed to be widened as indicated on the Asbury Park Master Plan or Waterfront Redevelopment Plan, or Master Plan of Monmouth County, or by the State of New Jersey, setbacks and height restriction areas shall be measured from such proposed right-of-way.

(2000 Code § 30-68.4)

30-69 Reserved. COMMUNITY DESIGN REGULATIONS

30-70 USE REGULATIONS - RESIDENTIAL DISTRICTS.

30-70.1 ~~Principal Permitted and Conditional Uses.~~

Reserved

30-70.2 ~~Accessory Uses.~~

Reserved

30-70.3 (R1) - Single Family Residential Zone.*a. Permitted Principal Uses.*

1. Detached single family ~~homes on individual lots of at least fifty (50) feet in width and five thousand (5,000) square feet.~~
2. Essential municipal services facilities.

b. Permitted Accessory Uses.

1. Garages ~~for the storage of motor vehicles or noncommercial property.~~
2. Personal recreational facilities such as swimming pools, basketball hoops, etc., subject to the requirements of this chapter.
3. Driveways for the parking of personal vehicles, subject to the provisions of this chapter.
4. Any other structure which is clearly incidental to the principal residential use of the premises.
5. Minor home occupations.

c. Permitted Conditional Uses. Pursuant to subsection 30-76.3 of this chapter:

1. Major home occupations.
2. Houses of worship.

—d. Off-Street Parking Requirements.

3. Two (2) parking spaces shall be provided for any newly constructed or converted single family dwelling.

Requirement may be met through provision of an enclosed garage and driveway of at least twenty (20) feet in length between the property line and garage.
(2000 Code § 30-70.3)

30-70.4 Reserved ~~(R1A) Attached Single Family Residential Zone.~~*a. ~~Permitted Principal Uses.~~*

1. ~~Detached single family homes on individual lots of at least fifty (50) feet in width and five thousand (5,000) square feet.~~
2. ~~Essential municipal services/facilities.~~

b. ~~Permitted Accessory Uses.~~

1. ~~Garages for the storage of motor vehicles or noncommercial property.~~
2. ~~Personal recreational facilities such as swimming pools, basketball hoops, etc., subject to the requirements of this chapter.~~
3. ~~Driveways for the parking of personal vehicles, subject to the provisions of this chapter.~~
4. ~~Any other structure which is clearly incidental to the principal residential use of the premises.~~
5. ~~Minor home occupations.~~

c. ~~Permitted Conditional Uses.~~ Pursuant to subsection 30-76.3 of this chapter:

1. ~~Major home occupations.~~
2. ~~Funeral homes and houses of worship.~~
3. ~~Attached single family residential developments of tracts of at least twenty two thousand (22,000) square feet and a maximum residential density of ten (10) dwelling units per acre.~~

(2000 Code § 30-70.4)

30-70.5 (R2) – One and Two ~~to Four~~ Family Residential Zone.*a. Permitted Principal Uses.*

1. Detached single family dwellings ~~homes on individual lots of at least fifty (50) feet in width and five thousand (5,000) square feet.~~
2. Two-family, ~~three family, or four family dwellings within one (1) principal structure on a lot of not less than two thousand five hundred (2,500) square feet per dwelling unit.~~

3. Essential municipal services facilities.
 - b. *Permitted Accessory Uses.*
 1. Garages ~~for the storage of motor vehicles or noncommercial property.~~
 2. Personal recreational facilities such as swimming pools, basketball hoops, etc., subject to the requirements of this chapter.
 3. Driveways for the parking of personal vehicles, subject to the provisions of this chapter.
 4. Any other structure which is clearly incidental to the principal residential use of the premises.
 5. Off-street parking facilities as required by this chapter and used exclusively by the occupants of a permitted residential use.
 6. Minor home occupations.
 - c. *Permitted Conditional Uses.* Pursuant to subsection 30-76.3 of this chapter:
 1. Major home occupations.
 2. Funeral homes and houses of worship.
 - ~~3. Rooming and boarding houses.~~
 - d. *Off-Street Parking Requirements.*
 1. Single family dwellings: Pursuant to subsection 30-70.3 of this chapter.
 2. Two-family dwellings: Three (3) off-street parking spaces. Parking spaces within enclosed garages may be counted towards the parking requirement provided that not more than one (1) driveway parking space is located behind any one (1) garage space.
 3. Three- to four-family dwellings: One and one-half (1 1/2) parking spaces per dwelling unit.
- (2000 Code § 30-70.5)

30-70.6 (R3) - ~~Medium Density~~ Multifamily Residential Zone.

- a. *Permitted Principal Uses.*
 1. Detached single family ~~dwellings~~ homes on individual lots of at least fifty (50) feet in width and five thousand (5,000) square feet.
 2. Two-family, ~~three family, or four family dwellings within one (1) principal structure on a lot of not less than two thousand five hundred (2,500) square feet per dwelling unit.~~
 3. ~~Low rise~~ Multifamily residential dwellings on a tract of at least ten thousand (10,000) square feet at a maximum residential density of fifty (50) dwelling units per acre and a flood area ratio of 2.0. For the purposes of this chapter, low rise shall mean three (3) or more units arranged to provide individual access from ground level and no hallways common to more than two (2) units. Such arrangements may include townhouse style units in clusters of not more than four (4) units per building and may include condominium or cooperative forms of ownership.
 4. Essential municipal services/facilities.
- b. *Permitted Accessory Uses.*
 1. Garages ~~for the storage of motor vehicles or noncommercial property.~~
 2. Personal recreational facilities such as swimming pools, basketball hoops, etc., subject to the requirements of this chapter.
 3. Driveways for the parking of personal vehicles, subject to the provisions of this chapter.
 4. Any other structure which is clearly incidental to the principal residential use of the premises.
 - ~~5. Off-street parking facilities as required by this chapter and used exclusively by the occupants of a permitted residential use.~~
 6. Minor home occupations.
- c. *Permitted Conditional Uses.* Pursuant to subsection 30-76.3 of this chapter:

1. Major home occupations.
2. Funeral homes and houses of worship.
3. ~~Attached single-family residential Townhouse developments of tracts of at least twenty-two thousand (22,000) square feet and a maximum residential density of ten (10) dwelling units per acre.~~
4. ~~Child care centers~~ ~~Mid-rise multifamily residential buildings on tracts of twenty thousand (20,000) square feet or greater and a maximum height of five (5) stories and sixty (60) feet with common hallways accessible to not more than five (5) dwelling units per hallway and a maximum residential density of fifty (50) dwelling units per acre at a floor area ratio of 2.0.~~

5. Residential Health Care Facility

d. *Off-Street Parking Requirements.*

1. Single-family dwellings: Pursuant to subsection 30-70.3 of this chapter.
2. Two-family dwellings: Three (3) off-street parking spaces. Parking spaces within enclosed garages may be counted towards the parking requirement provided that not more than one (1) driveway parking space is located behind any one (1) garage space.

3. Three- to four-family dwellings: One and one-half (1 1/2) parking spaces per dwelling unit.

4. Multi-family dwellings:

Zero to one bedroom apartment One (1) parking space

Two or more bedroom apartment Two (2) parking spaces

(2000 Code § 30-70.6)

30-70.7 Deal Lake Drive Inclusionary Housing Overlay District

- a) Purpose: The following provides for alternative zoning via overlay zoning that is applicable when five or more new units are created.
- b) Permitted Principal Uses
 1. Multi-family dwellings with a 20% set-aside of low and moderate income housing
- c) Permitted Accessory Uses
 1. Accessory buildings
 2. Private recreational facilities and common open space
 3. Off-street parking facilities, including garages and/or structured parking
 4. Minor home occupations
 5. Uses which are customary and incidental to the principal use
- d) Permitted Conditional Use.
 1. None
- e) Off-Street Parking Requirements
 1. Parking shall be provided pursuant to Section 30-59.5 with the exception that parking shall not be required for low, moderate and middle income units.
- f) Affordable Housing Requirement
 1. Additional density of five (5) units per acre shall be provided where 8% or more new residential units are reserved for middle income housing and where 20% or more of new residential units are reserved for low- and moderate-income housing. The set aside requirement for low- and moderate-income housing units shall be required whenever five (5) or more new residential units are created, even if middle income units are provided.
 2. Affordable housing units shall comply with the City's affordable housing regulations and the Uniform Housing Affordability Control Rules (N.J.A.C. 5:80-26.1), which shall control in the case of any conflicts with this ordinance, provided that a minimum of 13 percent of the total low and moderate-income units shall be affordable to very low income households (i.e. 30% or less of median income).

g) Bulk Standards and Site Design

1. Minimum Lot Size: Lot size existing as of the effective date of this Ordinance
2. Minimum Lot Width: 20 feet
3. Minimum Front Yard: 30 feet
4. Maximum Front Yard 50 feet
5. Minimum Side Yard: 10 feet
6. Minimum Rear Yard: 30 feet
7. Maximum Density: 30 du/ac
8. Maximum Density: 60 du/ac
9. Maximum FAR: 1.7
10. Maximum Building Coverage: 50%
11. Maximum Lot Coverage: 80%
12. Maximum Principal Building Height: 8 st. 90 ft.
13. Maximum Accessory Building Height: 15 feet
14. Parking Shall not be located between a building and a public street.
15. A planted buffer strip of not less than 5 feet in width or a solid fence shall be provided along each side or rear property line that abuts a one (1) or two (2) family residence.

h) Building Design

1. Structured parking that is visible to a public street shall not exceed one story (parking level). Structured parking shall be screened by structural elements that are compatible with the materials and design of the front and side building facades.
2. Building materials and architectural details shall be consistent on all sides of each building
3. Multiple principal buildings shall be permitted on a lot.
4. Maximum building length: 200 feet
5. Any façade of a residential building shall not continue on the same plan for a linear distance of more than 75 feet. Minimum two-foot offsets shall be required at breaks in the façade plane.
6. Building facades shall be finished in stone veneer, stucco, brick, fiber cement panel and/or cast stone. Metal shall be used only for minor accentuation of other elements of the façade.
7. Building entrances shall be articulated to make it easily identifiable by visitors and to provide architectural interest. Examples of special features of entrances include, but are not limited to, awnings and architectural treatments.
8. Pedestrian friendly building design and on-site furnishings (outdoor tables, benches, bicycle racks, etc.) are required along Deal Lake Drive.
9. Roof Design
 - a) Roof shape, color, and texture shall be coordinated with the exterior materials of the building's façade
 - b) Roof design shall minimize the negative impact of roof protrusions by grouping plumbing vents, ducts, and other utility structures together
 - c) Rooftop equipment such as mechanical units, vents, and flues shall be located centrally on the building roof, to the extent practicable. Any equipment visible from a publicly accessible area, adjacent lots, and pedestrian corridors shall be screened with solid materials using parapets, pitches roof forms, or penthouses. Screening shall be constructed of the same or complementary material as the building.

30-71 USE REGULATIONS - NONRESIDENTIAL DISTRICTS.**30-71.1 Reserved.****30-71.2 Accessory Uses.**

Customary accessory uses such as signs (subject to Section 30-61) and parking facilities (subject to Section 30-59) are permitted in the B~~1~~, B~~2~~ and LI Zones. Storage trailers are specifically prohibited as accessory uses. (2000 Code § 30-71.2)

30-71.3 Reserved (B1) ~~Business Downtown Retail District.~~

a. ~~Permitted Uses:~~

1. ~~Stores and shops for the conduct of any retail sales or services not specifically prohibited.~~
 2. ~~Business and professional offices, banks and fiduciary institutions.~~
 3. ~~Restaurants, coffee shops, cafeterias, delicatessens, and ice cream parlors.~~
 4. ~~Art galleries, museums, and theaters.~~
 5. ~~Bakeries.~~
 6. ~~Business, secretarial, and trade schools.~~
 7. ~~Gymnasiums, and health and fitness clubs.~~
 8. ~~Artist studios.~~
 9. ~~Dance studios, martial arts schools, and similar instructional schools.~~
 10. ~~Sound recording and rehearsal studios above the first floor of a building.~~
 11. ~~Upper story residences, subject to subsection 30-73.11.~~
 12. ~~Automobile rental establishments, excluding properties with frontage on Main Street.~~
 13. ~~Brewpub~~
 14. ~~Personal Service uses~~
 15. ~~Beauty salon, barber shop or day spa~~
 16. ~~Laundromats and dry cleaners.~~
 17. ~~Appliance sales and rental establishments~~
 18. ~~Arcades~~
 19. ~~Urgent Care Center~~
- b. ~~Permitted Accessory Uses~~ ~~Prohibited Uses:~~
1. ~~Minor Home Occupation~~ ~~Nursing homes.~~
 2. ~~Garages for the storage of motor vehicles or noncommercial property~~ ~~Licensed health care facilities~~
 3. ~~Soup kitchens and food pantries~~
 4. ~~Houses of worship and places of assembly~~
 5. ~~Social clubs~~
 6. ~~Retail sales and service establishments providing goods and repair services for vehicles.~~
 7. ~~Bars~~
- c. ~~Conditional Uses:~~
1. ~~Microbrewery or craft distillery~~ ~~brew pub.~~
 2. ~~Wholesale establishments that provide a retail storefront.~~
 3. ~~Check cashing services, provided adequate interior space is provided for patron queuing.~~
 4. ~~Apartment in Commercial Buildings~~
- d. ~~Off Street Parking Requirements:~~
1. ~~For new development on vacant property: One (1) parking space per three hundred fifty (350) square feet of gross floor area. Parking requirement may be met through lease of Municipal parking within one thousand (1,000) feet of this site. (2000 Code § 30-71.3)~~
- 30-71.4 — Reserved (B2) — Main Street Retail Sales and Service.**
- a. ~~Permitted Uses:~~
1. ~~Retail sales and services permitted in subsection 30-71.3.~~

- ~~2. Business and professional offices, banks, and fiduciary institutions.~~
 - ~~3. Automobile rental establishments, excluding properties with frontage on Main Street.~~
 - ~~4. Appliance rental establishments.~~
 - ~~5. Laundromats.~~
 - ~~6. Restaurants.~~
 - ~~7. Take-out restaurants.~~
 - ~~8. Bars.~~
 - ~~9. Upper store residences, subject to subsection 30-73.11.~~
- ~~b. Prohibited Uses:~~
- ~~1. Nursing homes.~~
 - ~~2. Licensed health care facilities.~~
 - ~~3. Soup kitchens and food pantries.~~
 - ~~4. Houses of worship and places of assembly.~~
 - ~~5. Social clubs.~~
 - ~~6. Retail sales and service establishments providing goods and repair services for vehicles.~~
 - ~~7. Used car sales.~~
 - ~~8. Motor vehicle repair garages.~~
 - ~~9. Motor vehicle body repair garages.~~
 - ~~10. Drive thrus. (Ord. No. 2017-18 Exh. B)~~
- ~~c. Conditional Uses:~~
- ~~1. Gas stations.~~
 - ~~2. Check cashing services, providing adequate interior space is provided for patron queuing.~~
- ~~d. Off Street Parking Requirements:~~
- ~~1. For new development on vacant property: One (1) parking space per three hundred fifty (350) square feet of gross floor area. Parking requirement may be met through lease of Municipal parking within one thousand (1,000) feet of the site. (2000 Code § 30-71.4; Ord. No. 2017-18 Exh. B)~~

30-71.5 (B)- Business District

- a) *Permitted Uses:*
1. Stores and shops for the conduct of a retail trade or services not specifically prohibited.
 2. Personal services.
 3. Take-out and sit-down restaurants.
 4. Art galleries, art studios, museums, and theaters along Asbury Avenue.
 5. Artist live/work studios
 6. Convenience stores.
 7. Business, secretarial, and trade schools.
 8. Gymnasiums, and health and fitness clubs.
 9. Dance studios, martial arts schools, and similar instructional schools.
 10. Laundromats.
 11. Business and professional offices, bank, and fiduciary institutions.
 12. Medical offices
 13. Arcades.
 14. Automobile rental uses located along Memorial Drive only
 15. Upper Story residences subject to subsection f. herein and §30-73.11

16. One (1) and two (2) family residences existing as of the date of this Ordinance

b) *Prohibited Uses:*

1. Nursing homes.
2. Licensed health care facilities.
3. Soup kitchens and food pantries.
4. Houses of worship and places of assembly.
5. Social clubs.
6. Retail and used car sales.
7. Motor vehicle repair garages.
8. Motor vehicle body repair garages.
9. Nightclubs and cabarets.
10. Gas stations.
11. Drive throughs
12. Sexually oriented land uses

c) *Permitted Accessory Uses*

1. Accessory buildings
2. Private recreational facilities and common open space
3. Off-street parking facilities, including garages and/or structured parking
4. Minor home occupations

d) *Permitted Conditional Uses*

1. Urgent Care Center
2. Microbrewery or brew pub, including distilleries.
3. Sound recording and rehearsal studios above the first floor of a building.

e) *Off-Street Parking Requirements:*

1. For new development on vacant property: One (1) parking space per three hundred fifty (350) square feet of gross floor area, with the exception that floor area devoted to low, moderate- and middle-income housing units shall not require parking. Parking requirement may be met through lease of Municipal parking within one thousand (1,000) feet of the site.
(2000 Code § 3071.5)

f) *Affordable Housing Requirements*

1. The creation of five (5) or more new residential units shall require a 20% set-aside of low- and moderate-income housing units.
2. Additional density of five (5) units per acre shall be provided where 8% or more new residential units are reserved for middle income housing and where 20% or more of new residential units are reserved for low- and moderate-income housing. The set aside requirement for low- and moderate-income housing units shall be required whenever five (5) or more new residential units are created, even if middle income units are provided.
3. Affordable housing units shall comply with the City's affordable housing regulations and the Uniform Housing Affordability Control Rules (N.J.A.C. 5:80-26.1), which shall control in the case of any conflicts with this ordinance, provided that a minimum of 13 percent of the total low and moderate-income units shall be affordable to very low income households (i.e. 30% or less of median income).

g) *Site Design*

1. Parking shall not be located between a building and a public street
2. A planted buffer strip of not less than 10 feet in width or a solid fence shall be provided along each side or rear property line that abuts a residence

h) *Building Design*

1. First-floor facades containing nonresidential uses which are visible from a public street shall be expressed as building modules that do not exceed 40 feet in width so as to eliminate blank walls, create more interesting

- architecture, and facilitate small-scale commercial opportunities. Architectural elements including but not limited to piers, columns insets, projections or other vertical elements must be used to visually break up the plane of the first-floor façade.
2. Where facing a public street, nonresidential uses shall have a minimum of 60% of the ground floor façade between three (3) and 10 feet above grade and shall have 30% of the upper floor facades be transparent and shall provide visual access to the street. Blanked-out windows, windows which display only signage, or look into unused or “dead” space do not meet this requirement.
 3. Structured parking that is visible to a public street shall not exceed one story (parking level). Structured parking shall be screened by structural elements that are compatible with the materials and design of the front and side building facades.
 4. Building materials and architectural details shall be consistent on all sides of each building
 5. Multiple principal buildings shall be permitted on a lot.
 6. Maximum building length: 100 feet
 7. Building facades shall be finished in stone veneer, stucco, brick, fiber cement panel and/or cast stone. Metal shall be used only for minor accentuation of other elements of the façade.
 8. Building entrances shall be articulated to make it easily identifiable by visitors and to provide architectural interest. Examples of special features of entrances include, but are not limited to, awnings and architectural treatments.
 9. Pedestrian friendly building design and on-site furnishings (outdoor tables, benches, bicycle racks, etc.) are required along the public street.
 10. Roof Design
 - a) Roof shape, color, and texture shall be coordinated with the exterior materials of the building’s façade
 - b) Roof design shall minimize the negative impact of roof protrusions by grouping plumbing vents, ducts, and other utility structures together
 - c) Rooftop equipment such as mechanical units, vents, and flues shall be located centrally on the building roof, to the extent practicable. Any equipment visible from a publicly accessible area, adjacent lots, and pedestrian corridors shall be screened with solid materials using parapets, pitches roof forms, or penthouses. Screening shall be constructed of the same or complementary material as the building.

30-71.6 (LI) - Light Industrial.

- a. Permitted Uses. Permitted Light Industrial uses include indoor manufacturing and assembly uses that do not emit smoke or fumes, or produce noise or vibrations that are detrimental to nearby residences, in addition to general business uses that do not provide retail sales or services. Permitted uses include as follows:~~All uses permitted under subsection 30-71.3 through 30-71.5 plus the following uses: cabinet makers; furniture makers; glass and mirror cutters; machine shops; welders; manufacture, assembly or fabrication of tangible products that does not involve emission of smoke, fumes or dust and does not generate noise in excess of sixty (60) decibels beyond the property line; warehousing; wholesaling; repair shops, not to include motor vehicle repair.~~
 1. Business and professional offices
 2. Sound and video recording and rehearsal studios
 3. Art studios
 4. Cabinet and furniture makers
 5. Glass and mirror cutters
 6. Machine shops
 7. Welders
 8. Manufacture, assembly or fabrication
 9. Warehousing
 10. Wholesaling
 11. Scientific laboratory
 12. Commercial bakery and food manufacturing.
 13. Commercial laundry service.

b. ~~Reserved~~~~Prohibited Uses.~~ Any residential uses; bars; nightclubs; used car wholesalers.

c. *Conditional Uses.*

1. Motor vehicle engine or body repair garages.
2. Motor vehicle service stations ~~Retail used car sales.~~
3. Contractor's Yard ~~Retail used car sales.~~

d. ~~Off Street Parking Requirements.~~

1. ~~For new development on vacant property:~~
 - (a) ~~Warehousing: One (1) parking space per one thousand (1,000) square feet of gross floor area.~~
2. ~~All other uses: One (1) parking space per five hundred (500) square feet of gross floor area.~~

~~Parking requirement may be met through lease of Municipal parking within one thousand (1,000) feet of the site. (2000 Code § 30-71.6)~~

30-71.7 Reserved(PO) ~~Professional Office.~~

a. ~~Permitted Uses.~~

1. ~~Professional Offices.~~ For the purposes of this chapter only, a professional office shall be any office used by one (1) or more persons licensed or certified by the State of New Jersey, or any professional society or association with recognized State and National affiliations, to provide a professional service to the public. Such professions shall specifically include licensed medical practitioners; chiropractors; psychologists; real estate practitioners; accountants; financial or insurance practitioners; legal practitioners; planning, design and engineering professionals; and travel consultants.

2. ~~Residential uses pursuant to subsection 30-70.5 of this chapter.~~

b. ~~Prohibited Uses.~~ Any uses not listed as permitted or conditional uses in this chapter and any uses listed as prohibited uses in subsections 30-71.3 through 30-71.6 of this chapter.

c. ~~Conditional Uses.~~

1. ~~Accessory apartments pursuant to subsection 30-76.3t of the Land Development Regulations.~~

d. ~~Off Street Parking Requirements.~~

1. ~~For new professional office development on vacant property: One (1) parking space per three-hundred (300) square feet of gross floor area. Parking requirement may be met through lease of Municipal parking within five hundred (500) feet of this site. (2000 Code § 30-71.7)~~

30-71.8 (P1) - Parks and (P2) Schools~~Municipal Property.~~

a. *Permitted Uses.*

1. Uses permitted by Mayor and Council.
2. In all P1 Zoning Districts the land shall be used as public parks.
3. In all P2 Zoning Districts the land or buildings located thereon shall be used for school purposes.

~~b. Prohibited Uses.~~ Any use not specifically authorized by Mayor and Council. (2000 Code § 30-71.8)

30-71.9 (WRA) - Waterfront Redevelopment Area.

a. *Renovation Infill Area Overlay.*

1. Conditional Uses. The following conditional uses may be permitted in the Renovation Infill Area of the Waterfront Redevelopment Area:
 - (a) Conditional Uses permitted by the underlying zone district regulations.
 - (b) Bed and Breakfast establishments ~~subject to the following conditions:~~

~~(1) A Bed and Breakfast establishment shall contain no more than six (6) guest bedrooms and shall accommodate no more than twelve (12) guests at any one time;~~

~~(2) The principal structure of a Bed and Breakfast establishment shall have not less than three hundred (300) square feet in principal rooms for the exclusive use of guests, including, but not limited to, parlors, dining rooms, libraries and solariums, but not including hallways;~~

~~(3) Cooking and smoking in guest rooms of Bed and Breakfast establishments is prohibited;~~

~~(4) Bed and Breakfast establishments shall provide a meal to the guests in the forenoon of each day, but shall not operate as a restaurant open to the general public;~~

~~(5) Bed and Breakfast establishments shall be renovated in a historically accurate manner consistent with Section 30-69;~~

~~(6) A Bed and Breakfast establishment is not a rooming house or boarding house as defined by N.J.S.A. 55:13B-3; and~~

~~(7) A Bed and Breakfast establishment shall have at least one (1) bathroom per square floor.~~

(2000 Code § 30-71.9; Ord. No. 2735 § 2)

30-72 Reserved. PUBLIC LAND — P1, P2 AND P4 DISTRICTS.

~~a. In all P1 Zoning Districts the land shall be used as public parks only.~~

~~b. In all P2 Zones the land or buildings located thereon shall be used for any purpose or use as may be determined by resolution of the Mayor and Council.~~

~~c. In all P4 Zones the land or buildings located thereon shall be used for school purposes only. (2000 Code § 30-72)~~

30-73 SUPPLEMENTAL USE REGULATIONS.

30-73.1 Buffers.

All properties used for commercial or industrial purposes shall provide a planted buffer strip of at least ten (10) feet in width on every side which abuts a use permitted in a residence zone. Treatment of the buffer strip must be subject to the approval of the Zoning Officer through issuance of a Zoning Permit. Existing commercial or industrial buildings or uses are exempt from the provisions of this section, except that if the footprint of such existing building or use is expanded or the off-street parking facilities are increased in size, the provisions of this section shall apply. (2000 Code § 30-73.1)

30-73.2 Arcades.

Establishments containing four (4) or more coin-operated amusements, including video games, pinball machines, jukeboxes, pool tables, or games of chance, shall be considered arcades and may be permitted in the B2 Zoning District only. Three (3) or fewer coin-operated amusements may be permitted as an accessory use in hotels, nightclubs, teen clubs, bars or other entertainment related uses in nonresidential zoning district, (as approved by the Zoning Officer).

a. Each establishment containing coin-operated amusements must obtain a mercantile license from the Mercantile Officer specifying the number and type of machines to be located in that establishment.

b. No establishment containing one (1) or more coin-operated amusements shall be internally accessible from another establishment also containing one (1) or more coin-operated amusements.

c. All establishments containing coin-operated amusements available for use by minors shall provide proper adult supervision at all times.
(2000 Code § 30-73.2)

30-73.3 Conversions.

(Reserved) (Deleted by Ord. No. 2777 § 5)

30-73.4 Reserved Dwelling Unit Size Requirements.

In accordance with Section 30-3, and with specific attention to paragraphs a., c., and q., all dwelling units hereafter erected, altered or converted, unless otherwise specified in this chapter must contain gross floor area no less than the following:

~~a. Conventional Multi family Uses.~~

Efficiency (Studio)	500 square feet
One Bedroom	750 square feet
Two Bedrooms	900 square feet
Three Bedrooms	1,100 square feet
> Three Bedrooms	200 square feet for each additional bedroom

Senior Citizen Multi family Uses.

Efficiency (Studio)	350 square feet
One Bedroom	600 square feet
Two Bedrooms	750 square feet
Three Bedrooms	900 square feet

b. ~~Two Family Uses.~~ Each dwelling unit to be a minimum of nine hundred (900) square feet measured from the interior surfaces of the perimeter walls of the unit. Dwelling units with more than two (2) bedrooms shall conform to the minimum size requirements for "conventional" dwelling units specified in paragraph a above.

c. ~~One (1) bedroom dwelling units shall contain a minimum of eight hundred (800) square feet and two (2) bedroom units shall contain a minimum of one thousand (1,000) square feet of living space measured from the perimeter of the interior walls of the dwelling unit.~~
(2000 Code § 30-73.4)

30-73.5 Reserved ~~Townhouse Developments.~~

Townhouse developments may be permitted through site plan approval of the Planning Board according to the following provisions:

a. ~~Tract Development:~~

1. ~~Minimum Tract Area.~~ Twenty thousand (20,000) square feet, except that tracts of seventeen thousand (17,000) square feet or more may be permitted where twenty (20%) percent or more of the townhouses are made affordable to households with family income equal to eighty (80%) percent of regional family median income or less.

2. ~~Open Space.~~ Not less than thirty five (35%) percent of the total tract area shall be dedicated for green open space, either for recreation or some other suitable use, public or private, as approved by the Planning Board. For the purpose of this subsection, individual lots or portions thereof shall not be construed as open space.

3. ~~Minimum Tract Frontage.~~ One hundred (100) feet.

4. ~~Development Density.~~ Each dwelling unit shall be constructed on an individual lot, and there shall be a minimum of three thousand two hundred fifty (3,250) square feet of tract area per dwelling unit in R1A Zones. Development density in the R3 Zone shall not exceed sixteen (16) dwelling units per acre.

b. ~~Individual Lots.~~

1. ~~Minimum Width.~~ The required average width of all individual lots shall be not less than twenty (20) feet, and no individual lot shall have a width of less than eighteen (18) feet, the width to be measured at the actual building setback line for each individual lot. In developments where twenty (20%) percent or more of the townhouses are made affordable to households with family incomes of eighty (80%) percent of median income or less, the average width may be eighteen (18) feet and minimum width may be sixteen (16) feet.

2. ~~Minimum Area.~~ The required average area of all individual lots shall be not less than two thousand (2,000) square feet, and no individual lot shall have an area of less than one thousand eight hundred (1,800) square feet. In addition, for each individual lot with an area less than the required average, there shall be not less than one (1) individual lot with an area greater than the required average, and the deviation from the required average of the larger lot shall be at least equal to the deviation from the required average of the smaller lot. In developments where twenty (20%) percent or more of the townhouses are made affordable to households with family incomes of eighty (80%) percent of family median income or less, the required average lot area may be one thousand eight hundred (1,800) square feet and the required minimum lot size may be one thousand six hundred (1,600) square feet.

3. ~~Front and Rear Yards.~~ The required average for front and rear yards on all individual lots shall be not less than twenty five (25) feet, and no individual lot shall have a front or rear yard of less than twenty (20) feet, except that where the front or rear property line of an individual lot abuts open space as defined in paragraph a,2 above, and which open space shall have a minimum dimension of fifty (50) feet measured at right angles along the

full length of the abutting property line, then the required average and minimum yard requirements set forth herein may be reduced by not more than ten (10) feet for the abutting yard.

4. ~~Side Yards.~~ There shall be a single side yard of not less than ten (10) feet required only for each individual lot occupied by a semi-attached dwelling unit.

~~c. Buildings.~~

~~1. Design.~~

- ~~(a) Each dwelling unit shall have not less than two (2) means of ingress and egress.~~
- ~~(b) Each dwelling unit shall have not less than two (2) exposures.~~
- ~~(c) There shall be no more than eight (8) dwelling units in any single group of dwelling units.~~
- ~~(d) No living space shall be permitted above the second story.~~
- ~~(e) No more than two (2) adjacent dwelling units may be constructed without providing a front wall setback of not less than four (4) feet.~~

~~2. Siting.~~

- ~~(a) Each group of dwelling units shall set back not less than twenty five (25) feet from all streets, roads or ways, whether public or private. New buildings shall not project closer to the street than the established setback, except where a prevailing setback has been established on improved lots within two hundred (200) feet of the subject lot. However, in no case need the setback from any public street exceed fifty (50) feet.~~
- ~~(b) Each group of dwelling units shall set back not less than twenty five (25) feet from a zone district boundary line except that where abutting an R3 Zone the setback may be reduced to ten (10) feet.~~
- ~~(c) Each group of dwelling units within a tract shall have a setback not less than thirty (30) feet from any other group of dwelling units within the same tract and shall set back not less than fifteen (15) feet from the tract boundary line.~~

~~d. Garages.~~

- ~~1. Design.~~ All garages shall conform architecturally to and be of similar materials as the principal building in the development.
- ~~2. Location.~~ Garages may be built into townhouses or may be constructed on individual lots or on common areas, all subject to the approval of the Planning Board.
- ~~3. Private Garages.~~ Garages constructed on individual lots under this article shall be subject to paragraphs d,1. and d,2. above and the following:
 - ~~(a) A garage need not set back from one (1) side line of an individual lot and may be attached to a garage on an adjacent individual lot.~~
 - ~~(b) No garage which is not attached to or part of a townhouse on the same individual lot shall be closer than twenty (20) feet to the townhouse.~~
- ~~4. Common garages shall meet the setback requirements for parking areas as set forth in Section 30-59, except that the rear walls of such garages may be situated as close as twenty five (25) feet to a peripheral public street subject to any greater existing setbacks and approval by the Planning Board.~~

~~e. Ownership of Common Areas.~~ Common areas of any tract utilized for a townhouse development which are not accepted by the City shall be deeded to a corporation, association, individual or individuals, or other legal entity consisting of a majority of the property owners within the development for their use, control, management and maintenance. Any agreement providing for such ownership shall be reviewed and approved by the City Attorney to ensure that adequate safeguards are included guaranteeing the continuance of the agreement in perpetuity and protecting the City from harm. In any event the agreement shall give the City the right to perform maintenance and assess the cost to the property owners in the event the property owners fail to maintain the property in accordance with the agreement. In a case where the common area is distributed as a planted buffer strip around the perimeter of the tract, each individual unit owner shall be responsible for maintaining that portion of the buffer strip which directly abuts the townhouse lot upon which their unit is located. (2000 Code § 30-73.5)

30-73.6 Trailers, Dumpsters and Refuse Containers.

Trailers, as defined in Section 30-15 of this chapter, shall not be permitted except as specified below:

- a. A trailer which is a customary accessory use incidental to a principally permitted residential use in a R1, R1A, and R2 Zone.

b. A trailer which is an accessory use to a manufacturing or warehouse use in the LI Zone.

c. Trailers, dumpsters and refuse containers, as defined in Section 30-15 of this chapter, used by contractors in conjunction with construction activity on a site may be located on said site until the completion of such construction activity, provided that any dumpster or refuse container must be removed from a construction site within ten (10) working days after a cessation of construction activity or upon the filling of the container to a point level with the top of the container. No final Certificate of Zoning Compliance shall be issued until all trailers, dumpsters and refuse storage containers are removed from the site of a completed construction or rehabilitation project. No contractor shall cause or allow a dumpster or refuse storage container to be used for general refuse and garbage disposal.

d. Trailers used in conjunction with the activities or operations of a public agency.

~~e. No trailers otherwise prohibited by this subsection shall be permitted by variance, except that the City Council may grant permission for the temporary use of a trailer for living or working quarters in special situations. (2000 Code § 30-73.6)~~

30-73.7 Outdoor Storage.

No outdoor storage of merchandise, articles or materials shall be permitted in any zone. The provisions of this section shall not be construed to prohibit customary accessory uses in residential zones such as patios, picnic tables, outdoor fireplaces and similar uses. (2000 Code § 30-73.7)

~~30-73.8 Commercial Uses in Waterfront Redevelopment Area.~~

~~In accordance with the goals and objectives of the Waterfront Redevelopment Plan and Master Plan, as well as paragraph o. of Section 30-3, commercial uses shall be permitted within or accessory to a residential building or complex in the Residential Zones, provided that they are on parcels with frontage on Kingsley Street and/or the boardwalk and are compatible with new residential development within that zone. Uses incompatible with residential development would include uses which would generate large volumes of traffic, noise, trash, offensive odors, or have extended hours of operation and loitering. Uses which are compatible with residential development would include sit-down restaurants, delicatessens, health clubs, hair salons, card or gift shops, and other businesses directly supported by residential development. Commercial uses permitted within or accessory to hotels, theme entertainment centers, arenas, or exhibition/convention facilities in the P2 Zone shall be compatible with and related to the principal structure and use. (2000 Code § 30-73.8)~~

30-73.9 ~~Reserved~~Proximity Requirements, Bars.

~~No bar, as defined in this chapter, shall be permitted within any land or building located within one thousand (1,000) feet of an existing bar, as measured between the nearest property lines. This section shall not be applicable to properties in the WRA Zone. (2000 Code § 30-73.9)~~

30-73.10 Minor Home Occupations.

A minor home occupation is any gainful occupation or profession engaged in by an occupant of a dwelling unit which meets the following conditions and requirements:

a. The use shall be conducted ~~entirely within the dwelling~~ and carried on by the inhabitants hereof and no others.

b. The primary use of the premises shall be residential and the minor home occupation shall be secondary to the residential use of the property. The appearance of the structure shall not be altered, and the occupation within the residence shall not be conducted in a manner that would cause the premises to differ from its residential character either by use of colors, materials, construction, lighting, signs, or the emission of sounds or vibrations that carry beyond the premises.

c. No more than ~~one (1) room~~ 20% of the gross floor area of the dwelling or accessory structure may be used for the home occupation.

d. There shall be no advertising, display, or other indications of a home occupation on the premises, except as permitted in subsection 30-61.5e.

~~e. There shall not be conducted on the premises the business of selling stock or merchandise, supplies, or products, provided that orders for such goods may be taken at the premises by either mail order or telephone. No services shall be offered that requires clients coming to the residence for the home occupation business to be performed. There shall be no direct pick up of such orders at the premises residence. Parties for the purpose of selling merchandise or taking orders shall not be held more than once a month.~~

f. There shall be no storage or display of goods visible from outside the structure.

g. Use or storage of material or equipment not recognized as being part of the normal practices of owning and maintaining a residence is not permitted. In any event, there shall be no storage of hazardous or extra hazardous materials as defined by NJDEPE and USEPA.

~~h. Deliveries from commercial suppliers shall not be made more than once per week, and the deliveries shall not restrict traffic circulation.~~
(2000 Code § 30-73.10)

30-73.11 Upper Story Residences in Nonresidential Zoning Districts.

Upper story residences in nonresidential business districts shall comply with the following requirements:

- a) Access to all apartments shall be separate from any access to nonresidential use in the same building.
- b) The portion of the first floor of buildings directly fronting on a public street shall have not less than 85% of the building length consist of permitted nonresidential uses; up to 15% of the remaining building length may consist of residential uses, which shall include but it not limited to residential units, entries and vestibules, mail rooms, and other residential accessory uses. The portion of the first floor of buildings facing an off-street parking area may consist of residential uses.
- c) Apartment shall not consist of more than three (3) bedrooms.
- d) A commercial building that is enlarged to provide for one (1) or more upper story residences shall be required to provide one (1) additional off-street parking space per apartment.
- e) The applicant shall submit a proposal for the handling and disposal of solid waste, including the means by which differing recycling requirements between commercial and residential uses will be reconciled and shall comply with all applicable requirements regarding same.
- f) Parking shall not be required for low, moderate, and middle-income units.

30-73.12 Open Space

Multi-family residences in any zone shall provide open space for residents that constitutes at least 30% of the lot area. The open space requirement may be met through the means of common interior recreation areas, balconies or roof decks or terraces located on the same premises.

30-74 RESERVED.

30-75 ACCESSORY USES AND STRUCTURES.

30-75.1 Accessory Structures in All Zones.

Accessory structures not attached to a principal structure may be erected in a side or rear yard in accordance with the following regulations:

- a. No accessory structures shall be located closer than five (5) feet to any side property line..
- b. In the R1, ~~R1A~~ and R2 Zones, accessory structures may be erected in the rear yard not closer than five (5) feet to the side lot line and three (3) feet to the rear lot line. ~~Accessory structures over fifteen (15) feet in height shall be set back from side and rear lot lines a distance equal to one half (1/2) the height of the structure.~~
- c. Except where otherwise specifically permitted by this chapter, accessory structures in multifamily and nonresidential zones shall meet the setback requirements of the principal building.
- d. No portion of any accessory structure shall be used for living quarters for people.
- e. When an accessory structure is attached to the principal building it shall be considered as a part of the principal building and it shall comply in all respects with the requirements of this chapter applicable to the principal structure.
- f. With the exception of uncovered decks and pools, Accessory structures shall be included in meeting the maximum building and impervious coverage requirements in Schedule 1.

~~g. In the R3 Zone and in all nonresidential zones, the distance accessory structures shall be located from any principal structure shall be determined as part of site plan review.~~

~~h. For restaurants in the LI Zone with less than two (2) interior tables for patrons, exterior tables are permitted as well as seasonal (no more than six (6) months) sun protection, provided that the sun protection is canvas or canvas-like material and does not have advertising or branding. (Ord. No. 2017-18 Exh. A)~~

(2000 Code § 30-75.1; Ord. No. 2017-18 Exh. A)

30-75.2 Personal Recreational Facilities in Residential Zones.

Except for portable swimming pools less than three (3) feet in height and less than ten (10) feet in length or diameter, the following regulations shall apply to permanent and portable swimming pools, tennis courts and similar personal recreation facilities:

- a. The use shall be erected on the same lot as the principal structure and shall require a Construction Permit.
- b. The use may be erected in the side and/or rear yard and shall be not less than five (5) feet from any lot line.
- c. The use shall be appropriately screened and fenced so as not to adversely affect adjoining properties.
- d. Lighting which extends the hours of operation, other than in-pool lights, shall be prohibited.
- e. In the case of swimming pools, all measurements shall be from the pool apron and provision for drainage shall be approved as part of the Construction Permit. (2000 Code § 30-75.2)

30-75.3 Ham Radio and Satellite Dish Antennas.

Freestanding radio operator antennas and satellite dish antennas may be permitted as accessory uses in all zones subject to the following:

- a. In R1, ~~R1A~~ and R2 Residential Zones one (1) antenna may be permitted to the rear of a detached one- or two-family structure upon issuance of the Zoning Permit by the Zoning Officer.
- b. In R3 and Nonresidential Zones, the location of any freestanding ham radio or satellite dish antenna for multi-family residential buildings and nonresidential buildings must be approved as a Minor Site Plan application by the Planning Board. Antennas which are mounted on the roof of a multifamily building or nonresidential building must be set back five (5) feet from the edge of the roof and may be permitted through the issuance of a Zoning Permit by the Zoning Officer.
- c. In a R1, ~~R1A~~ or R2 Zone, the height of a freestanding ham radio antenna must not exceed five (5) feet above the maximum height limitation for a principal structure in the zone. The height of a freestanding satellite dish must not exceed the maximum height allowed for an accessory structure in the zone where it is to be erected. The height of both ham radio antennas and satellite dish antennas shall be measured from the finished grade at the base of the antenna to the highest part of the antenna.
- d. The setback of a freestanding antenna in a residential zone must conform with the setback requirement of other accessory structures as required in this section.
- e. In any residential zone, one (1) ham radio or satellite dish antenna may be erected on the roof of or otherwise attached to a residential building. The height of any antenna which is attached to a principal building in a residential zone shall not exceed a height equal to twenty-five (25%) percent of the height of the principal building measured from the average finished elevation of the base of the building to the highest part of the building, regardless of roof type. Ham radio or satellite dish antennas mounted on the roof of nonresidential structures in any zone shall be exempt from the height limitations of this section.
- f. The Zoning Officer or Planning Board may require landscaping, fencing or other provisions to ensure that an antenna will not adversely impact adjacent properties.
(2000 Code § 30-75.3)

30-76 REGULATIONS GOVERNING CONDITIONAL USE.

30-76.1 Purpose.

It is recognized that certain uses, activities and structures, some of which are necessary to serve the needs and conveniences of City residents, and others which are provided for in the State or Constitutional Law, cannot be specifically classified or regulated in a particular district without consideration in each case to existing conditions and the impact upon the neighborhood and surrounding area and upon the public health, morals, safety and general welfare. Such uses, activities and structures as specified elsewhere in this chapter as conditional uses shall be permitted only through issuance of a Conditional Use Permit by the Planning Board. (2000 Code § 30-76.1)

30-76.2 Reserved General Standards.

Conditional Use approval may be granted after determination by the Planning Board that the proposal is in harmony with the general purpose and intent of this section and this chapter, the specific standards of this section, and after consideration of the following where applicable:

- a. ~~The density of use and bulk of buildings.~~
 - b. ~~Conservation of property values and impact on adjacent properties as compared to uses and structures permitted as a matter of right.~~
 - c. ~~Health, safety and well being of residents or workers on adjacent properties and in the surrounding neighborhood.~~
 - d. ~~Traffic volume, flow and control with reference to pedestrian and vehicular safety and convenience and access in case of catastrophe and emergency.~~
 - e. ~~Adequacy of yards and open space, screening and buffering.~~
 - f. ~~Existing land use in the area.~~
 - g. ~~Compliance with this chapter and the Master Plan of the City.~~
- (2000 Code § 30-76.2)

30-76.3 Specific Standards.

- a. Microbrewery or craft distillery. A facility which produces limited quantities of malt beverages, as defined and regulated by the State Division of Alcoholic Beverage Control (ABC) may be permitted by conditional use permit subject to the following requirements: ~~Reserved. (Superseded by Ord. No. 2607)~~
 - 1. A storefront façade with floor area used for the display and retail sale of the beverages produced on the premises shall be provided.
 - 2. A tasting room shall be provided.
 - 3. Off-street parking and loading areas shall be located behind the building.
 - 4. Driveway access shall be prohibited on Asbury Avenue and Memorial Drive unless the property has no other street frontage.
 - 5. All exhaust equipment, vent stacks, fans, etc., shall be above the first floor elevation and directed away from adjacent residential uses and the public right-of-way.
- b. Residential Health Care Facilities. Residential health care facilities as defined in this chapter may be permitted by conditional use permit in zoning districts where specified in Section 30-6970, provided the following standards and conditions are complied with:
 - 1. ~~A statement setting forth full particulars on the operations of the structure or use is filed in triplicate by the applicant. This statement shall contain a sworn affidavit that no developmentally disabled person, outpatient from a mental institution, or any person who has been committed after having been found not guilty of a criminal charge, shall reside or be housed at the proposed facility.~~
 - 12. The residential health care facility proposes to be duly licensed under the New Jersey "Hospital Licensing Act" or the "Health Care Facilities Planning Act" (P.L. 1971, c.136; c.26:2H-1 et

seq.).

~~23.~~ There must be one thousand (1,000) square feet of lot area per bedroom unit which must include one hundred (100) square feet of recreation area per bedroom unit to be located with due concern for the safety and convenience of the residents for whose use it is intended. The site plan shall indicate the manner of development, including the location of specific facilities such as benches, walkways and landscaping. Interior recreational areas may be included in the calculation of required recreational area.

~~34.~~ There must be front, rear and side yards provided as follows:

- ~~a.~~ Front yard—twenty (20) feet per story; thirty (30) feet min., fifty (50) feet max.
- ~~b.~~ Rear yard—twenty (20) feet per story; thirty (30) feet min., fifty (50) feet max.
- ~~c.~~ Side yards—thirty (30) feet.

~~45.~~ The ratio of gross floor area to lot area, or floor area ratio (F.A.R.) shall not exceed 0.8.

~~56.~~ The height of any structure must not exceed three (3) stories above the average elevation of the finished grade adjacent to its exterior walls.

~~67.~~ Off-street parking facilities must be provided on the premises behind the setback of not less than one (1) parking space per four (4) beds plus one (1) parking space per two (2) employees in the largest working shift.

~~8.~~ The proposed use shall in no way be apparently detrimental to surrounding property values, and the structure or uses proposed will further the general welfare of the City.

~~9.~~ There must not be another residential health care facility or rooming/boarding house within one thousand five hundred (1,500) feet of the proposed site.

~~c. *Reserved Community Residences for the Developmentally Disabled, for Victims of Domestic Violence, for Persons with Head Injuries, or for the Terminally Ill.* Community residences for the developmentally disabled, for victims of domestic violence, for persons with head injuries, or for the terminally ill (hereinafter, "community residences"), as defined by N.J.S.A. 40:55D-66.2, shall be a permitted use in all residential districts of a municipality and the requirements for such residences shall be the same as for single family dwelling units within such district.~~

~~d. *Reserved Adult Bookstores and Establishments of Adult Entertainment.* The Mayor and Council recognize the rights inherent in the U.S. Constitution which guarantee freedom of expression, as well as the position of the courts in protecting that freedom by invalidating any attempt by local ordinance to restrict particular uses based upon their content. However, the Mayor and Council also recognize their duty to protect the health, safety and welfare of the citizens of Asbury Park from the adverse impact that a concentration of certain uses have been shown to exert on the property values of adjoining and proximate residential and commercial property. Of particular concern is the potential concentration of adult bookstores and establishments that provide adult entertainment, which are distinguished from conventional bookstores and entertainment establishments by the fact that they are required to exclude access to minors by virtue of age under the pornography statutes of the State of New Jersey.~~

~~In promulgating the conditions for permitting adult restricted establishments listed below, the Mayor and Council considered the experience of recent years where two (2) or more adult establishments had located within a three (3) block area of the beachfront district between Fourth Avenue and Cookman Avenue near Kingsley Street and contributed to the economic decline of the beachfront by discouraging families with children from patronizing the beach and conventional commercial establishments in the area. This adverse effect was recognized by the Mayor and Council in 1984, when the area described above was included within a larger area of the beachfront declared blighted and for which a redevelopment plan is now in effect.~~

~~In order to control the location and prevent the concentration of adult uses and thereby protect the public welfare and support the progress of redevelopment, adult bookstores and establishments of adult entertainment, as defined in Section 30-15, will be permitted in commercial zones within the City where conventional bookstores and entertainment establishments are also permitted uses, except that a Conditional Use Permit shall first be issued by the Planning Board for such adult bookstore or establishment or adult entertainment. The Planning Board may issue a Conditional Use Permit only after an applicant has demonstrated compliance with the following standards and conditions:~~

- ~~1. The application shall include a complete statement setting forth all the particulars of the structure and the~~

proposed use thereof.

2. Based upon past experience as described in this section and an analysis of block dimensions typical of commercial zones within the City by the Office of Planning and Zoning, as well as studies of "skid row" uses performed in other urban areas such as Detroit, Michigan, and elsewhere, the Mayor and Council has determined that a minimum distance equal to the greater of two (2) full City blocks or one thousand (1,000) feet will be required between a proposed adult bookstore or establishment of adult entertainment and any existing adult bookstore or establishment of adult entertainment to achieve adequate dispersion of adult uses. For purposes of measurement, the required distance of separation shall be measured between the nearest property lines and along public streets so that City Tax Maps may be used.

3. Because the City contains residential neighborhoods in close proximity to commercial areas wherein adult uses might be permitted, and because it is determined to be in the public interest to provide adequate separation between such residential neighborhoods, with their attendant support uses such as schools and houses of worship, and the subject adult uses, the Mayor and Council has determined that a minimum distance equal to the greater of two (2) full City blocks or one thousand (1,000) feet will be required between a proposed adult bookstore or establishment of adult entertainment and the property line of any land in any residential zone, or any public, private or parochial school, library, park, playground, recreational facility or house of worship.

4. Advertisements, displays or other promotional materials shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other areas, public or semipublic. All building openings, entries, windows, etc., for adult uses shall be located, covered or screened in such a manner as to prevent a view into the interior from any public or semipublic area.

5. One (1) identification sign bearing the name of the adult bookstore or establishment of adult entertainment, the hours of business and customer age restrictions is permitted in accordance with Section 30-61.

6. Waiver provisions:

~~(a) The provisions of this section which provide for the separation of adult uses from residential zones, schools, etc., and the dispersion of adult uses within commercial zones, may be waived by the Planning Board subject to the submission by the applicant of a petition containing the signatures of fifty one (51%) percent of the property owners within the affected area, as herein described, stating that they do not object to the proposed adult use.~~

~~(b) The petition shall be attached to a signed and notarized affidavit attesting to the validity of the signatures on the petition. The petition shall be submitted to the Tax Assessor for verification that the signatures correspond to the correct property owners as listed in the Tax Records of the City and that they represent fifty one (51%) percent or more of the total property owners within the affected area as described herein.~~

e. Contractor's Yard. Contractor's yards may be located within the LI district by conditional use permit subject to the following conditions:

1. Shall not be permitted to operate on Sundays and Saturday hours limited to 10 am to 4 pm.
2. Outdoor storage of stock, materials or non-vehicular equipment shall not be permitted.
3. Storage of trucks or vehicular / motorized equipment shall not be located within a required side or front yard.
4. Storage and parking of vehicles and motorized equipment shall be enclosed by a six (6) foot tall solid fence on all sides with openings / gates oriented away from streets and view by the public.
5. Outdoor storage enclosures shall be screened from view of the public by a five (5) foot wide planted buffer strip.
6. The maintenance and repair of all equipment and vehicles shall be performed inside a completely enclosed building.
7. Solid waste, scrap and recyclable materials shall be stored within a completely enclosed building pending pick up for disposal. ~~Reserved. (Ord. No. 2465 § 26)~~

f. Philanthropic or Eleemosynary Uses. Fraternal, social, civic, recreational, or philanthropic or eleemosynary uses may be permitted in the LI zones and permitted by Conditional Use Permit in the B1 Zone, provided that no lodging or boarding facilities are included. A Conditional Use Permit may be granted by the Planning Board provided subject to the following conditions are complied with:

1. A statement setting forth full particulars on the operation of the structure or use is filed with the Planning

Board by the applicant in triplicate.

2. It is ascertained by the Planning Board that the proposed use is a bona fide nonprofit organization.

3. ~~It is ascertained by the Planning Board that the proposed location is appropriate for the proposed use and the use will not detract from the area or adversely affect the value of adjacent properties.~~

4. The proposed use and/or structure shall conform to the minimum area and yard requirements of the zoning district in which it is located, ~~except that these requirements may be increased at the discretion of the Planning Board.~~

g. Townhouse Developments. Townhouse developments shall be subject to the following standards:

1. Townhouse developments shall be designed so that each building is oriented with a front façade and yard area that faces a public street. Individual units shall have an entry and first floor living area that faces the street.
2. Each dwelling shall have a stoop or and porch that is six (6) feet deep.
3. A walkway shall be provided between the front or primary door of each unit to the street.
4. Garages or off-street parking areas shall be located on an interior court, lane or alley behind the building.
5. At least 15 percent of the site area for new projects should be open green space not enclosed in private yard areas.
6. Garages detached from dwellings may be provided along alleys. There must be a yard area between the dwelling and the detached garage of at least fifteen (15) feet.
7. Detached garages must not be closer than five (5) feet to a tract boundary.
8. No front entry garage or off-street parking is permitted between the building's front façade and the street.
9. Maximum building coverage shall not exceed 60%.
10. Maximum impervious coverage shall not exceed 85%. ~~Reserved. (Ord. No. 2465 § 26)~~

h. Reserved. (Ord. No. 2465 § 26)

i. Motor Vehicle Service Stations. Motor vehicle service stations, as defined in this chapter, may be permitted in the LI Zone upon receipt of a Conditional Use Permit by the Planning Board. ~~The Planning Board may issue a Conditional Use Permit only after subject to the following standards and conditions are complied with:~~

~~1. A statement setting forth full particulars on the operation of the structure or use is filed with the Planning Board by the applicant in triplicate. The statement shall include a sworn affidavit that the premises shall not be used for auto repair as defined in this chapter.~~

12. Motor vehicle service stations shall have a lot area of not less than 10,000 square feet with a minimum frontage of 100 feet on one street.

~~2. No vehicle entrance or exit may be located on Asbury Avenue or Memorial Drive, unless the property's only street frontage is on one of those streets within two hundred (200) feet along the same side of the street of any school, public playground, church, hospital, public building or institution, except where such property is in another block or on another street which the lot in question does not abut.~~

~~3. Pump islands and canopies shall be set behind the principal building. There must be an oil draining pit or visible appliance for any purpose other than filling pumps located within twenty (20) feet of any street line or within fifty (50) feet of any residential district except where such appliance or pit is within a building. Gasoline pumps may be located no closer than fifteen (15) feet from the streetline.~~

4. Canopies may not exceed 18 feet in overall height and shall not exceed the height of the principal building. No motor vehicle service station shall be located within one thousand five hundred (1,500) feet of an existing motor vehicle service station, measured from the nearest lot lines.

5. Fuel pump islands, air pumps and vacuums shall not be located closer than 10 feet to a side or rear property line storage.
6. An attendant's booth, not to exceed 40 square feet in floor area, may be placed on a fuel pump island.
7. A total of two (2) canopy signs are permitted, each not exceeding five (5) square feet in area.
8. A changeable copy sign not exceeding three (3) square feet is permitted on each fuel pump.
9. Vehicle detailing and drying areas shall be set back from the street line at least 30 feet.
10. There shall be no outdoor display of merchandise and no outdoor storage.
115. The premises must not be used for the storage of ~~unregistered, inoperable or~~ junk motor vehicles incapable of normal operation. The storage of vehicles other than those awaiting servicing is not permitted.
126. The premises must not be used for the leasing, rental, or sale of motor vehicles and no auto body work shall be permitted unless such a use has been applied for and granted as part of the Conditional Use Permit. Adequate on-site parking must be provided to accommodate such a use.
- ~~7. Off street parking shall be provided as required in Section 30-59.~~
- ~~8. Planted islands must be provided to control ingress and egress as well as circulation through the site. A planted buffer strip of no less than five (5) feet in width shall be provided around the perimeter of the property. A buffer of no less than ten (10) feet in width must be provided along any property line that abuts a residence zone. The treatment of all buffers shall be subject to the approval of the Planning Board.~~
- ~~9. The proposed use shall in no way be apparently detrimental to surrounding property values, and the structures or uses proposed will further the general welfare of the City.~~
- j. *Motor Vehicle Repair Garages.* Motor vehicle repair garages, as defined in this chapter, may be permitted in the LI Zone upon receipt of a Conditional Use Permit from the Planning Board. The Planning Board shall not issue a Conditional Use Permit unless subject to the following conditions are complied with:
1. All work shall be performed in a fully enclosed building. No parts or partially dismantled motor vehicles may be stored out of doors. A statement setting forth full particulars on the operation of the structure or use is filed with the Planning Board by the applicant in triplicate.
 2. No outdoor display of merchandise shall be permitted. motor vehicle repair garage may be located within one hundred (100) feet of an existing residence, school, church, or library, measured from the nearest property line.
 3. Waste products, including oil, fluids, parts and tires shall be stored within an enclosed building or fully screened outdoor refuse enclosure. No motor vehicle repair garage may be located within one thousand five hundred (1,500) feet of an existing motor vehicle repair garage, measured from the nearest property line.
 4. Off-street parking shall be located on the side or rear of the building must be provided as required in Section 30-59.
 5. A planted buffer strip no less than five (5) feet in width must be provided around the perimeter of the property. A solid fence at least six (6) feet in height in combination with a planted buffer strip of no less than ten (10) feet in width shall be provided along any property line which abuts a residential zone use. The treatment of all buffer strips shall be subject to the approval of the Planning Board.
 6. The premises must not be used for the leasing, rental, or sale of motor vehicles proposed use shall in no way be detrimental to surrounding property values, and the structures or uses proposed will further the general welfare of the City.
 7. The premises must not be used for the storage of unregistered or inoperable motor vehicles is prohibited unless they are awaiting servicing. Any vehicle left unserviced for thirty (30) days or more shall be considered in storage.
- k. *Reserved, Used Car Sales/Leasing.* A retail used car dealership may be permitted in an LI Zone upon receipt of a Conditional Use Permit from the Planning Board. The Planning Board may issue a Conditional Use

Permit provided the following standards and conditions are complied with:

1. ~~A statement setting forth the particulars of the proposed use and containing a sworn affidavit that no engine or auto repair work will be done on the premises must be filed in triplicate with the Planning Board. No used car wholesaling will be permitted.~~
 2. ~~A retail used car dealership must not be located within two thousand (2,000) feet of an existing used car dealership, measured from the nearest property line.~~
 3. ~~The site plan must indicate the parking stalls used for displaying motor vehicles as well as those designated for customers and employees. The total number of vehicles on the premises at any one (1) time must not exceed the total number of display spaces so indicated. All display and parking spaces must be marked with painted lines on a properly paved asphalt surface.~~
 4. ~~Off street parking for customers and employees must be provided equal to one (1) parking space per ten (10) display spaces plus one (1) parking space per two (2) employees to be employed at any one (1) time.~~
 5. ~~A planted buffer strip no less than five (5) feet in width must be provided around the perimeter of the property. A planted buffer strip of no less than ten (10) feet in width must be provided along any property line that abuts a residence, school, church, or a residential zone. The treatment of all buffers shall be subject to the approval of the Planning Board.~~
 6. ~~Signs shall conform to Section 30-61.~~
 7. ~~The proposed use shall in no way be apparently detrimental to surrounding property values, and the structure or uses proposed will further the general welfare.~~
1. *Child Day Care Centers.* Recognizing the growing need for child day care facilities created by an economic climate that has caused the need for both parents to become wage earners, and also recognizing the incidental nature of such a use in a residential neighborhood, child day care centers may be permitted in any residence zone upon receipt of a Conditional Use Permit from the Planning Board. The Planning Board may issue a Conditional Use Permit provided the following standards and conditions are complied with:
1. ~~A statement setting forth the full particulars on the operation of the structure or intended use shall be filed in triplicate with the Planning Board.~~
 12. ~~The operator of the facility must meet any and all qualifications and possess any license or certification required by the State of New Jersey for the operation of a child day care facility.~~
 23. ~~There must be one thousand (1,000) square feet of lot area per child. Suitable recreation area must be provided in the amount of one hundred (100) square feet per child. Outdoor recreation areas shall be enclosed by a fence of no less than four (4) feet in height.~~
 34. ~~Off-street parking must be provided equal to five (5) parking spaces plus one (1) parking space per worker employed or to be employed at any one (1) time. A planted buffer of no less than five (5) feet in width shall be provided between a surface parking area and adjacent properties. Treatment of the buffer strip shall be subject to the approval of the Planning Board.~~
 5. ~~In determining the appropriateness of a proposed site for a child day care center, the Planning Board will consider the volume of traffic on adjacent streets. The Board may also require that a traffic study be submitted to document the estimated traffic to be generated by the proposed use.~~
 6. ~~The structure shall conform to the most restrictive setback requirements of the zoning district in which it will be located.~~
 7. ~~A child day care center may not be located within a two family or multifamily dwelling unless appropriate accommodations are provided to prevent any adverse impact to the residents of such dwellings.~~
 8. ~~The proposed use shall in no way be apparently detrimental to surrounding property values, and the structure or use will further the general welfare of the City.~~

m. ~~Major Home Occupation~~Reserved, as defined in this chapter, may be permitted subject to the following standards:

1. The primary use of the premises shall be residential and the home occupation shall be secondary to the residential use of the property.
2. Not more than 30% of the gross floor area of the dwelling and/or accessory structure may be used for the home occupation.
3. There may be up to four employees that are non-residents of the premises.
4. One off-street parking space shall be provided for every two non-resident employees. This shall be in addition to the normal residential parking requirement for the premises.
5. One, non-illuminated identification sign, not exceeding four square feet, shall be permitted on the premises.
6. There shall be no outdoor storage or display of materials.
7. There shall be no storage of hazardous or extra hazardous materials as defined by NJDEP and USEPA.
8. No manufacturing permitted on the property. The use shall not change the residential character of the property.

n. ~~Reserved~~Planned Developments. It is recognized that there is a need in Asbury Park for standards encouraging and promoting flexibility and economy in layout and design through the use of planned developments. To address that need, planned developments, appropriate to the zone or zones in which they are proposed, may be permitted by issuance of a Conditional Use Permit by the Planning Board. The Board may issue a Conditional Use Permit provided the following standards and conditions are complied with:

1. The minimum tract area must be three (3) acres.
2. The Planning Board may authorize a greater density or intensity of land use in one (1) section or sections than in others provided the overall development density shall not exceed that which is permitted in the zoning district where the tract is located. In the event that the tract lies in more than one (1) zone, the overall density must not exceed that which would result if the area of the tract in each zone were developed individually according to the specified densities of each zone.
3. A planned unit residential development is encouraged to include a variety of housing types, arranged in residential clusters linked by common open areas with pedestrian walkways separated from roads and parking areas. Residential clusters must be designed wherever possible, so that the buildings are oriented for maximum solar access. Buildings shall be energy efficient and designed for maximum passive solar gain.
4. A planned unit residential development may include appropriate commercial uses to service the needs of the residents, subject to approval by the Board.
5. Parking shall be provided in accordance with the provisions of Section 30-59.
6. Not less than thirty (30%) percent of the total tract area shall be dedicated for green common open space.
7. Ownership of Common Areas. Common areas of any tract utilized for planned development which are not accepted by the City for public use and maintenance, shall be deeded to the corporation, association, individual or individuals, or other legal entity consisting of a majority of the property owners within the development for their use, control, management and maintenance.

Any agreement providing for such ownership shall be reviewed and approved by the City Attorney to ensure that adequate safeguards are included guaranteeing the continuance of the agreement in perpetuity and protecting the City from harm. In any event the agreement shall give the City the right to perform maintenance and assess the cost to the property owners in the event the property owners fail to maintain the property in accordance with the agreement.

8. — A planned development may be constructed in phases over a period of years provided that an approval by Planning Board of a greater concentration of density or intensity of land use for any section to be developed be offset by a smaller concentration in any completed prior stage or by appropriate reservation of common open space on the remaining land by grant of easement or by covenant in favor of the City; further provided that such reservation shall, as far as practicable, defer the precise location of common open space until an application for final approval is filed, so that flexibility of development can be maintained.

9. — The height and bulk of uses and structures in a planned development shall conform to those standards specified for like uses and structures otherwise permitted in this chapter for the zoning district in which the proposed site is located. Uses and structures shall be designed and arranged to complement land uses adjacent to the site and adequate landscaped buffers shall be provided, subject to the approval of the Board.

10. — Semi-detached one-family dwelling clusters in a R1A Zone or in planned development.

(a) Except as part of the townhouse development, the minimum lot width and area shall be the same as required for a one-family detached dwelling.

(b) Such uses shall be constructed in attached pairs simultaneously on contiguous lots, except when constructed as a twin on a lot of at least seventy-five (75) feet in width and seven thousand five hundred (7,500) square feet in area.

(c) The minimum remaining side yard shall be not less than thirty (30%) percent of the lot width.

(d) Twin houses shall have side yards of ten (10) feet or more.

(e) Semi-detached structures may be attached by garages, covered porches or patios, or common roof areas.

11. — Prior to the approval of a planned development, the Planning Board shall find the following facts and conclusions:

(a) That departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to the zoning ordinance standards pursuant to subsection 52c (C.40:55D-65c.) of the Municipal Land Use Law.

(b) That the proposals for maintenance and conservation of the common open space are reliable, and the amount, location and purpose of the common open space are adequate.

(c) That provision through the physical design of the proposed development for public services, control over vehicular and pedestrian traffic, and the amenities of light and air, recreation and visual enjoyment are adequate.

(d) That the proposed planned development will not have an unreasonably adverse impact upon the area in which it is proposed to be established.

(e) In the case of a proposed development which contemplates construction over a period of years, that the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development are adequate.

o. *Reserved Nightclubs, Teen Clubs.* Nightclubs and teen clubs may be permitted where indicated in Section 30-70 by issuance of a Conditional Use Permit from the Planning Board. The Planning Board may issue a Conditional Use Permit provided the following standards and conditions are complied with:

1. Adjacent parking must be provided as specified in Section 30-59 for restaurants, bars and nightclubs.

2. Teen clubs shall mean nightclubs which do not serve alcoholic beverages and which permit the patronage of persons under the age of twenty (20). The hours of operation of teen clubs shall be limited so that no such club shall be open between the hours of 1:00 a.m. and 12 noon on any given day. No teen club shall be open when any City school is in session.

3. All premises used as teen clubs or nightclubs must be appropriately fenced and landscaped to buffer such activity from nearby residences.

4. No noise emanating from a teen club or nightclub will be permitted which is audible at the nearest property line.

5. Operators of teen clubs shall be responsible for the behavior of their patrons while they are on the premises. Such responsibility will include appropriate supervision both inside the club and in the parking areas.

p. *Churches, Houses of Worship and Funeral Homes.* Churches, houses of worship and funeral homes, as defined in this chapter may be permitted by Conditional Use Permit from the Planning Board in zones as provided in Sections 30-69 and 30-70 subject to the following conditions. ~~The Planning Board may issue a Conditional Use Permit provided the following standards and conditions are complied with:~~

1. ~~_____ A written statement setting forth the full particulars of the intended use must be filed in triplicate with the Planning Board. Such statement must include the estimated seating capacity, worship schedule, if applicable, and a description of activities likely to occur on the premises. The statement is required in order for the Planning Board to assess the impact, if any, of the proposed use on the surrounding area due to traffic, noise, etc.~~

12. In order to prevent excess parking on adjacent streets, there must be off-street parking provided equal to one (1) parking space per four (4) seats for churches and houses of worship.

2. ~~_____ Funeral homes shall conform to the parking requirements of paragraph o of subsection 30-59.5 and shall also provide for the storage of hearses, family cars, flower cars and any other vehicles used in the operation of the business. The Board may consider the use of off-site parking or storage facilities for such vehicles in satisfying this requirement. All other provisions of Section 30-59 shall apply with respect to the layout and design of such off-street parking areas.~~

3. In order to insure adequate area for off-street parking and associated buffers, the minimum lot size must be twelve thousand five hundred (12,500) square feet and the minimum lot width must be one hundred (100) feet.

4. ~~_____ The Planning Board may require planted buffers or other screening for the purpose of mitigating any adverse effect of light or noise generated in connection with the use of the property.~~

45. ~~All buildings and structures shall comply with the yard requirements of the zone within which they are located, except that e~~ Church buildings may be constructed to a height not exceeding two and one-half (2.5) stories and fifty (50) feet, not including steeples, cupolas, bell towers, or other such architectural features. No illuminated elements permitted above the first floor.

q. ~~*Reserved. Planned Arena Development in the Waterfront Redevelopment Area.* It is anticipated that a need may arise within the Waterfront Redevelopment Area between the beachfront and the Central Business District for a major arena facility and that such a facility may require related facilities for convention use such as exhibition facilities. While the underlying zoning in the area between the beachfront and the Central Business District is residential, a Planned Arena Development will be permitted within an Arena Overlay District through the issuance of a Conditional Use Permit by the Planning Board, subject to conformance with the following conditions:~~

1. ~~The Arena Overlay District shall be the area south of Asbury Avenue which is currently residential and which borders on the B1 (Central Business District) Zone to the west and the B2 (Main Street Commercial) Zone to the east. The Overlay District shall consist of Block 129.01; Block 129.02; Block 142; Block 131; Block 128; Block 118, Lots 1, 2, 9 and 10.~~

2. ~~The site for the Planned Arena Development shall consist of all of the properties within the Arena Overlay District.~~

3. ~~The arena site may include properties on both sides of a public street or public open space, but development plans must indicate improvements to be installed to provide for safe vehicular and pedestrian circulation through the complex.~~

4. ~~The arena building and its attendant parking facilities must be confined to the north side of~~

Cookman Avenue. Related facilities, such as freestanding special exhibition pavilions and outdoor theaters, may be located south of Cookman Avenue but must not cover more than thirty-five (35%) percent of the total portion of the site devoted to those structures. Freestanding structures devoted to related facilities must not exceed two (2) stories or thirty-five (35) feet in height.

5. The arena building must not exceed a FAR of 3.0 exclusive of floor area devoted to structured parking.

6. Parking for a Planned Arena Development, inclusive of related facilities such as exhibition pavilions, shall be required equal to one (1) parking space per five (5) seats, based on maximum seating capacity. Parking may be provided on-site and/or off-site in accordance with subsections 30-59.8, 30-59.9 and 30-59.10, except that no on-site parking shall be located south of Cookman Avenue.

7. The area of the site located south of Cookman Avenue must be landscaped in a manner designed to create an aesthetic and functional relationship with the proposed Wesley Lake Waterfront Park and Bikeway. Vehicular access to the interior of this area must be restricted to service and emergency vehicles only so that the pavilions containing the related uses become architectural elements within a pedestrian-oriented, park-like setting.

8. Pedestrian walkways must be connected to adjacent public sidewalks and public spaces so as to facilitate convenient public access through and around the site.

9. Arena and residential uses shall not be combined within the Arena Overlay District.

r. *Reserved.* (Superseded by Ord. No. 2735)

s. *Reserved. Artist Loft Apartments in Commercial Buildings.* The following conditional use regulations shall apply to artist loft apartments in commercial buildings within the B1 (CBD) Zone. Artist loft apartments in commercial buildings shall be permitted only upon the issuance of a Conditional Use Permit by the Planning Board, or, if a variance of a condition solely applicable to the conditional use is required, the Zoning Board of Adjustment. Application for a Conditional Use Permit shall address the conditions as specified in other regulations of this chapter in addition to the following:

1. The apartment must be located above the street level floor of the commercial building.

2. The apartment must have a separate entrance at street level and the entrance door thereto must be self-closing and locking.

3. An affidavit executed by the owner of the premises proposed for an artist loft apartment, certifying to the Board that the occupancy of the apartment during the term of its use shall require at least one (1) person, who shall be engaged in the full-time pursuit of the fine arts (e.g., painting, sculpture, music, dance, theater, photography) or a recognized design profession (i.e., architecture, landscape architecture, interior design, theatrical set design, graphic design).

4. A Certificate of Zoning Compliance must be issued prior to occupancy and the artist or designer must meet the following standards:

(a) Lofts occupied by artists. Subsequent to the issuance of a Conditional Use Permit and Certificate of Zoning Compliance for an artist loft apartment, the owner shall submit, by the last day of each year, an affidavit attesting to the participation of the artist in one (1) of the events, if any, designated by resolution of the Mayor and Council as being sponsored or co-sponsored by the City. Such affidavit shall state the dates and manner in which art work or artistic performances were made available to the public.

(b) Lofts occupied by designers. Designers must possess:

- (1) A bachelor's degree in architecture, landscape architecture, interior design or related design profession; or
- (2) One (1) year of apprenticeship with a licensed design professional; or
- (3) Proof of membership in a recognized national professional association; or
- (4) A professional license issued by the appropriate administrative agency of the State of New

Jersey.

5. — Artist loft apartments located in commercial buildings shall contain a segregated work area of at least three hundred (300) square feet. The total size of the apartment, including the work area, shall not be less than nine hundred (900) square feet. The apartment may be arranged in a "great room" or studio format and contain open mezzanine or "loft" levels, provided that compliance with all Health, Fire and Housing Codes is maintained.
6. — Occupancy of an artist loft apartment shall be limited to one (1) person per three hundred (300) square feet of floor area, exclusive of the work area.
7. — A commercial building which is enlarged to provide for one (1) or more artist loft apartments shall be required to provide one (1) additional off-street parking space per apartment.
8. — The applicant shall submit a proposal for the handling and disposal of solid waste, including the means by which differing recycling requirements between commercial and residential uses will be reconciled and shall comply with all applicable requirements regarding same.
- t. — ~~Accessory Apartments in Commercial Buildings.~~ The following conditional use regulations shall apply to accessory apartments in commercial buildings where indicated as a conditional use within this chapter. Accessory apartments in commercial buildings shall be permitted only upon the issuance of a Conditional Use Permit subject to the following standards by the Planning Board, or, if a variance of a condition solely related to the conditional use is required, the Zoning Board of Adjustment. Application for a Conditional Use Permit shall address the conditions as specified in other regulations of this chapter in addition to the following:
1. — ~~The accessory apartment residential dwellings must be located above the street level floor of the commercial building.~~
 2. — ~~The apartment residential access shall may have a separate entrance at street level that may not occupy more than 10% of the street frontage on the street the entrance faces and the entrance door thereto must be self closing and locking. In the case of a tract having more than one street frontage, the residential access shall be limited to one street frontage.~~
 3. — ~~Common areas and amenity space associated with the residential use may be provided on the ground floor in an area not to exceed 20% of the block frontage, including any floor area attributed to the residential access. An affidavit executed by the owner of the premises proposed for an upper level accessory apartment, certifying to the Board that the occupancy of the apartment during the term of its use shall be restricted to at least one (1) person who is either an owner of the premises or an owner or employee of a business located on the street level of the building that will contain the apartment. Subsequent to the issuance of the initial Certificate of Zoning Compliance for the accessory apartment, the owner shall submit, each year, an affidavit certifying compliance with this section. The affidavit shall be submitted at the time of the renewal of the mercantile license for the principal commercial use to which the apartment is an accessory. Upon a change in ownership of the building, the residential use of the apartment shall be terminated unless the new owner submits an affidavit to the Zoning Officer certifying that the residential use continues to conform to the above restrictions.~~
 4. — There shall be not more than one (1) apartment that is accessory to any one (1) commercial space.
 5. — Accessory apartments located in commercial buildings shall conform to the minimum size requirements of subsection 30-73.4.
 6. — A commercial building which is enlarged to provide for one (1) or more accessory apartments shall be required to meet the parking requirement for the commercial use plus off-street parking space for each accessory apartment until therein, except that fifty (50%) percent of the total residential parking requirement may be met through the provision of parking spaces for commercial uses within the same building which occur primarily on weekdays and which close by 6:00 p.m.
 7. — The applicant shall submit a proposal for the handling and disposal of solid waste, including the means by which differing recycling requirements between the commercial and residential uses will be reconciled and shall comply with all applicable requirements regarding same.

u. Reserved Helistops. The following conditional use regulations shall apply to helistops where permitted as a Conditional Use within this chapter. Helistops shall be permitted only upon the issuance of a Conditional Use Permit by the Planning Board, or, if a variance of a condition is required, the Zoning Board of Adjustment. Application for a Conditional Use Permit shall address the conditions as specified in other regulations of this chapter in addition to the following:

1. — A statement detailing the proposed use of the site including a description of the proposed level of activity measured in flights per hour or per day, hours of operation, etc.
2. — A plan, drawn to scale, depicting the layout of the site, inclusive of the following:
 - (a) Site security to include a fence of not less than four (4) feet in height on three (3) sides and/or security personnel, employed by the applicant, to supervise take-offs and landings for safety purposes, subject to the approval of the New Jersey Office of Aviation (NJOA).
 - (b) Marking indicators at each corner of the landing area pursuant to minimum requirements of the Federal Aviation Administration (FAA) and New Jersey Office of Aviation (NJOA).
 - (c) Wind sock or equivalent.
 - (d) Passenger shelters and walkways, if any.
3. — The helistop shall not include the fueling or maintenance of helicopters and helicopters shall not be parked at the helistop except when loading or discharging passengers.
4. — The hours of operation of a helistop within a R5 (High Density Multi-family Residential) Zone shall not include flights prior to 6:00 a.m. or after 10:00 p.m., unless under special circumstances approved by the Planning Board.
5. — Any passenger shelters approved by the Planning Board as part of the issuance of a Conditional Use Permit shall be not higher than fifteen (15) feet and shall be equipped with a trash receptacle cluster for regular and recyclable waste. No advertising signage shall be permitted on the shelter or trash receptacle cluster.
6. — The operation of the helistop shall make reasonable accommodations, where possible, for the use of public transportation and "kiss and ride" pick up/drop off.
7. — The Conditional Use Permit issued for a helistop under this section shall be subject to a favorable determination by the NJOA after impact tests and public hearings conducted during the nine (9) month period of that agency's Temporary Permit.

v. Reserved Rooming and Boarding Houses.

1. Rooming and boarding houses shall contain a maximum of one hundred (100) beds.
2. — A property containing a rooming or boarding house shall be located at least one thousand (1,000) feet from any property used for a rooming or boarding house. (2000 Code § 30-76.3; Ord. No. 2735)

ARTICLE II Basic Definitions and Interpretations

30-15 DEFINITIONS.

For the purpose of this chapter, "lot" shall include "plot," and "building" shall include "structure," and "fence" shall include "wall." Unless the context of use clearly indicates otherwise, the term "shall," "will," and "must" indicate a mandatory requirement, and the term "may" indicates a permissive action. The singular may also mean the plural and person shall also mean other legal entities, in proper context.

Abutting County road or drainage facilities shall mean any existing or proposed County road or drainage facility shown on the adopted County Master Plan, Highway Plan, or Official Map, which adjoins or ties within a lot or parcel of land submitted for subdivision or site plan approval.

Accessory building or use shall mean a building or use subordinate to and customarily associated with or incidental to the principal building or use on the same lot. When an accessory building is attached in a substantial manner by a wall or roof to a principal building, it shall be considered a part thereof.

Administrative Officer shall mean the City Planner/Zoning Inspector for the Planning Board, and the City Planner/Zoning Inspector or Zoning Officer for the Zoning Board of Adjustment.

~~*Adult arcade* shall mean an establishment where, for any form of consideration, one (1) or more motion picture projectors, slide projectors, video tape players, or similar machines for viewing by five (5) or fewer persons each are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.~~

~~*Adult bookstore* shall mean an establishment that has as a substantial portion of its stock in trade and offers for sale for any form of consideration, any one (1) or more of the following: (1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that are characterized by an emphasis upon specified sexual activities or specified anatomical areas; or, (2) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.~~

~~*Adult cabaret* shall mean a nightclub, bar, restaurant, or similar establishment that regularly features live performances characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes, slides, or other photographic reproductions, in which a substantial portion of the total presentation time is devoted to the showing of materials characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas. For the purposes of this chapter, "go-go bars" shall be considered to be adult cabarets.~~

~~*Adult motion picture theater* shall mean an establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.~~

~~*Adult theater* shall mean a theater, concert hall, auditorium, or similar establishment characterized by activities featuring the exposure of specified anatomical areas or by specified sexual activities featuring the exposure of specified anatomical areas or specified sexual activities.~~

Alley shall mean a minor way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street. An alley, as defined herein, shall not be considered a street for the purposes of compliance with paragraph e. of subsection 30-68.2.

Alteration shall mean a change to the exterior or interior elements of a building or structure so as to affect the amount or arrangement of rooms, corridors and other spaces or to change the nature of their use and/or a change to parking and loading areas and access thereto which affects existing parking layout, circulation, drainage, building arrangements, landscaping, buffering and/or lighting.

Amusements, commercial shall mean an establishment which includes a combination of rides, games of chance, coin-operated amusements and similar devices arranged and intended to provide amusement.

Antiques shall mean objects having special value because of their age and craftsmanship.

Applicant shall mean a developer submitting an application for development.

Application for development shall mean the application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance or direction of the issuance a permit pursuant to subsections 30-21.6 and 30-22.3.

Arcade shall mean an establishment containing four (4) or more coin operated amusements; including video games, pinball machines, juke boxes, pool tables or games of chance.

Automobile junk yard shall mean and describe any business and any place of storage or deposit which displays, or in or upon which there are displayed, two (2) or more unregistered motor vehicles which are unfit for reconditioning for use for highway transportation, or used parts of motor vehicles or material which has been a part of a motor vehicle, the sum of which parts or material are equal in bulk to two (2) or more motor vehicles.

Automobile repair shall mean a business or person who for compensation engages in repairing, restoring, removing, or installing integral component parts of an engine, power train, chassis, or body of any vehicle.

Automobile storage yard, private shall mean one (1) or more unregistered or disabled vehicles which are stored in the open on private property and not being restored to operating condition.

Average elevation shall mean the elevation of the finished grade at the center of each facade of a building or structure divided by the total number of facades.

Balcony shall mean an uncovered platform, which is attached to a building above the ground level, and which projects no more than four (4) feet from the façade, including railings or architectural ornamentation.

Banner shall mean any sign of lightweight fabric or similar material that is mounted on a pole, a building, or any other mounting. National flags, State or municipal flags, the official flag of any institution or business, or other officially recognized flags shall not be considered banners.

Bar shall mean any premises wherein alcoholic beverages are sold at retail for consumption on the premises, exclusive of establishments otherwise defined herein.

Base flood elevation shall mean the highest elevation, expressed in feet above sea level, of the level of flood waters resulting from a one hundred (100) year storm.

Basement shall mean a space having one-half (1/2) or more of its floor-to-ceiling height above the average elevation of the adjoining ground and with a floor-to- ceiling height of not less than six and one-half (6 1/2) feet. A basement shall be counted as a story if used for business, industrial, office or residential proposes.

Beacon shall mean any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same property as the light source; also, any light with one (1) or more beams that rotate or move.

~~*Bed and Breakfast* shall mean an owner occupied facility that provides overnight accommodations and a morning meal to transients for compensation. Bed and breakfasts shall only be permitted as a renovation of an existing building; no new construction shall be permitted (although some "minor" additions may be appropriate). The limit of time a guest may stay shall be limited to a maximum of two weeks. Minor additions shall mean no more than one hundred fifty (150) square feet of new floor area and which does not trigger any setback or height variances.~~

Bed and Breakfast Residence means a private, single-family residence that is year-round owner-occupied, which provides overnight lodging for no more than twelve (12) transient guests and provides only breakfast for registered guests each day. The rented rooms do not contain cooking facilities and do not constitute separate dwelling units.

Berm shall mean an earthen mound planted with grass or other plant material and used for screening one area from another.

Boarding house shall mean any building, together with any related structure, accessory building, any land appurtenant thereto, and any part thereof, which contains two (2) or more units of dwelling space arranged or intended for single room occupancy, exclusive of any such unit occupied by an owner or operator, and wherein personal or financial services are provided to the residents, including any residential hotel or congregate living

arrangement, but excluding any hotel, motel, or established guest house wherein a minimum of eighty-five (85%) percent of the units of dwelling space are offered for limited tenure only.

Board of Adjustment shall mean the Asbury Park Zoning Board of Adjustment.

Brew pub shall mean an establishment licensed to brew any malt alcoholic beverages and in ~~an~~ amounts in accordance with in accordance with the State Alcoholic Beverage Law, not to exceed three thousand (3,000) barrels of thirty one (31) fluid gallons capacity per year, and operated in conjunction with a restaurant regularly and principally used for the purpose of providing meals to its customers and having adequate kitchen and dining room facilities, ~~located immediately adjoining the premises licensed to brew malt alcoholic beverages as a restricted brewery.~~

Buffer shall mean a portion of a lot or parcel which is devoted to the visual separation of land uses on the same lot or on an adjacent lot. In most instances the buffer will be a strip of plant material, at least five (5) feet wide, massed so as to block or screen views through it.

Building shall mean a combination of materials to form a construction adapted to permanent, temporary, or continuous occupancy and having a roof. This definition shall not be construed to apply to trailers, wagons or any other enclosure supported by a chassis, axles and/or wheels.

Building coverage shall mean the area of a lot or parcel covered by buildings or structures, exclusive of open decks, swimming pools, parking areas or other impervious ground covers.

Capital improvement shall mean a governmental construction project or acquisition of equipment or real property.

Cellar shall mean a space with less than one-half (1/2) of its floor-to-ceiling height above the average elevation of the adjoining ground or with a floor-to-ceiling height of less than six and one-half (6 1/2) feet.

Change of use shall mean the use of a building or premises for a purpose different than previously authorized and where one (1) use classification is being changed to another (e.g., one (1) family residential to two (2) family residential, retail sales to retail service, multifamily residential to general office, hotel/motel to multifamily dwelling or rooming/boarded house).

Child day care center shall mean a place of business established for the purpose of providing supervision and care for five (5) or more children five (5) years of age or younger and operated on a regular basis, but not as a residence or domicile.

Church/house of worship shall mean a building or premises, together with any related structure, accessory building, or land appurtenant thereto, and any part thereof in which persons assemble for the purpose of conducting religious worship services and related activities.

Circulation shall mean systems, structures and physical improvements for the movement of people, goods, water, air, sewage or power by such means as streets, highways, railways, waterways, towers, airways, pipes and conduits, and the handling of people and goods by such means as terminals, stations, warehouses, and other storage buildings or transshipment points.

Clubs, social/fraternal organizations shall mean a building or premises together with any related structure, accessory building, or land appurtenant thereto, and any part thereof, in which persons congregate for social or civic purposes and where membership might be required.

Cluster development shall mean an area to be developed as a single entity wherein buildings and structures are arranged in groups, either on separate lots or on a single parcel, so as to provide open space and efficient distribution of roads and utilities according to a preconceived plan.

Commercial message shall mean any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Common open space shall mean an open space area within or related to a site designated as a development, and dedicated, set aside, reserved or intended for the use or enjoyment of residents and owners of the development. Common open space may contain such complimentary structures, facilities and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development, and the general public if so dedicated.

Community residence for the developmentally disabled shall mean any community residential facility licensed by the State of New Jersey pursuant to P.L. 1977, c.448 (C.30:11B-1 et seq.) providing food, shelter and personal guidance, under such supervision as required, to not more than fifteen (15) developmentally disabled or mentally ill persons, not including any person who has been committed after having been found not guilty of a criminal offense by reason of insanity or having been found unfit to be tried on a criminal charge. For the purposes of this chapter, "group homes," "intermediate care facilities," "supervised apartment living arrangements," and "hostels" are considered "community residences for the developmentally disabled."

Community shelter for victims of domestic violence shall mean any shelter approved for a purpose of service, contracted and certified by the State of New Jersey pursuant to P.L. 1979, c.337 (C.30:40-1-14) providing food, shelter, medical care, legal assistance, personal guidance and other services on a temporary basis to not more than fifteen (15) persons who have been victims of domestic violence, including any children of such victims.

Conditional use shall mean a use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in this chapter and upon the issuance of authorization therefor by the Planning Board.

Congregate senior citizen housing shall mean a facility providing independent dwelling units supplemented by congregate meals, housekeeping and support services to persons sixty (60) years of age or older.

Containers, refuse shall mean a large box or container made of metal or similar material and designed to be carried on a flat bed truck or other conveyance and used for the disposal of debris or other materials. For the purposes of this chapter, a "dumpster," including those which are designed to be mechanically emptied by specialized disposal vehicles, are to be considered refuse containers.

Contractor's Yard shall mean any use of premises for the storage of equipment, tools, materials, and vehicles used in the business of a construction tradesman.

Convenience store shall mean any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area less than three thousand (3,000) square feet.

County Master Plan shall mean a composite of the plan elements for the physical development of Monmouth County, with the accompanying maps, plots, charts, and descriptive and explanatory matter adopted by the County Planning Board pursuant to N.J.S.A. 40:27-2 and N.J.S.A. 40:27-4.

County Planning Board shall mean the Monmouth County Planning Board.

Court shall mean any open, unoccupied area which is bounded by three (3) or more building walls.

Court, inner shall mean an open area, unobstructed from the ground to the sky, which is bounded on more than three (3) sides by the exterior walls of one (1) or more buildings.

Court, outer shall mean an open space, unobstructed from the ground to the sky, which is bounded on not more than three (3) sides by the exterior walls of one (1) or more buildings.

Craft Distillery shall mean a facility holding a craft distillery license issued in accordance with the State Division of Alcoholic Beverage Control (ABC), producing distilled alcoholic beverages, to rectify, blend, treat and mix distilled alcoholic beverages, including the sale and distribution of the product to licensed wholesalers and retailers, including the retail sale of the product direct to consumers in limited quantities for consumption off the premises, or in connection with a tour of the distillery, the retail sale or offering of samples, for consumption on the premises.

Curb cut shall mean a separation or break in the curblin or edge of the cartway to allow access to a driveway or other vehicular passageway.

Cut shall mean a portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface or excavated surface.

Days shall mean business days unless otherwise specified ~~calendar days~~.

Deck shall mean an uncovered platform, which is attached to a building and which projects more than four (4) feet from the façade, including railings.

Dedication shall mean a dedication of land for construction, reconstruction, widening, repairing, maintaining or improving a street, public or private, and for the construction, reconstruction or alteration of facilities related to the safety, convenience or carrying capacity of the street; including, but not limited to curbing, pedestrian walkways, drainage facilities, traffic control devices and utilities in or along road rights-of-way.

Density, residential shall mean the number of dwelling units per gross acre of residential land area including streets, easements and open space within a development. ~~The residential density of mixed-use development proposed for oceanfront parcels, located east of Kingsley Street in RC and R5 Zones, may be calculated using the entire tract, including portions of the tract containing only commercial uses, provided the proposed development is consistent with all aspects of the Waterfront Redevelopment Plan and this chapter. In all other developments, including planned developments, the residential density shall be calculated after the tract area occupied exclusively by commercial uses is subtracted from the gross tract area.~~

Development shall mean the division of a parcel of land into two (2) or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to this chapter. For the purposes of this chapter, "Special Questions," as defined in this chapter, are not considered "development."

Development, conventional shall mean development other than planned development or cluster development.

Development, Major shall mean a major subdivision or major site plan or any development not defined as a minor development.

Development, Minor shall mean:

- a. A minorsubdivision or minor site plan;
- b. The construction of any building or structure or addition to any building or structure of five hundred (500) or more square feet but less than one thousand (1,000) square feet of building area or structural area;
- c. The construction of more than four (4) but less than ten (10) parking spaces;
- d. Improvements to existing parking areas containing more than four (4) but less than ten (10) parking spaces where the area of existing paving and location and size of existing driveways are affected;
- e. The alteration of an existing building result in a change in the number of dwelling units on the site;
- f. A change in use where additional nonconformities are created and/or pre-existing nonconformities are exacerbated; and/or
- g. Does not involve planned development, any new street or extension of any off-tract improvement.

Development regulation shall mean a zoning, subdivision, site plan, Official Map, or other municipal ordinance or regulation containing the use and development of land, or amendment thereto adopted and filed pursuant to the Municipal Land Use Law.

Development Review Committee shall mean three (3) or more persons, who may be residents or nonresidents of the City, appointed by the Planning Board upon recommendation of the City Manager or City Planner for the purpose of providing technical advice and comments on development applications.

Drainage shall mean the removal of surface water or groundwater from land by drains, grading or other means and includes control of run-off during and after construction or development to minimize erosion and sedimentation, to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, to lessen nonpoint pollution, to maintain the integrity of stream channels for their biological functions as well as for drainage, and the means necessary for water supply preservation or prevention or alleviation of flooding.

Driveway shall mean a vehicular accessway provided for the purpose of allowing passage over private or public property. All driveways shall be an appropriate hard-surface pavement that is durable and maintained in good condition.

Dwelling, attached shall mean a one-family dwelling attached to two (2) or more one-family dwellings by common vertical walls.

Dwelling, detached shall mean a one-family dwelling which is not attached to any other dwelling.

Dwelling, multi-family shall mean a building containing more than two (2) dwelling units.

Dwelling, one-family shall mean a building containing one (1) dwelling unit.

Dwelling, semi-detached shall mean a one-family dwelling attached to one (1) other one-family dwelling by a common vertical wall or other structural element. (Also known as a "twin house" when located on one (1) lot.)

Dwelling, two-family shall mean a building containing two (2) dwelling units.

Dwelling unit shall mean one (1) or more rooms, designed, occupied, or intended for occupancy as separate living quarters with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

Essential services shall mean those services provided by a municipality which are necessary to support and satisfy the needs of the community. Such services may include police and fire protection, solid waste and wastewater collection and removal, education, snow removal, recreation, etc.

Establishment of adult entertainment shall mean an establishment which provides any form of entertainment which is of a nature that would require the exclusion of minors by virtue of age under existing State statute. For the purpose of this chapter, adult motion picture or "X-rated theaters," regardless of seating capacity; "peep shows," whether or not they are coin operated; adult cabarets or "go-go bars" and massage parlors are considered to be "establishments of adult entertainment" if they are required by law to exclude access to minors by virtue of age.

Excavation shall mean removal or recovery by any means whatsoever of minerals, mineral substances or organic substances, other than vegetation, from the water, land surface, or beneath the land surface, whether exposed or submerged.

Exhibition pavilion shall mean a building of no more than fifty thousand (50,000) square feet and two (2) stories in size, arranged and intended to present the products and/or philosophy of a single sponsor to the public, in an educational and entertaining manner, for an extended period of time. For the purposes of this definition, an extended period of time shall mean a period of not less than six (6) months.

Family shall mean one (1) or more persons maintaining a household, provided that, unless specified otherwise in this chapter, no family shall contain more than five (5) unrelated adults. A "family" shall include foster children placed with a family by the State Division of Youth and Family Services, a community residence for the developmentally disabled or community shelter for victims of domestic violence containing six (6) persons or less, excluding resident staff, but shall not include roomers, boarders, or members of a fraternity or sorority. For the purpose of this chapter, "unrelated adults" shall mean that no person is either mother, father, son, daughter, sister or brother, husband or wife of any other person in the family. (See "household.")

Fence shall mean a structure rising above the finished grade intended to provide physical separation between spaces or properties. For the purposes of this section, a structure constructed on a continuous footing or foundation and greater than four (4) inches thick, excluding support posts, shall be considered a wall rather than a fence and shall meet the setback requirements for buildings specified in Section 30-67, herein.

Fill shall mean sand, gravel, earth or other materials of any composition whatsoever placed or deposited by any person or persons.

Final approval shall mean the official action of the Planning Board or Zoning Board of Adjustment taken on a development plan which has been given preliminary approval after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guarantees properly posted for their completion, or approval conditioned upon the posting of such guarantees.

Flag shall mean any fabric or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Flood Hazard Area shall mean the area delineated on the Flood Insurance Rate Map as being subject to flood waters resulting from a one hundred (100) year storm.

Flood Insurance Rate Map (FIRM) shall mean the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community, adopted September 15, 1983, as Map No. 340285-0001C or as revised by the Federal Emergency Management Agency.

Floor area, gross shall mean the sum of the gross horizontal areas of the floors or stories of a building measured from the exterior face of the exterior walls but not including areas devoted exclusively to off-street parking and loading space for motor vehicles or any space where the floor-to-ceiling height is less than seven (7) feet.

Floor area, net shall mean that portion of the gross floor area to be used or occupied or intended for use or occupancy. In the absence of floor plans identifying and quantifying useable or habitable floor space, net floor area will be measured as gross floor area minus twenty (20%) percent.

Floor Area Ratio (FAR) shall mean the ratio of the gross floor areas of all buildings on a lot to the lot area.

Garage shall mean a building or structure used for the storage of one (1) or more vehicles. If it is maintained for the resident occupant of the premises and no service is rendered to the public, or any business conducted therein, it is a private garage. Any garage other than a private garage is a public garage.

Garage, repair. See "Automobile repair."

Gasoline service station shall mean a place where gasoline or other motor fuel is offered for sale to the public and deliveries are made directly into motor vehicles, and which may provide for the maintenance, service or washing of motor vehicles, or the sale of equipment and accessories.

Governing Body shall mean the Mayor and Council of the City of Asbury Park.

Grade, finished shall mean the final grade or elevation of the ground surface conforming to the proposed design.

Grading shall mean any stripping, culling, filling, stockpiling or any combination thereof, including the land in its cut or filled condition.

Guest houses shall mean a hotel wherein no more than nine (9) units of dwelling space, each containing private bathing facilities, are arranged or intended for single room occupancy, exclusive of any such unit occupied by any owner or operator, and where eighty-five (85%) percent or more of the units are occupied by persons for ninety (90) days or less. (See "hotel.")

Habitable room shall mean any room in a dwelling unit other than a kitchen or bathroom.

Halfway house shall mean a building or structure or dwelling unit wherein two (2) or more inmates of the State Department of Corrections; or two (2) or more persons paroled from a correctional institution reside under on-site or off-site supervision. Halfway houses, as herein defined, are prohibited in the City as they represent a threat to the public safety and welfare.

Height of building or structure shall mean the vertical distance measured from the average finished ground elevation around the foundation to the top of a structure; the highest point of the surface of a flat roof; or the midpoint between the ridge and the eave of a pitched roof.

Heliport shall mean an identifiable area on land, water or structure, including any building or facilities thereon, used or intended to be used for the landing and takeoff of helicopters. The term heliport as used herein applies to all sites, including helistops, used or intended to be used for the landing and takeoff of helicopters.

Helistop shall mean an area used or intended to be used for the landing and takeoff of helicopters engaged in dropping-off or picking-up passengers.

Historic building or site shall mean any building, structure, area or property that has been designated on the State or National Register of Historic Places or in the Asbury Park Master Plan to be significant in the history, architecture, archaeology or culture of the State of New Jersey, its communities or the nation.

Home occupation (minor) shall mean an occupation, profession, activity, or use that is clearly an ~~customary~~ incidental and secondary use of a residential dwelling unit conducted by the residents thereof, and which does not alter the exterior of the property or affect the residential character of the premises or neighborhood.

Home occupation (major) shall mean an occupation, profession, activity, or use conducted by the residents and unrelated, non-resident employees, which may include the offering of services to clients on the premises.

~~*Home professional office* shall mean the office of a physician, dentist, chiropractor, architect, attorney, accountant or like professional person, which is conducted within the residence of that person in a residential zone.~~

Hotel shall mean a building or group of buildings containing ten (10) or more units of dwelling space designed and used primarily for single room occupancy of limited tenure in which no more than five (5%) percent of the sleeping units may have cooking facilities of any kind, and all sleeping units contain private bathrooms with bathing facilities. For the purposes of this chapter, "limited tenure" shall mean occupancy in any particular facility of not more than ninety (90) days. A maximum of fifteen (15%) percent of the sleeping units may be occupied more than ninety (90) days. Motels, motor inns, and motor lodges shall be considered "hotels" for the purpose of this chapter. Buildings which contain sleeping rooms without private baths and which do not provide heat in winter months shall be considered "seasonal hotels" and shall not be permitted.

Household shall mean a family living together in a single dwelling unit with common access to, and common use of all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.

Impervious surface shall mean any material which generally reduces or prevents absorption of storm water into previously undeveloped land. Retention and detention basins and dry wells allowing water to percolate directly into the ground shall not be considered as impervious surfaces.

Interested party shall mean: (a) In a criminal or quasi-criminal proceeding, any citizen of the State of New Jersey; (b) In the case of a civil proceeding in any court or in an administrative proceeding before a municipal agency, any person, whether residing within or outside the City, whose right to use, acquire, or enjoy property is or may be affected by any action taken under this chapter, or under any other law of this State or of the United States has been denied, violated or infringed by an action or a failure to act under this chapter.

Institutional and public uses shall mean nonprofit public or quasi-public institutions and uses such as public and private colleges and universities, libraries, museums and correspondence and vocational schools.

Junk shall mean any scrap, waste, reclaimable material and debris, whether or not stored or used in conjunction with the dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Junk may include, for purposes of illustration, vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, plaster, household appliances, wood, lumber, brush and building materials.

Junkyard shall mean any area, lot, parcel, building or structure used for the storage, sale, processing or abandonment of junk.

Land shall mean ground, soil or earth including improvements and fixtures on, above or below the surface thereof.

Land disturbance shall mean any activity involving the clearing, cutting, excavating, filling, grading, and any other activity which causes land to be altered, eroded or subject to erosion.

Landscape plan shall mean a drawing or set of drawings, submitted in conjunction with an application for development, which indicates all the elements of the proposed landscape treatment of a site, including plant materials, structures, paving materials, landforms, grading and drainage.

Licensed health care facility shall mean any health care facility defined in N.J.S.A. 26:2H-2 that requires

a license from the State of New Jersey Department of Health to operate.

Light industrial shall mean an establishment that engages in fabrication, assembly, or processing of goods or materials, or the storage of bulk goods and materials where such activities or materials create no hazard from fire or explosion, or produce no toxic or corrosive fumes, gas, smoke, obnoxious dust or vapor, offensive noise or vibration, glare, flashes, or objectionable effluent.

Lot shall mean a designated parcel, tract or area of land established by a plot plan or otherwise as permitted by law and to be used, developed or built upon as a unit.

Lot area shall mean the computed area contained within the lot lines, but not including any street rights-of-way.

Lot, corner shall mean a parcel of land either at the junction of or abutting on two (2) or more intersecting streets, or abutting a single street at the point where the road tangents deflect by more than forty-five (45°) degrees.

Lot (impervious) coverage shall mean that portion of one (1) lot or more than one (1) lot which is improved or is proposed to be improved with buildings and structures, including but not limited to driveways, parking lots, pedestrian walkways, signs and other manmade improvements on the ground surface which are more impervious than the natural surface. (See also "building coverage" and "open space.")

Lot depth shall mean the average distance between the front lot line and rear lot line.

Lot, interior shall mean a parcel of land other than a corner lot and having frontage on a street, road or other designated right-of-way.

Lot line shall mean a line of record bounding a lot.

Lot line, front shall mean the lot line separating a lot from a street right-of-way.

Lot line, rear shall mean the lot line opposite and most distant from the front lot line, or the point at which the side lot lines meet. On corner lots, there shall be only one (1) rear lot line.

Lot line, side shall mean any lot line other than a front or rear lot line.

Lot, through shall mean an interior lot which extends from one (1) street to another.

Lot width shall mean the distance between the side lot lines measured at the streetline. Where the side lot lines converge towards the street, the lot width may be measured at the front yard setback line.

Maintenance guarantee shall mean any security other than cash, which may be accepted by the City for the maintenance of any improvements required by this chapter or as a condition of Planning Board or Zoning Board of Adjustment approval.

Major subdivision shall mean a subdivision not classified as a minor subdivision.

Marquee shall mean any permanent roof-like structure located at an entry to an entertainment establishment that projects beyond the building or extends along and projects beyond the wall of a building, generally designed and constructed to provide protection from the weather, and any sign attached to or made part of such structure.

Massage parlor shall mean an establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional licensed by the State of New Jersey. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

Master Plan shall mean the Asbury Park Master Plan and any revisions, amendments, or additions thereto.

Microbrewery shall mean an establishment holding a limited brewery license issued in accordance with the State Division of Alcoholic Beverage Control (ABC), producing malt beverages, including the sale and distribution of the product to licensed wholesalers and retailers, including the retail sale of the product direct

to consumers in limited quantities for consumption off the premises, or in connection with a tour of the brewery, the retail sale or offering of samples, for consumption on the premises engaged in brewing any malt alcoholic beverages for sale and distribution to wholesalers and retailers licensed in accordance with the State Alcoholic Beverage Law, that is licensed to operate pursuant to N.J.S.A. 33:1-10.

A brewery holding a limited brewery license in accordance with the State Division of Alcoholic Beverage Control (ABC), producing malt beverages, including the sale and distribution of the product to licensed wholesalers and retailers. A microbrewery may maintain a warehouse on the premises as well as offer their product for sale at retail to consumers in limited quantities for consumption off the premises, or in connection with a tour of the brewery, the retail sale or offering of samples, for consumption on the premises.

Minor subdivision shall mean any subdivision containing not more than three (3) lots, including the remaining lot or parcel, which is not a planned development, or does not contain any new street, or does not involve the extension of any off-tract improvement.

Municipal Land Use Law shall mean Revised New Jersey Statutes 40:55D-1 et seq.

Natural ground surface shall mean the ground surface in its original state before any grading, excavation or filling.

Nightclub shall mean an establishment where alcoholic beverages are served that may also serve food as an adjunct to its bar business, and where music (live or recorded) is provided to patrons for their listening or dancing entertainment.

Nonconforming lot shall mean a lot, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of this chapter or previous ordinances, but fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment of this chapter.

Nonconforming structure shall mean a structure which was of legal height and/or legally situated on a lot or parcel prior to the adoption, revision or amendment of this chapter or previous ordinances, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment of this chapter.

Nonconforming use shall mean a use or activity which was lawful prior to the adoption, revision or amendment of this chapter or previous ordinances, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment of this chapter. For the purposes of this section, a use shall be considered nonconforming if the residential density or floor area ratio applied thereto exceeds the maximum permitted in the zoning district in which such use is located by reason of the adoption, revision or amendment of the Land Development Regulations.

Office, business shall mean a room or group of rooms used for conducting the affairs of a business or industry.

Office, medical shall mean a business principally engaged in providing services for health maintenance, diagnosis (including testing) and treatment of human diseases, pain or other physical or mental condition of patients by physicians or other licensed health care professionals, solely on an outpatient basis, but not to include a behavioral health care center. No overnight patients shall be kept on the premises. Examples of medical offices shall include but not be limited to general physicians, dentists, chiropractors, psychologists, cardiologists, radiologists and other various specialists.

Office, professional shall mean the office of a member of a recognized profession, maintained for the conduct of that profession, any office used by one (1) or more persons licensed or certified by the State of New Jersey, or any professional society or association with recognized status and national affiliations, to provide a professional service to the public. Such professions shall specifically include licensed medical practitioners, chiropractors, psychologists, real estate practitioners, accountants, financial or insurance practitioners, legal practitioners, planning, design, and engineering professionals, and travel consultants, or any other profession whose members are licensed or certified by the State of New Jersey, or any professional society or association with recognized status and national affiliations, to provide a professional service to the public.

Official County Map shall mean the map, with changes and additions thereto, adopted and established from

time to time, by resolution of the Board of Chosen Freeholders of the County of Monmouth pursuant to N.J.S.A. 40:27-5.

Official Map shall mean a map adopted in accordance with the Municipal Land Use Law, or any prior act authorizing such adoption, which map shall be deemed conclusive with respect to the location and width of the streets, public parks and playgrounds, and drainage right-of-way shown thereon.

Off-site shall mean located outside the lot lines of the lot or lots in question but within the property (of which the lot is a part) which is the subject of a development or contiguous portion of a street right-of-way.

Off-tract shall mean not located on the property which is the subject of a development application nor on a contiguous portion of a street right-of-way.

On-site shall mean located on the lot or lots in question.

On-tract shall mean located on the property which is the subject of a development application or on a contiguous portion of a street right-of-way.

Open space shall mean any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; provided that such area may be improved with only those buildings, structures, streets and off-street-parking and other improvements that are designed to be incidental to the recreational use and enjoyment of the open space.

Open space, common. See "common open space."

Open space, public shall mean any open space area conveyed or otherwise dedicated to the City or a City agency, Board of Education, State or County agency, or other public body for recreational and conservational uses.

Owner/applicant shall mean an individual, firm, association, syndicate, copartnership or corporation having sufficient proprietary interest to seek or authorize development of land under this chapter and State Statute.

Parking area, private shall mean any open area, including parking spaces, driveways and access aisles or other public way, used for the temporary storage of automobiles and other permitted vehicles for the private use of the owners or occupants of the lot on which the area is located.

Parking area, public shall mean any open area, including parking spaces, driveways and access aisles, other than a street or other public way, used for the temporary storage of automobiles and other permitted vehicles and available to the public, with or without compensation or as an accommodation for clients, customers and employees.

Parking facility shall mean any public or private parking area or garage.

Party immediately concerned shall mean for purposes of notice, any applicant for development, the owners of the subject property, and all owners of property and government agencies entitled to notice under this chapter.

Pennant shall mean any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Penthouse shall mean a roofed enclosure up to twelve (12) feet in height on top of a building and occupying not more than twenty (20%) percent of the main roof area.

Performance guarantee shall mean any security, which may be accepted by the City to ensure the installation of public improvements or compliance with conditions imposed by the Planning Board or Zoning Board of Adjustment.

Permit shall mean a certificate issued to perform work under this chapter.

Permitted use shall mean any use which shall be allowed, subject to the provisions of this chapter.

Permittee shall mean any person to whom a permit is issued in accordance with this chapter.

Person shall mean corporation, company, association, society, firm, partnership or joint-stock company, as well as individual, the State and all political subdivisions of the State or any agency or instrumentality

thereof.

Personal services shall mean establishments engaged in providing services involving the care of a person or their apparel, including beauty shops, barber shops, shoe repair, tailors, nail salons, and photographic studios.

Philanthropic or eleemosynary use shall mean a use established by a nonprofit organization and funded through a foundation or other charitable means for the purpose of promoting human welfare. Such uses include "shelter for the homeless" and "soup kitchens," when operated by an organization as defined herein. Such a use does not include "community residences for the developmentally disabled," "residential health care facilities" or "community shelters for victims of domestic violence" as defined in this section.

Planned commercial development shall mean an application for development involving two (2) acres or more to be developed according to a plan as a single entity containing one (1) or more structures with appurtenant common areas to accommodate commercial or office uses or both and any residential and other uses incidental to the predominant use as may be permitted by this chapter.

Planned development shall mean planned unit development, planned unit residential development, residential cluster, planned commercial development or planned industrial development.

Planned industrial development shall mean an application for development involving three (3) acres or more to be developed according to a plan as a single entity containing one (1) or more structures with appurtenant common areas to accommodate industrial uses and any commercial uses incidental to the predominant use as may be permitted by this chapter.

Planned unit residential development shall mean an area with a specified minimum contiguous acreage of two (2) acres or more to be developed as a single entity according to a plan containing one (1) or more residential clusters, which may include appropriate commercial, and/or public or quasi-public uses all primarily for the benefit of the residential development.

Planning Board shall mean the Asbury Park Planning Board.

Plat shall mean a map or maps of a subdivision or site plan.

Plat, final shall mean the final map of all or a portion of a subdivision or site plan which is presented to the Planning Board or Board of Adjustment for final approval in accordance with this chapter.

Plat, preliminary shall mean the preliminary map indicating the proposed layout of the subdivision or site plan which is submitted to the Planning Board or Board of Adjustment for consideration and preliminary approval.

Plat, sketch shall mean the sketch map of a subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.

Porch shall mean a roofed entrance or porte cochere not more than one (1) story in height which projects beyond the main building into the required front yard area; the porch shall not be enclosed permanently or temporarily, with any type of material, nor shall there be any construction between the roof and floor of the porch except for columns or posts necessary to support the roof or an open safety railing, which shall present no more than minimal obstruction to view; provided, however, that a portable storm vestibule not more than five (5) feet in any horizontal dimension is permissible during the fall and winter months and open wire mesh removable screening in the area aforesaid is permissible during the spring and summer months. ~~However, open balconies may be permitted above the first floor on buildings or structures that are built and utilized as motels, high rise apartments or multifamily dwelling units, provided the balconies shall not extend more than six (6) feet beyond the building line.~~

Preliminary approval shall mean the conferral of certain rights pursuant to this chapter prior to the final approval after specific elements of the development plan have been agreed upon by the Planning Board or Board of Adjustment and the applicant.

Preliminary floor plan and elevations shall mean architectural drawings prepared during early and introductory stages of the design of a project illustrating in a schematic form, its scope, scale and relationship to its site and immediate environs.

Prohibited use shall mean a use or use classification which is not expressly permitted in a zone district.

Public areas shall mean existing or proposed: (1) public parks, playgrounds, trails, paths and other recreational areas; (2) other public open spaces; (3) scenic and historic sites; and (4) schools and other public buildings and structures.

Public development proposal shall mean a master plan, capital improvement program or other proposal for land development adopted by the appropriate public body, or any amendment thereto.

Public drainage way shall mean the land reserved or dedicated for the installation of surface or subsurface storm water drainage systems.

Quorum shall mean a majority of the full authorized membership of either the Planning Board or Zoning Board of Adjustment.

Recreation area shall mean that portion of the designated open space of a development proposal which is specifically designed for the active or passive recreation of the residents of the development or general public, if so designated.

Recreation, commercial shall mean recreation facilities operated as a business and open to the public for a fee.

Recreation facility shall mean a place where sports, leisure time activities and customary and usual recreational activities such as set forth in major group #79 of the Standard Industrial Classification Manual are carried out.

Region or regional shall mean Monmouth County.

Residential cluster shall mean two (2) or more residential dwellings of one (1) or more housing types grouped together on a site so as to provide open space for the common use of the residents. The overall permitted residential density of a site with residential clusters shall be equal to that which is specified for the zone district.

Residential health care facility shall mean any establishment which furnishes food and provides any personal care or service beyond food, shelter, laundry and guidance, to any one (1) or more persons eighteen (18) years of age or older. For the purposes of this chapter, "homes for sheltered care," "rest homes" and "convalescent homes" are considered "residential health care facilities."

Restaurant shall mean an establishment where beverages and prepared food are served on the premises and where not less than seventy-five (75%) percent of the gross floor area is devoted to table or booth dining space for patrons.

Resubdivision shall mean: (1) the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law or (2) the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, but does not include conveyances so as to combine existing lots by deed or other instrument.

Retail service shall mean any establishment providing a service to the public at large for a fee, limited to the following, except as otherwise provided in Section 30-71 of this chapter: eating and drinking places; offices for finance, insurance, real estate or travel services; personal grooming, garment and footwear services; business services; repair services except for automobiles and large items such as furniture and major household appliances such as refrigerators unless part of a retail sales business on the premises; recreation services except amusement arcades and billiard parlors; health services except licensed health care facilities and partial care programs; educational services restricted to accredited colleges or universities, licensed professional or trade schools and specialized skills training, such as dance, martial arts, fitness training or bartending schools; cultural services such as museums and art galleries.

Retail trade shall mean any establishment which engages in the sale of new merchandise to the public at large, limited to the following except as otherwise provided in Section 30-71 of this chapter: hardware and garden supply; general merchandise and department stores; food stores; apparel and accessory stores; home furnishing and equipment stores; appliance and electronic equipment stores; miscellaneous retail except nonstore retailers, fuel and ice dealers.

Retail used car dealership shall mean a business where used passenger motor vehicles are displayed and sold by a dealer licensed by the State of New Jersey. A retail used car dealership shall not include a motor vehicle repair facility as defined in this section, but may include such maintenance activities for the purpose of servicing

motor vehicles so as to make them comply with the laws of the State of New Jersey.

Roomer/boarder shall mean a person other than a member of a family or household occupying part of any dwelling unit, who, for a consideration, is furnished sleeping accommodations in such dwelling unit and may be furnished with meals or kitchen privileges, financial assistance, supervision or personal service as part of this consideration.

Rooming house shall mean a boarding house wherein no personal or financial services are provided to residents.

Rooming unit shall mean one (1) or more rooms arranged and intended for residential occupancy but lacking either private cooking or bathroom facilities. Bedrooms to which direct access is gained by individual key operated locks shall be considered "rooming units."

Secondhand store shall mean any commercial establishment devoted exclusively to the sale of used merchandise. For the purposes of this chapter, "pawn shops," "used furniture stores" and "thrift shops" shall be considered "secondhand stores;" while dealers of authentic antiques, "nonprofit or goodwill thrift stores" and "retail used car dealers" are not considered secondhand stores. The sale of used clothing other than in conjunction with a "nonprofit" thrift shop is prohibited.

Sediment shall mean any solid material that is in suspension and is being or has been moved by water, ice, wind, gravity or other means.

Sedimentation shall mean the transport and depositing of sediment.

Senior citizen housing shall mean a building or group of buildings containing three (3) or more dwelling units designed for and exclusively occupied by senior citizens.

~~*Sexual encounter establishment* shall mean an establishment other than a hotel, motel, or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two (2) or more persons may congregate, associate, or consort in connection with specified sexual activities or the exposure of specified anatomical area. This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State engages in sexual therapy.~~

Sexually oriented business shall mean (1) a commercial establishment, which as one of its principal business purposes offers for sale, rental, or display any of the following: Books, magazines, periodicals or other printed material, or photographs, films, motion pictures, video cassettes, slides or other visual representations which depict or describe a specified sexual activity or specified anatomical area; or still or motion picture machines, projectors or other image-producing devices which show images to one person per machine at any one time, and where the images so displayed are characterized by the depiction of a specified sexual activity or specified anatomical area; or instruments, devices, or paraphernalia which are designed for use in connection with a specified sexual activity; or (2) a commercial establishment which regularly features live performances characterized by the exposure of a specified anatomical area or by a specified sexual activity, or which regularly shows films, motion pictures, video cassettes, slides, or other photographic representations which depict or describe a specified sexual activity or specified anatomical area. As pertaining to the determination of a sexually oriented business, Person means an individual, proprietorship, partnership, corporation, association, or other legal entity.

As pertaining to the determination of a sexually oriented business, Specified anatomical area means:

(1) Less than completely and opaquely covered human genitals, pubic region, buttock or female breasts below a point immediately above the top of the areola; or

(2) Human male genitals in a discernibly turgid state, even if covered.

As pertaining to the determination of a sexually oriented business, Specified sexual activity means:

(1) The fondling or other erotic touching of covered or uncovered human genitals, pubic region, buttock or female breast; or

(2) Any actual or simulated act of human masturbation, sexual intercourse or deviate sexual intercourse.

Sight triangle shall mean a triangular shaped portion of land established at intersections in accordance with

the requirements of this chapter in which nothing shall be erected, placed, planted or allowed to grow in such a manner as to limit or obstruct sight distance.

Sign shall mean a name, identification, description, display or illustration which is affixed to or represented directly or indirectly upon a building, structure or piece of land, directing attention to a product, business, service or individual. However, a sign shall not include a display of official, court or public notices, any official traffic control device and shall not include the flag, emblem or insignia of a nation, State, County, municipality or religious group. A sign shall not include a sign located completely within an enclosed building, except if it is visible and directed to be seen from outside the building. Each display surface of the sign shall be considered to be a single sign; except that where two (2) such surfaces of a sign are physically attached, parallel and separated by less than twelve (12) inches, the two (2) surfaces shall be considered a single sign. The sign area shall be measured according to the dimensions of the frame. Where there is no frame, the area shall be defined by a projected, enclosed, four (4) sided (straight sides) geometric shape which most closely outlines the sign.

Sign, advertising shall mean a sign, structure, symbol or billboard erected and maintained by an individual or corporation engaged in the sale or rental of space thereon to a clientele upon which space there is displayed advertising copy describing in a wide variety of products or services, which are not produced, assembled, stored or sold from the lot or premises upon which the advertisement is displayed.

Sign, animated shall mean any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Sign, building shall mean any sign attached to any part of a building, as contrasted with a freestanding sign.

Sign, building wrap shall mean a fabric banner covering the exterior of a building or exterior building wall which and is used to obscure buildings undergoing construction. Building wrap signs shall display a graphic reproduction of the completed building façade located behind the sign. Building wrap signs may contain text including the name and contact information of the developer and any associated symbols or logos, and/or text pertaining to the lease, rental or sale of the premises, or a portion of the premises.

Sign, canopy shall mean any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Sign, changeable copy shall mean a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face of the surface of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable sign for purposes of this chapter. A sign on which the only copy that changes is an electronic or mechanical indication of time and/or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this chapter.

Sign, construction shall mean a sign erected on the premises where construction is taking place or approved to take place, indicating the name and contact information of the developer and also may indicate the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

Sign, freestanding shall mean any sign supported by structures or supports that are placed on, anchored in, the ground and that are independent from any building or other structure.

Sign, identification shall mean any sign, symbol, trademark, structure or similar device used to identify the occupant of any structure, the product made or the activity being pursued by an individual, business, service, commercial or industrial activity which is displayed upon the lot or premises occupied by a person or entity for the purpose of apprising the public of the location of such enterprise and the type of activity in which it is engaged.

Sign, incidental shall mean a sign, generally informational, that has a purpose secondary to the use of the property on which it is located, such as "no parking," "entrance," "loading only," and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

~~Sign, nonconforming~~ shall mean any sign that does not conform to the requirements of this chapter.

~~Sign, portable~~ shall mean any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T frames; sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked or visible from the public right of way, unless such vehicle is used in the normal day to day operations of the business.

~~Sign, projecting~~ shall mean any sign affixed to a building or wall in such manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall.

~~Sign, real estate~~ shall mean a sign pertaining to the lease, rental or sale of the premises, or a portion of the premises on which the sign is located.

~~Sign, residential~~ shall mean any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods and services legally offered on the premises where the sign is located, if offering such goods or services at such location conforms with all requirements of the Land Development Regulations.

~~Sign, roof~~ shall mean any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure.

~~Sign, roof, integral~~ shall mean any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

~~Sign, suspended~~ shall mean a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

~~Sign, temporary~~ shall mean any sign that is used only temporarily and is not mounted permanently.

~~Sign, wall~~ shall mean any sign attached parallel to, but within six (6) inches of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.

~~Sign, window~~ shall mean any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

~~Site~~ shall mean any plot or parcel of land or combination of contiguous lots or parcels of land.

~~Site plan~~ shall mean a development plan of one (1) or more lots on which is shown: (1) the existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, flood plains, marshes and waterways; (2) the location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting, screening devices; and (3) any other information that may be reasonably required in order that an informed determination may be made by the Boards pursuant to this chapter.

~~Soil Conservation District~~ shall mean the governmental subdivision of this State which encompasses this City, organized in accordance with the provisions of Chapter 23, Title 4 (N.J.S.A. 4:24-1 et seq.).

~~Soil Erosion and Sedimentation Control Plan~~ shall mean a plan which indicates necessary land treatment measures, including a schedule for installation, which will effectively minimize soil erosion and sedimentation. Such measures shall be at least equivalent to the standards and specifications as adopted by the ~~Monmouth County~~ Freehold Soil Conservation District.

~~Soup kitchen/food pantry~~ shall mean an establishment engaged primarily in distributing food directly to the needy, for free or at very low cost.

~~Special anatomical areas~~ shall mean and include any of the following: (1) less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the areola; or, (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Special question shall mean a matter which is brought before the Zoning Board of Adjustment pursuant to subsection 30-22.3b. Special questions shall be exempt from the notice requirements of subsection 30-29.2.

~~*Specified sexual activities* shall mean and include the following: (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts; (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; (3) masturbation, actual or simulated; (4) excretory functions as part of or in connection with any of the activities set forth in subparagraphs (1) through (3) of this definition.~~

Step-down facilities shall mean a residential facility consisting of living accommodations for former patients diagnosed and treated in a medical institution for a high risk transmittable disease such as Acquired Immune Deficiency Syndrome (AIDS) and where specialized medical care continues to be provided to such residents. Step-down facilities, as herein defined, shall be regulated as a "community residence" in accordance with the provisions of subsection 30-76.3c., except that such provisions shall apply to former patients diagnosed and treated in a medical institution for a high risk transmittable disease rather than to "developmentally disabled" or "mentally ill" persons.

Stormwater detention shall mean any storm drainage technique which retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells or any combination thereof.

Story shall mean that portion of a building included between the surface of any floor and the surface of the floor next above it, or in its absence, the ceiling or roof above. A basement, as defined in this section, shall be considered that portion of a "story" when its ceiling height above the average finished grade bears to the height of the "story."

Story, half shall mean a space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space, the possible floor area with head room of five (5) feet or less occupies at least forty (40%) percent of the total area of the story directly beneath.

Street shall mean any street, avenue, boulevard, road, parkway, viaduct, drive or other way: (1) which is an existing State, County, or municipal roadway; or (2) which is shown upon a plat heretofore approved pursuant to law; or (3) which is approved by official action as provided by this act; or (4) which is shown on a plat duly filed and recorded in the office of the County Recording Officer prior to the appointment of a Planning Board and the grant to such Board of the power to review plats; and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines. An alley, as defined in Section 30-15, does not constitute a "street" as is defined herein and lots having frontage on an alley shall not be construed as having frontage on a street for the purposes of compliance with paragraph e of subsection 30-68.2.

Street, arterial shall mean: (1) a street so designated in the duly adopted or revised Asbury Park Master Plan; or (2) a street used and intended as a thoroughfare between neighborhoods and as a connector to major highways.

Street line shall mean the dividing line between a street and an abutting lot.

Street, local shall mean a street which is used and intended primarily for access to abutting properties.

Structural alteration shall mean any change and/or modification to a structure as herein defined.

Structure shall mean a combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above or below the surface of land or water.

Structure, advertising shall mean any rigid or semi-rigid material with or without a sign displayed thereon, situated upon or attached to real property outdoors for the purpose of furnishing a background, base or support on which a sign may be posted or displayed.

Subdivision shall mean the division of a lot, tract or parcel of land into two (2) or more lots, tracts, parcels or other divisions of land for sale or development. The following shall not be considered subdivisions within the meaning of this chapter if no new streets are created: (1) divisions of land found by the Planning Board to be for agricultural purposes where all resulting parcels are five (5) acres or larger in size; (2) divisions of property by testamentary or intestate provisions; (3) divisions of property upon court order; and (4)

conveyances so as to combine existing lots by deed or other instrument. The term "subdivision" shall also include the term "resubdivision."

Substantial improvement shall mean any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure either: (1) before the improvement or repair is started; or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: (1) any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications, which are solely necessary to assure safe living conditions; or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Temporary structure shall mean a tent or similar structure made of solid or flexible materials. No tent or other temporary structure shall be erected for a period exceeding fourteen (14) days in any twelve (12) month period.

Theme entertainment center shall mean one (1) or more buildings arranged and intended to provide various forms of entertainment based upon a central theme and designed to educate participants and spectators on subject matter related to that theme.

Townhouse shall mean a multi-family housing style that consists of not less than three (3) single-family attached dwelling units, in one principal structure, separated by vertical party walls, an attached or semi-detached dwelling with two (2) direct means of access from the outside, and having separate cooking, sleeping and sanitary facilities, and separate facilities for sewerage, heating, water, electric and gas.

Tract shall mean property which is the subject of a development application.

Trailer shall mean a vehicle used for carrying people, carrying or storing material or objects, or for temporary working, living or sleeping purposes, and standing on wheels or on rigid supports.

Twin house. See "dwelling, semi-detached."

Urgent Care Center or Emergent Health Care Facility shall mean a facility or institution principally engaged in providing immediate medical services to patients in an outpatient or ambulatory care setting, for medical conditions caused by illnesses or injuries that require prompt attention and/or treatment to prevent complications or deterioration, but are not life-threatening. Patients shall be served solely on an outpatient basis and such services shall not include overnight stays.

Variance, bulk shall mean ~~a waiver~~ relief granted from the ~~literal~~ strict application of any of the standards or requirements of Article VI of this chapter other than permitted uses and as specified in the Municipal Land Use Law (N.J.S.A. 40:55D-70c).

Variance, use shall mean ~~a waiver~~ relief granted from the ~~literal~~ strict application of any of the standards of Article VI of this chapter, governing permitted land uses and as specified in the Municipal Land Use Law (N.J.S.A. 40:55D-70d).

Vehicle, motor shall mean any device in, upon or by which a person or property is or may be transported upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks, or motorized bicycles.

Vehicle, recreational shall mean vehicular type, portable structures which can be towed, hauled or driven, primarily designed as temporary living accommodations for recreational, camping and travel use and including travel trailers, truck campers, camping trailers and self-powered motor homes.

Vehicular sale area shall mean an open area, other than a right-of-way or public parking area, used for display, sale or rental of new or used vehicles in operable condition and where no repair work is done.

Warehouse shall mean an establishment in which the principal use is long or short term storage and which is inaccessible to the public during normal business hours for the purpose of purchasing merchandise.

Yard shall mean the exterior open area between the wall of a building or structure and a lot line.

Yard, aggregate side shall mean the sum of the two (2) side yards of a building or structure.

Yard, front shall mean the exterior open area extending the full width of the lot between the street line and the nearest front wall of a building or structure.

Yard, rear shall mean the exterior open area extending the full width of the lot area between the nearest rear wall of a principal building or structure and the rear lot line.

Yard, side shall mean the exterior open area between the side lot line and the side wall of a building or structure and extending from the front yard to the rear yard.

Zoning Board of Adjustment shall mean the Asbury Park Zoning Board of Adjustment.

Zoning boundary shall mean the dividing line between one (1) zoning district and another.

Zoning district shall mean a contiguous area delineated on the duly adopted and revised Zoning Plan Map which is attached to and made a part hereof, where land uses and development are regulated as specified in this chapter.

Zoning permit shall mean a document signed by the Zoning Officer or Zoning Inspector which is required by this chapter, as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion, or installation of a structure or building; and which acknowledges that such use, structure or building complies with the provisions of this chapter or variance therefrom.

(2000 Code § 30-15; Ord. No. 2735 § 1; Ord. No. 2777 § 1; Ord. No. 2831 § 1; Ord. No. 2851)



RESOLUTION NO. 2020-240

**City of Asbury Park
County of Monmouth
State of New Jersey**

**RESOLUTION OF THE CITY OF ASBURY PARK, IN THE COUNTY OF
MONMOUTH, STATE OF NEW JERSEY, AUTHORIZING A \$23,810 EMERGENCY
APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-48 TO FUND A DOWN PAYMENT
FOR A BOND ORDINANCE AUTHORIZING THE UNDERTAKING OF
IMPROVEMENTS TO THE SEWER/WASTEWATER TREATMENT PLANT,
INCLUDING, BUT NOT LIMITED TO, THE REPLACEMENT OF ROTATING
BIOLOGICAL CONTACTORS (BELOW 3%)**

1. Purpose of emergency appropriation: To fund a down payment for a bond ordinance authorizing the undertaking of improvements to the Sewer/Wastewater Treatment Plant, including, but not limited to, the replacement of rotating biological contactors (\$23,810).

2. Document fully the circumstances for the emergency appropriation resolution: The City needs to undertake improvements to the Sewer/Wastewater Treatment Plant, including, but not limited to, the replacement of rotating biological contactors. There were insufficient Sewer Utility appropriations to provide funds for a down payment for a bond ordinance authorizing the undertaking of improvements to the Sewer/Wastewater Treatment Plant, including, but not limited to, the replacement of rotating biological contactors (\$23,810).

3. Date of occurrence: August 10, 2020.

4. Have any contracts been awarded or purchase orders placed in connection with this emergency appropriation? Yes [] No [X]

5. The total amount of the emergency appropriations created, including the appropriation to be created by this resolution is \$23,810 and three (3%) percent of the total operating appropriations in the budget for FY 2020 is \$1,675,904.33 and the foregoing appropriation together with prior appropriations does not exceed three (3%) percent of the total operating appropriations (including utility operation appropriations) in the budget for FY 2020.

Date: August 12, 2020

CITY OF ASBURY PARK

JOANN BOOS,
Chief Financial Officer

CERTIFICATION

I, MELODY HARTSGROVE, Clerk of the City of Asbury Park, in the County of Monmouth, State of New Jersey (the "City"), DO HEREBY CERTIFY that the annexed resolution entitled, "RESOLUTION OF THE CITY OF ASBURY PARK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AUTHORIZING A \$23,810 EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-48 TO FUND A DOWN PAYMENT FOR A BOND ORDINANCE AUTHORIZING THE UNDERTAKING OF IMPROVEMENTS TO THE SEWER/WASTEWATER TREATMENT PLANT, INCLUDING, BUT NOT LIMITED TO, THE REPLACEMENT OF ROTATING BIOLOGICAL CONTACTORS", is a copy of a resolution which was duly adopted by the governing body of the City at a meeting duly called and held on August 12, 2020 in full compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., at which meeting a quorum was present and acting throughout and which resolution has been compared by me with the original thereof as contained in the minutes as officially recorded in my office in the Minute Book of such governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to within and aforesaid resolution has not been repealed, amended or rescinded but remains in full force and effect on and as of the date hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City as of this _____ day of August, 2020.

(SEAL)

MELODY HARTSGROVE,
Clerk of the City of Asbury Park

I, MELODY HARTSGROVE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2020-240 which was finally adopted by the City Council at a meeting held on the 12th day of August, 2020

CERTIFIED BY ME THIS 13th DAY OF August, 2020.

MELODY HARTSGROVE
CITY CLERK



**Asbury Park, New Jersey
ORDINANCE NO. 2020-22**

**AN ORDINANCE ADOPTING AMENDMENTS TO THE STRATEGIC AREA
REBUILDING SPIRIT (S.T.A.R.S.) REDEVELOPMENT PLAN**

WHEREAS, on June 26, 2003 the Mayor and City Council adopted Ordinance No. 2548 entitled “AN ORDINANCE ADOPTING THE STRATEGIC AREA REBUILDING SPIRIT (S.T.A.R.S.) REDEVELOPMENT PLAN” (the “Ordinance”); and

WHEREAS, pursuant to the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1, et seq., the “Act”) the Ordinance adopted a plan (the “Strategic Area Rebuilding Spirit (S.T.A.R.S.) Redevelopment Plan” or the “Plan”) for the redevelopment of an area (the “Strategic Area Rebuilding Spirit (S.T.A.R.S.) Redevelopment Area” or the “Area”); and

WHEREAS, the Strategic Area Rebuilding Spirit (S.T.A.R.S.) Redevelopment Plan has led to an increase in public and private investment within the Area since its adoption, however, the Plan may benefit from amendments to update its regulations; and

WHEREAS, the Act sets forth the process by which amendments to any redevelopment plan shall be considered and, if appropriate, adopted; and

WHEREAS, the City amended the Plan on February 6, 2008 (Ordinance No. 2861) and on November 24, 2008 (Ordinance No. 2885); and

WHEREAS, the City wishes to revisit and amend the Plan to revise the permitted uses, bulk standards and design standards; and

WHEREAS, a copy of the proposed amendments to the Plan, as prepared by the City’s Director of Planning and Redevelopment, is attached hereto as Exhibit “A” (the “Proposed Amendments”); and

WHEREAS, the Mayor and City Council adopted a Resolution on June 10, 2020 referring the Proposed Amendments to the Planning Board for its review and comment pursuant to N.J.S.A. 40A:12A-7(e); and

WHEREAS, on July 28, 2020 the Asbury Park Planning Board determined that the Proposed Amendments are consistent with the City Master Plan, and made certain additional recommendations for the consideration of the Municipal Council; and

WHEREAS, the Mayor and the City Council have considered the recommendations of the Planning Board, and wish to incorporate the same herein; and

WHEREAS, the Mayor and City Council now wish to adopt the Proposed Amendments, which have been updated to include the recommendations of the Planning Board, as set forth herein.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and City Council of the City of Asbury Park, in the County of Monmouth and State of New Jersey, as follows:

1. That the recitals hereto are hereby incorporated herein as if set forth at length.
2. That the Strategic Area Rebuilding Spirit (S.T.A.R.S.) Redevelopment Plan is hereby amended and adopted in order to incorporate the Proposed Amendments as set forth in Exhibit A.
3. That the Proposed Amendments as set forth in Exhibit A shall supersede the prior language of the previous versions of the Plan. Following adoption of the Proposed Amendments, the updated Redevelopment Plan shall also supersede all provisions of the City's Land Development Ordinance, except as specifically referenced in the Plan.
4. That the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.
5. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent
6. That this Ordinance shall take effect upon final passage and publication in accordance with the law, following the required twenty (20) day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

I, MELODY HARTSGROVE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of ORDINANCE NO. 2020-22 which was finally adopted by the City Council at a meeting held on the 12th day of August, 2020

MELODY HARTSGROVE
CITY CLERK

EXHIBIT A

**AMENDMENT TO THE
S.T.A.R.S.
(STRATEGIC TARGET AREA REBUILDING SPIRIT)
REDEVELOPMENT PLAN**



**City of Asbury Park
Monmouth County
New Jersey**

Adopted: Ordinance # 2548 July 5, 2000
Amended: Ordinance #2861 February 6, 2008
Amended: #2885 November 24, 2008
Amended: Ordinance #xxxx month-day-2020

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

Michele Alonso, PP/AICP
Professional Planner License Number 00556300

Mayor and Council

John Moor, Mayor
Amy Quinn, Deputy Mayor
Eileen Chapman, Councilperson
Yvonne Clayton, Councilperson
Jesse Kendle, Councilperson

City Manager

Donna M. Vieiro

City Attorney

Frederick Raffetto, Esquire

City Redevelopment Counsel

Maraziti Falcon, LLP
Archer Greiner, LLP

Department of Planning and Redevelopment

Michele Alonso, PP, AICP, Director of Planning and Redevelopment
Mark Siegle, PP, AICP, CNU-A, Principal Planner/Zoning Officer
Irina Gasparyan, Board Secretary and Clerk

Planning Board

Barbara Krzak, Chairperson, Class IV
Rick Lambert, Vice Chairperson, Class IV
Mayor John Moor, Class I
Yvonne Clayton, Councilperson, Class III
Michael Manzella, Class II
Jim Henry, Class IV
Jennifer Souder, Class IV
Trudy Syphax, Class IV
Alexis Taylor, Class IV
Eric Galipo, Alternate I

Board Professionals

Jack A. Serpico, Board Attorney
Insite Engineering, LLC, Board Engineer
Clarke Caton and Hintz, Board Planner

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Section I: Introduction

On November 15, 1999, the Council of the City of Asbury Park determined that an area consisting of all or part of twelve (12) tax blocks in the southwest section of Asbury Park (the “Redevelopment Area”) was an “area in need of redevelopment” pursuant to the “Local Redevelopment and Housing Law,” N.J.S.A. 40A:12A-1 et seq (the “Redevelopment Law”). The Council’s determination was based in part on the general decline of the condition of the area. By ordinance adopted July 5, 2000, the Council adopted a redevelopment plan, the “S.T.A.R.S. Redevelopment Plan” (the “Redevelopment Plan”). This plan was to be in effect for a period of twenty (20) years from the date of adoption.

The Redevelopment Area had historically developed as an area of predominantly single-family dwellings, with a commercial corridor along Springwood Avenue. Over time, the Area declined as has occurred in many older urban areas in the northeast portion of the country. The conditions of many properties in the Redevelopment Area, declined to the point where many buildings were demolished.

The S.T.A.R.S Redevelopment Plan (the Plan) regulates development within the S.T.A.R.S. Redevelopment Area (the Redevelopment Area). The Redevelopment Area is primarily comprised of residential land uses, some of which are vacant and/or dilapidated while other range from poor to fair condition; vacant land; religious uses, and a handful of existing commercial uses.

The originally adopted Redevelopment Plan consisted of two (2) specific land use regulation zones known as the NC-Neighborhood Commercial zone and the R-R Residential Redevelopment zone. The NC-Neighborhood Commercial zone was removed from the STARS Redevelopment Area and incorporated into the Amended Springwood Avenue Redevelopment Plan Area via Ordinance 3076 adopted on August 20, 2014. During the implementation period of this plan, Council adopted two (2) additional ordinances amending the plan (O-2861 and O-2885).

This document shall serve as an Amendment to the S.T.A.R.S. Redevelopment Plan which incorporates prior amendments to the development regulations and area boundaries into one consistent user-friendly document. This document shall provide for the orderly development of the Redevelopment Area.

Section II. Plan Area Boundary and Parcels Contained Within

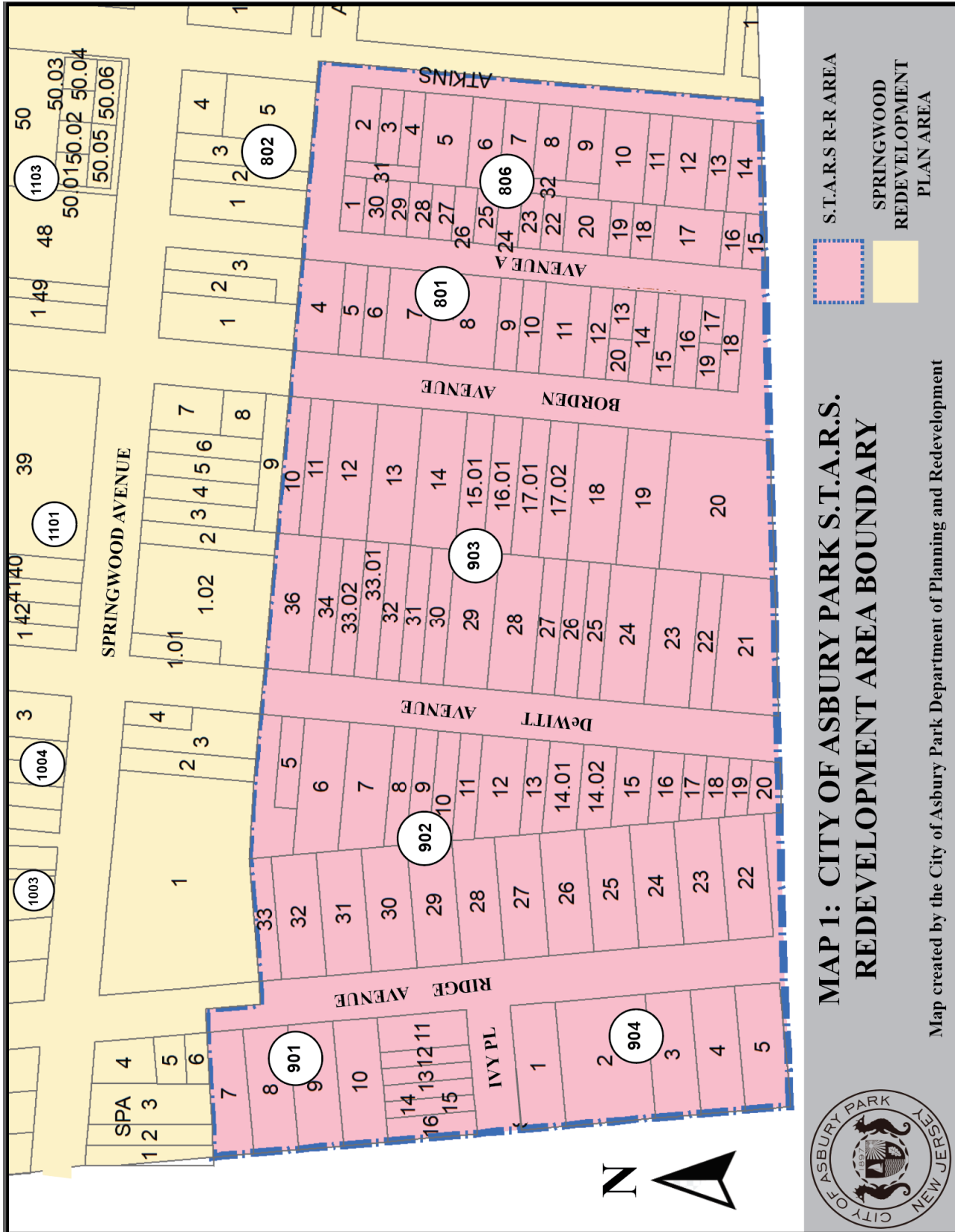
The boundary of the S.T.A.R.S. Redevelopment Plan Area is show below in Map 1.

The S.T.A.R.S. Redevelopment Plan Area consists of Tax Lots found in all or part of six (6) Tax Blocks in the southwest section of Asbury Park. The block numbers for these tax blocks are 801, 806, 901, 902, 903 & 904.

The following list contains the lot numbers found in each of the blocks which are included wholly or partially within the Redevelopment Plan Area.

- Block 801, Lots: 4-20
- Block 806, Lots: 1-20, 22-32
- Block 901, Lots: 7-16
- Block 902, Lots: 1 (partially), 5-13; 14.01, 14.02, 15-20, 22-33
- Block 903, Lots: 10-14, 15.01, 16.01, 17.01, 17.02, 18-32, 33.01, 33.02, 34, 36
- Block 904, Lots: 1-5

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Section III. Redevelopment Objectives

- A. The planning and development of the redevelopment area as a primarily residential development compatible with the surrounding neighborhood.
- B. Allow for the development of residential dwellings to support existing and future commercial facilities along Springwood Avenue consistent with the development pattern in the area and recognizing the high volume of traffic along this major corridor.
- C. To provide for a variety of housing types both in the residential neighborhood and in conjunction with commercial redevelopment along Springwood Avenue.
- D. The elimination of substandard and dilapidated structures and the removal of physical blighting influences.
- E. The improvement of the functional and physical of the project area for the contemplated new development to provide for improved traffic and pedestrian circulation.
- F. To provide site improvements for the beautification of the Redevelopment Area and surrounding areas.
- G. Encourage owner occupancy of residential units and the enforcement of owner occupancy when it is required.

Section IV. Proposed Redevelopment Actions

It is proposed to substantially improve and upgrade the S.T.A.R.S. Redevelopment Area through a combination of redevelopment actions which will provide a uniform and consistent attack on blight within the Redevelopment Area by systematically removing blighting influences in an orderly manner, starting with those structures and properties most deleterious to the Area.

- A. Demolition of structures determined to be impediments to sound and comprehensive redevelopment, starting with those most dilapidated.
- B. The rehabilitation and/or re-use of sound structures during the redevelopment of the Redevelopment Area.
- C. The consolidation and re-subdivision of land within the Redevelopment Area into suitable parcels for development.

- D. Provision for a full range of public infrastructure necessary to service and support the new development.
- E. Construction of new structures and complimentary facilities that are consistent with the land use pattern in the surrounding area.

Section V. General Administrative Provisions and Procedures

The following provisions shall apply to all property located within the S.T.A.R.S. Redevelopment Area Redevelopment Area.

- A. All definitions contained within the glossary of this Plan shall prevail. In the absence of a definition, the definition found within the Asbury Park Land Development Ordinance shall prevail.
- B. All development shall be in accordance with the zone guidelines, standards, and requirements of this Redevelopment Plan and the Proposed Land Use Map.
- C. The regulations and controls in this section may be implemented, where applicable, by appropriate covenants, or other provisions, or through agreements for land disposition and conveyances executed thereto.
- D. No building or structure shall be constructed over public rights-of-way or easements, without approval from the municipal council. No building or structure shall be constructed in the bed of a mapped street unless such street has been vacated by an act of the Municipal Council and the Site Plan has been approved by the Planning Board.
- E. Prior to the commencement of: a) any exterior construction, reconstruction, and/or rehabilitation of any existing structure. (b) construction of any new structure, or (c) any change in the use of any structure or parcel; a site plan for such shall be submitted by the developer or property owner to the Planning Board. No building permit shall be issued for any work that would result in a change if it meets the threshold for site plan review as defined in the municipal code of Asbury Park, Chapter 30. Regular maintenance and minor repair shall not require Planning Board review.
- F. Site plan review shall be conducted by the Planning Board pursuant to the regulations set forth in the Municipal Land Use Law (NJSA 40:55D-1 et. seq.).
- G. Any subdivision of lots and parcels of land within the Redevelopment Area shall be in accordance with this Plan's requirements and the Asbury Park Subdivision Ordinance.
- H. Interim uses may be permitted, subject to an agreement between the developers and the Planning Board that such uses will not have an adverse effect upon existing or

contemplated development during the interim use period. Interim uses must first be approved by the Planning Board, which may establish an interim use period of up to three (3) years in duration. The Planning Board may grant additional renewals of interim uses.

- I. Legally established non-conforming uses and structures may continue to function within the redevelopment area, however, that once redeveloped for a permitted use; no property may be returned to any use not expressly permitted in this Redevelopment Plan. And further provided that no non-conforming use or structure may be expanded or made more non-conforming in nature.
- J. The Planning Board may grant deviations from the regulations contained within this Redevelopment Plan, where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely effecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Redevelopment Plan, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Planning Board may also grant a deviation from the regulations contained within this Redevelopment Plan related to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by such deviation from the strict application of the requirements of this Plan; and the benefits of granting the deviation would outweigh any detriments.

The Planning Board may grant exceptions or waivers from design standards. from the requirements for site plan or subdivision approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and/or subdivision approval within this Plan, if the literal enforcement of one or more provisions of the plan is impracticable or would exact undue hardship because of peculiar conditions pertaining to the site. 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 the Redevelopment Plan. No deviations may be granted which will result in permitting a use that is not a permitted use within this Redevelopment Plan. An application requesting a deviation from the requirements of this Redevelopment Plan shall provide public notice of such application in accordance with the public notice requirements set forth in NJSA 40:55D-12.a. & b.

- K. If any word, phrase, clause, section or provision of this Plan shall be found by a court of competent jurisdiction to be invalid, illegal or unconstitutional. such word, phrase. clause. section or provision shall be deemed severable and the remainder of the ordinance shall remain in full force and effect. •

Section VI. General Design and Land Use Standards and Requirements

The following standards and requirements shall apply to all parcels within the redevelopment zone.

- A. No junked motor vehicles, or parts thereof shall be permitted to be stored on any lot within the Area. Outdoor parking of vehicles that are inoperable or unregistered shall be prohibited.
- B. All utility distribution lines; utility service connections from such lines to the project area's individual uses; and utility appliances, regulators and metering devices shall be screened from street view. Metering devices shall be located so as to limit their visibility from the street &/or screened from view to the extent practical. Remote readers are preferred for all utilities, in lieu of external location of the actual metering devices. Developers are required to arrange for connections to public and private utilities.
- C. All fencing shall comply with Section 30-63 of Land Development Ordinance of the City of Asbury Park
- D. No Billboard shall be permitted on any property contained within the Plan Area. Existing billboards shall be considered non-conforming and shall be removed at the end of their useful life.
- E. No advertising shall be permitted on parking meters, light poles, or on benches or other street furniture within the public right-of-way.
- F. All corner buildings shall have windows on both street frontages.
- G. In all cases, due consideration shall be given to the screening of mechanical equipment. Mechanical equipment shall be screened from view from all directions and elevations to minimize the negative aesthetic impact upon the view from neighboring residential zones and from street level. Said screening shall be constructed in a manner that is pleasing to the eye and consistent with the surrounding architecture and neighborhood.
- H. Upon demolition of any existing structures, the site shall be graded; planted, sodded, paved and &/or developed in accordance with this Plan.
- I. All trash receptacles shall be adequately secured and enclosed.
- J. On-street parking of trucks, tractor-trailers, trailers of any type, and buses, mini-buses, jitneys, and any other commercial vehicle shall be prohibited.
- K. All commercial outdoor storage shall be prohibited. The storage, processing, separation, or transfer of garbage or waste materials shall be prohibited.
- L. No use or reuse shall be permitted, which produces toxic or noxious fumes, hazardous

discharges, glare, electromagnetic disturbances, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration, or other objectionable features that are detrimental to the public health, safety or general welfare, or that are damaging to the physical environment.

Section VII. Urban Design Objectives and Requirements

A. Building Design Objectives and Requirements

1. All structures within the project area shall be situated with proper consideration of their relationship to other buildings. both existing and proposed, in terms of light, air and usable open space, access to public rights of way and off-street parking, height and bulk. All units shall have a door that fronts the street.
2. Residential buildings within the project area should be designed utilizing the Community Design Regulations set forth in Section 30-69 of the Land Development Ordinance of the City of Asbury Park. The designs should be cognizant that the front facades do not create the appearance of a continuous row of garage doors along the street right of way. The use of stoops and porches, landscaping and traditional front yards is encouraged.
3. Groups of related buildings shall be designed to present a harmonious appearance in terms of architectural style and exterior materials. Buildings shall be designed so as to have an attractive, finished appearance when viewed from all vantage points within and outside the Area. Materials used for screening of mechanical equipment shall be harmonious with those used in the building's facade.

B. Landscaping and Lighting Objectives and Requirements

1. Landscaping shall be required for any part of any parcel not used for buildings, off-street parking and/or loading spaces. All proposed development shall include landscape plans indicating the location, size and quantity of the various species to be used. A minimum of twenty (20%) percent of any lot, site or parcel used for residential purposes must be landscaped area. Trees shall be part of the landscape design.
2. Parking lots for five (5) or more vehicles, shall provide a screen planting not less than five (5) feet wide along any street line and along all property lines except in those instances where a building intervenes or where the proposed planting may interfere with sight triangles. Said screening shall consist of balled and burlapped dense evergreen material that is a minimum of three (3) feet high at the time of planting, that is planted on a center that is consistent with the mature spread of the species planted.
3. Within the parking area, a minimum of one tree shall be planted for every 5 parking spaces. Landscaping shall be maintained with shrubs no higher than three (3) feet and trees with branches no lower than ten (10) feet, and designed so that the landscaping is dispersed throughout the parking area.

4. Green space (trees, shrubs, flowers, etc.) shall be used as buffers and to accent entrances, arcades and sidewalks.
5. All plant material used must be able to withstand the urban environment. All screen planting, other than along the street line of parking areas, shall be a minimum of four (4) feet high and shall be planted, balled and burlapped as established by the American Association of Nurserymen. A planting schedule shall be provided by the developer and approved by the Planning Board.
6. Any landscaping which is not resistant to the urban environment or that dies within one (1) year of planting shall be replaced by the developer.
7. Trees shall be planted along curb lines of streets at a maximum of 40 foot on center or in groupings, in a regular pattern or spaced alternately on either side of streets, to further enhance the aesthetic quality of the pedestrian environment in the redevelopment area.
8. Lighting within each site shall sufficiently illuminate all areas, including those areas where buildings are setback or offset to prevent "dark corners".
9. All lighting sources must be adequately shielded to avoid any glare. The area of illumination shall have a fairly uniform pattern of at least one-half (0.5) foot-candles. All lighting shall be contained wholly within the subject property.
10. Lighting fixtures shall be in scale with the street and size of the project.
11. All lighting shall comply with Section 30-63 of Land Development Ordinance of the City of Asbury Park.

C. Circulation and Off-street Parking Objectives and Requirements

1. Sidewalk areas must be provided and shall be properly sized for the safe and convenient movement of pedestrians through and around the Area, taking into consideration the character of the adjoining land uses (i.e. residential, commercial, etc.).
2. Sidewalk areas shall be attractively landscaped and durably paved in conformance with Municipal standards and shall be provided with adequate lighting.
3. All required parking spaces must be a minimum of 9 feet wide by 18 feet deep, as measured from the curb stop, except for retail use. All aisles shall be a minimum of 24 feet wide.
4. Off-street parking and loading areas shall be coordinated with the public street system serving the project area in order to avoid conflicts with vehicular traffic and/or obstruction to pedestrian walkways and thoroughfares.

5. Front yard parking is prohibited throughout the Redevelopment Area. The use of side driveways and rear alleys to provide access to residential parking areas is encouraged.
6. Lighting shall be arranged and shielded to prevent the spillage of light off the premises and shall be in accordance with the lighting requirements of the Asbury Park Land Development Ordinance.
7. All required parking and loading areas shall be provided off-street. All such parking and loading areas shall be graded and paved with a durable dust free surface, adequately drained, and use poured in place concrete curbs or decorative curbing as approved by the Planning Board. All parking and loading areas shall be designed in accordance with the requirements of the Asbury Park Land Development Ordinance.
8. Parking and service areas shall be separated from streets. Access to said areas shall be clearly designated and arranged so as to avoid the backing in and out of vehicles onto the street right-of-way and to limit conflicts with pedestrian areas to the greatest extent possible.

D. Green Building Design

The protection of the natural environment is a key element to Asbury Park's overall redevelopment effort. Building projects in the S.T.A.R.S. Redevelopment Area should incorporate resource efficiency and green building design wherever feasible.

1. The use of high efficiency fixtures shall be used to reduce energy consumption.
2. Energy star qualified appliances to help reduce energy consumption shall be installed in finished product.
3. Façade fenestration of at least 10 percent of surface area shall be installed.
4. All building components shall comply with New Jersey Energy Star R ratings and air sealing and draft blocking to comply with New Jersey Energy Star requirements.
5. Solar panels, green roofs, storm water recharging systems and solar powered lighting are some methods that should be used to increase resource efficiency.
6. Specify building products with recycled content and that are manufactured regionally should be used.

Section VIII. Specific Land Use Regulations

- A. Residential Redevelopment (R-R) Zone:** The purpose of this district is to establish a zone which will permit the orderly redevelopment of the Redevelopment Area as a stable residential community through the construction of a variety of types of low and density residential structures and the rehabilitation, conservation and maintenance of existing residential structures and compatible land uses.

1. Permitted Principal Uses and Structures
 - a. Detached Single and Two-Family Dwellings

- b. Semi-Attached Single Family and Two-Family Dwellings
 - c. Single-Family and Two-Family Townhouses
 - d. Municipal Facilities: such as public schools, parks, and playgrounds
2. Permitted Accessory Uses and Structures
- a. Garages for the storage of motor vehicles or noncommercial property
 - b. Any other structure which is clearly incidental to the principal residential use of the premises
 - c. Personal recreational facilities such as swimming pools, basketball hoops, etc., subject to the requirements of this chapter
 - d. Minor Home Occupations (*Pursuant to the definition set forth in Land Development Ordinance of the City of Asbury Park*)
 - e. Driveways for the parking of personal vehicles, subject to the provisions of the City of Asbury Park Land Development Ordinance.
3. Permitted Conditional Uses:
Pursuant to 30-76.3 of the Land Development Ordinance of the City of Asbury Park
- a. Houses of Worship
 - b. Major Home Occupations
4. Bulk Requirements for Development:
- a. Any lot located within the STARS R-R zone shall conform to the standards set forth in the following chart:

	Detached Single Family	Detached Two Family	Semi-attached 1 & 2 Family	Townhomes (one per lot)
Minimum Lot Area	Existing	3200 sf	3000 sf	2500 sf
Minimum Lot Width	Existing	32 feet	28 feet	20 Feet
Minimum Lot Depth	Existing	100 feet	100 feet	100 Feet
Minimum Front Yard Setback	10 Feet	10 Feet	10 Feet	10 Feet
Minimum Side Yard Setback	3 Feet	3 Feet One Side, 8 Feet Combined	6 Feet on Unattached Side	6 Feet at End of Row
Minimum Rear Yard Setback	25 Feet for lots 100 feet or greater in depth; 25% of lot depth for lots less than 100 feet in depth	25 Feet	25 feet	25 feet
Maximum Building Coverage	50%	50%	50%	50%
Maximum Height				
Principal Structure	Two and a half (2.5) Stories; 35 feet	Two and a half (2.5) Stories; 35 feet	Two and a half (2.5) Stories; 35 feet	Two and a half (2.5) Stories; 35 feet
Accessory Structure	One (1) Story; 15 feet	One (1) Story; 15 feet	One (1) Story; 15 feet	One (1) Story; 15 feet

5. Miscellaneous Provisions:
- a. Open porches, decks and patios shall not be calculated as building coverage provided that at least the minimum landscape standards pursuant to Section VII.B. are met.
 - b. Front steps may intrude into the front yard setback area.
 - c. All yards shall be of sufficient size and arrangement to provide adequate air, light and open space; and meet all applicable building construction and fire codes for the proposed building and use.

6. Off-Street Parking Requirements

- a. All single-family residential dwellings: 2 spaces
- b. All two-family residential dwellings: 3 spaces
- c. All other land uses shall comply with the requirements of the Asbury Park Land Development Ordinance (parking)

7. Signage

Signage for all permitted uses within the Redevelopment Area shall conform to the provisions sets forth in the City of Asbury Park Land Development Ordinance, Chapter 30.

Section IX. Acquisition Plan

The S.T.A.R.S. Redevelopment Area is comprised of a compact and defined area within the City of Asbury Park. The Area is important to the community as an area of residential development compatible with the surrounding land uses, the Master Plan and the underlying zoning. Incompatible land uses, vacant land, dilapidated buildings and other impediments to proper development are encouraged to be removed in an orderly and planned manner.

No property acquisition utilizing the power of eminent domain is proposed under this plan. Redevelopment, rehabilitation, and property acquisition actions will be undertaken by private property owners without the use of eminent domain.

Section X. Relocation Plan

Redevelopment and rehabilitation actions will be undertaken by private property owners without the use of property acquisition by eminent domain. Therefore, no relocation assistance is necessary.

Section XI. Circulation Plan

Circulation within the Redevelopment Area will be improved through the reconstruction and/or repaving of the streets in the Redevelopment Area. New sidewalks and curbing will also be constructed within the Redevelopment Area improving pedestrian circulation in the Redevelopment Area and improving pedestrian safety. The provision of off-street parking for the new and redeveloped uses in the Redevelopment Area will also improve general circulation and traffic flow.

The streetscape will be enhanced by the addition of trees and pedestrian scale decorative lighting. It is also anticipated that all utilities will be constructed underground. The overall effect of these improvements is to enhance pedestrian safety, improve traffic circulation and improve the overall feel of the community.

Street modifications including the construction of a new street parallel to the municipal border with Neptune Township near the southern edge of the Redevelopment Area on the Block and Lots

formerly known as Block 98, Lots 26 and 27 have been completed since the original implementation of this Redevelopment Plan. This construction has eliminated a dead-end street condition on Avenue A and has improved traffic circulation especially for emergency and public safety vehicles and equipment. It is recommended that Adams Street between Avenue A and Atkins Avenue should also be vacated and, if possible, the land be utilized to create two new lots, one fronting on Atkins avenue and one fronting on Avenue A.

Section XII. Inventory and Replacement of Affordable Housing Units

The STARS Redevelopment Area was designated by the Mayor and City Council on November 15, 1999, a date nine years prior to the effective date of P.L. 2008, c. 46. Thus, no inventory of affordable units was created at the time the redevelopment was designated.

The STARS Redevelopment Plan does not require the removal of any housing units, nor are any housing units identified to be removed as a result of implementation of the redevelopment plan, nor does the Plan permit the use of eminent domain to acquire property, so any potential loss of housing units would occur through market forces. Any existing housing units made non-conforming under the Plan may be continued provided that the non-conformity is not expanded, increased, or enlarged.

Section XIII. Provisions Necessary to Meet State and Local Requirements

In accordance with NJSA 40A:12A-1 et seq., Chapter 79, Laws of New Jersey 1992, known as "The Local Redevelopment and Housing Law", the following statements are made:

- A. The 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.
- B. The Plan has laid out various strategies to be implemented in order to carry out the objectives of this plan.
- C. The Plan has given proposed land uses and building requirements for the redevelopment area.
- D. The Acquisition Plan (Section IX), indicates property to be acquired via the private market and no eminent domain powers shall be executed under this Plan.
- E. The Plan is in compliance with the City of Asbury Park Master Plan and The Master Plan of the County of Monmouth and is not contrary to the goals and objectives of these Master Plans. The Plan is also generally consistent with both the Land-use Plan and development pattern of the Township of Neptune. The location of the proposed residential land uses is consistent with the historic development patterns of the overall area. The Plan complies with the goals and objectives of the New Jersey Development and Redevelopment Plan in that this Plan and the State's plan both recognize the need to redevelop urban land.
- F. This Redevelopment Plan shall supersede all provisions of the City of Asbury Park Land Development Ordinance that are specifically addressed herein. Any zoning related question

that is not addressed herein shall refer to the City of Asbury Park Land Development Ordinance for clarification. No variance from the requirements herein shall be cognizable by the Zoning Board of Adjustment. The Planning Board alone shall have the authority to grant deviations from the requirements of this plan, as provided herein. Upon final adoption of this Plan by the Municipal Council of City of Asbury Park, the City of Asbury Park Zoning Map shall be amended to rezone the area covered by this Plan as the S.T.A.R.S. Redevelopment Area, and all underlying zoning will be voided.

Section XIV Procedures for Amending the Redevelopment Plan

- A. This Plan may be amended from time to time upon compliance with the requirements of law. A fee of three thousand dollars (\$3,000), plus all costs for copying and transcripts shall be payable to the City of Asbury Park for any request to amend this Plan.
- B. No amendment to this Plan shall be approved without a review by the Planning Board, and a public hearing and adoption by Municipal Council. A copy of any proposed change to the Plan shall be filed with the Office of the City Clerk.

Section XV. Duration of This Plan

The provisions of this plan specifying the redevelopment of the project area and the requirements and restrictions with respect thereto shall be in effect for a period of twenty (20) years from the date of approval of the 2020 Plan Amendment by the Asbury Park Municipal Council. Subsequent amendments hereto shall not alter or extend this period of duration, unless specifically extended by such amendments.

Section XVI. Definitions

Definitions contained herein shall prevail within the Redevelopment Area. For definitions not contained herein, the definitions contained in the City of Asbury Park Land Development Ordinance shall prevail.

ALLEY: A public thoroughfare which affords only a secondary means of access to an abutting property. An alley providing access to residential parking areas shall have a right of way of twenty-two (22) feet in width and a cart way of at least eighteen (18) feet; and need not provide sidewalks or other exclusively pedestrian walkways within its right of way. New alleys in the redevelopment area are privately owned and maintained.

DISTRICT: Zone

INFILL HOUSING: The construction of a housing unit that resembles in proportion scale, height, style and bulk the adjacent dwelling units.

JUNKYARD: Any area, lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk. Any site with two or more unregistered vehicles shall constitute a junkyard. (Also known as - Salvage Yard)

SEMI-ATTACHED HOME: A one-family or two-family residential structure attached to another one- family or two-family structure along one side wall, on adjoining lots, each being separated from the adjoining one-family or two-family residential structure by a party wall extending from the basement or cellar to or through the roof, with separate entrances for each unit or structure.

STARS REDEVELOPMENT PLAN SUMMARY

The STARS Redevelopment Plan is 20 years old and about to expire. Council needs to readopt the Plan or the area converts back to the old zoning –R1A. Since we are readopting, the Planning staff re-examined the standards and revised them for 2020. Planning Board reviewed on July 27th meeting and made suggestions and determined the amendment was in compliance with The Master Plan. Council needs to now adopt the Plan as an ordinance.

Planning Board reviewed at their July 27, 2020 meeting and added the following to the plan:

1. Added the word “physical” to Section III. Redevelopment Objectives, Letter D to read “The elimination of substandard and dilapidated structures and the removal of physical blighting influences.”
2. Added to B. Landscaping and Lighting Objectives and Requirements 11. All lighting shall comply with Section 30-63 of Land Development Ordinance of the City of Asbury Park.
3. A. Green Building Design shall have the word “and” added and the word “through” deleted added between “ efficiency” and “green.” The listed shall be divided into should and shalls. A requirement for building envelope design to be green. Below is the revised language for the section:

A. Green Building Design

The protection of the natural environment is a key element to Asbury Park’s overall redevelopment effort. Building projects in the S.T.A.R.S. Redevelopment Area should incorporate resource efficiency and green building design wherever feasible.

1. The use of high efficiency fixtures shall be used to reduce energy consumption.
 2. Energy star qualified appliances to help reduce energy consumption shall be installed in finished product.
 3. Façade fenestration of at least 10 percent of surface area shall be installed.
 4. All building components shall comply with New Jersey Energy Star R ratings and air sealing and draft blocking to comply with New Jersey Energy Star requirements.
 5. Solar panels, green roofs, storm water recharging systems and solar powered lighting are some methods that should be used to increase resource efficiency.
 6. Specify building products with recycled content and that are manufactured regionally should be used.
4. Added to B. Landscaping and Lighting Objective Requirements –“ Trees shall be part of the landscape design.”

**CITY OF ASBURY PARK
BOND ORDINANCE NUMBER 2020-23**

**BOND ORDINANCE AMENDING AND SUPPLEMENTING
BOND ORDINANCE NUMBER 3038 (WHICH PROVIDES
FOR IMPROVEMENTS TO THE SEWER PLANT)
HERETOFORE FINALLY ADOPTED BY THE CITY
COUNCIL OF THE CITY OF ASBURY PARK, IN THE
COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ON
JANUARY 16, 2013, TO INCREASE THE APPROPRIATION
BY \$500,000 AND TO INCREASE THE AUTHORIZATION
OF BONDS OR NOTES BY \$476,190**

**BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF
ASBURY PARK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AS
FOLLOWS:**

SECTION 1. The bond ordinance of the City of Asbury Park, in the County of Monmouth, State of New Jersey (the "City"), heretofore finally adopted by the City Council thereof on January 16, 2013, numbered 3038 and entitled, "BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE SEWER PLANT IN AND BY THE CITY OF ASBURY PARK, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$3,300,0000 AND AUTHORIZING THE ISSUANCE OF \$3,300,000 BONDS OR NOTES TO FINANCE THE COST THEREOF" (the "Original Ordinance"), which Original Ordinance is hereby amended and supplemented, as follows:

SECTION 2. The improvements or purposes set forth in Section 3(a) of the Original Ordinance, as amended and supplemented hereby, are hereby authorized to be undertaken by the Sewer Utility of the City, and there is hereby appropriated the additional sum of \$500,000, which sum includes \$23,810 as the amount of down payment for said improvement or purpose required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Said down payment is now available therefor by virtue of an emergency appropriation.

Therefore, the total appropriation of the Original Ordinance, as amended and supplemented hereby, shall be increased by \$500,000 from \$3,300,000 and shall equal the amount of \$3,800,000, said sum being inclusive of all appropriations heretofore made in the Original Ordinance, as amended and supplemented hereby, including the down payment in the amount of \$23,810.

SECTION 3. (a) In order to finance the additional cost of the improvements or purposes set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, additional negotiable bonds or notes of the Sewer Utility of the City in the amount of \$476,190 are hereby authorized to be issued by the City, such that the total authorization of negotiable bonds or notes to be issued by the Sewer Utility of the City for the improvements or purposes set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, shall be increased by \$476,190 from \$3,300,000 and shall equal the amount of \$3,776,190.

(b) The estimated maximum amount of bonds or notes to be issued by the Sewer Utility of the City for the improvements or purposes set forth in Section 3 the Original Ordinance, as amended and supplemented hereby, is equal to \$3,776,190.

(c) The estimated cost of the improvements or purposes set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, is equal to \$3,800,000.

SECTION 4. Section 3(a) of the Original Ordinance shall be amended to read in its entirety as follows: “(a) The Sewer Utility improvements hereby authorized and the Sewer Utility purposes for the financing of which the bonds are to be issued are improvements to the Sewer/Wastewater Treatment Plant, including, but not limited to, the replacement of Rotating Biological Contactors and all work, materials, equipment, labor and appurtenances therefor and incidental thereto. Said improvements shall also include, but are not limited to, the following, as applicable, construction planning, engineering and design work, preparation of

plans and specifications, permits, bid documents, inspections and contract administration, environmental testing and remediation activities.”

SECTION 5. The Capital Budget of the City is hereby amended, as necessary, to conform with the provisions of this amendatory and supplemental bond ordinance and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs (the “Director of the Division of Local Government Services”), will be on file in the office of the Clerk and will be available for public inspection.

SECTION 6. The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the City and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this amendatory and supplemental bond ordinance by \$476,190 and the said obligations authorized herein will be within all debt limitations prescribed by law.

SECTION 7. Section 6(b) of the Original Ordinance is hereby amended to read as follows: “(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according the reasonable life thereof computed from the date of the bonds authorized by this ordinance is 20 years.”

SECTION 8. Section 6(d) of the Original Ordinance is hereby amended to read as follows: “(d) An aggregate amount not exceeding \$400,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.”

SECTION 9. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by the Original Ordinance, as amended and supplemented hereto. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all the taxable property within the City for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 10. The City hereby declares the intent of the City to issue the bonds or bond anticipation notes in the amount authorized in Section 3 of the Original Ordinance, as amended and supplemented hereto, and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of the Original Ordinance, as amended and supplemented hereto. This Section 10 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 11. The City Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the City and to execute such disclosure document on behalf of the City. The City Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the City pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the City and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the City fails to comply with its undertaking, the City shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 12. The City covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bonds and notes issued under the Original Ordinance, as amended and supplemented hereby.

SECTION 13. Except as expressly amended and supplemented hereto, the Original Ordinance shall remain in full force and effect.

SECTION 14. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

**ADOPTED ON FIRST READING
DATED: August 12, 2020**

**MELODY HARTSGROVE,
Clerk of the City of Asbury Park**

**ADOPTED ON SECOND READING
DATED: August 26, 2020**

**MELODY HARTSGROVE,
Clerk of the City of Asbury Park**

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____, 2020.

**JOHN B. MOOR,
Mayor of the City of Asbury Park**

CITY COUNCIL OF THE CITY OF ASBURY PARK

PUBLIC NOTICE

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the City of Asbury Park, in the County of Monmouth, State of New Jersey, on August 12, 2020. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held in the City Council Chambers, One Municipal Plaza, Asbury Park, New Jersey, on August 26, 2020 at 6:00 p.m. or through virtual means (instructions to attend or join and provide public comment at the City's meeting on that date are located on the City's website at <https://www.cityofasburypark.com/>) During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title:	BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 3038 (WHICH PROVIDES FOR IMPROVEMENTS TO THE SEWER PLANT) HERETOFORE FINALLY ADOPTED BY THE CITY COUNCIL OF THE CITY OF ASBURY PARK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ON JANUARY 16, 2013, TO INCREASE THE APPROPRIATION BY \$500,000 AND TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES BY \$476,190
Purpose(s):	Amends And Supplements Bond Ordinance Number 3038, (Which Provides For Improvements To The Sewer Plant) To Amend The Description And Increase The Appropriation And Authorization Of Bond Or Notes Therein.
Appropriation:	\$3,800,000 (Increased By \$500,000 From \$3,300,000)
Bonds/Notes Authorized:	\$3,776,190 (Increased By \$476,190 From \$3,300,000)
Grants	N/A
Appropriation: Section 20	\$400,000 (Increased By \$100,000 from \$300,000)
Costs:	
Useful Life:	20 years (Decreased From 40 Years)

MELODY HARTSGROVE CLERK OF THE CITY OF ASBURY PARK

**CITY COUNCIL OF THE CITY OF ASBURY PARK
PUBLIC NOTICE**

BOND ORDINANCE STATEMENT AND SUMMARY

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the City Council of the City of Asbury Park, in the County of Monmouth, State of New Jersey on August 26, 2020 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title:	BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 3038 (WHICH PROVIDES FOR IMPROVEMENTS TO THE SEWER PLANT) HERETOFORE FINALLY ADOPTED BY THE CITY COUNCIL OF THE CITY OF ASBURY PARK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ON JANUARY 16, 2013, TO INCREASE THE APPROPRIATION BY \$500,000 AND TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES BY \$476,190
Purpose(s):	Amends And Supplements Bond Ordinance Number 3038, (Which Provides For Improvements To The Sewer Plant) To Amend The Description And Increase The Appropriation And Authorization Of Bond Or Notes Therein.
Appropriation:	\$3,800,000 (Increased By \$500,000 From \$3,300,000)
Bonds/Notes	\$3,776,190 (Increased By \$476,190 From \$3,300,000)
Authorized:	
Grants	N/A
Appropriation:	
Section 20	\$400,000 (Increased By \$100,000 from \$300,000)
Costs:	
Useful Life:	20 years (Decreased From 40 Years)

**MELODY HARTSGROVE CLERK OF THE CITY OF
ASBURY PARK**

CERTIFICATE OF INTRODUCTION

I, the undersigned Clerk of the City of Asbury Park, in the County of Monmouth, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the governing body of the City duly called and held on August 12, 2020 at 6:00 p.m. at City Council Chambers, One Municipal Plaza, Asbury Park, in said County, or through virtual means, and that the following was the roll call:

Present:

Absent:

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body of the City and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City this ____ day of _____, 2020.

(SEAL)

**MELODY HARTSGROVE CLERK OF THE CITY OF
 ASBURY PARK**

CERTIFICATE OF FINAL ADOPTION

I, the undersigned Clerk of the City of Asbury Park, in the County of Monmouth, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the governing body of the City duly called and held on August 26, 2020, at 6:00 p.m. in the City Council Chambers, One Municipal Plaza, Asbury Park, in said County, or through virtual means, and that the following was the roll call:

Present:

Absent:

I DO FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body of the City and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City this ____ day of _____, 2020.

(SEAL)

**MELODY HARTSGROVE CLERK OF THE CITY OF
 ASBURY PARK**

CLERK'S CERTIFICATE

I, MELODY HARTSGROVE, DO HEREBY CERTIFY that I am the Clerk of the City of Asbury Park, in the County of Monmouth (the "City"), State of New Jersey, and that as such I am duly authorized to execute and deliver this certificate on behalf of the City. In such capacity, I have the responsibility to maintain the minutes of the meetings of the governing body of the City and the records relative to all resolutions and ordinances of the City. The representations made herein are based upon the records of the City. I DO HEREBY FURTHER CERTIFY THAT:

1. Attached hereto is the bond ordinance introduced on August 12, 2020, and finally adopted on August 26, 2020 and approved by the Mayor, as applicable, on _____, 2020.
2. After introduction, the bond ordinance was published as required by applicable law on _____, 2020 in the _____ (name of newspaper).
3. Following the passage of the bond ordinance on first reading, and at least seven (7) days prior to the final adoption thereof, I caused to be posted in the principal

municipal building of the City at the place where public notices are customarily posted, a copy of said bond ordinance and a notice that copies of the bond ordinance would be made available to the members of the general public of the City who requested copies, up to and including the time of further consideration of the bond ordinance by the governing body of the City. Copies of the bond ordinance were made available to all who requested same.

4. After final adoption, the bond ordinance was duly approved by the Mayor of the City (if applicable) and duly published as required by law on _____, 2020 in the _____ (name of newspaper). No protest signed by any person against making any improvement or incurring the indebtedness authorized therein, nor any petition requesting that a referendum vote be taken on the action proposed in the bond ordinance has been presented to the governing body of the City or to me or filed in my office within twenty (20) days after said publication or at any other time after the final adoption thereof.

5. The bond ordinance has not been amended, added to, altered or repealed and said bond ordinance is now in full force and effect.

6. A certified copy of the bond ordinance and a copy of the amended capital budget form has been filed with the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, as applicable.

7. The official seal of the City is the seal, an impression of which is affixed opposite my signature on this Certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City this ____ day of _____, 2020.

(SEAL)

MELODY HARTSGROVE,
Clerk of the City of Asbury Park

CERTIFICATE OF SUPPLEMENTAL DEBT STATEMENT

I, the undersigned, Clerk of the City of Asbury Park, in the County of Monmouth, State of New Jersey, DO HEREBY CERTIFY, that the attached Supplemental Debt Statement was prepared, executed and sworn to by JoAnn Boos, the Chief Financial Officer as of August 12, 2020, that such Supplemental Debt Statement was filed in my office on August 12, 2020 and with the Director of the Division of Local Government Services, New Jersey Department of Community Affairs prior to August 26, 2020.

MELODY HARTSGROVE,
Clerk of the City of Asbury Park

DATED: August 12, 2020

CINDY A. DYE,
Clerk of the City of Asbury Park

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____, 2020

JOHN MOOR,
Mayor of the City of Asbury Park

**CITY OF ASBURY PARK
BOND ORDINANCE NUMBER 2020-24**

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO BOND STREET (A TRANSPORTATION UTILITY IMPROVEMENT), BY AND IN THE CITY OF ASBURY PARK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$2,600,000 THEREFOR (INCLUDING A GRANT EXPECTED TO BE RECEIVED FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION) AND AUTHORIZING THE ISSUANCE OF \$2,600,000 BONDS OR NOTES OF THE CITY TO FINANCE THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF ASBURY PARK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), **AS FOLLOWS:**

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of Asbury Park, in the County of Monmouth, State of New Jersey (the “City”) as Transportation Utility improvements. For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$2,600,000 which is inclusive of a grant in the amount of \$430,105 expected to be received from the New Jersey Department of Transportation (the “Grant”). Pursuant to N.J.S.A. 40A:2-11(c), as amended and supplemented, no down payment is required for the improvements or purposes set forth in Section 3 hereof, as a portion of such project is expected to be funded by the Grant.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the \$2,600,000 appropriation, and until said Grant is received, negotiable bonds of the Transportation Utility of the City are hereby authorized to

be issued in the principal amount of \$2,600,000 pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Transportation Utility of the City in a principal amount not exceeding \$2,600,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. Upon the City's receipt of the Grant, the bonds and notes authorized by this Section 2 hereof shall be reduced by the Grant in accordance with Section 4 hereof.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued are various improvements to Bond Street, including, but not limited to, sanitary sewer system improvements and/or replacement including, but not limited to, installation of piping, laterals, cleanouts and precast concrete structures; various drainage and/or storm water collection system improvements and/or replacement including, but not limited to, installation of a storm water conveyance system including, but not limited to, gutter profiles; roadway improvements and parking improvements including, but not limited to, as applicable, excavation, milling, paving, reconstruction and boxing out and resurfacing or full depth pavement replacement, drainage improvements, regrading of gutters and/or installation of new inlets, the repairing and/or installation of or improvements to associated, curbs, sidewalks, ramps in compliance with ADA, driveway aprons, resetting utility castings, manholes, and roadway painting, landscaping, and aesthetic improvements; and also including all preliminary expenses associated with said improvements including, but not limited to, architectural, engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract

administration, site work, testing, and debris removal and/or clean up; and all work materials equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$2,600,000. Upon the City's receipt of the Grant, the maximum amount of bonds or notes issued for said improvements or purposes shall be reduced by such amounts in accordance with Section 4 hereof.

(c) The estimated cost of said improvements or purposes is \$2,600,000.

SECTION 4. In the event the United States of America, the State of New Jersey, the County of Monmouth, and/or a private entity, make a contribution or grant in aid to the City, including the Grant, for the improvements and purposes authorized hereby and the same shall be received by the City prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity, including the Grant, shall be received by the City after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purposes.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the City, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget of the Transportation Utility of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital

Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense and is an improvement which the City may lawfully undertake as a transportation utility improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the City and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$2,600,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$610,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

SECTION 8. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the City for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The City hereby declares the intent of the City to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The City Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the City and to execute such disclosure document on behalf of the City. The City Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the City pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the

“Rule”) for the benefit of holders and beneficial owners of obligations of the City and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the City fails to comply with its undertaking, the City shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The City covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ADOPTED ON FIRST READING

DATED: August 12, 2020

MELODY HARTSGROVE,
Clerk of the City of Asbury Park

ADOPTED ON SECOND READING

DATED: August 26, 2020

MELODY HARTSGROVE,
Clerk of the City of Asbury Park

APPROVAL BY THE MAYOR ON THIS ____ DAY OF _____, 2020.

JOHN MOOR,
Mayor of the City of Asbury Park

CITY COUNCIL OF THE CITY OF ASBURY PARK

PUBLIC NOTICE

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the City of Asbury Park, in the County of Monmouth, State of New Jersey, on August 12, 2020. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at City Council Chambers, One Municipal Plaza, Asbury Park, New Jersey, or through virtual means on August 26, 2020 at 6:00 p.m. (instructions to attend or join and provide public comment at the City's meeting on that date are located on the City's website at <https://www.cityofasburypark.com/>).

During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title:	BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO BOND STREET, BY AND IN THE CITY OF ASBURY PARK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$2,600,000 THEREFOR (INCLUDING A NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT) AND AUTHORIZING THE ISSUANCE OF \$2,600,000 BONDS OR NOTES OF THE CITY TO FINANCE THE COST THEREOF
Purpose(s):	Various Improvements To Bond Street, Including, But Not Limited To, Sanitary Sewer System Improvements And/Or Replacement Including, But Not Limited To, Installation Of Piping, Laterals, Cleanouts And Precast Concrete Structures; Various Drainage And/Or Storm Water Collection System Improvements And/Or Replacement Including, But Not Limited To, Installation Of A Storm Water Conveyance System Including, But Not Limited To, Gutter Profiles; Roadway Improvements And Parking Improvements Including, But Not Limited To, As Applicable, Excavation, Milling, Paving, Reconstruction And Boxing Out And Resurfacing Or Full Depth Pavement Replacement, Drainage Improvements, Regrading Of Gutters And/Or Installation Of New Inlets, The Repairing And/Or Installation Of Or Improvements To Associated, Curbs, Sidewalks, Ramps In Compliance With ADA, Driveway Aprons, Resetting Utility Castings, Manholes, And Roadway Painting, Landscaping, And Aesthetic Improvements
Appropriation:	\$2,600,000
Bonds/Notes	\$2,600,000
Authorized:	
Grants	\$430,105 (New Jersey Department of Transportation)
Appropriated:	
Section 20 Costs:	\$610,000
Useful Life:	20 years

MELODY HARTSGROVE
CLERK OF THE CITY OF ASBURY PARK

CITY COUNCIL OF THE CITY OF ASBURY PARK

PUBLIC NOTICE

BOND ORDINANCE STATEMENTS AND SUMMARY

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the City Council of the City of Asbury Park, in the County of Monmouth, State of New Jersey on August 26, 2020 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title:	BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO BOND STREET, BY AND IN THE CITY OF ASBURY PARK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$2,600,000 THEREFOR (INCLUDING A NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT) AND AUTHORIZING THE ISSUANCE OF \$2,600,000 BONDS OR NOTES OF THE CITY TO FINANCE THE COST THEREOF
Purpose(s):	Various Improvements To Bond Street, Including, But Not Limited To, Sanitary Sewer System Improvements And/Or Replacement Including, But Not Limited To, Installation Of Piping, Laterals, Cleanouts And Precast Concrete Structures; Various Drainage And/Or Storm Water Collection System Improvements And/Or Replacement Including, But Not Limited To, Installation Of A Storm Water Conveyance System Including, But Not Limited To, Gutter Profiles; Roadway Improvements And Parking Improvements Including, But Not Limited To, As Applicable, Excavation, Milling, Paving, Reconstruction And Boxing Out And Resurfacing Or Full Depth Pavement Replacement, Drainage Improvements, Regrading Of Gutters And/Or Installation Of New Inlets, The Repairing And/Or Installation Of Or Improvements To Associated, Curbs, Sidewalks, Ramps In Compliance With ADA, Driveway Aprons, Resetting Utility Castings, Manholes, And Roadway Painting, Landscaping, And Aesthetic Improvements
Appropriation:	\$2,600,000
Bonds/Notes Authorized:	\$2,600,000
Grants	\$430,105 (New Jersey Department of Transportation)
Appropriated:	
Section 20 Costs:	\$610,000
Useful Life:	20 years

MELODY HARTSGROVE
CLERK OF THE CITY OF ASBURY PARK

CERTIFICATE OF INTRODUCTION

I, the undersigned Clerk of the City of Asbury Park, in the County of Monmouth, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the governing body of the City duly called and held on August 12, 2020 at 6:00 p.m. at City Council Chambers, One Municipal Plaza, Asbury Park, in said County, or through virtual means, and that the following was the roll call:

Present:

Absent:

I DO HEREBY FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City this ____ day of _____, 2020.

(SEAL)

MELODY HARTSGROVE
CLERK OF THE CITY OF ASBURY PARK

CERTIFICATE OF FINAL ADOPTION

I, the undersigned Clerk of the City of Asbury Park, in the County of Monmouth, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the governing body of the City duly called and held on August 26, 2020, at 6:00 p.m. at City Council Chambers, One Municipal Plaza, Asbury Park, in said County, or through virtual means, and that the following was the roll call:

Present:

Absent:

I DO HEREBY FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City this ____ day of _____, 2020.

(SEAL)

MELODY HARTSGROVE
CLERK OF THE CITY OF ASBURY PARK

CLERK'S CERTIFICATE

I, MELODY HARTSGROVE, DO HEREBY CERTIFY that I am the Clerk of the City of Asbury Park, in the County of Monmouth (the "City"), a municipal corporation organized and existing under the laws of the State of New Jersey, and that as such I am duly authorized to execute and deliver this certificate on behalf of the City. In such capacity, I have the responsibility to maintain the minutes of the meetings of the governing body of the City and the records relative to all resolutions and ordinances of the City. The representations made herein are based upon the records of the City. I DO HEREBY FURTHER CERTIFY THAT:

1. Attached hereto is the bond ordinance introduced on August 12, 2020 and finally adopted on August 26, 2020.

2. After introduction, the bond ordinance was published as required by law on _____, 2020 in _____ (the name of the newspaper).

3. Following the passage of the bond ordinance on first reading, and at least seven (7) days prior to the final adoption thereof, I caused to be posted in the principal municipal building of the City at the place where public notices are customarily posted, a copy of said bond ordinance or a summary thereof and a notice that copies of the bond ordinance would be made available to the members of the general public of the City who requested copies, up to and including the time of further consideration of the bond ordinance by the governing body. Copies of the bond ordinance were made available to all who requested same.

4. After final passage, the bond ordinance was duly approved by the Mayor on _____, 2020 and was duly published as required by law on _____, 2020 in _____ (the name of the newspaper). No protest signed by any person against making any improvement or incurring the indebtedness authorized therein, nor any petition requesting that a referendum vote be taken on the action proposed in the bond ordinance has been presented to the governing body or to me or filed in my office within twenty (20) days after said publication or at any other time after the final passage thereof.

5. The bond ordinance has not been amended, added to, altered or repealed and said bond ordinance is now in full force and effect.

6. A certified copy of this bond ordinance and a copy of the amended capital budget form have been filed with the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, as applicable.

7. The official seal of the City is the seal, an impression of which is affixed opposite my signature on this Certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City this ____ day of _____, 2020.

(SEAL)

MELODY HARTSGROVE
CLERK OF THE CITY OF ASBURY PARK

CERTIFICATE OF SUPPLEMENTAL DEBT STATEMENT

I, the undersigned, Clerk of the City of Asbury Park, in the County of Monmouth, State of New Jersey, DO HEREBY CERTIFY, that the attached Supplemental Debt Statement was prepared, executed and sworn to by JoAnn Boos, the Chief Financial Officer as of August 12, 2020, that such Supplemental Debt Statement was filed in my office on or by August 12, 2020 and with the Director of the Division of Local Government Services, New Jersey Department of Community Affairs on _____, 2020.

MELODY HARTSGROVE
CLERK OF THE CITY OF ASBURY PARK

DATED: August 12, 2020

CINDY A. DYE,
Clerk of the City of Asbury Park

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____, 2020

JOHN MOOR,
Mayor of the City of Asbury Park



Minutes
Meeting of the Municipal Council
Wednesday, August 12, 2020
REGULAR MEETING

Executive Session - 5:00 p.m.

2020-223 Resolution Authorizing a meeting which excludes the public

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jesse Kendle, Councilmember
SECONDER:	Eileen Chapman, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

Workshop Session - 6:00 p.m.

1. Call to Order/Roll Call

Attendee Name	Title	Status	Arrived
Eileen Chapman	Councilmember	Remote	
Yvonne Clayton	Councilmember	Remote	
Jesse Kendle	Councilmember	Remote	
Amy Quinn	Deputy Mayor	Remote	
John Moor	Mayor	Remote	
Melody Hartsgrove	City Clerk	Remote	
Donna Vieiro	City Manager	Remote	
Frederick Raffetto	City Attorney	Remote	

City Clerk Melody Hartsgrove called the meeting to order at 6:00 PM.

2. Silent Prayer/Moment of Reflection

3. Salute to the Flag

4. Announcement - Open Public Meetings Act

SPECIAL EVENT APPLICATIONS

Director of Recreation, Leesha Floyd presented special events applications to the Mayor and Council.

MATTERS FROM CITY COUNCIL

Council member Chapman stated, we still have one free COVID test on Friday August 14th at the Transportation Center. The City will be giving out school supplies to students K-12 on August 22nd from 10AM-1PM.

Council member Clayton stated, the Census is very important for everyone to complete.

Council member Kendle stated, the Baptist church is giving out fruits and vegetables tomorrow at 10:30AM. Thank you to the Asbury Park Police Department for helping to give out fruits and vegetables. The virus is not over yet, please wear a mask.

Deputy Mayor Quinn stated, there is free asymptomatic COVID testing still available and we hope to get the County to extend the free testing in Asbury.

Mayor Moor stated, please wear a mask when out in public.

MATTERS FROM CITY MANAGER

City Manager, Donna Vieiro stated, Lisa Esposito has been promoted to Deputy City Clerk, Taweshia Gates has been appointed as Fire Marshall, and we have a new Deputy Tax Collector, Patty Martuscelli.

MATTERS FROM CITY ATTORNEY

City Attorney, Frederick Raffetto had no matters at this time.

ITEMS TO BE PRESENTED BY: MICHELE ALONSO, DIRETOR OF PLANNING & ZONING

Director of Planning and Redevelopment, Michele Alonso presented a plan for Renewable Government Energy Aggregation with the Mayor and Council.

1. Presentation by Michele Alonso, AICP, PP, Director of Planning and Redevelopment on Renewable Government Energy Aggregation (R-GEA)

PUBLIC PARTICIPATION

A motion was made by Council member Kendle and seconded by Council member Chapman to open the meeting to the public. All were in favor. The following members of the public spoke: Rita Morano, Maureen Nevin, Claudia Daniels-Morgan, Davisha Pratt, Steven Cornes, Sheree Sanders-Jones, Pam Lamberton, Kerry Butch and Matt Smith.

A motion to close the meeting to the public was made by Council member Kendle and seconded by Deputy Mayor Quinn. All were in favor.

MINUTES

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jesse Kendle, Councilmember
SECONDER:	John Moor, Mayor
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

1. Municipal Council-Executive Meeting-July 22, 5:00 PM
2. Municipal Council - Regular Meeting - Jul 22, 2020 6:00 PM

CONSENT AGENDA RESOLUTIONS

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Amy Quinn, Deputy Mayor
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

- 2020-224 Resolution Approving Special Event Applications
- 2020-225 Resolution to Credit Sewer Account 2603-11 806 Bond Street
- 2020-226 Resolution to Credit Sewer Account 2705-4 610 Second Avenue
- 2020-227 Resolution to Credit Sewer Account 1803-26 907 New Street

INDIVIDUAL RESOLUTIONS

- 2020-228 Resolution Approving Payment of Bills

RESULT:	ADOPTED [4 TO 1]
MOVER:	Jesse Kendle, Councilmember
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle, Amy Quinn
NAYS:	John Moor

- 2020-229 Resolution of the City of Asbury Park, County of Monmouth, State of New Jersey
Providing for the Insertion of Special Items of Revenue in the 2020 Budget of the City of
Asbury Park Pursuant to N.J.S.A. 40A:4-87 (Chapter 159) - Justice Assistance Grant

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Yvonne Clayton, Councilmember
SECONDER:	Amy Quinn, Deputy Mayor
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

- 2020-230 Emergency Contract for the Continued Purchase of Personal Protective Equipment and
Supplies as Needed following CDC Guidelines

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Yvonne Clayton, Councilmember
SECONDER:	Eileen Chapman, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2020-231 Resolution Authorizing an Increase to the Bid Threshold

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Jesse Kendle, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2020-232 Resolution Amending Contract with A+ Technology for Additional Parts Needed for the Access Control Security System Via Change Order 1

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Jesse Kendle, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2020-233 Designating Red Bank to Serve as Lead Municipal Agency as Part of The Sustainable Monmouth Alliance Energy Aggregation Program

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jesse Kendle, Councilmember
SECONDER:	Eileen Chapman, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2020-234 Resolution Amending Contract with IEC for the Emergency Cleaning of the RBC's Via Change Order Number 1

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Yvonne Clayton, Councilmember
SECONDER:	Amy Quinn, Deputy Mayor
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2020-235 Resolution to Refund Sewer Account Relating to Block 2404, Lot 10

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2020-236 A Resolution of The City of Asbury Park Releasing The Performance Bond for Parking Lot Development Located at 1500 Sewall and 1201 Monroe Avenues (Block 1503, Lots 7 & 8) And Accepting Maintenance Guarantee

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Yvonne Clayton, Councilmember
SECONDER:	John Moor, Mayor
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2020-237 A Resolution Referring to the Planning Board Certain Proposed Amendments to The Land Development Regulations of The City of Asbury Park (Chapter XXX of the City Code) To Amend Sections 30-15 (“Definitions”); 30-61 (“Signs”); and various

subsections of 30-56 (“DESIGN STANDARDS—GENERAL”) pertaining to Lighting, Landscaping and Fences

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jesse Kendle, Councilmember
SECONDER:	Eileen Chapman, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2020-238 Resolution Authorizing Referral to The Planning Board a Proposed Revised Official Zoning Map.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2020-239 A Resolution Referring to the Planning Board Certain Proposed Amendments to The Land Development Regulations of The City of Asbury Park (Chapter XXX of the City Code) To Amend Sections 30-15 (“Definitions”); 30-66 (“Zone Districts”); 30-67 (“Schedule of Zone District Area, Yard and Building Requirements”); 30-68 (“Supplementary Zone District Regulations”); 30-71 (“Use Regulations-Nonresidential Districts”) 30-73 (“Supplemental Use Regulations”); 30-75 (“Accessory Uses and Structures”); and 30-76 (“Regulations Governing Conditional Use”);

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Amy Quinn, Deputy Mayor
SECONDER:	Eileen Chapman, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2020-240 Resolution of The City of Asbury Park, In the County of Monmouth, State Of New Jersey, Authorizing A \$23,810 Emergency Appropriation Pursuant to N.J.S.A. 40a:4-48 To Fund A Down Payment for A Bond Ordinance Authorizing the Undertaking of Improvements to The Sewer/Wastewater Treatment Plant, Including, But Not Limited To, The Replacement of Rotating Biological Contactors (Below 3%)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Yvonne Clayton, Councilmember
SECONDER:	Amy Quinn, Deputy Mayor
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

ORDINANCES

Introduction

2020-22 An Ordinance Adopting Amendments to The Strategic Area Rebuilding Spirit (S.T.A.R.S.) Redevelopment Plan

RESULT:	INTRODUCED [UNANIMOUS]
	Next: 9/9/2020 6:00 PM
MOVER:	Yvonne Clayton, Councilmember
SECONDER:	Eileen Chapman, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2020-23 Bond Ordinance Amending and Supplementing Bond Ordinance Number 3038 (Which Provides for Improvements to The Sewer Plant) Heretofore Finally Adopted by The City Council of The City of Asbury Park, In the County of Monmouth, State Of New Jersey, On January 16, 2013, To Increase the Appropriation By \$500,000 And to Increase the Authorization of Bonds or Notes By \$476,190

RESULT:	INTRODUCED [UNANIMOUS]
	Next: 9/9/2020 6:00 PM
MOVER:	Yvonne Clayton, Councilmember
SECONDER:	Amy Quinn, Deputy Mayor
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2020-24 Bond Ordinance Providing for Improvements to Bond Street (A Transportation Utility Improvement), By and In the City of Asbury Park, In the County of Monmouth, State Of New Jersey; Appropriating \$2,600,000 Therefor (Including A Grant Expected to Be Received from The New Jersey Department of Transportation) And Authorizing the Issuance Of \$2,600,000 Bonds or Notes of The City to Finance the Cost Thereof

RESULT:	INTRODUCED [UNANIMOUS]
	Next: 9/9/2020 6:00 PM
MOVER:	Amy Quinn, Deputy Mayor
SECONDER:	Eileen Chapman, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

ADJOURNMENT

The meeting was adjourned at 7:09 PM

A motion to close the meeting was made by Deputy Mayor Quinn and seconded by Council Member Kendle. All were in favor.

Meeting was adjourned at 7:09 PM

Respectfully submitted by:

Melody Hartsgrrove, Deputy City Clerk