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FINAL AGENDA

HOWELL TOWNSHIP COUNCIL REGULAR MEETING AGENDA

TUESDAY, MAY 19, 2020

Regular Session 5:00 PM

Howell Township Municipal Building, Main Meeting Room

4567 Route 9 North, Howell, NJ

(Last updated 5/18/2020 4:00 PM)

This agenda for the next regular meeting of the Howell Township Council, and the resolutions linked to this agenda, reflect the agenda and proposed resolutions to the extent known at the time of posting, pursuant to N.J.S.A. 10:4-8(d). The agenda and resolutions are tentative. They are subject to amendment, additions or deletions prior to the meeting.

Any inquiries concerning the agenda and its contents should be directed to the Township Clerk at 732-938-4500, extension 2150. www.twp.howell.nj.us

1. **CALL TO ORDER BY THE MAYOR**
2. **OPENING STATEMENT AND ROLL CALL**
3. ~~**EXECUTIVE SESSION**~~
4. **PLEDGE OF ALLEGIANCE TO THE FLAG**
5. **ACCEPTANCE OF MINUTES OF PREVIOUS MEETINGS**
 - May 5, 2020 Regular Meeting
6. **REPORTS OF TOWNSHIP OFFICIALS**
 - Proclamation – Samantha Hein 5th Grader Essay Winner
 - Proclamation – National Public Works Week
 - Proclamation – National EMS Week
 - Proclamation – Brain Cancer Awareness Month
7. **DISCUSSION**
8. **HEARING OF CITIZENS (1 Hour)**
& PUBLIC COMMENT ON CONSENT AGENDA ITEMS
 - a) **GENERAL**
 - b) **PUBLIC HEARINGS ON ORDINANCES O-20-8, O-20-9, O-20-10-O-20-11**

In an effort to allow for public participation, we would ask that residents contact 732-938-4500 x2155 or email PublicAccess@twp.howell.nj.us. You may leave your comments or questions in either forum; they will then be read into the record and addressed as appropriate. While we realize this is not a perfect solution; these are trying times and we, like many other towns, must create innovative methods to accomplish what would normally be considered routine tasks.

9. CONSENT AGENDA ITEMS (*)

All matters listed under item Consent Agenda marked with an * will be enacted by one motion.

9A RESOLUTIONS

- R-20-182 **9A.1 Authorize Amendment of the 2020 Temporary Appropriations, Pursuant to N.J.S.A. 40A:4-20, Prior to the Adoption of the 2020 Municipal Budget**
Explanatory Statement: ***This will require a separate vote***
 This Resolution authorizes the Amendment of the 2020 Temporary Appropriations, Pursuant to N.J.S.A. 40A:4-20, Prior to the Adoption of the 2020 Municipal Budget.
- *R-20-183 **9A.2 Authorize Release of Performance Guarantee and Acceptance of Maintenance Guarantee, Toll NJ, LP, Monmouth Chase, Block 167 Lots 32.02-32.44, Block 167.01 Lots 1-11, Block 178 Lots 22.01-22.07, Potomac Ct, Raleigh Way, Vicksburg Ct, Fairfield Rd, Case No. SD-2901**
Explanatory Statement:
 This Resolution authorizes the release of the Performance Guarantee and Acceptance of the Maintenance Guarantee, Toll NJ, LP, Monmouth Chase, Block 167 Lots 32.02-32.44, Block 167.01 Lots 1-11, Block 178 Lots 22.01-22.07, Potomac Ct, Raleigh Way, Vicksburg Ct, Fairfield Rd, Case No. SD-2901.
- *R-20-184 **9A.3 Authorize Adoption of Updated Rules and Regulations Governing the Administration of the Howell Township Police Department**
Explanatory Statement:
 This Resolution authorizes the Adoption of Updated Rules and Regulations Governing the Administration of the Howell Township Police Department.
- *R-20-185 **9A.4 Authorize Participation in the Safe and Secure Communities Federal Grant Program Administered by the State of New Jersey, Department of Law and Public Safety and Acceptance of a Grant Sub-Award of \$60,000.00 under Grant No. 20-1319**
Explanatory Statement:
 This Resolution authorizes participation in the Safe and Secure Communities Federal Grant Program Administered by the State of New Jersey, Department of Law and Public Safety and Acceptance of a Grant Sub-Award of \$60,000.00 under Grant No. 20-1319.
- R-20-186 **9A.5 Authorize Appointment of a Member/Representative to the Manasquan River Regional Sewerage Authority**
Explanatory Statement: ***This will require a separate vote***
 This Resolution authorizes the Appointment of a Member/Representative to the Manasquan River Regional Sewerage Authority.

- *R-20-187 **9A.6 Authorize the Sale of Surplus Personal Property No Longer Needed for Public Use on an Online Auction Website**
Explanatory Statement:
 This Resolution authorizes the sale of Surplus Personal Property no longer needed for public use on an online auction website.
- *R-20-188 **9A.7 Authorize Change Order No. 1, Bush Grinding and Woodchip Removal – Spring – Contract #20-07, \$3,802.50**
Explanatory Statement:
 This Resolution authorizes Change Order No. 1 for Bush Grinding and Woodchip Removal – Spring – Contract #20-07, in the amount of \$3,802.50.
- R-20-189 **9A.8 Authorize and Provide for the Issuance and Sale of Tax Anticipation Notes of the Township of Howell, \$16,000,000.00**
Explanatory Statement: ***This will require a separate vote***
 This Resolution authorizes and provides for the issuance and sale of tax anticipation notes of the Township of Howell, \$16,000,000.00.
- *R-20-190 **9A.9 Authorize Award of Contract, CentralSquare Technologies, CryWolf False Alarm Management Services and Software Support**
Explanatory Statement:
 This Resolution authorizes the award of a contract, CentralSquare Technologies, CryWolf False Alarm Management Services and Software Support.
- *R-20-191 **9A.10 Authorize Acceptance of Performance Guarantee, L & L Paving Company, Inc., Bituminous Concrete Manufacturing Facility, Block 177 Lot 62.01, Yellowbrook Road, Case No. BA-18-06**
Explanatory Statement:
 This Resolution authorizes acceptance of a Performance Guarantee, L & L Paving Company, Inc., Bituminous Concrete Manufacturing Facility, Block 177 Lot 62.01, Yellowbrook Road, Case No. BA-18-06.
- *R-20-192 **9A.11 Authorize Return of Engineering Inspection Escrow Funds, Desai Development Corp, Desai Estates/Majestic Oaks, Block 175 Lots 46, 46.01, 47 & 48, Lions Court, Case No. SD-2420, \$4,015.05**
Explanatory Statement:
 This Resolution authorizes the return of Engineering Inspection Escrow Funds, Desai Development Corp, Desai Estates/Majestic Oaks, Block 175 Lots 46, 46.01, 47 & 48, Lions Court, Case No. SD-2420, in the amount of \$4,015.05.
- *R-20-193 **9A.12 Authorize Extension of Deadline for Renewal of Retail Food-Handling Establishment License until July 31, 2020 in Compliance with Executive Order No. 138**
Explanatory Statement:
 This Resolution authorizes the extension of the deadline for Renewal of Retail Food-Handling Establishment License until July 31, 2020 in Compliance with Executive Order No. 138.

- *R-20-194 **9A.13 Authorize Refund of Recreational Program Fees, Jason McBride, \$600.00**
Explanatory Statement:
 This Resolution authorizes the refund of Recreational Program Fees, Jason McBride, in the amount of \$600.00.
- *R-20-195 **9A.14 Authorize the Mayor and Clerk to Execute an Agreement with Monmouth County for Cooperative Participation in the Community Development Program pursuant to the Interlocal Services Act**
Explanatory Statement:
 This Resolution authorizes the Mayor and Clerk to Execute an Agreement with Monmouth County for Cooperative Participation in the Community Development Program pursuant to the Interlocal Services Act.
- *R-20-196 **9A.15 Authorize the Director of Land Use to grant permits superseding provisions set forth in Chapter 188-68 pertaining to Sidewalk Sales, Chapter 188-227 pertaining to Outdoor Dining, and Chapter 256-5(A)(5)-(8) pertaining to Signage**
Explanatory Statement:
 This Resolution authorizes the Director of Land Use to grant permits superseding provisions set forth in Chapter 188-68 pertaining to Sidewalk Sales, Chapter 188-227 pertaining to Outdoor Dining, and Chapter 256-5(A)(5)-(8) pertaining to Signage.

9B MOTIONS
 None

10. PUBLIC HEARINGS ON ORDINANCES

- O-20-8 **10.1 Authorize Acquisition of Lands from Monmouth Conservation Foundation for Open Space in the Township of Howell known as Block 135 Lot 43 (United Talmudical Academy Torah Vey), approximately 30 Acres on Fort Plains Road**
(Introduction on May 5, 2020)
(Public Hearing & Adoption on May 19, 2020)
Explanatory Statement:
 An Ordinance by the Township Council of the Township of Howell authorizing the acquisition of Block 135, Lot 43 and more commonly known as the United Talmudical Academy Torah Vey property, a vacant parcel containing ±30 acres ("Property") for preservation as open space.
- O-20-9 **10.2 Amend Ordinance O-19-21 authorizing the Acquisition of Land Known as Block 42, Lot 88 on the Tax Map of Howell for the purpose of Open Space**
(Introduction on May 5, 2020)
(Public Hearing & Adoption on May 19, 2020)
Explanatory Statement:
 An Ordinance by the Township Council of the Township of Howell Amending the acquisition terms of the property to utilize Township monies for the purchase of the right of way abutting the road so that it is not encumbered as green acres property, thereby making it easier to perform work in the future if needed.

- O-20-10 **10.3 Amend Ordinance O-19-31 authorizing the Acquisition of Lands for Open Space in the Township of Howell Known as Block 51.01, Lot 22 (Berger-Wind Property) approximately 13.5 acres on Preventorium Road**
(Introduction on May 5, 2020)
(Public Hearing & Adoption on May 19, 2020)
Explanatory Statement:
 An Ordinance by the Township Council of the Township of Howell Amending the acquisition terms of the Berger-Wind property to utilize diversion monies for the purchase and to ensure that the right of way abutting the road is not encumbered as green acres property, thereby making it easier to perform work in the future if needed.
- O-20-11 **10.4 Amend Ordinance O-19-32 authorizing the Acquisition of Lands from Monmouth Conservation Foundation for Open Space in the Township of Howell Known as Block 51, Lot 36.04 (Van Schoick Property), approximately 4 acres on Preventorium Road**
(Introduction on May 5, 2020)
(Public Hearing & Adoption on May 19, 2020)
Explanatory Statement:
 An Ordinance by the Township Council of the Township of Howell Amending the acquisition terms of the Van Schoick property to utilize Township monies for the purchase of the right of way abutting the road so that it is not encumbered as green acres property, thereby making it easier to perform work in the future if needed.

11. INTRODUCTION OF ORDINANCES

- O-20-12 **11.1 An Ordinance of the Township of Howell Amending Chapter 188 Land Use, Article XXV Nonresidential Community Design Standards, Section 225 Streetscape Design Principles, Subsection G Sidewalks of the Revised General Ordinances of the Township of Howell**
(Introduction on May 19, 2020)
(Public Hearing & Adoption on June 9, 2020)
Explanatory Statement:
 An Ordinance by the Township Council of the Township of Howell Amending Chapter 188-225 to remove the requirement of payment into the sidewalk trust fund.
- O-20-13 **11.2 An Ordinance of the Township of Howell Amending Chapter 188 Land Use, Article XIV Residential Design Standards, Section 132 Sidewalks of the Revised General Ordinances of the Township of Howell**
(Introduction on May 19, 2020)
(Public Hearing & Adoption on June 9, 2020)
Explanatory Statement:
 An Ordinance by the Township Council of the Township of Howell Amending Chapter 188-132 to remove the requirement of payment into the sidewalk trust fund.

2020 MUNICIPAL BUDGET

Budget tabled to 6/9/2020

Resolutions

R-20-161 ~~2020 Municipal Budget – Local Examination~~

R-20-162 ~~2020 Municipal Budget – Read by Title Only~~

Ordinance

O-20-6 ~~Exceed the Municipal Budget Appropriation Limits and Establish a
CAP Bank~~

(Introduction on March 3, 2020)

(Public Hearing & Adoption on May 19, 2020)

Explanatory Statement:

This Ordinance exceeds the Municipal Budget Appropriation Limits and Establishes a CAP Bank (N.J.S.A. 40A: 4-45.14).

Resolution

R-20-163 ~~Adoption of 2020 Municipal Budget~~

12. UNFINISHED BUSINESS

13. INFORMATION

14. MEETING DATES:

Regular Meeting

-Tuesday, June 9, 2020

Executive Session 6:30 P.M.

Regular Session 7:30 P.M.

15. ADJOURNMENT 11:00 PM

PRELIMINARY AGENDA

HOWELL TOWNSHIP COUNCIL REGULAR MEETING AGENDA

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9B MOTIONS

None

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(Public Hearing & Adoption on May 19, 2020)
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11. INTRODUCTION OF ORDINANCES

None

2020 MUNICIPAL BUDGET

Resolutions

R-20-161 **2020 Municipal Budget – Local Examination**

R-20-162 **2020 Municipal Budget – Read by Title Only**

Ordinance

O-20-6 **Exceed the Municipal Budget Appropriation Limits and Establish a CAP Bank**

(Introduction on March 3, 2020)

(Public Hearing & Adoption on May 19, 2020)

Explanatory Statement:

This Ordinance exceeds the Municipal Budget Appropriation Limits and Establishes a CAP Bank (N.J.S.A. 40A: 4-45.14).

Resolution

R-20-163 **Adoption of 2020 Municipal Budget**

12. UNFINISHED BUSINESS

13. INFORMATION

14. MEETING DATES:

Regular Meeting

-Tuesday, June 9, 2020

Executive Session 6:30 P.M.

Regular Session 7:30 P.M.

15. ADJOURNMENT 11:00 PM

TOWNSHIP OF HOWELL

ORDINANCE COVER PAGE

Ordinance No. O-20-8

INTRODUCTION

May 5, 2020

PUBLIC HEARING & ADOPTION

May 19, 2020

AGENDA ITEM NUMBER

10.1

ORDINANCE NO. O-20-8

ORDINANCE AUTHORIZING THE ACQUISITION OF LANDS FROM MONMOUTH CONSERVATION FOUNDATION FOR OPEN SPACE IN THE TOWNSHIP OF HOWELL KNOWN AS BLOCK 135 LOT 43 (UNITED TALMUDICAL ACADEMY TORAH VEY) APPROXIMATELY 30 ACRES ON FORT PLAINS ROAD

WHEREAS, the Governing Body of the Township of Howell recognizes the need for acquiring and preserving additional Open Space in order to enhance the health and welfare of its citizens and to advance and promote natural resources conservation, wildlife habitat protection and passive recreation within the Township of Howell (“Howell”) and has determined that the recommendation of the parcels identified herein for acquisition would be in the best interest of the residents of Howell; and

WHEREAS, on or about December 11, 2018, Howell and Monmouth Conservation Foundation (“MCF”) entered into an agreement entitled the Open Space and Farmland Preservation Consulting Services Agreement between Howell and MCF dated December 11, 2018 under which the MCF would identify potential opportunities within Howell for the preservation of open space; and

WHEREAS, MCF has identified Block 135, Lot 43 and more commonly known as the United Talmudical Academy Torah Vey property, a vacant parcel containing \pm 30 acres (“Property”) as being of interest for acquisition by the Township; and

WHEREAS, Howell deems it necessary and advisable to acquire and preserve the Property as Open Space consistent with the above purposes; and

WHEREAS, Howell requested that MCF negotiate for the purchase of the Property on its behalf and finalize the acquisition of the Property; and

WHEREAS, a formal offer of purchase contingent upon satisfactory title and environmental review of said lands and property in the amount of \$1,150,000.00, subject to adjustments for exact acreage, taxes and other closing costs has been accepted; and

WHEREAS, with MCF’s assistance, Howell shall endeavor to negotiate and execute a formal contract for the purchase and sale of the Property; and

WHEREAS, the Township shall pay for the purchase of the Property through the use of Open Space Funds and any available grant monies, and the Township shall further reserve the right to acquire portions of the Property that are encumbered by rights of way and the like with monies from alternative Township sources; and

WHEREAS, Howell shall use taxpayer funds not to exceeds \$10,000.00 to pay the proportional amount of the purchase price for a dedicated right of way along Fort Plains Road and other such encumbrances, if any, that cannot be funded with Open Space Funds; and

WHEREAS, funding for the purchase of the Property is covered under the Howell Township Open Space Trust Fund Account #01-1616; and

WHEREAS, Howell shall also apply to receive 50% grant reimbursement from the New Jersey Department of Environmental Protection Green Acres Program (“Green Acres”) for contributions and expenditures made for the purchase of the Property. If such a grant is received, the Property shall be acquired pursuant to and in accordance with all applicable Green Acres requirements; and

WHEREAS, MCF has agreed to contribute \$50,000.00 of its own funds to assist the Howell with purchasing the property and will utilize its own 50% grant reimbursement from Green Acres for contributions and expenditures made for the purchase of the Property for a total contribution of \$100,000.00; and

WHEREAS, as a funding partner, MCF requests that (1) the impervious coverage on the Property be limited, and requires (2) signage, to be provided by MCF, to be placed on the Property once acquired, and (3) to be in title to the extent required by Green Acres, which interest is to be conveyed by MCF to Howell immediately following the initial conveyance from the seller; and

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Howell that the acquisition of the Property on the terms set forth above is hereby approved and, further, that the Mayor and Township Manager are hereby authorized to execute all necessary documents to secure the acquisition of the Property identified herein and to undertake any and all such acts as may be necessary to effectuate the terms hereof with MCF’s participation in furtherance thereof, subject to and contingent upon the negotiation and execution of a definitive agreement for the acquisition of the Property.

SECTION 2. REPEALER

The remainder of all other sections and subsections of the aforementioned ordinances not specifically amended by this Ordinance shall remain in full force and effect.

SECTION 3. INCONSISTENT ORDINANCES

All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

SECTION 4. SEVERABILITY

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication according to law.

NOTICE

The Ordinance published herewith was introduced and passed on first reading by the Township Council of the Township of Howell on May 5, 2020 and will be further considered for final passage and adoption at the Township Municipal Building on 4567 Route 9 North, Howell, New Jersey on May 19, 2020 at 7:30 p.m. or as soon thereafter as the matter can be reached on the Agenda, at which time and place all persons interested therein shall be given an opportunity to be heard and during the week prior thereto, and up to, and including, the date of such meeting, copies of said Ordinance will be available at the Clerk's Office in the Township of Howell Municipal Building to the members of the general public who shall request same.



Allison Ciranni, Municipal Clerk

This is to certify that the foregoing Ordinance was adopted by the Township Council at a regular meeting of the Township of Howell held on May 19, 2020.

Allison Ciranni, Municipal Clerk

The effective date of this ordinance is June 8, 2020.

EXPLANATORY STATEMENT: An Ordinance by the Township Council of the Township of Howell authorizing the acquisition of Block 135, Lot 43 and more commonly known as the United Talmudical Academy Torah Vey property, a vacant parcel containing ± 30 acres (“Property”) for preservation as open space.

TOWNSHIP OF HOWELL

ORDINANCE COVER PAGE

Ordinance No. O-20-9

INTRODUCTION

May 5, 2020

PUBLIC HEARING & ADOPTION

May 19, 2020

AGENDA ITEM NUMBER

10.2

ORDINANCE NO. O-20-9

ORDINANCE AMENDING ORDINANCE NO. 0-19-21 OF THE TOWNSHIP OF HOWELL AUTHORIZING THE ACQUISITION OF LAND KNOWN AS BLOCK 42, LOT 88 ON THE TAX MAP OF HOWELL FOR THE PURPOSE OF OPEN SPACE

WHEREAS, by adopting Ordinance No. 0-19-21 the Township identified a vacant parcel of land known and designated as Block 42, Lot 88 on the Tax Map of Howell and adjacent to Deerwood Park on Lakewood-Allenwood road, has been made available for purchase; and

WHEREAS, the real property known and designated as Block 42, Lot 88 on the Tax Map of Howell consists of 10 acres more or less in area; and

WHEREAS, the Township of Howell has determined that the aforementioned real property is needed for public use; and

WHEREAS, the Township of Howell has Open space funds available to fund the purchase of this property; and

WHEREAS, the Township shall further reserve the right to acquire portions of the Property that are encumbered by rights of way and the like with monies from alternative Township sources; and

WHEREAS, Howell shall use taxpayer funds, not to exceed \$15,000 to pay the proportional amount of the purchase price for a dedicated right of way along any adjoining roadway and/or other such encumbrances, if any, that cannot be funded with Open Space funds.

NOW, THEREFORE, by the Township Counsel of the Township of , in the County of Monmouth and the State of New Jersey as follows:

SECTION 1. The Township authorizes the acquisition of Block 42, Lot 88 in the Township of Howell in accordance with the provisions of the Local Lands and Buildings Law pursuant to N.J.S.A. 40A:12-1 *et. seq.*

SECTION 2. The Township authorizes the Township Attorney, Township Engineer and such other Township officials as are necessary to obtain appraisals to ascertain the value of Block 42, Lot 88 in the Township of Howell.

SECTION 3. The appropriate Township Officials, the Township Attorney, the Township Clerk and such other Township Officials and/or professionals are authorized and directed to negotiate and execute any and all documents on behalf of the Township in regard to this matter.

SECTION 4. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. This Ordinance shall take effect immediately upon its final passage and publication as required by law.

NOTICE

The Ordinance published herewith was introduced and passed on first reading by the Township Council of the Township of Howell on May 5, 2020 and will be further considered for final passage and adoption at the Township Municipal Building on 4567 Route 9 North, Howell, New Jersey on May 19, 2020 at 6:30 p.m. or as soon thereafter as the matter can be reached on the Agenda, at which time and place all persons interested therein shall be given an opportunity to be heard and during the week prior thereto, and up to, and including, the date of such meeting, copies of said Ordinance will be available at the Clerk's Office in the Township of Howell Municipal Building to the members of the general public who shall request same.



Allison Ciranni, Municipal Clerk

This is to certify that the foregoing Ordinance was adopted by the Township Council at a regular meeting of the Township of Howell held on May 19, 2020.

Allison Ciranni, Municipal Clerk

The effective date of this ordinance is June 8, 2020.

EXPLANATORY STATEMENT: An Ordinance by the Township Council of the Township of Howell Amending the acquisition terms of the property to utilize Township monies for the purchase of the right of way abutting the road so that it is not encumbered as green acres property, thereby making it easier to perform work in the future if needed.

TOWNSHIP OF HOWELL

ORDINANCE COVER PAGE

Ordinance No. O-20-10

INTRODUCTION

May 5, 2020

PUBLIC HEARING & ADOPTION

May 19, 2020

AGENDA ITEM NUMBER

10.3

ORDINANCE NO. O-20-10

ORDINANCE AMENDING ORDINANCE NO. 0-19-31 AUTHORIZING THE ACQUISITION OF LANDS FOR OPEN SPACE IN THE TOWNSHIP OF HOWELL KNOWN AS BLOCK 51.01 LOT 22 (BERGER-WIND PROPERTY) APPROXIMATELY 13.5 ACRES ON PREVENTORIUM ROAD

WHEREAS, by duly adopting Ordinance No. 0-19-31, the Governing Body of the Township of Howell (“the Township”) authorized the acquisition of Block 51.01, Lot 22, which consists of approximately 13.5 acres on Preventorium Road and is known as the Berger-Wind Property (“the Property), for open space; and

WHEREAS, by assignment dated November 19, 2019, the Township is now the contract purchaser and continues, with the assistance of the Monmouth Conservation Foundation (“MCF”), to diligently pursue the acquisition of the Property for the amount of \$47,600.00, subject to adjustments for exact acreage, taxes and other closing costs; and

WHEREAS, at the time of the adoption of Ordinance No. 0-19-31, the Township authorized the payment for the Property through the use of Open Space Funds and any available grant monies; and

WHEREAS, as a result of the 2019 State House Commission (“SHC”) approval 1321005 for the diversion of parkland to support the New Jersey American Water (“NJAW”) Howell to Lakewood Transmission Main Project, the Township received \$64,000 in monetary compensation from NJAW (“diversion monies”) for a future land acquisition project within the Township; and

WHEREAS, the New Jersey Department of Environmental Protection (“DEP”), Green Acres Program (“Green Acres”) has advised MCF and the Township that the Property represents eligible compensation land under N.J.A.C. 7:36-26.10(d)2 and the diversion monies can be used to acquire the Property and for incidental costs incurred by the Township; and

WHEREAS, by using the diversion monies, the Property can still be preserved as municipal open space, and would be listed on the Township’s Recreational and Open Space inventory; and

WHEREAS, by using the diversion monies, the Township designates the Property as compensation land which fulfills its obligation under SHC approval 1321005; and

WHEREAS, the Township affirms its desire to acquire and preserve the Property for municipal open space, and wishes to do so using the diversion funding described above instead of Open Space Funds; and

WHEREAS, the Township shall further reserve the right to acquire portions of the Property that are encumbered by rights of way and the like with monies from alternative Township sources; and

WHEREAS, Howell shall use taxpayer funds not to exceed \$10,000.00 to pay the proportional amount of the purchase price for any dedicated right of way along any adjoining roadway and/or any other such encumbrances, if any, that cannot be funded with Open Space funds.

NOW, THEREFORE, be it resolved by the Governing Body of the Township of Howell that the Deputy Mayor and Township Manager are hereby authorized to execute all necessary documents to secure the acquisition of the Property in accordance with Ordinance No. 0-19-31, as amended and supplemented by this Ordinance.

SECTION 2. REPEALER

The remainder of all other sections and subsections of the aforementioned ordinances not specifically amended by this Ordinance shall remain in full force and effect.

SECTION 3. INCONSISTENT ORDINANCES

All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

SECTION 4. SEVERABILITY

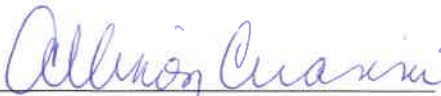
If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication according to law.

NOTICE

The Ordinance published herewith was introduced and passed on first reading by the Township Council of the Township of Howell on May 5, 2020 and will be further considered for final passage and adoption at the Township Municipal Building on 4567 Route 9 North, Howell, New Jersey on May 19, 2020 at 7:30 p.m. or as soon thereafter as the matter can be reached on the Agenda, at which time and place all persons interested therein shall be given an opportunity to be heard and during the week prior thereto, and up to, and including, the date of such meeting, copies of said Ordinance will be available at the Clerk's Office in the Township of Howell Municipal Building to the members of the general public who shall request same.


Allison Ciranni, Municipal Clerk

EXPLANATORY STATEMENT: An Ordinance by the Township Council of the Township of Howell Amending the acquisition terms of the Berger-Wind property to utilize diversion monies for the purchase and to ensure that the right of way abutting the road is not encumbered as green acres property, thereby making it easier to perform work in the future if needed.

TOWNSHIP OF HOWELL

ORDINANCE COVER PAGE

Ordinance No. O-20-11

INTRODUCTION

May 5, 2020

PUBLIC HEARING & ADOPTION

May 19, 2020

AGENDA ITEM NUMBER

10.4

ORDINANCE NO. O-20-11

ORDINANCE AMENDING ORDINANCE NO. 0-19-32 AUTHORIZING THE ACQUISITION OF LANDS FROM MONMOUTH CONSERVATION FOUNDATION FOR OPEN SPACE IN THE TOWNSHIP OF HOWELL KNOWN AS BLOCK 51 LOT 36.04 (VAN SCHOICK PROPERTY) APPROXIMATELY 4 ACRES ON PREVENTORIUM ROAD

WHEREAS, by adopting Ordinance No. 0-19-32, the Governing Body of the Township of Howell recognized the need for acquiring such additional Open Space in order to enhance the health and welfare of its citizens and to advance the preservation of natural resources within the Township of Howell and has determined that the recommendation of the parcels identified herein for acquisition would be in the best interest of the residents of the Township of Howell; and

WHEREAS, On or about December 11, 2018, The Township of Howell and the Monmouth Conservation Foundation entered into an agreement entitled the Open Space and Farmland Preservation Consulting Services Agreement between Howell and MCF dated December 11, 2018 under which the MCF would identify potential opportunities within Howell for the preservation of open space; and

WHEREAS, MCF has identified Block 51, Lot 36.04 and more commonly known as the Berger-Wind property, a vacant parcel containing ± 4 acres (“Property”) as being of interest for acquisition by the Township; and

WHEREAS, the Township requested that MCF negotiate for the purchase of the Property on its behalf and finalize the acquisition of the Property; and

WHEREAS, a formal offer of purchase contingent upon satisfactory title and environmental review of said lands and property in the amount of \$10,800.00, subject to adjustments for exact acreage, taxes and other closing costs has been accepted; and

WHEREAS, MCF shall assign all its right, title and interest in and to contracts for the purchase of the Property to Howell at the time of closing in order that title to the Property shall be conveyed to the Howell; and

WHEREAS, the Township shall pay for the purchase of the Property through the use of Open Space Funds and any available grant monies; and

WHEREAS, funding for the purchase of said property is covered under the Howell Township Open Space Trust Fund Account #01-1616;

WHEREAS, the Township of Howell shall also apply to receive 50% grant reimbursement from the New Jersey Department of Environmental Protection Green Acres Program (“Green Acres”) for contributions and expenditures made for the purchase of the Property. If such a grant is received, the Property shall be acquired pursuant to and in accordance with all applicable Green Acres requirements; and

WHEREAS, The Township of Howell (“Howell”) deems it necessary and advisable to acquire and preserve the certain lands and property for municipal open space preservation, natural resources conservation, wildlife habitat protection and as additions to Bear Swamp Natural Area, located in the Township of Howell being more particularly described as Block 51, Lot 36.04 and more commonly known as the Van Schoick property, a vacant parcel containing ±4 acres (“Property”); and

WHEREAS, the Township shall further reserve the right to acquire portions of the Property that are encumbered by rights of way and the like with monies from alternative Township sources; and

WHEREAS, Howell shall use taxpayer funds, not to exceed \$1,000 to pay the proportional amount of the purchase price for any dedicated right of way along any adjoining roadway and/or other such encumbrances, if any, that cannot be funded with Open Space funds.

NOW, THEREFORE, be it resolved by the Governing Body of the Township of Howell that the Deputy Mayor and Township Manager are hereby authorized to execute all necessary documents to secure the acquisition of said parcel identified herein.

SECTION 2. REPEALER

The remainder of all other sections and subsections of the aforementioned ordinances not specifically amended by this Ordinance shall remain in full force and effect.

SECTION 3. INCONSISTENT ORDINANCES

All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

SECTION 4. SEVERABILITY

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication according to law.

NOTICE

The Ordinance published herewith was introduced and passed on first reading by the Township Council of the Township of Howell on May 5, 2020 and will be further considered for final passage and adoption at the Township Municipal Building on 4567 Route 9 North, Howell, New Jersey on May 19, 2020 at 7:30 p.m. or as soon thereafter as the matter can be reached on the Agenda, at which time and place all persons interested therein shall be given an opportunity to be heard and during the week prior thereto, and up to, and including, the date of such meeting, copies of said Ordinance will be available at the Clerk's Office in the Township of Howell Municipal Building to the members of the general public who shall request same.



Allison Ciranni, Municipal Clerk

This is to certify that the foregoing Ordinance was adopted by the Township Council at a regular meeting of the Township of Howell held on May 19, 2020.

Allison Ciranni, Municipal Clerk

The effective date of this ordinance is June 8, 2020.

EXPLANATORY STATEMENT: An Ordinance by the Township Council of the Township of Howell Amending the acquisition terms of the Van Schoick property to utilize Township monies for the purchase of the right of way abutting the road so that it is not encumbered as green acres property, thereby making it easier to perform work in the future if needed.

TOWNSHIP OF HOWELL

ORDINANCE COVER PAGE

Ordinance No. O-20-12

INTRODUCTION

May 19, 2020

PUBLIC HEARING & ADOPTION

June 9, 2020

AGENDA ITEM NUMBER

11.1

ORDINANCE NO. O-20-12

AN ORDINANCE OF THE TOWNSHIP OF HOWELL AMENDING CHAPTER 188 LAND USE, ARTICLE XXV NONRESIDENTIAL COMMUNITY DESIGN STANDARDS, SECTION 225 STREETScape DESIGN PRINCIPLES, SUBSECTION G SIDEWALKS OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOWELL

BE IT HEREBY ORDAINED by the Township Council of the Township of Howell that Chapter 188 Land Use, Article XXV Nonresidential Community Design Standards, Section 225 Streetscape design principles, Subsection G Sidewalks of the Revised General Ordinances of the Township of Howell is hereby amended as follows:

NOTE: All *additions* are shown in *bold italics with underlines*. All *~~deletions~~* are shown in *~~bold italics with strikeouts~~*.

SECTION 1. Chapter 188 Land Use, Article XXV Nonresidential Community Design Standards, Section 225 Streetscape design principles, Subsection G Sidewalks is hereby amended as follows:

§ 188-225 Streetscape design principles

G. Sidewalks.

- (1) All lots shall have private walkway access to a public sidewalk in the right-of-way. Such access shall be designed for the safety, control, efficient movement, convenience and encouragement of pedestrian traffic into and out of the site and to promote pedestrian circulation generally within the Township. All site plan applications shall provide public sidewalks along the entire frontage of the subject property. Pedestrian walkways shall be a minimum of four feet wide, except pedestrian sidewalks located in front of commercial storefronts, which shall be eight feet wide. Where sidewalks abut curbing and cars overhang the sidewalk, widths shall be six feet.
- (2) Sidewalks shall be at least four inches thick, except at points of vehicular crossing, where they shall be at least six inches thick with welded wire fabric reinforcement. The sidewalk subgrade shall be a minimum of six inches thick of compacted porous material approved by the Township Engineer prior to placement of any concrete. Provide one-half-inch-wide preformed bituminous expansion joints at intervals not exceeding 20 feet. Contraction joints shall be cut into the concrete sidewalk between the expansion joints every four feet. All concrete shall be air-entrained, having a twenty-eight-day compressive strength of 4,500 psi.
- (3) The Township Planning Board and Zoning Board of Adjustment may grant a waiver from the required installation of sidewalks in appropriate cases if the

waiver is reasonable and proper as related to a particular development and the absence of sidewalks does not violate the safety, health and welfare of present or future residents. Said waiver may be granted at the request of the developer or on the reviewing agency's own initiative. *This provision shall be administered strictly and if the applicant fails to dispel all negative aspects of applicant's alternate proposal raised by the Planning Board, Zoning Board or any of its consultants or other agencies of the Township, the waiver shall be denied.*

~~(4) — Upon the granting of such a waiver, the developer shall be required to pay to the Township of Howell an amount equal to the reasonable cost of installing sidewalks, said amount to be determined by the Township Engineer. All funds collected by the Township of Howell from developers as set forth above shall be maintained in the Sidewalk Trust Fund account in accordance with § 188-132C.~~

~~(5)~~ (4) Nothing contained herein shall affect the right of the Township of Howell to enact ordinances requiring assessments for sidewalks from property owners as authorized under N.J.S.A. 40:65-2 or other statutory rights granted to municipalities.

SECTION 2. REPEALER

The remainder of all other sections and subsections of the aforementioned ordinances not specifically amended by this Ordinance shall remain in full force and effect.

SECTION 3. INCONSISTENT ORDINANCES

All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

SECTION 4. SEVERABILITY

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication according to law.

NOTICE

The Ordinance published herewith was introduced and passed on first reading by the Township Council of the Township of Howell on May 19, 2020 and will be further considered for final passage and adoption at the Township Municipal Building at 4567 Route 9 North, Howell, New Jersey on June 9, 2020 at 7:30 p.m. or as soon thereafter as the matter can be reached on the Agenda, at which time and place all persons interested therein shall be given an opportunity to be heard and during the week prior thereto, and up to, and including, the date of such meeting, copies of said Ordinance will be available at the Clerk's Office in the Township of Howell Municipal Building to the members of the general public who shall request same.

ALLISON CIRANNI, Municipal Clerk

This is to certify that the foregoing Ordinance was adopted by the Township Council at a regular meeting of the Township of Howell held on _____, 2020.

ALLISON CIRANNI, Municipal Clerk

EXPLANATORY STATEMENT: An Ordinance by the Township Council of the Township of Howell Amending Chapter 188-225 to remove the requirement of payment into the sidewalk trust fund.

TOWNSHIP OF HOWELL

ORDINANCE COVER PAGE

Ordinance No. O-20-13

INTRODUCTION

May 19, 2020

PUBLIC HEARING & ADOPTION

June 9, 2020

AGENDA ITEM NUMBER

11.2

ORDINANCE NO. O-20-13

AN ORDINANCE OF THE TOWNSHIP OF HOWELL AMENDING CHAPTER 188 LAND USE, ARTICLE XIV RESIDENTIAL DESIGN STANDARDS, SECTION 132 SIDEWALKS OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOWELL

BE IT HEREBY ORDAINED by the Township Council of the Township of Howell that Chapter 188 Land Use, Article XIV Residential Design Standards, Section 132 Sidewalks of the Revised General Ordinances of the Township of Howell is hereby amended as follows:

NOTE: All additions are shown in ***bold italics with underlines***. All ~~deletions~~ are shown in ***~~bold italics with strikeouts~~***.

SECTION 1. Chapter 188 Land Use, Article XIV Residential Design Standards, Section 132 Sidewalks and is hereby amended as follows:

§ 188- 132 Sidewalks.

- A. Sidewalks shall be constructed on both sides of all proposed streets, along the entire frontage of the subject property, and in other selected locations determined by the Board to be in the interest of public safety and proper pedestrian circulation. Sidewalks shall be at least four feet wide and four inches thick, except at points of vehicular crossing, where they shall be at least six inches thick with welded wire fabric reinforcement. The sidewalk subgrade shall be a minimum of six inches thick of compacted porous material approved by the Township Engineer prior to placement of any concrete. Where sidewalks abut the curb and cars overhang the sidewalk, widths shall be six feet. Provide one-half-inch-wide preformed bituminous expansion joints at intervals not exceeding 20 feet. Contraction joints shall be cut into the concrete sidewalk between the expansion joints at every four feet. All concrete shall be air-entrained, having a twenty-eight-day compressive strength of 4,500 psi.
- B. The Township Planning Board and Zoning Board of Adjustment may grant a waiver from the required installation of sidewalks in appropriate cases if the waiver is reasonable and proper as related to a particular development and the absence of sidewalks does not violate the safety, health and welfare of present or future residents. Said waiver may be granted at the request of the developer or on the reviewing agency's own initiative. ***This provision shall be administered strictly and if the applicant fails to dispel all negative aspects of applicant's alternate proposal raised by the Planning Board, Zoning Board or any of its consultants or other agencies of the Township, the waiver shall be denied.***
- ~~C. Upon the granting of such a waiver, the developer shall be required to pay to the Township of Howell an amount equal to the reasonable cost of installing sidewalks, said amount to be determined by the Township Engineer. All funds collected by the Township of Howell from developers as set forth above shall be maintained in a Sidewalk Trust Fund account which is hereby authorized and created, the proceeds of~~

~~*which shall be made available to install sidewalks throughout the Township of Howell where properly authorized by the Mayor and Council.*~~

~~*D.C.*~~ Nothing contained herein shall affect the right of the Township of Howell to enact ordinances requiring assessments for sidewalks from property owners as authorized under N.J.S.A. 40:65-2 or other statutory rights granted to municipalities.

SECTION 2. REPEALER

The remainder of all other sections and subsections of the aforementioned ordinances not specifically amended by this Ordinance shall remain in full force and effect.

SECTION 3. INCONSISTENT ORDINANCES

All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

SECTION 4. SEVERABILITY

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication according to law.

NOTICE

The Ordinance published herewith was introduced and passed on first reading by the Township Council of the Township of Howell on May 19, 2020 and will be further considered for final passage and adoption at the Township Municipal Building at 4567 Route 9 North, Howell, New Jersey on June 9, 2020 at 7:30 p.m. or as soon thereafter as the matter can be reached on the Agenda, at which time and place all persons interested therein shall be given an opportunity to be heard and during the week prior thereto, and up to, and including, the date of such meeting, copies of said Ordinance will be available at the Clerk's Office in the Township of Howell Municipal Building to the members of the general public who shall request same.

ALLISON CIRANNI, Municipal Clerk

This is to certify that the foregoing Ordinance was adopted by the Township Council at a regular meeting of the Township of Howell held on _____, 2020.

ALLISON CIRANNI, Municipal Clerk

EXPLANATORY STATEMENT: An Ordinance by the Township Council of the Township of Howell Amending Chapter 188-132 to remove the requirement of payment into the sidewalk trust fund.