TOWNSHIP OF WALL

2700 Allaire Road
P.O. Box 1168
Wall, New Jersey 07719-1168

Carl Braun, Mayor
Thomas M. Kingman, Deputy Mayor
Timothy J. Farrell
Kevin P. Orender

(732) 449-8444 Ext. 2200
FAX (732) 449-8996

WELCOME TO WALL TOWNSHIP'S REMOTE ACCESS TOWNSHIP COMMITTEE MEETING

ACCESS CAN BE ACHIEVED BY PHONE, COMPUTER OR SMART DEVICE

- **PHONE ONLY (audio only without the ability to ask questions)**
  1. You will hear Township Committee and hear Attendees' questions but NOT be able to participate in the Public Comment portion of the meeting
  2. **To enter meeting via Non-Smart Phone do the following:**
     United States (Toll Free): **1 877 568 4106**
     United States: **+1 (646) 749-3129**
     Access Code: 599-952-757

  Please Note **You will have to re-start the call-in process if you enter a wrong number or the connection is not good.

- **SMART DEVICE (i.e. iPhone/ Android etc.)/ COMPUTER (audio and video you will have the ability to ask questions)**
  1. You will be able to hear and see the Township Committee and other Attendees and participate in the Public Comment portion of the meeting
  2. To join the Meeting via this option, click on the Township Committee's Meeting remote access URL below or copy into your browser: **https://www.gotomeet.me/WallTwp/tc**
  3. Please note if you have never used "GoToMeeting" you should download the App in advance, so you are prepared to view, listen and participate in the Township Committee's Meeting. To do so click here: **https://global.gotomeeting.com/install/599952757**

  Please Note In the event that your PC does not have a microphone please select the Phone Audio Option and follow the remaining instructions in the "Go to Meeting" App.

- **Meeting Guidelines and Participation Rules**
  a) We encourage you to join the meeting prior to its start time, you will be placed in a "waiting room" until the meeting starts.
  b) You will join muted and must remain muted until you are acknowledged during the Public Comment portion of the Meeting. Only the Meeting Organizer will "unmute/ mute" a participate and/ or attendee.
  c) In order to participate in the Public Comment portion of the Meeting you must type a request to the Meeting Organizer via the "Chat" feature in the app. You must state your Name and Address for the record.
  d) You will be acknowledged when it is your turn to comment.
  e) The "Chat" feature should only be used to indicate your desire to participate in the Public Comment portion of the meeting
  f) Please note Public Comments are limited to seven (7) minutes.

  Please Note In order maintain necessary decorum, violators of the above rules will be disconnected from the meeting.

TOWNSHIP OF WALL
EXECUTIVE MEETING AGENDA
OCTOBER 14, 2020

7:00 P.M.
REMOTE MEETING

Please be advised that while Townhall is closed to the public, the Township Committee will be conducting the following workshop meeting by remote access in accordance with the stipulations made by the State of New Jersey. The meeting will be accessible via phone or by computer. Please click the link below for instructions.
https://www.gotomeet.me/WallTwp/tc

1. Salute to the Flag and a Moment of Silence

2. Sunshine Statement

   In compliance 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 official Township newspapers and was posted in the Wall Township Municipal Building. All notices are on file with the Township Clerk.

3. Roll Call

4. Proclamation Honoring Debbie Malick

5. COVID-19 Update

   a. DCA- Department of Local Government Services- Local Finance Notice No. 2020-21

6. For Action / Consent Agenda

   Consent Agenda
   All items listed on the "Consent Agenda" are considered routine by the Township and will be adopted or approved collectively by a single motion and roll-call vote of a majority of the Township Committee. All items are available for public inspection at this meeting and in the office of the Township Clerk. There will be no separate discussion of these items. If discussion is desired on any item, it will be considered separately. The Mayor asks if any member of the Township Committee wishes to consider any item separately. If not, he/she requests a motion to approve the items listed. **Motion - Second - Roll-Call Vote**

   A. **Approval of Minutes:**
      - 9/9/2020

   B. **Resolution No. 20-1001** - Approval of vouchers for September 24, 2020 through October 14, 2020 in the amount of $9,096,933.36

   C. **Resolution No. 20-1002** - Authorization to execute a contract with Pilot Electric Co. Inc. for the purchase of emergency pump and motor repair and purchase of new pumps and motors at a cost not to exceed $4,560.00

   D. **Resolution No. 20-1003** - Authorization to accept a Performance Guarantee from Union Virginia, LLC in relation to the development of property located at 1311 Allaire Road also known as Block 152 Lot 17

   E. **Resolution No. 20-1004** - Authorization for a block party road closure for the intersection of Orchard Crest Boulevard and Macintosh Drive on Saturday, December 5, 2020 from 2:00pm – 9:00pm with a rain date of Sunday, December 12, 2020

   F. **Resolution No. 20-1005** - Authorization to approve personnel action(s):

NAME	DEPARTMENT/POSITION	SALARY	EFFECTIVE DATE
Mia DeGenova	Youth Center/ Counselor	$8.85/ hour	10/15/2020
Nicholas Casais	Police/ Part-time Dispatcher	$21.13/ hour	10/15/2020
John Schaefer	Police/ Full-time Dispatcher	$58,476.84	10/21/2020
Michael Thompson	Recreation/ Director	$62,000.00	10/15/2020

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G. **Resolution No. 20-1006** - Authorization to execute a project agreement with Monmouth County for the performance and delivery of the fiscal year 2020 Community Development Projects – Improvements to Water Street and Oakwood Road

H. **Resolution No. 20-1007**- Authorization to sign a certification to execute a Community Development Block Grant which authorizes the signature of a certification prohibiting the use of excessive force and a certification prohibiting the use of federal funds for lobbying in connection with the project agreement with Monmouth County for performance and delivery of the fiscal year 2020 Community Development Projects – Improvements to Water Street and Oakwood Road

End of Consent Agenda
Motion - Second - Roll Call Vote

7. **Committee Reports:**

A. **Committeeman Kevin Orender: Public Works, Economic Development, Veteran's Services, Board of Health**

a. Committee Chair's Reports:

b. Items for Discussion:

i. Authorization to submit the 2020 Tonnage Recycling Grant Application to the State of New Jersey

B. **Committeeman Farrell**: **Administration and Finance, Education, Environmental**

a. Committee Chair's Reports:

b. Items for Discussion:

i. 2020 Best Practices Inventory

ii. Capital Improvement Plan

C. **Committeeman Kingman: Recreation, Public Safety**

a. Committee Chair's Report:

b. Items for Discussion:

i. Authorization to execute a contract with US Gov Bid for an online auction to be held 11/20/2020 - 12/3/2020

ii. Authorization to execute a Cost Share Agreement for a "Red Light Ahead Signal" on Route 138 and Allenwood Road with the New Jersey Department of Transportation

iii. Authorization to execute a contract with SHI International for the purchase of IVE Toolkit and IVE Training through Sourcewell Cooperative Purchasing Program at a price not to exceed $12,479.25 ($11,885.00 reimbursable through STEP Grant Reimbursement Program)

D. **Mayor Braun: Department of Land Use and Development, West Belmar Gateway**

a. Committee Chair's Reports:

b. Reminders:

i. Reminder of the second reading and public hearing of: **ORDINANCE NO. 6-2020** AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, CREATING THE AFFORDABLE HOUSING AH3-ASBURY ROAD ZONE AND AMENDING THE ZONING MAP WITHIN CHAPTER 140 OF THE CODE OF THE TOWNSHIP OF WALL ENTITLED LAND USE AND DEVELOPMENT REGULATIONS TO REZONE BLOCK 913 LOTS 2, 3, AND 15 FROM OR-10 TO AH3 - 300 Units / 60 Affordable Units (Schwartz Farm - Asbury Road)

ii. Reminder of the second reading and public hearing of: **ORDINANCE NO. 9-2020** AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, CREATING THE AFFORDABLE HOUSING AH2-ROUTE 34 ZONE AND AMENDING THE ZONING MAP WITHIN CHAPTER 140 OF THE CODE OF THE TOWNSHIP OF WALL ENTITLED LAND USE AND DEVELOPMENT REGULATIONS TO REZONE BLOCK 912, LOTS 2 AND 4.02 FROM THE HB-200 ZONE TO THE AH2 ZONE - 160 Units/ 32 Affordable Units (1306 Route 34 North)

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iii. Reminder of the second reading and public hearing of: **ORDINANCE 10-2020** AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL TO AMEND AND SUPPLEMENT CHAPTER 141 ENTITLED WEST BELMAR GATEWAY AREA REDEVELOPMENT PLAN TO ADD PROVISIONS ALLOWING AND REGULATING THE INSTALLATION OF SOLAR ENERGY SYSTEMS AS A CONDITIONAL USE IN THE WEST BELMAR GATEWAY AREA REDEVELOPMENT ZONE

c. Items for Discussion:

iv. Discussion of: AN ORDINANCE REPEALING AND REPLACING THE TOWNSHIP'S CURRENT DEVELOPMENT FEE ORDINANCE (CHAPTER 140, SECTION 283) WITH AN UPDATED DEVELOPMENT FEE ORDINANCE TO COMPLY WITH CURRENT STATE AFFORDABLE HOUSING REGULATIONS

v. Authorization for the Municipal Clerk to advertise for public bids for Roosevelt Station and Wells SCADA Improvements

vi. Authorization to approve Change Order No.3 - Final in the amount of $197,167.71 (+3.3%) for NJSH Routes 34 and 138 Water Main Extension Project

8. **Public Comment:** Opportunity for anyone to comment with a limit of seven (7) minutes per speaker

The public comment portion of our meeting is to allow the public to bring to the Committee's attention their concerns or comments. In accordance with N.J.S.A. 10: 4-12(a), the Committee asks the public to limit their comments to seven minutes or less. The Committee will respect the public's time by refraining any comment until the speaker has finished with their allotted time. It should be further noted that the public comment portion of our meeting is not structured as a question and answer session. If a member of the public has questions, they seek answers to, an appointment can be made with the Township Administrator's office during regular business hours. The attorney will regulate the time during the comment portion of our meeting.

9. **Close Public Comment**
Motion – Second - Roll Call Vote

10. **Closing Comments from the Township Committee:**

11. **Resolution No. 20-1008**- Authorization to discuss matters in private session
Motion - Second – Roll Call Vote

12. **Return to Public Session and a Motion to Adjourn**
Motion - Second - Voice Vote - All in Favor

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TOWNSHIP OF WALL

ORDINANCE NO. 6-2020

ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, CREATING THE AFFORDABLE HOUSING AH3-ASBURY ROAD ZONE AND AMENDING THE ZONING MAP WITHIN CHAPTER 140 OF THE CODE OF THE TOWNSHIP OF WALL ENTITLED LAND USE AND DEVELOPMENT REGULATIONS TO REZONE BLOCK 913 LOTS 2, 3, AND 15 FROM OR-10 TO AH3

WHEREAS, the Township of Wall recognizes its constitutional responsibility to provide for the development of affordable housing pursuant to the New Jersey Supreme Court's Mount Laurel decisions; and,

WHEREAS, in an effort to retain its immunity from builder development lawsuits and retain control over affordable housing development, the Township of Wall has recognized its current need to facilitate responsible development; and,

WHEREAS, the Township of Wall expects that in the next several months it will be ordered by the court to provide for a substantial number of affordable units to satisfy Wall Township's third round Mount Laurel obligation; and,

WHEREAS, the Township of Wall recognizes the benefits that will inure to the Township through this project will create not only affordable housing units but will result in a substantial contribution to the Wall Township Affordable Housing Trust Fund; and,

WHEREAS, the Township Committee on December 11, 2011, adopted an official Zoning Map of the Township; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Wall that the Affordable Housing AH3-Asbury Road Zone be created and that the Wall Township Zone Map be amended as follows:

Section 1. 140-318 Affordable Housing AH3-Asbury Road Zone

A. Purpose.

The AH3 Zone is intended to provide for the development of townhouse and multifamily housing of which 20% is restricted to occupancy by households of very low, low and moderate income. Affordable dwellings shall be integrated with and indistinguishable in outward appearance from the market-rate housing. There shall be a minimum of 60 affordable family rental dwelling units in the AH3 Zone District.

B. Applicability of standards.

The use, bulk, design and performance standards of the AH3 Zone District shall supersede all other provisions of the Wall Township Land Use Development Ordinance. However, where the regulations and standards of the AH3 are silent, the standards of Land Development Ordinance shall apply.

C. Permitted Uses

a. Principal uses.
   i. Townhouses.
   ii. Stacked townhouses. A stacked townhouse shall be defined as a structure containing two or more connected dwelling units stacked one dwelling unit above the other, which can include shared floors divided by walls and shared common party walls, with private entrances to each unit.
   iii. Apartments.

b. Accessory uses.

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i. Private garages and off-street parking;
ii. Patios;
iii. Fences and walls;
iv. Conservation areas, recreation, open space and public purpose uses;
v. Stormwater Management and other utilities;
vi. Structures for maintenance and storage of maintenance equipment;
vii. Structures for tenant storage;
viii. Clubhouse, pool, community building, rental/management office, and model;
ix. Accessory uses on the same lot and customarily incidental to the principal use.

D. Area and Bulk Requirements

a. Tract Requirements.
   i. The maximum number of dwelling units shall be 300;
   ii. The development of the tract shall be limited to the developable area as approved in the March 4, 2010 letter from the New Jersey Department of Environmental Protection (NJDEP), Division of Watershed Management which refers to a concept plan entitled "Boulder Development LLC Concept Plan", prepared by R. Deboer, PP of French and Parrello Associates, dated January 28, 2010, last revised February 2, 2010 for Block 913 Lots 2, 3 and 15. Development limitations, as it relates to the identified concept plan, for the tract only refer to the developable area (19.9 acres) and does not endorse or require the building and site layout as depicted on the concept plan.
   iii. The minimum setback from a public street right-of-way to any building shall be 25 feet;
   iv. The minimum setback from a public street to off-street parking area shall be 60 feet;
   v. The minimum tract setback from rear and side property lines shall be 50 feet;
   vi. The minimum planted frontage buffer to Asbury Road shall be 25 feet and provided in accordance with Section 140-212.
   vii. The minimum planted tract buffer shall be 25 feet and provided in accordance with Section 140-212.
   viii. Impervious coverage shall not exceed 70% of developable area;
   ix. Building coverage shall not exceed 50% of developable area;

b. Townhouses:
   i. Maximum Height: 45 feet/3 stories
   ii. Rear-Loaded Townhouses:

Minimum distances from front facade to private streets:
   i. Building to sidewalk: 14 feet
   ii. Building to curb: 21 feet
   iii. Minimum distance from garage facade to curb, edge of alley pavement or edge of sidewalk: 20 feet

Minimum distances for side facade (s):
   iv. Building to building: 28 feet
   v. Building to private street: 15 feet

c. Front-Loaded Townhouses:

Minimum distance from front facade to private streets
   i. Building to sidewalk: 20 feet
   ii. Building to curb: 26 feet
   iii. Minimum distance from garage facade to sidewalk: `20 feet

Minimum distance for side facade(s):
   iv. Building to building: 25 feet

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v. Building to private streetline: 18 feet

c. Apartments
   i. Maximum Height: 48 feet/ 3 stories
   ii. Minimum Building setbacks
      i. Building to building: 25 feet
      ii. Building to parking area or driveway: 15 feet
   c. For each apartment, in addition to any storage areas contained within the apartment, there shall be provided 300 cubic feet of storage in a conveniently accessible area in the cellar, basement or ground floor of the building where storage will not constitute a fire hazard and where belongings can be kept locked and separated from the belongings of other occupants.

d. Accessory office, clubhouse and maintenance buildings shall be limited to one story and 30 feet in height.

e. Accessory structures except for stormwater management and walking paths shall not be located in the front yard area.

f. All mechanical equipment and related appurtenances shall be screened from view.

g. Signs.
   i. Community Building: The community building may have one identification sign which may include the street address.
   ii. Monument signs: one single-sided interior monument sign may be provided at each road entrance from a public road, as set forth below:
      i. Sign, Monument: A sign in which the entire bottom is in contact with the ground, utilizing a base or structural frame of stone, brick, or other material that is harmonious in architectural style and material to the existing principal building(s) on site.
      ii. Maximum sign face area: 50 square feet.
      iii. Maximum sign height: 7 feet.
      iv. Minimum setback: 5 feet from the front, side, and rear property lines.
      v. Structural frame shall project perpendicular from a sign face by no more than six (6) inches and parallel by no more than eighteen (18) inches
   c. Directional Signs: Up to two directional signs shall be allowed on each street or driveway frontage from which vehicular access is derived. A directional sign shall not exceed six square feet in sign area and shall not exceed six feet in height. A directional sign shall be set back from any lot line by at least three feet.
   d. Residential Building Identification: Each residential building may have up to two attached identification signs. The maximum sign area of each shall not exceed six square feet. Such signs shall be appropriately integrated within the architecture of the buildings.
   e. Signs may only be externally illuminated by ground lights directed at the sign and in compliance with section 140-213 (Lighting).

E. Development Requirements

a. Community design
   i. Streets that are not through streets through the development, and all infrastructure within those streets, shall be privately owned and maintained.
   ii. All public and private streets, alleys, and driveways shall demonstrate adequate access and circulation of the most restrictive Wall Township fire apparatus, taking in consideration parking spaces.
   iii. No refuse container or trash or recycling collection area shall be located closer than 50 feet from any residential unit.

Draft

iv. Street trees shall be planted an average of 45 feet on center along the entirety of the public and private frontages, except for frontages on lanes or alleys and except in front of front-loaded townhouses.

v. All streets and roads within the tract shall be private streets and shall be maintained by the body responsible for common areas unless otherwise determined by resolution of the Township Committee. Rights of access and enforcement shall be formally granted to the Township upon written request by the body responsible for common areas and upon the adoption of a resolution of the Township Committee authorizing the enforcement of the provisions of Subtitle 1 of Title 39 on the subject property.

vi. Pedestrian walkways connecting streets and the dwellings shall be provided.

b. Open Space and Recreation Standards

i. Open space and recreational amenities shall be provided, and shall include at a minimum:

i. Children's play area, with appropriate amenities approved by the Board;

ii. Community building, which may include, but is not limited to, a clubhouse, leasing office, and model, of which a minimum of 4,000 square feet shall be devoted to recreational uses for the residents;

iii. In-ground pool with a deck area for seating;

iv. Central open space for passive uses; and

v. Walking trail

b. Common open space, recreational or other facilities shall be owned, operated and maintained as such by an association comprised of all the owners of the individual units and/or a property management company for the apartment buildings.

c. Parking Requirements

i. Townhouses

i. Townhouses shall be provided with the number of parking spaces pursuant to R.S.I.S. standards.

ii. Every Townhouse shall have at least one enclosed garage measuring a minimum of 12 feet wide and 270 square feet.

b Apartments

i. Apartments shall be provided with the number of parking spaces pursuant to R.S.I.S. standards.

d. Utilities

i. All utilities shall be installed underground by the developer.

ii. All dwelling units shall be served by public water and sanitary sewer systems. The developer shall pay the cost of connection and transmission facilities necessary to connect to the sewer and water systems servicing the development.

e. Garbage, refuse, leaf and brush collection, removal of snow ice and other obstructions from internal roads and streets and lighting of roads and streets shall be provided and maintained by the body responsible for internal private streets and other common facilities. Reimbursement to the owner shall be governed by the Qualified Private Communities Statute (N.J.S.A. 40:67-23.3).

f. Streets, roads, driveways, parking facilities, walkways, streetlights, fire hydrants, drainage facilities and other improvements required by this chapter or appropriate or necessary to the development shall be installed at the expense of the developer in accordance with the specifications of this chapter except as modified herein:

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i. Drainage maintenance in privately maintained streets shall be the responsibility of the developer and his successors in title.

F. Design Standards. Deviations from these standards shall be considered exceptions pursuant to N.J.S.A. 40:55D-51.

1) Building Design. The purpose of these building design standards is to ensure that the design of townhouse and apartment buildings promotes a desirable visual and spatial environment.
   a. Townhouses.
      i. Townhouses shall be designed with a unified architectural scheme.
      ii. Each building shall contain, at a minimum, one end unit model and one interior model. Each base model type home in any block shall have at least two alternative front elevations containing different design features, including, but not limited to, porches, porticos, columns, dormers, accent windows or door color.
      iii. Materials shall be unified among all townhouses.
      iv. For alley-loaded townhouses, the finished first floor shall be a minimum of 18 inches above the front sidewalk elevation, and the front sidewalk shall rise no more than 16 inches at the sidewalk and 60 inches at the stoop.
      v. A fence, wall, plantings or some other element shall be provided to delineate the sidewalk from the front yard
   b. Apartments.
      i. Facades.
         a) Building facade length shall not exceed 150 feet.
         b) The front facade of any structure shall not continue the same plane for a distance of more than the width of two horizontally adjacent units. Offsets between front facade planes shall not be less than two feet for no more than 20 feet.
      ii. Roofs.
         a) Roofs shall be pitched with a minimum slope of 5/12.
         b) When buildings are greater than 9,000 square feet, and where a fully pitched roof throughout would not be practical, a sloped perimeter roof with a slope of 5/12 or greater shall be permitted in coordination with a flat roof, provided that the appearance is that of a full roof. The primary roofing materials shall be standing seam metal or dimensional shingles.
         c) All buildings shall provide architectural elements such as wall articulations and roofline variations. Box-like building shapes that offer minimal articulation of the walls and roofline shall be prohibited
2) Lighting. The lighting plan shall comply with all applicable ordinance requirements, as well as the following standards:
   a. All outdoor lighting shall be aimed, located, designed, fitted and maintained so as not to present a disabling glare hazard to drivers or a nuisance to neighboring properties. Glare shall be controlled through the use of cutoff fixtures, the appropriate application of mounting height, wattage, aiming, fixture placement, and fixture design, etc. and the addition of shields and baffles as necessary.
   b. LED lights shall not exceed 3500 degrees Kelvin.
   c. Applicants shall use fixtures to complement the building architecture. Pole-mounted lights shall be a maximum of 20 feet tall. Floodlights and spotlights shall not be permitted.

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d. Lighting shall be controlled by automatic switching devices, such as timers, motion detectors, and/or photocells, to extinguish potentially offending, nonessential light sources overnight, to minimize glare and sky-lighting consequences.

G. Affordable Housing.

a. At least twenty percent (20%) of the dwelling units shall be affordable to very low, low and moderate income households in accordance with UHAC regulations.
b. A minimum of 60 affordable family rental units shall be provided.
c. The affordable housing units shall comply in every respect with the affordable housing requirements of the New Jersey Council on Affordable Housing, or any successor or replacement agency; the New Jersey Housing Mortgage and Finance Agency, or any successor or replacement entity; and the New Jersey courts, as such requirements exist at the time of final development approval.
d. Affordable housing units shall not be age restricted.

Section 2. Zone Map The Official Zoning Map the Township of Wall dated July 14, 2011, be and the same is hereby amended to change the zoning designation of the following Block and Lot as indicated:

Block	Lots	July 14, 2011 Zoning Map	New Zoning Designation
913	2, 3, & 15	OR-10	AH-3 *
(Located at 5201 and 5115 Asbury Road).			
*If permitted by the Developer's Agreement.			

Section 3. All ordinances, or parts thereof, inconsistent with the provisions of this ordinance be and the same are hereby repealed to the extent of such inconsistency.

Section 4. Should any section, paragraph, clause of other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgement shall not affect or impair the remainder of this Ordinance.

Section 5. This Ordinance shall effect upon its passage and publication according to law, and upon filing of a certified copy thereof with the Monmouth County Planning Board.

Introduced on: September 23, 2020

Adopted: _____

Attest: _____ **Approve**:_____

Roberta Lang, CMR, RMC
Township Clerk

Carl Braun
Mayor

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SUMMARY AND NOTICE

TOWNSHIP OF WALL

ORDINANCE NO. 6-2020

ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, CREATING THE AFFORDABLE HOUSING AH3-ASBURY ROAD ZONE AND AMENDING THE ZONING MAP WITHIN CHAPTER 140 OF THE CODE OF THE TOWNSHIP OF WALL ENTITLED LAND USE AND DEVELOPMENT REGULATIONS TO REZONE BLOCK 913 LOTS 2, 3, AND 15 FROM OR-10 TO AH3

Adoption of this ordinance will create the AH3-Asbury Road Zone and amend the zoning map to rezone Block 913 Lots 2, 3, and 15 from the OR-10 to AH3 Zone.

Block	Lots	July 14, 2011 Zoning Map	New Zoning Designation
913	2, 3, & 15	OR-10	AH-3 *
(Located at 5201 and 5115 Asbury Road).			
*If permitted by the Developer's Agreement.			

Notice is hereby given that the foregoing Ordinance was re-introduced and passed on first reading by the Township Committee of the Township of Wall on September 23, 2020, and will further be considered for final passage and adoption at the Wall Township Municipal Building, 2700 Allaire Road, Wall, New Jersey, on October 28, 2020 at 7:00 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 to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in the Township of Wall, Town Hall, to the members of the general public who shall request the same or may be viewed on our website at www.wallnj.com.

Roberta M. Lang, R.M.C.
Municipal Clerk

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TOWNSHIP OF WALL

ORDINANCE NO. 9-2020

ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, CREATING THE AFFORDABLE HOUSING AH2-ROUTE 34 ZONE AND AMENDING THE ZONING MAP WITHIN CHAPTER 140 OF THE CODE OF THE TOWNSHIP OF WALL ENTITLED LAND USE AND DEVELOPMENT REGULATIONS TO REZONE BLOCK 912, LOTS 2 AND 4.02 FROM THE HB-200 ZONE TO THE AH2 ZONE

WHEREAS, the Township of Wall recognizes its constitutional responsibility to provide for the development of affordable housing pursuant to the New Jersey Supreme Court's Mount Laurel decisions; and,

WHEREAS, in an effort to retain its immunity from builder development lawsuits and retain control over affordable housing development, the Township of Wall has recognized its current need to facilitate responsible development; and,

WHEREAS, the Township of Wall expects that in the next several months it will be ordered by the court to provide for a substantial number of affordable units to satisfy Wall Township's third round Mount Laurel obligation; and,

WHEREAS, the Township of Wall recognizes the benefits that will inure to the Township through this project by creating affordable housing units; and,

WHEREAS, the Township Committee on December 11, 2011, adopted an official Zoning Map of the Township; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Wall that the Affordable Housing AH2-Route 34 Zone be created and that the Wall Township Zone Map be amended as follows:

Section1. 140-317 Affordable Housing AH2-Route 34 Zone

A. Purpose. The purpose of this zone is to allow for a multifamily project of mixed residential uses that partially addresses the Township's affordable housing obligation. The developer's agreement shall govern the nature of the multifamily project to be constructed by the developer and require a 20% set-aside for affordable housing providing for a minimum of 32 family rental units. The Planning Board shall make compliance with such developer's agreement a condition of any approval it may grant for a development in the AH2-Route 34 Zone.

B. Relationship between the overall tract and subdivided parcels. This zone has been adopted to include one overall tract, containing the entirety of the multifamily and townhouse developments along with all ancillary components; separate tracts for the multifamily and townhouse developments; and the fee simple parcels within the townhouse tract. This zone operates under a technical subdivision provision pursuant to §140-81 of the Wall Township Ordinance, which allows a developer to comply with the bulk and area requirements of the overall tract instead of the post-subdivision lots, as applicable. Cross-access, utility and other easements shall be applicable to the overall tract.

C. Permitted principal uses. In the AH2 Zone, no premises shall be used and no structure shall be erected, altered or occupied for any purposes except the following:

1) Townhouses.

2) Multifamily dwellings.

D. Permitted accessory uses.

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1) Enumeration of permitted accessory uses and structures.
   - a Common parking areas
   - b Common private recreational facilities and structures and open space, including but not limited to a clubhouse, swimming pool, tot lot and walking path.
   - c Private attached garages for not more than two vehicles.
   - d Common maintenance and trash facilities.
   - e All provisions of the Wall Township sign regulations contained in Article XXIX shall apply except that two (2) monument style signs identifying the name of the development, as defined below, is permitted.
     - i. Sign, Monument: A sign in which the entire bottom is in contact with the ground, utilizing a base or structural frame of stone, brick, or other material that is harmonious in architectural style and material to the existing principal building(s) on site.
     - ii. Maximum sign face area: 50 square feet.
     - iii. Maximum sign height: 7 feet.
     - iv. Minimum setback: 5 feet from the front, side, and rear property lines.
     - v. Structural frame shall project perpendicular from a sign face by no more than six (6) inches and parallel by no more than eighteen (18) inches.
     - vi. Signs may only be externally illuminated by ground lights directed at the sign and in compliance with section 140-213 (Lighting).
   - f Fences and retaining walls.
   - g Patios, balconies, and decks.
   - h Trash Enclosures.
   - i Temporary sales/rental trailer, the location to be shown on the approved site plan, which shall be removed after 90% of the dwelling units have received a Certificate of Occupancy.
   - j Such other uses and structures that are customary and incidental to the principal use as may be permitted by the approving authority.
   - k Stormwater facilities
   - l Pump Stations

E. Compliance with site plan standards, subdivision standards and regulations. Unless provided to the contrary herein, applications for developments in the AH2 Zone shall follow and be subject to the applicable procedures, regulations, standards and guidelines as required for preliminary and final site plan and/or subdivision review of this chapter and other applicable ordinances which are incorporated herein by reference.

F. Maximum regulations. Development in the AH2 Zone shall be subject to the following maximum regulations:

1) Density. The gross density of the overall tract shall be no more than ten (10) dwelling units per acre, prior to any dedications of land to public entities.
2) Residential units per building. The maximum residential units per building shall be twelve (12).
3) Principal building length. The maximum principal building length for both multifamily and townhouse buildings shall be 250 feet.
4) Building height
   - a Each townhouse shall be limited to 2.5 stories and 35 feet and shall include the option of a basement, provided that the basement is not a story above grade.

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b Each multifamily building shall be a maximum of three stories and 40 feet.

c Accessory clubhouse and maintenance buildings shall be limited to one story and 25 feet in height.

d Building height shall be measured as set forth in §140-17, Definitions.

G. Minimum regulations. Developments in the AH2 Zone shall be subject to the following minimum regulations:

1) Overall tract requirements, including parcels for both multifamily and townhouses developments:

a Minimum lot area: 15 acres.

b Minimum lot width: 450 feet.

c Minimum lot frontage: 450 feet.

d Minimum lot depth: 450 feet.

e Minimum building setback from internal lot lines: zero feet.

f Minimum principal building setback from external tract line: 50 feet.

g Minimum accessory building setback from external tract boundary: 50 feet.

h Minimum distance between structures: 30 feet.

i Minimum principal building setback from internal roads: 15 feet.

j Minimum principal building setback from internal parking access roads: 15 feet.

k Minimum principal building setback from internal parking area: 10 feet.

l Minimum principal building setback from detention basins: 10 feet.

m Accessory structures, including but not limited to, basins, internal roadways, parking areas, and fences shall be permitted in the front yard area setback if adequately screened and buffered from view from all public streets. Patios shall be permitted to encroach not more than 10 feet into the required front yard area setback if adequately screened and buffered from view from all public streets.

n Signs, sidewalks and walkways shall be permitted in any yard area provided they otherwise comply with the requirements of this chapter.

2) Parcel requirements for individual townhouse lots

a Minimum lot area: 0.04 acre.

b Minimum lot width: 20 feet.

c Minimum lot frontage: 20 feet.

d Minimum lot depth: 90 feet.

e Minimum setbacks, principal:

f Front yard setback: 15 feet.

i. Side yard setback: zero feet.

ii. Rear yard setback: five feet (to patio, deck, and individual air conditioning and generator units), 15 feet to building.

3) Dwelling unit width. No multifamily dwelling shall be less than 15 feet in width. No townhouse dwelling shall be less than 20 feet in width.

4) Dwelling unit characteristics. Each dwelling unit shall contain, at a minimum, a separate bedroom, a separate bathroom and a kitchen which shall be located separate and apart from other rooms except that that a combined living room, dining room and kitchen area shall be permitted. The mix of dwelling units shall be in conformance with this Chapter.

5) Dwelling unit size.

a Multifamily dwelling units shall have a minimum of 700 square feet of habitable area

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b Townhouse dwelling units shall have a minimum dwelling unit size of 1,400 square feet.

6) Dwelling unit storage. No townhouse dwelling unit shall contain less than 250 cubic feet and no multifamily dwelling unit shall contain less than 140 cubic feet which may be within garages, basements, storage closets adjoining a dwelling (e.g., attached to decks and patios) if completely enclosed on all sides, or separate storage buildings, and which shall be in addition to bedroom closet space provided with the unit. If within garages, a rectangle of not less than nine feet by 18 feet shall remain clear for parking vehicles.

7) Open space and recreation areas. The applicant shall provide recreational amenities for townhouse and multifamily residents including three (3) or more of the following facilities:

a A recreation building or clubhouse with a minimum size of 25 SF square feet for each dwelling unit in the development.

b A swimming pool of a minimum size of 800 sq. ft.,

c Open lawn play area(s) with a minimum combined square footage of 1,000 sq. ft.

d Picnic/barbecue area(s).

e Bicycle parking.

f Bocce court, pickle ball court, tot lot/play area, tennis court, basketball court, community garden, exercise area, off-leash dog area, and other related recreational amenities as approved by the Board.

g For the purposes of this subsection, a and b shall count as two (2) recreational facilities each, b, c, d, e, and f shall count as one recreational facility each

8) Buffer and landscape areas.

a Buffer location. Except as otherwise permitted by the approving authority, where the overall tract abuts an existing residential zone, use, or use permitted in a residential zone, a landscaped buffer strip at least twenty-five (25) feet in width shall be permanently maintained along the property line abutting such zone or use. Where the overall tract abuts a nonresidential zone or use not permitted in a residential zone, a landscaped buffer strip at least forty (40) feet in width shall be established and permanently maintained along the property line abutting such zone or use.

b Buffer areas shall consist of lawn area and massed evergreen and deciduous trees and shrubs planted in such a manner that will provide a continuous visual screen throughout the entire year within a period of three full growing seasons following the planting of the buffer. Evergreen coniferous trees shall have a minimum height of six feet when planted. Deciduous trees shall have a minimum caliper of 2 1/2 inches when planted. All plant material shall conform to the current American Standard for Nursery Stock sponsored by the American Association of Nurseryman, Inc.

c Use of buffer, areas. Required buffers shall be used for no other purpose than as a buffer and as part of the required open space of the tract. The only structures which may be erected within a buffer area are fences, as elsewhere regulated in Part 4 of the Land Use and Development Regulations, and retaining walls, stormwater facilities, entrance and exit drive openings, sidewalks, and signs.

Draft

d Wooded areas. Where an area required for a buffer is already wooded, it shall be left in its natural state to the maximum extent feasible, and the existing growth shall be supplemented with additional plant material where necessary as required by the approving authority.

e The proposed tree clearing grading and landscape plan shall respect and complement the existing topographic features of the site where practical.

f All mechanical equipment, and related accessory structures shall be screened from view.

H. Other regulations. Developments in the AH2 Zone shall be subject to the following regulations, requirements and standards:

1) All utilities shall be installed underground by the developer.

2) All dwelling units shall be served by public water and sanitary sewer systems. The developer shall pay the cost of connection and transmission facilities necessary to connect to the sewer and water systems servicing the development.

3) Garbage, refuse storage, and recyclable collection areas suitable for containerized collection shall be provided. Such areas shall otherwise comply with Article XXXV of the Land Use and Development Regulations.

4) Garbage, refuse, leaf and brush collection, removal of snow ice and other obstructions from internal roads and streets and lighting of roads and streets shall be provided and maintained by the body responsible for internal private streets and other common facilities. Reimbursement to the owner shall be governed by the Qualified Private Communities Statute (N.J.S.A. 40:67-23.3).

5) Streets, roads, driveways, parking facilities, walkways, streetlights, fire hydrants, drainage facilities and other improvements required by this chapter or appropriate or necessary to the development shall be installed at the expense of the developer in accordance with the specifications of this chapter except as modified herein:

a Drainage maintenance (§140-245) in privately maintained streets shall be the responsibility of the developer and his successors in title.

6) All streets and roads within the tract shall be private streets and shall be maintained by the body responsible for common areas. Rights of access and enforcement shall be formally granted to the Township upon written request by the body responsible for common areas and upon the adoption of a resolution of the Township Committee authorizing the enforcement of the provisions of Subtitle 1 of Title 39 on the subject property.

7) The New Jersey Residential Site Improvement Standards at N.J.A.C. 5:21 shall govern the pavement width of internal private roads.

8) Parking. The New Jersey Residential Site Improvement Standards at N.J.A.C. 5:21 shall govern the parking requirements, including parking stall dimensions.

a Parking shall be allowed in the front yard setback of each individual tract.

b The minimum parking setback from the external overall tract boundary shall be 10 feet.

9) Common open space, recreational or other facilities shall be owned, operated and maintained as such by an association comprised of all the owners of the individual units and/or a property management company for the apartment buildings.

10) All detention basins and facilities located within the AH2 Zone shall comply with all applicable regulations under the Flood Hazard Control Act, N.J.S.A. 58:16A-50 et seq., and the New Jersey Stormwater Management Act, N.J.S.A.

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7:8 et seq. If any wetlands areas are utilized for stormwater management, the regulations of the New Jersey Department of Environmental Protection shall apply, and any inconsistent provisions of the applicable Wall Township ordinances may be waived. Trees, shrubs and other vegetation may be planted on the slopes or banks of detention basins or facilities constructed in fill, provided the landscaping is attractively maintained. All detention and retention basins with permanent dry-weather pools of water shall have a water depth to minimize propagation of mosquitoes and provided with mechanical aeration for water quality.

11) All proposed restrictive covenants, articles of incorporation or other documents related to the creation of a homeowners' association, trust documents or other deed or documents shall be submitted to the Township for review by the Planning Board and Township Attorney as a condition of the approving resolution.

12) In any case where the maintenance or repair of any wall, fence or other improvement by its owner or his or her agent would require entry upon the adjacent property, an appropriate easement or right-of- way shall be created in favor of the subject owner. All such easements shall be detailed in specifications as to the required notice and any limitations upon the right of entry shall provide a specific means of arbitration in the event of disputes.

13) Performance guarantee. In the AH2 Zone, the provisions of §140-92 with respect to performance guarantees shall apply. Performance guarantees shall be permitted separately for each phase.

14) Maintenance guarantee. In the AH2 Zone, the provisions of §140-93 with respect to maintenance guarantees shall apply. Maintenance guarantees shall be permitted separately for each phase.

15) Improvements required prior to issuance of certificate of occupancy. In the AH2 Zone, the provisions of §140-288 shall apply with respect to the issuance of certificates of occupancy.

a No permanent certificate of occupancy shall be issued for any use or building until all required improvements are installed and approved by the Township Engineer or other appropriate authority required for that particular use or building.

b No temporary certificate of occupancy shall be issued for any use or building unless the Township Engineer shall have, where applicable, certified to the following

i. Utilities and drainage. All utilities, including, but not limited to, water, gas, storm drains, sanitary sewers, electric lines and telephone lines shall have been properly installed, and service to the lot, building or use from such utilities shall be available.

ii. Street rights-of-way. All street rights-of-way necessary to provide access to the lot, building or use in question shall have been completely graded and all slope- retaining devices or slope planting shall have been installed.

iii. Sidewalks. All sidewalks necessary to provide access to the lot, building or use in question shall have been properly installed.

iv. Streets. Curbing and the bituminous base course of bituminous concrete streets necessary to provide access to the required number of parking spaces for the building or use in question shall have been properly installed.

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v. Curbing and parking areas. Curbing and the bituminous base course of parking areas necessary to provide access to the required number of parking spaces for the building or use in question shall have been properly installed.

vi. Obstructions. All exposed obstructions in parking areas, access drives or streets such as manhole frames, water boxes, gas boxes and the like shall be protected by building to the top of such exposures with bituminous concrete as directed by the Township Engineer.

vii. Screening, fences, and landscaping. All required screening, fencing and/or landscaping related to the lot, building or use in question shall have been properly installed, unless the Township Engineer shall direct the developer to delay the planting of screening and landscaping until the next planting season in order to improve the chances of survival of such plantings.

viii. Site grading. All site grading necessary to permit proper surface drainage and prevent erosion of soils shall have been completed in accordance with the approved soil disturbance plans.

ix. Public water supply. Where the proposed lot, building or use is served by a public water supply, said supply shall have been installed and tested and all required fire hydrants or fire connections shall have been installed and tested and approved.

x. Lighting. The lighting plan shall comply with all applicable ordinance requirements, as well as the following standards:

a. All outdoor lighting shall be aimed, located, designed, fitted and maintained so as not to present a disabling glare hazard to drivers or a nuisance to neighboring properties. Glare shall be controlled through the use of cutoff fixtures, the appropriate application of mounting height, wattage, aiming, fixture placement, and fixture design, etc. and the addition of shields and baffles as necessary. LED lights shall not exceed 3500 degrees Kelvin.

b. Applicants shall use fixtures to complement the building architecture. Pole-mounted lights shall be a maximum of 20 feet tall. Floodlights and spotlights shall not be permitted.

c. Lighting shall be controlled by automatic switching devices, such as timers, motion detectors, and/or photocells, to extinguish potentially offending, nonessential light sources overnight, to minimize glare and sky-lighting consequences.

d. Freestanding signs shall not be internally illuminated.

xi. Street signs and traffic control devices. All street signs, paint lining and/or traffic control devices affecting the proposed lot, building, or use, and required under the terms of approval of a subdivision or site plan or by federal, county, or municipal rules, regulations, or laws, shall have been installed.

xii. Performance guarantee. The Engineer shall have received a statement signed by the developer and any entity providing any

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performance guarantee, which contains language identical or similar to the following: "The issuance of any certificate of occupancy (temporary or permanent) shall not be a basis for any claimed reduction in any performance guarantee."

xiii. Other. Any other conditions established for issuance of a certificate of occupancy by the Planning Board as a condition of final site plan or subdivision approval shall be complied with.

xiv. Temporary certificates of occupancy shall be issued for a specified period of time, not to exceed one year.

xv. Inspection fees. The provisions of §140-60 of this chapter pertaining to inspection fees shall be applicable to all development within the AH2 Zone.

xvi. Multiple permitted residential principal uses and buildings shall be allowed on a single lot.

xvii. Sidewalks shall only be required on one side of the internal roadways within the overall development but shall provide connections to all NJDOT sidewalks and adjacent lots.

I. Affordable housing requirements. The restrictions and standards applicable to inclusionary housing of low- and moderate-income persons and families are set forth in Article XLII of the Land Use and Development Regulations. A minimum of (20%) of the total number of residential units, at least 32 units, shall be set aside as affordable rental units, and all affordable units shall be in multifamily buildings. The Township may request the construction of two additional affordable units (for a total of 34 units) in accordance with the terms set forth in the developer's agreement, without any reduction to the number of total market rate units. The affordable housing units shall comply with all applicable provisions of the substantive and procedural rules and regulations as set forth by the New Jersey (Department of Community Affairs) Council on Affordable Housing at N.J.A.C. 5:93 and 5:97 et seq. In addition, affordable housing units in this district shall comply with the Uniform Affordability Controls ("UHAC") at N.J.A.C. 5:80-26.1 et seq., and the amended Fair Housing Act at P.L. 2008, c. 46, including but not limited to the provision of very-low-income units.

J. Design requirements. Development in the AH2 Zone shall conform to the design guidelines in Part 5 of the Land Use and Development Regulations in addition to the following supplemental guidelines:

1) The site plan shall be required to depict and delineate the edge of all woodland

2) The minimum open space shall be 25%, which may include stormwater facilities

3) The front facade of any structure shall not continue the same plane for a distance of more than the width of two horizontally adjacent units. Offsets between front facade planes shall not be less than two feet for no more than 20 feet.

4) Building architecture. Development shall comply with the following standards:

a Primary elements of traditional architectural styles with pitched roofs with a minimum slope of 5/12.

b When buildings are greater than 9,000 square feet, and where a fully pitched roof throughout would not be practical, a sloped perimeter roof with a slope of 5/12 or greater shall be permitted in coordination with a flat roof, provided that the appearance is that of a full roof. The primary roofing materials shall be standing seam metal or dimensional shingles.

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c All buildings shall provide architectural elements such as wall articulations and roofline variations. Box-like building shapes that offer minimal articulation of the walls and roofline shall be prohibited.

d All accessory buildings and structures shall be treated architecturally to complement the residential buildings.

e Architectural requirements in all other sections of the Township Code shall not apply

K. Waivers or modifications of standards and requirements. The approving authority may grant waivers or modifications of any improvement requirements or standards of this section or Part 4 of the Land Use and Development Regulations if appropriate and warranted by the facts and circumstances of each particular development, including but not limited to whether what is proposed conforms to RSIS. The resolution of approval shall specifically state the reasons for any such waivers or modifications.

1) Developments with the AH2 Zone may be exempt from any required "tree replacement" provisions in the Township ordinances.

L. Whenever a standard in the AH2 Zone conflicts with another standard in the municipal land development ordinance, the AH2 Zone standard shall prevail.

M. Miscellaneous.

1) Developer shall permit enforcement of Title 39 within internal roadways of development.

2) The internal roadways and utility lines therein shall be dedicated to the Township, and the Township shall accept the same

3) Trash and recycling service will be provided by public hauler.

Section 2. Zone Map The Official Zoning Map the Township of Wall dated July 14, 2011, be and the same is hereby amended to change the zoning designation of the following Block and Lot as indicated:

Block	Lots	July 14, 2011 Zoning Map	New Zoning Designation
912	2 & 4.02	HB-200	AH-2 *
(Located at 1307 Wyckoff Road and 1306 Hwy 34).			
*If permitted by the Developer's Agreement.			

Section 3. All ordinances, or parts thereof, inconsistent with the provisions of this ordinance be and the same are hereby repealed to the extent of such inconsistency.

Section 4. Should any section, paragraph, clause of other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgement shall not affect or impair the remainder of this Ordinance.

Section 5. This Ordinance shall effect upon its passage and publication according to law, and upon filing of a certified copy thereof with the Monmouth County Planning Board.

Introduced on: September 23, 2020

Adopted: _____

Attest: _____ **Approve**:_____

Roberta Lang, CRMC
Township Clerk

Carl Braun
Mayor

Draft

SUMMARY AND NOTICE

TOWNSHIP OF WALL

ORDINANCE NO. 9-2020

ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, CREATING THE AFFORDABLE HOUSING AH2-ROUTE 34 ZONE AND AMENDING THE ZONING MAP WITHIN CHAPTER 140 OF THE CODE OF THE TOWNSHIP OF WALL ENTITLED LAND USE AND DEVELOPMENT REGULATIONS TO REZONE BLOCK 912, LOTS 2 AND 4.02 FROM THE HB-200 ZONE TO THE AH2 ZONE

Adoption of this ordinance will create the AH2-Route 34 Zone and amend the zoning map to rezone Block 912 Lots 2 and 4.02 from the HB-200 to AH2-Route 34 zone.

Block	Lots	July 14, 2011 Zoning Map	New Zoning Designation
912	2 & 4.02	HB-200	AH-2 *
(Located at 1307 Wyckoff Road and 1306 Hwy 34).			
*If permitted by the Developer's Agreement.			

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Township Committee of the Township of Wall on September 23, 2020, and will further be considered for final passage and adoption at the Wall Township Municipal Building, 2700 Allaire Road, Wall, New Jersey, on October 28, 2020 at 7:00 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 to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in the Township of Wall, Town Hall, to the members of the general public who shall request the same or may be viewed on our website at www.wallnj.com.

Roberta M. Lang, R.M.C.
Municipal Clerk

Draft

TOWNSHIP OF WALL

ORDINANCE NO. 10-2020

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL TO AMEND AND SUPPLEMENT CHAPTER 141 ENTITLED WEST BELMAR GATEWAY AREA REDEVELOPMENT PLAN TO ADD PROVISIONS ALLOWING AND REGULATING THE INSTALLATION OF SOLAR ENERGY SYSTEMS AS A CONDITIONAL USE IN THE WEST BELMAR GATEWAY AREA REDEVELOPMENT ZONE

WHEREAS, on July 19, 2018 Wall Township Accepted Bids in Response to a request for proposals (RFP) for Township-owned property within the West Belmar Gateway Redevelopment Area (WBGRA) known as Block 6 Lots 6, 7, and 12

WHEREAS, the RFP sought proposals for redevelopment of the site consistent with the township's Redevelopment Plan, as well as other goals and objectives set forth in the Township's Master Plan.

WHEREAS, there was only one (1) response to the RFP.

WHERAS, the single response to the RFP was a proposal by Spano Partners Holdings (SPH) and Advanced Solar Products (ASP).

WHEREAS, said proposal was to install a low-profile solar PV system, which would be financed, constructed, owned and operated by SPH and ASP.

WHEREAS, Wall Township Municipal Code Chapter 141-2, "Adoption of Redevelopment Plan," references the West Belmar Gateway Area Redevelopment Plan, prepared by Cheryl Bergailo, P.P., AICP, Schoor DePalma, Inc, dated December 2003 (Redevelopment Plan); and,

WHEREAS, said plan, as amended, is the zoning ordinance for the Gateway Redevelopment Zone; and

WHEREAS, solar energy systems were not contemplated in the original redevelopment plan adopted in the 2003 Redevelopment Plan; and

WHEREAS, solar energy is an abundant, renewable and nonpolluting energy resource; and

WHEREAS, permitting the conversion of solar energy to electricity will help reduce dependence by Township residents and business owners on sources of energy that are nonrenewable and/or degrade air and water quality; and

WHEREAS, the more widespread use of solar energy systems will help to reduce peak power demands from the electric power grid and provide residents and business owners with an alternate source of power; and

WHEREAS, the use of alternative energy systems such as solar power helps to promote competition in the electricity supply market by promoting consumer choice and helping to control or even reduce the cost of electricity; and

WHEREAS, by utilizing creative design standards and addressing additional needs such as parking, conservation, streetscape design, and public spaces solar energy systems can be beneficial and compatible with the existing and future development of WBGRA; and

Draft

WHEREAS, the Township Committee finds that combining solar energy with creative design and civic uses in the WBGRA will advance several goals and objectives of the Master Plan while visually and productively protecting and enhancing the Route 71 Corridor for future development and redevelopment; and

WHEREAS, the Township Committee has determined that it is appropriate to provide standardized requirements for the location of energy systems as a permitted conditional use in the WBGRA so that this clean, renewable energy resource can be utilized effectively and without detriment to adjoining properties or the overall intent of the Gateway Redevelopment Plan.

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

SECTION 1
The West Belmar Gateway Area Redevelopment Plan shall be amended as follows:

A. Definitions:

COLLECTOR SURFACE – Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. "Collector surface" does not include frames, support and mounting hardware.
PUBLIC USE – An area conveyed or otherwise dedicated to the Township, a municipal agency, the Board of Education, a federal, state, or county agency, or other public body for recreational, conservational, or public parking purposes.
RENEWABLE ENERGY FACILITY – A facility that engages in the production of electric energy from solar technologies, photovoltaic technologies, or other solar-based technology.
SOLAR COLLECTOR – A device, structure or part of a device or structure in which a substantial purpose is used to transform solar energy into thermal, mechanical, chemical or electrical energy.
SOLAR ENERGY – Direct radiant energy received from the sun.
SOLAR PANEL – A structure containing one or more receptive cells or collector devices, the purpose of which is to use solar radiation to create usable electrical energy.
SOLAR ENERGY SYSTEM – One or more solar panels and all associated equipment involved in the conversion of solar radiation to electrical energy which functions as a principal use on the land on which such system is situated.

B. Solar Energy Systems as a Conditional Use
Solar energy systems shall be a permitted conditional use in the WBGR Zone pursuant to the following conditional use requirements:

1. Solar energy systems shall be permitted on public property only.
2. Sidewalks shall be installed along all street frontages.
3. Decorative streetscape lighting shall be installed along all lot frontages adjacent to Highway 71 utilizing the JCP&L Ornate Colonial Post Top-II SVL fixture or similar as approved by the Wall Township Planning Board.
4. Any property housing a solar energy system shall be safely secured by a fence with a minimum height of 6-feet to the satisfaction of the Planning Board.
5. The minimum solar panel front yard setback from Highway 71 shall be 80 feet.
   a. The first 65 feet from Highway 71 shall be an uninterrupted area designated for public use.
   b. A buffer shall be permanently established and maintained within the required 80-foot front yard setback to shield the solar energy system from view. Said buffer shall be of sufficient height and depth so as to effectively shield the solar energy system from public view year round within two growing seasons. Said

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buffer may be within the area designated for public use if approved by the approving authority.

6. No solar panel shall exceed 36 inches in height above final approved grade.

7. The existing elevation of any land in the area used for solar energy systems shall not be altered by more than two feet by means of soil removal, fill, or grading except as necessary to provide for the proper placement, grading, and storm drainage for the solar field.

8. Solar energy systems must be entirely shielded from view on all sides adjacent to residential properties by a buffer at least 10 feet in width consisting of a fence and evergreen trees or shrubs and/or existing vegetation so as to effectively shield views of the solar energy system year round within two growing seasons.

9. All sides adjacent to railroad tracks are exempt from buffer requirements.

10. Solar collector equipment shall not be located within a front yard between any solar panel and a front property line.

11. All solar collector mechanical equipment related to solar energy systems shall be a maximum of eight feet above final approved grade.

12. All solar energy systems must comply with the noise and glare ordinances of the Township.

13. Decommissioning of the solar energy system must meet the requirements set forth in section 140-1391(B)(12).

C. Site Plan approval

A site plan application for a solar energy system shall address, and not be limited to, buffering, care and maintenance of all property associated with the installation, security, visual impacts, drainage, traffic to and from the site. Installations shall be subject to the following requirements:

1. To the extent reasonably possible, solar energy panels, regardless of how they are mounted, shall be oriented and/or screened year round so that glare is directed away from adjoining properties and streets.
2. To the extent reasonably possible, solar energy systems shall be designed using such features as colors, materials, textures, screening and landscaping so as to blend into their settings and avoid visual blight. The solar energy systems shall remain painted or finished in the color or finish that was originally applied by the manufacturer. The exterior surface of any visible components shall be non-reflective, neutral color such as, grey, tan, or another non-obtrusive color. Finishes shall be matte or non-reflective.
3. Solar energy systems shall not be used for the display of advertising.
4. All solar energy system collector installations must be performed by a qualified solar installer, and prior to operation the electrical connections must be inspected by the Construction Office or other appropriate electrical inspection agency as determined by the Township. In addition, any interconnection to the public utility grid must be inspected by the appropriate public utility.
5. When solar storage batteries are included as part of the solar energy collector system, they must be placed in a secure container or enclosure meeting the requirements of the New Jersey State Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of the State of New Jersey and other applicable laws and regulations.
6. Clearing of natural vegetation for the installation of a solar energy system shall be limited to that which is necessary for the construction, operation and maintenance of the system and as otherwise prescribed by applicable laws, regulations and ordinances.
7. Any trees to be removed to accommodate the installation of a solar energy system shall be accompanied by a plan demonstrating the need to remove the trees. Any applicant shall locate a solar energy system so that tree removal is not required to the extent practical.

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8. Any ancillary buildings and any outside storage associated with a solar energy system must, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment. Appropriate fencing, landscaping, or architecture shall be provided to screen accessory structures from roads and adjacent residences.
9. Solar energy systems shall otherwise comply with the general design standards and bulk requirements in the WBGR Plan and Wall Township Ordinance except where superseded by this Ordinance.

SECTION 3
Validity. If any part of this Ordinance shall be deemed invalid by an administrative agency or court of competent jurisdiction, such decision shall not affect the legality and enforceability of any other provision hereof.

SECTION 4
All ordinances, policies and or procedures or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency.

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

Introduced on: September 23, 2020

Adopted: _____

Attest: _____ **Approve**:_____
Roberta Lang, CRMC Carl Braun
Township Clerk Mayor

Draft

SUMMARY AND NOTICE

TOWNSHIP OF WALL

ORDINANCE NO. 10-2020

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL TO AMEND AND SUPPLEMENT CHAPTER 141 ENTITLED WEST BELMAR GATEWAY AREA REDEVELOPMENT PLAN TO ADD PROVISIONS ALLOWING AND REGULATING THE INSTALLATION OF SOLAR ENERGY SYSTEMS AS A CONDITIONAL USE IN THE WEST BELMAR GATEWAY AREA REDEVELOPMENT ZONE.

The purpose of this Ordinance is to amend the West Belmar Gateway Redevelopment Plan to permit solar energy systems as a conditional use in the West Belmar Gateway Redevelopment Zone; and to establish regulations for said systems to ensure that the installation and operation of solar energy collection systems is done in a manner that enhances and protects the Highway 71 corridor.

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Township Committee of the Township of Wall on September 23, 2020, and will further be considered for final passage and adoption at the Wall Township Municipal Building, 2700 Allaire Road, Wall, New Jersey, on October 28, 2020 at 7:00 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 to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in the Township of Wall, Town Hall, to the members of the general public who shall request the same or may be viewed on our website at www.wallnj.com.

Roberta M. Lang, R.M.C.
Municipal Clerk

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TOWNSHIP OF WALL

RESOLUTION NO. 20-1001

CERTIFICATION OF TOWNSHIP FUNDS SEPTEMBER 24, 2020 THROUGH OCTOBER 14, 2020 IN THE AMOUNT OF $9,096,933.36

We, the undersigned members of the Township Committee of the Townsnip of Wall have reviewed the information provided by the Township Administrator and rely on his recommendation that the attached vouchers are in proper order and may be executed for payment. This authorization for execution does not extend to any voucher that would constitute a conflict of interest for any of the undersigned Committee members.

_____

Carl Braun, Mayor

_____

Thomas M. Kingman, Deputy Mayor

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Timothy J. Farrell, Committeeman

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Kevin P. Orender, Committeeman

Draft

TOWNSHIP OF WALL

RESOLUTION NO. 20-1002

AUTHORIZING THE TOWNSHIP OF WALL TO CONTRACT WITH PILOT ELECTRIC COMPANY INC. FOR EMERGENCY PUMP AND MOTOR REPAIR SERVICES FOR FOUR THOUSAND FIVE HUNDRED AND SIXTY DOLLARS ($4,560.00) PER MOTOR OR PUMP REPLACEMENT AND LIMITATION ON AMOUNT OF MARK UP ON ANY PURCHASE OF NEW PUMPS AND MOTORS

WHEREAS, the Township of Wall operates the Department of Public Works which is responsible for various construction and maintenance projects on a Township-wide basis; and,

WHEREAS, the Wall Township Director of Public Works, Joseph Lentini, determined that in order to provide services to the public the Department of Public Works needs at various times emergency pump and motor repair services and to purchase new pumps and motors as needed; and,

WHEREAS, pursuant N.J.S.A. 40A 11-1 et seq., the Township solicited bids for emergency pump and motor repair services and for the purchase of new pumps and motors; and,

WHEREAS, the Wall Township Director of Public Works, Joseph Lentini, has evaluated the three (3) bids received and has concluded that the lowest responsive bidder is Pilot Electric Co. Inc. in the amount of$4,560.00 for up to eight hours of service. Pilot Electric Co. Inc. has also agreed to limit any mark up on new pumps, motors and related material to 14% of the price of the pump, motor and related material; and,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Wall, County of Monmouth, New Jersey that the Township is authorized to enter into a contract with Pilot Electric Co. Inc. for emergency pump and motor repair services on the following terms: $4,560.00 for the labor associated with fixing or replacing each pump or motor based on an eight hour labor rate with a 14% mark up on pumps, parts and material; and,

BE IT FURTHER RESOLVED that the Director of Public Works, the Municipal Clerk, and other Township officials are hereby authorized and directed to take such ministerial actions as are necessary to effectuate the provisions of this resolution.

I, Keri Pagnoni, Deputy Clerk of the Township of Wall, do hereby certify that the foregoing is a true copy of a Resolution adopted by the Township Committee of the Township of Wall at a Regular Meeting held on October 14, 2020

_____

Keri Pagnoni, RMC
Deputy Clerk

Draft

Certification

I, Thomas O'Hara, Chief Financial Officer of the Township of Wall, do hereby certify to the Township Committee of the Township of Wall that funds are available for emergency pump and motor repair and purchase of new pumps and motors to Pilot Electric Co. Inc

Operating	
Account	**Description**
0-09-55-502-000-548	Water/Sewer Utility – Other Expenses

_____ Date:_____

Thomas O'Hara, CFO
Chief Financial Officer

Draft

TOWNSHIP OF WALL

RESOLUTION NO. 20-1003

AUTHORIZATION TO ACCEPT A PERFORMANCE GUARANTEE FROM UNION VIRGINIA, LLC IN RELATION TO THE DEVELOPMENT OF PROPERTY LOCATED AT 1311 ALLAIRE ROAD, WALL TOWNSHIP, NEW JERSEY ALSO KNOWN AS BLOCK 152, LOT 17

WHEREAS, Union Virginia, LLC ("Union Virginia") applied to the Planning Board ("Board") of the Township of Wall ("Township") for preliminary and final major subdivision approval for property located at 1311 Allaire Road, in the Township, also known as Block 152, Lot 17 ("Site"); and

WHEREAS, the Planning Board adopted a Resolution approving the application for preliminary and final site plan approval made by Union Virginia ("Approval"); and

WHEREAS, as a condition of approval the Board required Union Virginia to post the appropriate performance guarantee; and

WHEREAS, the Township's consulting engineer has determined that the required performance guarantee shall be $164,205.00 consisting of $147,784.50 in a bond and $16,420.50 in cash; and

WHEREAS, a performance guarantee has been delivered to the Township by The Service Insurance Company, Inc., in the form of Bond No. 48806, dated June 22, 2020, issued by The Service Insurance Company, Inc., in the amount of $147,784.50 in connection with PB#7-2017-Union Virginia, Block 152, Lot 17; and

WHEREAS, Union Virginia shall be required to deliver $16,420.50 in cash; and

WHEREAS, the Township Engineer and the Township Attorney recommend acceptance of the performance guarantee together with the cash; and

WHEREAS, Union Virginia will be obligated to also deliver to the Township cash in the amount of $16,420.50 as an additional portion of the required guarantee.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Wall, County of Monmouth and State of New Jersey on this 14th day of October 2020, that the performance guarantee in the form of Bond No. 48806 issued by The Service Insurance Company, Inc., in the amount of $147,784.50 is hereby accepted by the Township and cash in the amount of $16,420.50 shall be delivered by Union Virginia to the Township within thirty (30) days of the date hereof.

I, Keri Pagnoni, Deputy Clerk of the Township of Wall, do hereby certify that the foregoing is a true copy of a Resolution adopted by the Township Committee of the Township of Wall at a Regular Meeting held on October 14, 2020

_____

Keri Pagnoni, RMC
Deputy Clerk

Draft

TOWNSHIP OF WALL

RESOLUTION NO. 20-1004

AUTHORIZATION TO CLOSE MACINTOSH DRIVE FOR A BLOCK PARTY

WHEREAS, Doreena Armas, has requested a street closing for Macintosh Drive at the intersection of Cortland Drive and Macintosh Drive as well as the intersection of Orchard Crest Boulevard and Macintosh Drive for the purpose of a block party, and;

WHEREAS, the closing will occur on Saturday December 5, 2020, between the hours of 2:00 P.M. until 9:00 P.M., and;

WHEREAS, the rain date is scheduled for Saturday December 12, 2020, between the hours of 2:00 P.M. until 9:00 P.M., and;

WHEREAS, the aforesaid proposal has been reviewed and approved by the Traffic Bureau of the Police Department, and;

WHEREAS, the Mayor of the Township of Wall is authorized by Section 215-20 of the Code of the Township of Wall to order the closing of any street to motor vehicle traffic, and;

NOW THEREFORE, I, Carl Braun, Mayor of the Township of Wall, do hereby order as follows: Macintosh Drive will be closed. This street will be closed to all but emergency vehicle traffic on Saturday December 5, 2020, between the hours of 2:00 P.M. until 9:00 P.M, with a rain date scheduled for Saturday December 12, 2020, between the hours of 2:00 P.M. until 9:00 P.M.

I, Keri Pagnoni, Deputy Clerk of the Township of Wall, do hereby certify that the foregoing is a true copy of a Resolution adopted by the Township Committee of the Township of Wall at a Regular Meeting held on October 14, 2020

_____

Keri Pagnoni, RMC
Deputy Clerk

Draft

TOWNSHIP OF WALL

RESOLUTION NO. 20-1005

AUTHORIZATION TO APPROVE CERTAIN PERSONNEL ACTIONS

WHEREAS, the Department Heads referenced below recommended the appointment of the following individuals; and

WHEREAS, the Township Administrator concurs with the findings of the Department Heads and hereby recommends to the Township Committee that the following appointments be made.

NAME	DEPARTMENT/POSITION	SALARY	EFFECTIVE DATE
Mia DeGenova	Youth Center/ Counselor	$8.85/ hour	10/15/2020
Nicholas Casais	Police/ Part-time Dispatcher	$21.13/ hour	10/15/2020
John Schaefer	Police/ Full-time Dispatcher	$58,476.84	10/21/2020
Michael Thompson	Recreation/ Director	$62,000.00	10/15/2020

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Wall that the following personnel actions be and are hereby authorized on the effective date included herein.

I, Keri Pagnoni, Deputy Clerk of the Township of Wall, do hereby certify that the foregoing is a true copy of a Resolution adopted by the Township Committee of the Township of Wall at a Regular Meeting held on October 14, 2020

_____

Keri Pagnoni, RMC
Deputy Clerk

Draft

TOWNSHIP OF WALL

RESOLUTION NO. 20-1006

AUTHORIZATION TO EXECUTE A PROJECT AGREEMENT WITH MONMOUTH COUNTY FOR THE PERFORMANCE AND DELIVERY OF THE FISCAL YEAR 2020 COMMUNITY DEVELOPMENT PROJECTS – IMPROVEMENTS TO WATER STREET AND OAKWOOD ROAD

WHEREAS, certain federal funds are potentially available to Monmouth County under the Housing and Community Development Act of 1974, as amended; and

WHEREAS, the County of Monmouth expects to receive an allocation for Fiscal Year 2020 from the United States Department of Housing and Urban Development; and

WHEREAS, the County of Monmouth has submitted its Annual Plan for Fiscal Year 2020 to the U.S. Department of Housing and Urban Development, which included a project hereinafter referred to as Road Improvements to Water Street and Oakwood Road with a grant allocation of $153,183.00.

WHEREAS, the Township of Wall hereby met all the requirements for the release of funds to begin incurring costs for this project; and

WHEREAS, the Township of Wall has filed with the Monmouth County Community Development Program an acceptable timetable for completion and expenditure of grant funds, which is included as an appendix to the Project Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to execute with the County of Monmouth the attached Project Agreement on behalf of the Township of Wall.

ROLL CALL			
Committeeman	**Vote**	**Abstention**	**Absent**
Committeeman Farrell	Yea		
Committeeman Orender	Yea		
Deputy Mayor Kingman	Yea		
Mayor Braun	Yea		

I, Keri Pagnoni, Deputy Clerk of the Township of Wall, do hereby certify that the foregoing is a true copy of a Resolution adopted by the Township Committee of the Township of Wall at a Regular Meeting held on October 14, 2020

_____

Keri Pagnoni, RMC
Deputy Clerk

Draft

TOWNSHIP OF WALL

RESOLUTION NO. 20-1007

AUTHORIZATION TO SIGN A CERTIFICATION TO EXECUTE A COMMUNITY DEVELOPMENT BLOCK GRANT WHICH AUTHORIZES THE SIGNATURE OF A CERTIFICATION PROHIBITING THE USE OF EXCESSIVE FORCE AND A CERTIFICATION PROHIBITING THE USE OF FEDERAL FUNDS FOR LOBBYING IN CONNECTION WITH THE PROJECT AGREEMENT WITH MONMOUTH COUNTY FOR PERFORMANCE AND DELIVERY OF THE FISCAL YEAR 2020 COMMUNITY DEVELOPMENT PROJECTS – IMPROVEMENTS TO WATER STREET AND OAKWOOD ROAD

WHEREAS, certain federal funds are potentially available to Monmouth County through the Housing and Community Development Act of 1974, as amended; and

WHEREAS, the United States Department of Housing and Urban Development has allocated funding to the County of Monmouth for Fiscal Year 2020; and

WHEREAS, the County is making some of these funds available to certain participating municipalities and non-profit agencies; and

WHEREAS, it is required that the Township of Wall execute a Project Agreement with Monmouth County to undertake a project known as Road Improvements to Water Street and Oakwood Road and

WHEREAS, the U.S. Department of Housing and Urban Development is requiring that the Mayor of the Township of Wall sign additional certifications in order to receive these funds; and

WHEREAS, the Township of Wall has adopted a policy prohibiting the use of excessive force by its law enforcement agency (police force) within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

WHEREAS, a copy of that policy is attached to and made part of this resolution.

NOW, THEREFORE, BE IT RESOLOVED, that the Township of Wall has met the conditions of receiving a Fiscal Year 2020 allocation by adopting a policy prohibiting the use of excessive force and by not using federal funds for lobbying or by disclosing that funds have been used for lobbying.

BE IT FURTHER RESOLVED, that the Mayor of the Township of Wall is hereby authorized to sign the attached certifications which will become part of the Fiscal Year 2020 Project Agreement.

ROLL CALL			
Committeeman	**Vote**	**Abstention**	**Absent**
Committeeman Farrell	Yea		
Committeeman Orender	Yea		
Deputy Mayor Kingman	Yea		
Mayor Braun	Yea		

I, Keri Pagnoni, Deputy Clerk of the Township of Wall, do hereby certify that the foregoing is a true copy of a Resolution adopted by the Township Committee of the Township of Wall at a Regular Meeting held on October 14, 2020

_____

Keri Pagnoni, RMC
Deputy Clerk

Draft