

PUBLIC HEARING NOTICE

TAKE NOTICE that the Borough of Red Bank has filed a request with the New Jersey Department of Environmental Protection, Green Acres Program, proposing to amend the Borough of Red Bank's Recreation and Open Space Inventory by:

**Removing portion of Block 8, Lot 1 – 0.25 Ac. (Maple Avenue Parking Lot)
& Block 8, Lot 4 – 0.43 Ac. (Library Parking Lot)**

Reason being they are not held for conservation/recreation purposes and are held as general parking in support of the Library.

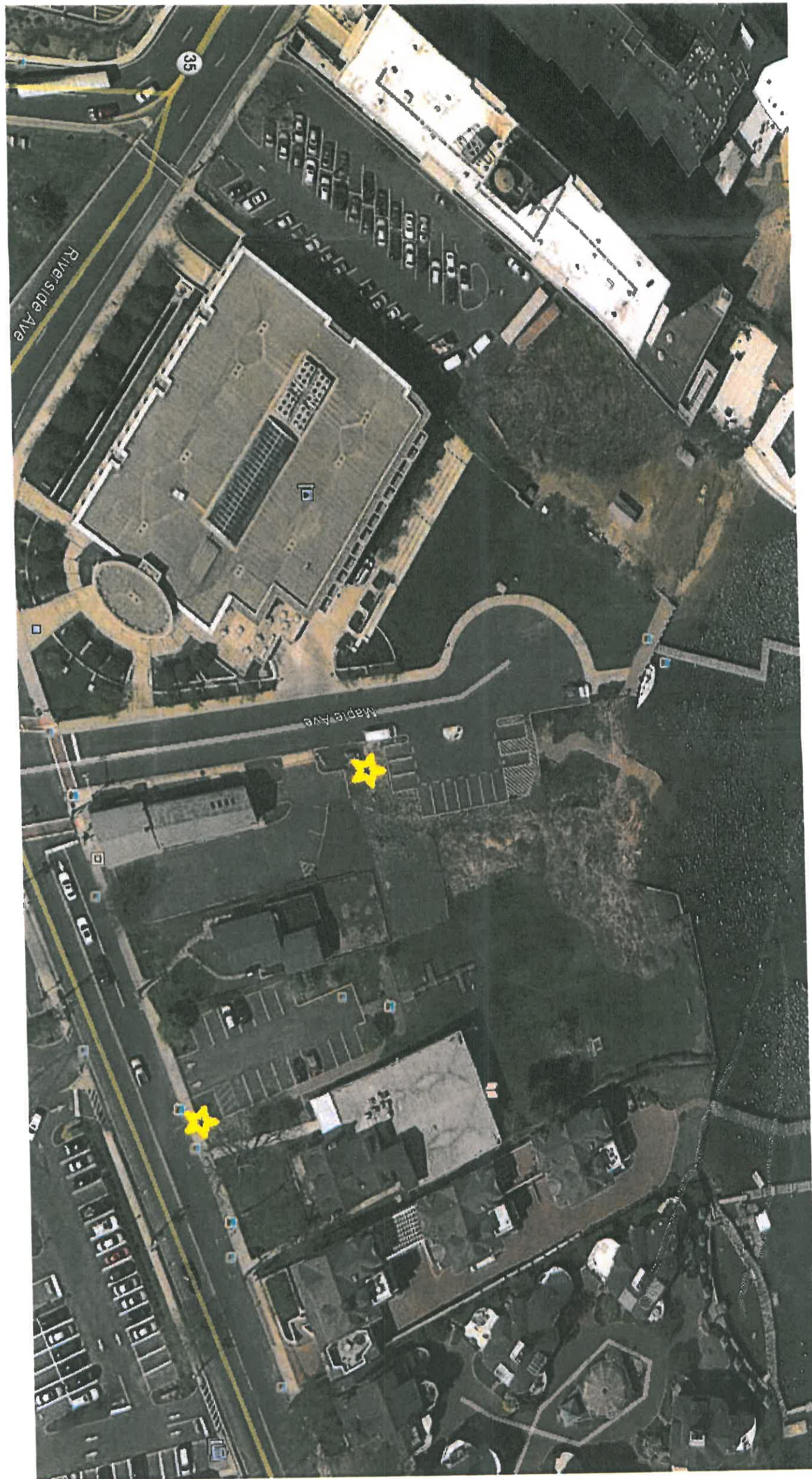
Pursuant to N.J.A.C. 7:36-25.3(h)2v, a hearing to obtain public comment on this request will be held at:

**Borough of Red Bank, 90 Monmouth Street, Red Bank, NJ 07701
on December 30, 2013 at 6:00 P.M.**

All information submitted by the Borough of Red Bank to the Green Acres Program in support of this requested ROSI amendment is available for public inspection at Borough of Red Bank Municipal Offices, 90 Monmouth Street, Red Bank, NJ and Green Acres Program Office).

Written comments on the ROSI amendment request may be directed to Borough of Red Bank at (732) 530-2748 and 90 Monmouth Street, Red Bank, NJ 07701. Please send a copy of any comments submitted on this request to the New Jersey Department of Environmental Protection, Green Acres Program, Bureau of Legal Services and Stewardship, Mail Code 501-01, P.O. Box 420, Trenton, NJ 08625-0420.

Public comment on this ROSI amendment request will be accepted during the public hearing or until January 13, 2014. On or after January 14, 2014, the Department of Environmental Protection may take formal action to approve the proposed ROSI amendment request.



RBNC-61301
RBNC-61201



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

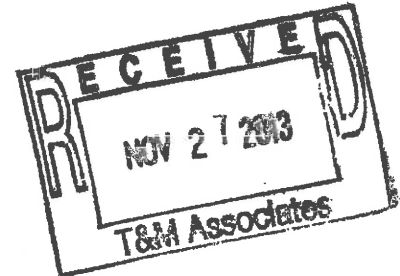
CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

Green Acres Program
501 East State Street
Mail Code 501-01 PO Box 420
Trenton, New Jersey 08625-0420
Tel # 609-984-0631 / Fax # 609-984-0608
www.NJGreenAcres.org

November 25, 2013



Stanley Sickels, Administrator
Borough of Red Bank
Office of the Administrator
90 Monmouth Street
Red Bank, New Jersey 07701-1614

Re: Borough of Red Bank, County of Monmouth
Maple Cove Open Space (Block 8, Lots 1, 1.01 and 1.02)
Library Parking Lot (Block 8, Lots 4 and 4.01)
Marine Park (Block 9, Lots 5, 5.01, 5.02, 5.03 and 5.04)
ROSI Amendment Status and Parking Concerns

Dear Mr. Sickels,

In September 2012 the Borough submitted a request to the Green Acres Program for an amendment to the Borough's Recreation and Open Space Inventory (ROSI.) The amendment request seeks to remove portions of Maple Cove Open Space (Block 8, Lot 1) and the entirety of Library Parking Lot Park (Block 8, Lots 4 and 4.01) from the ROSI. On February 26, 2013, our office determined that the Borough's ROSI amendment request had merit. The letter directed the Borough to take the next step in the amendment process by scheduling and conducting a public hearing that complies with the requirements of N.J.A.C. 7:36-25.3(h).

Nine months have passed without the scheduling of the public hearing. Various phone inquiries to the Borough have not clarified whether the Borough intends to proceed with the ROSI amendment request. If the Borough has chosen to abandon the ROSI amendment request, both Maple Cove and the Library Parking Lot will remain on the ROSI and continue to be encumbered as parkland by Green Acres. We would also appreciate being notified in writing that the request is being withdrawn.

While the Borough is not required to pursue the ROSI amendment request, our office is concerned about the Borough's institution of a new parking policy that impacts one of the parks that is part of the ROSI amendment request. Our February 2013 letter should not have been construed by the Borough as permission to remove either area from the ROSI or to use either area for purposes other than "recreation or conservation purposes." Yet it

has come to our attention that the Borough recently issued a parking guide that lists both the Maple Cove Open Space (classified as unfunded parkland) and the Green Acres-funded Marine Park parking lots as public parking facilities. According to the guide, the fees for these lots match other municipal lots that are primarily used to support the Borough's businesses (such as the White Street lot).

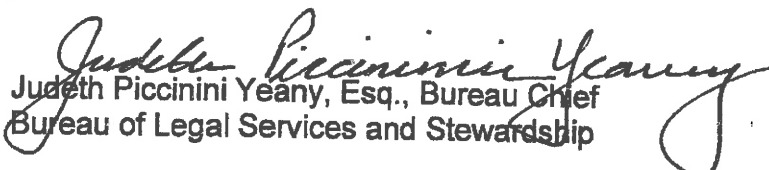
The Borough has been reminded on numerous occasions (including an August 2011 letter, June 2012 email and various subsequent phone conversations) that, in accordance with the Green Acres regulations (*N.J.A.C. 7:36 et seq.*), the Maple Cove and Marine Park parking lots are only to be used in support of "recreation and conservation purposes" such as parking areas for the public to access the river. Additionally, the Borough is responsible for enforcing that only park patrons are using the parking areas. Use of the Maple Cove or Marine Park parking lots for reasons other than park use constitutes an unauthorized diversion of parkland.

Since Maple Cove is the subject of the Borough's ROSI amendment request and is being advertised as a public parking lot, it is imperative that the Green Acres Program is notified of the Borough's intention for pursuing the ROSI amendment request. At this time, the parking lot at Maple Cove must remain on the ROSI for use solely by park users unless and until Green Acres determines that this area was listed on the ROSI in error and issues a final approval of the Borough's ROSI amendment request.

The parking lot at Marine Park is part of the funded park and must also remain in support of "recreation and conservation purposes." In accordance with *N.J.A.C. 7:36-25.9*, all fees collected for the use of this funded park must be used for operating, maintenance, or capital expenses related to Marine Park or the Borough's recreation program as a whole. By way of this letter, we are requesting documentation depicting the collection and use of fees generated at Marine Park in 2012.

Please contact Jessica Patterson at 609-984-0558 or via email at Jessica.patterson@dep.state.nj.us to discuss the status of the ROSI amendment request. Thank you for your attention to this matter.

Regards,


Judith Piccinini Yeany, Esq., Bureau Chief
Bureau of Legal Services and Stewardship

Cc: Christine Ballard, P.E., T&M Associates
Nancy Lawrence, NJDEP, Green Acres (via email)
Jessica Patterson, NJDEP, Green Acres (via email)



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

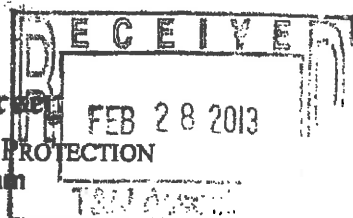
Green Acres Program

P.O. Box 412

Trenton, New Jersey 08625

Tel. 609-984-0500 / Fax 609-984-0608

www.state.nj.us/dep/greenacres



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

February 26, 2013

Christine Ballard, P.E.
T&M Associates
Eleven Tindall Road
Middletown, NJ 07748-2792

**Re: Borough of Red Bank, Monmouth County
Block 8, Lots 1, 4 and 4.01
Request for Amendment of Recreation and Open Space Inventory**

Dear Ms. Ballard:

I am writing in response to the letters and information you submitted in August and September 2012, on behalf of the Borough of Red Bank, regarding a request for an amendment to the Borough's Recreation and Open Space Inventory (ROSI). Your letters assert that the Borough made a mistake in listing the entire area of Block 8, Lot 1 as Maple Avenue Boat Launch and in listing Block 8, Lots 4 and 4.01 as Library Parking Lot Park on the Borough's ROSI. As such, the Borough requests that the Green Acres Program allow the Borough to Amend their ROSI to remove that portion of Lot 1 that is not currently used for park purposes as well as the entirety of Lots 4 and 4.01.

Under N.J.A.C. 7:36-25.3(c), the inclusion of a parcel on a ROSI submitted by a local government unit in connection with a land acquisition or park development project funded by Green Acres creates a rebuttable presumption that the parcel is encumbered with Green Acres restrictions, whether or not the parcel or portion of the parcel was removed by the local government unit from a subsequent ROSI. The local government unit has the burden of proving the merits of any ROSI amendment request. N.J.A.C. 7:36-25.3(d). If the local government unit does not provide sufficient documentation to support its request, the Department will deny it. N.J.A.C. 7:36-25.3(d). In reviewing ROSI amendment requests, the standard applied by the Department is whether there is a "bona fide inaccuracy" in the ROSI. Based on a review of information submitted by the Borough and a review of information in our files, the Green Acres Program has determined that this situation appears to meet the bona fide error standard for ROSI

Green Acres Mission

To achieve, in partnership with others, a system of interconnected open space whose protection will preserve and enhance New Jersey's natural environment and its historic, scenic, and recreational resources for public use and enjoyment.

New Jersey is an Equal Opportunity Employer | Printed on Recycled Paper and Recyclable

amendments at N.J.A.C. 7:36-25.3(d) and agrees with the Borough that the listing of the entire Lot 1 and the listing of Lots 4 and 4.01 appear to be in error.

Since we have determined that the Borough's ROSI amendment request has merit, the next step in the amendment process is for the Borough to schedule and conduct a public hearing that complies with the requirements of N.J.A.C. 7:36-25.3(h) (enclosed). Within 60 days of conducting the public hearing, the Borough must submit the proofs of publication, hearing transcript, response to comments and other information listed at N.J.A.C. 7:36-25.3(i) for our final review and approval.

In the event we are able to approve the Borough's ROSI amendment request under N.J.A.C. 7:36-25.3(j) and (k), we anticipate requesting the following condition on the approval:

1. In order to avoid future confusion about the limits of the Green Acres encumbrance within Lot 1, we may require the Borough to commission a survey and install proper monumentation that delineates the front portion of the Lot (parking area) from the Park portion of the Lot 1.

The above information constitutes our preliminary determination on this request and should not be construed by the Borough as permission to remove any area from the ROSI. We reserve the right to deny the Borough's request or to impose additional conditions on our final approval based on information presented at the public hearing or otherwise available to the Department.

Thank you for your continued cooperation in this matter. If you have further questions, please give me a call at 609-341-2054.

Regards,



Nancy Lawrence
Compliance Officer
Bureau of Legal Services and Stewardship

c: Jessica Patterson, Green Acres Program (via email only)

Green Acres Mission

To achieve, in partnership with others, a system of interconnected open space whose protection will preserve and enhance New Jersey's natural environment and its historic, scenic, and recreational resources for public use and enjoyment.

THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION HAS BEEN PUBLISHED IN THE JANUARY 3, 2006 NEW JERSEY REGISTER AT 38 N.J.R. 223. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

not part of subchapter 25.3

(c) The inclusion of a parcel on any ROSI submitted by a local government unit in connection with a land acquisition or park development project funded by Green Acres shall create a rebuttable presumption that the parcel in question, and any portion thereof, is encumbered with Green Acres restrictions, whether or not the parcel or portion of the parcel was removed by the local government unit from a subsequent ROSI.

(d) The local government unit shall bear the burden of proving the merits of any ROSI amendment request filed pursuant to (a) above. The failure of the local government unit to provide adequate documentation to support its request and/or to demonstrate that there is a bona fide inaccuracy in the ROSI shall be sufficient grounds for the Department to deny a request under this section.

(e) The addition of parcel(s) to a ROSI to update the ROSI as part of a Green Acres funding application under N.J.A.C. 7:36-6.4 or 12.4 or the removal of parcel(s) from ROSI as a result of a transfer of parkland that complied with the requirements of N.J.A.C. 7:36-25.5 shall not constitute an amendment under this section; however, any other addition or removal of a parcel(s) from the ROSI or acreage changes to a previously-listed parcel(s) must still comply with the procedural requirements of this section.

(f) The Department shall consider the following in evaluating a ROSI amendment request:

1. The purpose for and the method by which the local government unit acquired the parcel, including whether the local government unit acquired the parcel for recreation and conservation purposes or used a funding method that was dedicated to recreation and conservation purposes;

2. Any evidence relevant to the local government unit's intentions regarding the use of the parcel or portion of the parcel at the time of acquisition and at the time of receipt of Green Acres funding, including, but not limited to:

i. Whether the local government unit took any formal action to dedicate the parcel for recreation and conservation purposes;

ii. Whether the local government unit took any formal action to dedicate the parcel for any other purpose;

iii. Whether the parcel is identified with a recreation or conservation designation or as existing parkland on the official map of the municipality, on its zoning map, in the local government unit's master plan, or in any other official publication of the local government unit;

7:36-25.3 Amendment of Recreation and Open Space Inventory (ROSI)

(a) If a local government unit believes a ROSI submitted to the Department as a component of a project agreement pursuant to N.J.A.C. 7:36-9.1 or 14.1 does not accurately or completely describe the lands held for recreation and conservation purposes at the time of receipt of Green Acres funding, or that any information provided for land on the ROSI is inaccurate or incomplete, the local government unit shall submit a request to the Department for an amendment to the ROSI.

(b) A local government unit's request for a ROSI amendment shall be submitted in writing and may propose addition or removal of a parcel of land or an interest in a parcel of land from the ROSI, an increase or decrease in the area of a parcel listed on the ROSI, or correction of the block and lot identification of a parcel listed on the ROSI. The ROSI amendment request shall include adequate documentation for the Department to evaluate the request under (f) below.

THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION HAS BEEN PUBLISHED IN THE JANUARY 3, 2006 NEW JERSEY REGISTER AT 38 N.J.R. 223. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

or

iv. Whether the parcel is identified as parkland by signs placed by or approved by the local government unit or by any other means;

3. Any evidence relating to any use of the property for recreation and conservation purposes by the public at or prior to the time of receipt of Green Acres funding that was acknowledged, acquiesced, encouraged, funded, or supported by the local government unit, including whether recreation equipment was installed upon or other improvements were made to the property to facilitate use of the property for recreation and conservation purposes, by or with the authorization of the local government unit; and

4. Any evidence relating to the exemption of the property from Green Acres restrictions under N.J.S.A. 13:8A-47b(2)(a) or 13:8C-32b(2)(a) due to its inclusion in a redevelopment plan adopted pursuant to N.J.S.A. 40A:12A-7 prior to July 18, 2002. A local government unit claiming such exemption shall also demonstrate that:

i. The property was not acquired or developed for recreation or conservation purposes with financial assistance in whole or in part provided by the State; the Federal Land and Water Conservation Fund established under 16 U.S.C. § § 4601-4 et seq.; the Federal "Urban Park and Recreation Recovery Act of 1978," 16 U.S.C. § § 2501 et seq.; or a county or local open space trust fund created pursuant to N.J.S.A. 40:12-15.1 et seq.; and

ii. The local government unit has not adopted an ordinance or resolution specifically including the property on the ROSI.

(g) The Department shall review the ROSI amendment request submitted by the local government unit pursuant to (a) above, taking into account the considerations at (f) above, and shall take one of the following actions:

1. If the Department determines on the basis of the information provided by the local government unit that a request to correct the block and lot identification or a typographical error in the listing of the size of a parcel has unequivocal merit, that the local government unit has established the true size of the Green Acres-encumbered parcel on the basis of a survey reviewed and approved by the Department, or that the local government unit never owned, leased or otherwise controlled the property in question, it shall approve the local government unit's request in writing. The local

government unit shall amend the ROSI, record a new declaration which includes the amended ROSI with the County clerk or registrar, and return a copy of the recorded declaration to the Department;

2. If the Department determines on the basis of the information provided by the local government unit that the parcel or area in question was used for or held for recreation and conservation purposes at the time of receipt of Green Acres funding with the acknowledgment, encouragement or support (including financial) of the local government unit, the Department shall deny the request to amend the ROSI under (h)1 below; or

3. For all other ROSI amendment requests, including requests for which the Department is not able to determine on the basis of the information provided by the local government unit whether the parcel or portion of the parcel was used for or held for recreation and conservation purposes at the time of receipt of Green Acres funding, the Department shall direct the local government unit to hold a public hearing regarding the requested amendment in accordance with (h) below.

(h) A public hearing held by a local government unit on a ROSI amendment request pursuant to (g)3 above shall be advertised and conducted in accordance with the following procedures:

1. The public hearing shall be held on a weekday in the evening in the municipality in which the property that is the subject of the ROSI amendment request is located. If the property that is the subject of the ROSI amendment request is located in more than one municipality, the public hearing shall be held at a central hearing location that is approved in advance by the Department. The local government unit shall produce a transcript of the public hearing for submission to the Department;

2. At least 30 days prior to the hearing, the local government unit shall:

i. Publish a legal notice of the hearing in the official newspaper(s) of the municipality(ies) in which the property that is the subject of the ROSI amendment request is located and, if the local government unit is a County, also in a local newspaper of general interest and circulation;

ii. Post notice of the hearing on its official web site (if any) in the same manner as other public hearing notices are posted;

iii. Provide written notice of the hearing to Green Acres, the governing body, local planning board(s),

THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION HAS BEEN PUBLISHED IN THE JANUARY 3, 2006 NEW JERSEY REGISTER AT 38 N.J.R. 223. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

environmental commission(s) and open space advisory committee(s) of the municipality(ies) in which the parkland is located, if any, and, if the local government unit is a County, also to the County governing body, County planning board, County environmental commission and County open space advisory committee, if any;

iv. Provide written notice of the hearing via certified mail (return receipt requested) to all persons who own land located within 200 feet of the property that is the subject of the ROSI amendment request and to any easement holders for that land who are listed in the tax records for the municipality(ies) in which the land is located; and

v. Post and maintain in a legible condition until the public comment period is concluded under (h)4v below, a sign on the property that is the subject of the ROSI amendment request or in other prominent location(s) approved by the Department. Such sign shall advise the public of the ROSI amendment request, the public hearing on the proposed ROSI amendment and the opportunity for public comment on the proposed ROSI amendment. Such sign shall be of sufficient size and visibility and contain sufficient detail as to inform the general public of the filing of the ROSI amendment request and the method by which the public may obtain information about such filing, and shall be subject to the Department's approval;

3. At least 15 days prior to the hearing, the local government unit shall publish a display ad in the official newspaper(s) of the municipality(ies) in which the property that is the subject of the ROSI amendment request is located, and, if the local government unit is a County, also in a local newspaper of general interest and circulation; and

4. The notices and advertisements required under (h)2 and 3 above shall include the following information:

i. The name of the applicant and the date, time and location of the public hearing;

ii. A general description of the ROSI amendment request;

iii. The street address (if available), municipality, county, tax map block and lot, and size of the property that is the subject of the ROSI amendment request;

iv. A statement that all information submitted by

the local government unit to the Department in support of the ROSI amendment request is available to the public for inspection at the local government unit's business office and the public library that serves the municipality in which the property that is the subject of the ROSI amendment request is located; and

v. A statement inviting participation in the public hearing on the ROSI amendment request and notifying the public that, in the alternative, written comments may be submitted to the local government unit during a public comment period that will close two weeks after the hearing date. The statement shall provide an address for submittal of written comments to the local government unit and shall require that copies of any written comments also be sent to:

New Jersey Department of Environmental Protection
Green Acres Program
Bureau of Legal Services and Stewardship
PO Box 412
Arenton, New Jersey 08625-0412

*pls. use
new GA
address/
mail code.*

(i) After the public hearing and the public comment period are concluded and the public comments received have been considered, the local government unit shall determine whether or not to seek the Department's approval of the proposed ROSI amendment request. If it makes a determination to proceed, the local government unit shall provide the Department with the following information within 60 days of the close of the public comment period:

1. Proof of publication of the notice of public hearing required under (h)2i above; proof of publication of the display ad required under (h)3 above; a dated copy of the posting required under (h)2ii above (if applicable); copies of and proof of mailing of the notice required under (h)2iii and iv above; and a proof of the posting and maintenance of a sign as required under (h)2v above;

2. A copy of the transcript of the public hearing as required by (h)1 above;

3. A summary of the public comments made at the public hearing and/or provided in writing during the public comment period and the local government unit's response to the public comments; and

4. Copies of any written information submitted by commenters during the public comment period, including at the public hearing.

(j) Upon receiving the submittal outlined in (i) above, the Department shall conduct a final review of the ROSI

THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION HAS BEEN PUBLISHED IN THE JANUARY 3, 2006 NEW JERSEY REGISTER AT 38 N.J.R. 223. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

amendment request taking into consideration the information provided by the local government unit, the information presented at the public hearing and during the public comment period and any other information reasonably available to the Department. The Department shall not approve the request unless:

1. The information submitted by the local government unit, considered with the information available from other sources, demonstrates to the Department's satisfaction that the amendment will correct a bona fide inaccuracy in the ROSI; and

2. If the requested amendment would remove a parcel or a portion of a parcel from a ROSI, the parcel or portion of parcel in question should not be classified as parkland under the criteria at (f) above.

(k) If the Department approves a request to amend a ROSI, it shall so notify the local government unit in writing. The local government unit shall then amend the ROSI and send it to the Department. The Department shall then either:

1. Direct the local government unit to execute a new declaration containing the amended ROSI. The local government unit shall have the declaration recorded with the County clerk or registrar and shall return a copy of the recorded declaration to the Department within 30 days of the recording date;

2. Approve the incorporation of the amendment as a revision to a ROSI submitted in connection with an application for funding under N.J.A.C. 7:36-6.4 or 12.4 or a pending project agreement under N.J.A.C. 7:36-9.1 or 14.1; or

3. Send to the local government unit a legal release of the Green Acres restrictions from the parcel previously listed in the ROSI. The local government unit shall have the release recorded with the County clerk or registrar and return the original of the release to the Department within 30 days of the recording date.

(l) If the Department denies a request to amend a ROSI, it shall so notify the local government unit in writing. The denial of a request to amend a ROSI under this section shall not preclude the local government unit from requesting to divert or dispose of the parcel in question by submitting an application for State House Commission approval of such diversion or disposal under N.J.A.C. 7:36-26.

(m) If the Department, subsequent to its execution of a project agreement, has reason to believe that the ROSI

incorporated into the project agreement does not include a parcel or portion of a parcel that was held by a local government unit for recreation and conservation purposes at the time of receipt of Green Acres funding and so should have been listed on the ROSI as unfunded parkland, or that the ROSI includes a parcel or portion of a parcel that was inappropriately listed and should be removed, the Department shall use the following process for determining whether to amend the local government unit's ROSI:

1. The Department shall send the local government unit a letter identifying the parcel or portion of the parcel that should be listed on or removed from the ROSI and stating the basis for its belief that the parcel was either held by or not held by the local government unit for recreation and conservation purposes at the time of receipt of Green Acres funding.

2. If the local government unit agrees that the parcel should be listed on or removed from its ROSI, the local government unit shall promptly amend the ROSI by using one of the methods listed in (k) above.

3. If the local government unit disagrees that the parcel should be listed on or removed from its ROSI, the following procedures shall be utilized:

- i. Within 30 days of receiving the Department's letter pursuant to (m)1 above, the local government unit shall submit to the Department documentation supporting its assertion that the land was either held for or not held for recreation and conservation purposes at the time of receipt of Green Acres funding;

- ii. The Department shall evaluate the documentation submitted by the local government unit taking into account the considerations listed at (f) above, and then shall notify the local government unit in writing of its final determination that the parcel was or was not held for recreation and conservation purposes at the time of receipt of Green Acres funding; and

- iii. If the Department determines that the parcel should be listed on or removed from the ROSI, within 90 days of such determination the local government unit shall amend the ROSI using one of the methods listed in (k) above.

(n) If the Department determines under (m)3ii above that a parcel was held for recreation and conservation purposes at the time of receipt of Green Acres funding, the failure of the local government unit to amend the ROSI and/or record the amended ROSI as directed by the Department under (m) above shall not affect the statutorily-imposed validity of the Green Acres restrictions on the parcel.

THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION HAS BEEN PUBLISHED IN THE JANUARY 3, 2006 NEW JERSEY REGISTER AT 38 N.J.R. 223. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

(o) The local government unit, or any other person with a constitutional right to request a hearing, may request an adjudicatory hearing under N.J.A.C. 7:36-25.16 to contest a denial under (m)1 above of a request to amend a ROSI or to contest the Department's determination under (m)3ii above that a parcel was held for recreation and conservation purposes at the time of receipt of Green Acres funding.

7:36-25.4 Development of parkland acquired as part of a grant incentive project

(a) This section establishes the procedures and requirements for any development of parkland acquired by a local government unit prior to June 30, 1999 as part of a grant incentive project.

(b) A local government unit may develop parkland acquired as part of a grant incentive project for the preservation of environmentally significant areas under the following procedures and requirements:

1. If the proposed development consists of de minimis development (for example, the installation of unpaved paths, trails, boardwalks, or minor landscaping), the local government unit need not obtain prior approval from the Department provided the following conditions are met:

- i. The proposed development meets all special conditions in the project agreement; and
- ii. The proposed development supports the use of the parkland for recreation and conservation purposes and will have no significant adverse impact on the natural resource values of the parkland.

2. If the proposed development consists of development other than de minimis development, the local government unit may proceed with the development provided the following conditions are met:

- i. The proposed development meets all special conditions in the project agreement;
- ii. The proposed development supports the use of the parkland for recreation and conservation purposes and will have no significant adverse impact on the natural resource values of the parkland;
- iii. If the proposed development is to be located in the area(s) delineated on the project reference map as areas in which development for recreation and conservation purposes is not expected to adversely

impact the natural resource values of the parkland, the local government unit shall, prior to commencing construction:

(1) As applicable, satisfy the procedural requirements for a change in purpose or use of funded parkland at N.J.A.C. 7:36-25.6, including, but not limited to, the requirement for a public hearing; and

(2) Obtain the Department's approval for any building to be constructed as part of the development in accordance with N.J.A.C. 7:36-25.7; and

iv. If the proposed development is to be located in the area or areas delineated on the map included in the project agreement for the acquisition project as areas in which development for recreation and conservation purposes is expected to adversely impact the natural resource values of the project, or the project reference map does not contain such delineation, the local government unit shall, prior to commencing construction:

(1) As applicable, satisfy the procedural requirements for a change in purpose or use of funded parkland at N.J.A.C. 7:36-25.6, including, but not limited, to the requirement for a public hearing;

(2) Obtain the Department's approval for any building to be constructed as part of the development in accordance with N.J.A.C. 7:36-25.7; and

(3) Obtain approval of the proposed development in accordance with (e) and (f) below.

(c) The development of parkland acquired as part of a grant incentive project for the preservation of environmentally significant areas is prohibited if such development:

- i. Does not meet the special conditions in the project agreement;
- ii. Does not support the use of the parkland for recreation and conservation purposes; or
- iii. Will have a significant adverse impact on the natural resource values of the parkland.

(d) A local government unit may develop parkland acquired as part of a grant incentive project for waterfront access, the protection of cultural, historic or archaeological resources or any other purpose under the following procedures and requirements:

RBNK-G1201

September 14, 2012

Nancy Lawrence, NJDEP
Compliance Officer
Bureau of Legal Services and Stewardship
Green Acres Program
501 East State Street
First Floor, Mail code 501-01
P.O. Box 420
Trenton, NJ 08625

**Re: Red Bank Borough, Monmouth County
ROSI Amendment
Block 8, Lots 1, 4, & 4.01**

Dear Ms. Lawrence:

As requested, please see the attached additional information in support of the Borough's request for a ROSI Amendment:

- k. Deed for transfer of property Block 8, Lots 1, and 4 between Monmouth Street Corp and the Borough of Red Bank, dated December 21, 1992. Please refer to pages 13-15, 21 and 22 for lot descriptions and Lot 4.01 as a riparian grant with lot 4.
- l. The Land Use Plan Section of the 1995 Master Plan for the Borough of Red Bank. Section on Waterfront Development district on page 6.
- m. The Community Facilities Plan Section of the 1995 Master Plan for the Borough of Red Bank. Section specific to the Library on page 52.
- n. 2002 Re-Examination Report of the Master Plan and Planning and Development Regulations of the Borough of Red Bank. Section regarding Parking on page 3.
- o. 2008 Re-Examination Report of the Master Plan and Planning and Development Regulations of the Borough of Red Bank. Section regarding parking on page 5.
- p. 2009 Re-Examination Report of the Master Plan and Planning and Development Regulations of the Borough of Red Bank. Section regarding parking on page 4.
- q. Zoning Map for The Borough of Red Bank, revised as of July 25, 2012
- r. Bond Ordinance No. 1994-5 for various capital improvements by and in the Borough of Red Bank including construction of a parking lot on municipal land located on Block 8, Lot 4 to be used by the public for public purposes on page 1.
- s. Ordinance No. 1993-26 which lists the acquisition of property located at Block 8 lots 1 & 4 for use by the Public Library on page 1.
- t. Resolution No. 93-214 adoption of the 1993 Capital Budget which includes the acquisition of Block 8 Lot 4 for Library Purposes on page 1.

In regards to the purchase of Block 8, Lots 1 & 4, the Deed package has been provided, which explains lot 4.01 is a Riparian Grant that is in conjunction with lot 4 (page 22). Resolution No. 93-214 outlines the Borough's Capital



*RBNK-G1201
September 14, 2012
Page 2*

*Le: Nancy Lawrence, NJDEP
Compliance Officer
Bureau of Legal Services and Stewardship
Green Acres Program*

*Re: Red Bank Borough, Monmouth County
ROSI Amendment
Block 8, Lots 1, 4, & 4.01*


Budget in 1993 and specifically sites the acquisition of Block 8, Lot 4 for Library Purposes (page 1). Ordinance No. 1993-26 again references Capital Improvements in the Borough sighting Block 8, Lots 1 & 4 as being obtained for Library and Public use (page 1). The Bond Ordinance No. 1994-5 authorized the construction of the parking lot on lot 4 for use by the public for public purpose (page 1). I would also like to bring to your attention the section in the Community Facilities Plan of the 1995 Master Plan that is specific to the Library mentions the recent addition of off-street parking and outdoor reading areas by the waterside, correlating to the recent acquisition of Lots 1 & 4 (page 52).

In the 1995 Master Plan, as well as all three subsequent Re-Examination Reports, you will find that providing adequate parking has been an ongoing struggle and goal for the Borough. The 2002 Re-Examination Report heightened the emphasis on providing adequate parking in the Changes in Land Development Objectives section and discouraged the Planning Board from granting approvals that involve expansion without providing additional parking (page 3). The 2008 Re-Examination Report explained that requiring sufficient parking had produced positive results; however, providing parking was still a concern in the Borough (page 5). Therefore, it is important for the Borough to be able to provide satisfactory parking for their public facilities and the public in general.

As requested, we would like the entirety of Block 8 Lots 1, 4 and 4.01 removed from the ROSI. In the interest of minimizing costs, sub-dividing the property (block 8, lot 1) would create unnecessary hardship for the Borough. Furthermore, NJDEP regulations for waterfront properties would restrict any further expansion of the parking lot. These lots were purchased for the ancillary use of the Public Library and the Borough, and the parking lots were constructed to be used by the public for public purpose. These lots have been utilized by the Borough as it was intended at the time they were purchased, and the Borough does not want to limit any future construction of a Riverwalk that would benefit the entire community.

If you have any questions, regarding the above, please feel free to contact me at 732-671-6400.

Very truly yours,


CHRISTINE A. BALLARD, P.E.
RED BANK BOROUGH ENGINEER

CAB:JLS:

Enclosures

cc: Stanley J. Sickels, Borough Administrator (w/ enclosures)
Pamela Borghi, Clerk (w/ enclosures)
Cecile Murphy, NJDEP
Jessica Patterson, NJDEP

H:\RBNK\G1201\Correspondence\Maple Cove ROSI\Lawrence_CAB_Maple Cove Rosi_additoinal info.docx

BOROUGH OF RED BANK FROM
MONMOUTH STREET CORP.
Block 8, Lots 1 & 4,
Front Street, Red Bank, New Jersey

LIBRARY BINDING B-8
END OF MAPS L-1, 4

PURCHASERS: BOROUGH OF RED BANK
SELLERS: MONMOUTH STREET CORP.
PROPERTY: BLOCK 8, LOTS 1 & 4,
FRONT ST., RED BANK, N.J.

1. (X) DEED {DEED BOOK 5276, PAGE 0546}
2. (X) OWNERS TITLE POLICY {POLICY #187-704384 ISSUED BY
Coastal Title Agency, Inc. - Nations Title Insurance of
New York, Inc.}
3. (X) AFFIDAVIT OF TITLE [SELLERS]
4. (X) CORPORATE RESOLUTION
5. (X) CLOSING STATEMENT
6. (X) AGREEMENT OF SALE

RICHARD T. O'CONNOR,
BOROUGH ATTORNEY

DEED

COUNTY OF MONMOUTH	
CONSIDERATION _____	
RTF <u>Blanketed</u>	RTF
DATE <u>11/9/94</u>	BY <u>AO</u>

THIS DEED, made this 21 day of December, 1993, between MONMOUTH STREET CORP., having an address c/o Midlantic National Bank, 499 Thornall Street, Edison, New Jersey 08818, herein designated as Grantor; and BOROUGH OF RED BANK, a municipal corporation, having an address at 32 Monmouth Street, Red Bank, New Jersey 07701, herein designated as the Grantee;

WITNESSETH, that the Grantor, for and in consideration of the sum of TWENTY FIVE THOUSAND AND 00/100 (\$25,000.00) Dollars and other good and valuable consideration, to the Grantor in hand well and truly paid by the Grantee, at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, and the Grantor being therewith fully satisfied, does by these presents grant, bargain, sell and convey unto the Grantee forever,

ALL that certain land and premises, situate, lying and being in the Borough of Red Bank, in the County of Monmouth and State of New Jersey, more particularly described on Exhibit A attached hereto and made a part hereof (the "premises").

BEING the premises conveyed to Grantor herein by Sheriff's Deed dated September 1, 1993, recorded in the Monmouth County Clerk's Office.

Subject to such state of facts as an accurate survey and physical inspection of the premises would disclose; zoning ordinances and other governmental regulations; all matters of record; easements, restrictions, rights of way and covenants appearing in prior instruments of record; and the lien of such real estate taxes as remain unpaid on the date hereof.

TOGETHER with all and singular the buildings, improvements, ways, woods, waters, watercourses, rights, liberties, privileges, hereditaments and appurtenances to the same belonging or in anywise appertaining; and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and of every part and parcel thereof; AND ALSO all the estate, right, title, interest, use, possession, property, claim and demand whatsoever, of the Grantor both in law and equity, of, in and to the premises herein described, and every part and parcel thereof, with the appurtenances. TO HAVE AND TO HOLD all and singular, the premises herein described, together with the appurtenances, unto the Grantee and to Grantee's proper use and benefit forever.

The Grantor covenants that except with respect to the effect of the encumbrances hereinabove mentioned, it has not done or executed, or knowingly suffered to be done or executed, any act, deed or thing whatsoever whereby or by means whereof the premises conveyed herein, or any part thereof, now are or at any time hereafter, will or may be charged or encumbered in any manner or way whatsoever.

Prepared by: Rand M Agins
RAND M. AGINS, ESQ.

DB5276-0546

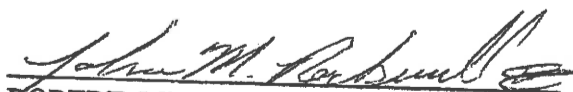
Pursuant to the Agreement dated November 2, 1993, by acceptance of this deed, Grantee agrees that Grantee, its successors and assigns, will not, under any circumstances, bring or implead, cross-claim, counterclaim or otherwise interpose any action, claim or lawsuit against Grantor or any of Grantor's successors in interest or assignees; or any of Grantor's parents, subsidiaries, affiliates, officers, directors or employees, if such action, claim or lawsuit arises out of, is the result of, or is in any way connected to: the existence of any underground or above-ground storage tanks or the registration or lack of registration thereof; the presence of any hazardous substances, hazardous wastes, petroleum or petroleum by-products (collectively "Hazardous Materials") at the premises or the exposure of any person or persons to such Hazardous Materials, whether such claim, action or lawsuit arises under common law or by virtue of any local, state or federal statute, rule, ordinance, regulation and/or the like, including, without limitation, the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §9601 et seq.; the Resources Conservation and Recovery Act, 42 U.S.C. §6901 et seq.; the Toxic Substances Control Act, 15 U.S.C. §2601 et seq.; the Federal Insecticide Fungicide and Rodenticide Control Act, 7 U.S.C. §136 et seq.; the Emergency Planning and Community Right to Know Act of 1986, 42 U.S.C. §11001 et seq.; the Clean Water Act, 33 U.S.C. §1251 et seq.; the Safe Drinking Water Act, 42 U.S.C. §300f et seq.; the Hazardous and Solid Waste Amendments of 1984, Public Law 86-616, Nov. 9, 1984; the Hazardous Materials Transportation Act, 49 U.S.C. §1801 et seq.; the Federal Clean Air Act, 42 U.S.C. §7401 et seq.; the Occupational Safety and Health Act of 1970, 29 U.S.C. §651 et seq.; the Industrial Site Recovery Act (formerly the Environmental Cleanup Responsibility Act), N.J.S.A. 13:1K-6, et seq.; the Underground Storage of Hazardous Substances Act, N.J.S.A. 58:10A-21, et seq.; the New Jersey Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq. and the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.

In all references herein to any parties, persons, entities or corporations, the use of any particular gender or the plural or singular number is intended to include the appropriate gender or number as the text of the within instrument may require.

Wherever in this instrument any party shall be designated or referred to by name or general reference, such designation is intended to and shall have the same effect as if the words "heirs, executors, administrators, personal or legal representatives, successors and assigns" had been inserted after each and every such designation.

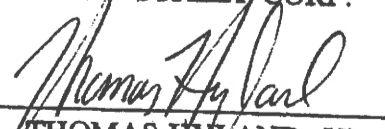
IN WITNESS WHEREOF, the Grantor has duly executed this instrument the day and year first above written.

ATTEST:


ROBERT J. FINLAY
JOHN M. ROCKWELL
Monmouth, DEED

MONMOUTH STREET CORP.

By:


THOMAS HYLAND, Vice
President

SCHEDULE "A"

ALL that certain lot, tract or parcel of land and premises situate, lying and being in the Borough of Red Bank, County of Monmouth and State of New Jersey.

BEING also known as Lots 1 and 1R in Block 8, on the Official Tax Map of the Borough of Red Bank.

BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING at a point in the easterly side of Maple Avenue and in the northwesterly corner of property of Madelon M. Proal; thence (1) along the easterly side of Maple Avenue, north one degree four minutes west, two hundred and eight feet, more or less, to the high water line of the North Shrewsbury River; thence (2) starting again at the aforesaid beginning point and running along the northerly line of property of Madelon M. Proal and property of L. F. Hance, north eighty degrees fourteen minutes east, sixty and fifty-hundredths feet to the westerly line of property of Edwards, formerly Isaacs; thence (3) along the westerly line of property of Edwards, formerly Isaacs, north three degrees fifty minutes west, one hundred seventy-six feet, more or less, to the high water line of the North Shrewsbury River; thence (4) northwesterly along the high water line of the North Shrewsbury River, fifty-six feet more or less to the ending of the first described course.

TOGETHER WITH all the right, title and interest of the Grantor in and to any and all riparian rights conveyed to John T. Allen by the State of New Jersey by Deed dated September 28, 1874, and recorded in the Monmouth County Clerk's Office in Book 266 of Deeds, page 136 et seq., EXCEPTING, HOWEVER, such riparian rights as were conveyed to the Borough of Red Bank by John T. Allen by Deed dated November 17, 1911, and recorded in the Monmouth County Clerk's Office in Book 965 of Deeds, page 57 et seq.

BEING the same premises conveyed to the Mortgagor herein by deed from Joseph C. Irwin, Edwin W. Irwin and Charles P. Irwin, Jr. of even date herewith and about to be recorded simultaneously herewith; this being a second purchase money mortgage being given to secure a portion of the consideration.

BEING COMMONLY KNOWN AS TAX LOTS 1 AND 1R IN TAX BLOCK 8 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF RED BANK.

D35276-0548

Map Reference. (N.J.S.A. 46:15 2.1) Municipality of Red Bank
Block No. 8 Lot No. 4 Account No.
 No property tax identification number is available on the date of this deed. (Check box if applicable.)
Property. The property consists of the land and all the buildings and structures on the land
the Borough of Red Bank
County of Monmouth and State of New Jersey. The legal description is

FIRST TRACT:

BEGINNING at a marble monument in the northerly side of West Front Street at the southeast corner of property belonging to Helen B. Isaacs; thence

- (1) North eighty degrees fourteen minutes East along the northerly side of West Front Street, seventy and ninety-five one hundredths feet to a stake in the southwesterly corner of property of formerly Sigmund Eisner, said stake being distant eighty-four feet westerly along the northerly side of West Front Street from a marble monument in the southwesterly corner of property of Howard White Estate; thence
- (2) North eight degrees fifty-one minutes West three hundred and six and ninety-five one hundredths feet along said land of formerly Sigmund Eisner to a stake standing at the high water line of the North Shrewsbury River and three and five-tenths feet westerly from the foundation of a barn on the aforesaid Sigmund Eisner property; thence
- (3) South eighty-two degrees sixteen minutes West forty-three and seventy-eight one-hundredths feet along said high water line to a stake; thence
- (4) South three degrees fifty minutes East along the easterly side of property of said Helen B. Isaacs, three hundred and ten and twelve one-hundredths feet to the place of BEGINNING.

BEING COMMONLY KNOWN AS TAX LOT 4 IN TAX BLOCK 8 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF RED BANK.

D35276-0549

THE HEREBEFORE PREMISES ARE FURTHER DESCRIBED AS FOLLOWS:
BEGINNING at a marble monument in the northerly side of West
Front Street said point being the southeast corner of property
of formerly Helen E. Isaacs, also being at the corner of
Lots 4 and 5 in Block 8 on the Tax Map of the Borough
of Red Bank, Monmouth County, New Jersey and running: thence
1. Along said northerly line of West Front Street, South 30° 0'
14 minutes West, a distance of 70.95 feet to a point; then
2. North 03 degrees 50 minutes West, a distance of 310.12 feet
point in the former highwater line of the North Shrewsbury
(Navesink River); thence
3. North 18 degrees 15 minutes 59 seconds East, a distance of
feet to a point in a timber bulkhead; thence
4. Along said timber bulkhead and a concrete bulkhead North 2
degrees 43 minutes 57 seconds East, a distance of 32.80 feet
point; thence
5. Still along said concrete bulkhead North 88 degrees 43 min
57 seconds East, a distance of 12.55 feet to a point; then
6. South 08 degrees 51 minutes East, a distance of 364.64 feet
point or place of BEGINNING.
TOGETHER WITH a Riparian Grant dated September 10, 1874 and re
November 16, 1882 in Deed Book 336 page 277.
THE ABOVE DESCRIPTION is drawn in accordance with a survey by
THOMAS P. SANTRY, L.S. #11163, dated August 25, 1986.
ALSO KNOWN as Lot 4 Block 8 on the Official Tax Map of the Bor
of Red Bank, County of Monmouth and State of New Jersey.
COMMONLY KNOWN as 90 West Front Street, Red Bank, New Jersey.

DB5276-0550

STATE OF NEW JERSEY
AFFIDAVIT OF CONSIDERATION OR EXEMPTION
(c. 49, P.L. 1968)

ALL-STATE LEGAL SUPPLY CO.
One Commerce Drive, Cranford, N. J. 07016
ADGRV -1

or
PARTIAL EXEMPTION
(c. 176, P. L. 1975)

To Be Recorded With Deed Pursuant to c. 49, P.L. 1968, as amended by c. 225, P.L. 1985 (N.J.S.A. 46:15-5 et seq.)

STATE OF NEW JERSEY

COUNTY OF MIDDLESEX

} ss.

FOR RECORDER'S USE ONLY

Consideration \$ _____
Realt. T. _____
Date 1/31/94 By [Signature]

*Use symbol "C" to indicate that fee is exclusively for county use.

(1) PARTY OR LEGAL REPRESENTATIVE (See Instructions #3, 4 and 5 on reverse side)

Deponent, THOMAS HYLAND

(Name) _____, being duly sworn according to law upon his/her oath deposes and

says that he/she is the Vice President of Grantor

(State whether Grantor, Grantee, Legal Representative, Corporate Officer, Officer of Title Co. Lending Institution, etc.)

in a deed dated December 1993, transferring real property identified as Block No. 8

Lot No. 1 + 4 located at Front Street, Red Bank, New Jersey

(Street Address, Municipality, County)

and annexed hereto.

(2) CONSIDERATION (See Instruction #6)

Deponent states that, with respect to deed hereto annexed, the actual amount of money and the monetary value of any other thing of value constituting the entire compensation paid or to be paid for the transfer of title to the lands, tenements or other realty, including the remaining amount of any prior mortgage to which the transfer is subject or which is to be assumed and agreed to be paid by the grantee and any other lien or encumbrance thereon not paid, satisfied or removed in connection with the transfer of title is \$ 25,000.00

(3) FULL EXEMPTION FROM FEE Deponent claims that this deed transaction is fully exempt from the Realty Transfer Fee imposed by c. 49, P.L. 1968, for the following reason(s): Explain in detail. (See Instruction #7.) Mere reference to exemption symbol is not sufficient.

Deed is granted to Borough of Red Bank, a Municipal Corporation

(4) PARTIAL EXEMPTION FROM FEE NOTE: All boxes below apply to grantor(s) only. ALL BOXES IN APPROPRIATE CATEGORY MUST BE CHECKED. Failure to do so will void claim for partial exemption. (See Instructions #8 and #9)

Deponent claims that this deed transaction is exempt from the increased portion of the Realty Transfer Fee imposed by c. 176, P.L. 1975 for the following reason(s):

a) SENIOR CITIZEN (See Instruction #8)

- Grantor(s) 62 yrs. of age or over.*
- One or two-family residential premises
- Owned and occupied by grantor(s) at time of sale.
- No joint owners other than spouse or other qualified exempt owners.

b) BLIND (See Instruction #8)

- Grantor(s) legally blind.*
- One or two-family residential premises.
- Owned and occupied by grantor(s) at time of sale.
- No joint owners other than spouse or other qualified exempt owners.

DISABLED (See Instruction #8)

- Grantor(s) permanently and totally disabled.*
- One or two-family residential premises.
- Receiving disability payments.
- Owned and occupied by grantor(s) at time of sale.
- Not gainfully employed.
- No joint owners other than spouse or other qualified exempt owners.

*IN THE CASE OF HUSBAND AND WIFE, ONLY ONE GRANTOR NEED QUALIFY.

c) LOW AND MODERATE INCOME HOUSING (See Instruction #8)

- Affordable According to H. U. D. Standards.
- Meets Income Requirements of Region.
- Reserved for Occupancy.
- Subject to Resale Controls.

d) NEW CONSTRUCTION (See Instruction #9)

- Entirely new improvement.
- Not previously used for any purpose.
- Not previously occupied.

Deponent makes this Affidavit to induce the County Clerk or Register of Deeds to record the deed and accept the fee submitted herewith in accordance with the provisions of c. 49, P.L. 1968.

Subscribed and Sworn to before me this

day of December 21, 19 93

[Signature]

Name of Deponent (sign above line)

Thomas Hyland

Address of Deponent

Monmouth Street Corp.

Name of Grantor (type above line)

499 Thornall Street
Edison, New Jersey

Address of Grantor at Time of Sale

AN ATTORNEY AT
LAW OF NEW JERSEY

FOR OFFICIAL USE ONLY This space for use of County Clerk or Register of Deeds.
Instrument Number _____ County _____
Deed Number _____ Book _____ Page _____
Deed Dated _____ Date Recorded _____

IMPORTANT - BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE HEREOF. This form is prescribed by the Director, Division of Taxation in the Department of the Treasury, as required by law, and may not be altered or amended without the approval of the Director.

ORIGINAL - White copy to be retained by County.

DUPLICATE - Yellow copy to be forwarded by County to Division of Taxation on partial exemption from fee (N.J.A.C. 18:16-8.12).

TRIPPLICATE - Pink copy is your file copy.

085276-0551

WHITE AND YELLOW COPIES MUST BE SUBMITTED WITH DEED TO COUNTY RECORDING OFFICER

STATE OF NEW JERSEY

SS:

COUNTY OF MIDDLESEX

BE IT REMEMBERED, that on this 21 day of December, 1993, before me, the subscriber, An Attorney at Law of the State of New Jersey, personally appeared Thomas Hyland, the Vice President of Monmouth Street Corp., who I am satisfied, is the person who has signed the within Instrument on behalf of said corporation; and I having first made known to him the contents thereof, he thereupon acknowledged that he signed, sealed with the corporate seal and delivered the said Instrument as such officer aforesaid; and that the within Instrument is the voluntary act and deed of said corporation, made by virtue of authority from its Board of Directors and that the full and actual consideration paid or to be paid for the transfer of title to realty evidenced by the within deed, as such consideration is defined in P.L. 1968, 6.49, sec. 1(c) is \$25,000.00.



RAND M. AGINS
An Attorney at Law of the State
of New Jersey

DEED

MONMOUTH STREET CORP.

TO

BOROUGH OF RED BANK

Dated: December 21, 1993

RECORD AND RETURN TO:

At-empt
Chg 32
Richard T. Stone
509 Bellvue Ave. Rd
Freehold 07727

Fi 669

179981

RECORDED
JAN 3 1994 9:44 AM
MONMOUTH COUNTY CLERK
JANE G. CLAYTON

END OF DOCUMENT

CHANGE OF NAME ENDORSEMENT

Issued by

**Nations Title Insurance
of New York Inc.**

JUN 1994
RECEIVED

This Company has changed its name from TRW Title Insurance of New York Inc. to

Nations Title Insurance of New York Inc.

All forms are being reprinted with the new name designation.

In the meanwhile, wherever the name TRW Title Insurance of New York Inc. appears in the attached forms, it shall be deemed to be

Nations Title Insurance of New York Inc.

Wherever any policy, endorsement or contract requires a notice or any other statement in writing to be sent to this Company, it should be addressed to its office at 6800 College Boulevard, Suite 700, Overland Park, Kansas 66211.

COASTAL TITLE AGENCY, INC.
21 West Main Street
P.O. Box 740
Freehold, NJ 07728
Toll Free in N.J. 800-521-0378
(908) 308-1660

**Nations Title Insurance
of New York Inc.**

By: *Richard Alexander*
President

Attest: *Christy Likens*
Secretary

Countersigned:
By *[Signature]*
Authorized Officer or Agent



Policy of Title Insurance

Issued By

0 187-704384

TRW Title Insurance of New York Inc.

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, TRW Title Insurance of New York Inc., a New York Corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land;

The company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

COASTAL TITLE AGENCY, INC.
 21 West Main Street
 P.O. Box 740
 Freehold, NJ 07728
 Toll Free in N.J. 800-521-0378
 (908) 308-1660

**TRW Title Insurance
of New York Inc.**

Richard Alexander
 President

ATTEST

Christy M. Sikes
 Secretary

Countersigned:

By

[Signature]

 Authorized Officer or Agent

BEGINNING at a point in the easterly side of Maple Avenue and in the northwesterly corner of property of Madelon M. Proal; thence

1. Along the easterly side of Maple Avenue, North 01 degree 04 minutes West, 208.00 feet, more or less, to the high water line of the North Shrewsbury River; thence
2. Starting again at the aforesaid Beginning point and running along the northerly line of property of Madelon M. proal and property of l.F. Hance, North 80 degrees 14 minutes East, 60.50 feet to the westerly line of property of Edwards, formerly Isaacs; thence
3. Along the westerly line of property of Edwards, formerly Isaacs, North 03 degrees 50 minutes West, 176.00 feet, more or less, to the high water line of North Shrewsbury River; thence
4. Northwesterly along the high water line of the North Shrewsbury River, 56 feet more or less to the ending of the first described course.

ALTA Owner's Policy
(10-21-87)
Schedule A

OWNER TITLE INSURANCE POLICY

SCHEDULE A

Policy No. 0187-704384

File No. CT-11811

Date of Policy: January 03, 1994

Amount of Insurance
\$25,000.00

1. Name of Insured:

BOROUGH OF RED BANK, a municipal corporation

2. The estate or interest in the land described herein and which is covered by this policy is: Fee Simple

3. The estate or interest referred to herein is at date of policy vested in

BOROUGH OF RED BANK, a municipal corporation

4. The land referred to in this Policy is described as follows:

Being the same premises as conveyed to the insured by Deed from Monmouth Street Corp., dated December 21, 1993, recorded January 3, 1994 in the Monmouth County Clerk's Office in Deed Book 5276 page 546.

(See description attached)

TRW

3. South 82 degrees 16 minutes West, 43.78 feet along said water line to a stake; thence

4. South 03 degrees 50 minutes East along the easterly side of property of said Helen B. Isaacs, 310.12 feet to the place of BEGINNING.

Second Tract:

BEGINNING at the high water line of the North Shrewsbury River at the northwesterly corner of the tract above described; thence

1. Northeasterly along the westerly line of the original grant from the State of New Jersey, bearing date September 10, 1874, and recorded in the Monmouth County Clerk's Office in Book 356 of Deeds on Page 277 &c., 97.00 feet to the exterior line of solid filling established by the Riparian Commissioners of the State of New Jersey; thence

2. Easterly along said exterior line for solid filling, 16.00 feet; thence

3. Southwesterly 36 feet, more or less, to a point in the bulkhead where the easterly side of the tract above described produced northerly intersects same; thence

4. South 08 degrees 51 minutes East, 58.06 feet to the said high water line of the North Shrewsbury River; thence

5. South 82 degrees 16 minutes West, along said high water line, 43.78 feet to the BEGINNING.

Together with the estate, right, title and interest of the party of the first part of, in and to the North Shrewsbury River and land under the water of said River, lying in front of and adjoining the premises above described.

Together with the right and privilege in common with others to use a certian right of way extending from the westerly side of the First Tract described in the deed heretofore made by the Executors and Trustees of the Last Will and Testament of Rosa Weis, deceased, to the Seago Trading Company to Maple Avenue insofar as the party of the first part has the right, if at all, to frant and convey the same.

The hereinbefore premises are further described as follows:

BEGINNING at a marble monument in the northerly side of West Front Street, said point being the southeast corner of property now or formerly Helen B. Isaacs, also being in the dividing line between Lots 4 and 5 in Block 5 as shown on the Tax Map of the Borough of Red Bank, Monmouth County, New Jersey and running; thence

1. Along said northerly line of West Front Street, South 80 degrees 14 minutes West, a distance of 70.95 feet to a point; thence

2. North 03 degrees 50 minutes West, a distance of 310.12 feet to a point in the former highwater line of the North Shrewsbury River (Navesink River); thence
3. North 18 degrees 15 minutes 59 seconds East, a distance of 33.33 feet to a point in a timber bulkhead; thence
4. Along said timber bulkhead and a concrete bulkhead, North 20 degrees 43 minutes 57 seconds East, a distance of 32.80 feet to a point; thence
5. Still along said concrete bulkhead, North 88 degrees 43 minutes 57 seconds East, a distance of 12.55 feet to a point; thence
6. South 08 degrees 51 minutes East, a distance of 364.64 feet to the point or place of BEGINNING.

Together with a Riparian Grant dated September 10, 1874 and recorded November 16, 1882 in Deed Book 356, Page 277.

The above description is drawn in accordance with a survey prepared by Thomas P. Santry, L.S. #11163 dated August 25, 1986.

Also known as Lot 4 in Block 8 on the Official Tax Map of the Borough of Red Bank, County of Monmouth and State of New Jersey.

Commonly known as 90 West Front Street, Red Bank, New Jersey.

TRW

OWNER TITLE INSURANCE POLICY

SCHEDULE B

Policy No. 0187-704384

File No. CT-11811

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorney's fees or expenses) which arise by reason of:

1. Rights or claims of parties in possession not shown by the public records.
2. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the premises.
3. Easements or claims of easements not shown by the public records.
4. Any lien, or right to a lien, for services, labor, or material heretofore furnished, imposed by law and not shown in the public records.
5. Taxes or assessments which are not shown as existing liens by the public records of any taxing authority that levies taxes or assessments on real property or by the public record. Proceedings by a public agency which may result in taxes or assessments, or notice of such proceedings, whether or not shown by the records of such agency or the public record.
6. Lien for unpaid taxes for the year 1993.
(Taxes paid through date of closing)
7. Possible additional taxes assessed or levied under N.J.S.A. 54:4-63.1 et seq.

NOTE: Policy insures that the alphabetical Indices have been searched through the recording of the Deed and/or Mortgage, and same are properly indexed.

8. Subject to rights of the utility company servicing the insured property for water, sewer, electric, telephone and cable television.

NOTE: Policy insures that said rights are beneficial and appurtenant to the insured property and that the dwelling does not encroach on the utility lines and said utility lines do not interfere with the use and occupancy of the dwelling.

9. Easement as contained in Deed Book 1873, Page 398, Deed Book 4688, Page 347, Deed Book 188, Page 372 and Deed Book 1708, Page 114.
10. Subject to terms and conditions of riparian grant made by the State of New Jersey to John T. Allen, dated September 28, 1874, recorded November 12, 1874, in Deed Book 266, Page 136.

11. Subject to terms and conditions of riparian grant made by the State of New Jersey to Joseph S. Applegate, dated September 28, 1874, recorded November 10, 1882, in Deed Book 356, Page 277.
12. Present level of Navesink and North Shrewsbury River is not hereby guaranteed.
13. Lands lying under and within Navesink and North Shrewsbury River are not hereby insured.
14. Policy does not insure any part of the insured premises lying beyond the mean high water mark of the Navesink and North Shrewsbury River as may be established by the State of New Jersey.
15. Rights of the Department of Environmental Protection to supervise plans for any building or other structure, improvement or development erected or to be erected or made on the waterfront and to abate as a public nuisance any improvements thereon commenced or made since April 8, 1914, without approval of the New Jersey Harbor Commission or said Department of Environmental Protection under authority given by Public Laws of New Jersey of 1914, Page 205, Section 4 and all amendments and supplements thereto.

TRW

CONDITIONS AND STIPULATIONS

(continued from inside front cover)

(b) The Company shall have the right, at its own cost, to institute and prosecute any action or proceeding or to do any other act which in its opinion may be necessary or desirable to establish the title to the estate or interest, as insured, or to prevent or reduce loss or damage to the insured. The Company may take any appropriate action under the terms of this policy, whether or not it shall be liable hereunder, and shall not thereby concede liability or waive any provision of this policy. If the Company shall exercise its rights under this paragraph, it shall do so diligently.

(c) Whenever the Company shall have brought any action or interposed a defense as required or permitted by the provisions of this policy, the Company may pursue any litigation to final determination by a court of competent jurisdiction and expressly reserves the right, in its sole discretion, to appeal from any adverse judgment or order.

(d) In all cases where this policy permits or requires the Company to prosecute or provide for the defense of any action or proceeding, the insured shall secure to the Company the right to so prosecute or provide defense in the action or proceeding, and all appeals therein, and permit the Company to use, at its option, the name of the insured for this purpose. Whenever requested by the Company, the insured, at the Company's expense, shall give the Company all reasonable aid (i) in any action or proceeding, securing evidence, obtaining witnesses, prosecuting or defending the action or proceeding, or effecting settlement, and (ii) in any other lawful act which in the opinion of the Company may be necessary or desirable to establish the title to the estate or interest as insured. If the Company is prejudiced by the failure of the insured to furnish the required cooperation, the Company's obligations to the insured under the policy shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such cooperation.

5. PROOF OF LOSS OR DAMAGE.

In addition to and after the notices required under Section 3 of these Conditions and Stipulations have been provided the Company, a proof of loss or damage signed and sworn to by the insured claimant shall be furnished to the Company within 90 days after the insured claimant shall ascertain the facts giving rise to the loss or damage. The proof of loss or damage shall describe the defect in, or lien or encumbrance on the title, or other matter insured against by this policy which constitutes the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage. If the Company is prejudiced by the failure of the insured claimant to provide the required proof of loss or damage, the Company's obligations to the insured under the policy shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such proof of loss or damage.

In addition, the insured claimant may reasonably be required to submit to examination under oath by any authorized representative of the Company and shall produce for examination, inspection and copying, at such reasonable times and places as may be designated by any authorized representative of the Company, all records, books, ledgers, checks, correspondence and memoranda, whether bearing a date before or after Date of Policy, which reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the insured claimant shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect and copy all records, books, ledgers, checks, correspondence and memoranda in the custody or control of a third party, which reasonably pertain to the loss or damage. All information designated as confidential by the insured claimant provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the insured claimant to submit for examination under oath, produce other reasonably requested information or grant permission to secure reasonably necessary information from third parties as required in this paragraph, shall terminate any liability of the Company under this policy as to that claim.

6. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS; TERMINATION OF LIABILITY.

In case of a claim under this policy, the Company shall have the following additional options:

(a) To Pay or Tender Payment of the Amount of Insurance.

To pay or tender payment of the amount of insurance under this policy together with any costs, attorneys' fees and expenses incurred by the insured claimant, which were authorized by the Company, up to the time of payment or tender of payment and which the Company is obligated to pay.

Upon the exercise by the Company of this option, all liability and obligations to the insured under this policy, other than to make the payment required, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, and the policy shall be surrendered to the Company for cancellation.

(b) To Pay or Otherwise Settle With Parties Other than the Insured or With the Insured Claimant.

(i) to pay or otherwise settle with other parties for or in the name of an insured claimant any claim insured against under this policy, together with any costs, attorneys' fees and expenses incurred by the insured claimant which were authorized by the Company up to the time of payment and which the Company is obligated to pay; or

(ii) to pay or otherwise settle with the insured claimant the loss or damage provided for under this policy, together with any costs, attorneys' fees and expenses incurred by the insured claimant which were authorized by the Company up to the time of payment and which the Company is obligated to pay.

Upon the exercise by the Company of either of the options provided for in paragraphs (b)(i) or (ii), the Company's obligations to the insured under this policy for the claimed loss or damage, other than the payments required to be made, shall terminate, including any liability or obligation to defend, prosecute or continue any litigation.

7. DETERMINATION, EXTENT OF LIABILITY AND COINSURANCE.

This policy is a contract of indemnity against actual monetary loss or damage sustained or incurred by the insured claimant who has suffered loss or damage by reason of matters insured against by this policy and only to the extent herein described.

(a) The liability of the Company under this policy shall not exceed the least of:

(i) the Amount of Insurance stated in Schedule A; or,

(ii) the difference between the value of the insured estate or interest as insured and the value of the insured estate or interest subject to the defect, lien or encumbrance insured against by this policy.

(b) In the event the Amount of Insurance stated in Schedule A at the Date of Policy is less than 80 percent of the value of the insured estate or interest or the full consideration paid for the land, whichever is less, or if subsequent to the Date of Policy an improvement is erected on the land which increases the value of the insured estate or interest by at least 20 percent over the Amount of Insurance stated in Schedule A, then this Policy is subject to the following:

(i) where no subsequent improvement has been made, as to any partial loss, the Company shall only pay the loss pro rata in the proportion that the amount of insurance at Date of Policy bears to the total value of the insured estate or interest at Date of Policy; or

(ii) where a subsequent improvement has been made, as to any partial loss, the Company shall only pay the loss pro rata in the proportion that 120 percent of the Amount of Insurance stated in Schedule A bears to the sum of the Amount of Insurance stated in Schedule A and the amount expended for the improvement.

The provisions of this paragraph shall not apply to costs, attorneys' fees and expenses for which the Company is liable under this policy, and shall only apply to that portion of any loss which exceeds, in the aggregate, 10 percent of the Amount of Insurance stated in Schedule A.

(c) The Company will pay only those costs, attorneys' fees and expenses incurred in accordance with

Section 4 of these Conditions and Stipulations.

8. APPORTIONMENT.

If the land described in Schedule A consists of two or more parcels which are not used as a single site, and a loss is established affecting one or more of the parcels but not all, the loss shall be computed and settled on a pro rata basis as if the amount of insurance under this policy was divided pro rata as to the value on Date of Policy of each separate parcel to the whole, exclusive of any improvements made subsequent to Date of Policy, unless a liability or value has otherwise been agreed upon as to each parcel by the Company and the insured at the time of the issuance of this policy and shown by an express statement or by an endorsement attached to this policy.

9. LIMITATION OF LIABILITY.

(a) If the Company establishes the title, or removes the alleged defect, lien or encumbrance, or cures the lack of a right of access to or from the land, or cures the claim of unmarketability of title, all as insured, in a reasonably diligent manner by any method, including litigation and the completion of any appeals therefrom, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused thereby.

(b) In the event of any litigation, including litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals therefrom, adverse to the title as insured.

(c) The Company shall not be liable for loss or damage to any insured for liability voluntarily assumed by the insured in settling any claim or suit without the prior written consent of the Company.

10. REDUCTION OF INSURANCE; REDUCTION OR TERMINATION OF LIABILITY.

All payments under this policy, except payments made for costs, attorneys' fees and expenses, shall reduce the amount of the insurance pro tanto.

11. LIABILITY NONCUMULATIVE.

It is expressly understood that the amount of insurance under this policy shall be reduced by any amount the Company may pay under any policy insuring a mortgage to which exception is taken in Schedule B or to which the insured has agreed, assumed, or taken subject, or which is hereafter executed by an insured and which is a charge or lien on the estate or interest described or referred to in Schedule A, and the amount so paid shall be deemed a payment under this policy to the insured owner.

12. PAYMENT OF LOSS.

(a) No payment shall be made without producing this policy for endorsement of the payment unless the policy has been lost or destroyed, in which case proof of loss or destruction shall be furnished to the satisfaction of the Company.

(b) When liability and the extent of loss or damage has been definitely fixed in accordance with these Conditions and Stipulations, the loss or damage shall be payable within 30 days thereafter.

13. SUBROGATION UPON PAYMENT OR SETTLEMENT.

(a) **The Company's Right of Subrogation.**
Whenever the company shall have settled and paid a claim under this policy, all right of subrogation shall vest in the Company unaffected by any act of the insured claimant.

The Company shall be subrogated to and be entitled to all rights and remedies which the insured claimant would have had against any person or property in respect to the claim had this policy not been issued. If requested by the Company, the insured claimant shall transfer to the Company all rights and remedies against any person or property necessary in order to perfect this right of subrogation. The insured claimant shall permit the Company to

(continued on back)

AFFIDAVIT OF TITLE

STATE OF NEW JERSEY
COUNTY OF MIDDLESEX

SS.:

Thomas Hyland and ~~Robert J. Finlay~~
JOHN M. ROCKWELL

say under oath:

1. **Officers.** We are officers of Monmouth Street Corp.
a corporation of the State of New Jersey. The Corporation will be called the "corporation" and sometimes simply "it" or "its". The Vice President of the corporation is Thomas Hyland
~~and resides at~~
The Staff Officer Secretary is ~~Robert J. Finlay~~
JOHN M. ROCKWELL ~~and resides at~~
We are fully familiar with the business of the corporation. We are citizens of the United States and at least 18 years old.

2. **Representations.** The statements contained in this affidavit are true to the best of our knowledge, information and belief.

3. **Corporate Authority.** The corporation is the only owner of property ~~located at~~ described on Exhibit A attached hereto called "this property".
This property is to be conveyed by the corporation to Borough of Red Bank

This action, and the making of this affidavit of title, have been duly authorized by a proper resolution of the Board of Directors of the corporation. A copy of this resolution, bearing the seal of the corporation, is attached and made a part of this affidavit. The corporation is legally authorized to transact business in New Jersey. It has paid all state franchise taxes presently due. Its charter, franchise and corporate powers have never been suspended or revoked. It is not restrained from doing business nor has any legal action been taken for that purpose. It has never changed its name or used any other name.

4. **Approval by Shareholders.** (check one only)
 Shareholder approval is not required.
 This is a sale of all or substantially all of the assets of the corporation. The sale is not made in the regular course of the business of the corporation. A copy of the authorization and approval of the shareholders is attached.

5. **Ownership and Possession.** It has owned this property since September 1, 19 93. Since then no one has questioned its right to possession or ownership. ~~The corporation has sole possession of this property. It has not entered into any agreement with the Buyers of this property. It has not granted any rights concerning the purchase or lease of this property.~~

6. **Improvements.** ~~There are no improvements on this property. No progress or have been made to this property. It has always obtained all necessary permits and certificates of occupancy. No similar improvements benefiting this property have been made or worked on within the property. The corporation is not aware that anyone has filed or intends to file a mechanic's lien or building contract relating to this property. No one has notified it that money is due and owing for construction or repair work on this property.~~

7. **Liens or Encumbrances** It has not allowed any interests (legal rights) to be created which affect its ownership or use of this property. No other persons have legal rights in this property, except the rights of utility companies to use this property along the road or for the purpose of serving this property. ~~The corporation does not have any pending lawsuits or legal obligations which may be enforced against this property. It does not owe any disability, unemployment, corporate franchise, social security, municipal or alcoholic beverage tax payments. No bankruptcy or insolvency proceedings have been started by or against it, nor has it ever been declared bankrupt. No one has any security interest in any personal property or fixtures on this property. All debts due to or from the corporation are listed on the attached judgment of non search are not against the corporation.~~

8. **Exceptions.** The following is a complete list of exceptions to any of the above statements. This includes all liens or mortgages which are not being paid as a result of this transaction.
Such items of exception as are shown on Title Report, made by _____ title number _____ as amended to date hereof and the items set forth on Exhibit B attached hereto.

9. **Reliance.** The corporation makes this affidavit in order to induce the Buyer(s) or the Lender to accept its deed or mortgage. It is aware that the Buyer(s) or the Lender will rely on the statements made in this affidavit and on its truthfulness.

Signed and sworn to before me on
December 21, 19 93
Redman

Thomas Hyland
THOMAS HYLAND
John M. Rockwell
ROBERT J. FINLAY
JOHN M. ROCKWELL

SCHEDULE "A"

ALL that certain lot, tract or parcel of land and premises situate, lying and being in the Borough of Red Bank, County of Monmouth and State of New Jersey.

BEING also known as Lots 1 and 1R in Block 8, on the Official Tax Map of the Borough of Red Bank.

BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING at a point in the easterly side of Maple Avenue and in the northwesterly corner of property of Madelon M. Proal; thence (1) along the easterly side of Maple Avenue, north one degree four minutes west, two hundred and eight feet, more or less, to the high water line of the North Shrewsbury River; thence (2) starting again at the aforesaid beginning point and running along the northerly line of property of Madelon M. Proal and property of L. F. Wance, north eighty degrees fourteen minutes east, sixty and fifty-hundredths feet to the westerly line of property of Edwards, formerly Isaacs; thence (3) along the westerly line of property of Edwards, formerly Isaacs, north three degrees fifty minutes west, one hundred seventy-six feet, more or less, to the high water line of the North Shrewsbury River; thence (4) northwesterly along the high water line of the North Shrewsbury River, fifty-six feet more or less to the ending of the first described course.

TOGETHER WITH all the right, title and interest of the Grantor in and to any and all riparian rights conveyed to John T. Allen by the State of New Jersey by Deed dated September 28, 1874, and recorded in the Monmouth County Clerk's Office in Book 266 of Deeds, page 136 et seq., EXCEPTING, HOWEVER, such riparian rights as were conveyed to the Borough of Red Bank by John T. Allen by Deed dated November 17, 1913, and recorded in the Monmouth County Clerk's Office in Book 963 of Deeds, page 57 et seq.

BEING the same premises conveyed to the Mortgagee herein by deed from Joseph C. Irwin, Edwin W. Irwin and Charles P. Irwin, Jr. of even date herewith and about to be recorded simultaneously herewith; this being a second purchase money mortgage being given to secure a portion of the consideration.

BEING COMMONLY KNOWN AS TAX LOTS 1 AND 1R IN TAX BLOCK 8 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF RED BANK.

MB:206-0286

Tax Map Reference: INJ.S.A. 46:15 2.1 Municipality of Red Bank
Block No. 8 Lot No. 4 Account No.
 No property tax identification number is available on the date of this decd. it has not been assessed.
Property. The property consists of the land and all the buildings and structures on the lot
the Borough of Red Bank
County of Monmouth and State of New Jersey. The legal description is

FIRST TRACT:

BEGINNING at a marble monument in the northerly side of West Front Street at the southeast corner of property belonging to Helen B. Isaacs; thence

- (1) North eighty degrees fourteen minutes East along the northerly side of West Front Street, seventy and ninety-five one hundredths feet to a stake in the southwesterly corner of property of formerly Sigmund Eisner, said stake being distant eighty-four feet westerly along the northerly side of West Front Street from a marble monument in the southwesterly corner of property of Howard White Estate; thence
- (2) North eight degrees fifty-one minutes West three hundred and six and ninety-five one hundredths feet along said land of formerly Sigmund Eisner to a stake standing at the high water line of the North Shrewsbury River and three and five-tenths feet westerly from the foundation of a barn on the aforesaid Sigmund Eisner property; thence
- (3) South eighty-two degrees sixteen minutes West forty-three and seventy-eight one-hundredths feet along said high water line to a stake; thence
- (4) South three degrees fifty minutes East along the easterly side of property of said Helen B. Isaacs, three hundred and ten and twelve one-hundredths feet to the place of BEGINNING.

BEING COMMONLY KNOWN AS TAX LOT 4 IN TAX BLOCK 8 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF RED BANK.

DB4688-0347

R 9-10-86

THE HEREINDEFORE PREMISES ARE FURTHER DESCRIBED AS FOLLOWS:
BEGINNING at a marble monument in the northerly side of West
Front Street said point being the southeast corner of property
or formerly Helen M. [redacted], also being at the southeast corner
Lots - and [redacted] [redacted] in the Tax Map of the Borough
Red Bank, Monmouth County, New Jersey and running: thence
1. Along said northerly line of West Front Street, South 30
14 minutes West, a distance of 70.95 feet to a point; thence
2. North 03 degrees 50 minutes West, a distance of 310.12 feet
point in the former highwater line of the North Shrewsbury
(Navesink River); thence
3. North 18 degrees 15 minutes 59 seconds East, a distance of
feet to a point in a timber bulkhead; thence
4. Along said timber bulkhead and a concrete bulkhead North
degrees 43 minutes 57 seconds East, a distance of 32.60 feet
point; thence
5. Still along said concrete bulkhead North 88 degrees 43 mi
37 seconds East, a distance of 12.35 feet to a point; thence
6. South 08 degrees 31 minutes East, a distance of 364.66 feet
point or place of BEGINNING.
TOGETHER WITH a Riparian Grant dated September 10, 1874 and re
November 14, 1882 in Deed Book 356 page 277.
THE ABOVE DESCRIPTION is drawn in accordance with a survey of
THOMAS P. SANTRY, L.S. #11163, dated August 25, 1986.
ALSO KNOWN as Lot 4 Block 8 on the Official Tax Map of the Borough
of Red Bank, County of Monmouth and State of New Jersey.
COMMONLY KNOWN as 90 West Front Street, Red Bank, New Jersey.

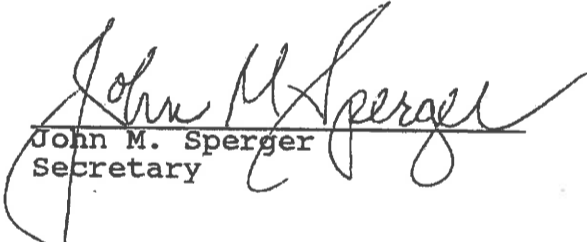
EXHIBIT "B"

- a. Zoning ordinances and other applicable governmental regulations and requirements;
- b. Rights of the public and adjoining owners in highways, streets, roads and lanes bounding the premises;
- c. The present physical condition of the premises, and all improvements thereon;
- d. Liens for unpaid taxes, assessments, water charges and sewer rents, subject to adjustment;
- e. Standard conditions and exceptions to title guaranty contained in the ALTA 1987 Owner's Standard Form B Title Insurance Policy;
- f. Such state of facts which a current and accurate survey of the premises might disclose;
- g. Subject to the terms and conditions set forth in a certain Riparian Grant from the State of New Jersey;
- h. Subject to the right of the United States Government, the State of New Jersey, and the Borough of Red Bank, or any of their Departments or Agencies, to regulate and control the use of the piers, bulkheads, land under water, and land adjacent thereto;
- i. Subject to the right of the United States Government to change and alter the harbor, bulkhead or pierhead lines adjacent to the land; to establish harbor, bulkhead, or pierhead lines different from the present lines, and to take land now or formerly navigable without compensation; and
- j. Subject to the riparian rights of others over the Navesink or North Shrewsbury River.

SECRETARY'S CERTIFICATE

I hereby certify that I am the Secretary of Monmouth Street Corporation, a New Jersey corporation (the "Corporation"), and that the resolutions attached hereto as Exhibit A were duly adopted by the unanimous consent of the Board of Directors of the Corporation, dated December 16, 1993, pursuant to and in accordance with the Certificate of Incorporation and the Bylaws thereof, and that said resolutions have not been amended, rescinded or modified and remain in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Corporation, this 16th day of December, 1993.


John M. Sperger
Secretary

MONMOUTH STREET CORPORATION
UNANIMOUS CONSENT IN WRITING
OF THE BOARD OF DIRECTORS
IN LIEU OF A MEETING

The undersigned do hereby certify that they are the sole members of the Board of Directors of Monmouth Street Corporation, a New Jersey corporation (the "Corporation") and that the foregoing Preambles and Resolutions were duly adopted upon unanimous consent in accordance with the requirements of the Laws of the State of New Jersey and the Bylaws of the Corporation.

RESOLVED, that the Resolutions regarding the sale of the premises, located in the Borough of Red Bank, County of Monmouth, State of New Jersey, being commonly known as River Cove I, and shown on the Municipal Tax Map as Block 8, Lots 1 and 1R and Block 8, Lot 4, which are owned by the Corporation, to the Borough of Red Bank (the "Buyer") as set forth in that certain Agreement, dated November 2, 1993, which Resolutions are set forth in Exhibit A attached hereto, are hereby adopted in their entirety.

IN WITNESS WHEREOF, the undersigned have signed this Consent as of the 16th day of December, 1993.


Alfred J. Schiavetti


William A. Wagner


Dennis B. Sassaman

EXHIBIT A

MONMOUTH STREET CORPORATION
RESOLUTIONS
ADOPTED UPON THE UNANIMOUS CONSENT OF
THE BOARD OF DIRECTORS

Pursuant to the authority of the laws of the State of New Jersey and the Bylaws of Monmouth Street Corporation, (the "Corporation"), the undersigned, being all of the members of the Board of Directors of the Corporation (the "Board"), do hereby unanimously consent to and adopt the following Preambles and Resolutions:

WHEREAS, pursuant to the authority of the Board, the proper officers of the Corporation have negotiated the sale of the premises, located in the Borough of Red Bank, County of Monmouth, State of New Jersey, being commonly known as River Cove I, 90 West Front Street, and shown on the Municipal Tax Map as Block 8, Lots 1 and 1R and Block 8, Lot 4, which are owned by the Corporation, to the Borough of Red Bank (the "Buyer") upon the terms and provisions contained in that certain Agreement (the "Agreement"), dated November 2, 1993; and

WHEREAS, the Board believes it to be for and in the best interests of the Corporation and its Shareholder that the Corporation consummate the sale of these assets of the Corporation, upon substantially the terms of the Agreement:

NOW, THEREFORE, BE IT RESOLVED, that the sale of these assets of the Corporation, under the terms of the Agreement, is approved and that, subject to ratification by the Shareholder of the Corporation, the proper officers of the Corporation be, and they hereby are, authorized, empowered and directed to take any and all other such actions and execute all documents and instruments as they shall deem necessary and/or appropriate in order to consummate the sale of these assets of the Corporation, all of which actions shall constitute the binding act of the Corporation in all respects.

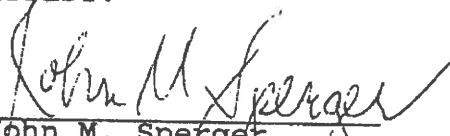
DATED: December 16, 1993

CONSENT OF THE SOLE SHAREHOLDER OF
MONMOUTH STREET CORPORATION

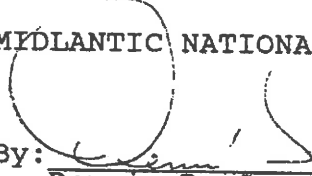
The undersigned, being the holder of all of the issued and outstanding shares of stock of Monmouth Street Corporation (the "Corporation") does hereby consent to and approve all actions taken by the Board of Directors of the Corporation in authorizing the sale of the premises, located in the Borough of Red Bank, County of Monmouth, State of New Jersey, being commonly known as River Cove I, 90 West Front Street, and shown on the Municipal Tax Map as Block 8, Lots 1 and 1R and Block 8, Lot 4, which are owned by the Corporation, to the Borough of Red Bank upon the terms and conditions set forth in that certain Agreement, dated November 2, 1993, which is hereby approved in all respects.

WITNESS the due execution hereof this 16th day of December, 1993.

ATTEST:


John M. Sperger
Vice President & Cashier

MIDLANTIC NATIONAL BANK

By: 
Dennis B. Sassaman
President

CLOSING STATEMENT

PREMISES: West Front Street
Red Bank, New Jersey

SELLER: MONMOUTH STREET CORP.

PURCHASER: BOROUGH OF RED BANK

DATE OF CLOSING: December 21, 1993

CREDITS TO SELLER:

Purchase Price: \$25,000.00

Real Estate Tax Adjustment:
1993 = \$19,913.48 Paid.
Seller owed 355/365 days at
\$54.557/day, or \$19,367.74.
Buyer owes Seller \$545.74 545.74

TOTAL CREDITS TO SELLER: 24,545.74

CREDITS TO PURCHASER:

Pivnick Realty Group, Inc. 750.00

TOTAL CREDITS TO PURCHASER: \$750.00 (\$750.00)

BALANCE DUE SELLER: \$24,795.74

Balance of Purchase Price is to be paid by wire transfer of federal funds, bank check or certified check made payable to Midlantic National Bank

AS TO SELLER:

MONMOUTH STREET CORP.

By: Thomas Hyland

THOMAS HYLAND,
Vice President

BOROUGH OF RED BANK

AS TO PURCHASER:

By: Richard J. O'Leary

AGREEMENT

THIS AGREEMENT, made this 2nd day of November, 1993, by and between MONMOUTH STREET CORP., having an address c/o Midlantic National Bank, 499 Thornall Street, Edison, New Jersey 08818 ("Seller"), and BOROUGH OF RED BANK, a municipal corporation, having an address at 32 Monmouth Street, Red Bank, New Jersey 07701 ("Purchaser").

W I T N E S S E T H:

For and in consideration of the mutual covenants hereinafter contained, the parties hereto agree as follows:

1. Agreement to Sell. Seller agrees to sell to Purchaser, and Purchaser agrees to buy from Seller, all those certain tracts or parcels of land and premises described on Exhibit A attached hereto, with the improvements thereon (the "Subject Premises").
2. Purchase Price. Purchaser agrees to pay to Seller and Seller agrees to accept as and for the purchase price for the Subject Premises the sum of Twenty-Five Thousand (\$25,000.00) Dollars, which sum shall be paid on Closing hereunder, by good certified check, or official check of a banking institution, or confirmed wire transfer to Seller's account of federal funds, at Seller's option, on written notice to Purchaser at least four (4) days prior to Closing.
3. Due Diligence Period. Purchaser shall have through December 5, 1993 (the period of time from the date of this Agreement through December 5, 1993 shall be called the "Due Diligence Period") to investigate, review, and inspect any and all matters relating to the Subject Premises which Purchaser shall deem appropriate. Purchaser shall have access to

Seller's records relating to the Subject Premises during normal business hours. This Agreement shall terminate and shall be of no further force or effect if, prior to the last day of the Due Diligence Period at 5:00 p.m., Purchaser shall advise Seller in writing ("Purchaser's Termination Notice") that Purchaser has elected to terminate this Agreement. If Purchaser shall timely deliver Purchaser's Termination Notice to Seller in accordance with this Article 3, this Agreement shall terminate and shall be of no further force or effect, and all parties hereto shall be released from their obligations and liabilities hereunder. If Purchaser shall fail to deliver Purchaser's Termination Notice in a timely manner as provided in this Article 3, Purchaser's right to terminate this Agreement shall expire.

Purchaser's right to enter upon the Subject Premises and to inspect the Subject Premises during the Due Diligence Period is conditioned upon the following: that such entry shall be at Purchaser's sole risk, cost and expense and shall be performed only by qualified contractors retained by Purchaser; and that prior to any such entry Purchaser shall afford Seller not less than 2 business days advance notice of such inspection and permit Seller to have a representative present at such inspection. Purchaser shall indemnify, defend and hold Seller harmless from all claims, judgments or expenses arising from said entry and inspection.

4. **Title to Subject Premises.** The Subject Premises are being sold and Purchaser agrees to purchase the Subject Premises subject to the following which shall not be deemed to be title defects rendering Seller's title to the Subject Premises unmarketable:

a. Zoning ordinances and other applicable governmental regulations and requirements;

b. Rights of the public and adjoining owners in highways, streets, roads and lanes bounding the Subject Premises;

c. The present physical condition of the Subject Premises, and all improvements thereon, and any changes that may result in such condition from reasonable wear and tear and natural deterioration prior to Closing;

d. Liens for unpaid taxes, assessments, water charges and sewer rents, subject to adjustment as set forth in this Agreement;

e. Standard conditions and exceptions to title guaranty contained in the ALTA 1987 Owner's Standard Form B Title Insurance Policy;

f. Such state of facts which a current and accurate survey and/or physical inspection of the Subject Premises might disclose; subject to the provisions of paragraph 5 herein.

g. Subject to the terms and conditions set forth in a certain Riparian Grant from the State of New Jersey;

h. Subject to the right of the United States Government, the State of New Jersey, and the Borough of Red Bank, or any of their Departments or Agencies, to regulate and control the use of the piers, bulkheads, land under water, and land adjacent thereto;

i. Subject to the right of the United States Government to change and alter the harbor, bulkhead or pierhead lines adjacent to the land; to establish harbor, bulkhead, or pierhead lines different from the present lines, and to take land now or formerly navigable without compensation; and

j. Subject to the riparian rights of others over the Navesink or North Shrewsbury River.

5. Title Search. Purchaser agrees to promptly obtain at Purchaser's cost and expense a title report of the Subject Premises from a title company authorized to do business in New Jersey (the "Title Company") and a survey of the Subject Premises from a surveyor

authorized to do business in New Jersey and to furnish a copy of said title report and survey to Seller promptly after Purchaser receives the same. If Purchaser deems anything in said title report or survey to constitute an objection to title, then Purchaser shall give notice thereof to Seller on or before 5 p.m. on the date which is thirty (30) days following the date of this Agreement (time being of the essence with respect to said date) or Purchaser shall be deemed to have waived all objections based upon said title matter(s), specifying in detail such objection. If Purchaser shall notify Seller of any objections to title, Seller shall within fifteen (15) days after receipt of Purchaser's notice decide whether to attempt to cure such objections and shall notify Purchaser of such decision. If Seller fails to notify Purchaser within said fifteen (15) day period, Seller shall be deemed to have elected not to cure such title objections. If Seller elects not to cure, satisfy or discharge the same, Purchaser's sole right shall be to terminate this Agreement on written notice to Seller within five (5) days after Seller shall notify Purchaser that it is unable or does not elect to cure, satisfy or discharge same, in which event neither party shall have any further rights or liabilities hereunder thereafter; provided, however, that if Purchaser shall not so terminate this Agreement, Purchaser shall accept title subject to such objections without reduction or abatement of the purchase price set forth above. It is distinctly understood and agreed that Seller shall not be required to bring any action or proceeding, take any steps, or otherwise incur any expense to remove or cure such title defect or otherwise render title to the Subject Premises marketable.

Without limiting the foregoing, if Seller in its absolute discretion decides to cure one or more liens or encumbrances, then, Seller may use any portion of the balance of the purchase price to satisfy the same, provided Seller shall simultaneously either deliver to Purchaser at Closing instruments in recordable form sufficient to satisfy such liens or

encumbrances of record, together with the cost of recording or filing said instruments, or Seller may deposit with the Title Company sufficient monies acceptable to the Title Company to insure obtaining and recording of such satisfactions and the issuance of title insurance to the Purchaser either free of any liens or encumbrances, or with insurance against enforcement of same out of the Subject Premises, provided, that there is no additional premium cost to Purchaser as a result thereof, or if there is an additional cost, Seller agrees to pay same. If requested, the Purchaser agrees to provide to Closing separate certified checks to facilitate the satisfaction of any such liens or encumbrances. The existence of any such liens or encumbrances shall not be deemed objections to title if Seller shall comply with the foregoing requirements.

6. **Representations Limited.** Purchaser acknowledges that it has been afforded and/or shall be afforded the opportunity for itself and its engineers, contractors, accountants and other representatives of its choosing, to inspect the Subject Premises and the records relating to the operation of the Subject Premises. PURCHASER EXPRESSLY ACKNOWLEDGES THAT IT IS BUYING THE SUBJECT PREMISES IN ITS "AS IS" CONDITION ON THE DATE HEREOF, SUBJECT TO REASONABLE USE, WEAR AND TEAR AND NORMAL DEPRECIATION BETWEEN THE DATE HEREOF AND CLOSING. Purchaser releases Seller from all responsibility and liability regarding the condition or utility of the Subject Premises. It is expressly understood and agreed that Seller shall not be obligated to make any alterations, repairs or improvements to the Subject Premises and shall not be obligated to remove therefrom any items of property which may be upon the Subject Premises at the date of Closing.

Purchaser affirms that Seller has not made nor has Purchaser relied upon any representation, express or implied, or promise made by Seller, or any of its employees or

agents, or any broker, with respect to the Subject Premises or its operation, except as specifically set forth in this Agreement. Purchaser agrees that any and all financial information or feasibility or marketing reports, or other information of any type with respect to the Subject Premises which Purchaser has received or may receive from Seller, or any of its employees or agents of any broker, was furnished on the express condition that Purchaser make an independent verification of the accuracy of any and all such information, all such information being furnished without any warranty whatsoever, except as specifically set forth in this Agreement. Purchaser agrees that, except as set forth in this Agreement, Purchaser shall not assert any liability against Seller and/or its agents and/or its employees, for furnishing such information, and Purchaser agrees to indemnify and hold Seller and/or its agents and/or its employees harmless from any loss or expense, including reasonable legal fees, resulting from any claim by Purchaser of any such liability. This indemnity shall survive the Closing or any termination of this Agreement.

Without limiting the generality of the foregoing, Seller has not made and does not make any representations, promises or warranties with respect to environmental matters affecting or relating to the Subject Premises, and Purchaser acknowledges that none have been made.

Seller represents to Purchaser that it has the requisite power and authority to execute and deliver this Agreement and to perform in accordance therewith and consummate the transaction contemplated herein.

7. The Closing. The consummation of the transaction contemplated by this Agreement (the "Closing") shall take place at the offices of Seller (or, at Seller's option, at the offices of the Escrowee), at ten o'clock in the forenoon, on or before December 10, 1993.

TIME IS OF THE ESSENCE with respect to the aforesaid closing date. The following shall take place at the Closing:

(a) Seller shall deliver to Purchaser a Bargain and Sale Deed with Covenant against Grantor's Acts for the Subject Premises in proper form for recording, such deed to be made subject to the title matters as to which conveyance is to be accepted by Purchaser hereunder.

(b) Purchaser shall pay to Seller the purchase price, as provided by Article 2 of this Agreement.

(c) Seller shall deliver to Purchaser an affidavit of title in the usual form limited however to the knowledge, information and belief of the affiants thereto, which affidavit shall be subject to all title matters with respect to which title is to be accepted by Purchaser hereunder.

(d) Seller shall deliver to Purchaser a corporate resolution authorizing the sale and conveyance of the Subject Premises upon the terms set forth in this Agreement.

(e) The parties shall execute and deliver to each other any other instruments required to be delivered under any provision of this Agreement, or reasonably requested by the attorney for either party in connection with this transaction.

8. **Adjustments at Closing.** The following adjustments are to be made at the Closing as of the close of business on the date of Closing:

(a) There shall be adjusted and apportioned the following: (i) real estate taxes on the basis of the fiscal year for which assessed, (ii) water charges, if any, (iii) sewer rents, if any, and (iv) electric, if any. If the Closing shall occur before a tax rate is fixed, the

apportionment of real estate taxes shall be upon the basis of the tax rate for the next preceding year applied to the latest assessed valuation of the Subject Premises.

(b) Assessments for improvements, if any, shall be paid and allowed by Seller on account of the purchase price if the improvement has been completed on or before the date hereof, but only to the extent of any installments due and payable prior to Closing.

(c) Seller shall pay the New Jersey Realty Transfer Fee, if any, payable with respect to this transaction.

9. **Destruction of the Subject Premises.** In the event that the Subject Premises shall be destroyed or damaged by reason of fire, storm, accident or other casualty, neither party shall have the right to terminate this Agreement, Seller shall have no obligation to restore such damage, and the purchase price payable hereunder shall not be abated.

10. **Violations.** Purchaser agrees to accept the Subject Premises subject to all notices of violation of law or municipal ordinances, orders or requirements now or prior to Closing issued by any governmental agency or authority. Seller shall not be required to repair or otherwise comply with any violations affecting the Subject Premises, whether now existing or hereafter occurring.

Seller shall have no obligation to deliver any certificate of occupancy or other like governmental permit in connection with the sale contemplated herein. In the event that a certificate of occupancy or other like governmental permit is required to transfer the Subject Premises, Purchaser agrees to apply and pay for procuring same. If any governmental agency or authority requires the correction of physical conditions in connection with the issuance of such permit or as a condition of the transfer of the Subject Premises hereunder, Purchaser shall pay

the cost of correcting such conditions. The provisions of this Article shall survive the Closing hereunder.

11. **Condemnation.** In the event that the entire Subject Premises or a substantial part thereof shall have been taken by eminent domain or shall be in the process of being so taken, on the date of Closing, Purchaser shall have the option to terminate this Agreement on written notice to the Seller and neither party shall have any further rights or liabilities hereunder. In the event any such taking shall not include a substantial part of the Subject Premises or in the event that Purchaser shall not terminate this Agreement pursuant to the preceding sentence, Purchaser shall accept the Subject Premises in the condition in which they are left following such taking, with an abatement of the purchase price measured by the proceeds of any condemnation award allowed. In the event the award has not been made or collected by Seller at the time of Closing, Seller shall assign to Purchaser at Closing all rights of Seller in the collection of such award and Purchaser shall accept the Subject Premises without abatement of the purchase price. As employed herein, the term "a substantial part of the Subject Premises" shall be deemed to mean a part of the Subject Premises consisting of 10% or more of the total area of the Subject Premises.

12. **Environmental Laws.** (a) Purchaser shall not, under any circumstances, bring or implead, cross-claim or otherwise interpose any action, claim or lawsuit against Seller or any of Seller's successors in interest or assignees; or any of Seller's parents, subsidiaries, affiliates, officers, directors or employees if such claim, action or lawsuit arises out of, is the result of, or is in any way connected to: (i) the existence of any underground or above-ground storage tanks or the registration or lack of registration thereof; (ii) the presence of any hazardous substances, hazardous wastes, petroleum or petroleum by-products (collectively "Hazardous

Materials") at the Subject Premises; (iii) or the exposure of any person or persons to such Hazardous Materials, whether such claim, action or lawsuit arises under common law or by virtue of any local, state or federal statute, rule, ordinance, regulation and/or the like including, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. section 9601 et seq.), the Resource Conservation and Recovery Act (42 U.S.C. section 6901 et seq.), the Toxic Substances Control Act (15 U.S.C. section 2601 et seq.), the Federal Insecticide Fungicide and Rodenticide Control Act (7 U.S.C. section 136 et seq.), the Occupational Safety and Health Act of 1970 (29 U.S.C. section 651 et seq.), the Emergency Planning and Community Right to Know Act of 1986 (42 U.S.C. section 11001 et seq.), the Clean Water Act (33 U.S.C. section 1251 et seq.), the Safe Drinking Water Act (42 U.S.C. section 300f et seq.), the Hazardous and Solid Waste Amendments of 1984 (Public Law 86-616, Nov. 9, 1984), the Hazardous Materials Transportation Act (49 U.S.C. section 1801 et seq.), the Federal Clean Air Act (42 U.S.C. section 7401 et seq.), the Environmental Cleanup Responsibility Act (N.J.S.A. 13:1K-6, et seq.), the Underground Storage of Hazardous Substances Act (N.J.S.A. 58:10A-21, et seq.), the Spill Compensation and Control Act (N.J.S.A. 58:10A-23.11 et seq.), and the Water Pollution Control Act (N.J.S.A. 58:10A-1 et seq.); and

(b) Purchaser shall indemnify and hold Seller harmless from and against any and all costs or damages, including, without limitation, reasonable attorneys' fees and experts' fees, incurred or suffered by Seller as a result of Purchaser's use or ownership of the Subject Premises following the Closing hereunder, or as a result of the exposure to Hazardous Materials of any of the following following the date of Closing: Purchaser; any of Purchaser's employees, agents, servants, licensees, invitees, contractors, sub-contractors, concessionaires; or any third

party whose exposure occurs as a result of or in connection with Purchaser's use or ownership of the Subject Premises.

The parties expressly agree that the provisions of this Article 12 shall survive termination of this Agreement and the provisions of Article 12(b) shall be incorporated in the deed to be delivered to Purchaser as a covenant running with the land.

13. **No Recording.** Purchaser agrees that it will not register, record or file this Agreement or any memorandum thereof. Seller shall have the option to declare this Agreement null and void and retain all deposit monies paid if this Agreement shall be registered, recorded or filed without Seller's consent.

14. **Assignment.** It is expressly understood that this Agreement may not be assigned and any purported assignment shall be void.

15. **Brokerage.** Each party represents to the other that it did not deal with any real estate broker in connection with this transaction, except Pivnick Realty Group, Inc. (the "Broker"), whose brokerage commissions in connection with this transaction shall be paid by Seller in accordance with separate Agreements between Seller and the Broker. This representation shall survive Closing. Each party agrees to indemnify the other and hold the other harmless from and against all damages and expenses, including, but not limited to, reasonable attorneys' fees, that the indemnified party may incur as a result of any claim of any broker (other than the Broker) who claims to have introduced the indemnifying party to this transaction.

16. **Liability of Seller.** The liability of the Seller hereunder in the event of default in the performance of any of the terms and provisions of this Agreement on the part of Seller to be performed is hereby limited to the payment by Seller to Purchaser of liquidated

damages in the sum of \$500.00, whereupon neither party shall have any further liability to the other. The foregoing shall not limited Purchaser's right to obtain specific performance of Seller's obligations to convey the Subject Premises pursuant to this Agreement.

17. Notices. All notices, requests, consents, approvals or other communications under this Agreement shall be in writing and mailed by certified mail, return receipt requested, postage prepaid, or delivered by a nationally recognized overnight courier service which obtains delivery receipts (e.g., Federal Express), or delivered by facsimile transmission, addressed

(a) If to Seller, at:

c/o Midlantic National Bank
Metro Park Plaza
499 Thornall Street
Edison, New Jersey 08818
Attn: Mr. Walter Lewis

with a copy to:

Rand M. Agins, Esq.
Lasser, Hochman, Marcus,
Guryan and Kuskin
75 Eisenhower Parkway
Roseland, New Jersey 07068

(b) If to Purchaser at:

32 Monmouth Street
Red Bank, New Jersey 07701
Attn: Sally Levine, Administrator

with a copy to:

Richard T. O'Connor, Esq.
509 Stillwells Corner Road
Freehold, New Jersey 07728

Either party may, by notice given as aforesaid, change its address for all subsequent notices. All notices hereunder shall be effective upon receipt of same.

18. Merger. The acceptance of a deed to the Subject Premises by Purchaser shall be deemed to be a full performance by Seller of, and shall discharge Seller from, all obligations hereunder; and Seller shall have no liability hereunder thereafter to Purchaser, or to any other person, firm, corporation or public body with respect Seller or the Subject Premises. In the event that it shall appear prior to Closing that any representation of Seller shall be materially inaccurate or untrue, the sole right of Purchaser shall be to either waive such representation and close title or to terminate this Agreement. In the event of such termination, neither party shall have any further rights or liabilities hereunder. The representations of Seller shall not survive Closing, except as expressly otherwise provided.

19. Further Assurances. Each of the parties hereby agrees to execute, acknowledge, and deliver such other documents or instruments as the other may reasonably require from time to time to carry out the purposes of this Agreement.

20. Attorneys' Fees. If either party hereto shall institute any action or proceeding in court to enforce any provision hereof or for damages by reason of an alleged breach of any provision of this Agreement, the prevailing party shall be entitled to recover from the losing party its court costs and reasonable attorneys' fees for the services rendered to the prevailing party in such action or proceeding, including appellate proceedings and bankruptcy proceedings. Such attorneys' fees and courts costs shall be in addition to any other costs to which such party shall be legally entitled.

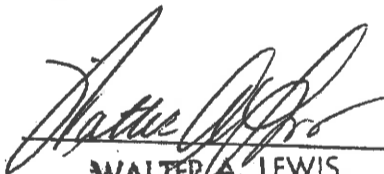
21. Miscellaneous Provisions. The parties further agree as follows:

- (a) This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, legal representatives, successors and assigns.
- (b) This Agreement contains the entire Agreement between the parties, and supersedes any prior or other Agreements, understandings or communications, written or oral.
- (c) No modification of this Agreement shall be effective unless and then only to the extent expressed in a mutually executed Agreement. Any purported modification which is not so expressed in a mutually executed Agreement shall be void.
- (d) The captions herein are for convenience and reference only and in no way define, limit or describe the scope or intent of this Agreement or affect any of the terms or provisions hereof.
- (e) This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which shall constitute one and the same Agreement.
- (f) This Agreement shall be governed by the laws of the State of New Jersey.
- (g) The submission of this Agreement for examination does not constitute an option to purchase the Subject Premises, and this Agreement shall become effective as an Agreement only upon execution and delivery thereof by both the Seller and Purchaser.
- (h) This Agreement was drafted by Seller as a matter of convenience and shall not be construed for or against either party on that account.

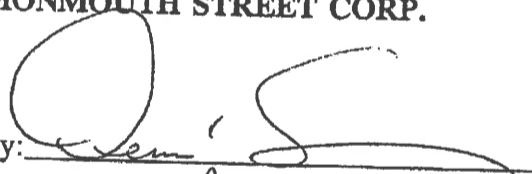
(i) Reference is made to a certain agreement of sale between Midlantic National Bank, as seller, and the Borough of Red Bank, as purchaser, dated contemporaneously herewith (the "Other Agreement"). Seller and Purchaser agree that in the event the Other Agreement is terminated by Seller or Purchaser for any reason whatsoever, then and in that event, Seller shall have the right, but not the obligation, to terminate this Agreement by notice to Purchaser, whereupon this Agreement shall be of no further force or effect and all parties shall be released from their obligations and liabilities hereunder.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement the day and year first above written.

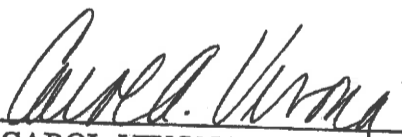
ATTEST:

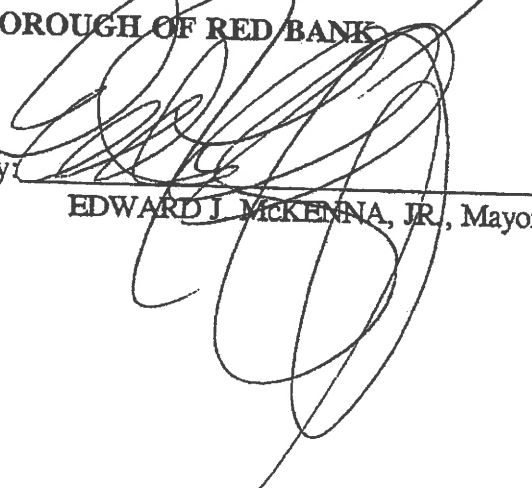

WALTER A. LEWIS
ASSISTANT VICE PRESIDENT

MONMOUTH STREET CORP.

By: 
president

ATTEST:


CAROL VIVONA, Clerk

BOROUGH OF RED BANK
By: 
EDWARD J. MICKENNA, JR., Mayor

Mon-Red.AGT

SCHEDULE "A"

ALL that certain lot, tract or parcel of land and premises situate, lying and being in the Borough of Red Bank, County of Monmouth and State of New Jersey.

BEING also known as Lots 1 and 1R in Block 8, on the Official Tax Map of the Borough of Red Bank.

BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING at a point in the easterly side of Maple Avenue and in the northwesterly corner of property of Madelon M. Proal; thence (1) along the easterly side of Maple Avenue, north one degree four minutes west, two hundred and eight feet, more or less, to the high water line of the North Shrewsbury River; thence (2) starting again at the aforesaid beginning point and running along the northerly line of property of Madelon M. Proal and property of L. F. Hance, north eighty degrees fourteen minutes east, sixty and fifty-hundredths feet to the westerly line of property of Edwards, formerly Isaacs; thence (3) along the westerly line of property of Edwards, formerly Isaacs, north three degrees fifty minutes west, one hundred seventy-six feet, more or less, to the high water line of the North Shrewsbury River; thence (4) northwesterly along the high water line of the North Shrewsbury River, fifty-six feet more or less to the ending of the first described course.

TOGETHER WITH all the right, title and interest of the Grantor in and to any and all riparian rights conveyed to John T. Allen by the State of New Jersey by Deed dated September 28, 1874, and recorded in the Monmouth County Clerk's Office in Book 266 of Deeds, page 136 et seq., EXCEPTING, HOWEVER, such riparian rights as were conveyed to the Borough of Red Bank by John T. Allen by Deed dated November 17, 1911, and recorded in the Monmouth County Clerk's Office in Book 965 of Deeds, page 57 et seq.

BEING the same premises conveyed to the Mortgagor herein by deed from Joseph C. Irwin, Edwin W. Irwin and Charles P. Irwin, Jr. of even date herewith and about to be recorded simultaneously herewith; this being a second purchase money mortgage being given to secure a portion of the consideration.

BEING COMMONLY KNOWN AS TAX LOTS 1 AND 1R IN TAX BLOCK 8 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF RED BANK.

Tax Map Reference. (N.J.S.A. 46:15-2.1) Municipality of Red Bank
Block No. 8 Lot No. 4 Account No.
 No property tax identification number is available on the date of this deed. (Check box if applicable)
Property. The property consists of the land and all the buildings and structures on the land
the Borough of Red Bank
County of Monmouth and State of New Jersey. The legal description is

FIRST TRACT:

BEGINNING at a marble monument in the northerly side of West Front Street at the southeast corner of property belonging to Helen B. Isaacs; thence

(1) North eighty degrees fourteen minutes East along the northerly side of West Front Street, seventy and ninety-five one hundredths feet to a stake in the southwesterly corner of property of formerly Sigmund Eisner, said stake being distant eighty-four feet westerly along the northerly side of West Front Street from a marble monument in the southwesterly corner of property of Howard White Estate; thence

(2) North eight degrees fifty-one minutes West three hundred and six and ninety-five one hundredths feet along said land of formerly Sigmund Eisner to a stake standing at the high water line of the North Shrewsbury River and three and five-tenths feet westerly from the foundation of a barn on the aforesaid Sigmund Eisner property; thence

(3) South eighty-two degrees sixteen minutes West forty-three and seventy-eight one-hundredths feet along said high water line to a stake; thence

(4) South three degrees fifty minutes East along the easterly side of property of said Helen B. Isaacs, three hundred and ten and twelve one-hundredths feet to the place of BEGINNING.

BEING COMMONLY KNOWN AS TAX LOT 4 IN TAX BLOCK 8 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF RED BANK.

DB4688-0347

K 9-10-86

THE HEREINBEFORE PREMISES ARE FURTHER DESCRIBED AS FOLLOWS:
BEGINNING at a marble monument in the northerly side of West
Front Street said point being the southeast corner of property
or formerly Helen E. Isaacs, also being on the dividing line
Lots 4 and 5 in Block 8 of Subdivision No. 116 of the Borough
of Red Bank, Monmouth County, New Jersey and running; thence
1. Along said northerly line of West Front Street, South 30
14 minutes West, a distance of 70.95 feet to a point; thence
2. North 03 degrees 50 minutes West, a distance of 310.12 feet
point in the former highwater line of the North Shrewsbury
(Navesink River); thence
3. North 18 degrees 15 minutes 59 seconds East, a distance of
feet to a point in a timber bulkhead; thence
4. Along said timber bulkhead and a concrete bulkhead North
degrees 43 minutes 57 seconds East, a distance of 32.80 feet
point; thence
5. Still along said concrete bulkhead North 88 degrees 43 minutes
57 seconds East, a distance of 12.55 feet to a point; thence
6. South 08 degrees 31 minutes East, a distance of 364.64 feet
point or place of BEGINNING.
TOGETHER WITH a Riparian Grant dated September 10, 1874 and re-
November 16, 1882 in Deed Book 356 page 277.
THE ABOVE DESCRIPTION is drawn in accordance with a survey pre-
THOMAS P. SANTRY, L.S. #11163, dated August 25, 1986.
ALSO INCORPORATED as Lot 4 Block 8 on the Official Tax Map of the Borough
of Red Bank, County of Monmouth and State of New Jersey.
COMMONLY KNOWN as 90 West Front Street, Red Bank, New Jersey.

LAND USE PLAN

Introduction

The Land Use Plan element of the 1995 Red Bank Master Plan is designed to guide development and redevelopment in the borough, in order to realize the goals and intentions established in the 1994 Red Bank Vision Plan.

The recommendations of the Land Use Plan are also based in large part on the other Elements of the Master Plan: Housing Needs, Circulation and Movement Systems, Community Facilities needs, Public Infrastructure Requirements, and Environmental Constraints.

The Land Use Plan of a Master Plan is the most vital element of the required components of the Master Plan because it is the primary guide for all development, and because the New Jersey State Municipal Land Use Law requires that the zoning ordinance either be substantially consistent with the Land Use Plan or be designed to effectuate such a plan (40:55D-62a). For this reason, the Land Use Plan Map is precise in its location of the various land use categories recommended. Note also that the Land Use Law also requires that a municipality re-examine its Master Plan every five years; this Plan is Red Bank's update of its previous Master Plan.

Goals for This Plan

In order to move forward with development in Red Bank, in order to respond to new conditions in the economic climate, the 1995 Land Use Plan builds on the foundations of the previous plans. Those plans include the previous Master Plan, past Reexamination Reports, the 1992 State Development and Redevelopment Plan, and the 1994 Vision Plan.

The borough adopted its previous Master Plan in 1985, and Reexamination Reports in 1988 and 1994. The 1988 Reexamination Report identified changes in the economic and regulatory environments that continue to influence Red Bank and the region. It also delineated ongoing infrastructure improvements to maintain and expand services throughout the Borough. The 1994 reexamination Report reviewed the objectives and assumptions that informed land use policy at the time of the 1985 Master Plan and the 1988 Reexamination Report, in the light of subsequent changes in land use, and various changes in Municipal, County, and State land use policies. The Borough also approved the Vision Plan in 1994, which established the fundamental objectives of this Master Plan. Many of the goals of these previous plans that continue to be relevant; those goals, and the goals of the 1995 Red Bank Master Plan that build on them, are:

1985 Red Bank Master Plan

- Maintain substantially all the existing residential districts.
- Emphasize the importance of maintaining, stabilizing and expanding the residential base of the western portion of the borough.
- Locate a new residential zone on the western border of the borough.
- Encourage preservation of the Broad Street Historic Area with design controls.

New Jersey 1992 State Development Plan (also known as "Communities of Place")

- Promote retention of existing businesses and development of new businesses.

1995 Master Plan: Red Bank, New Jersey

- Encourage a range of housing in proximity to employment centers, to achieve a balance between housing and job opportunities and to ease commuter travel.
- Develop in higher density mixed-use centers ("communities of place") that accommodate the varied housing types, employments, retail and support services, the use of alternative modes of transportation, the use of shared parking and other site improvements, and so on. Note that this proposal holds for existing centers and communities, as well as for new developments.
- Support the residential adaptive reuse of obsolete facilities by revising regulations that might prevent and discourage adaptive reuse.
- Maintain and improve access to coastal and waterfront areas of recreational, aesthetic, cultural or ecological value provided that such access does not degrade the function and value of the natural resources.

1994 Red Bank Vision Plan

- The extraordinary visual character of the buildings and open spaces of Red Bank must be preserved, even when new and larger development takes place.
- The commercial vitality of the downtown area must be maintained and improved, so that it pays a greater share of municipal taxes and enables the Borough to accomplish the detailed proposals necessary to realize the Vision.
- In building on these objectives, the Vision Plan calls for a single, mixed-use downtown that includes a great variety of development areas, and that must be controlled by both

development regulations and design guidelines. Included in the guidelines should be recommendations for the character and type of development in downtown, along the riverfront, and in a new mixed-use neighborhood that is east of downtown. This Plan also indicates that, on the whole, the existing residential neighborhood patterns should remain as they are now, except that the western river edge (the "sunset side" of town) should permit more public access.

The 1995 Red Bank Master Plan

The overall Master Plan that has resulted from building on these precedents, and from listening to the voices of the community, is quite simple and yet will have profound impacts on the life of Red Bank for a long time to come. It consists of four fundamental proposals that encompass the entire borough:

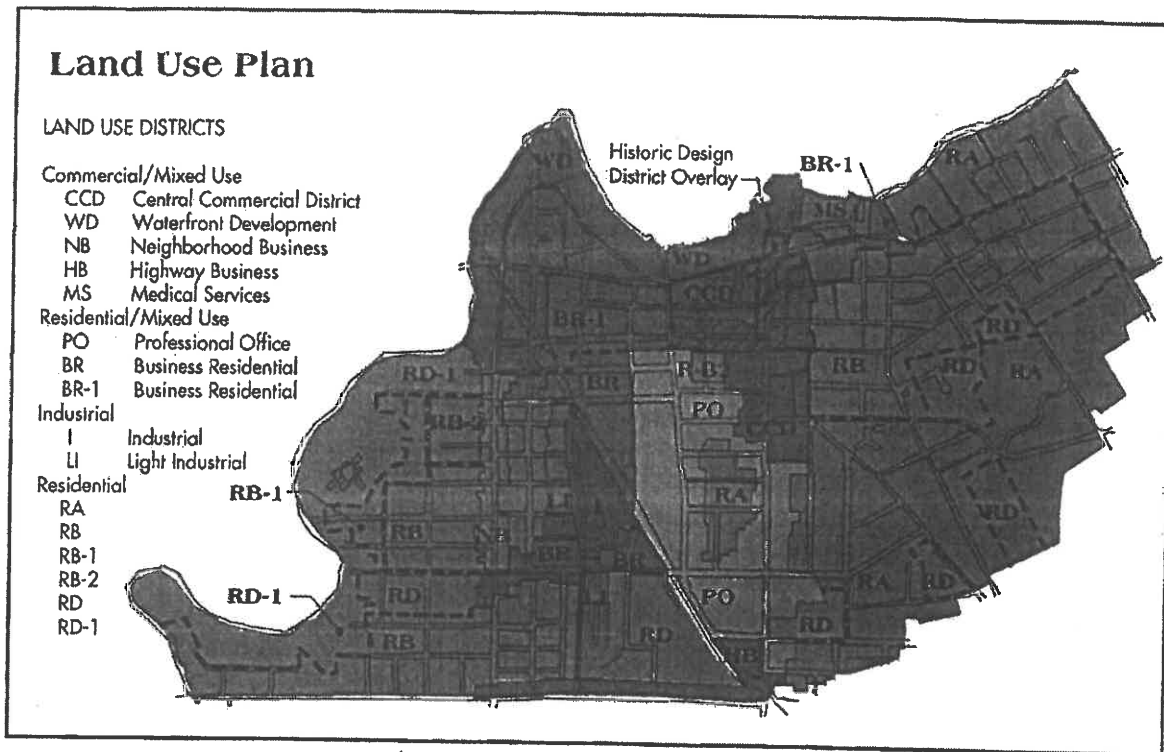
- As part of the larger goal of expanding the commercial tax base, the Downtown should grow and thrive. Development should be encouraged, historic structures and areas should be protected, and a true mix of uses that includes a variety of residences should occur. Therefore a large single downtown area is to be created that is focused on Broad St. and that is directed by both the zoning regulations and a set of design and planning guidelines. It should also be recognized that Red Bank is an important urban center for the region, and that a substantial amount of property within the borough, especially in the commercial areas, is occupied by tax exempt entities such as schools, churches and other service providers. These institutions serve not just the town, but the region as well. The borough will seek to establish an appropriate balance of commercial, residential, and (non-taxable) institutional land uses.

- The riverfront is a special resource that is uniquely attractive to private development, but it must also be accessible and useful to the community. Therefore special zoning districts will be created that identifies the land uses that are appropriate to the river edge locations, adjacent to the western river edge and to downtown. The regulations and accompanying guidelines will give direction to the need for a more open development pattern that maintains views and access to the river from the nearby streets - while at the same time permitting developments that are similar in density to those in either in downtown or the adjacent western neighborhoods.
- Residential developments should be encouraged in a variety of ways, to further the objective of an increased population. These developments begin with the basic recommendation to permit some type of residential development to occur in virtually every area of town, including downtown and the industrial areas, where many changes can be expected to take place in the future. It also includes the recommendation to create a new mixed-use residential area west of downtown, in the vicinity of the Galleria and the train station. This new zoning district should permit a higher density of residential development than in most sections of town, but should also be similar to the surrounding neighborhoods.
- The fabric of the rest of the town - the neighborhoods - must be protected to improve and thrive. This objective must therefore include these actions: the preservation of the existing zoning categories for the various neighborhoods; the preservation of the buildings and uses in the Professional Office area, including the addition of permitted residential uses in that area; the encouragement of a mixed-use area along Shrewsbury Ave. that can include residential developments, but must especially include small "mom and pop" type stores that serve the surrounding neighborhoods; and the possibility of a residential pattern along the western river's edge which includes improved public access to the river itself.
- Finally, the character of the buildings and streets must be preserved and protected by a careful crafting of the zoning regulations, to assure that the size, location, and appearance of each building contributes to the feeling that gives Red Bank its special quality of life.

Detailed Plan Description

The specific land uses of this Land Use Plan are described below, and are illustrated on the accompanying map. In recommending the various Land Use zoning Categories for the Planning and Development Regulations, regarding the locations and characteristics of uses, it is also essential to note that many of the design characteristics (set backs, lot areas, etc.) of the Regulations must be adapted to fulfill the principles of this Plan, also.

As stated in the Goals for this Master Plan, the zoning Categories and use locations for the downtown area will give more flexibility to developers and to the Borough, while at the same time will support the clear goals of the 1994 Vision Plan. The various residential use areas have required few changes from their existing Regulations. It is for these areas in particular that the design criteria of the Regulations must be studied. Because the Vision Plan calls for all development to be compatible with the existing character of Red Bank, Design Guidelines for key areas of town are also recommended to cover such issues as colors, facade and roof character, entrances, store fronts, signs, landscaping, building lighting, and so on. These



Guidelines will give clear direction to developers, provide flexibility to the borough, limit the need for variances that zoning can often require, and be the best tool the community has to preserve its character while also encouraging development. The zoning Categories recommended for inclusion in a new set of Regulations, and the accompanying Guidelines, are therefore as follows:

1. Commercial/Mixed Use Land Use Areas:

Category CCD (Central Commercial District):
 The CCD area extends from the east side of Broad St. to the west side of Maple Ave., from Monmouth St. to Front St. It is the historic center of town, with the largest collection of retail space, and with the Historic District area at its heart. In order to realize the many

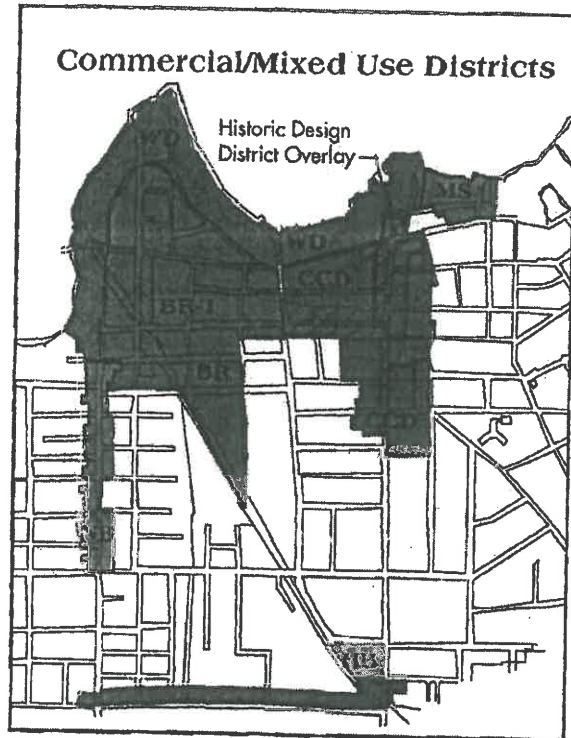
goals listed above, this zoning Category will be a true mixed-use area. It will also accommodate a density of development that makes the commercial area thrive and adds to the tax revenues of the municipality.

In order to accomplish these specific objectives, a wide variety of uses will be permitted throughout the entire District (for instance, retail of various types, offices, hotels, restaurants, entertainment, and a limited amount of residential). All types of retail uses will be permitted, except a few that are inconsistent with this location at the heart of town (e.g., gun sales, large supermarkets, drive-in fast food sales, tattoo parlors, etc.). The residential types that will generally be permitted are the multi-family conversions of existing buildings (except at those ground floors where retail is required), and the specific use of

"over-the-store" spaces for new types of living. Because the character of this heart of the community is an important part of the whole nature of Red Bank, the Regulations will include specific and measurable criteria concerning the nature of both new and renovated buildings. Those criteria include:

- The desired location of store fronts on various streets, in order to maintain retail continuity.
- The locations of building facades at certain street lines, again, in order to maintain retail continuity.
- Recommended maximum building heights, which must be compatible with the character and heights of the existing buildings in the district. In general, this maximum height will probably be about five stories.
- The acceptable locations of parking lots and parking garages (for instance, not at the sidewalks of certain streets, behind the buildings, etc.)
- The number of parking spaces required for any development, and the methods for providing them - including shared locations off-site, participation in a district-wide parking program, and so on.

In addition to these specific regulations, Design Guidelines will be prepared which cover the whole district, and which the Planning Board will use as a set of policies to assist in their reviews of specific projects. These Guidelines will also complement the Historic District Regulations, which are more specific and which therefore will have precedence over the Guidelines in the designated historic area. Because of the ease of using them, and because they can address the subjective design issues that the Regulations



cannot, the Guidelines are a fundamental part of meeting the two objectives of encouraging development and of preserving the town's great architectural character.

The Design Guidelines will define the criteria for the following building and landscape design characteristics, for private developments as well as public improvements:

- Building facade design criteria (i.e., facade materials; colors; window types; store front designs; roof and cornice design character; front and back entrance locations; etc.). Note that these criteria will apply to all buildings, including offices, hotels, stores, and parking garages.
- Parking lot landscape design criteria (i.e., number, spacing, size, and species of trees;

landscape buffers along sidewalks; walkways from parking to shopping streets; etc.)

- Open space landscape design criteria, for such places as gardens, sitting areas, and plazas that might accompany new buildings (i.e., the number, size, and species of trees; the use of ground covers and shrubbery; location and number of public benches; fences; and so on)

Finally, as part of the borough's concern for its design character, the Historic District criteria will now apply also to portions of Monmouth Street, and to an additional block of Broad St.

Category WD (Waterfront Development

District): Because of the unique characteristics of developing along the river's edge, where all sides of a building must appear as the "front" and where the public desires view and access to the river, very special zoning conditions must apply. These conditions must give guidance to both the land uses and the physical pattern of development.

A mix of uses will be permitted, but a special emphasis will be on multifamily residential and hotel/bed-and-breakfast uses. Offices will be permitted, as in the CCD district, but retail uses will be limited to restaurants and certain types of entertainment. In general, no personal services or other retail uses will be permitted, since they are the primary activities of downtown and the neighborhood mixed-use areas.

The proposals to build a public walk ("Riverwalk") along the river's edge, the general lack of public access to the river now, and the pure emotional and symbolic impact of the beautiful views of the river expanse all call for a special way of developing here.

Therefore the zoning regulations, and a set of Design Guidelines that are tailored specifically to this area, will do the following:

- Set height limits that are compatible with the adjacent areas of downtown and the mixed-use neighborhoods.
- Establish front and side yard set backs that maintain the views.
- Give guidance to establishing the locations of pedestrian access to Riverwalk.
- Set criteria for the location and design of truck docks, parking garages, and auto entrances.
- Establish standards for the design of the private landscapes and buildings that adjoin Riverwalk. Note that it was pointed out many times in the Vision process that the river is also a gateway into Red Bank; therefore the views from the river, as well as to it, are important to the whole community.

Parking is a very important specific part of the criteria for this district, since it is necessary that all sides of a building appear as attractive fronts. Parking garages (which are specifically permitted), as a result, should not face either the nearby streets or the river, so special regulations and the Design Guidelines will identify limitations on their locations and criteria for their appearance.

Category MS (Medical Services): The intention for this area is to permit flexibility for development at the hospital, without being in conflict with the surrounding zoning districts, or with the public open spaces along the nearby river. Therefore, as a balance between encouraging this use to continue providing jobs and services to the community,

with the need to protect the vitality and character of adjacent downtown, the zone for development and growth is limited to the area.

Category NB (Neighborhood Business): This district is intended to serve the neighborhoods around it, in contrast to the CCD district which serves the whole town and the region. Therefore there will be limitations on the nature of retail uses and on the residential developments that will be permitted, to assure that they support this basic intention.

While all the retail types permitted in the CCD district will also be permitted here, there will be limitations on the size of individual retail space. As stated in the Summary of the 1995 Plan, the purpose is to encourage small neighborhood-related shops, of the kind often referred to as "mom-and-pop stores".

Residential uses will be permitted as part of the borough-wide intention to encourage an increase in the population and to have a mix of uses throughout. This use must not interrupt the desired continuity of retail at the center of the district, however. Therefore "over the shop" residential will be permitted throughout, but the permitted higher density types of attached single family, garden apartments, and townhouses should be located outside this retail core, or else they should contain ground floor retail space within them.

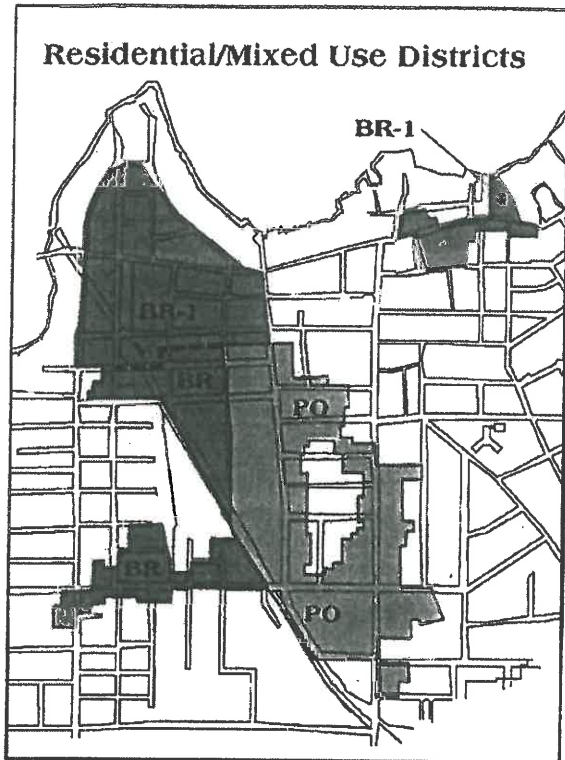
Parking must not interrupt the continuity of the shopping experience, and so the necessary parking lots must not be located along the sidewalk at the heart of this retail area. Note that shared, off-site, parking will be permitted in this district in order to meet these design objectives, but that it may not be provided in multi-story parking garages.

Category HB (Highway Business): This category permits a wide variety of roadside uses, ranging from offices to retail, and includes automobile sales and repair, and service stations. Its purpose is to accommodate the needs of highway-oriented businesses, including the larger stores known as "big-box retail", along Newman Springs Road.

Category BR (Business/Residential Mixed Use): This category will permit the widest range of uses of any single category in the Planning and Development Regulations, including single and multi-family residential, offices, retail, personal service, etc. The name indicates its application in this Plan, which is as a support for the various commercial and business uses that can exist within certain neighborhoods.

The permitted retail and personal service uses will be virtually identical to those in the CCD and BR-1 (which is described below) districts, with the specific exception of the sale of antiques, which are to remain focused only in the areas near the Galleria and Broad St. The uses that are specifically prohibited in those other districts are prohibited here, in order to assure their compatibility with the primary residential uses of this district.

Because this is a neighborhood district, the patterns of new buildings and the nature of renovations must be compatible with the scale and character of those neighborhoods. Therefore the Regulations will include criteria concerning set-backs, building footprints, building heights, etc. that are consistent with existing patterns. The two important differences between the BR district and the BR-1 district will probably be those of height and front yard setbacks. Buildings in this district should be compatible with residential neighborhood character, and therefore should probably be no taller than three



stories, which is lower than in BR-1. In addition, retail in the BR district should be designed to be compatible with the houses, and so stores located at the sidewalk will be neither encouraged nor required.

Finally, although the specific parking requirements are the same for other districts, shared off-site parking will not be permitted, in order to keep the size and scale of parking areas compatible with the character of the residential neighborhoods. It is important to note that, unlike the downtown and river districts (CCD and WD), no parking garages will be permitted.

Category BR-1 (Business/Residential Mixed Use, adjacent to Downtown): This district sits in the special place between downtown (CCD), the river (WD), and the mixed-use neighborhoods (BR). Because it is intended to be a new residen-

tial neighborhood in the borough, however, it is considered more as an extension of the adjoining BR residential and mixed-use areas. As a result, the specific differences between this district and BR are small, but they are fundamental in permitting the types of developments needed to meet the two objectives of increasing the population and of preserving and creating Red Bank's special character.

All of the uses are the same as the BR district, with the exception of two: no new single-family dwellings will be permitted, since the purpose here is to encourage a somewhat higher density of development than in the other neighborhoods; and, antique sales are specifically permitted here, as part of the goal to make Red Bank a regional antiques center.

The differences between this district and the BR district regarding design and site planning are more significant than those use distinctions, however; the special conditions that will make this area fulfill the Plan's objectives are:

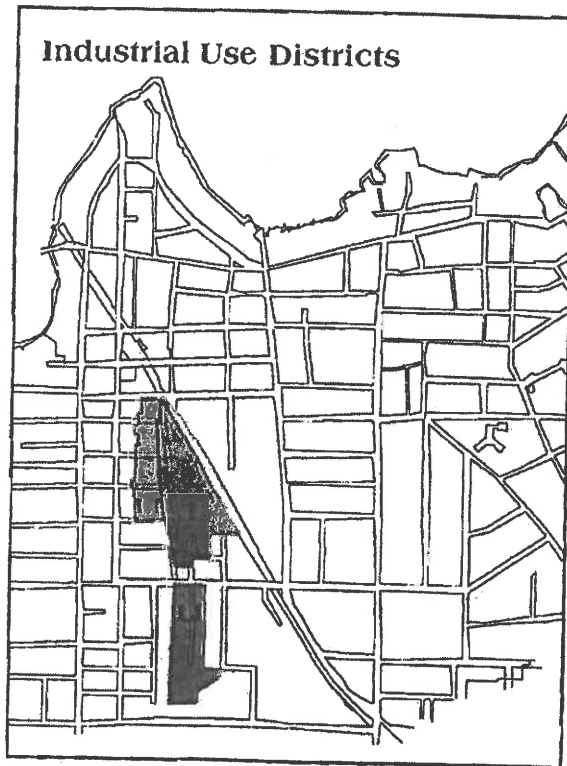
- In order to encourage the level of residential development that is desired, to take advantage of river views across the adjacent WD district, and to be compatible with the scale and density of the adjacent CCD and WD districts, buildings could be as tall as five stories (in contrast to the possible three stories in BR).
- When street level retail is developed, in general it must be located directly at the sidewalk. This detail is essential to encourage the vitality that now exists, for example, at the Galleria and the train station and antiques areas.
- Parking will be permitted to be provided in shared, off-site areas, in order to maintain the character and continuity of the pedestrian

experience, especially in those areas that include retail. Site planning criteria will be necessary to guide the specific design and location of parking lots (note that no parking garages will be permitted), in order to assure that the desired character is accomplished.

Category PO (Professional Office): This category is intended to preserve the large older homes within the Broad Street and Maple Avenue area by permitting their re-use as offices. Re-use of these period homes is a fundamental part of the borough's overall efforts to preserve the character of the whole town, and to specifically preserve these structures which are from an important era in Red Bank's history. In addition, as part of the larger effort to encourage residential growth, and as a further means of protecting this great architectural heritage, residential uses will also be permitted. In keeping with the nature of the old houses, they may be either single-family dwellings or apartments within buildings that are used primarily as professional offices.

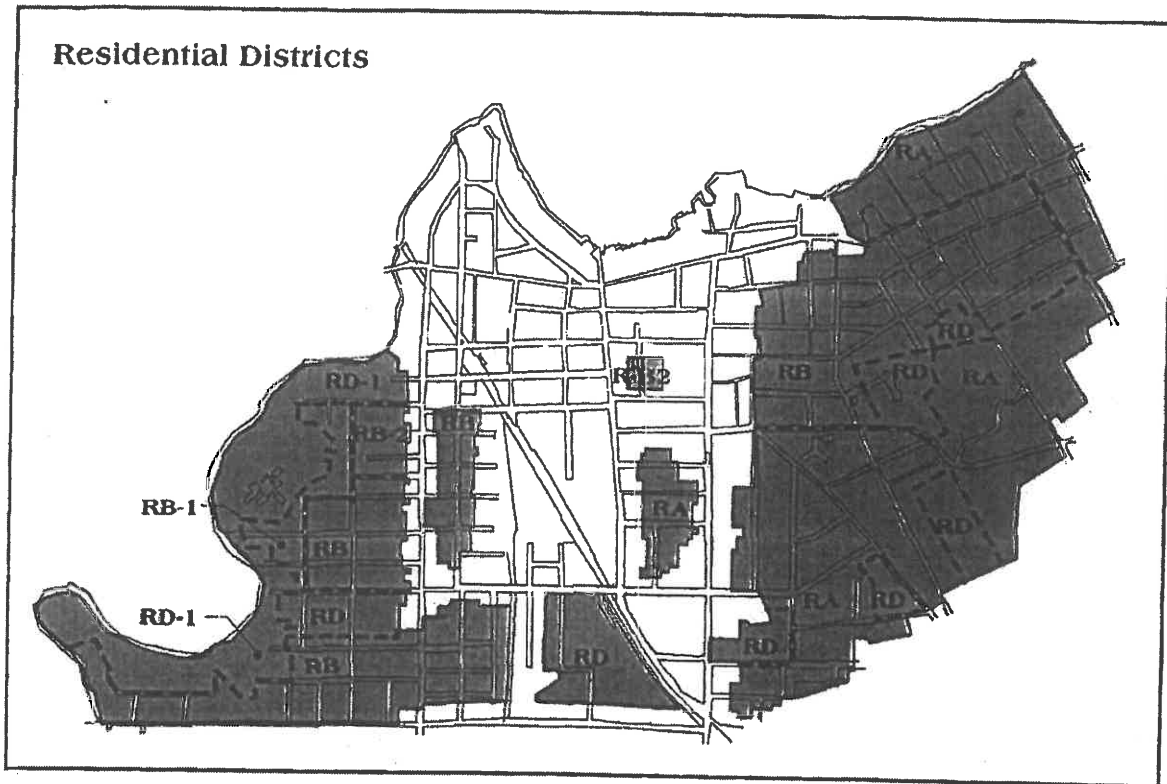
2. Industrial Land Use Areas:

Category I (Industrial): Category I permits the heavier industrial uses (e.g. - food storage, dry cleaning plant, warehousing, large manufacturing, etc.) that are not permitted in LI; it also does not permit office uses. It is located approximately at the geographic center of the borough, and is surrounded by zoning districts that permit residential uses. In keeping with the goal of the 1994 Vision Plan to encourage growth of the residential population, residential uses will be permitted here, to give the flexibility to property owners and the borough to oversee possible changes at the very heart of the community. (Note that in the Vision process, this area was occasionally referred to as the "hole in the doughnut" of



the town's uses.) The residential uses permitted here will be the same types and densities as in the BR district, which adjoins it.

Category LI (Light Industrial): The two areas of the LI district, which are located behind the houses west of Bridge Ave. and along Central Ave., permit light industrial uses such as research laboratories, printing, light fabrication, and warehouses. The district also permits offices of all kinds. Like Category I, these district areas are essentially surrounded by residential and other non-industrial uses, so it, too will permit residential developments to take place in the future. Also like Category I, the residential uses will be the same as in the adjacent BR areas.



2. Residential Land Use Areas: Residential uses are the dominant land uses in Red Bank. The various neighborhoods are varied and stable, and the different zoning categories reflect that variety. As pointed out above, some of the design and planning criteria, which deal with building sizes, lot sizes, set backs, and so on, must be evaluated to assure their consistency with the goal of encouraging both new and re-use development, while maintaining the overall character of the town.

Category RA (Residential): This category is limited to single-family detached residences, with a minimum lot size of 7,500 s.f.

Category RB (Residential): The locations and uses of the various existing R-B districts include single family dwellings on lots with a

minimum area of 3,500 s.f., and so is appropriate to existing neighborhood patterns.

Category RB-1 (Residential): This district, which is the area between the R-D1 district along the river and Leighton and Tilton Aves., permits single family attached dwellings as well as smaller-lot single family detached houses. These criteria are compatible with the nature of the existing neighborhood, which is also walkable to the Shrewsbury Ave. shops and the elementary school.

Category RB-2 (Residential): The R-B2 districts permit two-family detached residences as well as single-family attached and detached houses on smaller lot sizes. Note the distinction between "single family attached" dwellings, which are two houses side-by-side with a common party wall (permitted in R-B1),

and "two-family detached" dwellings, which are two residences (or, apartments) on two floors in the same building (permitted in R-B2). These slightly higher density areas are located immediately adjacent to the shopping on Broad St. and Shrewsbury Ave.

Category RD (Residential): The R-D districts permit garden apartments and townhouses, as well as the other various types of single family dwellings permitted in R-B2.

Category RD1- (Residential): This district, which is located along the western bank of the Navesink River, from Locust Ave. all the way around the bend in the river to Chapin Ave., is intended to open up the "sunset side" of town to the river by providing a variety of publicly-accessible open spaces that serve the community. All of the densities and uses of R-D are permitted with the additional requirement that, if garden apartments or townhouses are developed, a certain portion of the property must include a dedicated open space easement. Such green spaces can include active playgrounds for younger or older children, quiet parks for sitting, or river-edge walkways or docks.

COMMUNITY FACILITIES PLAN

Introduction

As stated in previous Master Plans, the Community Facilities Plan Element is concerned with all governmental functions and related facilities necessary to meet the safety, health, educational, cultural and general welfare needs of present and future Borough residents.

Summary

This Plan has concluded that most of the Borough community facilities are in a current state of change. For example: the Borough's administrative facilities, including municipal offices, police, and senior citizens center, will be renovated or relocated within the life of this Master Plan; the schools may need some consideration for renovation or expansion of existing facilities in order to address state mandated programs or local program desires; the Emergency Services and Public Works departments appear to be adequate for life of this Master Plan (six years from adoption of this document).

Existing Community Facilities

Educational Facilities

The Primary School, located on River Street and Locust Place, was constructed in 1971 on a 19.7 acre parcel deeded to the Board of Education by the Borough for \$1.00. The building serves grades kindergarten through 4, even though it was designed for K to 3, originally. A Gymnasium was added in 1972. Since the previous Plan, the building has had the roof replaced, a new Geothermal heating and cooling system installed, and a classroom has been converted for use of

instruction for English as a Second Language. The space allocations in the school are as follows:

4 Kindergartens	24 Classrooms
1 Art room	1 Music/science room
1 Library	1 Gymnasium
1 Teacher work rm.	
1 Compensatory education room	
1 Music room	1 Title I room
1 Nurse's office	1 Faculty lounge
1 Principal's office	
1 Vice-principal's office	

1 Auditoria (cafeteria and assembly)
5 Special services offices, conference and work spaces

The functional capacity of the school as of the last revision of the educational facilities Master Plan (1978) under the Board of Education was 690.

The Middle School is located on 6.9 acres off of Harding Road. It was built in 1917 as a high school, with three separate additions over it's life, and converted to use as a middle school in 1978. The latest addition was in 1959, including the gymnasium. The school, with 39 classrooms, serves grades 5 through 8 plus special education. There are 35 1/2 teachers, 2 administrators, and 8 maintenance staff. Sixty off street parking spaces are provided for staff and visitors.

The outdoor recreational facilities consist of areas for softball, basketball and volleyball plus paved play areas. Since the last plan, the Industrial Arts classrooms have been converted to classrooms and a new window replacement program has begun. The functional capacity as of 1978 was 809 students.

According to the District's 1990 Long Range

Facility Plan, both schools were short of space for carrying out their educational programs. The Red Bank Primary School was short of a music classroom, regular classrooms, and early childhood classrooms. The Red Bank Middle School was short of suitable space for guidance. The outside recreation facilities are inadequate due to a lack of playground equipment and developed play areas. The site for the Middle School is inadequate in size based on standards by the State Department of Education for a middle school. The recommended area was 26 acres. In addition, the middle school space layout is contrary to the "team" teaching concepts required for several programs. This may necessitate future rearrangement or replacement of existing spaces.

The site constraint issues of the middle school should be examined for specific proposals to address the program necessities. These proposals should be evaluated in a coordinated manner with both the Board of Education and the Borough for other community facility needs. After grade 8, Borough public school students attend Red Bank Regional High School located in Little Silver.

Local School Enrollment

Unlike the statistics of the previous Master Plan, the school District's figures indicate an increase in student population from the time of that plan and going forward into the future. While this increase has not posed a significant constraint on the District's programs to date, this may need to be addressed in future school planning.

The School District's population and enrollment figures can be best summarized by the following quotation from their Demographic Studies and Enrollment Projections Report

dated March 1994 (not yet adopted as of this date). "The median age of the population increased by .72 years over the period, and the age 65 & over declined by 300 persons. Such changes tend to be associated with increased turnover of housing to younger families with children. Nonetheless, the number of persons under 20 years of age declined substantially -- 704 persons, 25.58 percent. The decline was concentrated in the school age (5-19) population however; the Under-5 population actually increased by 19 persons, an increase of 3.24 percent.

The table (below) indicates that at that time, assuming no substantial in- or out-migration, the 1990 Under-5 group will become the 1995 age 5-9 group, increasing it by 155 persons, and the 1990 age 5-9 group will become the 1995 age 10-14 group, decreasing it by 34 persons. The net effect of these changes would be to increase the age 5-14 population by 121 persons, 12.9 percent. By the same reasoning, the table points to a slight decline at the high school level in 1995 when the 1990 age 15-19 population of 506 persons is replaced by the smaller 1990 age 10-14 population of 485 persons."

Net Resident Births, 1983-1993

Year	Net Births	Entrance year
1983	168	1988
1984	145	1989
1985	160	1990
1986	182	1991
1987	220	1992
1988	213	1993
1989 *	198	1994
1990 *	200	1995
1991 *	215	1996
1992 *	213	1997
1993 *	208	1998

* Provisional—Data Source: N.J. Department of Health; 1993 Estimated Birthday must be on or before October 1 for entrance in the indicated year.

Enrollments by School And Grade

	Primary	Middle
PreK	75	75
K	93	93
1	122	122
2	93	93
3	87	87
4	80	80
5	65	65
6	78	78
7	63	63
8	60	60
Sp Ed	<u>26</u> <u>5</u>	<u>31</u>
Total	576 271	847

Grades K-8 and Special Education Enrollments 1991 To 1995

	1991	1992	1993	1994	1995
PreK	37	0	81	71	75
K	92	116	115	122	93
1	92	105	122	110	122
2	95	74	83	93	93
3	70	102	67	80	87
4	64	72	95	60	80
5	78	64	69	84	65
6	72	86	62	61	78
7	78	81	83	59	63
8	77	82	84	84	60
Sp Ed	<u>59</u>	<u>41</u>	<u>43</u>	<u>31</u>	<u>31</u>
Total	814	873	904	855	847

The enrollment in the district's schools as of October 15, 1995, totaled 847 pupils. The table, "Enrollments by School and Grade" above presents the district-wide and individual school enrolments by grade and for special education as of that date.

1993 & Projected 1994-2002 K-8 and Special education enrollments (4-YEAR Trend)

	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
PreK	81	75	75	80	80	80	80	80	80	80
K	115	93	93	115	115	115	115	115	115	115
1	122	122	122	96	119	119	119	119	119	119
2	83	93	93	98	77	95	95	95	95	95
3	67	80	87	91	95	75	92	92	92	92
4	95	60	80	84	87	91	72	89	89	89
5	69	84	65	78	81	84	89	70	86	86
6	62	61	78	63	75	79	82	86	68	84
7	83	59	63	79	64	77	80	84	88	69
8	84	84	60	65	82	66	79	83	86	90
Sp. ed	<u>43</u>	<u>31</u>	<u>31</u>	<u>32</u>	<u>33</u>	<u>33</u>	<u>34</u>	<u>34</u>	<u>34</u>	<u>35</u>
Total	904	855	847	879	908	914	937	946	952	954

1995 Master Plan: Red Bank , New Jersey

1995 and Projected Average 1995-2002 K-8 Enrollments By School By Grade and Sp. Education (4-Yr. Trend)

	1995	1996-1997	1998-1999	2000-2002
Primary				
PreK	85	80	80	80
K	93	115	115	115
1	122	108	119	119
2	93	88	95	95
3	87	93	84	92
4	80	85	82	89
Sp. ed	<u>26</u>	<u>26</u>	<u>26</u>	<u>26</u>
Total	576	595	601	616
Middle				
5	65	80	87	81
6	78	69	80	79
7	63	72	79	80
8	60	74	73	86
Sp. ed	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
Total	271	301	381	334

Red Bank Regional High School

The Red Bank Regional High School District was formed in November 1969 by the voters of Red Bank, Little Silver and Shrewsbury. In December of 1971 voters of the district approved plans for a new high school on a 53.4 acre site in Little Silver. The first students attended the new facility during the 1975-1976 school year.

The building is in exceptional condition as the result of an annual maintenance and improvement program. The site has exterior physical education and interscholastic sports facilities including:

Field House	Football Stadium
Tennis Courts	Soccer Fields
Running Track	Baseball Fields

Field Hockey Field

The school is a comprehensive high school with special programs in the Performing Arts and Vocational-Technical Education which attract additional tuition students from outside the regional high school district.

Regional School Enrollments

Enrollment is projected to be stable over the next five-year period. Since 1975 a number of changes in the building have resulted in a change in the functional capacity as calculated by the N.J. Department of Education Building Capacity Worksheet. Maximum capacity is calculated to be 1,583.

Red Bank Regional High School Enrollments

1989	1990	1991	1992	1993	1994
1,001	950	997	1,057	1,034	1,067

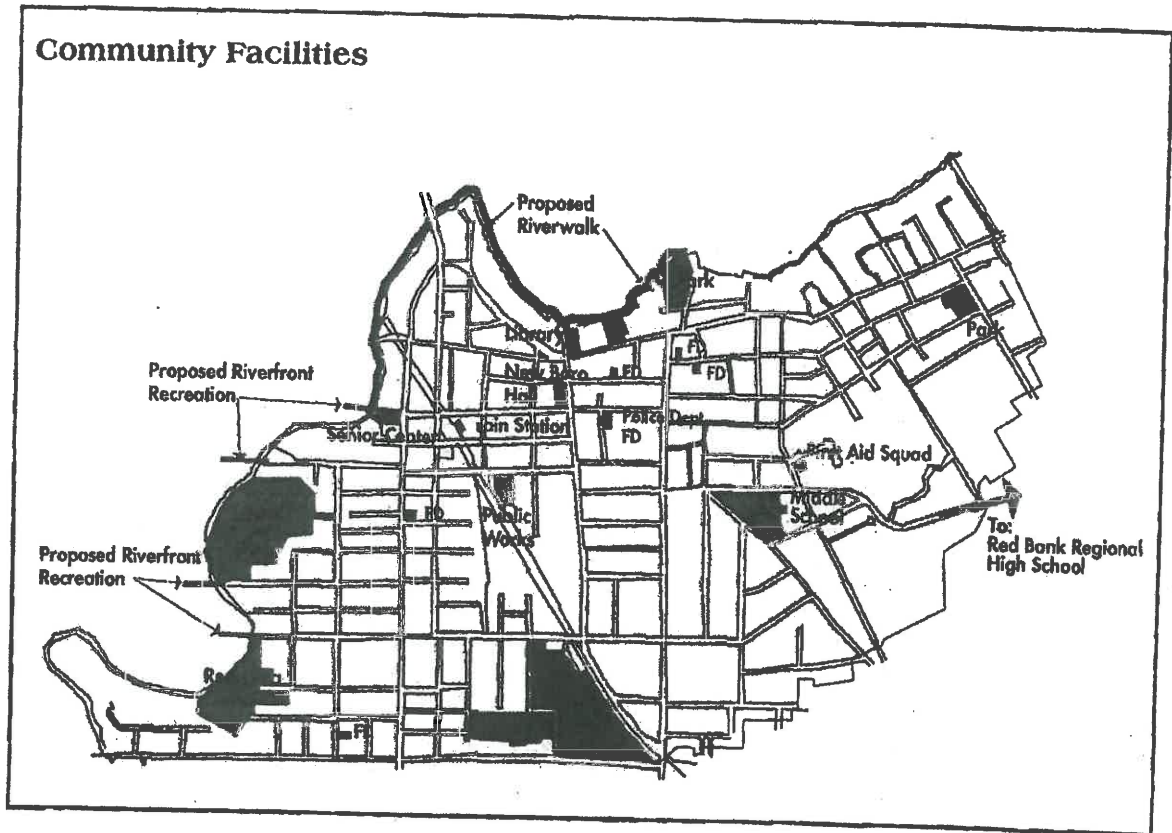
Source: Red Bank Regional High School

Red Bank Regional High School Enrollments (projected)

Yr: 95-96 96-97 97-98 98-99 99-00

Gd	95-96	96-97	97-98	98-99	99-00
9	235	232	228	296	243
10	268	244	235	253	299
11	281	262	253	239	245
12	<u>264</u>	<u>274</u>	<u>251</u>	<u>232</u>	<u>232</u>
Total	1,048	1,012	967	1,020	1,019

Source: Red Bank Regional High School



Administrative, Police and Court Facilities

From 1992 to the present, a complete facilities evaluation has been in progress for the Borough. This evaluation and resulting reports have been fairly exhaustive in breadth and scope pertaining to all Administrative, Police, Court, Senior Citizen, and Public Works purposes. This Plan will not try to recreate the work done elsewhere, but will provide a synopsis of that report and its conclusions.

Administrative Offices

The Borough municipal offices are planning to relocate from their present location at 32

Monmouth Street (gross square footage of 10,800 square feet) which was constructed in the early 1920's as a center for telephone exchange equipment. The existing building contains approximately 7,000 usable (net) square feet and contain the following offices and/or departments:

- Basement
- Basic Storage and Building's Services
- Parking Utility
- Planning & Zoning Board of Adjustment
- First Floor
- Administration:
- Borough Clerk
- Administrator
- Finance
- Second Floor

Construction
Fire Marshall
Code Enforcement
Health & Public Records Department
Public Toilets
Storage
Third Floor
Welfare Department
Tax Assessor & Collection
Parks & Recreation
Council/Public Meeting Room

The report has indicated an expansion of the space needs of these departments of the Borough by a factor of one and one-half times their current usable area.

Police Headquarters

Red Bank Police Headquarters is currently located at 51 Monmouth Street and is shared with the Municipal Court facility, and the Borough Print Shop. The original structure was built over 75 years ago and was the first Township Hall for Old Shrewsbury Township. The building is currently listed on the National Register of Historic Places and the State of New Jersey Historic Register. The current uses for the Police functions in this building are as follows:

Lobby with public Seating
Communications & Dispatch Center
Roll Call/Training Room
Report Writing Room
Conference Room
Parking Authority
DWI Processing Room
Traffic Safety
Juvenile Bureau/Crime Prevention Bureau
Evidence Room
Records Division
Booking Room
Squad Room Administration

Shift Commander
Chief's Office
Cell Block Area (5 Cells Total)
Secretary to Chief's Office
Prisoner Processing
Deputy Chief's Office
Locker & Physical Fitness
Storage
Rest rooms
Parking for vehicles

The Police Department, itself, consists of: one Chief; one Deputy Chief; one Captain; three Lieutenants; eight Sergeants; three Detectives; twenty-two Patrolmen; five dispatchers; and two parking utility officers. In addition, the Department has one Special Officer; two Secretaries and one Clerk. With a police force of forty-five and a population of 10,500 (1990); the police protection force per 1,000 population is 4.5.

In terms of equipment, the Department has twenty-four cars. There is currently a routine replacement program.

The existing building and the site are very inadequate for police purposes. Parking is limited and unacceptable. The structure is in poor condition with major repairs required for future use including the roof, electric, and heating/cooling systems. As stated below, if the Police facilities are to be relocated, they must be adjacent to the Municipal Courts.

Municipal Court Facility

The Municipal Court presently occupies approximately 2,300 square feet of the Police Headquarters building; facilities include:

Courtroom	Judges Chambers
Court Clerk	Violations Clerk
Lawyers Room	Officers Waiting Rm.

The same deteriorated physical conditions of the building apply to the Court facilities as well. They are inadequate and in need of significant renovations, or of relocation. Due to the nature of the interactivity and operations of both Departments, it is recommended that the Court facility be relocated with the Police Department.

Public Utilities

The Department of Public Utilities is located on the one acre municipal water works parcel at 75 Chestnut Street. The site contains a complex of buildings (totaling approximately 15,000 SF) and storage areas including:

- Two garages for storage
- One mechanic's garage
- One filter room
- Administrative office space
- Small equipment storage yard

The duties of the department include:

trash collection, road and sidewalk maintenance, all vehicular maintenance for the Borough, cleaning and maintenance of public buildings, municipal parking lot maintenance, water and sewer utility maintenance, shade tree installation, plus park and recreation maintenance. The department at the present time has 36 employees including six administrative employees and 30 public utilities workers made up of the following:

- Water supply personnel
- Sewage personnel (lift station)
- Mechanics (for vehicle and building maintenance)
- Janitors
- Street sweeper
- Sanitation personnel

- Treatment plant operators
- Utility meter readers
- Park and recreation maintenance personnel

The equipment inventory for the department as of September 1992 included the following:

- 6 Dump trucks
- 5 Pickups
- 24 Special vehicles (including 1 backhoe, 1 sewer jet, 1 excavator, 5 front end loaders, 1 snow tractor, 1 high wire lift back, 1 street sweeper, 1 grader, 1 disc chipper, 4 sanitation trucks, 2 recycling trucks, 1 bucket truck, 1 Vac All, 2 freightliners, 1 flat bed)
- 2 Sedans
- 3 Vans

The Director of Public Works is currently reorganizing existing space and anticipates no additional space needs at this time.

In general, the facilities of the department are adequate but an additional floor has been suggested at this location, by the public utilities Director, to better accommodate the administrative aspects of the department.

Senior Citizens Center

The Borough has obtained property, is constructing a new Senior Center. The Red Bank Senior Citizen Center is presently located in a leased facility off Chestnut Street, adjacent to the Borough's Public Utilities operations. The Borough pays a monthly rental for use of the building, which contains 3,272 square feet.

The facility includes a large meeting/dining/activities room; a medium sized and two smaller rooms used for arts, crafts and educational purposes; an exercise equipment room; a senior employment/health clinic office; a

reception area/library; two administrative offices; a kitchen; and two storage areas. The Center employs three full-time and 6 part-time staff members.

The multi-purpose Senior Citizen Center has a twofold purpose: (1) to make growing old easier for area elderly by responding to their basic physiological and security needs, and (2) to enrich and make enjoyable their remaining years by offering opportunities for satisfying social and intellectual needs.

To accomplish it's goals, the center provides a location where seniors can socialize; recreate; expand their skills, knowledge, interests, and understanding; become informed of and utilize preventive, supportive, emergency and other personal services; find opportunities for useful paid and volunteer work, and improve their morale.

In addition to its various recreational, educational, crafts, and counseling activities, the Center hosts an active hot lunch program, health clinics, and meeting of local senior clubs. The Center is also a base for outreach programs servicing vulnerable homebound elderly.

Library

The Red Bank Public Library is located at 84 West Front Street. The original structure was built in 1856 with an addition constructed in 1967. The Library property is a long narrow rectangular lot sloping severely in the rear down to the Navesink River.

The facility has a Library Director and a staff of 8 full-time people. The total number of books is about 50,000 with a lending circulation of 75,000 presently available. The Library offers its customers access to the

County Library collection through a State-organized Inter-library Loan System.

At present, the Library facility is adequate and no additional recommendations are required. There have been some improvements since the previous plan which include the repair/replacement of the roof, additional off-street parking, and outdoor reading areas adjacent to the waterside of the building.

Recycling Center

The Borough landfill is closed and responsibility for solid waste disposal is handled at the County level. The Borough has completed a new recycling center at the site of the old landfill. The operation of the new facility is described in the Conservation Plan element .

Emergency Services

Fire Protection

The Borough currently operates six private and Borough-owned fire stations. In general, the protection for the Borough is adequate. The Borough has a fire insurance rating of "Class 4" on a class system scale from 1 to 10 with Class 1 being the best rating and Class 10 the worst rating. Since the time of the last evaluation by the Insurance Services Office (ISO) in 1980, improvements have been made resulting in increased fire flow capacity and better Fire Department communications. The Fire Department has also implemented an annual hose testing program and has established a permanent training division. The Department responds to about 850 calls per year, or 2.33 calls per day.

A brief description of each station and its equipment is listed below:

1. Westside Fire Company (Leighton Avenue)

This station, the newest private company, was built in the early 1900's as a two-story brick structure. A 1 story cement block addition was constructed in 1969. The station, currently with a white stucco exterior, houses one engine. The station is generally in fair condition and is provided with a complete fire detection system.

Equipment:

One 1989 pumper rated at 1,500 gallons per minute which is in excellent condition. The company has approximately 1,000 feet of 5" hose; 1,500 feet of 3" hose; 700 feet of 2-1/2"; 1,100 feet of 1-3/4" and 300 feet of booster hose.

2. Union Fire Company (Shrewsbury Avenue)

This privately owned station is a two-story brick structure in good condition, however storage space is limited. Built in the early 1900's the station contains two bays. This station also is provided with a complete fire detection system.

Equipment:

One 1982 pumper engine in excellent condition and one 1988 utility truck belonging to the Fire Police (in excellent condition). The pumper has 1,700 feet of 3" hose; 1,000 feet of 2-1/2" hose; 1,350 feet of 1-3/4" hose; 200 feet of 1-1/2" hose, and 400 feet of booster hose.

3. Independent Fire Company (Mechanic Street)

The Borough-owned, antiquated, two-story brick building is in need of extensive general repair and does not have storage space for small equipment.

Equipment:

One 1972 pumper engine rated at 1,250 gallons per minute, which is in the process of being replaced with a 1994 Seagrave 1,500 gallon per minute pumper. The 1972 pumper carries 1,600 feet of 3" hose; 100 feet of 2-1/2"; and 1,900 feet of 1-3/4" hose.

4. Hook & Ladder Fire Company (Mechanic Street)

The two-story brick structure was built in 1882 with a one-story cement block addition constructed in 1964. The private facility is in good overall condition.

The building is provided with a complete fire sprinkler system, as well as complete fire detection system.

Equipment:

The building houses two ladder trucks. The first is a 1962 refurbished 100 foot steel aerial ladder in good condition. This apparatus requires two drivers to operate and is provided with a full complement of ground ladders. The second is a 1987, 100 foot Seagrave, rear-mount, aerial ladder in good condition, which also is provided with a full complement of ground ladders.

5. Relief Fire Company (Drummond Place)

This Borough-owned station is attached to Police Headquarters and is an old building unsuitable for this particular use.

Equipment:

One 1992 pumper engine in excellent condition, rated at 1,500 gallons per minute. The pumper carries approximately 1,600 feet of 3" hose; 1,200 feet of 2-1/2"; and 1,850 feet of 1-3/4" hose.

6. Liberty Fire Company (White Street)

This two-story Borough structure houses utility rooms including equipment storage and compressor apparatus for filling breathing tanks. The building is in poor condition and requires renovation.

Equipment:

One 1985 1,500 gallon per minute pumper in excellent condition. The company has 1,075 feet of 5" hose; 1,550 feet of 3" hose; 350 feet of 2 1/2"; 2,050 feet of 1-3/4" hose; and 200 feet of 1-1/2" hose.

7. First Aid Squad (Spring Street)

The First Aid Squad is a privately owned facility and was built in 1959. The one-story colonial, brick structure is in good to excellent condition.

Equipment:

One 1994 rescue truck; one 1982 Chevrolet truck chassis ambulance; one 1979 Ford Scuba Team Vehicle; and one 1986 Ford ambulance all in good condition.

Parks and Recreational Spaces

The Parks and Recreation department is overseen by a full time director reporting to an eight-person committee appointed by the Borough Council. Their programs encompass all recreational aspects of life in Red Bank for all citizens. While the concentration has been on youth programs, there are some available for adults and for families together.

To better enhance the existing programs, a new program developer has been retained. The programs also involve the Police Athletic League for baseball, basketball, and scholarships. There is an annual "Fishing Derby" for

ages up to 14, with an intended expansion to all age groups intended for next year. Some activities are also scheduled which do not use facilities in town. These activities include family outings to the beaches of Monmouth County and to sporting events.

The parks and recreational facilities currently cover various sites throughout the Borough. The current inventory of park spaces include:

- Count Basie Park: Active recreation- baseball fields, football field, track, basketball courts, batting cage beneath the stands of the football field, tot lot and fishing pond.
- Marine Park: Clay tennis court center, Passive recreation, tot lot, boat slips, and shuffle board courts.
- East Side Park: Active and passive recreation - basketball court, baseball field/soccer field, tot lot
- Public Library: Passive recreation/reading/sitting area at open space to west of the library.

In addition, the Parks & Recreation Department works in cooperation with both the Board of Education and the Community YMCA in order to carry out several programs using their facilities. Obviously, these facilities' schedules are determined by the Board of Education and the YMCA. These programs include:

- Youth basketball (Middle School)
- Sports Shorts Program (Middle School): program which includes arts and crafts, cultural awareness, and recreational opportunities for toddlers.

- Summertime Special Programs (YMCA): this program includes swimming, arts, crafts, and other recreational opportunities encompassing physical & cultural.

In the years since the previous plan, the following improvements have been made:

- Riverside Gardens Park: recently acquired and planned as passive recreation. Rough grading and seeding of the site has been accomplished with picnic tables and seating located.
- New night lighting has been begun at Count Basie Park, with no scheduled date of completion.
- The tennis courts at Marine Park have been resurfaced and have had new security fencing installed.
- Additional elements of the Borough's "riverwalk" have been committed along the north river areas.
- Plans have begun for a fishing pier at one or two locations on the west river areas. A public boat ramp is also in preliminary planning stages.

Community Facility Improvements

Local & Regional Schools

Since the local school population and the regional school enrollments have changed direction from the 1970's and 1980's, the existing system should be adequate for the short-term need. Additional recreational facilities are needed for both schools. Additional program requirements in future years may require modification and reorganization of the Middle School to better accommodate

the teaching methods necessary to those programs.

Broader community use of recreational facilities during off-peak school hours should be encouraged. A policy provision for general community use of educational recreational facilities, should be developed.

Municipal Offices, Police Headquarters, Municipal Court & Senior Citizen Center

As a result of the analysis of these existing buildings and other options available for buildings or sites within the Borough it was concluded that the acquisition of 90 Monmouth Street would best accommodate most of these currently constrained Departments. Additionally, the Borough has undertaken to offer municipal services more readily to the Shrewsbury Avenue area through the construction of a new Municipal Annex at the corner of Shrewsbury Avenue and West Bergen Place. This will provide for various Municipal Services on a rotating schedule basis during the daytime hours of operation. In addition, this facility will provide for a local Police Department presence during evening hours.

The new Senior Citizens Center is currently under construction. It is anticipated to be between 6,000 and 7,000 square feet of program space with on-site parking and water front access for the seniors.

Borough Landfill/Recycling Center

The Borough will continue to use the County landfill facilities and utilize the former Borough landfill for multiple uses, such as a compost or transfer facility, the recycling facility, and future Borough park or recreational facilities. However, it is recommended

that the long range feasibility of the redevelopment of this site should be considered.

Borough Hall & Police Headquarters

Both of these locations are scheduled to be sold as part of the process of relocating Borough Administrative Offices to 90 Monmouth St.

Fire Protection Facilities

Provision of adequate fire protection facilities should be considered in the near future. The existing unreinforced masonry buildings do not meet current nationally recognized standards for fire station design. Existing buildings were designed to house late nineteenth-century equipment which results in the current necessity to choose apparatus with a basis upon building limitations rather than on optimal equipment performance.

The long-range goal should probably be consolidation of fire facilities into two stations, both municipally owned and maintained. Adjacent or consolidated private use facilities for volunteer force administrative and social functions will be required. It is unlikely that future apparatus requirements for the Borough will exceed two ladder, four engine and two or three special use or reserve vehicle. These can be easily accommodated in two facilities. Location of facilities should be selected in consideration of proximity of hazards and ease of access by volunteers. Future facilities should include adequate provisions for administrative activities and joint-training exercises. In addition, these facilities should be designed to meet optimum building requirements especially regarding concerns of seismic and other natural disasters. Locations of these facilities and the type

of construction should take into account full coverage of the municipality in the event of one location being disabled.

Parks and Recreational Spaces

While the current facilities are adequate for ongoing programs there has been a desire for increasing programs to accommodate an increase in population across all age categories and activities. The following enhancements to existing parks and recreation facilities should be considered:

- Completion of the night lighting at Count Basie Park
- Improved accommodations for street hockey, which is one of many and growing new activities.
- Additional opportunities for indoor activities, such as volleyball and basketball.
- More and better waterside activity locations. Current programs could be expanded, and new ones such as boating & sailing and water safety could be added. Fishing and boating piers could be built at the ends of certain west side streets, also.
- Completion of Riverwalk between Broad Street, Oyster Point, and - finally - Monmouth Street.

**RE-EXAMINATION REPORT
OF
MASTER PLAN AND PLANNING & DEVELOPMENT
REGULATIONS
OF THE BOROUGH OF RED BANK**

INTRODUCTION

In accordance with Municipal Land Use Law (NJSA 40:55D-89), the Master Plan must be re-examined every six years. The 1995 Master Plan was adopted in May 1996, therefore the re-examination report must be completed by May 2002.

In October 2001, the Planning Board assigned a sub-committee to review the 1995 Master Plan, and prepare background information and a preliminary list of topics for inclusion in the report.

The Committee met on a regular basis beginning on October 31, 2001. During that time the Planning Board was forwarded the following:

- NJPO Municipal Master Plan Manual (Chapter 11) entitled "The Re-examination Report". This document has been used as a guideline in preparation of this report.
- 1988 Reexamination Report and 1995 Master Plan of the Borough of Red Bank
- List of goals of the 1995 Master Plan, including results of reaching the goals and any problems that have been encountered as a result of them.
- Draft document prepared by the Committee entitled "Contents of the Re-examination Report". This document was discussed at the January 14, 2002 Planning Board meeting and revisions were made as a result of the discussion.

The Committee met again in February 2002, after which members composed the report in draft form. The draft re-examination report was assembled and forwarded to the Planning Board for discussion in March 2002.

1. The Major Land Development Problems in 1995

The 1995 Master Plan identified a number of land development problems facing the Borough. Many of the problems existed for some years prior to the work done in 1994 in developing the 1995 Master Plan. By the time the '95 Master Plan was under development, some solutions to the problems were already underway through actions taken by the Mayor and Council.

The '95 Master Plan identified an economic slump in the Central Commercial Districts, which resulted in declining store occupancies and reduced shopper activity. This not only affected the economy of the Downtown business community, but it also had an impact on investors, shoppers, and the residents since it gave the Downtown a 'vacant' image. The situation was made worse by the fact that the downtown suffered from a shortage of parking. This discouraged potential new business from occupying the many vacancies and caused customers to shop elsewhere, due to uncertainties in parking availability.

Other problems in '95 involved development proposals in business districts that included architectural elements not in keeping with Red Bank's character. The proposals, some of which were approved and constructed, have the effect of diluting the Red Bank character and creating a lack of unity and cohesion to the appearance of the borough.

At the same time, the Borough was experiencing a declining residential population, a high rate of delinquent tax collections, and poor access to the Borough's most impressive natural feature, the waterfront. It was apparent during the early 90's that some action needed to be taken to improve the town and restore it to its proper place as a Regional Center in the greater Monmouth County area.

2. Land Development Objectives That Existed In 1995

The '95 Master Plan established objectives to address the major land development problems. It included several recommendations focused on the residential community: encourage residential growth throughout the Borough; protect existing residential areas from development inconsistent with a residential character; permit residential development in every zone to encourage re-population of the Borough. The Plan also recommended developing a new mixed-use residential area of higher residential density near the Galleria.

The Plan included the goal to develop, improve, and expand public access to the waterfront, including both the Swimming River areas and the Navesink River waterfront. In addition, it established an objective to preserve open space throughout the Borough.

The '95 Master Plan recommended creating a single mixed-use downtown linking the Broad Street Commercial area with commercial areas in the vicinity of the Railroad Station. This would establish a unified retail area that would encourage retail occupancy and shopper activity. It also encouraged mixed-use retail along Shrewsbury Ave. to include small 'Mom and Pop' stores to serve local neighborhood needs and assist in revitalizing the Shrewsbury Ave business District.

The master plan advocated a circulation system that should be well-balanced and efficient in moving both people and vehicles so that vehicular movement does not overwhelm the walking qualities that make Red Bank a desirable town center.

Finally, the Plan recommended enhanced preservation of the Historic District with design controls. The plan sought to maintain the visual character of existing Borough buildings and to encourage new construction consistent with design guidelines to strengthen the visual link to the Borough heritage.

3. The Changes In Land Development Problems Since 1995

Significant progress has been made towards achieving the goals of the 1995 Master Plan. Residential development has increased throughout the Borough. Additional parking has been developed downtown and at the Train Station. Occupancy in the Downtown business district as well as the Shrewsbury Ave business District has dramatically increased. The number and quality of retail, financial, restaurant, and service occupancies continues to develop and thrive. Red Bank has developed into a destination where shopper activity thrives at all times, and Red Bank has an established identity as a place to dine, shop, enjoy entertainment, or visit.

Business development in the Train Station/Galleria area and along Shrewsbury Ave continues to steadily improve. New applications for development and occupancy are continually being made to the Planning and Zoning Office. Sites that were in disrepair for years have been redeveloped. A sense of pride and place has developed in Red Bank storeowners, tenants, and residents. A truly remarkable transformation has occurred in

Red Bank. The result has been an increase in visitor/shopper activity, property value, number of residential units, and other positive changes. Some of the changes in the Borough since the 1995 Plan have increased pressure on the problems identified in the Master Plan. In some instances new land development and circulation problems have been observed.

Insufficient parking continues to be a problem. Even though additional parking has been developed, sustained community vitality requires additional parking to meet the demand. The full occupancy of downtown, business and shopper resurgence, as well as success of the surrounding towns, has placed additional stress on the roadway infrastructure causing traffic congestion to become a major problem.

Furthermore, the success enjoyed by the Borough has resulted in the cost for land, home, office, as well as rental prices to increase. Some residents and business owners now express affordability as an issue.

The Borough is also the home of several regional facilities, including the hospital, train station, regional private schools, the YMCA, Armory Ice Rink, and many service and religious organizations. These regional facilities impact the Borough by increased traffic and parking demand and in some cases, loss of tax revenue, which adds to the challenges faced by the community.

The Borough also recognizes that remaining developable parcels present unique design challenges. Lack of architectural guidelines may result in development proposals inconsistent with Red Bank's character.

Finally, increased development has made an impact on green space resulting in some loss of street trees and open space impacting the character of the Borough.

4. The Changes in Land Development Objectives Since 1995

Providing adequate parking, an objective in the 1995 Master Plan, continues to be an objective for the Borough. Heightened emphasis on providing adequate parking and improved traffic flow is an important issue to focus on as the Borough moves forward. The Planning Board has shown reluctance in granting approvals that involve expansion when additional parking is not also provided. The Borough encourages development proposals that provide shared parking whereby uses are assembled that do not have the same peak parking demands.

The Planning and Zoning Boards have focused and encouraged applications that provide a look consistent with the Red Bank character. The borough has also shown interest in extending mixed-use development, creating an extended downtown between Broad Street and the Train Station.

Other objectives include reducing noise to be consistent with the residential population of the commercial district and provide improved and additional waterfront access throughout the Borough.

Finally, the Borough is reviewing standards for residential density in zones located west of Maple Avenue to promote development more in keeping with the existing residential character.

5. The Significant Changes in Master Plan Assumptions, Policies, and Objectives

The assumptions, policies and objectives of the 1995 Master Plan are still considered appropriate. Two areas in the Master plan need to be revisited: the density of residential uses in the western residential areas; And the need for, architectural design standards.

#6 - THE SIGNIFICANT CHANGES IN DEVELOPMENT REGULATIONS ASSUMPTIONS, POLICIES, AND OBJECTIVES

Since adoption of the 1995 Master Plan, the Planning & Development Regulations were revised to reflect the addition of new zones and deletion of some zones. Each zone was reviewed and revisions were made to comply with the recommendations of the new Master Plan. This revisions included changes to setbacks, minimum lot area, permitted uses, density requirements, and regulations for accessory structures. Parking

requirements were also changed for some uses. A list of the revisions, listed by year of adoption, is attached to this report, (Appendix A.)

#7 - THE CHANGES RECOMMENDED TO THE MASTER PLAN OR THE NEED FOR A NEW PLAN

Many objectives of the 1995 Master Plan remain valid today. In order to continue the success that the Borough has achieved in attracting investment and redevelopment, an amendment to the Master Plan should be considered. The plan should be reviewed by the State for consistency with the State Development and Redevelopment Plan concepts and policies.

The Master Plan should focus on balancing future growth with the capacity of roads, parking, and the need for waterfront access. The street plan should be amended to incorporate the recommendations of the Circulation Study, conducted by the Borough and the New Jersey Department of Transportation in August 1999. The Circulation Element of the Master Plan should be updated to reflect planning studies and multi-modal advances. The impact of regional facilities on the Borough should be studied.

To improve the quality of life in the Borough, the adequacy of the recreational facilities should be evaluated. There is a need for an open space plan, bicycle and pedestrian plans, and a cultural resource plan based on studies funded for this year and next year. In addition, the need for street trees, site trees, open space, and buffer requirements should be reviewed.

Monmouth Street has developed into "Arts Corridor" that will serve as a link between neighborhoods. The Master Plan should build upon that concept and support the arts in this location, and continue the goal of promoting a unified mixed-use commercial/downtown district between Broad Street and Shrewsbury Avenue, north of Monmouth Street.

Since the Planning & Development Regulations were revised after the adoption of the 1995 Master Plan. Goals for housing densities in the downtown and in residential areas should be reviewed. Also height, FAR, yard setbacks and street standards should be evaluated. This report recommends elimination of the prohibition of parking structures in the BR-1 zone. The Neighborhood Business Zone should be studied for possible adjustments to the uses that are permitted in the zone. Detailed recommendations for changes to the Development Regulations are discussed further in this report.

Since there is little vacant land in the Borough, new development has caused the demolition of existing structures. The Master Plan should include identification of historic structures and the means for preservation.

8. THE CHANGES RECOMMENDED TO THE DEVELOPMENT REGULATIONS

The following list defines areas of the Planning & Development Regulations that should be reviewed and considered for revision to the ordinance.

- Definitions - define retail use, lodges, clubs, and fraternal organizations, primary food uses, and primary liquor.
- Take-Out Food (no sit down) vs. Fast Food (are they the same?)
- Write definition for all food uses
- Specify parking requirement
- Review where nursery school businesses are permitted and conditions of the conditional use for nursery schools (between 5 and 25 children) and educational uses (over 25 children).
- Limit number of accessory structures per property and number of principal structures per property. (Section 25-5.9 limits number of principal structures on lot utilized for single or two family dwellings). There are no limits for number of accessory structures on any property, regardless of the use.
- Review whether domestic employees may reside in an accessory structure (they are permitted now)
- Address cellular towers, satellite dishes in accordance with federal requirements
- Awnings - Specify height from ground, extension from building, backlit or no backlit, material, graphic content.
- Permit 2'x2' projecting signs in BR-1 and BR-2 zones

- Include updated list of color charts for Historic District
- Require an escrow fee for "exempt development" applications,
- Review regulations for inconsistencies related to reference to zones that no longer exist
- Review development regulations for conflicts with residential site improvement standards
- Review list of professionals under definition of "Professional Office" (delete some, add some)
- Review primary liquor and/or primary food and where permitted uses.
- Update conditional use sections.
- Review whether Parking Deficiency section of ordinance should be better defined in calculating the fee.
- Add Design guidelines for facades, landscape design criteria for parking lots and open space
- Review minimum open space and maximum lot coverage in each zone
- Require public access to river, where applicable
- Review residential uses in zones adjoining train station to determine conformity with Master Plan recommendations for residential density in that area
- Review setback standards in mixed-use commercial zones to reinforce goals for pedestrian activity and safety
- Review street standards
- Review permitted first-floor uses in mixed-use commercial districts, particularly with respect to parking structures, residential uses

10. ONGOING STUDIES THAT MAY NEED CONSIDERATION OR FURTHER EVALUATION BY THE PLANNING BOARD

- **LOCAL PARTICIPATION IN NEW JERSEY STATE DEVELOPMENT AND REDEVELOPMENT PLAN:**

- **ANJEC Report**

The Association of New Jersey Environmental Commissions (ANJEC) gave Red Bank a grant in 1995 to undertake a project that demonstrated implementation strategies for the New Jersey State Development and Redevelopment Plan (NJSDRP). The Borough applied that grant to a study of infill development in commercial areas along the Navesink River. The specific project site was the intersection on Broad Street and Front Street, with an emphasis on examining demands for open space, public access to the waterfront, and the need for additional ratables. Project results identified two additional issues of concern, namely the impact of potential development at this site on adjacent road facilities, and the need to address connectivity with the existing downtown area.

- **Strategic Revitalization Plan**

When the State Plan was adopted, Red Bank ranked 67th out of the 100 communities listed on the Municipal Distress Index.

This ranking made the Borough eligible to submit a Strategic Revitalization Plan to the State Planning Commission for review and endorsement. As part of the Borough's 1995 Vision and Master Plan project, the Planning Board authorized preparation of the Strategic Revitalization Plan. This plan builds upon issues identified in the 1994 Vision Plan, with an emphasis on social and economic needs, and adheres to State guidelines for neighborhood planning and citizen participation. Action items identified in this process were included directly in the Petition for Center Designation, as discussed below.

- **Red Bank Petition for Center Designation**

In 1996 the Borough applied to the State Planning Commission for designation as a Regional Center, per guidelines in the NJSDRP. The Petition for Center Designation defines Red Bank's compliance with criteria for center designation, and specifies how local policies and initiatives conform to related State policies regarding the State Plan. In addition, the Borough was required to submit a Planning and Implementation Agenda, in which Red Bank identified local needs that require coordination and support by County and/or State agencies. Red Bank composed the Planning and Implementation Agenda based on citizen input from the 1994 Vision Plan as clarified during the development of the Strategic Revitalization Plan. It should be noted that this

Agenda forms the basis of many of the subsequent efforts the Borough has undertaken with State and County agencies. As a result of Red Bank's participation in the Center Designation process, the Borough has acquired \$3 million in additional funding for various community projects.

- **TRANSPORTATION PROJECTS**

During the 1994 Vision Plan workshops, Red Bank residents prioritized two key goals, namely to re-build the town's economy and to preserve the town's traditional character. Citizen input also noted various dualities regarding social, economic, and educational issues. Upon further analysis, it became apparent that transportation demands and facilities have a direct impact on many of these issues. As a result, the Borough initiated work on a number of transportation planning projects whose outcome was critical to broader community concerns.

- **Red Bank Identity and Wayfinding Plan**
- **Transit-Oriented Development Study at Red Bank — see Monmouth County and NJ Transit versions**
- **NJDOT Red Bank Circulation Study**
- **Ehrenkrantz, Eckstut, Kuhn (EEA) Development Impact Study**
- **Shrewsbury Avenue Pedestrian Corridors Study**
- **Leighton Avenue Traffic Calming Study**

- **NEIGHBORHOOD PRESERVATION PROJECT**

The Neighborhood Preservation Project is a State funded program that provides five years of funding to promote re-investment in residential neighborhoods facing economic distress. The program provides the ability to offer low-interest loans for home maintenance and repair on owner-occupied homes within a designated area. Funding is also available for selected improvements to businesses and infrastructure within the same area. Red Bank is in its second year of this program, and has been able to assemble significant supplemental funding from other sources to complement the seed funding provided by the NPP designation.

- **ENVIRONMENTAL RESOURCE INVENTORY**

In 1994 the Red Bank Environmental Commission acquired funding to conduct an inventory of the Borough's natural and cultural resources. The project developed over the following three years, with extensive attention to significant features within both the natural and manmade environment. The Inventory is a compendium of data regarding soils, air and water quality, vegetation, animal life, public infrastructure,

historic buildings, parks and open spaces. It is intended to be a resource to assess the impact of development proposals on the resource base of the Borough.

- **COMMUNITY CULTURAL PLAN PRE-PLAN ASSESSMENT**

The New Jersey State Council on the Arts presented a small planning grant to Red Bank in 1999 to determine potential interest in developing a Community Cultural Plan. The Borough conducted a series of planning meetings that included representatives from educational, arts, and social services organizations as well as the community at large. Based on this process, there is a consensus that citizens endorse the preparation of a full-fledged Community Cultural Plan, and that there is a desire to promote connections between the arts and local educational opportunities for the families and children of Red Bank.

- **CURRENT PLANNING STUDIES:**

- TCSP Transit Friendly Communities Study
- Strategic Education and Development Study
- Community Cultural Plan
- Waterfront Access and Open Space Plan

- **STATE PLAN DOCUMENTS:**

- Executive Summary of The New Jersey State Development and Redevelopment Plan
- Designing New Jersey
- Employment and Community

- **STATE AND COUNTY DOCUMENTS**

- Transit Oriented Development
- Residential Site Improvement Standards
- Monmouth County Growth Management Guide
- Monmouth County Park System Open Space Plan
- Signage Made Simple (Monmouth County Planning Board)
- Parking Lot Design (Monmouth County Planning Board)

- **THE RED BANK PLAN, 1931**

The Red Bank Planning Board developed a comprehensive plan for the Borough in 1931, with the services of City Planner Herbert S. Swan of New York. The 1931 Red Bank Plan is notable in several respects. In many ways it articulates issues and

concerns that continue to be valid seventy years later. It is an informative reference that provides a benchmark for planning issues in Red Bank, and puts many current initiatives into a historic perspective. Several worn copies remain in circulation.

The Significant Changes in Development Regulations Assumptions, Policies and Objectives

1998

- Revised ordinance to allow unroofed porches or terraces to extend into any yard not exceeding 100 s.f.
- Ordinance 1998-4 and 1998-33 created the new zoning districts in accordance with the 1998 Master Plan
- Added requirement for parking contribution for variances granted in CCD-1, CCD-2, WD Zones

1999

- Revised "Change in Use" section to include different order of intensity
- Definition of awning changed, area of allowed graphics defined
- Accessory structure size reduced to 500 s.f.
- Added language in the fence section to allow Admin Officer to Consult with Planning Board
- Off Street Parking Requirements changed for primary food, office, primary liquor, theater
- Minimum lot size for RA zone reduced from 7,500 s.f. to 6,500 s.f.
- Accessory mechanical equipment, structures not exceeding 100 s.f. deemed "exempt" from site plan approval if conforming
- Block 75.03, Lot 50.01 & 69 re-zoned from BR-1 to LI
- Block 97.01, Lots 42.01, 57, 58 re-zoned from RD to LI
- Block 97.01, Lot 42.01 re-zoned from PO to LI

2000

- Amended CCD-2 District to allow Children's Philanthropic uses, except on properties fronting on Broad & Front Streets or east of Broad St.
- Block 8, Lots 10, 11, 12, 13, 14, 15, 16, 17 on the north side of Front Street re-zoned from WD to CCD-2
- Block 39, Lots 1.01 through 5 from RD to RA

- **Changed minimum square footage for apts. over street level to 1,000 s.f. with no more than 2 bedrooms. Removed limit on the number of units permitted (formerly minimum of 600 s.f., 2 apts each floor, maximum 4 units per building)**
- **Changed maximum structure height in the BR-1 Zone to 55' not exceeding 5 stories and maximum floor area ratio for nonresidential uses 2.1, and mixed uses 1.75.**
- **Professional Office Zone - Added commercial recreation facilities to permitted uses, on properties within the zone with frontage on Maple Avenue Between Bergen Place and Wikoff Place**

2001

- **Rezoned Block 9, Lot 33 into the Medical Services Zone**
- **Reduced density in RD Zone for townhouses and garden apartments. Also changed bulk requirements (lot area, frontage).**
- **Re-zoned Block 39, Lots 1.01 through 5 from the RA Zone to the RD Zone**
- **Changed definition of lot coverage to exclude parking areas and automobile access driveways in calculation of area of lot covered by buildings and structures**

RE-EXAMINATION REPORT OF THE MASTER PLAN
PLANNING AND DEVELOPMENT REGULATIONS
OF THE BOROUGH OF RED BANK

INTRODUCTION

In accordance with the Municipal Land Use Law (NJSA 40:55D-89), the Master Plan must be re-examined every six years. The 1995 Master Plan was re-examined in 2002 and now, in accordance with the statute, is being re-examined in 2008.

The Planning Board selected a subcommittee to review the 1995 Master Plan, the 2002 Re-Examination Report, and prepare background information and a list of topics for inclusion in the 2008 Re-Examination Report for review by the entire Planning Board membership.

The Committee met on several occasions since July 2008 and prepared a draft document entitled "Draft 2008 Re-Examination Report." This document was discussed at the Planning Board meeting on December 15, 2008 and as a result of input from the public and the Planning Board; revisions were made to it to reflect the Board's conclusion as a result of public meeting comments and Board discussion.

I. Major land development problems identified in the 2002 Re-Examination Report.

The 2002 Re-Examination Report found significant progress was made in achieving the goals outlined in the 1995 Master Plan. The 2002 Re-Examination Report indicated residential development increased throughout

the Borough; that additional parking had been developed in the Downtown area and at the train station, and that occupancy in the Downtown Business District and the Shrewsbury Avenue Business District had dramatically increased since the 1995 Master Plan. The 2002 Report goes on to state that the number and quality of retail, financial, restaurant and service occupancies continues to develop and thrive, and that Red Bank had developed into a destination where shopper activity thrives at all times and that Red Bank had established itself as a place to shop, dine, and enjoy.

The 2002 Re-Examination Report further indicated that business development in the vicinity of the train station/Shrewsbury Avenue area was steadily improving. Many applications for development and occupancy were at both the Planning and Zoning boards in 2002, and sites in the area which were in disrepair for years had been or were being planned for re-development. The report found that a sense of pride and place was developing in Red Bank store owners, tenants, and residents and stated that a "truly remarkable transformation" had occurred in Red Bank since the 1995 Plan.

The 2002 Report also found that some of the changes since the 1995 Plan resulted in increased pressure on several problems identified in the 1995 Master Plan, primarily parking and traffic circulation, and therefore, the 2002 Re-Examination Report identified additional stress on roadways and traffic congestion as a problem. It also stated that the cost of land, home, office, and rental prices continued to increase with some residents and business owners expressing affordability as an issue.

The 2002 Report found that additional stress on the community was caused by regional facilities such as the YMCA, Armory Ice Rink, and the many service and religious organizations that increase traffic and, in some cases, not providing tax revenue. The 2002 Re-Examination Report found that the remaining developable parcels in the Borough provided unique design challenges and that increased development since the 1995 Master Plan resulted in some loss of street trees and open space which impacts green space.

II. Land development objectives that existed in 2002.

The 2002 Re-Examination Report found that the objectives of the 1995 Master Plan continued to be essentially the same objectives in 2002. There was general "satisfaction" that the development and transformation which occurred between 1995 and 2002 was consistent with the goal of the 1995 Plan and was desirable. The 2002 Re-Examination went on to find that there should be a heightened emphasis on providing adequate parking and improved traffic flow in the Borough.

Changes in land development objectives identified in the 2002 Report included a recommendation that the Planning and Zoning boards focus on requiring Board applications provide a look consistent with Red Bank character, and suggested providing an extended mixed-use development between Broad Street and the train station along Monmouth Street. Other objectives in the 2002 Report included reducing noise and providing

improved waterfront access throughout the Borough, and to review standards for residential density in zones west of Maple Avenue to promote development more in keeping with a residential character.

III. The change in land development problems since the 2002 Re-Examination Report.

Generally, development which has occurred since the 2002 Re-Examination Report has been consistent with the 1995 Master Plan and the 2002 Re-Examination Report. Additional development has occurred in the Monmouth Street Corridor between Broad Street and Shrewsbury Avenue. The River Center Special Improvement District was extended along Monmouth Street to Shrewsbury Avenue. New mixed-use developments have been approved along that corridor that include commercial, retail, and residential components. Additionally, the number and quality of retail, financial, restaurant and other uses continue to develop and thrive. Red Bank continues its role as a regional destination for both shopper, restaurant, and entertainment activities.

Development in the train station area continues to improve since the 2002 Report. Applications have been approved in the train station vicinity have an increased residential density, as well as include retail/commercial components. Applications in the vicinity of the train station for adaptive reuse, as well as demolition and reconstruction have also been approved.

The 2002 Re-Examination Report identified insufficient parking as a continued problem. Since the 2002 Re-Examination Report, the boards have generally not approved applications that proposed new square footage that did not also include sufficient parking. This has caused the positive result that applications now include parking garages, underground parking facilities, and surface parking sufficient to meet the parking demand created by the application. Ordinance changes adopted by the Planning Board and Mayor and Council since the 2002 Re-Examination have reduced the density of residential uses immediately adjacent to the river and reduced densities of residential areas on the west side of town by eliminating attached single-family and multi-family dwelling uses.

IV. The changes in land development objectives since the 2002 Re-Examination Report.

The changes in land development objectives since the 2002 Re-Examination include extension of the special improvement district along Monmouth Street to Shrewsbury Avenue and an increase of allowable densities along that corridor. These objectives also include an increase to residential densities in the vicinity of the train station beyond what is provided for in the current ordinance. This change should encourage residential development that would predominantly use public transportation as the primary means of travel. Additionally, the board recognizes that the current limitations for residential units above retail and commercial (now 4 units/building) as being too restrictive and recommend increased density for these units be considered in the CCD-1, CCD-2 and BR-1 and BR-2 Zones.

In the CCD-1 and CCD-2 Zones, concern was expressed by the Planning Board that the lack of a density requirement in the zone is resulting in applications with excessive densities. Density limits should be considered for the CCD-1 and CCD-2 Zones. It further recognized that "Commercial Parking Garage" should be a permitted accessory and principal use in the BR-1 and BR-2 zones to allow rental of garage space to help address the parking shortfall in Red Bank.

The Planning Board, Mayor and Council continue to address the shortfall of low and moderate income housing within the Borough as defined by COAH. The Affordable Housing Overlay District was established in the area east of Bridge Avenue which allows an increased density of residential units and requires that at least 25% of all new units be rentals. The Borough is also preparing a housing plan to address its third round housing allocation for the period 2004 to 2018.

As previously stated, the 2002 Re-Examination Report found that increased development has resulted in loss of street trees and open space. To address this issue, the Borough completed a Community Forestry Management Plan in 2006 in cooperation with the Red Bank Shade Tree Committee.

In addition, the Planning Board and Mayor and Council recently adopted expanded limits to the Historic District in the BR-1 and RB-2 Zones in the vicinity of Washington and Front Street to preserve the historic character of that neighborhood. The historic inventory of significant sites in Red Bank

maintained by the Borough Historic Preservation Commission was used to establish the limits of a new Historic Residential District.

Finally, the Board recognized the need for additional waterfront access. The foot of Maple Avenue and the property at the foot of Sunset Avenue were discussed as possible candidates for consideration. Additional waterfront properties are discussed in the Red Bank Waterfront Plan which was completed in 2006.

V. The significant changes in Master Plan assumption policy and objectives.

The policy of objectives of the 1995 Master Plan as modified by the 2002 Re-Examination Report are still considered appropriate for the foreseeable future.

VI. The significant changes in development regulations assumption policy and objectives.

Since adoption of the 1995 Master Plan and 2002 Re-Examination Report, the Planning and Development Regulations were revised to reflect the addition of new zones and deletion of several others. The zone ordinance was reviewed and revisions made to comply with recommendations of the 1995 Plan and 2002 Re-Examination Report.

Below is a summary of significant amendments to the Planning and Development Regulations adopted by the Mayor and Council between 2006

and 2008. The Re-examination committee reviewed the amendments listed below and re-affirmed the adopted Ordinances are consistent with the goals of the Master Plan:

- The minimum lot area for lots abutting the Navesink River was increased from 5,000 SF to 30,000 SF in the WD and RD Zones, and from 6,500 SF to 40,000 SF in the RA Zone. (Ordinance No. 2007-15)
- Attached single-family dwellings are no longer a permitted use in the RD and RB-1 Zones. (Ordinance No. 2007-15 and 25)
- Exterior balconies, decks, and porches shall not be included in calculations of Floor Area Ratio. (Ordinance No. 2006-52)
- The Affordable Housing Overlay Zone was created. (Ordinance No. 2006-53)
- The bulk standards for the RB-1 Zone were revised. (Ordinance No. 2007-25)

VII. The changes recommended to the Master Plan or the need for a new plan.

The objectives of the 1995 Master Plan are considered valid today. The 2002 Re-Examination Report also confirmed those findings in 2002.

Although the Master Plan remains valid, some changes are required to the Development Regulations to create development that is more consistent (in certain areas of the town) with the Master Plan goals.

VIII. The changes recommended to the Development Regulations.

The following is a list of areas in the Planning Development Regulations that should be modified:

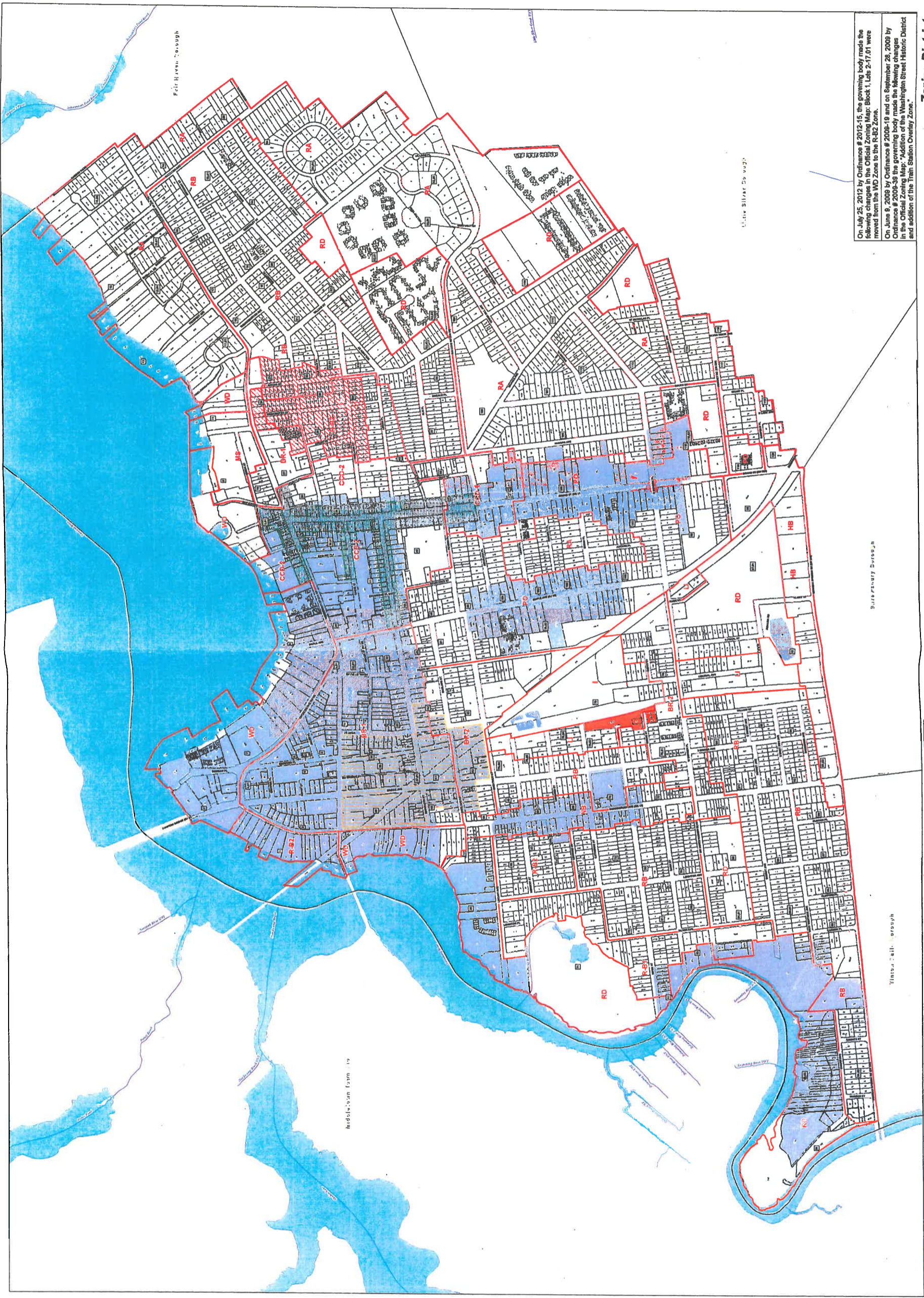
1. According to the Borough Attorney, there may be an issue concerning whether proper notice was given to property owners in affected zones with respect to Ordinance Nos. 2006-52, 2006-53, 2007-15, and 2007-25. The referenced Ordinances are summarized in Section VI of this document. Therefore the Committee recommends, out of an abundance of caution, that the above noted Ordinances be re-adopted.
2. The Re-examination Committee suggests the following modifications for the CCD-1 and CCD-2 zones:
 - For new structures, the permitted uses shall include dwelling apartments on floors above street level at a maximum density of 25 units per acre where adequate parking is provided.
 - For existing structures, the maximum density permitted shall be 25 units per acre. However, the permitted maximum density may be increased to allow up to four (4) units per site.
 - The Committee recommends the maximum floor area ratio be reduced from 2.25 to 1.70.
 - Finally, the Committee suggests the maximum height of new structures be reduced from fifty (50') feet to forty (40') feet.

3. A new zone (or overlay district) should be considered in the vicinity of the train station to encourage residential development with ready access to public transportation as the primary means of travel. A partial zone map is attached which shows the boundaries of this overlay district. The Re-examination Committee suggests the following density and height for the overlay district:
 - Maximum density permitted at 35 units per acre. However, the permitted maximum density may be increased to allow up to four (4) residential units per site when the rate of 35 units/acre results in less than 4 units.
 - The maximum structure height is recommended to be fifty (50') feet.
4. The setback requirements in the CCD-1 and CCD-2, BR-1 and BR-2 Zones should be reviewed and revised. Generally, applications in these zones are not compliant with the bulk requirements. However, the number of variances for set back given in these zones indicates the standards should be adjusted.
5. The Active recreation requirement for multi-family dwellings is currently 250 square feet per unit. The Committee suggests reviewing this requirement. In addition, the ordinance requiring a payment in lieu of providing active recreation should be reconsidered.
6. The Planning Board evaluated the parking fee required in the ordinance (Zones HB, CCD-1, CCD-2, BR-1, BR-2, PO, WD, MS, I,

and LI) and concludes the parking fee requirement to be absolutely mandatory and reaffirms its validity.

7. Side yard setback should be modified in all residential zones to allow air-conditioning units to be no closer than 3 feet from the property line, provided that unit is compliant with applicable noise ordinances and is screened from neighbor view.
8. The density requirements in the BR-1 and BR-2 zones shall be increased to encourage increased residential development in that area and to allow residential uses above retail consistent with the recent extension of the River Center District. The maximum density permitted shall be 16 units per acre. However, the permitted maximum density may be increased to allow up to 4 units per site.
9. The parking requirement for primary food and primary liquor should be changed from based on "maximum-rated occupancy" to an amount based on a "building-square-footage".
10. The new Historic District on Washington Street should be added to the Zoning Map.
11. Change the requirement for office, professional office and medical office parking to 5 spaces per 1,000 square feet.

12. Establish a height limitation of 35 feet and 2.5 stories for attached single-family uses in the BR-1 and BR-2 Zones.
13. Limit the permitted uses along Rector Place in the WD Zone to detached single-family dwellings.
14. Clarify the definition of “primary food service” such that any use which serves prepared food is considered a “primary food service”.
15. Clarify the definition of “apartment house”, “garden apartment” and “townhouse dwelling” as structures used only for residential purposes.
16. The definition of “vertical parking garage” is unclear and should be modified and listed as a permitted use in the BR-1 and BR-2 Zones. In addition, “Commercial Parking Garage” should be listed as a permitted accessory and principal use in the BR-1 and BR-2 Zones.
17. The definition of Commercial Recreation Facility should be clarified to include both profit and non-profit establishments.
18. Remove “lodges, clubs, and fraternal organizations” from the list of permitted uses in the PO and NB Zones.



Zoning Districts
Borough of Red Bank
Monmouth County, New Jersey

On July 25, 2012 by Ordinance #2012-15, the governing body made the following changes in the Official Zoning Map: Block 1, Lots 2-17, 01 were moved from the WD Zone to the R-52 Zone.
 On June 9, 2009 by Ordinance #2009-19 and on September 26, 2009 by Ordinance #2009-36 the governing body made the following changes in the Official Zoning Map: Addition of the Washington Street Historic District and addition of the Train Station Overlay Zone.

NOTE: This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data. The information on this map is not to be used for any purpose not intended by NJDEP and is not State-subsidized.

- Zoning Boundary
- Design District Overlay Zone
- Train Station Overlay District
- Washington Street Historic District
- Affordable Housing (AH) Overlay Zone
- Affordable Housing (AH-1) Overlay Zone
- Tax Block
- Block Number
- Tax Parcel
- Open Water
- Stream
- Municipal Boundary

11 Tindall Road
 Middletown, NJ 07746-2782
 Phone: 732-671-6400
 Fax: 732-671-1365

Modified per GIS from the map entitled "Zoning Map of the Borough of Red Bank, New Jersey" dated August 1983, and last revised by T&M Associates August 2009.

Prepared by: Charles Baker, February 5, 2010
 Source: NJDEP - 2009 Tax Parcels, Municipal Boundary, Stream;
 NJDOT - 2007 Roads; Monmouth County GIS - Open Water
 H:\GIS\2010 GIS Project\zoning\mapinfo\ZoningMap_08182012.mxd

0 150 300 600 Feet

RE-EXAMINATION REPORT OF THE MASTER PLAN
PLANNING AND DEVELOPMENT REGULATIONS
OF THE BOROUGH OF RED BANK

INTRODUCTION

In accordance with the Municipal Land Use Law (NJSA 40:55D-89), the Master Plan must be re-examined every six years. The 1995 Master Plan was re-examined in 2002 and 2008 in accordance with the statute.

Following the adoption of the re-examination on December 15, 2008, the Borough of Red Bank Mayor and Council received requests from residents for an additional public meeting to further discuss the 2008 re-examination report. As a result of the public request, an additional public meeting was held on February 18, 2009 to discuss the 2008 reexamination report. This document has been amended to reflect the Board's conclusion as a result of the February 18, 2009 public meeting and Board discussion.

I. Major land development problems identified in the 2002 Re-Examination Report.

The 2002 Re-Examination Report found significant progress was made in achieving the goals outlined in the 1995 Master Plan. The 2002 Re-Examination Report indicated residential development increased throughout the Borough; that additional parking had been developed in the Downtown area and at the train station, and that occupancy in the Downtown Business District and the Shrewsbury Avenue Business District had dramatically increased since the 1995 Master Plan. The 2002 Report goes on to state that

the number and quality of retail, financial, restaurant and service occupancies continues to develop and thrive, and that Red Bank had developed into a destination where shopper activity thrives at all times and that Red Bank had established itself as a place to shop, dine, and enjoy.

The 2002 Re-Examination Report further indicated that business development in the vicinity of the train station/Shrewsbury Avenue area was steadily improving. Many applications for development and occupancy were at both the Planning and Zoning boards in 2002, and sites in the area which were in disrepair for years had been or were being planned for re-development. The report found that a sense of pride and place was developing in Red Bank store owners, tenants, and residents and stated that a "truly remarkable transformation" had occurred in Red Bank since the 1995 Plan.

The 2002 Report also found that some of the changes since the 1995 Plan resulted in increased pressure on several problems identified in the 1995 Master Plan, primarily parking and traffic circulation, and therefore, the 2002 Re-Examination Report identified additional stress on roadways and traffic congestion as a problem. It also stated that the cost of land, home, office, and rental prices continued to increase with some residents and business owners expressing affordability as an issue.

The 2002 Report found that additional stress on the community was caused by regional facilities such as the YMCA, Armory Ice Rink, and the many service and religious organizations that increase traffic and, in some cases,

not providing tax revenue. The 2002 Re-Examination Report found that the remaining developable parcels in the Borough provided unique design challenges and that increased development since the 1995 Master Plan resulted in some loss of street trees and open space which impacts green space.

II. Land development objectives that existed in 2002.

The 2002 Re-Examination Report found that the objectives of the 1995 Master Plan continued to be essentially the same objectives in 2002. There was general "satisfaction" that the development and transformation which occurred between 1995 and 2002 was consistent with the goal of the 1995 Plan and was desirable. The 2002 Re-Examination went on to find that there should be a heightened emphasis on providing adequate parking and improved traffic flow in the Borough.

Changes in land development objectives identified in the 2002 Report included a recommendation that the Planning and Zoning boards focus on requiring Board applications provide a look consistent with Red Bank character, and suggested providing an extended mixed-use development between Broad Street and the train station along Monmouth Street. Other objectives in the 2002 Report included reducing noise and providing improved waterfront access throughout the Borough, and to review standards for residential density in zones west of Maple Avenue to promote development more in keeping with a residential character.

III. The change in land development problems since the 2002 Re-Examination Report.

Generally, development which has occurred since the 2002 Re-Examination Report has been consistent with the 1995 Master Plan and the 2002 Re-Examination Report. Additional development has occurred in the Monmouth Street Corridor between Broad Street and Shrewsbury Avenue. The River Center Special Improvement District was extended along Monmouth Street to Shrewsbury Avenue. New mixed-use developments have been approved along that corridor that include commercial, retail, and residential components. Additionally, the number and quality of retail, financial, restaurant and other uses continue to develop and thrive. Red Bank continues its role as a regional destination for both shopper, restaurant, and entertainment activities.

Development in the train station area continues to improve since the 2002 Report. Applications have been approved in the train station vicinity have an increased residential density, as well as include retail/commercial components. Applications in the vicinity of the train station for adaptive reuse, as well as demolition and reconstruction have also been approved.

The 2002 Re-Examination Report identified insufficient parking as a continued problem. Since the 2002 Re-Examination Report, the boards have generally not approved applications that proposed new square footage that did not also include sufficient parking. This has caused the positive result that applications now include parking garages, underground parking

facilities, and surface parking sufficient to meet the parking demand created by the application. Ordinance changes adopted by the Planning Board and Mayor and Council since the 2002 Re-Examination have reduced the density of residential uses immediately adjacent to the river and reduced densities of residential areas on the west side of town by eliminating attached single-family and multi-family dwelling uses.

IV. The changes in land development objectives since the 2002 Re-Examination Report.

The changes in land development objectives since the 2002 Re-Examination include extension of the special improvement district along Monmouth Street to Shrewsbury Avenue and an increase of allowable densities along that corridor. These objectives also include an increase to residential densities in the vicinity of the train station beyond what is provided for in the current ordinance. This change should encourage residential development that would predominantly use public transportation as the primary means of travel. Additionally, the board recognizes that the current limitations for residential units above retail and commercial (now 4 units/building) as being too restrictive and recommend increased density for these units be considered in the CCD-1, CCD-2 and BR-1 and BR-2 Zones.

In the CCD-1 and CCD-2 Zones, concern was expressed by the Planning Board that the lack of a density requirement in the zone is resulting in applications with excessive densities. Density limits should be considered for the CCD-1 and CCD-2 Zones. It further recognized that "Commercial

Parking Garage” should be a permitted accessory and principal use in the BR-1 and BR-2 zones to allow rental of garage space to help address the parking shortfall in Red Bank.

The Planning Board, Mayor and Council continue to address the shortfall of low and moderate income housing within the Borough as defined by COAH. The Affordable Housing Overlay District was established in the area east of Bridge Avenue which allows an increased density of residential units. The Borough is also preparing a housing plan to address its third round housing allocation for the period 2004 to 2018.

As previously stated, the 2002 Re-Examination Report found that increased development has resulted in loss of street trees and open space. To address this issue, the Borough completed a Community Forestry Management Plan in 2006 in cooperation with the Red Bank Shade Tree Committee. It is the goal of the Borough of Red Bank to maintain and promote a healthy, safe and sustainable shade tree resource that will physically, economically and aesthetically benefit the community and its residents in the most cost effective manner possible.

In addition, the Planning Board and Mayor and Council recently adopted expanded limits to the Historic District in the BR-1 and RB-2 Zones in the vicinity of Washington and Front Street to preserve the historic character of that neighborhood. The historic inventory of significant sites in Red Bank maintained by the Borough Historic Preservation Commission was used to establish the limits of a new Historic Residential District.

Finally, the Board recognized the need for additional waterfront access. The foot of Maple Avenue and the property at the foot of Sunset Avenue were discussed as possible candidates for consideration. Additional waterfront properties are discussed in the Red Bank Waterfront Plan which was completed in 2006.

V. The significant changes in Master Plan assumption policy and objectives.

The policy of objectives of the 1995 Master Plan as modified by the 2002 Re-Examination Report are still considered appropriate for the foreseeable future.

VI. The significant changes in development regulations assumption policy and objectives.

Since adoption of the 1995 Master Plan and 2002 Re-Examination Report, the Planning and Development Regulations were revised to reflect the addition of new zones and deletion of several others. The zone ordinance was reviewed and revisions made to comply with recommendations of the 1995 Plan and 2002 Re-Examination Report.

Below is a summary of significant amendments to the Planning and Development Regulations adopted by the Mayor and Council between 2006 and 2008. The Re-examination committee reviewed the amendments listed

below and re-affirmed the adopted Ordinances are consistent with the goals of the Master Plan:

- The minimum lot area for lots abutting the Navesink River was increased from 5,000 SF to 30,000 SF in the WD and RD Zones, and from 6,500 SF to 40,000 SF in the RA Zone. (Ordinance No. 2007-15)
- Attached single-family dwellings are no longer a permitted use in the RD and RB-1 Zones. (Ordinance No. 2007-15 and 25)
- Exterior balconies, decks, and porches shall not be included in calculations of Floor Area Ratio. (Ordinance No. 2006-52)
- The Affordable Housing Overlay Zone was created. (Ordinance No. 2006-53)
- The bulk standards for the RB-1 Zone were revised. (Ordinance No. 2007-25)

VII. The changes recommended to the Master Plan or the need for a new plan.

The objectives of the 1995 Master Plan are considered valid today. The 2002 Re-Examination Report also confirmed those findings in 2002.

Although the Master Plan remains valid, some changes are required to the Development Regulations to create development that is more consistent (in certain areas of the town) with the Master Plan goals.

VIII. The changes recommended to the Development Regulations.

The following is a list of areas in the Planning Development Regulations that should be modified:

1. According to the Borough Attorney, there may be an issue concerning whether proper notice was given to property owners in affected zones with respect to Ordinance Nos. 2006-52, 2006-53, 2007-15, and 2007-25. The referenced Ordinances are summarized in Section VI of this document. Therefore the Committee recommends, out of an abundance of caution, that the above noted Ordinances be re-adopted.
2. The Re-examination Committee suggests the following modifications for the CCD-1 and CCD-2 zones:
 - For new structures, the permitted uses shall include dwelling apartments on floors above street level at a maximum density of 25 units per acre where adequate parking is provided.
 - For existing structures, the maximum density permitted shall be 25 units per acre. However, the permitted maximum density may be increased to allow up to four (4) units per site.
 - The Committee recommends the maximum floor area ratio be reduced from 2.25 to 1.70.
 - Finally, the Committee suggests the maximum height of new structures be reduced from fifty (50') feet to forty (40') feet.
3. A new zone (or overlay district) should be considered in the vicinity of the train station to encourage residential development with ready

access to public transportation as the primary means of travel. A partial zone map is attached which shows the boundaries of this overlay district. The Re-examination Committee suggests the following density and height for the overlay district:

- Maximum density permitted at 35 units per acre. However, the permitted maximum density may be increased to allow up to four (4) residential units per site when the rate of 35 units/acre results in less than 4 units.
 - The maximum structure height is recommended to be fifty (50') feet.
4. The setback requirements in the CCD-1 and CCD-2, BR-1 and BR-2 Zones should be reviewed and revised. Generally, applications in these zones are not compliant with the bulk requirements. However, the number of variances for set back given in these zones indicates the standards should be adjusted.
 5. The Active recreation requirement for multi-family dwellings is currently 250 square feet per unit. The Committee suggests reviewing this requirement. In addition, the ordinance requiring a payment in lieu of providing active recreation should be reconsidered.
 6. The Planning Board evaluated the parking fee required in the ordinance (Zones HB, CCD-1, CCD-2, BR-1, BR-2, PO, WD, MS, I, and LI) and concludes the parking fee requirement to be absolutely mandatory and reaffirms its validity.

7. Side yard setback should be modified in all residential zones to allow air-conditioning units to be no closer than 3 feet from the property line, provided that unit is compliant with applicable noise ordinances and is screened from neighbor view.
8. The density requirements in the BR-1 and BR-2 zones shall be increased to encourage increased residential development in that area and to allow residential uses above retail consistent with the recent extension of the River Center District. The maximum density permitted shall be 16 units per acre. However, the permitted maximum density may be increased to allow up to 4 units per site.
9. The parking requirement for primary food and primary liquor should be changed from based on "maximum-rated occupancy" to an amount based on a "building-square-footage".
10. The new Historic District on Washington Street should be added to the Zoning Map.
11. Change the requirement for office, professional office and medical office parking to 5 spaces per 1,000 square feet.
12. Establish a height limitation of 35 feet and 2.5 stories for attached single-family uses in the BR-1 and BR-2 Zones.

13. Limit the permitted uses along Rector Place in the WD Zone to detached single-family dwellings.
14. Clarify the definition of “primary food service” such that any use which serves prepared food is considered a “primary food service”.
15. Clarify the definition of “apartment house”, “garden apartment” and “townhouse dwelling” as structures used only for residential purposes.
16. The definition of “vertical parking garage” is unclear and should be modified and listed as a permitted use in the BR-1 and BR-2 Zones. In addition, “Commercial Parking Garage” should be listed as a permitted accessory and principal use in the BR-1 and BR-2 Zones.
17. The definition of Commercial Recreation Facility should be clarified to include both profit and non-profit establishments.
18. Remove “lodges, clubs, and fraternal organizations” from the list of permitted uses in the PO and NB Zones.
19. Based on the current zoning ordinance, a change of occupancy of a retail establishment to personal service (i.e. nail/hair salon, tanning salon, yoga/dance studio, Pilates studio, etc.), triggers a need for Planning Board approval for the change of use, even though the proposed occupancy may be permitted in the zone. This results from an ordinance requirement where a proposed occupancy moves from

one use to a use lower in the “list of uses” and is then considered a “change in use” requiring Board approval. In many instances, this process is for minor changes which create a cost to downtown business owners who are moving into and want to occupy existing sites. The Board recommends an ordinance change that would streamline the approval process for “minor changes” to occupancies in the CCD-1 and CCD-2 Zone and will reduce the load on the Planning Board for applications which are minor in nature.

20. The Board recommends a revision to the Ordinance which would allow the Administrative Officer to approve a change from one permitted use to another permitted use when no new gross floor area or variances are proposed and the increase in parking demand is less than 5 spaces. Applications that meet the criteria for administrative approval would still be required to pay all applicable fees, including COAH, utility fees, and parking fees, as appropriate. This recommendation does not apply to primary food and primary liquor-type uses since these uses have delivery and trash issues which should be reviewed by the Board.
21. The Board supports the Borough’s interest in “green” Ordinances which will provide incentives to Developers to include green technologies in new building projects.

BOND ORDINANCE NO. 1994-5

BOND ORDINANCE TO PROVIDE FOR VARIOUS CAPITAL IMPROVEMENTS BY AND IN THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, APPROPRIATING \$450,000 THEREFOR AND AUTHORIZING \$427,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

BOROUGH COUNCIL OF THE BOROUGH OF RED BANK
 PUBLIC NOTICE
 BOND ORDINANCE #1994-5
 STATEMENT

The bond ordinance published herewith has been finally adopted by the Borough Council of the Borough of Red Bank on March 22, 1994, and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this Statement.

BOND ORDINANCE #1994-5
 BOND ORDINANCE TO PROVIDE FOR VARIOUS CAPITAL IMPROVEMENTS BY AND IN THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, APPROPRIATING \$450,000 THEREFOR AND AUTHORIZING \$427,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken by the Borough of Red Bank, in the County of Monmouth, State of New Jersey (the "Borough"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$450,000, including the sum of \$22,500 as the aggregate amount of down payments for said improvements or purposes required by the Borough for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes and to meet the part of said \$450,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$427,500 pursuant to the Local Bond Law of the State of New Jersey (the "Local Bond Law"). In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$427,500 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. The improvements hereby authorized and purposes for the financing of which said obligations are to be issued is as follows:

Improvement or Purpose	Appropriation	Authorization	Down Payment	Useful Life
a) Improvement of the entire length of Hubbard Park, Worthley Street, Marion Street and West Bergen Place from Maple Avenue to Shrewsbury Avenue in the Borough by the repaving thereof with a roadway pavement having a useful life or durability of least equal to that of a class A roadway (as defined under N.J.S.A. §40A:2-22(a)), including, but not limited to, as required, excavation, milling, joint stabilization, curbing, drainage structures and pavement striping, and also including all structures and appurtenances, work or material necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor to be filed in the Office of the Clerk of the Borough and hereby approved	\$ 375,000	\$ 356,250	\$ 18,750	20 years
b) Construction of a parking lot on municipal land located at Block 8, Lot 4 on the Official Tax Map of the Borough to be used by the public for public purposes, such construction to include, but not limited to, as required, curbing, drainage, excavation, striping and landscaping with a parking surface having a useful life or durability of least equal to that of a class A construction (as defined under N.J.S.A. 40A:2-22(a)), and also including all structures and appurtenances, work or material necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor to be filed in the Office of the Clerk of the Borough and hereby approved	75,000	71,250	3,750	15 years

a. The aggregate estimated maximum amount of bonds or notes to be issued for said purposes is \$427,500.

b. The aggregate estimated cost of said purposes is \$427,500, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the aggregate amount of \$22,500, is the aggregate down payment for said purposes.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Monmouth make a contribution or grant in aid to the Borough for the improvements and purposes authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Monmouth. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, and/or the County of Monmouth shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Borough shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the determinations of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such provisions of N.J.S.A. 40A:2-8(a). The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time of public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government services will be on file in the office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

a. The purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

b. The average period of usefulness of said purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 17.17 years.

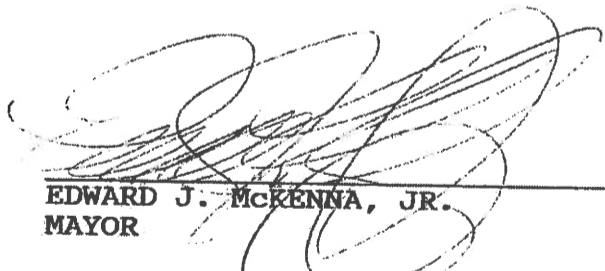
c. The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

d. An aggregate amount not exceeding \$82,000.00 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

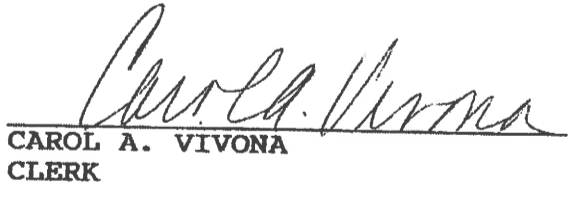
SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Borough, or any member of the same "Controlled Group" as the Borough, within the meaning of Treasury Regulation Section 1.150-1(f), pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.150-2, and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation Section 1.148-10 to avoid arbitrage yield restrictions or arbitrage rebate requirements under Sections 142 through 147 of the Code. The proceeds of any bonds or notes authorized herein used to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will not be used directly or indirectly (i) to "refund" an issue of year, following the reimbursement of any expenditures of bond proceeds "replacement proceeds", within the meaning of Treasury Regulation Section 1.148-1 of the Code, (ii) to create, within one year, following the reimbursement of any expenditures of bond proceeds "replacement proceeds", (iii) to reimburse the Borough for any expenditure or payment that was originally paid with the proceeds of any obligations of the Borough (other than borrowing by the Borough from one of its own funds or the funds of a member of the same "Controlled Group" within the meaning of Treasury Regulation Section 1.150-1(f)). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$427,500. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of Section 150 of the Code. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2).

SECTION 10. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.



EDWARD J. MCKENNA, JR.
MAYOR



CAROL A. VIVONA
CLERK

FIRST READING: MARCH 8, 1994
FINAL READING: MARCH 22, 1994

ORDINANCE NO. 1993-26

BOND ORDINANCE REAPPROPRIATING BOND PROCEEDS FROM BOND ORDINANCES NUMBERED 1987-3, 1988-16 AND 1991-11 FOR VARIOUS CAPITAL IMPROVEMENTS AND TO PROVIDE FOR VARIOUS CAPITAL IMPROVEMENTS BY AND IN THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$260,000 THEREFOR AND AUTHORIZING \$247,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

**BOROUGH COUNCIL OF THE BOROUGH OF RED BANK
PUBLIC NOTICE
ORDINANCE #1993-26
STATEMENT**

The bond ordinance published herewith has been finally adopted by the Borough Council of the Borough of Red Bank on September 28, 1993, and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this Statement.

CAROL A. VIVONA
Clerk of the Borough of Red Bank

ORDINANCE #1993-26
BOND ORDINANCE REAPPROPRIATING BOND PROCEEDS FROM BOND ORDINANCES NUMBERED 1987-3, 1988-16 AND 1991-11 FOR VARIOUS CAPITAL IMPROVEMENTS AND TO PROVIDE FOR VARIOUS CAPITAL IMPROVEMENTS BY AND IN THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$260,000 THEREFOR AND AUTHORIZING \$247,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The following amounts of bond proceeds of the following bond ordinances are not necessary for the purposes for which they were authorized and issued and the projects to which such proceeds relate have been completed:

Ordinance	Purpose	Amount
1987-3	Various Improvements	\$19,690.24
1988-16	Reconstruction of Leighton Avenue	9,778.22
1991-11	Various Road Improvements	161,852.32
		\$191,320.78

SECTION 2. Such amounts shall be and are hereby reappropriated pursuant to N.J.S.A. §40A:2-39 and used to finance the cost of the following improvements or purposes:

Improvement	Amount
Acquisition and Construction of a Prefabricated Building to be used as the Municipal Annex to be located at Block 7D, Lot 23 on the Official Tax Map of the Borough of Red Bank - commonly known as 270 Shrewsbury Avenue, including the hook-up of electrical plumbing and heating systems and all other work necessary and incidental thereto or related thereto; all as shown on plans and specifications therefor on file in the Office of the Clerk of the Borough.	\$104,320.78
Replacement of Roof of Public Library of the Borough of Red Bank located at 84 West Front Street in the Borough.	62,000.00
Acquisition of a portion of the property located at 96 West Front Street, Block B, Lot 4 on the Official Tax Map of the Borough of Red Bank, for the ancillary use by the Public Library of the Borough and the Borough.	25,000.00
	\$191,320.78

SECTION 3. The improvements or purposes described in Section 2 of this bond ordinance are hereby authorized as general improvements to be undertaken by the Borough of Red Bank, in the County of Monmouth, State of New Jersey (the "Borough"). For the said improvements or purposes stated in Section 2, there is hereby appropriated the aggregate sum of \$260,000.00 including the sum of \$13,000.00 as the aggregate amount of down payments for said improvements or purposes required by law and is now available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

SECTION 4. For the financing of said improvements or purposes and to meet the part of said \$260,000.00 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$247,000.00 pursuant to the Local Bond Law of the State of New Jersey (the "Local Bond Law"). In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$247,000.00 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 5. The improvements hereby authorized and purposes for the financing of which said obligations are to be issued is as follows:

Improvement or Purpose	Appropriation	Authorization	Down Payment	Useful Life
a) Acquisition of property located at Block 8, Lots 1 and 4, on the Official Tax Map of the Borough of Red Bank, commonly known as W. Front Street and 90 W. Front Street, respectively, for the ancillary use of such property by the Public Library of the Borough and the Borough, including the demolition of structures located thereon.	\$ 60,000.00	\$ 57,000.00	\$ 3,000.00	40 years
b) Acquisition of property located at Block 39, Lots 23 and 24 on the Official Tax Map of the Borough of Red Bank, commonly known as 82 and 74 Shrewsbury Avenue, respectively, for the purposes of constructing a Senior Citizens Center thereon including the demolition of structures located thereon.	200,000.00	190,000.00	10,000.00	40 years
	\$260,000.00	\$247,000.00	\$13,000.00	

a. The aggregate estimated maximum amount of bonds or notes to be issued for said purposes is \$247,000.00.

b. The aggregate estimated cost of said purposes is \$260,000.00 the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the aggregate amount of \$13,000.00 is the aggregate down payments for said purposes.

SECTION 6. In the event the United States of America, the State of New Jersey, and/or the County of Monmouth make a contribution or grant in aid to the Borough for the improvements and purposes authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 4 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Monmouth. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, and/or the County of Monmouth shall be received by the Borough after the issuance of the bonds or notes authorized in Section 4 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 7. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Borough shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8(a). The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 8. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services will be on file in the office of the Clerk and will be available for public inspection.

SECTION 9. The following additional matters are hereby determined, declared, recited and stated:

a. The purposes described in Section 5 of this bond ordinance are not current expenses and are improvements which the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

b. The average period of usefulness of said purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 40 years.

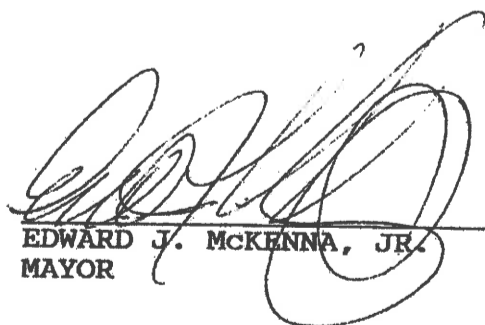
c. The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is not increased by the authorization of the bonds or notes provided for in this bond ordinance and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

d. An aggregate amount not exceeding \$42,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 11. The Borough reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 5 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Borough, or any member of the same "control group" as the Borough, within the meaning of Treasury Regulations Section 1.150-1(i), pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section 11 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 5 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.103-18, and no further action (or inaction) will be an artifice or device in accordance with Treasury Regulations Section 1.103-13(j) or 1.148-9(g) to avoid, in whole or in part, arbitrage yield restrictions or arbitrage rebate requirements. The proceeds of any bonds or notes authorized herein used to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 5 hereof will not be used directly or indirectly (i) to "refund" an issue of governmental obligations within the meaning of Section 14B of the Code, (ii) to create or increase the balance in a "reserve or replacement fund" within the meaning of Treasury Regulation Section 1.103-14(d) with respect to any obligation of the Borough, or to replace funds that have been, are being or will be so used for reserve or replacement fund purposes, or (iv) to reimburse the Borough for any expenditure or payment that was originally paid with the proceeds of any obligation of the Borough (other than borrowing by the Borough from one of its own funds or the funds of a member of the same "controlled group" within the meaning of Treasury Regulation Section 1.150-1(f)). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 5 hereof will be issued in an amount not to exceed \$247,000.00. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of Section 150 of the Code. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulations Section 1.103-18(c)(ii).

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.
ADOPTED ON FIRST READING: September 13, 1993
ADOPTED FINAL: September 28, 1993


EDWARD J. MCKENNA, JR.
MAYOR


CAROL A. VIVONA
CLERK

FIRST READING: SEPTEMBER 14, 1993

FINAL READING: SEPTEMBER 28, 1993

RESOLUTION NO. 93-214

BOROUGH OF RED BANK

CAPITAL BUDGET AMENDMENT NO. 3

WHEREAS, the local capital budget for the year 1993 was adopted on the 13th day of July and amended on the 24th day of August and the 31st day of August; and

WHEREAS, it is desired to again amend said 1993 capital budget section.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Red Bank, County of Monmouth, and the following amendment to the adopted section of The Budget be made:

M - Polonsky	(	Illmensee	(	ABSTAIN	(	None
	(	Menna	((
S - Thompson	AYES	(	Hintelmann	NAYS	(	None
		(	Thompson	((
		(	Polonsky	ABSENT	(	Murphy
				((

CAPITAL BUDGET (Current Year Action) - 1993

1	2	3	4	5a	5b	5c	5d	5e	6
PROJECT	PROJECT NUMBER	ESTIMATED TOTAL COST	RESERVED IN PRIOR YEARS	1993 AND 1992 BUDGET APPROPRIATIONS	CAPITAL IMPROVEMENT FUND	CAPITAL SURPLUS	GRANTS IN AID AND OTHER FUNDS	DEBT AUTHORIZED	TO BE FUNDED IN FUTURE YEARS
ACQUISITION AND CONSTRUCTION OF PRE-FAB BLDG. FOR MUNICIPAL ANNEX B.79, L.23	G-2	104,320.78					104,320.78		
REPLACEMENT OF ROOF - PUBLIC LIBRARY AT 84 WEST FRONT STREET	G-3	62,000.00					62,000.00		
ACQUISITION OF PROPERTY/96 W. FRONT B.S. L.4, FOR LIBRARY PURPOSES	G-4	85,000.00			3,000.00		25,000.00	57,000.00	
ACQUISITION OF PROPERTY AT B.39, L.23 & 24 FOR SENIOR CITIZENS' CTR.	G-5	200,000.00			10,000.00			190,000.00	
TOTAL ALL PROJECTS		3,391,320.78			117,500.00	147,500.00	536,320.78	2,590,000.00	

1993 YEAR CAPITAL PROGRAM 1993-1998
ANTICIPATED PROJECT SCHEDULE AND FUNDING REQUIREMENTS

1 PROJECT	2 PROJECT NUMBER	3 ESTIMATED TOTAL COST	4 ESTIMATED COMPLETION TIME	BUDGET YEAR 1993	FUNDING AMOUNTS PER YEAR				
					1994	1995	1996	1997	1998
ACQUISITION AND CONSTRUCTION OF PRE-FAB BLDG. FOR MUNICIPAL ANNEX B.79, L.23	G-2	104,320.78	1993-94	104,320.78					
REPLACEMENT OF ROOF - PUBLIC LIBRARY AT 84 WEST FRONT STREET	G-3	62,000.00	1993	62,000.00					
ACQUISITION OF PROPERTY AT 96 WEST FRONT STREET B.8, L.4, FOR LIBRARY PURPOSES	G-4	85,000.00	1993	85,000.00					
ACQUISITION OF PROPERTY AT B.39, L.23 & 24 FOR SENIOR CITIZENS' CENTER	G-5	200,000.00	1993	200,000.00					
TOTAL ALL PROJECTS		3,391,320.78		3,391,320.78					

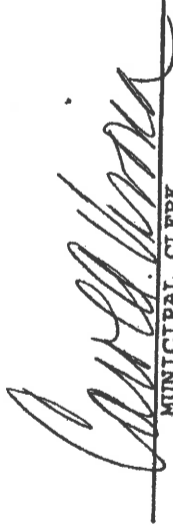
1993 YEAR CAPITAL PROGRAM 1993-1998
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

1 PROJECT	2 TOTAL COST	3 BUDGET APPROPRIATIONS		4 CAPITAL IMPROVEMENT FUND	5 CAPITAL SURPLUS	6 GRANTS IN AID AND OTHER FUNDS	7 BONDS AND NOTES						
		CURRENT YEAR 1993	FUTURE YEARS				GENERAL	LIQUIDATING	ASSESSMENT	SCHOOL			
ACQUISITION AND CONSTRUCTION OF PRE-FAB BLDG. FOR MUNICIPAL ANNEX B.79, L.23	104,320.78					104,320.78							
REPLACEMENT OF ROOF - PUBLIC LIBRARY AT 84 WEST FRONT STREET	62,000.00					62,000.00							
ACQUISITION OF PROPERTY 96 WEST FRONT ST. B.8, L.4, FOR LIBRARY PURPOSES	85,000.00			3,000.00		25,000.00	57,000.00						
ACQUISITION OF PROPERTY AT B.39, L.23 & 24 FOR SENIOR CITIZENS' CENTER	200,000.00			10,000.00			190,000.00						
TOTAL ALL PROJECTS	3,391,320.78			117,500.00	147,500.00	536,320.78	1,387,000.00	1,203,000.00					

Be it further Resolved, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government services.

It is hereby certified that this is a true copy of a resolution amending the capital budget section adopted by the governing body on the 14th day of September, 1993.

Certified by me

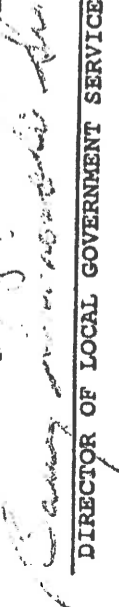

MUNICIPAL CLERK

September 14, 1993
(DATE)

TRENTON, NEW JERSEY

APPROVED

Sept. 23, 1993


DIRECTOR OF LOCAL GOVERNMENT SERVICES

BY 
DUPLICATE DESIGNEE

RBNK-G1201

August 9, 2012

Nancy Lawrence, NJDEP
Compliance Officer
Bureau of Legal Services and Stewardship
Green Acres Program
301 East State Street
Trenton, NJ 08625

**Re: Red Bank Borough, Monmouth County
ROSI Amendment
Block 8, Lots 1, 4, & 4.01**

Dear Ms. Lawrence:

As a follow-up to our meeting of August 1, 2012, please find, as outlined below, documents supporting our request to remove the above referenced properties from the ROSI due to bona fide error. The Borough has and continues to use the properties for public parking and in association with the Red Bank Public Library. Upon confirmation from your office, the Borough is prepared to proceed with public notification and hearing requirements.

Attached please find the following:

- a. Indenture between H. Raymond Eisner, Elsie Eisner, J. Lester Eisner, Virginia Eisner, Monroe Eisner, Winone Eisner, all, and the Borough of Red Bank, dated January 1, 1937, consisting of nine (9) pages transferring Block 8, Lots 5 and 5.01 to be used at all times as a Red Bank Public Library.
- b. Deed for transfer of property Block 8, Lots 1, 1R (1.01), and 4 between Monmouth Street Corp and the Borough of Red Bank, dated December 21, 1993, consisting of eight (8) pages.
- c. Parking Task Force, dated July 2001, including the following:
 1. Table of contents and cover page consisting of two (2) pages.
 2. Borough of Red Bank Memorandum, dated February 9, 2001, consisting of four (4) pages.
 3. Informational Handout regarding the Proposed Parking Improvement Initiative and White Street Parking Garage Project, consisting of four (4) pages.
 4. Parking Inventory consisting of three (3) pages.
- d. Parking Inventory, dated August 20, 2001, consisting of three (3) pages.
- e. Parking Utility Collections for 2001, 2002, and 2003, consisting of five (5) pages.
- f. Letter from Stanley Sickels, to Chris Dolphin, dated April 6, 2009, consisting of three (3) pages.
- g. Letter from Stanley Sickels to Mrs. Cindy Burham, dated April 10, 2009, consisting of two (2) pages.
- h. Letter from Stanley Sickels to Mrs. Tammy DiGiacomo, dated March 20, 2011 with attached pictures, consisting of twelve (12) pages.

Le: Nancy Lawrence, NJDEP
Compliance Officer
Bureau of Legal Services and Stewardship
Green Acres Program

Re: Red Bank Borough, Monmouth County
ROSI Amendment
Block 8, Lots 1, 4, & 4.01

- i. Council Meeting Notes, dated June 8, 2011 including the following:
 1. Letter from Richard A. Kosenski to Councilman Illmensee, dated January 15, 1996 consisting of two (2) pages.
 2. Letter from Richard A Kosenski, to the Mayor and Council, dated April 1, 1996 with attachments, consisting of five (5) pages.
 3. Parking Inventory completed by the Borough of Red Bank Police Department, dated August 20, 2001, consisting of three (3) pages.
 4. Resolution No. 08-66, dated March 10, 2008, authorizing acceptance of certain contributions for off-tract improvements regarding the K. Hovnavian Headquarters Building, consisting of one (1) page.
 5. Letter from Cindy Burnham to Stanley Sickels, dated April 7, 2009, consisting of two (2) pages.
 6. Minutes from a public meeting, dated September 8, 2009, consisting of one (1) page.
 7. Estimate for the re-surfacing of the Maple Ave ("Cove") parking Lot, dated December 17, 2009, consisting of one (1) page.
 8. Plan of the Maple Ave. ("Cove") parking lot, consisting of one (1) page.
- j. Maple Avenue Wetland Topographic Drawing, dated December 3, 2009.

All of the above referenced documents are also being provided electronically on the enclosed CD. If you have any questions, regarding the above, please feel free to contact me at 732-671-6400.

Very truly yours,



CHRISTINE A. BALLARD, P.E.
RED BANK BOROUGH ENGINEER

CAB:scb

Enclosures

cc: Stanley J. Sickels, Borough Administrator (w/ enclosures)
Pamela Borghi, Clerk (w/ enclosures)
Cecile Murphy, NJDEP
Jessica Patterson, NJDEP

H:\RBNK\G1201\Correspondence\Maple Cove ROSI\Lawrence_CAB_Maple Cove Rosi.docx

This Indenture,

Made the First day of January, in the year of our Lord One Thousand Nine Hundred and Thirty-seven
 Between H. RAYMOND EISNER and ELSIE EISNER, his wife; J. LESTER EISNER and VIRGINIA EISNER, his wife; LOUISE EISNER and WINONE EISNER, his wife, all

of the Borough of Red Bank, in the County of Monmouth and State of New Jersey party, of the first part,

And

THE BOROUGH OF RED BANK, a municipal corporation of the

~~a body corporate of the~~ State of New Jersey, party of the second part,
 Witnesseth, That the said party of the first part, for and in consideration of

ONE DOLLAR (and other valuable considerations)

lawful money of the United States of America,

to them in hand well and truly paid by the said party of the second part, at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, and the said party of the first part being therewith fully satisfied, contented and paid, have given, granted, bargained, sold, aliened, released, enfeoffed, conveyed and confirmed, and by these presents do give, grant, bargain, sell, alien, release, enfeoff, convey and confirm unto the said party of the second part, its successors and assigns, forever:

All that certain tract or parcel of land and premises, hereinafter particularly described, situate, lying and being in the Borough of Red Bank, in the County of Monmouth and State of New Jersey, on the northerly side of Front Street.

BEGINNING at a point in the southwesterly corner of a lot of land fronting on said Front Street now or formerly the land of William Applegate, deceased, (now the property of the Estate of Howard White, deceased) thence running westerly along the northerly line of said Front Street eighty-four feet (84); thence northerly to a point in the high water line of the North Shrewsbury River distant seventy-seven feet and six inches (77' 6") westerly along said high water line from the line of said William Applegate's land; thence wasterly along said River, seventy-seven feet and six inches (77' 6") to the northwest corner of said lot of formerly William Applegate, deceased; and thence southerly along the westerly side of said lot of formerly William Applegate to the northerly line of Front Street, the point or place of beginning.

ALSO all the Riparian rights of the premises above described, to the water front and the lands under water of the said North

Shrewsbury or Havesink River, and which are appurtenant to the lots above conveyed, and described as follows: BEGINNING at the north-westerly corner of the lot above described, thence northeasterly parallel with the westerly line of the Grant to Joseph S. Applegate, by the Riparian Commissioners dated September 28th, 1874, ninety-two feet more or less to the exterior line for solid filling mentioned in said Grant, thence according to the line mentioned in said Grant north seventy-six degrees and twenty-five minutes east seventy-three feet more or less to the easterly line of the Grant made to Elias Pitcher September 28th, 1874, thence according to the line mentioned in the last said Grant south ten degrees and five minutes east one hundred and six feet to highwater mark, being the northeast corner of the land just above described, together with the rights granted by said Riparian Commissioners to the said Joseph S. Applegate and Elias Pitcher to the exterior line for piers between the easterly and westerly lines (projected) of the rights above described and hereby conveyed.

Being same land and premises described in deed made by Second National Bank of Red Bank, body corporate, et als., to Sigmund Eisner, dated March 21, 1906 and recorded in the Monmouth County Clerk's Office in Book 772, pages 178 &c.

ALSO all those certain lots, tracts or parcels of land in the Borough of Red Bank, aforesaid:

Tract 1, BEGINNING at a stake standing in the northerly side of Front Street and in the southwesterly corner of a lot of land fronting on said Front Street now the property of Sigmund Eisner, said stake being eighty-four (84) feet westerly from the southwesterly corner of a lot now or formerly the land of William Applegate, deceased (now the property of the Estate of Howard White, deceased); thence (1) northerly along the westerly line of said Sigmund Eisner land to a point in the high water line of the North Shrewsbury River, distant seventy-seven (77) feet six inches westerly along said high water line from the line of the said William Applegate's land; thence (2) westerly along said River three (3) feet six inches (6) to a stake; thence (3) southerly on a straight line to the point or place of beginning.

Tract 2, BEGINNING at a point in the westerly line of Sigmund Eisner lot and in the high water line of the North Shrewsbury River distant seventy-seven feet (77) six inches westerly along said high water line ^{from the line} of William Applegate, deceased; thence (1) northeasterly and parallel with the westerly line of the Grant to Joseph S.

Aboligate by the Riparian Commissioners dated September 23th, 1874, ninety-two feet (92) more or less to the exterior line of solid filling mentioned in said Grant; thence (2) southwesterly seventy-five feet more or less to a stake standing three feet six inches west from the northwesterly corner of the foundation of said Eisner barn; thence (3) southerly and parallel with the foundation of said barn distant three feet six inches westerly therefrom thirty-five feet more or less to a stake standing in said high water line; thence (4) easterly along said high water line three feet six inches to the point or place of beginning.

Being some land and premises described in deed made by Second National Bank of Red Bank, body corporate, et als., to Sigmund Eisner, dated October 23, 1906; and recorded in said Clerk's Office in Book 789 of Deeds, pages 36 &c.

All the above described premises were devised by the said Sigmund Eisner to his wife, Bertha Eisner, in and by his Last Will and Testament, duly probated in the Monmouth County Surrogate's Office.

The above described premises were conveyed by the said Bertha Eisner to H. Raymond Eisner et al., Executors of the Last Will and Testament of Sigmund Eisner; deceased, by deed dated November 19, 1927, and recorded in the Monmouth County Clerk's Office in Book 1423 of Deeds, pages 18 &c.

This being intended as the same land and premises described in deed made by H. Raymond Eisner et al., Executors of the Last Will and Testament of Sigmund Eisner, deceased, to H. Raymond Eisner, J. Lester Eisner and Monroe Eisner, dated December 21, 1936.

ALSO all that tract or parcel of land in the Borough of Red Bank aforesaid:

BEGINNING in the high water line of the North Shrewsbury River, at the northeasterly corner of lands of

formerly Abram M. Weis described in deed recorded in the Monmouth County Clerk's Office in Book 799 of Deeds, on pages 109 &c., said beginning point being distant three and five-tenths feet westerly from the foundation of the barn on the property of formerly Sigmund Eisner; thence northerly and parallel to said foundation of said barn and distant three and five-tenths feet westerly therefrom, thirty-five feet to a point that is distant three and five-tenths feet westerly from the northwesterly corner of said foundation; thence northeasterly seventy-five feet to the exterior line for solid filling established by the Riparian Commissioners of the State of New Jersey; thence westerly along said exterior line for solid filling, twenty-eight feet; thence southwesterly, thirty-six feet more or less to a point in the existing bulkhead that is intersected by the easterly side of the aforesaid Abram M. Weis property produced; thence south eight degrees fifty-one minutes east, along said easterly line produced, fifty-eight and six-tenths feet to the place of beginning.

TOGETHER with the estate, right, title and interest of the party of the first part, of, in, and to the North Shrewsbury River and land under the water of said River, lying in front of and adjoining the premises above described.

SUBJECT to the terms and conditions contained in the original grant from the State of New Jersey.

TOGETHER with a right of way and easement in, along, over, and upon a parcel of land twenty-five feet in width the center line of which is described as follows:

BEGINNING at a stake in the easterly line of the first tract of land described in the deed this day made by the Executors and Trustees of the Last Will and Testament of Rosa Weis, deceased, to the Sego Trading Company, distant southerly twenty-five and fifteen one-hundredths feet from the northeast corner of the same; thence south eighty-five degrees twenty-four

minutes west, forty-five and eighty-seven one-hundredths feet to the westerly boundary line of the aforesaid first tract conveyed to the Segó Trading Company.

TOGETHER with the right and privilege, in common with others, to use a certain right of way extending from the westerly side of the aforesaid first tract described in the said deed made by the Executors and Trustees of the Last Will and Testament of Rosa Weis, deceased, to the Segó Trading Company to Maple Avenue, in so far as the party of the first part has the right, if at all, to grant and convey the same.

Being the same land and premises described in deed made by Segó Trading Company, a corporation of the State of New Jersey, to Bertha Eisner, dated April 20, 1936 and recorded in said Clerk's Office in Book 1708 of Deeds, pages 114 &c.

The said H. Raymond Eisner, J. Lester Eisner and Monroe Eisner claim title to the premises above described under and by virtue of the Last Will and Testament of Bertha Eisner, duly probated in the Monmouth County Surrogate's Office.

This conveyance is made and accepted expressly subject to the following terms, conditions and provisions, viz:

1. The above described premises and every part thereof shall be used at all times as a Red Bank Public Library and for affiliated activities such as the display of photographs, paintings, art subjects, articles of historic interest, and kindred articles, and for no other purpose whatever. Said Library shall be conducted under the direction of the present Trustees of the Free Public Library of Red Bank or their successors; and a majority of the personnel of such Association shall at all times serve without compensation.

2. There shall be at no time any assembly of persons

in or upon said premises or any part thereof except such

assembly be for the purpose of discussing subjects appertaining

to the Library. No part of said premises shall be used as
a public park or public meeting place.

3. The aforesaid Library shall be known as the "EISNER MEMORIAL LIBRARY", in memory of Sigmund and Bertha Eisner, deceased. There shall be at all times displayed upon said premises a suitable sign upon which shall appear the words "EISNER MEMORIAL LIBRARY".

4. The Borough of Red Bank shall at all times maintain said buildings and grounds in good condition and always in keeping with the purpose for which they are to be used. With this end in view and for this purpose, it shall employ at least one man whose duty it shall be at all times to maintain the premises as aforesaid and especially to trim and cut the lawns and shrubbery and to keep the bulkhead in good repair.

5. No one shall be permitted at any time to occupy said premises as his or her home unless he or she be employed at the Library. Such employee's immediate family shall also be permitted to occupy said premises.

6. No building or additions to the present buildings shall be erected upon said premises unless the same be needed and shall thereafter be used for purposes incident to the Library.

7. The Borough shall at all times raise by taxation or by some other method sufficient funds to maintain said buildings and grounds in accordance with the requirements herein mentioned.

8. Should the Borough at any time refuse or neglect to maintain a library in accordance with the provisions herein contained, or should any of the aforementioned terms, conditions and provisions be violated, the above described premises shall be deeded by the Borough to the Second National Bank and Trust Company of Red Bank (N. J.), or its successors, as trustee, or

In the event that neither the bank nor its successors exist at that time, it shall be deeded to any similar local institution permitted under the laws to administer trusts, and by either as trustee, the property shall be sold within one year. The net proceeds of the sale thereof shall be given to Harvard University of Cambridge, Massachusetts, as an endowment fund, to be known as the Sigmund and Bertha Eisner Fund. The purposes for which such fund may be used shall be wholly within the discretion of the aforesaid University.

9. It being understood and agreed between the said Borough of Red Bank and the donors of said memorial that the provisions of said deed of conveyance shall not prevent the said Borough of Red Bank from converting that portion of said premises immediately abutting on Front Street as a public road or highway in the event of widening Front Street, and also that portion of the premises abutting the premises in question along the North Shrewsbury River in the event of the construction of a river highway.

Together with all and singular the houses, buildings, trees, ways, waters, profits, privileges, and advantages, with the appurtenances to the same belonging or in any wise appertaining:

Also, all the estate, right, title, interest, property, claim and demand whatsoever, of the said party of the first part, of, in and to the same, and of, in and to every part and parcel thereof.

To have and to Hold, all and singular the above described land and premises, with the appurtenances, unto the said party of the second part, its successors and assigns, to the only proper use, benefit and behoof of the said party of the second part, its successors and assigns forever: and the said party of the first part,

do for themselves, their heirs, executors and administrators, covenant and agree to and with the said party of the second part, its successors and assigns, that they, the said party of the first part are

the true, lawful and right owners of all and singular the above described land and premises, and of every part and parcel thereof, with the appurtenances thereunto belonging; and that the said land and premises, or any part thereof, at the time of the sealing and delivery of these presents, are not encumbered by any mortgage, judgment, or limitation, or by any encumbrance whatsoever, by which the title of the said party of the second part, hereby made or intended to be made, for the above described land and premises, can or may be changed, charged, altered or defeated in any way whatsoever: except as aforesaid.

And Also that the said party of the first part now have good right, full power and lawful authority, to grant, bargain, sell and convey the said land and premises in manner aforesaid;

And Also, that the said party of the first part

will Warrant, secure, and forever defend the said land and premises unto the said party of the second part, its successors and assigns, forever, against the lawful claims and demands of all and every person or persons, freely and clearly freed and discharged of and from all manner of encumbrance whatsoever. except as aforesaid.

In Witness Whereof, the said party of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Colin Whitworth Gray-Lewis

H. Raymond Eisner.
Elsie Eisner.
J. Lester Eisner.
Virginia S. Eisner.
Monroe Eisner.
Winone Eisner.

State of New Jersey,
County of MONMOUTH } ss:

Be it Remembered, That on this *first* day of January
in the year of our Lord One Thousand Nine Hundred and Thirty-seven
the subscriber, a Notary Public of New Jersey, before me,

personally appeared H. Raymond Eisner and Elsie Eisner, his wife; J.
Lester Eisner and Virginia Eisner, his wife; Monroe Eisner and
Winone Eisner, his wife,

who, I am satisfied, are the grantors mentioned in the within Instrument, to
whom I first made known the contents thereof, and thereupon they acknowledged that
they signed, sealed and delivered the same as their voluntary act and
deed, for the uses and purposes therein expressed.

Amelia A. Carton
Amelia A. Carton
Notary Public of New Jersey.

Deed.

H. RAYMOND EISNER, et als.,

Wm. O. P. TO A. E. Shinn, Realty
6. THE BOROUGH OF RED BANK,
a municipal corporation of
the State of N. J.

Dated, January 1, 1937.

Received in the Clerk's Office of
the County of Monmouth on
the 9 day of January, A. D.,
1937, at 9 o'clock, in the fore noon,
and Recorded in Book 1727 of DEEDS
for said County, on page 15346 & 9
Joseph W. A. Shinn

COMPARED

WARREN H. SMOCK
COUNSELLOR AT LAW
RED BANK, N. J.

Substantive

COUNTY OF MONMOUTH	
CONSIDERATION	
RTF	Wemptedd! RTF
DATE	11/9/94 BY <i>Lo</i>

DEED

THIS DEED, made this 21 day of December, 1993, between MONMOUTH STREET CORP., having an address c/o Midlantic National Bank, 499 Thornall Street, Edison, New Jersey 08818, herein designated as Grantor; and BOROUGH OF RED BANK, a municipal corporation, having an address at 32 Monmouth Street, Red Bank, New Jersey 07701, herein designated as the Grantee;

WITNESSETH, that the Grantor, for and in consideration of the sum of TWENTY FIVE THOUSAND AND 00/100 (\$25,000.00) Dollars and other good and valuable consideration, to the Grantor in hand well and truly paid by the Grantee, at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, and the Grantor being therewith fully satisfied, does by these presents grant, bargain, sell and convey unto the Grantee forever,

ALL that certain land and premises, situate, lying and being in the Borough of Red Bank, in the County of Monmouth and State of New Jersey, more particularly described on Exhibit A attached hereto and made a part hereof (the "premises").

BEING the premises conveyed to Grantor herein by Sheriff's Deed dated September 1, 1993, recorded in the Monmouth County Clerk's Office.

Subject to such state of facts as an accurate survey and physical inspection of the premises would disclose; zoning ordinances and other governmental regulations; all matters of record; easements, restrictions, rights of way and covenants appearing in prior instruments of record; and the lien of such real estate taxes as remain unpaid on the date hereof.

TOGETHER with all and singular the buildings, improvements, ways, woods, waters, watercourses, rights, liberties, privileges, hereditaments and appurtenances to the same belonging or in anywise appertaining; and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and of every part and parcel thereof; AND ALSO all the estate, right, title, interest, use, possession, property, claim and demand whatsoever, of the Grantor both in law and equity, of, in and to the premises herein described, and every part and parcel thereof, with the appurtenances. TO HAVE AND TO HOLD all and singular, the premises herein described, together with the appurtenances, unto the Grantee and to Grantee's proper use and benefit forever.

The Grantor covenants that except with respect to the effect of the encumbrances hereinabove mentioned, it has not done or executed, or knowingly suffered to be done or executed, any act, deed or thing whatsoever whereby or by means whereof the premises conveyed herein, or any part thereof, now are or at any time hereafter, will or may be charged or encumbered in any manner or way whatsoever.

Prepared by: *Rand M Agins*
 RAND M. AGINS, ESQ.

035276-0546

Pursuant to the Agreement dated November 2, 1993, by acceptance of this deed, Grantee agrees that Grantee, its successors and assigns, will not, under any circumstances, bring or implead, cross-claim, counterclaim or otherwise interpose any action, claim or lawsuit against Grantor or any of Grantor's successors in interest or assignees; or any of Grantor's parents, subsidiaries, affiliates, officers, directors or employees, if such action, claim or lawsuit arises out of, is the result of, or is in any way connected to: the existence of any underground or above-ground storage tanks or the registration or lack of registration thereof; the presence of any hazardous substances, hazardous wastes, petroleum or petroleum by-products (collectively "Hazardous Materials") at the premises or the exposure of any person or persons to such Hazardous Materials, whether such claim, action or lawsuit arises under common law or by virtue of any local, state or federal statute, rule, ordinance, regulation and/or the like, including, without limitation, the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §9601 et seq.; the Resources Conservation and Recovery Act, 42 U.S.C. §6901 et seq.; the Toxic Substances Control Act, 15 U.S.C. §2601 et seq.; the Federal Insecticide Fungicide and Rodenticide Control Act, 7 U.S.C. §136 et seq.; the Emergency Planning and Community Right to Know Act of 1986, 42 U.S.C. §11001 et seq.; the Clean Water Act, 33 U.S.C. §1251 et seq.; the Safe Drinking Water Act, 42 U.S.C. §300f et seq.; the Hazardous and Solid Waste Amendments of 1984, Public Law 86-616, Nov. 9, 1984; the Hazardous Materials Transportation Act, 49 U.S.C. §1801 et seq.; the Federal Clean Air Act, 42 U.S.C. §7401 et seq.; the Occupational Safety and Health Act of 1970, 29 U.S.C. §651 et seq.; the Industrial Site Recovery Act (formerly the Environmental Cleanup Responsibility Act), N.J.S.A. 13:1K-6, et seq.; the Underground Storage of Hazardous Substances Act, N.J.S.A. 58:10A-21, et seq.; the New Jersey Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq. and the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.

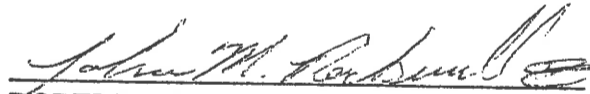
In all references herein to any parties, persons, entities or corporations, the use of any particular gender or the plural or singular number is intended to include the appropriate gender or number as the text of the within instrument may require.

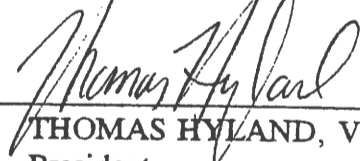
Wherever in this instrument any party shall be designated or referred to by name or general reference, such designation is intended to and shall have the same effect as if the words "heirs, executors, administrators, personal or legal representatives, successors and assigns" had been inserted after each and every such designation.

IN WITNESS WHEREOF, the Grantor has duly executed this instrument the day and year first above written.

ATTEST:

MONMOUTH STREET CORP.


ROBERT J. FINLAY
JOHN M. ROCKWELL
Monmouth, DEED

By: 
THOMAS HYLAND, Vice
President

SCHEDULE "A"

ALL that certain lot, tract or parcel of land and premises situate, lying and being in the Borough of Red Bank, County of Monmouth and State of New Jersey.

BEING also known as Lots 1 and 1R in Block 8, on the Official Tax Map of the Borough of Red Bank.

BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING at a point in the easterly side of Maple Avenue and in the northwesterly corner of property of Madelon M. Proal; thence (1) along the easterly side of Maple Avenue, north one degree four minutes west, two hundred and eight feet, more or less, to the high water line of the North Shrewsbury River; thence (2) starting again at the aforesaid beginning point and running along the northerly line of property of Madelon M. Proal and property of L. F. Hance, north eighty degrees fourteen minutes east, sixty and fifty-hundredths feet to the westerly line of property of Edwards, formerly Isaacs; thence (3) along the westerly line of property of Edwards, formerly Isaacs, north three degrees fifty minutes west, one hundred seventy-six feet, more or less, to the high water line of the North Shrewsbury River; thence (4) northwesterly along the high water line of the North Shrewsbury River, fifty-six feet more or less to the ending of the first described course.

TOGETHER WITH all the right, title and interest of the Grantor in and to any and all riparian rights conveyed to John T. Allen by the State of New Jersey by Deed dated September 28, 1874, and recorded in the Monmouth County Clerk's Office in Book 266 of Deeds, page 136 et seq., EXCEPTING, HOWEVER, such riparian rights as were conveyed to the Borough of Red Bank by John T. Allen by Deed dated November 17, 1913, and recorded in the Monmouth County Clerk's Office in Book 965 of Deeds, page 57 et seq.

BEING the same premises conveyed to the Mortgagor herein by deed from Joseph C. Irwin, Edwin W. Irwin and Charles P. Irwin, Jr. of even date herewith and about to be recorded simultaneously herewith; this being a second purchase money mortgage being given to secure a portion of the consideration.

BEING COMMONLY KNOWN AS TAX LOTS 1 AND 1R IN TAX BLOCK 8 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF RED BANK.

D85276-0548

Tax Map Reference: (N.J.S.A. 46:15 2.1) Municipality of Red Bank
Block No. 8 Lot No. 4 Account No.
 No property tax identification number is available on the date of this deed. (Check box if applicable)

Property. The property consists of the land and all the buildings and structures on the lot
the Borough of Red Bank
County of Monmouth and State of New Jersey. The legal description is

FIRST TRACT:

BEGINNING at a marble monument in the northerly side of West Front Street at the southeast corner of property belonging to Helen B. Isaacs; thence

(1) North eighty degrees fourteen minutes East along the northerly side of West Front Street, seventy and ninety-five one hundredths feet to a stake in the southwesterly corner of property of formerly Sigmund Eisner, said stake being distant eighty-four feet westerly along the northerly side of West Front Street from a marble monument in the southwesterly corner of property of Howard White Estate; thence

(2) North eight degrees fifty-one minutes West three hundred and six and ninety-five one hundredths feet along said land of formerly Sigmund Eisner to a stake standing at the high water line of the North Shrewsbury River and three and five-tenths feet westerly from the foundation of a barn on the aforesaid Sigmund Eisner property; thence

(3) South eighty-two degrees sixteen minutes West forty-three and seventy-eight one-hundredths feet along said high water line to a stake; thence

(4) South three degrees fifty minutes East along the easterly side of property of said Helen B. Isaacs, three hundred and ten and twelve one-hundredths feet to the place of BEGINNING.

BEING COMMONLY KNOWN AS TAX LOT 4 IN TAX BLOCK 8 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF RED BANK.

DB5276-0549

THE HEREINBEFORE PREMISES ARE FURTHER DESCRIBED AS FOLLOWS:
BEGINNING at a marble monument in the northerly side of West
Front Street said point being the southeast corner of property
of formerly Helen E. Leases, also being at the dividing line
Lots 4 and 5 in Block 8 as shown on the Tax Map of the Borough
Red Bank, Monmouth County, New Jersey and running: thence

1. Along said northerly line of West Front Street, South 30° 0
14 minutes West, a distance of 70.95 feet to a point; then
2. North 03 degrees 50 minutes West, a distance of 310.12 feet
point in the former highwater line of the North Shrewsbury
(Navesink River); thence
3. North 18 degrees 15 minutes 59 seconds East, a distance of
feet to a point in a timber bulkhead; thence
4. Along said timber bulkhead and a concrete bulkhead North 2
degrees 43 minutes 57 seconds East, a distance of 32.80 feet
point; thence
5. Still along said concrete bulkhead North 88 degrees 43 min
57 seconds East, a distance of 12.55 feet to a point; then
6. South 08 degrees 51 minutes East, a distance of 364.64 feet
point or place of BEGINNING.

TOGETHER WITH a Riparian Grant dated September 10, 1874 and re
November 16, 1882 in Deed Book 356 page 277.

THE ABOVE DESCRIPTION is drawn in accordance with a survey by
THOMAS P. SANTRY, L.S. #11163, dated August 25, 1986.

ALSO KNOWN as Lot 4 Block 8 on the Official Tax Map of the Bor
of Red Bank, County of Monmouth and State of New Jersey.

COMMONLY KNOWN as 90 West Front Street, Red Bank, New Jersey.

DB5276-0550

STATE OF NEW JERSEY
AFFIDAVIT OF CONSIDERATION OR EXEMPTION
(c. 49, P.L. 1968)

or
PARTIAL EXEMPTION
(c. 176, P. L. 1975)

To Be Recorded With Deed Pursuant to c. 49, P.L. 1968, as amended by c. 225, P.L. 1985 (N.J.S.A. 46:15-5 et seq.)

STATE OF NEW JERSEY }
COUNTY OF MIDDLESEX } ss.

FOR RECORDER'S USE ONLY
Consideration \$ _____
Realtor T. _____
Date 11/3/93 By [Signature]

(1) PARTY OR LEGAL REPRESENTATIVE (See Instructions #3, 4 and 5 on reverse side)

Deponent, THOMAS HYLAND, being duly sworn according to law upon his/her oath deposes and says that he/she is the Vice President of Grantor in a deed dated December 1993, transferring real property identified as Block No. 8 Lot No. 1 + 4 located at Front Street, Red Bank, New Jersey and annexed hereto.

(2) CONSIDERATION (See Instruction #6)

Deponent states that, with respect to deed hereto annexed, the actual amount of money and the monetary value of any other thing of value constituting the entire compensation paid or to be paid for the transfer of title to the lands, tenements or other realty, including the remaining amount of any prior mortgage to which the transfer is subject or which is to be assumed and agreed to be paid by the grantee and any other lien or encumbrance thereon not paid, satisfied or removed in connection with the transfer of title is \$ 25,000.00

(3) FULL EXEMPTION FROM FEE Deponent claims that this deed transaction is fully exempt from the Realty Transfer Fee imposed by c.49, P.L. 1968, for the following reason(s): Explain in detail. (See Instruction #7.) Mere reference to exemption symbol is not sufficient.

Deed is granted to Borough of Red Bank, a Municipal Corporation

(4) PARTIAL EXEMPTION FROM FEE NOTE: All boxes below apply to grantor(s) only. ALL BOXES IN APPROPRIATE CATEGORY MUST BE CHECKED. Failure to do so will void claim for partial exemption. (See Instructions #8 and #9)

Deponent claims that this deed transaction is exempt from the increased portion of the Realty Transfer Fee imposed by c. 176, P.L. 1975 for the following reason(s):

- a) SENIOR CITIZEN (See Instruction #8)
b) BLIND (See Instruction #8)
DISABLED (See Instruction #8)
c) LOW AND MODERATE INCOME HOUSING (See Instruction #8)
d) NEW CONSTRUCTION (See Instruction #9)

Deponent makes this Affidavit to induce the County Clerk or Register of Deeds to record the deed and accept the fee submitted herewith in accordance with the provisions of c. 49, P.L. 1968.

Subscribed and Sworn to before me this day of December 21, 1993. Thomas Hyland, Monmouth Street Corp. 499 Thornall Street Edison, New Jersey

AN ATTORNEY AT LAW OF NEW JERSEY

FOR OFFICIAL USE ONLY This space for use of County Clerk or Register of Deeds. Instrument Number _____ County _____ Deed Number _____ Book _____ Page _____ Deed Dated _____ Date Recorded _____

IMPORTANT - BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE HEREOF. This form is prescribed by the Director, Division of Taxation in the Department of the Treasury, as required by law, and may not be altered or amended without the approval of the Director.

ORIGINAL - White copy to be retained by County.
DUPLICATE - Yellow copy to be forwarded by County to Division of Taxation on partial exemption from fee (N.J.A.C. 18:16-8.12).
TRIPLICATE - Pink copy is your file copy.

DB5276-0551

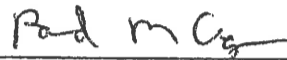
WHITE AND YELLOW COPIES MUST BE SUBMITTED WITH DEED TO COUNTY RECORDING OFFICER

STATE OF NEW JERSEY

SS:

COUNTY OF MIDDLESEX

BE IT REMEMBERED, that on this 21 day of December, 1993, before me, the subscriber, An Attorney at Law of the State of New Jersey, personally appeared Thomas Hyland, the Vice President of Monmouth Street Corp., who I am satisfied, is the person who has signed the within Instrument on behalf of said corporation; and I having first made known to him the contents thereof, he thereupon acknowledged that he signed, sealed with the corporate seal and delivered the said Instrument as such officer aforesaid; and that the within Instrument is the voluntary act and deed of said corporation, made by virtue of authority from its Board of Directors and that the full and actual consideration paid or to be paid for the transfer of title to realty evidenced by the within deed, as such consideration is defined in P.L. 1968, 6.49, sec. 1(c) is \$25,000.00.



RAND M. AGINS

An Attorney at Law of the State
of New Jersey

DEED

MONMOUTH STREET CORP.

TO

BOROUGH OF RED BANK

Dated: December 21, 1993

RECORD AND RETURN TO:

*Attest
Charles
Richard T. ...
...
... 07702*

(6.6)

179981

RECORDED
JAN 3 1994 9:44 AM
MONMOUTH COUNTY CLERK
JANE G. CLAYTON

END OF DOCUMENT

-4-

DB5276-0553

TABLE OF CONTENTS

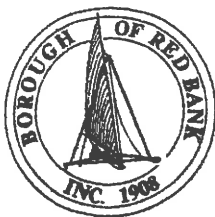
Report entitled "A Managed Public Parking System For Downtown Red Bank, New Jersey Dated 2/4/93 Frank Del Monaco and Associates	1
Parking Task Force Preliminary Status Report dated 5/27/99.....	2
Press Release dated 5/27/99.....	3
Parking Manager Description.....	4
Memorandum from Desman Associates Dated 7/28/99 Re: Downtown Red Bank Parking Occupancy Surveys.....	5
Parking Rate & Duration Study Prepared by Desman Associates Dated 3/14/00.....	6
Waiting List for Parking Permits.....	7
Memorandum from Stanley J. Sickels, Borough Administrator Dated 2/9/01 RE: Parking Improvement Initiative.....	8
Informational Handout regarding Proposed Parking Improvement Initiative and White Street Parking Garage Project	9
Memorandum from Capt. VanPelt regarding Parking Inventory Dated 8/20/01.....	10

**A MANAGED PUBLIC PARKING SYSTEM
FOR
DOWNTOWN RED BANK, NEW JERSEY**

Submitted to the Red Bank RiverCenter

February 4, 1993

FRANK DEL MONACO AND ASSOCIATES
Providing Consultation and Management Services
To Municipal Parking Systems
1219 Sussex Street, Lantana, Florida 33462



Borough of Red Bank

ADMINISTRATIVE DIVISION

90 Monmouth Street
Red Bank, NJ 07701

Stanley J. Sickels
Administrator

Tel: (732) 530-274
Fax: (732) 450-131

Memorandum

Date: February 9, 2001 (Revised)
To: Mayor Edward J. McKenna & Members of Council
From: Stanley J. Sickels, Administrator
Subject: Parking Improvement Initiative

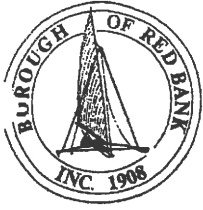
During the Workshop portion of the Council meeting agenda for February 13, 2001, I plan to present to council the finalized proposal to construct a multi-level parking facility on White Street. The construction of this facility is the cornerstone of a long awaited parking improvement initiative that has been developed over the past ten years in response to continuing community concern over parking issues.

On the agenda at this meeting are four action items with regard to this initiative:

1. **Parking Garage:** Introduction of a \$8.4 million bond ordinance for the construction of a 570 car parking facility on White Street.

Past efforts to create additional parking within the Borough have resulted in the acquisition and demolition of existing structures to create surface lots. The White Street parking location was once occupied by various structures. The Eastside lots were created through the acquisition and demolition of homes. The construction of the proposed facility over property currently owned by the Borough requires little if any acquisition costs and is over property currently used for parking. Thus additional spaces can be created without the loss of additional ratables and without further encroachment into residential areas.

The garage will net at least 350 additional spaces, This will provide additional long term parking inventory. We currently have on file 226 requests for parking permits.



Borough of Red Bank

Mayor Edward J. McKenna &
Members of Council
February 9, 2001
Parking Initiative Memorandum
Page Two

Desman Associates has prepared detailed construction and operation cost estimates that have been reviewed and revised with input from our Chief Financial Officer, Borough Auditor, and Bond Counsel. They agree the parking utility will be "self-liquidating" based upon these estimates, anticipated parking utility revenue, and projected parking utility operating costs. They also agree that recent changes in interest rates further support the timing of this project.

Enclosed is Parking Utility Budget Projection schedule prepared by Bruce Loversidge summarizing the parking utility operation for the years of construction.

You will note that the design proposed has incorporated architectural features characteristic of the downtown. The design also includes a total of 9,000 square feet of first floor rental space (4200 sq. ft. at each end) which will further enhance the structure's compatibility with the surroundings while providing revenue to the utility.

The location and access arrangement are designed to maximize accessibility while minimizing congestion. It is within easy walking distance of Count Basie Theater, The Cinemas on White Street, Riverside Gardens Park, and the Children's Cultural Center in addition to the many stores, restaurants etc.

2. **Local Finance Board:** A resolution authorizing an application to the Local Finance Board is needed in order to obtain a waiver of the 5% down payment to obtain approval to exempt this project from our debt limit due to the fact the utility will be self-liquidating. Enclosed



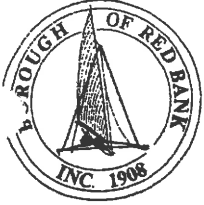
Borough of Red Bank

Mayor Edward J. McKenna &
Members of Council
February 9, 2001
Parking Initiative Memorandum
Page Three

is a copy of a memorandum prepared by the Chief Financial Officer regarding this subject.

3. **Street Meters:** A resolution authorizing the installation of parking meters on various streets within the downtown district will authorize completion of street meter installation. These meters will provide improved short-term parking space management (more turn-over of spaces) while providing additional revenue to the parking utility. Without the installation of street meters, the utility will not be self-liquidating.
4. **Parking Ordinance Amendments:** Introduction of an ordinance amending the existing parking ordinances is needed to establish rates for the on-street meters and to adjust the existing rates based upon the recommendations of Desman Associates contained in their report dated March 14, 2000. The rate structure is designed to encourage parking garage and parking lot use for long-term parkers and to encourage turnover of curbside shopper parking.
5. **Implementation:**
 - a. Street Meters Installed - May 1, 2001
 - b. Garage Design and Construction Document Preparation – April 17th Through August 17th, 2001.
 - c. Bid & Award - August 17th through October, 2001
 - d. Construction – November 2001* through August 2002.

**White Street Parking will be available during the Holidays*



Borough of Red Bank

Mayor Edward J. McKenna &
Members of Council
February 9, 2001
Parking Initiative Memorandum
Page Four

- e. Upon adoption of the Bond Ordinance the Borough will establish a Construction Partnering Team to identify parking alternatives and vehicle reduction strategies to be implemented in advance of actual construction to minimize adverse impact on the community. This approach was highly successful during the Cooper's Bridge construction.

The plan as outlined above will provide for significant additional parking and better parking inventory management without any additional tax burden on Borough residents.

I will have Mr. Tim Tracy of Desman Associates, CFO Bruce Loversidge, Auditor Dave Kaplan, and Bond Counsel Cheryl Oberdorf available for questions during the presentation.

- Encl:
1. Tim Tracy Letter Dated January 15, 2001 with estimated garage construction and operation costs;
 2. Parking Utility Budget Projection Schedule;
 3. Bruce Loversidge Memorandum dated 2/9/01;

**Informational Handout
regarding the
Proposed Parking Improvement Initiative
and
White Street Parking Garage Project**

Over the past few weeks, some questions have been raised regarding the proposed Parking Improvement Initiative presented to the Mayor & Council at their meeting on February 13th, 2001. The proposed plan includes the construction of a multi-level parking garage over the existing White Street Parking lot. The plan also provides for the installation of parking meters within the business district surrounding the proposed garage. This handout has been prepared to address many of the questions that have been raised.

- 1. The proposed parking utility improvement plan will provide \$9 million in revenue that could be utilized for property tax relief!**

The Borough Council unanimously voted to sell the Globe Court Garage for the express purpose of using the proceeds to fund a new garage. The plan called for the sale through a lease purchase arrangement, whereby the funds received from the Globe Court garage over the next twenty years would offset the cost of the new garage payable during the same twenty-year period. With the new garage plan as proposed, using very conservative numbers, the parking utility would realize a surplus of approximately \$9 million over the twenty-year period. At the end of twenty years the Borough would continue to receive even greater revenue because the debt for construction would be paid and the garage will continue to generate revenue. This additional revenue is needed to offset the Borough's high number of tax-exempt properties and escalating costs from outside sources beyond our control.

If we didn't plan to build the White Street Garage there was no benefit in selling the Globe Garage. If we don't construct our new garage, the Borough loses a significant source of revenue. In fact the Borough will receive \$3 million less over the twenty-year period with no revenue beyond twenty years. Thus, the question for Council consideration:

“ Which Plan has a better return for the taxpayers of Red Bank?”

***\$6 million over twenty years, no additional parking,
and revenue ends in twenty years;***

or

***\$9 million over twenty years, increased revenue thereafter,
and almost 400 more parking spaces.***

**Informational Handout
Proposed Parking Improvement Initiative
White Street Parking Garage Project
Page Two**

2. The proposed garage is not intended to encourage additional development.

The proposed garage is intended to address the existing critical parking needs of the Borough. Study after study indicates a shortage of parking ranging from 400 to 1400 cars. This lack of parking results in increased congestion as cars circulate, making repeated trips around the block, looking for parking. Our Parking Utility has a waiting list of 226 persons applying for long term parking permits. These are persons seeking long term parking that are currently occupying whatever space they can, ultimately occupying the short term or "shopper" spaces at curbside. This creates a lack of available shopper parking, which has an adverse effect on small businesses, discourages downtown shopping by residents, adversely affects property values, etc.

The lack of parking has further resulted in parking "sprawl", as long-term parkers drift into surrounding residential neighborhoods.

The garage will yield approximately 400 additional spaces that will address the long-term shortage and make available additional shopper parking.

The cars and traffic are already here.

The garage will relieve congestion by providing ready access to parking.

3. With regard to the economy slowing down, will residents be asked to fund revenue shortfalls?

The fact is our Chief Financial Officer, the Borough Auditor, and our Bond Counsel have all reviewed the proposal and agree the revenue projections take into account a struggling economy and are extremely conservative. **In fact the Department of Community Affairs, Division of Local Government Services, Local Finance Board, unanimously approved the Borough's application to declare the project "self-liquidating".**

Furthermore, the estimates used in the garage proposal are based upon a higher rate of bond interest than is currently available. Thus, lower rates may further reduce the cost of financing the project at this time resulting in an even more positive return to the Borough.

There are other are other options available to the Borough should the Parking utility costs increase beyond that which can be addressed by the estimated surplus. Adjustments in rates, reduction in staff, long term leasing of spaces, and sale of underutilized property are all options that the Borough would pursue prior to any considering any funding from the general budget.

**Informational Handout
Proposed Parking Improvement Initiative
White Street Parking Garage Project
Page Three**

The proposed parking garage plan provides for the payment of all parking utility costs by parking utility revenue with no revenue derived from property taxes.

Most importantly, our Auditor, Our Chief Financial Officer, and our Bond Counsel all agree that this is the best time financially to do this project due to the low interest rates. If the Council decides not to fund a parking improvement at this time and dedicates the Globe Court lease revenue to other things, the Borough will continue to have a parking and congestion problem. Should the Council decide to revisit this issue in the future, it may not have the benefit of such favorable interest rates, construction costs will increase, and the Borough will not have the sources of funding to offset the costs.

*The Chief Financial Officer, Borough Auditor,
and Municipal Bond Counsel all agree this is the
best time financially to pursue this project.*

The DCA Local Finance Board has approved the plan!

4. Are parking meters necessary?

Parking meters are management tools. They generate space turnover. By establishing appropriate rates and duration limits street spaces can “turnover” 4, 5, or 6 times a day. With such turnover, street spaces become more accessible to shoppers. The rates and duration limits of street spaces in the long term deter long term parking, whereas long term parking is encouraged in parking facilities such as garages and remote surface lots. The rates for parking in such facilities make it less expensive over a longer duration. Thus, meters are needed on the streets within walking distance of our parking facilities to encourage space turnover on the streets and encourage long-term parkers to use the facilities. The meter revenue also helps fund the parking utility so as to prevent such costs from ever being paid by taxpayers.

Furthermore, meters are not new to Red Bank, shoppers going into the rear of many downtown stores use metered spaces, yet shoppers coming in the front door don't. Other communities with similar business districts such as Summit, Princeton, Lambertville, Haddonfield, Madison, Sommerville, etc., continue to thrive in large part with revenue from street meters.

Meters encourage turnover of spaces, increasing space availability.

Meters generate revenue to offset parking utility costs so that these costs are not paid through property taxes.

**Informational Handout
Proposed Parking Improvement Initiative
White Street Parking Garage Project
Page Four**

5. Are White Street and Monmouth Street too narrow?

The fact is White Street is one of the widest streets in the downtown with the exception of its intersection at Broad Street. White Street's location, at the Route 35/Maple Avenue intersection, make it ideally situated to handle access to the parking garage. The existing narrow width of Monmouth Street is all the more reason to take steps to reduce constant circling of the block caused by persons seeking convenient parking.

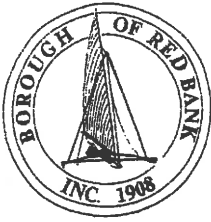
The parking garage will have a positive affect on the existing congestion on White & Monmouth Street by providing accessible, convenient parking.

6. "Doesn't the Borough already have a sufficient number of public spaces?"

As explained in item #1 above there is a critical need for additional parking. But it is important that the parking be located to best address the demand.

The location of the proposed garage is precisely where the highest demand for parking is centered. The White Street location is two blocks from Count Basie Theater, across the street from the movie theaters, two blocks from Riverside Gardens and Marine Park, and is surrounded by the most heavily traveled north/south and east/west connecting streets within the Borough: Route 35/Maple Avenue, Broad Street, Front Street, and Monmouth Street. The proposed garage will provide parking where it is needed most and where it will be most accessible. The alternative is to provide more traffic from Highway 35 east across Broad Street onto more substantially residential roads (Wallace, Linden, and Mechanic Streets).

If we don't provide additional parking over existing parking lots to address the existing demand, private interests will pursue parking initiatives that involve acquisition of residential properties and expansion into adjacent residential areas.



Borough of Red Bank

POLICE DEPARTMENT

Office of Traffic Safety
90 Monmouth Street
Red Bank, NJ 07701

Capt. Ernest Van Pelt
Lt. Peter DeFazio

Tel: (732) 345-8135
Fax: (732) 741-4426

To: Stan Sickels
Borough Administrator

From: Capt. Ernie VanPelt
Traffic Safety & Parking Div.

Date: August 20, 2001

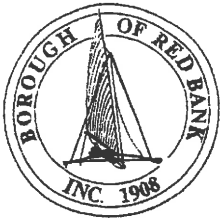
Re: Parking Inventory

As per your request for inventory of all Parking Utility equipment and parking spaces.

Train Station	
East side of Railroad Tracks Monmouth St to Oakland St-----	91
(Including 6 handicapped spaces)	
Eastside of Railroad Station Oakland St to Chestnut St-----	140
Westside of Railroad Station Bridge Av -----	49
Westside of Railroad Station Chestnut St-----	166

Total Spaces 446

Parking Lot #1 White Street		Total Spaces	274
Handicapped spaces	5		
Borough Employee spaces	8		
Single Head meters	87		
Double Head meters	81		
Priority Permits	93		
Ten Hour meters	153		
Three Hour Meters	108		



Borough of Red Bank

POLICE DEPARTMENT

Office of Traffic Safety
90 Monmouth Street
Red Bank, NJ 07701

Capt. Ernest Van Pelt
Lt. Peter DeFazio

Tel: (732) 345-8135
Fax: (732) 741-4426

Parking Lot # 2 Gold Street		Total Spaces	49
Handicapped Spaces	1		
Single Head Meters	2		
Double Head Meters	23		
Three Hour Meters	12		
Ten Hour Meters	36		
Priority Permit Spaces	21		
Parking Lot # 4 English Plaza		Total Spaces	115
Handicapped Spaces	4		
Single Head Meters	61		
Double Head Meters	25		
Three Hour Meters	111		
Parking Lot # 5		Total Spaces	14
Single Head Meters	14		
Double Head Meters	0		
Three Hour Meters	7		
Ten Hour Meters	7		
Priority Permit Spaces	7		
Parking Lot # 7 Globe Court Mechanic St to Wallace St		Total Spaces	191
Handicapped	4		
Fire Dept, Parking	11		
Priority Permit Parking	0		
Smith Barney Parking	68		
Paid Parking	108		
Single Head Meters	6		
Double Head Meters	22		
Triple Head Meter	1		
Squad Head Meters (4)	29		



Borough of Red Bank

POLICE DEPARTMENT

Office of Traffic Safety
90 Monmouth Street
Red Bank, NJ 07701

Capt. Ernest Van Pelt
Lt. Peter DeFazio

Tel: (732) 345-8135
Fax: (732) 741-4426

Parking Lot # 8 Globe Court Wallace St to Linden Place **Total Spaces 80**

Handicapped	2
Priority Permit Spaces	33
Merill Lynch	23
First Union	12
Paid Parking Spaces	22
Single Head Meters	1
Double Head Meters	19
Triple Head Meters	1
Quad Head Meters	10

Parking Lot # 9 Marine Park

Total Space 15

Handicapped	1
Single Head Meters	0
Double Head Meters	7
Three Hour Meters	14

Parking Lot #10 Maple Av

Total spaces 12

Handicapped	0
Priority Permit Spaces	12
No Meters in this lot	

Parking Lot # 11 Morford Place

Total Spaces 13

Handicapped Spaces	0
Priority Parking	12
No Meters in this lot	

Ernest Van Pelt



Borough of Red Bank

POLICE DEPARTMENT

Office of Traffic Safety
90 Monmouth Street
Red Bank, NJ 07701

Capt. Ernest Van Pelt
Lt. Peter DeFazio

Tel: (732) 345-8135
Fax: (732) 741-4426

To: Stan Sickels
Borough Administrator

From: Capt. Ernie VanPelt
Traffic Safety & Parking Div.

Date: August 20, 2001

Re: Parking Inventory

As per your request for inventory of all Parking Utility equipment and parking spaces.

Train Station

East side of Railroad Tracks Monmouth St to Oakland St-----	91
(Including 6 handicapped spaces)	
Eastside of Railroad Station Oakland St to Chestnut St-----	140
Westside of Railroad Station Bridge Av -----	49
Westside of Railroad Station Chestnut St-----	166

Total Spaces 446

Parking Lot #1 White Street

Handicapped spaces	5
Borough Employee spaces	8
Single Head meters	87
Double Head meters	81
Priority Permits	93
Ten Hour meters	153
Three Hour Meters	108

Total Spaces 274



Borough of Red Bank

POLICE DEPARTMENT

Office of Traffic Safety

90 Monmouth Street

Red Bank, NJ 07701

Capt. Ernest Van Pelt
Lt. Peter DeFazio

Tel: (732) 345-8135

Fax: (732) 741-4426

Parking Lot # 2 Gold Street		Total Spaces	49
Handicapped Spaces	1		
Single Head Meters	2		
Double Head Meters	23		
Three Hour Meters	12		
Ten Hour Meters	36		
Priority Permit Spaces	21		
Parking Lot # 4 English Plaza		Total Spaces	115
Handicapped Spaces	4		
Single Head Meters	61		
Double Head Meters	25		
Three Hour Meters	111		
Parking Lot # 5		Total Spaces	14
Single Head Meters	14		
Double Head Meters	0		
Three Hour Meters	7		
Ten Hour Meters	7		
Priority Permit Spaces	7		
Parking Lot # 7 Globe Court Mechanic St to Wallace St		Total Spaces	191
Handicapped	4		
Fire Dept, Parking	11		
Priority Permit Parking	0		
Smith Barney Parking	68		
Paid Parking	108		
Single Head Meters	6		
Double Head Meters	22		
Triple Head Meter	1		
Squad Head Meters (4)	29		



Borough of Red Bank

POLICE DEPARTMENT

Office of Traffic Safety
90 Monmouth Street
Red Bank, NJ 07701

Capt. Ernest Van Pelt
Lt. Peter DeFazio

Tel: (732) 345-8135

Fax: (732) 741-4426

Parking Lot # 8 Globe Court Wallace St to Linden Place Total Spaces 80

Handicapped	2
Priority Permit Spaces	33
Merill Lynch	23
First Union	12
Paid Parking Spaces	22
Single Head Meters	1
Double Head Meters	19
Triple Head Meters	1
Quad Head Meters	10

Parking Lot # 9 Marine Park Total Space 15

Handicapped	1
Single Head Meters	0
Double Head Meters	7
Three Hour Meters	14

Parking Lot #10 Maple Av Total spaces 12

Handicapped	0
Priority Permit Spaces	12
No Meters in this lot	

Parking Lot # 11 Morford Place Total Spaces 13

Handicapped Spaces	0
Priority Parking	12
No Meters in this lot	

Ernest Van Pelt

Red Bank Parking Utility

Monthly Report

Month	December	Year	2001		
Lot name & Number	1st Collection	2nd Collection	3rd Collection	Total	
White St Lot # 1	\$ 3,379.29	\$ 4,990.91		\$ 8,370.20	
Gold St Lot # 2	\$ 518.55	\$ 520.08		\$ 1,038.63	
English Plaza Lot # 4	\$ 2,221.85	\$ 2,462.00		\$ 4,683.85	
Great Swamp Lot # 5	\$ 335.52	\$ 374.51		\$ 710.03	
Mechanic St Lot # 7	\$ 518.69	\$ 2,499.58		\$ 3,018.27	
Linden Place Lot # 8	\$ 1,977.71	\$ 554.90		\$ 2,532.61	
Total	\$ 8,951.71	\$ 11,401.98		\$ 20,353.69	

Lot Name & Number	Priority	Parking Permit	Sale	3 Months	6 Months	1 Year	Total
White St Lot # 1	102	\$ 2,475.00	\$ 4,650.00				\$ 7,125.00
Gold St Lot # 2	21	\$ 750.00					\$ 750.00

Great Swamp Lot # 5	7	\$ 75.00	\$ 600.00	\$ 675.00
Mechanic St Lot # 7	65	\$ 1,575.00	\$ 450.00	\$ 2,025.00
Linden Place Lot # 8	46	\$ 3,375.00		\$ 3,375.00
Maple Ave Lot # 10	12	\$ 225.00		\$ 225.00
Morford Pl Lot # 11	13	\$ 525.00		\$ 525.00
Total	265	\$ 9,000.00	\$ 5,700.00	\$ 14,700.00

Officers Performance

Violations	State	Borough	Total
Officer Brown	0	222	222
Officer McSorley	9	198	207
Officer Jarius	0	324	324
Total	9	744	753

		Red Bank	Parking	Utility
Month	December	Year	2002	Report
Lot name & Number	1st Collection	2nd Collection	3rd Collection	Total
White St Lot # 1	\$ 3,315.21	\$ 5,472.25		\$ 8,787.46
Gold St Lot # 2	\$ 344.25	\$ 509.00		\$ 853.25
English Plaza Lot # 4	\$ 2,023.73	\$ 2,151.40		\$ 4,175.13
Great Swamp Lot # 5	\$ 278.56	\$ 489.70		\$ 768.26
Mechanic St Lot # 7	\$ 1,804.41	\$ 4,003.96		\$ 5,808.37
Wallace St Lot # 8	\$ 368.04	\$ 727.37		\$ 1,095.41
Total	\$ 8,134.20	\$ 13,353.68	\$ -	\$ 21,487.88

Lot Name & Number	Priority	Parking	Permit	Sale	1 Year	Total
	3 Months		6 Months			
White St Lot # 1	102 \$ 3,450.00		\$ 450.00		\$ -	\$ 3,900.00
Gold St Lot # 2	21 \$ 1,350.00		\$ -		\$ -	\$ 1,350.00
Great Swamp Lot # 5	7 \$ 75.00		\$ 600.00		\$ -	\$ 675.00
Mechanic St Lot # 7	65 \$ 1,650.00		\$ -		\$ -	\$ 1,650.00
Wallace St Lot # 8	46 \$ 3,375.00		\$ 150.00		\$ -	\$ 3,525.00
Maple Ave Lot # 10	12 \$ 450.00		\$ -		\$ -	\$ 450.00
Morford PI Lot # 11	13 \$ 975.00		\$ -		\$ -	\$ 975.00
Total	265 \$ 11,325.00		\$ 1,200.00		\$ -	\$ 12,525.00
		Officers	Performance			
Violations	State	Borough	Total			
Officer Brown	0	131	131			
Off Lauterwasser	1	172	173			
Officer DeAngelis	6	289	295			
Total	7	592	599			

BOROUGH OF RED BANK - PARKING UTILITY

MONTHLY REPORT: MAY 2003

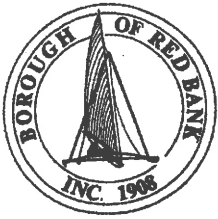
<u>Lot Name & Number</u>	<u>1st Collection</u>	<u>2nd Collection</u>	<u>3rd Collection</u>	<u>4th Collection</u>	<u>TOTAL</u>
White St Lot # 1	\$3,985.76		\$5,281.73		\$9,267.49
Gold St Lot # 2		\$579.45		\$811.40	\$1,390.85
English Plaza Lot # 4	\$2,722.30		\$2,569.07		\$5,291.37
Great Swamp Lot # 5	\$380.90			\$336.44	\$717.34
Mechanic St Lot # 7	\$2,469.66		\$2,491.69		\$4,961.35
Wallace St Lot # 8		\$510.91		\$488.91	\$999.82
Total	\$9,558.62	\$1,090.36	\$10,342.49	\$1,636.75	\$22,628.22

PRIORITY PARKING PERMIT SALE

<u>Lot Name & Number</u>	<u>3 Months</u>	<u>6 Months</u>	<u>12 Months</u>	<u>TOTAL</u>
White St Lot # 1 102				
Gold St Lot # 2 21				
Great Swamp Lot # 5 7				
Globe Court #6 42				
Mechanic St Lot # 7 65				
Wallace St Lot # 8 46				
Maple Ave Lot # 10 12				
Menford Pl Lot # 11 13				
Total 265	\$0.00	\$0.00	\$0.00	\$0.00

OFFICER'S PERFORMANCE

<u>Summonses Issued</u>	<u>State</u>	<u>Borough</u>	<u>TOTAL</u>
Officer Brown		319	319
Officer Lauterwasser		700	700
Officer Cordell		775	775
Total	0	1794	1794



Borough of Red Bank

ADMINISTRATIVE DIVISION

90 Monmouth Street
Red Bank, NJ 07701

Stanley J. Sickels
Administrator

Tel: (732) 530-2748
Fax: (732) 450-1316
Email: ssickels@redbanknj.org

RBNK-G0901

April 6, 2009

Mr. Chris Dolphin
NJDEP Land Use Regulation Program
501 East State Street
PO Box 439
Trenton, New Jersey 08625

**Re: Maple Avenue - Unauthorized Improvements
Borough of Red Bank, Monmouth County, New Jersey**

Dear Mr. Dolphin:

As you may recall, we met with you on site on July 25, 2008 to discuss the removal of fill piles and permitting requirements for a future kayak launch. Per your email response (see attached) the fill piles have since been removed.

Recently, Borough Officials discovered minor grading for a trail leading to the waters edge (see attached photos). Apparently, this work was preformed by a local public interest group. All work was suspended by my order and the public interest group reprimanded.

The Borough has not authorized or constructed any improvements with the exception of the fill pile removal described above (paragraph 1). Please advise what action you suggest we take.

If you have any questions or require any additional information, please do not hesitate to contact me directly.

Very truly yours,



Stanley J. Sickels
Borough Administrator

SS/CB/KJK

Attach.

Kristopher Krzyston

From: Chris Dolphin [Chris.Dolphin@dep.state.nj.us]
Sent: Wednesday, October 01, 2008 4:02 PM
To: Kristopher Krzyston
Subject: Re: Maple Avenue - Red Bank Borough

Dear Kris,

This e-mail is in response to your letter of July 31, 2008 regarding the need for permits to remove the fill piles adjacent to Maple Ave and the Navesink River. According to the information you provided, the wetlands onsite are mapped coastal wetlands. The Wetlands Act of 1970 does not have transition area requirements so provided no activities take place within the wetlands themselves, The Borough does not need a coastal wetland permit. Since the wetlands appear to correspond to the coastal wetland line, it does not appear that there are unmapped coastal wetlands and therefore a freshwater wetland transition area waiver is not required.

The area of the fill piles is within CAFRA jurisdiction, however, grading and excavation, in itself is not regulated unless it is on a beach or dune or associated with the construction of a development. Therefore, removal of the fill piles will not require a CAFRA permit.

It is recommended that the Borough employ proper soil erosion and sediment control measures during the removal of the fill piles, and that the area be restored using native vegetation to the maximum extent practicable.

With regards to the Kayak launch, a Waterfront Development permit will be required for the structure over water, a Coastal Wetlands permit will be required for the structure over the mapped coastal wetlands. For the portion of the structure over the uplands, there is a permit by rule that can be applied to the structure. I am not certain why you saw a need for a Coastal General Permit # 13, but if you wish to talk about it, feel free to give me a call.

Best Regards,

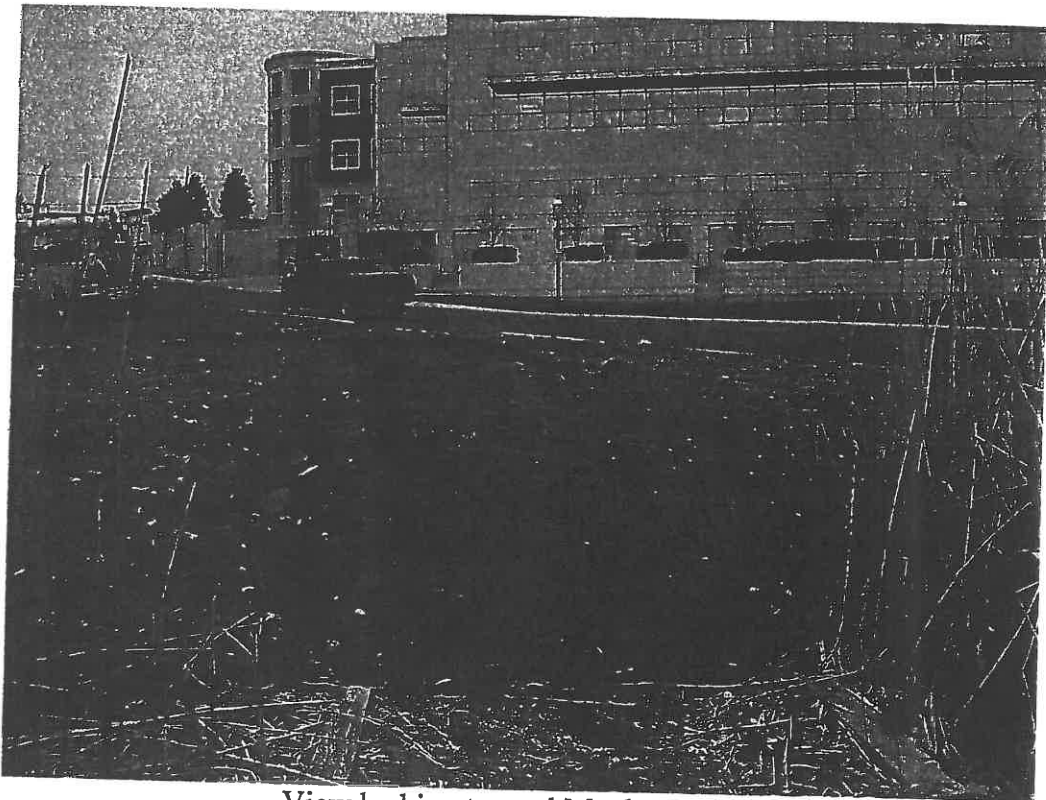
Christopher Dolphin

Christopher M. Dolphin
Bureau of Coastal Regulation
P.O. Box 439
Trenton N.J. 08625

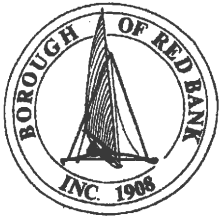
Photos



View looking towards the River



View looking toward Maple Avenue



Borough of Red Bank

ADMINISTRATIVE DIVISION

90 Monmouth Street
Red Bank, NJ 07701

Stanley J. Sickels
Administrator

Tel: (732) 530-2748
Fax: (732) 450-1316

April 10, 2009

Ms. Cindy Burnham
146 Harrison Avenue,
Fair Haven, New Jersey 07704

Re: Maple Avenue Waterfront Property

Dear Ms. Burnham,

Reference is made to your letter dated April 7th in regard to the above referenced property.

Please be advised that the Parks & Recreation Committee of the governing body shares the desire of you and those Red Bank residents seek to create an appropriate public access to the Navesink River via the Borough owned property on Maple Avenue. That has always been the case and remains so.

In your letter dated April 7th, 2009 you outlined a plan make numerous improvements to the site. Specifically you proposed to install a path, install 3 tons or more of pea-stone or Quarry dust over the path, install two benches, install 6 x 6 landscape ties or blue stone, and install a River Birch and some Forsythia before May 2, 2009. Please be advised such action at this time and within said time frame is totally unacceptable.

The Borough is bound by the regulatory procedures and requirements of the New Jersey Department of Environmental Protection (DEP). As of this date, the only approval we have received from the DEP was to remove the two soil piles. The scope of work you propose requires DEP approval, and absent such approval, no such work is authorized.

In order to obtain such approval, a plan must be developed, approved by the governing body, and submitted to the DEP along with application(s) for the appropriate permits.

The Parks & Recreation Committee of the Council has reviewed the plan you submitted and has discussed same with the Borough Engineer who offered some suggestions for an improved concept that would be more compliant with DEP regulations.



Borough of Red Bank

Ms. Cindy Burnham
April 10, 2009
Page Two

The Council's Parks & Recreation Committee has directed the Engineer to prepare a proposal for improvements that will then be shared with the governing body and the public for review and comment. Upon agreement on a final plan and adoption by the governing body, an appropriate application would then be submitted with the appropriate application(s) for approval to the DEP. This is the process that has been followed with other water front recreational improvements and is the appropriate process in this case.

Therefore, please be advised you are not authorized by the Borough to build, create, establish, install, or plant any item, material, or improvement at the Maple Avenue water front property owned by the Borough given the fact no DEP permit or approval for such work exists. Please be further advised that if any such work or improvement is installed contrary to this letter I will direct Public Works to remove same (at your expense) in order to protect the Borough from any regulatory DEP enforcement action that may be prompted by such action on your part. Also be advised, that should the Borough be penalized as a result of any action by you taken contrary to DEP regulations, the Borough shall hold you responsible for any such action and/or resultant penalty.

Please contact me if you have any questions.

Sincerely,



Stanley J. Sickels
Administrator

CC: Mayor Pasquale Menna
Members of Council
NJDEP Land Use Regulation Program

RBNK-G1101

Mrs. Tammy DiGiacomo
NJDEP Bureau of Coastal and Land Use Compliance and Enforcement
Southern Region Office
1510 Hooper Avenue
Toms River, NJ 08753

March 20, 2011

**Re: Maple Avenue - Unauthorized Improvements -Notice of Violation
Borough of Red Bank, Monmouth County, New Jersey**

Dear Mrs. DiGiacomo:

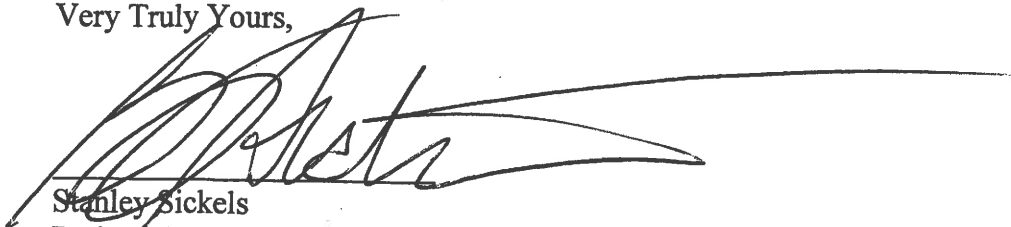
I am requesting assistance and direction from your office regarding a matter that has been on-going in the Borough of Red Bank since April of 2009. The Borough owns a parcel of property on Maple Avenue (Block 8, Lot 1), commonly known as "Maple Cove." I have enclosed a map for illustration. This property has become a preferred location for many local kayakers. One particular user has taken it upon herself to undertake activities which are not permitted at this site due to the presence of jurisdictional coastal wetlands.

In April 2009, Borough Officials discovered minor grading and vegetation removal to create a trail leading to the water's edge. Apparently, this work was performed by a local public interest group. This work resulted in removal of coastal wetland vegetation. All work was suspended by my order and the public interest group reprimanded. We also notified Mr. Chris Dolphin of the Department's Land Use Regulation Program regarding the activity (copy of letter and photos attached).

On March 25, 2011, Borough Officials once again discovered grading and wetland impacts to create a trail leading to the water's edge. In addition, the edges of the path were lined with stone and timber piles. Additional grading along the water's edge was also performed (additional photos attached). Based on our understanding of the Coastal Zone Management Rules, we acknowledge this to be a non-permitted activity and are concerned that this action is not only disturbing coastal habitat, but has set a bad precedent for unauthorized disturbance along the waterfront. It is important to note that Red Bank staff has since removed the stone and timber piles from the area.

Based on the information above, we are seeking guidance from your office as to how the Borough should proceed. If possible, we would appreciate your attendance at a meeting in Red Bank so you can visit the site and discuss enforcement alternatives including potential disciplinary actions. Please contact me at your earliest convenience so we can discuss further and schedule a meeting. Thank you for your prompt attention to this matter.

Very Truly Yours,



Stanley Sickels
Red Bank Borough Administrator

SS/CB/KJK

H:\RBNK\G1101\Correspondence\Maple Avenue_SJS_DEP Enforcement Notification.doc

Council Meeting – June 8, 2011

Maple Avenue Parking Lot False Accusations

1. ***“Why would any responsible government do this/ Red Bank is eliminating 16 spaces and now they want to permit!”*** **FALSE**

According to Cindy Burnham the Borough lot was marked for ten (10) spaces (her map and her statement to Council). The Borough had the lot listed for twelve permit spaces. Twelve (12) spaces are being restored (2 designated handicapped). No reduction.

With regard to permits, S. Sickels stated the previous spaces had been permit spaces but no decision had been made about the new spaces.

2. ***“Why didn’t the Borough expand the parking lot to accommodate boat trailers and more cars?”***

The Borough is only restoring the existing lot to the existing number of spaces. Expansion of the lot would require DEP permitting and additional costs. Also, the DEP will not issue permits for new boat launch facilities.

3. ***“Borough is attempting to minimize use so as to sell property!”*** **FALSE**

- The Borough has included the property on the Borough’s ROSI list.
- No one on Council has ever expressed the desire or voiced any opinion in favor of selling the property.
- Plans are to incorporate property in Borough’s Water Front Access and River Walk Plans

Council Meeting – June 8, 2011

Maple Avenue Parking Lot Notes

- Tab 1 - Letter from Borough Engineer Richard Kosenski to Councilman Illemensee dated January 1, 1996 presenting an estimate to establish a boat launch at Maple Avenue.
- Tab 2 - Letter from Borough Engineer Kosenski to Mayor & Council dated April 1, 1996 reporting on results of meeting with DEP officials. DEP advised they would not issue any permits for new boat launch facilities in the Navesink River due to special shellfish resources restrictions in the Navesink River.
- Tab 3 - Memo to Administrator Sickels from Captain Van Pelt dated August 20, 2001 Providing an inventory of Borough parking spaces and list Parking Lot #10 – Maple Avenue as having 12 Permit spaces.
- Tab 4 - Resolution Number 08-66 adopted March 10, 2008 accepting \$17,000 contribution from K. Hovnanian to improve municipally owned parking lot at Maple Avenue.
- Tab 5 - Letter from Cindy Burnham to Stanley Sickels dated April 7, 2009 with enclosed “Plan for Maple Cove” including parking lot showing 10 spaces.
- Tab 6 - Minutes of Council meeting dated September 9, 2009 where Cindy Burnham inquires about repaving of parking lot:
- Burnham states: “*lot was currently marked for 10 cars*”, and
“*if they are going through the trouble of putting in a curb they might as well use the whole area*”
- Sickels states: “*Borough had originally issued permits for 12*”, and
“*the agreement with contractor was to restore the parking lot and he(Sickels) didn't know if they could expand it*”.
- Tab 7 - Engineer’s estimate for lot rehabilitation.
- Tab 8 - Lot rehabilitation diagram

January 15, 1996

Councilman Jack Illmensee
Borough of Red Bank
32 Monmouth Street
Red Bank, NJ 07701

Re: Maple Avenue Boat Dock Facility - Block 8, Lot 1

Dear Councilman Illmensee:

I have reviewed the feasibility and cost of constructing a boat dock and parking at the Maple Avenue stub and have the following comments for your consideration:

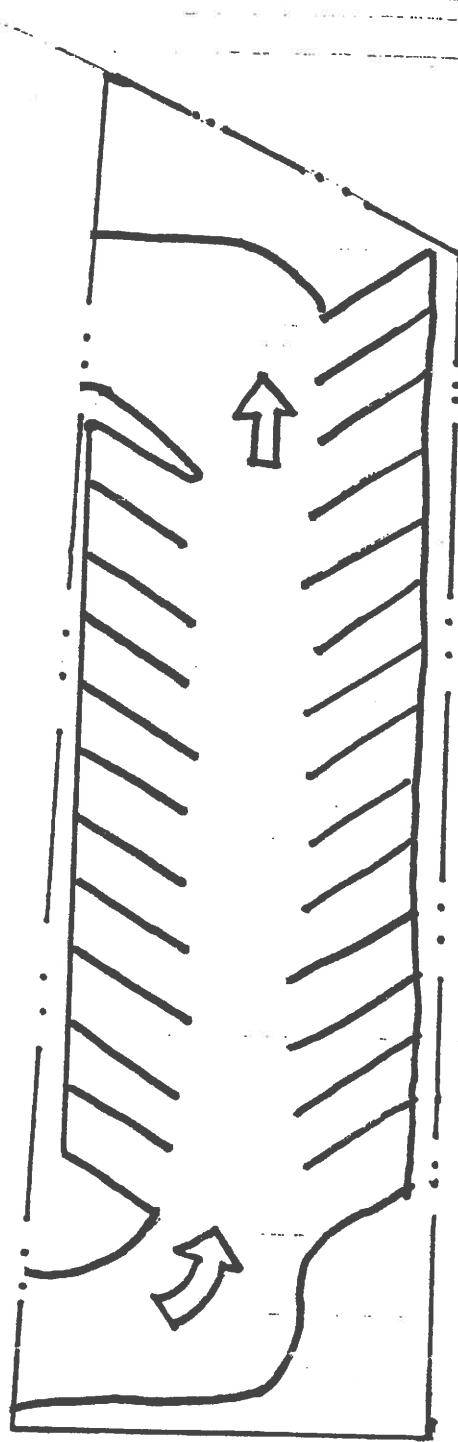
- The Borough owns Block 8, Lot 1, adjacent to Maple Avenue. It is currently being used as a small parking area by unauthorized parkers.
- This site contains sufficient room for approximately 25 parking spaces.
- The cost to construct a parking area for approximately 25 cars is approximately \$85,000 to \$100,000.
- If a boat dock is constructed at the site, some dredging may be required. The extent of dredging and cost to perform same is unknown at this time. Soundings will need to be taken.
- The cost to construct a floating dock is approximately \$35,000 plus the cost of any bulkhead or dock.
- The construction of a floating dock will require several NJDEP Permits. I anticipate permits will cost approximately \$5,000.
- The pier/dock to the west does not appear to be within Borough property.
- NJDEP Tidelands Waterfront Permits will be required.
- The appraisal property value from the 1995 TRW Redi Property Data Realty Directory is \$359,800.

If you require additional information, or require additional information, please call.

Very truly yours,


RICHARD A. KOSENSKI, P.E.
RED BANK BOROUGH ENGINEER

RAK: BH: pfv
cc: Marta Person, Administrator



RBNK-G9601

April 1, 1996

Mayor and Council
Borough of Red Bank
P.O. Box 868
Red Bank, NJ 07701

Re: Maple Avenue Boat Ramp & Marine Park Dock Projects
Borough of Red Bank

Dear Mayor and Council:

Upon a review of the above referenced areas, and after discussion with personnel in the NJDEP Land Use Regulation Program, I have determined the following permits would be required for the proposed projects:

Maple Avenue Boat Ramp
CAFRA Permit
Waterfront Development Permit
Wetlands Permit

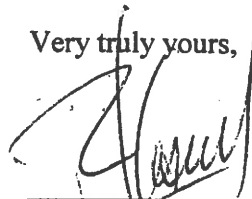
Marine Park Dock (Big Kahuna)
Waterfront Development Permit

According to Rules on Coastal Zone Management (N.J.A.C. 7:7E-1.1 et seq.) and after discussion with NJDEP, these permit applications would not be approved by NJDEP due to the "special shellfish" resources along the Navesink River. The Navesink River waterfront in the Borough of Red Bank is mapped by NJDEP Bureau of Shell Fisheries and Bureau of Marine Water Classification as having regulated densities of soft clams from the Route 35 bridge to Marine Park and hard clams from the Route 35 bridge to the Borough of Fair Haven (see attached). As such, pursuant to N.J.A.C. 7:7E-3.2, new boat ramps and appurtenant floating docks are prohibited in shellfish waters. In addition any new docks, except for those whose sole purpose is public fishing, are also prohibited.

Personnel from NJDEP state the NJDEP Land Use Regulation Program will deny, without prejudice, permit applications proposing disturbance to shellfish waters, since any activity in or over the shellfish waters would downgrade the shellfish growing water classification. NJDEP personnel state, that in order to strike a balance between resource protection and boating-related uses, NJDEP will permit dredging at existing marinas and boat launching facilities only. New and expanded docks are still recommended for denial by the Bureau of Shell Fisheries. In order for the Borough of Red Bank or any other municipality to proceed with projects of this nature, an amendment to The Rules on Coastal Zone Management would be required.

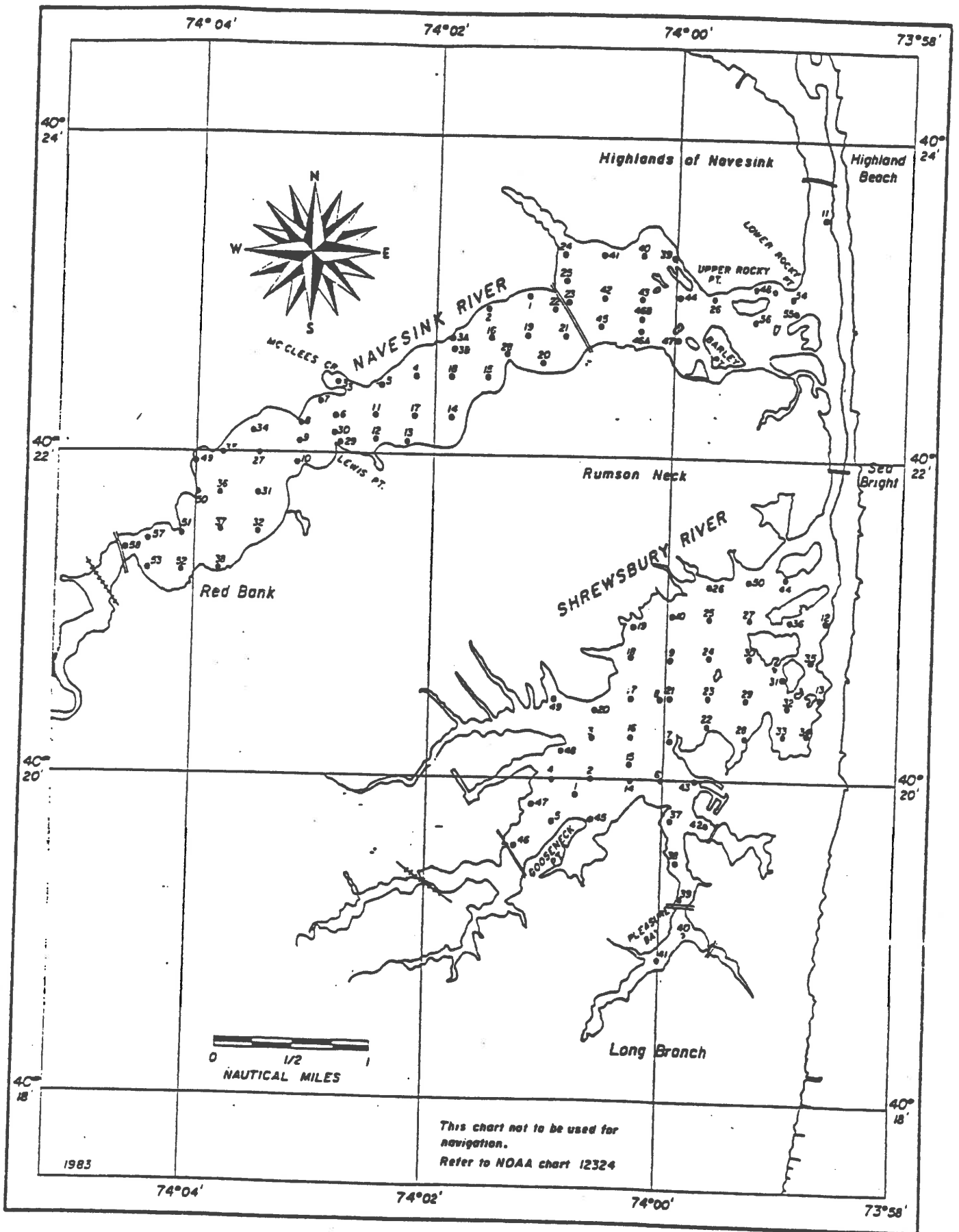
If you have any questions or require any additional information, please do not hesitate to call.

Very truly yours,



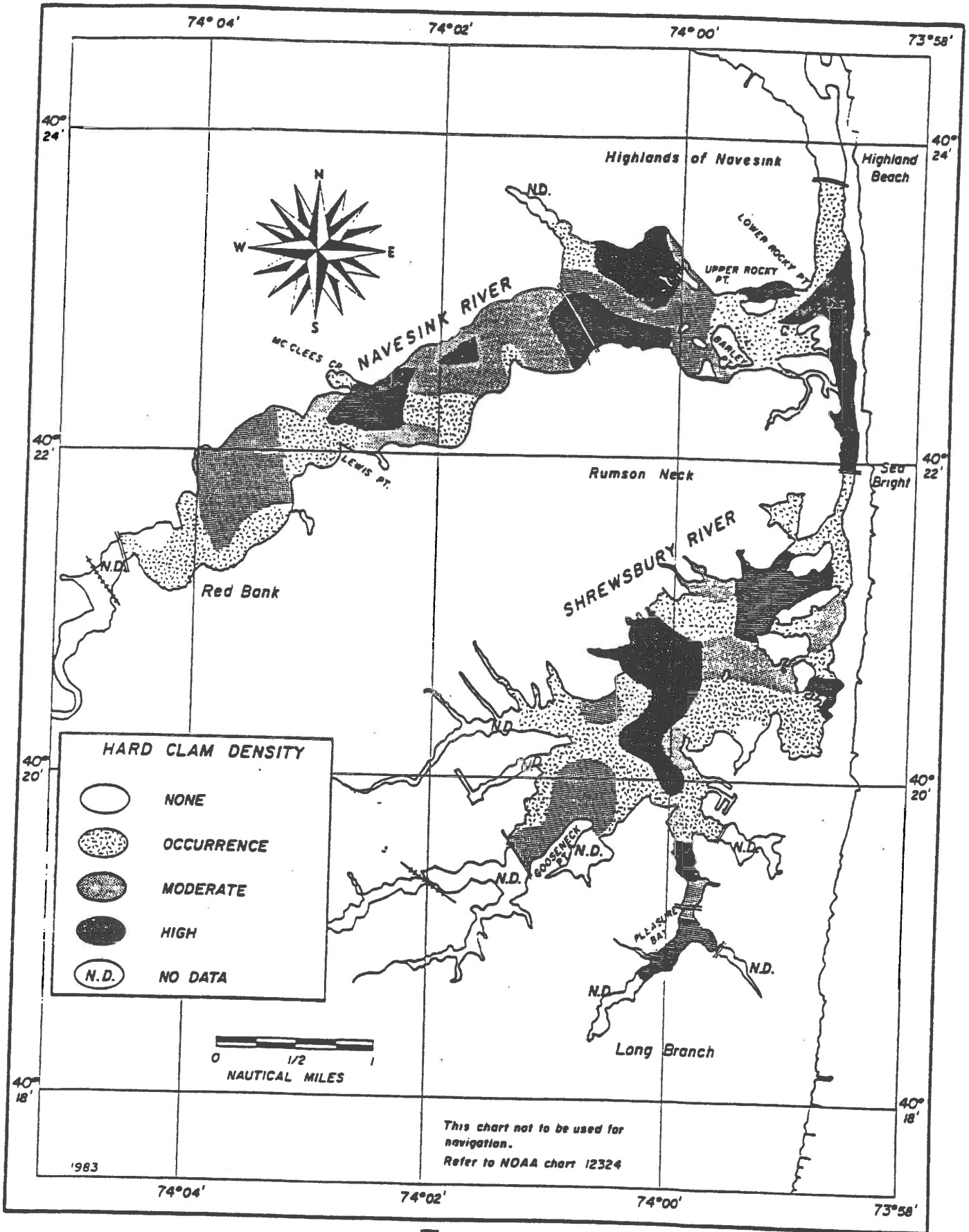
RICHARD A. KOSENSKI, P.E.
RED BANK BOROUGH ENGINEER

RAK:smh
Enclosures



1983

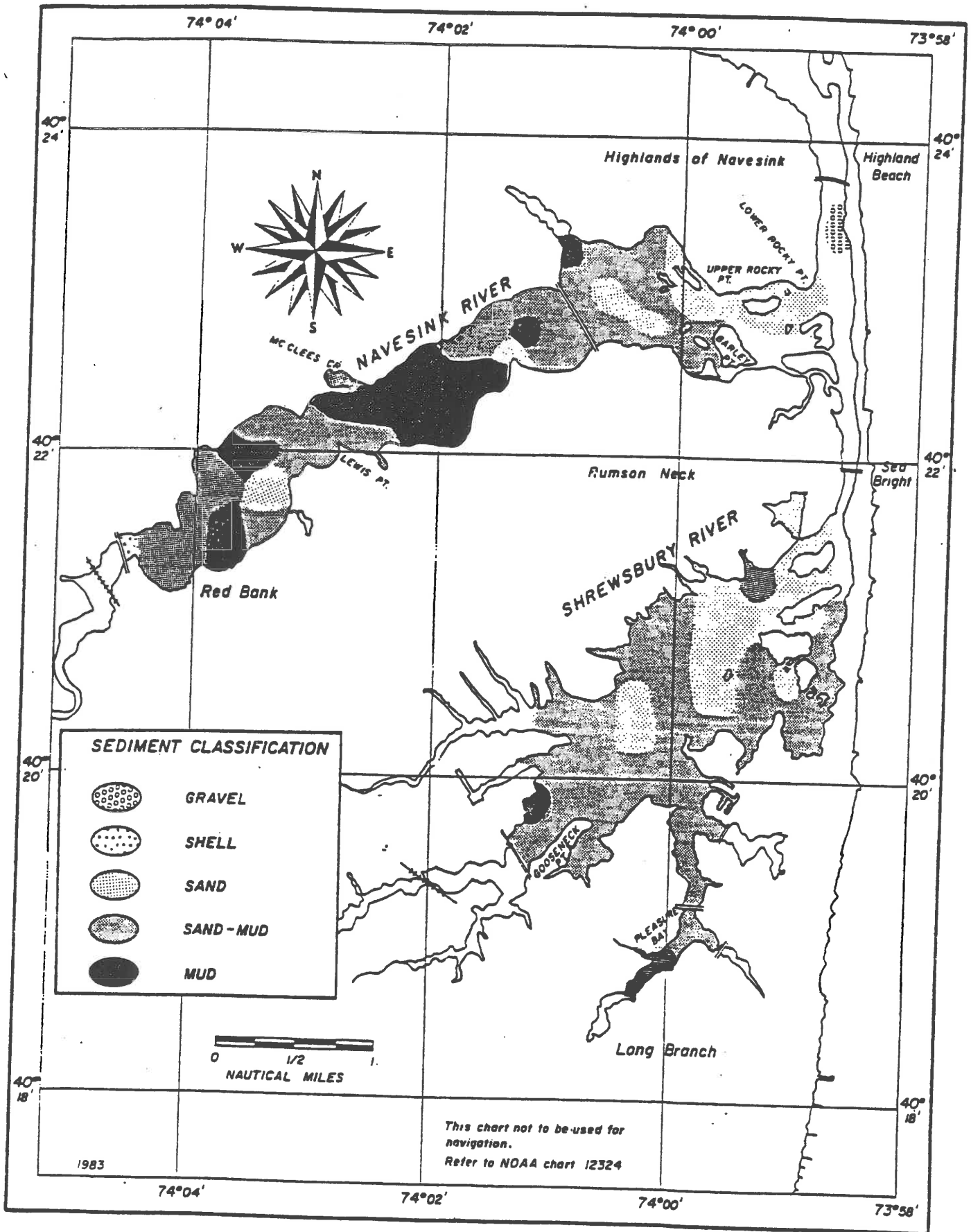
This chart not to be used for navigation.
Refer to NOAA chart 12324



HARD CLAM DENSITY	
	NONE
	OCCURRENCE
	MODERATE
	HIGH
	NO DATA

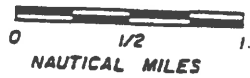
0 1/2 1
NAUTICAL MILES

This chart not to be used for navigation.
Refer to NOAA chart 12324



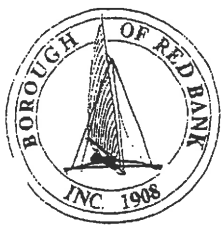
SEDIMENT CLASSIFICATION

	GRAVEL
	SHELL
	SAND
	SAND-MUD
	MUD



This chart not to be used for navigation.
Refer to NOAA chart 12324

1983



Borough of Red Bank

POLICE DEPARTMENT

Office of Traffic Safety

90 Monmouth Street

Red Bank, NJ 07701

Capt. Ernest Van Pelt
Lt. Peter DeFazio

Tel: (732) 345-8155

Fax: (732) 741-4426

To: Stan Sickels
Borough Administrator

From: Capt. Ernie VanPelt
Traffic Safety & Parking Div.

Date: August 20, 2001

Re: Parking Inventory

As per your request for inventory of all Parking Utility equipment and parking spaces.

Train Station	
East side of Railroad Tracks Monmouth St to Oakland St-----	91
(Including 6 handicapped spaces)	
Eastside of Railroad Station Oakland St to Chestnut St-----	140
Westside of Railroad Station Bridge Av -----	49
Westside of Railroad Station Chestnut St-----	166

Total Spaces 446

Parking Lot #1 White Street	Total Spaces	274
Handicapped spaces	5	
Borough Employee spaces	8	
Single Head meters	87	
Double Head meters	81	
Priority Permits	93	
Ten Hour meters	153	
Three Hour Meters	108	



Borough of Red Bank

POLICE DEPARTMENT

Office of Traffic Safety

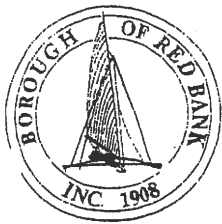
90 Monmouth Street

Red Bank, NJ 07701

Capt. Ernest Van Pelt
Lt. Peter DeFazio

Tel: (732) 345-8135
Fax: (732) 741-4426

Parking Lot # 2 Gold Street		Total Spaces	49
Handicapped Spaces	1		
Single Head Meters	2		
Double Head Meters	23		
Three Hour Meters	12		
Ten Hour Meters	36		
Priority Permit Spaces	21		
Parking Lot # 4 English Plaza		Total Spaces	115
Handicapped Spaces	4		
Single Head Meters	61		
Double Head Meters	25		
Three Hour Meters	111		
Parking Lot # 5		Total Spaces	14
Single Head Meters	14		
Double Head Meters	0		
Three Hour Meters	7		
Ten Hour Meters	7		
Priority Permit Spaces	7		
Parking Lot # 7 Globe Court Mechanic St to Wallace St		Total Spaces	191
Handicapped	4		
Fire Dept, Parking	11		
Priority Permit Parking	0		
Smith Barney Parking	68		
Paid Parking	108		
Single Head Meters	6		
Double Head Meters	22		
Triple Head Meter	1		
Squad Head Meters (4)	29		



Borough of Red Bank

POLICE DEPARTMENT

Office of Traffic Safety

90 Monmouth Street

Red Bank, NJ 07701

Capt. Ernest Van Pelt
Lt. Peter DeFazio

Tel: (732) 345-8135
Fax: (732) 741-4426

Parking Lot # 8 Globe Court Wallace St to Linden Place		Total Spaces 80
Handicapped	2	
Priority Permit Spaces	33	
Merill Lynch	23	
First Union	12	
Paid Parking Spaces	22	
Single Head Meters	1	
Double Head Meters	19	
Triple Head Meters	1	
Quad Head Meters	10	
Parking Lot # 9 Marine Park		Total Space 15
Handicapped	1	
Single Head Meters	0	
Double Head Meters	7	
Three Hour Meters	14	
Parking Lot #10 Maple Av		Total spaces 12
Handicapped	0	
Priority Permit Spaces	12	
No Meters in this lot		
Parking Lot # 11 Morford Place		Total Spaces 13
Handicapped Spaces	0	
Priority Parking	12	
No Meters in this lot		

Ernest Van Pelt

BOROUGH OF RED BANK

COUNTY OF MONMOUTH

RESOLUTION NO. 08-66

RESOLUTION AUTHORIZING ACCEPTANCE OF CERTAIN CONTRIBUTIONS FOR OFF-TRACT IMPROVEMENTS REGARDING THE K. HOVNANIAN HEADQUARTERS BUILDING, RIVERSIDE AVENUE AND MAPLE AVENUE, BLOCK 7, LOT 17.02

Mr. DuPont offered the following resolution and moved its adoption:

WHEREAS, pursuant to a Developer's Agreement between the Borough of Red Bank and K. Hovnanian Properties of Red Bank, Inc., (the "Developer") with respect to the property located at Riverside Avenue and Maple Avenue, Block 7, Lot 17.02 on the tax map of the Borough of Red Bank (the "Project Premises"); and

WHEREAS, the aforesaid Developer's Agreement required the Developer to make certain contributions for off-tract improvements necessitated by the construction of the K. Hovnanian Headquarters Building, specifically a fair share contribution pursuant to RBC §25-7.3 in the amount of \$9,170.00 for improvements required by the increase in traffic generated by this project; and a contribution in the amount of \$17,000.00 to improve the municipally owned parking lot at the terminus of Maple Avenue, both sums as calculated by the Borough Engineer; and

WHEREAS, the Developer has submitted the aforementioned fair share contributions with the Planning and Development Office;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Red Bank that the Borough does hereby accept a fair share contribution pursuant to RBC §25-7.3 in the amount of \$9,170.00 for improvements required by the increase in traffic generated by this project; and a contribution in the amount of \$17,000.00 to improve the municipally owned parking lot at the terminus of Maple Avenue.

Seconded by Mr. Murphy and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Mr. Curley	(x)	()	()	()
Mr. Murphy	(x)	()	()	()
Ms. Lee	()	()	(x)	()



April 7, 2009

Dear Stan,

First, I would like to thank you for helping to move this project forward. Whatever the ultimate name, the location will be an excellent kayak launching spot and a great place to sit and look at the river.

At the request of Councilwoman Lewis, Horgan, Councilman Zipprich, Meredith Pennotti, and Bruce Whitaker, I spoke to the children at the Red Bank Charter School regarding the naming contest. I plan to do the same for the Red Bank Middle School, St James and Red Bank Regional.

I am amazed how many people, businesses and various associations want to give of their time and money to help this project reach completion.

Enclosed, for your consideration, please find a proposed plan for Maple Ave. The path to the water always existed until it got lost due to the removal of the soil piles. We just restored it. The benches are being donated and built by the Navesink Maritime Heritage Association. I have a Landscaper that has volunteered his services to shore up the parking lot with 6 by 6's or the blue stone curbs (if there is enough); Rysers Landscaping is donating 3 tons of Peastone or Quarry Dust. If we need more than 3 tons Friends of Maple Ave. can supply it. Jack Privetera is donating a River Birch and some Forsythia, and Siciliano Landscaping will come back to seed. Everything is ready to go on my end if we can just get the approval from DEP. With your help, I do believe that this site will be ready for the 2nd Annual Red Bank Day.

Feel free to call me with any questions or concerns.

Thanks again for all your continued help and guidance.

Sincerely,

Cindy Burnham (C) 732-241-9532 (H) 732-530-1951

Block 8 Red Bay

* Note
 Benches: Concrete legs
 Placed on 3' by 12"
 Blue Stone State LOT 3 K. HOV

25' WIDE
 RIGHT OF WAY

Proposed
 Pea Stone or
 Charly Discol
 ON/OFF LINE

* Tree

50' E
 176' E (PROP)

PAVED
 AREA

208'± (PROP)

71° 01' 04" W

Entrance Existing

MAPLE AVENUE

K HOV.

K. HOV

APPROXIMATE
 Location of
 Physical High
 Water Line

Existing
 Natural
 Path

LOT 1
 10,664.6 SF ±

PROP INLET

POLE

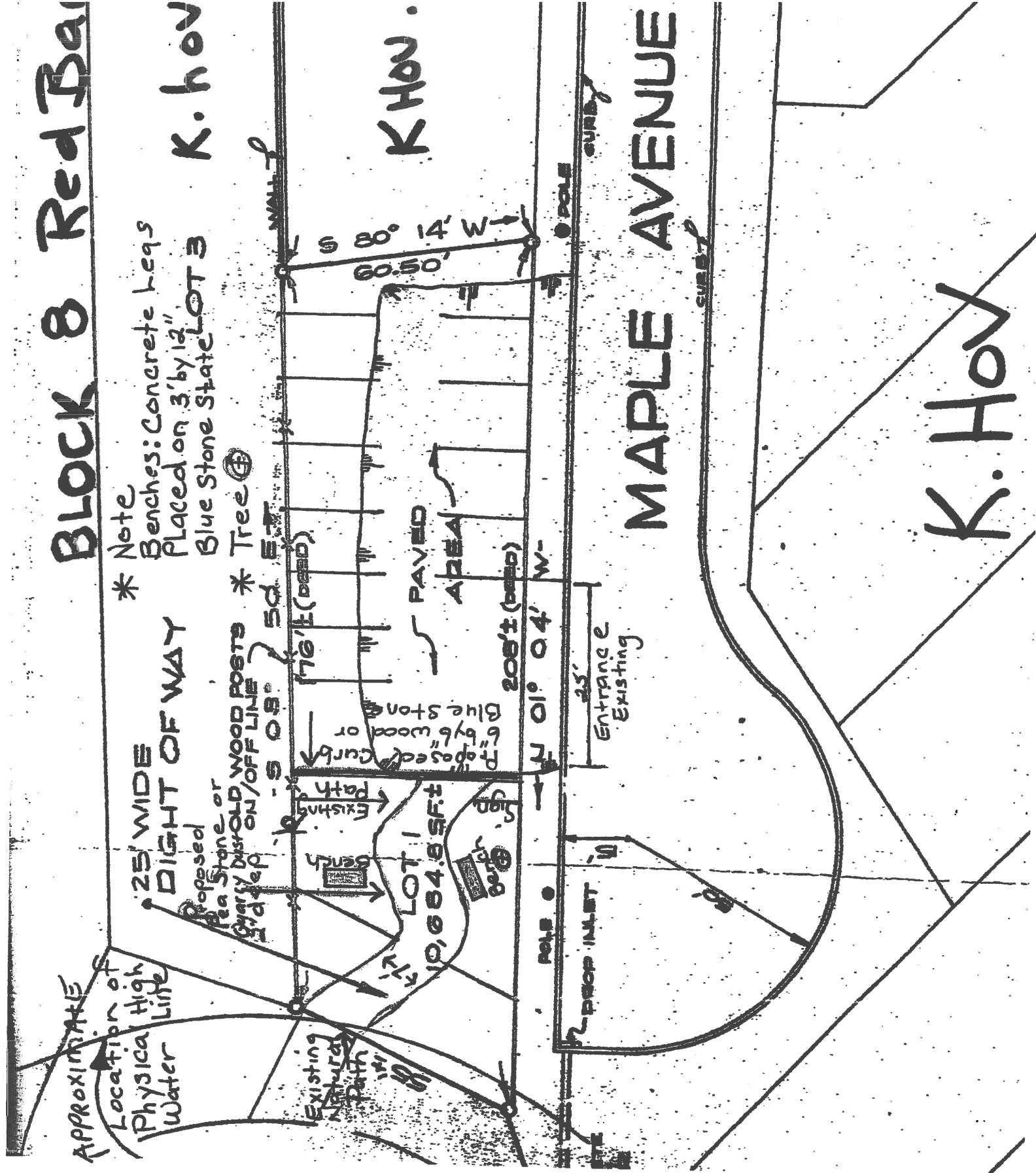
POLE

CURB

CURB

S 80° 14' W
 60.50'

Navasink River



Cindy Burnham—146 Harrison Avenue, Fair Haven—said she also had questions about the ongoing construction project on Maple Avenue and asked Mr. Sickels about the fact that he had said the construction company was going to rehab the parking lot at the foot of Maple Avenue. She asked for details on the plans for paving the lot. Mr. Sickels said the Borough needed to meet with them this week and get caught up on the project. Ms. Burnham asked if they would be paving the whole lot. Mr. Sickels said he would have to discuss it with them but noted that they were supposed to restore the lot to useable condition. She said the lot was 60-1/2 feet wide and said the company had covered about 8 feet of it. She also said the lot gets a lot of use and she would like to see it used to its maximum capacity. Councilman Murphy asked if there were meters in the lot. Mayor Menna said no, adding that it was a permit lot at one time. The Mayor also told Ms. Burnham the Borough would look into her concerns. Ms. Burnham noted that the English Plaza parking lot was only 58 feet wide and they have double head on parking at an angle and added that the lot in question was 60-1/2 feet wide so they could do double sided parking there as well. Mr. Sickels said the agreement with the contractor was to restore the parking lot and he didn't know if they could expand it. Ms. Burnham said it was currently marked for ten cars. Mr. Sickels said the Borough originally had issued permits there for 12. Mr. Burnham suggested that if they are going to the trouble of putting in a curb, they might as well utilize the whole area.

James Irving—239 Spring Street—said he was glad to see the Council acting on the film ordinance and reviewed the history of filming projects in the Borough and other historic events. Mr. Irving also said the he felt that handicapped parking was greatly abused and he would like to see stronger enforcement. He said he thought there was only three or four on the street in the entire community and said he would like to see more. Mayor Menna said that Mr. Irving made a good point and agreed that there should be better enforcement. Mayor Menna also confirmed with Attorney Pringle that anyone with a handicap that had a handicap parking license plate and an appropriate tag may park in any other parking space and would not need to pay for the meter. Mr. Irving said if that was the case, he was unaware of it. Mayor Menna said it was state law that a handicapped person could park anywhere except the fire zone and said they would also look into seeing what they could do to add to more handicapped spaces.

Mr. Irving also expressed his concern with individuals who put used mattresses and upholstered furniture out for pick up that may be infested with bedbugs and asked that the Borough look in to enacting labeling requirements. He discussed his concern with the growing problem and asked for the Council to consider and ordinance similar to the law requiring that doors be taken off refrigerators.

Mr. Irving also asked the Council to review intersections in town that he felt may be subject to gridlock problems.

He also asked Mayor Menna about his comments regarding the "red light zone." Mayor Menna clarified that, under state law, the Borough must include an "entertainment zone" and Red Bank did have one but it was very limited in scope.

Linda Cohen—28 Riverside Avenue—asked if there was anything that could be done regarding the Gold Street lot noting that there was a lot of construction going on and that parking was very tight. She said people were parking everywhere and asked the Borough to help. Mayor Menna said he understood her concerns and they would address it the next day.

David Prown—44 Hillside Place—also asked about the parking lot across the street. He asked who was parking in the lot and noted that it was filled with cars. Mayor Menna said he did not know who was parking there. Mr. Prown also asked about the resolution to extend the four day workweek and asked about the reported savings. Councilman DuPont said he estimated the Borough would save about \$15,000 for the year. Mr. Sickels noted that that was for electric only. Councilman DuPont said they were hoping that the four day work week would continue and noted that many Borough services could be accessed through the Borough's website. He added that he hadn't gotten any complaints and thought that the residents were being served. Mr. Prown said that he thought the savings wasn't very high and asked if there were any other factors that went into the decision. Mr. DuPont said he thought it had been working well and since the utilities had gone down they would continue the program. Mr. Prown again said he felt the cost saving were minimal. Councilman DuPont agreed that it may not seem like a lot but they were trying to take steps to reduce operating expenses. Mr. Prown pointed out that the program eliminated 20 percent of the week. Mr. Sickels added that the extension was to the end of the year and they would look at it again. He also noted that it was very cool summer and they felt that three months wasn't enough to evaluate.

BOROUGH OF RED BANK
 PARKING LOT RE-SURFACE - MAPLE AVE ("COVE")
 17-Dec-09

ITEM NO.	DESCRIPTION	UNIT	TOTAL QUANTITY	UNIT PRICE	COST
1	PAVEMENT TOP COURSE 3" THICK	SY	522		
2	BASE REPAIR 3" THICK (ASSUME 1/3)	SY	170	\$18	\$9,400
3	CURB	LF	310	\$18	\$3,060
4	WHEEL STOPS	LS	2	\$22	\$6,820
5	ADA SIGNAGE	LS	2	\$300	\$600
6	STRIPING	LF	400	\$250	\$500
7	TOP SOIL AND SEED	SY	200	\$1	\$400
				\$4	\$800
			SUBTOTAL -CONSTRUCTION		\$21,580
8	TOPOGRAPHIC SURVEY	LS	1	\$1,000	\$1,000
9	ENGINEERING DESIGN	LS	1	\$3,500	\$3,500
10	ENGINEERING INSPECTION	LS	1	\$2,500	\$2,500
				TOTAL	\$28,580

