

ORDINANCE NO. 24 -45-OA **B**

**AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN,  
STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER XXXV,  
ENTITLED "LAND DEVELOPMENT", SO AS TO AMEND VARIOUS SECTIONS  
OF 35-101**

**August 19, 2024**

**SECTION 1.** Chapter 35 of the Township Code of the Township of Berkeley, entitled "Land Development," is hereby amended and supplemented so as to amend §35-101.1, entitled "Definition", which shall now read as follows:

**§35-101.1 Definition.**

As used in this section:

*Planned Residential Retirement Community* hereinafter referred to as "PRRC," shall mean a community having one (1) or more parcels of land with a contiguous total acreage of at least one hundred (100) acres except within the RGR Zone which must have a continuous total acreage of at least forty (40) acres, forming a land block to be dedicated to the use of a planned retirement community; through its corporation, association or owners, the land shall be restricted by bylaws, rules, regulations and restrictions of record, and services for the benefit of permanent residents of communities which require that residents comply with the provisions, stipulations and restrictions regarding senior communities allowing occupancy of units by persons fifty-five (55) years of age or older, as contained in the Federal Fair Housing Act, as amended in 1988. Ownership of the residential units and the area comprising a PRRC may be in accordance with the provisions of N.J.S.A. 45:22A-21 et seq., or the ownership may be as is commonly referred to as "fee simple" with open space to be maintained through assessment against property owners within the confines of the community.

**SECTION 2.** Chapter 35 of the Township Code of the Township of Berkeley, entitled "Land Development," is hereby amended and supplemented so as to amend §35-101.12, entitled "Maintenance of Association-Owned Properties", which shall now read as follows:

**§35-101.12 Maintenance of Association-Owned Properties.**

The maintenance of the green areas, private roadways, driveways, common courtyards, recreational areas, lakes and other improvements not intended to be individually owned shall be

provided by an association organized under the Nonprofit Corporation Statute of the State of New Jersey (Title 15) and formed for that purpose. The applicant shall, in the form restrictions and covenants to be recorded, provided that title to the aforesaid enumerate areas shall be conveyed to the association, whose members shall be owners of lots or other interests, or to such other persons as a majority of the members shall designate from time to time by duly adopted bylaws. Said restrictions and covenants shall also provide that in the event the nonprofit association shall cease to function through lack of participation of its members or be dissolved, the Township of Berkeley shall have the right by special assessment to assess the lot owners in the development or tract, annually, a sum of money which would be sufficient to pay the taxes on said park, recreational and other areas and for the proper upkeep, maintenance and preservation of same. Such restrictions and covenants shall further provide that the same shall not be altered, amended, voided or released, in whole or in part, without the written consent of the Township of Berkeley by resolution duly adopted at a regular meeting of the Township Council and except upon proper notice being given by the applicant or any other party in interest to all owners of lots in the PRRC.

**SECTION 3.** Chapter 35 of the Township Code of the Township of Berkeley, entitled "Land Development," is hereby amended and supplemented so as to amend §35-101.14, entitled "Definition", which shall now read as follows:

**§35-101.14 Procedural Requirements.**

- a. All subdivision plans and site plans shall be submitted to the Planning Board in accordance with the requirements of this ordinance and of this chapter. Where facilities proposed to be built are other residential dwellings, site plans shall be submitted in conformance with this chapter.

- b. At such time as the applicant or developer shall submit a subdivision plan or site plan for approval, the following shall also be submitted:
1. Covenants and restrictions for the community or any other plan for or restriction upon the community property.
  2. Proposed master deed or deeds.
  3. Bylaws of the proposed homeowners' association.
  4. Proposed agreement of sale.
  5. Proposed form of deed.
- c. The documents shall be forwarded to the Board and shall be subject to the review of the Board and of the Township Council as to their adequacy in ensuring that the community shall be constituted so as to be consistent with the purposes and requirements of this section. The proposed documents and restrictions shall indicate a comprehensive and equitable program for the orderly transition of control over the homeowners' association from the applicant or the developer to the actual homeowners in the community.

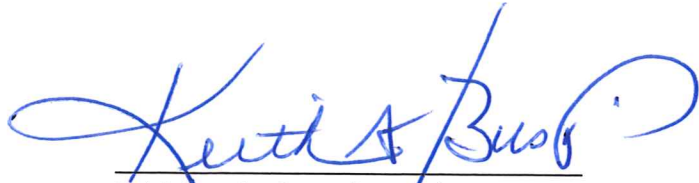
**SECTION 4.** After introduction of this ordinance, the Township Clerk shall send a copy of this ordinance to the Township Planning Board for its review and comment. The Township shall send a copy of the ordinance to the Ocean County Planning Board pursuant to N.J.S.A. 40:55D-16.

**SECTION 5.** This ordinance shall take effect after second reading and publication as required by law and the filing of the adopted ordinance with the Ocean County Planning Board.

**SECTION 6.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.



**SECTION 7.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

  
\_\_\_\_\_  
John A. Bacchione, Mayor  
\_\_\_\_\_  
Keith Buscio, Council President  
Angelo Guadagno, Council Vice President

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Berkeley, in the County of Ocean, State of New Jersey, held on August 19, 2024, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 16<sup>th</sup> day of September, 2024, at 6:00 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 627 Pinewald-Keswick Road, Bayville, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.

  
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**KAREN STALLINGS, RMC**  
Township Clerk, Township of Berkeley

**AFFIDAVIT OF PUBLICATION**

State of New Jersey, County of Hudson, ss:

Yuade Moore, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of The Press of Atlantic City, a newspaper printed and published in the City of Linwood, distributed in the following counties: Atlantic, Camden, Cape May, Cumberland, Gloucester, and Ocean and mailed to various parts of the State of New Jersey, the United States, and foreign countries, does hereby certify that the Notice was published in The Press of Atlantic City on:

**PUBLICATION DATES:**

Aug. 29, 2024

**NOTICE ID:** eP4prK7yBlJXeN9SZL0w

**PUBLISHER ID:** COL7096

**NOTICE NAME:** 08-19-2024 Introduced Ordinances

**Publication Fee:** 75.60

All interested parties may rely upon the representations contained herein limited solely to the authenticity of the Notice accompanying this Certification to be an accurate reproduction of the same and the date upon which it was published.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

(Signed) Yuade Moore

SHANNEA H HOLMES  
NOTARY PUBLIC  
STATE OF NEW JERSEY  
My Commission Expires August 1, 2026

**VERIFICATION**

State of New Jersey  
County of Hudson

Subscribed in my presence and sworn to before me on this: 08/30/2024

Shanea H. Holmes

Notary Public

Notarized remotely online using communication technology via Proof.

## Notice Of Pending Ordinances

08-19-24 Berkeley Township Notice of Pending Ordinances

24-43-0A

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER XXXV, ENTITLED "LAND DEVELOPMENT" SO AS TO AMEND SECTION 35-63.14, ENTITLED "ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT"

24-44-0A

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER XVII, ENTITLED "STREETS AND SIDEWALKS" SO AS TO AMEND VARIOUS SECTIONS

24-45-0A

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER XXXV, ENTITLED "LAND DEVELOPMENT", SO AS TO AMEND VARIOUS SECTIONS OF 35-101

24-46-0A

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF BLOCK 946, LOT 4.01 ON THE MUNICIPAL TAX MAP TO THEODORE & SLOANE ZAREMBA IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:12-13 (\$50,000.00)

24-47-0A

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, BERKELEY TOWNSHIP BOARD OF EDUCATION, STATE OF NEW JERSEY AUTHORIZING THE DONATION OF PROPERTY TO THE BERKELEY TOWNSHIP BOARD OF EDUCATION, IN ACCORDANCE WITH N.J.S.A. 40A:12-13

24-48-0A

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF Block 951, Lot 16.04 ON THE MUNICIPAL TAX MAP TO 1211 WG LLC IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:12-13 (\$50,000.00)

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Berkeley, in the County of Ocean, State of New Jersey, held on August 19, 2024, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 16 th day of September, 2024 , at 6:00 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 627 Pinewald-Keswick Road, Bayville, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Copies of the Ordinance will be provided upon request from the Clerk's office at the address above, during regular business hours and can be found online at [www.berkeleymunicipal.org](http://www.berkeleymunicipal.org)

**Karen Stallings, RMC**

Township Clerk, Township of Berkeley

Printer Fee: \$75.60

Pub Date: August 29th, 2024

Order #: COL7096