

**TOWNSHIP OF MANALAPAN**

**ORDINANCE NO. 2019-09**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANALAPAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 208, "SWIMMING POOLS," OF THE CODE OF THE TOWNSHIP OF MANALAPAN, SECTION 208-9, "APPEALS FOR RELIEF," PERTAINING TO PROCEDURES FOR APPEALS OF SIDE AND REAR YARD SETBACK REQUIREMENTS**

**BE IT ORDAINED** by the Township Committee of the Township of Manalapan, in the County of Monmouth, State of New Jersey, as follows:

**SECTION ONE.** Chapter 208, "Swimming Pools," of the Code of the Township of Manalapan, Section 208-9, "Appeals for Relief," be and same is hereby amended and supplemented to read, in full, as follows:

(Additions are underlined, deletions are ~~strikethroughs~~)

"§208-9. Appeals for Relief.

A. The Board of Adjustment of the Township of Manalapan be and it is hereby authorized to hear and decide appeals for relief from the side and rear line setback requirements of this Chapter where, by reason of exceptional narrowness, shallowness or peculiar shape of a specific piece of property or by reason of exceptional topographical conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of the rear or side line setback requirements would result in a peculiar and exceptional practical difficulty to or exceptional and undue hardship upon the owner of such property so as to relieve such difficulties or hardship, provided

that such relief may be granted without detriment to adjoining property owners and without substantially impairing the intent and purpose of this Chapter.

B. Procedure for hearing and relief.

(1) Request for relief from the side or rear line setback may be taken by any person to the Zoning Board of Adjustment as follows:

(a) A written application along with the sketch plat required by **§208-2** of this Chapter and **the required filing fee pursuant to Chapter 95** ~~a fee of \$35~~ shall be delivered to the Secretary of the Zoning Board of Adjustment, which application shall state in detail the reason for the application.

(b) The Zoning Board shall then fix a reasonable time, but within ~~30~~ 45 days from receipt of the application, for a hearing, giving due notice to the applicant.

(c) The applicant shall, at least 10 days prior to the time fixed for the hearing, give personal notice to all owners of the property situated within or without the Township and within 200 feet of the property to be affected by the application. The notice shall be given either by giving a copy of the application to the property owners or by leaving a copy thereof at their usual place of abode, if the owners are the occupants of the property affected by such application or are residents of the Township.

Notice may also be made by certified mail to the last known address shown on the most recent tax list.

(d) At the time of the hearing, the applicant shall, by affidavit, present proof to the Zoning Board that the notices have been duly served. Any party may appear at the hearing in person or by agent or by attorney, except that a corporation shall appear by attorney.

(2) The Board of Adjustment is hereby authorized to adopt such rules and regulations as it may deem necessary to govern its procedures concerning such applications.

(3) Whenever an application shall be made to the Board of Adjustment, the Board shall render its decision upon such application within 60 days of the date of the hearing. Upon failure to do so, at the expiration of such time, such appeal shall be deemed to be decided adversely to the applicant, in the same manner as though the Board had rendered a decision to that effect.”

**SECTION TWO.** All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

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

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

## NOTICE OF PUBLIC HEARING

The Ordinance published herewith was Introduced and approved at a meeting of the Township Committee of the Township of Manalapan held on March 27, 2019. This Ordinance will be further considered for final passage after a Public Hearing thereon before the Township Committee of the Township of Manalapan during a meeting to be held on April 10, 2019 at the Municipal Complex, 120 Route 522 and Taylors Mills Road, Manalapan, New Jersey at 7:30 p.m. or as soon thereafter as the matter may be reached, or at any meeting to which that meeting may be adjourned, at which time any and all persons who may be interested therein will be given an opportunity to be heard.

The proposed Ordinance in its entirety is on file in the Municipal Clerk's Office and copies may be obtained without charge between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday. A complete copy may also be obtained from the Manalapan Township web-site [www.mtnj.org](http://www.mtnj.org) under Agenda posted for the Township Committee meeting of April 10, 2019.

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REGINA PRETEROTI, RMC  
Municipal Clerk