

TOWNSHIP OF MANALAPAN

ORDINANCE NO. 2019-03

AN ORDINANCE OF THE TOWNSHIP OF MANALAPAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 95, "DEVELOPMENT REGULATIONS," OF THE CODE OF THE TOWNSHIP OF MANALAPAN, ARTICLE IX, "IMPROVEMENT STANDARDS, SPECIFIC CRITERIA AND CONSTRUCTION SPECIFICATIONS," SECTION 95-9.2, "IMPROVEMENT STANDARDS," PROVIDING FOR AN EXCEPTION TO THE INSTALLATION OF CURBS OR SIDEWALKS AND CONTRIBUTIONS TO A SIDEWALK AND CURBING CAPITAL CONSTRUCTION FUND

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

SECTION ONE. Chapter 95, "Development Regulations," of the Code of the Township of Manalapan, Section 95-9.2, "Improvement Standards," subsection 95-9.2A(4), "Curbs and Gutters," be and the same is hereby amended and supplemented to read, in full, as follows:

(New text is underlined)

"(4) Curbs and gutters.

- (a) Curbing shall be required for drainage purposes, safety, and delineation and protection of pavement edge.
- (b) Curbs shall be constructed according to the specifications set forth in the construction specifications.
- (c) Curbing shall be designed to provide a ramp for bicycle and/or wheelchairs as required.
- (d) Curbing shall be provided along both sides of subdivision streets, and adjacent to the edge of all aisles, drives and off-street parking areas.
- (e) The reviewing agency may grant an exception from the required installation of curbing in appropriate cases if the exception is reasonable and proper as related to a particular development and the absence of curbing does not violate the safety, health and welfare of present or future residents. Said

exception may be granted at the request of the developer or on the reviewing agency's own initiative.

- (f) In any case where the reviewing agency grants an exception from the required installation of curbing, the developer shall be required to pay an amount equal to the reasonable cost of installing said curbing, as determined by the Township Engineer, into the Sidewalk and Curbing Capital Contribution Fund. Where this requirement has previously been satisfied by in lieu contributions, said funds shall be deposited into the Sidewalk and Curbing Capital Contribution Fund. The Sidewalk and Curbing Capital Contribution Fund shall be dedicated to the installation of sidewalks, curbing and other pedestrian safety projects throughout the Township of Manalapan where properly authorized by the Township Committee."

SECTION TWO. Chapter 95, "Development Regulations," subsection 95-9.2A(6), "Sidewalks and Pedestrian Paths," of the Code of the Township of Manalapan, be and the same is hereby amended and supplemented to read, in full, as follows:

(New text is underlined)

"(6) Sidewalks and Pedestrian Paths

- (a) Sidewalks shall be placed in the right-of-way, parallel to the street within the right-of-way, unless an exception has been permitted to preserve topographical or natural features, or to provide visual interest, or unless the applicant shows that an alternative pedestrian system provides safe and convenient circulation. In commercial and more intensely developed residential areas, sidewalks may abut the curb.
- (b) Pedestrian way easements a minimum of 10 feet wide may be required by the Planning Board through the center of blocks more than 600 feet long to provide circulation or access to schools, playgrounds, shopping, or other community facilities. Easements may also be required to link with or as part of any trail system provided for within the Township Master Plan.
- (c) Sidewalk width shall be four feet; wider widths may be necessary near pedestrian generators and employment centers. Where sidewalks abut the curb and cars overhang the sidewalk, widths shall be six feet.
- (d) Sidewalks and graded areas shall be constructed according to the specifications set forth in the construction specifications.
- (e) Sidewalks shall be provided on both sides of all streets and throughout side

development for ease of pedestrian access.

- (f) The reviewing agency may grant an exception from the required installation of sidewalks in appropriate cases if the exception is reasonable and proper as related to a particular residential development and the absence of sidewalks does not violate the safety, health and welfare of present or future residents. Said exception may be granted at the request of the developer or on the reviewing agency's own initiative.

- (g) In any case where the reviewing agency grants an exception from the required installation of sidewalks, the developer shall be required to pay an amount equal to the reasonable cost of installing said sidewalks, as determined by the Township Engineer, into a Sidewalk and Curbing Capital Contribution Fund. Where this requirement has previously been satisfied by in lieu contributions, said funds shall be deposited into the Sidewalk and Curbing Capital Contribution Fund. The Sidewalk and Curbing Capital Contribution Fund shall be dedicated to the installation of sidewalks", curbing and other pedestrian safety projects throughout the Township where properly authorized by the Township Committee.

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

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

SECTION FOUR. If any section, subsection, paragraph, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION FIVE. This Ordinance shall take effect immediately upon its passage and publication as required by law, and upon filing with the Monmouth County Planning Board.

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 13, 2019 and 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 Wednesday, 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 by clicking on the Ordinance title listed on the Agenda posted for the Township Committee meeting of April 10, 2019.

REGINA PRETEROTI, RMC
Municipal Clerk