

***MASTER PLAN
REEXAMINATION REPORT***

**TOWNSHIP OF MANALAPAN
MONMOUTH COUNTY, NEW JERSEY**

JULY 16, 2009

**PREPARED FOR:
MANALAPAN TOWNSHIP PLANNING BOARD**

PREPARED BY:



ASSOCIATES

**Eleven Tindall Road
Middletown, NJ 07748**

**Richard S. Cramer, PP, AICP
New Jersey Professional Planner
License No.: 02207**

Approved on July 23, 2009 by the Manalapan Township Planning Board

The original of this document has been signed and sealed in accordance with New Jersey Law.

MANALAPAN TOWNSHIP PLANNING BOARD

RESOLUTION OF THE MANALAPAN TOWNSHIP PLANNING BOARD ADOPTING THE RE-EXAMINATION OF THE MASTER PLAN

WHEREAS, a regular session of the Manalapan Township Planning Board ("Planning Board") was duly constituted and held on July 23, 2009, at which time a quorum was present; and

WHEREAS, pursuant to the New Jersey Municipal Land Use Law, the Planning Board has the authority to conduct a Re-Examination of the Township of Manalapan Master Plan; and

WHEREAS, the Re-examination of the Master Plan was presented at the Public Meeting of the Planning Board of July 23, 2009 with an opportunity for public comment, and which, if any, are attached hereto and incorporated herein in their entirety; and

WHEREAS, the Planning Board reviewed the Re-Examination of the Master Plan, received any comment from the Planning Board's Engineer, Planner, and Attorney, as well as any public comment, and discussed the Re-examination of the Master Plan and thereafter voted affirmatively to adopt the Re-Examination of the Master Plan; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board hereby adopts the Re-Examination of the Master Plan, as presented to the Planning Board (a copy of which is attached hereto and incorporated herein) at its regular meeting of July 23, 2009.

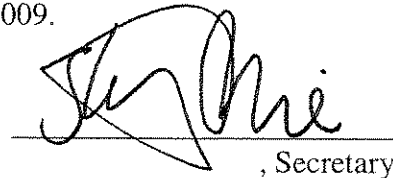
In the matter of Resolution
of the Manalapan Township Planning Board
Adopting the Re-Examination of the Master Plan

Offered by: G. COSCIA

Seconded by: R. AARONSON

ROLL CALL	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Aaronson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Coscia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
R. Cohen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pine	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lazar	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Barrack	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Klauber	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Roth	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hogan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
McNaboe (Alt.1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Musich (Alt. 2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

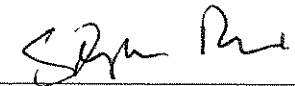
I hereby certify that the foregoing Resolution was adopted by the Planning Board of the Township of Manalapan at its meeting of July 23, 2009.

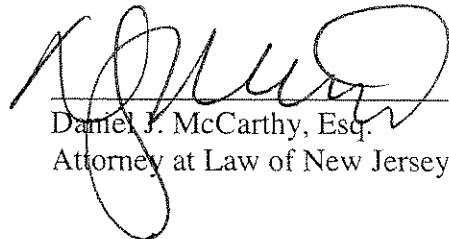

_____, Secretary

STATE OF NEW JERSEY :

SS.

COUNTY OF MONMOUTH:

I hereby certify that on July 23, 2009, , personally came before me and acknowledged under oath, to my satisfaction, that she: (a) is the Secretary of the Manalapan Township Planning Board; and (b) signed the Resolution as her act and deed.


Daniel J. McCarthy, Esq.
Attorney at Law of New Jersey

Credits

Manalapan Township Planning Board

Mayor Richard Klauber

Richard Cohen, Chairman

Stephen Pine, Secretary

Richard Aaronson

Herb Lazar

Herbert Barrack

Gerard Coscia

Anthony Musich

John McNaboe

Committeeperson Michelle Roth

Richard Hogan, Const. Code Official

Gregory Valesi, P.E., Board Engineer

Daniel McCarthy, Esq., Board Attorney

Eleanor Ruggiero, Recording Secretary

Richard Cramer, P.P., AICP, Board

Planner

Master Plan Subcommittee

John McNaboe

Anthony Musich

Stephen Pine

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INTRODUCTION

The Township of Manalapan Planning Board periodically reviews its Master Plan, Zoning Map, and Zoning and Land Development regulations as required by the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-89).

The purpose of the periodic reexamination is to maintain a current local plan by recommending changes to the plan and regulations. The changes are responsive to community needs and ensure that the Township Plan meets the purposes of planning and zoning as provided by the Municipal Land Use Law. The Township is required to complete a periodic reexamination at least once every six years from the previous reexamination. The Township Planning Board has compiled this report to meet the law's periodic reexamination requirements.

TOWNSHIP MASTER PLAN AND PRIOR REEXAMINATIONS AND AMENDMENTS

This is the fifth reexamination of the Township of Manalapan Master Plan since its adoption in 1991. The Planning Board first reexamined the Township Master Plan and Development regulations in 1994, and the development regulations were subsequently amended to implement many of the Master Plan recommendations. The Master Plan was amended again in 1995 to include a revised housing element and fair share plan to address the Township obligation to accommodate a fair share of the regional need for lower income housing. COAH certified the Township's housing element and fair share plan in 1996, and the Township amended its development regulations to include an affordable housing fee ordinance and affordable housing regulations consistent with COAH's requirement.

In 1998, the Township amended the Master Plan land use element and the development regulations to provide additional locations for age restricted housing and to establish consistency among the land use element, housing element, and zoning regulations of the Township. In 1999, the Township again reexamined the Master Plan and development regulations and adopted an amended Master Plan open space, conservation and recreation element.

In 2000, the Township amended the land use element and the zoning regulations to designate a Village Commercial District on the Route 33 Corridor.

In November of 2001, the Township Planning Board completed a general reexamination and amended the Master Plan land use element and adopted a farmland preservation element.

In March of 2002 the Board amended the Master Plan land use element and housing element for the development of the tract known as the Villages on Route 33, Woodward Road, and Millhurst Road.

The Township Planning Board completed the most recent reexamination of its Master Plan in June 2003. As a result of the 2003 reexamination, the Board amended the land use plan for the Route 33 corridor and the Township's development regulations to establish an overlay zone to guide the development of lands along Route 33.

The Board also has adopted the following additional amendments to the Master Plan:

- Housing Element and Fair Share Plan Amendment ~ March 2003
- Land Use Element Amendment Villages Consent District ~ March 2003
- Housing Element and Fair Share Plan Amendment ~ November 2009
- Stormwater Management Plan ~ March 2005
- Stormwater Management Plan Amendment ~ June 2006
- Farmland Preservation Plan ~ December 2008
- Housing Element and Fair Share Plan ~ December 2008

CONTENTS OF THE MASTER PLAN REEXAMINATION REPORT

The Municipal Land Use Law (N.J.S.A.40:55D-89) specifies the subjects that the Township Reexamination Report must address. The Township report must review the problems and objectives relating to land development at the time of the last reexamination; it must evaluate the Township's progress in addressing the problems and objectives identified in the prior Township reexamination; it must identify changes that have occurred that would affect the Township plan and regulations; it must recommend changes that should be made to the Township Master Plan and Development regulations; and it must indicate whether any plans adopted pursuant to the Local Housing and Redevelopment Law should be included as part of the Master Plan and land use regulations.

Accordingly, this report addresses each of the required subjects.

MAJOR PROBLEMS AND OBJECTIVES RELATING TO LAND DEVELOPMENT IN THE TOWNSHIP OF MANALAPAN AT THE TIME OF THE LAST REEXAMINATION REPORT

The Planning Board approved the last reexamination report of the Township in June 2003. The 2003 report identified the following as the major problems and objectives relating to land development in the Township of Manalapan:

- Continued and significant loss of Township open spaces, woodlands, landmarks, scenic areas, natural habitat areas, and farmland to development;
- The need to coordinate Township policies to support the implementation of the Monmouth County Farmland Preservation Plan and the proposed County Scenic Roadway Plan;
- The need to coordinate Township policies to support the State Plan objectives for the Fringe Planning Areas (PA-3); the Rural Environmentally Sensitive Planning Areas (PA-4B), and Critical Environmental Sites and Historic Cultural Sites (CEHS);
- The need to coordinate Township planning to support and protect the substantial public investment that is being made by the Garden State Preservation Trust in central New Jersey to preserve historic landscapes, farmland and open spaces;
- The need for local land use controls to better protect water quality in conjunction with State

initiatives for improved watershed management practices.

In addition, the 2003 Master Plan Reexamination Report identified the following as major objectives:

- Update the Township circulation plan in order to address traffic congestion within the Township, especially along the Route 9 Corridor;
- Plan for bus service and commuter parking in the southern area of Manalapan along Route 33 where population growth is occurring, as recommended by the Township Transportation Committee

EXTENT TO WHICH MAJOR PROBLEMS AND OBJECTIVES RELATING TO LAND DEVELOPMENT IN THE TOWNSHIP OF MANALAPAN AT THE TIME OF THE LAST REEXAMINATION REPORT HAVE BEEN REDUCED OR HAVE INCREASED SUBSEQUENT TO THE LAST REEXAMINATION

A review of the extent to which problems or objectives have been addressed, reduced, or have increased since the 2003 reexamination is provided below.

Loss of Open Space, Landmarks, and Farmland to Development

Subsequent to the 2003 Master Plan Reexamination Report, the Township continued to work to implement the recommendations of the Master Plan recreation, conservation, and open space element and the farmland preservation element. Those elements recommended preserving open space and farmland through fee simple purchase or easement purchases in conjunction with State and County open space and farmland preservation programs. As a result, the total land area that is permanently preserved as farms and open space in Manalapan has been increasing, and the loss of open space and farmland has declined. The decline in loss is attributable, in part to, to the reduced level of development activity within the Township since 2007.

The Township participates in the Planning Incentive Grant Program of the New Jersey Department

of Environmental Protection Green Acres Program to preserve Township open spaces, and the Planning Incentive Grant program of the State Agriculture Development Committee (SADC) to preserve Township farmland.

The Township maintains an Open Space Trust Fund to fund the preservation of Township open space, farms, and historic sites. Annually, the Township dedicates to the fund \$0.02 per \$100 of Equalized Assessed Value (EAV) from the municipal property tax. The Township allocates fund revenues for eligible program activities, including the Township match to State and County funding, to preserve open space, outdoor recreation land, and farmland in accordance with the farmland preservation plan element and the open space, recreation, and conservation element of the Township Master Plan. As of May 2009, the Open Space Trust Fund had a balance of \$1,677,807.53. This does not include the 2009 levy which is projected to be \$1,277,984.56 for the year.

Farmland Preservation

The Township established a permanent Agriculture Advisory Committee to work with the local farmers and property owners to preserve Township farmland and promote agriculture as a business and. The Township has also planned to limit the sewer service area in an effort to discourage urban sprawl and the conversion of farms to non agricultural uses.

The Township efforts have been successful in increasing the permanently preserved farmland and open space land available for agricultural use within Manalapan. From 2001 to the end of 2007, more than \$18,000,000 had been expended by the State, County, and Township on permanent farmland preservation efforts and the Township had a total of twelve permanently-preserved farms and three open space tracts in farm use within the Township. In addition two additional farms were scheduled to be preserved by 2008. These lands were preserved with a combination of: easement purchases by Monmouth County and the SADC; municipal Planning Incentive Grants (PIGs) for farmland preservation; fee simple acquisition by the SADC, and the Green Acres Program.

In 2008, to continue its participation in the State Planning Incentive Grant program for farmland preservation, the Township Planning Board adopted a new farmland preservation plan element. The element was prepared in conjunction with the County farmland preservation plan and the farmland preservation planning requirements of the SADC. Manalapan's goal is to preserve as much farmland as possible in the short term. To accomplish this, the Township farmland preservation plan set one-, five-, and ten-year preserved acreage targets.

One-Year Target: 156 acres;

Five-Year Target: 780 acres; and,

Ten-Year Target: 1,560 acres.

The ten-year farmland target, if met, would provide the Township with a permanently preserved land base of 3,879 acres available for agricultural use. This figure includes both permanently preserved farmland and permanently preserved open space that is used for agricultural purposes. As a result, a total of 19.6% of the Township's 30.9 square mile total area would be preserved and available for agricultural use.

Open Space Preservation

From 2001 through 2007, the Township also drew upon State, Township, and Green Acres funding to permanently preserve additional open space within the Township. As a result, the Township inventory of land permanently preserved as public or private open space grew by 375 acres. The Township identifies land for open space preservation in the Master Plan open space, recreation, and conservation element that was adopted in 1999.

The State Green Acres Planning Incentive Grant program provides partial funding for Township

land acquisitions identified in the plan element. A condition of participation in the State program is the maintenance of the Township open space and recreation plan and the Township open space system map. In 2009, the NJDEP Green Acres program communicated with the Township its recommendation that the Township review any element more than five years old, update it where warranted, and submit it to the State Green Acres Program for inclusion in the State project file.

Historic Preservation

The Township historic sites were identified in the 1991 Master Plan historic preservation element. Over time, there have been losses through demolition or fire damage of the historic buildings identified in the inventory. There has been no update of the element and the inventory of historic sites since 1991 to establish the extent of the loss in historic landmarks in the Township.

Litigation

By 2003, the Township had amended the Township zoning and development regulations to reduce density to implement recommendations made in the 2001 reexamination and Master Plan amendments for the conservation of open space, farmland, and the environment. There is pending litigation over the zoning of two tracts that were rezoned to RE Residential Environmental.

Need to Coordinate Township Policies to Support Implementation of Monmouth County Farmland Preservation Plan and County Scenic Roadway Plan

The Monmouth County Scenic Roadway Plan was adopted by the Monmouth County Planning Board on September 17, 2001. The Plan defines a scenic roadway as “A public thoroughfare for the passage of vehicles, persons, or animals which traverses through an ever-changing, aesthetically pleasing environment that consists of natural and man-made elements which stimulate the senses and leave a lasting impression on the mind.” The plan identifies the following roadway segments

within Manalapan Township as scenic roadways:

- Route 3 (Main Street) from mile 0 to mile 0.8
- Route 3 (Tennent Road) from mile 0.8 to mile 1.2
- Route 522 (Freehold Road) from mile 2.95 to mile 4.35
- Route 527 (Smithburg Road) from mile 2.85 to mile 4.85
- Route 527 (Millhurst Road) from mile 7.15 to mile 9.81
- Route 527A (Smithburg Road) from mile 0 to mile 2.25
- Route 527A (Iron Ore Road) from mile 2.25 to mile 5.86

Manalapan Township contains approximately 14.32 miles of Scenic Roadways as designated by the Monmouth County Scenic Roadway Plan. The 2001 Master Plan Land Use Element Amendment, which was adopted subsequent to the Monmouth County Scenic Roadway Plan, recognized the scenic roadways within the Township and the need to preserve their scenic qualities.

Need to Coordinate Township Policies to Support State Plan Objectives for the Fringe (PA 3) and Rural Environmentally Sensitive Planning Areas (PA 4B), and Critical Environmental States and Historic Culture Sites (CEHS)

Approximately 11.6 square miles (35.9 percent) of Manalapan Township's land area is contained within the PA-3 and PA-4B Planning Areas, as designated by the New Jersey State Development and Redevelopment Plan. Each of these planning areas is predominantly rural in character, and development in these areas is encouraged to be located within existing development centers, which encourages the preservation of open space. The Township Master Plan is compatible with the State planning designations for PA 3, PA 4B and CEHS locations.

Coordinate Township Planning to Support and Protect the Substantial Public Investment being made by the Garden State Preservation Trust to Preserve Historic Landscapes, Farmland and Open Spaces

The Township included a Conservation Element and a Historic Preservation Element as part of its original Master Plan, which was adopted in 1991. Subsequent to the adoption of the original Master

Plan, the Township amended the Master Plan to include an Open Space, Recreation, and Conservation Element (adopted October 1999) and a Farmland Preservation Element (adopted November 2001). The Township adopted a revised Farmland Preservation Plan in December 2008 to address new SADC regulations and the updated Monmouth County Farmland Preservation Plan.

Need for Local Land Use Controls to Better Protect Water Quality in Conjunction with State Initiatives for Improved Watershed Management Practices

The Township has adopted both a Stormwater Management Plan Element and an ordinance to promote improved watershed management practices consistent with State NJDEP regulations. The stormwater management program of the Township is supplemented by land use controls regulating development in flood hazard areas and in stream corridors.

Update the Township circulation plan in order to address traffic congestion within the Township, especially along the Route 9 Corridor and Plan for bus service and commuter parking in the southern area of Manalapan along Route 33 where population growth is occurring, as recommended by the Township Transportation Committee

The Township applied for a grant to update the Circulation Plan Element, but no funding was secured. As a result, the Circulation continues to need a comprehensive update. The Township did secure a grant to prepare a Trail Plan for pedestrian and bicycle circulation. A public hearing on adoption of the Trail Plan as part of the Master Plan is anticipated in July 2009. In addition, the Township has participated in a number of studies to address traffic circulation issues. As traffic volumes have grown, congestion has increased and there continues to be a need for a comprehensive update of the Township Circulation Plan to coordinate with State and County improvement plans and planning initiatives.

Ordinance Revisions

Subsequent to the 2003 reexamination, the Township has periodically amended its development regulations to ensure the regulations are current and address local planning and development issues.

The Township amendments to the land use regulations adopted subsequent to the 2003 reexamination have included the following ordinances. The ordinances are listed in the order of their introduction and adoption.

- Ordinance 04-15, adopted 2004, amends the Township's development regulations to require contribution disclosure statements in major zoning variance applications.
- Ordinance 04-24, adopted 2004, amends and supplements the Township's development regulations to create an overlay zone to guide the development of lands fronting on State Route 33.
- Ordinance 04-25, adopted 2004, amends the Guarantees and Inspections section of the Township's development regulations to include provisions for a shade tree fee.
- Ordinance 04-31, adopted 2004, revises the Township's affordable housing regulations to reflect changes to COAH regulations.
- Ordinance 04-32, adopted 2004, amends the Township's development regulations to establish use, bulk, yard, and area requirements for Planned Residential Development in the Four Seasons (CD-FS) Consent District and the Meadows (CD-M) Consent District.
- Ordinance 05-09, adopted 2005, amends the Township's development regulations and shade tree ordinance, to increase the required fees.
- Ordinance 05-16, adopted 2005, amends the Township's development regulations to increase the required zoning permit fees.
- Ordinance 05-36, adopted 2005, amends the Township's development regulations to establish an affordable housing growth share requirement for residential and non-residential development.
- Ordinance 05-37, adopted 2005, amends and supplements the Township's affordable housing development fee requirements to effectuate changes authorized by the substantive rules of the New Jersey Council on Affordable Housing for the period beginning December 20, 2004.
- Ordinance 06-05, adopted 2006, amends and supplements the notice requirements for hearings contained in the Township's development regulations.
- Ordinance 06-13, adopted 2006, amends the Township's stormwater regulations.
- Ordinance 06-18, adopted 2006, amends the Township's development standards related to the

development of flag lots.

- Ordinance 07-13, adopted 2007, amends the Township's stormwater regulations to reflect amendments to Monmouth County stormwater regulations.
- Ordinance 07-15, adopted 2007, amends the Township's development regulations to establish an application procedure for Portable On-Demand Storage (PODS) units.
- Ordinance 07-30, adopted 2007, amends the Township's development regulations and general zoning provisions to revise the applicable height and fill standards.
- Ordinance 07-31, adopted 2007, amends the Township's development regulations, design requirements, and signage requirements to regulate the placement and size of political signs within the Township.
- Ordinance 08-20, adopted 2008, amends the Township's development regulations to establish signage standards within the Route 33 Overlay Zone.
- Ordinance 08-28, adopted 2008, amends the Township's affordable housing development fees.
- Ordinance 09-05, adopted 2009, revises the Township's development regulations to establish regulations related to permitting billboards as a conditional use in certain zoning districts.

THE EXTENT TO WHICH THERE HAVE BEEN SIGNIFICANT CHANGES IN THE ASSUMPTIONS, POLICIES, AND OBJECTIVES FORMING THE BASIS OF THE MASTER PLAN OR DEVELOPMENT REGULATIONS AND LAST REVISED

Township Assumptions, Policies, Objectives and Goals

In general, the assumptions, policies, objectives and goals of the original Township Master Plan and as revised continue to be appropriate.

Changes with Regard to the Density and Distribution of Population, Land Uses and Housing Conditions

The population of the Township has increased significantly since 1930 and it has continued to grow since the last reexamination. . The Township's housing stock is relatively new, and the housing stock is generally in good condition. As of the 2000 census, the Township contained 11,066 housing units, had an average household size of 3.09 persons per household, and an average family size of

3.45 persons per family. Census data indicates that the Township consists primarily of family households, as evidenced by its above average household and family sizes, as well as the fact that 83.5 percent of the Township’s total households are family households.

Population growth has shifted southerly in the Township to the Route 33 corridor. The Township has seen increasing development in this area, largely as a result of Mount Laurel related affordable housing development within districts that the Township established to address its fair share housing obligations.

Table 1: Population and Density Change, 1970-2008

	1970	1980	1990	2000	2008
Population	14,049	18,914	26,716	33,423	40,318
Population Density (Persons per Square Mile)	454.7	612.1	864.6	1081.7	1304.8

Source: US Census Bureau (1970, 1980, 1990, and 2000); Monmouth County Planning Board (2008)

CHANGES IN CIRCULATION, CONSERVATION OR NATURAL RESOURCES, ENERGY CONSERVATION, COLLECTION, DISPOSITION, AND RECYCLING OF DESIGNATED RECYCLABLE MATERIALS AND CHANGES IN STATE, COUNTY AND MUNICIPAL POLICIES AND OBJECTIVES

There have been changes at the State level affecting Township planning. Those changes are summarized below.

State Development and Redevelopment Plan

On April 28, 2004, the New Jersey State Planning Commission approved the release of the Preliminary State Development and Redevelopment Plan (State Plan) and the Preliminary State Plan Policy Map. This action launched the third round of cross-acceptance. The State has completed a final draft of the most recent state plan, and has posted this draft plan to the Department of Community Affairs Office of Smart Growth’s website. The draft plan does not propose substantial changes to the State Plan Policy Map as applied to the Township.

Council on Affordable Housing

The New Jersey Council on Affordable Housing (COAH) has adopted new rules to address the State's affordable housing needs for the period 2004 to 2018. The rule requires that, in the future, the Township fair share of the affordable housing need will be based upon the actual residential and employment growth that occurs in Manalapan from 2004 to 2018. Under the proposed rule, the Township would be required to develop a strategy to ensure the development of one affordable housing unit for every four units of new, market rate construction. In addition, it would be required to provide one affordable unit for every sixteen jobs that are created in new or substantially rehabilitated non-residential development. COAH has estimated that the Township will incur a growth share for 277 new affordable units for the period 2004 to 2018. The Township has a prior obligation from the prior period 1987 to 1999 to construct 706 new affordable units. The Township has completed 572 units of its 706-unit prior round obligation. In December 2008, the Township adopted a Housing Plan Element and Fair Share Plan, a fee ordinance, and a spending plan to address its fair share obligation. The Township maintains an Affordable Housing Trust Fund to promote affordable housing. As of May 2009, the fund balance was \$3,526,162.81,

The Township has petitioned COAH to certify the Township Housing Plan Element and Fair Share Plan as adopted in December 2008, and petitioned COAH for substantive certification on December 17, 2008. Objections were filed to the Township plan. The Township is currently participating in the COAH mediation process in an effort to resolve the objections.

Stormwater Management

On January 5, 2004, the New Jersey Department of Environmental Protection adopted new rules to establish and implement a Municipal Stormwater Regulation Program. The rule is part of a comprehensive approach being taken by the State to address the water quality and the water quantity problems that arise from nonpoint pollution and the loss of groundwater recharge areas. The rules at N.J.A.C. 7:8-4.3(a) require that a municipality adopt a municipal stormwater management plan as an integral part of its master plan. The Township addressed the planning requirement and adopted the stormwater plan in 2005. Within one year of the adoption of the stormwater plan, the Township was required to adopt stormwater control ordinances to implement the plan. The Township adopted a

stormwater control ordinance in 2006 through Ordinance No. 06-13.

New Jersey Energy Master Plan

In October 2008, the State of New Jersey adopted an Energy Master Plan to provide a road map to guide the State toward a responsible energy future with adequate, reliable energy supplies that are both environmentally responsible and competitively priced. The Energy Master Plan lays out an action plan intended to work towards achieving the five goals laid out in the plan. These five goals are:

- Maximize the State’s energy conservation and energy efficiency to achieve reductions in energy consumption of at least 20% by 2020;
- Reduce peak demand for electricity by 5,700 MW by 2020;
- Strive to surpass the current RPS (Renewable Portfolio Standard) goals with a goal of achieving 30% of the State’s electricity needs from renewable sources by 2020;
- Develop a 21st Century energy infrastructure that supports the goals and action items of the Energy Master Plan, ensure the reliability of the system, and makes available additional tools to consumers to manage their energy consumption; and
- Invest in innovative clean energy technologies and business to stimulate the industry’s growth in New Jersey.

The State anticipates reducing energy consumption and increasing the amount of energy provided by renewable resources over the timeframe of the plan. The Township should anticipate the need for a reduction in energy consumption and increased use of renewable sources at the local level.

Energy Facilities as Permitted Uses in Industrial Zones

On March 31, 2009, Governor Corzine signed an amendment to the Municipal Land Use Law permitting the location of renewable energy facilities in areas zoned for industrial uses. These renewable energy facilities include both wind and solar facilities. This new law signifies the State’s commitment to fostering the growth of renewable energy sources across the State. Since the Township zone plan includes an industrial zoning district, the Township is impacted by this law.

Residential Development Solar Energy Systems Act

On March 31, 2009, Governor Corzine signed the Residential Development Solar Energy Systems Act into law. The act, which applies to developments of 25 or more units that are intended for owner occupancy, requires developers to provide significantly more information about renewable energy to buyers, and will likely affect the advertising, planning, and building of residential developments in New Jersey. In addition, the legislation requires developers to offer potential buyers the option of installing solar energy systems where deemed feasible by the Department of Community Affairs (DCA) and Board of Public Utilities (BPU).

The legislation requires developers to disclose the following information to prospective buyers in their advertising:

- The option to install a solar energy system
- Total cost to install the solar energy system
- General information about the environmental benefits and cost savings of a solar energy system
- Information on applicable credits, rebates, or other incentives associated with the installation of the solar energy system

The act is a step in promoting renewable energy and the goals of the State’s Energy Master Plan.

Municipal Land Use Law

There have been additional changes to New Jersey Municipal Land Use Law (M.L.U.L.) since the Township reexamination in 2003 that authorize the inclusion of additional elements as part of the Township Master Plan. The Master Plan may include the following additional elements, each of which is optional:

- A development transfer plan element which sets forth the public purposes, the locations of sending and receiving zones and the technical details of a development transfer program;
- An educational facilities plan element which incorporates the purposes and goals of the “long-range facilities plan” required to be submitted to the Commissioner of Education by school district; and
- A green buildings and environmental sustainability plan element, which shall provide for, encourage, and promote the efficient use of natural resources and the installation and usage of

renewable energy systems; consider the impact of buildings on the local, regional and global environment; allow ecosystems to function naturally; conserve and reuse water; treat stormwater on-site; and optimize climatic conditions through site orientation and design.

Recycling

The Township recycling program is administered to meet State requirements and it now provides for the separation and collection of electronic devices such as computers and television sets from the trash stream. The Township anticipates that its program will also be modified to include the collection of ink cartridges. The Township further anticipates that in 2010 it will go to a single stream system of collection which will be more efficient and economical to administer than the current system of alternating days for the collection of different recyclables.

THE SPECIFIC CHANGES RECOMMENDED FOR THE MASTER PLAN OR DEVELOPMENT REGULATIONS, IF ANY, INCLUDING UNDERLYING OBJECTIVES, POLICIES AND STANDARDS, OR WHETHER A NEW PLAN OR REGULATIONS SHOULD BE PREPARED

Master Plan Recommendations

As a result of this reexamination, the Planning Board recommends the following changes to the Township Master Plan:

Recommendations of 2003 Master Plan Reexamination Report – The 2003 Township Master Plan Reexamination report recommended updating the Township’s Circulation, Community Facilities, Utilities, and Historic Preservation Elements. These elements of the Master Plan have not been updated since their adoption as part of the 1991 Master Plan. To date, the Township has not implemented any changes to these elements of its Master Plan. Therefore, it is recommended that the Township update the aforementioned elements to reflect changes in the Township that have

occurred over the period since the adoption of these elements.

Open Space, Recreation and Conservation Element – The Master Plan Open Space, Recreation, and Conservation Element was adopted in 1999 to enable the Township to participate in the State Green Acres Planning Incentive Grant Program to fund open space preservation in Manalapan. The Green Acres program has recommended that program participants update elements that are more than five years old to ensure they are current. Therefore, it is recommended that the Township update the Open Space, Recreation, and Conservation Element to ensure that it is current.

Master Plan Document - The Township Master Plan was originally adopted in 1991 and has been amended and reexamined periodically over the past eighteen years. As a result, the original document needs to be edited and revised as one user-friendly document for public use and reference. The Planning Board recommends that, upon completion of the changes to the Master Plan recommended in this reexamination, that the Township edit and format the Master Plan as one user-friendly document that includes all the approved changes, maps, and graphics. The Master Plan should then be published on the Township web site, and also made available in hard copy for public viewing, use, and reference at the Township Municipal offices, as required by law.

Master Plan Studies – It is recommended that the Township study the potential for expansion of the commercial areas of the Township, giving specific attention to areas in Manalapan west of Englishtown.

Recommended Changes to Township Land Development Regulations

As part of this reexamination, the Township Planning Board recommends the following changes to the Township development regulations.

- A. Electronic submission of land use applications and reduced size plan sheets. The Township should require submission of land use applications in an electronic format. Land use applications that are submitted electronically will be posted to the Township web site and to a Geographic Information Systems (GIS) map that should also be accessible through the

Township web site. Paper copies of land use applications will continue to be required for distribution to Township review agencies. The Township submission requirements should also mandate submission of plan sheets in a reduced size format of approximately 11" x 17" for distribution to and use by Board members.

- B. Remediation. The Planning Board supports an amendment in accordance with the Environmental Commission recommendations to amend Section 12.3, Remediation of Historic Pesticide Contamination and requiring a No Further Action letter from the NJDEP prior to final approval of development plans.

- C. Winter certificate of occupancy. The Planning Board recommends an amendment in accordance with the recommendations of the Township Engineer for regulations governing a winter certificate of occupancy.

- D. Stormwater Management. Portions of Chapter 95, Stormwater, should be recodified as part of section of the code regulating waste and trash in accordance with the recommendations of the Township Engineer.

- E. Agricultural Advisory Committee Recommendations. The development regulations should be amended to include the changes recommended by the Agricultural Advisory Committee as referenced in the 2008 Farmland Preservation Plan adopted by the Planning Board

- F. SED-20 and SED-20W Provisions for Planned Office Parks and Planned Office Industrial Parks. The use provisions for planned office parks and planned-office industrial parks in the SED-20 and the SED-20/W districts should be clarified to specify that the permitted uses include professional offices and business offices. The coverage limitations for planned office parks and planned industrial parks should be reconciled to be consistent with the coverage limitations for conventional development.

- G. R-40 Habitable FAR Correction. The Habitable FAR limit in R-40 needs to be corrected to read 0.095, instead of 0.95.

- H. Driveway Setbacks. A separate driveway setback standard be should be established for small, narrow residential lots with frontages/widths of 75' or less. Currently, the ordinance has a general regulation required a 10' minimum driveway setback for residential lots.

- I. Clearing and Disturbance Standards. Standards should be enacted to minimize the clearing and disturbance of lots and site proposed for development.

- J. Expand R-40 Zoning on Craig Road. The R-40 zoning should be expanded along the Craig Road frontage to include existing lots now within the R-20 zone that are oversized and that front directly on Craig Road.

- K. Single Family Housing in the R-TF/TH Zone. The development regulations should be amended to permit Single Family Detached Dwellings as a principal use in the R-TF/TH Zone.

- L. Underground Detention. The development regulations should prohibit the construction of underground detention systems beneath Township streets due to added cost of public maintenance of such systems and the disruption to circulation in the event of a system malfunction that requires the street to be opened. With respect to the use of underground detention systems beneath other public property, the Township should be guided by the recommendations of the Township Engineer.

- M. PB Zone. The limits of the PB Public Use zone should be revised to include lands acquired by the Township for public use.

- N. Measurement of Setbacks. The regulations should be amended consistent with the recommendations of the Zoning Board of Adjustment Yearly Report for 2007 to measure the

required setbacks from a street from the public right of way line or from any easement for the expansion of the public right of way.

- O. Sustainable Design. The development regulations should be amended to include provisions for sustainable design for the following:
 - (1) Parking lots, share parking arrangements and cross access.
 - (2) Complete streets and streetscapes.
 - (3) Small wind generation systems.
 - (4) Solar energy systems.

- P. Removal of the R-40/30 Classification from the Schedule of Area, Yard, and Building Requirements. The schedule of area, yard, and building requirements contains line items for a R40/30 zone district and a R40/30 cluster option. These are redundant zone classifications from previous Township zonings. They should be deleted from the schedule since there is no area within the Township currently zoned or planned as R40/30.

- Q. Subdivision Design Guidelines. The design guidelines of the regulation should include a provision to encourage good platting practices by requiring that, in so far as is practical, side lot lines shall be straight and at right angles to straight streets and radial to curved streets.

- R. Street Side Setbacks. The residential schedule of area yard and building requirements includes a standard for street side setbacks for principal and accessory structures. The standard is redundant since the ordinance requires that yards along a street must meet the front yard requirements. In the case of the R-AG zone, the street side setback is specified at 35 feet and conflicts with the front yard requirement of 100 feet for the zone. These redundancies and conflicts in the schedule should be eliminated.

- S. Dental Laboratories. Dental laboratories for the preparation of dentures and other products

required by a professional dentist should be included as a permitted use in the professional office zones.

- T. R-R Habitable FAR Correction. The Habitable FAR limit in R-R needs to be corrected to read 0.075, instead of 0.75.

- U. Control of Shopping Carts. The design standards should be amended to require that all site plans for commercial establishments using shopping carts shall provide for cart corrals within parking lots for the collection of shopping carts.

- V. Child Care Centers. The provisions of §95-7.1, Child-care centers in non-residential zones, should be revised to reference and to parallel the requirements of the Municipal Land Use Law at N.J.S.A. 40:55D-66.6., Child Care Centers, and N.J.S.A. 40:55D-66.7, Non-residential development with child care center; calculation of density.

- W. Sidewalk Fund. The development regulations should be amended to include a provision for requiring and accepting a payment in lieu of sidewalk construction along streets.

- X. Small Energy Systems. The development regulations should be amended to include provisions controlling the location and placement of small energy systems that utilize renewable energy resources such as wind power and solar power.

- Y. Non-applicability Provision for Utilities and Essential Services. The provisions of §95-7.10, Nonapplicability to underground utilities and essential services, should be amended to require that above ground public utility installations such as, but not limited to, pumping stations, repeater stations, electric substations, and heater units, will be subject to the conditional use provisions of the code that regulate public utilities, irrespective of the height of the installation.

- Z. Rain Gardens. The development regulations should be amended to include a definition of “rain

garden” and provide guidance for their placement and installation as part of the stormwater management plan for land development.

THE RECOMMENDATIONS OF THE PLANNING BOARD CONCERNING THE INCORPORATION OF REDEVELOPMENT PLANS ADOPTED PURSUANT TO THE “LOCAL REDEVELOPMENT AND HOUSING LAW” PUBLIC LAW 1992, CHAPTER 79 (NJSA 40A:12A-1 ET SEQ.) INTO THE LAND USE PLAN ELEMENT OF THE MUNICIPAL MASTER PLAN, AND RECOMMENDED CHANGES, IF ANY, IN THE LOCAL DEVELOPMENT REGULATIONS NECESSARY TO EFFECTUATE REDEVELOPMENT PLANS IN THE MUNICIPALITY

At this time, the Township of Manalapan has not prepared nor has it adopted any redevelopment plans based upon N.J.S.A. 40A:12A-1 et seq., Local Redevelopment and Housing Law, that would need to be incorporated into the Master Plan or require changes to the Township development regulations.