

Master Plan Amendment 01-2

***LAND USE PLAN ELEMENT
CONSERVATION AREAS***

MANALAPAN TOWNSHIP
Monmouth County, New Jersey

Document
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Prepared September 7, 2001 by:



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Adopted on *November 29, 2001*
by the Manalapan Township Planning Board

This original of this document has been signed and sealed in accordance with N.J. Law.

MANALAPAN TOWNSHIP PLANNING BOARD

**RESOLUTION OF MEMORIALIZATION ADOPTING THE MASTER PLAN
REEXAMINATION REPORT AND AMENDMENTS TO THE MASTER PLAN**

WHEREAS, N.J.S.A. 40:55D-28 empowers the Planning Board to prepare, and after public hearing, adopt and/or amend a Master Plan to guide the use of land within the municipality in a manner which protects public health and safety and promotes the general welfare; and

WHEREAS, N.J.S.A. 40:55D-89 authorizes the periodic reexamination of the Master Plan of Manalapan Township; and

WHEREAS, the Township Committee did authorize the Planning Board to perform the periodic reexamination of the Master Plan; and

WHEREAS, proper notice of the hearings concerning the revision and amendment of the Master Plan were given by the Planning Board according to the requirements of N.J.S.A 40:55D-13; and

WHEREAS, the Planning Board held public hearings on the Master Plan Reexamination Report and the Amendments of the Master Plan on the following dates: March 29, 2001, April 12, 2001, May 24, 2001, August 9, 2001, September 20, 2001, October 3, 2001, October 9, 2001, October 16, 2001, October 29, 2001 and November 29, 2001; and

WHEREAS, the Planning Board considered the Master Plan Reexamination Report dated September 7, 2001 prepared by Richard S. Cramer of Townplan Associates, the Master Plan Amendment 01-1, Farmland Preservation Plan Element, prepared September 7, 2001 by Mr. Cramer, and the Master Plan Amendment 01-2, Land Use Plan Element Conservation Areas, prepared September 7, 2001 prepared by Mr. Cramer; and

WHEREAS, the Planning Board makes the following findings of fact and conclusions of law:

1. The Planning Board is authorized by statute to adopt, amend and reexamine the Master Plan for Manalapan Township.
2. Proper notice was given of these hearings and the Planning Board has jurisdiction to proceed with the Master Plan amendment and Reexamination process.
3. The Planning Board's planning consultant, Richard S. Cramer of Town Plan Associates prepared Master Plan Amendment 01-1, Farmland Preservation Plan Element; Master Plan Amendment 01-2, Land Use Plan Element Conservation Areas and the Master Plan Re-Examination Report, all dated September 7, 2001.
4. At numerous public hearings, Mr. Cramer explained his Master Plan Re-examination Reports and the Master Plan Amendments to both the Planning Board and interested members of the public; Mr. Cramer was subjected to vigorous cross-examination by members of the public and attorneys representing landowners in Manalapan Township.
5. The current Master Plan does not adequately protect and conserve the natural resources within Manalapan Township.
6. More effective measures and programs are needed in Manalapan Township to preserve the remaining open spaces, farmland, historic areas, forest and woodlands, water resources and stream corridors.
7. In order to achieve these goals, there must be reductions in both the permitted intensity and density of development.
8. The Master Plan Reexamination Report, Master Plan Amendment 01-1, Farmland Preservation Plan Element and Master Plan Amendment 01-2 Land Use Plan Element

Conservation Areas, prepared September 7, 2001 by Mr. Cramer are consistent with these goals.

9. The current Master Plan Reexamination Report and Master Plan Amendments 01-2 and 01-2, dated September 7, 2001 contain revisions from Mr. Cramer's first draft of the Master Plan Reexamination Report and Master Plan Amendments dated March 16, 2001.

10. The Master Plan Reexamination Report and Master Plan Amendments 01-1 and 01-2 dated September 7, 2001 by Mr. Cramer are currently before the Board and supersede the original draft dated March 16, 2001.

11. The Planning Board has carefully considered the testimony of Manalapan residents, farmers, developers and the arguments put forth by their attorneys and expert witnesses in opposition to the Master Plan Reexamination Report and Master Plan Amendments.

12. After thorough and careful consideration of the arguments of those opposed to the Master Plan Reexamination Report and proposed Amendments, the Planning Board is not persuaded by those arguments against to the Master Plan Reexamination Report and Master Plan Amendments.

13. The Planning Board finds that the Master Plan Reexamination Report and Master Plan Amendments 01-1 and 01-2 dated September 7, 2001 prepared by Mr. Cramer guides the use of lands within Manalapan Township in a manner which protects public health and safety and promotes the general welfare.

14. The Planning Board finds the Master Plan Reexamination Reports and Master Plan Amendments 01-1 and 01-2 dated September 7, 2001 prepared by Mr. Cramer to be credible and persuasive and consistent with the goals of Manalapan Township.

NOW THEREFORE be it resolved that the Planning Board of Manalapan Township hereby adopts the Master Plan Reexamination Report of September 7, 2001, the Master Plan Amendment 01-1, Farmland Preservation Plan Element, dated September 7, 2001 and the Master Plan Amendment 01-2, Land Use Plan Element Conservation Areas, dated September 7, 2001, as an amendment to the Master Plan of Manalapan Township.

NOW THEREFORE be it further resolved by the Planning Board of Manalapan Township that the Resolution of Memorialization together with the Master Plan Reexamination Report of September 7, 2001, Master Plan Amendment 01-1 and 01-2, dated September 7, 2001 be served upon the Monmouth County Planning Board pursuant to the Requirements of N.J.S.A. 40:55D-13.

This Resolution memorializes an action taken at the regular meeting of the Manalapan Township Planning Board held on November 29, 2001 on a roll call vote that evening as follows:

Offered by: Mr. Lazar
Seconded by: Ms. Cozzolino

	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Roth	(X)	()	()	()	()
Hogan	()	()	()	(X)	()
Wishart	()	(X)	()	()	()
Ward	(X)	()	()	()	()
Pine	(X)	()	()	()	()
Lazar	(X)	()	()	()	()
Cozzolino	(X)	()	()	()	()
Shapiro	()	(X)	()	()	()
Larkin (Alt. 1)	(X)	()	()	()	()
Heckler (Alt.2)	()	(X)	()	()	()

This Resolution was offered by Herb Lazar, seconded by Michelle Roth, adopted on roll call by the following vote:

	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Roth	(✓)	()	()	()	()
Hogan	()	()	()	()	()
Wishart	()	()	()	()	()
Ward	()	()	()	()	()
Pine	(✓)	()	()	()	()
Lazar	(✓)	()	()	()	()
Cozzolino	()	()	()	()	()
Shapiro	()	()	()	()	()
Larkin (Alt. 1)	(✓)	()	()	()	()
Heckler (Alt.2)	()	()	()	()	()

I hereby certify that the foregoing Resolution was adopted by the Planning Board of the Township of Manalapan at its meeting of _____

Michelle Roth
Secretary

STATE OF NEW JERSEY
SS.
COUNTY OF MONMOUTH

I hereby certify that on _____, Michelle Roth personally came before me and acknowledged under oath, to satisfaction, that this person:

- (a) is the Secretary of the Manalapan Township Planning Board; and,
- (b) signed the Resolution as his act and deed.

JAMES J. KINNEALLY, III, ESQ.
Attorney-at-Law
State of New Jersey



INTRODUCTION

This is an amendment to the Township land use plan element as originally adopted on May 23, 1991 and subsequently amended on March 26, 1998 and on March 23, 2000. This amendment is based on a Planning Board reexamination of the Master Plan completed in 2001.

At the beginning of 2001, Township initiated a general reexamination process. The reexamination process was a response to the following:

- 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 and 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 and in recognition of the impaired water quality of Manalapan's surface waters and the constraints of its soils for septic systems.



BACKGROUND INFORMATION

Decline in Township Farms, Forests, and Habitat Areas from Development

Manalapan Township is 30.9 square miles in area. Since 1990, Township has lost 2.5 square miles of farm qualified land, a reduction of nearly 22%. Much of this loss is related to the development of farms with new housing. Approximately 29% of the Township, or 9 square miles, continue to be farm qualified. This includes good agricultural soils of Class I and Class II capability identified in the Township Master Plan open space, recreation, and conservation element.

Other resources within the Township that are under continued development pressure include woodlands, surface and groundwater resources, habitat areas for native species, and cultural resources that include historic sites and landscapes.

Public Policy Changes Related to Land Use in Manalapan Township

There has been a significant change in Township, County, and State policies and objectives. These changes are expressed in the 1999 open space, recreation and conservation element amendment to the Township Master Plan, in the County farmland preservation plan adopted in 2000, and in the State Plan adopted in March 2001.

The Township takes note of Executive Order No. 109 issued January 11, 2000 by the Governor of New Jersey which finds that "*...over the past three decades New Jersey has experienced unprecedented development and sprawl, which has resulted in decreases in open lands, wetlands, farmland, and other areas that previously served a variety of beneficial environmental functions, including the protection and restoration of the State's water resources...*".

The Township has determined that more effective measures and programs are needed at the local level to preserve the remaining open spaces, farmland, historic areas, forests and woodlands, habitat areas, water resources, and stream corridors of the Township. The Township has concluded that these measures should include reductions in the permitted intensity and density of development.



Impact of Prior Zoning

Since 1986, the Township has permitted densities that range from 0.36 to 1.1 units per acre in areas of the Township planned for Rural Agriculture (R-AG), Rural Residential (RR), and low density residential use (R-40/20). Those areas featured much of the remaining farmland and open space resources of the Township. Based on a review of historic land use information, development approvals, and aerial photography, those density standards have been ineffective in protecting the Township farmland or conserving open space resources. Over the past fifteen years the Township has experienced the following development impacts in its low density areas:

➤ R-40/20 Zone (density standard of 1.1 units per acre)

Developed land in the R-40/20 zone increased 346.2% or 909 acres

Land in agriculture use in the R-40/20 zone declined 36.4% or 198 acres

Forest area in the R-40/20 zone declined 46.3% or 539 acres

➤ RR Zone (density standard of 0.55 units per acre)

Developed land in the RR zone increased 921% or 1,596 acres

Land in agricultural use in the RR zone declined 63% or 1,076 acres

Forest area in the RR zone declined 42.8% or 492 acres

➤ R-AG Zone (density standard of 0.36 units per acre)

Developed land in the R-AG zone increased 36% or 105.6 acres

Land in agricultural use in the R-AG zone declined 10.8%, or 134 acres



Forest area in the R-AG zone declined 3% or 50.7 acres

Reductions in development density and intensity in Manalapan, in combination with programs of the Garden State Preservation Trust to preserve farmland and open space through public purchase of development easements and fee simple acquisition, and in combination with development techniques such as clustering, lot size averaging, and agricultural subdivision where at least 60% to 70% of the tract is preserved as open space or in farm use, are needed to advance the stated purposes of the New Jersey Municipal Land Use Law to promote and provide open space, agricultural uses, a desirable visual environment, and conserve historic sites, natural resources, and protect the environment. It will also advance the purpose of preventing urban sprawl. (*N.J.S.A. 40:55D-2*).

Review of Density Standards Appropriate to the Conservation of Farmland, Open Space, and Resource Protection

Common Density Standards for Resource Protection in Monmouth County - The Township Planning Board has considered density standards applied in other townships in Monmouth County that limit development in order to preserve farmland and protect the environment. Freehold Township has enacted a rural environmental zone with a ten-acre minimum lot size. Marlboro Township has established land conservation zones where the minimums are set at five to ten acres. Colts Neck has an agriculture zone with a ten acre minimum. In Millstone Township, the most protective residential zone requires a four acre minimum lot size. Howell Township has agricultural/environmental zoning with a six acre minimum; Wall Township maintains a five to six acre minimum in its rural areas; and Middletown Township has a five acre minimum in its environmentally sensitive areas.

Density Standards in Relation to the State Plan - The Board has also considered the relationship of density reductions to the State Plan. An extensive area of the Township has been designated as a Rural/Environmentally Sensitive Planning Area under the State Plan, or as critical environmental sites or historic sites. These areas of the Township are also subject to the State Planning Policies for the State Environmentally Sensitive Planning Area (PA5). In Bedminster Township in Somerset County, the State Planning Commission determined that a reduction in density from a three acre minimum to a ten acre minimum in a State



Environmentally Sensitive Planning Area (PA5) was consistent with and advanced the intent of the State Plan. Relying in part on the State Planning Commission Report, the Bedminster density reduction was upheld by both the trial court and the Appellate Division (*F.M. Kirby v. Township Committee of the Township of Bedminster, A-1682-98T5, decided June 23, 2000*). Similarly, in Mount Olive Township, a recent Appellate Court decision (*Mount Olive Complex v. Township of Mount Olive, A-3728-98T2, decided June 4, 2001*), upheld a density reduction in a State Environmentally Sensitive Planning Area (PA5) from a two acre minimum lot size to a five acre minimum lot size. The Court determined that a municipality's voluntary compliance with the State Plan should be a significant factor in determining the validity of any municipal zoning or rezoning.

Standards Relative to Farmland Programs - The Board has further considered that a minimum of five to six acres is required for farmland assessment and that six acres is the minimum required for eligibility in the County farmland preservation program.

Density Standards in Areas Served by Septic Systems - The Board has further considered that the wastewater management plan for the Township relies upon discharge to groundwater over a 13.4 square mile area, or more than 44% of the total Township. The area includes soils with severe septic constraints. There is a recent record of septic failures and the need for replacement septic systems at two residential developments (Elton Point and Manalapan Hunt). The State nitrate dilution model for water quality protection suggests that the appropriate density range in the unsewered areas of the Township is 0.29 to 0.19 dwelling units per acre (a minimum lot size of 3.5 acres to 5.4 acres).

Relationship of Density to Impervious Cover and Site Disturbance - The Board has considered the correlation between density, impervious cover, and site disturbance. As density increases, impervious cover and site disturbance also increase. Such increases can have a deleterious effect on water quality and natural and cultural resources. Reductions to minimize density can be beneficial to natural and cultural resource conservation by reducing impervious cover, site disturbance, and changes to the natural and cultural landscapes of the community.



Consideration Given to the State Plan

In March 2001, the State concluded the State Plan cross acceptance process and adopted a new State Development and Redevelopment Plan pursuant to the State Planning Act. The State Planning Act determined that:

"New Jersey, as the nation's most densely populated State, requires sound and integrated Statewide planning and the coordination of Statewide planning with local and regional planning in order to conserve its natural resources, revitalize its urban centers, protect the quality of its environment, and provide needed housing and adequate public services at a reasonable cost while promoting beneficial economic growth, development and renewal... Since the overwhelming majority of New Jersey land use planning and development review occurs at the local level, it is important...to facilitate the development of local plans which are consistent with State plans and programs..."
(NJSA 52:18A-196)

The State Plan identifies areas for growth, limited growth, agriculture, open space, conservation, or other appropriate designations under the State Planning Act. Under the Plan, all of the State, including Manalapan, is organized into distinct planning areas. Planning areas identify the unique natural and built infrastructure of specific areas. Each planning area shares common characteristics and policy objectives. The preferred form of development and redevelopment in the planning areas are compact communities (centers) with a mix of uses surrounded by protected natural landscapes (environs). The State Plan vision is to create and maintain beautiful, prosperous, and livable communities and preserve rural landscape, farmlands, and environmentally sensitive areas. The State planning areas in Manalapan are described below.

Suburban Planning Area (PA-2) - Approximately 18.5 square miles of the Township (57.8% of its land area) is designated as a suburban planning area. The area includes most of the Township northerly of the Conrail line and in the corridor development area of the Township along Route 33 and Millhurst Road. The suburban planning area of the Township includes important Critical Environmental Sites and Historic Sites (CEHS) identified in the State Plan. These important cultural and environmental resources, notwithstanding their location in PA-2, are to be protected by the relevant statewide policies for such features and the policies for the Environmentally Sensitive Planning Areas (PA-5) of the State. The State Plan identifies CEHS



sites as critically important resources for area residents as well as all New Jersey citizens. The CEHS sites in the PA-2 area of Manalapan include historic areas abutting Monmouth Battlefield State Park, the Pine Brook stream corridor and adjoining farmland, the Milford Brook stream corridor, the Tepehemus Brook stream corridor, the Weamaconk Creek stream corridor, the Manalapan Brook stream corridor, and the Matchaponix Brook stream corridor.

In the suburban planning area, the State plan intends to provide for much of the State's future development, protect natural resources, protect the character of existing stable communities, and promote compact development.

Fringe Planning Area (PA-3) - Approximately 6.0 square miles of the Township (18.7% of its land area) is designated as a fringe planning area. The area includes most of the Township south of the Route 33 corridor development area. Within this fringe planning area, the State has also identified Critical Environmental Sites. The critical environmental sites in the PA-3 area of Manalapan include the Manalapan Brook and its tributary streams and corridors. Also located in the fringe planning area of the Township are the habitats of two endangered State species (Swamp Pink and Bog Turtle).

The State plan recognizes fringe planning areas as being predominantly rural landscapes lacking large investments in sewer and water service. In the fringe planning area, the State plan intends to accommodate growth in centers, protect natural resources, provide a buffer between the suburban planning areas and the rural and the environmentally sensitive planning areas of the State Plan, confine sewer and water service to centers, and protect the character of stable communities.

No centers are located in the fringe planning area of Manalapan. The area does however include prime agricultural land and environmentally sensitive habitats of endangered species. As result, the Township has asked the State to consider reclassifying the area as a Rural/Environmentally Sensitive Planning Area (PA-4B).

Rural/Environmentally Sensitive Planning Area (PA-4B) - Approximately 5.6 square miles of the Township (17.2% of its land area) is designated as a rural/environmentally sensitive planning area. The area includes the section of the Township southwesterly of the Conrail line



and north of Woodward Road. The State Plan recognizes this area as part of the State's open lands, including extensive woodlands that include most of the prime farmland with the greatest potential for sustaining continued agricultural activities. PA-4B is not intended to be developed as an urban or suburban area. The intent of the State Plan in this area is to support its continued agricultural use and conserve environmentally sensitive features.

Park and Recreation Area - Approximately 2.0 square miles of the Township (6.4% of its land area) is identified by the State Plan as a major public park and recreation area. This is the portion of the Township covered by Monmouth Battlefield State Park.

The Township plan should be updated to support the implementation of the State Plan through density reductions and limiting development within and adjacent to State Plan Critical Environmental and Historic and Cultural Sites; in Planning Area 4B; in Planning Area 3; and in the environs of the Englishtown Village Center.

Planning Recommendations for Local Implementation of the State Plan

The Planning Board, from its review and experience with Township development trends, concludes that reductions in density and development intensity are needed to support the State Planning Act in Manalapan in accordance with the State Plan adopted March 1, 2001. Specifically:

- ❖ Reduced density is needed to limit development and promote the conservation of a greenbelt of open spaces, farmland, and forest area in the environs of the Englishtown center.
- ❖ Reduced density is needed to limit development and support the State Plan for critical environmental sites and historic and cultural sites in the Township by conserving the remaining open spaces, scenic values, woodland, habitat areas, and farmland in the drainage basin and sub-basins of Township stream corridors and in the area of the Monmouth Battlefield National Landmark.
- ❖ Reduced density will be more effective in limiting the development of the Fringe Planning Area of the Township and maintaining a rural landscape that buffers the Rural Environmentally Sensitive Area (PA-4B) of the County from its Suburban Planning Area (PA-2).



- ❖ Reduced density will be more effective in limiting the development of the Environmentally Sensitive Rural Planning Area (PA-4B) in Monmouth County whose intent is to support continued agricultural development on lands with environmentally sensitive features.

The Planning Board finds that, notwithstanding its lack of a center, Manalapan Township, consistent with the State Plan has provided substantial opportunities for future growth and development and affordable housing in appropriate locations of the Suburban Planning Area (PA-2) where infrastructure exists to support development. Furthermore, density reductions will advance the stated purpose of the Municipal Land Use Law to ensure that the development of individual municipalities does not conflict with the development of neighboring municipalities, the County, and the State as a whole. (*N.J.S.A. 40:55D-2.d*).

Density Reductions for Water Quality Protection

The Planning Board concludes that reductions in density and development intensity can result in reduced impervious cover and will be beneficial for the protection of water resources within the Lower Raritan, South River, and Lawrence Watershed Management Area from further degradation. Moreover, based upon the State nitrate dilution model, reductions in density are appropriate in areas of the Township that are planned for groundwater discharge. Such reductions will advance the stated purposes of the Municipal Land Use Law of promoting the conservation of valuable natural resources (*N.J.S.A. 40:55D-2j*); promoting the public health and general welfare (*N.J.S.A. 40:55D-2a*); and ensuring that the development of individual municipalities does not conflict with the development of neighboring municipalities, the County, and the State as a whole. (*N.J.S.A. 40:55D-2d*). It will, moreover, advance the purpose of promoting the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment (*N.J.S.A. 40:55D-2e*).

Moreover, density reductions within or adjacent to areas of the Township designated in the State Plan as PA-3 (Fringe), PA-4B (Rural/Environmentally Sensitive); or as Critical Environmental Sites and Historic and Cultural Sites will advance the State Planning Act by facilitating the development of local plans which are consistent with State plans and programs (*NJSA 52:18A-196*). The legislated



purpose of the State Planning is to protect the natural resources of the State and establish Statewide objectives for the natural resource conservation. (*N.J.S.A. 52:18A-200*).

County Farmland Preservation Plan

The County Farmland Preservation Plan, adopted September 2000, guides the County farmland preservation program over the course of the next ten years. A key feature of the plan is to expand the County farmland preservation program to smaller farms and into the central portion of the County, including Manalapan Township. To accelerate preservation, the County has reduced the minimum application size for its preservation program from 25 acres to 6 acres to enable farmers with properties less than 25 acres to participate. By reducing the minimum land area, more central Monmouth County farms, which tend to be smaller, can participate in the program. While the average size of farms in Monmouth County is 68 acres, the median size is only 13 acres, an indicator of the high number of small farms in the County.

County Plan and State Plan Farmland Preservation Objectives

The County plan establishes a goal of preserving 46,180 acres of farmland over the next ten years. The preservation of farms in Manalapan Township is essential to achieving the County goal. The County has set a ten-year goal of preserving 5,360 acres of farmland in Manalapan with priority given to farmland in State Planning Area 4B and State Planning Area 3. Based on farmland assessment, there are 5,767 acres of farmland remaining in the Township in all planning areas. Given existing development pressures, in order to approach achievement of the County goal, the Township will need to preserve farmland in all the designated State Planning areas of the Township, including the suburban planning area, PA-2. Preservation of farmland is a key environmental objective of the State Plan. A specifically legislated purpose of the State Plan is to coordinate planning activities and establish Statewide planning objectives for agriculture and farmland retention. (*N.J.S.A. 52-18A-200.f.*) The State Plan, adopted March 2001, has set a statewide target of preserving 550,993 acres of farmland by 2010. Currently, eleven farms in Manalapan have applied to be preserved under the State and County easement purchase programs for farmland preservation.

Measures Needed to Support Farmland Preservation in Manalapan - In light of the continued loss of farmland in the Township, the Planning Board concludes that reductions in density and development,



in combination with techniques to leverage State and County investment to preserve Township farms, are urgently needed and desirable for the preservation of farmland in Manalapan Township. Such an approach will advance the implementation of both the State Plan and the Monmouth County Plan.

Moreover, density reductions, in combination with other farmland preservation techniques, will advance the purpose of the Municipal Land Use Law to provide sufficient space in appropriate locations for agricultural uses (*N.J.S.A. 40:55D-2.g*); to encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies (*N.J.S.A 40:55D-2 .f*); to promote a desirable visual environment (*N.J.S.A 40:55D-2 .i*); and to promote the conservation of valuable natural resources (*N.J.S.A 40:55D-2 .j*).

County Scenic Roadway Plan

In June 2001, the Monmouth County Planning Board issued its draft Scenic Roadway Plan. The plan responds to the diminishment and loss of the County's scenic resources to the on-going development of the County. The County Growth Management Guide has, as one of its main goals, the preservation of the valuable historic, cultural, natural, and scenic resources of the County. The County plan also cites that the policy of the State Plan is to protect scenic corridors. The County scenic roadway plan encourages municipalities to adopt zoning provisions that preserves scenic roadways and scenic resources within viewsheds. The scenic roadways in Manalapan identified in the County plan feature rural and historic landscapes, including those related to the Monmouth Battlefield National Landmark.

The County plan designates the following roads within Manalapan Township as scenic roadways:

COUNTY ROUTE	LOCAL NAME	STARTING PILEPOST	ENDING MILEPOST	LENGTH
3	Main Street	0.00	0.80	0.80
3	Tennent Road	0.80	1.20	0.40
522	Freehold Road	2.95	4.35	1.40
527	Smithburg Road	2.85	4.85	2.00
527	Millhurst Road	7.15	9.81	2.66
527A	Smithburg Road	0.00	2.25	2.25



Density reductions will help maintain the visual quality of the scenic roadway system identified by the County.

Continued Growth of Township Population and Future Housing Development

The Township has experienced significant development and population growth. The U.S. Census indicates that the population of Manalapan increased from 18,914 residents in 1980 to 26,716 residents in 1990. By 2000, the Township grew to 33,423, an increase of more than 25%. In the same period (1990 to 2000), Monmouth County increased 11.2%; the State increased 8.9%. The number of housing units in the Township has also continued to increase. In 1980, the Township contained 5,874 housing units. In 1990, there were 9,029 housing units. In 2000, the Township had 11,066 housing units. The projected population in 2005 is 37,000; the projected population in 2020 is 42,000.

The Township will experience further population growth in the planned development area along the Route 33 corridor and east of Woodward Road. The Township expects that this planned development area will eventually produce 2,800 to 2,900 dwelling units, including the Township fair share of affordable housing in accordance with the Township housing plan that has been certified by the New Jersey Council on Affordable Housing. As determined by the New Jersey Supreme Court, "...once a community has satisfied its fair share obligations, the Mt. Laurel doctrine will not restrict other measures, including large lot and open area zoning, that would maintain its beauty and communal character." (*South Burlington County NAACP v. Mt. Laurel Township*, 92 N.J. 148 (1983), 219-220).

Balancing Development and Conservation

More effective measures are needed to balance the projected growth of the Township by conserving as much of the remaining open space and farmland in the Township as is possible. Significant areas of open space and farmland remain in both the rural and the suburban areas of the Township. These areas are needed for the beauty and communal character of Manalapan, for its environmental health, and for a diversified economic base. Reductions in the permitted density of residential development should be undertaken to conserve open space, farms, rural landscape, and to protect historic and environmental features.



LAND USE ELEMENT AMENDMENT

Goal Statement

The Township goal is to preserve as much of its remaining open space and farmland as possible. To achieve that goal, the Township will identify conservation areas within the Township in order to maximize the protection of the environment; provide sufficient space for agricultural uses; promote a desirable visual environment; protect historic and rural landscapes; and promote the conservation of open space and natural resources and prevent urban sprawl and degradation of the environment.

Conservation Land Use Areas. The land use plan element is amended to include a suburban conservation land use area and a rural conservation land use area. These areas cover approximately nine and a half square miles or 31% of the Township. They are delineated with consideration to the planning areas, centers, and critical environmental and historic sites cultural sites identified in the State Plan; the location of the qualified farmlands of the Township; the Township open space, recreation and conservation element adopted in 1999; and the areas that are the focus of ongoing State, County, and Township programs and investments to preserve open space, farmland, and historic and cultural landscapes in Manalapan pursuant to the Garden State Preservation Trust Act.

Suburban Conservation Area

The suburban conservation area (approximately two and half square miles) is largely in the portion of the Township identified by the State Plan as the suburban planning area (PA-2). It includes critical environmental sites and historic and cultural sites and the environs of the Englishtown Village Center. Features of the conservation zoning of the suburban area would include stream corridors, forest areas, farmland, scenic roadways, habitat areas for native flora and fauna, land constrained by wetlands and floodplain, and major utility transmission lines, and areas impacted by airport hazard zoning. Within this area, conventional residential development should be limited to a density of no more than 0.33 dwelling units per acre, with a three acre minimum lot size.



Rural Conservation Area

The rural conservation area (approximately seven square miles) is largely in the areas of the Township identified by the State Plan as a fringe planning area (PA-3) or as a rural/environmentally sensitive planning area (PA-4B). Within the fringe area, conventional residential development should be limited to a density of no more than 0.20 dwelling units per acre, with a five acre minimum lot size. Within the rural/environmentally sensitive planning area, conventional residential development on the remaining open space and farm areas should be limited to a density of no more than 0.17 dwelling units per acre, with a six acre minimum lot size. Features of the conservation zoning for the rural area would include stream corridors, forest areas, farmland, scenic roadways, habitat areas for native flora and fauna, land constrained by wetlands and floodplain, major utility transmission lines, and the environs of the Englishtown Village Center.

Development Alternatives in the Conservation Areas

In the conservation zones, lot size averaging and residential clustering, including clustering on non-contiguous parcels, may be used where such techniques would better achieve the objectives of farmland and open space preservation, environmental protection or protection of scenic, cultural, or historic resources. However, lot averaging and clustering should be subject to the density limitations applicable to conventional development.

A farmland preservation subdivision may also be used in the conservation zones. In a farmland preservation subdivision, at least 70% of the tract should be preserved as farmland through the Monmouth County Agriculture Development Board and/or the State Agriculture Development Committee easement purchase programs. The remaining 30% may be subdivided and developed, or reserved for future subdivision and development, as single family homes, but the number of residential lots should not exceed 50% of the total number of lots that could otherwise be developed under density standards based upon the gross tract area.

Benefits of Proposed Conservation Areas



The planning and environmental benefits to the public of the recommended conservation areas can be summarized as follows:

- **Agricultural Preservation** - Five (5) to six (6) acre lots are the minimum required for farmland assessment. The lower density increases the feasibility of small-scale farming and reduces risk of residential/farming conflict. The reduced densities are in the areas of the Township where farming is a significant activity and farms have applied for preservation through the State and County farmland preservation program.
- **Groundwater Resource Quality** - Lower density in the areas of the Township where no sewer service is available reduces the risk of groundwater degradation from malfunctioning septic systems and is warranted based upon the nitrate dilution model applied by the State Department of Environmental Protection.
- **Stream Corridors and Surface Water Quality** - Lower density will reduce surface water degradation and changes to stream hydrology.
- **Forests and Woodlands** - Lower density reduces the risk of removal of woodlands and forests.
- **Wildlife Habitat and Threatened and Endangered Species Habitats** - Lower density reduces the risk of habitat and intrusion or destruction and is more likely to maintain open spaces needed as habitat areas for wildlife displaced by habitat loss from development in other areas of the Township.
- **Air Quality** - Lower density reduces degradation of air quality.
- **Wetlands** - Lower density reduces the risk of wetlands degradation and encroachment onto wetlands transition areas.
- **Open Space, Communal Character, and Visual Environment** - Lower density will be more effective in establishing a balance of conservation and development that maintains the desirable visual environment of the Township created by the farms, woodlands, and open spaces that define the rural/suburban character of Manalapan.



Description of Recommended Conservation Zoning Districts

Three new zone districts are proposed to implement this land use plan amendment. A proposed RE Residential Environmental Zone District would achieve those purposes in the suburban conservation area. In the rural conservation area, two Rural Agriculture Districts (R-AG/6 and R-AG/5) would achieve the objectives.

The recommended zone districts are described below.

RE Residential Environmental District. The RE District is delineated over two and a half square miles of the Township northerly of the Conrail line on open spaces and farm areas generally within the State's suburban planning area (PA2) and/or within or adjacent to State Plan critical environmental sites and historic and cultural sites (CEHS). The RE district would cover approximately two and half square miles of the Township and includes lands currently under contract to be preserved as farmlands through public purchase funded by the Garden State Preservation Trust Act as well as County and Township funds.

Within the RE district, residential development would be limited to a density of no more than 0.33 dwelling units per acre, and a three acre minimum lot size. The zone includes substantial areas of floodplains and wetlands and surface waters, major utility transmission lines, and stream courses that limit development. The zone would conserve the open spaces, woodlands and forests, farms, habitat areas, stream corridors, water resources, and historic and cultural landscapes of the area, and limit potential conflict between existing farms and residential development. It would also conserve the environs of the Englishtown Village Center.

The historic and cultural resources and landscapes that would be subject to this zoning include open areas and farmland adjacent to and within the Monmouth Battlefield Landmark Historic District, segments of the historic route to the Battlefield and Old Tennent Church, and scenic roadways identified by the County. Other resource areas that would be subject to this district classification include the Pine Brook stream corridor and adjoining farmland, the Milford Brook stream corridor, the Tepehemus Brook stream corridor and adjoining farmland, the Weamaconk Creek stream corridor, the McGellairds Brook stream corridor, the Manalapan Brook stream corridor, and the Matchaponix Brook stream corridor. The RE district would be organized from single family zone districts currently



designated R-20, R-40/20, R-40 and OP-10 single family. The permitted uses of the RE district would include farms and farming and be similar to the uses permitted under the current R-40/20 zone.

The zone would permit development of single family detached dwellings at a maximum density of 0.33 dwelling units per acre with a minimum lot size of three (3) acres. Lot size averaging and cluster development would be permitted where a lot averaging plan or a cluster plan better accomplishes the Township objective of protecting the environment or preserving farmland and open space. The development standards would be:

Conventional - 0.33 dwelling units per acre maximum (3 acre minimum lot size)

Lot size averaging - 0.33 dwelling units per acre maximum (1 acre minimum lot size)

Contiguous or noncontiguous residential cluster - 0.33 dwelling units per acre maximum (0.75 acre minimum lot size) with 60% of the tract preserved as open space or farmland.

Farmland Preservation Subdivision - In a farmland preservation subdivision, at least 70% of the tract would be preserved as farmland through the Monmouth County Agriculture Development Board and/or the State Agriculture Development Committee easement purchase programs. The remaining 30% may be subdivided and developed, or reserved for future subdivision and development, as single family homes, but the number of residential lots cannot exceed 50% of the total number of lots that could otherwise be developed under the farmland preservation density standards based upon the gross tract area. For a farmland preservation subdivision in the RE zone, the density standard for the gross tract area would be 0.67 units per acre. The minimum lot size for a farmland subdivision residential lot in the RE zone would be 20,000 square feet.

R-AG/5 Rural Agriculture District - The R-AG/5 Rural Agriculture District is delineated over 1.7 square miles of the Township southerly of the Route 33 development corridor on open spaces and farm areas generally identified by the State Plan as a fringe planning area (PA3) or as a State Plan critical environmental site. The R-AG/5 district would cover approximately one and seven tenths square miles of the Township. Within that area, residential development would be limited to a density of no more than 0.20 dwelling units per acre, with a five-acre minimum lot size. The zone includes areas of floodplains, surface waters and stream courses, soils with severe constraints for septic systems, and wetlands that limit development as well as the habitats of endangered species (Swamp Pink (*Hellonias bullata*)). Scenic roadways are located in the district. The zone will conserve the open spaces, woodlands and forests, farms, habitat areas, stream corridors, water resources, and rural features of the area. The resource areas that would be subject to this zoning include open space, farms, and woodland adjacent to the Manalapan Brook stream corridor and the Gander Brook



stream corridor. The R-AG/5 district would be organized from single family zone districts currently designated RR and R-40. The permitted uses of the R-AG/5 district would include farms and farming and be similar to the uses permitted under the current R-AG zone.

The zone would permit development of single family detached dwellings at a maximum density of 0.20 dwelling units per acre with a minimum lot size of five (5) acres. Lot size averaging and cluster development would be permitted where a lot averaging plan or a cluster plan would better accomplish the Township objective of protecting the environment or preserving farmland and open space. The development standards would be:

Conventional - 0.20 dwelling units per acre maximum (5.0 acre minimum lot size)

Lot size averaging - 0.20 dwelling units per acre maximum (1.5 acre minimum lot size)

Contiguous or noncontiguous residential cluster - 0.20 dwelling units per acre maximum (1.5 acre minimum lot size) with 70% of the tract preserved as open space or farmland

Farmland Preservation Subdivision - In a farmland preservation subdivision, at least 70% of the tract would be preserved as farmland through the Monmouth County Agriculture Development Board and/or the State Agriculture Development Committee easement purchase programs. The remaining 30% may be subdivided and developed, or reserved for future subdivision and development, as single family homes, but the number of residential lots cannot exceed 50% of the total number of lots that could otherwise be developed under the farmland preservation density standards based upon the gross tract area. For a farmland preservation subdivision in the R-AG/5 zone, the density standard for the gross tract area would be 0.41 units per acre. The minimum lot size for a farmland subdivision residential lot in the R-AG/5 zone would be 1 acre.

R-AG/6 Rural Agriculture District - The R-AG/6 Rural Agriculture District is delineated over a 5.4 square mile of the Township westerly of the Conrail line and northerly of Woodward Road and the Route 33 development corridor. It consists of open spaces and farm areas generally identified by the State Plan as a rural environmentally sensitive planning area (PA4B). The R-AG/6 district would cover approximately five and four tenths square miles of the Township. Within that area, residential development would be limited to a density of no more than 0.17 dwelling units per acre, with a six-acre minimum lot size. The zone includes areas of floodplains, surface waters and stream courses, habitat areas, and wetlands that limit development as well as soils with severe limitations for septic systems. Scenic roadways identified by the County are located the zone. The zone will conserve the



open spaces, woodlands and forests, farmland, habitat areas, stream corridors, and water resources, of the area. It would also conserve the environs of the Englishtown Village Center.

The resources that would be subject to this zoning include open areas, farms, habitat areas and woodland adjacent to the Manalapan Brook stream corridor and its tributaries. The R-AG/6 district would be organized from single family zone districts currently designated R-AG, R-40, RR, and LI. The permitted uses of the R-AG/6 district would include farms and farming and be similar to the uses permitted under the current R-AG zone.

The zone would permit development of single family detached dwellings at a maximum density of 0.17 dwelling units per acre with a minimum lot size of six (6) acres. Lot size averaging and cluster development would be permitted where a lot averaging plan or a cluster plan would better accomplish the Township objective of protecting the environment or preserving farmland and open space. The development standards would be:

Conventional - 0.17 dwelling units per acre maximum (6.0 acre minimum lot size)

Lot size averaging - 0.17 dwelling units per acre maximum (1.5 acre minimum)

Contiguous or noncontiguous residential cluster - 0.17 dwelling units per acre maximum (1.5-acre minimum) with 70% of the tract preserved as open space or farmland

Farmland Preservation Subdivision - In a farmland preservation subdivision, at least 70% of the tract would be preserved as farmland through the Monmouth County Agriculture Development Board and/or the State Agriculture Development Committee easement purchase programs. The remaining 30% may be subdivided and developed, or reserved for future subdivision and development, as single family homes, but the number of residential lots cannot exceed 50% of the total number of lots that could otherwise be developed under the farmland preservation density standards based upon the gross tract area. For a farmland preservation subdivision in the R-AG/6 zone, the density standard for the gross tract area would be 0.36 units per acre. The minimum lot size for a farmland subdivision residential lot in the R-AG/6 zone would be 1 acre.

Grandfather Clause for Proposed Conservation Zone Districts. With respect to the proposed conservation zone districts (RE, R-AG/5, and R-AG/6), the zoning ordinance should apply a "grandfather clause" for isolated lots that do not meet the area and/or dimension requirements of the conservation district. The clause should provide that any existing lot with an area or width less than that prescribed for the new zone district in which the lot is located may be used as a lot for any purpose permitted in the zone if (1) at the time of and since the adoption of the new zoning making

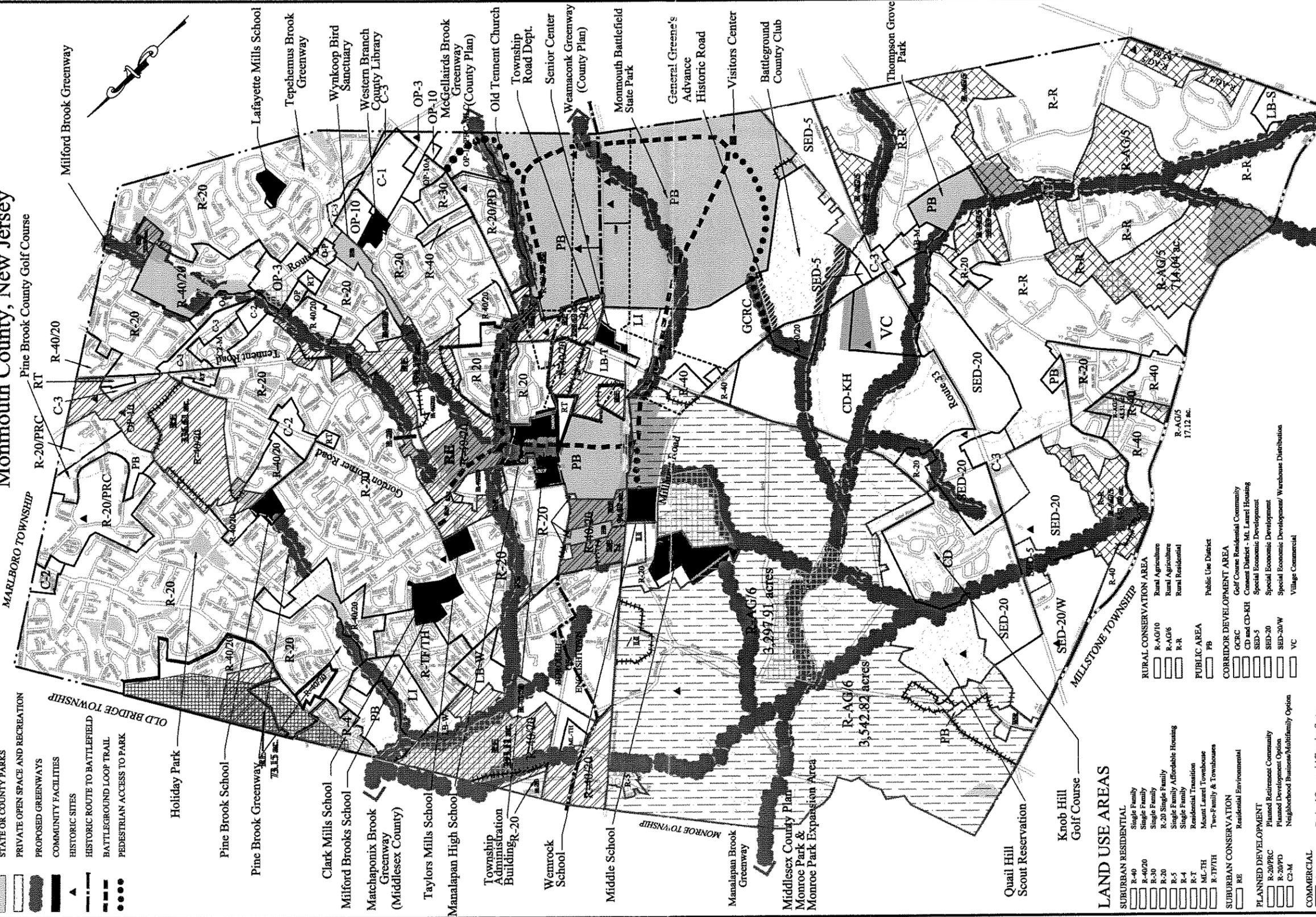


the lot nonconforming the owner of the lot did not own adjoining property and (2) all other regulations of the zone are or can be complied with.

Alternate "A"

MASTER PLAN AMENDED LAND USE ELEMENT MANALAPAN TOWNSHIP Monmouth County, New Jersey

- RESIDENTIAL ENVIRONMENTAL ZONES
- RURAL AGRICULTURE
- RURAL AGRICULTURE
- EXISTING TOWNSHIP PARKS & PUBLIC OPEN SPACE
- PROPOSED TOWNSHIP PARK & RECREATION SITE
- PROPOSED CONSERVATION PARK AND RESOURCE AREA
- STATE OR COUNTY PARKS
- PRIVATE OPEN SPACE AND RECREATION
- PROPOSED GREENWAYS
- COMMUNITY FACILITIES
- HISTORIC SITES
- HISTORIC ROUTE TO BATTLEFIELD
- BATTLEGROUND LOOP TRAIL
- PEDESTRIAN ACCESS TO PARK



- SUBURBAN RESIDENTIAL
 - R-40 Single Family
 - R-40/20 Single Family
 - R-30 Single Family
 - R-20 Single Family
 - R-5 Single Family Affordable Housing
 - R-4 Single Family
 - R-T Residential Transition
 - ML-TH Mount Laurel Townhouse
 - R-1P/TH Two-Family & Townhouses
- SUBURBAN CONSERVATION
 - RE Residential Environmental
- PLANNED DEVELOPMENT
 - R-20PRC Planned Retirement Community
 - R-20P/D Planned Development Option
 - C-2-M Neighborhood Business/Multifamily Option
- COMMERCIAL
 - C-1 Regional Commercial Shopping Center
 - C-2 Neighborhood Shopping Center
 - C-3 General Commercial
 - LB-M Limited Business-Milburnburg
 - LB-S Limited Business-Smithburg
 - LB-T Limited Business-Tennent
 - LB-W Limited Business-Wilken Avenue
 - LI Light Industrial
 - OP Office Professional
 - OP-3 Office Park
 - OP-10 Office Park
 - OP-10A Office Park
 - OP-10P/RC-MLC Planned Retirement/Mount Laurel Contribution
- RURAL CONSERVATION AREA
 - R-AG/10 Rural Agriculture
 - R-AG/6 Rural Agriculture
 - R-R Rural Residential
- PUBLIC AREA
 - PB Public Use District
- CORRIDOR DEVELOPMENT AREA
 - GCRG Golf Course Residential Community
 - CD and CD-KH Consent District - Mt Laurel Housing
 - SED-5 Special Economic Development
 - SED-20 Special Economic Development
 - SED-30/W Special Economic Development/ Warehouse Distribution
 - VC Village Commercial
- OVERLAY AREAS
 - Air Hazard Area
 - Flood Hazard Area
 - Freight Road - Tennent Road Landmark Corridor
 - Land Use Area Boundary Change

Manalapan Brook Greenway
Monmouth County R.O.W. Greenway to
Turkey Swamp Park

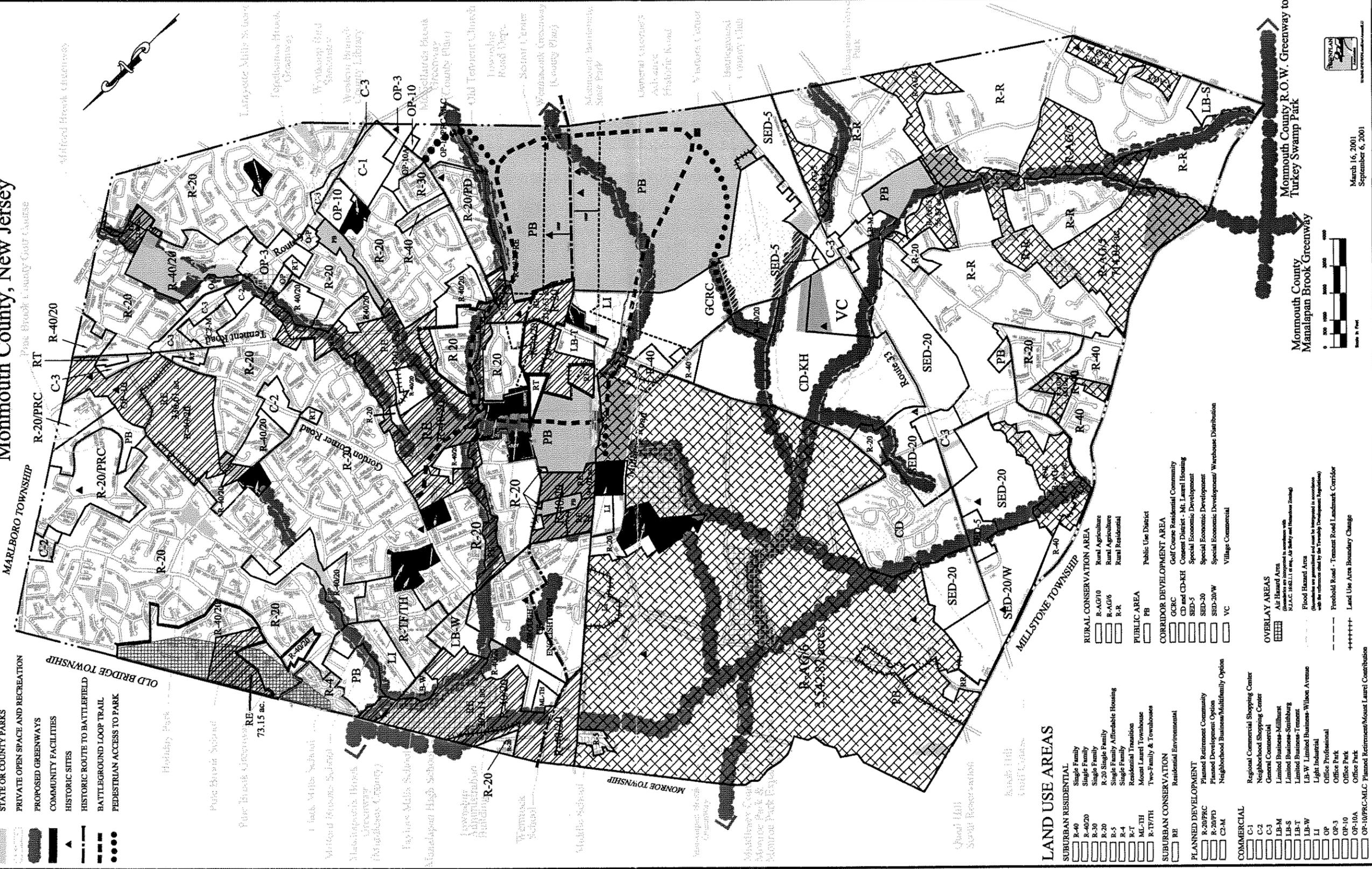


March 16, 2001
September 6, 2001



Alternate "B"

MASTER PLAN AMENDED LAND USE ELEMENT MANALAPAN TOWNSHIP Monmouth County, New Jersey



- RESIDENTIAL ENVIRONMENTAL ZONES
- RURAL AGRICULTURE
- RURAL AGRICULTURE
- EXISTING TOWNSHIP PARKS & PUBLIC OPEN SPACE
- PROPOSED TOWNSHIP PARK & RECREATION SITE
- PROPOSED CONSERVATION PARK AND RESOURCE AREA
- STATE OR COUNTY PARKS
- PRIVATE OPEN SPACE AND RECREATION
- PROPOSED GREENWAYS
- COMMUNITY FACILITIES
- HISTORIC SITES
- HISTORIC ROUTE TO BATTLEFIELD
- BATTLEGROUND LOOP TRAIL
- PEDESTRIAN ACCESS TO PARK

73.15 ac.

LAND USE AREAS

- SUBURBAN RESIDENTIAL**
 - R-40 Single Family
 - R-40/20 Single Family
 - R-30 Single Family
 - R-20 Single Family
 - R-5 Single Family Affordable Housing
 - R-4 Single Family
 - R-T Residential Transition
 - ML-TH Mount Laurel Townhouse
 - R-TP/TH Two-Family & Townhouses
- SUBURBAN CONSERVATION**
 - RE Residential Environmental
- PLANNED DEVELOPMENT**
 - R-20/PRC Planned Retirement Community
 - R-20/PD Planned Development Option
 - C-2-M Neighborhood Business/Multifamily Option
- COMMERCIAL**
 - C-1 Regional Commercial Shopping Center
 - C-2 Neighborhood Shopping Center
 - C-3 General Commercial
 - LB-M Limited Business-Millhurst
 - LB-S Limited Business-Smithburg
 - LB-T Limited Business-Tenent
 - LB-W Limited Business-Willow Avenue
 - LI Light Industrial
 - OP Office Professional
 - OP-3 Office Park
 - OP-10 Office Park
 - OP-10A Office Park
 - OP-10/PRC-MLC Planned Retirement/Mount Laurel Contribution
- RURAL CONSERVATION AREA**
 - R-AG/10 Rural Agriculture
 - R-AG/6 Rural Agriculture
 - R-R Rural Residential
- PUBLIC AREA**
 - PB Public Use District
- CORRIDOR DEVELOPMENT AREA**
 - GCRC Golf Course Residential Community
 - CD and CD-KH Consent District - Mt. Laurel Housing
 - SED-5 Special Economic Development
 - SED-20 Special Economic Development
 - SED-20/W Special Economic Development/ Warehouse Distribution
 - VC Village Commercial
- OVERLAY AREAS**
 - Air Hazard Area
 - Flood Hazard Area
 - Freehold Road - Tenent Road Landmark Corridor
 - Land Use Area Boundary Change

Manalapan Brook Greenway
Monmouth County R.O.W. Greenway to Turkey Swamp Park



March 16, 2001
September 6, 2001