

TOWNSHIP OF MANALAPAN

ORDINANCE NO. 2021-13

**ORDINANCE AMENDING CHAPTER 84 ENTITLED “COMMUTER PARKING”
CREATING A NEW ARTICLE IV OF THE TOWNSHIP CODE ENTITLED
“AFFORDABLE HOUSING TRANSPORTATION” AND A NEW SECTION 84-16 OF
THE TOWNSHIP CODE ENTITLED “TRANSPORTATION FROM AFFORDABLE
HOUSING DEVELOPMENT”**

WHEREAS, the Township filed a declaratory judgment action captioned In the Matter of the Application of the Township of Manalapan, Superior Court of New Jersey, Law Division-Monmouth County, Docket No. MON-L-2518-15 (the “Mt. Laurel Litigation”) following the New Jersey Supreme Court’s decision in the matter of In Re Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, wherein the Supreme Court directed that municipalities which were before the Council on Affordable Housing, such as the Township of Manalapan, were required to file declaratory judgment actions in the Superior Court to evaluate compliance with their Mt. Laurel obligations in order to maintain immunity from builder’s remedy litigation; and

WHEREAS, the Township entered into a Settlement Agreement with Fair Share Housing Center which includes as part of its compliance plan a one hundred percent affordable housing project on the property designated as Block 72.01, Lot 69, which is a municipally sponsored 100% affordable housing development of approximately 100 rental apartment units (the “Skeba Project”), and which requires the Township to comply with the requirements of N.J.A.C. 5:93-5.5; and

WHEREAS, the Court entered an Order of Fairness and Preliminary Compliance approving the Settlement Agreement on January 21, 2020 and a Final Third Round Judgment of Repose and Compliance on September 28, 2020 thereby approving the Township’s Housing Element and Fair Share Plan and providing the Township with protection from builder’s remedy litigation through July 1, 2025; and

WHEREAS, the Township is required by the Court Order approving the Settlement Agreement to meet the requirements of N.J.A.C. 5:93-5, including designating a developer to design and construct the Skeba Project and arranging for the construction of the Skeba Project within two years of court approval; and

WHEREAS, the Township entered into an Affordable Housing Development Agreement with Community Investment Strategies to develop the Project which will be financed in part through a federal tax credit program administered by the New Jersey Housing Mortgage and Finance Agency; and

WHEREAS, CIS informed the Township that for the Project to score competitively for the award of tax credits, it requires the Township to adopt an ordinance providing shuttle

services to public transportation such as the Township's park and ride with fixed fares and daily scheduled service with no seasonal interruption;

WHEREAS, the Township Committee believes it is in the best interest of the Township to provide public transportation to the Township's Park and Ride Facility to enhance its competitiveness to obtain tax credit and to provide the residents of the Skeba Development access to public transportation; and

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Manalapan, County of Monmouth, State of New Jersey, that the Township Code Chapter 84 entitled "Commuter Parking" is hereby amended to add Article IV, entitled "Affordable Housing Transportation" as follows:

Chapter 84 Commuter Parking:

Article IV Affordable Housing Transportation

Section 84-16 Transportation from Affordable Housing Development.

The Township shall provide shuttle service to public transportation (as defined in N.J.A.C. 5:80-33.2) with fixed fares and daily scheduled service with no seasonal interruption to service the property designated as Block 72.01, Lot 69 for a one hundred-unit one hundred percent affordable housing development. At a minimum, Manalapan shall provide shuttles to public transportation (including but not limited to a park and ride or bus stop) which shall operate Monday through Friday and provide regularly scheduled service during commuting hours (defined as daily service at least once between 6:30 A.M. to 9:30 A.M. and at least once between 3:00 P.M. to 6:00 P.M.). The costs of the transportation services shall be funded by the owner of the affordable housing units served by the shuttle service.

Section II. All Manalapan Township existing Ordinances or parts of existing Ordinances that are in conflict or inconsistent with the requirements of this Ordinance are hereby expressly repealed to the extent that they are in conflict or inconsistent with this Ordinance.

Section III. In the event that any Section or other provision of this Ordinance is found or determined to be unenforceable or invalid by a Court of competent jurisdiction, such holding of shall be deemed not to affect the validity of the Ordinance as a whole, or any part thereof, other than the part(s) specifically so held to be unenforceable or invalid by said Court of competent jurisdiction.

Section IV. This Ordinance shall not be effective until approved by the Superior Court of New Jersey after a compliance hearing and after the proper adoption of the Ordinance including first and second reading and publication, in accordance with New Jersey law.

NOTICE OF PUBLIC HEARING

The Ordinance published herewith was introduced and approved at a meeting of the Township Committee of the Township of Manalapan held on [August 11, 2021](#) and will be further considered for final passage after a Public Hearing thereon before the Township Committee of the Township of Manalapan during a meeting to be held on [August 25, 2021](#) at the Municipal Complex, 120 Route 522 and Taylors Mill Road, Manalapan, New Jersey at [4:00 p.m.](#) or as soon thereafter as the matter may be reached, or at any meeting to which that meeting may be adjourned, at which time any and all persons who may be interested therein will be given an opportunity to be heard.

The proposed Ordinance in its entirety is on file in the Municipal Clerk's Office and copies may be obtained without charge between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday. A complete copy may also be obtained from the Manalapan Township web-site www.mtnj.org by clicking on the Ordinance title listed on the Agenda posted for the Township Committee meeting of [August 25, 2021](#).

SHARI ROSE, RMC
Municipal Clerk