

TOWNSHIP OF MANALAPAN

ORDINANCE NO. 2022-12

AN ORDINANCE FURTHER AMENDING CHAPTER 96, "GAIWAY REDEVELOPMENT AREA," SECTION 96-2, "ADOPTION OF REDEVELOPMENT PLAN," OF THE CODE OF THE TOWNSHIP OF MANALAPAN, AMENDING AND SUPPLEMENTING SECTION 2.6.4 OF THE GAIWAY REDVELOPMENT PLAN

WHEREAS, on the December 22, 2021, the Township Committee of the Township of Manalapan adopted Chapter 96, "Gaitway Redevelopment Area," of the Code of the Township of Manalapan and adopted the Gaitway Redevelopment Plan to regulate development in that area; and

WHEREAS, the Gaitway Redevelopment Plan was amended by Ordinance No. 2022-06, finally adopted on April 27, 2022; and

WHEREAS, the Township Committee wishes to further amend the plan to clarify the Township's intentions with respect to the applicability of the stream corridor buffer regulations in the Redevelopment Area;

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

SECTION 1. Chapter 96, "Gaitway Redevelopment Area", of the Code of the Township of Manalapan, Section 96-2, "Adoption of Redevelopment Plan," be and the same is hereby amended and supplemented by the addition thereto of subsection 96-2B to read as follows:

"B. Section 2.6.4, "Flood Control and Flood Damage Prevention," of the Gaitway Redevelopment Plan, adopted on December 22, 2021, be and the same is hereby amended and supplemented to read, in full, as follows:

"2.6.4 Flood Control and Flood Damage Prevention

- a. Except as provided in subsection b. herein, all development within the Redevelopment District shall be subject to N.J.A.C. 7:13 Flood Hazard Area Control Act (FHACA) Rules, which shall supersede the requirements of the Township Code. This includes compliance with §95-8.12 Stream Corridor Regulations. A valid NJDEP approval for the activities proposed in a future site plan as part of the subject redevelopment plan (including but not limited to an applicability determination, permit-by-rule, general permit, general permit-by-certification, or individual permit) under the FHACA Rules shall be deemed as compliance with this section of the Code.

- b. The following sections of the Township Code shall not apply to on-site or off-site intersection improvements proposed as part of a development in the Redevelopment District: Section 95-7.34, "Floodway setback, elevation above water table and soil removal". Section 95-8.12, "Stream corridor regulations."

SECTION 2. All Ordinances, or parts thereof, inconsistent with the provisions of this Ordinance shall be and the same are hereby repealed to the extent of such inconsistency.

SECTION 3. Should any section, paragraph, clause or other portion of this Ordinance be adjudged by a court of competent jurisdiction to be invalid, such judgement shall not affect or impair the remainder of this Ordinance.

SECTION 4. A copy of this Ordinance and the Redevelopment Plan, as amended, shall be available for public inspection at the office of the Township Clerk during regular business hours.

SECTION 5. This Ordinance shall become effective upon its passage and publication according to law, and upon filing of a certified copy thereof with the Monmouth County Planning Board.

NOTICE OF PUBLIC HEARING

The Ordinance published herewith was introduced and approved at a meeting of the Township Committee of the Township of Manalapan held on [June 15, 2022](#) 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 [July 13, 2022](#) at the Municipal Complex, 120 Route 522 and Taylors Mill Road, Manalapan, New Jersey at 7:30 p.m. or as soon thereafter as the matter may be reached, or at any meeting to which that meeting may be adjourned, at which time any and all persons who may be interested therein will be given an opportunity to be heard.

The proposed Ordinance in its entirety is on file in the Municipal Clerk's Office and copies may be obtained without charge between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday. A complete copy may also be obtained from the Manalapan Township web-site www.mtnj.org by clicking on the Ordinance title listed on the Agenda posted for the Township Committee meeting of [July 13, 2022](#).

SHARI ROSE, RMC
Municipal Clerk