

**TOWNSHIP OF MANALAPAN  
ORDINANCE NO. 2025-02**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 95  
“DEVELOPMENT REGULATIONS” ARTICLE V “ZONING DISTRICT  
REGULATIONS” REGARDING THE ESTABLISHMENT OF NEW AH-TH  
AFFORDABLE HOUSING TOWNHOUSE OVERLAY DISTRICT FOR LOT 8.04 IN  
BLOCK 48.01 AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE  
THERE TO**

**WHEREAS**, in accordance with “In the Matter of Adoption of N.J.A.C. 5:96 & 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015)” (“Mount Laurel IV”), the Township of Manalapan filed an action for declaratory judgment entitled In the matter of the Township of Manalapan, Docket No. MON-L-2518-15 (“the DJ Matter”) requesting that the court declare Manalapan Township in compliance with its Third Round constitutional obligation to provide a realistic opportunity for the development of affordable housing for low and moderate income families and individuals; and

**WHEREAS**, the Township entered into a Settlement Agreement with Fair Share Housing Center and the Court reviewed and approved the Settlement Agreement and entered a Final Third Round Judgment of Compliance and Repose on September 28, 2020 in favor of the Township which included a ten (10) unit one hundred percent affordable housing project on Township owned property designated as Block 48.01, Lot 8.04 (the “Property”) known as the Lewis Street project for which the Township received both Prior Round and Third Round affordable housing credits (the “Lewis Street Project”); and

**WHEREAS**, the Township had previously entered into a Developer’s Agreement with the Affordable Housing Alliance for the construction of the Lewis Steet Project on the Property and it instead now intends to rely upon the St. James AME Church to develop the Lewis Street Project in accordance with a Concept Plan with ten (10) townhomes submitted to the Township; and

**WHEREAS**, the Court Order approving the Settlement Agreement requires the Township to take all necessary actions to implement the Settlement Agreement and the Township Committee believes it is in the best interest of the Township to provide for overlay zoning allowing on the Property to allow for the development of the Lewis Street Project subject to the entry of a Developer’s Agreement with St. James AME Church and/or its designated developer so as to continue to support this project while the Township plans to meet its Fourth Round affordable housing obligation; and

**NOW, THEREFORE BE IT ORDAINED** by the Mayor and Committee of the Township of Manalapan that Chapter 95 “Development Regulations” of the Revised General Ordinances of the Township shall be amended as follows:

## **SECTION ONE**

Article V of Chapter 95 of the Code of the Township of Manalapan (Section 95-5.2.A) and the Zoning Map is hereby amended to establish new overlay zone district entitled “AH-TH Affordable Housing Townhouse Overlay District”.

## **SECTION TWO**

The Zoning Map which is part of the Code of the Township of Manalapan is hereby amended as follows:

- a) AH-TH Affordable Housing Townhouse Overlay District is hereby added to encompass Lot 8.04 in Block 48.01 including half of the right-of-way width along Lewis Street.  
Lot 8.04 contains approximately 1.06 acres and is identified as a site for affordable townhomes. The overlay zoning of the subject property will allow the affordable townhouse development to occur in conformity with the Master Plan.

## **SECTION THREE**

Article V of Chapter 95 of the Code of the Township of Manalapan (Section 95-5.6) is hereby amended as follows:

§ 95-5.6 Overlay districts.

### **P. AH-TH Affordable Housing Townhouse Overlay District.**

- (1) Planned development to facilitate the production of affordable housing for low- and moderate-income households in the AH-TH Zone District is permitted in accordance with the development standards and provisions of this subsection.
- (2) Dwelling units within the planned development shall be townhomes only.
- (3) Each dwelling unit shall be properly connected with an approved and functioning public sanitary sewer system and community water system.
- (4) The affordable units shall meet the requirements of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-1 et seq.) with regard to controls on affordability, affirmative marketing, pricing, low/moderate income split, and bedroom distribution.
- (5) Area and yard requirements.
  - (a) Requirements for principal buildings:
    - [1] Minimum lot area: 40,000 square feet.
    - [2] Minimum front yard: 24 feet
    - [3] Minimum rear yard: 24 feet
    - [4] Minimum gross habitable floor area per dwelling: 1,000 square feet

[5] Maximum building coverage: 20%

[6] Maximum impervious coverage: 50%

[7] Maximum building height: 35 feet

(b) Requirements for accessory buildings or structures:

[1] Minimum rear yard (feet): 5 feet

[2] Minimum front yard (feet): 24 feet

[3] Maximum building height: 10 feet

(6) Streets shall be constructed in accordance with the Township standards for public streets except as follows:

- (a) The cartway shall be a minimum of 34 feet. The approving authority in its discretion may require a minimum of 36 feet to better accommodate on street parking.
- (b) The terminus of Lewis Street shall be improved with a cul-de-sac bulb, hammerhead, or other provision to allow for vehicles on the public roadway to turn around. The design and specifications shall be subject to the review and approval of the Township Engineer and Planning Board Engineer. If any portion of these improvements are to be constructed on private property, a corresponding easement shall be provided in favor of the Township.

(7) Parking.

- (a) A minimum of 2.0 off-street parking spaces shall be provided per dwelling unit.
- (b) Where a garage and driveway combination is proposed to satisfy the off-street parking requirement for a dwelling, the conversion of the garage to other uses is prohibited, and such prohibition shall run with the land as a restrictive deed covenant approved by the Township.
- (c) Guest parking shall be provided in a quantity and manner that is consistent with the Residential Site Improvement Standards (RSIS).

(8) The following standards apply to fences, sheds, and patios:

- (a) Private sheds and accessory structures to service the individual residential units shall not be permitted on the property, except as specifically approved by the Planning Board.
- (b) Provisions for the storage of trash and recyclables shall be subject to the review and approval of Planning Board. The use of a masonry dumpster enclosure of a sufficient size to service the development is preferred and encouraged. At the discretion of the Planning Board, sheds or storage structures for the storage of trash and recycling receptacles may be permitted in the front of the dwelling

units, provided the structures do not exceed 36 square feet in area and 6 feet in height and comply with the 24-foot front setback requirement and is adequately screened.

- (c) Fences shall not be permitted between the front façade of the dwelling units and the right-of-way line. Fence height shall not exceed 6 feet in the side and rear yard areas.
- (d) Ground level patios may be permitted in the rear and front yard and shall not be less than 18 feet from any property line. All portions of patios shall be at least 3 feet from any building façade except that patios may abut the rear building façade of the dwelling unit serviced by the patio. A minimum separation of 6 feet shall be provided between adjacent patios, with no impervious cover permitted in this separation area.

(9) Additional requirements.

- (a) The planned development is not required to meet the open space design and area specifications of § 95-8.9A, B, C, and D. A rear yard landscape buffer with a minimum width of 10 feet shall be provided. The required rear yard landscape buffer shall be landscaped with a reasonable quantity and variety of landscaping material. The provisions and requirements of §95-8.5D (Buffering and Screening) are not strictly applicable, but in designing the required landscape buffer, an effort shall be made to comply with the intent of the Township's requirements for buffering and screening. The design of the landscape buffer shall be subject to the review and approval of the Planning Board and its Engineer and Planner.
- (b) Each building lot shall have an improvable area suitable for the placement of the dwelling and related improvements.
- (c) Notwithstanding the provisions of § 95-7.7C, ordinary building projections shall not be permitted into the minimum required yards.
- (d) To provide flexibility in site layout, the approving authority may reduce the residential detention basin setbacks required pursuant to § 95-7.44.
- (e) The topography requirements of § 95-8.3C shall not apply to the planned development, except that the requirements relative to the establishment of the seasonal high water table (SHWT) and the separation between the SHWT and stormwater management facilities and the lowest floor of any principal building shall remain applicable.
- (f) The landscaping requirements of § 95-8.5 shall not apply to the planned development, but a reasonable quantity and variety of landscaping shall be provided within the required 10-foot landscape buffer and other open space areas on the site. The design of all landscaping shall be subject to the review and approval of the Planning Board and its Engineer and Planner.
- (g) The tree replacement requirements of § 222-26 shall not apply to the planned development.

#### **SECTION FOUR**

If any section or provision of this ordinance shall be invalid in any court, the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

#### **SECTION FIVE**

To the extent that any other Township ordinance conflicts with the provisions of this section of the ordinance (§95-5.6.P), the provisions of this section shall govern.

#### **SECTION SIX**

If any section, paragraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder shall be deemed valid and effective.

#### **SECTION SEVEN**

The Township Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the Monmouth County Planning board, and to all others entitled thereto pursuant to the provisions of the N.J.S. 40:55D-15. Upon adoption of this Ordinance, after public hearing thereon, the Township Clerk is further directed to publish notice of passage thereof and file a copy of this Ordinance as finally adopted with the Monmouth County Planning Board as required by N.J.S.A 40:55D-16 and with the Township Tax Assessor.

#### **SECTION EIGHT**

This ordinance shall take effect upon publication as provided by law.

### **NOTICE OF PUBLIC HEARING**

The Ordinance published herewith was introduced and passed on first reading at a meeting of the Township Committee of the Township of Manalapan held on [March 26, 2025](#) and will be further considered for final passage and adoption after a Public Hearing thereon before the Township Committee of the Township of Manalapan during a meeting to be held on [April 30, 2025](#) 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](http://www.mtnj.org) by clicking on the Ordinance title listed on the Agenda posted for the Township Committee meeting of [April 30, 2025](#).

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SHARI ROSE, RMC  
Municipal Clerk