

TOWNSHIP OF MANALAPAN

Ordinance No. 2009-29

An Ordinance Amending and Supplementing Chapter 95 “Land Use” of the Code of the Township of Manalapan to Provide for Electronic Submission of Development Plans/Materials, to Require Additional Documents and Project Plan Information as Part of the Checklist, Require Environmental Impact Statements, and Establish the Position of Municipal Housing Liaison Pursuant to the Fair Housing Act

WHEREAS, the New Jersey Legislature, pursuant to N.J.S.A. 40:55D-1 et. seq., has expressed its legislative intent that a municipality examine its land use regulations from time to time to ensure the most appropriate use and development of its land in a manner which will promote the public health, safety, morals and general welfare; and

WHEREAS, municipalities are empowered to make, amend, repeal and enforce ordinances pursuant to N.J.S.A. 40:48-1 et. seq. and N.J.S.A. 40:55D-62 et. seq.; and

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

Chapter 95, Development Regulations, is hereby amended and supplemented to “Provide for Electronic Submission of Development Plans/Materials and to Require Additional Documents and Project Plan Information as Part of the Checklist, Require Environmental Impact Statements, and Establish the Position of Municipal Housing Liaison Pursuant to the Fair Housing Act”.

All other Sections shall remain unchanged.

Section I:

Section 95-12.2 of the Municipal Code of the Township of Manalapan is hereby amended to include new subsection I and supplemented to provide the following:

That unless otherwise waived by the applicable Land Use Board (i.e. Municipal Planning Board or Municipal Zoning Board of Adjustment), in addition to the current required Submission Requirements, all drawings/plans associated

with Preliminary and Final Major Site Plans, Minor Subdivision, and Major Subdivision (and the related Reports) shall be submitted in Adobe Portable documents format (pdf) at 400 x 200 dpi. All other associated checklist documents including, but not limited to, Applications, Escrow Sheets, Completion Checklists, Environmental Impact Studies, Traffic Studies, Storm-water Reports, Sewer and Water Reports, Reforestation or Woodland Management Plans, and Permits associated with the Application shall be submitted in Adobe portable document format (pdf) at 300 x 300 dpi. Additionally, all plan revisions and re-submissions associated with the above type of Applications shall also be submitted in the previously referenced formats.

Moreover, all filed Maps and required Final As-Built Plans shall also be submitted in one of the following formats:

- 1) Autocad Drawing File (dwg);*
- 2) ESRI Shape File (shp);*
- 3) Drawing Exchange Format File (dxf); or*
- 4) Microstation Drawing File (dgn)*

Additionally, the Filed Maps and required Final As-Built Plans shall also contain coordinate values for a least three (3) identifiable boundary corners (preferably in the 1983 New Jersey State Plane Coordinate System).

That the referenced electronic submission requirements shall be in addition to the hard copy submission requirements which current exist.

The within Ordinance shall not apply to Major Site Plan Applications, Minor Subdivision Applications, or Major Subdivision Applications which have already been deemed complete in accordance with the Municipal Land Use Law and Township Ordinances as applicable.

An Application for Major Site Plan approval, Minor Subdivision approval or Major Subdivision approval shall not be deemed complete by the Township's Administrative Official, or accepted for public hearing until such time as the required electronic submission materials have been submitted.

Section 95-12.3 Environmental Impact Statements shall be amended to include:

Subsection C(19) Identification and discussion of any historic pesticides used on the subject site.

Section 95-13.6 is hereby established as follows:

Purpose:

The purpose of this section is to create the administrative mechanisms needed for the execution of Township of Manalapan's responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.

Definitions.

As used in this article and/or section, the following terms shall have the meanings indicated:

MUNICIPAL HOUSING LIAISON – The employee charged by the governing body with the responsibility for oversight and administration of the affordable housing program for the Township of Manalapan.

ADMINISTRATIVE AGENT – The entity responsible for administering the affordability controls of some or all units in the affordable housing program for the Township of Manalapan to ensure that the restricted units under administration are affirmatively marketed and sold or rented, as applicable, only to low- and moderate-income households. The Administrative Agent shall also be known as the Affordable Authority in accordance with this Article.

A. Establishment of Municipal Housing Liaison position and compensation; powers and duties.

- (1). Establishment of position of Municipal Housing Liaison. There is hereby established the position of Municipal Housing Liaison for the Township of Manalapan.
- (2). Subject to the approval of the Council on Affordable Housing (COAH), the Municipal Housing Liaison shall be appointed by the Governing Body and may be a full or part time municipal employee.
- (3). The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Township of Manalapan including the following responsibilities which may not be contracted out:
 - (a) Serving as the Township of Manalapan's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents, and interested households;

- (b) Monitoring the status of all restricted units in Township of Manalapan's Fair Share Plan;
 - (c) Compiling, verifying, and submitting annual reports as required by COAH;
 - (d) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable;
 - (e) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
- (4). Subject to approval by COAH, the Township of Manalapan may contract with or authorize a consultant, authority, government or any agency charged by the Governing Body, which entity shall have the responsibility of administering the affordable housing program of the Township of Manalapan, exception for those responsibilities which may not be contracted out pursuant to subsection "3." above. If the Township of Manalapan contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and Affirmative Marketing Plan, the Municipal Housing Liaison shall supervise the contracting Administrative Agent.
- (5). Compensation. Compensation shall be fixed by the Governing Body at the time of the appointment of the Municipal Housing Liaison.
- (6) All other Administrative powers and duties will be delegated specifically to an approved Administrative Agent as part of a contract and this Article and will not therefore be the responsibility of the Municipal Housing Liaison except for:
- [a] Submission of annual reports to COAH as required.
- (7) The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

Section II.

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

Section III

All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section IV

This Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law.

Section V

That the Planning Board Secretary/Zoning Board Secretary (or their designees, as the case may be) shall reasonably attempt, in good faith, to advise affected Applicants (or Applicant's representatives) (whose Applications have not yet been deemed complete as of the date of adoption of the within Ordinance) of the new Regulation. However, the failure of the Planning Board Secretary/Zoning Board Secretary (or their designee) to provide the Applicant (or the Applicant's representatives) with such information shall not relieve the subject Applicant of the obligation to comply with the within Submission Requirements.

That the Township's Land Use Development Checklist Form/Application Form shall be immediately updated so as to contain the new regulations approved herein.

NOTICE OF INTRODUCTION

NOTICE is hereby given that the foregoing Ordinance was submitted in writing at a meeting of the Mayor and Committee of the Township of Manalapan, in the County of Monmouth, New Jersey, held on the 14th day of October 2009. Introduced and read by title and passed on the 1st reading and that the said Township Committee will further consider the same for the second reading and final passage thereof at a meeting to be held on the 2nd day of December 2009, at 8:00 in the evening prevailing time at the Township of Manalapan, Municipal Building, Township of Manalapan, at which time and place a public hearing will be held thereon by the Township Committee and all persons and citizens in interest shall have an opportunity to be heard concerning same.

A copy of the Ordinance is available to any member of the general public, at no cost, at the Township of Manalapan Municipal Building, Office of the Clerk, between the hours of 8:30 a.m. and 4:30 p.m.

Rose Ann Weeden, Clerk
Township of Manalapan