

TOWNSHIP OF MANALAPAN
Ordinance No. 2010-08

**AN ORDINANCE AMENDING AND SUPPLEMENTING
THE MUNICIPAL CODE OF THE TOWNSHIP OF MANALAPAN
CHAPTER 95 DEVELOPMENT REGULATIONS, ENVIRONMENTAL IMPACT
STATEMENTS**

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

WHEREAS, it is the intention of the Township Committee to amend the Municipal Code of the Township of Manalapan in order to further specify the information required in an Environmental Impact Statement ('EIS') submitted to the Planning Board or Zoning Board of Adjustment in connection with development applications.

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 "Require Environmental Impact Statements to Include Additional Reporting Requirements for the Development of Current or Former Agricultural Sites".

All other Sections shall remain unchanged.

Section I:

Chapter 95 Development Regulations, 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. If a property is currently or has historically been used for agricultural purposes, the following additional requirements shall apply:

- (a) Sampling, analysis, and remediation shall be conducted for lead, arsenic, organic pesticides and other contaminants consistent with the New Jersey Department of Environmental Protection's (NJDEP's)

“Findings and Recommendations for the Remediation of Historic Pesticide Contamination” (March 1999) and any subsequent revisions or amendments to that document.

- (b) The number of soil samples collected and analyzed shall be in accordance with NJDEP recommendations, with a minimum of one sample collected from each proposed building lot and from each lot transferred or dedicated to the Township or other government agency or to a homeowner’s association.
- (c) For proposed residential development, the soil samples shall be collected from the rear yards of each proposed lot.
- (d) The EIS shall include a sample location plan, the sample depth interval, the laboratory analytical data, a comparison of the data to the applicable NJDEP Soil Remediation Standards (N.J.A.C 7:26D), and a discussion of the results including whether or not remediation is necessary.
- (e) Remediation, if necessary, shall be conducted in accordance with applicable NJDEP requirements.

Section II:

Severability. If any section, paragraph, sub-division, clause or provision of this Ordinance shall be judged invalid, such adjudication shall apply only to that section, paragraph, sub-division, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

Section III:

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed as to such inconsistency.

Section IV:

This Ordinance shall take affect immediately upon final passage and publication in accordance with law.

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 28th day of April 2010. 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 9th day of June, 2010, 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