

REEXAMINATION REPORT ADDENDUM - 1

**PREPARED FOR:
TOWNSHIP OF MANCHESTER
PLANNING BOARD**

**TOWNSHIP OF MANCHESTER
OCEAN COUNTY, NEW JERSEY**

Adopted: July 7, 2014



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The original of this document has been signed and sealed in accordance with New Jersey Law.

TOWNSHIP OF MANCHESTER
REEXAMINATION REPORT – 2014 – ADDENDUM 1

The New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-89 et seq., requires that Municipal Planning Boards review municipal master plans and zoning and land development regulations at least once every ten years. The statute requires that the Reexamination Report be adopted by the Planning Board by resolution and distributed to the municipal governing body, the County Planning Board and adjacent municipalities.

The last Reexamination Report was adopted by the Planning Board on April 7, 2014. The purpose of this Addendum is to address one additional item and update one item in the April 7, 2014 Reexamination Report.

1. Subsequent to April 7, 2014 Ordinance #05-43 was deemed to be invalid by the Superior Court Appellate Division (Docket No. A-2814-11T, A-2958-12T4, A-595B-12T4) on June 3, 2014 due to a lack of proper notice to adjoining municipalities pursuant to N.J.S.A. 40:55D-62.1 of the Municipal Land Use Law. Ordinance #05-043 provided for the following:

1. To clarify the definitions of “shopping center” and improvable lot area”,
2. To add shopping plazas, shopping centers and neighborhood shopping centers as permitted uses within the B-1, HD-3, HD-3A, HD-10 and TC Zoning Districts, and
3. To revise the specifications for concrete requirements for sidewalks and bikeways, driveways and parking facilities and curbing.

The Planning Board review and recommended approval of Ordinance #05-43 prior to its adoption in accordance with the Municipal Land Use Law. The Planning Board recommends that the provisions of Ordinance #05-43 be readopted by the Township Council in order that shopping centers, shopping plazas and neighborhood shopping centers that currently exist and that may be developed in the future are clearly intended to be permitted in the business and commercial zones noted above. Ordinance #05-43 is consistent with the Master Plan of the Township and the goals and objectives for future development in the Township. A copy of Ordinance #05-43 is attached.

The Planning Board recommends that the permitted uses within the commercial, business and industrial zones within the Township Land Use and Development Regulations be updated and revised from the 1987 Standard Industrial Classification (SIC) to the current North American Industrial Classification System (NAICS). The NAICS provides an expanded classification of uses and revised definitions. The NAICS is currently used by the Internal Revenue Service and by the State of New Jersey for classifying business, industrial, professional, service and other uses.

2. On June 2, 2014, the Planning Board conducted a Public Hearing on a report entitled “Planning Investigation of the Heritage Minerals Tract Site (Block 75.01, Lot 1 and Block 44, Lot 16) For a Determination of Suitability to be Designated an Area in Need of Redevelopment In Accordance with N.J.S.A. 40A:12A-1 et seq.” Following the hearing, the Planning Board determined that the Heritage Minerals Tract qualifies as a “Non-Condemnation Area in Need of Redevelopment” and further approved forwarding the Planning Report and the Board’s determination that the Heritage Minerals Tract be considered for redevelopment to the Township Council for its review and consideration in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

AN ORDINANCE AMENDING CHAPTER XXXV, LAND USE AND DEVELOPMENT REGULATIONS, OF THE REVISED GENERAL ORDINANCE OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN AND STATE OF NEW JERSEY

BE IT ORDAINED by the Township Council of the Township of Manchester, County of Ocean, and State of New Jersey as follows:

I

PURPOSES: The purposes of this Ordinance are to amend Chapter XXXV, Municipal Land Use and Development Regulations are:

1. To clarify the definitions of “shopping center” and “improvable lot area”,
2. To add shopping plazas, shopping centers and neighborhood shopping centers as permitted uses within the B-1, HD-3, HD-3A, HD-10 and TC zoning districts and,
3. To revise the specifications for concrete requirements for sidewalks and bikeways, driveways and parking facilities and curbing

Note: Additions are shown as underlined, deletions are shown as ~~[struckthrough in brackets]~~. New sections are noted.

II

Article 2, DEFINITIONS, Section 35-8, Definitions, “Improvable Lot Area” and “Shopping Center” are hereby amended as follows:

Improvable Lot Area shall mean the area of a lot for the placement of principal and accessory buildings, off-street parking lots, and off-street loading areas which is located within the building envelope delineated by the required yards or buffers of the zone district for principal structures and which is not encroached upon by a critical area or an existing or proposed public right-of-way. The exclusion of wetlands and any required wetlands transition area from the improvable lot area requirement shall be subject to pre-emption with respect to permits or exemptions issued by the New Jersey Department of Environmental pursuant to N.J.A.C. 7:7A et seq., Freshwater Wetlands Protection Act Rules.

Shopping Center, Neighborhood Shopping Center, Shopping Plaza shall mean a group of commercial establishments planned, developed and managed as a unit in utilizing such common facilities as customer parking areas, pedestrian walks, truck loading and unloading space, and utilities and central sanitary treatment facilities. A shopping center may include establishments that are operated independently from each other within the same overall structure or a single establishment that provides a variety of separate commercial activities such as groceries, bakery, garden center, auto services and/or other commercial activities that are permitted uses, permitted accessory uses or conditional uses within the zoning district.

III

Article 4, Zoning, Schedule E, CAFRA Area & Pinelands National Reserve Area Non-Residential Zoning Districts Permitted and Conditional Uses, is hereby amended as follows:

Under the heading “RETAIL TRADE” Schedule E is amended to add rows for “Shopping Plaza, Shopping Center and Neighborhood Shopping Center” and Note (2) under NOTES at the bottom of the Schedule is amended as follows:

SIC Code (1)	USE	CAFRA Area & Pinelands National Reserve Area							
		OR-LI	O-P	B-1	HD-3	HD-3A	HD-10	TC	LI
(2)	SHOPPING PLAZA			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
(2)	SHOPPING CENTER			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
(2)	NEIGHBORHOOD SHOPPING CENTER			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	

NOTES:

(1) No Change.

(2) Uses not classified by SIC Code. Permitted uses within shopping plazas, shopping centers and neighborhood shopping centers shall include all uses permitted within the zoning district in which the shopping plaza, shopping center or neighborhood shopping center is located.

(3) and (4) No Change.

IV

Article 4, Zoning, Schedule G, Pinelands Area Non-Residential Zoning Districts Permitted and Conditional Uses, is hereby amended as follows:

Under the heading “RETAIL TRADE” Schedule G in the row titled “Plaza” the term “PLAZA is amended to read “SHOPPING PLAZA” and Note (2) under NOTES at the bottom of the Schedule is amended as follows:

SIC Code (1)	USE	Pinelands Area		Whiting Town		
		PB-1	POR-LI	WTHD	WTB-1	WTO-P
(2)	SHOPPING PLAZA	P		P	P	
(2)	SHOPPING CENTER	<u>P</u>		P	<u>P</u>	
(2)	NEIGHBORHOOD SHOPPING CENTER	P		P	P	

NOTES:

(1) No Change.

(2) Uses not classified by SIC Code. Permitted uses within shopping plazas, shopping centers and neighborhood shopping centers shall include all uses permitted within the zoning district in which the shopping plaza, shopping center or neighborhood shopping center is located.

(3) and (4) No Change.

V

Article 9, Improvements, Requirements And Design Standards, Section 35-85. Streets, Sections 35-85.12, Sidewalks, 35-85.14, Drive-ways and Parking Facilities, and 35-85.15, Cubing, are hereby amended as follows:

35-85.12 Sidewalk and Bikeway Construction Standards

35-85.12. Sidewalks and Bikeways. Sidewalks and bikeways shall be a minimum of four (4) feet wide by four (4) inches ~~[deep]~~ thick except ~~[driveway areas which shall be]~~ at points of vehicular crossing, where they shall be at least six (6) inches ~~[deep and]~~ thick. At vehicular crossings, concrete sidewalks shall be reinforced with six (6) inch welded wire fabric mesh or an equivalent. The concrete ~~[mix]~~ shall be ~~[1:2:4 and all conditions for curbs shall apply]~~ air-entrained NJDOT Class B concrete having a 28-day verification strength of 4,500 p.s.i. [Concrete for walks shall have a minimum compressive strength at twenty-eight (28) days for 2500 lbs. per square inch.] The finish shall be with a wood float followed by brushing with a set, soft-haired brush to a neat and workmanlike surface. Expansion joints one-half (½) inch wide shall be provided at intervals of twenty (20) feet. Surface grooves shall be cut at right angles to the line of sidewalk at intervals equal to its width. Exposed edges shall be neatly rounded to a radius of one-half (½) inch. Handicap ramps shall be provided as required by ~~[state law]~~ the Americans with Disabilities Act. Graded areas shall be planted with grass or treated with other suitable ground cover, and their width and cross slope shall correspond to that of sidewalks.

35-85.14. Driveways and Parking Facilities. All off-street parking facilities shall be constructed on two (2) inch thick bituminous material or in the event concrete driveways are to be utilized, then the final thickness shall be six (6) inches with materials as outlined in this Chapter. All driveway and driveway apron surfaces shall be constructed of NJDOT Class B concrete, air entrained, to develop a twenty eight (28) day strength of 5,000 p.s.i. When rolled curb and gutter is utilized, it must conform ~~[conforming]~~ to the applicable detail [thereto] in the N.J.D.O.T. Standard Specification on a properly compacted gravel base, consisting of road gravel consisting of a final compacted thickness of three (3) inches. Alternate surface treatment may be utilized subject to the approval of the Approving Agency.

35-85.15. Curbing. Concrete curbs shall be constructed on each side of the roadway according to the following specifications and in accordance with requirements ~~[of Section 605, Curbs]~~, for curbs of the New Jersey State Department of Transportation Standard Specifications. ~~[except that the]~~ Concrete for ~~[the]~~ curb

and combination curbs and gutters shall be constructed of NJDOT Class B concrete, air entrained, concrete to develop a twenty eight (28) day strength of [3000] 5,000 p.s.i. When rolled curb and gutter conforming to the detail [thereto] in the Standard Specification may be substituted for the standard concrete curb in Planned Retirement Communities. Construction of rolled curb and gutter shall include the wrapped curb face transition at least ten (1) feet in length for easement to the standard curb face batter. Rolled curb and gutter shall conform in all respects to the specifications herein for standard curbs. The top of the standard curb shall generally be set to a grade of two (2) inches above the center line pavement grade. However, a minimum of two (2%) percent cross slope shall be maintained. The curb shall be of concrete, shall be six (6) inches at the bottom and eighteen (18) inches in depth. Where drainage inlets are constructed, but curbs are not required, curbing must be provided at least ten (10) feet on each side of the inlet, set back one (1) foot from the extension of the pavement edge.

VI

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

VII

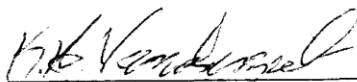
If any section, subparagraph, sentence, clause, or phase of this Ordinance shall be held to be invalid, such decision shall not invalidate any remaining portion of this Ordinance.

VIII

Pursuant to the provisions of N.J.S.A. 40:69A-181 (b), this Ordinance shall take effect twenty (20) days after its final passage by the Township Council and approval by the Mayor where such approval is required by law and in accordance with any other laws which may be applicable. A copy of this Ordinance shall be filed with the Manchester Township Tax Assessor, Zoning Officer, Planning Board, Board of Adjustment, Planner and Engineer; the Ocean County Planning Board; and the Pinelands Commission.

NOTICE

PUBLIC NOTICE is hereby given that the foregoing ordinance was introduced at a meeting of the Township Council of the Township of Manchester, in the County of Ocean and State of New Jersey on the 27th day of **June, 2005** and was then read for the first time. The said ordinance will be further considered for final passage by the Township Council in the Town Hall at 7:00 p.m. on **July 25, 2005**. At such time and place or any time or place to which said meeting may be adjourned; all persons interested will be given an opportunity to be heard concerning said ordinance.


K. H. Vanderziel
Council President


MARIE S. PELLECCIA, RMC
Manchester Township Clerk