

**TOWNSHIP OF EDGEWATER PARK**  
**Ordinance No. 1-2006**

*AN ORDINANCE OF THE TOWNSHIP OF EDGEWATER PARK PROVIDING  
FOR AND DETERMINING THE RATES OF COMPENSATION FOR  
EMPLOYEES FOR THE YEAR 2006*

BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Edgewater Park, County of Burlington, State of New Jersey, as follows:

Section 2:2-1. The annual rates of compensation of officers and employees whose compensation shall be payable bi-weekly shall be as follows:

POSITION	SALARY RANGE
Administrator	\$25,000 - \$30,000
Municipal Clerk	\$46,500 - \$60,000
Deputy Township Clerk	\$24,000 - \$38,500
Second Deputy Township Clerk	\$ 1,000 - \$ 1,100
Recycling Coordinator	\$ 4,200 - \$5,500
Principal Clerk Typist	\$32,800 - \$39,500
Senior Clerk Typist	\$30,600 – \$45,000
Clerk Typist	\$20,700 – \$34,500
Part-time Clerk Typist	\$7.00 - \$10.00 (per hour)
Registrar-Vital Statistics	\$900 - \$1,300
Deputy Registrar-Vital Statistics	\$500 - \$800
Police Records Clerk	\$20,700 - \$34,500
Senior Police Records Clerk	\$30,600 - \$36,900
Principal Police Records Clerk	\$32,877 - \$39,300
Secretary, Board of Health	\$ 750 - \$ 1,100

Chief Financial Officer	\$10,000 – \$22,000
Assistant Treasurer	\$1,000 - \$1,500
Tax Collector	\$36,700 – \$46,500
Tax Assessor	\$ 8,000 - \$18,500
Recreation Coordinator	\$ 9,000 - \$18,500
Municipal Court Judge	\$12,000 – \$22,000
Court Administrator	\$31,800 – \$47,600
Deputy Court Administrator	\$20,700 – \$34,500
Court Recorder	\$50 - \$80 per session
Court Aide	\$45 - \$80 per session
Construction Official (Over Base Hours)	\$7,500 - \$14,000 \$20 - \$25 per hour
Building Inspector & Sub Code Official (Over Base Hours)	\$7,500 - \$14,000 \$20 - \$25 per hour
Property Maintenance/Rental Licensing Insp.	\$18,000 - \$33,000
Property Maintenance	\$12 - \$15 per hour
Zoning Officer	\$13 - \$18 per hour
Plumbing Inspector	\$20 -\$28 per hour
Electrical Inspector	\$20 -\$28 per hour
Fire Sub Code Official	\$20 -\$28 per hour
Streets Superintendent	\$48,000 - \$66,500
Streets Repairer/Laborer	\$32,600 - \$53,000
Part-time Public Works Grounds Keeper/Driver/Snow Plow Operator	\$10 - \$15 (Per Hour)

Public Safety Director/ Chief Law Enforcement Officer	\$50,000 - \$85,500
Captain	\$74,000 - \$85,500
Lieutenant	\$55,803 - \$74,100
Sergeant	\$53,199 - \$70,800.
Police Officer	\$35,000 - \$65,000
Special Police Officer	\$10 - \$15 (Per Hour)
Crossing Guards Substitute	\$14.33 – \$15.20 per post
Classified/Unclassified	\$ 22.62 – \$25.49 per post

SECTION 2:2-2. The annual rates of compensation of officers and employees whose compensation shall be paid quarterly shall be as follows:

Township Mayor	\$ 3,700 - \$4,500
Township Committee	\$2,950 - \$3,500
Police Matron (includes all call-outs)	\$ 5,500
Court Administrator/Deputy Court Administrator (includes all call-outs)	\$7,000

SECTION 2:2-3. The annual rates of compensation of officers and employees whose compensation shall be payable annually shall be as follows:

Member, Board of Health	\$50
-------------------------	------

SECTION 2:2-4. The compensation of officers and employees whose compensation shall be payable upon completion of said duty and approval by respective Chairperson:

Secretary, Planning Board	\$ 150 (per meeting)
---------------------------	----------------------

For each special meeting called by the Chairman for a developer, said developer is responsible for the reimbursement of the meeting fee.

SECTION 2:2-5. The rates of compensation of employees whose compensation falls within a variable range shall be fixed by resolution from time to time.

SECTION 2:2-6. Longevity payments shall be in accordance with respective contracts.

SECTION 2:2-7. This ordinance shall take effect immediately upon its final passage and publication according to law, but the terms of compensation provided herein shall be effective as of January 1, 2006, and shall apply only to those persons in employment at the date of adoption of this ordinance. This ordinance is intended to repeal all prior ordinances dealing with salaries in the Township of Edgewater Park in their entirety.

TOWNSHIP OF EDGEWATER PARK

**Township of Edgewater Park  
Ordinance No. 2-2006**

*Calendar Year 2006  
Ordinance To Exceed The Municipal Budget  
Appropriation Limits  
And To Establish A Cap Bank  
(N.J.S.A. 40a: 4-45.14)*

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Township Committee of the Township of Edgewater Park in the County of Burlington finds it advisable and necessary to increase its CY 2006 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Township Committee hereby determines that a 3.5 % increase in the budget for said year, amounting to \$ 121,158.73 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS** the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Township Committee of the Township of Edgewater Park, in the County of Burlington, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2006 budget year, the final appropriations of the Township of Edgewater Park shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ 3,582,836.73, and that the CY 2006 municipal budget for the Township of Edgewater Park be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

**TOWNSHIP OF EDGEWATER PARK  
ORDINANCE NO. 3 -2006**

*An Ordinance Of The Township Of Edgewater Park, County Of Burlington,  
State Of New Jersey, Prohibiting the Feeding of Unconfined Wildlife in any Public  
Park or on any other Property Owned or Operated by the Township of Edgewater Park.  
Creating Chapter 8.90 Entitled "Wildlife Feeding Ordinance"*

**WHEREAS**, the Township Committee of the Township of Edgewater Park is desirous of establishing requirements prohibiting the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Township of Edgewater Park.

**SECTION I. Purpose:**

An ordinance to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by Township of Edgewater Park, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

**SECTION II. Definitions:**

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Feed – to give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Wildlife – all animals that are neither human nor domesticated.

**SECTION III. Prohibited Conduct:**

- a. No person shall feed, in any public park or on any other property owned or operated by the Township of Edgewater Park any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers) and excluding any park designated as a passive park.

**SECTION IV. Enforcement:**

- a. This ordinance shall be enforced by the Police Department, Property Maintenance Department, Public Works Department, Local Board of Health Property and/or other Municipal Officials of Township of Edgewater Park.
- b. Any person found to be in violation of this ordinance shall be ordered to cease the feeding immediately.

**SECTION V. Violations and Penalties:**

- a. Any person(s) who is found to be in violation of the provisions of this ordinance shall upon conviction thereof in a proceeding before a court of competent jurisdiction be subject to the following fines:
  - 1. Residential violation: A fine of not less than twenty-five dollars (\$25.00) and not more than one thousand dollars (\$1,000.00);
  - 2. Commercial or institutional violation: A fine of not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000.00);
- b. Each continuing violation of this chapter shall constitute a separate offense.

**SECTION VI. Severability:**

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

**SECTION VII. Effective date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

**TOWNSHIP OF EDGEWATER PARK  
ORDINANCE NO. 4-2006**

**AN ORDINANCE OF THE TOWNSHIP OF EDGEWATER PARK  
ADOPTING A REDEVELOPMENT PLAN PURSUANT TO  
THE PROVISIONS OF N.J.S.A. 40A:12A-7**

**WHEREAS**, the Planning Board of the Township of Edgewater Park has previously prepared a “Preliminary Investigation to make a determination regarding a redevelopment area which identified certain specified areas within the Township of Edgewater Park in need of redevelopment and/or rehabilitation according to the criteria establishing by N.J.S.A. 40A:12A-5.”

**WHEREAS**, on May 4, 1998, the Township’s Planning Board held a hearing for public comment and input regarding the investigation and adopted a resolution recommending the establishment of a redevelopment area as delineated in the Investigation;

**WHEREAS**, on May 4, 1998, the Township Committee adopted a resolution establishing the area delineated in the investigation to be the redevelopment area;

**WHEREAS**, the Township Committee, has prepared a redevelopment plan, in accordance with N.J.S.A. 40A:12A-7, which is consistent with the Master Plan of the Township of Edgewater Park.

**NOW, THEREFORE, BE IT ORDAINED** by the Committee of the Township of Edgewater Park, County of Burlington and State of New Jersey, as follows:

1. The Redevelopment Plan (attached hereto) prepared in accordance with the provisions of the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-7, et seq. is hereby approved and adopted and incorporated herein and made part hereof.
2. The Edgewater Park Township Zoning Map is hereby amended to coincide with the redevelopment plan adopted by virtue of this Ordinance.
3. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a Court competent jurisdiction, such decision shall not effect the validity of this Ordinance as a whole or any part thereof.
4. All Ordinances or parts of ordinances of the Township of Edgewater Park heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
5. This Ordinance shall take effect immediately upon its final passage and notice of adoption shall be published as provided by law.

**TOWNSHIP OF EDGEWATER PARK  
ORDINANCE NO. 5 -2006**

**An Ordinance Of The Township Of Edgewater Park,  
County Of Burlington, State Of New Jersey  
Regulating Stormwater Management  
Creating Chapter 16.200 Entitled “Stormwater Control Ordinance”**

**SECTION 1: SCOPE AND PURPOSE**

**A. Policy Statement**

Flood control, groundwater recharge, and pollutant reduction through nonstructural or low impact techniques shall be explored before relying on structural BMPs. Structural BMPs should be integrated with nonstructural stormwater management strategies and proper maintenance plans. Nonstructural strategies include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site or from being exposed to stormwater. Source control plans should be developed based upon physical site conditions and the origin, nature, and the anticipated quantity or amount of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

**B. Purpose**

It is the purpose of this ordinance to establish minimum stormwater management requirements and controls for “major development,” as defined in Section 2.

**C. Applicability**

1. This ordinance shall be applicable to all site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:
  - a. Non-residential major developments; and
  - b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
2. This ordinance shall also be applicable to all major developments undertaken by **the Township of Edgewater Park**.

**D. Compatibility with Other Permit and Ordinance Requirements**

Development approvals issued for subdivisions and site plans pursuant to this ordinance are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance

imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

## SECTION 2: DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2, **unless modified specifically for the Township of Edgewater Park:**

“Compaction” means the increase in soil bulk density.

“Core” means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

“County review agency” means an agency designated by the County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

A county planning agency; or

A county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

“Department” means the New Jersey Department of Environmental Protection.

“Designated Center” means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

“Design engineer” means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, by any person, for which permission is required under the Municipal Land Use Law , N.J.S.A. 40:55D-1 et seq. In the case of development of agricultural lands, development means: any activity that requires a State permit; any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act , N.J.S.A 4:1C-1 et seq.

- “Drainage area” means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.
- “Environmentally critical areas” means an area or feature which is of significant environmental value, including but not limited to: stream corridors; natural heritage priority sites; habitat of endangered or threatened species; large areas of contiguous open space or upland forest; steep slopes; and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department’s Landscape Project as approved by the Department’s Endangered and Nongame Species Program.
- “Empowerment Neighborhood” means a neighborhood designated by the Urban Coordinating Council “in consultation and conjunction with” the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.
- “Erosion” means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.
- “Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- “Infiltration” is the process by which water seeps into the soil from precipitation.
- “Major development” means any “development” that provides for ultimately disturbing one or more acres of land, or more than 10,000 square feet of new impervious coverage. Disturbance for the purpose of this rule is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation.
- “Municipality” means **the Township of Edgewater Park**.
- “Node” means an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.
- “Nutrient” means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.
- “Person” means any individual, corporation, company, partnership, firm, association, **the Township of Edgewater Park**, or political subdivision of this State subject to municipal jurisdiction pursuant to the Municipal Land Use Law , N.J.S.A. 40:55D-1 et seq.
- “Pollutant” means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. “Pollutant” includes both hazardous and nonhazardous pollutants.
- “Recharge” means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

“Sediment” means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

“Site” means the lot or lots upon which a major development is to occur or has occurred.

“Soil” means all unconsolidated mineral and organic material of any origin.

“State Development and Redevelopment Plan Metropolitan Planning Area (PA1)” means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the state’s future redevelopment and revitalization efforts.

“State Plan Policy Map” is defined as the geographic application of the State Development and Redevelopment Plan’s goals and statewide policies, and the official map of these goals and policies.

“Stormwater” means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

“Stormwater runoff” means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

“Stormwater management basin” means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management basin may either be normally dry (that is, a detention basin or infiltration basin), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

“Stormwater management measure” means any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

“Tidal Flood Hazard Area” means a flood hazard area, which may be influenced by stormwater runoff from inland areas, but which is primarily caused by the Atlantic Ocean.

“Urban Coordinating Council Empowerment Neighborhood” means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

“Urban Enterprise Zones” means a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. seq.

“Urban Redevelopment Area” is defined as previously developed portions of areas:

- (1) Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
- (2) Designated as CAFRA Centers, Cores or Nodes;

(3) Designated as Urban Enterprise Zones; and

(4) Designated as Urban Coordinating Council Empowerment Neighborhoods.

“Waters of the State” means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

“Wetlands” or “wetland” means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

## SECTION 3: GENERAL STANDARDS

### A. Design and Performance Standards for Stormwater Management Measures

1. Stormwater management measures for major development shall be developed to meet the erosion control, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality standards in Section 4. To the maximum extent practicable, these standards shall be met by incorporating nonstructural stormwater management strategies into the design. If these strategies alone are not sufficient to meet these standards, structural stormwater management measures necessary to meet these standards shall be incorporated into the design.
2. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules. **The stormwater management requirements within this ordinance, as they relate to “major development” supercede other design requirements stipulated in the Township Code, including but not limited to the following sections:**
  - a. Title 16, Zoning Code
  - b. Chapter 16.48, Drainage

## SECTION 4: STORMWATER MANAGEMENT REQUIREMENTS FOR MAJOR DEVELOPMENT

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section 10.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department’ Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Sections 4.F and 4.G:
  1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
  2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and

3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Sections 4.F and 4.G may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
  2. The applicant demonstrates through an alternatives analysis, that through the use of nonstructural and structural stormwater management strategies and measures, the option selected complies with the requirements of Sections 4.F and 4.G to the maximum extent practicable;
  3. The applicant demonstrates that, in order to meet the requirements of Sections 4.F and 4.G, existing structures currently in use, such as homes and buildings, would need to be condemned; and
  4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Sections 4.F and 4.G that were not achievable on-site.

E. Nonstructural Stormwater Management Strategies

1. To the maximum extent practicable, the standards in Sections 4.F and 4.G shall be met by incorporating nonstructural stormwater management strategies set forth at Section 4.E into the design. The applicant shall identify the nonstructural measures incorporated into the design of the project. If the applicant contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any nonstructural stormwater management measures identified in Paragraph 2 below into the design of a particular project, the applicant shall identify the strategy considered and provide a basis for the contention.
2. Nonstructural stormwater management strategies incorporated into site design shall:
  - a. Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;
  - b. Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;
  - c. Maximize the protection of natural drainage features and vegetation;
  - d. Minimize the decrease in the "time of concentration" from pre-construction to post construction. "Time of concentration" is defined as the time it takes for runoff to

travel from the hydraulically most distant point of the watershed to the point of interest within a watershed;

- e. Minimize land disturbance including clearing and grading;
  - f. Minimize soil compaction;
  - g. Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides;
  - h. Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas;
  - i. Provide other source controls to prevent or minimize the use or exposure of pollutants at the site, in order to prevent or minimize the release of those pollutants into stormwater runoff. Such source controls include, but are not limited to:
    - (1) Site design features that help to prevent accumulation of trash and debris in drainage systems, including features that satisfy Section 4.E.3. below;
    - (2) Site design features that help to prevent discharge of trash and debris from drainage systems;
    - (3) Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and
    - (4) When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.
3. Site design features identified under Section 4.E.2.i.(2) above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, “solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section 4.E.3.c below.

- a. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
  - (1) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
  - (2) A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges),

driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

- b. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
- c. This standard does not apply:
  - (1) Where the review agency determines that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
  - (2) Where flows from the water quality design storm as specified in Section 4.G.1 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
    - (a) A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities);  
or
    - (b) A bar screen having a bar spacing of 0.5 inches.
  - (3) Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars, to the elevation of the water quality design storm as specified in Section 4.G.1; or
  - (4) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.
4. Any land area used as a nonstructural stormwater management measure to meet the performance standards in Sections 4.F and 4.G shall be dedicated to a government agency, subjected to a conservation restriction filed with the appropriate County Clerk's office, or subject to an approved equivalent restriction that ensures that measure or an equivalent stormwater management measure approved by the reviewing agency is maintained in perpetuity.
5. Guidance for nonstructural stormwater management strategies is available in the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in Section 7, or found on the Department's website at [www.njstormwater.org](http://www.njstormwater.org).

## **F. EROSION CONTROL, GROUNDWATER RECHARGE AND RUNOFF QUANTITY STANDARDS**

1. This subsection contains minimum design and performance standards to control erosion, encourage and control infiltration and groundwater recharge, and control stormwater runoff quantity impacts of major development.
  - a. The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. and implementing rules.
  - b. The minimum design and performance standards for groundwater recharge are as follows:
    - (1) The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section 5, either:
      - (a) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
      - (b) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
    - (2) This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to (3) below.
    - (3) The following types of stormwater shall not be recharged:
      - (a) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
      - (b) Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.
    - (4) The design engineer shall assess the hydraulic impact on the groundwater table and design the site so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table so as to cause surficial ponding,

flooding of basements, or interference with the proper operation of subsurface sewage disposal systems and other subsurface structures in the vicinity or downgradient of the groundwater recharge area.

- c. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section 5, complete one of the following:
- (1) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the two, 10, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
  - (2) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the two, 10, and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
  - (3) Design stormwater management measures so that the post-construction peak runoff rates for the 2, 10 and 100 year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed. The percentages shall not be applied to post-construction stormwater runoff into tidal flood hazard areas if the increased volume of stormwater runoff will not increase flood damages below the point of discharge; or
  - (4) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with (1), (2) and (3) above shall only be applied if the increased volume of stormwater runoff could increase flood damages below the point of discharge.

2. Any application for a new agricultural development that meets the definition of major development at Section 2 shall be submitted to the appropriate Soil Conservation District for review and approval in accordance with the requirements of this section and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For the purposes of this section, “agricultural development” means land uses normally associated with the production of food, fiber and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacturing of agriculturally related products.

G. Stormwater Runoff Quality Standards

1. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff by 80 percent of the anticipated load from the developed site, expressed as an annual average. Stormwater management measures shall only be required for water quality control if an additional 1/4 acre of impervious surface is being proposed on a development site. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollution Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 1. The calculation of the volume of runoff may take into account the implementation of non-structural and structural stormwater management measures.

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
0	0.0000	65	0.8917
5	0.0083	70	0.9917
10	0.0166	75	1.0500
15	0.0250	80	1.0840
20	0.0500	85	1.1170
25	0.0750	90	1.1500
30	0.1000	95	1.1750
35	0.1330	100	1.2000
40	0.1660	105	1.2250

45	0.2000	110	1.2334
50	0.2583	115	1.2417
55	0.3583	120	1.2500
60	0.6250		

2. For purposes of TSS reduction calculations, Table 2 below presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in Section 7, or found on the Department’s website at [www.njstormwater.org](http://www.njstormwater.org). The BMP Manual and other sources of technical guidance are listed in Section 7. TSS reduction shall be calculated based on the removal rates for the BMPs in Table 2 below. Alternative removal rates and methods of calculating removal rates may be used if the design engineer provides documentation demonstrating the capability of these alternative rates and methods to the review agency. A copy of any approved alternative rate or method of calculating the removal rate shall be provided to the Department at the following address: Division of Watershed Management, New Jersey Department of Environmental Protection, PO Box 418 Trenton, New Jersey, 08625-0418.

3. If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (AXB)/100$$

Where

R = total TSS percent load removal from application of both BMPs, and

A = the TSS percent removal rate applicable to the first BMP

B = the TSS percent removal rate applicable to the second BMP

Table 2: TSS Removal Rates for BMPs	
Best Management Practice	TSS Percent Removal Rate
Bioretention Systems	90
Constructed Stormwater Wetland	90
Extended Detention Basin	40-60
Infiltration Structure	80
Manufactured Treatment Device	See Section 6.C
Sand Filter	80
Vegetative Filter Strip	60-80
Wet Pond	50-90

4. If there is more than one onsite drainage area, the 80 percent TSS removal rate shall apply to each drainage area, unless the runoff from the subareas converge on site in which case the removal rate can be demonstrated through a calculation using a weighted average.
5. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include nonstructural strategies and structural measures that optimize nutrient removal while still achieving the performance standards in Sections 4.F and 4.G.
6. Additional information and examples are contained in the New Jersey Stormwater Best Management Practices Manual, which may be obtained from the address identified in Section 7.
7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
8. Special water resource protection areas shall be established along all waters designated Category One at N.J.A.C. 7:9B, and perennial or intermittent streams that drain into or upstream of the Category One waters as shown on the USGS Quadrangle Maps or in the County Soil Surveys, within the associated HUC14 drainage area. These areas shall be established for the protection of water quality, aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, and exceptional fisheries significance of those established Category One waters. These areas shall be designated and protected as follows:
  - a. The applicant shall preserve and maintain a special water resource protection area in accordance with one of the following:
    - (1) A 300-foot special water resource protection area shall be provided on each side of the waterway, measured perpendicular to the waterway from the top of the bank outwards or from the centerline of the waterway where the bank is not defined, consisting of existing vegetation or vegetation allowed to follow natural succession is provided.
    - (2) Encroachment within the designated special water resource protection area under Subsection (1) above shall only be allowed where previous development or disturbance has occurred (for example, active agricultural use, parking area or maintained lawn area). The encroachment shall only be allowed where applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable. In no case shall the remaining special water resource protection area be reduced to less than 150 feet as measured perpendicular to the top of bank of the waterway or centerline of the waterway

where the bank is undefined. All encroachments proposed under this subparagraph shall be subject to review and approval by the Department.

- b. All stormwater shall be discharged outside of and flow through the special water resource protection area and shall comply with the Standard for Off-Site Stability in the “Standards For Soil Erosion and Sediment Control in New Jersey,” established under the Soil Erosion and Sediment Control Act , N.J.S.A. 4:24-39 et seq.
- c. If stormwater discharged outside of and flowing through the special water resource protection area cannot comply with the Standard For Off-Site Stability in the “Standards for Soil Erosion and Sediment Control in New Jersey,” established under the Soil Erosion and Sediment Control Act , N.J.S.A. 4:24-39 et seq., then the stabilization measures in accordance with the requirements of the above standards may be placed within the special water resource protection area, provided that:
  - (1) Stabilization measures shall not be placed within 150 feet of the Category One waterway;
  - (2) Stormwater associated with discharges allowed by this section shall achieve a 95 percent TSS post-construction removal rate;
  - (3) Temperature shall be addressed to ensure no impact on the receiving waterway;
  - (4) The encroachment shall only be allowed where the applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable;
  - (5) A conceptual project design meeting shall be held with the appropriate Department staff and Soil Conservation District staff to identify necessary stabilization measures; and
  - (6) All encroachments proposed under this section shall be subject to review and approval by the Department.
- d. A stream corridor protection plan may be developed by a regional stormwater management planning committee as an element of a regional stormwater management plan, or by a municipality through an adopted municipal stormwater management plan. If a stream corridor protection plan for a waterway subject to Section 4.G(8) has been approved by the Department of Environmental Protection, then the provisions of the plan shall be the applicable special water resource protection area requirements for that waterway. A stream corridor protection plan for a waterway subject to G.8 shall maintain or enhance the current functional value and overall condition of the special water resource protection area as defined in G.8.a.(1) above. In no case shall a stream corridor protection plan allow the reduction of the Special Water Resource Protection Area to less than 150 feet as measured perpendicular to the waterway subject to this subsection.
- e. Paragraph G.8 does not apply to the construction of one individual single family dwelling that is not part of a larger development on a lot receiving preliminary or

final subdivision approval on or before February 2, 2004 , provided that the construction begins on or before February 2, 2009.

## **SECTION 5: CALCULATION OF STORMWATER RUNOFF AND GROUNDWATER RECHARGE**

- A. Stormwater runoff shall be calculated in accordance with the following:
1. The design engineer shall calculate runoff using one of the following methods:
    - a. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Section 4 – Hydrology and Technical Release 55 – Urban Hydrology for Small Watersheds; or
    - b. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations.
  2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term “runoff coefficient” applies to both the NRCS methodology at Section 5.A.1.a and the Rational and Modified Rational Methods at Section 5.A.1.b. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
  3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
  4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 – Urban Hydrology for Small Watersheds and other methods may be employed.
  5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer

shall take into account the effects of tailwater in the design of structural stormwater management measures.

B. Groundwater recharge may be calculated in accordance with the following:

1. The New Jersey Geological Survey Report GSR-32 A Method for Evaluating Ground-Water Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at <http://www.state.nj.us/dep/njgs/>; or at New Jersey Geological Survey, 29 Arctic Parkway, P.O. Box 427 Trenton, New Jersey 08625-0427; (609) 984-6587.

## **SECTION 6: STANDARDS FOR STRUCTURAL STORMWATER MANAGEMENT MEASURES**

A. Standards for structural stormwater management measures are as follows:

1. Structural stormwater management measures shall be designed to take into account the existing site conditions, including, for example, environmentally critical areas, wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone).
2. Structural stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure as appropriate, and shall have parallel bars with one-inch (1") spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third (1/3) the width of the diameter of the orifice or one-third (1/3) the width of the weir, with a minimum spacing between bars of one-inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section 8.D.
3. Structural stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement.
4. At the intake to the outlet from the stormwater management basin, the orifice size shall be a minimum of two and one-half inches in diameter.
5. Stormwater management basins shall be designed to meet the minimum safety standards for stormwater management basins at Section 8.

B. Stormwater management measure guidelines are available in the New Jersey Stormwater Best Management Practices Manual. Other stormwater management measures may be utilized provided the design engineer demonstrates that the proposed measure and its design will accomplish the required water quantity, groundwater

recharge and water quality design and performance standards established by Section 4 of this ordinance.

- C. Manufactured treatment devices may be used to meet the requirements of Section 4 of this ordinance, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department.

## **SECTION 7: SOURCES FOR TECHNICAL GUIDANCE**

- A. Technical guidance for stormwater management measures can be found in the documents listed at 1 and 2 below, which are available from Maps and Publications, New Jersey Department of Environmental Protection, 428 East State Street, P.O. Box 420, Trenton, New Jersey, 08625; telephone (609) 777-1038.

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended. Information is provided on stormwater management measures such as: bioretention systems, constructed stormwater wetlands, dry wells, extended detention basins, infiltration structures, manufactured treatment devices, pervious paving, sand filters, vegetative filter strips, and wet ponds.
2. The New Jersey Department of Environmental Protection Stormwater Management Facilities Maintenance Manual, as amended.

- B. Additional technical guidance for stormwater management measures can be obtained from the following:

1. The "Standards for Soil Erosion and Sediment Control in New Jersey" promulgated by the State Soil Conservation Committee and incorporated into N.J.A.C. 2:90. Copies of these standards may be obtained by contacting the State Soil Conservation Committee or any of the Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey 08625; (609) 292-5540;
2. The Rutgers Cooperative Extension Service, 732-932-9306; and
3. The Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey, 08625, (609) 292-5540.

## **SECTION 8: SAFETY STANDARDS FOR STORMWATER MANAGEMENT BASINS**

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin.

- B. Requirements for Trash Racks, Overflow Grates and Escape Provisions

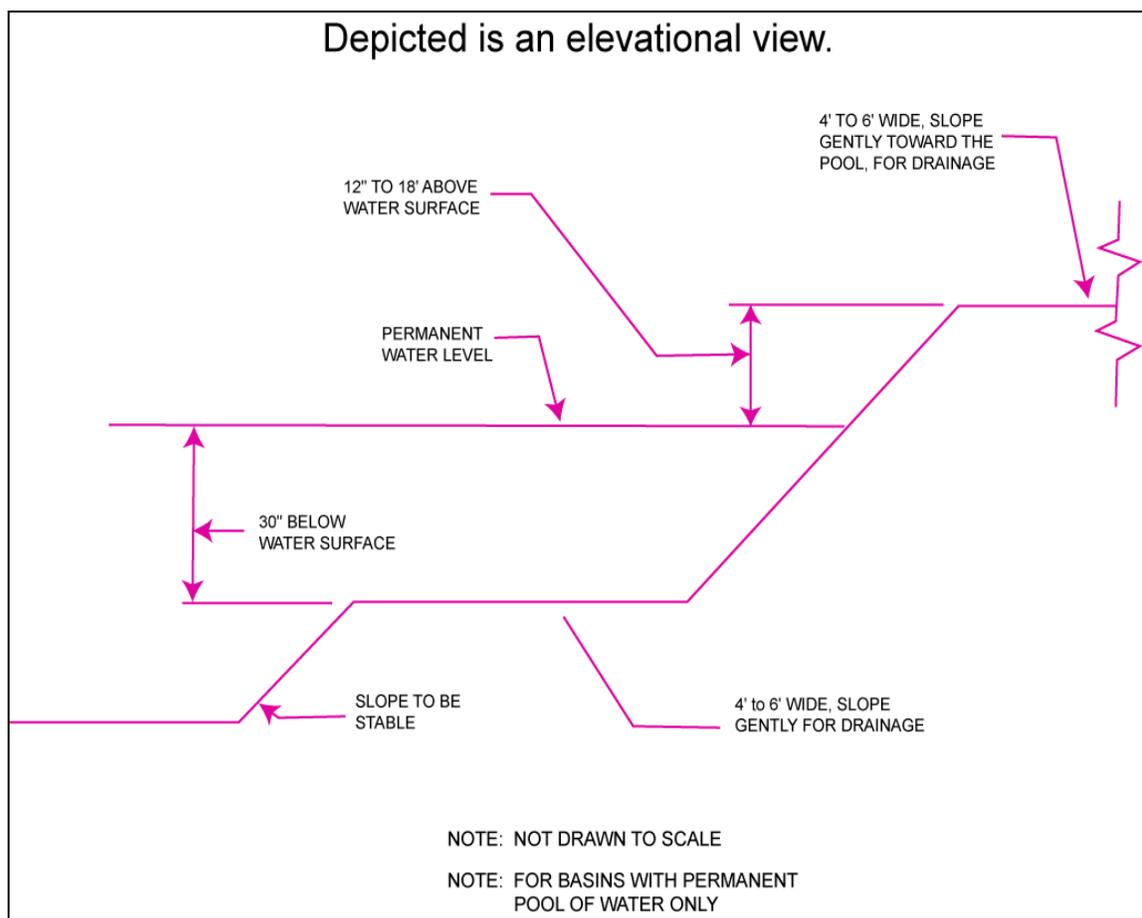
1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the stormwater management basin to ensure proper functioning of the basin outlets in accordance with the following:
  - a. The trash rack shall have parallel bars, with no greater than six inch spacing between the bars.
  - b. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure.
  - c. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack.
  - d. The trash rack shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs/ft sq.
2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
  - a. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
  - b. The overflow grate spacing shall be no less than two inches across the smallest dimension.
  - c. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs./ft sq.
3. For purposes of this paragraph 3, escape provisions means the permanent installation of ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management basins. Stormwater management basins shall include escape provisions as follows:
  - a. If a stormwater management basin has an outlet structure, escape provisions shall be incorporated in or on the structure. With the prior approval of the reviewing agency identified in Section 8.C a free-standing outlet structure may be exempted from this requirement.
  - b. Safety ledges shall be constructed on the slopes of all new stormwater management basins having a permanent pool of water deeper than two and one-half feet. Such safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See Section 8.D for an illustration of safety ledges in a stormwater management basin.

c. In new stormwater management basins, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than 3 horizontal to 1 vertical.

C. Variance or Exemption from Safety Standards

1. A variance or exemption from the safety standards for stormwater management basins may be granted only upon a written finding by the appropriate reviewing agency (municipality, county or Department) that the variance or exemption will not constitute a threat to public safety.

D. Illustration of Safety Ledges in a New Stormwater Management Basin



**SECTION 9: REQUIREMENTS FOR A SITE DEVELOPMENT STORMWATER PLAN**

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section 9.C below as part of the submission of the applicant's application for subdivision or site plan approval.

2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit nineteen (19) copies of the materials listed in the checklist for site development stormwater plans in accordance with Section 9.C of this ordinance.

## B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the subdivision or site plan review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the engineer retained by the Planning and/or Zoning Board (as appropriate) to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

## C. Checklist Requirements

The following information shall be required:

### 1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

### 2. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its environs. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

### 3. Project Description and Site Plan(s)

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high ground water elevations. A written description of the site plan and justification of proposed changes in natural conditions may also be provided.

#### 4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Sections 3 through 6 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

#### 5. Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- a. Total area to be paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- b. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

#### 6. Calculations

- a. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 4 of this ordinance.
- b. When the proposed stormwater management control measures (e.g., infiltration basins) depends on the hydrologic properties of soils, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

#### 7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section 10.

#### 8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipal engineer, waive submission of any of the requirements in Sections 9.C.1 through 9.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

## **SECTION 10: MAINTENANCE AND REPAIR**

### **A. Applicability**

1. Projects subject to review as in Section 1.C of this ordinance shall comply with the requirements of Sections 10.B and 10.C.

### **B. General Maintenance**

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual. If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
3. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project.
4. If the person responsible for maintenance identified under Section 10.B.2 above is not a public agency, the maintenance plan and any future revisions based on Section 10.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
5. Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of nonvegetated linings.
6. The person responsible for maintenance identified under Section 10.B.2 above shall maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders.
7. The person responsible for maintenance identified under Section 10.B.2 above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.
8. The person responsible for maintenance identified under Section 10.B.2 above shall retain and make available, upon request by any public entity with administrative,

health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Sections 10.B.6 and 10.B.7 above.

9. The requirements of Sections 10.B.3 and 10.B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency.

10. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person.

B. Nothing in this section shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

## **SECTION 11: PENALTIES**

- A. Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the following penalties:
- B.
  - 1. A fine of not less than twenty-five dollars (\$100.00) and not more than one thousand dollars (\$2,000.00);
  - 2. Imprisonment in the county jail or in any place provided by the municipality for the detention of prisoners, for any term not exceeding 90 days; or by a period of community service not exceeding 90 days.
- C. Each continuing violation of this chapter shall constitute a separate offense.

## **SECTION 12: EFFECTIVE DATE**

This ordinance shall take effect immediately upon the approval by the county review agency, or sixty (60) days from the receipt of the ordinance by the county review agency if the county review agency should fail to act.

## **SECTION 13: SEVERABILITY**

If the provisions of any section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of

judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

**TOWNSHIP OF EDGEWATER PARK  
ORDINANCE NO. 6 -2006**

**AN ORDINANCE OF THE TOWNSHIP OF EDGEWATER  
PARK COUNTY OF BURLINGTON, STATE OF NEW JERSEY, CREATING SECTION 5.34  
ENTITLED “ RAFFLES AND GAMES OF CHANCE”**

**WHEREAS**, the residents and qualified legal voters of the Township of Edgewater Park affirmatively voted by Referendum to authorize Games of Chance under the “Raffles Licensing Law” at the General Election held on November 8, 2005: and

**WHEREAS**, the Township Committee of the Township of Edgewater Park is desirous of establishing guidelines subject to the provisions of N.J.S.A. 5:8-50-77 et seq and N.J.A.C. 13-47 et seq. Raffle Licensing Law and Rules of Legalized Games of Chance

**SECTION I. GENERAL REFERENCES**

**5.34 Titled: Raffles and Games of Chance**

- 5.34.010 **Statutory Authority:** Compliance with Provisions. Subject to all provisions of N.J.S.A. 5:8-50-77 et seq and N.J.A.C. 13-47 et seq. Raffle Licensing Law and Rules of Legalized Games of Chance
- 5.34.020 **Sunday Games:** The governing body may permit raffles and games of chance to be conducted on a Sunday.
- 5.34.030 **License Required:** Subject to all provisions of N.J.S.A. 5:8-50-77 et seq and N.J.A.C. 13-47 et seq., each applicant for a license to hold and operate raffles and games of chance shall file with the Municipal Clerk written application thereof. Each noncontiguous event shall constitute a separate occurrence for the purposed of and requiring an application and fees.
- 5.34.040 **License Form:** Each License shall be in such form as shall be prescribes in the rules and regulations promulgated by Legalized Games of Chance Control Commission
- 5.34.050 **License Fees:**
- a. Licensing fees payable to the Legalized Games of Chance Control Commission shall be set forth in N.J.A.C. 13:47-49
  - b. The municipality shall collect a separate fee equal to the that levied by the Legalized Games of Chance Control Commission per N.J.A.C. 13:47-4.10
  - c. A "qualified organization" as defined pursuant to Chapter 47 of the rules of legalized games of chance, N.J.A.C. 13:47-1.1, shall be and is hereby declared exempt from the payment of any municipal licensing fee to conduct a legalized game of chance for an authorized purpose, pursuant to N.J.A.C. 13:47-4.10.
  - d. “Qualified organization" shall mean a bona fide organization or association of veterans, religious congregation, religious organization, charitable organization, educational organization, fraternal organization, civic and service club, officially recognized volunteer fire company, officially recognized rescue squad and senior citizens association or club which:

1. If incorporated, is incorporated in New Jersey as a religious corporation or as an association not for pecuniary profit and is empowered by its articles of incorporation to further one or more of the authorized purposes.
2. If unincorporated, is organized in New Jersey as a religious organization or as an organization not for pecuniary profit and is authorized by its written constitution, charter or bylaws, or by the written constitution, charter or bylaws of a parent organization of which it is a part, to further one or more of the authorized purposes.
3. Has a membership of not less than 25 persons.
4. Has actively engaged prior to its initial application for registration in serving one or more of the authorized purposes in this state for a period of not less than one year.
5. Has received and used and in good faith expects to continue to receive and use funds from sources other than the conducting of games of chance for the furtherance of an authorized purpose.

**5.34.060 Unlicensed Games Unlawful; Violations of Law**

- a. No person, organization, club, company or squad shall conduct, operate, run, or sponsor any unlicensed raffle or game of chance in the municipality.
- b. No person, organization, club, company or squad shall violate any of the terms or provisions of any one (1) or more of the following:
  1. Raffle Licensing Law, N.J.S.A. 5:8-50 et seq.
  2. Raffles, N.J.A.C. 13:47 et seq.
  3. Said Ordinance or subsequent amendments

**5.34.070 Violations and Penalties:** Any person, organization, club, company or squad convicted of a violation of any of the provisions of this section shall suffer a penalty of:

- a. Suspension and revocation of any outstanding license;
- b. Suspension from obtaining a license in the municipality for a period of one (1) year from the date of conviction;
- c. If a person, not more than ninety (90) days imprisonment and/or fine of not more than five hundred (\$500.00) dollars; or
- d. If an organization, club, company or squad, a fine of not more than one thousand (\$1,000.00) dollars

**NOW, THEREFORE BE IT RESOLVED,** This Ordinance shall be in force and effect from and after its adoption and any publications as may be required by law.

**TOWNSHIP OF EDGEWATER PARK  
ORDINANCE NO. 07-2006**

**AN ORDINANCE OF THE TOWNSHIP OF EDGEWATER PARK IN  
BURLINGTON COUNTY, STATE OF NEW JERSEY AMENDING  
SECTION 1.08.010 OF THE EDGEWATER PARK TOWNSHIP CODE  
ESTABLISHING PENALTIES FOR VIOLATION OF ANY PROVISION  
OF THE EDGEWATER PARK TOWNSHIP CODE OR ANY  
ORDINANCE OF THE TOWNSHIP OF EDGEWATER PARK FOR  
WHICH NO OTHER SPECIFIC PENALTY IS PROVIDED**

**BE IT ORDAINED** by the Township Committee of the Township of Edgewater Park in Burlington County, State of New Jersey as follows:

Section 1. Findings.

- a. Under the provisions of P.L. 2005, c. 269, the provisions of *N.J.S.A. 40:49-5* and *N.J.S.A. 40:69A-29* have been amended to increase the maximum fine that can be imposed for violations of a municipal ordinances to \$2,000.00 with an effective date of December 26, 2001;
- b. It is appropriate to amend the provisions of the Edgewater Park Township Code to reflect the change in the authorized maximum fine for ordinance violations.

Section 2. Section 1.08.010 of the Edgewater Park Township Code is hereby amended to read as follows:

1.08.010 Violation - Penalty

a. Any person who shall violate any of the provisions of any ordinance or part thereof of the Township, upon conviction shall be subject to a fine of not more than two thousand dollars (\$2,000.00), imprisonment for a term not exceeding ninety (90) days or a period of community service not exceeding ninety (90) days, or any combination thereof in the discretion of the Municipal Court Judge. Each day on which a violation of an ordinance exists shall be considered to be a separate and distinct violation and subject to the imposition of a separate penalty for each day of the violation, as the Municipal Court Judge may determine.

b. Whenever a fine is to be imposed in an amount greater than \$1250.00 for violations of housing or zoning codes the owner shall be provided a 30-day period during which the owner shall be afforded the opportunity to cure or abate the condition and shall be afforded the opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine greater than \$1,250.00 may be imposed if the court has determined that the abatement has not been substantially completed.

c. The maximum penalty set forth herein shall not apply where a specific lower maximum penalty is provided for in a specific section of the Edgewater Park Township Code.

Section 3. Section 1.08.020 of the Edgewater Park Township Code is hereby amended to read as follows:

1.08.010 Power of Municipal Judge

The Municipal Judge before whom any violator of any ordinance or section or part thereof is convicted shall have the power to impose any fine or term of imprisonment or term of community service or combination thereof not exceeding the maximum fixed by Section 1.08.010 of this Chapter.

Section 4. Wherever the term “Magistrate” appears in any section of the Edgewater Park Township Municipal Code or in any Ordinance of the Township of Edgewater Park, the term “Magistrate” shall be replaced with the term “Municipal Judge” or “Judge of the Municipal Court” as appropriate.

Section 5. If a court of competent jurisdiction shall declare any section, paragraph, subsection, clause or provision of this Ordinance invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

Section 6. All ordinances or parts of ordinances of the Township of Edgewater Park heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency, except that any abatement granted to a residential dwelling under prior ordinance provisions shall remain in effect for exemptions and abatements granted pursuant thereto until those exemptions and abatements shall expire

Section 7. This ordinance shall take effect immediately upon its final passage and publication as provided by law.

**TOWNSHIP OF EDGEWATER PARK**  
**Ordinance No. 9 -2006**

*AN ORDINANCE OF THE TOWNSHIP OF EDGEWATER PARK PROVIDING  
FOR AND DETERMINING THE RATES OF COMPENSATION FOR  
PROFESSIONALS FOR THE YEAR 2006*

BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Edgewater Park, County of Burlington, State of New Jersey, as follows:

SECTION 2:2-7. The rates of compensation for professionals appointed by Township Committee at its reorganization meeting are as follows:

- Solicitor - \$28,000 per year (Base Amount)
- Engineer - \$125 per meeting (support services based on fee schedule)
- Auditor - \$25,000 (Base Amount)
- Prosecutor - \$360.00 (per session)
- Public Defender - \$320.00 (per session)

SECTION 2:2-7. This ordinance shall take effect immediately upon its final passage and publication according to law, but the terms of compensation provided herein shall be effective as of January 1, 2006, and shall apply only to those persons in employment at the date of adoption of this ordinance. This ordinance is intended to repeal all prior ordinances dealing with salaries in the Township of Edgewater Park in their entirety.

**TOWNSHIP OF EDGEWATER PARK  
ORDINANCE NO. 11-2006**

*AN ORDINANCE OF THE TOWNSHIP OF EDGEWATER PARK,  
COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AMENDING  
EDGEWATER PARK TOWNSHIP MUNICIPAL CODE CHAPTER 16.10 ENTITLED  
“FEE AND ESCROW SCHEDULE”*

**WHEREAS**, the Township Committee of the Township of Edgewater Park has determined that there is a need to establish a fee and escrow schedule to pay costs associated with professional services rendered by a Township Planner to review and make recommendations on an applicant’s application for development; and

**WHEREAS**, Township Committee wishes to amend Chapter 16.10 Section 16.10.010: **Fee and escrow schedule generally**;

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Edgewater Park, County of Burlington, and State of New Jersey, that the Township Code of the Township of Edgewater Park be and is hereby amended as follows:

**SECTION ONE:** 16.10.010 A. is Hereby Repealed And Replaced With The Following:

- 16.10.010 Fee and escrow schedule generally.
- A. This chapter includes all fees and escrow sums required in connection with any application under this title. Fees as outlined below are designed to cover the administrative costs incurred by the township in processing applications. They are nonrefundable in nature and they are a set predetermined amount. The escrow sums are designed to pay the cost of professional review by the engineer, solicitor, planner, or other professionals employed by the reviewing agency to review and make recommendations on an applicant's application for development.

**SECTION TWO:** All ordinances and provisions thereof inconsistent with the Provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency.

**SECTION THREE:** If any section, paragraph, subdivision, clause or provisions of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid and effective.

**TOWNSHIP OF EDGEWATER PARK**

**ORDINANCE NO. 12-2006**

*An Ordinance of the Township of Edgewater Park, in the County of Burlington, New Jersey Authorizing The Sale Of A Certain Municipally Owned Parcels Of Land Within The Township Of Edgewater Park Known As Block 1607, Lot 4, Block 203.04, Lot 12.01 and Block 402, Lot 5*

**BE IT ORDAINED**, by the Township Committee of the TOWNSHIP OF EDGEWATER PARK, County of Burlington, and State of New Jersey, that certain real property known and designated on the official tax map of the Township as Block 1607, Lot 4; Block 203.04, Lot 12.01; and Block 402, Lot 5 located in the TOWNSHIP OF EDGEWATER PARK, is hereby declared to be surplus property not required for public purposes and shall be sold to the highest bidder at a Public Auction to be held by the Municipal Clerk of the TOWNSHIP OF EDGEWATER PARK, 400 Delanco Road, Edgewater Park, NJ 08010, on June 26, 2006, at 10:00 A.M., or at such other date and location as may be hereinafter established by the Committee;

**BE IT FURTHER ORDAINED**, that the aforementioned land shall be sold under and subject to each of the following conditions:

1. The minimum bid with respect to parcel of land listed will be strictly adhered to, and no bid less than the minimum amount set forth herein, or at the time of sale, may be considered.

<i>Parcel</i>	<i>Minimum Amount</i>
<b>Block 1607, Lot 4</b>	<b>\$ 100,000.00</b>
<b>Block 203.04, Lot 12.01, :</b>	<b>\$ 300,000.00</b>
<b>Block 402, Lot 5:</b>	<b>\$ 20,000.00</b>

2. Bids must be in increments of TWO HUNDRED AND FIFTY DOLLARS (\$250.00).
3. The dimension, as to the size and square footage, on the parcel is approximated and may vary slightly. The property is offered subject to easements restrictions of record.
4. The successful bidder for the parcel of land shall pay TEN PERCENT (10%) of the bid price in cash, certified check or other manner acceptable to the Clerk of the TOWNSHIP OF EDGEWATER PARK upon submission of their bid.
5. No deed with respect to the sale of the parcel of land shall be delivered to the successful bidder until the full amount of the successful bid purchase price shall have been paid, as well as the cost of sale, as to the parcel.
6. The Township Committee in its sole discretion has the right at any time up to and including the day of settlement, to reject any sale and or bids received. In the event a bid or bids are so rejected, then, in such event, the Township shall return all deposits made with respect to such sale.

7. In the event the Township Committee is unable to convey marketable title, the successful bidder may decline the sale null and void, and monies deposited by such individual shall be returned. Non-conformance with the respect to front footage requirement or minimum parcel size requirements, shall not be considered as to the marketability of title.
8. The Township makes no warranties whatsoever regarding said property or any improvements on said property, and assumes no responsibility for environmental conditions, known or unknown regarding said property. The buyer shall be responsible for the exercise of due diligence in determining the condition of the property, including, but not limited to, the determination of any title conditions, environmental conditions, zoning and development restrictions and any other condition or restriction that might impact on the use of the property.
9. The successful bidder\purchaser shall also absorb the cost of recording the deed with the Clerk of Burlington County. The purchaser shall absorb the cost of preparation of the deed not to exceed ONE HUNDRED DOLLARS (\$100.00).
10. The TOWNSHIP assumes no responsibility for any claims or prior liens.
11. Final Settlement regarding the purchase of the said aforementioned parcels shall take place within NINETY (90) DAYS of confirmation by the TOWNSHIP, or may be extended by the Township Committee, at its discretion.
12. The successful bidder of the parcel of land must satisfy the purchase price on the day of settlement by payment of cash or certified check payable to the TOWNSHIP OF EDGEWATER PARK.
13. The land to be sold at public auction is referenced on the Tax Map of the TOWNSHIP OF EDGEWATER PARK, as follows:  
*Block 1607, Lot 4, Vacant Land: 602 Keim Street*  
*Block 203.04, Lot 12.01, Land and Improvements: 801 Green Street*  
*Block 402, Lot 5, Vacant Land: located near Creek Road*

**BE IT FURTHER ORDAINED**, that certified copies of this Ordinance shall be forwarded to Leo Midure, Tax Assessor, TOWNSHIP OF EDGEWATER PARK, and Tanyika Johns, Tax Collector, TOWNSHIP OF EDGEWATER PARK.

**BE IT FURTHER ORDAINED** by the Township Committee of the TOWNSHIP OF EDGEWATER PARK that the Municipal Clerk is hereby authorized to advertise and conduct the sale of the below stated Township owned properties in the Township of Edgewater Park, by public auction, pursuant to the notice requirements of N.J.S.A. 40A: 12-13(a).

*Block 1607, Lot 4: 602 KEIM STREET,*  
*Block 203.04, Lot 12.0: 801 Green Street*  
*Block 402, Lot : Creek Road*

**BE IT FURTHER Ordained** that TOWNSHIP OF EDGEWATER PARK is hereby authorized to engage the services of Real Estate Broker, licensed by the State of New Jersey, to advertise and otherwise assist the Township in the sale of this property, pursuant to N.J.S.A. 40A: 12-13, if the Township elects to do so.



**Township of Edgewater Park  
Ordinance No. 14-2006**

***AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE TOWNSHIP OF EDGEWATER PARK BY ABOLISHING EDGEWATER PARK ENVIRONMENTAL-SHADE TREE COMMISSION CREATED BY ORDINANCE NO. 1976-19 SECTION 2.48 OF THE EDGEWATER PARK TOWNSHIP MUNICIPAL CODE; AS AMENDED BY ORDINANCE NO.3-84, ADOPTED FEBRUARY 15, 1984; ORDINANCE NO. 3-1998, ADOPTED APRIL 15, 1998; ORDINANCE NO. 6-1998, ADOPTED JUNE 17, 1998; AND ORDINANCE NO.12-2003, ADOPTED SEPTEMBER 22, 2003.***

**WHEREAS**, the Township Committee of the Township of Edgewater Park has analyzed and reviewed the current state of its Environmental Shade Tree Commission in light of the concern that the liabilities presently assumed by the Environmental Shade Tree Commission;

**WHEREAS**, the Township Committee further believes that the township residents will be better served if the existing Environmental Shade Tree Commission were abolished and duties pertaining to the protection, development and use of the natural land, air and water resources located within the township placed with an Environmental Shade Tree Advisory Committee.

**BE IT ORDAINED** by the Township Committee of the Township of Edgewater Park, County of Burlington and State of New Jersey, as follows:

**Section 1.** Section 2.48.010 through 2.48.050 of Chapter 2.48 of the Code of the Township of Edgewater Park entitled: "Environmental Commission" and any subsequent amendments are hereby repealed and rescinded.

**Section 2.** Section 2.48.010 through 2.48.050 of Chapter 2.48 of the Code of the Township of Edgewater Park are from the date of final adoption of this ordinance to be held as "reserved" for future use by the Township Committee.

**Section 3.** All ordinances, or parts of ordinances, which are inconsistent herewith are hereby repealed to the extent of their inconsistency.

**Section 4.** This Ordinance shall take effect immediately after final passage, approval and publication, as provided by law.

**NOW THEREFORE BE IT ORDAINED**, by Township Committee of the Township of Edgewater Park in the County of Burlington.

**Township of Edgewater Park  
Ordinance No. 15-2006**

*An Ordinance of the Township of Edgewater Park, County of Burlington, State of New Jersey Creating Section 12.28 Entitled: "Shade Trees"*

**WHEREAS**, the Township Committee of the Township of Edgewater Park is desirous of establishing responsibility and maintenance of shade trees within the Township of Edgewater Park.

**BE IT ORDAINED** by the Township Committee of the Township of Edgewater Park, County of Burlington, State of New Jersey as follows:

**Section 1.** The title of Section 12.28 is hereby created to read as follows:  
"SHADE TREES"

**12.28.010** Responsibility for Maintenance.

- A. All shade trees and ornamental trees along public streets, highways, parks, parkways and walkways are the property of the township but property owners adjacent to said trees shall have the responsibilities of maintaining these trees in a safe manner.
- B. Property owners are to maintain all shade trees and ornamental trees in such a manner as not to interfere with the safe movement of pedestrians or motor vehicles.
- C. All trees bordering public walkways will have no overhanging of limbs or branches on said walkways, for a height of at least seven feet from the ground, wherever possible.
- D. No ornamental shrub shall encroach upon public walkways or public streets.

**12.28.020** Permission Required for Tree Removal or Planting.

- A. Permission of the Environmental Shade Tree Advisory Committee shall be requested in writing before a property owner removes any shade tree or ornamental tree from the public property or right of way in front of said property owners premises.
- B. Permission in writing of the Environmental Shade Tree Advisory Committee shall be requested before a shade or ornamental tree may be planted along public property in front of any property owner's premises.
- C. The Environmental Shade Tree Advisory Committee shall regulate the types and species of any shade or ornamental tree to be planted on public properties.

**12.28.030** Removal of Trees Deemed a Public Hazard.

Shade trees and ornamental trees deemed a public hazard, located on public property in front of a property owner's premises, shall be removed at said property owner's expense. The Township of Edgewater Park may, at its discretion, have a hazardous tree or part thereof removed at the property owner's expense and billed for said services.

**Section 3.** All ordinances, or parts of ordinances, which are inconsistent herewith are hereby repealed to the extent of their inconsistency.

**Section 4.** This Ordinance shall take effect immediately after final passage, approval and publication, as provided by law.

**NOW THEREFORE BE IT ORDAINED**, by Township Committee of the Township of Edgewater Park in the County of Burlington.

**TOWNSHIP OF EDGEWATER PARK**

**ORDINANCE NO. 16-2006**

*An Ordinance of the Township of Edgewater Park, in the County of Burlington, New Jersey Authorizing The Sale Of A Certain Municipally Owned Parcels Of Land Within The Township Of Edgewater Park Known As Block 1607, Lot 4; Block 203.04, Lot 12.01; Block 402, Lot 5; and Block 803, Lot 4*

**BE IT ORDAINED**, by the Township Committee of the TOWNSHIP OF EDGEWATER PARK, County of Burlington, and State of New Jersey, that certain real property known and designated on the official tax map of the Township as Block 1607, Lot 4; Block 203.04, Lot 12.01; Block 402, Lot 5; and Block 803, Lot 4 located in the TOWNSHIP OF EDGEWATER PARK, is hereby declared to be surplus property not required for public purposes and shall be sold to the highest bidder at a Sealed Bid, Public Auction to be held by the Municipal Clerk of the TOWNSHIP OF EDGEWATER PARK, 400 Delanco Road, Edgewater Park, NJ 08010, on November 6, 2006, at 10:00 A.M., or at such other date and location as may be hereinafter established by the Committee;

**BE IT FURTHER ORDAINED**, that the aforementioned land shall be sold under and subject to each of the following conditions:

1. The minimum bid with respect to each parcel of land listed will be strictly adhered to, and no bid less than the minimum amount set forth herein, or at the time of sale, may be considered.

Parcel	Minimum Amount
Block 1607, Lot 4	\$ 60,000.00
Block 203.04, Lot 12.01	\$ 250,000.00
Block 402, Lot 5	\$ 20,000.00
Block 803, Lot 4	\$ 500.00

2. Bids must be enclosed in sealed envelopes bearing the name and address of the bidder on the outside and also bearing on the outside reference to "Public Auction" and specifying the parcel in which the bid is being submitted. Said bids shall be addressed to Linda M. Dougherty, Clerk, Township of Edgewater Park, 400 Delanco Road, Edgewater Park, New Jersey 08010, NO LATER THAN November 6, 2006, at 10:00 A.M., at which time they will be opened and read in the Township Meeting Room.
3. The dimension, as to the size and square footage, on the parcel is approximated and may vary slightly. The property is offered subject to easements restrictions of record.
4. The successful bidder for the parcel of land shall pay TEN PERCENT (10%) of the bid price in cash, certified check or other manner acceptable to the Clerk of the TOWNSHIP OF EDGEWATER PARK upon submission of their bid.
5. No deed with respect to the sale of the parcel of land shall be delivered to the successful bidder until the full amount of the successful bid purchase price shall have been paid, as well as the cost of sale, as to the parcel.

6. The Township Committee in its sole discretion has the right at any time up to and including the day of settlement, to reject any sale and or bids received. In the event a bid or bids are so rejected, then, in such event, the Township shall return all deposits made with respect to such sale.
7. In the event the Township Committee is unable to convey marketable title, the successful bidder may decline the sale null and void, and monies deposited by such individual shall be returned. Non-conformance with the respect to front footage requirement or minimum parcel size requirements, shall not be considered as to the marketability of title.
8. The Township makes no warranties whatsoever regarding said property or any improvements on said property, and assumes no responsibility for environmental conditions, known or unknown regarding said property. The buyer shall be responsible for the exercise of due diligence in determining the condition of the property, including, but not limited to, the determination of any title conditions, environmental conditions, zoning and development restrictions and any other condition or restriction that might impact on the use of the property.
9. The successful bidder\purchaser shall also absorb the cost of recording the deed with the Clerk of Burlington County. The purchaser shall absorb the cost of preparation of the deed not to exceed TWO HUNDRED AND FIFTY DOLLARS (\$250.00).
10. The TOWNSHIP assumes no responsibility for any claims or prior liens.
11. Final Settlement regarding the purchase of the said aforementioned parcels shall take place within NINETY (90) DAYS of confirmation by the TOWNSHIP, or may be extended by the Township Committee, at its discretion.
12. The successful bidder of the parcel of land must satisfy the purchase price on the day of settlement by payment of cash or certified check payable to the TOWNSHIP OF EDGEWATER PARK.
13. The land to be sold at public auction is referenced on the Tax Map of the TOWNSHIP OF EDGEWATER PARK, as follows:
  - Block 1607, Lot 4, Vacant Land: 602 Keim Street
  - Block 203.04, Lot 12.01, Land and Improvements: 801 Green Street
  - Block 402, Lot 5, Vacant Land: located near Creek Road
  - Block 803, Lot 4, Vacant Land: Cooper Street and Hendrickson Avenue
14. The successful bidder for Block 203.04, Lot 12.01 shall be required to remove all buildings and debris on the site and to clean up the property in accordance with a plan to be submitted to and subject to approval by the Township Committee. The work shall be completed not later than September 30, 2007.

**BE IT FURTHER ORDAINED**, that certified copies of this Ordinance shall be forwarded to Leo Midure, Tax Assessor, TOWNSHIP OF EDGEWATER PARK, and Tanyika Johns, Tax Collector, TOWNSHIP OF EDGEWATER PARK.

**BE IT FURTHER ORDAINED** by the Township Committee of the TOWNSHIP OF EDGEWATER PARK that the Municipal Clerk is hereby authorized to advertise and conduct

the sale of the below stated Township owned properties in the Township of Edgewater Park, by sealed bid, public auction, pursuant to the notice requirements of N.J.S.A. 40A: 12-13(a).

Block 1607, Lot 4: 602 KEIM STREET,

Block 203.04, Lot 12.0: 801 Green Street

Block 402, Lot : Creek Road

Block 803, Lot 4: Cooper Street and Hendrickson Avenue

**BE IT FURTHER Ordained** that TOWNSHIP OF EDGEWATER PARK is hereby authorized to engage the services of Real Estate Broker, licensed by the State of New Jersey, to advertise and otherwise assist the Township in the sale of this property, pursuant to N.J.S.A. 40A: 12-13, if the Township elects to do so.

## TOWNSHIP OF EDGEWATER PARK

### ORDINANCE 17-2006

#### **An Ordinance of the Township of Edgewater Park, County of Burlington, New Jersey Amending Chapter XVI – Zoning of the Edgewater Park Township Code**

**Whereas**, the Township Committee has determined that it is appropriate and necessary to adopt amendments to Chapter XVI – Zoning as part of the Edgewater Park Township Code consistent with Land Use Plan recommendations in the 2000 Land Use Plan Element of the Master Plan, as amended in 2001, 2002 and 2005,

**Now, Therefore, Be It Ordained** by the Township Committee of the Township of Edgewater Park that:

**Section 1.** The following sections of existing Chapter XVI are hereby repealed as follows:

16.12 through 16.30; 16.5; 16.74.020.M.1; 16.90.

**Section 2.** The following sections shall be added to Chapter XVI, remaining sections shall be renumbered accordingly:

## **CONTENTS**

<b>§ 16-80 General Regulations.</b>	<b>3</b>
<b>§ 16-81 Conditional Uses.</b>	<b>11</b>
<b>§ 16-82 District Regulations.</b>	<b>21</b>
<b>§ 16-83 Accessory Buildings.</b>	<b>37</b>
<b>§ 16-84 Fences and walls.</b>	<b>37</b>
<b>§ 16-85 Decks, patios and swimming pools.</b>	<b>39</b>
<b>§ 16-86 Rooftop units.</b>	<b>39</b>
<b>§ 16-87 Trailers, campers and boats.</b>	<b>39</b>
<b>§ 16-88 Off-street parking.</b>	<b>40</b>
<b>§ 16-89 Landscape buffer areas and design.</b>	<b>43</b>
<b>§ 16-90 Signs.</b>	<b>44</b>
<b>§ 16-91 Performance Standards.</b>	<b>49</b>
<b>§ 16-92 Enforcement and Administration.</b>	<b>49</b>

<b>SCHEDULE OF AREA AND BULK REQUIREMENTS</b>	<b>53</b>
---	-----------

**§ 16-80 General Regulations.**

**§ 16-80.1 Compliance required.** Hereafter, no land shall be used or occupied and no building or structure shall be erected, altered, used or occupied except in conformity with the regulations herein established for the district in which such land, building or structure is located. In cases of mixed use or occupancy, the regulations for each use shall apply to the portion of the building or land so used or occupied.

**§ 16-80.2 Prohibited uses.**

- A. No building or structure may be erected, altered or used, and no lot or premises may be used, for any use which is likely to create conditions of hazards, smoke, fumes, noise, odor or dust or other noxious or offensive conditions detrimental to the health, safety or general welfare of the surrounding area. All uses shall be subject to such fire-safety conditions as are approved by the Construction Official. In determining whether a proposed use is noxious, hazardous or offensive, the following standards shall apply. The proposed use, facility or operations shall not:
- (1) Constitute a public nuisance beyond the boundary of the site on which the use is located, by reason of dissemination of noxious, toxic or corrosive fumes, smoke, odor or dust.
  - (2) Result in noise or vibration exceeding the average intensity of noise or vibration occurring from other causes at the boundary line of the site on which the use is located.
  - (3) Endanger surrounding areas by reason of fire or explosion.
  - (4) Produce objectionable heat or glare.
  - (5) Result in electrical disturbances in nearby residences.
  - (6) Contribute to the pollution of waters.
  - (7) Create an objectionable traffic condition on the street or in an adjacent area.
  - (8) Create any other objectionable condition in an adjoining area which will endanger public health and safety or be detrimental to the proper use of the surrounding area.
- B. All uses not expressly permitted in this chapter are prohibited.
- C. The following uses are expressly prohibited:
- (1) Automobile wrecking yard, junkyards or junk business.
  - (2) Sanitary landfills, garbage dumps, refuse dumps, disposal sites for solid and liquid materials and dumps for hazardous wastes.
  - (3) Acetylene manufacture or warehouse storage.
  - (4) Asphalt or coal tar manufacture or refining.
  - (5) Creosote manufacture or treatment.
  - (6) Celluloid manufacture or storage or rubber manufacture.
  - (7) Fat rendering, soap, tallow, grease or lard manufacture or refining.
  - (8) Abattoir or stockyards.

- (9) Animal black, lampblack or bone black manufacture.
- (10) Crematory.
- (11) Oilcloth or linoleum manufacture.
- (12) Potash works.
- (13) Gas manufacture or storage in excess of ten thousand (10,000) cubic feet.
- (14) Match manufacture.
- (15) Tanning, curling or storage of raw hides.
- (16) Tar distillation or manufacture.
- (17) Petroleum refining or processing.
- (18) Storage of gasoline or petroleum products in excess of 10,000 gallons above ground.
- (19) Fertilizer manufacture.
- (20) Explosive manufacture or storage including, but not limited to, gunpowder, fireworks, etc.
- (21) Manufacture or warehouse storage of combustible inflammable or volatile materials; those uses which may be noxious or offensive by reason of the emission of odor, gas, smoke, dust, vibration or noise; and those uses which constitute an unusual fire or explosive hazard.
- (22) The keeping or maintaining of poultry, pigeons and livestock, except horses as permitted herein.
- (23) Storage or use of motor vehicles, trailers or other types of vehicles for residential or commercial purposes on vacant lots or unoccupied lots or any portion thereof, except temporarily (not more than 15 days) on a lot used for the temporary parking of automobiles.

**§ 16-80.3 Nonconforming uses, buildings and structures.**

- A. The lawful use of land existing at the time of the adoption of this chapter or of an amendment thereto, although such use does not conform to the provisions hereof, may be continued.
- B. The lawful use of a building or structure existing at the time of the adoption of this chapter or of an amendment thereto, although such use does not conform to the provisions hereof, may be continued.
- C. Whenever a nonconforming use of a building has been changed to a more restrictive use or to a conforming use, such use shall not thereafter be changed to a less restrictive use or revert to its former nonconforming use.
- D. Whenever a nonconforming use of a building or structure or portion thereof has been abandoned, such nonconforming use shall not thereafter be reestablished, and the future use shall conform to the provisions of this chapter. If a use has not been actively used for a period of 24 months, it shall be considered abandoned.
- E. Procedure for evaluating substantial destruction. Any nonconforming building, structure or use which has been condemned or damaged by fire, explosion, flood, windstorm, or act of God shall be examined by the Construction Official. If in the opinion of the Construction Official, the cost of repair is greater than fifty percent (50%) of the value of replacing the entire structure, it shall be considered completely destroyed and may be rebuilt to the original specifications only

- upon the granting of a variance. If the cost of repair is less than fifty percent (50%) of the value of replacing the entire structure, it may be rebuilt and used for the same purpose as before, provided it is rebuilt within one year and does not exceed the height, area and volume of the original structure. The percent damaged shall be the current replacement costs of the portion damaged or condemned, computed as a percentage of the current total replacement cost of the entire structure, not to include the cost of the foundation unless the foundation is involved in the repair. Residential properties that have been substantially damaged shall be allowed to rebuild, without regard to the percentage of destruction, provided that the rebuilding shall conform to the prior existing footprint, setback and lot coverage conditions. Any rebuild, however, shall comply with the current height limitations established by ordinance.
- F. Repairs and maintenance work required to keep a structure in sound condition may be made to a nonconforming structure or structure containing a nonconforming use. However, no nonconforming structure or structure containing a nonconforming use shall be enlarged, extended, constructed, reconstructed or structurally altered in any manner without an appeal for variance relief.
  - G. A non-conforming use of any building, structure or land shall not be increased, enlarged or changed in any manner whatsoever.
  - H. No building which a non-conforming use exists shall be enlarged, extended or structurally altered in any manner, provided however that:
    - (1) Nothing herein shall prevent the repair and maintenance of any building wherein there exists a non-conforming use, provided that such maintenance and repair does not in any way constitute or result in a further extension of a non-conforming use.
    - (2) Minor alterations and improvements which do not constitute or require structural changes may be made in or to a building wherein a non-conforming use exists, provided that such non-conforming use will not be increased, extended or enlarged thereby.
    - (3) Nothing herein shall prevent the strengthening or restoration to a safe and lawful condition of any part of any building which is non-conforming.
  - I. Structural alterations, internal rearrangements and renovations may be made in a building or structure which is non-conforming because it fails to comply with the height, area, yard, off-street parking or other like requirements of this chapter, other than use, so long as the structural alteration or increase, internal rearrangement or renovation does not extend or enlarge the non-conformance of said building or structure.
  - J. A non-conforming use changed or altered to a conforming use may not thereafter be changed back to a non-conforming use.
  - K. When an improved lot in a residential zone exists as a separate isolated lot under separate ownership and does not adjoin any vacant land or vacant lot of the same owner, and such improved lot is non-conforming due to size, shape, area or setback; any existing residential building or structure on the lot may be further improved, provided that:
    - (1) The number of dwelling units shall not be increased even if such increased number of dwelling units are allowed in the zone.
    - (2) Any existing non-conforming setbacks from streets, side lot lines or rear lot lines shall not be made more non-conforming, and all new improvements shall conform.

#### **§ 16-80.4 Lot regulations.**

- A. Every lot shall include front, side and rear yards having the areas and dimensions required within the particular zone in which such lot is located.
- B. No yard or other open space provided for any building for the purpose of complying with the

provisions of this article shall be considered as providing a yard or other open space for any other building.

- C. No land in a residential zone shall be used to fulfill open space, minimum area, minimum yard and/or setback requirements, parking or other similar requirements for any non-residential use in a non-residential zone.
- D. Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as flood conditions or similar circumstances, the Board may, after adequate investigation, withhold approval of such lots.
- E. In the case of a through lot, the front lot line of such lot, for the purposes of this article, shall be considered that line upon which the majority of the buildings in the same block front, but in case there has been no clearly defined frontage established, the front lot line shall be the line upon which the primary entrance of the principal building faces, or will face when constructed.
- F. Flag lots shall be prohibited.

#### **§ 16-80.5 Yard regulations.**

- A. Projections and Encroachments. Minimum required yards shall be entirely free of buildings, structures (excluding parking) or parts thereof and no building or structure shall project into any minimum required front, side or rear yard nor shall any use be made of any such yard, except as follows:
  - (1) Access accommodations for handicapped or disabled persons such as ramps and/or lifts may be constructed in the required side or rear yards of an existing one (1) or two (2) family residence provided that at least one (1') foot between the property line and the appurtenance is provided for ramps, and five (5') feet for lifts, for maintenance purposes. Encroachments onto neighboring properties, easements or rights-of-way shall be permitted only with express permission of the property, easement or right-of-way owner.
  - (2) Cornices and eaves may project not more than two (2') feet into any required yard.
  - (3) Sills, leaders and similar ornamental or structural features may project six (6") inches into any required yard.
  - (4) An open fire escape may project into a required rear yard not more than four (4') feet.
  - (5) Bay windows may project no more than three (3') feet into a required rear yard.
  - (6) Decks, balconies and patios over two (2') feet in height shall be considered part of the principal building, however, these structures may encroach five (5') feet into the required rear yard setback.
  - (7) A chimney may project into any required rear yard, provided that the projection does not exceed two (2') feet.
  - (8) Uncovered steps may project not more than five (5') feet into any required front and rear yard, and not more than three (3') feet into any required side yard.
  - (9) Freestanding flagpoles are permitted in any required front and rear yard, but must be set back five (5') feet from any property line and shall not exceed a height of twenty (20) feet in a residential zoning district and thirty-five (35') feet in a non-residential zoning district.
  - (10) Window wells affording light and air to basement and cellar areas are permitted in all required yards.

- B. Drive-throughs and loading areas shall not be located in the front yard.
- C. Yards Abutting Navigable Waters. When side or rear yards of lots abut navigable waters, as determined by the Board Engineer, the respective side and rear yard minimum requirements shall not apply.

#### **§ 16-80.6 Frontage upon a street.**

- A. Every principal building shall be built upon a lot having minimum street frontage equal to the required minimum lot width upon an approved street which shall be improved in accordance with street standards established by the Township of Edgewater Park or the Residential Site Improvement Standards (RSIS), as applicable.
- B. Where extra width has been dedicated for widening of existing streets, lots shall begin at such extra width line, and all setbacks shall be measured from such line.
- C. Reversed Frontage Lots. For developments situated along county roadways or other collector or arterial routes, the Board may require frontage reversal away from the collector or arterial roadway onto a separate access road. Reversed frontage lots shall be designed with minimum three (3') foot high berming, minimum five (5') foot high continuous evergreen landscaping, minimum five (5') foot high board-on-board fencing, or any combination thereof, along all boundaries common to the major roadway, whose purpose shall be the visual screening of roadway traffic perspectives from the lot interior and the perception of the details of the lot usage from the traveled major roadway.

**§ 16-80.7 Principal Buildings.** Only one (1) principal building may be erected on each lot in all residential zones except for those zones that permit multi-family dwellings. In all other zones, related compatible buildings under one (1) management may be erected, used or occupied, provided that all yard, open space, setback and coverage requirements of this article are met.

#### **§ 16-80.8 Height Exceptions.**

- A. Appurtenances Attached to Principal Structures. Church spires, belfries, domes or antennas attached to buildings, penthouses (not for human occupancy), chimneys, ventilators, skylights, water tanks, bulkheads and necessary mechanical appurtenances usually carried above roof level shall not be considered when determining the height of the building, and are not subject to height limitations, except that such features shall not exceed twenty (20%) percent of total roof area and shall not exceed a height such as is necessary to accomplish the purpose for which it is intended to serve.
- B. Freestanding Non-Commercial Accessory Structures. Water towers, radio and television antennas which are erected as freestanding structures may be erected to a height which can be demonstrated to the Board is necessary to accomplish their intended function. Federally licensed amateur radio facilities shall be subject to Federal Communications Commission rules (47 CFR, Part 97) which govern the height of licensed amateur operator radio antennas. The height of the tower or antennae shall conform with U.S. Federal Communications Commission Regulations governing licensed amateur radio operators and, if required, Federal Aviation Administration (F.A.A.) notification and F.C.C. approval. All freestanding non-commercial accessory structures shall not be located within any required front, side or rear yard setback areas and shall be subject to the structural provisions of the New Jersey Uniform Construction Code.

#### **§16-80.9 Outdoor storage.**

- A. No flammable or explosive liquids, solids or gases shall be stored above ground unless as otherwise required by applicable Federal, State or Local regulations.
- B. All outdoor storage facilities shall be enclosed by a fence or wall adequate to conceal such facilities and the contents thereof from adjacent property and shall meet all required accessory building setbacks for the zone in which located. No outdoor storage shall be located in the front yard of a property. This provision shall not apply to outdoor storage of new

cars or other vehicles on the premises of an automotive dealer.

- C. No materials or wastes shall be stored on any premises in such form or manner that they may be transferred off such premises by natural causes or forces.
- D. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.

#### **§16-80.10 Christmas tree sales.**

The sale of Christmas trees shall be permitted as an accessory use in any non-residential zone provided that the following standards are met:

- A. A mercantile license shall be obtained for the use and any office trailers, except where exempted by Township Committee.
- B. The applicant shall demonstrate that sufficient on-site parking is provided for the use and that safe ingress and egress is possible.
- C. Any temporary office trailer shall be located within the setback lines of the property. Such a trailer shall only be allowed on the property during the month of December.
- D. Any additional lighting installed on the property for the use shall not spill over onto the adjacent properties or roadway.
- E. The property shall be returned to a finished appearance upon termination of the use.
- F. A zoning permit is required.
- G. Merchants who were licensed to sell Christmas trees in residential zones prior to the adoption of the ordinance codified in this chapter may reapply for a license, however, must meet requirements (a) through (f) of this subsection. The license or right to sell Christmas trees is non-transferable.

#### **§16-80.11 Satellite dishes.**

- A. Permitted Districts.
  - (1) A satellite dish shall be permitted as an accessory use in all zone districts. Satellite dishes 2 feet or less in diameter shall be permitted as-of-right. Satellite dishes larger than 2 feet in diameter shall require a Zoning Permit.
  - (2) Whenever an applicant claims that any general regulation standard herein must be modified because of inability to transmit and/or receive a reasonably satisfactory signal, impracticability, undue hardship, or other criteria for modification under this section, or whenever the adequacy of and/or reasonableness of screening is in issue, such application shall be referred to the Board for interpretation pursuant to N.J.S.A. 40:55D-70b.
- B. Location.
  - (1) The ability of the applicant to install a satellite dish in an unobtrusive location and to minimize the visual impacts on neighboring properties shall be a major factor in determining whether or not a permit is issued.
  - (2) No satellite dish may be placed in the front yard of any lot. For purposes of this requirement, a corner lot shall be deemed to have a front yard facing each street.
  - (3) Transmit/receive satellite dishes and satellite dishes thirty six (36") inches in diameter or less shall be located on the roof. Receive-only satellite dishes greater than thirty six (36") inches in diameter shall be placed on a lot in the rear yard; provided, however, that on a

clear and convincing showing by an applicant that a reasonably satisfactory signal cannot be obtained from a rear yard location, the satellite dish may be located in the side yard. If such a signal cannot be obtained in either a rear or side yard, the dish may be permitted on the roof, in accordance with the standards of this section.

- (4) All satellite dishes shall not be closer to the side property line than a distance equal to the diameter of the dishes or the side yard setback requirement for the principal structure on the lot, whichever results in the greatest setback.
- (5) All satellite dishes shall not be closer to the rear property line than a distance equal to the diameter of the dishes or the rear yard setback requirement for the principal structure on the lot, whichever results in the greatest setback.
- (6) Roof mounted antennas on a flat roof shall be located in the center of the roof structure to reduce visibility. On all other style roofs, the dish must be located on the portion of the roof facing the rear yard, or, if this would unreasonably limit signal reception, the side yard.

#### C. Height.

- (1) No ground mounted satellite earth station shall exceed twelve (12') feet in height, as measured from the average grade at the base of the antenna to the highest point of the antenna.
- (2) No roof mounted satellite earth station may extend above the roof line more than (9') feet six (6") inches when mounted on a flat roof. On all other roofs, no satellite dish may extend above the highest point of the roof more than three (3') feet. However, upon a showing that such a roof mounted antenna will not produce adequate reception under the restrictions of this subsection, the minimum height necessary for reasonably satisfactory reception may be allowed.

#### D. Additional Standards.

- (1) Diameter. The diameter of satellite dishes shall not exceed twelve (12') feet for C-band technology for receiving and shall not exceed eight (8') feet in diameter for Ku-band V Sat technology for transmitting. All satellite dishes larger than twenty-four (24") inches shall be of the mesh type only, with not more than eighty-five (85%) percent of the surface being solid.
- (2) Color. All satellite dishes shall be painted a solid, dark, non-metallic, color if ground mounted. Roof-mounted satellite dishes mounted on a flat roof or mansard style roof shall be colored in a solid, non-metallic color that matches the roof color to the extent possible, or shall be painted a solid, non-metallic, non-glossy light to medium gray. When mounted on any other style roof the satellite earth station shall be painted the color of the surface to which it is attached.
- (3) Number. The number of allowable satellite earth stations are as follows:
  - (a) For all residential uses in residential zones: three (3) per building.
  - (b) For all other uses permitted in residential zones not specifically provided for otherwise (e.g. schools, places of worship, assisted living residence, etc.): five (5) per building.
  - (c) For commercial and industrial zones: five (5) per business.
- (4) The satellite dish may only be used for occupants of the building located on the property.
- (5) When the use of the satellite dish is abandoned, it shall be removed.

- (6) The proposed satellite dish shall be the smallest commercially available equipment feasible based on the current technology so as to minimize the visual impact on surrounding areas.
- (7) Satellite dishes may not be mounted on a portable or movable structure, such as a trailer.
- (8) No satellite dish shall be erected on a public utility easement without the consent of the easement holder.
- (9) No satellite earth station may be used as a sign.
- (10) All wiring or connecting cables between any ground mounted satellite dish and the principal building on the site shall be buried underground. All wiring or connecting cables between the roof-mounted satellite dish and the principal building shall be hidden or appropriately screened.
- (11) All satellite dishes, appurtenances, landscaping, and fencing shall be kept and maintained in good condition.

**§ 16-80.12 Bed and breakfast inn.**

- A. The exterior of the inn shall remain residential in appearance to the extent possible.
- B. Parking shall be located at the rear of the property and shall be provided at the rate of one space for every room for let and one space per employee on maximum shift.
- C. Rooms shall be let for not more than 30 days at a time.

**§ 16-80.13 Home occupations.**

- A. As permitted accessory use; no approval required. Home occupations shall be permitted as an as-of-right permitted use not requiring Township approval under the following circumstances:
  - (1) The occupation is conducted by a sole practitioner who is a resident of the dwelling.
  - (2) Not more than one occupation is operated in the dwelling.
  - (3) All operations occur inside the dwelling.
  - (4) Not more than one client comes to the dwelling at any one time.
  - (5) Not more than one vehicle, including trailers, related to the occupation is located on the site at any one time.
  - (6) There is no outdoor storage of equipment or materials.
  - (7) The exterior of the dwelling is not modified in any way and the occupation occupies less than 20 percent of the floor space in the dwelling.
  - (8) Occupations fitting this category typically include music teachers, tutors and professionals such as accountants and designers.
- B. As permitted accessory use; zoning permit required. Home occupations shall be permitted as an as-of-right permitted use requiring a zoning permit under the following circumstances:
  - (1) The occupation is conducted by a resident of the dwelling plus no more than one additional employee on the premises at any one time who can live outside of the dwelling.
  - (2) The home occupation is a Family Day Care per the Municipal Land Use Law.

- (3) Not more than one occupation is undertaken on-site at any one time.
  - (4) The home occupation shall be limited to not more than thirty percent (30%) of the total livable floor area of the dwelling unit or accessory structure in which the home occupation is to be situated.
  - (5) The exterior shall remain residential in appearance, however may contain a nameplate or similar identification sign not exceeding 2 square feet in area.
  - (6) Sufficient parking is provided on-site for the employee and visitors to the site, however no more than 2 visitors shall come to the site at any one time. Sufficient parking shall be one space for the resident employee, one space per non-resident employee and one space per visitor.
  - (7) No display of products shall be visible from the street.
  - (8) No more than 2 vehicles, including trailers, used in conjunction with the home occupation shall be parked on the site at any one time.
  - (9) There is no outdoor storage of equipment or materials.
  - (10) Home occupations shall not generate light, smoke, glare, noise, and vibrations that are obnoxious and become a nuisance to residential neighbors. No machinery or equipment shall be used that will cause interference with radio, television and satellite reception and other forms of electronic communications in neighboring residences.
  - (11) Hours during which the non-resident employee works on the premises and patrons visit the premises shall be limited to 8 a.m. to 9 p.m.
  - (12) The home occupation shall be conducted entirely within either the dwelling or accessory building.
  - (13) The home occupation shall not affect the area, yard and bulk requirements for the principal residential use.
- C. Any home occupation not fitting into the above categories shall not be permitted.

### **§ 16-81 Conditional Uses.**

The following uses shall be conditionally permitted when all specific requirements for each respective conditional use set forth herein have been met:

- A. Automotive dealerships.
- (1) Minimum lot area shall be three (3) acres.
  - (2) Minimum lot width shall be three hundred (300) feet.
  - (3) Minimum lot depth shall be three hundred (300) feet.
  - (4) Minimum front yards:
    - (a) To buildings and structures: sixty (60) feet.
    - (b) To vehicle display, parking and storage areas: twenty (20) feet.
  - (5) Minimum side yards:
    - (a) To buildings and structures: fifty (50) feet.

- (b) To vehicle display, parking and storage areas abutting residential zoning districts and uses: thirty (30) feet.
- (c) To vehicle display, parking and storage areas abutting non-residential zoning districts: fifteen (15) feet.

(6) Minimum rear yards:

- (a) To buildings and structures: fifty (50) feet.
- (b) To vehicle display, parking and storage areas abutting residential zoning districts and uses: thirty (30) feet.
- (c) To vehicle display, parking and storage areas abutting non-residential zoning districts: fifteen (15) feet.

(7) Maximum building and structure height shall be thirty-five (35) feet and two and one-half (2-1/2) stories.

(8) Maximum impervious coverage shall be seventy percent (70%).

(9) Maximum building coverage shall be thirty percent (30%).

(10) Minimum landscaped area: thirty percent (30%) of site area.

(11) No wrecked or inoperable vehicles shall be stored on site.

(12) Outdoor loudspeaker or music systems shall not be permitted.

(13) Minimum landscape buffer areas:

- (a) Along side and rear yards abutting residential zoning districts and uses shall be thirty (30) feet in width and shall have a solid six-foot (6-foot) high fence ending twenty (20) feet from the street line.
- (b) Along side and rear yards abutting non-residential zoning districts and uses shall be fifteen (15) feet in width.
- (c) Along the street line shall be twenty (20) feet in width and shall consist of plant material that is maintained at a height no less than three (3) feet.
- (d) All landscape buffer areas shall be designed and installed pursuant to § 16-89.

(14) Minimum onsite loading. One (1) loading space for the first 10,000 square feet of gross floor area; one (1) additional loading space for gross floor area in excess of 10,000 square feet up to 40,000 square feet; and one (1) additional loading space for gross floor area in excess of 40,000 square feet.

(15) All parking and loading areas shall be paved.

(16) A minimum distance of 1,000 feet shall be required between similar or like businesses.

B. Gasoline Service Stations.

- (1) Minimum lot area shall be 20,000 square feet.
- (2) Minimum lot width shall be one hundred (100) feet.
- (3) Minimum lot depth shall be one hundred and seventy-five (175) feet.
- (4) Minimum front yard setbacks:

- (a) To buildings and structures: fifty (50) feet.
- (b) To fuel dispensing islands and canopies: twenty-five (25) feet.

(5) Minimum side yard setbacks:

- (a) To buildings and structures: ten (10) feet.
- (b) To fuel dispensing islands and canopies: thirty (30) feet.

(6) Minimum rear yard setbacks:

- (a) To buildings and structures: ten (10) feet.
- (b) To fuel dispensing islands and canopies: forty (40) feet.

(7) Maximum building and structure height including canopies over fuel dispensing islands, shall be twenty-five (25) feet and one and one-half (1-1/2) stories.

(8) All landscape buffer areas shall be designed and installed pursuant to § 16-89.

(9) Outdoor loudspeaker or music systems shall not be permitted.

(10) Minimum on-site loading. Adequate space shall be provided onsite for the off-loading of fuels from a delivery truck to on-site storage tanks.

(11) Minimum distance of 1,000 feet shall be required between similar or like businesses.

(12) If a retail convenience store is proposed as accessory to or in conjunction with the gasoline service station, the minimum lot size shall be 40,000 square feet, and the convenience store shall be no greater than 5,000 square feet in area. The gasoline service station shall be limited to 6 pump islands with no more than 12 fueling points. No drive-throughs shall be permitted on the convenience store.

C. Automotive Repair Service and Garages and Body Repair Shops.

(1) In C-2 Downtown Commercial Zoning District:

- (a) Minimum lot area shall be two (2) acres.
- (b) Minimum lot width shall be two hundred (200) feet.
- (c) Minimum lot depth shall be two hundred (200) feet.
- (d) Minimum side yard setback to buildings and structures shall be thirty (30) feet.
- (e) Minimum rear yard setback to buildings and structures shall be fifty (50) feet.
- (f) No wrecked or inoperable vehicles shall be stored on site. Only those vehicles that are currently under repair shall be permitted on site. No vehicle may be stored on-site for more than 6 months.
- (g) Vehicular storage areas must be paved and shall be fully screened from adjacent properties and public viewsheds.
- (h) All work must be performed in a fully-enclosed building.
- (i) Garage doors shall be oriented toward the side or rear yard of the site to the extent feasible.

- (j) Outdoor loudspeaker or music systems shall not be permitted.
- (2) Automotive Repair Service and Garages and Body Repair Shops in C-3, C-LI Light Industrial Zoning Districts and I General Industrial Zoning District:
- (a) Storage of vehicles that have been or are waiting to be repaired is prohibited in the front yard. Vehicles shall be stored on-site for no more than 6 months.
  - (b) Vehicle storage areas must be paved and screened from view from any street right of way or property line with a solid, six (6) foot high fence.
  - (c) All work must be performed in a fully-enclosed building.
  - (d) Garage doors shall be oriented toward the side or rear yard of the site to the extent feasible.
  - (e) Outdoor loud speakers shall not be permitted.
  - (f) Automobile and/or truck sales are prohibited.
- D. Billboards. Billboards may be constructed in the C-3 and C-LI-5 Districts in accordance with the following restrictions:
- (1) Minimum lot size shall be that of the zoning district in which the use is proposed.
  - (2) Only one billboard is permitted per lot, and the billboard shall be the principal and only use of the property.
  - (3) The size of the billboard shall not exceed an area of one square foot for each one foot of lot width measured at the right-of-way along which the billboard is directed. The maximum area of the billboard shall be 200 square feet.
  - (4) The billboard must face oncoming traffic proceeding along the nearest traffic lane to the billboard. Under no circumstances shall the billboard be two-sided or so designed to face traffic approaching from two directions.
  - (5) The billboard shall be located at least 200 feet from any residential use or zone.
  - (6) The highest point of the billboard shall be no higher than 25 feet measured from existing grade.
  - (7) Billboards shall not be located within a sight distance triangle as prescribed by the American Association of State Highway Officials (AASHTO) nor be located any closer than forty (40) feet to any side or rear property line unless further restricted by a sight triangle consideration.
- E. Places of worship.
- (1) Places of worship in R-1, R-2, R-3 and R-4 Single-Family Residential Zoning Districts and C-2 Zoning District:
    - (a) Minimum lot area shall be three (3) acres.
    - (b) Minimum lot frontage shall be two hundred and fifty (250) feet.
    - (c) Minimum lot depth shall be three hundred (300) feet.
    - (d) Minimum front yard setback to buildings and structures shall be fifty (50) feet.
    - (e) Minimum side yard setbacks to buildings and structures shall be forty (40) feet.
    - (f) Minimum rear yard setback to buildings and structures shall be 50 feet.

- (g) Maximum building coverage shall be twenty-five percent (25%).
- (h) Minimum landscaped area shall be twenty-five percent (25%) of the lot including buffers to neighboring residences.
- (i) Minimum width of a landscape buffer along side and rear property lines shall be thirty (30) feet. Landscape buffer area shall be designed and installed pursuant to §16-89.
- (j) Off-street parking. One (1) parking space per sixty (60) square feet of floor space devoted to patron use.

(2) Places of worship in R-MF Multi-Family Residential Zoning District:

- (a) Minimum lot area shall be five (5) acres.
- (b) Minimum lot width shall be three hundred (300) feet.
- (c) Minimum lot depth shall be five hundred (500) feet.
- (d) Minimum front yard setback to buildings and structures shall be sixty (60) feet.
- (e) Minimum side yard setback to buildings and structures shall be forty (40) feet.
- (f) Minimum rear yard setback to buildings and structures shall be fifty (50) feet.
- (g) Maximum building coverage shall be twenty percent (20%).
- (h) Minimum landscaped area shall be twenty-five percent (25%) of the lot including buffers to neighboring residences. The minimum width of a landscape buffer along side and rear property lines shall be thirty (30) feet. Landscape buffer areas shall be designed and installed pursuant to §16-89.
- (i) Off-street parking. One (1) parking space per sixty (60) square feet of floor space devoted to patron use.

(3) Places of worship in R-LD Low-Density Single-Family Residential Zoning District.

- (a) Minimum lot area shall be ten (10) acres.
- (b) Minimum lot width shall be five hundred (500) feet.
- (c) Minimum lot depth shall be seven hundred and fifty (750) feet.
- (d) Minimum front yard setback to buildings and structures shall be one hundred (100) feet.
- (e) Minimum side yard setback to buildings and structures shall be one hundred (100) feet and two hundred (200) feet for both side yards combined.
- (f) Minimum rear yard setback to buildings and structures shall be one hundred (100) feet.
- (g) Maximum building coverage shall be ten percent (10%).
- (h) Off-street parking. One (1) parking space per sixty (60) square feet of floor space devoted to patron use.
- (i) Minimum width of a landscape buffer along side and rear property lines shall be fifty (50) feet. Landscape buffer areas shall be designed and installed

pursuant to §16-89.

- (j) The minimum landscaped area shall be twenty-five percent (25%) of the lot including buffers to neighboring residences.
- (4) Places of worship in C-3 Highway Commercial, C-LI-1 and C-LI-5 Commercial-Light Industrial and I General Industrial Zoning Districts:
- (a) Minimum lot area shall be three (3) acres.
  - (b) Minimum lot width shall be four hundred (400) feet.
  - (c) Minimum front yard setback to buildings and structures shall be sixty (60) feet.
  - (d) Minimum side yard setback to buildings and structures shall be fifty (50) feet.
  - (e) Minimum rear yard setback to buildings and structures shall be fifty (50) feet.
  - (f) Maximum impervious coverage shall be fifty percent (50%).
  - (g) Off-street parking. One (1) parking space per sixty (60) square feet of floor space devoted to patron use.
  - (h) Landscape buffer areas shall be designed and installed pursuant to §16-89.

F. Wireless telecommunications towers and antennae.

- (1) Wireless telecommunications towers and antennae shall be permitted as conditional uses in the C-LI and I Districts and on municipally-owned property.
- (2) Before a new monopole or tower will be permitted in the C-LI or I Districts, Applicant must demonstrate to the Board's satisfaction that no existing structure in those zones, or in another nonresidential zoning district in the Township can be utilized.
- (3) The property line setback requirements for monopoles and towers shall be the length of the monopole or tower.
- (4) Wireless telecommunications tower and antenna sites shall be secured with a six-foot (6-foot) high chain link fence that is coated with black vinyl and a locked gate to which the Township Police Department shall be given access, i.e., keys, electronic passes, etc., for emergency purposes. Barbed or razor wire shall not be used.
- (5) Wireless telecommunications towers and antennae shall be located on or within existing structures as much as possible, and designed and colored to blend into the skyline to the greatest extent practicable. Monopoles shall be preferable to lattice towers.
- (6) Wireless telecommunications towers and antennae shall be designed and constructed to accommodate a minimum of five (5) additional ports for use by other utilities, and shall be made available for use by other carriers.
- (7) Wireless telecommunications towers, antennae and other equipment removed from service shall be removed from their location within six (6) months of the date on which service was discontinued.
- (8) Maximum Height. The maximum height of any proposed wireless telecommunications antenna and any proposed new tower or monopole shall be demonstrated by the applicant to be the minimum height necessary for the proposed installation to satisfactorily operate, but in no event in excess of the following standards for height, exclusive of lightning rods:

- (a) Tower height shall not exceed 110 feet for a single carrier; 130 feet for two carriers; and 175 feet for three or more carriers. All tower and monopole footings, if applicable, shall be designed for possible extensions to 175 feet.
- (b) Antenna height. Antenna arrays may be mounted on existing buildings or structures, however shall not extend beyond the overall height of any such building or structure by more than 10 feet or 10 percent of the height of the building or structure, whichever is less, up to a total maximum height of 175 feet.

(9) Design standards for new towers:

- (a) Towers shall be sited on a property in a location that will provide the least visual impact from surrounding properties and public rights-of-way.
- (b) Towers shall be subject to any applicable standards by the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC).
- (c) Stealth designs where reasonably practicable shall be employed to camouflage the appearance of the new tower, such as bell towers, silos, artificial trees and similar treatments. The degree and nature of such stealth designs shall depend upon the specifics of the site involved so as to provide the most appropriate design under the circumstances presented. At a minimum all towers shall be of slim line design and all antenna arrays shall be flush-mounted.
- (d) Towers and antennas shall be painted a gray or sky blue color so as to reduce the visual obtrusiveness of the installation.
- (e) All towers shall be designed with anti-climbing devices in order to prevent unauthorized access.
- (f) No lighting shall be permitted on a tower except lighting that is specifically as required by the FAA and any such required lighting shall be focused and shielded to the greatest extent possible so as not to project toward adjacent and nearby properties.

(10) Design standards for wireless telecommunications antennas:

- (a) Antennas shall be suitably finished and/or painted so as to minimize their visual impact. Depending upon the placement of this equipment, color shall be selected to be consistent with the color scheme of the building or structure on which they are mounted. When this is not reasonable or practicable, color selection shall be designed to minimize the visual impact of the antenna arrays.
- (b) No antenna shall be located on any tower in order to provide land-line telephone service; such service shall be provided via existing telephone lines if available to the site, or by the underground extension of telephone lines to the site if necessary.

(11) Design standards for wireless telecommunications equipment compounds.

- (a) The equipment compound shall consist of no more than 900 square feet in area.
- (b) The equipment compound shall be situated behind existing structures, building or terrain features which shall shield the equipment compound from public view.

- (c) When a location out of public view is not reasonable practicable, a landscaped buffer of 10 feet in width shall be provided outside the fence around the equipment compound to shield the equipment compound from public view. Landscaping shall include native evergreen and deciduous trees at least 8 feet high at the time of planting and the number of trees shall be based on the equivalent of staggered double rows at 10 feet on center.
- (d) Any proposed building enclosing related electronic equipment shall not be more than 15 feet in height more than 400 square feet in area. Only one such building shall be permitted for each provider of wireless communications services located on the site.
- (e) The building enclosing electronic equipment may have one light at the entrance of the building, provided that the light is attached to the building, is focused downward and is switched so that the light is on only when workers are at the building. This shall be exclusive of lights equipped with motion detectors. To the extent these requirements are inconsistent with BOCA requirements, the BOCA requirements shall apply.

(12) General design standards:

- (a) All equipment shall be designed and automated to the greatest extent possible in order to reduce the need for onsite maintenance and thereby, minimize the need for vehicular trips to and from the site.
- (b) Other than typical "warning", "emergency" and equipment information signs, no signs shall be permitted. Emergency signs shall be on plates attached to the tower or building and shall not exceed 2 square feet.
- (c) Minimal off-street parking shall be permitted as needed.

(13) Submission Requirements. In addition to a complete site plan depicting the proposed installation, the following shall be required at the time of submission:

- (a) Documentation by a qualified engineer with a demonstrated expertise in structural engineering regarding the capacity of a proposed tower for the number and type of antennas.
- (b) Documentation by a qualified engineer with a demonstrated expertise in structural engineering that any proposed tower will have sufficient structural integrity to support the proposed antennas and the anticipated future collocated antennas and that the structural standards developed for antennas by the Electronic Industry Association (EIA) and/or the Telecommunications Industry Association (TIA) have been met.
- (c) Antenna Modifications. Operators of wireless telecommunications towers shall provide to the Borough a report every 3 years from a licensed professional engineer certifying the structural integrity of the tower, together with all antennas mounted thereon and whether they remain in use, and that they meet applicable minimum safety requirements. Such report shall also be provided whether antenna arrays are modified, and shall include a detailed listing of all antennas and equipment so certified. Vendors shall also be required to notify the Borough when the use of such antennas and equipment is discontinued. A satisfactory insurance company inspection report shall be deemed to meet the requirements of this section.
- (d) Restoration Provisions. The applicant shall provide a performance bond and/or other assurances satisfactory to the Borough in a form approved by the Borough Attorney that will cause the antennas, the supporting tower, the ancillary building enclosing related electronic equipment and all other related improvements to the land to be removed at no cost to the Borough, when the antennas are no longer operative. Any communication facility not used for its intended and approved purpose for a period of 12 months shall be considered

“no longer operative” and abandoned and shall be removed by the applicant or their assigns within 60 days thereof. If the use of the tower is 10 percent or less of its maximum permitted capacity, it shall be considered “no longer operative” and therefore abandoned.

G. Assisted Living Residences.

- (1) Minimum lot area shall be three (3) acres.
- (2) Minimum lot frontage shall be two hundred and fifty (250) feet.
- (3) Minimum lot depth shall be three hundred (300) feet.
- (4) Maximum building coverage shall be twenty-five percent (25%).
- (5) Minimum landscaped area shall be twenty-five percent (25%) of the lot.
- (6) Minimum front yard setback to buildings and structures shall be fifty (50) feet.
- (7) Minimum side yard setback to buildings and structures shall be forty (40) feet.
- (8) Minimum rear yard setback to buildings and structures of fifty (50) feet.
- (9) Maximum building and structure height shall be three stories and forty (40) feet.
- (10) Where abutting a residential use or zone, minimum width of a landscape buffer along side and rear property lines shall be thirty (30) feet.

H. Quasi-public buildings and uses, including recreation areas.

- (1) R-2, R-3, R-4 and C-2 Downtown Zoning Districts:
  - (a) Minimum lot area shall be three (3) acres.
  - (b) Minimum lot frontage shall be two hundred and fifty (250) feet.
  - (c) Minimum lot depth shall be three hundred (300) feet.
  - (d) Maximum building coverage shall twenty-five percent (25%).
  - (e) Minimum landscaped area shall be twenty-five percent (25%) of the lot including buffers to neighboring residences.
  - (f) Minimum front yard setback to buildings and structures shall be fifty (50) feet.
  - (g) Minimum side yard setback to buildings and structures shall be shall be forty (40) feet.
  - (h) Minimum rear yard setback of one hundred (100) feet.
  - (i) Minimum width of a landscape buffer along side and rear property lines shall be thirty (30) feet.
- (2) Quasi-public uses in R-MF, C-3 Highway Commercial, C-LI-1 and C-LI-5 Commercial-Light Industrial Zoning Districts.
  - (a) Minimum lot area shall be three (3) acres.
  - (b) Minimum lot width shall be four hundred (400) feet.
  - (c) Minimum front yard setback to buildings and structures shall be sixty (60) feet.

- (d) Minimum side yard setback to buildings and structures shall be fifty (50) feet.
- (e) Minimum rear yard setback to buildings and structures shall be fifty (50) feet.
- (f) Maximum building and structure height shall be three (3) stories and forty-five (45) feet.
- (g) Maximum impervious coverage shall be fifty percent (50%).
- (h) Landscape buffer areas shall be designed and installed pursuant to §16-89.

(3) Quasi-public uses in R-LD Low Density Single Family Residential Zoning District:

- (a) Minimum lot area shall be ten (10) acres.
- (b) Minimum lot width shall be five hundred (500) feet.
- (c) Minimum lot depth shall be seven hundred and fifty (750) feet.
- (d) Minimum front yard setback to buildings and structures shall be one hundred (100) feet.
- (e) Minimum side yard setback to buildings and structures shall be one hundred (100) feet and two hundred (200) feet for both side yards combined.
- (f) Minimum rear yard setback to buildings and structures shall be one hundred (100) feet.
- (g) Maximum building and structure height shall be three (3) stories and forty-five (45) feet.
- (h) Maximum impervious coverage shall be ten percent (10%).
- (i) Minimum width of a landscape buffer along side and rear property lines shall be fifty (50) feet. Landscape buffer areas shall be designed and installed pursuant to §16-89.
- (j) The minimum landscaped area shall be twenty-five percent (25%) of the lot including buffers to neighboring residences.

I. Schools.

- (1) Minimum lot area shall be ten (10) acres.
- (2) Minimum lot width shall be two hundred (200) feet.
- (3) Minimum lot depth shall be three hundred (300) feet.
- (4) Minimum front yard setback to buildings and structures shall be thirty-five (35) feet.
- (5) Minimum side yard setback to buildings and structures shall be twenty-five (25) feet.
- (6) Minimum rear yard setback to buildings and structures shall be thirty-five (35) feet.
- (7) Maximum impervious coverage shall be seventy percent (70%).
- (8) Minimum landscape buffer shall be designed and installed pursuant to § 16-89.

J. Sexually-oriented businesses and body piercing, tattoo and massage parlors.

- (1) Minimum lot area shall be five (5) acres.
- (2) Minimum lot width shall be four hundred (400) feet.
- (3) Minimum lot depth shall be two hundred (200) feet.
- (4) Minimum front yard setback to buildings and structures shall be one hundred (100) feet.
- (5) Minimum side yard setback to buildings and structures shall be one hundred (100) feet.
- (6) Minimum rear yard setback to buildings and structures shall be one hundred (100) feet.
- (7) Minimum distance of any property line to the property line of a residential use or to any place of public recreation, any school or school bus stop, any municipal or county playground or place of public recreation, or any area zoned for residential use shall be one thousand (1,000) feet.
- (8) Minimum landscape buffer along front, side and rear property lines shall be fifty (50) feet in width designed and installed pursuant to N.J.S.A. 2C:34-7(c).
- (9) Minimum onsite parking shall be one (1) parking space per one hundred (100) square feet of customer service area and one (1) parking space for each employee during peak shift.
- (10) No body piercing, tattoo or massage parlor shall display more than two (2) exterior signs, consisting of one (1) identification sign and one (1) sign giving notice that the premises are off limits to minors. The identification sign shall be no more than forty (40) square feet in size.

## § 16-82 District Regulations.

**§ 16-82.1 Districts enumerated.** The Township of Edgewater Park is hereby divided into 18 classes of districts, which shall be known as:

- R-1 Single-Family Residential (minimum lot size—85,000 sq. ft.)
- R-2 Single-Family Residential (minimum lot size—40,000 sq. ft.)
- R-3 Single-Family Residential (minimum lot size—20,000 sq. ft.)
- R-4 Single-Family Residential (minimum lot size—7,500 sq. ft.)
- R-5 Single-Family Residential (minimum lot size—12,500 sq. ft.)
- R-6 Single-Family Residential (minimum lot size—6,000 sq. ft.)
- R-LD Low-Density Single-Family Residential (minimum lot size—6 acres)
- R-MF Multi-Family Residential
- R-AR Age-Restricted Residential
- R-AR-1 Age-Restricted Residential
- C-1 Neighborhood Commercial
- C-2 Downtown Commercial
- C-3 Highway Commercial
- C-LI-1 Commercial-Light Industrial
- C-LI-5 Commercial-Light Industrial
- LI Light Industrial
- I General Industrial
- C Cemetery

### **§ 16-82.2 District boundaries.**

- A. The location and boundaries of districts are and shall be as shown on a map entitled "Zoning Map, Township of Edgewater Park, New Jersey," on file in the office of the Township Clerk of said municipality. Where the designation on the Zone Map indicates a district boundary located approximately along a street or alley line or along a lot line, the centerline of such street or alley or such lot line shall be construed to be the boundary.
- B. Zoning district boundaries may be superseded by redevelopment overlays delineated in redevelopment plans on file in the office of the Township Clerk.

### **§ 16-82.3 R-1 Single-Family Residential District.**

- A. Permitted Principal Uses. In an R-1 Single-Family Residential District, land shall be used only for the following permitted uses:
  - (1) Single-family detached dwellings.
  - (2) Public parks and recreational facilities.
  - (3) Governmental buildings and facilities.
  - (4) Bed-and-breakfast.
- B. Permitted Accessory Uses. The following accessory uses shall be permitted when on the same lot with and customarily incidental to the foregoing permitted uses:
  - (1) Private garages.
  - (2) Utility sheds.
  - (3) Private swimming pools, including above and below ground.
  - (4) Private greenhouses.
  - (5) Fences and walls.
  - (6) Decks and patios.
  - (7) Home occupations.
  - (8) Signs pursuant to §16-17.
- C. Conditional Uses. The following conditional uses shall meet the requirements set forth in § 16-81:
  - (1) Places of worship.
  - (2) Assisted Living Residence.
- D. Area and Bulk Regulations. The area and bulk regulations for this district shall be in accordance with the requirements set forth in the Schedule of Area and Bulk Requirements, except where otherwise specified for conditional uses in §16-81.

### **§ 16-82.4 R-2 Single-Family Residential District.**

- A. Permitted Principal Uses. In an R-2 Single-Family Residential District, land shall be used only for the following permitted uses:
  - (1) Single-family detached dwellings.
  - (2) Existing agricultural uses.

- (3) Public parks and recreational facilities.
  - (4) Governmental buildings and facilities.
- B. Permitted Accessory Uses. The following accessory uses shall be permitted when on the same lot with and customarily incidental to the foregoing permitted uses:
- (1) Private garages.
  - (2) Utility sheds.
  - (3) Private swimming pools, including above and below ground.
  - (4) Private greenhouses.
  - (5) Fences and walls.
  - (6) Decks and patios.
  - (7) Home occupations.
  - (8) Farm stands, ancillary to primary agricultural uses undertaken on property.
  - (9) Greenhouses, horticultural activities, field crop and Christmas tree production and similar agricultural uses in conjunction with existing agricultural uses.
  - (10) Signs pursuant to §16-90.
- C. Conditional Uses. The following conditional uses shall meet the requirements set forth in §16-81:
- (1) Places of worship.
  - (2) Assisted Living Residence.
  - (3) Quasi-public use.
- D. Area and Bulk Regulations. The area and bulk regulations for this district shall be in accordance with the requirements set forth in the Schedule of Area and Bulk Requirements, except where otherwise specified for conditional uses in §16-81.

**§ 16-82.5 R-3 Single-Family Residential District.**

- A. Permitted Principal Uses. In an R-3 Single-Family Residential District, land shall be used only for the following permitted uses:
- (1) Single-family detached dwellings.
  - (2) Public parks and recreational facilities.
  - (3) Governmental buildings and facilities.
- B. Permitted Accessory Uses. Only the following accessory uses are permitted when on the same lot with and customarily incidental to the foregoing permitted uses:
- (1) Private garages.
  - (2) Utility sheds.
  - (3) Private swimming pools, including above and below ground.

- (4) Private greenhouses.
  - (5) Fences and walls.
  - (6) Decks and patios.
  - (7) Home occupations.
  - (8) Signs pursuant to §16-90.
- C. Conditional Uses. The following conditional uses shall meet the requirements set forth in §16-81:
- (1) Places of worship.
  - (2) Assisted Living Residence.
  - (3) Quasi-public use.
- D. Area and Bulk Regulations. The area and bulk regulations for this district shall be in accordance with the requirements set forth in the Schedule of Area and Bulk Requirements, except where otherwise specified for conditional uses in §16-81.

**§ 16-82.6 R-4 Single-Family Residential District.**

- A. Permitted Principal Uses. In an R-4 Single-Family Residential District, land shall be used only for the following permitted uses:
- (1) Single-family detached dwellings.
  - (2) Public parks and recreational facilities.
  - (3) Governmental buildings and facilities.
- B. Permitted Accessory Uses. Only the following accessory uses are permitted when on the same lot with and customarily incidental to the foregoing permitted uses:
- (1) Private garages.
  - (2) Utility sheds.
  - (3) Private swimming pools, including above and below ground.
  - (4) Private greenhouses.
  - (5) Fences and walls.
  - (6) Decks and patios.
  - (7) Home occupations.
  - (8) Signs pursuant to §16-90.
- C. Area and Bulk Requirements. The area and bulk regulations for this district shall be in accordance with the requirements set forth in the Schedule of Area and Bulk Requirements.
- D. Conditional Uses. The following conditional uses shall meet the requirements set forth in §16-81:
- (1) Places of worship.
  - (2) Assisted Living Residence.

(3) Quasi-public use.

(4) Schools.

**§ 16-82.7 R-5 Single-Family Residential District.**

A. Permitted Principal Uses. In an R-5 Single-Family Residential District, land shall be used only for the following permitted uses:

(1) Single-family detached dwellings.

(2) Public parks and recreational facilities.

(3) Governmental buildings and facilities.

B. Permitted Accessory Uses. The following accessory uses shall be permitted when on the same lot with and customarily incidental to the foregoing permitted uses:

(1) Private garages.

(2) Utility sheds.

(3) Private swimming pools, including above and below ground.

(4) Private greenhouses.

(5) Fences and walls.

(6) Home occupations.

(7) Decks and patios.

(8) Signs pursuant to §16-90.

C. Area and Bulk Regulations. The area and bulk regulations for this district shall be in accordance with the requirements set forth in the Schedule of Area and Bulk Requirements.

**§ 16-82.8 R-6 Single-Family Residential District.**

A. Permitted Principal Uses. In an R-6 Single-Family Residential District, land shall be used only for the following permitted uses:

(1) Single-family detached dwellings.

(2) Public parks and recreational facilities.

(3) Governmental buildings and facilities.

B. Permitted Accessory Uses. The following accessory uses shall be permitted when on the same lot with and customarily incidental to the foregoing permitted uses:

(1) Private garages.

(2) Utility sheds.

(3) Private swimming pools, including above and below ground.

(4) Private greenhouses.

(5) Fences and walls.

- (6) Decks and patios.
- (7) Home occupations.
- (8) Signs pursuant to §16-90.

C. Area and Bulk Regulations. The area and bulk regulations for this district shall be in accordance with the requirements set forth in the Schedule of Area and Bulk Requirements.

**§ 16-82.9 R-LD Residential, Low-Density District.**

A. Permitted Principal Uses. In an R-LD Residential, Low Density District, land shall be used only for the following permitted uses:

- (1) Single-family detached dwellings.
- (2) Agricultural uses excluding the raising and keeping of livestock except where otherwise permitted herein and including greenhouses, horticultural activities, field crop production, Christmas tree production and similar agricultural uses.
- (3) Public parks and recreational facilities.
- (4) Governmental buildings and facilities.
- (5) Equestrian activities. Limited to one (1) horse per two (2) acres of land devoted to paddock.
- (6) Executive golf course on minimum 65 acres.

B. Permitted Accessory Uses. Only the following accessory uses are permitted when on the same lot with and customarily incidental to the foregoing permitted uses:

- (1) Private garages.
- (2) Utility sheds.
- (3) Private swimming pools, including above and below ground.
- (4) Private greenhouses.
- (5) Fences and walls.
- (6) Decks and patios.
- (7) Farm stands ancillary to primary agricultural uses.
- (8) Home occupations.
- (9) Signs pursuant to §16-90.
- (10) Barns shall not be located in the front yard and shall be located at least 100 feet from all property lines.

C. Conditional Uses. The following conditional uses shall meet the requirements set forth in §16-81:

- (1) Places of worship.
- (2) Quasi-public buildings and recreation areas.
- (3) Schools.

- D. Area and Bulk Regulations. The area and bulk regulations for this district shall be in accordance with the requirements set forth in the Schedule of Area and Bulk Requirements, except where otherwise specified for conditional uses in §16-81.

**§ 16-82.10 R-MF Multi-Family Residential District.**

- A. Permitted Principal Uses. In an R-MF Multifamily Residential District, land shall be used only for the following permitted uses:
- (1) Multi-family dwellings at a maximum density of eight (8) dwelling units per acre.
  - (2) Public parks and recreational facilities.
  - (3) Governmental buildings and facilities.
- B. Permitted Accessory Buildings and Structures. Permitted accessory buildings and structures in the R-MF Zone include:
- (1) Private garages and carports.
  - (2) Off-street parking facilities.
  - (3) Swimming pools.
  - (4) Signs pursuant to §16-90.
  - (5) Essential utilities.
- C. Conditional Uses. The following conditional uses shall meet the requirements set forth in §16-81:
- (1) Places of worship.
  - (2) Quasi-public buildings and recreation areas.
  - (3) Assisted Living Residence.
  - (4) Schools.
- D. Area and Bulk Regulations. The area and bulk regulations for this district shall be in accordance with the requirements set forth in the Schedule of Area and Bulk Requirements, except where otherwise specified for conditional uses in §16-81.
- E. Additional Requirements Applicable to the Multi-Family Residential Zone.
- (1) There shall be no dwelling units below the first or above the second story.
  - (2) Each dwelling unit shall contain complete kitchen facilities, toilet, bathing, and working facilities, as well as living space and shall have a minimum gross floor area in accordance with the following:
    - (a) One-bedroom dwelling units and/or efficiency units shall have a minimum of eight hundred (800) square feet;
    - (b) Two-bedroom dwelling units shall have a minimum of nine hundred fifty (950) square feet.
    - (c) There shall be a common storage space in each building of twenty-five (25) square feet in area and a minimum of five feet in height per dwelling unit;
  - (3) There shall be no more than twenty (20) dwelling units in each building or structure. The façade of any building or structure shall not exceed sixty (60) feet in length unless making

an angle turn or having an offset of at least four feet within each sixty (60) feet of length.

- (4) Courtyards bounded by three or more sides by the wings of a single building or by the walls of separate buildings shall have a minimum court width of two feet for each one foot in height of the tallest adjacent building.
- (5) No dwelling structure shall be located within twenty-five (25) feet of another structure.
- (6) Every building shall have a minimum setback of ten (10) feet from any and all interior roads, driveways and parking areas.
- (7) Landscape buffers shall be provided in the following manner:
  - (a) Front Yard. Minimum width of landscaped buffer shall be twenty-five (25) feet.
  - (b) Side Yard. Minimum width of landscaped buffer shall be twenty-five (25) feet.
  - (c) Rear Yard. Minimum width of landscaped buffer shall be twenty-five (25) feet.

#### **§ 16-82.11 R-AR Age-Restricted Residential District.**

- A. Permitted Principal Uses. In the Age-Restricted Residential District, land shall be used only for the following permitted uses:
  - (1) Single-family attached age-restricted housing not to exceed eight (8) units per acre.
- B. Permitted Accessory Buildings and Structures. Permitted accessory buildings and structures in the Age-Restricted Residential District include:
  - (1) Necessary accessory buildings and facilities, including but not limited to gatehouses, garages, carports, guardhouses, storage facilities for maintenance of equipment and administrative, clubhouse, activity center and recreational structures shall be permitted.
  - (2) Model homes or sales offices.
  - (3) Private garages and carports.
  - (4) Off-street parking facilities.
  - (5) Swimming pools.
  - (6) Signs pursuant to § 16-90.
  - (7) Essential utilities.
- C. Area and Bulk Regulations. The area and bulk regulations for this district shall be in accordance with the requirements set forth in the Schedule of Area and Bulk Requirements.

#### **§ 16-82.12 R-AR-1 Age-Restricted Residential District.**

- A. Permitted Principal Uses. In the Age-Restricted Residential District, land shall be used only for the following permitted uses:
  - (1) Single-family attached age-restricted housing not to exceed eight (8) units per acre.
  - (2) Commercial uses along U.S. Route 130 in compliance with C-3 District standards. Commercial lots shall be no less than 200, and no more than 350 feet in depth as measured from U.S. Route 130. Minimum lot area shall be no smaller than 1.5 acres and no larger than 2.0 acres.
- B. Permitted Accessory Buildings and Structures.

- (1) Necessary accessory buildings and facilities, including but not limited to gatehouses, garages, carports, guardhouses, storage facilities for maintenance of equipment and administrative, clubhouse, activity center and recreational structures shall be permitted.
- (2) Model homes or sales offices.
- (3) Private garages and carports.
- (4) Off-street parking facilities.
- (5) Swimming pools.
- (6) Signs pursuant to § 16-90.
- (7) Essential utilities.

C. Area and Bulk Regulations. The area and bulk regulations for this district shall be in accordance with the requirements set forth in the Schedule of Area and Bulk Requirements.

### **§ 16-82.13 C-1 Neighborhood Commercial District.**

- A. Permitted Principal Uses. In a C-1 Neighborhood Commercial District, land shall be used only for the following permitted uses:
- (1) Retail sales and service as defined herein.
  - (2) Restaurants and cafes, provided that any restaurant or café which does not hold a license for the sale of alcoholic beverages and which allows patrons to bring their own alcoholic beverages shall be limited to the same hours of operation as apply to premises licensed to sell alcoholic beverages.
  - (3) Funeral homes and mortuaries.
  - (4) Professional and medical office.
  - (5) Public parks and recreational facilities.
  - (6) Governmental buildings and facilities.
  - (7) Financial Institutions.
- B. Permitted Accessory Uses. Only the following accessory uses are permitted when on the same lot with and customarily incidental to the foregoing permitted uses:
- (1) Refuse enclosures.
  - (2) Fences and walls.
  - (3) Rooftop screens and parapets for mechanical equipment.
  - (4) Off-street parking and loading spaces shall be provided for commercial uses pursuant to §16-88.
  - (5) Signs pursuant to §16-90.
- C. Area and Bulk Regulations. The area and bulk regulations for this district shall be in accordance with the requirements set forth in the Schedule of Area and Bulk Requirements.

**§ 16-82.14 C-2 Downtown Commercial District.**

- A. Permitted Principal Uses. In a C-2 Downtown Commercial District, land shall be used only for the following permitted uses:
- (1) All uses permitted in the C-1 Neighborhood Commercial zoning district.
  - (2) Single-family detached dwellings pursuant to the provisions for the R-4 Single-Family zoning district requirements.
- B. Permitted Accessory Uses. The following accessory uses shall be permitted when on the same lot with and customarily incidental to the foregoing permitted uses:
- (1) Private garages.
  - (2) Refuse enclosures.
  - (3) Utility sheds.
  - (4) Fences and walls.
  - (5) Rooftop screens and parapets for mechanical equipment.
  - (6) Home occupations.
  - (7) Swimming pools associated with residential uses.
  - (8) Off-street parking and loading spaces shall be provided for commercial uses pursuant to §16-88.
  - (9) Signs pursuant to §16-90.
- C. Conditional Uses. The following conditional uses shall meet the requirements set forth in § 16-81:
- (1) Places of worship.
  - (2) Automotive repair services and garages.
  - (3) Quasi-public buildings and recreation areas.
  - (4) Assisted Living Residence.
- D. Area and Bulk Regulations. The area and bulk regulations for this district shall be in accordance with the requirements set forth in the Schedule of Area and Bulk Requirements, except where otherwise specified for conditional uses in Section 16-81.
- E. Design standards. (Reserved)

**§ 16-82.15 C-3 Highway Commercial District.**

- A. Permitted Principal Uses. In a C-3 Highway Commercial District, land shall be used only for the following permitted uses:
- (1) Retail sales and services as defined herein.
  - (2) Financial institutions.
  - (3) Funeral homes and mortuaries.
  - (4) Restaurants.

- (5) Professional, general and medical office.
- (6) Planned shopping centers that contain a mix of the foregoing commercial uses.
- B. Permitted Accessory Uses. Only the following accessory uses are permitted when on the same lot with and customarily incidental to the foregoing permitted uses:
  - (1) Refuse enclosures.
  - (2) Fences and walls.
  - (3) Rooftop screens and parapets for mechanical equipment.
  - (4) Off-street parking and loading spaces shall be provided for commercial uses pursuant to §16-88.
  - (5) Signs pursuant to §16-90.
- C. Conditional Uses. The following conditional uses shall meet the requirements set forth in §16-81:
  - (1) Billboards.
  - (2) Places of worship.
  - (3) Quasi-public buildings and recreation areas.
  - (4) Assisted Living Residence.
  - (5) Automotive dealerships.
  - (6) Automotive repair services and garages and body shops.
  - (7) Gasoline service stations.
- D. Area and Bulk Regulations. The area and bulk regulations for this district shall be in accordance with the requirements set forth in the Schedule of Area and Bulk Requirements, except where otherwise specified for conditional uses in §16-81.
- E. Other Regulations. All other regulations of this ordinance shall be applied accordingly.

**§ 16-82.16 C-LI-1 Commercial-Light Industrial District.**

- A. Permitted uses for the C-LI-1 Commercial-Light Industrial District.
  - (1) Professional, general and medical offices.
  - (2) Funeral homes and mortuaries.
  - (3) Automotive repair and services and body shops.
  - (4) Sales and service of electronics, appliances and small equipment, i.e., lawn equipment.
  - (5) Light industrial uses that include research and scientific laboratories, assembly, fabrication and packaging of products, computer software development and manufacture, printing, furniture and cabinet making, upholstery, telecommunications offices and facilities excluding cellular communications towers, and media production facilities.
  - (6) Self storage and mini-warehouse facilities.
- B. Permitted Accessory Uses. Only the following accessory uses are permitted when on the same

lot with and customarily incidental to the foregoing permitted uses:

- (1) Private garages.
  - (2) Refuse enclosures.
  - (3) Fences and walls.
  - (4) Rooftop screens and parapets for mechanical equipment.
  - (5) Off-street parking and loading spaces shall be provided for commercial uses pursuant to §16-88.
  - (6) Signs pursuant to § 16-90.
- C. Conditional Uses. The following conditional uses shall meet the requirements set forth in §16-81:
- (1) Places of worship.
  - (2) Assisted Living Residence.
  - (3) Quasi-public buildings and recreation areas.
  - (4) Wireless telecommunications towers.
- D. Area and Bulk Regulations. The area and bulk regulations for this district shall be in accordance with the requirements set forth in the Schedule of Area and Bulk Requirements, except where otherwise specified for conditional uses in § 16-81.
- E. No accessory structures, driveways, parking areas or loading areas shall be located in the buffer area.

**§16-82.17 C-LI-5 Commercial-Light Industrial District.**

- A. Permitted Principal Uses. The following are permitted uses in the C-LI-5 Commercial-Light Industrial District:
- (1) General, professional and medical offices.
  - (2) Retail sales and services.
  - (3) Indoor recreational facilities, i.e., bowling, gymnasiums, martial arts training facility, fields, courts and rinks.
  - (4) Exhibit / convention centers and movie theaters excluding live entertainment venues.
  - (5) Research and scientific laboratories.
  - (6) Assembly, fabrication and packaging of products.
  - (7) Computer software development and manufacture.
  - (8) Printing and publishing.
  - (9) Media production facilities.
  - (10) Warehousing and distribution, excluding truck depots and terminals.
  - (11) Manufacturing of light machinery.
  - (12) Pharmaceutical and medical supply manufacturing excluding processing and disposal

of medical waste.

(13) Wholesale food manufacturing and processing in accordance with the performance standards of this chapter.

(14) Bottling of food and beverages excluding alcoholic and spirituous liquor.

B. Permitted Accessory Uses. The following accessory uses shall be permitted when on the same lot with and customarily incidental to the foregoing permitted uses:

(1) Refuse enclosures.

(2) Fences and walls.

(3) Rooftop screens and parapets for mechanical equipment.

(4) Off-street parking and loading spaces shall be provided for commercial uses pursuant to §16-88.

(5) Signs pursuant to § 16-90.

C. Conditional Uses. The following conditional uses shall meet the requirements set forth in §16-81:

(1) Assisted Living Residence.

(2) Billboards.

(3) Places of worship.

(4) Gasoline service stations.

(5) Automotive dealerships.

(6) Automotive service and repairs and body shops.

(7) Quasi-public buildings and recreation areas.

(8) Wireless telecommunications towers.

D. Area and Bulk Regulations. The area and bulk regulations for this district shall be in accordance with the requirements set forth in the Schedule of Area and Bulk Requirements.

E. No accessory structures, driveways, parking areas or loading areas shall be located in the buffer area.

F. Other Regulations.

(1) Overhead doors and/or loading docks shall not be permitted in the front yard or along the front building façade.

(2) Loading and unloading shall occur in the rear yard.

#### **§16-82.18 LI Light Industrial District.**

A. Permitted Principal Uses. In the LI Light Industrial District, land shall be used only for the following permitted uses:

(1) General, professional and medical office.

(2) Warehouses, including self-storage and mini-warehouses.

- (3) Packaging and distribution facilities, not including trucking terminal.
  - (4) Wholesale facilities and showrooms.
  - (5) Tradesman and artisan shops, offices and showrooms including glass, tile and stone trade, metal trade, furniture and cabinet trade, and printing, publishing and media trade.
  - (6) Manufacture, fabrication and assembly of products from previously processed and prepared materials. Such operations shall occur within completely closed buildings and structures.
  - (7) Research laboratory.
  - (8) Research and scientific laboratories.
  - (9) Computer software development and manufacture.
- B. Permitted Accessory Uses. Only the following accessory are permitted when on the same lot with and customarily incidental to the foregoing permitted uses:
- (1) Refuse enclosures.
  - (2) Cafeteria and child care center for use by employees.
  - (3) Rooftop screens and parapets for mechanical equipment.
  - (4) Off-street parking and loading pursuant to § 16-88.
  - (5) Signs pursuant to § 16-90.
- C. Conditional Uses. The following conditional uses shall meet the requirements set forth in § 16-81:
- (1) Automotive repair services and garages.
- D. Area and Bulk Regulations. The area and bulk regulations for this district shall be in accordance with the requirements set forth in the Schedule of Area and Bulk Requirements.
- E. Overlay Zone. The following provisions for creating a planned mixed-use development that is comprised of a variety of office, commercial and light industrial uses. The following conditions shall be required for the overlay zone to be applied:
- (1) Minimum lot area shall be eight (8) acres.
  - (2) Minimum lot width shall be eight hundred (800) feet.
  - (3) Minimum lot depth shall be eight hundred (800) feet.
  - (4) Minimum front yard set back shall be thirty (30) feet.
  - (5) Minimum side yard set back shall be thirty (30) feet.
  - (6) Minimum rear yard set back shall be thirty (30) feet.
  - (7) Maximum building coverage shall be fifty (50) percent.
  - (8) Maximum building height shall be three (3) stories and forty-five (45) feet.
  - (9) Landscape buffers at least thirty (30) feet wide, which consist of coniferous trees planted in two staggered rows fifteen (15) feet on center, should be provided along side

and rear yards when a mixed-use development abuts a residential use.

(10) Landscaped pedestrian access, i.e., six-foot (6-foot) wide sidewalks with street trees and ornamental lighting, should be provided from the vicinity of each transit station stop to the mixed-use development.

(11) Permitted Mix of uses by type and percentage of gross floor area should include:

Type of Use	Percentage of GFA
Office uses as permitted in C-LI-5	10 to 25 percent
Commercial uses as permitted in C-1	10 to 25 percent
Light industrial uses as permitted in C-LI-5*	50 to 80 percent

\* Excluding cellular communications towers, warehousing and distribution, bottling of food and beverages, bakeries, ice cream manufacturing, and food processing.

**§ 16-82.19 I, General Industrial District.**

A. Permitted Principal Uses.

- (1) Automotive repair services and garages and body shops.
- (2) General offices.
- (3) Wholesale and distribution centers excluding trucking terminals.
- (4) Warehousing and distribution, including self-storage and mini-warehouses.
- (5) Manufacture, fabrication and assembly of products from previously processed and prepared materials conducted within completely enclosed buildings.
- (6) Research laboratories.
- (7) Tradesman and artisan shops, offices and showrooms including glass, tile and stone trade, metal trade, furniture and cabinet trade, and printing, publishing and media trade.
- (8) Kennel.

B. Permitted Accessory Uses. Only the following accessory uses are permitted when on the same lot with and customarily incidental to the foregoing permitted uses:

- (1) Refuse enclosures.
- (2) Cafeteria and child care center for use by employees.
- (3) Off-street parking and loading shall be provided for commercial uses pursuant to §16-88.
- (4) Rooftop screens and parapets for mechanical equipment.
- (5) Signs pursuant to §16-90.

C. Conditional Uses. The following uses shall meet the requirements set forth in §16-81.

- (1) Sexually-oriented businesses, body piercing, tattoo and massage parlors.
- (2) Wireless telecommunications towers.

- D. Area and Bulk Regulations. The area and bulk regulations for this district shall be in accordance with the requirements set forth in the Schedule of Area and Bulk Requirements.

**§ 16-82.20 C, Cemetery District.**

- A. Permitted Principal Uses.

(1) Cemetery.

- B. Permitted Accessory Uses. Only the following accessory uses are permitted when on the same lot with and customarily incidental to the foregoing permitted uses:

(1) General office.

(2) Storage building.

(3) Refuse enclosures.

(4) Individual family mausoleums not greater than 16 feet in height.

(5) Signs pursuant to §16-90.

- C. Area and Bulk Regulations. The area and bulk regulations for this district shall be in accordance with the requirements set forth in the Schedule of Area and Bulk Requirements.

**§ 16-83 Accessory Buildings.**

- A. Prior to the construction or placement of an accessory building or structure, a zoning permit shall be issued by the Zoning Officer.
- B. No accessory structure may be built upon any lot on which there is no principal building or structure.
- C. On through lots, no accessory structure erected in the rear yard shall be nearer to the "rear" street line than the minimum front yard setback for the zone in which such lot is located.
- D. Setback. Any accessory building attached to a principal building is part of the principal building and shall adhere to the yard requirements for the principal building. Detached accessory structures that are accessory to a one- or two-family structure shall be located not less than three (3) feet from any side and rear property line and shall be located in the rear yard.
- E. Accessory structures associated with nonresidential uses shall be located within the required setbacks for principal structures, except that refuse enclosures may encroach into the rear or side yard setback by one-half the setback requirement if enclosed on three sides by a masonry wall and not located within a required buffer. Refuse enclosures shall not be located in the front yard.
- F. Area. Provided adherence with lot coverage requirements of the prevailing zone, the maximum gross floor area of an accessory building, excluding utility sheds, shall be four-hundred fifty (450) square feet for parcels of less than one-half (1/2) acre, six-hundred (600) square feet for parcels of between one-half (1/2) and two (2) acres, and one-thousand (1,000) square feet for parcels larger than two (2) acres. A utility shed shall have a maximum gross floor area of one hundred forty-four (144) square feet, and no one wall length shall exceed 12 feet.
- G. Height. The maximum height of a detached garage shall be sixteen (16) feet, and the maximum height of a utility shed shall be ten (10) feet.
- H. One utility shed shall be permitted per property.
- I. Utility sheds and garages shall be anchored in such a manner to resist toppling from wind and flotation from flood waters. Garages shall be secured to a poured concrete foundation and shall be constructed of durable, permanent materials, and shall be surrounded on all sides with non-metal building walls, one which should contain a garage door for the entry of motor vehicles. Garages and utility sheds shall be architecturally consistent with the principal structure including building materials, colors and roof pitch.
- J. Number. One (1) accessory structure, excluding pools, fences, patios and decks less than 2 feet in height, in addition to a detached garage shall be permitted on any parcel zoned or used for residential use provided a principal residential structure is situated thereon.

**§ 16-84 Fences and walls.**

- A. Prior to the construction of a fence or wall, a zoning permit shall be issued by the Zoning Officer.
- B. Plans and detailed information shall be submitted with each application for a fence or wall permit, setting forth the dimensions and materials incorporated in construction and the exact location on the premises. All plans shall comply with the Uniform Construction Code.

- C. Fences and walls shall be located within the property lines and shall not be located in any required sight triangle, nor shall they be located within any public right-of-way or drainage, utility or conservation easement.
- D. Fences and walls located between the street line and the required front yard setback line in Residential zoning districts shall not exceed four (4) feet in height. This regulation shall apply to all street frontages on corner lots. Fences located in the front yard shall have a minimum of fifty percent (50%) of their surface area open to permit visible penetration allowing for light and air to pass through. This regulation shall not apply to reverse frontage lots and lots fronting along alleys where the portion of the lot fronting along said public right-of-way serves as a back yard.
- E. Fences and walls accessory to residential uses and located along side and rear yards shall not exceed six (6) feet above the finished grade.
- F. The maximum height for fences in Commercial and Industrial zoning districts shall be six (6) feet. Fences shall not be permitted in a front yard in a non-residential district unless otherwise required by this chapter.
- G. Fences and walls shall surround all swimming pools as required by State code.
- H. General regulations.
  - (1) Applicability. The standards and regulations herein set forth shall apply to all fences and walls hereinafter erected, altered or reconstructed, or which are presently existing and are not considered a preexisting nonconforming use under any present or former ordinance of the Township.
  - (2) Height. No fence or wall, except as provided herein, shall exceed six (6) feet in height at the highest point above ground level, except that fences or walls located within twenty-five (25) feet of any dedicated street line shall not exceed four (4) feet at the highest point. At least fifty percent (50%) of the surface area of any fence or wall located within twenty-five (25) feet of any dedicated street line shall have a minimum of fifty percent (50%) of their surface area open to permit visible penetration allowing for light and air to pass through.
  - (3) Fences and walls, Rear yard; Height; Location. Fences and walls in the rear yard of any property shall be no higher than six (6) feet, except that no six-foot high fence or wall shall be closer than forty (40) feet to a right-of-way.
  - (4) Recreational area fences and walls; Height. Fences or walls enclosing athletic and recreational areas shall not exceed twelve (12) feet in height above ground level. All such fences in excess of six (6) feet in height shall be of wire mesh construction. Baseball backstops shall not exceed seventeen (17) feet in height.
  - (5) Material. No fence or wall shall be fabricated, constructed or built of any material other than wood, wire, vinyl, metal, brick, stone or masonry.
  - (6) Fences shall be installed with the unfinished side facing inward toward the interior of the lot on which it is installed.
  - (7) Prohibited fences and walls. The following fences, fencing materials and walls are specifically prohibited:
    - (a) Barbed or razor wire fences.
    - (b) Sharp pointed fences or walls.
    - (c) Electrically charged fences, except in relation to the keeping of horses or other permitted livestock.

- (d) Temporary fences, except snow fences for the purpose of controlling snow drifting and construction fences that are temporary in function and intent.
- (e) Expandable fences.
- (f) Collapsible fences, except collapsible temporary fences which shall be permitted on municipal and school owned properties and recreation areas in general where required for safety reasons.

#### **§ 16-85 Decks, patios and swimming pools.**

- A. Decks, patios and swimming pools shall not be permitted in the front yard. Swimming pools shall be permitted only in the rear yard, and in no case may a pool be located closer to the street than the principal building.
- B. Decks and patios shall be set back in accordance with the side and rear yard set back requirements of the respective zoning district in which the premises is located. Swimming pools may be set back up to 5 feet from the side or rear property line. For swimming pools, the setback shall be measured from the lot line to the nearest inside wall of the pool.
- C. Decks attached to the principal building shall be no higher than the floor elevation of the uppermost habitable floor. Unattached decks not associated with an above-ground swimming pool shall not exceed 2 feet in height, measured from original grade. Decks surrounding above-ground pools shall be no higher than the top rim of the pool.
- D. Swimming pools shall be set back at least 10 feet from any principal or accessory structure.
- E. No person shall erect, alter or relocate any deck, patio or swimming pool without a zoning permit and, when applicable, a building permit. Decks, patios and swimming pools shall conform to the Uniform Construction Code of the State of New Jersey.
- F. No private swimming pool shall be used other than as accessory to the principal use of the premises upon which it is located.
- G. Elevated lights over four (4') feet in height used or maintained in connection with a private swimming pool shall be so located and shielded that the illumination therefrom is not directed upon any adjacent property and shall be turned off by 10:00 p.m.
- H. The yard area or portion of the yard area in which the pool is located shall be completely enclosed with a fence that is in compliance with the New Jersey Uniform Construction Code.
- I. The pool may be lighted by either underwater or exterior lights provided all exterior lights are located so that the light is neither directed or reflected upon adjacent properties. All freestanding standards used for exterior lighting shall be no closer to the edge of the pool than its height. All lighting shall be in compliance with the applicable State Uniform Construction Code.

#### **§ 16-86 Rooftop units.**

Rooftop units and structures, such as those associated with heating, ventilation, air conditioning, elevation, power regulation and communications, and similar purposes shall be screened from the view of residential uses or public rights-of-way by parapets or other architectural features consistent with the design of the primary structure.

#### **§ 16-87 Trailers, campers and boats.**

- A. No trailer, auto trailer, trailer coach, travel trailer, camper or boat shall be used for dwelling purposes, sleeping quarters or the permanent conduct of any business, profession, occupation.
- B. Trailer, camper and boat equipment may be used for a temporary construction office located on

a construction site, provided that the approving authority has specifically authorized the temporary construction office and approved its location as part of its approval of a subdivision or site plan. Prior to use for a temporary construction office, a temporary permit shall be issued by the Construction Official.

- C. No trailer or other storage vehicle may be used for temporary storage in commercial districts unless a permit is issued by the Planning Board. Said permit shall be limited to storage associated with repair or remodeling of a commercial space, shall provide for substitute parking arrangements to replace parking area consumed by storage, shall be screened from the street and neighboring residential uses where feasible, and shall not exceed thirty (30) days in duration.
- D. This section shall not be construed to prohibit the parking or storage of such equipment on private premises only. Such equipment shall not be parked on a public street in a residential zoning district for a period exceeding twenty-four (24) hours.

#### **§ 16-88 Off-street parking.**

- A. Residential driveways. One (1) driveway and curb cut or street access point shall be permitted per single-family dwelling provided conformance with the following standards:
  - (1) A minimum setback of five (5) feet from any property line other than that over which ingress/egress is necessary except that shared driveways are permitted on collector or arterial roadways.
  - (2) Driveways are to be a minimum of nine (9) feet in width.
  - (3) On corner lots, driveways shall be set back a minimum of thirty (30) feet from an intersecting roadway. Driveways on corner lots at the intersection of roadways of different classifications as defined under the New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21-1 et seq.) are to be situated on the lower order street.
- B. Off-street parking requirements.
  - (1) The required parking shall be measured exclusive of interior driving lanes and maneuvering areas. All required parking shall be provided off the street and on site.
  - (2) When the computation of the number of required parking spaces results in a fraction, such fractions shall be rounded to the next highest whole number.
  - (3) All parking areas shall be paved, curbed and provided stormwater management drainage improvements and appurtenances in accordance with sound engineering practice.
  - (4) Dimensions. Off-street parking spaces shall be a minimum of nine (9) feet wide and eighteen (18) feet long, except parallel parking spaces shall be twenty-five (25) feet long.
  - (5) Americans with Disabilities Act. The number, design, and signage of parking spaces designed for the disabled shall comply with the requirements of the Americans with Disabilities Act, Public Law 101-336 and all subsequent amendments.
  - (6) Required parking spaces. The number of parking spaces required for each nonresidential use shall be determined by the amount of gross floor area as defined in this chapter or such other measure indicated below further providing the number of stalls provided shall not exceed one hundred five percent (105%) of the stated requirement. Where a particular site or facility contains more than one (1) use, the total parking requirements shall be the sum of the component parts, unless indicated otherwise. Where specific parking requirements are not specified, the parking requirement shall be determined by the Board, taking into consideration the standards

established herein.

Use:	Parking spaces required:
Assisted Living Residence	One-quarter (0.25) parking space per resident plus one space per employee on maximum shift.
Automotive dealership	One (1) space for each employee during peak shift; plus one (1) space per 300 SF of building floor area; plus one (1) space per ever 20 outdoor vehicle display/storage spaces.
Automotive repair service and garage and body repair shop	One (1) space per employee on maximum shift plus three spaces per service bay.
Bowling alley	Four (4) spaces per alley
Commercial recreation	One (1) space per employee at peak shift and one (1) space per one hundred (100) square feet of gross floor area, and in the case of outdoor facilities, one (1) space per 100 hundred (100) square feet of area in which patrons use (e.g., golf driving range: area used by patrons is the tee area from which golf balls are driven; and batting cage: area used by patrons is the entire cage)
Community swimming pool	One (1) space per fifteen (15) square feet of surface area
Child care center	In a freestanding building: One (1) space per two hundred fifty (250) square feet of gross floor area. In a mixed-use complex: The parking requirement shall be per the Municipal Land Use Law.
Financial institution, bank and office	One (1) space per two hundred fifty (250) square feet of gross floor area
Gasoline service station	One (1) parking space for each employee during peak shift. If a convenience store is proposed, the convenience store shall use the retail parking standard.
Manufacturing, assembly and fabrication	One (1) space per one thousand (1,000) square feet of gross floor area
Medical professional	One (1) space per one hundred fifty (150) square feet of gross floor area
Mortuary and funeral home	Ten (10) spaces per viewing room and chapel
Places of assembly	One (1) space per three (3) seats where seats are fixed. One (1) space per two hundred (250) square feet of gross floor area where seats are not fixed.
Nightclub	One (1) space per sixty (60) square feet of gross floor area

Use:	Parking spaces required:
Assisted Living Residence	One-quarter (0.25) parking space per resident plus one space per employee on maximum shift.
Retail sales and service	One (1) space per two hundred (200) square feet of gross floor area
Research facility	One (1) space per eight hundred (800) square feet of gross floor area
Restaurant	One (1) space per three (3) seats plus 1 space for each employee on maximum shift
School, Grades Kindergarten through 10	One (1) space for every instructor and staff member
School, Grades 11 through 12	One (1) space for every instructor and staff member, plus one space for every five students in Grades 11 through 12.
Veterinary hospital	Two (2) spaces per examination room plus one space per employee on maximum shift
Warehouse, shipping and receiving	One (1) space per five thousand (5,000) square feet of gross floor area

- (7) Off-street parking requirements for residential uses shall be as specified within the New Jersey Residential Site Improvement Standards (RSIS) adopted by the State of New Jersey under N.J.A.C. 5:21-1 et seq., Table 4.4.
- (8) Location.
- (a) Parking spaces shall be located on the same lot as the use being served. No off-street parking space shall have direct access from a street.
  - (b) No parking space shall be located in any required landscape buffer area.
  - (c) Parking spaces for residential uses shall be located within a reasonable distance to a residential dwelling.
  - (d) No commercial motor vehicle, school bus, dump truck, walk-in van or construction equipment shall be parked or stored anywhere in a Residential zoning district or on any residential parcel, except when the vehicle is being used in the transaction of business with the owner or occupant of the property. Commercial motor vehicles shall include all commercially licensed vehicles and all trucks or vans with a gross registered weight in excess of eight thousand (8,000) pounds. The provisions of this subsection shall not apply to the parking or storage of school buses and school vans on public school, private school or parochial school property.

## § 16-89 Landscape buffer areas and design.

- A. Landscape buffer areas are required between residential and non-residential development as provided herein, unless specified otherwise in this chapter.
- B. Landscape buffer areas shall be maintained and kept clean of all debris, rubbish, weeds and tall grass by the owner. Any screen planting shall be maintained permanently, and any plant material which does not survive shall be replaced within one (1) year or one (1) growing season.
- C. No structure, activity, storage of materials or parking or loading of vehicles shall be permitted in a landscape buffer area.
- D. Landscape buffer areas shall extend along the full length of the respective yards in which they are required.
- E. Buffer areas, as defined in this chapter, shall be developed in an aesthetic manner for the primary purpose of screening views, providing physical separation and reducing noise and glare beyond the buffer area. Buffer area widths shall be measured horizontally and perpendicularly to lot and street lines. The preservation of all desirable existing vegetation in a buffer area shall be assured through sensitive grading and development practices. The standards for the location and design of buffer areas are intended to provide flexibility in order to provide effective buffers. The location and design of buffers shall consider the use of the portion of property being screened; the distance between the use and the adjoining property or street; differences in elevation; the type of buffer, such as planting, berming, preservation of existing vegetation, a wall, hedge or fence; buffer height; buffer width; and other combinations of man-made and natural features. The buffer shall be designed, planted, graded or developed with the general guideline that the closer a use or activity is to a property line or the more intense the use, the more effective the buffer must be in obscuring light, vision and reducing noise beyond the lot.
- F. Required landscape buffer areas. Requirements for conditional uses set forth in this chapter provide for required landscape buffer areas. In the event that no landscape buffer area is specifically provided in § 16-81, the landscape buffer area required for the zoning district in which such conditional use is conditionally permitted shall apply. Further, in the event a use is permitted by the granting of a use variance, the landscape buffer area shall be determined as a result of the use variance approval process, while applying the landscape buffer area required for the zoning district in which the use variance is sought.
- G. In residential subdivisions or site plans, a 15-foot buffer shall be maintained along all tract boundary lines that directly abut existing residential uses or zones.
- H. Additional requirements:
  - (1) In the C-1 Zone, landscaping shall be provided in all yards, and a 10-foot-wide buffer shall be provided along side and rear yards. When commercial use abuts a residential use or zone, a solid fence at least 6-feet-high shall also be provided in addition to the landscaping to enhance the buffer and provide an effective screen. A minimum 5-foot-wide landscaped area shall be provided along the front property line.
  - (2) In the C-2 Zone, landscaping shall be provided in all yards and a 10-foot-wide buffer shall be provided along side and rear yards where a commercial use abuts a residential use or zone. A 10-foot-wide landscaped area shall be provided along the front property line.
  - (3) In the C-3, C-LI and I Zones, landscaping shall be provided in all yards, with minimum planted areas of at least 20 feet-wide in the front yard and 15 feet-wide in side and rear yards when abutting non-residential uses or zones; and 30 feet-wide along side and rear yards when abutting residential uses or zones.

- (4) In the Cemetery Zone, a 15-foot-wide perimeter buffer shall be provided from all property lines.

## § 16-90 Signs.

No person shall erect, alter or relocate any sign without a sign permit, unless exempted under the following provisions. Applications for a sign permit shall be made to the Construction Official. The permit fee for such signs shall be as provided in the schedule set forth in Township ordinances. Whenever a sign is changed, the fee for such change shall be as provided in the schedule set forth the Township ordinances. Normal maintenance and the removal of a sign shall not require a permit.

### § 16-90.1 General regulations.

#### A. Prohibited signs.

- (1) Animated, flashing and illusionary signs. Signs using mechanical and/or electrical devices to revolve, flash, change intensity of illumination or display movement or the illusion of movement. Prohibited signs shall include changeable-type signs and reader-board signs.
- (2) Signs illuminated externally by bare-bulbs.
- (3) Banner-type signs, except in celebration of public events and erected with the approval of the governing body.
- (4) Mobile signs, including signs that are not permanently attached to a building, or not placed in the ground in such a fashion as to be permanent in a manner conforming to the Uniform Construction Code, or signs mounted on wheels, trailers or unregistered motor vehicles. Delivery trucks should be stored out of sight of the front of the building. Any registered vehicle(s) that has as its principal purpose the advertising of a business from a site as opposed to serving as a delivery or service vehicle for other business purposes of this section is prohibited. If a vehicle with advertising on it is nor parked on the property where the business is located, out of sight of the front of the building, and remains in a single location for more than two hours and is not actively engaged in making a delivery, it shall be presumed that it is in violation of this section.
- (5) Neon lit signs, except for neon illumination covered by a colored, translucent lens to ensure that there are no exposed neon bulbs, channels or tubes visible from the street or adjacent properties.
- (6) No signs shall be placed within the right-of-way which is defined for purposes of this restriction as the area between the street paving and the furthest edge of the sidewalk, or, if there is no sidewalk, the area extending back ten (10') feet from the edge of the street paving. Any sign so placed shall be subject to removal and destruction by the Township.
- (7) Signs shall not be painted or otherwise applied directly to the surface of a building.
- (8) All signs not specifically permitted are prohibited.

B. Attached signs. Signs parallel to walls shall project between 6 and 15 inches from the surface of the wall. Signs perpendicular to walls shall extend no more than five (5) feet from the surface of the wall, shall not exceed four (4) square feet in sign area, shall be supported in a structurally sound manner approved by the Township Engineer and/or Construction Official and shall have a clearance of at least nine (9) feet between the bottom of the sign to the finished grade.

C. Sign height. Unless otherwise specified herein, the height of any attached sign shall not exceed ten percent (10%) of the height of the wall to which it is attached, except that such sign can be at least two (2) feet in height. No attached sign shall extend above a roofline.

D. Window signs and posters. Promotional signage and posters displayed in windows shall be fastened or hung on the interior side of the window and shall not exceed ten (10) percent of the

total window area.

- E. Illuminated signs. Indirect lighting shall be used for signs wherever feasible. All lighted signs shall have the light source shielded from adjoining or nearby lots, streets and interior drives. Illuminated signs shall have translucent fixtures.
- F. Monument signs. All monument signs shall be mounted on masonry and have complementing landscaping along the base.
- G. Exemptions from sign permits. Street number designations, highway signs, postal boxes, family names on residences, on-site traffic directional and parking signs not exceeding 4 square feet in area, signs posting property as “private property,” “no hunting,” “danger,” “warning” or for similar purposes are permitted but are exempt from other sign area limits as set forth in this chapter. Such signs unless otherwise indicated shall not exceed two (2) square feet each.
- H. No person shall erect, alter or relocate any sign within the public right of way or sight triangle.

### **§ 16-90.2 Temporary signs.**

- A. Construction signs, non-residential. No more than one (1) sign naming the project under construction and the participating firms and individuals is permitted on the construction site, beginning with the issuance of a building permit and terminating with the issuance of a certificate of occupancy or the expiration of the building permit, whichever comes first. Such signs shall not exceed an area of thirty-two (32) square feet.
- B. Construction sign, residential. Not more than two (2) temporary ground signs for an approved residential development shall be permitted, provided that each sign does not exceed twelve (12) square feet, shall be no closer than fifteen (15) feet to any street or side lot line and shall be removed within thirty (30) days after all lots or units have been sold or rented.
- C. Real estate signs. Real estate signs shall be set back at least ten (10) feet from the edge of the street paving and ten (10) feet from all property lines and shall not exceed four (4) square feet on each side. Signs shall be removed at the expense of the advertiser within fifteen (15) days after the termination or completion of the matter being advertised. They do not require a permit. No more than one (1) sign shall be permitted along each street. Real estate signs shall be permitted only on the lot that the sign is advertising.
- D. Open House signs. Real estate open house signs shall be permitted under section I the day of the event and two (2) days prior to the event. Open House signs and directional signs shall be removed within one hour after the close of the event. No open house or open house directional sign shall be placed on any property without the consent of the property owner.
- E. Election and charitable special event signs. Temporary signs advertising a special event by a charitable organization, or election signs shall be erected no more than one month prior to the event and shall be removed within five days after the event shall have taken place.
- F. One-day event signs. Signs advertising a one-day yard sale or other one day event not including signs permitted under section (d) and section (e) shall not be displayed for more than two days preceding the event and shall be removed within one day after the event. One-day event signs shall not exceed three in number, two of which shall be no larger than four (4) square feet and the third of which shall be no larger than nine (9) square feet and this third sign shall be located on the premises where the yard sale or other event is to take place. No permit shall be required for signs permitted under this section.
- G. Mechanics and artisans. Each mechanic and artisan is permitted to erect one (1) sign during the period when the mechanic or artisan is actively performing work on the lands or premises where the sign is placed. The sign shall have a maximum of six (6) square feet, and it shall not be placed in such a way that it interferes with visibility for motorists exiting the premises.

### **§ 16-90.3 Signs for certain uses.**

- A. Public and quasi-public uses, places of worship and schools. One (1) attached or monument sign not exceeding twelve (12) square feet may be located on the premises of places of worship, schools, quasi-public and public buildings and grounds. The sign regulations shall not apply to signs or banners placed by the Township along streets, notwithstanding that such signs or banners may be sponsored and have a portion of the sign or banner acknowledging the sponsor. No fee shall be required in connection with the permit for such a sign.
- B. Gasoline service stations. Gasoline service stations may display the following special signs:
  - (1) One (1) monument sign advertising the name of the station, including the company or brand name, insignia or emblem, provided that such sign area shall not exceed fifty (50) square feet and shall be at least fifteen (15) feet from the property line. Said sign shall not exceed the applicable height requirements established in Section 16-90.5 for monument signs. One (1) monument sign per street frontage shall be permitted, however an additional sign may be permitted for additional frontages if it is demonstrated to the Board's satisfaction that the signs are separate enough to not be seen simultaneously. The monument sign may have a supplementary price sign, provided that it is mounted on the same support structure as the monument sign, that the price sign does not exceed twenty-five (25) square feet in sign area and that the lowest part of the price sign is at least four (4) feet above the finished grade.
  - (2) Incidental signs advertising services, trade information, credit cards, prices and information other than product advertising are permitted, provided that no one (1) sign exceeds ten (10) square feet, there is no more than one (1) such sign per street frontage and all are set back at least twenty (20) feet from the curb line.
  - (3) In addition to the monument sign permitted herein, gasoline service stations that have a canopy over the fuel dispensing islands shall be permitted one (1) sign on the canopy, with the sign area limited to no more than ten percent (10%) of the area of the longest facade of the canopy.
  - (4) In addition to the monument sign, the incidental sign and the sign on the canopy, the principal building shall be permitted to have one (1) attached sign in accordance with the provisions of § 16-90.5.

### **§ 16-90.4 Signs within residential zoning districts.**

- A. Apartment Complexes and Townhouses. One (1) monument sign shall be permitted indicating the name of the development and street address. Said sign shall not exceed twelve (12) square feet in area and a maximum height of four (4) feet, and shall be no closer than ten (10) feet to any right-of-way.
- B. Home occupations. Where permitted, one (1) attached sign providing only the name and occupation, not exceeding two (2) square feet and attached flush with the facade of the dwelling. Such sign shall not be illuminated. A home occupation sign shall be provided in lieu of a separate residential sign that is exempted in the provisions set forth in § 16-90.1.G.

### **§ 16-90.5 Signs within nonresidential zoning districts.**

- A. C-1 Neighborhood Commercial and C-2 Downtown Commercial Zoning Districts.
  - (1) Freestanding businesses not part of a multi-tenant commercial facility. There shall be no more than two (2) business signs per freestanding business. No more than one (1) sign shall be permitted to be an attached sign, and no more than one (1) sign shall be permitted to be a monument sign.
  - (2) Parallel attached signs. Maximum sign area shall be the lesser of 30 square feet or ten

percent (10%) of the exterior façade elevation.

- (3) Perpendicularly attached signs. Maximum sign area shall conform to § 16-90.1.B, and sign height shall conform to § 16-90.1.B.
- (4) Monument sign. Maximum sign area shall be thirty (30) square feet; maximum sign height shall be six (6) feet and minimum setback from curblines shall be 15 feet.
- (5) Awning or canopy signs. Awning or canopy signs may be permitted in lieu of parallel or perpendicular attached signs and in addition to monument signs permitted in this subsection provided said signage considered with attached signage does not exceed in aggregate the square footage limitation for attached signs; further providing adherence to the requirements set forth in this subsection. Multiple perpendicularly attached signs and awning or canopy signs shall not be permitted.
  - (a) Signs may be permitted as part of an awning provided that the sign does not exceed twenty percent (20%) of the surface area of the awning.
  - (b) Signs may be permitted on each vertical face of a canopy provided that the sign does not exceed ten percent (10%) of the surface area of each vertical face of the canopy on which the sign is to be located.
- (5) Multi-tenant commercial facilities. Multi-tenant commercial facilities consisting of two (2) or more businesses in a building or buildings shall be permitted to have one (1) attached sign per business and no more than one (1) monument sign on the premises.
  - (a) Attached signs. Each tenant may have one attached sign equal to 2 square feet per linear foot of building facade dedicated to that tenant, not to exceed 20 square feet. Signs shall be located on the front facade, or in the alternative may be located on the facade that contains that tenant's primary entrance. Signs shall be consistent in style and color and shall be consistently located in a band above the store entrances.
  - (b) In the case where a building contains multiple stories, tenant signs shall be located along the same story, regardless of actual tenant locations within buildings.
  - (c) Perpendicularly attached signs. As an alternative to parallel attached signs, multi-tenant commercial facilities may utilize perpendicularly attached signs.
  - (d) Awning and canopy signs shall comply with the provisions set forth in §16-90.5.A(5).
  - (e) No window signage is permitted on second, third or fourth floors.
  - (f) Monument signs. Maximum sign area shall be 65 square feet, and maximum sign height shall be eight (8) feet. Each tenant may be provided contiguous sign area roughly proportional to the percentage of space occupied by the tenant and shall contain the site's street address. Such signs shall be set back at least fifteen (15) feet from the curb line and shall be uniform to all other applicable provisions of §16-90.1.

**B. C-3 Highway Commercial and C-LI-1 and C-LI-5 Commercial Light Industrial Zoning Districts.**

- (1) Freestanding businesses not part of a multi-tenant commercial facility. There shall be no more than two (2) business signs per freestanding business. No more than one (1) sign shall be permitted to be an attached sign, and no more than one (1) sign shall be permitted to be a monument sign.
  - (a) Parallel attached signs. Maximum sign area shall be the lesser of forty (40) square feet or ten percent (10%) of the exterior façade elevation.

- (b) Perpendicularly attached signs. Maximum sign area shall conform to § 16-90.1.B and sign height shall conform to §16-90.1.B.
- (c) Monument sign. Maximum sign area shall be 75 square feet; maximum sign height shall be 8 feet and minimum setback from curbline shall be 15 feet.
- (d) Awning or canopy signs. Awning or canopy signs may be permitted in lieu of parallel or perpendicular attached signs and in addition to monument signs permitted in this subsection provided said signage considered with attached signage does not exceed in aggregate the square footage limitation for attached signs; further providing adherence to the requirements set forth in this subsection. Multiple perpendicularly attached signs and awning or canopy signs shall not be permitted.
  - [1] Signs may be permitted as part of an awning provided that the sign does not exceed twenty percent (20%) of the surface area of the awning.
  - [2] Signs may be permitted on each vertical face of a canopy provided that the sign does not exceed ten percent (10%) of the surface area of each vertical face of the canopy on which the sign is to be located.
- (2) Multi-tenant commercial facilities. Multi-tenant commercial facilities consisting of two (2) or more businesses in a building or buildings shall be permitted to have one (1) attached sign per business and no more than one (1) monument sign on the premises.
  - (a) Attached signs. Each tenant may have one attached sign equal to 2 square feet per linear foot of building facade dedicated to that tenant, not to exceed 20 square feet. Signs shall be located on the front facade, or in the alternative may be located on the facade that contains that tenant's primary entrance. Signs shall be consistent in style and color and shall be consistently located in a band above the store entrances.
  - (b) In the case where a building contains multiple stories, tenant signs shall be located along the same story, regardless of actual tenant locations within buildings.
  - (c) Perpendicularly attached signs. As an alternative to parallel attached signs, multi-tenant commercial facilities may utilize perpendicularly attached signs.
  - (d) Awning and canopy signs shall comply with the provisions set forth in § 16-90.5.B(d).
  - (e) Monument signs. Maximum sign area shall be one hundred (100) square feet, and maximum sign height shall be eight (8) feet. Each tenant may be provided contiguous sign area roughly proportional to the percentage of space occupied by the tenant and shall contain the site's street address. Such signs shall be set back at least 25 feet from the curb line and shall be uniform to all other applicable provisions of §16-90.1.
  - (f) No window signage is permitted on second, third or fourth floors.

C. I Industrial zoning district.

- (1) No more than one (1) attached wall sign or hanging wall sign shall be permitted and shall be located on one (1) side of the main principal building or structure. Maximum sign area shall not exceed 40 square feet or ten percent (10%) of the area of the wall to which it is attached or located, whichever is less.
- (2) Monument sign. Maximum sign area shall be sixty-five (65) square feet and maximum sign height shall be 6 feet. Such signs shall conform to all applicable provisions in §16-90.1 and shall be set back at least 15 feet from the curbline. All monuments signs

must be mounted on masonry and have complementing landscaping along the base.

- (3) On buildings with multiple tenants, Multi-tenant commercial facilities consisting of two (2) or more businesses in a building shall be permitted to have one (1) attached or wall sign per business; 2 square feet per linear feet of building facade dedicated to a particular tenant, not to exceed 20 square feet per tenant. No more than one (1) monument sign shall be permitted on the premises, not to exceed 65 square feet set back 15 feet from the curblin.

#### **§ 16-91 Performance Standards.**

- A. Air, water and environmental pollution. No use shall emit heat, odor, vibrations, noise or any other pollutant into the ground, water or air that exceeds the most stringent applicable state and federal regulation. No permit shall be issued for any use where a state permit is required until the State has ascertained and approved the level and quality of emission, type and quality of emission control and the level of monitoring to be conducted.
- B. Storage and waste disposal. No materials shall be deposited so they can be transferred off the lot, directly or indirectly, by natural forces such as precipitation, surface water, evaporation or wind. All materials that might create a pollutant or be a safety hazard or a health hazard shall be stored indoors and/or be enclosed in appropriate containers to eliminate such pollutant or hazard. No flammable or explosive substance shall be stored on a property except under conditions approved by the Fire Inspector/Department. No bulk storage of materials or equipment shall be in any front yard. Each site shall provide appropriate area(s), properly screened from adjacent property, for the orderly deposit and pickup of trash, refuse and recyclables.

#### **§ 16-92 Enforcement and Administration.**

##### **§ 16-92.1 Enforcement officers.**

- A. The Zoning Officer shall administer and enforce the zoning provisions of this chapter and shall be responsible for issuing zoning permits. No zoning permit shall be issued unless the proposal complies with this chapter. A zoning permit shall be issued prior to the issuance of a construction permit by the Construction Official.
- B. The duties of the Zoning Officer shall be:
  - (1) To examine all applications for construction, use and sign permits.
  - (2) To issue permits only for construction, uses and signs which are in accordance with the regulations of this chapter and other applicable ordinances as may be subsequently amended.
  - (3) To record and file all applications for zoning permits with the accompanying plans.
  - (4) To issue permits for conditional uses only after such uses and buildings are approved by the appropriate body.
  - (5) To issue all necessary stop orders.
  - (6) To inspect nonconforming uses, buildings and signs.
  - (7) Upon the request of the governing body, to present to such body facts, records and any similar information on specific requests to assist such body in reaching its decision.
  - (8) To give written notice of violation.
  - (9) To sign written complaints against violators in Municipal Court.

- (10) To cause any building, plans or premises to be inspected or examined and order in writing the remedying of any conditions found to exist in violation of this chapter.
- (11) To enter any building or premises during the daytime in the course of his duties, with the permission of the owner.
- (12) To enforce the provisions of subdivision and site plan approvals.

- C. No certificate of occupancy for a new use of an existing structure shall be issued unless there is an approved zoning permit. All changes in occupancy of an existing structure which do not involve residential uses shall require a zoning permit which shall certify that the use complies with zoning laws of the Township. Prior to the issuance of a zoning permit for a change in occupancy, the Construction Official shall issue a certificate of continued occupancy which certifies that the building, structure and premises conform with the Uniform Construction Code of the State of New Jersey.

#### **§ 16-92.2 Violations and penalties.**

- A. Violations. Failure to secure the required zoning permit or building permit previous to the erection, construction, alteration or addition to a building shall be a violation of this chapter. Structures erected without a permit or not in conformity with this chapter shall be removed.
- B. Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written and signed complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Officer. The Zoning Officer shall record promptly such complaint, immediately investigate and take action thereon as provided by this chapter.
- C. If the Zoning Officer shall find that any of the provisions of this chapter are being violated, he shall notify, in writing, the person responsible for such violations, indicating the nature of the violation and order the action necessary to correct it.
- D. Notice of violation. When written notice of a violation of any provision of this chapter has been served by the Zoning Officer on the owner, owner's agent, occupant, contractor or builder, such violation shall be discontinued and/or removed immediately.
- E. Fines and penalties. Any person, firm or corporation violating any provisions of this chapter shall, for each violation upon conviction thereof, be subject the penalty set forth in Section 1.08.010 of the Edgewater Park Township Code.

#### **§ 16-92.3 Building and zoning permits.**

- A. Requirements for zoning permits. A zoning permit shall be required prior to the erection or structural alteration of any building, structure or portion thereof and prior to the use or change in use of a building or land, and prior to the change or extension of a nonconforming use. A zoning permit shall be issued or denied within ten (10) days of the date of a complete submission, and the work shall be commenced within one (1) year after the issuance of the permit as provided in this chapter; otherwise, the permit shall be void.
- B. Application for permits. Application for permits, including temporary permits, shall be made in writing to the Zoning Officer on such forms as may be furnished by the Township. No permit shall be considered complete or permanently effective until the Zoning Officer has certified that the work meets all the requirements of applicable codes and ordinances.
- C. Plot plans for building permits. All applications for building permits shall be accompanied by five (5) copies of a true and accurate plot plan, and all applications for a zoning permit shall be accompanied by one (1) such plot plan. All such plot plans shall be drawn to scale, showing the location and size of each building to be erected upon each lot, the actual dimension of each lot to be built upon and such other information as may be necessary to enable the Construction Official and Zoning Officer to determine whether the proposed structure and use of land will conform to the Uniform Construction Code and the provisions of this chapter. The Zoning Officer shall keep a record of all applications for zoning permits and a record of all permits

issued with a notation of all special conditions involved. He shall also file and safely keep copies of all plans submitted and the same shall become a part of the records of his office for the use of the governing body and other officials of the Township. A plot plan shall not be required where the only changes to be made to a building are interior or where the only change in use of a building is the transfer of ownership by deed or lease conveyance.

- D. Upon completion of the erection or alteration of any building or portion thereof authorized by any permit, and prior to occupancy or use, the holder of such permit shall notify the Zoning Officer of such completion. No permit shall be considered complete or permanently effective until the Zoning Officer has certified that the work has been inspected and approved as being in conformity with the provisions of this chapter and other applicable ordinances.
- E. Expiration of permits. No permit for the erection, razing, change, alteration or removal of buildings shall be valid or effective after one (1) year from the date of issuance thereof and shall thereafter be void, unless the work authorized by such permit shall have been substantially commenced within one (1) year from the date of issuance and proceeded with due diligence. One (1) six-month renewal of a valid permit that is about to expire shall be permitted without additional cost to the applicant. If, however, the applicant has been delayed in proceeding with the work for which the permit was granted by reason of any reasonable cause not due to his own negligence, the permit may be renewed without additional cost to the applicant.

#### **§16-92.4 Certificates of occupancy.**

- A. Applications. Excavation for a foundation or erection, construction or structural alteration of any building or structural alteration of any building or structure, or part thereof, or temporary buildings or structures, for construction purposes, shall not be undertaken until a building permit therefor shall have been issued by the Construction Official and a zoning permit therefor issued by the Zoning Officer.
- B. Certificate of occupancy required. No vacant land shall be occupied or used, and no building or structure hereafter erected, structurally altered or changed in use, except for agricultural uses, shall be used or changed in use, until a certificate of occupancy, or a temporary certificate of occupancy shall have been issued, which certificate of occupancy or temporary certificate of occupancy must have upon it the signatures of the Construction Official and Zoning Officer.
- C. Issuance of certificate. No certificate of occupancy shall be issued absent satisfaction of the following requirements, where applicable:
  - (1) Certification by Township Engineer that all improvements have been constructed in conformance with the approved site plan.
  - (2) Submission of documentation demonstrating final approval of outside agencies having jurisdiction.
  - (3) Certification by Construction Official that construction for which permits would have been issued has been completed in accordance with applicable building codes.
  - (4) Approval of the final grading plan by Township Engineer.
  - (5) Acceptance of an As-Built Zoning Site Plan confirming compliance with the terms of the original approval by the Zoning Officer.
  - (6) Acceptance of street restoration by the Township Engineer or municipal official having jurisdiction.
  - (7) Satisfaction of professional services billing from project escrow account.
  - (8) Posting of a maintenance guarantee, as may be required, approved as to language and form by the Township Solicitor.

**§ 16-92.5 Inspections.**

- A. Inspection for zoning permit. No zoning permit required by this chapter shall be issued by the Zoning Officer until he shall have made such examination of the application and plot plan and such inspection of the property as are necessary to enable him to determine whether the proposed structure or use of land will conform to the provisions of this chapter.
- B. Inspection of new foundations. The property owner shall notify the Zoning Officer when the foundations for new construction are complete. The Zoning Officer shall inspect the site to ensure proper sitting of the foundations with regard to approved plans and compliance with other applicable provisions of this chapter, and shall submit his findings and required remediation, if necessary, in writing to the owner within ten (10) days of said notification.
- C. Inspection for certificate of occupancy. No certificate of occupancy required by this Article shall be issued until the Construction Official and Zoning Officer have made such inspection as is necessary to determine whether the erection or alteration of the building or structure has been completed in conformity with the provisions of this chapter, or that the proposed use of occupancy of land will conform to the provisions of this chapter.
- D. Inspection at request of property owner. It shall be the duty of the Construction Official and Zoning Officer, upon request of the owner, to make an inspection at any stage of the erection or alteration of a building or structure for the purpose of determining whether such erection or alteration is being made in conformity with the Uniform Construction Code and the provisions of this chapter, but the failure of the Construction Official or the Zoning Officer to make any such inspection shall not in any manner entitle such owner to a certificate of occupancy if such erection or alteration when completed does not conform to the Uniform Construction Code or the provisions of this chapter.

**Exhibit "A"**  
**TOWNSHIP OF EDGEWATER PARK**

**ZONING**

**SCHEDULE OF AREA AND BULK REQUIREMENTS**

Zoning District	Density (du / acre)	Minimum Lot Requirements			Minimum Yard Requirements				Maximum Principal Building & Structure Height (feet/stories)	Max. Impervious Coverage (%)	Minimum Habitable Floor Area (sq. ft.)
					Principal Buildings & Structures						
		Lot Area (sq. ft.)	Width (ft.)	Depth (ft.)	Front (ft.)	One Side (ft.)	Two Sides (ft.)	Rear (ft.) <sup>(1)</sup>			
R-1	--	85,000	200	250	40	30	60	35	35 / 2½	10	2,000
R-2	--	40,000	150	200	30	20	50	35	35 / 2½	20	1,000
R-3	--	20,000 <sup>(8)</sup>	120	140	30	12.5	25	35	35 / 2½	30	900
R-4	--	7,500	75	100	30	8	20	25	35 / 2½	50	900
R-5	--	12,000	60	200	30	8	20	30	35 / 2½	40	1,000
R-6	--	6,000	60	100	25	8	20	25	35 / 2½	55	900
R-LD	--	6 (ac.)	500	500	75	50	100	75	35 / 2½	5	1,800
R-MF	8	5 (ac.)	300	500	60	30	60	30	35 / 2½	20	See Section 16-82
R-AR	8	35 (ac.)		100/30	30	30	60	30	35 / 2½	40	--
R-AR-1	8	<sup>(2)</sup> 30 (ac.)	N.A.	N.A.	<sup>(3)</sup> 15	<sup>(4)</sup> 7	<sup>(5)</sup> 7	20	40 / 3	50	--
C-1	--	10,000	100	100	10	15	30	10	35 / 2½	65	--
C-2	--	20,000	100	175	50	10	20	25	40 / 3	65	--
C-3	--	<sup>(7)</sup> 2 acres	200	200	60	30	60	50	45 / 3	60	--
C-LI-1	--	1 (ac.)	200	200	60	30	60	50	45 / 3	50	--
C-LI-5	--	5 (ac.)	300	500	60	50	100	50	45 / 3	65	--
LI	--	2 (ac.)	250	300	30	30 <sup>(6)</sup>	60 <sup>(7)</sup>	30	45 / 3	50	--
I	--	2 (ac.)	200	300	30	15	30	30	45 / 3	65	--
C	--	15 (ac.)	500	500	100	100	200	100	35 / 2½	20	--

<sup>(1)</sup>For residential construction, a five percent (5%) grade shall not be exceeded for at least the first twenty-five (25) feet of rear yard space abutting the primary structure in order to create usable rear yard of at least that depth.

<sup>(2)</sup>4,000 square feet for Court Home lots within project. 15,000 square feet for Manor Homes within project.

<sup>(3)</sup>15 feet for Court Home lots within project. 20 feet for Manor Home lots within project.

<sup>(4)</sup>7 feet for Court Home lots within project. 10 feet for Manor Home lots within project.

<sup>(5)</sup>7 feet for Court Home lots within project. 25 feet for Manor Home lots within project.

<sup>(6)</sup>Zero (0) feet for principal buildings and structures served by a railroad siding located along a side yard property line.

<sup>(7)</sup>Fifteen (15) feet for both side yards combined when principal building or structure is surveyed by railroad siding located along a side yard property line.

<sup>(8)</sup>If public water and sewerage are not utilized, then minimum permitted lot size shall be increased to 25,000 square feet.

**Section 3.** If any section, subsection or paragraph of this chapter shall be declared to be unconstitutional, invalid, or inoperative in whole or in part by a court of competent jurisdiction, such section, subsection or paragraph shall to the extent that is not unconstitutional, invalid or inoperative remain in full force and effect, and no such determination shall be deemed to invalidate the remaining

sections, subsections or paragraphs of this chapter. To this end, the provisions of each section, subsection, paragraph of this chapter are hereby declared to be severable.

**Section 4.** All ordinances or parts of ordinances of the Township of Edgewater Park heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**Section 5.** This ordinance shall take effect twenty (20) days subsequent to passage and publication according to law.

TOWNSHIP OF EDGEWATER PARK

ORDINANCE ~~18-xx~~-2006

~~An Ordinance of the Township of Edgewater Park Amending  
Chapter XVI of the Edgewater Park~~  
An Ordinance of the Township of Edgewater Park, County of Burlington,  
New Jersey Amending Chapter XVI of the Edgewater Park Township  
Code and Establishing a Chapter known as “Land Development  
Ordinance of the Township of Edgewater Park”

**Whereas**, the Township Committee has determined that it is appropriate and necessary to adopt amendments to Chapter XVI as part of the Edgewater Park Township Code,

**Now, Therefore, Be It Ordained** by the Township Committee of the Township of Edgewater Park that:

**Section 1.** The following sections of existing Chapter XVI are hereby repealed as follows:

16.02 through 16.10; 16.54; 16.100; 16.120 through 16.126.080.

**Section 2.** The following sections shall be added to Chapter XVI, remaining sections shall be renumbered accordingly:

§ 16-1 Title.....	1
§ 16-2 Word Usage.....	1
§ 16-3 Definitions.....	1
§ 16-4 Title of the Board.....	17
§ 16-5 Establishment of <del>Planning</del> <b>Joint Land Use</b> Board.....	18
§ 16-6 Annual Meeting; Officers.....	18
§ 16-7 Chairperson.....	18
§ 16-8 Vice-Chairperson.....	18
§ 16-9 Secretary.....	18
§ 16-10 Personnel, Experts and Staff.....	18
§ 16-11 Powers and Jurisdiction.....	20
§ 16-12 Regular Meetings.....	21
§ 16-13 Special Meetings.....	21
§ 16-14 Meetings Open to Public.....	21
§ 16-15 Record of Proceedings.....	21
§ 16-16 Quorum.....	22
§ 16-17 Motions.....	23
§ 16-18 Voting.....	23
§ 16-19 Designation.....	23
§ 16-20 Appointment of alternate to serve on case.....	23
§ 16-21 Alternate to serve until final disposition.....	23
§ 16-22 Alternate Number 1 to vote.....	23
§ 16-23 Alternate not to serve at adjourned or continued hearing unless present at prior hearings.....	23
§ 16-24 Rights and privileges.....	23
§ 16-25 Participation in discussions: voting.....	24
§ 16-26 Grounds; Recommendation.....	24
§ 16-27 Automatic Vacancy.....	24
§ 16-28 Informal Review.....	24
§ 16-29 Certification of Completeness.....	25
§ 16-30 Development Review Committee.....	25
§ 16-31 Hearing Date.....	26
§ 16-32 Adjournment.....	26
§ 16-33 Notice; Upon Whom Served.....	26
§ 16-34 Time Periods for Action On Applications Seeking Variance or Other Relief Under this Section.....	27
§ 16-35-36 Reserved.....	27
§ 16-37 Form.....	27
§ 16-38 By Whom Filed.....	27
§ 16-39 Assistance.....	27
§ 16-40 Application Contents.....	27
§ 16-41 Affidavit of Ownership.....	27
§ 16-42 Applications by Corporation or Partnership, Disclosure of Stockholders or Ownership Interests.....	28
§ 16-43 Appeals.....	28
§ 16-44 Appearances.....	29
§ 16-45 Oath.....	29
§ 16-46 Order of Presentation.....	29
§ 16-47 Examination by Board; Testimony.....	30
§ 16-48 Closing of Hearing; Continuances.....	30
§ 16-49 Voluntary.....	30
§ 16-50 Non-appearance.....	30
§ 16-51 Preliminary Reports.....	30
§ 16-52 Form.....	31
§ 16-53 Relief Granted.....	31
§ 16-54 Conditions.....	31

§ 16-55 Publishing Notice; Service of Copy of Resolution..... 31

§ 16-56 When Site Plan or Subdivision Approval Required. .... 31

§ 16-57 Dedication of Right-of-Way..... 32

§ 16-58 Traffic Impact Statement..... 32

§ 16-59. Environmental Impact Assessment. .... 33

§ 16-60. Development Phasing..... 36

§ 16-61. Grading Plan Required. .... 37

§ 16-62. Minor Subdivision and Site Plan Review Procedures..... 38

§ 16-63. Preliminary Major Subdivision and Site Plan Review Procedures..... 39

§ 16-64. Final Approval of Major Subdivision and Site Plan Review Procedures. .... 42

§ 16-65. Amended Site Plan or Subdivision Review..... 44

§ 16-66. Conditional Use Approval. .... 44

§ 16-67. County Approval. .... 45

§ 16-68. Signing and Distribution of Approved Plans. .... 45

§ 16-69 Action by Subdivider After Preliminary Plat Approval..... 46

§ 16-70. Acceptance of Improvements. .... 49

§ 16-71 Tax Map Modifications..... 49

§ 16-72 Maintenance..... 49

§ 16-73 Checklists and Applications. .... 49

§ 16-74 Fees for Certificates of Occupancy..... 60

§ 16-75 Fees for Development Applications..... 60

§ 16-76-79. Reserved..... 64

**CHAPTER XVI  
LAND DEVELOPMENT ORDINANCE**

**ARTICLE I  
Title**

**§ 16-1 Title.**

This chapter shall be known as the "Land Development Ordinance of the Township of Edgewater Park."

**ARTICLE II  
Word Usage and Definitions**

**§ 16-2 Word Usage.**

- A. Words and phrases shall be presumed to have their ordinary meaning, unless specifically defined or interpreted differently within this chapter.
- B. For the purpose of this chapter, certain grammatical forms and words shall assume a different interpretation than is assumed in common usage as follows:
  - (1) All present and future tenses shall be interchangeable.
  - (2) The word "building" includes "structure" and any part thereof.
  - (3) The singular and plural shall be interchangeable.
  - (4) The word "shall" is always mandatory, and the word "may" indicates a permissive action.
  - (5) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" or "occupied for."
  - (6) The word "person" includes an individual, corporation or partnership.
  - (7) The word "includes" (or "including") shall not limit the term to the specified example but is intended to extend its meaning to all other instances of like kind and character.

**§ 16-3 Definitions.**

For the purpose of this chapter, certain terms and words are hereby defined as set forth in this section. Where the Municipal Land Use Law, *N.J.S.A. 40:55D-3 to N.J.S.A. 40:55D-7*, provides definitions not included herein, the definition set forth in the Municipal Land Use Law. It is the intent of the definitions set forth in this section to complement and supplement the definitions included in the Municipal Land Use Law:

**ACCESSORY BUILDING** -- A building on the same lot but subordinate to the main building and used exclusively for a purpose customarily incidental to that of the main building or use.

**ACCESSORY STRUCTURE** -- A structure on the same lot with but subordinate to that of the main building or use and used exclusively for a purpose customarily incidental to that of

the main building or use. Swimming pools and accessory structures are considered “accessory structures.” Fences are not considered “accessory structures.”

**ACCESSORY USE** -- A use subordinate to the principal use of the same lot and serving a purpose customarily incidental to the principal use of the lot.

**ADMINISTRATIVE OFFICER** -- For the purposes of the receipt of applications for development and all other requests for action called for by the Planning Board, the Administrative Officer shall be the Zoning Officer; and in issues relating to completeness of applications under N.J.S.A. 40:55D-10.3, the Zoning Officer shall recommend to the Planning Board whether the application is complete. The Planning Board shall be empowered to waive any deficiencies of application with authority to certify the application as complete notwithstanding prior, and inconsistent, recommendation by the Zoning Officer.

**AGE-RESTRICTED DEVELOPMENT** -- Any development, which may be in any housing form, including detached and attached dwelling units, apartments, flats, and residences, offering private and semiprivate rooms, that restricts the minimum age of all residents to be sixty-two (62) years or fifty-five (55) years for one resident of each of eighty percent (80%) of the units, provided that significant facilities and services for the elderly are provided. Such age restricted development shall be deed restricted controlling for minimum age as stated previously.

**AGE-RESTRICTED DEVELOPMENT SITE** -- Any combination of contiguous lots and associated road rights-of-way or other public ways or open space lands limited exclusively to age-restricted development.

**ALLEY** -- Any roadway or public way dedicated or opened to public use, or shown on the Township map and not opened, twenty (20) feet or less in width.

**ALTERATIONS** -- Alterations include, but are not limited to, the following:

- A. All incidental changes or replacement in the non-structural parts of a building or other structure.
- B. Minor changes or replacement in the structural parts of a building or other structure limited to the following examples and other of similar character or extent:
  - (1) Alteration of interior partitions to improve livability in nonconforming residential buildings, provided that no additional dwelling units are created thereby.
  - (2) Alteration of interior non-loading and/or non-structural partitions in all other types of buildings or other structures.
  - (3) Making windows or doors in exterior walls.
  - (4) Strengthening the load-bearing capacity in not more than ten percent (10%) of the total floor area to permit the accommodation of a specialized unit of machinery or equipment.

**ANIMAL SHELTER** – Any facility other than a residential dwelling (including the property surrounding a residential dwelling), publicly or privately owned, used to house or contain stray, homeless, abandoned, or unwanted animals and which is owned, operated or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization or person devoted to the welfare, protection, and humane treatment of animals.

**APPLICATION FOR DEVELOPMENT** – The application form and all accompanying documents required by Ordinance for submission for review of a subdivision plat, site plan, conditional use, zoning variance or direction of the issuance of a permit pursuant to section N.J.S.A. 40:55D-34 or N.J.S.A. 40:55D-36.

**APPROVING AUTHORITY** – The Board when acting pursuant to the authority of the Municipal Land Use Law.

**ASSISTED LIVING SERVICES** -- A coordinated array of supportive personal and health services, available twenty-four (24) hours per day, to residents who have been assessed to need these services, including residents who require formal long-term care. Assisted living promotes resident self-direction and participation in decisions that emphasize independence, individuality, privacy, dignity, and homelike surroundings.

**ASSISTED LIVING RESIDENCE** – A facility which is licensed by the New Jersey State Department of Health and Senior Services, in accordance with N.J.A.C. 8:36, to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed, to four or more adult persons unrelated to the proprietor. Apartment units offer, at a minimum, one unfurnished room, a private bathroom, a kitchenette, and a lockable door on the unit entrance. Assisted living residence shall also include “continuing care retirement community,” “nursing facility,” “residential health care facility,” and “statewide restricted admissions facility” as described and regulated in N.J.A.C. 8:33H-1 et seq.

**AUTOMOTIVE DEALERSHIP** – The use of any building, land area, or other premise for the display and sale of new or used automobiles generally but may include light trucks or vans, trailers, or recreation vehicles and including any vehicle preparation or repair work conducted as an accessory use.

**AUTOMOBILE WRECKING YARD** -- An establishment that cuts up, compresses or otherwise disposes of motor vehicles, including the retrieval and refurbishment of motor vehicle parts from inoperable and wrecked vehicles.

**AUTOMOTIVE REPAIR SERVICE AND GARAGE** -- Any premises or establishments used for the repair or servicing of vehicles including automobiles and trucks, but not including body repairs and automotive wrecking.

**ATTIC** – That part of a building which is immediately below and wholly or partly within the roof framing.

**AWNING** -- A roof-like cover that is temporary or portable in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements and is periodically retracted into or toward the face of the building.

**BASEMENT** -- That portion of a building that is partly or completely below grade.

**BED-AND-BREAKFAST** – A residential property originally constructed as a private, single-family residence which provides temporary overnight lodging for transient guests and which provides breakfast for those guests in the forenoon of each day and/or a tea or service of light refreshments and beverages for those guests in the afternoon of each day with no other meal service.

**BILLBOARD** -- A sign, of any size, that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

**BODY PIERCING, TATTOO OR MASSAGE PARLOR** – A shop that provides the service of body piercing or permanent tattooing, or provides massage services by unlicensed practitioners.

**BODY REPAIR SHOP** -- A use providing for the repair, repainting or restoration of the bodies and frames of motor vehicles.

**BUFFER AREA** – An area in which no building, parking area, driveway, street, sign (except traffic directional sign) or storage of materials shall be permitted and which shall consist of a dense and continuous landscaped screening area, planted and maintained containing fences, massed trees and shrubs of such species and size as will produce a sufficient density to obscure or confine throughout all seasons automobile headlight glare, site noise, windblown debris and other typical and frequent nuisance problems, as well as create an aesthetically pleasing and attractive view to mask or obscure the use, function, or structure located upon the site.

**BUILDING** -- A combination of materials to form a construction adapted to permanent, temporary, or continuous occupancy and having a roof.

**BUILDING AREA** -- The area of the largest horizontal section of a building measured to the outer edge of the walls.

**BUILDING FAÇADE** -- The exterior face or elevation of a building or any portion thereof extending from grade to the top of the parapet, wall or eaves and extending the entire length of the building. A principal façade is sometimes distinguished from the other faces by the elaboration of architectural details.

**BUILDING HEIGHT** -- The vertical distance measured from the average elevation of the finished grade around the foundation of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mid-point between the eaves and the ridge level for gable, hip and gambrel roofs; provided that chimneys, spires, towers, mechanical penthouses, tanks and similar projections of the buildings not intended for human occupancy shall not be included in calculating the height. If there are two (2) or more separate roofs on a single building, the height of such building shall be calculated from the highest roof.

**BUILDING, PRINCIPAL** – A building or use in which is conducted the main or principal use of the lot on which said building is situated.

**BULKHEAD** – A retaining wall created along a body of water behind which fill is placed.

**CALIPER** – The diameter of a tree trunk measured in inches, and measured forty-eight (48) inches above ground level for all trees.

**CANOPY** -- A roof-like cover that is permanent in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements, or a freestanding, roof-like cover that is permanent in nature and that shields vehicles, patrons and employees from the elements.

**CARTWAY** – The section of a street, road or highway or right-of-way located between the curblines which is normally used by vehicular type traffic, commonly known as the paved areas of the street.

**CELLAR** – See BASEMENT.

**CERTIFICATE OF OCCUPANCY** -- An official document signed by the Zoning Officer setting forth either that a building or structure does comply with this chapter or that a building, structure or parcel of land may lawfully be used for specified uses, or both. The term also includes "temporary certificate of occupancy" which may be issued, as provided by law.

**CHANGE OF USE** – Any use which substantially differs from the previous use of building or land involving any of the following:

- A. The addition of parking spaces based upon the parking requirements of this Chapter or the Residential Site Improvement Standards.
- B. A significant increase in the amount of truck deliveries (10 or more) to the property.
- C. A significant change in the hours of operation than the previous use (a deviation of 4 or more hours in the morning or evening).
- D. The storage or handling of chemicals or hazardous substances.
- E. Proposed changes in intensity of exterior lighting.
- F. Addition of outdoor storage or displays to the property.

A use that does not meet the foregoing criteria can be considered a Change of Occupancy that does not require site plan approval.

**CHILD CARE CENTER** – A private establishment enrolling five (5) or more children and where tuition, fees, or other forms of compensation for the care of children is charged, which must be licensed to operate as a child care center by the Department of Human Services.

**CHURCH** – See PLACE OF WORSHIP.

**COMMON OPEN SPACE** – Means an open space area exclusive of required setback areas within or related to a site designated as a development, and designed and intended for the use or enjoyment of residents and owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the use and enjoyment of residents and owners of the development.

**COMPLETE APPLICATION** – Means an application form completed as specified by ordinance and the rules and regulations of the Reviewing Board, and all accompanying documents required by ordinance for approval of the application for development. An application shall be certified as complete upon meeting of all requirements specified in the ordinance and in the rules and regulations of the Reviewing Board, and shall be deemed complete as of the day it is so certified for purpose of the commencement of the time period for action by the ~~Joint Land Use~~Planning Board.

**CONDITIONAL USE** – Means a use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in the zoning ordinance, and upon the issuance of an authorization therefore by the Board, and where required by N.J.S.A. 40:55D-70.

**CONDOMINIUM** – Ownership of real property combining ownership in fee simple of a dwelling unit and undivided ownership in common with other purchasers of the common elements in the structure and including the land and its appurtenances.

CONGREGATE CARE FACILITY – See Assisted Living Residence.

CONSTRUCTION OFFICIAL – That person designated by salary guide title in the Municipality pursuant to the Uniform Construction Code of the State of New Jersey.

CONVERSION – A change in the use of land or structure.

COURT -- An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on three (3) or more sides by the walls of such building.

CURB LEVEL – The permanently established grade of the curb top in front of a lot.

DAYS – Shall mean calendar days.

DECK -- A level wooden or simulated wooden structure built on or above grade and is attached to a principal building or adjacent to such building.

DENSITY -- The permitted number of dwelling units per gross area of land to be developed.

DE MINIMIS – An action of such a minimal nature that the purposes of the ordinance will not be materially affected.

DEMOLITION – Means to partially or completely take down a structure.

DEVELOPER – Means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development including the holder of an option or contract to purchase or lease, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT – The division of a parcel of land into two or more parcels, or the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or any mining, excavation or landfill, and/or any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required, pursuant to the New Jersey “Municipal Land Use Law.”

DRAINAGE – The removal of surface water or groundwater from land by drains, grading or other means and includes control to minimize erosion and sedimentation during and after construction or development and means necessary for water supply preservation or prevention or alleviation of flooding.

DRIVEWAY – A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure.

DWELLING UNIT -- One (1) or more rooms for living purposes, together with separate cooking and sanitary facilities, which rooms are accessible from the outdoors, either directly or through an entrance hall shared with other dwelling units, and are used or intended to be used by one (1) or more persons living together and maintaining a common household.

DWELLING UNIT, SINGLE-FAMILY OR ONE-FAMILY DETACHED -- A dwelling designed for and occupied exclusively as a residence for only one (1) family and having no party wall in common with an adjacent building.

**EASEMENT** – A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures.

**ENVIRONMENTALLY SENSITIVE AREAS** – Areas which include, but are not limited to, stream corridors and floodplains, streams, bodies of water, wetlands (as defined by NJDEP), slopes greater than ten (10) percent, shallow depth to bedrock (less than two (2) feet), highly acid or erodable soils (as defined by the SCS), mature stands of trees, aquifer recharge areas, aquifer discharge areas, unique natural features and wildlife habitats or such areas as may be so designated by federal or state agencies of jurisdiction.

**ERECT** – Means to build, construct, attach, alter, relocate or affix and includes the painting of signs or displays on the exterior surface of a building.

**EROSION** – The detachment and movement of soil or rock fragments by water, wind, ice, gravity, whether naturally or humanly induced.

**ESSENTIAL UTILITIES** – Telephone and electric lines, cable, poles, equipment and structures, water or gas pipes, hydrants, valves, mains or structures or sewer pipes, together with accessories and appurtenances, maintained, operate and conducted for the service, convenience, necessity, health and welfare of the public, not including wireless or cellular communications facilities.

**FAMILY** -- A group of individuals not necessarily related by blood, marriage, adoption, or guardianship, but living together in a dwelling unit as a single housekeeping unit with shared kitchen and utilities under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability. |

**FAÇADE** – See Building Façade.

**FAMILY DAY CARE** – “Family day care home” means any private residence approved by the Department of Human Services in which child care services are regularly provided to no less than three and no more than five children for no less than 15 hours per week. A child being cared for under the following circumstances is not included in the total number of children receiving child care services:

- A. The child being cared for is legally related to the provider; or
- B. The child being cared for as part of a cooperative agreement between parents for the care of their children by one or more of the parents where no payment for the care is being provided. |

**FENCE** -- Any partition, structure, wall or gate erected as a dividing marker, barrier or enclosure and located along the boundary or within the required lot area.

**FINAL APPROVAL** – The official action of the respective board taken on a preliminary approved major subdivision or site plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guarantees properly posted for their completion, or approval conditioned upon the posting of such guarantees.

**FINAL PLAT** – The final map of all or a portion of the subdivision which is presented to the respective board for final approval in accordance with these regulations, and which if approved shall be filed with the proper County recording office, in the case of subdivision.

**FLOOR AREA, GROSS** -- The sum of the gross horizontal areas of the several floors of a building or structure measured from the exterior face of exterior walls and from the centerline of a wall separating two (2) buildings, but excluding any space where the floor-to-ceiling height is less than six (6) feet.

**FLOOR AREA, LIVABLE** -- The total of all floor areas of a building dedicated to the inhabitation of a resident and/or residents.

**FLOOR AREA RATIO** -- The sum of the area of all floors of buildings or structures compared to the total area of the site.

**GARAGE** -- A building, structure or any portion thereof used for parking and storing motor vehicles.

- A. **PRIVATE GARAGE** -- A structure that is accessory to a residential building and that is used for the parking and storage of vehicles owned and operated by the residents thereof and that is not a separate commercial enterprise available to the general public.
- B. **PUBLIC GARAGE** -- A structure, or portion thereof, other than a private customer and employees garage or private residential garage, used primarily for the parking and storage of vehicles and available to the general public.

**GASOLINE SERVICE STATION** -- Land and building providing for the sale of fuel, lubricants and automobile accessories and/or personal convenience items, excluding automobile service or repairs or body repairs or the storage of inoperable and wrecked vehicles.

**GRADE, FINISHED** -- The completed elevation of surfaces of lawns, walks and pavement as shown on official plans or designs.

**HISTORIC PRESERVATION** -- The process of identifying, evaluating, managing, conserving, maintaining and, when necessary, rehabilitating, stabilizing, restoring and reconstructing historic properties so that they are protected for the use of future generations.

**HOME OCCUPATION** -- An occupation being conducted wholly or in part from a residence or the residential lot as an accessory use, and subject to the specific limitations on the use as provided in this Chapter.

**HOMEOWNERS' ASSOCIATION** -- An incorporated or unincorporated entity responsible for operating under a recorded land agreement.

**IMPERVIOUS COVERAGE** -- The area of a lot covered by buildings, structures and other impervious surfaces. Pools, pavers and decks with interstices of ¼" minimum shall be counted as 80 percent impervious.

**INTERESTED PARTY** -- In the case of a civil proceeding in any court or in an administrative proceeding before a municipal agency, any person, whether residing within or without the municipality, whose right to use, acquire or enjoy property is or may be affected by any action taken under this ordinance, or whose rights to use, acquire, or enjoy property under this ordinance or under any other law of this State or of the United States have been denied, violated, or infringed by an action or a failure to act under this ordinance.

**INTERESTED PERSON** – Whenever in these rules reference is made to “any person,” “any interested person,” “any person interested in the action” or the like, such term refers to any “interested party” as defined in N.J.S.A. 40:55D-4.

**JUNKYARD** -- Any area, lot, land parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of any scrap, waste, reclaimable material, or debris.

**KENNEL** -- Any place or premises occupying a land parcel or parcels of five acres or less devoted to the keeping, harboring, breeding, buying or selling of five (5) or more dogs, or six (6) or more mammalian animals of the same species, age four months or over, excluding ANIMAL SHELTER. This definition excludes one additional mammalian animal of age four months or over for each additional acre over five acres up to a maximum of twenty (20) dogs or twenty-one (21) mammalian animals of the same species constituting a kennel on twenty or more acres.

**LANDSCAPE BUFFER** -- An area within a property or site, generally adjacent to and parallel with a property line, either consisting of natural existing vegetation or created by the use of trees and shrubs, designed to limit continuously the view of and/or sound or other nuisance from the site from or to adjacent sites or properties. Said buffer may be crossed by drives, access roads or pedestrian ways but in which parking, the storage of material, equipment or wastes or the display of any equipment, material or products are not permitted.

**LOADING SPACE** -- An off-street space or berth used for the loading or unloading of cargo, products, or materials from vehicles.

**LOT** -- A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

**LOT AREA** -- The area contained within the lot lines but not including any portion of street rights-of-way.

**LOT, CORNER** -- A lot at the junction of two (2) or more intersecting streets where the interior angle of intersection does not exceed one hundred thirty-five degrees (135°). Each corner lot shall have two (2) front yards and two (2) side yards.

**LOT, DEPTH** -- The average distance measured from the front lot line to the rear lot line, or in the case of a corner lot, the front lot line to the most distant side lot line.

**LOT, FLAG** – A lot not meeting the minimum frontage requirements of this chapter, which lot has access to a public road provided by a relatively narrow, private right-of-way, easement or driveway. The lot will generally but not exclusively be in the shape of an “L” or “T,” with the larger buildable portion of the lot being known as the “flag” and the right-of-way being known as the “staff.”

**LOT FRONTAGE** -- The distance between the side lot lines measured along the street line. On curved streets with an outside radius of less than five hundred (500) feet, the lot frontage may be reduced to not less than 66 percent of the required minimum lot width. On corner lots, the lot frontage requirements shall be met for each street frontage.

**LOT LINE** -- Any line, including the street right-of-way line, forming a portion of the boundary of a lot.

A. **LOT LINE, FRONT** -- The lot line separating a lot from a street right-of-way.

B. LOT LINE, REAR -- The lot line opposite and most distant from the front lot line.

C. LOT LINE, SIDE -- Any lot line other than a front or rear lot line.

LOT WIDTH -- The distance between side lot lines measured parallel to the street line at the minimum required building setback from the street right-of-way.

LOT, THROUGH -- A lot whose side lot lines do not abut a street but has frontage on two (2) streets or one (1) street and an alley.

MAINTENANCE GUARANTEE – Any security, which may be accepted by a municipality for the maintenance of any improvements required by this ordinance, including but not limited to surety bonds, letters of credit and cash.

MASTER PLAN – A composite of one or more written or graphic proposals for the development of the municipality as set forth in and adopted pursuant to Section 19 of the Municipal Land Use Law.

MIXED OCCUPANCY -- Occupancy of a building or land for more than one (1) use.

MOTION PICTURE THEATER – Building in which film or films, continuous slides or pictures of any nature are shown to a viewing audience. In the case of adult entertainment, motion pictures show, depict or reveal any person in any act of sexual conduct or sadomasochistic abuse.

NATURAL RESOURCE INVENTORY – A complete physiographic portrait of a municipality, including its geography, topography, hydrology, soil and vegetation, as well as man-made factors which influence the environment.

NIGHTCLUB -- An establishment dispensing liquor and meals and in which music, dancing, or entertainment is conducted.

NONCONFORMING BUILDING OR STRUCTURE -- A building or structure, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to this chapter but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this chapter.

NONCONFORMING LOT -- A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this chapter but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this chapter.

NONCONFORMING SIGN -- Any sign lawfully existing on the effective date of this chapter, or amendment thereto, that renders such sign nonconforming because it does not conform to all the standards and regulations of this chapter.

NONCONFORMING USE -- A use or activity that was lawful prior to the adoption, revision, or amendment of this chapter but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this chapter.

NURSING HOME – See Assisted Living Residence.

OCCUPANCY – The specific purpose for which land or a building is used, designed, or maintained.

OFFICE –

- A. **MEDICAL OFFICE** – An office that is occupied by licensed members of recognized medical professions such as medical doctors and surgeons, nurses, osteopaths, chiropractors, physical and massage therapists, radiologists, medical imaging specialists, dentists and oral and maxillofacial surgeons.
- B. **PROFESSIONAL OFFICE** – An office that is occupied by members of a profession including architect, attorney, accountant, engineer, planner, and the like.
- C. **GENERAL OFFICE** – An office that serves a general office purpose either as a stand-alone use or as the administrative center of a warehouse, industrial or retail building and includes training centers where training occurs indoors and telephone switching facilities, if fully enclosed in a building.

**OFF-SITE** – Means located outside the lot lines of the lot in question but within the property (of which the lot is a part) which is the subject of a development application or contiguous portion of a street or right-of-way.

**OFF-STREET PARKING SPACE** – An off-street parking area for vehicles including the 9' wide x 18' long storage area of each vehicle and necessary maneuvering area of each vehicle. Space for maneuvering incidental to parking or unloading shall not encroach upon any public way. Every off-street parking facility shall be accessible from a public access way.

**OFF-TRACT** – Not located on the property which is the subject of a development application or on a contiguous portion of a street or right-of-way.

**ON-SITE** – Located on the lot in question.

**ON-TRACT** – Located on the property which is the subject of a development application or on a contiguous portion of a street or right-of-way.

**OPEN SPACE** – Any parcel or area of land or water, not containing any building, unimproved or improved, and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

**OPEN SPACE, PUBLIC** – An area of land other than a public street owned by a public agency and maintained by it for the use and enjoyment of the general public.

**PATIO** -- An area that is level and surfaced with pavement including, but not limited to, stone, gravel, bricks, concrete, bituminous concrete, pavers, etc., and is directly adjacent to a principal building. Patios may be constructed at grade or above grade in a terraced fashion with or without walls.

**PARKING AREA** – Any public or private land area designed and used for parking motor vehicles including parking lots, garages, private driveways and legally designated areas of public streets.

**PERFORMANCE GUARANTEE** – Any security which may be accepted by a municipality including but not limited to: surety bonds, letters of credit, cash or certificates of deposit, provided that not more than 10% of the total performance guarantee may be in cash, and that the total performance guarantee amount shall not exceed 12% of the cost of installation of all improvements as estimated by the Township Engineer.

**PRELIMINARY APPROVAL** – The conferral of certain rights prior to final approval after specific elements of a development plan have been approved by the relevant board.

**PRELIMINARY FLOOR PLANS AND ELEVATIONS** – Architectural drawings prepared during early and introductory stages of the design of a project illustrating in a schematic form its scope, scale and relationship to its site and immediate environs.

**PERMITTED USE** -- Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district as set forth in this chapter.

**PLACE OF WORSHIP** -- A church, synagogue, temple, mosque, or other facility that is used for prayer and worship by persons of similar beliefs.

**PORCH** -- A roofed open area, on the first or second story, which is an exterior part of a building including a breezeway outside of and extending beyond the exterior walls of the building. Each exterior wall of the porch, which is not an exterior wall of the building shall be completely and permanently open to the outside air, except for a small portion of the wall at the top and at the bottom, which may be solid, the total area of which, when added together, shall be no more than 40% of the wall area. An open porch may be screened.

**PRINCIPAL BUILDING OR STRUCTURE** -- A building or structure in which occurs the principal use of the lot on which it is located.

**PRINCIPAL USE** -- The primary or predominant use of any lot or parcel.

**PROHIBITED USE** -- A use that is not permitted in a zoning district.

**PROPERTY LINE** – A property line is a lot or parcel line that defines the limits of ownership.

**PUBLIC AREAS, PUBLIC PARKS AND PLAYGROUNDS –**

- A. Public parks, playgrounds, trails, paths and other recreational areas and open spaces;
- B. Scenic and historic sites; and
- C. Sites for school and other public buildings and structures, including the uses of all municipal, county, state, regional and federal government agencies.
- D. Public rights-of-way, cartways and easements.

**QUASI-PUBLIC USE** -- A use owned or operated by a non-profit institution and providing educational, cultural, recreational, or similar types of programs that are open to the general public, excluding SCHOOL and PLACE OF WORSHIP.

**RECREATION, ACTIVE** – Leisure time activities, usually of a more formal nature and performed with others, often requiring equipment and taking place at prescribed places, sites or fields.

**RECREATION, PASSIVE** – Any leisure time activity not considered active.

**RESIDENTIAL CLUSTER** – An area to be developed as a single entity according to a plan containing residential housing units which have a common or public open space area as an appointment.

**RESUBDIVISION** – The further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law or the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, but does not include conveyances so as to combine existing lots deed or other instrument.

**RESTAURANT** -- An establishment where food and drink are prepared, served, and consumed within the principal building. An outdoor eating area supplemental and ancillary to the indoor eating and cooking facility may permitted, provided the outdoor eating area receives site plan approval. Cafes, coffeehouses and “cyber” cafes, which provide Internet access, are restaurants. “Sexually oriented businesses” in which food and drink are prepared, served, and consumed within the principal building are not restaurants.

**RETAIL SALES AND SERVICE** – A use that includes shops selling retail goods such as food and beverages, prepared food and beverages, restaurants, cosmetics and pharmaceuticals, apparel, furniture and housewares, art, office supplies, electronics, computers and personal media and communications devices, automotive and recreational vehicle supplies, household building and landscaping supplies and appliances, and pet supplies; and retail services such as personal and pet grooming and fitness, apparel maintenance, office services, child care centers and the servicing of small household appliances; excluding self-storage and/or mini-warehouses, sexually-oriented businesses, and body piercing and tattoo parlors.

**RIGHT-OF-WAY** -- The total width and length of the course of a street, alley, watercourse, utility alignment, railroad or other way and within, under or over which all improvements and rights of access are confined.

**ROOMING UNIT** – Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping but not for cooking or eating purposes.

**SATELLITE DISH, DISH ANTENNA, SATELLITE EARTH STATION OR HOME VIDEO EARTH STATION** -- A device that functions as an antenna for the reception of television programming exceeding two (2) feet in diameter if round or two (2) feet in its widest or longest dimension if otherwise shaped. In addition, all existing "antennas" which do not conform to this chapter shall at this time be grandfathered and shall be required to conform to all pertinent Uniform Construction Code requirements.

**SCHOOL** – A private or public, non- or for-profit, entity undertaking the education of children in grades Kindergarten through 12 or their equivalents.

**SETBACK** -- The distance between the building or structure and any lot line.

**SETBACK LINE** -- The line that is the required minimum distance from any lot line and that establishes the area within which the principal and accessory structures must be erected or placed.

**SEXUALLY-ORIENTED BUSINESSES** – A commercial establishment, as described and defined in the provisions of N.J.S.A. 2C:33-12.2 and 34-6, which:

- A. As one of its principal business purposes offers for sale, rental, or display any of the following: books, magazines, periodicals or other printed material, or photographs, films, motion pictures, video cassettes, slides or other visual representations which depict or describe a “specified sexual activity” or “specified anatomical area;” or still or motion picture machines, projectors or other image-producing devices which show images to one person per machine at any one time,

and whether the images so displayed are characterized by the depiction of a "specified sexual activity" or "specified anatomical area;" or instruments, devices, or paraphernalia which are designed for use in connection with a "specified sexual activity;" or

- B. Regularly features live performances characterized by the exposure of a "specified anatomical area" or by a "specified sexual activity," or which regularly shows films, motion pictures, video cassettes, slides, or other photographic representations which depict or describe a "specified sexual activity" or "specified anatomical area" and shall include adult bookstores or
- C. Any establishment which promotes or provides the exchange of sexual gratification for remuneration and is considered a crime by the State of New Jersey or the U.S. Government.

SHED – See Utility Shed.

SIGHT TRIANGLE – A triangular-shaped portion of land established at street intersections and at intersections between streets and driveways in which there are restrictions on objects erected, placed or planted which would limit or obstruct the sight distance of motorists entering or leaving the intersection.

SIGN -- Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. Excluded from the definition of signs are national or state flags, window product displays, graffiti, non-commercial decorative banners, athletic scoreboards, or the official announcements or signs of government.

- A. SIGN, ATTACHED -- A sign that is wholly or partly dependent upon a building for support.
  - (1) Parallel attached signs project more than six (6) and up to (15) inches outward from the surface of the wall.
  - (2) Perpendicularly attached signs project up to five (5) feet outward from the surface of the wall.
- B. SIGN, AWNING OR CANOPY -- A sign that is mounted, painted, or attached to an awning or canopy that is otherwise permitted by this chapter.
- C. SIGN, DIRECTIONAL -- A sign limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way," "entrance," and "exit."
- D. SIGN, DIRECTORY -- A sign listing the tenants or occupants of a building or group of buildings and that may indicate their respective professions or business activities.
- E. SIGN, FACE -- The area or display surface used for the message.
- F. SIGN, MONUMENT -- Any sign in which the entire bottom is in contact with the ground and is independent of any other structure.

**SIGN AREA** -- The entire face of a sign, including the advertising surface and any framing, trim, or molding but not including the supporting structure. The sign area includes all lettering, wording, coloring and accompanying designs and symbols, together with the background, whether open or closed, but not including the supporting framework and bracing incidental to the display itself. All internally illuminated panels or translucent fixtures, whether or not they contain lettering, wording, designs or symbols, are considered to be part of the sign area. When a two-sided sign contains the same message, sign area shall be measured on one side only.

**SEDIMENTATION** – The deposition of soil that has been transported from its site of origin by water, ice, wind, gravity or other natural means as a produce of erosion.

**SITE PLAN** -- Means a development plan of one or more lots on which is shown the existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, flood plains, marshes and waterways; and the location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting, screening devices.

**SITE PLAN, MAJOR** – All site plans not defined as minor site plans.

**SITE PLAN, MINOR** – A change of use or development plan of one (1) or more lots which: proposes development of a new building or a building alteration of less than 1,000 additional square feet of new floor area and which requires less than 5 additional parking spaces and increases total impervious coverage by no more than 10 percent, and which does not require variance or design waiver approval and does not involve planned development, any new street or extension of any off-tract improvement which is to be prorated pursuant to N.J.S.A. 40:55D-42.

**STORY** -- That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including those basements used for the principal use.

**STORY, HALF** -- A story under a gabled, hipped or gambrel roof, the wall plates of which on at least two (2) opposite walls are not more than two (2) feet or less than one (1) foot above the finished floor of such story.

**STREET** -- Any vehicular way that is an existing state, county, or municipal roadway; is shown upon a plat approved pursuant to law; is approved by other official action; or is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board of the power to review plats; includes the land between the street lines, whether improved or unimproved.

**STREET LINE** -- The edge of the existing or future street right-of-way, whichever would result in the widest right-of-way, as shown on the adopted Township master plan or Official Map or as required by this chapter, forming the dividing line between the street and property line.

**STEEP SLOPE** – An area predominantly characterized by either an average change in elevation greater than 15 percent of the corresponding horizontal distance through the slope (15 percent slope), or by a very high erosion hazard as indicated by an erodability factor “k” of 0.40 or greater as determined by the United States Department of Agriculture, Natural Resources Conservation Service.

**STRUCTURE** – A combination of materials to form a construction that is safe and stable and includes among other affixed things, a stadium, platform, radio towers, buildings, billboards, sheds, storage bins, swimming pools.

**SUBDIVISION, MAJOR** – All subdivisions not classified as minor subdivisions.

**SUBDIVISION, MINOR** – A subdivision classified as a minor subdivision shall meet the following requirements:

- A. It shall contain not more than three (3) lots.
- B. It shall have frontage on an existing street.
- C. It shall not involve any new street or road or the extension of municipal features.

**SWIMMING POOL** -- A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18) inches below the level of the surrounding land, or an above-ground surface pool, having a depth of more than thirty (30) inches, designed, used and maintained for swimming and bathing.

**TEMPORARY STRUCTURE** -- A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

**USE** – The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

**UTILITY SHED** – A separate structure, not for living purposes, used for the fully or partially enclosed storage of materials and equipment.

**UTILITY STRUCTURE** – A separate structure or facility, not for living purposes, typically unenclosed, used for the operation or storage of equipment or materials associated with commercial or industrial activities, public utilities (with the exception of wireless telecommunications facilities) or the protection of public health or safety.

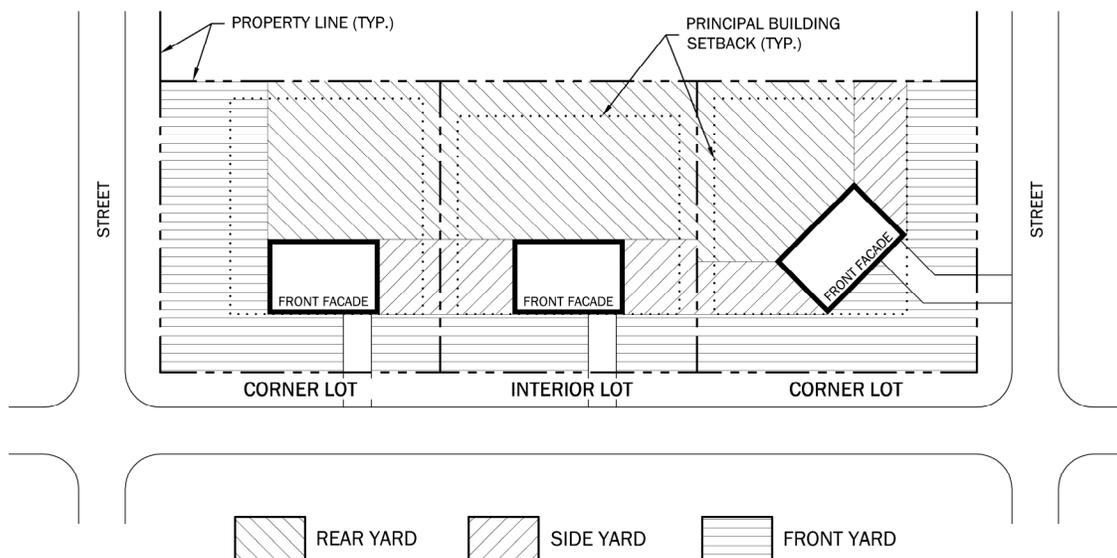
**VARIANCE** – Permission to depart from the literal requirements of Article XVIII of this chapter.

**WIRELESS TELECOMMUNICATIONS FACILITY** – An unmanned telecommunications facility providing point to point communication services, generally consisting of antennae mounted on either an existing structure or tower and an associated structure housing radio equipment.

**YARD** -- An open unoccupied space, except as permitted and defined otherwise in this chapter, extending between any building and lot line or street line. All "yard" dimensions shall be measured parallel to the horizon and at right angles to either a straight street line, lot line or building facade or perpendicular to the point of tangency of curved lines and facades.

- A. YARD, FRONT -- The area extending across the full width of a lot between the street line and the nearest point of the building to the street line, extending to the side lot lines from such point in lines parallel or concentric to the street line. On lots with multiple lot frontages, such as corner lots, the "front yard" standards shall apply to all lot frontages.
- B. YARD, REAR -- The area extending across the full width of a lot between the rear lot line and nearest point of the building to the rear lot line, extending to the side lot lines from such point in lines parallel or concentric to the street line.
- C. YARD, SIDE -- The area extending from the front yard to the rear yard and lying between each side lot line and the nearest point of the building to a side lot line. In the case of a corner lot, all yards without street frontage shall be "side yards," and the "side yard" shall be measured from each side lot line to the nearest point of the building to a side lot line.

### YARDS



WALL – 1) The vertical exterior surface of a building; 2) Vertical interior surfaces which divide a building’s space into rooms.

WAREHOUSE – A building used primarily for the storage of goods and materials.

ZONING OFFICER -- The officer designated by the Township of Edgewater Park Committee to administer the zoning ordinance and issue zoning permits.

### ARTICLE III

#### Establishment of Joint Land Use Planning Board and Officers

#### § 16-4 Title of the Board.

The title of the Board shall be: “The Joint Land Use Planning Board of Edgewater Park, New Jersey.”

**§ 16-5 Establishment of ~~Planning~~Joint Land Use Board.**

- A. The ~~Joint Land Use~~Planning Board shall serve as a planning board and a zoning board of adjustment pursuant to the provisions of N.J.S.A. 40:55D-25.c. and shall be established in accordance with the provisions set forth in N.J.S.A. 40:55D-1 et seq.
- B. The nine member board shall exercise all the powers of the Zoning Board of Adjustment, but the Class I and Class III members shall not participate in the consideration of applications for development which involve relief pursuant to subsection d. of the N.J.S.A. 40:55D-70.

**§ 16-6 Annual Meeting; Officers.**

The annual meeting of the Board shall be held at a designated time in January of each year, at which time the Board shall elect from among its members, a Chairperson and a Vice-Chairperson. The Board shall also appoint a Secretary and a Board Attorney, all of whom shall serve for one year and until their successors are appointed. The Board may appoint such other officers and assistants and employ such experts or staff as it may deem necessary. Only the Chairperson and Vice-Chairperson must be members of the Board.

**§ 16-7 Chairperson.**

The Chairperson, subject to these rules, shall decide all points of order and matters of procedure governing the meeting unless otherwise directed by a majority of the Board in session at the time. The Chairperson shall have, subject to these rules and governing statutes, all the powers and perform all the duties normally appertaining to his office. The Chairperson or his designee shall swear all witnesses giving testimony before the Board.

**§ 16-8 Vice-Chairperson.**

The Vice-Chairperson shall preside at all Board meetings and hearings in the absence of the Chairperson.

**§ 16-9 Secretary.**

- A. Subject to these rules, and under the direction of the Chairperson, the Secretary shall conduct all official correspondence, compile the required records, maintain and keep in order the necessary files and indices, and generally perform the secretarial work of the Board.
- B. The Secretary shall attend all meetings of the Board, and shall have the care and custody of all records, documents, maps, plans and papers of the Board. When the votes are taken, the secretary shall take role in alphabetical order by last name, except that the Chairperson shall be called last.
- C. The Secretary shall make a record of, and keep on file, the minutes of the proceedings at each meeting or hearing held by the Board and shall enter therein with the other proceedings, such resolutions and orders as are adopted and a copy of the minutes of that meeting. The secretary shall issue notices of meeting and shall perform such other duties as usually appertain to his office.
- D. The Secretary shall file a brief notice of the Board's decision as per N.J.S.A. 40:55D-10i and provide a full copy of the resolution to the applicant.

**§ 16-10 Personnel, Experts and Staff.**

The ~~Joint Land Use Planning~~ Board may also employ or contract for and fix compensation of such experts and other staff and services as may be necessary, provided that the positions and services are more particularly described within this chapter and funds have been provided for the services to be rendered. The Board shall not authorize expenditures which exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use. The Board shall specifically have the power to appoint the following positions:

A. Board Attorney.

- (1) Generally. In accordance with the requirements of law, the Board shall have the power, right and responsibility to employ an attorney to advise the Board as to its legal rights. Said appointee shall be answerable and responsible to the Board that appoints him. Said attorney shall take action independent of any action taken by the Township Solicitor in accordance with the principles of law.
- (2) Term. The Board Attorney shall be appointed for a term of one (1) year, commencing on January 1 of the year of appointment and terminating on December 31 of the year of appointment.
- (3) Qualifications. The person appointed Board Attorney shall be a licensed attorney within the State of New Jersey and possess such other qualifications of ability and experience which the Board shall deem necessary to perform the duties of his office.
- (4) Compensation. The Board Attorney shall receive reasonable fees and charges for legal services as fixed by the Township Committee of the Township of Edgewater Park.
- (5) Duties. The Board Attorney shall be the legal advisor to the Board and shall prosecute and defend actions by and against the Board.
- (6) Administrative Officer. The Construction Code Official of the Township of Edgewater Park shall be deemed the Administrative Officer to perform the services that the position entails under the provisions of N.J.S.A. 40:55D-1 et seq.

B. Board Engineer.

- (1) Generally. In accordance with the requirements of law, the Board shall have the power, right and responsibility to employ a licensed professional engineer to advise the Board as to engineering matters. Said appointee shall be answerable and responsible to the Board that appoints him. Said Engineer shall take action independent of any action taken by the Township Engineer in accordance with the prevailing principles of law, however shall serve as Township Engineer when designated and as required in the case of plan signature, the preparation of bond estimates and bond releases and inspections as needed.
- (2) Term. The Board Engineer shall be appointed for a term of one (1) year commencing on January 1 of the year of appointment and terminating on December 31 of the year of appointment.
- (3) Qualifications. The person appointed Board Engineer shall be a licensed professional engineer within the State of New Jersey and possess other qualification, ability and experience which the Board shall deem necessary to perform the duties of his office.
- (4) Compensation. The Board Engineer shall receive reasonable fees and charges for engineering services as fixed by the Township Committee of the Township of Edgewater Park.

- (5) Duties. The Board Engineer shall be the advisor on engineering matters to the Board. In this connection, he shall review all plans and documents received by the Board for its action and make specific recommendations concerning said matters.

C. Board Planner.

- (1) Generally. In accordance with the requirements of law, the Board shall have the power, right and responsibility to employ a licensed professional planner to advise the Board as to planning matters. Said appointee shall be answerable and responsible to the Board that appoints him.
- (2) Term. The Board Planner shall be appointed for a term of one (1) year commencing on January 1 of the year of appointment and terminating on December 31 of the year of appointment.
- (3) Qualifications. The person appointed Board Planner shall be a licensed professional planner within the State of New Jersey and possess other qualification, ability and experience which the Board shall deem necessary to perform the duties of his office.
- (4) Compensation. The Board Planner shall receive reasonable fees and charges for engineering services as fixed by the Township Committee of the Township of Edgewater Park.
- (5) Duties. The Board Planner shall be the advisor on planning matters to the Board. In this connection, he shall review all plans and documents received by the Board for its action and make specific recommendations concerning said matters.

**ARTICLE IV  
Powers and Duties Generally**

**§ 16-11 Powers and Jurisdiction.**

The Board is authorized to adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of the land use chapters. It shall also have the following duties:

- A. To make and adopt and, from time to time, amend a Master Plan for the physical development of the Township, including a specific policy statement respecting its relationship to any areas outside its boundaries which, in the Board's judgment, bears essentially upon the planning of the Township, re-worded to provide for a policy statement rather than regulation, in accordance with the provisions of N.J.S.A. 40:55D-1 et seq.
- B. To administer the provisions of the Land Development Ordinance of the Township in accordance with the provisions of such ordinances and the Municipal Land Use Law (MLUL).
- C. To hear and act upon conditional use applications.
- D. To make the Official Map of the municipality for adoption by the governing body pursuant to 40:55D-25 and 40:55D-32 et seq.
- E. To interpret and hear applications under the Zoning Ordinance, including conditional uses and relief under subsection 70d of the Municipal Land Use Law.
- F. To review the capital improvement program pursuant to N.J.S.A. 40:55 D-29.
- G. To hear and consider variance applications and certain building permit hearings in conjunction with subdivision, site plan and conditional use approval.

- H. To participate in the preparation and review of programs or plans required by state or federal law or regulation.
- I. To assemble data on a continuing basis as part of a continuous planning process.
- J. To perform such advisory duties as are assigned to it by ordinance or resolution of the governing body for the aid and assistance of the governing body or other agencies or officers, including with regard to redevelopment planning and projects.
- K. To hear and decide appeals where it is alleged by the appellant that there is an error in any decision, order, requirement or refusal made by an administrative officer based upon or made in the enforcement of the Zoning Ordinance.
- L. To hear and decide requests for interpretation of the Zoning Map or Zoning Ordinance.
- M. To hear and decide requests for variances from lot area, lot dimensional, setback and yard requirements, pursuant to N.J.S.A. 40:55D-70c.
- N. To hear and decide requests for variances to permit a use or structure, an expansion of a nonconforming use, deviations from conditional use requirements, an increase in the permitted floor area and the height of a principal structure which exceeds the permitted height in the zone by 10% or 10 feet.

## **ARTICLE V**

### **Meetings**

#### **§ 16-12 Regular Meetings.**

The regular meetings of the Board shall be held at the Municipal Building of Edgewater Park, New Jersey at a time and day designated by the Board at the annual reorganization meeting. The Secretary shall annually furnish a copy of the regular meeting dates for the year to the news media designated by the municipal governing body in accordance with the Open Public Meetings Act N.J.S.A. 10:4-6 et seq.

#### **§ 16-13 Special Meetings.**

Meetings may be called by the Chairperson or in his absence by the Vice-Chairperson, at any time or upon the written request of two members, provided notice thereof be mailed or given to each member of the Board at least two days prior thereto, and to the public as required by the Open Public Meetings Law, N.J.S.A. 10:4-6 et seq.

#### **§ 16-14 Meetings Open to Public.**

All meetings shall be open to the public except such executive sessions as authorized by N.J.S.A. 40:55D-9b and N.J.S.A. 10:4-6 et seq.

#### **§ 16-15 Record of Proceedings.**

The Board shall provide for the verbatim recording of the proceedings by either stenographer, mechanical or electronic means, or both. The Board shall furnish a transcript, or duplicate recording in lieu thereof, on request of any interested party at such party's expense. All stenographers' notes, electronic recordings or other verbatim records of meeting shall be retained by the Board for at least five years from the date of the hearing, or until the termination of any proceedings relating to such matter in the Superior Court of the Supreme Court of the State of New Jersey, whichever is longer.

**ARTICLE VI**  
**Quorum and Voting**

**§ 16-16 Quorum.**

At all meetings of the Board a quorum for the conducting of business shall consist of four members. In the absence of a quorum, the members present may adjourn the meeting, and the hearing on any motion or application, to another date.

**§ 16-17 Motions.**

All motions shall require a second and a motion which does not obtain a second shall be deemed to be rejected.

**§ 16-18 Voting.**

All votes shall be taken by roll call and the vote and name of the person casting the vote shall be recorded in the minutes.

**ARTICLE VII  
Alternate Members**

**§ 16-19 Designation.**

The two alternate members of this board appointed by the governing body shall be designated by the appointing authority as "Alternate Number 1" and "Alternate Number 2," respectively, and each alternate shall retain said designation during the term for which they are appointed.

**§ 16-20 Appointment of alternate to serve on case.**

During the absence or disqualification of any regular member, the Chairperson shall appoint one of the alternate members to serve in the place of said regular member; provided, however, that where the alternate member is designated to serve in place of the regular member who is disqualified from participating in the hearing of a particular case, the alternate member shall be designed to serve only with respect to such case.

**§ 16-21 Alternate to serve until final disposition.**

An alternate member who has been designated to sit in place of a regular member and who has participated in any hearing or matter coming before the Board shall continue to act in the place of such regular member until the final disposition of said matter by the Board.

**§ 16-22 Alternate Number 1 to vote.**

In the event that a choice must be made as to which alternate member is to vote, Alternate Number 1 shall vote.

**§ 16-23 Alternate not to serve at adjourned or continued hearing unless present at prior hearings.**

When a regular member has been present and has participated in the first hearing on any matter, no alternate member shall be designated to serve during the absence of such regular member during any adjourned or continued hearing or hearing on the same matter unless said alternate member was present at such first hearing or any prior adjourned or continued hearing on such matter, or if such alternate listened to the recording of the prior proceedings in their entirety and certifies to same.

**§ 16-24 Rights and privileges.**

An alternate member who has been designated to serve in the place of an absent or disqualified regular member shall, during the period of his service, enjoy all the rights and privileges and shall be subject to all of the duties and disabilities pertaining to regular members, if, but only if, the alternate certifies that they have read a transcript or listened to a recording of prior meetings;

provided however, that no alternate member shall be eligible to serve as Chairperson or Vice-Chairperson of the Board.

**§ 16-25 Participation in discussions: voting.**

Alternate members may participate in discussions of the proceedings, but may not vote except in the absence or disqualification of a regular member, nor shall any vote be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate Number 1 shall vote.

**ARTICLE XVIII  
Removal of Member**

**§ 16-26 Grounds; Recommendation.**

Whenever a member of this Board shall absent themselves from meetings of the Board, without just cause, for a period deemed detrimental to the conduct of Board business, the Board may recommend to the Township Committee of Edgewater Park, in writing, that such member be removed in accordance with the provisions of N.J.S.A. 40:55D-69.

**§ 16-27 Automatic Vacancy.**

In accordance with the provision of N.J.S.A. 40A:9-12.1(g) any Board member who, without being excused by a majority of the authorized members of the Board, fails to attend and participate in meetings of the Board for a period of four consecutive regular meetings shall be considered to be no longer a member of the Board and a vacancy on the Board shall be deemed to exist, provided that the Board shall notify the governing body in writing of such determination and further provided that the Board may refuse to excuse only with respect to those failures to attend and participate which are not due to legitimate illness.

**Article IX  
Informal and Technical Review**

**§ 16-28 Informal Review.**

**§16-28.1 Right to Request Informal Review.** Prior to the submittal of an application for development, the applicant may request an informal review before the Board in order to:

- A. Acquaint the applicant with the substantive and procedural requirements of the subdivision and site plan ordinance;
- B. Provide for an exchange of information regarding the proposed development plan and applicable elements of the master plan, zoning ordinance and other development requirements;
- C. Advise the applicant of any public sources of information that may aid the application;
- D. Identify policies and regulations that create opportunities or pose significant constraints for the proposed development;
- E. Consider opportunities to increase development benefits and mitigate undesirable project consequences;
- F. Permit input into the general design of the project.

**§16-28.2 Documents and Fees to be Submitted.** Applicants seeking review of a concept plan shall provide fifteen (15) copies of the plan and one (1) copy of the completed application and the required review fees to the Board Secretary at least fourteen (14) days before a regularly scheduled meeting of the Board.

**§16-28.3 Nature of Concept Plan.** The concept plan is a general plan that need not be fully engineered. The plan or plat should be sufficiently detailed to allow the Board to make suggestions on general site design and layout for circulation, stormwater management, location of open space and buffers, building arrangements and to determine how the proposal meets the Township's development goals and objectives.

**§16-28.4 Effect of Informal Review.** Neither the applicant nor the Board is bound by any concept plan or informal review. The amount of any fees for such informal review shall be a credit toward fees for review of the application for development.

**§ 16-29 Certification of Completeness.**

- A. The designee of the Board shall examine each application to ascertain that all required check-list items required by municipal ordinance are shown or furnished in the application or accompanying documents, or that otherwise a waiver has been requested. If all check-list items are provided, and no waivers requested, the application shall be deemed complete in which case the applicant shall be notified and the date of hearing scheduled, and in the case of a major site plan or subdivision, the applicant shall be notified of a Development Review Committee meeting date, which shall occur prior to the scheduling of a hearing date on the application.
- B. If waivers are requested as to any items, the Board's designee may deem the application complete, except for the waiver requests. The applicant shall then be notified of the date of hearing of the entire application, or in the case of major site plans and subdivisions the date of a Development Review Committee meeting, including the request for waivers.
- C. Alternatively, the Board's designee may submit only the request for waivers to the Board, which shall, at its next ensuing regular or special meeting held not later than 45 days from the date of submission of such application decide whether to grant or deny the waiver or waivers requested and applicant shall be notified promptly. If applicant is notified of the deficiencies within 45 days from the date of filing, the application shall be deemed to be complete as of the 45th day following the date of its submission.

**§ 16-30 Development Review ~~Committee~~ ~~Committee~~ [CB15].**

- A. Prior to being heard by the Board, all applications for major site plan, major subdivision, conditional use and general development plan approval shall be presented to the Development Review Committee for review. The Board, at its discretion may require applications for minor site plan, site plan waiver request, minor subdivision, or change of use approval to be presented to the Development Review Committee for review. This committee shall also review, on as as-requested basis, development concepts and provide assistance on matters related to development as may be requested by township staff.
- B. Conduct of the Development Review Committee meeting.
  - (1) The Development Review Committee (DRC) meeting is a working session between the DRC and the applicant. The meeting is used to provide the applicant with a comprehensive review of his or her application, to provide insight as to the deficiencies of the plan and to

offer suggestions and recommendation for the improvement of said plan, to analyze the application to help in determining completeness, and to comment on the acceptability of the proposed plan. It is not a public hearing and need not be advertised. It is not a formal review, and no minutes will be kept nor action taken.

- (2) Attendance by the applicant and/or his representative is mandatory.
- (3) The members of the DRC will review the development application for conformance with applicable development regulations and standards, determine the appropriateness of the proposed development to the site in question, and review with the applicant reports submitted by the Board's professionals related to the proposed development.
- (4) The DRC shall recommend to the Board via the Board Secretary, hearing dates for applications, which shall occur within the mandatory statutory guidelines.
- (5) Generally, no application shall be forwarded to the Board unless and until outstanding issues, other than those for which a variance or design waiver is requested, are resolved.

## **ARTICLE X Hearing Date**

### **§ 16-31 Hearing Date.**

Appeals and applications that have been deemed complete and that have been filed in accordance with the rules herein shall receive a hearing date within the mandatory statutory time frames. The applicant shall be notified of time set for the hearing thereon.

### **§ 16-32 Adjournment.**

The time for hearing may be adjourned from the time fixed therefore, for good cause, upon the motion of the applicant or other person interested in the action, or on the Board's own motion, provided, however, that where such adjournment would extend the statutory period within which the Board is required to act, the consent of the applicant shall be evidenced in writing or shall be made on the record.

## **ARTICLE XI Notice and Time**

### **§ 16-33 Notice; Upon Whom Served.**

Notice of hearing shall be given to all persons and officials entitled thereto by the requirements of N.J.S.A. 40:55D-12 in all matters including [where required by ordinance] those brought pursuant to N.J.S.A. 40:55D-70a and N.J.S.A. 40:55D-70b.

**§ 16-33.1 Notice; Form.** The notice required to be served and published in compliance with the Open Public Meetings Act and shall be in substantially the form set forth as Form No. II in the Appendix to these rules.

**§ 16-33.2 List of Owners Supplied by Clerk.** Where the Clerk of the municipality (or other authorized official) has furnished the applicant with a list of the property owners entitled to notice pursuant to the provisions of N.J.S.A. 40:55D-12(c), a copy of the official certification and list shall be annexed to applicant's proof of service.

§ 16-33.3 Proof of Service. The service and publication of notices as hereinabove provided is a jurisdictional requirement, and proof of the service and publication of all required notices in accordance with these rules shall be made by affidavit of the person or persons who actually served or mailed said notices as required by law, and by the authorized official of the newspaper which published same.

**§ 16-34 Time Periods for Action On Applications Seeking Variance or Other Relief Under this Section.**

Whenever an application for approval of a subdivision plat, site plan or conditional use includes a request for relief pursuant to N.J.S.A. 40:55D-70(c) or (d), the Board shall grant or deny approval of the application within 120 days after submission by an applicant of a complete application to the Board or within such further time as may be consented to by the applicant. In the event that the applicant elects to submit separate consecutive applications, the aforesaid provision shall apply to the application for approval of the variance(s) or direction for issuance of a permit. The period for granting or denying any subsequent approval shall be as otherwise provided in this chapter. Failure of the Board to act within the period prescribed shall constitute approval of the application and a certificate of the Board Secretary as to the failure of the Board to act shall be issued on request of the applicant. It shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and shall be so accepted by the County recording officer for purposes of filing subdivision plats.

**§ 16-35-36 Reserved.**

**ARTICLE XII  
Applications and Appeals**

**§ 16-37 Form.**

Every appeal or application shall be filed in triplicate on the appropriate form provided to the applicant by the Board's Secretary.

**§ 16-38 By Whom Filed.**

Every appeal or application must be signed by the owner of the lands and premises to be affected, or by his or her duly authorized agent, and may be signed by any other person having an interest in the action. This provision shall not apply to an appeal from a decision of the administrative officer by one who has no ownership or contractual interest in the property affected.

**§ 16-39 Assistance.**

For the assistance of the applicant, the Board's Secretary may render such other assistance to the applicant as may be practical.

**§ 16-40 Application Contents.**

The applicant shall set forth in his or her application all facts upon which he or she will rely to establish his or her right to the relief sought and supply all information requested on the application form or otherwise required by law.

**§ 16-41 Affidavit of Ownership.**

If the applicant is not the owner of the premises affected by the variance requested in the application, an affidavit or consent executed by the owner of the affected premises shall be filed with the Board consenting to the filing of the application.

**§ 16-42 Applications by Corporation or Partnership, Disclosure of Stockholders or Ownership Interests.**

A corporation, partnership or any legally recognized entity other than an individual applicant or applicants applying for relief from this Board which involves subdivision of a parcel of land into six (6) or more lots, or a variance to construct a multiple dwelling of twenty-five (25) or more family units, or for approval of a site plan for commercial purposes shall list the names and addresses of all stockholders or individual partners owning at least ten (10) percent of the stock of any class or at least ten (10) percent of the interest in the partnership as the case may be, in accordance with the requirements of N.J.S.A. 40:55D-48.1.

Any corporation or partnership which conceals the names of the stockholders owning 10 percent or more of its stock, or the of the individual partners owning a 10 percent or greater interest in the partnership, as the case may be, shall be subject to a fine of \$1,000 to \$10,000 which shall be recovered in the name of Edgewater Park Township in any court of record in the State and in a summary manner pursuant to "The Penalty Enforcement Law."

**§ 16-43 Appeals.**

- A. Appeals to the Board, which require the Board to invoke its powers as a zoning board of adjustment, may be taken by any interested party affected by any decision of an administrative officer of the Township based on or made in the enforcement of this chapter. Such appeal shall be taken within twenty (20) days by filing a notice of appeal with the officer from whom the appeal is taken specifying the grounds of such appeal. The officer from whom the appeal is taken shall immediately transmit to the Board all the papers constituting the record upon which the action appealed was taken.
- B. Modification on appeal. In exercising its powers as a zoning board of adjustment, the Board may reverse or affirm, wholly or in part, or may modify the action, order, requirement, decision, interpretation or determination appealed from and to that end have all the powers of the administrative officer from whom the appeal is taken.
- C. Stay of proceedings by appeal. An appeal to the Board, which requires the Board to invoke its powers as a zoning board of adjustment, shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made unless the officer from whose action the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with the officer, that by reason of facts stated in the certificate a stay would, in the officer's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by an order of the Superior Court upon notice to the officer from whom the appeal is taken and on due cause shown.
- D. Time for decision. The Board acting in the capacity as a zoning board of adjustment shall render its decision not later than one hundred twenty (120) days after the date an appeal is taken from the decision of an administrative officer or after the submission of a complete application for development to the Board pursuant to the provisions of N.J.S.A. 40:55D-72.b, or within such further time as may be consented to by the applicant. Failure of the Board to render a decision within such period shall constitute a decision favorable to the applicant. In the event the developer submits separate consecutive applications, pursuant to this chapter, the aforesaid time period shall apply to the application for approval of the variance. The period for granting or denying any subsequent approval shall be as otherwise provided in this chapter. Failure of the Board to render a decision within the proscribed period constitute a decision favorable to the applicant.

- E. Expiration of variance. Any variance from the terms of this chapter hereafter granted by the Board, functioning in the capacity as a zoning board of adjustment, permitting the erection or alteration of any structure or structures or permitting a specified use of any premises shall expire by the limitation within one (1) year from the date of entry of the judgment or determination of the Board, or in the case where a variance was granted in conjunction with the approval of a development application for a minor subdivision or site plan, preliminary major subdivision or site plan or a final subdivision or site plan, the expiration period for the variance shall run concurrently with the expiration period for the respective development application, unless the applicable construction permits have been obtained or the permitted uses has actually been commenced by that date; except, however, that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the Board to a court of competent jurisdiction until the termination in any manner of such appeal or proceeding.
- F. Appeals from the decision of the ~~Joint Land Use Planning~~ Board shall be made to a court of competent jurisdiction.

### **ARTICLE XIII Hearings**

#### **§ 16-44 Appearances.**

At the hearing upon the application, the applicant, or any other party, shall appear in person, or may be represented by an Attorney-at-Law of New Jersey. Every corporation other than a “sole proprietor” shall be represented by an Attorney-at-Law of New Jersey in accordance with the rules of the Superior Court of New Jersey.

#### **§ 16-45 Oath.**

At the hearing, the applicant and all witnesses shall be sworn by the Chairperson or his designee before giving testimony.

#### **§ 16-46 Order of Presentation.**

- A. When the hearing is called to order, the Secretary shall state the relief sought by the application.
- B. The applicant shall then present, by his or her testimony and the testimony of his or her witnesses, or by such documentary evidence or exhibits as he or she may submit, proof of all facts upon which he or she relies to establish his or her right to the relief sought in the application.
- C. Any other persons interested in the action shall then be heard and may present any relevant testimony or evidence in support of the application.
- D. Any other persons interested in the action shall then be heard and may present any relevant testimony or evidence tending to show why the relief sought by the applicant should not be granted.
- E. Rebuttal testimony or evidence shall then be admitted in such order as the Chairperson shall designate.
- F. All witnesses may be cross-examined by any member of the Board, the Board Attorney, or any interested person.

#### **§ 16-47 Examination by Board; Testimony.**

The applicant and every other person appearing and presenting testimony at any hearing may be examined by any member of the Board and the Board Attorney for the purpose of eliciting any relevant information which may assist the Board in deciding the issue. Any member of the Board may testify as to any relevant matter of which he or she has personal or official knowledge for the purpose of amplifying the record, including facts ascertained from a viewing of the premises in question and the general area.

#### **§ 16-48 Closing of Hearing; Continuances.**

- A. When the applicant and all other interested persons have had an opportunity to be heard, the Chairperson may declare the hearing to be closed. Thereafter, no further evidence will be received in the action unless the matter is reopened in accordance with these rules.
- B. The applicant or any other interested person, prior to the closing of the hearing, may move the Board for a continuance of the hearing for the purpose of presenting further relevant evidence, which the Board, acting in its sound discretion, may either grant or deny.
- C. In cases where the Board feels that testimony or other evidence should be received in the public interest from any municipal, county, or state official or from any other persons to assist in rendering a just decision, the Board may, on its own motion, continue the hearing to another day certain for such purposes.

### **ARTICLE XIV Dismissal of Actions**

#### **§ 16-49 Voluntary.**

Any applicant may at any time before the commencement of hearing, voluntarily withdraw his or her application, in which case the action shall be dismissed without prejudice. After commencement of the hearing a voluntary dismissal may be taken only with the approval of the Board.

#### **§ 16-50 Non-appearance.**

When, at the time set for the hearing or continued hearing on any application, neither the applicant nor any one on his or her behalf appears, and no adjournment has been previously requested, the action may be dismissed without prejudice.

#### **§ 16-51 Preliminary Reports.**

- A. The Board may, at any time, request a written report on any particular matter from any officer, board, or agency in connection with a pending case provided, however, that a copy of any such report shall be made available to the applicant who shall, if requested, have an opportunity to question the maker of such report as to any fact or conclusion therein contained.
- B. The Board may arrange to take the testimony of any expert witness employed by it.

**ARTICLE XV**  
**Decision; Resolution of Board**

**§ 16-52 Form.**

The judgment of the Board shall be in the form of a written resolution containing findings and conclusions which shall be adopted either on the date of the meeting at which the Board granted or denied approval, or, if the meeting at which such action was taken occurred within the final 45 days of the applicable time period for rendering a decision on the application, within 45 days of such meeting by the adoption of a resolution of memorialization setting forth the decision and findings and conclusion of the Board. An action resulting from failure of a motion to approve an application shall likewise be memorialized by resolution regardless of the time at which such action occurs within the 120 day time period for rendering a decision. Whenever a resolution of memorialization is adopted in accordance with the provisions of N.J.S.A. 40:55D-10, the date of such adoption shall constitute the date of the decision for purposes of the mailings, filings and publications required by statute. A copy of the Board's resolution shall be furnished to the applicant or his attorney within 10 days from the date of adoption thereof and a copy of the resolution shall also be made available to any person who has requested it and has paid the fee established therefor.

**§ 16-53 Relief Granted.**

Where an applicant has demonstrated his right to relief, the Board may grant such relief as it may deem appropriate and in keeping with the intent and purpose of the zone plan and zoning ordinance, even though the relief granted may be different in kind or degree from that asked for in the appeal or application.

**§ 16-54 Conditions.**

The resolution of the Board granting any variance, may subject such grant to such conditions as the Board may impose in the public interest for the purpose of furthering any of the purposes of zoning. The Board may, when deemed necessary in the public interest, specifically provide in its resolution for the retention of jurisdiction over the action for a reasonable time, as therein specified, for the purposes of enabling it to vary the terms of any condition therein imposed, or for the purpose of imposing additional conditions in the public interest in the light of then existing circumstances.

**§ 16-55 Publishing Notice; Service of Copy of Resolution.**

The Board Secretary shall cause notice of the Board's action to be published once in the official newspaper of the municipality in accordance with the provisions of N.J.S.A. 40:55D-10i, and shall also serve copies of the board's decision to the applicant and to all who have requested copies, pursuant to N.J.S.A. 40:55D-10h.

**ARTICLE XVI**  
**Development Application Procedures**

**§ 16-56 When Site Plan or Subdivision Approval Required.**

**§ 16-56.1 Uses and Activities Requiring Site Plan Approval.** All actions that qualify as changes of use and minor and major site plans shall require Board approval, except that:

- A. Individual lot applications for detached one (1) or two (2) dwelling unit buildings; and

- B. Construction work found by the Zoning Officer to constitute ordinary repairs, shall be exempt from site plan review. Any grading, clearing or filling of a lot shall be performed in conjunction with a development that received approval from the Board or the Zoning Officer as the case may be.

**§ 16-56.2 Waiver of Site Plan Approval.**

- A. By Board. The Board may waive the requirement for site plan approval where the Board determines that the proposed development is a permitted use in the zone and does not involve substantial site development considerations.
- B. By Zoning Officer. The Zoning Officer may waive the requirement for site plan approval when a proposed development does not involve a change in use and (1) does not meet the eligibility requirements for minor or major site plan; (2) consists solely of non-structural changes in the facade of a structure; or (3) an interior change which does not increase parking requirements and does not involve any other substantial site development considerations.

**§ 16-56.3 Uses and Activities Requiring Subdivision Approval.** Subdivision approval shall be required prior to the recording of any plat or deed affecting the subdivision of any land in the Township of Edgewater Park except in the following cases, when no new streets are created:

- A. Divisions of property by testamentary or intestate provisions;
- B. Divisions of property upon court order;
- C. Conveyances so as to combine existing lots by deed or other instrument as set forth under N.J.S.A. 40:55D-7.

In all cases involving such exempted divisions, the Board Chairperson and the Township Clerk shall certify the exemption on the plat or deed or instrument to be filed with the County Register.

**§ 16-57 Dedication of Right-of-Way.**

No subdivision or site plan involving any street(s) requiring additional right-of-way width as specified in the master plan or official map or the street requirements of this chapter shall be approved unless such additional right-of-way, either along one (1) or both sides of said street(s), as applicable, shall be deeded to the Township or other appropriate governmental agency.

**§ 16-58 Traffic Impact Statement.**

**§ 16-58.1 When Required.** The Board may require a traffic impact statement as part of preliminary approval of a major subdivision or site plan if, in the opinion of the Board, the development could have an adverse impact on the road network, ingress/egress or on-site circulation.

**§ 16-58.2 General Provisions.**

- A. The traffic impact statement shall be prepared by a New Jersey licensed professional engineer having appropriate experience and education.
- B. All relevant sources of information used in the preparation of said statement shall be identified.

**§ 16-58.3 Submission Format.** All traffic impact statements shall provide a description of the impact and effect of the proposed land development upon all roads which are adjacent to or immediately affected by traffic and shall specifically address the following items:

- A. Existing conditions in the vicinity of the proposed project including:
  - (1) Roadway network;
  - (2) Representative traffic counts, not during holiday or summer periods (or with appropriate statistical adjustments for counts during the summer months);
  - (3) Traffic accident statistics;
  - (4) Availability of public transportation;
  - (5) Level of service of adjacent roadways.
- B. Traffic generated by the proposed development including:
  - (1) Trip generation;
  - (2) Trip distribution;
  - (3) Modal split;
  - (4) Level of service under proposed conditions.
- C. Traffic impacts caused by the proposed development as per change in existing conditions.
- D. Explanation of Traffic Reduction/Traffic Management Plans necessary pursuant to any current Federal, State or County requirements, and, where applicable, proposed interaction with appropriate County Transportation Management Areas (TMA).
- E. Recommendations for alleviating or diminishing any possible congestion or disruption to the established traffic pattern.
- F. Any other information requested by the appropriate Board reasonably required to make an informed assessment of potential traffic impacts.

**§ 16-59. Environmental Impact Assessment.**

**§ 16-59.1 When Required.** The Board may require an environmental impact assessment as part of preliminary approval of a major subdivision or site plan if, in the opinion of the Board, the development could have an adverse affect on the environment. The Board may, at the request of an applicant, waive portions of the environmental impact assessment requirements upon a finding that a complete report need not be prepared in order to evaluate adequately the environmental impact of a particular project. The Board shall review the application with specific reference to the following areas of concern:

- A. A significant percentage (twenty-five (25%) percent or more) of the property has a grade of fifteen (15%) percent or more;
- B. A significant percentage (twenty-five (25%) percent or more) of the property is within or borders a flood plain;

- C. The property is located in an area where potable water supplies may be adversely affected;
- D. Industrial activities involving the use, processing or manufacture of hazardous, toxic or corrosive substances as defined and named in regulations promulgated by the U.S.E.P.A.;
- E. The visual impact of the project would be significant.

**§ 16-59.2 Submission Format.** All environmental impact assessments shall consist of written and graphic materials which clearly present the following information:

- A. Project Description. A description of the proposed project shall be presented to indicate the extent to which the site must be altered, the kinds of facilities to be constructed and the uses intended. The resident population, working population and visitor population shall be estimated.
- B. The compatibility or incompatibility of the proposed project shall be described in relation to the following:
  - (1) Township of Edgewater Park master plan and master plan reexamination;
  - (2) Burlington County planning documents;
  - (3) New Jersey State Development and Redevelopment Plan.
- C. Site Description and Inventory. The suitability of the site for the intended use shall be discussed. This shall include a description of environmental conditions on the site which shall include, but not be limited to, the following items:
  - (1) Topography. A description and map of the topographic conditions of the site shall be provided.
  - (2) Contamination. Information regarding the presence or absence of environmental contamination, including: (a) the presence of known or suspected contaminants on site; (b) prior uses of the property; (c) the status of any past or present administrative or judicial proceeding involving contamination or remediation of contamination on the site. In appropriate cases, the Board may require similar information with regard to surrounding sites.
  - (3) Critical Areas. A description and map of the wetland areas, wetland buffers and flood plains on the site shall be provided.
  - (4) Surface Water. A description and map of existing watercourses and water bodies that are partially or totally on the site shall be identified and riparian issues which may be relevant to the development.
  - (5) Unique Scenic Features. Describe and map those portions of the site that can be considered to have unique scenic qualities and any scenic view from the site.
  - (6) Miscellaneous. When warranted, an analysis shall be conducted of existing air quality and noise levels as prescribed by the New Jersey Department of Environmental Protection. When warranted, the Board may also request delineation of conditions on adjacent properties.

- D. Impact. The negative and positive impacts of the project during and after construction shall be discussed. The specific concerns that shall be considered include the following:
- (1) Soil erosion and sedimentation resulting from surface runoff;
  - (2) Flooding and flood plain disruption;
  - (3) Degradation of surface water quality;
  - (4) Sewage disposal;
  - (5) Solid waste disposal;
  - (6) Destruction or degradation of scenic features on- and off-site;
  - (7) Air quality degradation;
  - (8) Noise levels;
  - (9) Lighting levels including trespass lighting;
  - (10) Effect on the community, including projected population increase, increase in municipal and school services, consequences to the municipal tax structure.
- E. Environmental Performance Controls. The applicant shall indicate the measures which will be employed during the planning, construction and operation phases of the project to minimize or eliminate negative impacts on and off site. Of specific interest are:
- (1) Stormwater management plans and plans for soil erosion and sedimentation controls;
  - (2) Water supply and water conservation proposals;
  - (3) Noise reduction techniques;
  - (4) Screening and landscaping intended to enhance the compatibility of the development with adjacent areas;
  - (5) Miscellaneous on-site and off-site public improvements.
- F. Alternatives. A discussion of site design and project location alternatives that were considered shall be provided. The discussion shall indicate why an alternative was rejected if it would have resulted in less of a negative impact than the proposed development.
- G. Licenses, Permits and Other Approvals Required by Law. The applicant shall list all known licenses, permits and other forms of approval required by law for the construction and operation of the proposed project. This list shall include, but is not be limited to, approvals required by the Township and agencies of the County, State and Federal governments. Where approvals have been granted, copies of said approvals shall be attached. Where approvals are pending, a note shall be made to that effect.

- H. Documentation. All publications, file reports, manuscripts or other written sources of information which were consulted in preparation of the environmental impact assessment shall be listed and footnoted. A list of all agencies and individuals from whom pertinent information was obtained orally or by letter shall be listed separately. Dates and locations of all meetings shall be specified.
- I. Review. Applicants shall be encouraged or required to provide suitable mitigation for all adverse environmental impacts and other conditions identified in the EIA and/or in the course of the public hearings before the Board.

**§ 16-59.3 Review of Written Comments of Environmental Commission; Time.** The Board, before taking any action hereunder, shall review the written comments of the Environmental Commission. In the event the Environmental Commission fails to provide its written comments to the Board within ten (10) days of its being provided with a copy of the land development application, the Board shall be free to take action pursuant hereto without reviewing the Environmental Commission's comments.

**§ 16-59.4 Decision.**

- A. The described areas of concern are by way of direction for the reviewing Board and not by way of limitation.
- B. After review of the development application by the appropriate Board, that Board shall make a decision as to whether an Environmental Impact Assessment should be required of the applicant or whether the same should be waived in its entirety as a result of the proposed development having only a slight or negligible environmental impact. In addition to the above two (2) courses of action by the reviewing Board, the Board shall have a third course which would be to require that only a specified portion of the report be completed and that the remainder of the report be waived if the Board finds that the complete report need not be prepared in order to adequately evaluate the environmental impact of the proposed development.

**§ 16-59.5 Public Projects.** Public projects shall be submitted and reviewed as private development projects unless specifically exempt by State or Federal law.

**§ 16-60. Development Phasing.**

Whenever an applicant intends to construct a development in phases, phasing information shall be included in the plans for preliminary approval, and all phases shall be:

- A. Functionally self-contained and self-sustaining with regard to access, circulation, parking, utilities, open spaces and all other site improvements and physical features and shall be capable of perpetual independent use, occupancy, operation and maintenance upon completion of construction and development of the section or stage;
- B. Properly related to other services of the community as a whole and to those facilities and services yet to be provided in the full execution and implementation of the plan;
- C. Provided with such temporary or permanent transitional features, buffers or protective areas as are necessary to prevent damage or detriment to adjoining properties or to any completed section or stage. In addition, such temporary or permanent transitional features, buffers or protective areas shall not impede development of future sections or stages in the planned development. Plans,

estimated dates of completion for each section or stage and specifications of such sections or stages are to be filed with the Board, which must be of sufficient detail and of such scale as to fully demonstrate the arrangement and site locations of all structures, primary and accessory land uses, parking, landscaping, public and private utilities and services facilities and land ownership conditions.

**§ 16-61. Grading Plan Required.**

- A. A grading plan, prepared and sealed by a licensed professional engineer, shall be submitted for all proposed development requiring site plan and/or major subdivision review; further providing said plan shall also be required in conjunction with applications for development of lots resulting from minor subdivision approval, or residential in-fill construction on established lots, and for the installation of pools, accessory structures, or other improvements thereon resulting in a disturbance of greater than seven hundred fifty (750) square feet.
- B. Prior to the issuance of a building permit for the type of development as set forth above, a grading plan is first to be approved by the Board engineer or the township engineer as the case may be.
- C. Prior to the issuance of a certificate of occupancy, a record final grading plan demonstrating conformance with the originally approved grading plan, is first to be approved by the Board engineer or township engineer as the case may be.
- D. Absent unusual conditions, site plans resulting in no increase in impervious surface coverage or change to existing drainage patterns shall be exempt from submission of grading plans as required by this section.
- E. The grading plan shall be of sufficient detail to demonstrate positive stormwater runoff without adverse impact to surrounding property. The plan shall provide, at a minimum, the following details:
  - (1) Existing and proposed grades. For major subdivision and major site plans, grades shall be based on the 1929 N.G.V.D. Datum.
  - (2) Contours should extend a sufficient distance beyond property lines or, the site of the work to demonstrate runoff patterns and the relation to adjacent topographical features.
  - (3) Contours are to be clearly shown and labeled and shall be at one or two foot intervals, as appropriate. The scale of the drawing shall not be less than 1 inch to 50 feet.
  - (4) Property lines and dimensions.
  - (5) Location, dimensions setbacks, and first floor elevations of principal and accessory structures on-site and adjacent to the site.
  - (6) Existing and proposed drainage facilities.
  - (7) Existing and proposed spot elevations at all property comers, building comers, adjoining roadways, and intermediate elevations and/or off-site spot elevations as may be necessary to determine the proposed drainage pattern.
  - (8) Adequate provisions to minimize erosion during construction.

## **§ 16-62. Minor Subdivision and Site Plan Review Procedures.**

### **§ 16-62.1 Submission Requirements.**

- A. Submission requirements for minor subdivision and site plan approval are provided in the Minor Subdivision and Site Plan Checklist in subsection 16-73.1.
- B. The Secretary of the Board shall forward copies of the application to the following for review and comment, where appropriate:
  - (1) Board Professional Staff;
  - (2) Construction Official;
  - (3) Tax Assessor;
  - (4) Township Fire Department;
  - (5) Township Police Department;
  - (6) Township Sewer and Water Department.
- C. The Board shall also have the authority to refer any application to other agencies or individuals for comments or recommendations.

**§ 16-62.2 Review by Other Township Agencies and Officials.** The officials and agencies cited in subsection 16-62.1 above shall forward their comments and recommendations in writing to the Board within fourteen (14) days after receipt of the application.

### **§ 16-62.3 Board Action.**

- A. Except for applications governed by the time limits in subsection 16-34 or other applicable sections, the Board shall approve, conditionally approve, or deny a minor subdivision or site plan within forty-five (45) days of the submission of a complete application, unless the applicant shall extend the period of time within which the Board may act.
- B. Failure of the Board to act within the period prescribed shall constitute minor subdivision or site plan approval and a certificate of the Board Secretary as to the failure of the Board to act shall be issued on request of the applicant. The certificate shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and shall be so accepted by the County Register for purposes of filing subdivision plats or deeds.

**§ 16-62.4 Effect of Approval.** Approval of a minor subdivision or site plan shall be deemed final approval provided that the Board may condition such approval on the provision of improvements as may be required. The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor subdivision or site plan approval was granted, shall not be changed for a period of two (2) years after the date on which the resolution of approval is adopted provided that the approved minor subdivision shall have been duly recorded in accordance with subsection 16-62.5 below.

**§ 16-62.5 Expiration of Minor Subdivision.** Approval of a minor subdivision shall expire one hundred ninety (190) days from the date on which the resolution of approval is adopted unless within such period a plat in conformity with such approval and the Map Filing Law,

N.J.S.A. 46:23-9.9 et seq., or a deed clearly describing the approved minor subdivision is filed by the developer with the County Register, the Township Engineer and the Township Tax Assessor. Any such plat or deed accepted for such filing shall have been signed by the Board Chairperson and Secretary. In reviewing the application for development for a proposed minor subdivision, the Board may accept a plat not in conformity with N.J.S.A. 46:23-9.9 et seq.; provided that if the developer chooses to file the minor subdivision as provided herein by plat rather than deed such plat shall conform with the provisions of the said act.

**§ 16-62.6 Extensions of Minor Subdivision or Site Plan Approval.**

- A. The Board may extend the one hundred ninety (190) day period for filing a minor subdivision plat or deed pursuant to this Chapter if the developer proves to the reasonable satisfaction of the Board:
  - (1) That the developer was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi- governmental entities: and
  - (2) That the developer applied promptly for and diligently pursued the required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the Board. The developer may apply for the extension either before or after what would otherwise be the expiration date.
- B. The Board shall grant an extension of minor subdivision or site plan approval for a period determined by the Board, but not exceeding one (1) year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental agencies and that the developer applied promptly for and diligently pursued the required approvals. The developer shall apply for the extension before (a) what would otherwise be the expiration date of minor subdivision approval; or (b) the 91st day after the developer receives the first legally required approval from other governmental entities, whichever occurs later.

**§ 16-63. Preliminary Major Subdivision and Site Plan Review Procedures.**

**§16-63.1 Submission Requirements.**

- A. Submission Requirements for preliminary major subdivision and preliminary site plan approval are provided in the Preliminary Major Subdivision and Site Plan Checklist in subsection 16-73.2.
- B. The Secretary of the Board shall forward copies of the application to the following for review and comment, where appropriate:
  - (1) Board Professional Staff;
  - (2) Construction Official;
  - (3) Tax Assessor;
  - (4) Township Fire Department;
  - (5) Township Police Department;

(6) Township Sewer and Water Department;

- C. The Board shall also have the authority to refer any application to other agencies or individuals for comments or recommendations.

**§ 16-63.2 Review by Other Township Agencies and Officials.** The officials and agencies cited in subsection 16-63.1 above shall forward their comments and recommendations in writing to the Board within fourteen (14) days after the receipt of the application.

**§ 16-63.3 Board Action.**

A. Subdivisions.

- (1) Except for applications governed by the time limits in subsection 16-34 or other applicable sections, the Board shall approve, conditionally approve or deny a preliminary major subdivision application of ten (10) or fewer lots within forty-five (45) days after the submission of a complete application, unless the applicant shall extend the period of time within which the Board may act.
- (2) The Board shall approve, conditionally approve or deny a preliminary major subdivision application of more than ten (10) lots within ninety-five (95) days after the submission of a complete application, unless the applicant shall extend the period of time within which the Board may act.
- (3) Failure of the Board to act within the time prescribed shall constitute preliminary major subdivision approval and a certificate of the Board Secretary as to the failure of the Board to act shall be issued on request of the Applicant. Said certificate shall be sufficient in lieu of the written endorsement or other evidence of approval herein required, and shall be accepted by the County Register for purposes of filing subdivision plats.

B. Site Plans.

- (1) Except for applications governed by the time limits in subsections 16-34 or other applicable sections, the Board shall approve, conditionally approve or deny a preliminary major site plan which involves ten (10) acres of land or less, and ten (10) dwelling units or less, within forty-five (45) days after the submission of a complete application unless the applicant shall extend the period of time within which the Board may act.
- (2) The Board shall approve, conditionally approve or deny the preliminary major site plan of more than ten (10) acres or more than ten (10) dwelling units within ninety-five (95) days after the application is certified complete unless the applicant shall extend the period of time within which the Board may act.
- (3) Failure of the Board to act within the time prescribed shall constitute preliminary major site plan approval and a certificate of the Board Secretary as to the failure of the Board to act shall be issued on request of the applicant. Said certificate shall be sufficient in lieu of a written endorsement or other evidence of approval herein required.

**§ 16-63.4 Effect of Preliminary Approval.** Preliminary approval of a major subdivision or site plan, except as provided in paragraph d of this section, shall confer upon the applicant the following rights for a three (3) year period from the date on which the resolution granting preliminary approval is adopted.

- A. That the general terms and conditions on which preliminary approval was granted shall not be changed, including, but not limited to, use requirements; layout and design standards for streets, curbs and sidewalks; lot sizes; yard dimensions and off-tract improvements; and in the case of a site plan, any requirements peculiar to site plan approval pursuant to N.J.S.A. 40:55D-41, except that nothing herein shall be construed to prevent the Township from modifying by ordinance such general terms and conditions of preliminary approval as related to public health and safety.
- B. That the applicant may submit for final approval on or before the expiration date of preliminary approval the whole or a section or sections of the preliminary subdivision plat or site plan, as the case may be.
- C. That the applicant may apply for and the Board may grant extension on such preliminary approval for additional periods of at least one (1) year but not to exceed a total extension of two (2) years, provided that if the design standards have been revised by ordinance, such revised standards may govern.
- D. In the case of a subdivision of or a site plan for a planned development of fifty (50) acres or more, conventional subdivision or site plan for one hundred fifty (150) acres or more, or site plan for development of a non-residential floor area of two hundred thousand (200,000) square feet or more, the appropriate Board may grant the rights referred to in paragraphs a., b. and c. above for such period of time, longer than three (3) years, as shall be determined by the appropriate Board to be reasonable taking into consideration (1) the number of dwelling units and non-residential floor area permissible under final approval, (2) economic conditions and (3) the comprehensiveness of the development. The developer may apply for thereafter, and the Board may thereafter grant, an extension of final approval for such additional period of time as shall be determined by the Board to be reasonable taking into consideration (a) the number of dwelling units and nonresidential floor area permissible under final approval, (b) the number of dwelling units and non-residential floor area remaining to be developed, (c) economic conditions and (d) the comprehensiveness of the development.
- E. Whenever the Board grants an extension of preliminary approval pursuant to subsections C. or D. above and preliminary approval has expired before the date on which the extension was granted, the extension shall begin on what would otherwise be the expiration date. The developer may apply for an extension either before or after what would otherwise be the expiration date.
- F. The Board shall grant an extension of preliminary approval for a period determined by the Board but not exceeding one (1) year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the required approvals. The developer shall apply for the extension before (a) what would otherwise be the expiration date of the preliminary approval, or (b) the 91st day after the developer received the last legally required approval from other governmental entities, whichever is later. An extension granted pursuant to this section shall not preclude the Board from granting an extension pursuant to subsections C. or D. above.

**§ 16-63.5 Simultaneous Preliminary and Final Site Plan Approval.** Combined preliminary and final site plan approval may be granted provided all submission requirements for both

applications are met. The time limit within which the Board shall act shall be the longest time permitted for either of the two (2) approvals.

**§ 16-64. Final Approval of Major Subdivision and Site Plan Review Procedures.**

**§ 16-64.1 Submission Requirements.** No application for final major subdivision and no application for final site plan approval will be accepted unless it is submitted within three (3) years (plus any applicable extension as may have been granted pursuant to subsection 16-63.4) of the grant of preliminary approval of such major subdivision or site plan.

- A. Submission requirements for final major subdivision and site plan approval are provided in the Final Major Subdivision and Final Site Plan Checklist in subsection 16-73.3.
- B. The Secretary of the Board shall forward copies of the application to the following officials for review and comment where appropriate:
  - (1) Board Professional Staff;
  - (2) Construction Official;
  - (3) Tax Assessor;
  - (4) Township Fire Department;
  - (5) Township Police Department;
  - (6) Township Sewer and Water Department.
- C. The Board shall also have the authority to refer any application to other agencies or individuals for comments or recommendations.

**§ 16-64.2 Review by Other Township Agencies and Officials.** The officials and agencies cited in subsection 16-64.1 above shall forward their comments and recommendations in writing to the Board within fourteen (14) days after the receipt of the final application.

**§ 16-64.3 Board Action.**

- A. The Board shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established by ordinance for final approval, the conditions for preliminary approval, and, in the case of a major subdivision, the standards prescribed in the "Map Filing Law" P.L. 1960, c. 141. In the case of a planned unit development, planned unit residential development or residential cluster, the Board may permit minimal deviations from the conditions of preliminary approval necessitated by change of conditions beyond the control of the developer since the date of preliminary approval without the developer being required to submit another application for development for preliminary approval.
- B. Final approval shall be granted or denied within forty-five (45) days after submission of a complete application or within such further time as may be consented to by the applicant. Failure of the Board to act within the period prescribed shall constitute final approval and a certificate of the Board Secretary as to the failure of the Board to act shall be issued on request of the applicant. The certificate shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and, in the case of subdivision plans, shall be so accepted by the County Register for purposes of filing.

- C. Whenever review or approval of the application by the County Planning Board is required by N.J.S.A. 40:27-6.1 or 40:27-6.6, the Board shall condition its approval upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period.

**§ 16-64.4 Effect of Final Approval.**

- A. The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer, pursuant to subsection 16-64.3 above, whether conditionally or otherwise, shall not be changed for a period of two (2) years after the date on which the resolution of final approval is adopted; provided that in the case of major subdivision the rights conferred by this section shall expire if the plat has not been duly recorded within the time period provided in subsection 16-64.6.A. below. If the developer has followed the standards prescribed for final approval and, in the case of subdivision, has duly recorded the plat with the County Register in accordance with subsection 16-64.6.A. below, the Board may extend such period of protection for extensions of one (1) year but not to exceed three (3) extensions. Notwithstanding any other provisions of this chapter, the granting of final approval terminates the time period of preliminary approval pursuant to subsection 16-64.3 above, for any section of the development which is granted final approval.
- B. In the case of a subdivision or site plan for a planned development of fifty (50) acres or more, conventional subdivision or site plan for one hundred fifty (150) acres or more, or site plan for the development of nonresidential floor area of two hundred thousand (200,000) square feet or more, the Board may grant the rights referred to in paragraph A. of this section for such period of time, longer than two (2) years, as shall be determined by the Board to be reasonable, taking into consideration:
  - (1) The number of dwelling units and non-residential floor area permissible under final approval;
  - (2) Economic conditions;
  - (3) The comprehensiveness of the development. The developer may apply for thereafter, and the Board may thereafter grant, an extension of final approval for such additional period of time as shall be determined by the Board to be reasonable taking into consideration the following:
    - (a) The number of dwelling units and nonresidential floor area permissible under final approval,
    - (b) The number of dwelling units and nonresidential floor area remaining to be developed;
    - (c) Economic conditions, and
    - (d) The comprehensiveness of the development.
- C. Whenever the Board grants any extension of final approval pursuant to paragraphs A. or B. above, and final approval has expired before the date on which the extension is granted, the extension shall begin on what would otherwise be the expiration date. The developer may apply for the extension either before or after what would otherwise be the expiration date.
- D. The Board shall grant an extension of final approval for a period determined by the Board but not exceeding one (1) year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued these approvals. A developer shall apply for an extension before (1) what would otherwise be the expiration date of final approval, or (2) the 91st day after the developer receives the last legally required approval from other governmental entities, whichever occurs later. An extension granted

pursuant to this section shall not preclude the Board from granting an extension pursuant to paragraphs A. or B. above.

**§ 16-64.5 Conditions of Approval.**

- A. Conditions Binding. All conditions of preliminary and final approval shall be binding upon the applicant, all present and future owners, tenants, users and occupants of the property and their respective successors and assigns.
- B. Failure to Maintain. The applicant and any successor in interest shall be responsible for installing and maintaining in good order and condition all required improvements and landscaping, unless such improvements in landscaping are to be installed by, and/or dedicated to and maintained by the Township, County or another party, under the terms of approval granted by the Board. Such required improvements shall include, but not be limited to, parking improvements, buffer zones, drainage facilities, exterior lighting and landscaping. Failure of any responsible party to install and/or maintain required improvements or landscaping, shall constitute a violation of this chapter and shall be subject to the enforcement procedures set forth herein.

**§ 16-64.6 Expiration of Final Major Subdivision Approval.**

- A. Final approval of a major subdivision shall expire ninety-five (95) days from the date of signing of the plat unless within such period the plat shall have been duly filed by the applicant with the County Register. The Board may for good cause shown extend the period for recording for an additional period not to exceed one hundred ninety (190) days from the date of signing of the plat. The Board may extend the ninety-five (95) day or one hundred ninety (190) day period if the applicant proves to the reasonable satisfaction of the Board (1) that the applicant was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities and (2) that the applicant applied promptly for and diligently pursued required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the Board. The developer may apply for an extension either before or after the original expiration date.
- B. No subdivision plat shall be accepted for filing by the County Register until it has been approved by the Board as indicated on the instrument by the signature of the Chairperson, Secretary of the Board. The signatures of the Board Chairperson and Secretary shall not be affixed until the developer has posted the performance guarantees required by this chapter and has satisfied all other applicable conditions of final approval. If the County records any plat without such approval, such recording shall be deemed null and void, and upon request of the municipality, the plat shall be expunged from the official records.

**§ 16-65. Amended Site Plan or Subdivision Review.**

Applications for amended site plan or subdivision review shall be governed by the same requirements as all other applications for subdivision or site plan approval.

**§ 16-66. Conditional Use Approval.**

The submission requirements and review process for conditional use applications shall be the same as for a major site plan, except as set forth below.

- A. The Board shall grant or deny an application for conditional use approval within ninety-five (95) days of submission of a complete application or within such further time as may be consented to by the applicant.

- B. The Board shall approve or deny a conditional use application simultaneously with any accompanying subdivision and/or site plan application. The longest time period for action by the Board, whether it be for subdivision, conditional use or site plan approval, shall apply. Whenever approval of a conditional use is requested by the applicant, notice of the hearing on the application shall include reference to the request for conditional use approval.

**§ 16-67. County Approval.**

- A. Whenever review or approval of a development application by the County Planning Board is required by N.J.S.A. 40:27-6.3 or 40:27-6.6, the Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board. The County Planning Board's failure to report thereon within the required time period provided by law shall be considered a favorable response.
- B. Whenever County Planning Board review or approval is required, the applicant shall be responsible for filing all necessary applications, plans, reports and other documents directly with the County Planning Board.

**§ 16-68. Signing and Distribution of Approved Plans.**

- A. When all conditions of any minor, preliminary or final approval have been met, the applicant shall submit to the Board Secretary eight (8) copies of the approved plan(s) with all revisions required by the conditions of approval. The approved plan(s) shall then be signed by the Board Chairperson, Secretary and Engineer. Two (2) signed copies shall be returned to the applicant and the remaining copies shall be distributed by the Board Secretary.
- B. In addition to the foregoing, whenever any subdivision is to be perfected by the filing of the approval plat with the County Register in conformance with the Map Filing Law, the applicant shall submit to the Board Secretary, simultaneously with the plans described in paragraph A. above, two (2) mylars and at least eight (8) paper prints of the plat intended for recording. Provided that it conforms to the Map Filing Law, the plat intended for recording shall be signed by the Board Chairperson, Secretary and Engineer simultaneously with the signing of the approved plans submitted pursuant to paragraph A. above. After signing, one (1) mylar and all paper prints of the plat so signed shall be returned to the applicant for recording with the County Register.
- C. Following the filing of any approved subdivision plat or minor subdivision deed with the County Register, the applicant shall promptly deliver to the Board Secretary at least six (6) copies of the filed plat or recorded deed, as the case may be. The Board Secretary shall then distribute copies of the same.
- D. Whenever any subdivision is to be perfected by the filing of the approved plat with the County Register, and when the engineering review of such subdivision has been performed by the Board Engineer, the plat intended for recording shall be signed by the Board Engineer. For purposes of such signatures as the municipal engineer, the Board Engineer shall be deemed to act as an Assistant Township Engineer or the Township Engineer's designee.
- E. The Board Secretary shall return in the Board's files at least one (1) true copy of all signed and approved site plans and subdivision deeds and all signed, approved and filed subdivision plats.

**§ 16-69 Action by Subdivider After Preliminary Plat Approval.**

- A. If after all preliminary approvals are obtained, the subdivider wishes to construct the improvements prior to final approval, the following must be complied with:
- (1) Engineering Drawings. All improvements shall be constructed in accordance with final engineering drawings prepared by a licensed New Jersey Professional Engineer and approved by the Township Engineer. The drawings shall include final plans and profiles of all streets; tentative final lot grading plans which will show sufficient elevations to establish the lot area surface flow throughout the subdivision and finalized versions of all other supporting drawings deemed necessary by the Township Engineer. Upon notification of approval of the engineering drawings, the applicant shall furnish the Township Engineer with the original and duplicate original of all drawings. The Township Engineer shall affix his or her signature to both sets and return the original to the applicant, retain the duplicate original for filing and forward copies to the Board, Township Clerk and Building Subcode Official. The drawings shall become the approved plans governing the construction of all improvements.
  - (2) Construction of Improvements. Upon receipt of the approved plans the subdivider may proceed to construct the required improvements provided, however, that the subdivider shall notify the Township Clerk, Township Committee, Township Engineer and Building Subcode Official at least seven days in advance of the date of beginning construction and shall have obtained all permits required. No on site or off site improvements shall be constructed except in strict accordance with approved plans. If it is found by the subdivider that minor modifications or additions are needed during the course of installing such improvements due to unforeseen circumstances, the subdivider shall not make such improvement change until approval has been granted by the Township Engineer after the submittal of plans incorporating such changes.
  - (3) Inspection of Improvements. The subdivider shall install no improvements without 48 hours notification to the Township Engineer. The Township Engineer shall determine if an inspector is to be on the job during construction. If the subdivider fails to so notify the Township Engineer, the engineer shall determine if the construction performed shall be replaced, acceptable as constructed, or a maintenance bond of longer than normal duration shall be posted at time of final acceptance. Neither the Township Committee, the Township Engineer, the Board, nor any of their agents, employees or representatives shall make any inspection reports or declarations to the subdivider or his subcontractors except as may be required for township purposes.
  - (4) Inspection fees as determined by the township engineer must be posted with the Chief Financial Officer of Edgewater Park prior to the commencement of any construction. Township may utilize escrow funds for all costs associated with bond release and bond reduction expenses.
  - (5) Required Information on Final Lot Grading Plan.
    - (a) All streets and lots within the proposed subdivision including lot and block numbers. Lot dimensions shall also be shown when they do not obscure the legibility of the other information.
    - (b) Existing ground contours at the same interval required for the preliminary plan.

- (c) All surface improvements properly delineating between constructed and to be constructed.
- (d) All storm drainage.
- (e) Centerline and top of curb elevations every 50 feet along all streets.
- (f) Graphic location of all proposed buildings showing type, finished floor elevation, garage elevation and type of foundation (basement, crawl space, slab).
- (g) Proposed elevations at all lot corners, house corners, swales and other locations sufficient to clearly establish the direction of surface runoff from all lot areas.
- (h) Except when permitted or directed otherwise by the township engineer, proposed contours at the same interval as existing contours.
- (i) All grading plans must be developed at 50 scale or greater.
- (j) Any fill utilized during the course of development which is deposited on lands located within Edgewater Park must fully comply with Chapter 6, Section 6-7 of the Edgewater Park General Ordinances.

B. Prerequisites of Final Approval. Prior approval by the Board, the applicant shall submit the following:

- (1) Off-site drainage fee (when required).
- (2) Performance bond in cash, or other surety satisfactory to the township council, a surety will be evaluated in part based upon its AM BEST rating. Performance bonds must be posted in the amount of 120 percent in accordance with the bond estimate. Bonds must be enforceable for a minimum of 24 months. Where a developer elects to post a surety in lieu of cash, at least ten percent of the guarantee amount must be posted in cash.

A letter of credit shall be an acceptable form of a performance guarantee if approved by the township council or township attorney, if so designated, and only under the following conditions:

- (a) The letter of credit is irrevocable for an initial period of at least one year with an automatic renewal period of one year.
- (b) The issuing bank must notify the township in writing by certified mail at least 90 days prior to the expiration date should the bank exercise its option not to renew the existing letter of credit.
- (c) If the letter of credit is not renewed or replaced with a comparable letter of credit, the township shall have the right to immediately draw a draft on sight if the developer's performance is not satisfactory as of that date, or to draw a draft 30 days after receipt of said notice if, after notification by the municipality that the letter of credit will not be renewed, the developer fails to submit a satisfactory replacement guarantee within ten days prior to its expiration; and

- (d) The developer agrees to cease and desist all such work upon receipt of notification from the municipality that the letter of credit will not be renewed until such time as a satisfactory replacement guarantee is submitted; and
- (e) The developer shall execute any agreement(s) required by the township attorney confirming the conditions set forth herein prior to the township's acceptance of said letter of credit. All agreements between developers and Edgewater Park shall be binding upon the parties for the life of development project.

Prior to the signing of the final plat, the developer shall execute an agreement prepared by the Board attorney confirming the conditions of approval for all major subdivisions, minor subdivision, and site plans.

- (3) The cost of inspection shall be the responsibility of the developer who shall reimburse the township for all reasonable inspection fees by submitting a check to the township clerk. The deposit for inspection fee costs shall be five percent of the cost of required improvements as determined by the township engineer. This fee shall be an addition to the amount of the performance guarantee and all application fees. Upon completion of the development and all inspections and at the request of the developer, the developer shall receive an accounting of the expended funds and any unspent funds shall be returned to the developer. Should the initial deposit be insufficient to cover inspection costs, the developer shall deposit additional sums upon notice from the township clerk. Each additional deposit being an amount not to exceed 50 percent of the initial deposit.

The secretary shall obtain the signature of the chairperson and shall endorse all remaining certifications shown on the final plat and return the original tracing together with a copy of the approving resolution to the applicant. The applicant shall then obtain the signature of the township engineer and file the final plat with the county recording office and afterwards submit a duplicate original tracing to the township engineer and seven prints of the approved plat together with a statement from the applicant's engineer that these are true copies of the plat approved by the Board, on which is shown the filing information, to the secretary of the Board who will retain one copy in the Board files and distribute approved plats to the following:

- (a) Tax assessor.
  - (b) Township engineer.
  - (c) Building subcode official.
  - (d) Zoning officer.
- C. Building Permits. Upon filing of the final map, the developer may obtain building permits for all lots shown on the final plat. Adequate accessibility of all roads within a subdivision must be provided by the developer. A minimum gravel base course as set forth in the design standards must be installed by the developer prior to the issuance of any building permits for dwellings to be constructed with access via the same.
  - D. Occupancy Permits. No certificates of occupancy shall be issued until all underground services serving the premises for which the certificate is sought are installed and operating and the road in front of and leading to the premises has at least one layer of bituminous concrete.

- E. Street name signs must be posted as approved on the plat. Street name signs must be located at the designated location and the dimensions of the sign must be as shown or as designated within the design standards approved by Edgewater Park. All street signs must be erected prior to the issuance of any building permits for dwellings to be located with access along the same. All other traffic control signs must be in place prior to the issuance of the first certificate of occupancy.
- F. Building permits may not be issued unless and until house numbers identify the location of each dwelling and are clearly visible from the street.

#### **§ 16-70. Acceptance of Improvements.**

- A. Request for acceptance of improvements and release of performance guarantees shall be made in writing to the governing body.
- B. Upon notice of request for acceptance, the Township Engineer shall make or cause to be made a final inspection of the improvements. Those improvements not in acceptable condition shall be reported to the developer in writing for correction, repair or replacement. Upon receipt from the developer's engineer a report that the necessary correction, repair or replacements have been accomplished, the township engineer shall re-inspect the improvements.
- C. Prior to the Township Engineer making a final report and recommendations to the Township Committee, the developer will supply as-built plans, signed and sealed by a licensed New Jersey professional engineer showing surface grading including major lot gradings, building finished floor grades and curb and gutter grades, together with horizontal and vertical location of underground facilities. Manholes, inlets and other such appurtenances together with sidewalks and curbs shall be shown in true location and grade. The as-built plans shall be submitted on reproducible media.
- D. The developer shall furnish a maintenance bond in a form acceptable to the township in the amount of 15 percent of the total improvement cost estimate for a period of two years.

#### **§ 16-71 Tax Map Modifications.**

The creation of each new lot within the Edgewater Park shall be assessed a one hundred (\$100.00) dollar fee to offset the cost of amending the township tax map. The creation of any new streets within the township shall be assessed a fee of twenty (\$.20) cents per linear foot.

#### **§ 16-72 Maintenance.**

All properties subject to site plan and subdivision review and approval shall be maintained in accordance with the approved site plan, specifically including all landscaping, paving, pavement markings, signage, lighting, etc. The property owner shall, within the next planting season, replace any shrubbery or trees that die with shrubs or trees of a size comparable to the shrub or tree that is being replaced. Whenever the property owner is given notice by the Township to maintain the property in accordance with the site plan, the property owner shall make the necessary repairs within sixty (60) days. The Township may, for good cause, such as weather, provide a reasonable extension of the time within which the maintenance repairs are to be made.

#### **§ 16-73 Checklists and Applications.**

No application for development shall be deemed complete unless the items, information and documentation listed in the applicable checklist are submitted to the Board. If any required item is not submitted, the applicant must request in writing a waiver and state the reasons supporting each such request.

**16-73.1 Minor Subdivision and Minor Site Plan Checklist.**

APPLICATION FOR APPROVAL OF MINOR SUBDIVISIONS AND MINOR SITE PLANS			Not Applicable	Waiver Requested
		Submitted		
	(Note: for details of all submissions, see Article III. Applicant should check off all items as submitted, not applicable, or waiver requested.  If waiver is requested, reasons shall be indicated in separate submission.)			
1.	Plat or plan drawn and sealed by a P.E., L.S., P.P. or R.A. as permitted by law and based on a current survey.			
2.	Scale: 1" = 30' or as approved by Board Engineer.			
3.	Current survey upon which plat or plan is based.			
4.	Map size:			
	8 -- 1/2" x 13"			
	15" x 21"			
	24" x 36"			
	30" x 42"			
5.	Key map: 1,000' radius, street names, zoning districts.			
6.	Title block and basic information:			
	a. Title			
	b. Date of original preparation and date(s) of revision			
	c. North arrow and reference meridian			
	d. Ratio scale and graphic scale			
	e. Tax map block, lot numbers and zone			
	f. Name, address and license number of person preparing plat or plan, signed and sealed			
	g. Name and address of owner of record and applicant, if different from the owner			
7.	Signature of the applicant, and, if the applicant is not the owner, the signed consent of the owner.			
8.	A map of the entire tract or property showing the location of that portion to be divided therefrom, giving all distances and showing all roads abutting or transversing the property. Development boundaries shall be clearly delineated.			

9.	The name of all adjoining property owners as disclosed by the most recent Township tax records.			
10.	Names of adjoining municipalities within 200 feet.			
11.	The location of existing and proposed, including details:			
	a. Property lines			
	b. Streets			
	c. Buildings (with an indication as to whether existing buildings will be retained or removed)			
	d. Buildings within 200 feet of the site			
	e. Parking spaces and loading areas.			
	f. Roadways, driveways and curbs			
	g. Water courses			
	h. Railroads			
	i. Bridges			
	j. Drainage pipes and other improvements			
	k. Natural features and treed areas, both on the tract and within fifty (50) feet of its boundary			
	l. Sewer, water and other utilities			
	m. Lighting including photometrics and landscaping			
	n. Signage including details			
	o. Refuse areas			
	p. Soil Erosion and Sediment Control Plan			
	r. Subsurface structures demolition			
	s. Tree save plan			
12.	Area in square feet of all existing and proposed lots.			
13.	Bearings and distances of all existing and proposed property lines.			
14.	Sufficient elevations or contours at 2-foot intervals, including finished grades and finished floor elevations.			
15.	The location and width of all existing and proposed utility, drainage and other easements, including but not limited to, sight triangle easements.			
16.	Front, side, and rear setback lines.			
17.	Chart of the zoning requirements for the zone, what is proposed, and variances indicated.			

18.	Delineation of flood plain and wetlands areas.			
19.	A copy of any protective covenants or deed restrictions applying to the lands being subdivided or developed.			
20.	Tax payment certification			
21.	Fifteen (15) sets of folded plans			
22.	For subdivisions, if the applicant intends to file the approved subdivision with the County Register, the plat shall be prepared in compliance with the "Map Filing Act" P.L. 1960, C.141 (C.46.2309.9 et seq.) and bear the signature block noted in item 23 below.			
23.	For subdivisions, if the applicant intends to file by deed(s) record of the approved subdivision with the County Register, the following signature block shall be provided on the deed(s):			
24.	If a property is located within a redevelopment area, a copy of the fully executed redevelopment agreement shall be submitted.			
	Checklist prepared by _____	Date: _____		
	Checklist revised by Board: _____	Date: _____		
	Application found complete on: _____			
	Application found incomplete on: _____			

**§ 16-73.2 Preliminary Major Subdivision and Site Plan Checklist.**

APPLICATION FOR PRELIMINARY APPROVAL OF MAJOR SUBDIVISIONS AND SITE PLANS			Not Applicable	Waiver Requested
		Submitted		
	(Note: for details of all submissions, see Article III. Applicant should check off all items as submitted, not applicable, or waiver requested.			
	_____			
	If waiver is requested, reasons shall be indicated in separate submission.)			
1.	Plat or plan drawn and sealed by a P.E., L.S., P.P. or R.A. as permitted by law and based on a current survey.			
2.	Scale: 1" = 30' or as approved by Board Engineer.			
3.	Current survey upon which plat or plan is based, signed and sealed.			

4.	Map size:			
	8 -- 1/2" x 13"			
	15" x 21"			
	24" x 36"			
5.	Title block and basic information:			
	a. Title			
	b. Date of original preparation and date(s) of revision			
	c. North arrow and reference meridian			
	d. Ratio scale and graphic scale			
	e. Tax map block, lot numbers and zone			
	f. Name, address and license number of person preparing plat or plan			
	g. Name and address of owner of record and applicant, if different from the owner			
	(Where more than one sheet is required, the above information shall appear on each sheet and all sheets shall be appropriately labeled, numbered and bound.)			
6.	The first sheet of a series of plats or plans submitted for preliminary approval shall contain, in addition to the above, the following:			
	a. A key map at a scale of 1" = 500' or less showing zone boundaries			
	b. The names and addresses, lot and block numbers of all property owners within 200' of the tract boundary line including adjoining municipalities			
	c. Signature blocks for the Board Chairperson, Board Secretary and Board Engineer			
	d. Chart of the zoning requirements for the zone, what is proposed, and variances indicated			
7.	For subdivisions, contour lines at vertical intervals not greater than 5 feet for land with natural slopes of 10 percent or greater and at vertical intervals of not greater than 2 feet for land with natural slopes of less than 10 percent.			
8.	For site plans, a grading plan showing, at 2 foot contour intervals, existing and proposed contours and elevations.			

9.	The location of existing watercourses and any natural features, including flood plains, wetlands and soil types on the site and within 50 feet.			
10.	The area of the tract to be subdivided or developed in square footage and the location, lot area, width and depth of any existing lot or lots proposed to be subdivided.			
11.	Location of all existing and proposed buildings and subsurface structures, with building setbacks, front, side and rear yard distances.			
12.	Location of all structures within 200 feet of the property.			
13.	A stormwater management plan showing the location, type and size of any existing and proposed bridges, culverts, drainpipes, catch basins and other storm drainage facilities, including Stormwater Analysis Report and documentation required by NJDEP.			
14.	A soil erosion and sediment control plan.			
15.	Tree save plan.			
16.	A circulation plan showing proposed vehicle, bicycle and pedestrian circulation systems. The plan shall include the locations, typical cross-sections, centerline profiles and type of paving for all proposed new streets and paths.			
17.	Plans of proposed potable water and sanitary sewer utility systems showing feasible connections to existing or any proposed system. If a public water supply or sanitary sewer system is available, the owner shall show appropriate connections thereto on the plat or plan.			
18.	Location of any proposed off-street parking areas with dimensions showing parking spaces, loading docks and access drives and a traffic circulation pattern showing all ingress and egress to the site.			
19.	Location and description of all proposed signs and exterior lighting, including details.			
20.	Provision for storage and disposal of solid wastes.			
21.	For site plans, the preliminary floor plans and preliminary building elevation drawings showing all sides of any proposed building or buildings. The final floor plans and building elevations drawings submitted to the Construction Code Official for issuance of a			

	building permit shall conform with the preliminary plans and drawings approved by the Board. No change, deletion or addition shall be made to said final plans and drawings without resubmission and reapproval by the Board.			
22.	A staging plan for projects greater than 10 acres in area.			
23.	All proposed buffers, landscaping, fences, walls, hedges or similar facilities. The landscaping plan shall show in detail the location, size and type of all plant material, including ground cover, to be used on the site. Common names of all landscaping material shall be indicated.			
24.	A copy of any protective covenants or deed restrictions applying to the land and being subdivided or developed and a notation on the plat or plan of any easements required by the Board, such as, but not limited to, sight triangle easements. Said easements may also include utility lines, public improvements and ingress and egress for emergency vehicles.			
25.	A copy of such guarantees, covenants, master deed or other document which shall satisfy the requirements of the Board for the construction and maintenance of any proposed common areas, landscaping, recreational areas, public improvements and buildings.			
26.	A list of all licenses, permits or other approvals required by law, including proof of service.			
27.	For any subdivision of 6 or more lots, or for a variance to construct a multiple dwelling of 25 or more dwelling units, or for site plan approval of any non-residential use, a corporation or partnership shall list the names and addresses of all stockholders or individual partners owning at least 10 percent of its stock of any class or at least 10 percent of the interest in the partnership, as the case may be. If a corporation or partnership owns 10 percent or more of the stock of a corporation, or 10 percent or greater interest in a partnership, subject to disclosure pursuant to the previous paragraph, that corporation or partnership shall list the names and addresses of its stockholders holding 10 percent or more of its stock or of 10 percent or greater interest in the partnership, as the case may be, and this requirement shall be			

	followed by every corporate stockholder or partner in a partnership, until the names and addresses of the non-corporate stockholders and individual partners, exceeding the 10 percent ownership criterion have been listed.			
28.	The Board may require the applicant to submit an environmental impact assessment as part of preliminary approval if, in the opinion of the Board, the development could have an adverse effect on the environment.			
29.	The Board may require the applicant to submit a traffic impact statement as part of preliminary approval if, in the opinion of the Board, the development could have an adverse effect on off-site traffic and circulation.			
30.	Applicant shall submit fifteen (15) sets of folded plans.			
31.	If a property is located within a redevelopment area, a copy of the fully executed redeveloper's agreement shall be submitted.			
	Checklist prepared by: _____	Date: _____		
	Checklist reviewed by Board: _____	Date: _____		
	Application found complete on: _____			
	Application found incomplete on: _____			
	Applicant notified on: _____			

**§ 16-73.3 Final Major Subdivision and Site Plan Checklist.**

<b>APPLICATION FOR FINAL APPROVAL OF MAJOR SUBDIVISIONS AND SITE PLANS</b>			<b>Not Applicable</b>	<b>Waiver Requested</b>
		<b>Submitted</b>		
	(Note: for details of all submissions, see Article III. Applicant should check off all items as submitted, not applicable, or waiver requested.)			
	If waiver is requested, reasons shall be indicated in separate submission.)			
1.	Plat or plan drawn and sealed by a P.E., L.S., P.P. or R.A. as permitted by law and based on a current survey.			
2.	Scale: 1" = 30' or as approved by Board			

	Engineer.			
3.	Current survey upon which plat or plan is based, signed and sealed			
4.	Map size:			
	8 -- 1/2" x 13"			
	15" x 21"			
	24" x 36"			
5.	Title block and basic information:			
	a. Title			
	b. Date of original preparation and date(s) of revision			
	c. North arrow and reference meridian			
	d. Ratio scale and graphic scale			
	e. Tax map block, lot numbers and zone			
	f. Name, address and license number of person preparing plat or plan			
	g. Name and address of owner of record and applicant, if different from the owner			
	(Where more than one sheet is required, the above information shall appear on each sheet and all sheets shall be appropriately labeled, numbered and bound.)			
6.	Tract boundary lines, right-of-way lines of streets, street names, easements and other rights-of-way, land to be reserved or dedicated to public use, all lots lines and other site lines, with accurate dimensions, bearings or deflection angles, radii arcs and central angles of all curves, or as required by the Map Filing Act.			
7.	The purpose of any easement or land reserved or dedicated to public use such as, but not limited to, sight triangle easements, and the proposed use of sites other than residential.			
8.	The front, side and rear building setback lines.			
9.	Improvement plans in accordance with the Township standards for roads and utilities.			
10.	Statement that final plan is consistent with preliminary plan, and if not, how and why they differ.			
11.	All additional information, changes or modifications required by the Board at the time of preliminary approval.			

12.	A statement from the Township Engineer that all improvements required by the Board for preliminary approval have been installed in compliance with all applicable laws.			
13.	If improvements have not been installed, then a statement from the Township Clerk shall accompany the application for final approval stating that:			
	a. A recordable developer's agreement with the Township has been executed			
	b. A satisfactory performance guarantee has been posted			
	c. That the Township has received all escrow and inspection fees			
14.	Proof that all taxes and assessments for local improvements on the property have been paid.			
15.	If the requirement improvements have been installed, the application for final approval shall be accompanied by a statement from the Township Clerk that a satisfactory maintenance bond has been posted.			
16.	Applicant shall submit fifteen (15) sets of folded plans.			
17.	If a property is located within a redevelopment area, a copy of the fully executed redeveloper's agreement shall be submitted.			
	Checklist prepared by: _____	Date: _____		
	Checklist reviewed by Board: _____	Date: _____		
	Application found complete on: _____			
	Application found incomplete on: _____			

**§ 16-73.4 Variance Application Checklist.**

VARIANCE SKETCH CHECKLIST			Not	Waiver
		Submitted	Applicable	Requested
1.	Submit the following documents with the Standard Development Application:			
	a. Copy of an area map showing all lots within two hundred (200) feet of the property.			
	b. List of names, addresses, lot and block numbers, as they appear on the official			

		tax records of the Township, of all owners of property within two hundred (200) feet of the property affected by the application and upon whom the notice must be served in the manner provided by law.			
	c.	Copy of professional survey at a scale not smaller than 1" = 100' nor larger than 1/8" = 1'; clearly indicating the buildings and improvements thereon with all front, side and rear yard dimensions and setbacks from the property lines.			
	d.	Copies of subdivision, site plan or conditional use applications when applicable.			
	e.	Certification that taxes are paid.			
2.		If the survey is more than one (1) year old, attach certification of the applicant or owner that the survey accurately represents the status of the premises and all improvements at the time of filing for the variance.			
3.		A statement containing the following information:			
	a.	Date of acquisition of property, and from whom.			
	b.	The number of dwelling units in existing building(s).			
	c.	State whether the applicant or owners own or are under contract to purchase any adjoining lands. Set forth lot and block number(s).			
	d.	State whether the application is or is not to be accompanied by a separate application for subdivision, site plan or conditional use approval.			
4.		At least ten (10) days prior to the hearing, the applicant shall serve prescribed notice on all owners of property within two hundred (200) feet. Note: This may require the inclusion of an adjoining municipality; the County Planning Board when county roads or lands are involved; and the Commissioner of Transportation of the State of New Jersey when a state or interstate highway is involved.			
5.		The applicant must submit the original and fifteen (15) copies of the application, property completed, and fifteen (15) folded copies of a plot plan, map or survey, drawn to scale, and affidavit of proof of service, with a copy of the notice and the list furnished by the			

	Administrative Officer of the municipality of all those persons or entities served (service shall be made by certified mail or personal service).			
6.	All applications for consideration of the Board of Adjustment must be filed fourteen (14) days prior to the date of hearing. Proper notice given to those requiring service upon them, and publication made, at least ten (10) days prior to the date of hearing before the Board of Adjustment.			
	Checklist reviewed by Township: _____	Date: _____		
	Application found complete on: _____			
	Application found incomplete on: _____			

**Article XVII  
Fees**

**§ 16-74 Fees for Certificates of Occupancy.**

Fees for copies of certificates of occupancy shall be determined by the schedule set forth in the Township of Edgewater Park ordinances and shall be remitted to the Township Treasurer by the issuing officer in accordance with the manner of reporting and payment as is generally provided.

**§ 16-75 Fees for Development Applications.**

Fees for applications or for the rendering of any services by the Board or any member of their administrative staffs shall be as follows:

**16-75.1 Application Fees.** At the time of filing (1) any application for development, (2) any application for amendment to or extension of any development approval, (3) any request for a zone change or recommendation of a zone change, (4) any request for amendment of the master plan, and/or (5) any request for concept review of a development proposal, each applicant shall pay to the Township of Edgewater Park a non-refundable application fee, or fees, in accordance with the following schedule. The applicant shall pay the fee required for each application which is submitted.

**16-75.2 Technical Review Fees.**

- A. Components of Fee. Each applicant shall pay to the Township of Edgewater Park a technical review fee in connection with (a) each application for development, (b) each application for amendment to or extension of any development approval, (c) any request for a zone change or recommendation of a zone change, (d) any request for amendment of the master plan, and/or (e) any request for concept review of a development proposal. All such requests are included in this subsection b. within the term "application." The technical review fee shall be equal to the sum of the following two (2) components:

- (1) The dollar amount of all charges by outside professionals (as defined herein) for professional services rendered to the Township and/or the reviewing board in connection with the application, plus all actual out-of-pocket disbursements incurred in regard to such services. All charges for services by each outside professional shall be billed at the same rate as all other work of the same nature performed by such professional for the Township when fees are not reimbursed or otherwise imposed on an applicant. Charges for professional services of outside professionals shall be based upon a schedule of fees established by resolution of the reviewing board, in the case of professionals retained by the Board, and by resolution of the Township Council, in the case of professionals retained by the Township. Such schedules shall be subject to revision from time to time in the discretion of the Township Council; and
- (2) The dollar amount of the hourly base salary of each in-house professional (as defined herein) who has rendered professional services to the Township and/or the reviewing board in connection with the application, multiplied by both (1) the total number of hours of professional services spent by each in-house professional in connection with the application, and (2) two hundred (200) percent. The hourly base salary of each in-house professional shall be established by ordinance annually.

**B. Definitions.**

- (1) Outside professionals shall mean engineers, planners, attorneys and other professionals whose salary, staff support, and overhead are not provided by the Township of Edgewater Park. "Outside professionals" shall include, without limitation, consultants who are not normally utilized by the Township or the reviewing board when an application presents issues which are beyond the scope of the expertise of the professionals who normally serve the reviewing board or the Township.
- (2) In-house professional shall mean engineers, planners, attorneys and other professionals whose salary, staff support and overhead are provided by the Township of Edgewater Park.
- (3) Professional services shall mean time spent by a professional engineer, professional planner, attorney, traffic expert or other professional in connection with (1) review of an application, and/or (2) review and preparation of documents in regard to such application. In appropriate cases, such services shall include, without limitation (1) review of plans, reports, relevant ordinance provisions, statutory law, case law, and prior approvals for the same parcel; (2) site inspections; and (3) preparation of resolutions, developer's agreements, and other documents.

**C. Limitations on Scope of Charges for Professional Services.** All charges for professional services shall be reasonable and necessary given the status and progress of the application. Such charges shall be made only in connection with (a) an application which is presently pending before a reviewing board, (b) review of an applicant's compliance with conditions of approval, and/or (c) review of an applicant's request for modification or amendment of an application or approval.

- (1) A professional shall not review items which are subject to approval by a State governmental agency and which are not under municipal jurisdiction, except to the extent that consultation with a State agency is necessary due to the effect of a State approval on the applicant's application.
- (2) If the Township or the reviewing board shall retain a different professional in place of the professional originally responsible for review of an application, the Township or the reviewing board, as the case may be, shall be responsible for all

time and expenses of the new professional to become familiar with the application. Neither the Township nor the reviewing board shall charge the applicant or the applicant's technical review fee deposit for such services.

- (3) Neither the Township nor the reviewing board shall bill an applicant, or charge the applicant's technical review fee deposit, for any municipal clerical or administrative functions, overhead expenses, meeting room charges, or other municipal costs and expenses, except as provided for in this subsection, nor shall any professional add any such charges to his or her bill.
- D. Payment of Escrow Fee Deposits. At the time of filing any application with the Board, each applicant shall pay a technical review fee deposit, or deposits, in accordance with the following schedule. The applicant shall pay the deposit required for each approval which is requested.
- E. Custody of Deposits; Procedure for Payments against Deposits; Submission of Vouchers; Monthly Statements. All technical review fee deposits shall be placed into an escrow account, which account shall be maintained by the Chief Financial Officer of the Township of Edgewater Park. The Chief Financial Officer shall make all payments for the escrow account.
- (1) All payments charged to an applicant's technical review fee deposit shall be pursuant to vouchers from the professionals performing professional services in connection with the application. All vouchers shall identify the professional performing the services, the dates when services were performed, the hours spent to one-quarter (1/4) hour increments, the hourly rate, and the expenses incurred.
  - (2) All outside professionals shall submit vouchers to the Chief Financial Officer on a monthly basis. A copy of the voucher shall be sent to the applicant simultaneously. All in-house professionals shall submit to the Chief Financial Officer on a monthly basis a statement containing the same information as the voucher of an outside professional. A copy of the statement shall be sent to the applicant simultaneously.
  - (3) The Chief Financial Officer shall prepare and send to the applicant on a monthly basis a statement providing an accounting of the applicant's technical review fee deposits. The accounting shall include all deposits made, interest earned, disbursements made, and cumulative deposit balance. Notwithstanding the foregoing, if monthly charges to an applicant's deposit are one thousand (\$1,000.00) dollars or less, such statement may be provided by the Chief Financial Officer on a quarterly basis.
- F. Replenishing of Deposit. If a technical review deposit shall be insufficient to enable the Township or the reviewing board to perform required application reviews, the Chief Financial Officer shall notify the applicant (this notice is referred to herein as an "insufficiency notice") of both the insufficient deposit balance, and the amount of additional funds required, in the judgment of the Chief Financial Officer, to cure the insufficiency. In order for work to continue on the application, the applicant shall within a reasonable time period post additional funds to the escrow account in an amount to be agreed upon by the Township (acting through its Chief Financial Officer) and the applicant.
- (1) The determination of insufficiency shall be made by the Chief Financial Officer in his or her reasonable discretion. Furthermore, as used herein, a "reasonable time period" for the posting of additional funds to the escrow account shall be not

longer than fifteen (15) days after the date of the Chief Financial Officer's insufficiency notice. The applicant shall be deemed to agree to the terms of the insufficiency notice, unless within fifteen (15) days after the date of such notice, the applicant shall deliver to the Chief Financial Officer a written notice of objection.

- (2) If the applicant timely files such an objection, the applicant shall have the right to pay the amount requested under protest, and the right to challenge same in the Superior Court, Law Division, in an action in lieu of prerogative writs filed within forty-five (45) days after the applicant's receipt of the Chief Financial Officer's final accounting with respect to the applicant's technical review fee deposit.
- (3) If the applicant fails to timely pay (under protest or otherwise) the amount requested, the Township, the reviewing board, and all professionals shall have right to cease all further work on the application immediately, and the reviewing board shall have the right to deny without prejudice any pending application, because of the applicant's failure to post additional technical review fees needed for the proper review of such application. In no event shall any approved plans be signed or delivered to the applicant, nor shall any construction permits, certificates of occupancy, or other approvals or authorizations be issued to an applicant, when there exists any deficiency in the applicant's technical review fee deposit.

- G. Final Accounting; Return of Unused Balance of Deposit. After the reviewing board has granted final approval and signed the approved subdivision plat or site plan, or otherwise taken final action on the application, the applicant shall provide written notice of same, by certified mail, return receipt requested, or by personal delivery, to the Chief Financial Officer, the reviewing board, and all professionals who have rendered services in connection with the application. Within thirty (30) days after receipt of such notice, each professional shall submit a final bill (or a statement in lieu of bill in the case of in-house professionals) to the Chief Financial Officer with a copy to the applicant. The Chief Financial Officer shall render to the applicant a final accounting within forty-five (45) days after receipt of all final bills and/or statements. The Chief Financial Officer shall return to the applicant with the final accounting any unused balance of the deposit, including any interest earned thereon in accordance with subsection d.

**16-75.3 Special Meeting Fees.** A fee of one thousand (\$1,000.00) dollars shall be charged to the applicant for any special meeting of the Planning Board or Board of Adjustment held at the request of the applicant to hear and/or decide any site plan application, major subdivision application, application for amendment of the Master Plan, or any other matter. Nothing herein shall obligate any board to hold a special meeting on any application for development.

**16-75.4 Deposits with the Township; Escrow Accounts; Interest.**

- A. Whenever an amount of money in excess of five thousand (\$5,000.00) dollars shall be deposited by an applicant with the Township for technical review fee deposits, for inspections fees, or to satisfy the requirement for any performance guaranty or the requirement for any maintenance guaranty pursuant to this chapter, such money, until repaid, or applied for the purposes for which it was deposited, including the applicant's portion of the interest earned thereon, shall continue to be the property of the applicant and shall be held in trust by the Township, except as otherwise provided for in this section.
- B. The Township shall deposit such money in a banking institution or savings and loan association located in the State of New Jersey and insured by an agency of the Federal Government, or in any other fund or depository approved for such deposits by the State

of New Jersey. Such monies shall be maintained in an account bearing interest at the minimum rate currently paid by such institution or depository on time or savings deposits.

- C. The Township shall notify the applicant in writing of the name and address of the institution or depository in which such deposit is made, and the amount of the deposit. The Township shall not be required to refund an amount of interest paid on a deposit which does not exceed one hundred (\$100.00) dollars for the year. If the amount of interest exceeds one hundred (\$100.00) dollars for any year, that entire amount shall belong to the applicant and shall be refunded to the applicant by the Township annually, or at the time the deposit is repaid or applied to the purposes for which it was deposited, as the case may be. Notwithstanding anything to the contrary above, the Township may retain for administrative expenses a sum equal to thirty-three and one-third (33 1/3%) percent of the annual interest earned by such deposit. The amount so retained shall be in lieu of all other administrative and custodial expenses charged by the Township in connection with the deposit.

§ 16-75.5 **Schedule of Fees.** The following fees are hereby established:

	<b>Application Fee</b>	<b>Minimum Starting Escrow</b>
Informal Concept Plan, Interpretation of Zoning Ordinance, Appeal from Decision of Administrative Officer, Request for Extension of Time or any other application for which no specific fee or escrow is established	\$100.00	\$750.00
Minor Subdivision	\$250.00	\$250 per lot (min. \$500)
Preliminary Major Subdivision	\$250.00	\$500 per lot
Final Major Subdivision	\$250.00	\$250 per lot
Minor Site Plan or Change of Use	\$250.00	\$1,000.00
Preliminary Major Site Plan	\$250.00	\$500/acre - min \$1,500
Final Major Site Plan	\$250.00	\$200/acre - min \$1,000
Conditional Use	\$250.00	\$450/acre - min \$1,000
Rezoning or Master Plan Amendment Request	\$250.00	\$2,000.00
Submission of revised plans	--	1/4 of the required escrow
Residential (single or two-family) Bulk Variance	\$25.00	\$400.00
Residential (single or two-family) Use Variance	\$25.00	\$750.00
Nonresidential and Multi-Unit Residential Use & Bulk Variances	\$100.00	\$1,000.00
Special Meeting Fee	\$1,000.00	--

§ 16-76-79. **Reserved.**

Section 3. If any section, subsection or paragraph of this chapter shall be declared to be unconstitutional, invalid, or inoperative in whole or in part by a court of competent jurisdiction, such section, subsection or paragraph shall to the extent that is not unconstitutional, invalid or inoperative remain in full force and effect, and no such determination shall be deemed to invalidate the remaining sections, subsections or paragraphs of this chapter. To this end, the provisions of each section, subsection, paragraph of this chapter are hereby declared to be severable.

Section 4. All ordinances or parts of ordinances of the Township of Edgewater Park heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. This ordinance shall take effect twenty (20) days subsequent to passage and publication according to law.

TOWNSHIP OF EDGEWATER PARK

Judith Hall, Mayor

Linda M. Dougherty, RMC  
Municipal Clerk/Administrator

NOTICE

The foregoing was introduced by the Edgewater Park Township Committee at its meeting held on September 5, 2006. This ordinance will be consider for adoption of final reading and public hearing to be held on November 9, 2006 at 7:30 PM, or shortly thereafter, and place to which such meeting may be adjourned, in the Municipal Building, 400 Delanco Road, Edgewater Park, New Jersey. At which time and place all persons interested will be given an opportunity to be heard concerning said Ordinance. During the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's office to the members of the general public who shall request the same.

<u>Record Vote of the Township Committee on First Reading</u>					
<u>Committee Member</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>	<u>Motioned By:</u>
<u>Mr. Atzert</u>	=	=	=	=	=
<u>Mr. Daly</u>	=	=	=	=	=
<u>Mr. Pullion</u>	=	=	=	=	=
<u>Mr. Van Brunt</u>	=	=	=	=	=
<u>Mayor Hall</u>	=	=	=	=	=

<u>Record Vote of the Township Committee on First Reading</u>					
<u>Committee Member</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>	<u>Motioned By:</u>
<u>Mr. Atzert</u>	-	-	-	-	-
<u>Mr. Pullion</u>	-	-	-	-	-
<u>Mr. Van Brunt</u>	-	-	-	-	-
<u>Dr. Young</u>	-	-	-	-	-
<u>Mayor Hall</u>	-	-	-	-	-

NOTICE OF FINAL ADOPTION:

Notice is hereby given that the foregoing ordinance was approved for final adoption by the Township Committee of the Township of Edgewater Park at a Regular Meeting held on \_\_\_\_\_ at the Municipal Building, 400 Delanco Road.

\_\_\_\_\_  
 \_\_\_\_\_  
Judith Hall, Mayor

\_\_\_\_\_  
Linda M. Dougherty, R.M.C.,  
Municipal Clerk/Administrator

- 1<sup>st</sup> Reading:
- Publication:
- Amendment:
- 2<sup>nd</sup> Reading:
- Publication:
- Adoption:

<u>Record Vote of the Township Committee on First Reading</u>					
<u>Committee Member</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>	<u>Motioned By:</u>
<u>Mr. Atzert</u>	-	-	-	-	-
<u>Mr. Daly</u>	-	-	-	-	-
<u>Mr. Pullion</u>	-	-	-	-	-
<u>Mr. Van Brunt</u>	-	-	-	-	-
<u>Mayor Hall</u>	-	-	-	-	-

\_\_\_\_\_

<u>Record Vote of the Township Committee on Second Reading</u>					
<u>Committee Member</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>	<u>Motioned By:</u>
<u>Mr. Atzert</u>	-	-	-	-	-
<u>Mr. Pullion</u>	-	-	-	-	-
<u>Mr. Van Brunt</u>	-	-	-	-	-
<u>Dr. Young</u>	-	-	-	-	-

Mayor Hall | | | | |

**TOWNSHIP OF EDGEWATER PARK  
ORDINANCE 19-2006**

**AMENDING THE CODE OF THE TOWNSHIP OF EDGEWATER  
PARK TO REGULATE AND LIMIT CERTAIN CONSTRUCTION AND  
NOISE GENERATING ACTIVITIES**

**WHEREAS**, certain construction and noise-generating activities constitute nuisances and impose unreasonable burdens on citizens who are entitled to the peaceful enjoyment of their properties, especially during the traditional hours of rest and relaxation, and

**WHEREAS**, it is both appropriate and necessary to establish reasonable regulations on noise-generating activities in order to preserve the peaceful enjoyment, rest and relaxation of the citizens of the Township of Edgewater Park

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Edgewater Park, as follows:

**Section 1:** Title 9 of the Township of Edgewater Park Code, entitled “Public Peace and Welfare” is hereby amended by adding Chapter 9.24 to read as follows:

**9.24.010 Regulation of Noise.**

9.24.020 Outdoor Construction Activities Prohibited. No outdoor construction activity shall be permitted which involves the operation of vehicles, equipment, machinery, generators, compactors, welders or other power tools or specialized construction or building equipment between the hours of 8:00 PM and 7:00 AM during the weekdays, Monday through Friday, inclusive, or between the hours of 8:00 PM and 8:00 AM on Saturdays and Sundays.

9.24.030 Indoor Construction Activities Restricted. No indoor construction activity shall be permitted which involves the operation of equipment, machinery, generators, compactors, welders or other power tools or specialized construction or building equipment, which generates noise that is audible beyond the property lines of the lot on which the building is located in a manner that would reasonably annoy or disturb the quiet, comfort or repose of persons in any dwelling or other type of residence or of any persons in the vicinity, between the hours of 8:00 PM and 7:00 AM during the weekdays, Monday through Friday, inclusive, or between the hours of 8:00 PM and 8:00 AM on Saturdays and Sundays.

9.24.040 Exceptions. The provisions of 9.24.020 shall not apply to a federal, state or local government employee or a public utility employee performing emergency repairs or to other repairs of an emergency nature being conducted in accordance with a specific waiver issued by the Construction Official of the Township of Edgewater Park.

9.24.050 Loudspeakers, Amplifiers for Advertising. The using, operating, or permitting to be played, used or operated, any radio receiving set, musical instrument, phonograph,

loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or for any other purpose, with the following exceptions: such sound as may attract attention but which will not disturb the peace, quiet, and comfort of the inhabitants, provided such sound is produced or caused to be produced only between the hours of 9:00 a.m. and 9:00 p.m. (prevailing time) in the months of April through September, inclusive, and between the hours of 9:00 a.m. and 12:00 noon and between 2:00 p.m. and 7:00 p.m. (prevailing time) in the months of October through March, inclusive.

9.24.060 Radios, Televisions, Phonographs. The using, operating, or permitting to be played, used or operated any radio receiving set, television, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such manner as to be plainly audible at a distance of 25 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

**Section 2. Violation.** It shall be unlawful for any person to violate any provision of this chapter. Penalties shall be imposed as provided in Chapter 1.08, as amended by Ordinance No. 7-2006 of this Edgewater Park Township Code.

**Section 3. Severability.** If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof. The Township Committee hereby declares that it would have passed this ordinance, including each part, section, subsection, sentence, clause or phrase hereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or phrases may be declared invalid.

**Section 4. Repealer.** All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that this repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

**Section 5. Effective Date.** This ordinance shall take effect immediately upon final passage. Notice of adoption shall be published as provided by law.