

TOWNSHIP OF EDGEWATER PARK

ORDINANCE 18-2006

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 The following sections of existing Chapter XVI are hereby repealed as follows: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

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**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 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.

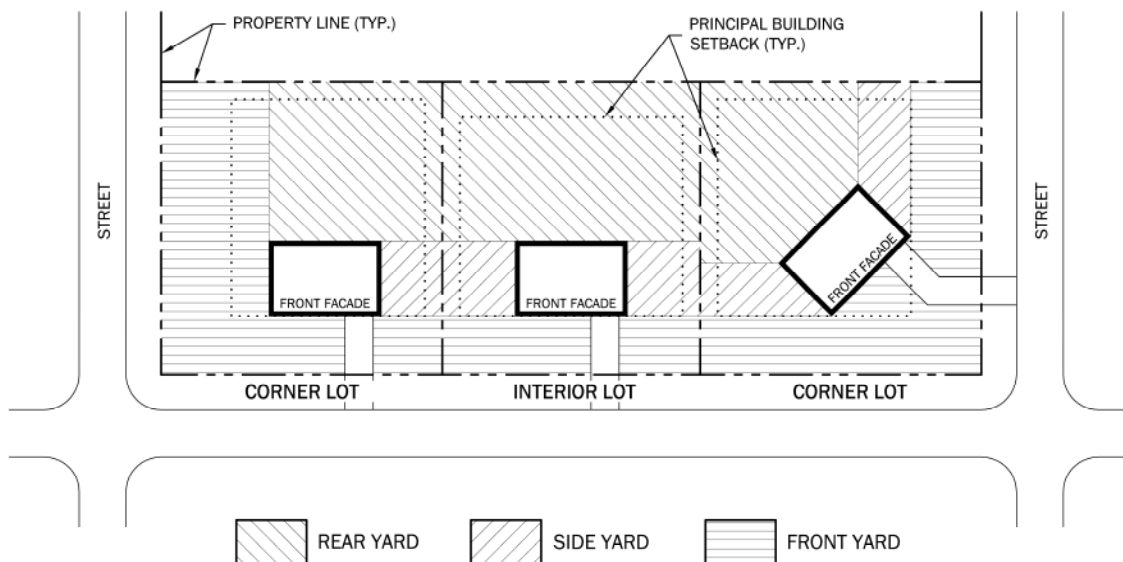
VARIANCE – Permission to depart from the literal requirements of Article XVIII of this chapter.

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 Planning Board and Officers

§ 16-4 Title of the Board.

The title of the Board shall be: "The Planning Board of Edgewater Park, New Jersey."

§ 16-5 Establishment of Planning Board.

- A. The 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 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

- 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 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:			
	<input type="checkbox"/> 8 -- 1/2" x 13"			
	<input type="checkbox"/> 15" x 21"			
	<input type="checkbox"/> 24" x 36"			
	<input type="checkbox"/> 30" x 42"			
5.	Key map: 1,000' radius, street names, zoning districts.			
6.	Title block and basic information:			
	<input type="checkbox"/>			
	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	Waiver
		Submitted	Applicable	Requested
	(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.

APPLICATION FOR FINAL 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.	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:

	Application Fee	Minimum Starting Escrow
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.

Record Vote of the Township Committee on First Reading					
Committee Member	Yes	No	Abstain	Absent	Motioned By:
Mr. Atzert					
Mr. Daly					
Mr. Pullion					
Mr. Van Brunt					
Mayor Hall					

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

1st Reading:
Publication:
Amendment:
2nd Reading:
Publication:
Adoption:

Record Vote of the Township Committee on First Reading					
Committee Member	Yes	No	Abstain	Absent	Motioned By:
Mr. Atzert					
Mr. Daly					
Mr. Pullion					
Mr. Van Brunt					
Mayor Hall					