

Chapter 16.02

SCOPE, PURPOSE AND DEFINITIONS

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16.02.010 Scope.

This title is a codification of a land use and development ordinance which was designed to establish, in one ordinance, development regulations which will control the orderly processing of applications for development within the township, county of Burlington and state of New Jersey, in order to effectuate the particular concerns of the township as expressed herein. The ordinance codified in this title implements the master plan of the township of Edgewater Park adopted on September 28, 1978. (Prior code § 15.011)

16.02.020 Purposes.

In addition to the purposes set forth in NJSA 40:55D-2, this title is designed to:

- A. Preserve the quality of the community;
- B. Protect the environmental systems in existence within the community;
- C. Promote the open space nature of life within the community;
- D. Insure a balance of housing types and values in the community which will accommodate a variety of families including families of moderate income and older families on limited, fixed incomes;
- E. Provide for the orderly staged development of the community only with its governmental systems which will provide for a stabilization of tax requirements. (Prior code § 15.012)

16.02.030 Definitions.

A. Standard Usage. Any word or term not defined in this section shall be used with meaning of standard usage for the content in which the word is used.

B. Statutory Meanings. Unless a contrary intent is specifically indicated by the content, the statutory definitions set forth under NJSA 40:55D-3, 4, 5, 6 and 7 are adopted by reference.

C. Specific Phrases. Certain phrases and words are defined herein as follows:
“Accessory building, structure or use” means subordinate to the principal building, structure or use and located on the same lot.

“Administrative officer” means the person appointed to the position created under the administrative code of the township.

“Adverse effect” means development, designs, situations, existing features on a developer's property, or any nearby property, creating, imposing, aggravating or leading to impractical, unsafe, unsatisfactory or non-complying conditions such as a layout inconsistent with the zoning regulations; insufficient street width, unsuitable street grade, unsuitable street location, inconvenient street system; inadequate utilities such as water, drainage, shade trees and sewerage; unsuitable size, shape and location for any area reserved for public use or land for open space in a planned development; infringement upon land designated as subject to flooding; and creation of conditions leading to soil erosion from wind or water from excavation or grading, all as set forth in NJSA 40:55D-38 and measured against the design and performance standards of this title.

“Agricultural purpose” means the growing and harvesting of crops and/or the raising and breeding of livestock on land on which no structure other than a fence or a building to contain livestock or for storage of materials and products related to the agricultural use will be erected.

“Alterations or additions, structural” means any change in supporting members of a building or

additions to a structure requiring walls, foundations, columns, beams, girders, posts or piers, or the moving of a structure.

“Basement” means the portion of the building that is partly or wholly underground which has more than one-half its interior height measured from floor to finished ceiling below the average finished grade of the ground adjoining the building. A basement shall not be considered in determining the permissible number of stories.

“Block” means the length of one side of a street between two street intersections.

“Building coverage” means the area occupied by all buildings on a lot measured on a horizontal plane and including the area under the roof of any structure as measured around the extremities of the roof.

“Building height” means the vertical distance from the grade of the highest roof beams of a flat roof, or the mean level of the highest gable or slope of a hip roof. When a building faces on more than one street, the height shall be measured from the average of the grades at the center of each street front.

“Building line” means a line formed by the vertical projection to the ground of the exterior surface of the building on any side. In case of a cantilevered or projected section of a building, the vertical projection will coincide with the surface nearest the lot line. A building line shall not be closer to the street line than the required front yard depth.

“Cellar” means a story partly or completely underground, having more than one-half of its clear height below the average level of the finished grade at the perimeter of the building. A cellar shall not be considered a half-story.

“Cluster development” means development based on an overall density for the entire tract with the dwelling units generally located on individual lots reduced in size so that higher densities result in segments of the tract with common open space, common property or open space generated on the remainder of the tract.

“Common property” means land and/or water, together with improvements, designed and intended for ownership, use and responsibility by the tenants and/or owners of the dwelling units in the development.

“Dedication and acceptance of improvements” means only the township committee can bond the community to the acceptance of improvements with the resulting future expenditure of funds for their maintenance. All improvements for which acceptance of a dedication is sought shall be preserved to the township for their action by resolution.

“Density” means a number expressing dwelling units per acre.

“Domestic animals” means and includes all such animals as are defined in the animal ordinance of the township of Edgewater Park.

“Dwelling, apartment” means a room, or a group of rooms, intended for the occupancy of one family, living as an independent unit, doing its own cooking.

“Dwelling, duplex” means a two-family dwelling, each dwelling unit being horizontally divided from the other.

“Dwelling, one-family attached (town-house)” means one of a series of single-family dwelling unit(s) which may be attached by a common wall between it and the adjacent units together with individual rear and/or front yards designed as an integral part of each unit, and having been constructed in conformity with an approved site and design plan.

“Dwelling, one-family detached” means a detached building designed for or occupied exclusively by one family.

“Dwelling, patio house” means a one-family house which has one or more facades common to a lot line with the resultant yard areas architecturally enclosed.

“Dwelling, quadplex” means a four-family dwelling unit, each dwelling unit being vertically divided from the others.

“Dwelling, twin” means a two-family dwelling unit, each dwelling unit being vertically divided from the other.

“Dwelling, two-family” means a detached or semidetached building designed for not more than two individual families or containing not more than two dwelling units, which are separated entirely by vertical walls or horizontal floors, unpierced except for access to the outside or to a common cellar.

“Dwelling unit” means one or more rooms providing living facilities for one family, including equipment for cooking or provisions for the same.

“Essential utilities” means the erection, construction, alteration or maintenance by public utilities, telephone or municipal or other governmental agencies of underground or overhead gas, electric, steam, water or sewerage transmission or distribution systems, including buildings, poles, wires, mains, drains, sewers, pipes, conduits, cables, company fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities, telephone companies, or municipal or other government agencies or for the public health or safety or general welfare.

“Family” means a single individual, doing his own cooking, and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage or other domestic bond.

“Farm stand” means a small structure designed and utilized for the display and sale of farm products produced on the property on which the structure is located. Said structure shall be open to view from the roadway and may not be furnished with permanent heating facilities.

“Fence” and “wall” means a structure which permanently or temporarily prohibits or inhibits restricted travel between properties or between the street or public right-of-way and a property.

“Floodplain” means the relatively flat area adjoining the channel of a natural stream which has been or may be hereafter covered by floodwaters.

“Floodway” means the channel of a natural stream and portions of the floodplain adjoining the channel which are reasonably required to carry and discharge floodwater or flood flow of any natural stream.

“Garage, private” means a building or space accessory to a residence which provides the storage of motor vehicles and in which no occupation, business or service for profit is carried on.

“Garage, public” means a building or part thereof, other than a private garage, used for the storage of motor vehicles for profit and may include the sale of fuels or accessories, or keeping of vehicles for hire as a secondary use.

“Garden” means an area located adjacent to a residential dwelling devoted to production of fruits, vegetables and other agricultural consumables supplying the needs of the residential dwelling to which it is adjacent. In no event shall such an area be considered a garden if it exceeds five percent of the lot area or two acres, whichever is less.

“Garden apartment” means an integrated development of individual dwelling units, which utilize such common facilities as parking and garage areas, pedestrian walks, and utility and sanitary systems, consisting of a group of separate buildings, not exceeding thirty-five (35) feet in height, each of which contains not more than sixteen (16) or less than four separate dwelling units, each of which has a separate entrance at ground level.

Garden Apartments, High-Rise Apartments, and General Apartment Use. These terms are as defined and regulated in the apartment ordinance of the township of Edgewater Park contained in the general ordinances of the township of Edgewater Park.

“Governing body” means the mayor and committee.

“Grade finished” means the completed surfaces of lawns, walks and roads brought to grades as shown on official plans.

“Gross floor area” means the total floor area in a structure measured by using the outside dimension of the building walls at each story. The gross floor area of units sharing a common wall shall be measured from the center of interior walls and the outside of exterior walls. In residential uses, the gross floor area shall exclude the areas of the garage, attic, open porch or patio, cellar, utility areas,

heating and cooling rooms and all portions of floor areas which have a ceiling height above them of less than five feet. In nonresidential structures, the gross floor area shall include areas used for utility, heating, cooling and other related mechanical equipment and all other areas, including cellars, warehousing and storage areas, regardless of ceiling height.

“Home craft” means any occupation carried on as a subordinate use solely by a member of the family residing on the premises or a residential lot.

“Home professional office” means the office, studio, or occupational room of a physician, surgeon, dentist, architect, licensed professional engineer, lawyer, or occupations of a similar or like nature, engaged in direct personal services performed solely by a member of the family residing on the premises or upon the residential lot.

“Homeowners association” means an incorporated nonprofit organization operating in a development under recorded land agreements through which each lot owner shall be a member and each dwelling unit is subject to a charge for a proportionate share of the expenses for the organization's activities and maintenance including any maintenance costs levied against the association by the township, and each owner and tenant has a right to use the common property.

“Housekeeping unit” means one or more persons living in one dwelling unit on a non-seasonal basis, and sharing living, sleeping, cooking and sanitary facilities on a nonprofit basis.

“Junkyard” means any area of land, with or without buildings, devoted to the storage, keeping or abandonment of junk or debris in connection with the dismantling, processing, salvage, sale or use or disposition thereof or of any material whatsoever.

“Landowner” means any individual, corporation, association, trust or any other legal entity having legal title to the land. The holder of an option, contract to purchase or other enforceable proprietary interest in such land may file an application for the purposes of this chapter.

“Loading space” means an off-street berth on the same lot with a building or group of buildings for the temporary parking of a vehicle while loading or unloading.

“Lot area” means the area contained within the lot lines, but not including any portion of a street right-of-way. The minimum lot area of a lot fronting on a street proposed to be widened in the adopted master plan shall be the minimum area required for the district in which it is located plus the additional area needed to anticipate the ultimate widening of the street.

“Lot corner” means a lot at the junction of two or more intersecting streets where the interior angle of the intersection does not exceed one hundred thirty-five (135) degrees.

“Lot coverage” means the area of a lot covered by an impervious surface such as a roof or paving.

“Lot depth” means the shortest horizontal distance between the front lot line and a line drawn parallel to the front line through the midpoint of the rear lot line.

“Lot frontage” means the horizontal distance between the side lot lines measured along the street right-of-way line. The minimum lot frontage shall be the same as the lot width, except that on curved alignments with an outside radius of less than five hundred (500) feet, the minimum distance between the side lot lines measured at the street line shall not be less than seventy-five (75) percent of the required minimum lot width. In case of a corner lot, either side may be considered the lot frontage, provided that the minimum frontage requirement is met for the zone in which the lot is located.

“Lot line” means any line forming a portion of the exterior boundary of a lot. The lot line is the same line as the street line for portions of a lot abutting a street. Lot lines extend vertically in both directions from ground level.

“Lot width” means the horizontal distance between side lot lines measured at setback points on each side lot line an equal distance back from the street line. The minimum lot width shall be measured at the minimum required building setback line.

“Marginal streets” means streets which are primarily designed to service the commercial and residential areas through which they pass and which are not primarily designed to handle heavy traffic. Standards for said streets assume light or medium flow and parking on one or both sides of the street.

“Minor subdivision” means a subdivision of land for the creation of a number of lots specifically permitted by ordinance as a minor subdivision; provided, that such subdivision does not involve: (1) a planned development; (2) any new street; or (3) the extension of any off-tract improvement, the cost of which is to be prorated pursuant to the Municipal Land Use Act.

“Motor vehicle service station” means a place where gasoline or other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale at retail to the public, which may include the sale of accessories, oiling, greasing, washing, and light motor vehicle repairs on the premises.

Natural Resources Inventory. See Chapter 16.72.

“Neighborhood shopping centers” means an integrated planned shopping area designed with a single architectural scheme and with appropriate common landscaping containing a minimum of fifteen thousand (15,000) square feet of ground floor area and containing a minimum of four independent commercial stores.

“Office” means a place for the transaction of business where reports are prepared, records kept and services rendered, but where no retail sales are offered and where no manufacturing, assembly or fabricating takes place.

“Off-site and off-tract improvements” means improvements made outside the lot in question or the original tract, respectively, to accommodate conditions generated inside the original tract as the result of the proposed development which shall include, but not be limited to, installation of new improvements and extensions and modifications of existing improvements.

“Parking space” means an area for the parking of a motor vehicle which is sufficient to accommodate the exterior extremities of the vehicle whether in addition thereto wheel blocks are installed within this area. The width and length of each space shall be measured perpendicular to each other regardless of the angle of the parking space to the access aisle or driveway.

“Paved service area” means the area located on lot or lots devoted to motor service station usage which is utilized in the outdoor servicing of customers by the sale of gasoline or the performance of minor repairs and maintenance. Said area shall not include egress and ingress roads.

“Permit, building and use” means a certificate issued by the building inspector for the construction, reconstruction, remodeling, alteration or repair of a building upon approval of the submitted plans for said building change and where applicable, also states that the purpose for which a building or land is to be used is in conformance with the uses permitted and all other requirements under this title for the zone in which it is located or is to be located.

“Permit, certificate of occupancy” means a certificate issued by the zoning officer upon completion of the construction of a new building or upon a change in the occupancy of a building which certifies that all requirements of this title or such adjustment therefor which has been granted by the planning board, and all other applicable compliances, have been complied with.

“Permit, temporary use” means a certificate issued by the zoning officer for the conduct of a use otherwise prohibited by this title for a limited time period and stating that the special requirements governing said use and all other applicable requirements have been complied with as certified by the planning board.

“Planned industrial development” means an area of a minimum contiguous size as specified by this title to be developed according to a plan as a single entity containing one or more structures with appurtenant common areas to accommodate industrial uses and any other uses incidental to the predominant use.

“Principal building” means a building in which is conducted the main or principal use of the lot on which said building is situated.

“Public utilities” means corporations, many subject to Public Utilities Commission rules and regulations, which operate public franchises for the provision of items such as telephone, gas, electric, cable T.V., railroad, omnibus and telegraph services. Said corporations shall not include or be confused with any service provided by the township of Edgewater Park or any of its boards, authorities, commissions or agencies.

“Regional shopping centers” means an integrated planned shopping area designed with a single architectural scheme and with appropriate common landscaping containing a minimum of one hundred thousand (100,000) square feet of ground area and containing a minimum of ten independent commercial stores.

“Restaurant” means any establishment, however designated, at which food is sold for consumption on the premises. However, a snack bar or refreshment stand at a public, semi-public or community swimming pool, playground, playfield or park operated by the agency or group or an approved vendor operating the recreational facilities, and for the convenience of patrons of the facility, shall not be deemed to be a restaurant.

“Restaurant, drive-in” means an establishment where patrons are served food, soft drinks, ice cream, and similar confections for principal consumption off the premises or in automobiles parked upon the premises regardless of whether or not in addition thereto seats or other accommodations are provided for the patrons.

“Reviewing board” means either the planning board or the township committee of the township of Edgewater Park having jurisdiction pursuant to this title and the Municipal Land Use Law of 1975, P.L. 1975 c. 291 over an application for development.

“Reviewing engineer” means, depending on the nature of application, and refers to the township engineer or planning board engineer. In the case of improvement sought ultimately to be dedicated to the township, the term shall refer to the township engineer. In other circumstances, it shall refer to that engineer employed by a reviewing board having jurisdiction over the application for development.

“Service station” means lands and buildings where motor fuel, lubricants, miscellaneous accessories and services for motor vehicles are dispensed but where no vehicular painting and/or bodywork is done and where no junked or unregistered motor vehicles are kept or stored.

“Setback line” means a line drawn parallel to a street line or lot line and drawn through the point of the building nearest to the street line or lot line, beyond which a building does not project. The minimum yard requirements shall be the minimum required setbacks. All setbacks from public streets shall be measured from the proposed right-of-way width as shown on the adopted master plan.

“Shopping center” means one or more buildings or parts thereof, designed as a unit to be occupied by one or more business enterprises for the conduct of business and conducted as an integrated and cohesively planned development.

“Sight triangle” means a triangular area abutting two intersecting streets where vision is unobstructed. The sight triangle is formed by the intersecting street sidelines and a line connecting a point on each sideline a set distance from the intersection.

“Sign” means any announcement, declaration, illustration or insignia placed in a position to be seen by the general public from any street or public way.

“Sign, area of” means the area included within the frame or edge of the sign. Where the sign has no such frame or edge, the area shall be defined by an enclosed four-sided (straight sides) geometric shape which most closely outlines said sign.

“Siltation basin” means a facility designed to collect silt and eroded soil from a designated area.

“Site plan, minor” means a development plan of one or more lots which: (1) proposes new development within the scope of development specifically permitted by ordinance as a minor site plan; (2) does not involve planned development or any new street or extension of any off-tract improvement which is to be prorated pursuant to the Municipal Land Use Act; and (3) contains the information reasonably required in order to make an informed determination as to whether the requirements established by ordinance for approval of a minor site plan have been met.

“Site plan, major” means all site plans not defined as minor or exempt.

“Story” means that portion of a building comprised between one floor and another. A half-story is between a floor and the roof with a height of not less than seven and one-half feet of clear space above at least one-third of the floor area.

“Street line” means the edge of the existing or future street right-of-way, whichever would result

in the widest right-of-way, as shown on an adopted master plan or official map, or as required by this title, forming the dividing line between the street and the lot.

“Swimming pool” means facilities constructed above or below ground having a depth of more than two feet and/or a water surface of one hundred (100) square feet or more and designed and maintained for swimming purposes. The area of “swimming pools” shall include all buildings, structures, equipment and appurtenances thereto.

“Temporary building” means an enclosed or semi-enclosed structure utilized by contractors, architects or materialmen during the construction of projects. In no event, however, shall the use made of such buildings be residential in nature except for the housing of watchmen or guards during the construction of the project. Temporary buildings may include trailers.

“Township” means the township of Edgewater Park.

“Yard” means the area extending between the closest point of any building and a lot line or street line. In an apartment, townhouse, industrial park or other development where more than one building may be erected on a lot, yards shall also be the open space extending between structures. All yard dimensions shall be measured horizontally and at right angles to either a straight street line, lot line, or building facade or perpendicular to the point of tangent of curved lines and facades. The minimum distance between buildings in developments where there is more than one building on a lot shall be the sum of the two yards of the structures and in no event shall two structures be closer to one another than the sum of both yards.

“Yard, front” means the area extending across the full width of a lot line between the street line and the building, and, for apartments, townhouses, industrial parks or other development where more than one building may be erected on a lot, the front yard shall be measured from the designated front of the building to an imaginary line of designated distance away from the front of the building.

“Yard, rear” means the area extending across the full width of the lot between the rear lot line and the building and, for apartments, townhouses, industrial parks or other developments where more than one building may be erected on a lot, the rear yards shall be measured from the designated rear of the building to an imaginary line a designated distance away from the rear of the building.

“Yard, side” means an open space extending from the front yard to the rear yard and lying between each side lot line and the closest point of the building. The side yard for apartments, townhouses, industrial parks or other developments where more than one building may be erected on a lot shall be measured from the designated side of the building to an imaginary line a designated distance away from the side of the building.

Zoning Officer. The terms “zoning officer,” “inspector of buildings,” “building inspector,” “administrative officer” or “official” mean the person or persons who are charged with the enforcement of this title. (Prior code §§ 15.021, 15.022, 15.023)

Chapter 16.04

PLAN REQUIREMENTS AND DOCUMENTATION

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Article I. General Provisions

16.04.010 Plan requirements and documentation generally.

As more particularly set forth below, this chapter outlines the basic requirements for plans submitted under provisions of this title. Each provision shall be deemed to represent minimum requirements and where necessary to effectuate the purposes set forth in Section 16.02.020, the reviewing agency may require additional information or documents to properly inform the board or body of the intent, purpose and effect of the application for development. Nothing, however, shall prohibit the reviewing agency by resolution from waiving any of the specific requirements hereinafter specified where said requirements are not necessary to adequately appraise the reviewing agency of the details of the application for development.

The preparation of all phases of land development (i.e., subdivisions and site plans) shall be in accordance with the applicable state statutes as they pertain to land surveyors, architects and professional engineers. Ref: Title 45, NJSA 45:8-27 through 45:8-48, An Act Concerning the Practice of Professional Engineering and Land Surveying, Chapter 149, P.L. 1950 as amended August 13, 1970; Laws Governing the Practice of Architecture Title 45; NJSA 45:3-1 through 45:3-16 Revised Statutes, 1958, January 25, 1968 and as further revised.

It is therefore a requirement that all subdivision plans be signed and sealed by a New Jersey licensed land surveyor, and, if the subdivision involves the design and determination of street locations, drainage, sewers, water mains, utilities, bridges, culverts, percolation tests, etc., then the subdivision plans shall also be signed and sealed by a New Jersey licensed professional engineer.

It is a requirement that all site plans be signed and sealed by either a New Jersey licensed professional engineer, or a New Jersey licensed architect. (Prior code § 15.031)

16.04.020 Preliminary discussions generally.

It is the right of any developer to request a preapplication conference prior to formal submission of an application for development. At this conference, the developer shall meet with the engineer and solicitor of the appropriate reviewing agency as determined by the administrative officer. The developer shall not be required to submit any fees for such an informal review. The developer shall not be bound by any concept plan for which review is requested, and the planning board shall not be bound by any such review. The purposes of this conference shall be to review development ideas and concepts and point out any obvious problems and make suggestions as to revisions. The land development ordinance requirements may be discussed with developer to insure that all applicable provisions including those for establishing an escrow account are understood and will be met. (Prior code § 15.032.1)

16.04.030 Developer requirements for preliminary discussions.

In order to properly evaluate the proposed land development, it is recommended that the developer, as a minimum, submit plans or documentation which show the following:

- A. Scaled plan based on tax map information which shows the entire parcel to be developed;
- B. Key map showing location of tract and adjacent streets and waterways;
- C. North arrow;
- D. Zoning;
- E. Lot and block number of tract to be developed;
- F. Existing roads, woods, streams, structures;
- G. Existing utilities;
- H. Existing use;

- I. Existing rights-of-way or easements;
- J. Existing drainage flows (may be designated by arrows);
- K. Proposed use, structures, circulation, utility and recreational concepts. (Prior code § 15.032.12)

Article II. Minor Development Application—Plan Requirements and Documentation

16.04.040 Subdivision plan requirements.

The subdivision plan shall clearly and accurately show:

- A. A scale of not less than one inch equals one hundred (100) feet and shall comply with all other provisions of the Map Filing Law;
- B. A key map, at a scale of not less than one inch equals two thousand (2,000) feet, showing the location of the tract within the township and its relation to major streets, water bodies, and political boundaries within the area;
- C. Tax map sheet, block and lot number;
- D. A statement of the proposed use of the site, required and proposed setback and yard dimensions;
- E. The location of that portion which is subdivided in relation to the entire tract;
- F. Names and addresses of record owners of land to be subdivided;
- G. Names of owners, lot lines and block and lot numbers of lands within two hundred (200) feet of the site;
- H. Existing zoning;
- I. Certifications and signature lines for the planning board chairman and secretary;
- J. All existing and proposed buildings, structures and wooded areas within the tract and one hundred (100) feet therefrom, and water-courses within the tract and five hundred (500) feet therefrom. The information for off-tract structures, wooded areas, and water-courses may be included on the key map;
- K. The location and extent of existing and proposed easements along with a statement of use and ownership;
- L. The location, size and nature of all existing and proposed road within and abutting the land development. If additional right-of-way is to be dedicated to Edgewater Park Township, a note stating: "Additional right-of-way dedicated to Edgewater Park Township for road widening purposes" shall appear on the plan; or to the county if the road is under its jurisdiction;
- M. Location, type and number of existing and proposed driveways;
- N. A general indication of drainage flow by the use of arrows. (Prior code § 15.033.1)

16.04.050 Subdivision plan documentation.

Documentation of the subdivision plan includes:

- A. Names and addresses of record owners of tracts within two hundred (200) feet of the site;
- B. Copies of any protective covenants, easements, or deed restrictions applying to the site;
- C. Certification from applicant stating that no record exists of a previous subdivision approval for the site which would affect the proposed application;
- D. Certification that the applicant is agent or owner of the land, or that the owner has given consent under an option agreement;
- E. A certificate from the tax collector that no taxes or assessments for local improvements are due or delinquent;
- F. Any additional documentation as may be required by the reviewing board. (Prior code § 15.033.2)

16.04.060 Site plan requirements.

The requirements of the site plan include:

A. Site plan shall be a true and accurate map drawn to a scale of not less than one inch equals fifty (50) feet, on a sheet twenty-four (24) inches by thirty-six (36) inches or, in the case of areas over fifty (50) acres, the plot plan may be drawn to a scale of one inch equals one hundred (100) feet with the sheet size thirty (30) inches or forty-two (42) inches by seventy-two (72) inches showing the exact size, shape and location of existing and proposed buildings with all yard dimensions and the actual dimensions of each lot to be built upon;

B. A key map, at a scale of not less than one inch equals two thousand (2,000) feet, showing the location of the tract within the township, and its relation to major streets, water bodies, and political boundaries within the area;

C. Certification and signature lines for the chairman, secretary and engineer of the appropriate reviewing board, and other reviewing agencies;

D. Reference meridian;

E. Applicable zoning, covenants running with the land, existing deed restrictions and the proposed use of the property shall be clearly shown or exhibited in separate documentation. Lands to be dedicated or reserved for public use shall be clearly indicated. If additional right-of-way is to be dedicated to the township, a note stating: "Additional right-of-way dedicated to Edgewater Park Township for road widening purposes" shall appear on the plan; or to the county if a road is under its jurisdiction;

F. Setback dimensions shall be shown on the plan;

G. Existing and proposed contours with intervals of one foot where slopes are more than three percent but less than fifteen (15) percent and five feet when fifteen (15) percent or more and spot elevations where needed to show situation properly (indicate datum);

H. Location on-site and five hundred (500) feet therefrom of ponds, streams, drainage ditches, and water-courses. There shall be provided sufficient elevation data beyond the limits of the tract to determine the size and elevation of areas which drain toward the tract. Profiles and cross-sections of watercourses draining to or from the tract for a sufficient length to determine the effect of the proposed subdivision upon other lands adjoining the water-courses shall be provided. Boundaries of floodplains of water bodies (if defined) within land development. Where defined, these should correspond to the floodway and flood hazard areas commonly designated by the New Jersey Department of Environmental Protection;

I. All buildings, structures, wooded areas, easements, rights-of-way, signs, lights and paving within the tract and one hundred (100) feet therefrom;

J. Tax map sheet, block and lot number for the site, and names of owners, lot lines, and block and lot numbers of lands within two hundred (200) feet of the site;

K. Names and addresses of the record owner, and person who prepared the plan;

L. The site plan shall show proposed buildings or structures including dimensions, distances from property lines, corner elevations, first floor elevation, floor areas, front, rear and side elevations and preliminary architectural plans;

M. The location and arrangement of vehicular accessways and location, size and capacity of all parking and loading areas shall be included;

N. Curbs, sidewalks, walkways and all other areas devoted to pedestrian use shall be clearly delineated;

O. A complete landscape plan, including size and type of all plants, shall be included;

P. Location of all utilities shall be shown including water supply, sewers, gas and electric services, lighting, illumination and refuse storage area. Provisions for industrial waste or effluent shall be shown;

Q. Storm drainage system shall be shown and the applicant shall supply drainage calculations to substantiate the size and location of the proposed storm drainage system;

- R. Parking schedule;
- S. Pavement construction detail;
- T. Locations and details of all signs;
- U. Detailed cost estimates for construction of site work;
- V. Designs and details of any structures such as curbs, sidewalks, retaining walls, manholes, headwalls, retention basins. The locations, dimensions, capacity and depth of underground storage tanks along with a detail showing the proposed method of anchoring;
- W. Where work is to be done in the municipal right-of-way, a detailed plan at a scale of not less than one inch equals thirty (30) feet showing the layout of any intersection, including driveways to a municipal road. This plan shall show the following:
 - 1. Existing elevations of the center line of the municipal road every twenty-five (25) feet to extend one hundred (100) feet beyond the property line or intersection pavement transition,
 - 2. Proposed elevations of the curb, gutter and top of curb, every twenty-five (25) feet along the municipal road,
 - 3. Half cross-sections every fifty (50) feet and at critical points along the municipal road, and spot elevations of the center line, edge of pavement and proposed curblines along the municipal road,
 - 4. Pavement markings, signs and traffic control islands and devices,
 - 5. Proposed structures;
- X. Provisions for soil erosion and sediment control;
- Y. Other information as may be required by the planning board. (Prior code § 15.033.3)

16.04.070 Site plan documentation.

Documentation of the site plan includes:

- A. Names and addresses of record owners of tracts within two hundred (200) feet of the site;
- B. Copies of any protective covenants, easements, or deed restrictions applying to the site;
- C. Certification from applicant stating that no record exists of a previous site plan approval for the site which would affect the proposed application;
- D. Certification that the applicant is agent or owner of the land, or that the owner has given consent under an option agreement;
- E. Detailed cost estimates for the proposed construction;
- F. Written approval of local, county, state or federal organizations as required;
- G. Traffic study;
- H. Construction timetable;
- I. Any additional documentation as may be required by the reviewing board. (Prior code § 15.033.4)

Article III. Major Development Applications—Plan Requirements and Documentation

16.04.080 Preliminary plan— Requirements and documentation.

- A. Subdivision Plan and Requirements. Preliminary plans shall be drawn to a scale of not less than one inch equals one hundred (100) feet and shall clearly and accurately show the following:
 - 1. A key map, at a scale of not less than one inch equals two thousand (2,000) feet, showing the location of the tract within the township and its relation to major streets, water bodies, and political boundaries within the area;
 - 2. Certification and signature lines for the chairman, secretary and engineer of the appropriate reviewing board, other reviewing agencies, the person who prepared the plan, and the owner;
 - 3. The tract name, tax map sheet, block and lot numbers of the tract and of all properties within two hundred (200) feet of the tract, date, graphic scale and reference meridian;
 - 4. The name and address of the applicant and the person who prepared the plan;

5. Acreage of the tract to the nearest tenth of an acre;
6. The location of existing property lines, streets, rights-of-way, and water-courses within five hundred (500) feet of the street;
7. The location of buildings, structures, wooded areas, easements, signs, lights and paving within one hundred (100) feet of the tract;
8. Applicable zoning and proposed use shall be shown along with any deed restrictions or covenants running with the land. Lands to be dedicated or reserved for public use shall be clearly indicated;
9. All existing buildings, streets, paving, water-courses, and their extent, surface elevation, depth and their floodplains, railroads and their rights-of-way, bridges, culverts, drain pipes, easements, utility lines, rock formations, wooded areas and isolated trees over five inches in diameter and other natural features shall be shown;
10. Existing and proposed contours at a two-foot interval maximum, referenced to National Oceanographic and Atmospheric Administration datum and extended two hundred (200) feet beyond the lot lines to determine drainage of site. Spot elevations shall be included where needed to show situation properly;
11. Profiles and typical cross-sections of existing streets abutting the development indicating type and width of pavement and curb and sidewalk location. If additional right-of-way is to be dedicated to the township or county, a note stating: "Additional right-of-way dedicated to Edgewater Park Township/County for road widening purposes" shall appear on the plan;
12. All existing elements that are to be removed and/or destroyed or preserved, with details. Plans and details for modification, addition or any other alteration to existing man-made features;
13. Percolation tests and soil logs, at the minimum ration of one each for every three acres, plus one test at the location of each proposed retention basin and per five hundred (500) linear feet of proposed open ditch. Soil logs shall be to a depth of not less than ten feet below the existing grade or ten feet below the finished grade, whichever is lower, to indicate types of soil and elevation of the water cable on the entire tract;
14. A soil erosion and sediment control plan drawn in accordance with the New Jersey Standards for Soil Erosion and Sediment Control showing the Soil Conservation Service soil classification;
15. The location of all proposed property and building setback lines;
16. The location of all proposed buildings including dimensions, distances from property lines and first floor and corner elevations. In predominately residential subdivisions, a statement of the number of dwelling units, and the density of land use to be allocated to the parts of the site to be developed, shall be provided;
17. The location and proposed cross-sections and center line profiles of all new streets, and the location of pedestrian ways, sidewalks, and parking areas to include provisions for parking for recreational vehicles in cluster type developments;
18. Where work is to be done in the municipal right-of-way, a detailed plan at a scale of not less than one inch equals thirty (30) feet showing the layout of any intersection, including driveways to a municipal road. This plan shall show the following:
 - a. Existing elevations of the center line of the municipal road every twenty-five (25) feet to extend one hundred (100) feet beyond the property line or intersection pavement transition,
 - b. Proposed elevations of the curb, gutter and top of curb every twenty-five (25) feet along the municipal road,
 - c. Half cross-sections every fifty (50) feet and at critical points along the municipal road, and spot elevations of the center line, edge of pavement and proposed curblines along the municipal road,
 - d. Pavement markings, signs, traffic control islands and devices,
 - e. Proposed structures;
19. The location and details of all fire hydrants, valves, water mains, sanitary sewers,

underdrains, storm drains, retention and detention basins and all other utilities. Complete design criteria, details and calculations shall be included and shall cover off-tract conditions. Boundaries of floodplains of water bodies (if defined) within land development. Where defined, these should correspond to the floodway and flood hazard areas commonly designated by the New Jersey Department of Environmental Protection;

20. There shall be provided sufficient elevation data beyond the limits of the tract to determine the size and location of areas which drain toward the tract. Profiles and cross-sections of water-courses draining to or from the tract for a sufficient length to determine the effect of the proposed subdivision upon other lands adjoining the water-courses shall be provided;

21. The location and details of all signs and street furniture, including the specific design, location, size, construction and illumination;

22. The location, details and extent of all open spaces, recreation areas, historic sites, lakes and ponds including surface water elevations and depths;

23. A complete landscape plan including location, type and size of all plantings and showing all buffer and screening strips;

24. Legend indicating types of buildings along with an architectural sketch of each class of structure;

25. A delineation of proposed sections including sequence and timing of development for the entire tract. If the preliminary plat covers only a portion of the applicant's entire holdings, the prospective future street system for the entire tract shall be indicated;

26. All other information required by the reviewing agency.

B. Subdivision Plan—Documentation. Preliminary subdivision plans shall be accompanied by the following documentation:

1. Names and addresses of record owners of tracts within two hundred (200) feet of the site;

2. Copies of any protective covenants, easements, or deed restrictions applying to the site;

3. Certification from applicant stating that no record exists of a previous subdivision plan approval for the site which would affect the proposed application;

4. Certification that the applicant is agent or owner of the land, or that the owner has given consent under an option agreement;

5. Detailed cost estimates for the proposed construction;

6. Written approval of local, county, state or federal organizations as required;

7. Traffic impact report;

8. An environmental impact statement;

9. Applicant shall submit certification from department of public works that:

a. Sufficient water supply is or will be available for the project,

b. Adequate sewage treatment capacity is or will be allocated for the project;

10. The form of ownership or entity proposed to own and maintain common open space or private facilities;

11. No electric or telephone utility facilities shall be installed until the planning board shall have specifically approved the nature and location of such proposed facilities and the following has been submitted:

a. The developer shall request the serving utility to install its distribution supply lines, services and street lighting supply facilities, underground in accordance with its specifications and with the provisions of the applicable standard terms and conditions incorporated as a part of its tariff as the same are then on file with the state of New Jersey Board of Public Utility Commissioners, and shall submit to the planning board a written instrument from each serving utility which shall evidence its disposition of the request. If approved by the utility, the subdivider shall, if so directed by the planning board, arrange with the utility for such underground installation,

b. Where the installation of underground telephone and/or electric facilities is impractical

because of a geographic, technical or operating standpoint, the developer shall be required to install standards at a maximum of two hundred (200) feet apart on all streets contained within the subdivision;

12. Complete design specifications for all aspects of the proposed improvements;
 13. A detailed cost estimate for the improvements for the entire tract broken down into sections corresponding to the sections of development;
 14. A detailed construction timetable;
 15. Prior to granting of preliminary subdivision approval where fifty (50) or more realty improvements are involved, certification of the adequacy of proposed water supply and sewerage facilities must be obtained from the New Jersey Department of Environmental Protection;
 16. Certification from the tax collector that all taxes are paid to date and that any local improvement assessments against the tract being developed are paid in full;
 17. Any additional documentation as may be required by the reviewing board.
- C. Site Plan Requirements. The site plan shall clearly and accurately show:
1. A scale of not less than one inch equals fifty (50) feet on a sheet twenty-four (24) inches by thirty-six (36) inches or, in the case of areas over fifty (50) acres, the plot plan may be drawn to a scale of one inch equals one hundred (100) feet with a sheet size of thirty (30) inches or forty-two (42) inches by seventy-two (72) inches;
 2. A key map at a scale of not less than one inch equals two thousand (2,000) feet showing the location of the tract within the township and its relation to major roads, water bodies and political boundaries within the area;
 3. Certification and signature lines for the chairman, secretary and engineer of the appropriate reviewing board, and other reviewing agencies;
 4. Reference meridian;
 5. Applicable zoning, covenants running with the land, existing deed restrictions and the proposed use of the property shall be clearly shown or exhibited in separate documentation. Lands to be dedicated or reserved for public use shall be clearly indicated;
 6. Setback dimensions;
 7. Existing and proposed contours with intervals of one foot where slopes are more than three percent but less than fifteen (15) percent and five feet when fifteen (15) percent or more and spot elevations where needed to show situation properly. Elevations shall be based on National Oceanographic and Atmospheric Administration datum;
 8. Location of site and five hundred (500) feet therefrom of ponds, streams, drainage ditches and water-courses. There shall be provided sufficient elevation data beyond the limits of the tract to determine the size and elevation of areas which drain toward the tract. Profiles and cross-sections of watercourses draining to or from the tract for a sufficient length to determine the effect of the proposed subdivision upon other lands adjoining the water-courses shall be provided. Boundaries of floodplains of water bodies (if defined) within land development. Where defined, these should correspond to the floodway and flood hazard areas commonly designated by the New Jersey Department of Environmental Protection;
 9. All buildings, structures, wooded areas, easements, rights-of-way, signs, lights and paving within the tract and one hundred (100) feet therefrom;
 10. Tax map sheet, block and lot numbers for the site, and names of owners, lot lines, and block and lot numbers of lands within two hundred (200) feet of the site;
 11. Name and address of the record owner and person who prepared the plan;
 12. Proposed buildings or structures, including dimensions, distances from property lines, corner elevations, first floor elevations, rear and side elevations and preliminary architectural plans;
 13. A parking schedule and the location and arrangement of vehicular accessways and location, size and capacity of all parking, service, and loading areas with details of paving;
 14. Where work is to be done in the municipal right-of-way, a detailed plan at a scale of not less than one inch equals thirty (30) feet showing the layout of any intersection, including driveways to a

municipal road. This plan shall show the following:

- a. Existing elevations of the center line of the municipal road every twenty-five (25) feet to extend one hundred (100) feet beyond the property line or intersection pavement transition,
 - b. Proposed elevations of the curb, gutter and top of curb every twenty-five (25) feet along the municipal road,
 - c. Half cross-sections every fifty (50) feet and at critical points along the municipal road and spot elevations of the center line, edge of pavement and proposed curblines along the municipal road,
 - d. Pavement marking, sign and traffic control islands and devices,
 - e. Proposed structure;
 15. Curbs, sidewalks, walkways, and all other areas devoted to pedestrian use;
 16. A complete landscape plan showing all buffer and screening strips and type and size of all plants;
 17. Location of all utilities including water supply, sewers, gas and electrical services, lighting, illumination and circumference of the maximum required intensity of each light, and refuse storage areas;
 18. Storm drainage system shall be shown and the applicant shall supply drainage calculations to substantiate the size and location of the proposed storm drainage system;
 19. Location and details of all signs showing the specific design, location, size, construction and illumination;
 20. Designs and details of any structures such as curbs, sidewalks, retaining walls, manholes, headwalls and retention basins;
 21. Provision for soil erosion and sediment control in accordance with the New Jersey Standards for Soil Erosion and Sediment Control;
 22. The locations, dimensions, capacity and depth of underground storage tanks along with a detail showing the proposed method of anchoring;
 23. The location, size and nature of all existing and proposed roads within and abutting the land development. If additional right-of-way is to be dedicated to the township, a note stating: "Additional right-of-way dedicated to Edgewater Park Township for road widening purposes" shall appear on the plan, or to the county if a road is under its jurisdiction;
 24. Provision for industrial waste or effluent shall be shown;
 25. Percolation tests and soil borings at the minimum ratio of one each for every three acres plus one test at the location of each proposed retention basin and per five hundred (500) linear feet of open ditch. Soil logs shall be to a depth of not less than ten feet below existing grade or ten feet below finished grade, whichever is lower, to indicate types of soil and elevation of the water table on the entire tract;
 26. Other information as may be required by the reviewing agency.
- D. Site Plan—Documentation. Documentation of the site plan includes:
1. Names and addresses of record owners of tracts within two hundred (200) feet of the site;
 2. Copies of any protective covenants, easements, or deed restrictions applying to the site;
 3. Certification from applicant stating that no record exists of a previous site plan approval for the site which would affect the proposed application;
 4. Certification that the applicant is agent or owner of the land, or that the owner has given consent under an option agreement;
 5. Detailed cost estimates for the proposed construction;
 6. Written approval of local, county, state or federal organizations as required;
 7. Traffic impact report;
 8. An environmental impact statement;
 9. Applicant shall submit certification that:
 - a. Sufficient water supply is available for the project,

- b. Adequate sewage treatment capacity is available, has been allocated, and will be available on completion of the project;
- 10. A letter from the department of public works indicating their intent to provide water and sewer service;
- 11. Complete design specifications for all aspects of the proposed improvements;
- 12. A detailed cost estimate for the improvements for the entire tract broken down into sections corresponding to the sections of development;
- 13. A detailed construction timetable;
- 14. For industrial applications, the following information shall be provided on industrial processes if, in the opinion of the reviewing agency, these may be an annoyance or interference with the comfort or general well-being of the inhabitants of other districts adjacent to the industrial district:
 - a. The quantity or density of all dust, fumes, vapors, mists, gases, smoke and odors,
 - b. The sources, intensity and direction of all reflected light and heat,
 - c. Noise and/or vibration;
- 15. Certification from the tax collector that all taxes are paid to date and that any local improvement assessments against the tract being developed are paid in full;
- 16. Any additional documentation as may be required by the reviewing board. (Prior code § 15.034.1)

16.04.090 Final plan requirements and documentation.

A. Subdivision Plan Requirements. Final plans shall conform to the preliminary plans and conditions of approval as set forth by the planning board, and shall show all improvements as installed or to be installed. Final plans shall be accompanied by a file plat drawn in compliance with the Map Filing Law which shall also show the following:

1. All land developments located within the distances as shown in the table below shall have at least two concrete monument bench marks on the National Oceanographic and Atmospheric Administration datum. All elevations shall be based and referenced to these bench marks. The elevations of the monuments shall be shown on the plans filed with the county. The preferable precision shall be 0.035 Run in Miles. Information as to the location of bench marks may be obtained at the county engineer's office.

	Distance to Nearest
Site Plan	Vertical Control
Less than two acres	two miles
Two acres to ten acres	six miles
Over ten acres	twelve (12) miles

Land developments that fall outside the specifications listed above may use an assumed elevation which shall be shown on the plan.

2. The property lines of all land developments shall be placed on the New Jersey System of Plane Coordinates if they are located within the distances as shown in the table below. The coordinates of all monuments shall be shown on the final plats filed in the county clerk's office.

	Land Distance to Nearest
Development	Horizontal Control
Two to ten acres	two miles
Over ten acres to fifty (50) acres	six miles
Over fifty (50) acres	twelve (12) miles

Land developments of less than two acres, or those which fall outside of the specifications listed above, may not be required to use the New Jersey System of Plane Coordinates. A closed traverse shall be run to current acceptable standards with a preferable precision of at least one in twenty thousand (20,000).

B. Subdivision Plan Documentation. The following documentation shall accompany the final plan:

1. Certificate from the tax collector that all taxes are paid to date and that any local improvement assessments against the tract being subdivided have been paid in full or that such local improvement assessments have been apportioned among the lots of the subdivision upon the application of the applicant, pursuant to R.S. 54.7-1 et seq., and in the event of such apportionment, that such local improvement assessments are paid to date;

2. Written report from the reviewing board engineer stating:

a. That all improvements, as indicated on the final plan, are in conformance with the approved preliminary plan,

b. That he is in receipt of a plan of improvements showing all utilities in exact location and elevation identifying those portions already installed and those to be installed and that the applicant has complied with one or both of the following:

i. Installed all improvements in accordance with the requirements of these regulations, or

ii. A performance and maintenance guarantee has been posted with the municipal clerk,

c. In those instances where improvements have been installed, the engineer has received proper as-built drawings;

3. When final approval is requested for an area which is less than the full area for which preliminary approval was given, the applicant shall submit a key map at a scale of not less than one inch equals two hundred (200) feet which clearly and accurately shows the entire subdivision for which preliminary approval was granted including all proposed streets and property lines and that portion for which final approval is being requested;

4. A letter from the postmaster or other appropriate authority of the area where subdivision is located stating that proposed street names in the subdivision do not duplicate names in use and are acceptable;

5. Certification by the county soil conservation district of compliance with sediment and erosion control methods;

6. Where the required improvements differ from those shown on the preliminary plan, complete plans and profiles with drawing revisions listed shall be submitted in sufficient detail to meet the requirements of the reviewing board engineer;

7. Copies of all supplemental agreements between the developer and any and all agencies or bodies of the township shall be presented.

C. Site Plan Requirements. Final plans shall conform to the preliminary plans and conditions of approval as set forth by the planning board and shall show all improvements as installed or to be installed together with the following:

1. All land developments located within the distances as shown in the table below shall have at least two concrete monument bench marks on the National Oceanographic and Atmospheric Administration datum. All elevations shall be based and referenced to these bench marks. The elevations of the monuments shall be shown on the plans filed with the county. The preferable precision shall be 0.035 Run in Miles. Information as to the location of bench marks may be obtained at the county engineer's office.

Distance to Nearest

Site Plan	Vertical Control
Less than two acres	two miles
Two acres to ten acres	six miles
Over ten acres	twelve (12) miles

Land developments that fall outside the specifications listed above may use an assumed elevation which shall be shown on the plan.

2. The property line of all land developments shall be placed on the New Jersey System of Plane Coordinates if they are located within the distances as shown in the table below. The coordinates of all monuments shall be shown on the final plats filed in the county clerk's office.

Land Distance to Nearest

Development	Horizontal Control
Two to ten acres	two miles
Over ten acres to fifty (50) acres	six miles
Over fifty (50) acres	twelve (12) miles

Land development of less than two acres, or those which fall outside of the specifications listed above, may not be required to use the New Jersey System of Plane Coordinates. A closed traverse shall be run to current acceptable standards with a preferable precision of at least one in twenty thousand (20,000).

D. Site Plan Documentation. The following documentation shall accompany the final plan:

1. Certificate from the tax collector that all taxes are paid to date and that any local improvement assessments against the tract being developed have been paid in full or that such local improvement assessments have been apportioned among the lots of the development upon the application of the applicant, pursuant to R.S. 54.7-1 et seq., and in event of such apportionment, that such local improvement assessments are paid to date;

2. Written report from the reviewing board engineer stating:

a. That all improvements, as indicated on the final plan, are in conformance with the approved preliminary plan,

b. That he is in receipt of a plan of improvements showing any municipal utilities in exact location elevation,

c. That a performance and maintenance guarantee has been posted with the municipal clerk;

3. When final approval is requested for an area which is less than the full area for which preliminary approval was given, the applicant shall submit a key map at a scale of not less than one inch equals two hundred (200) feet which clearly and accurately shows the entire development for which preliminary approval was granted and that portion for which final approval is being requested;

4. Certification by the county soil conservation district of compliance with sediment and erosion control methods;

5. Where the required improvements differ from those shown on the preliminary plan, complete plans and profiles with drawing revisions listed shall be submitted in sufficient detail to meet the requirements of the reviewing board engineer;

6. Copies of all supplemental agreements between the developer and any and all agencies or bodies of the township shall be presented. (Prior code § 15.034.2)

Article IV. Special Development Applications—Plan Requirements and Documentation

16.04.100 Conditional uses.

Plans and documentation shall conform to the requirements for major or minor development applications. (Prior code § 15.035.1)

16.04.110 Variances.

Plans and documentation shall conform to the requirements for major or minor development applications. (Prior code § 15.035.2)

16.04.120 Rezoning.

Plans and documentation shall conform to the requirements for major or minor development applications. (Prior code § 15.035.3)

16.04.130 Planned industrial parks.

Plans and documentation shall conform to the requirements for major development applications. (Prior code § 15.035.4)

Chapter 16.06

PROCEDURAL REQUIREMENTS APPLICABLE TO GOVERNING BODY AND PLANNING BOARD

Sections:

16.06.010	Conflicts of interest.
16.06.020	Procedures, practices and standards for the rezoning of land within the township.
16.06.030	Definitions.
16.06.040	Purposes.
16.06.050	Complete application.
16.06.060	Distribution.
16.06.070	Review of application.
16.06.080	Review standards.
16.06.090	Township committee action.
16.06.100	Rezoning compliance.
16.06.110	Meetings.
16.06.120	Meeting minutes.
16.06.130	Fees.
16.06.140	Hearings.
16.06.150	Notice requirements for hearing.
16.06.160	List of property owners furnished.
16.06.170	Decisions.
16.06.180	Publication of decision.
16.06.190	Payment of taxes.
16.06.200	Appeals to the governing body.
16.06.210	Committee action on appeals.

16.06.010 Conflicts of interest.

No member of the planning board or governing body shall act on any matter in which he has either directly or indirectly any personal or financial interest. Whenever any such member shall disqualify himself from acting on a particular matter, he shall not continue to sit with the board or body on the hearing of such matter nor participate in any discussion or decision relating thereto. (Prior code § 15.041)

16.06.020 Procedures, practices and standards for the rezoning of land within the township.

Whereas, the township of Edgewater Park is a municipal corporation of the state of New Jersey empowered to adopt land development regulations pursuant to the Municipal Land Use Law, NJSA 40:55D-1 et seq.; and

Whereas, under the provisions of the enabling law no procedure is mandated under which residents or other persons having an interest in the development of land may initiate legislative changes to existing land development regulations; and

Whereas, the township's committee, the community's governing body, finds it appropriate to establish procedures under which requests for legislative changes to existing land development regulations may be initiated, and to establish standards for the consideration of those requests during the time periods between the dates of reports issued by the township's planning board in its re-examination of the community's master plan mandated by NJSA 40:55D-89; the township's committee finds it appropriate to adopt the ordinance codified in this chapter to accomplish the above purpose. (Prior code § 15.041.2)

16.06.030 Definitions.

A. Municipal Land Use Law Terms. Unless the context clearly otherwise provides, terms used in this title which are defined within NJSA 40:55D-1, et seq. shall be given the meaning and be defined in accordance with that statute and the meanings and definitions provided by that statute are incorporated within this title by reference.

B. Rezoning. The term "rezoning" as used within this title refers to the amendment or other alteration to any development regulation in existence within the township through the legislative act of the township's township committee by ordinance, resolution or motion, as those terms are defined by NJSA 40:49-1, which is proposed by the township committee, other agencies or boards of the township, residents of the township or other persons or entities having an interest in the development of land within the township and which is proposed or initiated for consideration during the time periods between date reports are issued by the township's planning board in its periodic examination of the community's master plan required by NJSA 40:55D-89. This term shall not include any amendment or other alteration to any development regulation which is recommended in the periodic report required by NJSA 40:55D-89(d), the township committee finding that those amendments or alterations would be developed from a comprehensive review of the community's master plan and, therefore, should be free from the procedures set forth in this title.

C. Rezoning Application. The term "rezoning application" refers to an application for rezoning. The application shall include a document approved as to form by resolution of the township's planning board, which states the name, address and telephone number of the applicant, the nature of the amendment or other alteration sought to the development regulations, a brief narrative statement concerning the impact and effect which the proposed amendment or alteration would have on the goals, objectives, policies and assumptions set forth in the most recently adopted master plan of the community, a brief narrative statement concerning whether and how the proposed amendment or alteration will further any of the purposes sought to be advanced under the Municipal Land Use Law, NJSA 40:55D-2, through the adoption of development regulations, a brief narrative statement concerning whether, and how, the proposed amendment or alteration meets the general health, safety and welfare concerns of the community of the region of which it is a part and a brief narrative statement concerning why the purposes sought to be advanced by the amendment or alteration could not be addressed in a statutorily recognized application for development and why the purposes sought to be advanced by the amendment or alteration cannot await consideration during the next periodic re-examination of the master plan under NJSA 40:55D-89. The applicant shall affix to the document a statement providing the specific language which he seeks adopted as an amendment or alteration to the development regulations which shall be presented in an ordinance format and specifically address each section of the existing development regulations sought to be amended. If the proposed amendment or alteration affects specific property within the township, the documents shall, in addition to the above, contain the address, block and lot description, size, dimensions and current zoning district designation of the property in issue. The document shall further contain a narrative statement concerning whether the applicant is the owner of the site, and if not, whether the owner consents to the application, and if not, the nature of the applicant's interest in the application which warrants its consideration by the township. The document shall also contain a narrative description of all uses and/or physical features currently in existence on the property in question and on all properties within two hundred (200) feet of any point of the property in question and the impact which the proposed amendment or alteration will have on those existing uses or physical features. Further, the document shall contain a narrative description of the impact which the proposed amendment or alteration will have on any regional or indigenous need for low to moderate income housing, how this need was determined and what the extent of this need is.

If the proposed amendment or alteration affects the specific property within the township, the application shall be accompanied by a plan, drawn in accordance with preliminary subdivision and/or site plan standards contained within existing land development regulations, to indicate potential development proposals on the lands in question in accordance with the proposed amendment or revisions; provided,

that every applicant by letter request made prior to the filing of an application may seek from the township's planning board a waiver of any requirement contained within those standards. The township planning board, if it determines that any information required by a preliminary subdivision and/or site plan is unnecessary for its evaluation of the application, shall grant the waiver sought. It is noted that the above plan shall not be deemed to bind either the applicant or the township on any subsequent development application, but is required merely to demonstrate the feasibility of proposed development in accordance with the requested amendment or alteration and the impact which such development will have on adjacent properties, the zoning district in issue and the goals, objectives, policies and assumptions set forth in the township's master plan. (Prior code § 15.041.3)

16.06.040 Purposes.

While not specifically required under the Municipal Land Use Law, the township has determined that a procedure should be established whereby an applicant may apply through proper township channels for rezoning of property. By the standards hereinafter established an applicant is required to submit documentary evidence and proofs which will indicate the necessity for and appropriateness of rezoning. Rezoning is a legislative act left to the sole discretion of the township committee; the township, however, is establishing a procedure whereby the township committee may obtain sufficient information in order to make a proper and legally defensible determination on the request. An applicant desiring to have the township committee rezone certain properties within the community shall file an application for rezoning with the administrative officer of the township. The administrative officer shall certify the application as complete or incomplete within sixty (60) days of receipt or it shall be deemed complete on the sixty-first (61st) day after submission. (Prior code § 15.041.4)

16.06.050 Complete application.

A complete application for rezoning shall consist of the following:

- A. Seven copies of a properly completed rezoning application;
- B. A nonrefundable application fee in the amount of one hundred dollars (\$100.00);
- C. A nonrefundable professional review fee of one thousand dollars (\$1,000.00). (Prior code § 15.041.5)

16.06.060 Distribution.

Upon receipt of a complete application, the administrative officer shall retain one copy and shall distribute copies of the rezoning application received to the officials and bodies listed below for their review and reports:

- A. Planning board engineer—one copy;
- B. Planning board solicitor—one copy;
- C. Township administrator—one copy;
- D. Township planner—one copy;
- E. Township planning board—three copies. (Prior code § 15.041.6)

16.06.070 Review of application.

A. Requirements. The planning board of the township shall hold public hearings meeting the standards of NJSA 40:55D-10 on all applications for rezoning. The planning board of the township shall review the application in light of the existing master plan, conditions existing within the community and its general expertise in matters of community development to determine whether the applicant's proposal should be favorably acted upon by the township committee. The planning board for the township shall make specific detailed findings concerning the applicant's proposal as it relates to the standards set forth in Section 16.06.080. The applicant shall at all times bear the burden of establishing proofs sufficient to show both the desirability and necessity for rezoning of the property involved.

- B. Scheduling and Time of Decision. The planning board for the township shall schedule

public hearings required under this section in accordance with NJSA 40:55D-12; provided, that unless the application will affect a specific parcel of land within the township, the notices required to be served on adjacent property owners shall not be required. Each reviewing board shall conclude its review of the proposal within one hundred and sixty (160) days of submission of the application to the board in question for its action by the administrative officer.

C. Reports. Subsequent to action by the planning board, the written findings prepared by the planning board shall be forwarded to the township clerk of the township together with a brief written statement concerning whether the township committee should or should not grant the application for rezoning. (Prior code § 15.041.7)

16.06.080 Review standards.

Each application for rezoning shall specifically address and meet the burdens established by the following standards:

A. Necessity. No application for rezoning shall be granted where it is determined that a proper vehicle under an application for development exists whereby the applicant could obtain the relief sought short of rezoning.

B. Master Plan. No application for rezoning shall be granted which substantially disrupts the findings and conclusions addressed within the master plan unless the planning board of the township determines that it is in the best interest of the community to amend the master plan based on changed circumstances which challenge the principles upon which the master plan was based.

C. Community Benefit. The applicant shall demonstrate that the proposed rezoning will substantially benefit the community and the goals to be achieved by proper planning and will not unduly burden the planned and orderly growth of the community or place an undue exaction upon community facilities required to service the area.

D. Purposes. No application for rezoning shall be granted unless it addresses and advances one or more of the purposes sought to be advanced within the Municipal Land Use Law, NJSA 40:55D-2.

E. Regional Need. No application for rezoning shall be granted if it is determined that it would frustrate or impede the township's efforts to provide and implement its required share of low to moderate income housing within the community.

F. General Standards. No application for rezoning shall be granted unless it is determined that it meets the general health, safety and welfare concerns of the community. (Prior code § 15.041.8)

16.06.090 Township committee action.

A. Receipt of the Reports. Subsequent to receipt of the reports referred to above, the township clerk will cause the question of the applicant's rezoning request to be placed upon the agenda of a committee meeting to be held within forty-five (45) days from the date that the township clerk received the reports in question if no transcript is to be provided, or within forty-five (45) days from the receipt of the transcripts provided, whichever date is later.

B. Hearing Procedures. At the committee meeting scheduled as set forth in subsection A of this section, the township committee shall proceed to hold a hearing held and scheduled in accordance with NJSA 40:55D-17 provided that no transcript of the proceedings before the township planning board shall be filed unless an applicant seeks their consideration by the township committee and arranges for their production. Absent a transcript, the hearings shall be conducted on the report submitted by the planning board. No new evidence shall be received by the township which has not previously been considered by the planning board. In the event that the applicant desires to present new testimony, the matter shall be considered a new application for rezoning and the applicant shall be required again to appear before the planning board as elsewhere provided for in this chapter.

C. Determination. At the conclusion of the hearing as set forth in subsection B of this section, the township committee shall, within the forty-five (45) day time period provided under subsection A of this section, determine by resolution whether they will authorize the preparation of a

zoning ordinance amendment which addresses the request by the applicant for rezoning. Such an amendment may be consistent with the applicant's request, contrary to the applicant's request, or a modification of the applicant's request to meet the standards for rezoning established above. Subsequent to passage of the resolution the matter shall proceed under the procedural requirements of the Municipal Land Use Law of the state of New Jersey. (Prior code § 15.041.9)

16.06.100 Rezoning compliance.

The township committee shall not consider a rezoning request unless and until compliance with the procedural requirements of this chapter are fulfilled. (Prior code § 15.041.10)

16.06.110 Meetings.

A. Meetings of both the planning board and governing body shall be scheduled no less often than once a month and any meeting so scheduled shall be held as scheduled unless cancelled in accordance with the requirements of law.

B. Special meetings may be provided for at the call of the board's presiding officer or on the request of any two members, which shall be held on notice to its members and the public in accordance with all applicable legal requirements; special meetings of the governing body shall be called in accordance with the township's administrative code.

C. No action shall be taken at any meeting without a quorum being present.

D. All actions shall be taken by a majority vote of the members of the municipal agency present, except as otherwise required by the Act.

E. All meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meetings Law, Chapter 231, Laws of New Jersey, 1975. (Prior code § 15.042)

16.06.120 Meeting minutes.

Minutes of every regular or special meeting shall be kept and shall include the names of persons appearing and addressing the board and of the persons appearing by attorney, the action taken by the board, the findings, if any, made by it and reasons therefor. The minutes shall thereafter be made available for public inspection during normal business hours at the office of the administrative officer. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceeding concerning the subject matter of such minutes. Such interested party may be charged a fee for reproduction of the minutes for his use as provided for in this chapter, or by the rules of the board involved. (Prior code § 15.043)

16.06.130 Fees.

Fees for applications or for rendering of any service under provisions of this chapter by the planning board or governing body or any member of their administrative staffs which is not otherwise provided by this chapter may be provided for and adopted as part of the rules of the board and copies of said rules or of the separate fee schedule shall be available to the public. (Prior code § 15.044)

16.06.140 Hearings.

A. Rules. The planning board and the governing body may make rules governing the conduct of hearings before such bodies under this chapter, which rules shall not be inconsistent with the provisions of NJSA 40:55D-1, et seq., or of this chapter.

B. Oaths. The officer presiding at the hearing or such person as he may designate shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the provisions of the county and Municipal Investigations Law, P.L. 1953, Chapter 1938 (NJSA 2A:67A-1 et seq.) shall apply.

C. Testimony. Testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer. The right of cross-examination shall be permitted to all interested parties through their attorneys, if represented, or indirectly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.

D. Evidence. Technical rules of evidence shall not be applicable to the hearing, but the board or body may exclude irrelevant, immaterial or unduly repetitious evidence.

E. Records. Each board or body shall provide for the verbatim recording of the proceedings by either stenographer, mechanical or electronic means. The board or body shall furnish a transcript or duplicate recording in lieu thereof on request to any interested party at his expense. The municipal agency, in furnishing a transcript of the proceedings to an interested party at his expense, shall not charge such interested party more than the maximum permitted in NJSA 2A:11-15. Said transcript shall be certified in writing by the transcriber to be accurate.

F. Eligibility to Vote. When any hearing for a reviewing board shall carry over two or more meetings, a member of the board who was absent for one or more of the meetings shall be eligible to vote on the matter upon which the hearing was conducted, notwithstanding his absence from one or more of the meetings; provided, however, that at such reviewing a board member has available to him a transcript or recording of the meeting from which he was absent, and certifies in writing to the reviewing board that he has read such transcript or listened to such recording. (Prior code § 15.045)

16.06.150 Notice requirements for hearing.

Whenever a public hearing is required on an application for development pursuant to NJSA 40:55D-1, et seq., the applicant shall give notice thereof as follows:

A. Public notice shall be given by publication in the official newspaper of the municipality at least ten days prior to the date of the hearing.

B. Notice shall be given to the owners of all real property as shown on the current tax duplicate or duplicates located within two hundred (200) feet in all directions of the property which is the subject of such public hearing and whether located within or without the municipality in which the applicant's land is located. Such notice shall be given by:

1. Serving a copy thereof on the owner as shown on the said current tax duplicate or his agent in charge of the property; or

2. Mailing a copy thereof by certified mail to the property owner at his address as shown on the said current tax duplicate. A return receipt is not required. Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, a vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation.

C. Notice of all public hearings on applications for development involving property located within two hundred (200) feet of an adjoining municipality shall be given by personal service or certified mail to the clerk of such municipality, which notice shall be in addition to the notice required to be given pursuant to subsection B of this section to the owners of lands in such adjoining municipality which are located within two hundred (200) feet of the subject premises.

D. Notice shall be given by personal service or certified mail to the county planning board of a public hearing on an application for development of property adjacent to an existing county road or proposed road shown on the official county map or on the county master plan, adjoining other county land or situated within two hundred (200) feet of a municipal boundary.

E. Notice shall be given by personal service or certified mail to the Commissioner of Transportation of a public hearing on an application for development of property adjacent to a state highway.

F. Notice shall be given by personal service or certified mail to the director of the Division of State and Regional Planning in the Department of Community Affairs of a public hearing on an

application for development of property which exceeds one hundred fifty (150) acres or five hundred (500) dwelling units. Such notice shall include a copy of any maps or documents required to be on file with the administrative officer pursuant to Section 6B of Chapter 291, Laws of New Jersey, 1975.

G. All notices hereinabove specified in this section shall be given at least ten days prior to the date fixed for the public hearing and the applicant shall file an affidavit of proof of service with the board holding the public hearing on the application for development.

H. Any notice made by certified mail as hereinabove required shall be deemed to be complete upon mailing in accordance with the provisions of NJSA 40:55D-14.

I. All notices required to be given pursuant to the terms of this chapter shall state the date, time and place of the public hearing, the nature of the matters to be considered and identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the municipal tax assessor's office and the location and times at which any maps and documents for which approval is sought are available as required by law. (Prior code § 15.046)

16.06.160 List of property owners furnished.

Upon the written request of an applicant, the administrative officer of the township shall, within seven days, make and certify a list from said current tax duplicates of names and addresses of owners to which the applicant is required to give notice, pursuant to Section 16.06.150(B). The applicant shall be entitled to rely upon the information contained in such list, and failure to give notice to any owner not on the list shall not invalidate any hearing or proceeding. A sum not to exceed twenty-five cents (\$0.25) per home, or ten dollars (\$10.00), whichever is greater, may be charged for such list. (Prior code § 15.047)

16.06.170 Decisions.

A. Each decision on any application for development shall be set forth in writing as a resolution of the board which shall include finding of fact and legal conclusions based thereon. Failure of a motion to approve an application for development to receive the number of votes required for approval, shall be deemed an action denying the application. The municipal agency may provide such written decision and findings and conclusions either on the date of the meeting at which the municipal agency takes to grant or deny approval, or, if the meeting at which such action is taken occurs within the final forty-five (45) days of the applicable time period for rendering a decision on the application for development, within forty-five (45) days of such meeting by the adoption of a resolution of memorialization, setting forth the decision and findings and conclusions of the municipal agency thereon. An action resulting from the failure of a motion to approve an application shall be memorialized by resolution as provided above, notwithstanding the time at which such action occurs within the applicable time period for rendering a decision on the application. The adoption of a resolution of memorialization pursuant to this subsection shall not be construed to alter the applicable time period for rendering a decision on the application for development. Such resolution shall be adopted by a vote of a majority of the members of the municipal agency who voted for the action previously taken, and no other member shall vote thereon. The vote on such resolution shall be deemed to be a memorialization of an action of the municipal agency, and not to be an action of the municipal agency; except that failure to adopt such a resolution with the fifteen (15) day period shall result in the approval of the application for development, notwithstanding any prior action taken thereon. Whenever a resolution of memorialization is adopted in accordance with this subsection, the date of such adoption shall constitute the date of the decision, for purposes of mailings, filings and publications required by the Municipal Land Use Law.

B. A copy of the decision shall be mailed by the board within ten days of the date of decision, to the applicant, or, if represented, to his attorney, without separate charge. A copy of the decision shall also be mailed to all persons who have requested it and who have paid the fee prescribed by the board for such service. A copy of the decision shall also be filed in the office of the administrative officer, who shall make a copy of such filed decision available to any interested party upon payment of a

fee calculated in the same manner as those established for copies of other public documents in the municipality. (Prior code § 15.048)

16.06.180 Publication of decision.

A brief notice of every final decision shall be published in the official newspaper of the municipality. Such publication shall be arranged by the administrative officer for matters involving the planning board, and by the municipal clerk in matters involving the governing body, without a separate charge to the applicant. This notice shall be sent to the official newspaper for publication within ten days of the date of any such decision. (Prior code § 15.049)

16.06.190 Payment of taxes.

Pursuant to the provisions of NJSA 40:55D-39 and NJSA 40:55D-65, every application for development submitted to the planning board or governing body shall be accompanied by proof that no taxes or assessments for local improvements are due or delinquent on the property, any approvals or other relief granted by either board or body, shall be conditioned upon either the prompt payment of such taxes or assessment, or the making of adequate provision for the payment thereof in such manner that the municipality will be adequately protected. (Prior code § 15.0410)

16.06.200 Appeals to the governing body.

A. "D" Variance Appeals. Any interested party desiring to appeal the decision of a municipal agency shall appeal to the township committee. Such appeal shall be made within ten days of the date of publication of such final decision pursuant to Section 16.06.180. The appeal to township committee shall be made by serving the township clerk in person or by certified mail with a notice of appeal specifying the grounds therefor and the name and address of his attorney if represented. Such appeal shall be decided by the township committee only upon the record established before the planning board.

B. Notice Requirements. Notice of a meeting to review the record below shall be given by the township clerk by personal service or certified mail to the appellant, to those entitled to notice of a decision pursuant to Section 16.06.170 and to the planning board by service upon the secretary of the board at least ten days prior to the date of the meeting. Parties may submit oral or written argument on record at such meeting and the township committee shall provide for a verbatim recording and transcripts of such meeting pursuant to Section 16.06.140(E).

C. Transcript. The appellant shall: (1) within five days of service of the notice of appeal, pursuant to subsection A of this section, arrange for a transcript pursuant to this chapter for use by the township committee and pay a deposit of fifty dollars (\$50.00) or the estimated cost of such transcription, whichever is less; or (2) within thirty-five (35) days of service of the notice of appeal, submit a transcript as otherwise arranged to the township clerk; otherwise, the appeal may be dismissed for failure to prosecute. (Prior code §§ 15.0411.1—15.0411.3)

16.06.210 Committee action on appeals.

A. Time for Decision. The township committee shall conclude a review of the record below not later than ninety-five (95) days from the date of publication of notice of the decision below, pursuant to this chapter, unless the applicant consents in writing to an extension of such period. Failure of the township committee to hold a hearing and conclude a review of the record below, and to render a decision within such specified period, shall constitute a decision affirming the action of the board.

B. Action. The township committee may reverse, remand, or affirm wholly or in part or may modify the final decision of the zoning board of adjustment.

C. Vote Necessary. The affirmative vote of the majority of the full authorized membership of the township committee shall be necessary to reverse, remand or modify any final decision of the board.

D. Notice of Decision. The township clerk shall mail a copy of the decision to the appellant or if represented, then to his attorney, and to the applicant, without separate charge, and for a fee as designated under Chapter 16.10 to any interested party who has requested it, not later than ten days after the date of the decision. A brief notice of the decision shall be published in the official newspaper of the township. Such publication shall be arranged by the township clerk; provided, that the applicant may arrange for such publication if he so desires.

E. Stay. An appeal to the township committee shall stay all proceedings and furtherance of the action in respect to which the decision appealed from was made unless the planning board certifies to the township committee, after the notice of appeal shall have been filed with the planning board, that by reason of fact stated in the certificate a stay would, in its 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 on application upon notice to the planning board and on good cause shown.

F. Court Action. Nothing in this chapter shall be construed to restrict the right of any party to obtain a review by any court of competent jurisdiction according to law. (Prior code §§ 15.0411.4—15.0411.6)

Chapter 16.08

PROCEDURAL REQUIREMENTS GOVERNING APPROVAL OF APPLICATION FOR DEVELOPMENT, CONDITIONAL USES, VARIANCES AND REZONING

Sections:

16.08.010	Procedural requirements generally.
16.08.020	Preliminary discussions.
16.08.030	Complete formal applications—Submittal procedure.
16.08.040	Hearing procedures.
16.08.050	Reviewing board action.
16.08.060	Time of decision.
16.08.070	Review standards.
16.08.080	Rights under an approval.
16.08.090	Filing requirements.
16.08.100	Rezoning application— Procedure generally.
16.08.110	Hearing procedures.
16.08.120	Rezoning application— Review standards.
16.08.130	Township committee action on rezoning applications.

16.08.010 Procedural requirements generally.

A. Local Approval. Approval of subdivision plats by resolution of the reviewing board shall be required as a condition for filing of such plats or for the filing of a deed evidencing such approval with the county recording officer. Approval of other applications for development by resolution of the reviewing board shall be required as a condition for the issuance of a building permit and certificate of occupancy for any development, except that subdivision or individual lot applications for detached one- or two-dwelling-unit buildings shall be exempt from such site plan review and approval.

B. County Approval. Each application for subdivision approval, where required pursuant to Section 5 of P.L. 1968, c. 285, and each application for site plan approval, where required pursuant to Section 8 of P.L. 1968, c. 285 shall be submitted by the applicant to the county planning board for review and approval, as required by the aforesaid sections, and the approving authority shall condition any approval that it grants 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. (Prior code § 15.051)

16.08.020 Preliminary discussions.

Nothing in this chapter shall be construed to limit the right of an applicant to seek informal discussions with the reviewing board or its staff. Where such a procedure is sought, the applicant shall indicate its desire in a letter to the administrative officer. If the applicant desires or if the reviewing board requires that the applicant's proposal be reviewed by the board's professional staff, the escrow sums required under Chapter 16.10 shall be posted. Neither the reviewing board nor the applicant shall be bound by any such discussions or statements made during such review; provided, that the right of the developer at any time to submit a complete formal application for development shall not be limited by his submission of a preliminary discussion plat and the time for the reviewing board's decision shall not begin to run until the submission of a complete formal application. (Prior code § 15.052)

16.08.030 Complete formal applications—Submittal procedure.

A. Generally. The applicant shall submit copies of his complete formal application for development to the administrative officer. The time for the board's review shall not begin to run until the submission of a complete formal application with the required fee. Unless the applicant is informed in

writing by the administrative officer within forty-five (45) days of the actual submission of the application that it is incomplete, said application shall be deemed complete as of the date it was submitted.

B. Complete Formal Application. A complete formal application for development shall consist of the following:

1. A properly completed site plan, subdivision, variance and/or conditional use information form;
2. The required fee, as per Chapter 16.10 of this title;
3. A site plan or subdivision plot plan meeting the requirements of Chapter 16.04 et seq. of this title.

C. Distribution. The administrative officer shall distribute a copy of the plat submitted as part of the application for development for review and report, and where required approval, as follows:

1. Reviewing board (three copies);
2. The planning board when not the reviewing board (one copy for information purposes only);
3. Reviewing board's consulting engineer (one copy);
4. Reviewing board's attorney (one copy);
5. Board of fire engineers (one copy);
6. The office of licensing and inspection (one copy);
7. The township engineer (one copy);
8. The environmental commission (one copy);
9. The shade tree commission (one copy);
10. The recreation commission (one copy);
11. Department of public works (one copy of a final plan only). (Prior code § 15.053.1)

16.08.040 Hearing procedures.

A. Requirements. A hearing meeting the standards of Chapter 16.06 shall be held on all applications for development. A public hearing meeting the standards of Section 16.06.150 shall be held on all applications for development except final approvals, appeals, minor subdivisions, and minor site plans.

B. Scheduling.

1. Generally. The administrative officer, subsequent to certifying an application for development as complete, shall cause the question of applicant's application to be placed upon the agenda of the next regularly or specially scheduled meeting of the reviewing board, except where the certification has not occurred at least two weeks prior to the regularly or specially scheduled meeting of the reviewing board, in which case said question shall be held over until the next regularly or specially scheduled meeting of the reviewing board. When the term "specially scheduled meeting" is used above, it is deemed to refer to only specially scheduled meetings as the reviewing board shall at its discretion call for the review of applications for development and not for work sessions. The administrative officer shall advise the applicant in writing of the date and time when his application for development or rezoning will be heard.

2. Waiver. The reviewing board may, by a two-thirds majority vote of its entire membership, waive the two-week requirements set forth in subsection (B)(1) of this section.

3. Notice. Subsequent to receiving notice from the administrative officer of the date and time when the application for development will be heard, an applicant whose application requires the holding of a public hearing shall cause the notices required under Section 16.06.150 to be sent or published. The applicant shall, prior to the holding of a public hearing, file an affidavit of service and publication on a form approved by the reviewing board, indicating the names of persons served pursuant to the requirements of Section 16.06.150 and the date and newspaper of publication with the administrative officer. Prior to consideration by the reviewing board of applicant's application, the board

shall determine that proper service was effectuated.

4. Official Reports. All parties, boards and officials to whom plans were submitted pursuant to this chapter, shall review said plans prior to the hearing referred to above and may make such written or oral reports upon the conformity or lack of conformity of these plans to all township requirements, and the standards set forth in this chapter are deemed appropriate. Said reports shall be made a part of the minutes of the hearing and shall constitute a basis upon which the reviewing board may take action upon the application. Such references shall not extend the period of time within which the reviewing board shall act. (Prior code § 15.053.2 (part))

16.08.050 Reviewing board action.

At the regularly or specially scheduled meeting of the reviewing board during which the applicant's application is upon the agenda for consideration, the reviewing board by written resolution may take any of the following actions:

A. Rejection of the Application. The reviewing board may reject the application of applicant for any deviation from the requirements of this chapter, other township ordinances or state law. The board shall in the resolution rejecting the application set forth the factual and legal grounds relied upon by the board in reaching its decision. Upon rejection the secretary of the reviewing board shall cause a notation of said rejection placed on two copies of the plan submitted in connection with applicant's application, retain one copy for reviewing board files and send the second copy to the administrative officer who shall in turn cause the rejected plan to be returned to the applicant along with a copy of the adopted resolution.

B. Approval. The reviewing board may approve the application for development under the standards of Section 16.08.070, with or without conditions:

1. Without Conditions. In the event that the reviewing board shall approve an applicant's application for development without conditions, the application shall be deemed approved and grant to the applicant the right granted under Section 16.08.080.

2. Subject to Conditions. In the event that the reviewing board shall approve applicant's application for development subject to conditions, said conditions shall be noted where possible on the plans approved in connection with applicant's application as well as set forth within the resolution adopted by the reviewing board.

C. Holdover for Further Study. The reviewing board may hold over any application for development for further study and action. In no event, however, may the reviewing board hold over any matter without first establishing a date certain wherein further action of the board will take place and in no event for a period of time in excess of that set forth in Section 16.08.060.

D. Modification on Appeal. The planning board may reverse or affirm, wholly or in part, or may modify the action, order, requirement, decision, interpretation or determination appealed pursuant to NJSA 40:55D-72 and to that end have all the powers of the subcode official or administrative officer from whom the appeal is taken.

E. Appeal Procedures. Any interested party aggrieved by a decision of a reviewing board may either appeal the determination to a court of competent jurisdiction or, if the matter involved a decision pursuant to NJSA 40:55B-70D, to the governing board pursuant to Chapter 16.06. (Prior code § 15.053.2 (part))

16.08.060 Time of decision.

A. Minor Subdivision. Minor subdivision approval shall be granted or denied within forty-five (45) days of the date of submission of a complete application to the administrative officer, or within such further time as may be consented to by the applicant.

B. Preliminary Site Plan Approval and Conditional Use Applications.

1. Site Plans: Ten Acres or Less. Upon the submission to the administrative officer of a complete application for a site plan for ten acres of land or less, the reviewing board shall grant or deny

preliminary approval within forty-five (45) days of the date of such submission or within such further time as may be consented to by the developer, except that if the application for site plan approval also involves an application for relief pursuant to NJSA 40:55D-60, the planning board shall grant or deny preliminary approval within ninety-five (95) days of the date of the submission of a complete application to the administrative officer, or within such further time as may be consented to by the applicant.

2. Site Plans: More Than Ten Acres and Conditional Use Applications. Upon the submission of a complete application for a site plan which involves more than ten acres, or more than ten dwelling units, or for a conditional use approval, the reviewing board shall grant or deny preliminary approval of the site plan and/or approval of the conditional use within ninety-five (95) days of the date of such submission, or within such further time as may be consented by the applicant.

C. Preliminary Subdivision Approval.

1. Ten or Fewer Lots. Upon the submission to the administrative officer of a complete application for a subdivision of ten or fewer lots, other than a minor subdivision as defined in this title, the reviewing board shall grant or deny preliminary approval within forty-five (45) days of the date of such submission or within such further time as may be consented to by the developer, except that if the application for subdivision approval also involves an application for relief pursuant to NJSA 40:55D-60, the reviewing board shall grant or deny preliminary approval within ninety-five (95) days of the date of submission of a complete application to the administrative officer, or within such further time as may be consented to by the applicant.

2. More Than Ten Lots. Upon the submission of a complete application for a subdivision of more than ten lots, the reviewing board shall grant or deny preliminary approval within ninety-five (95) days of the date of such submission or within such further time as may be consented to by the developer.

D. Final Subdivision or Site Plan Approval. Final approval for a site plan or subdivision shall be granted or denied within forty-five (45) days after submission of a complete application to the administrative officer of the reviewing board or within such further time as may be consented to by the applicant.

E. Planning Board Action. The planning board shall render a decision not later than one hundred twenty (120) days after the date: (1) an appeal is taken from the decision of the subcode official or administrative officer; or (2) the submission of a complete application for development to the planning board through the administrative officer.

F. Special Rules.

1. Failure to Act. Failure of the reviewing board to reach a decision within the specified time periods or extensions thereof shall result in the approval of the application for development as submitted.

2. Simultaneous Review. The reviewing board shall have the power to review and approve or deny conditional uses, variances or site plans simultaneously with review for subdivision approval without the developer being required to make further application to the reviewing board or the reviewing board being required to hold further hearings. The longest time period for action by the reviewing board, whether it be for subdivision, conditional use, variance or site plan approval, shall apply. Whenever approval of a conditional use or variance is requested by the developer pursuant to this subsection, notice of the hearing on the plat shall include reference to the request for such conditional or variance use.

3. Waiver.

a. Requirement for Approval. The reviewing board may waive site plan approval requirements if the construction or alteration or change of occupancy or use does not affect existing circulation, drainage, relationships of buildings to each other, landscaping, buffering, lighting and other considerations of site plan review.

b. Exception to Application of Subdivision or Site Plan Regulations.

i. Exceptions: Subdivisions. The reviewing board when acting upon applications for preliminary or minor subdivision approval shall have the power to grant such exceptions from the requirements for subdivision approval as may be reasonable and within the general purpose and intent of

the provisions for subdivision review and approval of this chapter, if the literal enforcement of one or more provisions of this chapter is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

ii. Exceptions: Site Plans. The reviewing board when acting upon application for preliminary site plan approval shall have the power to grant such exceptions from the requirements for site plan approval as may be reasonable and within the general purpose and intent of this title, if the literal enforcement of one or more provisions of this title is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

4. Substantial Amendment. If the reviewing board requires any substantial amendment in the layout of improvements proposed by the developer that have been the subject of a hearing, an amended application for development shall be submitted and proceeded upon, as in the case of the original application for development.

5. Stay of Proceedings by Appeal. An appeal to the planning board shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made unless the subcode official or administrative officer from whose action the appeal is taken certifies to the planning board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his 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. (Prior code § 15.053.3)

16.08.070 Review standards.

A. Minor Subdivisions. The planning board shall waive notice and public hearing for an application for development if the reviewing board finds that the application for development conforms to the definition of minor subdivisions in this title. Minor subdivision approval shall be deemed to be final approval of the subdivision by the board; provided, that the board may condition such approval on terms ensuring the provision of improvements pursuant to this title.

B. Preliminary Subdivision or Site Plans. Upon the submission of a complete formal application for preliminary subdivision or site plan approval, and, after holding hearings as required by law, the reviewing board shall determine whether the application conforms to the design and improvement standards set forth in this title. If the application either with or without conditions conforms to these standards, it shall be approved. If the application does not conform to these standards, it shall be rejected.

C. Final Subdivision or Site Plans. The reviewing board shall grant approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established by this title for final plans (Chapter 16.04), the conditions of preliminary approval, and, in the case of major subdivision, the standards prescribed by the Map Filing Law, P.L. 1960, c. 141, provided that in the case of a planned development, the reviewing board may permit minimal deviations from the conditions of preliminary approval necessitated by changes of condition 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.

D. Conditional Use Applications. Upon the submission of a complete application for a conditional use, and after holding hearings as required by law, the reviewing board shall determine whether the application conforms to the design and improvement standards set forth in this title. If the application either with or without conditions conforms to these standards, the reviewing board shall further determine whether the proposed use as presented or as conditioned is compatible with the prevailing and proposed community plan for the area of the proposed use and that if allowed, the proposal will not adversely affect other uses in the general area. Upon making these determinations, the reviewing board shall approve applicant's plan. If the application does not conform to these standards, it shall be rejected.

E. Variances. Upon the submission of a complete application for a variance and after

holding hearings as required by law, the reviewing board shall determine whether the applicant has established by a preponderance of the evidence submitted that cause exists for the granting of applicant's application under NJSA 40:55D-70. In making this finding, the reviewing board shall determine that the variance or other relief can be granted either with or without conditions, without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance. If the reviewing board makes such findings, the application shall be approved; if not, the application should be rejected. (Prior code § 15.053.4)

16.08.080 Rights under an approval.

A. Minor Subdivision. Upon approval and compliance with the filing requirements contained in Section 16.08.090, the zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor subdivision approval was granted, shall not be changed for a period of two years after the date of minor subdivision approval.

B. Preliminary Subdivisions and Site Plans. Preliminary approval of a major subdivision or site plan except as provided in subsection (B)(4) of this section shall confer upon the applicant the following rights for a three-year period from the date of the preliminary approval:

1. That the general terms and conditions on which preliminary approval was granted shall not be changed, including but not limited to the requirements, layout and design standards for streets, curbs and sidewalks; lot size; yard dimensions and off-tract improvements; and, in the case of a site plan, existing natural resources to be preserved on the site; vehicular and pedestrian circulations, parking and loading; screening, landscaping and location of structures; exterior lighting both for safety reasons and street lighting; except that nothing herein shall be construed to prevent the township from modifying by ordinance such general terms and conditions of preliminary approval as relate to public health and safety;

2. 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; and

3. That the applicant may apply for and the reviewing board may grant extensions on such preliminary approval for additional periods of at least one year but not to exceed a total extension of two years, provided that if the design standards have been revised by ordinance, such revised standards may govern;

4. In the case of a subdivision or site plan for an area of fifty (50) acres or more, the reviewing board may grant the rights referred to in subsection (B)(1), (2) and (3) of this section for such period of time, longer than three years, as shall be determined by the reviewing board to be reasonable taking into consideration: (a) the number of dwelling units and nonresidential floor area permissible under preliminary approval; (b) economic conditions; and (c) the comprehensiveness of the development. The applicant may apply for thereafter and the reviewing board may thereafter grant an extension on preliminary approval for such additional period of time as shall be determined by the reviewing board to be reasonable taking into consideration: (d) the number of dwelling units and nonresidential floor area permissible under preliminary approval; and (e) the potential number of dwelling units and nonresidential floor area of the section or sections awaiting final approval; (f) economic conditions; and (g) the comprehensiveness of the development; provided that if the design standards have been revised, such revised standards may govern.

C. Conditional Use. The approval of a conditional use is a determination by the reviewing board that a use permitted within a zone if certain conditions are met is a permitted use of applicant's property. Approval of the application grants to the applicant the right to utilize his property in the fashion set forth within his approval and in this connection to receive upon request a building permit and certificate of occupancy provided that other conditions for their issuance, not addressed by this title, are met.

D. Variances. The approval of a variance is a determination by the reviewing board that a use or condition not otherwise permitted or allowed within a zone is allowed because the applicant has

affirmatively met the standards for approval specified under Section 16.08.070. Approval of the application grants to the applicant the right to utilize his property in the fashion set forth within his approval as if said usage were permitted under this title. Such rights run with the land and are transferable. In this connection, an applicant may receive upon request a building permit and certificate of occupancy provided that other conditions for their issuance, not addressed by this title, are met.

E. Final Subdivision or Site Plan Approval.

1. Generally. The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer pursuant to subsection B of this section, whether conditionally or otherwise, shall not be changed for a period of two years after the date of final approval; 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 Section 16.08.090. If the developer has followed the standards prescribed for final approval, and, in the case of a subdivision, has duly recorded the plat as required in Section 16.08.090, the approving authority may extend such period of protection for extensions of one year but not to exceed three extensions. Notwithstanding any other provisions of this title, the granting of final approval terminates the time period of preliminary approval pursuant to subsection B of this section for the section granted final approval.

2. In the case of a subdivision or site plan for a planned unit development or planned unit residential development or residential cluster, if such usage is specifically permitted under other sections of this title, of fifty (50) acres or more or conventional subdivision or site plan for one hundred fifty (150) acres or more, the approving authority may grant the rights referred to in subsection A of this section, for such period of time longer than two years, as shall be determined by the approving authority to be reasonable taking into consideration: (a) the number of dwelling units and nonresidential floor area permissible under final approval; (b) economic conditions; and (c) the comprehensiveness of the development. The developer may apply for thereafter, and the reviewing board may thereafter grant, an extension of final approval for such additional period of time as shall be determined by the approving authority to be reasonable taking into consideration: (d) the number of dwelling units and nonresidential floor area permissible under final approval; (e) the number of dwelling units and nonresidential floor area remaining to be developed; (f) economic conditions; and (g) the comprehensiveness of the development. (Prior code § 15.053.5)

16.08.090 Filing requirements.

A. Minor Subdivisions. Approval of a minor subdivision shall expire one hundred ninety (190) days from the date of municipal approval unless within such period a plat in conformity with such approval and the provisions of the Map Filing Law, P.L. 1960, c. 141, or a deed clearly describing the approved minor subdivision, is filed by the developer with the county recording officer, the municipal engineer and the municipal tax assessor. Any such plat or deed accepted for such filing shall have been signed by the chairman and the secretary of the reviewing board. In reviewing the application for development for a proposed minor subdivision the reviewing board may accept a plat not in conformity with the Map Filing Act; provided, that if the developer chooses to file the minor subdivision as provided herein by the plat rather than deed such plat shall conform with the provisions of said Act.

B. Major Subdivisions.

1. Filing. 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 developer with the county recording officer. The approving authority 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.

2. Evidence of Approval. Final approval of a major subdivision shall be evidenced by affixing to the plat the signature of the chairman and secretary of the approving authority indicating that the approving authority failed to reach a decision on the subdivision application within the prescribed time. The signatures of the chairman and secretary of the approving authority shall not be affixed until

the developer has posted the guarantees required pursuant to Chapter 16.124. (Prior code § 15.053.6)

16.08.100 Rezoning application— Procedure generally.

A. While not specifically required under the Land Use Law, the township has determined that a procedure should be established whereby an applicant may apply through proper township channels for rezoning of property. By the standards hereinafter established an applicant is required to submit documentary evidence and proofs which will indicate the necessity for and appropriateness of rezoning. Rezoning is a legislative act left to the sole discretion of the township committee; the township, however, is establishing a procedure whereby the township committee may obtain sufficient information in order to make a proper and legally defensible determination on the request. An applicant desiring to have the township committee rezone certain properties within the community shall file an application for rezoning with the administrative officer of the township. The administrative officer shall certify the application as complete or incomplete within sixty (60) days of receipt where it shall be deemed complete on the sixty- first (61st) day after submission.

B. Complete Application. A complete application for rezoning shall consist of the following:

1. A properly completed rezoning information form;
2. The required fee as per Chapter 16.10;
3. The resubdivision plot plan meeting the requirements of Chapter 16.04 et seq. of this title.

C. Distribution. The administrative officer shall distribute copies of the plot submitted as part of the application for rezoning for review and a report and where required approval in accordance with Section 16.08.030(C). (Prior code § 15.054.1)

16.08.110 Hearing procedures.

A. Requirements. Both the zoning board of adjustment and the planning board of the township shall hold hearings/meetings in accordance with the standards set forth at Chapter 16.06 on all applications for rezoning. Said hearings/meetings shall be held first before the zoning board of adjustment to determine whether any rezoning action should be taken which will properly protect the interest of the community. Subsequent to action by the zoning board of adjustment the application shall be referred to the planning board of the township who shall review the application in light of the existing master plan, conditions existing within the community and its general expertise in matters of community development to determine whether the applicant's proposal should be favorably acted upon by the township committee. Both the zoning board of adjustment and the planning board for the township shall make specific detailed findings of fact and conclusions of law concerning the applicant's proposal as it relates to the standards set forth in Section 16.08.120. The applicant shall at all times bear the burden of establishing proofs sufficient to show both the desirability and necessity for rezoning of the property involved.

B. Scheduling and Time of Decision. The zoning board of adjustment and the planning board for the township shall schedule the hearings required under this section in accordance with Section 16.08.040(B). Each reviewing board shall conclude its review of the proposal within one hundred and sixty (160) day of submission of the application to the board in question for its action by the administrative officer.

C. Reports. Subsequent to action by the zoning board of adjustment and the planning board, the written findings of facts and conclusions of law prepared by the zoning board of adjustment and the planning board shall be forwarded to the township clerk of the township together with a brief written statement concerning whether the township committee should or should not grant the application for rezoning. (Amended during 1997 codification; prior code § 15.054.2)

16.08.120 Rezoning application— Review standards.

Each application for rezoning shall specifically address and meet the burdens established by the following standards:

A. Necessity. No application for rezoning shall be granted where it is determined that a proper vehicle under an application for development exists whereby the applicant could obtain the relief sought short of rezoning.

B. Master Plan. No application for rezoning shall be granted which substantially disrupts the findings and conclusions addressed within the master plan unless the planning board of the township determines that it is in the best interest of the community to amend the master plan based on changed circumstances which challenge the principles upon which the master plan was based.

C. Unconstitutional Taking. The applicant shall demonstrate by proper proof that absent rezoning there is a substantial likelihood that the zoning regulations currently in existence will unconstitutionally deprive the applicant of his rights to property.

D. Community Benefit. The applicant shall demonstrate that the proposed rezoning will substantially benefit the community and the goals to be achieved by proper planning and will not unduly burden the planned and orderly growth of the community or place an undue exaction upon community facilities required to service the area. (Prior code § 15.054.3)

16.08.130 Township committee action on rezoning applications.

A. Receipt of the Reports. Subsequent to receipt of the reports referred to above, the township clerk shall cause the question of the applicant's rezoning request to be placed upon the agenda of a committee meeting to be held within ninety-five (95) days from the date that the township clerk received the reports in question.

B. Hearing Procedure. At the committee meeting scheduled as set forth in subsection A of this section, the township committee shall proceed to hold a hearing on the reports submitted by the planning board. No new evidence shall be received by the township which has not previously been considered by either the board of adjustment or the planning board. In the event that the applicant desires to present new testimony, the matter shall be considered a new application for rezoning and the applicant shall be required to again appear before the board of adjustment and the planning board as elsewhere provided for in this title.

C. Determination. At the conclusion of the hearing as set forth in subsection B of this section, the township committee shall within ninety-five (95) days determine by resolution whether they will authorize the preparation of a zoning ordinance amendment which addresses the request by the applicant for rezoning. Such an amendment may be consistent with the applicant's request, contrary to the applicant's request, or a modification of the applicant's request to meet the general health, safety and welfare concerns of the community.

Subsequent to passage of the resolution the matter shall proceed under the procedural requirements of the Land Use Law of the state of New Jersey. (Prior code § 15.054.4)

Chapter 16.10

FEE AND ESCROW SCHEDULE

Sections:

- 16.10.010 Fee and escrow schedule generally.
- 16.10.020 Schedule of fees.
- 16.10.030 Rules of construction.

16.10.010 Fee and escrow schedule generally.

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

B. At the time of submitting his application and plans to the administrative officer, the applicant shall be required to execute an escrow agreement between the applicant and the reviewing agency to cover the cost of technical and professional review of the application for development. Said escrow agreement shall be in the form approved by the solicitor of the township. The escrow agreement shall provide that the applicant pay all necessary and reasonable costs incurred by the technical and professional staff employed by the reviewing agency for review of applicant's application for development.

C. The sums specified below are estimates which shall be posted prior to consideration by the reviewing agency or its staff of that stage of applicant's review process indicated. In the event that more than the sums specified below are required to pay the reasonable cost incurred, the applicant shall, prior to being permitted to take the next step in the approval procedure, or in any element of his project, pay all additional sums required. In the event that the fees posted are more than those required the excess funds shall be returned to the applicant within fourteen (14) days of the issuance of an occupancy permit for any element of the project.

D. Prior to the issuance of an occupancy permit for any element of the project seeking approval under this title the administrative officer shall determine from the professional staff employed by the reviewing agency in the review of the applicant's application for development whether there are any additional sums required to be paid from the escrow fund established. In the event that there are, the administrative officer shall so notify the township chief financial officer of the amounts to be held in that account. The administrative officer shall determine the position of all escrow accounts and where additional funds are required it shall be the obligation of the administrative officer to so notify the applicant of the amounts needed and to properly make all payments required to be made under this chapter.

E. In addition to these terms the escrow agreement may require any other additional terms which are agreed to by the applicant and the reviewing agency. The schedule of fees shall be posted in the office of the administrative officer and such other place or places as the reviewing agency shall direct. (Prior code § 15.061)

16.10.020 Schedule of fees.

- A. Preliminary Discussions.*
 - 1. Application filing fee—\$50.00;
 - 2. Escrow fees—\$10.00 per unit, or acre, whichever is greater. Minimum: \$50.00 for subdivision or \$100.00 per acre for all other applications.
- B. Minor Subdivision.

1. Application fee—\$50.00;
2. Escrow fee—\$150.00 per lot.
- C. Minor Site Plan.
 1. Application fee—\$50.00;
 2. Escrow fee—\$375.00.
- D. Preliminary Major Subdivision.
 1. Application fee—\$100.00;
 2. Escrow fee—\$100.00 per unit or acre, whichever is greater, with a minimum of \$700.00.
- E. Preliminary Major Site Plan.
 1. Application fee—\$100.00;
 2. Escrow fee—\$500.00 per acre with \$500.00 minimum.
- F. Final Major Subdivision.
 1. Application fee—\$50.00;
 2. Escrow fee—\$100.00 per unit or acre, whichever is greater, with \$500.00 minimum.
- G. Final Major Site Plan.
 1. Application fee—\$50.00;
 2. Escrow fee—\$200.00 per acre with \$400.00 minimum.
- H. Use Variances.

**Filing Escrow
Fee Fee**

- | | | | |
|----|-------------|----------|----------|
| 1. | Residential | \$ 25.00 | \$150.00 |
| 2. | Commercial | 100.00 | 300.00 |
| 3. | Industrial | 200.00 | 500.00 |

- I. Bulk Variances.

**Filing Escrow
Fee Fee**

- | | | | |
|----|-------------|----------|----------|
| 1. | Residential | \$ 25.00 | \$150.00 |
| 2. | Commercial | 100.00 | 300.00 |
| 3. | Industrial | 200.00 | 500.00 |

- J. Appeals.
 1. Application fees—\$100.00;
 2. Escrow fee—\$200.00.

(Note: Applicant shall be required to pay actual cost of preparation of transcript on appeal as determined by the administrative officer, in addition to the fees listed above.)

K. Performance Escrow. Performance escrow is six percent of the cost of improvements as calculated by reviewing board's engineer.

L. Revised Site Plan for Subdivision. Applicant will be required to, for each refile of plans not requiring a new application, post an additional sum equal to one-fourth (1/4th) of the escrow fee normally established for the proposal as set forth above.

- M. Conditional Use.
 1. Application fees—\$100.00;
 2. Escrow fees—\$450.00 per acre with \$750.00 minimum.
- N. Rezoning.
 1. Application fees—\$100.00;
 2. Escrow fees—\$2,000.00.

* Nothing heretofore withstanding, where an applicant seeks merely an informal review by the reviewing board which does not entail the review of the applicant's proposal by the professional staff employed by the board, no filing fee or escrow fee shall be charged.

(Ord. 3-91 § 1; Ord. 1-88 §§ 1, 2; prior code § 15.062)

16.10.030 Rules of construction.

A. Cumulative Sum. Where an applicant submits an application involving a combination of approvals, i.e., subdivision application submitted together with a variance request, fees provided in Section 16.10.020 for each category of approval sought shall be posted. Therefore, fees under this section shall be deemed cumulative in nature.

B. Waiver. The reviewing board shall have the power in appropriate cases to compromise or waive the fees required under Section 16.10.020 where an applicant shall present to the reviewing board sufficient proof that the cost incurred by the township would not necessitate posting of the specified sums. (Prior code § 15.063)

Chapter 16.12

ZONING MAP

Sections:

- 16.12.010 Zoning map.
- 16.12.020 Zone boundaries.

16.12.010 Zoning map.

The boundary lines of all zones shall be shown on a map attached to and made a part of the ordinance codified in this chapter and known as the zoning map of the township of Edgewater Park dated February 10, 1982. Said map and all notations and references thereon are incorporated into and declared to be a part of this title. (Prior code § 15.071)

16.12.020 Zone boundaries.

Where uncertainty exists as to any of said boundaries as shown on said map, the following rules shall apply:

- A. Zone boundary lines are intended to follow the center line of streets or rail rights-of-way, or streams, and lot or property lines as they exist on plats of record at the time of passage of the ordinance codified in this chapter, unless such zone boundary lines are fixed by dimensions as shown on the zoning map.
- B. Where such boundary lines are not fixed by dimensions and where they approximately follow lot lines, and where they do not scale more than ten feet distant therefrom, such lot lines shall be construed to be such boundary lines.
- C. In unsubdivided land, or where a zone boundary divides a lot, the location of such boundary is indicated by dimensions shown on the map. (Prior code § 15.072)

Chapter 16.14

RESIDENTIAL ZONES (R-RFD, R-LD AND R-MD)

Sections:

- 16.14.010 Permitted uses.
- 16.14.020 Permitted accessory buildings and structures.
- 16.14.030 Height, area and bulk requirements.

16.14.010 Permitted uses.

Permitted uses in the R-RFD, R-LD and R-MD zones include:

- A. One-family detached dwellings;
- B. Municipal buildings, parks, playgrounds, and other governmental uses deemed necessary and approved by the planning board and governing body;
- C. Temporary buildings for uses incidental to construction work, provided such buildings are removed upon completion or abandonment of the construction work. (Ord. 2-88 § 2 (part); Ord. 14-87 § 2 (part); prior code § 15.091.1)

16.14.020 Permitted accessory buildings and structures.

Permitted accessory buildings and structures in the R-RFD, R-LD and R-MD zones include:

- A. Private greenhouses and carports;
- B. Private greenhouses not operated for profit provided the building area does not exceed ninety (90) square feet;
- C. Animal shelters for domestic pets provided the building area does not exceed twenty-five (25) square feet;
- D. Signs subject to the provisions of this title;
- E. Storage buildings of one hundred (100) square feet or less in area;
- F. Off-street parking facilities required by this title;
- G. Essential utilities. (Ord. 2-88 § 2 (part); Ord. 14-87 § 2 (part); prior code § 15.091.2)

16.14.030 Height, area and bulk requirements.

Height, area and bulk requirements are as specified in the schedule in Chapter 16.28. (Ord. 2-88 § 2 (part); Ord. 14-87 § 2 (part); prior code § 15.091.3)

Chapter 16.16

RESIDENTIAL (MULTIFAMILY) ZONE

Sections:

- 16.16.010 Permitted uses.
- 16.16.020 Permitted accessory buildings and structures.
- 16.16.030 Uses permitted with a special permit.
- 16.16.040 Height, area and bulk requirements.
- 16.16.050 Additional requirements applicable to the multifamily residential zone.

16.16.010 Permitted uses.

Permitted uses in the multifamily residential zone include:

Garden apartments and condominiums—maximum density of eight dwelling units per acre.
(Prior code § 15.092.1)

16.16.020 Permitted accessory buildings and structures.

Permitted accessory buildings and structures in the multifamily residential zone include:

- A. Private garages and carports;
- B. Off-street parking facilities as required by this title;
- C. Swimming pools of common use and facilities incident to the operation of a swimming pool;
- D. Signs subject to the provisions of this title;
- E. Essential utilities. (Prior code § 15.092.2)

16.16.030 Uses permitted with a special permit.

Uses permitted with a special permit in the multifamily residential zone include:

- A. Hospitals, philanthropic or eleemosynary uses;
- B. Public, parochial or private schools for day students;
- C. Places of worship;
- D. Home crafts;
- E. Home professional offices;
- F. Public utility uses;
- G. Quasi-public buildings and recreation uses. (Prior code § 15.092.3)

16.16.040 Height, area and bulk requirements.

Height, area and bulk requirements are as specified in the schedule in Chapter 16.28. (Prior code § 15.092.4)

16.16.050 Additional requirements applicable to the multifamily residential zone.

- A. The total number of dwelling units shall not exceed a density of eight dwelling units per gross acre of land.
- B. There shall be no dwelling units below the first story or above the second story.
- C. Each dwelling unit shall contain complete kitchen facilities, toilet, bathing, and working facilities, as well as living space and shall have a minimum gross floor area in accordance with the following:
 - 1. One-bedroom dwelling units and/or efficiency units shall have a minimum of eight hundred (800) square feet;
 - 2. Two-bedroom dwelling units shall have a minimum of nine hundred fifty (950) square feet.

D. Sufficient laundry, drying, garbage pickup and other utility areas must be provided and shall be located with a view both to convenience and to minimizing the detrimental effect on the aesthetic character of the building(s) and shall be enclosed and shielded from view by fencing, walls or shrubbery of at least six feet in height around the perimeter. Fencing and walls shall be not less than thirty (30) percent nor more than fifty (50) percent open on the vertical surface.

E. There shall be a minimum common storage area in each building for bicycles, perambulators and similar type of equipment of twenty-five (25) square feet in area and a minimum of five feet in height per dwelling unit.

F. There shall be not more than twenty (20) dwelling units in each building or structure. The facade of any building or structure shall not exceed sixty (60) feet in length unless making an angle turn or having an offset of at least four feet within each sixty (60) feet of length.

G. Courtyards bounded on three or more sides by the wings of a single building or by the walls of separate buildings shall have a minimum court width of two feet for each one foot in height of the tallest adjacent building.

H. No garden apartment dwelling structure shall be located within twenty-five (25) feet of another structure.

I. Every building shall have a minimum setback of ten feet from any and all interior roads, driveways, and parking areas.

J. Garages not a part of a garden apartment dwelling structure but intended for use of the residents of a garden apartment dwelling structure and all other accessory buildings shall be located at least fifteen (15) feet from the nearest wall of any garden apartment dwelling structure.

K. There shall be a buffer strip along the entire perimeter of the property, exclusive of the front yard(s), of at least twenty-five (25) feet in width measured from the property lines. The buffer strip shall be as specified in this title.

L. A strip of land at least five feet in width surrounding each building shall be kept completely open except for foundation plantings of less than six feet in height. Open space adjacent to, around, or between buildings not surfaced as walkways, driveways, parking areas, utility areas, or other required improvements shall be graded and seeded to provide a thick stand of grass or other plant material. Approaches to structures and entrance areas shall be attractively shrubbed and properly maintained.

M. A minimum of ten percent of the total area, exclusive of the required yard space on the periphery of the tract and around each individual building, buffer strip, and parking areas, shall be designated for common recreational purposes. No one recreational area shall be less than six thousand (6,000) square feet in area nor less than sixty (60) feet in width. Areas shall be located to be convenient to all dwelling units.

N. Driveways, parking areas, dwelling entranceways, and pedestrian walks shall be provided with sufficient illumination to minimize hazards to pedestrians and motor vehicles utilizing the same and light sources shall, where necessary, be shielded to avoid glare disturbing to occupants of buildings.

O. Topsoil shall not be removed from the site during construction but shall be stored and redistributed to areas where seeding is required.

P. The land shall be so graded, paved areas so pitched, and, if necessary, storm drains and/or catch basins so located as to provide rapid runoff of storm waters and to avoid undue accumulations of water disturbing to occupants, under the normal range of weather conditions.

Q. Site planning shall create usable, private open space to the fullest extent feasible.

R. Where deemed feasible by the public or private utility authority or company, all on-site utility services shall be installed below ground level, except for transformers, junction boxes or similar equipment which may be above ground.

S. Other standards and conditions to the site plan and to curbing, driveways, parking areas, pedestrian walks, landscaping and planting not otherwise specified in this chapter may be attached as

conditions by the planning board or governing body as circumstances indicate they will further the purposes and intent of this title.

T. All site plans shall be subject to review as specified in this title. (Prior code § 15.092.5)

Chapter 16.18

COMMERCIAL ZONE

Sections:

- 16.18.010 Permitted uses.
- 16.18.020 Permitted accessory buildings and structures.
- 16.18.030 Uses permitted with a special use permit.
- 16.18.040 Height, area and bulk requirements.
- 16.18.050 Additional requirements for commercial district.

16.18.010 Permitted uses.

Permitted uses in the commercial zone include:

- A. Retail outlet and personal service uses such as or similar to:
 - 1. Grocery stores and supermarkets,
 - 2. Baked goods stores,
 - 3. Meat and poultry stores,
 - 4. Liquor stores,
 - 5. Department stores,
 - 6. Dry goods stores,
 - 7. Haberdashery, apparel and jewelry stores,
 - 8. Hardware, plumbing supplies and electrical appliance stores,
 - 9. Household supplies and variety stores,
 - 10. Furniture and appliance stores,
 - 11. Drug stores,
 - 12. Confectionery stores,
 - 13. Stationery supplies and bookstores,
 - 14. Flower shops,
 - 15. Sporting goods stores,
 - 16. Automotive dealers and automotive accessory stores,
 - 17. Banks and fiduciary institutions,
 - 18. Business and professional offices,
 - 19. Barber or beauty shops,
 - 20. Dry cleaning and/or tailor shops,
 - 21. Self-service laundry,
 - 22. Shoe repair shops,
 - 23. Radio, electrical and watch repairing establishments,
 - 24. Indoor recreation facilities,
 - 25. Movie theaters (indoor);
- B. Municipal buildings and other governmental and/or public uses deemed necessary and approved by the planning board and governing body;
- C. Temporary buildings for uses incidental to construction work provided such buildings are removed upon completion or abandonment of construction work. (Prior code § 15.093.1)

16.18.020 Permitted accessory buildings and structures.

Permitted accessory buildings and structures in the commercial zone include:

- A. Signs, subject to the provisions of this title;
- B. Off-street parking facilities and loading areas in accordance with the requirements of this title;
- C. Essential utilities. (Prior code § 15.093.2)

16.18.030 Uses permitted with a special use permit.

Uses permitted with a special use permit in the commercial zone include:

- A. Public utility uses;
- B. Motor vehicle service stations;
- C. Automotive tire and battery sales and service;
- D. Public and quasi-public buildings and recreation areas. (Prior code § 15.093.3)

16.18.040 Height, area and bulk requirements.

Height, area and bulk requirements are as specified in the schedule in Chapter 16.28. (Prior code § 15.093.4)

16.18.050 Additional requirements for commercial district.

A. Up to forty (40) percent of the building area may be devoted to the assemblage or storing of goods or products to be retailed on the premises provided that no such area shall front on a public street at street level.

B. Where the property lines of a proposed business lot abuts or is across a street from a residential zone, a buffer shall be established which shall include an area of land thirty (30) feet in width as measured from said property lines. For the purposes of establishing a building setback line along the buffer, all front, side and rear yard lines shall be increased by a depth of twenty (20) feet. The buffer shall meet the standards set forth in this title.

C. All utilitarian areas such as delivery and service areas and waste disposal storage and pickup area shall be screened as specified in this title.

D. Special Design Requirements. In order to encourage the sound development of major highway frontage, the following special provisions shall apply in locations in the commercial district:

1. Access shall be controlled in the interest of public safety. Each building or group of buildings used for nonresidential purposes, and its parking or service areas, shall be physically separated from any U.S. or state highway by a curb and a low planting strip or other suitable barrier or not less than ten feet in depth against channeled motor vehicle access or egress, except for accessways authorized therein.

2. Accessways. Each separate use, grouping of attached buildings or grouping of uses permitted as part of a single integrated plan shall have not more than two accessways to any one highway. Insofar as practicable, the use of common accessways by two or more permitted highway uses shall be provided in order to reduce the number and closeness of access points along the highway and to encourage the fronting of commercial structures upon a marginal street and not directly upon a public highway. (Prior code § 15.093.5)

Chapter 16.20

NEIGHBORHOOD COMMERCIAL ZONE

Sections:

- 16.20.010 Permitted uses.
- 16.20.020 Permitted accessory buildings and structures.
- 16.20.030 Uses permitted with a special use permit.
- 16.20.040 Height, area and bulk requirements.
- 16.20.050 Additional requirements for the neighborhood commercial zone.

16.20.010 Permitted uses.

Permitted uses in the neighborhood commercial zone include:

A. Stores, shops and markets where goods are sold or personal services are rendered that are clearly incidental to the retail business and are planned for the convenience of the surrounding neighborhoods;

B. Retail or service establishments such as or similar in nature to the following types:

1. Grocery stores,
2. Drug stores,
3. Dry goods stores,
4. Meat and poultry stores,
5. Baked goods stores,
6. Confectionery stores,
7. Household supplies stores,
8. Barber or beauty shops,
9. Dry cleaning or tailor shops,
10. Shoe repair shops,
11. Business and professional offices,
12. Household appliances and personal effects repair shops,
13. Banks and fiduciary institutions;

C. Municipal buildings and other governmental and/or public uses deemed necessary and approved by the planning board and governing body;

D. Temporary buildings for uses incidental to construction work, provided such buildings are removed upon completion or abandonment of the construction work. (Ord. 21-86 § 1; prior code § 15.094.1)

16.20.020 Permitted accessory buildings and structures.

Permitted accessory buildings and structures in the neighborhood commercial zone are as specified in the commercial zone (Chapter 16.18). (Prior code § 15.094.2)

16.20.030 Uses permitted with a special use permit.

Uses permitted with a special use permit in the neighborhood commercial zone include:

- A. Public utility uses;
- B. Motor vehicle service stations. (Prior code § 15.094.3)

16.20.040 Height, area and bulk requirements.

Height, area and bulk requirements are as specified in the schedule in Chapter 16.28. (Prior code § 15.094.4)

16.20.050 Additional requirements for the neighborhood commercial zone.

A. Within retail outlet establishments, building area may be devoted to the processing, assemblage or storing of goods or products to be retailed on the premises provided that no such area shall front on a public street at street level.

B. Where the property line of a proposed business lot abuts a residential zone, a buffer area shall be established which shall include an area of land ten feet in width as measured from said property line. For the purposes of establishing a yard depth line along the buffer area, all side and rear yard lines shall be increased by a depth of fifteen (15) feet. Said rear and side yards shall be provided with screening as specified in this title. (Prior code § 15.094.5)

Chapter 16.22

INDUSTRY ZONE

Sections:

- 16.22.010 Permitted uses.
- 16.22.020 Permitted accessory uses.
- 16.22.030 Uses permitted with a special permit.
- 16.22.040 Height, area and bulk requirements.
- 16.22.050 Additional requirements for the industry zone.

16.22.010 Permitted uses.

Permitted uses in the industry zone include:

- A. Light manufacturing uses, employing electricity or other unobjectionable motor power, utilizing hand labor or other unobjectionable machinery or processes, or manufacturing processes which are free from objectionable odors, fumes, dirt, vibration or noise, such as but not limited to the following:
 - 1. Glass and glass products manufacturing,
 - 2. Jewelry manufacturing,
 - 3. Leather goods manufacturing, except the curing and finishing of hides,
 - 4. Plastic products manufacturing,
 - 5. Sporting goods manufacturing,
 - 6. Rope, thread and yarn manufacturing,
 - 7. Brush and broom manufacturing,
 - 8. General industrial, machine equipment and manufacturing,
 - 9. Fabrication of metal products,
 - 10. Fabrication of paper and wood products,
 - 11. Manufacturing of light machinery;
- B. Food and associated industries comprising such as but not limited to the following:
 - 1. Bakeries,
 - 2. Bottling of food and beverages,
 - 3. Food processing,
 - 4. Ice cream manufacturing,
 - 5. Manufacturing of spirituous liquor;
- C. Biological, chemical, electronic and pharmaceutical laboratories; scientific laboratories devoted to research, design, and experimental operation of equipment;
- D. Administrative and business offices;
- E. Truck terminal facilities;
- F. Commercial-industrial establishments such as but not limited to commercial printing plants; farm machinery sales and services; earth-moving equipment sales and service;
- G. Municipal buildings and other governmental and/or public uses deemed necessary and approved by the planning board and governing body;
- H. Temporary buildings for uses incidental to construction work, provided such buildings are removed upon completion and abandonment of the construction work. (Prior code § 15.095.1)

16.22.020 Permitted accessory uses.

Permitted accessory uses in the industry zone include:

- A. Off-street parking, loading and ramp area as required by this title;
- B. The enclosed warehousing and storage of goods and products, provided that no goods are sold from the premises;
- C. Garage space necessary to store any vehicles on the premises;

D. Noncommercial recreational areas and parks owned and operated by any industry located within the zone;

E. The warehousing and storage of goods, provided that any goods or products stored out-of-doors are enclosed by a landscaping or fencing screen on three sides and screened from view from a public street;

F. Essential utilities. (Prior code § 15.095.2)

16.22.030 Uses permitted with a special permit.

Uses permitted with a special permit in the industry zone include:

A. Public utility uses. (Prior code § 15.095.3)

16.22.040 Height, area and bulk requirements.

Height, area and bulk requirements are as specified in Chapter 16.28. (Prior code § 15.095.4)

16.22.050 Additional requirements for the industry zone.

A. All activities and processes shall take place within an enclosed building; incidental storage out-of-doors shall be shielded from view from public streets and adjacent off-street parking areas by fencing, landscaping or other appropriate measures.

B. Not more than two driveways, of not less than twenty-four (24) feet nor more than forty (40) feet in width, shall be permitted for each one hundred fifty (150) feet or roadway frontage, nor shall any such driveway or access point be located within one hundred (100) feet of the intersection of two public streets.

C. All uses permitted in this zone shall set aside twenty (20) percent of the lot to be devoted to seeding, planting, retention of tree cover, or other landscaping; this area shall be used for no other purpose.

D. Truck loading and unloading areas shall be provided in an amount sufficient to permit the transfer of goods and products in other than a public street or required front yard area.

E. Truck terminal facilities shall be enclosed on three sides to the rear of the front building line by fencing or other appropriate means; such fencing shall not be less than five feet in height.

F. Entrance and exit points to permitted uses shall be clearly marked and may be indicated by directional signs not to exceed four square feet in area on any one side, which signs shall not exceed four in number and shall not contain any advertising matter.

G. Performance Standards for Permitted Uses.

1. Liquid wastes and effluents shall be discharged into an approved existing sewage treatment system in accordance with the regulations of that system or shall be treated in a treatment plant operated by the permitted use which is in compliance with the applicable state statutes and with the requirements of the State Board of Health;

2. Precaution against fire hazards, proper handling of and storage of materials; structural design, and safeguards for the health and safety of workers shall comply with the applicable regulations and requirements of the State Department of Labor and Industry;

3. Any vibration, glare or noise resulting from the operation of the use shall not be evident beyond the boundaries of the zone district; and

4. The operation shall not result in the dissemination of smoke, dust, chemicals or odor into the air to such a degree as to be detrimental to the health and welfare of the residents of the area.

H. Whenever a property line of an industrial lot abuts or is across the street from a residential zone, a buffer strip shall be established which shall include an area of land thirty (30) feet in width as measured from said property line. For the purpose of establishing a building setback line, along buffer areas, all front, side and rear yard lines shall be increased by a depth of twenty (20) feet. Screening shall be provided along said rear and side property lines. The buffer strip and screening shall meet the standards set forth in this title. (Prior code § 15.095.5)

Chapter 16.24

INDUSTRY-BUSINESS COMPLEX ZONE

Sections:

- 16.24.010 Purpose.
- 16.24.020 Permitted uses.
- 16.24.030 Permitted accessory uses.
- 16.24.040 Uses permitted with a special permit.
- 16.24.050 Height, area and bulk requirements.
- 16.24.060 Additional requirements for the industry-business complex zone.

16.24.010 Purpose.

In view of the limited tracts suitable for nonresidential development within the township away from U.S. Route 130, the unsuitability of land along U.S. Route 130 for residential development, the extent and character of existing commercial and industrial development within the township and surrounding area, and the necessity to provide for development along Route 130 of sufficient size to permit adequate control of access to that highway, the industry-business complex zone is created to provide for the feasible use of certain lands abutting Route 130. This zone is intended to promote the combination of compatible activities within single structures appropriately designed and constructed for that purpose. (Prior code § 15.096.1)

16.24.020 Permitted uses.

Permitted uses in the industry-business complex zone include:

- A. Any use permitted in the neighborhood commercial zone;
- B. Light manufacturing uses, employing no heavy machinery and machinery powered only by electricity or hand energy, and involving only the assemblage, forming or packaging of products but not to include stamping;
- C. Research or scientific laboratories;
- D. Municipal buildings and other governmental and/or public uses deemed necessary and approved by the planning board and governing body;
- E. Temporary buildings for uses incidental to construction work, provided such buildings are removed upon completion or abandonment of the construction work. (Prior code § 15.096.2)

16.24.030 Permitted accessory uses.

Permitted accessory uses in the industry-business complex zone include:

- A. Off-street parking, loading and ramp area as required by this title;
- B. Signs, subject to the provisions of this title;
- C. Essential utilities. (Prior code § 15.096.3)

16.24.040 Uses permitted with a special permit.

Uses permitted with a special permit in the industry-business complex zone include:

- A. Public utility uses;
- B. Motor vehicle service stations. (Prior code § 15.096.4)

16.24.050 Height, area and bulk requirements.

Height, area and bulk requirements are as specified in the schedule in Chapter 16.28. (Prior code § 15.096.5)

16.24.060 Additional requirements for the industry-business complex zone.

A. Where the property line of a proposed lot abuts or is across a street from a residential zone, a buffer strip shall be established which shall include an area of land thirty (30) feet in width as measured from said property lines. For the purpose of establishing a building setback line along the buffer area, all front, side and rear yard lines shall be increased by a depth of twenty (20) feet. Said rear and side yards shall be provided with screening. The buffer strip and screening shall meet the standards set forth in this title.

B. Special Design Requirements. In order to encourage the sound development of major highway frontage, the following special provisions shall apply in any location:

1. Access will be controlled in the interest of public safety. Each building or group of buildings used for nonresidential purposes, and its parking or service area shall be physically separated from any U.S. or state highway by a curb and a low planting strip or other suitable barrier of not less than ten feet in depth against unchanneled motor vehicle access or egress, except for accessways authorized therein. (Prior code § 15.096.6)

Chapter 16.26

PLANNED ADULT RETIREMENT COMMUNITY ZONE

Sections:

16.26.010	Purpose.
16.26.020	Permitted uses.
16.26.030	Permitted accessory uses.
16.26.040	Area, yard and building requirements.
16.26.050	Other provisions and requirements.
16.26.060	Age and occupancy requirements.
16.26.070	Common open space.

16.26.010 Purpose.

It is the purpose of this zone to permit construction on contiguous tracts of land of housing and supporting uses specifically oriented and designed for adult citizens. (Ord. 15-88 § 2 (part): prior code § 15.097)

16.26.020 Permitted uses.

The following shall be permitted uses in the RS zone:

- A. Mid-rise condominium housing units not to exceed four stories in height and not to exceed a maximum of two-thirds of the number of units in the development;
- B. Single-family cluster housing not to exceed six units per cluster comprising the balance of the total housing units;
- C. Commercial uses accessing Route 130 not to exceed ten percent of the total land area of the development and no more than a maximum of three stories in height and as set forth herein. (Ord. 15-88 § 2 (part): prior code § 15.097.1)

16.26.030 Permitted accessory uses.

The following shall be permitted accessory uses in the RS zone:

- A. Necessary accessory buildings and facilities, including but not limited to gatehouses, garages, carports, guardhouses, storage facilities for maintenance equipment and administrative, clubhouse, activity center and recreational structures shall be permitted. Gatehouses and guard houses are permitted;
- B. Private swimming pools;
- C. Model homes or sales offices;
- D. Retail commercial and service establishments intended to primarily serve the planned adult retirement community, as set forth in Section 16.26.020(C), to consist of such uses as a pharmacy, barber shop, beauty parlor, physicians' offices, convenience stores, banks, dental offices, dry cleaner, laundry and such other uses consistent with service establishments as approved by the planning board. (Ord. 15-88 § 2 (part): prior code § 15.097.2)

16.26.040 Area, yard and building requirements.

- A. Minimum Area. The minimum area of a RS zone shall not be less than thirty-five (35) contiguous land acres.
- B. Dwelling Unit Density. Overall density of land use for residential purposes shall be limited to ten units per acre of the overall acreage including roadways, parking lots and buildings but excluding the commercial portion thereon.
- C. Perimeter Boundary Lines. No structures shall be closer than forty (40) feet to any perimeter property line of the RS zone or to any water shoreline which may border the RS zone, except

water-related structures. No paved or improved area shall be closer than forty (40) feet to any perimeter property line.

D. Front Setbacks. Where the perimeter property line of the RS zone abuts a public, county, primary or arterial road, no structure shall be located closer to such road than one hundred (100) feet, and no paved or improved area shall be closer than thirty (30) feet. All buildings shall be set back no less than thirty (30) feet from the curblines.

E. Minimum Front Yard. All buildings shall maintain a minimum front yard setback of thirty (30) feet from edge of right-of-way.

F. Minimum Side Yard. All buildings shall maintain a minimum side yard setback of thirty (30) feet on one side and a minimum of sixty (60) feet combined setback on both sides.

G. Minimum Rear Yard. All buildings shall maintain a minimum rear yard setback of thirty (30) feet.

H. Social and recreational facilities shall reflect, insofar as possible, preferences of the anticipated residents. Indoor facilities may include hobby or craft facilities, lounging areas which may also be used for meetings and group accommodations, card rooms and lavatories. Outdoor facilities may include shuffleboard and horseshoe courts, tennis courts and pools. All social and recreational facilities shall be in proper relationship as to quantity and proximity to the number of living units in the project. The developer shall demonstrate to the planning board provisions for both active and passive recreational facilities.

I. Not more than forty (40) percent of the entire development shall be covered with impervious surface. (Ord. 15-88 § 2 (part): prior code § 15.097.3)

16.26.050 Other provisions and requirements.

A. The minimum width, pavement edge to pavement edge, of interior roads within the RS zone development not to be dedicated for public use and not be used as through streets shall be as follows:

1. Two-way traffic: no parking, twenty-four (24) feet;
2. One-way traffic: no parking, eighteen (18) feet;
3. Two-way traffic: parking both sides, thirty-eight (38) feet;
4. Two-way traffic: parking one side, thirty (30) feet;
5. One-way traffic: parking both sides, thirty (30) feet;
6. One-way traffic: parking one side, twenty-two (22) feet.

B. All private cul-de-sac streets shall be designed to accommodate turn-around of fire and emergency vehicles.

C. The following off-street parking requirements shall apply:

1. One and one-half spaces for each dwelling unit;
2. One space for each six persons for whom seating is provided in any auditorium or similar recreational or quasi-public place of assemblage.

D. The active and passive outdoor recreational areas shall be provided with suitable landscaping. There shall be an area suitable for sitting and walking.

E. The following signs shall be permitted within the RS zone development in accordance with the following regulations:

1. One nonflashing and externally illuminated project identification sign for each direction of travel on any public street on which the RS zone development has frontage, not to exceed thirty (30) square feet in area on any one side nor six feet in height and located not less than twenty (20) feet from any street or property line. Such signs may bear only the name of the RS zone and the developer, the street address and the presence or lack of vacant units;

2. Nonflashing directional signs;

3. One nonflashing sign to identify each ancillary use permitted, not exceeding four square feet in area on any one side and located not less than ten feet from any curbline. Such signs shall indicate

only the use of and the name of the occupant of any such facility;

4. One nonflashing sign to identify each auditorium, administrative or quasi-public building or other social, cultural or recreational facility, not exceeding ten square feet in area on any one side and located not less than ten feet from any curblin;

5. Such other signs as the approving authority may in its discretion deem appropriate, provided that in no event shall there be permitted any such other sign which is of a flashing type nor which is greater than twenty (20) square feet in area or which is not compatible with the aesthetics of the RS zone.

F. Interior streets, parking areas, dwelling entrances, pedestrian walks and any recreation area which is to be used for any nighttime activity shall be provided with sufficient illumination to minimize hazards to persons using same and shall, where necessary, be shielded to avoid glare that might be disturbing to occupants of buildings or properties surrounding the RS zone.

G. Appropriate provisions shall be made for private garbage and trash collection and for the private maintenance of all interior roads and streets (including snow removal), recreational facilities and all buildings and land areas owned in common by the residents of the RS zone. In addition, provisions shall be made to permit the township, at its option, to perform or cause to be performed such services in the event of the continued failure of performance of same by the private association or other entity charged with such responsibility, all at the cost and expense of the owners of the property within the RS zone.

H. All installation of utilities on the site shall be underground. No individual outside communication antennas shall be allowed in the project. The project shall be serviced by a central master antenna communications system for all of the residents.

I. All trash and garbage disposal facilities shall be properly screened, and plans shall be submitted as part of the developmental site plan showing the location and types of screening thereof.

J. The RS zone use shall only be permitted where it can be served by public water and sewer, and evidence of approval for sewer and water must be presented prior to final approval of the project.

K. The following improvements shall be installed by the applicant meeting the design standards of the land subdivision ordinance, the requirements of the construction specifications of the land subdivision ordinance, construction details of the land subdivision ordinance, the standards and requirements of all applicable state, county and local laws regarding private and public streets, street signs, curbs and/or gutters, compensatory planting, pedestrian-ways, shade trees, planted buffer areas, recreation and open space, water mains, culverts, storm sewers and sanitary sewers, monuments, underground wiring, fire hydrants, utility and drainage easements, off-site improvements and street lighting. (Ord. 15-88 § 2 (part): prior code § 15.097.4)

16.26.060 Age and occupancy requirements.

A. Permanent residents of an RS zone must be at least fifty (50) years of age, except that the spouse or an immediate member of the family other than a child of said permanent resident or a live-on domestic, companion or nurse may be a permanent resident regardless of his or her age.

B. A maximum of one child eighteen (18) or older may also reside as a permanent resident with his or her parent or parents. In no event, however, shall there be more than three permanent residents in any one residential dwelling unit. No more than two persons shall occupy a one-bedroom unit and no more than three persons shall occupy a two-bedroom unit. No unit shall have more than two bedrooms.

C. Financial Disclosure. Any development under this chapter shall comply with the requirements of the Planned Real Estate Development Full Disclosure Act, NJSA 45:22A et seq., if applicable. Duplicate copies of all submissions required to be made under said statute to a state agency shall also be made to the township. (Ord. 15-88 § 2 (part): prior code § 15.097.5)

16.26.070 Common open space.

A. With respect to any common open space created as part of the RS zone, the landowner or developer shall provide and establish an organization for the ownership and maintenance of any such common open space for the use and benefit of the residents of the RS zone, including the nonresidential uses contained within the RS zone.

B. Said common open space within each section shall be dedicated free and clear of debt to such organization within one year after the issuance of ninety-five (95) percent of the certificate of occupancy of that section or immediately upon issuance of the last certificate of occupancy of that section. In the event that the applicant fails to comply with this provision, no further building permits and/or certificates of occupancy in the RS zone shall be issued, and outstanding building permits and certificates of occupancy may be revoked. This provision shall not be construed to prevent the applicant from starting other sections prior to the ninety-five (95) percent completion of current sections.

C. Prior to any approval of the RS zone, the landowner or developer shall furnish the planning board with the bylaws of such organization, copies of any restrictions governing such organizations and the lands held by such organizations and fully satisfy the board as to the adequacy and prospects for financial stability of such organization.

D. Included within the bylaws and restrictions establishing and governing the organization, there shall be provided a mandatory yearly audit of all accounts and all financial transactions of said organization by an independent certified public accountant of the state of New Jersey, and a copy of such audit shall be filed with the township clerk as a public record within ninety (90) days of the close of the fiscal year of the organization.

E. In addition, the bylaws and restrictions governing the organization shall provide that the trust officer of a banking institution be licensed to do business in the state of New Jersey serve as a cosignatory with those members of the organization empowered to disburse funds and that no disbursement of funds be made without the co-signature of such trust officer.

F. Such organization shall take ownership and assume the maintenance of all interior streets and of any common open space and shall assume responsibilities, including but not limited to garbage, trash and snow removal on private streets only and general upkeep of all common open space, then such organization shall not be dissolved nor shall it dispose of any common open space by sale or otherwise without the approval of the planning board. In the event that such organization is dissolved or intends to dispose of any common open space, said lands shall first be offered for dedication to the municipality or any other appropriate local governmental agency. In no event may the lands set aside as common open space be sold, conveyed or disposed or except to the township as aforesaid or to another organization conceived and established to own and maintain the common open space.

G. In the event that the organization established to own and maintain common open space or any successor organization shall at any time after the establishment of the RS zone fail to maintain the common open space in reasonable order and condition in accordance with the plan, the municipality may serve written notice upon such organization or upon the residents and owners of the RS zone setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiency or maintenance be cured within thirty (30) days thereof and shall state the date and place of a hearing thereon, which shall be held within fourteen (14) days of the notice. At such hearing, the municipality may modify the terms and conditions of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within said thirty (30) days or the extension thereof, the municipality, in order to preserve the taxable values of the properties within the RS zone and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain same for a period of one year. Said entry and maintenance shall not vest in the public any rights to use the common open space except when the same is voluntarily dedicated to the public by the residents and the owners. Before the expiration of said year, the municipality shall, upon its initiative or upon the request of the organization

therefor responsible for the maintenance of the common open space, call a public hearing, upon notice to such organization or to the residents and owners of the RS zone, to be held by the municipal authority, at which hearing such organization or the residents and owners of the RS zone shall show cause why such maintenance by the municipality, continue for a succeeding year. If the designated municipal body or officer, as the case may be, shall determine that such organization is ready and able to maintain said open space in reasonable condition, the municipality shall cease to maintain open space at the end of said year. If the municipal authority shall determine that such organization is ready and able to maintain said common open space in reasonable condition, the municipality shall cease to maintain said common open space at the end of said year. If the municipal authority shall determine such organization is not ready and able to maintain said common open space in a reasonable condition, the municipality may, in its discretion, continue to maintain said common open space during the next succeeding year and subject to a similar hearing and determination, in each year thereafter. The decision of the municipal authority in any such case shall constitute a final administrative decision to judicial review.

H. The cost of such maintenance by the municipality shall be assessed ratably against the properties within the RS zone that have the right of enjoyment of the common open space and shall become a tax lien on said properties. The municipality, at the time of entering upon said common open space for the purpose of maintenance, shall file a notice of such lien in the office of the county clerk upon the properties affected by such lien within the RS zone. (Ord. 15-88 § 2 (part): prior code § 15.097.6)

Chapter 16.28

SCHEDULE OF YARD, AREA AND BULK REQUIREMENTS

Sections:

16.28.010 Schedule of yard, area and bulk requirements.

16.28.010 Schedule of yard, area and bulk requirements.

The following schedule applies to the zoning districts in this title:

Zone District	Minimum Lot Area (sq. ft.)	Minimum Lot Frontage (ft.)		Minimum Lot Depth (ft.)	Maximum Building Coverage as a Percent of Lot Area		
		Front	Rear		Stories	Feet	
R-RFD	85,000	200	200	250			20%
R-LD	40,000	150	150	200			20%
R-MD	20,000	120	120	140			20%
	Without water and/or sewerage service, 25,000	120	120	140			20%
	With water and sewerage, 20,000	120	120	140			20%
Single-family	15,000	100	100	100			20%
Garden apartments	5 acres	300	300	500			20%
Neighborhood commercial	15,000	90	90	140			40%
Commercial	20,000	100	100	200			30%
Industry	1 acre	125	125	250			40%
Industry-business complex	20,000	100	100	200			40%
Zone District	Front	Side		Rear	Maximum Height		Minimum Habitable Floor Area (sq. ft.)
		One	Both		Stories	Feet	
R-RDF	40	30	60	35	2 1/2		2,000
R-LD	30	20	50	35	2 1/2	35	1,000
R-MD	30	12 1/2	25	35	2 1/2	35	900
	30	12 1/2	25	35	2 1/2	35	1,100
Single-family	30	12 1/2	25	35	2 1/2	35	900
Garden apartments	60	*	*	*	2 1/2	35	See Chapter 16.16
Commercial	60	10	30	35	2 1/2	40	N/A
Neighborhood commercial	60	10	30	20	2 1/2	40	N/A

Industry	25	15	40	15	2	35	N/A
Industry-business complex	60	10	30	35			N/A

* Thirty (30) feet measured from all lot lines except the front lot line.

(Ord. 2-88 § 4; Ord. 14-87 § 4; prior code schedule of yard, area and bulk requirements)

Chapter 16.30

CONDITIONAL USES

Sections:

16.30.010	Guiding principles.
16.30.020	Minimum standards established.
16.30.030	Residential districts.
16.30.040	Quasi-public buildings and recreation areas.
16.30.050	Public utility uses.
16.30.060	Cemeteries.
16.30.070	Community or group residences for the developmentally disabled.

16.30.010 Guiding principles.

Recognizing that certain uses, activities, and structures are necessary to serve the needs and convenience of the township and at the same time recognizing that such uses may be or become inimical to the public health, safety and general welfare if located and operated without proper consideration being given to existing conditions and character of the surrounding area, such uses are designated as conditional uses. In addition to other powers conferred by this title and applicable statutes, the reviewing board shall have original jurisdiction pursuant to the procedural requirements established in this title to grant a permit for a conditional use under the terms and conditions established by this title, and under the following stipulations and guiding principles:

- A. Specifically Authorized. The use for which application is being made is specifically authorized as a conditional use in this title for the zone in which located.
- B. Design Standard. The design, arrangement and nature of the particular use is such that the public health, safety and welfare will be protected and reasonable consideration is afforded to the:
 1. Character of the neighborhood and zone;
 2. Conservation of property values;
 3. Health and safety of residents or workers on adjacent properties and in the surrounding neighborhood;
 4. Potential congestion of vehicular traffic or creation of undue hazard;
 5. Principles and objectives of this title and planned development of the township. (Prior code §§ 15.101, 15.101.1, 15.101.2)

16.30.020 Minimum standards established.

In addition, such conditional uses shall adhere to the minimum standards specified for the particular use in this chapter and to such additional conditions and safeguards as in the opinion of the reviewing board will implement the intent and objectives of this chapter and title. In addition, in reviewing any application for a conditional use, the reviewing board shall apply the applicable standards set forth in this title. (Prior code § 15.101.3)

16.30.030 Residential districts.

- A. Farm Stands. Farm stands are permitted in any residential zone as a conditional use. The reviewing board shall determine that:
 1. The farm stand will not be detrimental to the general area surrounding the lot on which it is to be erected;
 2. That the farm stand and its use will not unduly interfere with the rights of adjoining lot owners to light, air, drainage and freedom from pollution;
 3. That the farm stand building will be no closer to the front property line than fifty (50) feet and no closer to the side property line than fifty (50) feet.

B. Home Crafts. Home crafts are permitted in the residential zone as a conditional use, in accordance with the review and approval procedures. The reviewing board shall determine that the following standards and all other requirements are met:

1. A home craft shall be carried on entirely within the principal building and shall under no circumstances exceed twenty (20) percent of the total gross habitable floor area of the principal building;
2. No such crafts shall require interior or exterior alterations of the principal structure;
3. A sign shall be permitted in connection with such home crafts subject to conditions as determined by the reviewing authority;
4. No mechanical equipment shall be permitted;
5. A home craft shall be carried on only by a member of the family living within the principal structure.

C. Home Professional Occupation. A home professional occupation may be permitted in the residential zones as a conditional use in accordance with the review and approval procedures set forth in this title. The reviewing board shall determine that the following standards are met and any other requirements applying have been fulfilled:

1. A home professional occupation shall be carried on entirely within the principal building and shall not, under any circumstances, exceed fifty (50) percent of the total gross habitable floor area of the principal building;
2. No such home professional occupation shall require exterior alterations of the principal structures which will cause the structure to be at variance or further variances with the schedule for the district in which it is located;
3. No such home professional occupation shall permit the employment of more than two employees who are not permanent residents of the principal structure;
4. No such home professional occupation shall permit any advertising display other than a professional name plate as provided for in this title.

D. Places of Worship. Places of worship are permitted as a conditional use in residential zones in accordance with the review and approval procedures set forth in this title provided that the reviewing board shall determine:

1. The proposed use is a bonafide nonprofit religious use;
2. The proposed use in the proposed location will not adversely affect the sale and comfortable enjoyment of property rights or otherwise adversely affect the value of the adjacent properties, that the design of any structures to be erected in connection with such uses are in keeping with the general character of the residential area, and that sufficient landscaping, including trees, shrubs and lawn is provided to appropriately buffer the said use from adjoining residential properties and to insure an attractive appearance for the use;
3. The buildings will not occupy more than twenty-five (25) percent of the lot area, that all other requirements as set forth in this title for the zone in which it is to be located are observed, and that such use will in no way to be detrimental to surrounding property values, and that the structure and use proposed will serve a useful purpose to the general welfare of the township.

E. Public, Parochial or Private Day Schools. Public, parochial or private day schools, including institutions of higher learning but not trade or business schools, may be permitted as a conditional use in the residential zones providing that the reviewing board determines the following:

1. That the site plan for the proposed use includes, in addition to the requirements of the site plan review, specific information regarding the location of recreation areas, the relationship of the proposed use to streets and adjacent properties and such physical features as might present any deterrent to the protection of the health and safety of the pupils. A statement shall be submitted indicating the grade level of the pupils to be housed in the building or buildings, the planned pupil capacity of such building or buildings, and the contemplated eventual enrollment in the school;
2. The parking requirements as may be increased in order to adequately provide a sufficient number of spaces for cars anticipated to be driven to school by students;

3. No driveway shall open into a public street within seventy-five (75) feet of an intersection of such street with another public street;

4. Illumination for night athletic activities shall be shielded from illuminating adjoining streets and/or residential areas.

F. Hospitals, Philanthropic or Eleemosynary Uses. Hospitals, philanthropic or eleemosynary uses may be permitted in the residential zones as a conditional use provided that the reviewing board finds the following:

1. No building or buildings will occupy more than twenty-five (25) percent of the lot area;

2. Such use will in no way be detrimental to surrounding property values, and that the structure or proposed use will serve a useful purpose to the general welfare of the township;

3. The front, rear and side yards shall be increased by one foot for each foot by which such building exceeds the height limit herein established for the zone in which it is located;

4. Signs may be illuminated but nonflashing and limited in area to not more than thirty (30) square feet on any one side, and shall be not closer than five feet from any street line or fifteen (15) feet from any other property line. (Prior code §§ 15.102.1— 15.102.6)

16.30.040 Quasi-public buildings and recreation areas.

Quasi-public buildings and recreation areas and facilities including club houses, parks, playgrounds, swimming pools, tennis courts and other such activities operated by non-profit organizations may be permitted as a conditional use in all zones in accordance with the review and approval procedures set forth. The reviewing board shall determine that the Following standards are met:

A. The application shall be accompanied by a statement setting forth particulars on the proposed operation of the use and a complete list of the current officers including names and residents' addresses;

B. It is ascertained that the proposed use is a bona fide nonprofit organization operated solely for the recreation and enjoyment of the members of said organizations;

C. The proposed use in the proposed location will not adversely affect the safe and comfortable enjoyment of property rights or otherwise adversely affect the value of the adjacent properties, that the design of any structures erected in connection with such use are in keeping with the general character of the area and that sufficient landscaping, including trees, shrubs and lawn are provided to serve as a buffer between said use and adjoining residential properties, and to insure an attractive appearance for the use;

D. That buildings will not occupy more than twenty-five (25) percent of the lot area, and that all other requirements as set forth in this title for the zone in which it is to be located are observed, and that the structure or use proposed will serve a useful purpose to the general welfare of the township;

E. The front, rear and side yards shall be increased by one foot for each foot by which such building exceeds the height limit herein established for the zone in which it is located;

F. The off-street parking requirement standard as specified in this title may be increased where necessary to provide sufficient parking for the number of cars anticipated to utilize the proposed use;

G. Signs may be illuminated but not non-flashing and limited to an area not more than fifteen (15) square feet on any one side and shall be not closer than ten feet from a street line or fifteen (15) feet from any property line;

H. That all utilitarian and service areas are adequately screened in accordance with the standards set forth in this title. (Prior code § 15.102.7)

16.30.050 Public utility uses.

Public utility uses shall be permitted as a conditional use in any zone district in accordance with the review and approval procedures and providing that the reviewing board shall find the following:

A. That the proposed use in a specific location is necessary for the efficiency of the public

utility system;

B. That the design of any building in connection with such facility shall conform to the general character of the area and will in no way adversely affect the safe and comfortable enjoyment of property rights of adjoining property or within the neighborhood;

C. That adequate and attractive fences and other safety devices shall be provided and sufficient landscaping, including shrubs, trees and lawns shall be provided and will be periodically maintained by the public utility;

D. That all other requirements and specifications for the zone district in which such use is located will be met and observed. (Prior code § 15.102.8)

16.30.060 Cemeteries.

Cemeteries may be permitted as a conditional use in any zone in accordance with the review and approval procedures providing that the reviewing board determines the following:

A. That the location of the cemetery will not unduly restrict proposed development of the community and that a proposed cemetery or extension of the cemetery conforms to the general overall development plan of the township;

B. That the access to the cemetery is so arranged and designated that impairment of traffic flow on adjoining streets will be minimized;

C. That the proposed use in the proposed location will not adversely affect the safe and comfortable enjoyment of property rights or otherwise adversely affect the value of adjacent properties;

D. That sufficient landscaping, including trees, shrubs and lawn are provided to serve as a buffer between said use and adjoining properties and to assure an attractive appearance for the use. (Prior code § 15.102.9)

16.30.070 Community or group residences for the developmentally disabled.

A. A conditional use permit is required for any community or group residence for the developmentally disabled. A community residence or group home for the developmentally disabled is defined as a residence housing no more than fifteen (15) residents exclusive of staff. Community residences or group homes for the developmentally disabled providing residence for more than fifteen (15) residents are a prohibited use in all districts of the township.

B. A conditional use permit shall not be granted for such residences located within one thousand five hundred (1,500) feet of an existing community residence for developmentally disabled persons.

C. A conditional use permit shall not be granted if the population of existing community residences or community shelters within the township exceeds fifty (50) persons or one-half of one percent of the township population, whichever is greater.

D. The applicants shall provide documentation both during site plan review and at least annually thereafter, verifying that the facility has obtained and continues to enjoy all approvals as defined and required by NJSA 40:55D.66.1 and NJSA 40:55D.66.2.

E. The applicant shall certify during site plan review and annually thereafter, that no resident has been committed after having been found not guilty of a criminal offense by reason of insanity.

F. The operators of a community residence or group home for the developmentally disabled shall provide detailed information to the planning board concerning its approval and compliance with the statutes, rules and regulations governing this type of facility in the state of New Jersey including the requirements of the New Jersey Administrative Code as applicable.

G. The applicant shall supply information concerning the operation and maintenance of residences and the rules and regulations governing the admission and discharge of residents. In addition to providing said information to the said planning board, the same information shall be provided by the operator of a community residence for the developmentally disabled to the township board of health, and

shall immediately provide copies of any changes to the rules and regulations to the township board of health. No such rule or regulation shall be deemed effective unless and until the township board of health has approved said rule or regulation as necessary and adequate for that particular facility.

H. The maximum number of residents shall be fixed at the time of application and shall be commensurate with the size of the lot and the square footage of the building involved. No increase in the number of occupants shall be made without prior approval of the planning board.

I. The applicant shall provide detailed plans for a community residence, which shall indicate the use of all spaces contained within the dwelling. In addition, the operator of the community residence for the developmentally disabled shall provide copies of said plans to the housing inspector. Said plans are subject to the approval of the housing inspector as to the safety and adequacy of the particular facility.

J. The planning board, in fixing the maximum number of residents, and the housing inspector, in passing upon the safety and adequacy of the proposed or existing facility, shall consider the standards established by the New Jersey State Housing Code as the minimum standards to be enforced. Nothing in this subsection shall be construed as preventing the planning board or the housing inspector from imposing higher standards upon a showing of specific reasons justifying same in any particular case.

K. Except those specified in this section, the use of single-family dwellings for community residences shall conform to all development standards of the zoned district within which the residence is to be located.

L. Off-street parking shall be provided at a rate of one parking space per each occupant of the residence. All such parking spaces shall be on-site and off-street. On-street parking may only be permitted by the planning board if it is determined that adequate on-street parking is available without interfering with traffic circulation.

M. Community residences shall provide internal and outdoor recreation areas to sufficiently accommodate the occupants of the dwelling.

N. The applicant shall demonstrate to the planning board that adequate transportation shall be provided as needed to meet the daily needs of the occupants of the dwelling.

O. Community residences shall have twenty-four (24) hour on-site supervision and security. Security must be demonstrably adequate to prevent residents of the facility from leaving unnoticed and to prevent unauthorized persons from entering the facility as deemed appropriate by the planning board.

P. The applicant shall submit details concerning all life-safety and emergency facilities and equipment which are to be provided within the building. The operator of the community residence for the developmentally disabled shall provide an adequate fire alarm system with approved smoke detectors monitored by the housing inspector. The installation of smoke detectors, fire alarms, fire escapes and sprinkler systems shall be in accordance with the requirements of the Uniform Construction Code and the Bureau of Fire Prevention.

Q. No community residence for the developmentally disabled shall have an entrance or exit within two hundred (200) feet of an entrance or exit of a public or private school. No such residence shall be permitted within two hundred (200) feet of any public park or playground.

R. No building housing a community residence for the developmentally disabled shall be altered or constructed so as to be inharmonious with the residential character of adjacent structures in the residential zone in which same is located.

S. As part of the application for a conditional use permit for a community residence, a fully detailed written disclosure shall be submitted to the planning board identifying all individuals having an interest of ten percent in the corporation, partnership, society or association, whether public or private, whether for profit or nonprofit, involved in the operation and maintenance of such residence.

T. The operator of a community residence for the developmentally disabled shall carry liability insurance with coverage of one million dollars (\$1,000,000.00) per incident, which shall insure the operator against claims of negligence causing injury to the residents of the facility, and which shall

insure the public against any injury to persons or property perpetrated by a resident of the facility. Said insurance policy shall specifically provide that the mental state of the facility resident which was injured or who perpetrated an act shall not be used as a defense against recovery on the policy. (Ord. 1-87 § 1: prior code § 15.102.10)

Chapter 16.32

IMPROVEMENTS

Sections:

16.32.010	Procedure generally.
16.32.020	Improvement requirements.
16.32.030	Performance guarantees.
16.32.040	Maintenance guarantees.
16.32.050	Approval procedures.
16.32.060	Other matters.
16.32.070	Off-site improvements generally.
16.32.080	Standards of review for off-site improvements.
16.32.090	Proper provision for off-site improvements.
16.32.100	Certificate of adequacy for off-site improvements.
16.32.110	Contract provisions for off-site improvements.
16.32.120	General municipal standards for off-site improvements.
16.32.130	General obligations.

16.32.010 Procedure generally.

It is recognized by the governing body that the adequate provision of on-site improvements and, to the extent required to properly service the project, off-site improvements, are a prime concern when evaluating an application for development under this title. The sections that follow are designed to give direction to an applicant with regard to improvements that are required. The precise nature of any improvement is left for discussion under Chapter 16.34 entitled Design and Performance Standards Generally. The procedural requirements are discussed in this chapter. (Prior code § 15.111)

16.32.020 Improvement requirements.

A. Preliminary Approval. All plans submitted in connection with preliminary approval shall indicate on the plans the nature of all improvements hereinafter required contemplated for the development application for which approval is sought. The improvement shall conform to the design requirements elsewhere set forth in this title and shall be sufficient in detail to determine whether compliance with the design standards has been achieved.

B. Final Approval. No final plan shall be approved by the reviewing board unless:

1. All improvements as required below have been completed and certified to by the reviewing agency's engineer; or
2. The applicant shall file with the board performance guarantees sufficient in amount to cover the cost of all such improvements or incompleting portions thereof as estimated by the board engineer to insure the installation of such incompleting improvements shall occur on or before a specified date.

C. Types of Improvements. The applicant for development application approval shall be required to indicate on all plans and to subsequently cause to be installed the following improvements:

1. Street paving (base and surface course);
2. Street signs and traffic control devices;
3. Curbs and/or gutters;
4. Sidewalks;
5. Monuments;
6. Storm sewers and other drainage structures;
7. Approved sewer facilities;

8. Streams;
9. Topsoil, seeding and/or sodding;
10. Fire hydrants;
11. Recreational facilities and open space;
12. Street lighting;
13. Shade trees and shrubbery;
14. Ways designed for the movement of pedestrian, vehicular and animal traffic;
15. Planted buffer strips;
16. Underground wiring;
17. Utility and drainage easements;
18. Off-site improvements;
19. Water supply;
20. Erosion control and sedimentation control development.

D. Connection Required. Where applicable, all improvements installed shall be properly connected with an existing system maintained by the township prior to use or occupancy of any building or property.

E. Design Standard. In designing the improvements listed above, the applicant shall observe the requirements and principles established in this chapter. These standards shall be deemed minimum standards and in all cases the applicant shall be required to design improvements to meet the present and future probable needs of the development. No application for development shall be approved which will place a burden upon the existing systems maintained by the township.

F. Inspections. All improvements installed pursuant to this title shall be inspected and approved by the appropriate reviewing engineer prior to occupancy of any structures constructed upon the subdivision. The reviewing engineer shall be notified forty-eight (48) hours in writing prior to the start of the various phases of work and if discontinued shall be again notified twenty-four (24) hours in advance by phone when construction will be continued. Failure to notify the engineer as specified in this subsection shall constitute a violation of the provisions of this title and shall subject the violator to the penalty provisions hereinafter set forth.

G. Dedication by Deed. The applicant shall have the right to offer for dedication to the township any and all improvements listed above. The township's governing body shall have the right to accept the uncoerced dedication of the improvements specified above where the township has determined that the improvements have been properly installed. The improvements, however, shall not be deemed to have been accepted by the township until formal action of acceptance has occurred. Said action shall be taken by the governing body through the adoption of a resolution pertinent to the subject matter at hand. (Prior code §§ 15.112.1—15.112.7)

16.32.030 Performance guarantees.

A. Posting and Guaranteeing. Subject to the provisions of NJSA 40:55D-33, an applicant under the provisions of this title shall have the right, in lieu of constructing the improvements specified above prior to final approval, to post performance guarantees for that construction. Said performance guarantees shall guarantee to the township that all improvements will be constructed in accordance with township standards by a specified date and that the township's governing body shall have the right subsequent to this date to make use of the guarantee to fund the necessary installation of these improvements. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the township for such utilities or improvements.

B. Amount. The reviewing engineer shall, where the applicant indicates a desire to post a performance guarantee, determine the amount necessary to install the improvements required in the event

that the township shall be required to install these improvements upon the default of the applicant. The amount specified by the engineer shall be the amount of the performance guarantee.

C. Types. Performance guarantees may be in any of the forms listed below:

1. A performance bond issued by a bonding or surety company approved by the township governing body by resolution;

2. A certified check returnable to the applicant after completion of the certification procedure outlined in subsection (C)(3) of this section;

3. Letters of credit issued by a banking institution approved by the township governing body by resolution;

4. Any other type of surety recommended by the township attorney and approved by the township governing body by resolution.

D. Approval and Term. All performance guarantees shall be approved by the township attorney as to form, sufficiency and execution. Such performance guarantees shall run for a period to be fixed by the proving agencies but in no case for a term of more than three years. However, with the consent of the builder and surety, if there be one, the township governing body may by resolution, upon the recommendation of the reviewing board, exceed the term of such performance guarantees for additional periods of time not to exceed three years. As a condition, or as part of any such extension, the amount of any performance guarantee shall be increased, or reduced, as the case may be, to an amount not to exceed one hundred twenty (120) percent of the cost of installation as determined by the governing body as of the time of passage of the resolution.

E. Reduction. The amount of the performance guarantee may be reduced by the township governing body by resolution upon the recommendation of the reviewing engineer when portions of the required improvements have been installed in accordance with the provisions of this title. In the event of a reduction, the applicant shall present to the township clerk performance guarantees sufficient in the amount and form to meet the standards elsewhere set forth in this chapter for the remaining improvements to be completed. Upon presentment of these performance guarantees the township clerk shall deliver the initial performance guarantees to the applicant for cancellation within seven days.

F. Default. In the event that the applicant shall fail to install the improvement required under the provisions of this title within the time period specified by the performance guarantee, or the extension thereof, the township shall have the right subsequent to the date wherein performance is called for to make application against the performance guarantees for all funds required to cause the improvements to be installed in accordance with municipal standards. The obligor and/or surety shall within fifteen (15) days, upon receipt of a written request from the township, post with the township clerk the necessary funds to cause the improvement to be installed. These funds shall be deposited in regular township accounts and be utilized by the township to install the improvements called for. In addition to the above and not in limitation thereof, the municipality may also by way of alternative seek the specific performance from the obligor or surety in a court of competent jurisdiction. (Prior code § 15.113.1)

16.32.040 Maintenance guarantees.

A. Posting and Guarantee. Subject to NJSA 10:55D-55(2), the applicant shall also, at the time approval is given on the installation of any of the improvements required under this title, post a maintenance guarantee covering the improvements so approved. This maintenance guarantee shall guarantee to the township that there is no defect in workmanship or material in the improvements so installed that would permit the improvements to fail within a period of two years from the date the improvements are approved by the township.

B. Amount. A maintenance guarantee required under this chapter shall be in the amount of fifteen (15) percent of the actual cost of the improvements installed and approved as determined by the reviewing engineer.

C. Types and Approval. Maintenance guarantees shall be of the type and shall be approved

in the same manner as is set forth under Section 16.32.030(C) except that the term of the maintenance guarantee shall only be for a period of two years.

D. Default. In the event that any of the improvements for which a maintenance guarantee shall be posted shall fail within a period of two years after final acceptance of the improvement by the township as certified by the reviewing engineer, then, and in that event, the township shall have the right to apply on the obligor or surety for all funds set forth within the maintenance guarantee to allow the township to reconstruct or repair the improvements so installed. The obligor or surety shall within fifteen (15) days from written application by the township post these funds with the township clerk whereupon the township shall proceed in accordance with the provisions of law to make all necessary repairs or reconstruction of the improvements called for. The municipality may also by way of alternative seek a specific performance from the obligor or surety in court of competent jurisdiction. (Prior code § 15.113.2)

16.32.050 Approval procedures.

A. Request—Inspection Report. When all the necessary and appropriate improvements have been completed, the obligor shall notify the township governing body, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the reviewing engineer. The township governing body shall direct and authorize the reviewing engineer to inspect all of the aforesaid improvements. The reviewing engineer shall thereupon file a report, in writing, with the township governing body, which report shall be detailed and shall indicate either approval, partial approval, or rejection. These said improvements or any portion thereof shall not be approved or shall be rejected by the reviewing engineer and said report shall contain a statement of the reasons for such approval or rejection. Where said report indicates partial approval of the improvements, it shall indicate the cost of the improvements for which approval is rejected or withheld.

B. Acceptance or Rejection. The township governing body shall accept or reject improvements, grant partial approval, or withhold approval, on the basis of such report and shall notify the obligor in writing by certified registered mail of the contents of said report and the action of the township governing body with relation thereto not later than sixty-five (65) days after receipt of the notice from the obligor of the completion of the improvements. When partial approval is granted, the obligor shall be released from all liability pursuant to its performance guarantee bond, except for that portion adequate and sufficient to secure the improvements not yet approved.

C. No Action. Failure of the governing body to send or provide such notification to the obligor within sixty-five (65) days shall be deemed to constitute approval of the improvements and the obligor and surety, if any, shall be released from all liability, pursuant to such performance guarantee.

D. Rejected Items—Completion. If any portion of said improvement shall not be approved or shall be rejected by the township governing body, the obligor shall cause the same to be completed and, upon completion, the same procedure of notification as outlined herein shall be followed. (Prior code § 15.113.3)

16.32.060 Other matters.

A. Appeal. Nothing herein, however, shall be constructed in limitation of the obligor's right to contest or question by legal proceedings or otherwise any recommendation of the township governing body, planning or zoning boards or their agents.

B. Fees. The obligor shall be responsible for all of the reasonable inspection fees, incurred by the township, in making the foregoing inspections. (Prior code § 15.113.4)

16.32.070 Off-site improvements generally.

Prior to the granting of preliminary approval to any application for development, the reviewing agency shall determine the off-site effects which approval of the applicant's plan shall have upon the road systems, stormwater drainage systems, sanitary sewer systems, and the potable water systems maintained

by or for the township. Where the reviewing board determines that the above described off-site systems will be inadequate to properly service applicant's subdivision and thus create a danger or a burden to and upon the health, safety and welfare of the inhabitants of the development, inhabitants of the surrounding area adjacent to applicant's development, and/or in general the inhabitants of the township unless the above described systems are improved, updated, expanded or provided, the reviewing agencies shall, unless proper provisions pursuant to the following sections are made for the improvements, updating expansion or provision of these additional facilities, deny preliminary subdivision approval. (Prior code § 15.114.1)

16.32.080 Standards of review for
off-site improvements.

The reviewing agencies, in determining that the off-site systems will be inadequate to properly service applicant's development, shall be guided by and take into consideration the following enumerated standards for the system referred to:

A. Road System.

1. General Requirements. Road systems leading to and from an applicant's project shall be adequate to handle the anticipated peak load capacity that will be generated from or through applicant's project when taken in concert with such other potential areas of development that may utilize the same road facilities.

2. Specific Reviewable Factors. Specific reviewable factors include:

a. A potential need and timing of other developments within the geographic area of applicant's development which may reasonably be expected to use or increase the demands upon the same systems utilized by the applicant;

b. The increase of traffic generated by the applicant's development as determined by traffic count, existing projected traffic patterns, quality of roads in the area, life expectancy of existing facilities both within and outside of the applicant's subdivision, future developments within and outside the applicant's development, future developments within areas adjacent to applicant's development, and other factors related to the needs established by applicant's development;

c. The peak capacity of the facilities under discussion;

d. Traffic hazards created by proposed turns, stops, exits and traffic flows on the facilities under discussion;

e. The existing or pending plans by other developments, local municipality, the county or the state to upgrade, improve or modify the facilities under discussion and whether such upgrading, improvement or modification will increase, have no effect, or diminish the demand upon the facilities under discussion and whether this upgrading, improvement or modification will create a burden upon the facilities reviewed.

3. Data. The reviewing agency may require the furnishing of detailed reports at applicant's expense to assist the agency in determining whether or not the facilities available are adequate to meet the needs created by the applicant's project.

B. Storm Water Drainage Systems.

1. General Requirements. All developments for which approval is sought shall have available adequate off-site improvements designed to carry the increase in off-site surface water drainage caused by the development of the project and by future needs of the drainage basins as determined by the master drainage plan for the township to adequate collection areas such as rivers, lakes or streams.

2. Specified Reviewable Factors. The reviewing agency, in evaluating whether or not the applicant's plans conform to the above stated requirement, may take into consideration the following:

a. Applicant's land area and its relationship to the acreage of the total drainage basin to determine what the total needs of the drainage basin for stormwater drainage facilities would be if maximum allowable coverage occurs for the total acreage involved;

b. Existing or proposed development in the drainage basin and its effect upon the facilities

under discussion;

c. Existing or proposed stormwater drain-age within the drainage basin maintained by other developments, local municipality, the county or the state; their maximum peak load capacity; and the effect which applicant's project would have on these facilities;

d. The use of the particular site and the uses reasonably contemplated for the balance of the drainage basin;

e. The water table of the applicant's project;

f. The nature of the soil conditions as they relate to percolation and absorption capacity;

g. Capacity of existing facilities maintained within the drainage basin;

h. The relationship that the drainage basin occupied by applicant's project bears to other drainage basins.

3. Data. The reviewing agency may require the furnishing of detailed reports at the applicant's expense to determine whether or not the above requirements are met by the facilities in existence.

C. Potable Water Facilities.

1. General Requirements. All developments for which approval is sought shall have available an adequate water supply and distribution system capable of producing, at the entranceway to applicant's development, water pressure capable of generating pressure at fifty (50) psi or delivering water at seven hundred fifty (750) gallons per minute with a residual pressure of twenty (20) psi.

2. Specific Reviewable Factors. The reviewing agency, in evaluating whether or not the development conforms to the above stated requirements, may take into consideration the following:

a. The reasonably anticipated peak load requirements of applicant's project as it relates to the capacity of existing or proposed systems owned, operated or provided under contract by the township;

b. The current capacity of the township's water supply and distribution system at peak load to generate sufficient water at appropriate pressure to applicant's project after deducting the needs of all approved developments whether constructed or proposed;

c. The potential for fire hazards if proper water pressure is not provided to applicant's project;

d. The location of existing township-owned water mains meeting the standards of the township as set forth by ordinance;

e. The location of proposed water main extensions, whether these extensions are to be installed by the local municipality or other developers, the county, or the state;

f. The capacity of water mains, whether existing or proposed, to provide sufficient water or proper pressure to applicant's project;

g. The size of applicant's project as it relates to the loss of pressure through friction from taking water through applicant's project;

h. The need for water to be pumped to applicant's project;

i. Proposed extension of water facilities through the township in accordance with the master water plan prepared by the township engineer and how applicant's needs fit into this plan;

j. The availability and sufficiency of on-site water facilities to handle applicant's needs;

k. Requirements of county, state or federal administrative rules and regulations as they bear to the requirements for water supply to a project such as contemplated by the applicant's project.

D. Sanitary Water Facilities.

1. General Requirements. All developments for which approval is sought shall have available sufficient capacity at the sanitary sewerage disposal plans maintained by the township to adequately treat the sewerage requirements of applicant's project and shall have a sewer main system available to deliver such sewerage to these plans for treatment, giving due consideration in both instances to previously approved if not yet constructed developments.

2. Specific Reviewable Factors. The reviewing agency, in evaluating whether or not

applicant's plans conform to above stated requirements, may take into consideration the following:

- a. The reasonably anticipated peak load requirements of applicant's project as they relate to the capacity of existing or proposed systems owned, operated, or provided under contract by the township;
- b. The applicant's land area and its relationship to acreage of the total drainage basin to determine what the total needs of the drainage basin are for sanitary water disposal facilities, if maximum allowable use occurs for the total acreage involved. The current capacity of the township sewerage disposal plants at peak load to properly treat in conformity to prevailing standards, the sanitary water effluent that is currently being generated and that will be generated when taken together with that emanating from applicant's development;
- c. The adequacy of facilities such as pumping stations, mains and appurtenances to handle the increased flow to be generated by applicant's project upon construction;
- d. The use of the particular site uses reasonably contemplated for the balance of the drainage basin;
- e. Water table of applicant's development;
- f. Nature of soil conditions within the drainage basin occupied by applicant's development;
- g. The location of existing township- owned sanitary sewer facilities meeting the standards of the township as set forth by ordinance or state regulation;
- h. The size of applicant's project as it relates to the flow to be generated by construction of applicant's development;
- i. The requirements of the county, state or federal authorities as they relate to standards to be utilized in determining the provisions of proper sanitary sewer facilities to applicant's project;
- j. The proposed extension of sanitary sewer facilities through the township in accordance with the master sanitary sewer plan and how applicant's needs fit into this plan, the nature and type of effluent to be anticipated from applicant's project and such special problems as may be required by different types of effluent which may require special equipment or added costs for treatment. (Prior code § 15.114.2)

16.32.090 Proper provision for off-site improvements.

In the event that the reviewing agency shall determine that the applicant's project cannot be approved without proper provision being made for off-site improvements, applicant's application shall be rejected, or, in the alternative, the applicant may provide for the provision of the needed off-site facility by obtaining from the township governing body a certificate of adequacy, which shall determine that the applicant shall have available to his project, by the time application is made for certificate of occupancy, the needed off-site improvements. (Prior code § 15.114.3)

16.32.100 Certificate of adequacy for off-site improvements.

A. Application. An applicant seeking approval for an application for development may apply to the township for a certificate of adequacy in the same fashion as that employed for an appeal from a determination of the reviewing agency.

B. Standards of Review. The township governing body shall review the needs of applicant's project for off-site systems and shall take into consideration in formulating a proper method for the provision of off-site improvements the following:

1. Municipal Improvement. Contemplated municipal improvements as they relate to the area of applicant's development, the timing of these projects, the contemplated cost of the projects as they relate to general improvements;
2. Other Developments. The construction of off-site improvements contemplated by other developments within the general geographic area of applicant's project or facilities to be constructed in concert with the municipal officials by other projects as they relate to the needs of applicant's project;
3. Applicant's Needs. The relationship which needed off-site improvements bear to needs of

applicant's project and the needs of the community in general for improvement of facilities to service not only applicant's project but the future needs beyond those proposed by the applicant.

C. Township Council Action. Township committee may provide within its certificate of adequacy the following:

1. Municipal Costs. That the municipality shall provide the facilities required to applicant's development entirely at municipal expense;

2. Applicant's Expense. That the cost for all needed off-site improvements will be provided by the applicant pursuant to a written agreement entered into between the applicant and the township governing body;

3. Sharing of Costs. That the township and the applicant shall enter into a written agreement providing for a sharing of the costs between the applicant and the township which recognizes that the needed improvements are required to service not only applicant's project but the future needs of the township in this matter:

a. The allocation of costs shall be determined in accordance with the following:

i. The governing body shall consider the total cost of the off-site improvements, the benefits conferred upon the development, the needs created by the development, population and land use projections for the general areas of the development and other areas to be served by the off-site improvements, the estimated time of construction of off-site improvements, and the condition and periods of usefulness, which period may be based upon the criteria of NJSA 40A:2-22. The governing body may in addition take into consideration the criteria set forth below,

ii. Road, curb, gutter and sidewalk improvements shall be based upon the anticipated increase of traffic generated by the development. In determining such traffic increases, the governing body may consider traffic counts, existing and projected traffic patterns, quality of roads and sidewalks in the area, and other factors related to the need created by the development and the anticipated benefit thereto,

iii. Drainage facilities shall be based upon and determined by the drainage created by or affected by a particular project and take into consideration:

(A) The percentage relationship between the development's acreage and the acreage of the total drainage basin,

(B) The use of a particular site,

(C) the amount of area to be covered by impervious surfaces on the site itself,

(D) The use, condition or status of the remaining area in the drainage basin,

iv. Sewerage facilities shall be based upon the proportion that the subdivision's total anticipated volume of sewage effluent bears to the existing capacity of existing and projected sewerage disposal facilities, including but not limited to, lines and other appurtenances leading to and servicing the development. Also consideration shall be given to the types of effluent and particular problems requiring special equipment, or additional costs for sewage collection as determined by the township engineer,

v. Distribution facilities shall be based upon the added facilities required by the total anticipated water use requirements of the tract as determined by the township engineer. (Prior code § 15.144.4)

16.32.110 Contract provisions for
off-site improvements.

Any contract entered into between the township and the applicant shall specify that:

A. Construction Contract. All construction shall be performed under contract with the township issued in compliance with NJSA 40A:11-1 et seq.;

B. Engineer's Specifications. All construction shall be performed pursuant to plans and specifications prepared by the township engineer and shall be in conformity to the master plan;

C. Engineer's Inspection. All construction shall be inspected and certified to by the township engineer as conforming to all municipal standards as they relate to such improvements;

D. Project Description. All agreements shall outline in detail or by attached project plan a full description of the project to be constructed. Where different projects are to be funded in different ways, a description for each project shall be separately stated for each method of financing employed;

E. Ownership. All agreements shall provide that all improvements constructed shall provide that all improvements constructed shall belong upon completion to the township. (Prior code § 15.114.5)
16.32.120 General municipal standards for off-site improvements.

In deciding which of the above methods is to be employed by the township in requiring the off-site improvements by the applicant, the township shall be guided by generally prevailing municipal standards as they relate to the provisions of such off-site improvements and all applicants similarly situated shall be similarly treated in their dealings with the township. (Prior code § 15.114.6)

16.32.130 General obligations.

Nothing herein contained shall be deemed to obligate either the applicant or the township to any financial arrangement outlined above except that applicants in a similar position shall be treated equally and nothing contained within this chapter shall be deemed to require that the applicant use any method employed by this chapter. Any applicant may wait to construct his development until proper off-site improvements are provided in the normal course of business by the municipality in conformity to general prevailing construction plans for such projects. (Prior code § 15.114.7)

Chapter 16.34

DESIGN AND PERFORMANCE STANDARDS GENERALLY

Sections:

16.34.010	Standard of review.
16.34.020	Character of the land.
16.34.030	Plats straddling municipal boundaries.
16.34.040	Development name.

16.34.010 Standard of review.

Any application for development shall demonstrate conformity to design standards that will encourage sound development patterns within the township. Where either an official map or master plan have been adopted, the development shall conform to the proposals and conditions shown thereon. The streets, drainage rights-of-way, school sites, public parks and playgrounds, scenic sites, historic sites, and flood control basins shown on the officially adopted master plan or official map shall be considered in the approval of plats. In accordance with good design practices, extreme deviations from rectangular lot shapes and straight lot lines shall not be allowed unless made necessary by special topographical conditions or other special conditions acceptable to the approving authority. All improvements shall be installed and connected with existing facilities or installed in required locations to enable future connections with approved systems or contemplated systems, and shall be adequate to handle all present and probable future development. (Prior code § 15.121.1)

16.34.020 Character of the land.

Land which the approving authority finds to be unsuitable for the intended lot(s) and its use due to flooding, improper drainage, steep slopes, soil conditions, adverse topography, utility easements, or other features which can reasonably be expected to be harmful to the health, safety and general welfare of the present or future inhabitants of the developments and/or its surrounding areas, shall not be subdivided and site plans shall not be approved unless adequate and acceptable methods are formulated by the developer to solve the problems by methods meeting this title and all other requirements. (Prior code § 15.121.2)

16.34.030 Plats straddling municipal boundaries.

Whenever a development abuts or crosses a municipal boundary, access to those lots within the township shall be from within the township as the general rule. Wherever access to a development is required across land in an adjoining community as the exception, the approving authority may require documentation that such access is legally established, and that the access road is adequately improved. (Prior code § 15.121.3)

16.34.040 Development name.

The proposed name of the development shall not duplicate, or too closely approximate, the name of any other development in the municipality. The approving authority shall have final authority to designate the name of the development which shall be determined prior to preliminary approval. (Prior code § 15.121.4)

Chapter 16.36

OPEN SPACE AND RECREATION FACILITIES

Sections:

16.36.010 General standards.

16.36.020 Regulations.

16.36.010 General standards.

The township recognizes that it is the applicant's obligation to adequately provide for the welfare of those attracted to the community by the development of applicant's project. The proper provision of open space and recreational facilities for those individuals shall be addressed by the applicant in his presentation before the reviewing board and considered by the reviewing board before approval is granted. The reviewing board shall determine whether the facilities within the area of applicant's proposal are adequate to service the needs of the proposal and where they are deficient it shall be the applicant's responsibility to provide for this need. (Prior code § 15.122.1)

16.36.020 Regulations.

A. Open Space Generally. Where a park, playground, recreation area, school or other site for public use is proposed in whole or in part in the applicant's development, or where natural site features are to be preserved for public use, the method of reserving such areas for open space, whether by easement, deed restriction, dedication, homeowner association, or other means shall be approved by the reviewing board. Where land is dedicated to the township, it shall be submitted to the governing body for acceptance.

In the selection of the location of open spaces, consideration shall be given to the preservation of natural features.

B. Developed Open Space. In order to provide for the safety and general welfare of the public, all residential developments which will result in five or more dwelling units shall set aside no less than one thousand five hundred (1,500) square feet of developed open space per dwelling unit for recreational functions.

Developed open space shall consist of developable land devoid of buildings and other physical structures except for outdoor recreational facilities. Developed open space shall not include streets, drives, easements, walkways, parking lots, or include school sites, clubhouses, indoor recreational facilities, or retention basins not specifically designed for recreation use.

The location, form and design of such areas shall be approved by the reviewing board. The area specifically designated for recreational purposes shall be fully usable for that purpose and shall have all improvements as required by this chapter. Wherever possible, recreation sites should be located adjacent to school sites. The applicant shall determine whether the land to be utilized for recreational purposes shall remain for private recreational uses or be dedicated for public use.

1. Exception. In special circumstances where the development will result in not less than five nor more than ten dwelling units and where due to the size, location and design requirements of the development it is not feasible in the opinion of the reviewing board to set aside such area or areas for developed open space, the applicant shall make a payment in lieu of the provision of such open space land to the township. Such payments

shall be placed in a special recreational open space land fund to be utilized solely for the purchase of public recreational open space. The amount of the payment shall be equal in the size and character to land which would otherwise be provided within the development itself in compliance with the regulations of this chapter.

Dwelling Units	Tot-Lot	Tennis Courts	Basketball Courts	Multi-Purpose Field
1—4				
5—25	1			
26—50	1		1	
51—100	1	1	1	
101—500	1	1	1	
151—200	2	2	2	
201—250	2	2	2	1
251—300	3	3	2	1
301—350	3	3	3	1
351—400	4	4	3	2
401—450	4	4	3	2
451—500	5 Plus 1 for every 100 units or fraction thereof over 500.	5 Plus 1 for every 200 units or fraction thereof over 500.	3 Plus 1 for every 125 units or fraction thereof over 500.	2 Plus 1 for every 200 units or fraction thereof over 500.

2. Improvements. The developer shall install as a minimum the following recreational facilities or their equivalent on the land which has been set aside for recreational purposes:

C. Undeveloped Open Space. Undeveloped open space for parks, and for preserving natural features in an undisturbed state shall be provided in accordance with the following standards:

1. Land area shall be based upon a minimum ratio of one acre of land per fifty (50) dwelling units or fraction thereof with a minimum of four acres, except that in special circumstances where due to the size, location and design requirements of the development, it is not feasible, in the opinion of the reviewing board, to set aside such area or area for undeveloped open space, a lesser amount may be permitted.

2. No removal of natural growth grading, or depositing of debris shall be permitted in any area designated as a proposed park or other public site. (Prior code § 15.122.2)

Chapter 16.38

APARTMENTS AND TOWNHOUSES

Sections:

- 16.38.010 General standards.
- 16.38.020 Regulations—Water and sewer.
- 16.38.030 Standards for development.

16.38.010 General standards.

Apartments and townhouses are regulated and shall be reviewed to promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions, provide for the preservation of the environment, provide sufficient space in appropriate locations for a variety of residential uses in order to meet the needs of a variety of citizens and promote a desirable visual environment through creative development techniques and good civic design. (Prior code § 15.123.1)

16.38.020 Regulations—Water and sewer.

No apartments or townhouses shall be erected unless public or private central water supply and a central sanitary sewer system are

provided as approved by appropriate state, county and local regulatory agencies and until the site plan has been reviewed and approved by the reviewing board and the board of fire engineers. (Prior code § 15.123.3 (part))

16.38.030 Standards for development.

A. Overall Theme. Each overall development shall have a compatible architectural and landscaping theme with variations in design to provide attractiveness to the development. Each project shall specify how each of the following considerations has been incorporated in the overall plans: landscaping technique; building orientation to the site and to other structures; topographic natural features such as wooded areas, drainage courses, soil conditions, and topographic relief; and building design features such as varying unit widths, staggering unit setbacks, providing different exterior materials, changing roof lines and roof designs altering building heights, and changing types of windows, shutters, doors, porches, colors and vertical or horizontal orientation of the facades, singularly or in combination.

B. Configuration. The configuration of structures may be any alignment that meets the yard requirements and does not exceed the following overall or component building lengths:

200_ on one plane; Dimen. a)

340_ on any angle; Dimen. b)

500_ along the centerline;

Dimen. c)

Any passageway between two structures which has a roof attached to both structures shall be included in calculating these lengths. Structures, as measured along the centerline, shall provide one opening at ground level at least every two hundred (200) feet. This opening shall be a minimum of fifteen (15) feet in clear width and a minimum of twelve (12) feet in clear height and located so that the floor level is at an elevation not more than eight inches above or below the finished grade of the adjoining ground. The configuration of townhouse structures may be any alignment that meets the yard requirements, but has not less than four nor more than eight units in one overall structure.

C. Subsurface Living Area. No dwelling unit shall have a living area level lower than the finished grade along the front of the structure.

D. Open Space. All required open space shall be improved for the purpose intended as shown on the plan.

E. Density. No development shall exceed the density specified in this title.

F. Recreation Area. Recreational facilities within an apartment or townhouse development shall be located in the designated developed open space areas, which shall be located outside of the yard areas of each structure. The specific location of any recreational facilities shall be given consideration to the proximity of structures, type of recreational facility proposed, expected noise level and evening illumination which may create a possible nuisance for residents, and expected pedestrian traffic across major interior roads or driveways. (Prior code § 15.123.3 (part))

Chapter 16.40

BIKEWAYS AND PEDESTRIAN PATHS

Sections:

16.40.010 General standards.

16.40.020 Regulations.

16.40.010 General standards.

The township encourages the appropriate and efficient use of land, the development of appropriate transportation systems, and the promotion of a desirable, visual environment through creative development techniques, and establishes the policy that a coordinated bikeway and pedestrian path system be developed within the community. (Prior code § 15.124.1)

16.40.020 Regulations.

Bikeways or pedestrian ways shall be required at the reviewing board's discretion depending on the probable volume of bicycle and foot traffic, the development's location in relation to other populated areas, or its location with respect to any overall bike or pedestrian route plan adopted by the township. Bicycle traffic shall be separated from motor vehicle and pedestrian traffic as much as possible. Bikeways and pedestrian paths shall generally not exceed a grade of three percent, except for short distances and they should be a minimum of five feet wide for one-way and eight feet wide for two-way travel. Bikeways shall have a minimum four-inch base of crushed stone on the subgrade and a two-inch F.A.B.C.-1 surface course. Where separate bike paths intersect streets, the curbing shall be ramped for bicycle access to the street grade. Bikeways designated for one-way travel shall only be located along streets. Minimum width for bikeways built in locations other than along streets is eight feet. The reviewing board may, where promotion of proper design would suggest, modify the construction standards set forth above to require less stringent requirements, to provide for the harmonious development of a project. (Prior code § 15.124.2)

Chapter 16.42

BLOCKS

Sections:

16.42.010 General standards.

16.42.020 Regulations.

16.42.010 General standards.

Block length and width or acreage within bounding roads shall be such as to accommodate the size of lot required by the township ordinances and to provide for convenient access, circulation control and safety of street traffic. For commercial, group housing, or industrial use, block size shall be sufficient to meet all area and yard requirements for such use. (Prior code § 15.125.1)

16.42.020 Regulations.

A. Block Lengths. It is recognized that setting minimum and maximum block length standards must be related to sound planning principles and to the varying densities and lot widths specified in this title. To provide for this needed flexibility, the minimum and maximum length of a block shall be governed by the minimum and maximum number of lots specified in each lot width category.

1. A block shall fit into a specific lot width category when the width of not less than seventy- five (75) percent of the lots measured at the front building setback line fall within a specific ten-foot lot frontage category.

2. Block lengths shall fall within the minimum and maximum required standards, however, a developer should take notice of the recommended standard for block lengths. This recommended standard is set forth as an ideal standard for the majority of the blocks in the proposed subdivision. Some deviation from this recommended standard, however, is considered desirable in the interest of variety and good subdivision design.

B. Block End Planting. In cases where lot and block design results in desirable sighting down rear property lines from block ends, a landscape screen of evergreen trees not less than six feet in height shall be provided at block ends by the developer. The screen shall be a minimum of thirty (30) feet in length and centered on the rear property line. (Prior code § 15.125.2)

Chapter 16.44

BUFFERS AND SCREENING

Sections:

16.44.010 General standards.

16.44.020 Regulations.

16.44.010 General standards.

Buffer areas and screening shall require site plan or subdivision approval and are required along all lot lines and street lines which separate a nonresidential use from either an existing residential use or residential zoning district, and where specified elsewhere in this title. Buffer areas shall also be provided between residential buildings of different types in multifamily or P.R.D. developments. Buffer areas shall be developed in an aesthetic manner for the primary purposes of screening views and reducing noise perception beyond the lot. Buffer widths shall be measured horizontally and perpendicularly to lot and street lines. No structure, activity, storage of materials, or parking of vehicles shall be permitted in a buffer area. These standards are intended to provide flexibility in order to provide effective buffers and screens. The location and design of buffers and screens shall consider the use of the portion of the property being screened, the distance between the use and the adjoining property line, differences in elevations, the composition, height, and width of the buffer, and natural features. Buffer shall be designed, planted, graded, landscaped and developed with the general guideline that the closer a use or activity is to a property line, or the more intense the use, the more effective the buffer area must be in obscuring light and vision and reducing noise beyond the lot. (Prior code § 15.126.1)

16.44.020 Regulations.

A. Buffer Content and Location. Buffers shall be a minimum of fifteen (15) feet wide and designed, planted, graded and landscaped to provide an aesthetically pleasing separation of uses. In meeting this standard, the applicant may consider use of the following alternatives for buffer areas:

1. Fencing or wall screening in a landscaped area not less than ten feet wide;
2. Evergreen tree or shrubbery screening in a landscaped area not less than fifteen (15) feet wide;
3. A landscaped berm having a minimum height of six feet with three to one (3:1) side slopes;
4. Locating proposed building with a minimum setback of two hundred (200) feet from the residential zone or use with an average ground slope in the setback area of less than twenty (20) percent. Landscaping and trees shall be provided in this area;
5. A parking area setback of fifteen (15) feet that is screened as required under the off-street parking provisions of this title.

If in the judgment of the approving authority any of these alternate provisions will not provide sufficient buffers for the portion of the site proposed, the approving authority may require the development plan to be modified to show the extension of the buffer area, require that the proposed alternatives be landscaped differently or be relocated until, in the approving authority's judgment, they provide the desired buffering effect.

B. Buffer Material and Natural Foliage. All buffer areas shall be planned and maintained with either grass or ground cover together with a screen of live shrubs or scattered planting of live trees, shrubs or other plant material. The preservation of all natural wooded tracts shall be an integral part of all development plans and may be calculated as part of the required buffer area provided the growth is of a density and the area has sufficient width to serve the purpose of a buffer. Additional plantings may be required by the reviewing board to establish an appropriate tone for an effective buffer.

C. Screening. Screening shall be provided with buffer strips or as required elsewhere in this

title so as to provide a year-round visual or partial acoustical barrier to conceal the view or sounds of various utilitarian operations and uses from the street or adjacent properties.

Screening shall be so placed that at maturity it will not be closer than three feet from any street or property line.

All plants for screening shall be of a species common to the area, be of balled or burlapped nursery stock, and be free of insects and disease. Plants which do not live shall be replaced within two years or two growing seasons. Screen plantings shall be broken at points of vehicular and pedestrian ingress and egress to assure a clear sight triangle at all street and driveway intersections.

Screening shall consist of the following materials:

1. Solid Masonry. A solid masonry wall not less than five feet six inches above ground level;

2. Shrubbery. "Low" type shrubbery screening may be used in and around parking areas, roadway or accessways where sight distances for vehicular and pedestrian traffic are a prime consideration. Shrubbery shall be a minimum of three feet high when planted and be of such density as will obscure, throughout the full course of the year, the glare of automobile headlights emitted from the premises.

All other shrubbery for screening shall be a minimum of five feet high at the time of planting.

Dense hedges of shrubbery planted at a maximum of thirty (30) inches on center may be used;

3. Trees. Trees for screening shall be evergreens having a minimum height of five feet above the ground when planted. Trees shall be placed five feet on centers in a single row, or five feet on centers in two or more staggered rows with a five-foot separation between rows. Evergreens may be supplemented with deciduous trees having a minimum eight-foot height at time of planting with a minimum caliper of one and one-half inches. (Ord. 17-86 § 2; prior code § 15.126.2)

Chapter 16.46

CURBS AND GUTTERS

Sections:

16.46.010 General standards.

16.46.020 Regulations.

16.46.010 General standards.

The township determines that the provision of curbs and gutters will properly provide for the efficient disposal of stormwater drainage, prevent soil erosion and preserve the condition of roadways and, thus, promote the general health, safety and welfare of the community; therefore, as a condition of development plan approval, applicants shall be required to install curbs and gutters adequate to provide for the purposes set forth above. (Prior code § 15.127.1)

16.46.020 Regulations.

Concrete curb with gutter, or concrete curb, or belgian block curb shall be installed along every street within the development and at intersections with the township roads, county roads and state highways. The standard curb section to be used shall be not more than twenty (20) feet in length with dummy joints to be cut at mid-point between expansion joints. Curbs shall be set in accordance with approved lines and grades. Radial curbs shall be formed having smooth curbs. Chord segments are prohibited.

Vertical concrete curb shall be used in all areas except that monolithic curb and gutter shall be used when the center line grade is less than three-fourths percent. All curb shall conform to the standard detail drawings.

At locations specified by the reviewing board, the curbing shall be designed to provide a ramp for bicycles and the physically handicapped. This ramp shall conform to the design considerations outlined under the sidewalk provisions of this title. (Prior code § 15.127.2)

Chapter 16.48

DRAINAGE

Sections:

16.48.010 General standards.

16.48.020 Regulations.

16.48.010 General standards.

Each applicant shall be required to provide for surface drainage within his project to insure that it will not create a burden to the ultimate users of his tract or create an adverse off-tract effect. All streets shall be provided with catch basins and pipes where the same may be necessary for proper surface drainage. The requirement of this section shall not be satisfied by the construction of ditches or dry wells. The system shall be adequate to carry off or store the stormwater and natural drainage water which originates within the development boundaries and that which originates beyond the development boundaries and passes through the development calculated on the basis of maximum potential development as permitted under this title. No stormwater runoff or natural drainage water shall be so diverted as to overload existing drainage systems or create flooding or the need for additional drainage structures on other lands without proper and approved provisions being made for taking care of these conditions. (Prior code § 15.128.1)

16.48.020 Regulations.

A. Time of Concentration. The time of concentration used in computing stormwater runoff shall be the equivalent to the time required for water falling at the most remote point of the drainage area to reach the point in the drainage system under consideration and shall be based on time-of-flow and intensity-duration curves.

B. Runoff Computations. Computations of the rate of flow at any given location shall be based on the following rational formula $Q=C.I.A.$, in which:

Q = Volume in cubic feet per second

C = Runoff factor

I = Intensity of rainfall in inches per hour

A = Watershed area in acres

In setting the value of the runoff coefficient "C," consideration will be given to the physical features of the drainage basin and the best available data on the future density of development of the drainage basin.

C. Intensity. The intensity of the storm water shall be based on the following:

1. As a minimum, a five-year storm shall be used where excess flow can continue downhill in the street without flooding adjoining properties;

2. As a minimum, a ten-year storm shall be used at low points with a relief swale, or twenty-five (25) year storm where carried in a pipe;

3. As a minimum all box culvert designs shall be based on a twenty-five (25) year storm. The Rainfall-Intensity-Duration-Frequency Curve for Philadelphia presented in Technical Paper No. 25, prepared by the U.S. Department of Commerce Weather Bureau, shall be used. A copy of this is included in the standard details portion of this title. Time flows curves are also included in that section for use in design;

4. Standard headwalls shall be installed on all pipes. Trash bars shall be installed on all pipes. Trash bars shall be installed on all pipes equal to or greater than twenty-four (24) inches in diameter.

D. Pipeline Design. Storm sewer pipelines shall be designated by the following method, and shall be based on the Manning Equation and shall utilize the following friction factors:

n = 0.015	Concrete pipe
n = 0.024	Corrugated metal pipe, 1/2 inch Corrugations, 25% paved
n = 0.021	Corrugated metal pipe, 1/2 inch Corrugations, 50% paved
n = 0.013	Corrugated metal pipe, 1/2 inch Corrugations, 100% paved

The minimum allowable pipe size is fifteen (15) inches. Reinforced concrete Class III, Wall B, shall be used in pavement areas and wherever there is vehicular traffic, unless otherwise designated by the reviewing board engineer. Where the cover on the pipe will be less than two feet, reinforced concrete pipe of Class IV, Wall B, shall be used. No pipe shall have less than one foot of cover. Corrugated metal pipe may be used under certain conditions subject to the approval of the reviewing board engineer.

This method is based on the assumption that hydraulic gradient will match the inside top of the pipe when system is under maximum hydraulic load.

1. For this method, head losses through manholes, inlets, etc., shall be ignored.
2. The minimum slope of any pipe shall be such that a minimum velocity of 2.5 fps shall be maintained when the pipe is flowing at one-quarter full.
3. When the pipe sizes change, the inside tops of the pipes shall be matched.
4. Continuous profiles for each reach of pipe shall be plotted, along with the location of the hydraulic gradient, and the hydraulic information shall include the pipe size and type, the “n” factor, the slope of the hydraulic gradient, slope of the pipe, the design capacity, and the velocity at the design capacity.

E. Inlet Design. Stormwater inlets shall be equal to New Jersey State Highway Department inlet Type B. The maximum collecting capacities of the inlets shall be considered to be:

1. When installed on streets where the grade is 0.75%—5 cubic feet per second;
2. When installed on streets where the grade is 2.00%—4.8 cubic feet per second;
3. When installed on streets where the grade is 3.00%—4.6 cubic feet per second;
4. When installed on streets where the grade is 4.00%—4.4 cubic feet per second;
5. When installed on streets where the grade is 5.00%—4.2 cubic feet per second;
6. When installed on streets where the grade is 6.00%—4 cubic feet per second.

Sufficient inlets shall be located and constructed so that the length of surface runoff will not contribute a runoff to the inlet exceeding the preceding designated collecting capacities. In no case shall the distance between inlets be greater than four hundred (400) feet.

The gutter grate of all inlets shall be set not more than two inches below the gutter grade. The surface of the paving adjacent to the inlets shall be constructed to bend into the lowered gutter grade at the inlet in such a manner that a sudden drop-off or dip at the inlet will not be created. At such locations where drainage is entirely dependent on inlets, the collecting capacities of the inlets shall be designed for one-half the preceding considered capacities.

Where surface water is collected from two directions at one street corner, inlets shall be placed at, or near, the tangent points of both ends of the radius. The use of one inlet in the radius shall not be allowed.

Access manholes shall be spaced at four hundred (400) foot intervals (maximum) through rights-of-way and at sewer junctions where there are no catch basins.

F. Open Channel Design. Open ditches or channels will not be permitted when the design capacity requires a fifteen (15) inch pipe or larger unless approved by the reviewing board engineer.

Where permitted, open channel design should be based on the following hydraulic consideration:

1. Manning's Equation:

n = .015 - best concrete lined ditch

n = .025 - best unlined ditch

n = .03 - .15 fair to poor natural streams
and watercourses

Allowable Velocity

Excavation Material Velocity

Fine sand and firm loam 2.5—3.5 fps

Stiff clay and hard pan 3.75—6.0 fps

Concrete lined ditch 15 fps

2. Ample freeboard not less than one foot zero inches should be provided on all channels.

3. The channel should be designed to conform wherever possible to the adjacent ground conditions. This means that it should not be projecting excessively above the surrounding ground.

4. Continuous profiles for each reach of open channel shall be plotted along with adjacent average ground and the hydraulic information pertinent to each reach within the system. This information shall include the type of channel lining, the “n” factor, the width of the channel bottom, the side slopes, the water depth, the design capacity, and the velocity at the design capacity.

5. Open channels shall have a maximum side slope of three to one (3:1) and shall have adequate slope protection as required by the soil erosion and sediment control chapter of this title (Chapter 16.92).

G. Culverts. All culverts shall be limited to a single opening; multiple pipes will not be permitted. The design of culverts shall be such as to minimize the probability of debris accumulations.

H. Detention Basin Design. Detention basins will be required in all major developments and site plans unless deemed unnecessary by the reviewing board engineer.

I. Detention Basins. Detention basins shall be designed to limit the stormwater runoff to a controlled rate of flow equal to or less than the stormwater runoff prior to development. The required storage in the basin should be for a twenty-five (25) year storm, with the outflow from the basin limited to a ten-year undeveloped storm. Complete calculations for the basin should be supplied at the time the preliminary plans are submitted. These calculations should include runoff prior to development, runoff after development, and complete calculations for design.

Additionally, the following graphs shall be included:

1. Depth in basin versus storage in basin; and

2. Depth in basin versus outflow from basin; and

3. Inflow to basin versus time and allowable outflow from basin versus time (on same graph).

The design calculations should be based on time intervals of five to ten minutes and indicate inflow, average inflow by time interval, outflow, average outflow by time interval, incremental change in storage, and height of water in pond.

Detention basins shall be designed to completely empty after a rainstorm occurs, and have standing water for a short period of time during a storm. Detention basins shall have provisions for an emergency overflow. In those instances where existing or proposed permanent ponds will be used as retention ponds, they must have a minimum of four feet in depth and provide adequate freeboard to function as a normal retention pond. Additionally the impact of a one hundred (100) year storm shall be

addressed by calculations and submitted for review.

J. Grading. For both major and minor developments, blocks and lots shall be graded to secure proper drainings away from all buildings and to prevent the collection of stormwater in pools and to avoid concentration of stormwater from each lot to adjacent lots.

K. Flooding. Land subject to periodic or occasional flooding shall not be designed for residential occupancy nor for any other purpose which may endanger life or property. Such land within a lot shall be considered for open spaces, yards, or other similar uses in accordance with floodplain regulations.

L. Easements. Where a minor or major development is traversed by a watercourse, surface or underground drainage system, channel or stream, there shall be provided and dedicated a drainage right-of-way easement to the township conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate to accommodate expected stormwater runoff in the future based upon reasonable growth potential in the township and, in addition thereto, a minimum of fifteen (15) feet beyond the bank top on at least one side for access to the drainage right-of-way and meeting any minimum widths and locations shown on any adopted official map or master plan or as required under Chapter 16.50 entitled "Easements."

M. Easements or rights-of-way shall be required in accordance with Chapter 16.50 where storm drains are installed outside streets. (Prior code § 15.128.2)

Chapter 16.50

EASEMENTS

Sections:

16.50.010 General standard.

16.50.020 Regulations.

16.50.010 General standard.

In order to properly provide for the efficient provision of governmental services and to promote the purposes of good land development design, public easements for utility installations, floodplain control, conservation and drainage may be required by the reviewing board. All such easements shall be of a sufficient width, in an appropriate location and shown on plans with sufficient clarity to provide for the purposes for which they are designed. (Prior code § 15.129.1)

16.50.020 Regulations.

A. Width. Basements along rear property or elsewhere for utility installation shall be at least twenty-five (25) feet wide for one utility and five additional feet for each additional utility and be located in consultation with the companies or governmental departments concerned and, to the fullest extent possible, be centered on or adjacent to rear or side lot lines.

B. Recording of Easements. All easements shall be recorded by deed and where the development entails filing of a plan of lots, all easements shall be dimensioned and identified on said plan.

C. Basements and Lot Sizes. Where lots front or side on easements, the reviewing board shall require the depth or width of said affected lots to be increased by the width of the easement. Required minimum lot areas shall be exclusive of easement areas.

D. Floodplain and Conservation Easements. Floodplain and conservation easements shall be indicated on the preliminary and final plats and shown in such a manner that their boundaries can be accurately determined by elevations.

E. Removal of Trees. The removal of trees and ground cover shall be prohibited in a conservation easement or floodplain except for the following purposes: the removal of dead or diseased trees; limited thinning of trees and growth to encourage the most desirable growth; and the removal of trees to allow for structures designed to impound water or in areas to be flooded in the creation of ponds or lakes.

F. Description of Easement. The boundary line of any easement shall be monumented at its intersection with all existing or proposed street lines. Such easement dedication shall be expressed on the plat and in the deed to fully delineate the limits and purpose of the easement, as well as the grantee. (Prior code § 15.129.2)

Chapter 16.52

FENCES AND WALLS

Sections:

16.52.010	Permit required.
16.52.020	Height regulation at street intersections.
16.52.030	Height regulation in residential zones.
16.52.040	Height regulation in other zones.
16.52.050	Exception.
16.52.060	Fencing material regulations.
16.52.070	Maintenance standards.
16.52.080	Location regulation.
16.52.090	Maintenance enforcement.
16.52.100	Corner lots.
16.52.110	Fence installation regulations.
16.52.120	Fences in front yards.
16.52.130	Fences around swimming pools.
16.52.140	Fencing of water collection areas, drainage ponds or similar water holes.

16.52.010 Permit required.

No fences, wall, fence-like or wall-like structure shall be erected without first obtaining a permit from the construction official, except that no permit shall be required for any fence, wall, fence-like or wall-like structure constructed by the township or any of its boards, authorities, commissions or agencies. (Ord. 17-86 § 1 (part): prior code § 15.081)

16.52.020 Height regulation at street intersections.

At the intersection of any two or more streets, no hedge, fence or wall, which is higher than thirty (30) inches above the center of the road level, nor any obstruction to vision shall be permitted in the triangular area formed by the intersection of street lines and a line joining points each twenty (20) feet distant from said intersection along said property lines. In the event that county regulations impose a greater requirement where frontage is upon a county road, such greater requirement shall prevail. (Ord. 17-86 § 1 (part): prior code § 15.082)

16.52.030 Height regulation in residential zones.

No fence or wall hereafter erected, altered or reconstructed in any residential zone or on lots in any other zone on which residential buildings are erected, shall exceed six feet in height above the adjacent ground level when located more than thirty (30) feet from the street line toward which the front entrance of the main building on the property faces. (Ord. 17-86 § 1 (part): prior code § 15.083)

16.52.040 Height regulation in other zones.

In any zone other than residential zone, no fence or wall hereafter erected, altered or reconstructed shall exceed the height of ten feet above the ground level. All fences proposed to be erected in anything other than a residential zone shall receive site plan approval from the Edgewater Park Township planning board. (Ord. 17-86 § 1 (part): prior code § 15.084)

16.52.050 Exception.

The foregoing restrictions shall not be applied so as to prevent the erection of any open wire fence not exceeding ten feet in height above ground level anywhere within a public park, public playground or public school properties. These restrictions shall not be applied so as to restrict the

erection of a wall for the purpose of retaining earth, provided such wall does not exceed such heights to be measured from the ground level of the highest adjacent grade. (Ord. 17-86 § 1 (part): prior code § 15.085)

16.52.060 Fencing material regulations.

The following fences and fencing materials are specifically prohibited: barbed-wire fences, canvas fences, cloth fences, electrically-charged fences or wire fences of less than nine-gauge wire and then only if there is a top supporting rail, temporary fences such as snow fences, expendable fences and collapsible fences on any lot, except where in the case of snow fences, they are erected by an appropriate states, county or local body. All front yard fences must be “open” fences consisting of at least fifty (50) percent open area not including any open area between the bottom of the fence and the ground. (Ord. 17-86 § 1 (part): prior code § 15.086)

16.52.070 Maintenance standards.

Every fence or wall shall be maintained in a safe, sound, upright condition and in accordance with the approved site plan on file with the building inspector if there be one and the township building maintenance code. (Ord. 17-86 § 1 (part): prior code § 15.087)

16.52.080 Location regulation.

All fences or walls must be erected within the property lines and no fences shall be erected so as to encroach upon a public right-of-way. (Ord. 17-86 § 1 (part): prior code § 15.088)

16.52.090 Maintenance enforcement.

If the construction official, upon inspection, determines that any fence or wall or portion thereof is not being maintained in a safe, sound upright condition, he shall notify the owner of such fence in writing of his findings and state briefly the reasons for such findings and order such fence or wall or portion of same to be repaired or removed within ten days from the date of the written notice. Every day the person shall fail to obey the order referred to above shall constitute a separate violation of this chapter. (Ord. 17-86 § 1 (part): prior code § 15.089)

16.52.100 Corner lots.

No fence, wall, fence-like or wall-like structure shall be erected on a lot which abuts on more than one roadway closer to the roadway than the front or side building line. Each side and front building line shall be projected to create a line perpendicular to a side or rear property line and no fence may be constructed closer to a roadway than the line so created. (Ord. 17-86 § 1 (part): prior code § 15.090)

16.52.110 Fence installation regulations.

All fence posts, supporting members or ledgers shall be on the inside of the fence and not visible upon viewing the property from an adjacent property or the roadway. (Ord. 17-86 § 1 (part): prior code § 15.091)

16.52.120 Fences in front yards.

Nothing heretofore withstanding, no fence shall be constructed in front of a front building line in a residential district or on a lot used for residential purposes in any other zone which is greater in height than four feet. (Ord. 17-86 § 1 (part): prior code § 15.092)

16.52.130 Fences around swimming pools.

All fences around swimming pools shall be governed by Section 8.40.070 of this code. (Ord. 17-86 § 1 (part): prior code § 15.093)

16.52.140 Fencing of water collection areas, drainage ponds or similar water holes.

All fencing of water collection areas, drainage ponds or similar water holes shall be in accordance with Chapter 8.12 of this code. (Ord. 17-86 § 1 (part); prior code § 15.094)

Chapter 16.54

ENVIRONMENTAL IMPACT STATEMENT

Sections:

16.54.010 General standards.

16.54.020 Regulations.

16.54.010 General standards.

The township has determined that an environmental impact statement (E.I.S.) serves to assess the environmental and ecological impacts of specific land development proposals and alerts the reviewing board and the applicant to potential risks and dangers. Where an analysis of an E.I.S. determines that a situation is presented where adverse environmental impacts are real, substantial, and not correctable by the applicant, the reviewing board may rely on these impacts as a basis for the denial of an application. The data set forth within an E.I.S. may be used by the reviewing board to require specific conditions relating to site design or improvements which shall be met by the applicant to alleviate or rectify problems before development approval is granted. An E.I.S. shall accompany all applications for preliminary plan approval of a major subdivision and all major site plan applications, and shall provide the information needed to evaluate the effect of a proposed development upon the environment and shall include data distributed, reviewed, and passed upon in accordance with the standards set forth under Section 16.54.020. Nothing herein contained shall eliminate the necessity to provide other information required under the land development ordinance of the township in the preparation of an E.I.S. (Prior code § 15.1210.1)

16.54.020 Regulations.

A. Description. A description of the development shall specify what is to be done and how it is to be done during construction and operation, as well as a recital of alternative plans deemed practicable to achieve the objective.

B. Environmental Conditions Inventory and Impact. An inventory of existing environmental condition at the development site shall be described along with appropriate response as to the nature of the impact as set forth below:

1. Soil Types.
 - a. U.S.D.A. soil types (shown on map),
 - b. Permeability of soil on the site,
 - c. Percolation tests and soil logs noted

as to date of testing and locations on the site. A minimum of one percolation test and soil log per three acres of land proposed for development, and one additional soil log and percolation test at the location of each proposed retention basin and per five hundred (500) feet of proposed ditch;

2. Surface Waters.
 - a. Distance of site from nearest surface water and head waters of streams,
 - b. Sources of runoff water,
 - c. Rate of runoff from the site,
 - d. Destination of runoff water and method of controlling downstream effects,
 - e. Chemical additives to runoff water on the site,
 - f. Submission of an erosion and sediment control plan;
3. Ground Cover—Including Trees.
 - a. Extent of existing impervious ground cover on the site,
 - b. Extent of proposed impervious ground cover on the site,
 - c. Extent of existing vegetative cover on the site,
 - d. Extent of proposed vegetative cover on the site;

4. Topography.
 - a. Maximum existing elevation of site,
 - b. Minimum existing elevation of site,
 - c. Maximum proposed elevation of site,
 - d. Minimum proposed elevation of site,
 - e. Description of proposed change in topography;
5. Groundwater.
 - a. Average depth to seasonal high water table,
 - b. Minimum depth to water table on site,
 - c. Maximum depth to water table on site;
6. Water Supply.
 - a. The source and adequacy of water to be provided to the site,
 - b. The expected water requirements (G.P.D.) for the site,
 - c. The uses to which water will be put;
7. Sewage System.
 - a. Sewage disposal system (description and location, on the site, of system),
 - b. Expected content of the sewage effluents (human water, pesticides, detergents, oils, heavy metals, other chemicals),
 - c. Expected daily volumes of sewage,
 - d. Affected sewage treatment plant's present capacity and authorized capacity;
8. Solid Waste.
 - a. Estimated quantity of solid waste to be developed on the site during and after construction,
 - b. Method of disposal of solid waste during and after construction,
 - c. Plans for recycling of solid waste during and after construction;
9. Air Quality.
 - a. Expected changes in air quality due to activities at the site during and after construction,
 - b. Plans for control of emissions affecting air quality and control of dust during construction;
10. Noise.
 - a. Noise levels, above existing levels, expected to be generated at the site (source and magnitude), during and after construction,
 - b. Proposed method for control of additional noise on-site during and after construction;
11. Impact of Proposed Action Applied For.
 - a. Existing plant species and effects thereon,
 - b. Existing animal species and effects thereon,
 - c. Existing wildfowl and other birds and effects thereon,
 - d. Effects on drainage and runoff,
 - e. Effects on groundwater quality,
 - f. Effects on air quality,
 - g. Effects on situation of surface waters,
 - h. Effects on surface water quality,
 - i. Alternatives to proposed development, consistent with tract zoning,
 - j. Effects on sites of historic significance.
- C. Critical Impact Areas. In addition to the above, plans should include any area, condition or feature which is environmentally sensitive, or which if disturbed during construction would adversely affect the environment.
 1. Critical impact areas include but are not limited to, stream corridors, streams, wetlands, estuaries, slopes greater than fifteen (15) percent highly acid or highly erodible soils, areas of high water table, and mature stands of native vegetation and acquired recharge and discharge areas;

2. A statement of impact upon critical areas and of adverse impacts which cannot be avoided;

3. Environmental protective measures, procedures and schedules to minimize damage to critical impact areas during and after construction;

4. A list of all licenses, permits and other approvals required by municipal, county or state law and the status of each;

5. A listing of steps proposed to minimize environmental damage to the site and region during construction and operation.

D. Procedures for evaluating the environmental impact statement shall be as follows:

1. Upon receipt of the application the administrative officer shall forward the E.I.S. to the environmental commission and the appropriate reviewing board engineer.

2. The above mentioned township commission and engineer shall review the applicant's E.I.S. and shall report its comments within thirty (30) days of the date of submission to the reviewing board.

3. The reviewing board or the environmental commission may require the opinion of the reviewing board engineer in their review of the E.I.S.

4. Fees for the costs of such consultation as described in subsection (D)(3) of this section shall be paid by the applicant in accordance with Chapter 16.10.

5. Copies of the environmental impact statement will be on file and available for inspection in the office of the administrative officer.

E. Approval—Disapproval. Upon completion of all reviews and public hearing(s), the reviewing board shall either approve or disapprove the environmental impact statement as a part of its underlying function with respect to its review of the development. In reaching a decision the approving authority shall take into consideration the effect of applicant's proposed development upon all aspects of the environment as outlined above as well as the sufficiency of the applicant's proposals for dealing with any immediate or projected adverse environmental effects.

F. Waiver. Notwithstanding the foregoing, the approving authority may, at the request of an applicant, waive the requirement for environmental impact statement after or during a public hearing on the application if sufficient evidence is submitted to support a conclusion that the proposed development will have a slight or negligible environmental impact. Portions of such requirement may likewise be waived upon a finding that a complete E.I.S. need not be prepared in order to evaluate adequately the environmental impact of a particular project. (Prior code § 15.1210.2)

Chapter 16.56

FIRE PROTECTION

Sections:

16.56.010 General standards.

16.56.020 Regulations.

16.56.010 General standards.

The provision of proper fire protection to all users of land is a major concern of the community. Each applicant shall be required to address this question in his application and make adequate provisions to minimize the risk and exposure to fire. Design should achieve mandatory protection from this risk. Site plans and major subdivisions shall be reviewed and approved for fire protection by the board of fire engineers prior to final reviewing board approval. (Prior code § 15.1211.1)

16.56.020 Regulations.

A. Central System. Wherever a central water supply system services a development, provision shall be made for fire hydrants along streets and/or on the walls of nonresidential structures as approved by the board of fire engineers in accordance with Fire Insurance Rating Organization Standards.

B. Alternative Water Sources. Where streams or ponds exist, or are proposed on lands to be developed, facilities shall be provided to draft water for fire fighting purposes. These facilities shall be in addition to hydrant service from a public water source, and shall not reduce or replace the requirements for a central fire protection system. These facilities shall include access from the source to a public street suitable for use by fire-fighting equipment, and construction of improvements to ponds, dams, or similar on-site development, where feasible. Such facilities shall be approved by the reviewing board engineer and board of fire engineers, and constructed in accordance with Fire Insurance Rating Organization Standards. (Prior code § 15.1211.2)

Chapter 16.58

FLOODPLAIN REGULATIONS

Sections:

16.58.010 General standards.

16.58.020 Regulations.

16.58.010 General standards.

Floodplain regulations promote the health, safety and welfare of the community. Their purposes are: (1) to implement the land use rules and regulations promulgated by the New Jersey Department of Environmental Protection for floodways and the flood fringe portion of a flood hazard area; (2) to discourage construction and regrading in flood hazard areas; (3) to prevent encroachments into flood hazard areas which would obstruct or constrict the area through which water must pass; and (4) to prevent pollution of watercourses during low or high water periods by preventing the placing or storing of unsanitary or dangerous substances in the flood hazard area.

In addition to the requirements of this section, all construction or operations in designated flood hazard areas shall be in compliance with the Edgewater Park Township floodplain ordinance. (Prior code § 15.1212.1)

16.58.020 Regulations.

A. Flood Hazard Design Elevations. The flood hazard design elevation shall be determined on an individual basis based on a one hundred (100) year storm frequency. This elevation shall be delineated on the plans and file plat. In addition, the reviewing board engineer may, upon receipt of the application and with the consent of the landowner, determine the precise location of a floodway and flood fringe area by close inspection, field survey or other appropriate method and cause the same to be marked on the ground and on the plat, and notifying the owner, the New Jersey Department of Environmental Protection, Division of Water Resources, and the approving authority. The assistance of the United States Department of Agriculture; United States Department of H.U.D.; Soil Conservation Service, U.S. Corps of Engineers, and the New Jersey Department of Environmental Protection, Division of Water Resources, may be sought to aid in delineating the flood hazard design elevation except that where state or federal agencies shall subsequently publish any other reports which delineate the flood hazard design elevation of a watercourse, said report shall be the officially delineated flood hazard area as if said report were published in this chapter.

B. Usage Regulated Floodway. No building or structure shall be erected or moved or externally altered, added to or enlarged, nor shall any fill be placed, nor shall the elevation of any land be substantially changed in the floodway unless the proposed use is permitted by this title or the Edgewater Park Township ordinance for flood damage protection (Ordinance 77-OR-034); plan approval has been granted; and a stream encroachment permit has been issued by the New Jersey Department of Environmental Protection, Division of Water Resources where required by state regulations. However, the accepted practices of soil husbandry and the harvesting of crops in connection with farming, lawns, gardens and recreational usage that do not include structures, are not included in the foregoing prohibitions.

C. Usage Regulated Flood Fringe. No building or structure shall be erected or moved or externally altered, added to or enlarged in the flood fringe area outside the floodway, if the elevation of any flood thereof, including the cellar, shall be less than one foot above the flood hazard area design flood profile (one hundred (100) year) and unless the proposed use is permitted by the Edgewater Park Township ordinance for flood damage protection (Ordinance 77-OR-034) and plan approval has been granted.

D. Review Standard. The procedure for reviewing any proposed construction shall be the

same as set forth for plan review. No application shall be approved and no permit granted until all zoning violations have either been corrected or a variance granted.

E. Permitted Uses. Permitted uses in a flood fringe portion of the flood hazard area shall be restricted to the following provided they are permitted uses in the district in which the flood fringe portion is located:

1. Agriculture: general farming, pasture grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting;

2. Industrial/Commercial: yards, loading areas, and parking areas;

3. Recreation: golf courses, improved courts and playing fields, swimming areas, boat launching ramps, picnic and camping, and open space uses such as hiking trails;

4. Residential: lawns, gardens, parking areas and play areas.

F. Plans. The applicant shall submit maps, reports, and other appropriate documents permitting the reviewing board to evaluate whether the proposal has an inherent low flood damage potential; does not obstruct flood flows or increase flood heights and/or velocities; does not affect adversely the water carrying capacity of any delineated floodway and/or channel; does not increase local runoff and erosion; does not unduly stress the natural environment of the floodplain or degrade the quality of surface water or the quality and quantity of groundwaters; does not require fill or the erection of structures and does not include the storage of equipment and materials.

G. Public Hearing. Prior to any action by the reviewing board on a plan involving a floodway or flood fringe area, a public hearing shall be set and conducted by the reviewing board. Notice of the hearing shall be as required under Section 16.06.150.

H. Action. Upon reviewing the application, hearing the applicant's representation, hearing comments from the general public and other municipal agencies to which the application was forwarded for comment, the reviewing board shall deny, approve subject to conditions, or approve the application. Its conclusions shall be based on findings related to the above criteria. (Prior code § 15.1212.2)

Chapter 16.60

GRADING AND FILLING

Sections:

16.60.010 General standards.

16.60.020 Regulations.

16.60.010 General standards.

The regulations of grading and filling promote the protection of environmental interests and protect the rights of adjacent property owners. All grading and filling operations are to be closely reviewed to protect the interests stated. (Prior code § 15.1213.1)

16.60.020 Regulations.

All lots where fill material is deposited shall have clean fill and/or topsoil deposited which shall be graded to allow complete surface drainage of the lot into local storm sewer systems or natural drainage courses. No regrading of a lot shall be permitted which would create or aggravate water stagnation or a drainage problem on-tract or on adjacent properties, or which will violate the provisions of the soil erosion and sediment control, soil removal and redistribution, and floodplain provisions of this title. Grading shall be limited to areas shown on an approved site plan or subdivision. Any topsoil disturbed during approved excavation and grading operations shall be redistributed throughout the site. (Prior code § 15.1213.2)

Chapter 16.62

HOMEOWNERS ASSOCIATION

Sections:

16.62.010 General standards and requirements.

16.62.020 Regulations.

16.62.010 General standards and requirements.

A homeowners association may be established by the applicant and shall be established by the applicant when required by the planning or zoning board of the township. Creation of a homeowners association may be mandated where the proposed development has common open space area or common property either for open space or for drainage/retention ponds. A homeowners association shall be established before any homes are sold for the purpose of owning and assuming the maintenance responsibilities for the common open space and common property including drainage and retention ponds designated within a development; provided the reviewing board is satisfied that the organization will have a sufficient number of members to reasonably expect a perpetuation of the organization in a manner enabling to meet its obligations and responsibilities in owning and maintaining any property for the benefit of owners or residents of the development. If established, the organization shall incorporate the provisions set forth in this chapter. (Ord. 9-87 § 1: prior code § 15.1214.1)

16.62.020 Regulations.

A. Mandatory Membership. Membership by all property owners, condominium owners stockholders under cooperative development and other owners of property or interests in the project shall be mandatory. Required membership and the responsibilities upon the members shall be in writing between the organization and each member in the form of a covenant with each agreeing to liability for his pro-rata share of the organization's costs.

B. Responsibility. The organization shall be responsible for liability insurance, taxes, maintenance of recreational and other facilities, and any other obligations assumed by the organization, and shall hold the municipality harmless from any liability. The organization shall not be dissolved and shall not dispose of any open space or property by sale or otherwise, except to an organization conceived and established to own and maintain the open space or property for the benefit of such development, and thereafter such organization shall not be dissolved or disposed of any of its open space or property without first offering to dedicate the same to the municipality or municipalities wherein the land is located.

C. Assessments. The assessment levied by the organization upon each member may become a lien on each member's property. The organization shall be allowed to adjust the assessment to meet changing needs.

D. Rights and Obligations. The organization shall clearly describe in its by-laws all the rights and obligations of each tenant and owner, including a copy of the covenants, model deeds, and articles of incorporation of the organization and the fact that every tenant and property owner shall have the right to use all common properties. These shall be set forth as a condition of approval and shall be submitted prior to the granting of final approval.

E. Percentage Ownership. The articles of incorporation, covenants, by-laws, model deeds, and other legal instruments shall insure that control of the organization shall be transferred to the members based on a percentage of the dwelling units sold and/or occupied and shall clearly indicate that in the event such organization shall fail to maintain the common open space or common property in reasonable order and condition, the municipality may serve written notice upon such organization or upon the owners of the development setting forth the manner in which the organization has failed to maintain the common open space or common property in reasonable condition, and said notice shall

include a demand that such deficiencies of maintenance be cured within thirty-five (35) days thereof, and shall state the date and place of a hearing thereon which shall be held within fifteen (15) days of the notice. At such hearing, the designated municipal body or officer, as the case may be, may modify the terms of the original notice as to deficiencies and may give a reasonable extension of time not to exceed sixty-five (65) days within which they shall be cured. If the deficiencies set forth in the original notice or in the modification thereof shall not be cured within said thirty-five (35) days or any permitted extension thereof, the municipality, in order to preserve the common open space and common property and maintain the same for a period of one year, may enter upon and maintain such land. Said entry and maintenance shall not vest in the public any rights to use the common open space and common property except when the same is voluntarily dedicated to the public by the owners.

Before expiration of said year, the municipality shall upon its initiative or upon the request of the organization theretofor responsible for the maintenance of the common open space and common property, call a public hearing upon fifteen (15) days' written notice to such organization and to the owners of the development, to be held by the municipality at which hearing such organization and the owners of the development shall show cause why such maintenance by the municipality shall not, at the election of the municipality, continue for a succeeding year. If the municipality shall determine that such organization is ready and able to maintain said open space and property in reasonable condition, the municipality shall cease to maintain said open space and property at the end of said year. If the municipality shall determine such organization is not ready and able to maintain said open space and property in a reasonable condition, the municipality may, in its discretion, continue to maintain said open space and property during the next succeeding year, subject to a similar hearing and determination in each year thereafter. The decision of the municipality in any such case shall constitute a final administrative decision subject to judicial review.

F. Costs. The cost of such maintenance by the municipality shall be assessed pro-rata against the properties within the development that have a right of enjoyment of the common open space and common property in accordance with assessed value at the time of imposition of the lien, and shall become a lien and tax on said properties and be added to and be a part of the taxes to be levied and assessed thereon, and enforced and collected with interest by the same officers and in the same manner as other taxes. (Prior code § 15.1214.4)

Chapter 16.64

LAKES AND STREAMS

Sections:

16.64.010 General standards.

16.64.020 Regulations.

16.64.010 General standards.

The township is a community of lakes and streams in a natural setting, and their preservation constitutes a cornerstone of the development plan for the township in general. The reviewing board in ruling on a development plan application, shall take into consideration the effect which the proposed development will have on the lake and stream systems maintained in the township and determine that no adverse effect leading to the destruction of the lakes and streams within the community or the geological or natural systems upon which the existence of the lakes and streams rely will occur. In general, the board may utilize the data set forth within Technical Bulletin 72, prepared by the Urban Land Institute in evaluating the techniques employed in lake and stream management. (Prior code § 15.1215.1)

16.64.020 Regulations.

An applicant for development plan approval shall address in his application the effect which the proposal will have on lakes, ponds and streams, either on applicant's site, adjacent to applicant's site, or into which storm surface water drainage may be expected to flow. In particular, the applicant shall provide documentation that the proposal:

- A. Adverse Impact. Would not have an adverse effect on the ecosystem, geological, or other natural systems of the lakes, streams, ponds, and adjoining shorelines;
- B. Suitability. Clearly establishes that the proposal is suitable for the site;
- C. Conflicting Uses. Clearly establishes the proposed uses which are contemplated for the lakes, ponds and streams to assure that conflicting uses will not destroy the character and value of the lakes, ponds and streams;
- D. Downstream. Will not have an adverse effect in changing water quality or changing stream flow characteristics to the detriment of downstream property owners and interests;
- E. Water Levels. Maintenance of proposed water levels will not adversely affect the ability to maintain proper water level for existing lakes and ponds affected by applicant's proposal. In evaluating this proposal, it should be noted that pond levels be maintained at a six-foot to seven-foot depth;
- F. Thermal Stratification. Will not create adverse conditions as a result of thermal stratification. In the event that adverse conditions are created, the applicant may be required to provide artificial aeration and agitation;
- G. Siltation. Adequately provide for prevention of adverse siltation conditions in the development through the use of approved soil erosion and sediment control methods;
- H. Water Quality. Maintain proper water quality through the elimination of contamination;
- I. Eutrophication. Shall adequately provide for the control of organic pollution resulting from man's activities (i.e., fertilizers, detergents, sewage). (Prior code § 15.1215.2)

Chapter 16.66

LIGHTING

Sections:

16.66.010 General standards.

16.66.020 Regulations.

16.66.010 General standards.

Each applicant for development plan approval shall provide adequate lighting to insure safe movement of persons and vehicles and for security purposes. Lighting standards shall be of a type approved by the reviewing board. Directional lights shall be arranged so as to minimize glare and reflection on adjacent properties. In determining whether this provision has been met, the reviewing board may take into consideration the standards set forth in Illuminating Engineering Society Lighting Handbook (5th Edition) edited by John E. Kaufman, published by Illuminating Engineering Society, 545 East 46th Street, New York, New York. (Prior code § 15.1216.1)

16.66.020 Regulations.

A. General Provisions. All area lighting shall provide translucent fixtures with shields around the light source. For each fixture and lighted sign, the total quantity of light radiated above a horizontal plane passing through the light source shall not exceed seven and one-half percent of the total quantity of light emitted from the light source. Any other outdoor lighting shall be shown on the development plan in sufficient detail to allow determination of the effects at the property line and on nearby streets, driveways, residences and overhead sky glow. No lighting shall shine directly or reflect into windows, or into streets and driveways in such a manner as to interfere with driver vision. No lighting shall be of a yellow, red, green or blue beam nor be of a rotating, pulsating, beam, or other intermittent frequency. The intensity of such light sources, light shielding, the direction and reflection of the lighting, and similar characteristics shall be subject to development plan approval by the reviewing board. The objective of these specifications is to minimize undesirable off-site effects.

B. Recommendation for Average Maintained Horizontal Illumination.

Area Classification

Roadway and Walkway Classification	Commercial		Intermediate		Residential	
	Footcandle	Lux	Footcandle	Lux	Footcandle	Lux
Vehicular Roadways						
Freeway*	0.6	6	0.6	6	0.6	
Major and expressway*	2.0	22	1.4	15	1.6	
Collector	1.2	13	0.9	10	0.6	
Local	0.9	10	0.6	6	0.4	
Alleys	0.6	6	0.4	4	0.2	
Pedestrian Walkways						
Sidewalks	0.9	10	0.6	6	0.2	
Pedestrian ways	2.0	22	1.0	11	0.5	

* Both mainline and ramps

For other critical areas, the recommended footcandles are as follows:

- At intersections 2.0
- Parking areas 1.0
- Maximum at property lines 1.0
- Residential areas 0.6 (average)
0.1 (minimum)
- Plant entrances 2.0

C. Standards. The height of light poles shall be limited to the maximum height of structures permitted in the particular zoning district where they are located or twenty-five (25) feet, whichever is less. The light itself shall be shielded to restrict the maximum apex angle of illumination to one hundred fifty (150) degrees to eliminate glare.

D. Street Lighting. Street lighting standards of a type and number approved by the reviewing board and municipal engineer shall be installed at street intersections and elsewhere as deemed necessary by the reviewing board. The developer shall provide for the installation of underground service for street lighting.

E. Spacing. Standards should generally be spaced at a distance approximately equal to four times the height of a standard. Alternative standard spacing may be considered by the reviewing agency provided it has adequate light intensity and is consistent with all other development.

F. Maintenance. The reviewing board shall consider maintenance and access regarding light locations. Light shall not be placed in high or inaccessible locations where maintenance would be difficult. (Prior code § 15.1216.2)

Chapter 16.68

LOTS

Sections:

16.68.010 General standards.

16.68.020 Regulations.

16.68.010 General standards.

The lot size, width, depth, shape, orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated. (Prior code § 15.1217.1)

16.68.020 Regulations.

A. Lot Dimensions. Lot dimensions and area shall not be less than the requirements of the zoning provisions.

B. Side Lot Lines. Insofar as is practical, side lot lines shall be either at right angles or radial to street lines.

C. Lot Approval. Each lot must front upon an approved street with a right-of-way width of at least fifty (50) feet.

D. Two-Street Frontage. Through lots with frontage on two streets will be permitted only under the following conditions: (1) where the length of the lot between both streets is such that future division of the lot into two lots is improbable; and (2) access shall be to the street with the lower traffic function and the portion of the lot abutting the other street shall be clearly labeled on the plat, and in any deed, that street access is prohibited.

E. Road Widening. Where extra width has either been dedicated or is proposed for widening of existing street, lots shall begin at such new or proposed street line and all setbacks shall be measured from such line.

F. Contiguous Lots. Two or more contiguous lots under the same ownership, regardless of whether or not each may have been approved as portions of a subdivision acquired by separate conveyance, or by other operation of law, and if one or more of said lots should not conform with the minimum area and/or dimension requirements for the zone in which it is located, the contiguous lots shall be considered as a single lot and the provisions of this title shall hold.

G. Nonconforming Lots. Any nonconforming lots existing at the time of adoption of the ordinance codified in this title which do not meet the definition of the previous paragraph may have a building permit issued for a permitted use without an appeal for a variance provided: (1) the building coverage is not exceeded; (2) parking requirements are met; (3) the conforming lot abuts lots on either side that are developed; (4) the nonconforming lot is the largest possible assemblage of continuous land under the preceding paragraph. Where the nonconforming lot abuts either a vacant lot or an oversized developed lot, the issuance of a building permit may be delayed until the approving authority determines the reasonableness of requiring the applicant to acquire additional land to reduce or eliminate the nonconformity. Where the resulting lot is still conforming, the yard and height provisions may be reduced to the same percentage the area of the undersized lot bears to the zone district requirements except that no side yard shall be less than half that required by this title, or five feet, whichever is greater, and no building shall be required to have a height less than twelve (12) feet.

H. Dedicated. Whenever land has been dedicated or conveyed to the municipality by the owner of a lot in order to meet the minimum street width requirements or to implement the official map or master plan, and which lot existed at the effective date of the ordinance codified in this title, the building inspector shall not withhold a building and/or occupancy permit when the lot depth and/or area was rendered substandard due to such dedication and where the owner has no adjacent lands to meet the

minimum requirements.

I. Double Frontage. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten feet wide shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use. There shall be no right of access across such easement.

J. Odd Shaped Lots. Where there is a question as to the shape and boundary line of a lot or lots for their optimum use by a future occupant, including such conditions as narrow or unduly elongated lots and other awkward appearing angles or appendages, the reviewing board may withhold approval of such lot or lots.

K. Extra Lot Depth. Residential lots fronting or arterial streets lots having reverse frontage on arterial streets and lots backing on streams shall be provided with thirty (30) feet extra depth which may include utilities easements.

L. Suitable Lots. Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as soil conditions, rock formation, flood conditions or similar circumstances, the reviewing board may after adequate investigation, withhold approval of such lots or require remedial action before approval.

M. Frontage. No single-family residential dwelling unit shall be permitted to front on a primary road, a major arterial road, or on a Controlled Access highway except where no acceptable alternate access is available.

N. Lots Backing on Railroads. Lots backing on railroad right-of-way shall have additional depth equal to no less than twenty-five (25) percent of the depth of the majority of the lots in the proposed subdivision. In the interest of maintaining the safety and welfare of future residents of the lots backing on a railroad, a protective fence and landscaped buffer screen shall be erected by the subdivider, the type and location of which shall be subject to the approval of the reviewing board.

O. Avoiding Headlight Glare. If practical, lot sidelines shall be centered on street ends where "T" intersections exist to prevent automobile lights from shining into residences. (Prior code § 15.1217.2)

Chapter 16.72

PRESERVATION OF NATURAL RESOURCES

Sections:

16.72.010 General standards.

16.72.020 Regulations.

16.72.010 General standards.

Natural resources such as trees, brooks, swales, hilltops and views, shall be preserved whenever possible. On individual lots, care shall be taken to preserve selected trees to enhance soil stability and the landscape treatment of the area. (Prior code § 15.1219.1)

16.72.020 Regulations.

A. Topsoil Protection. Topsoil moved during the course of construction shall be redistributed to all areas of the development and shall be stabilized by seeding or planting. At no time shall topsoil be removed from the site without written permission from the reviewing board.

B. Existing Trees. To the fullest extent possible, existing trees shall be preserved by the developer. Special consideration shall be given to the layout of lots and the position of dwellings on the lots to insure that existing trees are preserved. Special precautions shall also be taken to protect existing trees during the process of grading lots and roads. Where any land other than streets is to be dedicated to public use, the developer shall not remove any trees or topsoil from the site or change the site in any way without written permission from the reviewing board.

C. Water-Courses. Where a development is transversed by a natural lake, pond or stream, the boundaries or alignment of said water-course shall be preserved and shall conform substantially with the natural alignment or boundary.

D. Unique Physical Features. Unique physical features such as historic landmarks, rock outcropping, hilltop look-outs and similar features shall be preserved if possible. The reviewing board may, after proper investigation, withhold approval of the lotting of such area or areas. (Prior code § 15.1219.2)

Chapter 16.74

OFF-STREET PARKING AND LOADING

Sections:

16.74.010 General standards.

16.74.020 Regulations.

16.74.010 General standards.

The applicant shall provide for proper pedestrian and vehicular traffic movement within the adjacent to the site. The reviewing board shall insure that all parking spaces are usable and safely and conveniently arranged. The design and layout of buildings and parking areas shall be reviewed so as to provide an aesthetically pleasing design and efficient arrangement. Particular attention shall be given to safety and fire protection, and the impact of the facilities on adjacent buildings and land. (Prior code § 15.1220.1)

16.74.020 Regulations.

A. Access To and From Lots. Drives shall be limited to a maximum of two to any street, except when the frontage of a property along any one street exceeds five hundred (500) feet, the number of drives to that street may be based on one drive for each two hundred fifty (250) feet of property frontage. Each drive shall handle no more than two lanes of traffic in each direction; be at least fifty (50) feet or one-half the lot front, whichever is greater, but need not exceed three hundred (300) feet from the street line of any intersecting street; and be at least twenty (20) feet from any property line. The width of the curb cut shall be determined by the type of traffic to be handled. Driveways shall be reviewed by the approving authority giving consideration to the width, curbing, direction of traffic flow and radii of curves, except that in driveways exceeding twenty-four (24) feet in width, consideration shall be given to a traffic flow divider. Depressed curbing shall extend across the driveway opening. Radii of standard curbing shall be provided to both sides of the driveway opening.

B. Access to Parking and Loading Spaces. Individual parking and loading spaces shall be served by on-site drive aisles designed to permit each motor vehicle to and from each parking and loading space without requiring the moving of any other motor vehicle. Where the angle of parking is different on both sides of the aisle, the larger required aisle width shall prevail.

C. Buffers. Parking and loading areas for commercial and industrial uses shall be buffered and screened from adjoining streets, an existing residential use, or any residential zoning district in a manner meeting the objectives of the buffer and screening chapter of this title (Chapter 16.44).

D. Curbing. All off-street parking areas containing six or more spaces and all off-street loading areas shall have concrete or belgian block curbing around the perimeter of the parking and loading areas, and to separate major interior driveways from the parking and loading spaces. Curbing shall also be installed within the parking or loading area to define segments of them. Precast concrete wheel blocks shall be installed on all parking spaces which are not required to be curbed.

All curbing shall be located in conjunction with an overall drainage plan. Curbing installed at locations requiring pedestrian access shall be designed in accordance with the Barrier Free Design Regulations of the state of New Jersey, and the complimentary standards issued by the New Jersey Department of Transportation.

E. Dimensions. Off-street parking spaces shall be ten feet wide and a minimum of twenty (20) feet in length.

F. Handicapped Parking. Parking spaces for the handicapped shall be provided as follows:

1. One space for parking lots containing up to twenty (20) spaces;
2. Five percent of all spaces, but not more than twenty (20) spaces, for parking lots with more than twenty (20) spaces.

Designated parking spaces for handicapped drivers shall be as close as possible to the route of travel to the accessible principal entrance or entrances to the building, and shall be identified with a clearly visible sign mounted off the ground and displaying the International Symbol of Access and containing appropriate wording, e.g., "Disabled Drivers Only."

Where the designated space cannot be within two hundred (200) feet of the accessible principal entrance or entrances, a drop-off area is to be provided within one hundred (100) feet of such entrance or entrances.

Parking spaces for individuals with physical handicaps shall be twelve (12) feet wide with an unobstructed, near-level, paved surface that is suitable for wheeling and walking.

Such parking spaces shall allow room for individuals in wheelchairs or individuals on braces, canes and crutches to get in and out of either side of an automobile.

A standard parking space parallel to a curb shall constitute an acceptable space for handicapped parking providing it allows sufficient area for individuals in wheelchairs or individuals on braces and crutches to get in and out of either side of an automobile onto a near-level, paved surface that is suitable for wheeling and walking, and affords route of travel accessibility to the building.

Care in planning shall be exercised so that individuals in wheelchairs and individuals using braces and crutches are not compelled to wheel or walk behind parked cars.

Where applicable, curb ramps shall be provided to permit handicapped people access from parking area to sidewalk.

G. Drive Aisle Widths. Drive aisle widths in parking areas shall conform to the following minimum requirements:

Spaces: 10 foot × 20 foot

Angle of Parking Spaces	One-Way Aisle (feet)	Two-Way Aisle (feet)
90°	22	25
60°	18	20
45°	15	20
30°	12	18
parallel	12	18

H. Off-Street Loading Areas. Off-street loading areas shall have a minimum vertical clearance of fifteen (15) feet and be designed in accordance with the following schedule:

Loading Space

Length (feet)	Width (feet)	Aisle 90° (feet)	Width 60° (feet)
60	10	72	66
60	12	63	57
60	14	60	54

I. Drainage. All parking and loading areas shall have drainage facilities installed in accordance with good engineering practice as approved by the reviewing board engineer and in accordance with the drainage provisions of Chapter 16.48. Where sub-base conditions are wet, spongy, or of such nature that surfacing would be inadvisable without first treating the sub-base, these areas shall be excavated to a depth of at least six to twelve (12) inches below the proposed finished grade and filled with a suitable sub-base material as determined by the reviewing board engineer. Where required by the engineer, a system of porous concrete pipe, subsurface drains shall be constructed beneath the surface of

the paving and connected to a suitable drain. After the sub-base material has been properly placed and compacted, the parking area surfacing material shall be applied.

J. Surfacing. Surfacing shall be approved as part of the plan approval.

1. Areas of ingress and egress loading and unloading areas, major interior driveways, aisles and other areas likely to experience similar heavy traffic shall be paved with not less than five inches of compacted base course of plant-mixed bituminous stabilized base course constructed in layers not more than two and one-half inches compacted thickness, and prepared and constructed in accordance with Division 3, Section 2A, of the New Jersey Department of Transportation Standard Specifications for Roads and Bridge Construction (1961) and amendments thereto. A minimum two-inch thick compacted wearing surface of bituminous concrete (FABC) or equivalent, shall be constructed thereon in accordance with Division 3, Section 10, of the New Jersey Department of Transportation Specifications and amendments thereto.

2. Parking space areas and other areas likely to experience light traffic shall be paved with not less than three inches of compacted base course of plant-mixed bituminous stabilized base course, or equivalent, prepared and constructed in accordance with Division 3, Section 2A of the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction (1961) and amendments thereto. At least two-inch compacted wearing surface of bituminous concrete (FABC), or equivalent, shall be constructed thereon in accordance with Division 3, Section 10, of the New Jersey Department of Transportation Specifications and amendments thereto.

K. Landscaping. Landscaping in parking and loading areas shall be shown on the landscaping plan. Trees shall be staggered and/or spaced so as not to interfere with driver vision, have branches no lower than six feet, and placed at the rate of at least one tree for every twenty (20) parking spaces. All areas between the parking area and the building shall be landscaped with trees, shrubs and ground cover. Any plantings which do not live shall be replaced within two years, or two growing seasons. A majority of the parking areas for more than fifty (50) cars shall be obscured from streets by buildings, landscaped berms, natural ground elevations, or plantings, singularly or in combination.

L. Location of Parking Spaces and Loading Areas.

1. Loading spaces shall be located at the side or rear of the building and on the same lot as the use being served, may abut the building, and shall be located to directly serve the building for which the space is being provided.

2. No off-street parking or loading space shall have direct access from a street but shall have provided adequate driveways and turning areas.

3. No loading or parking spaces shall be located in any required buffer area.

4. No required off-street parking shall be permitted in streets, fire lanes, driveways, aisles, sidewalks or turning areas, or within twenty (20) feet of the building being served.
- M. Minimum Off-Street Parking and Loading Requirements.

1. Minimum Parking Requirements. Where a particular function contains more than one of the following categories of uses, the total parking requirements shall be the sum of the component parts.

Use Minimum Number of Required Spaces

- a. Auditoriums, assembly halls, community centers 1 for each 100 square feet of gross floor area or 1 for each 4 seats, whichever is greater
- b. Automotive sales 10 plus 1 for each employee
- c. Banks 6 per 1,000 square feet of gross floor area
- d. Barber shops, beauty salons 2 per chair plus 1 per employee
- e. Bowling alleys 6 per alley
- f. Church, house of worship 1 for each 3 seats plus 1 per pastor and 1 for every 2 employees. (Where benches are used, a seat shall be 22 inches.)
- g. Clubs, lodges, fraternal organizations 20 plus 1 for each 200 square feet of gross floor area
- h. Department stores 7 per 1,000 square feet of gross floor area
- i. Drive-in restaurants 1 per 25 square feet of gross floor area
- j. Dwellings 1 per 25 square feet of gross floor area
 Single-family detached 2 per dwelling unit
 Two-family 1.5 per dwelling unit
 Town houses 1.75 per dwelling unit
 Multifamily 1.75 per dwelling unit
- k. Funeral homes, mortuary 1 for each driving family resident on premises, plus 1 for each 2 employees, plus 1 for each 30 square feet of gross floor area in viewing rooms parlors, or funeral service rooms
- l. Golf courses 2 per tee plus 1/200 square feet of gross floor area
- m. Hotels, motels, rooming houses 1-1/4 per room plus 1 per employee
- n. Hospitals, nursing homes, convalescent centers 1 for each 2 beds plus 1 per doctor, plus 1 for each 2 employees. (Bassinets and ambulance space not used to determine requirements)
- o. Industrial storage and repair 1 per 750 square feet of gross floor area
 Manufacturing 1 per 700 square feet of gross floor area
 Office 1 per 200 square feet of gross floor area
 Trucking 1 per vehicle operating from site
- p. Laundromats 1 per each 2 machines
- q. Office
 General 1 per 250 square feet of gross floor area
 Professional 1 per 200 square feet of gross floor area
 Doctor, dentist 6 per doctor or dentist plus 1 per employee
- r. Restaurants, taverns 1 per each 3 seats plus 1 per each 2 employees
- s. Research laboratory 1 per employee plus 10%
- t. Retail store, service business 5.5 per each 1,000 square feet of gross floor area
- u. Service stations or auto repair facility 4 per service bay or lift plus 1 per employee plus 1 per vehicle operating from site
- v. Shopping centers
 0—25 acres 6 per each 1,000 square feet gross floor
 25—50 acres 5.5 per each 1,000 square feet gross floor
 50 acres ± 5.3 per each 1,000 square feet gross floor
- w. Supermarkets, food stores 1 per each 100 square feet gross floor area
- x. Schools
 Grade school 1 per each employee plus 10

- High school 1 per each employee plus 10 per classroom
- College 1 per each 2 students
- y. Skating rink 1 per each 120 square feet of gross floor area
- z. Swimming pools 2 per 100 square feet of gross area in decking
and water surface
- aa. Theatres 1 per each 3 seats plus 1 per each employee
- bb. Wholesale store 1 per 400 square feet of gross floor area plus 1
per employee
- cc. Outdoor recreation 6 per acre or fraction thereof.

2. Minimum Loading Requirements. Adequate off-street loading and maneuvering space shall be provided for every use. Loading space shall not be considered as supplying off-street parking space. The number of spaces shall be based on the following schedule:

a. Commercial, General Business. For every building, structure or part thereof having over four thousand (4,000) square feet of gross floor area erected and occupied for commerce, hospital, laundry, dry cleaning, places of public and quasi-public assembly, and other similar uses involved in the receipt and distribution by vehicles of materials or merchandise, there shall be provided and permanently maintained adequate space for standing, loading and unloading services in order to avoid undue interference with the public use of streets or alleys. Every building, structure or addition thereto having a use which complies with the above definition shall be provided with at least one loading space. one additional truck space shall be provided for every additional twenty thousand (20,000) square feet, or fraction thereof, of gross area in the building.

b. Shopping Centers and Industrial. Each activity shall provide for off-street loading and unloading with adequate ingress and egress from streets. Each space shall be at least fifteen (15) by forty (40) feet. One space shall be provided for the first seven thousand (7,000) square feet of gross floor area or fraction thereof in each building and one additional space for each additional ten thousand (10,000) square feet of gross floor area or fraction thereof. There shall be no loading or unloading from the street.

i. Loading area requirements may be met by combining the floor areas of several activities taking place under one roof and applying the above ratios.

ii. Shopping centers shall provide sufficient loading areas to adequately service the activities within the shopping center.

c. There shall be at least one central point for trash/garbage pickup in multifamily and nonresident uses which shall be separated from parking and loading areas by locating such facility outside the building in totally enclosed metal containers, obscured from view from parking areas, streets and adjacent residential uses or zoning districts by a fence, wall, planting or combination of the three. If located within the building, approval of trash/garbage storage facility shall be obtained from the board of fire engineers. If a container is used for trash/garbage collection functions, it may be located adjacent to or within the general loading areas provided the containers do not interfere with or restrict in any manner loading and unloading functions.

N. Modifications.

1. Authorization. The reviewing board, in its review of the site plan for a project required to furnish parking pursuant to the provisions of this title, shall review the adequacy of the provisions called for to achieve proper planning objectives for the site. Where the reviewing board shall determine that less than the entire area called for is necessary to achieve proper traffic flow, prevent traffic congestion, provide proper customer area for parking of vehicles, and in general, where the reviewing board is satisfied by the competent proofs produced that the public is protected with regard to its interest in the standard of health, safety and welfare by the production of parking areas less than those required under the strict application of the standards contained under this title, it shall have the right to modify the requirement to the extent and under the provisions hereinafter stated.

2. Proofs Required. Prior to allowing the modification referred to under subsection (N)(1)

of this section, the reviewing board shall take expert testimony concerning the parking needs of the tract under consideration. This testimony shall be placed in the reviewing board minutes in the form of written reports, studies or statistics or a detailed abstract of oral comments. The reviewing board shall place in the record any previous history known to the reviewing board concerning the site or adjacent or surrounding areas which affects the reviewing board's determination. The reviewing board shall make specific findings in writing concerning the needs of the tract with regard to parking area and all such findings shall be supportable in and by the record established before the reviewing board. It shall be the responsibility of the applicant for site plan approval to pay prior to site plan approval the costs of all professional expert witnesses, professional assistance or evidence needed by the reviewing board to reach its decision. In addition to the above the applicant at his expense may produce additional testimony other than that produced by the reviewing board to bring all factors needed to make a proper, reasonable decision to the attention of the reviewing board.

3. Action. If upon the record the reviewing board shall determine that the proper development of the tract would require less than the called-for parking requirement, the reviewing board may reduce the requirement to the level which the reviewing board determines meets the needs of the tract conditioned upon the requirements hereinafter stated.

4. Requirements.

a. Maximum Modification. In no event shall the reviewing board reduce the parking requirement by more than seventy-five (75) percent of the original requirements set forth in this title for the tract involved.

b. Landscaped Parking. All land resulting from the reduction of the parking requirements elsewhere contained in this title shall be specifically noted on the site plan as "landscaped parking" and shall not be built upon nor considered in computing the front, side, or rear yard areas, nor the buffer area.

c. Landscaping. All land resulting from the reduction of the parking requirement elsewhere contained in this title shall be suitably improved with landscaping in accordance with requirements elsewhere found in this title to provide additional drainage area, open green space, additional area to enhance percolation of the site and/or better aesthetics for the site.

d. Performance Bonds. The posting of a performance bond or other acceptable security device acceptable to the township committee of the township shall be issued to the township to cover one hundred twenty (120) percent of the costs of improving the landscaped parking area with paved parking equal to that required elsewhere on the tract. Said bond or other security device shall run for a period of two years from the issuance of a certificate of occupancy and no certificate of occupancy shall be issued until said bond or other security device is posted.

e. Maintenance Bond. The posting of a maintenance bond or other security device acceptable to the township committee of the township calculated by the reviewing board engineer is to be sufficient in the amount to assure the township that the landscaped area will be properly maintained in accordance with the site plan approval. Said bond or other security device shall run for a period of two years from the issuance of a certificate of occupancy permit and no certificate of occupancy shall be issued until this bond or other security device is posted.

5. Change in Approval.

a. Application Procedure. At any time during the period that the bonds or security devices required above are in effect, the applicant or the reviewing board may require a hearing with regard to the adequacy of the parking facilities in existence. Such a hearing shall be treated as a continuation of the original development plan hearing and no new application, application fee, or escrow shall be requested except that the applicant shall still be required to pay for all the costs of experts, or professionals deemed necessary to properly review the plan in question.

b. Notice or Hearing Request. Any applicant requesting a hearing shall make his request at least fourteen (14) days prior to the meeting at which consideration is sought. Where the reviewing board requests the hearing, a notice sent certified mail, return receipt requested, shall issue from the board at least ten days prior to the hearing date.

c. Hearing. At the hearing, proofs to the same extent required under subsection (N)(2) of this section shall be produced in reviewing the needs of the site. In addition the reviewing board may take into consideration the actual operational experience incurred with the site as proven through witnesses and police records and subsequent developments involving tracts adjacent to, nearing or surrounding the site in question.

d. Order. After the hearing the reviewing board may allow or require additional parking to be provided; said action shall be deemed an order and shall include a time period in which compliance is to occur. Said time period shall be based on reasonable engineering estimates. If necessary, the performance bond or other security device shall be extended to cover a period of fourteen (14) days after the completion date set forth in the order and failure of the applicant to comply with the board's order shall grant the township the right to obtain funds from the bonding company or surety to perform the work involved. (Prior code § 15.1220.2)

