

## Chapter 16.76

### LANDSCAPING

#### Sections:

16.76.010 General standards.

16.76.020 Regulations.

#### 16.76.010 General standards.

Landscaping shall be provided as part of the overall development plan design. This landscaping shall be integrated into building arrangement, topography, parking and buffering requirements. Landscaping shall include trees, bushes, shrubs, ground cover, perennials, annuals, plants, sculpture, art and the use of building and paving materials in an imaginative manner. (Prior code § 15.1221.1)

#### 16.76.020 Regulations.

A. Natural Topography and Vegetation. The applicant shall use natural topography and vegetation where possible. Large parking areas are not to be stripped of vegetation without requiring reseeding or replanting of all unpaved areas.

B. Saving of Trees. Every attempt shall be made by applicant to save existing trees even at the loss of parking spaces. Clumps of trees should be saved over single trees. Care should be taken by the reviewing board to properly evaluate site clearing proposals recognizing that wild trees often do not survive when their habitat is drastically altered. Where loss of trees is suggested, replacement should be required.

C. Slopes. Slopes in excess of three to one (3:1) shall be avoided unless necessitated by unusual site limitations. All slopes shall be stabilized in a manner acceptable to the reviewing board engineer.

D. Parking Areas in Front of Buildings. Parking lots located in front of buildings shall be screened from adjacent roadways.

E. Screen Areas and Buffers. Tall dense screen are required along nonpenetrable side- lines, rear property lines and where commercial or industrial parking areas abut residences or residential zones. Evergreens such as white pine, Austrian pine, Canadian hemlock, Serbian spruce, Arborvitae, and upright yews may be used provided they meet specified height requirements. All screening and buffering shall be in accordance with Chapter 16.44.

F. Driveways. The areas adjacent to the driveways shall be planted in low plants or grass. Appropriate low plants include butterfly bush, Sargent juniper, inkberry, Japanese barberry or shrubby cinquefoil.

G. Other Required Landscaped Areas. Where a development plan indicates raised walkways between opposing rows of cars, areas at the end of bays, or where proposed or required by the reviewing board specific planting islands are indicated, these areas shall be landscaped. Planting strips may be as narrow as five feet, with a fifteen (15) to twenty (20) foot width most desirable. All should be raised and protected by permanent concrete curbing.

The applicant shall landscape five to ten percent of the parking area provided.

H. Natural Setting. In proposing a landscaping plan an applicant shall take care, and the board in reviewing shall require, that a natural setting consistent with prevailing community standards be preserved. Recognizing that a major community asset lies in the preservation of the natural condition of property, all efforts in the area of landscaping shall be exercised to provide consistent landscaping proposals with existing foliage. (Prior code § 15.1221.2)



## Chapter 16.78

### PERFORMANCE STANDARDS

#### **Sections:**

16.78.010                    General standards.

16.78.020                    Regulations.

16.78.010            General standards.

It is recognized by the township that a catalogue of regulations cannot include all conditions which may reasonably come before the reviewing board on development plan approval. All uses must demonstrate that they meet certain basic performance requirements. The items listed below are designed to provide for uses which are consistent with the health, safety and welfare of the community at large. A reviewing board shall take into consideration and evaluate proposals based upon their compliance with standards set forth below. (Prior code § 15.1222.1)

16.78.020            Regulations.

A.        Electricity. Electronic equipment shall be shielded so there is no interference with any radio or television reception beyond the operator's property as the result of the operation of such equipment.

B.        Glare. No use shall direct or reflect a steady or flashing light beyond its lot lines. Exterior lighting and lighting resulting from any manufacturing or assembly operations shall be shielded, buffered and directed as approved on the development plan so that any glare, direct light, flashes or reflection will not interfere with the normal use of nearby properties, dwelling units and streets.

C.        Air, Water and Environmental Pollution. No use shall omit heat, odor, vibrations, noise or any other pollutant into the ground, water or air that exceeds the provisions of this title. No building permit, zoning permit or certificate of occupancy shall be issued for any use until a state permit has been issued, where a state permit is required, to ascertain and approve the level of emission, quality of emission, type and quality of emission control, and such other state regulations governing the emission of pollutants into the ground, water or air.

D.        Storage and Waste Disposal. No materials or wastes shall be deposited upon a lot in such form or manner that they can be transferred off the lot, directly or indirectly by natural forces such as precipitation, surface water, evaporation or wind. All materials or wastes which might create a pollutant, be a safety hazard, or be a health hazard shall be stored indoors and/or be enclosed in appropriate containers to eliminate such pollutant or hazard. No hazardous materials shall be stored on a property except under conditions approved by the fire department and the New Jersey Department of Labor and Industry.

E.        Alternative Energy Sources. Alternative energy sources (i.e. windmills, solar collectors) shall not be installed without proper reviewing board approval. No such facility shall interfere with normal use of nearby properties, dwelling units and streets. (Prior code § 15.1222.2)

## Chapter 16.80

### PUBLIC AND PRIVATE UTILITIES

#### **Sections:**

16.80.010                    General standards.

16.80.020                    Regulations.

#### 16.80.010            General standards.

All utility service, except potable water, shall be connected to an approved public utility system, where one exists, if applicable and approved by the public utility. The connection of private water systems to public systems shall be optional. The connection of alternate energy sources should be made to public energy sources to insure continued service at desirable levels. The use or disposal of wastes from alternate sewerage treatment facilities should comply with existing local, state and federal regulations. (Prior code § 15.1223.1)

#### 16.80.020            Regulations.

A.        Servicing Utility. The developer shall arrange with the servicing utility for the underground installation of the utilities distribution supply lines and service connections in accordance 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.

B.        Written Documentation. The developer shall submit to the reviewing board, prior to the granting of final approval, a written instrument from each serving utility which shall evidence full compliance or intended full compliance with the provisions of this section; provided, however, lots which abut existing streets where overhead electric or telephone distribution supply lines and service connections have heretofore been installed may be supplied with electric and telephone service from those overhead lines, but the service connections from the utilities overhead lines shall be installed underground. In the case of existing overhead utilities, should a road widening, or an extension of service, or other such condition occur as a result of the development and necessitate the replacement, relocation or extension of such utilities, such replacement, relocation or extension shall be underground.

C.        Screening. Where natural foliage is not sufficient to provide year-round screening of any utility apparatus appearing above the surface of the ground, other than utility poles, the applicant shall provide sufficient live screening to conceal such apparatus year-round. All screening shall be in accordance with the buffering and screening chapter of this title (Chapter 16.44).

D.        Hardship. On any lot where by reason of soil conditions, wooded area, or other special condition of land, the applicant deems it a hardship to comply with the provisions of this chapter, the developer may apply to the reviewing board for an exception from the terms of this chapter. Where overhead lines are permitted as the exception, the alignments and pole locations shall be carefully routed to avoid locations along horizons, avoid the clearing of swaths through wooded areas by selective cutting and a staggered alignment, by planting trees in open areas at key locations to minimize the views of the poles and alignments, by following rear lot lines and other interior locations, and similar design and location considerations to lessen the visual impact of overhead lines.

E.        Exemption. Any installation under this chapter to be performed by a servicing utility shall be exempt from requiring performance guarantees, but shall be subject to inspection and certification by the municipal engineer. (Prior code § 15.1223.2)



Chapter 16.82

SANITARY SEWERS AND SEPTIC SYSTEMS

**Sections:**

16.82.010 General standards.

16.82.020 Regulations.

16.82.010 General standards.

It shall be the responsibility of the applicant to provide for the adequate disposal of waste-water emanating from a proposal for which approval is sought. The reviewing board shall determine both the method and the effect which the proposed solution to the requirement presents both to those who will be utilizing the applicant's tract and to those who may be affected by the recommended solution. (Prior code § 15.1224.1)

16.82.020 Regulations.

A. Connection Required. If a sewage treatment and distribution system is accessible, the developer shall construct facilities in such a manner as to provide adequate sewerage within the development to transport all sewage from each lot and the total development to said treatment and distribution system. Where a treatment and distribution system is part of the adopted township capital improvements program or master sewer plan and said system will be reasonably accessible to the proposed development, the developer shall install dry sewers designed to tie into the proposed facility upon its completion.

B. Standard. Any sanitary sewer collection system shall be adequate to handle all present and probable future development. Alignments outside streets shall require easements or rights-of-way in accordance with Chapter 16.50 entitled "Easements."

C. Approvals. Any treatment plant and collection system, including individual on-lot septic systems, shall be designed in accordance with the requirements of the State Department of Environmental Protection and township ordinances.

D. Construction Standards. Each applicant proposing to utilize on-site disposal shall comply with Public Law 199 as administered by the State Department of Environmental Protection.

E. Suitability. Each applicant proposing on-site sewerage disposal shall demonstrate that the area is suitable for septic treatment and in this regard, each applicant is required to cause two percolation tests to be undertaken in the immediate area where the septic field is proposed to be constructed which demonstrates compliance with the township ordinances dealing with on-site wastewater disposal. Where, due to the nature of soil conditions as set forth within plans prepared by Edgewater Park Township, there is a question concerning the suitability of the lands for septic system construction, the reviewing board may require that the applicant produce soil logs in addition to the percolation tests suggested above to demonstrate the suitability of the land in question for the use proposed. In making this determination, the reviewing board shall require one soil log per three acres of ground proposed for development. The applicant shall be required subsequent to taking the soil log to cover up all soil log pits to eliminate the potential of a nuisance. Each applicant proposing to utilize on-site disposal of wastewater shall demonstrate in his application that his proposal will not contaminate both surface water and subsurface water quality to the extent that they will become injurious to the health, safety and welfare of the community at large or detrimental to the ecological balance in existence prior to construction.

F. Design.

1. Sanitary sewer pipe shall be sized for full flow from the tract. The township engineer may require larger pipe sized to accommodate future extensions.

2. Minimum grades at terminal runs of all sanitary sewer lines shall be one percent.

3. Manholes shall be placed at every point where the sanitary sewer line changes direction. In no instance shall the spacing exceed four hundred (400) feet.

4. Prior to the final approval, the township engineer shall approve all sanitary sewer designs which will become a part of the town-ship facilities. (Prior code § 15.1224.2)



## Chapter 16.84

### SHADE TREES

#### **Sections:**

16.84.010            General standards.

16.84.020            Regulations.

16.84.010        General standards.

Each applicant shall adequately provide for the landscaping of his tract including the production of shade trees which will promote the general quality of development. (Prior code § 15.1225.1)

16.84.020        Regulations.

All shade trees shall have a minimum diameter of two and one-half inches measured three feet above the ground and be of a species approved by the approving authority. Trees shall be planted forty (40) to sixty (60) feet apart and parallel to, but no more than twenty (20) feet from the curb line and shall be balled and burlapped, nursery grown, free from insects and disease, and true to species and variety. Stripping trees from a lot or filling around trees on a lot shall not be permitted unless it can be shown that grading requirements necessitate removal of trees, in which case those lots shall be replanted with trees to reestablish the tone of the area and to conform with adjacent lots. Dead or dying trees shall be replaced by the developer during the next recommended planting season. (Prior code § 15.1225.2)



## Chapter 16.86

### SIDEWALKS

#### **Sections:**

16.86.010            General standards.

16.86.020            Regulations.

16.86.010        General standards.

An applicant shall provide sidewalks where their production is in accord with proper design of his project, consistent with prevailing community standards in the area in which the applicant's project is located and consistent with aesthetic principles. (Prior code § 15.1226.1)

16.86.020        Regulations.

Sidewalks shall be required at the reviewing board's discretion depending on the probable value of pedestrian traffic, the street classification in instances where streets are involved, school bus stops, the development's location in relation to other populated areas, and the general type of improvement intended. Where required, sidewalks shall be at least four feet wide and located as approved by the approving authority. Sidewalks shall be at least four inches thick, except at points of vehicular crossing where they shall be at least six inches thick, having a twenty-eight (28) day compressive strength of four thousand five hundred (4,500) p.s.i., and shall be air-entrained. (Prior code § 15.1226.2)



## Chapter 16.88

### SIGHT TRIANGLES

#### **Sections:**

16.88.010                    General standards.

16.88.020                    Regulations.

16.88.010            General standards.

Applicant shall be required to design a safe traffic pattern for his proposal. In order to achieve proper safe traffic flow, sight triangles shall be required which will eliminate hazardous turning movements. (Prior code § 15.1227.1)

16.88.020            Regulations.

Sight triangles shall be required at each quadrant of an intersection of streets, and streets and driveways. The area within sight triangles shall be either dedicated as part of the street right-of-way or maintained as part of the lot adjoining the street and set aside on any subdivision or site plan as a sight triangle easement. Within a sight triangle, no grading, planting or structure shall be erected or maintained more than twenty-four (24) inches above the street center line or lower than eight feet above the street center line except for street name signs and official traffic regulation signs. Where any street involves earth banks or vegetation, including trees, the developer shall trim vegetation and trees as well as establish proper excavation and grading to provide the sight triangle. The sight triangle is that area bounded by the intersecting street center lines and a straight line connects sight points located on each of these center lines. Where the intersecting streets are of the same type, or a combination of types, two overlapping sight triangles shall be required. These sight triangles are diagrammed in the standard detail drawings. The classification of existing and proposed streets shall be those shown on the adopted master plan or as designated by the planning board at the time of the application for approval or a new street not included on the master plan. A sight triangle easement dedication shall be expressed on the plat as follows: "Sight triangle easement subject to grading, planting and construction restrictions as provided for in the Edgewater Park Land Development Ordinance." Portions of a lot set aside for the sight triangle may be calculated in determining the lot area and may be included in establishing the minimum setbacks required by the zoning provisions. (Prior code § 15.1227.2)

## Chapter 16.90

### SIGNS

#### Sections:

16.90.010 General standards.

16.90.020 Regulations.

16.90.010 General standards.

Each applicant proposing signs for a development shall demonstrate that the signing will not create visual pollution. All signs shall be designed to create a harmonious image with the structures on the property and shall generally be constructed of natural materials consistent with the surrounding area. Each site plan application shall include a sign plan showing the specific design, location, size, construction and illumination of the proposed sign in furtherance of this standard. (Prior code § 15.1228.1)

16.90.020 Regulations.

A. Nameplate and Identification Signs for Single-Family Dwellings. A sign indicating the name or address of the occupant may be permitted provided that the sign shall be no larger than one square foot. Identification of a permitted home occupation may be included and the sign enlarged to two square feet. Only one sign per dwelling unit is permitted in addition to a mailbox identification sign. One additional sign, not to exceed fifteen (15) square feet, may be posted at the entrance of an active farm.

B. Sales, Rental, Artisan or Contractor's Signs. Signs advertising the sale or rental of the premises upon which they are located and artisan or contractor's signs may be permitted provided that:

1. The size of any such sign shall not exceed eight square feet;
2. Not more than one of each type of sign is placed upon any property;
3. Such signs shall be removed when premises are sold or rented or when work has been completed on the premises;
4. Development with four or more homes for sale or industrial or commercial properties may be advertised on a sign not to exceed thirty-two (32) square feet. One such sign shall be permitted on each frontage if the development fronts on more than one street. All development signs shall be removed when ninety-five (95) percent of the lots have been initially sold.

C. Institutional Signs. Signs of schools, colleges, churches and other institutions of a similar public or semipublic nature may be erected and maintained provided that:

1. The size of any freestanding sign shall not exceed thirty (30) square feet and not more than one such sign is placed on a property unless such property fronts upon more than one street, in which instance a sign may be erected on each frontage;
2. Signs affixed to the facade of the structure shall be permitted provided the sign shall not exceed five percent of the building facade.

D. Signs in Nonresidential Districts for Single-Tenanted and Single-Structure Developments. Business signs may be erected and maintained when in compliance with the following provisions:

1. The total gross advertising area of all signs, other than freestanding signs, on any one property shall not be greater than five percent of the area of the building face fronting on the street. The maximum area of all signs, except freestanding signs, shall not exceed one hundred (100) square feet;
2. One freestanding sign shall be permitted on any single property. The total advertising area shall not exceed five percent of the building face fronting on the street but in no event greater than fifty (50) square feet.

E. Signs for Multiuse Developments, Shopping Centers, or Industrial Parks. Shopping

centers, industrial parks, planned residential developments, multi-tenanted structures, or multistructure uses shall be governed by the following regulation:

1. Each such development shall submit a signing plan to the planning board for approval. Such signing plan shall include details on:

- a. Letter style;
- b. Lighting;
- c. Color;
- d. Construction and materials;
- e. Height of sign;
- f. Height above grade or below roof line;
- g. Locations;
- h. Standards.

2. The signing plan shall be based on an integrated design theme to include all of the elements in subsection (E)(1) of this section. All of the above elements shall be designed to be in harmony and consistent with each other, the architecture and materials of principal structures and the landscaping plan. The reviewing board, in its sole discretion, shall determine if a proposed signing plan meets the goals and objective of this subsection.

3. The total area of all signs affixed to a structure shall not exceed five percent of the building facade of the structure. The reviewing board may permit a total sign area of up to seven percent of the building facade if, in the reviewing board's judgment, such additional area shall assist in developing a harmonious and integrated sign plan in accordance with the goals and objectives of this subsection.

4. Freestanding signs to be located on poles, kiosks, stanchions or similar supports shall not project above the maximum height permitted in the zone. Such signs shall have an area not in excess of five percent of the building face fronting on the street but in no event greater than one hundred (100) square feet. The reviewing board may permit a total sign area of up to one hundred fifty (150) square feet if in the reviewing board's judgment, such additional area shall assist in achieving the goals and objectives of this subsection.

5. Only one such freestanding sign shall be permitted on any single property regardless of the number of establishments on the property except that the planning board may authorize an additional freestanding sign if the property has access from more than one public street.

F. General Regulations. The following regulations shall apply to all permitted and pre-existing nonconforming signs:

1. Only those signs identifying the name, business, occupant, service, address or product offered or sold on the premises shall be permitted to be erected. Coming events, community bulletin boards and time and temperature signs shall also be permitted.

2. Signs attached to a principal structure shall not exceed above the roof line or parapet.

3. No flashing, moving, or apparent moving signs shall be permitted except for time and temperature and changeable copy displays.

4. The top of freestanding signs shall not exceed the height limit of principal structures in the zone where located or twenty-five (25) feet, whichever is less.

5. Signs, whether portable, permanent or temporary, other than municipal, county or state signs, shall not be erected within the right-of-way of any street or approved sight easements nor shall any signs be located so as to constitute a traffic hazard.

6. A permit shall be required for the erection, alteration or reconstruction of any sign except as noted in subsection (F)(7) of this section. The advertiser shall be responsible for securing the permit.

7. Temporary signs advertising a special event by a charitable organization, or election signs erected by the municipality, shall be erected no more than one month prior to the event and shall be removed within five days after the event shall have taken place.

Signs advertising a one-day yard sale shall not be up for more than two days preceding the event

and shall be removed within one day after the event, and shall not exceed three in number, two of which shall be no larger than four square feet and the third of which, located on the premises where the yard sale is to be conducted, shall not exceed nine square feet. No permit shall be required for the signs permitted under this section.

All other temporary signs shall require a permit.

8. Advertising signs shall not be permitted in any residential district in the municipality.

9. Whenever a sign shall become structurally unsafe or endangers the safety of the building or the public, the building inspector shall order such sign be made safe or removed. Such order shall be complied with within ten days of the receipt thereof by the person owning or using the sign, or the owner of the building or premises on which the unsafe sign is affixed or erected.

10. Signs shall not be located closer than the following distances to street right-of-way:

<b>Area of Sign</b>	<b>Minimum Distance</b>
Less than 25 square feet	20 feet
26—75 square feet	25 feet
76 or more square feet	30 feet

The reviewing board shall be authorized to waive the strict application of these standards because of local site conditions if strict adherence would cause inconvenience to the public or constitute a hazard.

11. The area surrounding ground signs shall be kept clean, neat and landscaped. The tenant, owner or occupant to which the sign applies shall be responsible for maintaining the condition of the area. Common or directory signs shall be maintained by the property owner or his designee.

12. Directional signs having areas of less than three square feet are exempt from area and location regulations providing they do not constitute a hazard to the travelling public, but shall be shown on an approved development plan.

13. All signs shall be kept in good repair. Structural elements, casings, faces, lettering and lighting shall be maintained by the owner.

14. Any location where business goods are no longer sold or produced or where services are no longer provided shall have thirty (30) days to remove any remaining or derelict on-premises signs following notification by the municipality and at the expense of the owner of the property. Where due written notification has been given by the municipality and compliance has not been made within the required thirty (30) day period, the municipality may cause removal of such sign with the cost for such removal to be attached to the property.

15. Applicant shall also comply with all applicable county, state and federal sign regulations. (Prior code § 15.1228.2)

## Chapter 16.92

### SOIL EROSION AND SEDIMENT CONTROL

#### Sections:

16.92.010 General standards.

16.92.020 Regulations.

16.92.010 General standards.

All developments shall incorporate soil erosion and sediment control programs phased according to the scheduled progress of the development including anticipated starting and completion dates. (Prior code § 15.1229.1)

16.92.020 Regulations.

A. Data Required. The applicant shall submit a natural resources plan as outlined under the development review provisions of this title which shall clearly establish the means of controlling soil erosion and sedimentation for each site, or portion of a site when developed in stages. The soil erosion and sediment control measures shall have the approval of the Soil Conservation Service pursuant to the Soil Erosion and Sediment Control Act (Ch. 251, P.L. 1975).

B. Control Measures. Control measures shall apply to all aspects of the proposed land disturbance and shall be in operation during all stages of the disturbance activity. The following principles shall apply to the soil erosion and sediment control plan: (1) stripping of vegetation, grading or other soil disturbance shall be done in a manner which will minimize soil erosion; (2) whenever feasible, natural vegetation shall be retained and protected; (3) the extent of the disturbed areas and the duration of its exposure shall be kept within practical limits; (4) either temporary seeding, mulching or other suitable stabilization measures shall be used to protect exposed critical areas during construction or other land disturbances; (5) drainage provisions shall accommodate increased runoff resulting from modified soil and surface conditions during and after development or land disturbance; (6) water runoff shall be minimized and retained on-site wherever possible to facilitate groundwater recharge; (7) sediment shall be retained on-site; and (8) diversions, sediment basins, and similar required structures shall be installed prior to any on-site grading or land disturbance.

C. Maintenance. All necessary erosion and sediment control measures installed under these provisions shall be adequately maintained for one year after completion of the approved plan or until such measures are permanently stabilized as determined by the engineer. The engineer shall give the applicant, upon the applicant's request, certification of this determination.

D. Soil Erosion Prevention Plan. Each tract shall have a soil erosion prevention plan to accompany the development plan which shall show temporary sedimentation basin(s) through which stormwater will be directed during periods of temporary ditching, and final contours. In addition, the plan shall outline general construction stages to illustrate what portion(s) of the site will be unprotected at various stages, the maximum amount of land to be exposed at various stages, the availability and use of water trucks to prevent dust and erosion by wind, areas where topsoil will be stockpiled during construction, the areas where it will be redistributed after completion of the applicable stage of construction, the methods of seeding the topsoil while it is stockpiled and again after its redistribution, and a plan of progressing toward completion of the entire project that shall outline how and at what stages and approximate times the previously exposed areas will be final graded and seeded or paved, or by some other means have the soil stabilized prior to completion of the entire project so that permanent soil erosion prevention methods will be employed at the earliest possible time.

E. Soil Removal and Redistribution. The excavation and grading for completion of a development shall be done in accordance with the approved plan which contains soil erosion and sediment control provisions. Excavation of soil, other than required for the construction of approved

structures and supporting facilities such as but not limited to streets, driveways and parking areas, shall be prohibited. Regrading of property so as to redistribute topsoil throughout the site from areas excavated for such approved structures and supporting facilities shall be permitted, but shall be done in the following manner to minimize or eliminate the erosion of soil. Any application proposing the disturbance of more than five thousand (5,000) square feet of surface area of land as defined in the Soil Erosion and Sediment Control Act (Ch. 251, P.L. 1975) shall include on its plan the following: the means to control or prevent erosion, provide for sedimentation basin(s) for soil that does erode due to water, and control drainage, dust and mud on the premises as well as abutting lands; the preservation of soil fertility and the resulting ability of the area affected to support plant and tree growth by maintenance of adequate topsoil consisting of at least six inches of the original layer; maintenance of necessary lateral support and grades of abutting lands, structures and other improvements; prevention of pits and declivities which are hazardous or which provide insect breeding locations; the physical limitations and characteristics of the soil shall not be altered to prevent the use to which the land may lawfully be put; and such other factors as may reasonably bear upon or relate to the public health, safety and general welfare. (Prior code § 15.1229.2)

Chapter 16.94

ECONOMIC FEASIBILITY ANALYSIS

**Sections:**

16.94.010 General standards.

16.94.020 Regulations.

16.94.010 General standards.

Every applicant shall, as part of his application for development, demonstrate to the reviewing board the economic and market viability of his project. The reviewing board shall determine that the proposed use will be economically sound and has a reasonable potential for economic success. In reaching this conclusion, the board shall determine the market demand for the proposed use, the existence of competition in the area where the proposed use will compete and the potential for success in this area. The applicant is required to demonstrate the market feasibility and to indicate the effect which the applicant's proposal will have on the market in order that a properly balanced community, free from empty and unusable construction, can be achieved. (Prior code § 15.1230.1)

16.94.020 Regulations.

A. Type of Development. Each applicant shall demonstrate the nature of the development which is proposed, its purpose and its size.

B. Local and Regional Contacts. Each applicant shall analyze and present evidence concerning the local and regional context of the proposed site and the effect which the proposed development will have on the local and regional market for the proposed use involved.

C. Market Analysis. Each applicant shall discuss in his application or in his presentation before the reviewing board the market demand for his project, how said demand was determined and what effect construction of the development will have on market demand in the surrounding areas. Each applicant is required to demonstrate in a fashion indicated by this subsection a reasonable market feasibility for the proposal.

D. Ownership. The applicant shall present proof of ownership of the tract involved with the application or his rights to proceed with the application presented. Further, the applicant shall disclose all rights possessed by the applicant to develop adjacent or surrounding property in order to determine the long range development potential of not only the site in question but also the adjacent and surrounding area.

E. Market Factors. Each applicant shall present proof sufficient to demonstrate the factors which support the site's ability to feasibly compete in the market for residential, commercial or industrial development.

F. Project Sales Data. Each applicant shall present proof of the projected numbers, type, floor area and price of dwelling units or commercial and industrial areas to be developed on the site and the time sequence for construction of these items in order to determine with reasonably probability the sequence of development for the proposed tract.

G. Economic Data. Each applicant shall produce proof sufficient to determine, through the determination of rent and sales price levels, the income levels of the market to which the proposed development is directed. Recognizing that commercial and industrial proposals will also have an effect on the demand for residential housing, this item shall also be discussed by all potential commercial and industrial developers.

H. Regional Needs. Each applicant shall present proof of the effect which the proposed development will have on the regional needs for the type of facility proposed. The regional needs may be determined by analyzing the market for the proposed use, and the geographic area defined as the market.

I. Community Facilities. Each applicant shall in detail present proof concerning needed

community facilities which will reasonably be required to service the needs of the proposed development. In this regard, the applicant shall discuss the needs for public utilities, police protection, fire protection, recreational facilities, school facilities, and other services currently or reasonably expected to be provided by governmental sources.

J. Economic Variables. Each applicant shall discuss and show evidence concerning the effect on which critical market variables on market projections and the range within which the project's economic variables can vary and still be an economically viable project.

K. Satellite Development. Each applicant shall discuss in detail other types of development which are likely to be encouraged to locate within the community in general and the area of the proposed development in specific as a result of the proposed development by the applicant.

L. Community Economic Benefit. Each applicant shall discuss the economic benefits which are forecast as a consequence of the project including a discussion of employment opportunities, discussing the numbers and types of jobs which will be created as a result of the proposal and the effect which the proposed development will have for the tax structure of the community.

M. Economic Viability. Each applicant shall demonstrate through discussion of the above items an economic viability proposal which will not detrimentally affect the community in general. (Prior code § 15.1230.2)

Chapter 16.96

STREETS

**Sections:**

- 16.96.010 General standards.
- 16.96.020 Specific design requirements.

16.96.010 General standards.

The development plan shall conform to design standards that will encourage good development patterns within the township. Where either or both an official map or master plan has or have been adopted, the application for development shall conform to the proposals and conditions shown thereon.

The streets, drainage rights-of-way, school sites, public parks and playgrounds shown on an officially adopted master plan or official map shall be considered in approval of the application for development. Where no master plan or official map exists, streets and drainage rights-of-way shall be shown on the final plat in accordance with Section 20 of Chapter 433 of the Law of 1953 and shall be such as to lend themselves to the harmonious development of the township and enhance the public welfare in accordance with the following specific design standards of this title. (Prior code § 15.1231.1)

16.96.020 Specific design requirements.

Design criteria and policy shall at a minimum meet the standards established for comparable improvements installed by the township. They shall, in addition, be subject to the following design requirements:

A. Major Development Street Design. A major development shall be so designed as to provide a street pattern which is curvilinear in design. The design of the residential development street pattern shall be based upon a local residential street pattern connected to a residential collector street system.

B. Arrangement. The arrangement of streets not shown on the master plan or official map shall be such as to provide for the appropriate extension of existing streets.

C. Minor Streets. Minor streets shall be so designed as to discourage through traffic.

D. Marginal Service Road. Development abutting arterial streets shall provide a twenty-five (25) foot buffer strip for planting or some other means of separation of through and local traffic as the reviewing agency may determine appropriate.

E. Entrance and Access Regulations. In all residential zones, development bounded by an arterial or collector street shall control access to said streets by having all driveways intersect minor streets. Where the size, shape, location or some other unique circumstance may dictate no other alternative than to have a driveway enter an arterial or collector street, the lot shall provide on-site turnaround facilities so it is not necessary to back any vehicle onto an arterial or collector street and abutting lots shall share a common access drive. All lots requiring reverse frontage shall have an additional depth to allow for the establishment of the buffers.

F. Right-of-Way Width. In all developments, the minimum street right-of-way shall be measured from lot line to lot line and shall be in accordance with the following schedule, but in no case shall a new street that is a continuation of an existing street be continued at a width less than the existing street although a greater width may be required in accordance with the following schedule. Where any arterial or collector street intersects another arterial or collector street, the right-of-way and cartway requirements shall be increased by ten feet on the right side of the street approaching the intersection for a distance of three hundred (300) feet from the intersection of the center lines.

			<b>Sidewalks</b>	<b>Parking Permitted in</b>
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<b>Name</b>	<b>R.O.W. (feet)</b>	<b>Cartway (feet)</b>	<b>Recommended</b>	<b>Right-of-Way</b>
Industrial	60	40	No	No
Major arterial	120	60	Yes	No
Primary arterial	86	46	Yes	No
Collector street	66	46	Yes	Yes
Local feeder	60	40	Yes	Yes
Minor	50	34	Yes	Yes

The right-of-way for internal roads and alleys in multifamily commercial and industrial developments shall be determined on an individual basis and shall be subject to the approval by the reviewing board.

G. Dedication. In the event that a development adjoins or includes existing township streets that do not conform to widths as shown on either the master plan or official map or the street width requirements of this chapter, additional land along both sides of said street sufficient to conform to the right-of-way requirements shall be anticipated in the subdivision design by creating oversized lots to accommodate the widening at some future date. The additional widening may be offered to the township for the location, installation, repair and maintenance of streets, drainage facilities, utilities and other facilities customarily located on street rights-of-way and shall be expressed on the plat as follows: "Streets right-of-way granted to the Township of Edgewater Park permitting the Township to enter upon these lands for the purpose of maintaining a street and appurtenant uses such as storm drainage, sewer and water lines, street lights, sidewalks and curbs. Additional dedication under this paragraph shall be made at the time of final approval of a development application if the additional dedication bears a reasonable nexus to the needs generated by the development application." This statement on an approved plat shall in no way reduce the subdividers' responsibility to provide, install, repair or maintain any facilities installed in this area dedicated by ordinance or as shown on the plat or as provided for by any maintenance or performance guarantees. If the development is along one side only, one-half of the required extra width shall be anticipated.

H. Reserve Strips. No development showing reserve strips controlling access to streets or another area, either developed, shall be approved except when the control and disposal of land comprising such strips has been given and accepted by the governing body.

I. Grades. Longitudinal grades on all local streets shall not exceed ten percent nor four percent on arterial and collector streets. No street shall have a longitudinal grade of less than three-fourths of one percent. Maximum grades within intersections shall be four percent. The slope of the cartway from the center line to the curblines or edge of the paving shall be two percent. Where the cartway is banked to facilitate a curve in the street alignment, the slope toward the curblines or shoulder shall conform to accepted engineering practices.

In general, continuous longitudinal downgrades shall not be run for more than one thousand (1,000) feet. Where the general ground slope makes longer runs desirable, such run shall be broken by a short upgrade of sufficient length to create a low point at least six inches in depth. Inlets shall be located at the low point.

J. Intersections. Intersecting street center lines shall be as nearly at right angles as possible and in no cases shall they be less than seventy-five (75) degrees at the point of intersection. The curblines shall be parallel to the center line. Approaches to all intersections shall follow a straight line for at least one hundred (100) feet measured from the curblines of the intersecting street to the beginning of the curve. No more than two street center lines shall meet or intersect at any one point. Streets intersecting another street from opposite sides shall not be offset unless, measuring from the point of intersection of the street center lines, the two intersections shall be spaced a sufficient distance to permit a minimum of two lot depths between the two street rights-of-way but not less than two hundred and fifty (250) feet between rights-of-way. Any development abutting an existing street which is classified as an arterial or collector street shall be permitted not more than one new street every eight hundred (800) feet on the same side of the street within the boundaries of the tract being subdivided. In the spacing of streets, consideration will be given to the location of existing intersections on both sides of the development. Intersections shall be rounded at the curblines and right-of-way line with the street having the highest curb radius requirement as outlined below determining the minimum standard for all curblines: Arterial at forty (40) feet; collector at thirty (30) feet; and local streets at twenty (20) feet. No local streets shall be part of four-way intersections.

K. Sight Triangles. Sight triangles shall be provided as required in Chapter 16.88 entitled "Sight Triangles."

L. Reverse Curves. A tangent at least two hundred (200) feet long shall be introduced between reverse curves on arterial and collector streets. When connecting street lines deflect in any direction they shall be connected by a curve with a radius conforming to standard engineering practice so that the minimum sight distances within the curblines shall be one hundred and sixty (160) feet for a local street, three hundred (300) feet for a collector street, and five hundred and fifty (550) feet for an arterial street.

M. Changes in Grade. All changes in grade where the difference in grade is one percent or greater shall be connected by a vertical curve having a length of at least fifty (50) feet for each two percent difference in grade, or portion thereof, and providing minimum sight distances of one hundred and sixty (160) feet for a local street, three hundred (300) feet for a collector street, and five hundred and fifty (550) feet for an arterial street. Intersections shall be designed with as flat a grade as practical with the advice of the municipal engineer.

N. Dead-end streets (cul-de-sacs) shall not be longer than six hundred (600) feet and shall provide a turnaround at the end with a radius of sixty (60) feet to the outside edge of the cartway and seventy (70) feet to the outside edge of the right-of-way and tangent whenever possible to the right side of the street. A landscaped island shall be provided in the center of the cul-de-sac which shall be designed to consider snow removal operations. The length of the cul-de-sac shall be measured along its center line from its intersection with the intersecting streets' center line to the center of the radius of the cul-de-sac.

If a dead-end is of temporary nature, a similar turnaround shall be provided and provisions made for future extension of the street and reversion of the excess right-of-way to the adjoining properties.

O. Street Names. No street shall have a name which will duplicate or so nearly duplicate as to be confused with the names of existing streets. The continuation of an existing street shall have the same name. All street names shall be checked against the township master file of street names.

P. Access Road. Access roads and the area on each side for a distance of ten feet measured perpendicular from the edge of pavement and for a height of fourteen (14) feet from the surface of the road shall be kept free and clear of tree limbs, vines, and other obstructions to permit free and unobstructed use of said access road by emergency vehicles.

Q. Material. Streets shall be constructed in accordance with the following standards and specifications:

	<b>Surface</b>	<b>Base</b>
Industrial	2 inches FABC-1	Bituminous stabilized base
Major arterial	2 inches FABC-1	Bituminous stabilized base
Primary arterial street	2 inches FABC-1	Bituminous stabilized base
Collector street	2 inches FABC-1	Bituminous stabilized base
Local feeder	2 inches FABC-1	Bituminous stabilized base
Minor	2 inches FABC-1	Bituminous stabilized base



In lieu of the above requirements, flexible roadway pavements may be designed using the procedure established in the publication entitled "THICKNESS DESIGN - Full Depth Asphalt Pavement Structures for Highway and Streets" Manual Series No. 1 (MS-1) published by the Asphalt Institute dated December, 1969, except as herein modified, or by using the Structural Number System, which is taken from the Pennsylvania Department of Transportation Design Manual, and which is explained in subsequent paragraphs.

1. General. All designs shall be based on the subgrade strength as measured by the California Bearing Ratio (C.B.R.) Method. Design calculations shall be submitted to the municipal engineer for review and approval.

A qualified soils engineer shall be employed to investigate, classify, and thoroughly evaluate the subgrade soils and to determine the elevation of groundwater which may be present. A copy of his report and recommendations shall be included with the design calculations. Sufficient tests shall be performed to adequately determine the suitability and strength of each type of subgrade soil. Tests along proposed streets shall be of one hundred (100) foot intervals, or less, as determined by the municipal engineer.

In cut areas, in-place field testing may be employed to determine the C.B.R. of the subgrade. These tests shall be performed in accordance with the procedures established in Chapter VIII of the publication entitled "Soils Manual for Design of Asphalt Pavement Structures" Manual Series No. 10 (MS- 10) published by the Asphalt Institute. The elevation of the ground surface at each test location shall be within eighteen (18) inches of the final subgrade elevation and the moisture content of the subgrade shall be approximately equal to the maximum expected during the life of the road. The moisture content at each test location shall be obtained and shall be submitted with the test report.

In fill areas, the California Bearing Ratio (C.B.R.) shall be established by laboratory testing of representative samples of the proposed subgrade material. Each sample shall be compacted in a cylindrical mold to the approximate density and moisture content which will be specified for the placing of the actual fill material. The test shall be performed in accordance with the requirements of ASTM Test Designation D-1883-61 T, entitled "Bearing Ratio of Laboratory - Compacted Soils." Each test specimen shall be soaked prior to testing.

Both of the proposed methods of design are based on a design traffic number (DTN) which is the average daily number of equivalent eighteen thousand (18,000) pound single-axle loads estimated for the design land during the design period. A design period of twenty (20) years shall be used. The design traffic number shall be calculated by the methods of analysis outlined in Chapter III or Appendix C of Manual Series No. I (MS-1) published by the Asphalt Institute. The design traffic number shall be determined from actual traffic counts, from traffic studies of similar facilities, or from community or regional planning studies.

To protect against excessive frost penetration of the subgrade, a minimum total thickness of pavement structure of eight and one-half inches shall be provided, except when bituminous stabilized base of full depth asphalt paving is placed on a non-frost susceptible subgrade.

When other than full-depth asphalt paving or bituminous stabilized base course are used, a two and one-half inch FABC-2 minimum depth of asphalt paving shall be provided as the surface course.

2. Design Using Asphalt Institute Manual. Using the California Bearing Ratio and the Design Traffic Number as described above, the required thickness of full-depth asphalt paving may be obtained directly from the design charts contained in the Asphalt Institute publication Manual Series No. 1 (MS-1) (See standard detail drawings). If full-depth asphalt paving is to be used, the recommendations of MS-1 in regard to minimum thickness of paving shall be adhered to. If, however, the designer desires to substitute alternate materials for the base course or base and subbase courses in lieu of full-depth asphalt paving, the thickness of each course shall be determined using substitution ratios calculated from the relative strength coefficients for paving components shown in the standard details instead of the substitution ratios specified in MS-1.

3. Design Using Structural Numbers. Using the California Bearing Ratio and the design traffic number as previously described, the required structural number (SN) shall be determined from the

standard detail drawings as follows:

- a. Enter the C.B.R. scale with the C.B.R. design value and project a line through the calculated design traffic number to the pivot line;
- b. From this point on the pivot line project a line through the regional factor scale to the structural number (SN) scale. The regional factor shall be 1.5 unless higher values can be justified;
- c. Read the required structural number (SN). A paving section shall be selected which has a construction number equal to, or higher than, the required structural number. The construction number for a paving section shall be the sum of the construction numbers for the surface, base and subbase course, if used. The construction number for each course shall be obtained by multiplying the relative strength coefficient for the proposed material by the proposed course thickness. The relative strength coefficients shall be obtained from the standard detail drawings.
  - R. Four-Way Intersections. Four-way intersections connecting a local residential street with another local residential street or with a residential collector shall be prohibited.
  - S. Private Streets. Private streets shall be prohibited in major developments.
  - T. Half Streets. New half or part streets shall not be permitted; except that wherever a proposed development borders a half or partial street, the planning board may require that the other part of the street be platted in the proposed tract if it is found that such a requirement would increase the effectiveness of the circulation system in the area.
  - U. Multiple Intersections. Multiple intersections involving a junction of more than two streets shall be prohibited.
  - V. Intersections with Arterial Streets. To the fullest extent possible, local residential streets and residential collector streets shall not intersect with arterial streets less than eight hundred (800) feet apart, measured from center line.
  - W. Partial Reconstruction of Existing Street. Where a portion of an existing street that abuts a proposed development is required to be reconstructed by the reviewing board, the developer shall overlay a minimum of one lane or ten feet of the remaining undisturbed pavement width. (Prior code § 15.1231.2)

## Chapter 16.98

### WATER SUPPLY

#### Sections:

16.98.010 General standards

16.98.020 Regulations.

#### 16.98.010 General standards

The applicant shall provide adequate water supply to service his proposed development. The reviewing board shall determine with the aid of its professional staff, the quality, quantity and water pressure to be adequate to provide potable water to those who will utilize the proposed development and properly supply water pressure as a safeguard against fire. (Prior code § 15.1232.1)

#### 16.98.020 Regulations.

A. Utility. Where water is accessible from a servicing utility, the developer shall arrange for the construction of water mains in such a manner as to make adequate water service available to each lot, dwelling unit or use within the development. The entire system shall be designed in accordance with the requirements and standards of the township, county and/or state agency having approval authority and shall be subject to their approval. The system shall also be designed with adequate capacity and sustained pressure for present and probable future development.

B. Private Wells. Where public water is not available, potable water supply shall be provided to each lot on an individual well basis. Such wells shall be designed in accordance with the requirements and standards of the township and/or state agency having jurisdiction.

C. Easements. where water distribution systems are installed outside streets, easements or rights-of-way shall be required in accordance with Chapter 16.50 entitled "Easements."

D. Design. In general, the following policies shall be followed in determining the size of water mains:

1. Lines whose primary function is and will be to serve adjacent property will be eight inches.

2. Lines which serve as feeder lines to several other streets should be eight inches and should be laid out to provide loops with other lines which enclose areas of not more than one-fourth of a square mile.

3. Lines which provide the main feed from present or future sources of supply or storage shall be twelve (12) inches or larger and shall be laid out so as to form loops with other lines which enclose not more than one square mile.

4. Lines whose only purpose is to serve abutting properties and to which there is no fire hydrant connected and which do not serve more than four residences shall be eight inches in diameter if specifically approved by the township engineer and department of public works director.

5. In general, criteria affecting valve and hydrant locations shall be that not more than one hydrant is affected by shutting off any one section; hydrants are located within six hundred (600) feet along street lines of any property in the subdivision; not more than three valves are necessary to shut off any one section; and the number of homes affected by shutting off any one section shall be limited to approximately twenty-five (25).

6. The board of fire engineers shall review and approve the water main and hydrant locations, prior to final approvals of any sections. (Prior code § 15.1232.2)



Chapter 16.100

TRAFFIC IMPACT REPORT

**Sections:**

16.100.010            General standards.

16.100.020            Regulations.

16.100.010    General standards.

Every applicant shall, as part of his application for development, submit a traffic impact report. The reviewing board shall determine that existing and proposed traffic volumes have been adequately and safely dealt with and that there are no conflicts with other types of circulation. (Prior code § 15.1233.1)

16.100.020    Regulations.

A.    The traffic impact report shall include information sufficient to demonstrate that satisfactory arrangement will be made to facilitate traffic movement on the highways adjoining the development and to assure proper circulations within the development. These arrangements may include provisions for necessary signalization, channelization, standby-turn lanes, right-turn, acceleration or deceleration lanes, added highway width, adequate warning signs, and adequate storage area and distribution facilities within the development to prevent back-up of vehicles on public streets.

B.    This information shall include, but not be limited to, the following:

1.    Traffic generation of the proposed project;
2.    Existing traffic loads on surrounding roads;
3.    Existing capacity of surrounding roads and level of service;
4.    Probable impact of project on capacity and service levels;
5.    Possible improvements necessary to ease congestion and maintain levels of service;
6.    Possible impact of traffic on the structural adequacy of adjoining streets and recommendations for paving improvements if found necessary. (Prior code § 15.1233.2)

Chapter 16.102

DESIGN SPECIFICATIONS GENERALLY

**Sections:**

16.102.010 Design specifications generally.

16.102.010 Design specifications generally.

Unless otherwise specified by the township, all work shall be performed in accordance with the New Jersey State Highway Department Standard Specifications for Road and Bridge Construction—1961, or later revision. These specifications shall govern the installation and construction of improvements in all sections of subdivisions whose final plats have not received formal township approval prior to the effective date of the ordinance codified in this title, and to all construction work hereafter performed on previously approved final plats where adherence to the new specifications will not impose an unnecessary hardship by reason of prior commencement of such construction, prior commitments of contracts or prior delivery of materials.

Wherever in these design specifications the term “engineer” is used, it shall refer to and designate the engineer duly authorized by Edgewater Park Township to supervise the construction of the improvements contemplated herein, or his duly appointed assistant or representative, or the Edgewater Park Township director of public works who shall have the same authority as the engineer. (Prior code § 15.131)



## Chapter 16.104

### ROAD CONSTRUCTION

#### Sections:

- 16.104.010            Materials.  
16.104.020            Methods of construction.

#### 16.104.010    Materials.

A.     Bituminous Stabilized Base Course. Materials shall conform to the requirements specified therefor in the Standard Specifications of the New Jersey Highway Department for Bituminous Stabilized Base Course, Article 3.2A as amended and shall be Mix No. 1 in Table 3 of the revised mixtures, outlined in Addenda A. Stone Mix, except that the minimum bitumen content shall be five percent.

B.     Surface Course. The paving materials shall be F.A.B.C. Mix No. stone mix, complying with the amended Specifications of the New Jersey State Highway Department Standard Specifications, Article 3.10., revised Table 3, except that the minimum percentage of bitumen shall be six percent. (Prior code § 15.132.1)

#### 16.104.020    Methods of construction.

A.     Subgrade. Before construction of the pavement, the subgrade shall be in a properly finished condition conforming to the proper line and grade and free of any soft spots or other deficiencies. Not more than twenty-four (24) hours prior to commencing of operations on any subgrade, the subgrade shall be tested by running a roller of a weight at least equal to that to be used in the paving operation over the entire subgrade area. When permitted by the engineer, testing may be performed by other equipment such as loaded trucks. When in the opinion of the engineer or his representative, the deformation of the subgrade under such test is excessive, the subdivider will be required to stabilize the subgrade in a manner satisfactory to the engineer. The subgrade shall not be prepared during freezing weather or when frozen or when it is unstable.

B.     Bituminous Stabilized Base Course. The method of construction shall conform to the same specification indicated for materials in Section 16.104.010 above. The base course shall be laid on a properly prepared subgrade and shall consist of two equal courses. Upon completion of base course construction, the contractor shall cut samples from the pavement with a jackhammer, coring machine, or other means suitable to the engineer. The sample shall be intact for the full thickness of the base course and shall be of a size suitable to the engineer. At least one sample shall be cut for every one thousand (1,000) square yards of base course. Where deficiencies in the required minimum thickness are noted, at least two additional cores will be required to determine the extent of such deficiency. The average thickness of the base course as determined by any five or more samples, representing contiguous areas of pavement, shall be not less than five inches or six inches and the minimum thickness permitted at any location will be four and one-half inches or five and one-half inches. In the event that the average thickness is less than five inches or six inches or the minimum thickness four and one-half inches or five and one-half inches, the deficiency shall be made up by increasing the thickness of the surface course.

C.     Surface Course. Prior to placing of the surface course, the contractor shall repair any defects in the base course. Where cracking or any other type of failure has occurred in the base course, the contractor shall completely remove the base course, stabilize the subgrade if necessary and construct new base course. Where the deficiency involves depressions or raveling in the surface of the base course, the repair may be made by skin patching with a suitable bituminous material. For checking of gutter drainage, the subdivider shall supply sufficient water at the high points of the streets and shall run said water into the gutters in order to determine whether or not gutter grades are satisfactory. Wherever puddles occur, he shall skin patch the base course to achieve proper grades in the gutters. After repair of

the base course, a tack coat shall be applied as specified in Section 3.10 of the New Jersey State Department Standard Specifications. In the event of any deficiency in the surface course such as raveling, depressions, cracking, etc., such deficiencies shall be repaired by removing the surface course and replacing with new material.

All equipment and methods of construction shall conform to the New Jersey State Highway Department Standard Specifications of 1961, except that only one roller may be used where the area to be paved is sufficiently small, in the opinion of the engineer, to make the second roller unnecessary. (Prior code § 15.132.2)



Chapter 16.106

CONCRETE CURBS, GUTTERS AND SIDEWALKS

**Sections:**

- 16.106.010 Material.
- 16.106.020 Methods of construction.

16.106.010 Material.

A. Concrete Strength. Concrete for curbs, gutters, sidewalks and driveway aprons shall be constructed with air-entrained concrete with a minimum twenty-eight (28) day compressive strength of four thousand (4,000) psi.

B. Joint Filler. Joint filler shall be a cellular compression material conforming to the requirements thereof of the Standard Specifications of the New Jersey State Highway Department as amended and revised to date. (Prior code § 15.133.1)

16.106.020 Methods of construction.

A. Concrete Curbs, Gutters and Sidewalk Generally. Concrete curb shall be constructed in accordance with Division 5, Section 5 of the state specifications and concrete sidewalks shall conform to Division 5, Section 8, except as herein amended.

B. Subgrade. The contractor shall make all necessary excavations or embankments for the construction and disposing of surplus materials. No filling shall be done below the proposed curb or gutter except when absolutely necessary, in which case such fill shall be made with clean sand or approved gravel and thoroughly tamped before concrete is laid thereon. All soft spots shall be thoroughly tamped before concrete is laid thereon or if necessary, soft or spongy material shall be removed and clean sand or gravel refilled in its place.

C. Backfill for Curb. Within seventy-two (72) hours after curbing is completed and forms removed, the contractor shall backfill to the top of the curb in back and to the established gutter grade in front. Backfill shall be made with the materials excavated, except that any large or frozen lumps, wood, boulders or other foreign matter shall be removed before placing. Backfill shall be thoroughly compacted.

D. Forms. Forms for concrete may be of lumber or steel. They shall be straight and of sufficient strength to prevent warping or bulging and to retain the concrete accurately in position. All mortar and dirt shall be removed from forms which have been previously used. Forms shall be well staked to the proposed lines and grades, and their upper edges shall conform to the finished surface of the curb. All forms shall be thoroughly wetted immediately before concrete is deposited against them. Curved forms shall be used for the construction of all radius curb.

E. Concrete. Concrete construction including curing shall conform to the applicable requirements of the section on concrete structures contained elsewhere herein. The concrete shall be tamped, and spaded or vibrated so that the forms are completely filled, the concrete thoroughly compacted and mortar is flushed to the face and top.

F. Joints—Concrete Curb: Combination Curb and Gutters. Expansion joints shall be provided at intervals of twenty (20) feet or when new construction abuts existing construction. The expansion joints shall be filled with one-half-inch thick cellular compression material to within one-half inch of the top and face of the curb and to within one-fourth inch of the top of the gutter. Dummy joints shall be provided midway between expansion joints.

G. Joints—Concrete Sidewalks and Aprons. Expansion joints one-half-inch wide shall be provided at intervals of twenty (20) feet and where the new paving abuts curb or old work. The expansion joints shall be filled with one-half-inch thick cellular compression material to within one-fourth inch of the top of the paving. For sidewalks, surface grooves shall be cut with an approved tool at

least one-fourth-inch thick at right angles to the line of the sidewalk and at intervals equal to the width of the sidewalk. Where new work abuts existing sidewalk, the surface grooves shall be spaced to conform to the lines of the abutting walk. All surface edges shall be rounded to a radius of one-half-inch.

H. Finish—Concrete Curb: Combination Curb and Gutters. Before initial set, the top of the curb and gutter shall be finished with a wood float to an even, smooth and dense surface. As soon as the forms can be removed the face of the curb shall be given the same finish. Exposed edges shall be neatly rounded to a radius of one-half inch. The finished curb shall not vary from the required grades, lines, dimensions and curvatures by more than one-fourth inch at any point. Completed work shall be protected from traffic and the elements and be thoroughly wetted and kept moist for at least one day. Damaged, broken or cracked work shall be replaced by the contractor.

I. Finish—Concrete Sidewalks and Aprons. The finish shall be with a wood float, followed by brooming. Exposed edges shall be neatly rounded to a radius of one-half inches. The concrete shall be cured as provided elsewhere herein.

J. Concrete Work in Cold Weather. No concrete shall be poured between December 1st and March 1st of each year without prior written permission of the engineer.

All concrete poured during this period shall conform to the procedures specified in the New Jersey State Highway Department Standard Specifications except as otherwise directed by the engineer. (Prior code § 15.133.2)

Chapter 16.108

CONCRETE STRUCTURES

**Sections:**

- 16.108.010                Materials.  
16.108.020                Methods of construction.

16.108.010    Materials.

A.    Cement. Cement used in concrete structures shall conform to the following requirements of the A.S.T.M. as amended to date:

1.    Standard portland cement;
2.    A.S.T.M. Designation C-150, Type 1;
3.    High early strength portland cement;
4.    A.S.T.M. Designation C-150, Type 3;
5.    Air entraining portland cement;
6.    A.S.T.M. Designation C-175, Type 1-A;
7.    Air-entraining agent shall be vinsol resin or darex A.E.A.

B.    Aggregate. Aggregate, both fine and coarse, shall conform to the requirements therefor of the New Jersey State Highway Department Standard Specifications as amended and revised to date.

C.    Water. Water shall be clean, fresh and free of oils, acids, salts, organic matter or other injurious substances.

D.    Air-Entrained Concrete. Unless otherwise provided, all concrete shall be air-entrained having four percent to seven percent of entrained air, and shall be produced by using standard portland cement with additive or air entraining portland cement with or without additional additive as required.

E.    Reinforcing Steel. Reinforcing steel shall be intermediate grade deformed bars conforming to A.S.T.M. Designation A-15 and A.S.T.M. Designation A-432 as amended and revised to date. (Prior code § 15.134.1)

16.108.020    Methods of construction.

A.    Concrete Mixture. Only enough water shall be added to make concrete workable for its intended use. The engineer will determine the slump ranges within which the contractor must work. Ready-mix or transit mix concrete may be used if obtained from sources approved by the engineer. Equipment used to proportion and mix concrete on the job is subject to the approval of the engineer.

B.    Forms. Forms shall conform to the shape, lines, dimensions and grades shown on the plans. They shall be firmly braced, tight, and substantial so as to prevent movement, bulging, and mortar leakage. Wherever concrete will be exposed to view, forms shall be smooth and clean.

Forms for footings may be omitted wherever soil and workmanship permit accurate excavation to size. All forms shall be completely removed.

C.    Reinforcing. Reinforcements shall be accurately cut, bent and placed in accordance with the plans. It shall be free of excessive scale or any foreign material that would tend to reduce bond. It shall be securely supported, tied and fastened to prevent movement while concrete is being placed.

D.    Subgrades. Subgrades, excavations, and soil bases for foundations and slabs shall be properly finished to the prescribed lines, grades and dimensions, and shall be approved by the engineer before concrete is placed. All areas to receive concrete shall be free of frost, foreign matter and excessive water, provided, however, that forms and soil surfaces shall be uniformly damp when the concrete is placed.

E.    Placing of Concrete. Concrete shall be handled and placed so as to avoid any segregation. Concrete which has begun to set or which has been contaminated with foreign materials or to which too much water has been added shall not be used. Pouring of concrete shall generally be a

continuous operation until the placing of an individual section has been completed. Concrete shall be thoroughly compacted with vibrators or by other suitable means.

F. Concrete Finish. All concrete shall be finished by screeding and floating to the required lines and grades. Unless otherwise specified, all work shall have a wood float finish, provided, however, that the contractor shall provide other finishes when so required by the place or specifications or so directed by the engineer.

After the concrete has been poured, it shall be kept continuously wet for a period of one day or longer, as directed by the engineer. Curing compound may be substituted for water, but in all cases, curing shall be in accordance with Article 4.1.3 of the New Jersey State Highway Department Standard Specifications.

G. Joints. Expansion joints, dummy joints, construction joints and other appurtenances shall be provided as shown on the standard details. Expansion joints shall have joint filler of the thickness indicated which shall extend the full depth of the concrete.

H. Cleaning of Exposed Concrete Surface. After removal of forms, all permanently exposed surfaces shall be cleaned of stains and dirt, and all surface defects which do not impair structural strength shall be repaired by cutting and patching.

I. Concrete Pouring Temperature. Concrete shall not be poured when the atmospheric temperature is below forty (40) degrees Fahrenheit or when there is any precipitation, unless precautions satisfactory to the engineer have been taken to prevent any damage to the work. Precautions necessary to avoid freezing of the concrete shall be in accordance with the current recommendations of the American Concrete Institute. (Prior code § 15.134.2)

## Chapter 16.110

### POTABLE WATER FACILITIES

#### Sections:

- 16.110.010 Materials.
- 16.110.020 Methods of construction.

#### 16.110.010 Materials.

A. Ductile Iron Pipe and Fittings. Ductile iron pipe shall conform to the requirements of the American Water Works Association Specification C-151 as amended and revised to date. Unless otherwise specified herein, ductile iron pipe shall be thickness Class 52 and minimum eight-inch diameter. Mechanical joints and push-on joints shall conform to the American Water Works Association Specifications C-110 and C-111 as amended and revised to date. Gasket-type joints shall be Tyton or approved equal. Either mechanical or gasket-type joints shall be used for normal water main construction. Flanges and fittings shall conform to the requirements of the American Water Works Association C-110 as amended and revised to date with a minimum pressure rating of two hundred fifty (250) psi.

All ductile iron pipe and fittings shall be cement-lined in accordance with American Water Works Association C-104 as amended and revised to date.

B. Valves. Valves shall conform to the current American Water Works Association Standard for Iron Body Double-Disc Gate Valves with parallel seats (C-500). Valves shall be of the type manufactured by the Kennedy Valve Company, Mueller Valve Company, or approved equal. Unless otherwise specified, valves shall be operated by a two-inch square operation nut of cast iron and shall open in a clockwise direction. The direction of opening shall be marked on the nut by an arrow and the word "OPEN." All cast iron surfaces of valve boxes shall be painted with three coats of asphaltum paint, inside and out. Valves shall be provided with a means of jointing suitable for use with the adjoining pipe.

C. Valve Boxes. Valve boxes shall be completed with covers and both valve box and cover shall be of axle strength and dimension to fully sustain the shocks of heavy vehicular traffic and to maintain the upper section and cover at proper grade raider heavy vehicular traffic.

Covers shall be round, at least six inches in diameter and shall have the word "WATER," an arrow showing the opening direction and the word "OPEN" clearly cast thereon.

D. Fire Hydrants. Fire hydrants shall be Type K-11 as manufactured by the Kennedy Valve Company or approved equal. Operating and cap nuts shall be one and one-half-inch pentagon. They shall be equipped with two and one-half-inch hose nozzles and one pumper nozzles, with National Standard male threads. They shall have a provision for six-inch connection to the main. Main valve opening for the hydrant shall be five and one-half inches. Hydrants shall open in a clockwise direction.

E. Concrete. Concrete for cradles and thrust blocks shall be constructed with a minimum twenty-eight (28) compression strength of four thousand (4,000) psi conforming to requirements as specified elsewhere herein. (Prior code § 15.135.1)

#### 16.110.020 Methods of construction.

A. Excavation and Backfill. Excavation and backfill shall conform to the requirements for subsurface structure excavation. The contractor shall provide adequate equipment and so operate it as to maintain an essentially dry excavation, stable trench bottoms, suitable working conditions and protection from water damage throughout and until the completion of the work.

B. Installation of Pipe. Water mains shall be laid in straight lines except when otherwise specifically approved by the engineer. When deviation from a straight line is permitted, the deflection of each joint shall not exceed the manufacturer's recommended maximum for the type of joint and size of pipe being installed. Pipe shall be laid with at least four feet of cover as measured from the top of the

pipe to the existing or proposed finished grade, or to the future finish grade when such is lower. Along extensions of roads which are unimproved, the pipe shall be laid with at least four feet of cover over the top of the pipe to the existing grade.

Special care shall be exercised to remove all earth, stone and other materials from each pipe as it is laid, and to prevent any such materials from entering the pipeline. The contractor shall see that the entire line maintained is absolutely clean on the inside and that all valves and hydrants are clean and in good working order when installed. Open ends shall be at all times adequately protected and shall be securely sealed with approved plugs whenever work is stopped for any reason whatsoever. After removing a plug the interior of the pipeline shall be inspected and cleaned before resuming pipe laying operations.

Before placing each length of pipe, the contractor shall carefully examine it for breaks, cracks or other defects and shall discard any which may appear to be in any way defective. All pipe and fittings shall be handled and installed with care to avoid breakage. Each section of pipe shall be solidly bedded in the trench bottom and shall be supported for its full length except where excess excavation has been made for joints. Before making each joint, the ends of the pipes and all joint members shall be thoroughly cleaned. All jointing shall be done in strict accordance with the manufacturer's recommendations and the directions of the engineer.

The contractor shall do all necessary pipe cutting and shall locate valves, fittings and fire hydrants in the exact positions indicated. He shall provide and use cutting tools of an approved type and in good order, so as to ensure clean, square cuts to exact measurements.

C. Installation of Fittings and Valves. All fittings and valves shall be set accurately true to and square with pipelines. Valve stems shall be accurately plumb. Fittings and valves shall be supported by approved blocking so as to ensure their remaining accurately in position during jointing and in such manner that their weight will not place undue strain on connecting pipe. Joint valves boxes shall be set plumb, accurately centered with respect to the valve stem, well supported by solidly tamped earth and with their tops flush with the finished surface grade of the roadway or surface of the ground where set. Pipelines shall be rodded or thrust-blocked at all bends greater than ten degrees and at all tees, plugs, valves and fire hydrants so as to prevent movement of the lines under pressure. A means of backflow prevention shall be provided on all water mains for fire service or where water backflow may occur.

D. Tapping of Existing Water Mains. Excavation and backfill shall conform to the requirements of subsurface structure excavation.

The tapping hole shall extend along the main a minimum of two and one-half feet from both sides of the corporation and perpendicular to the main a minimum of eighteen (18) inches opposite the corporation; and a minimum of forty-eight (48) inches in the direction of the corporation. The tapping hole shall provide a minimum vertical clearance of eight inches beneath the main.

Taps shall be made on a forty-five (45) degree angle from the top of the main and shall conform to the standard detail. For safety reasons, no taps shall be made during rainy or inclement weather.

E. Pressure Test. Before new water lines are put into service, the contractor shall provide the necessary equipment for and shall perform a pressure and leakage test. This test shall be performed in the presence of the engineer. For pressure piping trench, the test shall be conducted prior to the complete backfilling of the trench, unless otherwise permitted by the engineer. For pressure piping in structures, the test shall be conducted prior to the completion of any construction which would make it impossible or difficult to gain access to the pipe if found defective. The contractor shall test sections of the pipes between valves, where practicable or where ordered by the engineer.

The contractor shall make the necessary arrangements with the owner for the procurement of water for the pressure and leakage tests, and for subsequent sterilization, and shall furnish the necessary labor, pumps, valves, pressure gauges, water meters and all other equipment required for this purpose. Each section of pipe shall be slowly filled with water and the pipe shall be subjected to a hydrostatic pressure of one hundred fifty (150) psi, and maintained for a period of one hour. Before applying the specified test pressure, all air shall be expelled from the pipe, through hydrants, blow-offs or any taps

that may be necessary for the release of air, and blow-offs required for filling the line shall be furnished and installed by the contractor.

When the test pressure has been reached, the amount of make-up water to maintain the test pressure shall be measured. No pipe installed will be accepted until the amount of leakage shall not exceed one hundred (100) gallons per day per inch of diameter per mile of pipe. Where sections of pipelines fail to meet this requirement, they shall be repaired, again maintained under pressure for one hour, and retested as necessary until requirements are complied with.

Calculations to determine loss per inch of pipe per day per mile shall be done as follows:

Gallons of make-up water  $\times$  24 - gallons loss/day

$$\frac{\text{gals loss/day}}{\text{feet of pipe being tested}} \times 5280 \text{ ft/mile} = \frac{\text{gals loss/}}{\text{mile/day}}$$

gallons loss/mile/day - gals/inch dia/mile/day  
(Pipe dia in inches)

Allowable exfiltration rate is 100 gals/inch dia/mile/day.

F. Sterilization of Pipe. Before new water lines are put into service, they shall be completely sterilized with chlorine, the chlorine distributed into the new pipelines in such manner that it shall reach all of the pipe and all fittings, valves and appurtenances.

The chlorine required shall be in the form of high test calcium hypochlorine (HTH) in tablet form. The number of tablets required per length of pipe shall be determined from the following table:

Length of Section (feet)	6 inches	Pipe Diameter 8 inches	10 inches	12 inches
13	2	3	4	4
18	3	3	4	6
20	3	4	5	6

The required number of tablets should be fastened to the top of each length of pipe as it is laid using hot tar or Permatex No. 2 gasket cement or equal as the adhesive. Care should be taken to see that the adhesive only covers the side of each tablet so that as much surface as possible is exposed to the water when it is introduced into the main. Sterilizing dosage shall be sufficient to provide the equivalent of not less than fifty (50) parts per million (ppm) of free chlorine to the entire contents of the pipeline or section thereof to be sterilized, and the chlorinated water shall be permitted to remain in the pipeline for a contact period of not less than twenty-four (24) hours, at the end of which time the chlorine residual shall be at least ten ppm. After sterilization, the water main or section shall be thoroughly flushed with clean water until the chlorine residual is not greater than 0.2 ppm and put into service. Any section of pipeline which is drained or empties of water at any time or for any purpose in connection with this work, whether a newly laid pipeline or part of an existing water main system, shall be sterilized as above specified before being returned to service.

Other methods of sterilization may be used, however, prior approval of the engineer in writing must be obtained prior to the test being performed.

G. Bacteria Test. After flushing has been completed and the chlorine residual is not greater than 0.2 ppm a bacteriological sample shall be taken in accordance with the New Jersey Department of Environmental Protection, Potable Water Standards Bulletin PW-D 10, December 1970.

The mouth of the valve, hydrant, blow-off, etc. shall be sterilized using a propane torch or equivalent and the water then allowed to flow for a period of not less than five minutes.

The standard sample shall be collected in sterile bottles, care being taken not to contaminate the neck of the bottle or stopper during collection.

This sample will then be delivered to a certified laboratory designated by the engineer for analysis, or the sample collected by the certified lab.

Copies of the analysis shall be sent to the engineer directly from the laboratories.

In the event that the laboratory analysis shows bacteria present the line shall be rechlorinated, flushed, sterilized and a new sample taken until such time as the New Jersey Department of Environmental Protection, Potable Water Standard PW-D 10, December 1970 are met.

Prior to any public water supply system being accepted by the engineer and the municipality, all of the requirements contained herein shall have been satisfied, and the contractor shall purge all new lines with a minimum one thousand (1,000) GPH suction pump at each hydrant for a minimum of five minutes as directed by the township engineer.

H. Interruption of Existing Water Service. Existing water service shall not be interrupted unless necessary for the completion of the work and then only in accordance with the requirements of the Edgewater Park Township water department. (Prior code § 15.135.2)

## Chapter 16.112

### SANITARY SEWERS

#### Sections:

- 16.112.010            Materials.  
16.112.020            Methods of construction.

#### 16.112.010    Materials.

A.     Ductile Iron Pipe and Fittings. Ductile iron pipe shall be centrifugally cast and shall conform to the requirements of the American Water Works Association Specifications C-151 as amended and revised to date.

Ductile iron pipe shall be thickness Class 52. All ductile iron pipe and fittings shall be cement-lined in accordance with American Water Works Association Specifications C-104 as amended.

Ductile iron pipe shall be provided with mechanical joints, or shall be push-on Tyton joint pipe as manufactured by the United States Pipe and Foundry Company, or approved equal, conforming to the American Water Works Association Specifications C-110 and C-111. All iron fittings, including Y-branches, shall conform to American Water Works Association Specifications C-110, latest revision, except that fittings shall be provided with joints suitable for use with the adjoining pipe. Ductile iron saddles shall be subject to the approval of the engineer.

B.     Asbestos-cement pipe and fittings. Asbestos-cement pipe and fittings shall conform to the requirements of the American Society for Testing Materials Specifications C-428 for nonpressure sewer pipes, and C-296 for pressure pipes, as amended and revised to date. Asbestos-cement pipe and fittings shall be a minimum of Class 2400 for depths of cover under ten feet, and a minimum of Class 3300 for depths of cover ten feet or more.

All asbestos-cement pipe and fittings shall be furnished complete with sleeve and gasket-type couplings designed for use with the size and class of pipe specified.

Ductile iron fittings for use with asbestos-cement pipe shall conform to the requirements for ductile iron fittings hereinbefore specified.

C.     Vitrified Clay Pipe and Fittings. Vitrified clay pipe and fittings shall conform to the requirements of the American Society for Testing Materials Specifications C-700, as amended and revised to date. Vitrified clay pipe and fittings shall be extra strength.

All vitrified clay pipe and fittings shall have factory-fabricated, gasket-type couplings with "O" ring joints which conform to the American Society for Testing Materials Specification C-425, as amended and revised to date.

D.     Concrete. Any concrete required for cradles, pads, drop connections at manholes, and any other miscellaneous items shall be four thousand (4,000) psi conforming to the requirements set forth elsewhere herein. (Prior code § 15.136.1)

#### 16.112.020    Methods of construction.

A.     Excavation and Backfill. Excavation and backfill shall conform to the requirements for subsurface structure excavation. The contractor shall provide adequate equipment and so operate it as to maintain an essentially dry excavation, stable trench bottoms, suitable working conditions, and protection from water damage throughout and until the completion of the work.

B.     Installation. Pipe shall be laid in straight lines between manholes except when otherwise specifically provided or directed by the engineer. When deviation from straight line is permitted, the deflection of each joint shall not exceed the manufacturer's recommended maximum for the type of joint and size of pipe being installed. All pipe shall be laid to uniform grades between manholes.

Before making each joint, the ends of the pipes and all joint members shall be thoroughly cleaned. All jointing shall be done in strict accordance with the manufacturer's recommendation and the

direction of the engineer.

No defective or leaking pipe, fittings, joints, connection, manholes or other parts of the work will be acceptable. All visible leakage of any description, and no matter where located shall be corrected by the contractor in a manner satisfactory to the engineer, whether or not the total leakage into the sewer is within the allowable maximum as determined by exfiltration tests.

C. Exfiltration Tests. Exfiltration tests shall be made under the supervision of the engineer, and no connections to flowing lines permitted until the testing is complete and satisfactory results have been obtained. The contractor shall furnish all labor, material and equipment necessary for the exfiltration tests.

Prior to the start of the exfiltration test, all construction work for the system under test shall be completed. This includes backfilling and completion of all manholes.

D. Air Test Procedures.

1. The test is conducted between two consecutive manholes, as directed by the engineer.  
2. The test section of the sewer lines is plugged at each end. One of the plugs used at the manhole must be tapped and equipped for the air inlet connection for filling the line from the air compressor.

3. All service laterals, stubs and fittings into the sewer test section should be properly capped or plugged, and carefully braced against the internal pressure to prevent air leakage by slippage and blowouts.

4. Connect air hose to tapped plug selected for the air inlet. Then connect the other end of the air hose to the portable air control equipment which consists of valves and pressure gauges used to control:

- a. The air entry rate to the sewer test section; and
- b. To monitor the air pressure in the pipeline.

More specifically, the air control equipment includes a shut-off valve, pressure regulation valve, pressure reduction valve and a monitoring pressure gauge having a pressure range from zero to five psi. The gauge should have a minimum division of .10 psi and an accuracy of  $\pm .04$  psi.

5. Connect another air hose between the air compressor (or other source of compressed air) and the air control equipment. This completes the test equipment set up. Test operations may commence.

6. Supply air to the test section slowly, filling the pipeline until a constant pressure of 3.5 psig is maintained. The air pressure must be regulated to prevent the pressure inside the pipe from exceeding 5.0 psig.

7. When constant pressure of 3.5 psig is reached, throttle the air supply to maintain the internal pressure above 3.0 psig for at least five minutes. This time permits the temperature of the entering air to equalize with the temperature of the pipe wall. During this stabilization period it is advisable to check all capped and plugged fittings with a soap solution to detect any leakage at these connections.

If leakage is detected at any cap or plug, release the pressure in the line and tighten all leaky caps and plugs. Then start the test operation again by supplying air. When it is necessary to bleed off the air to tighten or repair a faulty plug, a new five-minute interval must be allowed after the pipeline has been refilled.

8. After the stabilization period, adjust the air pressure to 3.5 psig and shut off or disconnect the air supply. Observe the gauge until the air pressure reaches 3.0 psig. At 3.0 commence timing with a stop watch which is allowed to run until the line pressure drops to 2.5 psig at which time the stop watch is stopped. The time required, as shown on the stop watch, for a pressure loss of 0.5 psig is used to compute the air loss. Most authorities consider it unnecessary to determine the air temperature inside the pipe line and the barometric pressure at the time of the test.

9. If the time, in minutes and seconds, for the air pressure to drop from 3.0 to 2.5 psig is greater than that shown in Table 16.112.020 for the designated pipe size, the section undergoing test shall

have passed and shall be presumed to be free of defects. The test may be discontinued at that time.

10. If the time, in minutes and seconds, for the 0.5 psig drop is less than shown in Table 16.112.020 for the designated pipe size, the section of pipe shall not have passed the test; therefore, adequate repairs must be made and the line retested.

**Table 16.112.020  
Time Requirement for Air Testing**

Pipe Size (in inches)	Time	
	Minutes	Second
4	2	32
6	3	50
8	5	6
10	6	22
12	7	39
14	8	56
15	9	35
16	10	12
18	11	34
20	12	45
21	13	30

(For larger diameter pipe use the following:  
minimum time in second =  $462 \times$  pipe diameter in feet)

**Notes for Table 16.112.020**

a. Pipe sizes with their respective recommended minimum times, in minutes and seconds, for acceptance by the air test method are shown.

b. For eight-inch and smaller pipe only: if, during the five-minute saturation period, pressure drops less than 0.5 psig after the initial pressurization and air is not added, the pipe section undergoing test shall have passed.

c. Multi-pipe sizes: When the sewer line undergoing test is eight inches or larger diameter pipe and includes four-inch or six-inch laterals, the figures in Table 16.112.020 for uniform sewer main sizes will not give reliable or accurate criteria for the test. Where multi-pipe sizes are to undergo the air test, the engineer can compute the average size in inches which is then multiplied by 38.2 seconds. The results will give the minimum time in seconds acceptable for a pressure drop of 0.5 psig for the averaged diameter pipe.

11. Adjustment Required for Groundwater. An air pressure correction is required when the prevailing groundwater is above the sewer line being tested. Under this condition, the air test pressure must be increased .433 psi for each foot the groundwater level is above the invert of the pipe.

E. Procedures for Making Air Pressure Correction—Determination of Groundwater Elevation. Where groundwater is known to exist or is anticipated in the area before the air testing would be conducted, the following procedure shall be used at the time the sewer main and manholes are constructed:

1. Install one-half inch diameter pipe nipple (threaded one or both ends, approximately ten inches long) through the manhole wall directly on top of one of the sewer pipes entering the manhole with threaded end of nipple extending inside the manhole;
2. Seal pipe nipple with a threaded one-half inch cap;
3. Immediately before testing, determine the groundwater level by removing the threaded

cap from the nipple, blowing air through the pipe nipple to remove any obstructions, and then connections a clear plastic tube to the pipe nipple;

4. Hold plastic tube vertically, permitting water to rise in it to the groundwater level;
5. After water level has stabilized in plastic tube, measure vertical height of water, in feet, above invert of sewer pipe;
6. Determine air pressure correction, which must be added to the 3.0 psig normal starting pressure of test, by dividing the vertical height in feet by 2.31. The result gives the air pressure correction in pounds per square inch to be added;
7. Example: If the vertical height of water from the sewer invert to the top of the water column measures 11.55 feet the additional air pressure required would be:

$$(11.55) = 5 \text{ psig.}$$

2.31

Therefore, the starting pressure of the test would be 3.0 plus 5 or 8.0 psig, and the one-half pound drop becomes 7.5 psig. There is no change in the allowable drop (0.5 psig) or in the time requirements established for the basic air test.

F. Lamping. Lamping of all gravity sanitary sewer lines shall be performed by the engineer in accordance with the following requirements:

1. Lamping consists of visually examining inside of pipe between two consecutive manholes with the aid of a light and mirror;
2. A light is shown from one manhole towards the other manhole;
3. A mirror is held at the invert of pipe and adjusted so the light and barrel of pipe can be seen;
4. The barrel of the pipe shall have no vertical deflection and at least seventy-five (75) percent of the barrel shall be visible in the horizontal direction;
5. In the event that lamping shows the pipe not laid true and to grade it shall be repaired and be lamped as necessary until the lamping complies with these requirements.

G. Additional Inspections. In addition to the visual and lamping inspections, the township may employ the use of television cameras to inspect sewers after or during construction. If defective workmanship or materials are found, these shall be corrected and the cost of T.V. inspection paid for by the applicant. No T.V. inspection costs shall be assessed against the applicant if the workmanship and materials are found to be satisfactory.

H. Y-Branches and Service Laterals. Y-branches and service laterals which are not to be immediately connected to flowing lines shall be securely plugged with an approved type of plug which will provide a permanent watertight seal. Plugs shall be braced as shown on the standard detail. The contractor shall accurately record the station of each Y-branch placed and direction of the Y. He shall also show the location of each Y-branch on his copy of the plans and permanently mark each location with a crosscut on the curb or a two-inch by four-inch stake driven at the plugged end of the lateral.

All lateral connections to existing sanitary sewer lines shall be installed with bolt-on type saddles unless otherwise specified by the engineer.

I. Drop Connections. Drop connections at manholes are shown on the standard details. Concrete cradles over existing pipe shall be constructed where and as directed by the engineer. All concrete work shall conform to the requirements as set forth elsewhere herein.

J. Flushing of Sewers. When so required by the engineer, the contractor shall flush such newly completed sewers as may be designated by the engineer, in order to remove any foreign matter which may have accumulated therein during construction. The contractor shall furnish all labor, material, equipment and water necessary for flushing and shall provide for the disposal of water used for flushing.

(Prior code § 15.136.2)



Chapter 16.114

STORM DRAINAGE

**Sections:**

- 16.114.010 Storm drainage pipelines.
- 16.114.020 Underdrains.
- 16.114.030 Detention basins.
- 16.114.040 Manholes, inlets and catch basins.

16.114.010 Storm drainage pipelines.

A. Materials.

1. Reinforced Concrete Pipe. Reinforced concrete pipe shall conform to the requirements of the American Society for Testing Materials Specification C-76 as amended and revised to date.

Reinforced concrete pipe shall be Class 3, Wall B, except that reinforced concrete pipe with less than two feet of cover shall be Class 4, Wall B.

2. Corrugated Metal Pipe. Corrugated metal pipe and pipe arch shall conform to the requirements of the American Association of State Highway Officials specifications therefor, as amended and revised to date, and conform to the following gauge requirements:

<b>Gauge</b>			<b>Diameter</b>
			<b>Corrugated</b>
			<b>(inches) Aluminum Metal</b>
15	14	16	
18	12	16	
21	12	16	
24	12	14	
30	12	14	
36	10	12	
42	10	12	
48	10	10	

54	8	10
60	8	8

For pipe diameters in excess of sixty (60) inches the specific design shall be approved by the engineer.

Corrugated metal pipe and pipe arch shall be fully bituminous coated inside and outside in accordance with current American Railway Engineering Association Specifications and shall have bituminous paved inverts. The invert paving shall fill the valleys of the corrugations and cover the crests of the corrugations a minimum of one-eighth inch. For round pipe the invert paving shall cover not less than twenty-five (25) percent of the inside perimeter of the pipe, and for pipe arch the invert paving shall cover not less than forty (40) percent of the inside perimeter of the pipe. Corrugated metal pipe shall be permitted only by specific written approval of the township engineer.

3. Concrete. Four thousand (4,000) psi concrete conforming to the requirements set forth elsewhere herein shall be used for the construction of concrete cradles and in making connections to existing drainage structures.

B. Methods of Construction.

1. Excavation and Backfill. Excavation and backfill shall conform to the requirements for subsurface structure excavation. The contractor shall provide adequate equipment and so operate it as to maintain an essentially dry excavation, stable trench bottoms, suitable working conditions and protection from water damage throughout and until the completion of the work.

2. Pipe shall be laid in straight lines between drainage structures except when otherwise specifically provided. When deviation from a straight line is permitted, the deflection of each joint shall not exceed the manufacturer's recommended maximum for the type of joint and size of pipe being installed. All pipe shall be laid to uniform grades.

Each section of pipe shall be solidly bedded in the trench bottom and shall be supported for its full length except where excess excavation has been made for joints. Before making each joint, the ends of the pipes and all joint members shall be thoroughly cleaned. All jointing shall be done in strict accordance with the manufacturer's recommendations. Joints of tongue and groove pipe shall be filled with mortar around their entire circumference. Mortar shall be one to two (1:2) parts cement to sand.

No defective or leaking pipe, joints, connections, manholes, inlets or other parts of the work will be acceptable. All visible leakage of any description, and no matter where located shall be corrected by the contractor in a manner satisfactory to the engineer.

Except when necessary to maintain a flow, storm drains shall not be placed in embankment until the embankment has been constructed and consolidated to proposed finished grade or subgrade, or to an elevation not less than three feet above the proposed top of pipe, whichever is lower. After an embankment has been so constructed, trenches for storm drainage shall be excavated as hereinabove specified.

3. Flushing of Storm Drains. When so required by the engineer, the contractor shall flush such newly completed storm drains as may be designated by the engineer in order to remove any foreign matter which may have accumulated therein during construction. The contractor shall furnish all labor, material, equipment and water necessary for flushing and shall provide for the disposal of water used for flushing.

4. Existing Pipes and Structures. The locations of existing pipes and structures shown on the plans are approximate, and before construction the contractor shall determine the exact locations of all existing pipes and structures in the vicinity of the proposed work. Connections to existing pipes and structures shall be made in a manner satisfactory to the engineer. (Prior code § 15.137.1)

16.114.020 Underdrains.

A. Materials. Materials for underdrains shall conform to the New Jersey State Highway

Department Standard Specifications as designated below:

1. Porous concrete pipe and fittings—Article 8.7.5;
  2. Coarse aggregate (broken stone or washed gravel)—Article 8.5.4;
  3. Salt hay—Article 8.5.29;
  4. Cast iron soil pipe for cleanout—Soil Pipe Institute Specifications HS-67;
  5. Mortar—one to two (1:2) parts cement to sand.
- B. Methods of Construction. All construction shall be governed by Article 5.1 of the New Jersey State Highway Department Standard Specifications. (Prior code § 15.137.2)

16.114.030 Detention basins.

A. Materials. Materials for retention basins shall conform to the New Jersey State Highway Department Standard Specifications as designated below:

1. Embankment. Material obtained from project excavation, free from weeds, roots, stumps, pavement, concrete or other debris;
2. Sod. Article 8.3.11;
3. Concrete for Drainage Swale (If Required). Four thousand (4,000) psi at twenty-eight (28) days air-entrained concrete;
4. Rip-Rap. Six-inch stone for relief swale and headwalls.

B. Methods of Construction. All construction shall be governed by the New Jersey State Highway Department Standard Specifications except as otherwise permitted by the engineer. (Prior code § 15.137.3)

16.114.040 Manholes, inlets and catch basins.

A. Materials.

1. Concrete. Concrete shall conform to the requirements specified elsewhere herein.
2. Concrete block, brick, clay or shale, mortar, and castings (gray iron) shall conform to Article 5.3.2 of the New Jersey State Highway Department Standard Specifications, latest addition.
3. Ladder Rungs. Ladder rungs shall be fabricated of rolled wrought iron or aluminum conforming to current American Society for Testing Materials Specifications A-207, and shall be subject to the approval of the engineer.

B. Method of Construction.

1. Excavation and Backfill. Excavation and backfill shall conform to the requirements subsurface structure excavation.
2. Installation. Manholes, inlets and catch basins shall be constructed in accordance with the standard details. Unless otherwise specified, or directed, manholes, inlets and catch basins may be constructed of either brick, concrete block or four thousand (4,000) psi concrete. The foundations for all manholes, inlets and catch basins shall be four thousand (4,000) psi concrete.

Concrete construction shall conform to applicable requirements elsewhere herein.

Concrete blocks and bricks shall be laid with vertical joints staggered. Joints shall be not more than one-half inch thick and shall be completely filled with mortar. The masonry shall be carried to such a height that a mortar joint not more than one-half-inch thick will be required for setting the head castings without using split blocks or bricks. Outside walls shall be plastered with a five-eighths-inch thick coat of mortar, troweled to a smooth finish. Outside walls of sanitary sewer manholes shall receive two coats of an approved coal tar pitch. (Prior code § 15.137.4)

## Chapter 16.116

### SUBSURFACE STRUCTURE EXCAVATION

#### Sections:

- 16.116.010 Materials.
- 16.116.020 Methods of construction.

#### 16.116.010 Materials.

No materials are involved. (Prior code § 15.138.1)

#### 16.116.020 Methods of construction.

A. Excavation. Excavation shall not be carried below the required level except where unstable soil is encountered. Whenever excavation has been made below the required level it shall be replaced with three-fourths-inch crushed stone and shall be thoroughly tamped. The engineer shall determine the depth of removal of unstable soil encountered.

Excavation for manholes and other structures shall have a twelve (12) inch minimum clearance and twenty-four (24) inch maximum clearance on all sides. The width of trenches for pipe shall equal pipe outside diameter plus two feet unless otherwise approved by the engineer. Rocks and boulders present in excavation shall be removed within six inches of pipe. Excavations shall be confined within the narrowest possible level and made as nearly as possible in a vertical line, and any sheathing, shoring, bracing and timbering which is necessary to obtain this result shall be done as hereinafter specified. Preliminary excavation shall be made only to a depth of three inches above the final depth of any trench or other excavations. The remaining depth shall be carefully excavated, shaped, and formed with hand tools immediately preceding laying of pipe or placing concrete. Trench bottoms shall be accurately formed to receive and support the bottom of the barrel of the pipe. Additional excavation shall be made in pipe trenches at the pipe joints and to prevent any possibility of a pipe resting on the bell rather than the barrel.

B. Grading. Ground adjacent to the excavations shall be graded to prevent water from running in. The contractor shall remove any water accumulating in excavations by pumping or other suitable means.

C. Bracing, Shoring, Sheeting. The contractor shall do all bracing, shoring and sheeting necessary to prevent failure of the banks of the excavation and to protect the work, workmen, public, under and above ground utilities and structures, pavements, and public and private property. No bracing, shoring or sheeting shall be placed below the bottom of the pipe or structure unless approved by the engineer. Shoring, sheeting and bracing of any kind shall be withdrawn as the backfilling proceeds, except that the engineer may require such bracing to be left in place if it has been placed below the bottom of any structure or pipe, or if he deems it necessary in order to protect adjacent structures, utilities or property.

D. Dewatering. The contractor shall provide, install and operate an adequate well-point system for dewatering when necessary to stabilize trench bottoms and banks or other excavations or when necessary to protect the work, workmen, public, under and above ground utilities and structures, pavements, and public and private property. The well-point system or portions thereof shall be removed by the contractor, upon the completion of backfill, and the holes remaining from the points shall be backfilled and thoroughly tamped.

E. Backfilling. After the structure has been completed, inspected and approved, or, in the case of pipe, after each joint has been made, inspected and approved, backfill shall proceed immediately. When the pipe has been laid this shall be done in six-inch layers of loose granular material free from stones, each layer thoroughly tamped, to a height of twenty-four (24) inches above the outside top of pipe. The remainder of the trench and the entire excavation for all structures other than pipe shall be

backfilled in twelve (12) inch layers, loose measure, each layer thoroughly tamped. Dampening of the material to be tamped may be required by the engineer.

F. Compacting of Soil. Compaction shall conform to Article 2.7.3 of the New Jersey State Highway Department Standard Specifications except that puddling will not be permitted. (Prior code § 15.138.2)



## Chapter 16.118

### RECREATIONAL FACILITIES

#### Sections:

16.118.010	General.
16.118.020	Tot lots.
16.118.030	Tennis courts.
16.118.040	Basketball courts.
16.118.050	Multipurpose fields.
16.118.060	Pedestrian and bicycle trails.

#### 16.118.010 General.

Prior to preliminary approval, the applicant shall submit, for approval by the engineer, manufacturers' descriptive data and supporting information for all recreational equipment. All equipment shall be "Mexico Forge" or of equal quality. (Prior code § 15.139.1)

#### 16.118.020 Tot lots.

Tot lots shall be a minimum size of fifty (50) feet by fifty (50) feet (exclusive of area required for fencing and screening or other ancillary facilities) and shall contain, as a minimum, the following improvements:

- A. Four-foot high chain link fence with gate and screening bordering residential properties;
- B. Two benches;
- C. Two table and bench sets;
- D. Ground under and adjacent to play equipment to be covered with six-inch sand;
- E. One swing set;
- F. One merry-go-round (ten-foot diameter minimum);
- G. One jungle gym;
- H. One sand box (minimum size twenty (20) feet by twenty (20) feet). (Prior code § 15.139.2)

#### 16.118.030 Tennis courts.

Tennis courts shall be regulation size and shall contain, as a minimum, the following requirements:

- A. Two three-fourths: O.D. posts set in concrete with heavy duty cotton twine net with canvas binding;
- B. The courts shall be surrounded with twelve (12) inch high chain link fence and buffer plantings as approved by the planning board;
- C. One bench per court;
- D. Night lighting with timers;
- E. The courts shall be four inches of bituminous stabilized base course on a properly prepared subgrade accepted by the township engineer, one and one-half inches FABC leveling course, and a one- inch SP-1 top course, and shall be coated with colored sealer. The sealer shall be Laykold as manufactured by Chevron, or an equivalent as approved by the township engineer. (Prior code § 15.139.3)

#### 16.118.040 Basketball courts.

Basketball courts shall be a minimum size of thirty-five (35) feet by sixty (60) feet and shall contain as a minimum the following improvements:

- A. Two regulation backstops with nets;

- B. The courts shall be four inches of bituminous stabilized base course on a properly prepared subgrade acceptable to the township engineer, and a one and one-half inch FABC top course;
- C. Night lighting with timers. (Prior code § 15.139.4)

16.118.050 Multipurpose fields.

Multipurpose fields shall be a minimum size of two hundred fifty (250) feet by four hundred twenty (420) feet (exclusive of area required for fencing, screening, parking facilities, or other ancillary facilities) and shall contain, as a minimum, the following improvements:

- A. Completely grassed field;
- B. Baseball backstop in one corner of site;
- C. Football goal posts made of pipe at each end of the field;
- D. Night lighting with timers. (Prior code § 15.139.5)

16.118.060 Pedestrian and bicycle trails.

Pedestrian and bicycle trails when constructed as separate uses shall be a minimum of five feet wide, and when combined as one use shall be a minimum of ten feet wide. Trails shall be cleared of branches or other obstructions to a minimum vertical clearance of eight feet above ground level. Trails shall be constructed with a two percent cross-slope and shall follow existing contours except that longitudinal slopes exceeding ten percent shall be avoided. Trails shall be constructed of two-inch FABC-1 surface course over a six-inch quarry blend stone, Type 5, Class A base course, although similar alternative materials may be substituted. (Prior code § 15.139.6)



Chapter 16.120

REVIEW AGENCIES GENERALLY

**Sections:**

16.120.010                    Established—Authority.

16.120.010                    Established—Authority.

There shall be established pursuant to the Municipal Land Use Law (NJSA 40:55D-1) the reviewing boards hereinafter provided in this title. Nothing contained in this section shall be deemed to diminish the right of the township heretofore or hereafter exercised to establish additional boards or agencies pursuant to other statutes or the general powers of the township which may have duties in connection with land development applications. This section is limited to the establishment of boards whose authority stems from the Municipal Land Use Law. (Prior code § 15.141)



Chapter 16.122

PLANNING BOARD

**Sections:**

16.122.010	Dissolution of boards— Creation of new planning board.
16.122.020	Definitions of terms.
16.122.030	Established.
16.122.040	Terms.
16.122.050	Alternate members.
16.122.060	Members attendance.
16.122.070	Members continuing education requirement.
16.122.080	Organization of board.
16.122.090	Planning board attorney.
16.122.100	Experts and staff.
16.122.110	Powers of the planning board.
16.122.120	Time for consideration of application.
16.122.130	Applications—Procedure for filing.
16.122.140	Advisory committee.
16.122.150	Environmental commission.
16.122.160	Rules and regulations.
16.122.170	Appeals and applications.
16.122.180	Power to reverse or modify decisions.
16.122.190	Expiration of variance.
16.122.200	Powers granted by law.
16.122.210	Additional powers.
16.122.220	Time for decision.
16.122.230	Meetings.
16.122.240	Minutes.
16.122.250	Fees.
16.122.260	Hearings.
16.122.270	Notice requirements for hearing.
16.122.280	List of property owners furnished.
16.122.290	Decisions.
16.122.300	Publication of decision.
16.122.310	Payment of taxes.
16.122.320	Appeals from planning board to governing body.
16.122.330	Zoning map change.

16.122.010 Dissolution of boards— Creation of new planning board.

Effective October 1, 1997, the existing township planning board and the existing township zoning board of adjustment are dissolved and each member thereof is released from his or her respective duties and term to their respective boards. For purposes of this chapter, any application previously submitted to either of the respective boards shall be assumed and adjudicated (to the extent legally feasible) by the newly formed planning board established in Section 16.122.030 as of October 1, 1997. In the event an application previously submitted to either the existing planning board or existing zoning board of adjustment remains unadjudicated as of September 30, 1997, the application shall be continued and considered by the newly formed planning board. (Ord. 5-97 § 2)

16.122.020 Definitions of terms.

Whenever a term is used in this chapter which is defined in Ch. 291 Laws of N.J. 1975, such term is intended to have the meaning set forth in the definition of such term found in said statute, unless a contrary intention is clearly expressed from the context of this chapter. (Ord. 5-97 § 34)

16.122.030 Established.

There is established pursuant to the laws of the State of New Jersey of 1975, Chapter 291, Section 14, as amended and supplemented (NJSA Section 40:55D-23) a planning board (“planning board”) of nine members consisting of the following four classes:

- A. Class I. The mayor or the mayor's designee in the absence of the mayor;
- B. Class II. One of the officials of the municipality other than a member of the township committee, to be appointed by the mayor; provided that if there be an environmental commission, the member of the environmental commission shall be deemed to be the Class II planning board member;
- C. Class III. A member of the governing body to be appointed by it;
- D. Class IV. Other citizens of the township of Edgewater Park, to be appointed by the mayor.

The members of Class IV shall hold no other municipal office, position or employment, except one such member may be a member of the historic preservation commission or a member of the board of education of the township. If there be a municipal environmental commission, the member of the environmental commission who is also a member of the planning board shall be a Class IV planning board member, unless there be among the Class IV or alternate members of the planning board both a member of the historic preservation commission and a member of the board of education, in which case the member common to the planning board and the municipal environmental commission shall be deemed a Class II member of the planning board for the purposes of this section. Membership on a municipal board or commission whose function is advisory in nature, and the establishment of which is discretionary and not required by statute, shall not be considered the holding of municipal office. (Ord. 5-97 § 3)

16.122.040 Terms.

The term of the member composing Class I shall correspond to the mayor's official tenure, or, if the member is the mayor's designee in the absence of the mayor, the designee shall serve at the pleasure of the mayor during the mayor's official tenure. The terms of the members composing Class II and Class III shall be for one year or terminate at the completion of their respective terms of office, whichever occurs first, except for a Class II member who is also a member of the environmental commission. The Class II or Class IV member who is also a member of the environmental commission shall be for three years or terminate at the completion of his or her term of office as a member of the environmental commission, whichever occurs first. The term of a Class IV member who is also a member of the board of education shall terminate whenever he is no longer a member of such other body or at the completion of the Class IV term, whichever occurs first. The terms of all Class IV members first appointed under this chapter shall be so determined so that to the greatest practical extent the expiration of such terms shall be distributed evenly over the first four years after their appointment; provided that the initial Class IV term of no member shall exceed four years. For purpose of the initial planning board formed pursuant to this section which shall commence its functions effective October 1, 1997, the staggered terms of the Class IV appointees shall be as follows:

- A. Two Class IV members—Two-year terms;
- B. Two Class IV members—Three-year terms; and
- C. Two Class IV members—Four-year terms.

Thereafter, the Class IV term of each such member shall be four years. If a vacancy in any class shall occur otherwise than by expiration of the planning board term, it shall be filled by appointment, as above provided, for the unexpired term period. No member of the planning board shall be permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest. Any member other than a Class I member, after public hearing if he requests one, may be removed by the governing body for cause. (Ord. 5-97 § 4)

16.122.050 Alternate members.

The township committee establishes the appointment of two alternate members to the planning board. Alternate members appointed by the township committee shall be appointed for Class IV members and shall meet the qualifications of Class IV members. Alternate members shall be designated at the time of appointment by the mayor as Alternate No. 1 and Alternate No. 2. The terms of the alternate members shall be for two years, except that the term of the alternate member shall be such that the term of not more than one alternate member shall expire in any one year; provided, however, that in no instance shall the terms of the alternate member first appointed exceed two years. A vacancy occurring otherwise and by expiration of terms shall be filled by the township committee for the unexpired term only.

No alternate member shall be permitted to act on any matter in which he either directly or indirectly has any personal or financial interest. Any alternate member may, after public hearing if he requests one, be removed by the governing body.

Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of any class; provided however that no alternate member may participate in the consideration of an application which involves relief pursuant to NJSA 40:55D-70(d) when the regular member whose absence or disqualification as a Class I or Class III regular member otherwise permits an alternate member to vote. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote. (Ord. 5-97 § 5)

#### 16.122.060 Members attendance.

The township committee establishes that no member of the planning board shall be absent from or miss more than three regularly scheduled planning board meetings in any one given calendar year during which they are a member without cause. The planning board chairperson shall be responsible for monitoring the attendance of each member and is directed to consult with the township committee concerning any member who has failed to satisfy the attendance requirement set forth in this section. The attendance requirements set forth in this section shall be strictly enforced and barring any "for cause" excuse satisfactory to the township committee, a member will be dismissed from the planning board should he or she exceed the attendance requirement set forth herein. (Ord. 5-97 § 6)

#### 16.122.070 Members continuing education requirement.

The township committee recognizes that it is vitally important that each member of the planning board be sufficiently educated and informed as to the overall provisions of the Municipal Land Use Law (NJSA 40:55D-1 et seq.) and the township's existing planning and zoning ordinances. As a result of this ongoing concern, the township committee establishes the requirement that each member of the planning board shall attend and complete one continuing education class of instruction each year relating to land use regulation. The appointed chairperson of the planning board shall be vested with the responsibility of insuring that each member of the planning board attends and completes a continuing education class each year. The appointed chairperson shall also be responsible for consulting with the township committee so to process any necessary administrative fees associated with the continuing education and any related concerns as to a planning board member's failure to complete the education. (Ord. 5-97 § 7)

#### 16.122.080 Organization of board.

The planning board shall elect a chairperson and vice chairperson from the members of Class IV and select a secretary who may either be a member of the planning board or a municipal employee designated by it. (Ord. 5-97 § 8)

#### 16.122.090 Planning board attorney.

There is created the office of planning board attorney. The planning board may annually appoint, fix the compensation of or agree upon the rate of compensation of the planning board attorney. (Ord. 5-97 § 9)

16.122.100 Experts and staff.

The planning board may also employ or contract with the services of experts and other staff and services as it deems necessary. The planning board shall not, however, exceed, exclusive of gifts or grants, the amount appropriated by the township committee for its use. (Ord. 5-97 § 10)

16.122.110 Powers of the planning board.

The planning board is authorized to adopt bylaws governing its procedural operation. The planning board shall also have the following powers:

A. To make and adopt and from time to time amend a master plan for the physical development of the township including any areas outside its boundaries, which in the planning board's judgment bear essential relation to the planning of the township, in accordance with the provisions of NJSA 40:55D-28 et seq.;

B. To administer the provisions of the land subdivision ordinance and site plan review ordinance of the township in accordance with the provisions of said ordinances and the Municipal Land Use Law of 1975, NJSA 40:55D-1 et seq.;

C. To participate in the preparation and review of programs or plans required by the state or federal law or regulations;

D. To assemble data on a continuing basis as part of the continuing planning process;

E. To annually prepare a program of municipal capital improvement projects projected over a term of six years, and amendments thereto, and recommend the same to the township committee;

F. To consider and make report to the township committee within thirty-five (35) days after referral as to any proposed development regulations submitted to it pursuant to the provisions of NJSA 40:55D-26(a), and also pass upon other matters specifically referred to the planning board by the township committee pursuant to the provisions of NJSA 40:55D-26(b);

G. When reviewing applications for approval of subdivision plats, site plans and conditional uses, to grant variances and certain building permits to the same extent and subject to the same restrictions as allowed in the township's zoning ordinance; and

H. All of the powers that would be assumed by a planning board pursuant to the provisions of NJSA 40:55D-70 et seq.; but, Class I and Class III members (or alternate members who are otherwise empowered to vote during their absence or disqualification) shall not participate in the consideration of applications for development which involve relief pursuant to subsection d. of Section 57 of P.L. 1975, c. 291 (NJSA 40:55D-70). (Ord. 5-97 § 11)

16.122.120 Time for consideration of application.

A. Minor Subdivisions. Minor subdivision approvals shall be granted or denied within forty-five (45) days of the date of submission of a complete application to the planning board or within such further time as may be consented to by the applicant. Approval of a minor subdivision shall expire one hundred ninety (190) days from the date of planning board approval unless within such period a plat in conformity with such approval and the provisions of the Map Filing Law, 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 must be signed by the chairman and secretary of the planning board before it will be accepted for filing by the county recording officer.

B. Preliminary Approval—Major Subdivisions. Upon submission of a complete application for a subdivision of ten or fewer lots, the planning 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. Upon submission of a complete application for a subdivision of more than ten lots the planning 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. Otherwise, the planning board shall be deemed to have granted preliminary approval for the subdivision.

C. Ancillary Powers. Whenever the planning board is called upon to exercise its ancillary powers before the granting of a variance as set forth in Section 16.122.110, the planning board shall grant or deny approval of the application within ninety-five (95) days after submission by the developer of a complete application or within such further time as may be consented to by the applicant. Failure of the planning board to act within the period prescribed shall constitute approval of the application and a certificate of the administrative officer as to the failure of the planning board to act shall be issued on request of the applicant.

D. Final Approval. Application for final subdivision approval shall be granted or denied within forty-five (45) days of submission of a complete application or within such further time as may be consented to by the applicant. 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 planning board may, for good cause shown, extend the period for recording for an additional period not to exceed one hundred ninety (190) days from the date of signing of the plat. (Ord. 5-97 § 12)

#### 16.122.130 Applications—Procedure for filing.

Applications for development within the jurisdiction of the planning board pursuant to the provisions of this chapter shall be filed with the secretary of the planning board. Applicant shall file at least fourteen (14) days before the date of the monthly meeting of the planning board, three copies of a sketch plat; three copies of applications for minor subdivision approval; three copies of application for major subdivision approval or three copies of an application for site plan review, conditional use approval, or planned development. At the time of filing the application but in no event less than ten days prior to the date set for hearing, the applicant shall also file all plot plans, maps or other papers required by virtue of any provision of this chapter, any provision of an ordinance to which this is an amendment, except as otherwise specifically indicated, or any rule of the planning board. The applicant shall obtain all necessary forms from the secretary of the planning board. The secretary of the board shall inform the applicant of the steps to be taken to initiate applications of the regular meeting dates of the board. (Ord. 5-97 § 13)

#### 16.122.140 Advisory committee.

The mayor may appoint one or more persons as a citizens advisory committee to assist or collaborate with the planning board in its duties, but such person or persons shall have no power to vote or take other action required by the planning board. Such person or persons shall serve at the pleasure of the mayor. (Ord. 5-97 § 14)

#### 16.122.150 Environmental commission.

Whenever the environmental commission has prepared and submitted to the planning board an index of the natural resources of the municipality, the planning board shall make available to the environmental commission an informational copy of every application for development to the planning board. Failure of the planning board to make such informational copy available to the environmental commission shall not invalidate any hearing or proceeding. (Ord. 5-97 § 15)

#### 16.122.160 Rules and regulations.

The board shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this chapter. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigations Law of 1953 (NJSA 2A:67A-1, et seq.) shall apply. (Ord. 5-97 § 16)

#### 16.122.170 Appeals and applications.

A. Appeals to the planning board may be taken by any person aggrieved, or by an officer,

department, board or bureau of the municipality affected by any decision of the administrative officer. Each appeal shall be taken within the sixty-five (65) days prescribed by the statute by filing a notice of appeal with the officer from whom the appeal was taken, together with three copies of said notice with the secretary of the planning board. Said notice of appeal shall specify the grounds for said appeal. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

B. Applications addressed to the original jurisdiction of the planning board without prior application to an administrative officer shall be filed with the secretary of the planning board. Three copies of the application shall be filed. At the time of filing the appeal or application, but in no event less than ten days prior to the date set for hearing, the applicant shall also file all plot plans, maps, or other papers required by virtue of any provision of this chapter or any rule of the planning board. The applicant shall obtain all necessary forms from the secretary of the planning board. The secretary of the board shall inform the applicant of the steps to be taken to initiate proceedings and of the regular meeting dates of the planning board.

C. An appeal stays all proceedings in furtherance of the action in respect of which the decision appealed from was made, unless the officer from whom 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 otherwise than by a restraining order which may be granted by the planning board or by the Superior Court of New Jersey on application or notice to the officer from whom the appeal is taken and on due cause shown. (Ord. 5-97 § 17)

16.122.180 Power to reverse or modify decisions.

In exercising the above-mentioned power, the planning board may, in conformity with the provisions of Ch. 291 P.L. 1975 or amendments thereto or subsequent statutes applying thereto, reverse or affirm wholly or partly or may modify the order, requirement, decision or determination appealed from, and make such other requirement, decision or determination as ought to be made, and to that end have all the powers of the administrative officer from whom the appeal was taken. (Ord. 5-97 § 18)

16.122.190 Expiration of variance.

Any variance from the terms of this chapter hereafter granted by the planning board permitting the erection or alteration of any structure or structures, or permitting a specified use of any premises shall expire by limitation unless such construction or alteration shall have been actually commenced on each and every structure permitted by said variance or unless such permitted use has actually been commenced, within nine months from the date of entry of the judgment or determination of the planning board, except however, that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the planning board to the governing body, or to a court of competent jurisdiction, until the termination in any manner of such appeal or proceeding. (Ord. 5-97 § 19)

16.122.200 Powers granted by law.

The planning board shall have such powers as are granted by law to:

A. Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative official or agency based on or made in the enforcement of the zoning ordinance;

B. Hear and decide requests for interpretation of the map or zoning ordinance, or for decisions upon other special questions upon which such board is authorized by the zoning ordinance to pass;

C. Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or by reason of exceptional topographic conditions, or by reason of other extraordinary and

exceptional situation or condition of such piece of property, the strict application of any regulation in the zoning ordinance would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the owner of such property, to grant upon an application or an appeal relating to such property, a variance from such strict application, so as to relieve such difficulties or hardship; provided, however, that no variance shall be granted under this subsection to allow a structure or use in a district restricted against such structure or use; and further provided that the proposed development does not require approval of a subdivision, site plan or conditional use in conjunction with which the planning board shall review a request for a variance pursuant to subsection 47a of the Municipal Land Use Law of 1975, Ch. 291 P.L. 1975;

D. Grant a variance to allow a structure or use in a district restricted against such structure or use in particular cases and for special reasons, but only by the affirmative vote of at least five members of the full authorized membership of the planning board.

E. No variance or other relief may be granted under the provisions of this section unless such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance. Any application under any subsection of this section may be referred to any appropriate person or agency for its report, provided that such reference shall not extend the period of time within which the planning board shall act. (Ord. 5-97 § 20)

16.122.210 Additional powers.

A. The planning board shall, in addition to the powers specified in Section 16.122.110, have power given by law to:

1. Direct issuance of a permit pursuant to c. 40:55D-34 for a building or structure in the bid of a mapped street or public drainageway, flood control basin or public area reserved on the official map;
2. Direct issuance of a permit pursuant to c. 40:55D-36 for a building or structure not related to a street.

B. The planning board shall have the power to grant subdivision or site plan approval pursuant to Article 6 of Ch. 291 P.L. 1975 or conditional use approval pursuant to c. 40:55D-67 whenever the board is reviewing an application for approval of a use variance pursuant to Section 16.122.120(D). (Ord. 5-97 § 21)

16.122.220 Time for decision.

A. The planning board shall render its decision not later than one hundred twenty (120) days after the date (1) an appeal is taken from the decision of an administrative officer, or (2) the submission of a complete application for development to the board pursuant to the provisions of c. 40:55D-70(b).

B. Failure of the board to render a decision within such one hundred twenty (120) day period or within such further time as may be consented to by the applicant shall constitute a decision favorable to the applicant. (Ord. 5-97 § 22)

16.122.230 Meetings.

A. Meetings of the planning board shall be scheduled no less than once a month and any meeting so scheduled shall be held as scheduled unless cancelled for lack of applications for development to process.

B. Special meetings may be provided for at the call of the chairman or on the request of any two board members, which shall be held on notice to its members and the public in accordance with all applicable legal requirements.

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

D. All actions shall be taken by majority vote of a quorum except as otherwise required by any provision of Ch. 291 Laws of N.J. 1975.

E. All regular meetings and all special 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, Ch. 231, Laws of N.J. 1975. (Ord. 5-97 § 23)

16.122.240 Minutes.

Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the planning board and of the persons appearing by attorney, the action taken by the planning 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 municipal clerk. 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 the rules of the planning board. (Ord. 5-97 § 24)

16.122.250 Fees.

Fees for applications or for the rendering of any service by the planning board or any member of its administrative staff which is not otherwise provided by ordinance may be provided for and adopted as part of the rules of the planning board and copies of said rules or of the separate fee schedule shall be available to the public. (Ord. 5-97 § 25)

16.122.260 Hearings.

A. Rules. The planning board may make rules governing the conduct of hearings which rules shall not be inconsistent with the provisions of c. 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. The applicant shall be required to pay an additional hearing fee at the rate of one hundred fifty dollars (\$150.00) per additional meeting, except in the case of a simple variance, in which event the subsequent meeting fee shall be as set forth hereinabove. Where it is apparent that extended hearings will be involved, the planning board may, before proceeding with the hearing on the application, require a deposit in an amount calculated to reflect the anticipated number of hearings. Such deposit shall be subject to charges at the rate of one hundred fifty dollars (\$150.00) per additional hearing, the excess, if any, to be refunded, and any shortage to be paid by applicant.

In addition to the application fee and any hearing fee, the applicant shall be required to deposit with the secretary of the planning board in escrow such sums as shall be deemed by the planning board as sufficient to defray the anticipated expense of any engineering or other technical advice necessitated by the application. Where practical, the amount of such escrow deposit shall be established by the planning board at the first meeting which considers the application, but same may be established, supplemented or reduced at any time by the planning board in its discretion based on the requirements of the circumstances.

C. Testimony. The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer and the right of cross-examination shall be permitted to all interested parties through their attorneys, if represented, or directly, 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 planning board may exclude irrelevant, immaterial or unduly repetitious evidence.

E. Records. Planning board shall provide for the verbatim recording of the proceedings by either stenographer, mechanical or electronic means. The planning board shall furnish a transcript or duplicate recording in lieu thereof on request to any interested party at his expense. (Ord. 5-97 § 26)

16.122.270 Notice requirements for hearing.

Whenever a hearing is required on an application for development pursuant to c. 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 hearing and whether located within or without the municipality in which applicant's land is located. Such notice shall be given by: (1) servicing 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 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 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 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 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 municipal clerk pursuant to Section 6b of c. 291 Laws of N.J. 1975.

G. All notices hereinabove specified in this section shall be given at least ten days prior to the date fixed for hearing and the applicant shall file an affidavit of proof of service with the planning board holding the 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 c. 40:55D-14.

I. Form of Notice. All notices required to be given pursuant to the terms of this chapter shall state the date, time and place of the 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. (Ord. 5-97 § 27)

16.122.280 List of property owners furnished.

Pursuant to the provisions of c. 40:55D-12c, the administrative officer of the municipality shall, within seven days after receipt of a request therefor and upon receipt of payment of a fee of ten dollars (\$10.00), make and certify a list from the current tax duplicate of names and addresses of owners to whom the applicant is required to give notice pursuant to Section 16.122.270. (Ord. 5-97 § 28)

16.122.290 Decisions. A. Each decision on any application for development shall be set forth in writing as a resolution of the planning board which shall include findings of fact and legal conclusions based thereon.

B. A copy of the decision shall be mailed by the planning board within ten days of the date of the decision to the applicant, or if represented, then 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 a fee prescribed by the planning board for such service. A copy of the decision shall also be filed in the office of the municipal clerk, 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. (Ord. 5-97 § 29)

16.122.300 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 secretary of the planning board as the case may be, without separate charge to the applicant. Said notice shall be sent to the official newspaper for publication within ten days of the date of any such decision. (Ord. 5-97 § 30)

16.122.310 Payment of taxes.

Pursuant to the provisions of c. 40:55D-1 et seq., every application for development submitted to the planning board shall be accompanied by proof that no taxes or assessments for local improvements are due or delinquent on the property which is the subject of such application; or, if it is shown that taxes or assessments are delinquent on said property, any approvals or other relief granted by the planning board shall be conditioned upon either the prompt payment of such taxes or assessments, or the making of adequate provisions for the payment thereof in such manner that the municipality will be adequately protected. (Ord. 5-97 § 31)

16.122.320 Appeals from planning board to governing body.

An appeal from any final decision of the planning board may be taken to the governing body provided such appeal shall be made within ten days of the date of publication of such final decision of the planning board. Such appeal shall be made in accordance with the provisions of c. 40:55D-17. (Ord. 5-97 § 32)

16.122.330 Zoning map change.

Chapter 16.12 of this code entitled "Zoning Map" is amended to place the lands more particularly described on Exhibit A, which is attached to the ordinance codified in this chapter and made a part hereof by reference, within an R-3 zone. (Ord. 5-97 § 33)

Chapter 16.124

JOINT STAFF COMMITTEE ON LAND DEVELOPMENT APPLICATIONS

**Sections:**

- 16.124.010 Establishment.
- 16.124.020 Members.
- 16.124.030 Meetings.
- 16.124.040 Duties.
- 16.124.050 Payment of fees.

16.124.010 Establishment.

There is established a committee known as the joint staff committee on land development applications. (Prior code § 15.144.1)

16.124.020 Members.

The committee established above shall consist of the administrative officers for the planning board, the attorney for the planning board and township, and the engineer for the planning board and township. The mayor and the chairman of the planning board shall be ex officio members. (Prior code § 15.144.2)

16.124.030 Meetings.

The committee shall meet on the call of the administrative officer who shall preside at such meetings. (Prior code § 15.144.3)

16.124.040 Duties.

It shall be the responsibility of the committee to review informally all applications for development pending in Edgewater Park Township submitted to it by the administrative officer and to offer its advice and opinions concerning the procedural and substantive merits of the proposal. The determinations of the committee may be utilized by the administrative officer on a reviewing board in exercising their statutory duties. (Prior code § 15.144.4)

16.124.050 Payment of fees.

The members of the committee shall be paid all reasonable fees incurred as a result of their activities as approved by the respective organization appointing them. Such fees may be charged against escrow accounts maintained pursuant to Chapter 16.10 where appropriate. (Prior code § 15.144.5)

Chapter 16.126

ADMINISTRATION AND ENFORCEMENT

**Sections:**

16.126.010	Administration and enforcement.
16.126.020	Certificate and permits.
16.126.030	Expiration of zoning variances.
16.126.040	Conditional approvals.
16.126.050	Nonconforming uses.
16.126.060	Appeals from administrative decisions.
16.126.070	Remedies and penalties.
16.126.080	Records.
16.126.090	Validity clauses.

16.126.010 Administration and enforcement.

The provisions of this title shall be administered and enforced by the administrative office of the township. In no case shall a permit be granted for the construction or alteration of any building, structure or sign where the proposed construction, alteration or use thereof would be in violation of any provision of this title. It shall be the duty of the administrative officer or his duly authorized assistants to cause any building, structure or sign, plans or premises to be inspected or examined and to order in writing the remedying of any conditions found to exist in violation of any provision of this title. The administrative officer or his duly authorized assistants shall have the right to enter any building or premises during the daytime in the course of this duty. Further, it shall be the duty of the director of public safety/chief law enforcement officer and the fire chief, or such members of the respective departments as may be designated by them, and the health officer to cooperate with the administrative officer in the enforcement of this title, also to report to said administrative officer any violations which may come to their attention. (Prior code § 15.151)

16.126.020 Certificate and permits.

A. Building and Use Permits. All building and use permits shall be issued in accordance with the provisions of the building code of the township.

B. Conditional Use Permits. Application for any conditional use permit as permitted under the provisions of this title shall be made to the reviewing board through the administrative officer. The administrative officer shall forward the plans submitted in connection with the application to the reviewing board for the scheduling of a hearing on the matter. The administrative officer shall forward the plans submitted in connection with the application to the reviewing board for their report thereon as to the application's effect on the comprehensive planning of the township. The reviewing board may hold public hearings on the application prior to receipt of the report and recommendation referred to above, but may not finally act until the recommendation and report are received. Subject to the above, the reviewing board shall hear the application in the same manner and under the same procedure as it is empowered by law and ordinance to hear such cases and make exceptions to the provisions of the zoning ordinance. The reviewing board may thereafter direct the administrative office to issue such permit, if, in its judgment, any one of such cases will not be detrimental to the health, safety and general welfare of the township and is deemed necessary for its convenience. In approving any such application, the reviewing board may impose any conditions that it deems necessary to accomplish the reasonable application of applicable standards as provided in Chapters 16.34 through 16.118, and may deny any such application, but only in accordance with said standards.

C. Temporary Use Permits. It is recognized that it may be in accordance with the purpose of this title to permit temporary activities for a limited period of time, which activities may be prohibited by

other provisions of this title. If such uses are of such a nature and are so located that at the time of petition they will:

1. In no way exert a detrimental effect upon the uses of land and activities normally permitted in the zone;
2. Contribute materially to the welfare of the township, particularly in a state of emergency, under conditions peculiar to the time and place involved;

then the reviewing board may, subject to all requirements for the issuance of special permits elsewhere specified, direct the building inspector to issue a permit for a period not to exceed six months. Such period may be extended not more than once for an additional period of six months.

D. Certificate of Occupancy Permits. Certificates of occupancy shall be issued in accordance with the procedures set forth by the township committee.

1. New Uses. No building shall be occupied or used until such time as a certificate of occupancy is issued by the building inspector, after determination that the building, structure or use is in conformance with the provisions of this title.

2. Existing Uses. Upon written request from the owner, tenant, occupant or purchaser under contract, the building inspector, after inspection, shall issue an occupancy permit for a use legally existing at the time the ordinance codified in this title is made effective, certifying the extent and kind of use and any other such existing use which conforms with the provisions of this title.

3. Change of Use. No owner, tenant or other person shall use or occupy any building or structure thereafter the use of which shall be changed after the passage of the ordinance codified in this title, without first procuring an occupancy permit; provided, that an occupancy permit once granted shall continue in effect so long as there is no change in use, regardless of change in tenancy or occupancy.

E. Certificates Showing Approval.

1. The prospective purchaser, prospective mortgagee, or any other person interested in any land which forms part of a subdivision, or which formed part of such a subdivision three years preceding August 1, 1976, may apply in writing to the township administrative officer for the issuance of a certificate certifying whether or not such subdivision has been approved by the planning board. Such application shall contain a diagram showing the location and dimension of the land to be covered by the certificate and the name of the owner thereof.

2. The township administrative officer shall make and issue such certificate within fifteen (15) days after the receipt of such written application and the fees therefor. Said officer shall keep a duplicate copy of each certificate, consecutively numbered, including a statement of the fee charged, in a binder as a permanent record of his or her office.

3. Each such certificate shall be designated a certificate as to approval of subdivision of land and shall certify:

a. That there exists in the township a duly established planning board and that there is an ordinance controlling subdivision of land adopted under the authority of the Municipal Land Use Law of 1975, c. 291;

b. Whether the subdivision, as it relates to the land shown in said application, has been approved by the planning board, and if so, the date of such approval and any extensions and terms thereof, showing that subdivision of which the lands are a part is a validly existing subdivision;

c. Whether such subdivision, if the same has not been approved, is statutorily exempt from the requirement of approval as provided in the Municipal Land Use Law.

4. The township administrative officer shall be entitled to demand and receive for such certificate issued by him a reasonable fee not in excess of those provided in R.S. 54:5-14 and 54:5-15. The fees so collected by the township administrative officer shall be paid by him or her to the township. (Prior code §§ 15.152.1—15.152.5)

16.126.030 Expiration of zoning variances.

Any variance from the terms of the zoning ordinance hereinafter granted by the planning board pursuant to the authority contained under NJSA 40:55D-1 et seq., permitting the erection or alteration of any structure or structures or permitting the specified use of any premises, shall expire by limitation unless said construction or alteration shall have actually been commenced on each and every structure permitted by said variance, or unless such permitted use shall have actually been commenced within one year from the date of entry of the judgment and determination of the planning board, except however, that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the planning board to the governing body or to a court of competent jurisdiction until the determination of any matters of such appeal or proceeding. (Prior code § 15.153)

16.126.040 Conditional approvals.

A. In the event that a developer submits an application for development proposing a development that is barred or prevented, directly or indirectly, by a legal action instituted by any state agency, political subdivision or any other party to protect the public health and welfare or by a directive or order issued by any state agency, political subdivision or court of competent jurisdiction to protect the public health and welfare, the approving authority shall process such application for development in accordance with this title, and if such application for development complies with the requirements of this title, the approving authority shall approve such application conditioned on removal of such legal barrier to development.

B. In the event that development proposed by an application for development requires an approval by a governmental agency other than the approving authority, the approving authority shall, in appropriate instances, condition its approval upon the subsequent approval of such governmental agency; provided, that the approving authority shall make a decision on any application for development within the time period provided in this title or within an extension of such period as has been agreed to by the applicant unless the approving authority is prevented or relieved from so acting by the operation of law. (Prior code §§ 15.154.1, 15.154.2)

16.126.050 Nonconforming uses.

A. Continuance. Except as otherwise provided in this chapter, the lawful use of land or buildings existing at the date of the adoption of this title may be continued, although such use or building does not conform to the regulations specified by this title for the zone in which such land or buildings are located, provided, however:

1. That no nonconforming lot shall be further reduced in size;
2. That no nonconforming building shall be enlarged, extended or increased unless such enlargement would tend to reduce the degree of nonconformance;

3. That no nonconforming use may be expanded.

B. Abandonment. A nonconforming use shall be adjudged as abandoned when the tenant or owner displays intent of cessation through inactivity or the display of an unspecified "for sale" or "for rent" sign or a combination of any of these for a period of more than a year.

C. Restoration. If any nonconforming building, structure or sign shall be destroyed by reason of windstorm, fire, explosion, or other act of God or the public enemy to an extent of less than seventy-five (75) percent of true value as determined by an appraiser appointed for that purpose, then such destruction shall be deemed partial destruction and may be rebuilt, restored or repaired. Nothing in this title shall prevent the strengthening or restoring to a safe condition any wall, floor or roof which has been declared unsafe by the building inspector.

D. Reversion. No nonconforming use shall, if once changed into a conforming use, be changed back again into a nonconforming use.

E. Alterations. A nonconforming building, structure or sign may be reconstructed but not enlarged or extended, unless said building is changed to a building conforming or more nearly

conforming to the requirements of this title.

F. Construction Approved Prior to Ordinance. Nothing herein contained shall require any change in plans, construction or designated use of a building, structure or sign for which a building permit has been heretofore issued and the construction of which shall have been diligently prosecuted within three months of the date of such permit, and the ground story framework of which including the second tier of beams, shall have been completed within six months of the date of the permit, and which entire building shall be completed according to such plans as filed within one year from the date of the ordinance codified in this title.

G. Zone Changes. Whenever the boundaries of a zone shall be so changed as to transfer an area from one zone to another of a different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein or created thereby.

H. None of the above provisions pertaining to nonconforming uses shall apply to single-family dwellings which are used as such. (Prior code §§ 15.155.1—15.155.8)

#### 16.126.060 Appeals from administrative decisions.

Appeals to the planning board may be taken by any person aggrieved or by any officer, department, board or bureau of this township affected by any decision of the building inspector.

A. Manner of Appeal. An appeal shall be taken within twenty (20) days of the action by filing with the building inspector and with the planning board, a notice of appeal, specifying the grounds thereof. The building inspector shall forthwith transmit to the planning board all the papers constituting the record upon which the action appealed was taken.

B. Appeal Stays Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the building inspector certifies to the planning board after the notice of appeal shall have been filed that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order on application with notice to the building inspector and on due cause shown.

C. Fees. Except as otherwise provided, each application made for variances, appeal, or special permits shall be accompanied by a fee of fifty dollars (\$50.00), payable to the building inspector.

D. Procedure. The planning board shall act in strict accordance with the procedure specified in R.S. 40:55D-1 et seq. and this title. All appeals and applications to the board shall be in writing. Every appeal or application shall refer to the specific provision of the ordinance involved and shall exactly set forth the interpretation that is claimed or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted. Every decision of the planning board shall be made by resolution, each of which shall contain full record of the findings of the board in the particular case. Each such resolution shall be filed in the office of the township clerk by case number under the heading of interpretation, special exception, or variance, together with all documents pertaining thereto. The planning board shall notify the governing body and the building inspector of the disposition of each case brought before it.

E. Public Hearings. The board shall fix a reasonable time for the hearings of appeals giving due notice of the time set for the hearing to the applicant. Such notice shall be served upon the applicant. The appellant shall, at least ten days prior to the date appointed for said hearing pursuant to R.S. 40:55D-1 et seq., give notice by certified mail or by service in person with adequate proof of contact thereof to be affected by said appeal as provided in the statutes of the state of New Jersey or to all property owners of contiguous lands or properties adjoining said property to be affected, and other interested property owners as may be designated by the planning board. The applicant must furnish proof of service in writing and properly notarized. (Prior code §§ 15.156, 15.156.1—15.156.5)

#### 16.126.070 Remedies and penalties.

A. Generally. The township administrative officer shall enforce this title. In case any building or structure is erected, constructed, altered, repaired, converted or maintained, or any building,

structure or land is used in violation of this title, the administrative officer and its agents or an interested party, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

B. Selling Before Approval.

1. If before final subdivision approval has been granted, any person transfers or sells or agrees to transfer or sell, except pursuant to any agreement expressly conditioned on final subdivision approval, as owner or agent, any land which forms a part of a subdivision for which township approval is required by this title, such person shall be subject to a penalty not to exceed five hundred dollars (\$500.00) and each lot disposition so made may be deemed a separate violation.

2. In addition to the foregoing, the township may institute and maintain a civil action:

a. For injunctive relief; and

b. To set aside and invalidate any conveyance made pursuant to such a contract of sale if a certificate of compliance has not been issued in accordance with Section 16.126.020(E).

C. Penalties.

1. This title shall be enforced by the administrative officer as provided by law. The owner or agent of a building or premises where a violation of any provision of said regulations shall have been committed, or shall exist, or the leasee or tenant of any part of the building or premises in which such violation shall have been committed or shall exist, or the agent, architect, building contractor or any other workman or person who shall commit, take part or assist in any such violation or who shall maintain any building or premises in which any violation of this title shall exist may, upon conviction thereof, for each and every violation, be imprisoned in the Burlington County jail or workhouse for a period not exceeding ninety (90) days or be fined not exceeding five hundred dollars (\$500.00), or both. Each day that a violation is permitted to exist shall constitute a separate offense.

2. Aiding and Abetting Violations. Not only shall the owner or owners of the land in question be guilty of a violation of this title if they suffer or permit any of the acts herein prohibited to be done to or upon their lands, but also any officers, agents, employees or independent contractors of any land owners who directly or indirectly aid or abet such acts or who authorize or direct or supervise such acts or bring in or upon said land or use or operate any truck, bulldozer, shovel or other equipment in performing any of the acts prohibited hereunder, shall also be guilty of a violation of this title, and upon conviction shall be subject to the penalties provided herein. (Prior code §§ 15.157.1—15.157.3)

16.126.080 Records.

It shall be the duty of the administrative officer to keep a record of all applications for zoning permits, a record of all permits issued and a record of all certificates of occupancy which he countersigns, together with a notation of all special conditions involved. He shall file and safely keep copies of all plans submitted, and the same shall form a part of the records of his office and shall be available for use of the township committee and of other officials of the township, county or state.

The administrative officer shall prepare a monthly report for the township committee summarizing, for the period since his last previous report, all zoning permits issued and certificates countersigned by him and all complaints of violations and the action taken by him consequent thereon. A copy of each such report shall be filed with the township tax assessor at the same time it is filed with the township committee. (Prior code § 15.158)

16.126.090 Validity clauses.

A. Interpretation. All standards set up in this title are to be interpreted as minimum standards required. Nothing herein contained shall be construed to prohibit or prevent the use of higher standards.

B. Conflict with Other Laws. Wherever any provisions set forth in this title are found to be

in conflict with mandatory state or federal laws, such mandatory state or federal laws shall, of course, govern and this title shall be construed accordingly so that conflict shall not affect the validity of this title.

C. Amendments. The township council may, from time to time, after public notice and hearing, amend, supplement or change the regulations and zone herein established. No amendment, supplement, modification or change shall become effective until after a public hearing at which parties in interest and citizens shall have an opportunity to be heard. At least ten days' notice at the time and place of such hearing shall be published in an official newspaper or a paper of general circulation in the township. (Prior code §§ 15.161, 15.162, 15.163)