



LICENSES

- Bingo License – BL 1315 – Corpus Christi Church
- Bingo License – BL 1316 – Corpus Christi School Aid Society
- Raffle License – RL 1383 – Corpus Christi Church (on-premise cash pull-tab)
- Raffle License – RL 1384 – Corpus Christi Church (on-premise 50/50)
- Raffle License – RL 1385 – Corpus Christi School Aid Society (on-premise 50/50)
- Raffle License – RL 1386 – Corpus Christi Church (off-premise lucky calendar)
- Raffle License – RL 1387 – St. Mary of Ostrabrama Church (on-premise draw)
- Raffle License – RL 1388 – St. Stephen Protomartyr Church (off-premise 50/50)
- Raffle License – RL 1389 – South River High School Booster Club (off-premise 50/50)

Consent Resolution:                    1. \_\_\_\_                    2. \_\_\_\_  
 RES:2011-

- 363. Refund of water, electric consumer deposits
- 364. Release Performance Bond – Capitol Court Major Subdivision, Block 356, Lot 1.16
- 365. Award contract for purchase of rock salt through Middlesex County Common Cents Program to Atlantic Salt
- 366. Award contract for Electric Utility Dept. Materials to Wesco Distribution Inc.
- 367. Award contract for Property Maintenance to Johnny’s Landscaping Service, LLC
- 368. NJDOT 2012 Safe Route to School Program – Support Grant Application on behalf of SR Board of Education
- 369. Authorize Agreement with Middlesex County – Law Enforcement Taser Program
- 370. Approve Final Close out Change Order – Improvements to Leonardine Park
- 371. Approve Dale Poserow as Junior Firefighter – SRFD
- 372. Approve Mercantile license for Mark Computer Repair
- 373. Approve Mercantile license for 2 Chicks with Chocolate
- 374. Accept Resignation of Suzanne Buffalino as member of Planning Board and Economic Development Commission
- 375. Accept Resignation of Michelle Rodrigues as member of the Mayor’s Advisory Committee on Handicapped and Disabled
- 376. Accept Resignation of Michael Trenga as member of Board of Health, Economic Development Commission and Alternative Energy Committee
- 377. Accept Resignation of Arthur Londensky as member of Economic Development Commission
- 378. Tax Refund – Block 253, Lot 2.2
- 379. Renew MCMJIF Membership

BILLS ORDERED PAID

380.                    1. \_\_\_\_                    2. \_\_\_\_

COUNCIL COMMENTS

PUBLIC COMMENTS-(good & welfare of Borough)

EXECUTIVE SESSION

ADJOURNMENT

**ORDINANCE 2011-38**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF SOUTH RIVER,  
CHAPTER 350 ENTITLED "ZONING"**

**BE IT ORDAINED BY THE Mayor and Borough Council of the Borough of South River,  
that Chapter 350 of the Code of the Borough of South River entitled "Zoning" be amended as  
follows:**

**Section 1.**

**§ 350-1. Title.**

This chapter shall be known and may be cited as the "Zoning Ordinance of the Borough of South River."

**§ 350-2. Statutory authority.**

This chapter is adopted pursuant to the authority of the Municipal Land Use Law, Chapter 291, of the Laws of New Jersey 1975, N.J.S.A. 40:55D-1 et seq.

**§ 350-3. Purpose.**

This chapter is adopted, pursuant to the provisions of N.J.S.A. 40:55D-1 et seq., in order to establish a pattern for the use of land predicated on the Land Use Element of the Master Plan and in furtherance of the following related objectives:

- A. To encourage municipal action to guide and regulate orderly growth, development and redevelopment in accordance with the Borough's Master Plan in order to promote the public health, safety, morals, convenience and general welfare.
- B. To provide adequate light, air and open space, convenience and safety of access.
- C. To prevent overcrowding of land and buildings and to avoid undue concentration of population.
- D. To establish zoning districts and to set forth regulations governing these districts, in order to encourage the most appropriate use of land throughout the Borough.
- E. To regulate and restrict buildings and structures to specified districts, their type, and the nature and extent of their use.
- F. To secure safety from fire, flood, panic and other natural and man-made disasters.
- G. To ensure that development of this municipality does not conflict with the development of adjacent municipalities.
- H. To conserve and enhance the value of property throughout the Borough of South River.
- I. To facilitate the adequate provision of municipal services, and the appropriate expenditure of public funds.
- J. To promote the general welfare of the public by providing for affordable housing within the Borough of South River.

- K. To provide a realistic opportunity to accomplish the Borough of South River's fair share of the regional need for low- and moderate-income housing and establish a mechanism for assuring that housing units designated for occupancy by low- or moderate-income households remain affordable to and occupied by such households.
- L. To protect the value, established character, and the social and economic well-being of both private and public property.

**§ 350-4. Interpretation and scope.**

- A. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements.
- B. It is not intended by this chapter to repeal, abrogate, annul or in any way to impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this chapter, nor with any permits previously issued or which shall be issued pursuant to law relating to the use of buildings or premises nor with any private restrictions placed upon property by covenant, deed or other private agreement; provided, however, that, where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or the percentage of lot coverage or requires greater lot area, yards or other open spaces than are imposed or required by such ordinances, permits or private restrictions, the provisions of this chapter shall control.

**§ 350-5. Establishment of districts; Zoning Map; interpretation of boundaries.**

- A. Districts. For the purpose of this chapter, the Borough of South River is hereby divided into the following zoning districts differentiated according to use and building regulations:

- R-100 Single-Family Residential District
- R-75 Single-Family Residential District
- O-P Office Professional District
- B-1 Neighborhood Business District
- B-2 General Business District
- L-I Light Industrial District
- E-I Educational Institution District
- W-R Waterfront Revitalization District
- MSR Main Street Rehabilitation District
- CEM Cemetery Conservation District
- PR Park, Open Space, Recreation and Conservation District

- B. Official Zoning Map. The aforesaid zones are established by the locations and boundaries set forth and indicated on the official Zoning Map of the Borough of South River, hereby made and declared to be a part of this chapter. A map entitled "Zoning Map, Borough of South River" prepared by Bignell Planning Consultants, Inc., indicating locations and boundaries shall be attached to all copies of the Zoning Ordinance for information purposes only. Editor's Note: The Zoning Map is included in a pocket at the end of this volume.

- C. Amendments to Zoning Map. If, in accordance with the provisions of this chapter and the revised statutes of the State of New Jersey, changes are made in the district boundaries or other matters portrayed in the Zoning Map by the Borough Council, such changes shall be made promptly by the Borough Planner after the amendment has taken effect as provided by law. For each change in the map, note shall be made in the revision box of the date of revision. These changes are to be endorsed upon the map on the effective date of the amendment.
- D. Rules for interpretation of district boundaries. Whenever an uncertainty or ambiguity exists as to the true location of any boundary line of any district (zone) shown on the map, the following rules shall apply:
  - (1) Center lines. District boundary lines indicated as following or approximately following streets, highways or other public or private ways shall be construed to follow the center lines thereof.
  - (2) Platted lines. District boundaries indicated as following or approximately following platted lot lines shall be construed as following such lot lines as the same appear on the Tax Maps of the Borough as revised.
  - (3) Determination by Board of Adjustment. Where, due to scale, lack of detail or illegibility of the Zoning Map, there is uncertainty, contradiction or conflict as to the intended location of any district boundary line as shown thereon, the determination thereof shall lie with the Board of Adjustment after public hearing.

**§ 350-6. Schedule of district regulations.**

- A. The schedule of regulations applying to each zoning district, entitled "Schedule of Area, Yard and Building Requirements" (hereafter called the "schedule"), is hereby declared to be a part of this chapter and is attached hereto. Editor's Note: The Schedule of Area, Yard and Building Requirements is included at the end of this chapter.
- B. The schedule is intended to summarize the major regulations by zoning district, including those applying to lot size, yards, building heights and other regulations that may be easily summarized in tabular form. It is not meant to provide comprehensive coverage of all requirements and provisions of this chapter. Areas and dimensions therein are minimum requirements unless otherwise noted.

**§ 350-7. Definitions and word usage.**

- A. For the purpose of this chapter, unless otherwise expressly stated, the following terms are to be used and interpreted as defined below. The term "shall" indicates a mandatory requirement, and the term "may" indicates a permissive action. Terms used in the present tense include the future tense; Terms in the singular number include the plural number and vice versa; except where the natural construction of the writing indicates otherwise; the word "lot" shall include the word "plot"; the word "structure" shall include the word "building"; the word "occupied" shall include the words "used," "designed," or "intended to be occupied"; the term "such as" shall be considered as introducing a typical or illustrative example rather than as an entire inclusive designation of permitted or prohibited uses, activities or structures; The term "Board" shall be the Planning Board or Zoning Board of Adjustment, whichever has jurisdiction in a particular application.
- B. All Terms, phrases and/or terms defined in the following documents, as amended, are adopted and included by reference in this Ordinance unless specifically defined otherwise in this article:
  - 1. The Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.).
  - 2. The Residential Site Improvement Standards (N.J.A.C. 5:21 et seq.).

3. The Substantive Rules of the N.J. Council on Affordable Housing (N.J.A.C. 5:95-1 et seq.).
4. The Procedural Rules of the N.J. Council on Affordable Housing (N.J.A.C. 5:95-1 et seq.).

C. Unless otherwise expressly stated, the following words and phrases are defined as follows:

Abandonment - The relinquishment of property, or a cessation of the use of property, without the intention to resume by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

Abut - To physically touch, border on, adjoin, or be directly across from; or be separated from such a common border by a right-of-way, alley, or easement. (APA)

Accessory Structure: See Building, Accessory

Administrative Officer - For the purposes of this ordinance, the Planning Board / Zoning Board, as the case may be, shall act as Administrative Officer and shall carry out all duties assigned as such when an application has been submitted to either Board.

Adult Bookstore – An establishment having more than 25% of its stock-in-trade, floor area, or display area used for the sale or rental of books, magazines, publications, tapes, or films that are distinguished or characterized by the emphasis on sexually oriented material depicting, describing, or relating to sexual activities or anatomical genital areas.

Adult Entertainment Use – An establishment offering as a substantial portion of its stock in trade books, magazines, publications, video- or audiotapes or films, or computer disks, computer games, CD-Rom and other computer-related media of an explicitly sexual nature or anatomical genital areas or establishment devoted to live entertainment or the showing of films or videos of a sexually explicit nature or anatomical genital areas.

Affordable - To be within financial means of low- or moderate-income households as provided for by N.J.A.C. 5:94-7.

Alteration - Any change or rearrangement in the structural parts or in the existing facilities which alter the use of the building or an enlargement, whether by extension of a side or by increasing in height or by moves from one location or position to another. The addition or expansion of dormers is to be considered an alteration. Alteration shall also mean to significantly change the appearance of exterior elements of a structure, or to change the materials used.

Amusement Center - A business establishment utilized, wholly or in part, for the accommodation of six or more coin-operated amusement devices.

Applicant - A developer submitting an application for development.

Application for Development - The application form and all accompanying documents required by this Ordinance for approval of a subdivision plat, site plan, conditional use, zoning variance or direction of the issuance of a permit pursuant to Section 25 or 27 of Chapter 291 of the Laws of New Jersey 1975 (N.J.S.A. 40:55D:34 or 40:55D-36).

Approving authority/Board - The Borough of South River Planning Board or Zoning Board, when acting pursuant to the authority of Chapter 291 of the Laws of New Jersey 1975 (N.J.S.A. 40:55D-1 et seq.).

Area of Special Flood Hazard - The land in the floodplain within an area of the Borough subject to a one-percent or greater chance of flooding in any given year.

Assisted Living Residence/Facility- A facility licensed by the NJ Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor. Apartment units offer, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

Attic - That part of a building which is immediately below and, wholly or partly within the roof framing.

Automotive Gasoline Station - See: Gasoline Station

Automotive Sales - Any establishment selling, renting or leasing new or used automobiles, light trucks, vans, trailers, or recreational vehicles and where no repair or body work whatsoever is performed. Automotive Sales uses shall be defined to exclude automotive repair garages and/or service station uses.

Automotive Sales and Services - Any establishment selling, renting or leasing new or used automobiles, light trucks, vans, trailers, or recreational vehicles and where repair or body work or vehicle washing facilities are incidental to the operation of the new or used vehicle sales.

Automotive Service Station - Any establishment offering minor motor vehicle maintenance services which do not require extensive or prolonged mechanical work. These services encompass oil changes, lubrication, minor tune-ups, installation of batteries, tires, wiper blades and similar equipment, wheel balancing and steering alignment and the replacement of minor mechanical parts.

Automotive Repair Garage - Any establishment offering major motor vehicle repair services which require extensive or prolonged mechanical work including body or frame work, painting or the dismantling of engines or major components of the vehicle. These establishments may also provide the vehicle maintenance services performed by an automotive service station.

Bank – A freestanding building, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds; main or branch offices of a state or federally chartered banking institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities. (APA)

Bank, drive-through - Buildings, or portion thereof, which encourages or permits customers to conduct personal financial transactions while remaining in their motor vehicles.

Base Flood - The flood having a one-percent chance of being equaled or exceeded in any given year.

Basement - A space having one-half or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than 6.5 feet.

Billboard Sign – See Sign, Billboard.

Boarding House - Any building, together with any related structure, accessory building, any land appurtenant thereto, and any part thereof, which contains two or more units of dwelling space arranged or intended for single room occupancy, exclusive of any such unit occupied by an owner or operator, and

wherein personal or financial services are provided to the residents, including any residential hotel or congregate living arrangement. (NJSA 55:13B-3)

**Breakaway Wall** - A wall that is part of the structural support of the building and is intended, through its design and construction, to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

**Buffer** - An open, unoccupied area of land in which no building, parking area or other improvement is located, consisting of trees, shrubs, solid fencing, earth berms, or a combination of all, so installed as to provide both a visual and an acoustical barrier between properties and to create an aesthetically pleasing and attractive view to mask or obscure the use, function or structure located upon the site.

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

**Building, Accessory-** A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

**Building Coverage** - The land covered by a building, measured from the exterior surface of the exterior walls of the ground floor, of all principal and accessory buildings on a lot.

**Building Height** - The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between the eaves and the ridge level for gable, hip, and gambrel roofs . Chimneys, spires, water towers, elevator penthouses, tanks and similar projections, other than signs, shall not be included in calculating building height.

**Building, principal** - See: Principal Building

**Bulkhead** - A retaining wall behind which fill is placed, created along a body of water, constructed to separate land and water and establish a permanent shoreline.

**Business Office** - See Professional Office.

**Cable Television Company** - A cable television company as defined pursuant to N.J.S.A. 48:5A-3

**Car Wash** - A commercial building or structure, or portion thereof, where vehicles are washed or cleaned with a combination of mechanical devices, automatic or semiautomatic application of cleaner, brushes, rinse water, wax and heat for drying. Car washes may also contain vacuum machines used to clean the interior of vehicles.

**Cellar** - A space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground with a floor-to-ceiling height of less than 6.5 feet.

**Check Cashing Establishment** - An office or other establishment used for the operation of a check cashing business licensed pursuant to C. 383 P.L. 1993. The term check shall include a check, draft, money order, negotiable order of withdrawal or any other similar type of negotiable instrument. Not included within this definition are automatic teller machines and main or branch offices of a state or federally chartered banking institution.

Child Care Center - A private establishment enrolling six (6) or more children and where tuition, fees, or other forms of compensation for the care of children is charged for providing for the care, supervision, and protection of children, whether or not licensed or approved to operate as a child care center by the N.J. Division of Youth and Family Services.

Circulation - Systems, structures and physical improvements for the movement of people, goods, water, air, sewage or power by such means as streets, highways, railways, waterways, towers, airways, pipes and conduits.

Club/Fraternal - A non-profit corporation, organization or association of persons who are members thereof which owns or leases a building, or part thereof, for use of members or guests. Said 'clubs' or lodges shall have been principally established for the promotion of a common objective and shall be distinctly not considered as a semi-public use under the provisions of this chapter. Food, meals and alcoholic beverages may be served as an incidental function of this use, provided that adequate facilities are present, and further that all federal, state and municipal laws are complied with.

COAH – “The New Jersey Council on Affordable Housing”.

Co-location - The use of a tower or other structure by a person other than the applicant for the purpose of providing wireless communications, without resulting in an increase of the height of the tower or structure.

Common Open Space - An open space area within or related to a site designated as a development and designed and intended for the use or enjoyment of residents and owners of the development. 'Common Open Space may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development.

Community Residence for the Developmentally Disabled – See definition in MLUL;; adopted herewith by definition.

Community Shelter for Victims of Domestic Violence – See definition in MLUL;; adopted herewith by definition.

Complete Application - An application form completed as specified by ordinance and the rules and regulations of the Board and all accompanying documents required by ordinance for approval of the application for development, including, where applicable, but not limited to a site plan or subdivision plat, provided that the Board may require such additional information not specified by ordinance or any revisions in the accompanying documents as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application for development have been met. The application shall be deemed incomplete when lacking of any such additional information or any revisions in the accompanying documents so required by the Board. An application shall be certified as complete immediately upon the meeting of all requirements specified by ordinance and the rules and regulations of the Board and shall be deemed complete as of the day it is so certified by the Board for purposes of the commencement of the time period for action by the Board.

Concept Plan - A preliminary presentation and attendant documentation of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification, and prepared for informal review to alert applicants to problems and requirements before the submission of a formal development application.

Conditional Use - A use permitted in a particular zoning district only upon showing that such a use in a specified location will comply with the conditions and standards of the location of operation of such use as contained in this chapter and upon the approval of the appropriate Board.

Condominium - Ownership of real property, combining ownership in fee simple of a dwelling unit and undivided ownership in common with other purchasers of the common elements in the structure and including the land and its appurtenances, formed under the Condominium Act.

Construction - Any act or progress that requires a building permit and that adds an addition into an existing building or erects a new principal or accessory structure on a lot which is subject to the design standards for the district in which the property is located, and including the construction, erection, reconstruction, alteration, conversion, demolition, removal, repair or equipping of buildings or structures.

County Planning Board - The County Planning Board, as defined in Section 1 of P.L. 1968, c.285 (N.J.S.A. 40:27-6.1), of the county in which the land or development is located.

Courtyard - An open unoccupied space bounded on at least two opposing sides by a building wall, but not a front, side or rear yard. 'Courtyard' shall apply to multifamily or high-rise buildings only.

Convenience Store - A retail establishment generally up to 5,000 sf. selling primarily food products, household items, newspapers and magazines, candy, and beverages and a limited amount of freshly prepared foods such as sandwiches and salads for off-premises consumption, and which does not include automotive service stations.

Congregate Care Facility/Living Arrangement - Residential housing that consists of private dwelling units with an individual bathroom and an optional individual food preparation area, in addition to central dining facilities, and within which congregate housing supportive services such as meals, housekeeping, laundering, and personal care are provided.

Corner Lot – See Lot, Corner

Cul-de-sac - A dead-end street with a turnaround at the end.

Curb Level - The grade of the curb in front of the midpoint of the lot as established by the Municipal Engineer.

Day Care Center - Any facility operated for the purpose of providing care, protection and guidance to 10 or more individuals during only part of a 24-hour day. This term includes nursery schools, preschools, day care centers for individuals, and other similar uses but excludes public and private educational facilities or any facility offering care to adults for a full 24-hour period.

Day Care Center/Adult – Any facility operated for the purpose of providing care, protection and guidance to 10 or more adult individuals during only part of a 24-hour day.

Density –The permitted number of dwelling units per gross area of land to be developed.

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

Development - The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation or landfill, and any use or change in use of any building or other structure or land or extension of use of land for which permission may be required pursuant to Chapter 291 of the Laws of New Jersey 1975 (N.J.S.A. 40:55D-1 et seq.).

Development Regulation - A Zoning Ordinance, Land Subdivision and Site Plan Ordinance, Official Map Ordinance or other municipal regulation of the use and development of land, or amendment thereto.

Developmentally disabled person – See definition in MLUL;; adopted herewith by definition.

Dance Hall/Discotheque - Any room, place of business or building wherein people assemble for the main purpose of dancing to music emanating from either live band or entertainment group or a pre-installed audiophonic recording system which dispenses musical renderings over a series of loud speakers controlled by a disc jockey or other person in charge. Admission can be had either with or without payment of a cover fee, and whether such admission can be obtained through the presentation, use or acceptance of a membership card or other contrivance, whether or not said membership card or other contrivance is or may be available to the public generally by purchase or gratuitous act.

Dormitory - A building used as group living quarters for a student body or religious order as an accessory use to a college, university, boarding school, convent, monastery.

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

Drainage right-of-way - The lands required for the installation of stormwater sewers or drainage ditches or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage, erosion and sedimentation.

Drive-Through Use or Establishment - An establishment that by design, physical features, service or packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their vehicles.

Driveway - A private paved or unpaved space providing vehicular access to the property and parking spaces and which is accessory to the use served.

Dwelling - Any building, or portion of a building containing one or more dwelling units which is designed to be and is substantially separate from any other dwelling walls, whether attached or semi-attached, or from isolation or detachment of structures, all as defined herein.

Dwelling Unit - A building or portion of any building designed, arranged or used for permanent living quarters for one or more persons living as a single housekeeping unit with cooking and bathroom facilities but not including hotels or other buildings for transient quarters.

Dwelling, attached - A dwelling having two or more party walls in common with another dwelling but which otherwise is designed to be and is substantially separate from any other structures, except accessory structures.

Dwelling, detached - A dwelling having no walls in common with another dwelling and which is designed to be and is substantially separate from any other structure or structures, except accessory structures.

Dwelling, efficiency - A dwelling unit consisting of a single room or common space, inclusive of bathroom and kitchen facilities.

Dwelling, semidetached - A dwelling having a party wall in common with another dwelling but which otherwise is designed to be and is substantially separate from any other structure or structures, except accessory buildings.

Dwelling, single family - A detached residential building containing one (1) dwelling unit only and not occupied or designed for occupancy by more than one (1) family or household unit and having separate rooms for living, sleeping, cooking, and sanitary facilities, entirely surrounded by open space on the same lot. The dwelling may have more than one kitchen.

Dwelling, townhouse - A one family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

Dwelling, multifamily – A building which is used or designed as a residence for three or more families or households living independent of each other except that rooming houses, boarding houses, hostels, lodging houses, hotels, motels, and dormitories are specifically excluded by this definition as multi-family structures.

Dwelling Unit Density - See Density

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

Erect - To build, construct, attach, alter, relocate or affix and includes the painting of signs or displays on the exterior surface of a building. Excavations, fill, drainage and the like shall be considered a part of erection.

Erosion - The detachment and movement of soil or rock fragments by water, wind, ice and gravity.

Extended Care Facility - A long-term facility or a distinct part of a facility licensed or approved as a nursing home, infirmary unit of a home for the aged, or a governmental medical institution.

Façade - The total wall surface, including door and window areas of a building's face extending from grade to top of the parapet, wall, or eaves and the entire width of the building. Each wall surface shall be considered a separate 'façade.'

Fast Food – See Restaurant

Family Day Care Home - See definition in MLUL; adopted herewith by definition.

Fence - An artificially constructed barrier of wood, masonry, stone, wire, metal, or any other manufactured material or combination of materials.

Final Approval - The official action of the municipal agency taken on a preliminary approved major subdivision or site plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guaranties properly posted for their completion, or approval conditioned upon the posting of such guaranties.

Final Plat - The final map of all or a portion of a subdivision or site plan which is presented to the Board for final approval in accordance with these regulations and which, if approved, shall be filed with the proper county recording officer, in the case of a subdivision.

Flood or Flooding - A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters; and/or (2) the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) - The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the Borough

Flood Insurance Study (FIS) - The official report provided in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in to discharge the base flood without cumulatively increasing the water surface elevation by more than 0.2 foot.

Floor Area, Gross - The floor area within the perimeter of the outside walls of the building or structure under consideration, including areas used for human occupancy in basements and attics, without deduction for hallways, stairs, closets, thickness of walls, columns or other features, but excluding rooftop penthouses containing mechanical equipment. It does not include cellars, unenclosed porches, or attics not used for human occupancy.

Floor Area Ratio - See definition in MLUL.; adopted herewith by definition.

Fraternal Organization - A group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings, rituals, and formal written membership requirements.

Front lot line - The line separating the lot from a street and/or street right-of-way. (Special definitions may apply if there is no access to a public street.)

Frontage - The side of a lot abutting the street. For corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage.

Garage, Public Parking - Any building which is used for commercial purposes and is used only for the storage of motor vehicles and is available to the general public.

Garage, Private - An accessory building or part of a principal building used only for the storage of motor vehicles as an accessory use. In a residential zone, a garage is intended for and used for storing privately

owned for motor vehicles, boats and trailers and personal belongings of the family or families resident in the principal residential use on the lot.

Garden Apartment - A group of architecturally harmonious multifamily dwellings in which there are no more than 2 1/2 habitable stories above curb level.

Gasoline Station - Any establishment, including any area of land or structures thereon, offering motor vehicle refueling services.

General Terms and Conditions - The conditions under which preliminary approval is granted, including zoning plat details, improvements, offsite improvements and design standards

Go-go Bar - Any building or place of business which offers alcoholic beverages, beer or wine for sale, and allows consumption of alcoholic beverages, beer or wine on the premises, and which also provides entertainment wherein a male or female dances while clad in a minimal amount of clothing, for the entertainment of patrons.

Governing Body - The Mayor and Council of the Borough of South River.

Grade, finished - - See definition in MLUL;; adopted herewith by definition.

Gross Density - The total number of dwelling units existing or permitted on a housing site divided by the total area of the tract. The result is expressed as dwelling units per acre.

Home Occupation - Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling and in connection with which there is no displays or commodities sold upon the premises, and which does not alter the exterior of the property. Beauty shops, barbershops and similar services shall not be included in this definition.

Home Professional Office - An office of a member of a recognized profession providing professional services on an appointment-only basis in his place of residence. The issuance of a state or local license for regulation of any gainful occupation shall not be deemed indicative of the occupation being classified as a recognized profession under the terms of this chapter. Recognized professions shall include only medical care for human beings; the clergy; architecture; engineering; law; accounting; planning; or similar professional occupations which may be so designated by the Planning Board upon finding both of the following: that such occupation is truly professional in character by virtue of the need for similar training and experience as a condition for the practice thereof and that such occupation serves clients on an appointment-only basis as opposed to serving a walk-in-off-the-street clientele. A "home professional office" shall not include the office of any person professionally engaged in the purchase or sale of economic goods. Dancing studios, real estate offices, convalescent homes, mortuary establishments and trades or businesses of any kind not herein expressly permitted shall not be deemed to be professional uses.

Homeowners Association - A community association other than a condominium association, that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or facilities.

Hospital - An institution which maintains and operates organized facilities and services for the diagnosis, treatment or care of persons suffering from illness, injury or deformity and/or obstetrics and in which all diagnosis, treatment, surgery and care are performed under the direction of persons licensed to practice

medicine or osteopathy in the State of New Jersey, and which conform to the revised standards for hospital facilities as adopted by the State of New Jersey.

Hotel/Motel, Full-service - A building containing furnished rooms without kitchen facilities rented out to be occupied for sleeping purposes by transient guests who have their residence elsewhere and do not use for a permanent address. A general kitchen, dining room or meeting room may be provided within the building or as an accessory building, Customary hotel/motel services must be provided, such as but not limited to maid services, laundering of linen, telephone and secretarial or desk service and the use and upkeep of furniture. Full Service hotels always contain restaurants and possibly a bar or lounge with entertainment, personal services, health club and retail stores.

Hotel/Motel, Limited Service - A building containing furnished rooms without kitchen facilities rented out to be occupied for sleeping purposes by transient guests who have their residence elsewhere and do not use for a permanent address. A general kitchen, dining room or meeting room may be provided within the building or as an accessory building, Customary hotel/motel services must be provided, such as but not limited to maid services, laundering of linen, telephone and secretarial or desk service and the use and upkeep of furniture. A limited service hotel does not provide any restaurant or food service or recreational facilities.

Hotel/Motel, Extended-stay - A limited-stay hotel containing furnished rooms with refrigerator, cook tops, microwave ovens, dishes, and washers and dryers on the premises rented out to be occupied for by transient guests who have their residence elsewhere and do not use as a permanent address. The extended-stay facility is for transients staying 5 or more days, with an average of 7-10 days, and may contain a variety of room types, including studio and one- and two-bedroom suites.

Impervious (Surface) Coverage - The area which is improved and overlain by structures and/or materials which results in the reduction and/or prevention of absorption of water into the ground. It includes surfaces such as conventionally surfaced streets, roofs, sidewalks, driveways, parking lots, and other similar structures.

Industrial Park - A planned, coordinated development of a tract of land developed according to a comprehensive plan to provide two (2) or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open space.

Interested Party - In a criminal or quasi-criminal proceeding, any citizen of the State of New Jersey, and, in the case of a civil proceeding in any court or in an administrative proceeding before a municipal agency, any person, whether residing within or without the municipality, whose right to use, acquire or enjoy property is or may be affected by any action taken pursuant to Chapter 291 of the Laws of New Jersey 1975 (N.J.S.A. 40:55D-1 et seq.) or whose rights to use, acquire or enjoy property have been denied, violated or infringed by an action or failure to act pursuant to Chapter 291 of the Laws of New Jersey 1975 (N.J.S.A. 40:55D-1 et seq.).

Interior Lot - A lot bounded by a street on one side; any lot other than a corner lot.

Improvable - Land which is not prevented from having buildings, pavement or decking constructed on it due to development restrictions intended to protect environmental features such as wetlands, floodplains or waterbodies.

Juice Bar - Any building or place of business which does not offer alcoholic beverages, beer or wine for sale, and which also provides entertainment.

Junk Yard - An area, lot, structure, or part thereof, used primarily for the collecting, storage, sale, buying, trading, or abandonment of any refuse and/or discarded materials, or the collecting, auctioning, dismantling, demolition, salvaging, cannibalizing, abandonment or processing of structures, automobiles, or other vehicle equipment and machinery, or parts thereof, with the deposit of domestic, commercial, industrial or sanitary waste water or garbage excluded. For purpose of this chapter, the use of more than 400 square feet of the area of any lot for storage, keeping or abandonment of junk, scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of automobiles not in operating conditions or other vehicles or machinery or parts thereof, which is not accessory to a permitted use, shall be classified as a junk yard.

Laboratory - A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Land - Includes improvements and fixtures on, above or below the surface.

Landscaping - Changing, rearranging, or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use to which the land is put. It may include reshaping the land by moving the earth, as well as preserving the original vegetation or adding vegetation. The term includes lawns, trees, plants, and other natural materials, such as rock and wood chips, and decorative features, including sculpture, patterned walks, fountains, and pools.

Landscaped Area - Areas containing trees, shrubs and ground covers, unpaved pedestrian and recreation areas, ponds, streams or any other areas or features which can be reasonably included, but shall not include areas occupied by buildings or structures, paving for parking, loading or access thereto, required buffers or areas utilized for outside storage.

Local Utility - Any sewerage authority created pursuant to the Sewerage Authorities Law (N.J.S.A. 40:14A-1 et seq.); and utilities authority created pursuant to the Municipal and County Utilities Authorities Law (N.J.S.A. 40:14B-1 et seq.); or any utility authority, commission, special district or other corporate entity not regulated by the Board of Regulatory Commissioners under Title 48 of the New Jersey Revised Statutes that provides gas, electricity heat, power, water or sewer services to municipal residents thereof.

Lot - A designated parcel, tract or area of land established by a plat or otherwise permitted by law and to be used, developed or built upon as a unit.

Lot Area - An area of land which is determined by the limits of the lot lines bounding the area and shall be expressed in terms of square feet. Any portion of a lot included in a street right-of-way shall not be included in calculating lot area.

Lot Coverage Calculation/Building - Determined by dividing that area of a lot which is occupied or covered by the total horizontal projected surface of all buildings, including covered porches and accessory buildings, by the gross area of that lot.

Lot Depth - The shortest horizontal distance between the street line and the nearest part of the rear lot line. The greater frontage on a corner lot shall be its depth.

Lot Frontage - The horizontal distance between side lot lines measured along the street line. The minimum lot frontage shall be the same as the lot width, except that on curved alignments with an outside radius of less than 500 feet, the minimum distance between the side lot lines measured at the street line shall not be less than 60% of the required minimum lot width.

Lot, Corner - At the junction of and fronting on two or more intersecting streets when the interior angle of intersection does not exceed 135°. All lot lines that front on a street shall be considered front lot lines. There shall be no side lot line on the side of a building fronting on a street. The lot line or lines generally parallel to the rear of the building shall be considered the rear lot line or lines. In the case of a building facing toward the interior angle, rather than solely on one street frontage of the other, there shall be no side lot lines, and any lot lines other than those considered front lot lines shall be considered to be rear lot lines. Corner lots shall provide the minimum front yard setback for the respective zone for all intersecting streets, with the exception of lots with a fifty-foot frontage, where one of the front yard setbacks may be reduced to 15 feet. Residential corner lots on collector, major or arterial streets shall have driveway access only to the street of lesser traffic classification.

Lot, through - A lot running through from one street to another along two more or less parallel public streets or streets that do not intersect at the boundaries of the lot.

Lot line - The boundary line of a parcel of land as shown on a certified filed map or as defined by a filed map, or both. A lot line shall not be considered unless legally subdivided.

Lot line, front – Any line sharing commonality and coexistent with a street right-of-way line. All lot lines coincident with street right-of-way lines shall be considered front lot lines.

Lot line, side – Any lot line other than a front or rear lot line.

Lot line, rear - Any lot line, other than a street line, which is parallel to the front line or within forty-five (45) degrees of being parallel to the front lot line. A rear lot line shall also include any lot lines on an offset to a through lot which constitutes the rear lot line of an adjacent zoning lot. Lot lines for unusual lot configurations may be determined by the Director or Planning.

Lot Width - The straight and horizontal distance between side lot lines at setback points on each side lot line measured at equal distance back horizontal from the street line. The minimum lot width shall be measured at the minimum required building setback line. Where side lot lines are not parallel, the minimum lot width at the street line shall be not less than 60% of the required minimum lot width. The lesser frontage of a corner lot shall be its width.

Lowest Floor - The lowest floor of the lowest enclosed area (including basement) of a structure.

Manufactured Home or Mobile Home – See definition in MLUL; adopted herewith by definition.

Mobile Home: See Manufactured Home

Maintenance Guarantee - Any security, other than cash, which may be accepted by the Borough for the maintenance of any improvements required by this Ordinance.

Massage parlor - An establishment or place of business primarily engaged in providing body massage by persons who are not licensed by the State of New Jersey as physical therapists or other similar professions.

Major Site Plan - A development plan of one or more lots which proposes new development on five acres or more; involves planned development or any new street or extension of any off tract improvement which is to be prorated pursuant to Article II, §150-14C(3)[d][3] of this chapter.

Major Subdivision - Any subdivision not classified as a minor subdivision. In addition, any proposed subdivision which would otherwise qualify as a minor subdivision shall be classified as a "major subdivision" if the subdivision under consideration represents a further subdivision of an original tract of land for which previous minor subdivision(s) has been approved by the Board within the past three years. The original tract of land shall be considered any tract in existence at the time of the adoption of this Ordinance.

Master Plan - A composite of one or more written or graphic proposals for the development of the municipality as set forth and adopted pursuant to Article III of the Municipal Land Use Law.

Medical and Dental Office – any place used for the administering of medical or dental treatment free, or any place used as and inpatient or outpatient medical or dental treatment center wherein certain medical or dental conditions and disorders are treated primarily through surgical intervention that is commonly performed in normal, private medical or dental practice.

Minor Site Plan - A development plan of one or more lots which proposes new development less than five acres; does not involve planned development, or any new street or extension of any off-tract improvement which is to be prorated pursuant to this chapter; and contains the information reasonably required in order to make an informed determination as to whether the requirements of Article IV of this chapter have been met.

Minor Subdivision - A subdivision of land that does not involve the creation of more than three (3) lots, a planned development, and new streets or the extension of any off-tract improvement, the cost of which is to be prorated pursuant to this chapter. Only one minor subdivision shall be permitted on one parcel of land during any twelve-month period.

Mentally ill person – See definition in MLUL: adopted herewith by definition.

Mini-warehouse or Self-service Storage Facility - A building or group of buildings that have controlled access and security within a compound containing various sizes of structures which are compartmentalized, and/or controlled access stalls, and/or locker areas for lease to or rent to individuals for storage of goods within a building or buildings.

Multifamily Housing Development - A building containing three or more dwelling units occupied or intended to be occupied by persons living independently of each other, or a group of such buildings.

Gasoline station mini-mart - A facility located on the same lot and as an accessory to a gasoline station, that also offers for sale prepackaged food items and tangible consumer goods, primarily for self-service by the consumer. Hot beverages, fountain-type beverages, and pastries may be included in the food items offered for sale, but food items that are prepared or individually proportioned on the premises shall be prohibited.

Motel – See Hotel/Motel

Municipal Agency - Refers to either the Municipal Planning Board or Zoning Board of Adjustment or the governing body when acting pursuant to the Municipal Land Use Law, depending on which Board has the reviewing authority. The word ‘agency’ shall mean ‘municipal agency’.

Nightclub - A commercial establishment serving alcoholic beverages for consumption on the premises and in which dancing is permitted and includes the term 'cabaret.'

Non-conforming Lot - A lot, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of a Zoning Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

Nonconforming Structure - A structure, the size, dimension or location of which was lawful prior to the adoption, revision or amendment of a Zoning Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

Nonconforming Use - A use or activity which was lawful prior to the adoption, revision or amendment of a Zoning Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

Nursing Home - A facility licensed by the state for five or more convalescent or aged people, which may include kitchen facilities, recreation areas and similar uses necessary adjunct uses for patient care.

Official Map - A map adopted by ordinance pursuant to N.J.S.A 40:55D-32.

Off-Site - Located outside the lot lines of the lot in question but within the property (of which the lot is a part) which is the subject of a development application or contiguous portion of a street right-of-way.

Off-Tract - Not located on the property which is the subject of a development application or on a contiguous portion of a street right-of-way.

On-Site - Located on the lot in question.

On-Tract - Located on the property which is the subject of a development application or on a contiguous portion of a street right-of-way.

Open Porch - A roofed structure supported by columns but having no side walls which projects beyond the main walls of a building.

Open Space - Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, provided that such areas may be improved with only those buildings, structures, streets and off street parking and other improvements that are designated to be incidental to the natural openness of the land.

Owner - Any person, agent, firm, corporation, or partnership that alone, jointly or severally with the others(1) has legal or equitable title to any premises, dwelling, or dwelling unit, with or without accompanying actual possession thereof; or (2) has charge, care or control or any premises, dwelling or dwelling unit, as agent of the owner or as executor, administrator, trustee, or guardian of the estate of the beneficial owner. The person shown on the records of the recorder of deeds of the county to be the owner of a particular property shall be presumed to be the person in control of the property.

Parking Space - An off-street space available for the parking of a motor vehicle, which shall be held to the area and dimension requirements specified in this chapter.

Party Immediately Concerned - For purposes of notice, any applicant for development, the owners of the subject property and all owners of property and government agencies entitled to notice under Section 7.1 of Chapter 291 of the Laws of New Jersey 1975 (N.J.S.A. 40:55D-11).

Performance Standards – (Standards of Performance) (1) Standards adopted by ordinance regulating noise levels, glare, earthborn or sonic vibrations, heat, electronic or atomic radiation, noxious odors, toxic materials, explosive and inflammable matters, smoke and airborne particles, waste discharge, screening of unsightly objects or conditions and such other similar matters as may be reasonably required by the municipality, (2) required by applicable Federal or State laws or municipal ordinances, (3) Required by the Borough Engineer specifically pertaining to design and construction of all facilities in a first-class manner.

Performance Guaranty - Any security which may be accepted by a municipality, including but not limited to surety bonds, letters of credit under the circumstances specified in N.J.S.A. 40:55D53.5, and cash.

Permitted Use - A use by right which is specifically authorized in a particular zoning district, subject to the restrictions applicable to the zoning district and without the need for special administrative review.

Personal Services Business - An establishment or businesses which provides services of a personal nature, such as hair care, nail and skin care, tanning salons, and other similar types of services. The term personal services business specifically excludes tattoo parlors, massage parlors and check cashing establishments.

Philanthropic use - Those active services or functions exclusively devoted to the active effort to promote human welfare, maintained or supported by act or gift or organized non-profit distribution of funds.

Place of Worship - A structure owned and/or used by a religious organization for worship, religious training, or education... may include, in addition to the principal structure, accessory structures and/or dwelling units for religious for religious organization personnel located within an accessory structure that is use primarily for religious training or educational purposes. This definition includes the terms church, synagogue, temple, mosque, or other facility that is used for prayer by persons of similar beliefs. (APA)

Planned Development - Planned unit development, planned unit residential development, residential cluster, planned commercial development or planned industrial development.

Plat/Plot - A map or maps of a subdivision or site plan.

Preliminary Approval - The conferral of certain rights pursuant to this chapter prior to final approval, after specific elements of a development application have been agreed upon by the municipal agency and the applicant.

Preliminary Plat - The preliminary map, with supporting documentation, indicating the proposed layout of the subdivision or site plan which is submitted to the municipal agency.

Projection - An extension of a building which protrudes or juts out from the vertical plane of the building not more than two feet.

Principal building - A building in which is conducted the primary use of the lot on which it is located.

Principal use - The main or primary use of land or structures as distinguished from a secondary or accessory use.

Professional Office - The office of a member of a recognized profession maintained for the conduct of that profession.

Property Line - A lot or parcel line that defines the limits of ownership for a piece of property; a line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

Public Drainageway – See definition in M.L.U.L., adopted herein.

Public Building - Any building or structure or part thereof, owned, leased, or managed by any branch of government or any of its departments, divisions, bureaus, boards, councils, authorities or other agencies.

Public Open Space - An open space area conveyed or otherwise dedicated to the municipality, municipal agency, Board of Education, state or county agency or other public body for recreational or conservational uses.

Public Parks and Playgrounds - A noncommercial, not-for-profit facility, designed to serve the recreation, either active or passive, needs of the residents of the community, and made available to the public. This definition may include public school and public institution ball fields, if they meet the above definition.

Public Utility - Any public utility regulated by the Board of Regulatory Commissioners and defined pursuant to N.J.S.A. 48:2-13.

Quasi-public - Private organizations and groups of a fraternal, church or charitable nature.

Recreation, commercial – Recreation facilities operated as a business and open to the general public for a fee.

Recreation, public – Recreation facilities operated as a non-profit enterprise by the Borough, other governmental entity or any non-profit organization and open to the general public.

Recreational Vehicle - Any building, structure, or vehicle designed and/or used for living or sleeping and/or used for recreational purposes and equipped with wheels to facilitate movement from place to place, and automobiles when used for living or sleeping purposes and including pick-up coaches (campers), motorized homes, boats, travel trailers, and camping trailers not meeting the specifications required for a manufactured home or a mobile home.

Rehabilitation - The repair, renovation, alteration or reconstruction of any building or structure; or the renovation of a previously deficient housing unit, which is occupied by a low or moderate income household, to meet municipal or other applicable housing code standards as further described in N.J.A.C. 5:94-4.2(b)3.

Reserve Strip - A privately owned strip of land of less than the lot depth required by the zoning ordinance and bounded on one side by a proposed street and on the other by the boundary of a subdivision containing said proposed street.

Residential Cluster - An area to be developed as a single entity according to a plan containing the residential housing units which have a common or public open space area as an appurtenance.

Restaurant - An establishment regularly and primarily used for the purpose of providing meals to the public, having an adequate kitchen and dining room equipped for the preparing, cooking and serving of foods for its customers and in which no other business except such as is incidental to such establishment

is conducted, wherein the food and drink are consumed within the principal building. Such uses shall not be interpreted to include and are hereby defined to exclude drive-in, drive-through, take-out, and fast food restaurants or other similar uses.

Restaurant, drive-in - An establishment where patrons are served food, soft drink, ice cream, and similar confections inclusive of refreshment stands, commonly called snack bars, dairy bars, hamburger stands or similar uses where customers and patrons are served food, soft drinks, or ice cream primarily for their immediate consumption outside the confines of the building or structure in which the business is conducted thereto, seats or other accommodations as provided for their patrons.

Restaurant, take-out - An establishment where food and/or beverages are sold in a form ready for consumption, where all or a significant part of the consumption takes place outside the confines of the restaurant, and where ordering and pickup of food may take place from an automobile.

Restaurant, drive-through - An establishment that by design, physical facilities, service, and/or packaging procedures encourages and permits customers, being located in a designated drive-through lane, to receive quick food service using a window or series of windows while remaining in their motor vehicles. This is accomplished through a limited menu of items prepared and held for service or prepared quickly, and generally served in disposable wrapping or containers.

Restaurant, fast-food - A restaurant, which may or may not have tables but which is essentially designed to dispense quick, ready made food of a limited variety. The patron obtains food directly from the dispensing counter for consumption on or off such premises.

Re-subdivision – See definition in M.L.U.L. Adopted herewith by definition.

Right-of-way, public - (1) A publicly owned strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, crosswalk, railroad, for utilities, or for another special use. (2) Generally, the right of one to pass over the property of another.

Rooming House – A boarding house wherein no personal or financial services are provided to the residents. (N.J.S.A. 55:13B-3)

School, Private non-profit organization - Providing regular instruction in academic and/or religious subjects from kindergarten through Grade 12 during a normal school year; Offering a diploma, degree or certificate subject to regulations prescribed by the State of New Jersey, Department of Education, supported in whole or part by private funds and/or non-profit quasi-public agencies, administered supervised and directly affiliated with an exempted nonprofit religious and/or cultural organization. This shall not include a commercial or adult school or college giving special or limited instruction such as but not limited to business, art, music, dancing or a nursery school.

School, public - Any school operated under the administrative authority of a duly constituted state, county, regional or municipal Board of Education providing regular instruction of subjects from kindergarten through Grade 12 of a normal school year; Offering a diploma, degree or certificate subject to regulations prescribed by the State of New Jersey, Department of Education, supported in whole or part by public funds.

Screening - A visual barrier made up of planted or architectural materials for the purpose of preventing the view of an object area by the general public.

Service Drive - A roadway at least 22 feet in width which provides common access to two or more uses and, where adjacent to a public right-of-way, is separated from that right-of-way back by a planting strip at least five feet wide.

Setback line - A line established within any building lot that is parallel to any street line or property line, on the horizontal plane, and perpendicular to any street line or property line on the vertical plane, between which no building or portion thereof, may be erected.

Setback - The minimum horizontal distance between the street, rear or side lot lines and the closest part of any building. The term 'setback' is synonymous with 'required setback' and means a line beyond which a building is not permitted to extend. When two or more lots under one ownership are used the exterior property lines so grouped shall be used in determining 'setbacks.' The front setback shall be measured from any future right of way line as adopted in the Master Plan. .

Setback, front - A setback extending across the full width of the lot between a front lot line and the foremost point of any structure, excluding steps.

Setback, side - The minimum required horizontal distance between the required front setback to the required rear setback.

Setback, rear - Extends across the full required width of a site, the depth of which is the minimum horizontal distance between the rear property line and the building line, except that on a corner lot the rear yard shall extend only to the required front setback line offset dimension to the street line. (APA)

Self storage facility - See Mini-warehouse or Self-Service Storage Facility

Sex Club - A public or private place where persons pay either a membership fee or an admission fee and where the activity on the premises consists, in whole or in part, of direct sexual contact between and among the patrons. Notwithstanding the fact that the owners or operators of a "sex club" contend that the club is private, nevertheless such places shall be deemed to be public if there is nothing about the operation to distinguish a member from anyone else who seeks admittance to the premises.

Shopping Center - A group of commercial establishments planned, developed and managed as a unit in an enclosed building or buildings and utilizing such common facilities as customer parking areas, pedestrian walks, truck loading and unloading space and utilities and sanitary facilities.

Sign - Any structure or part thereof, or any device attached to a structure which shall display or include any letter, work, model, banner, pennant, flag, insignia, device, or representation used as, or which is in the nature of an announcement, direction or advertisement. A sign includes every billboard, ground sign, wall sign, roof sign, sign painted on the exterior surface of a building structure, illuminated sign, projecting sign, temporary sign, awning and canopy sign, and any announcement, declaration, demonstration, display, illustration or insignia use to advertise or promote the interests of any person, firm, or corporation when the same is placed out of doors in view of the general public. A sign does not include the flag, pennant, or insignia of any nation, group of nations, or of any state, city, or political unit.

Sign Area - The maximum projected area of the shape which encloses the sign, device or representation. In the case of lettering attached to building facades, the 'sign area' shall be the product of the maximum vertical dimension multiplied by the maximum horizontal dimension of all lettering and symbols which form the sign, including the empty space between the letters and symbols.

Sign, billboard - Any notice or advertisement, pictorial or otherwise, used as an outdoor display not related to a use on the lot, regardless of its size or dimension.

Sign, direction - Signs limited to directional messages such as 'one way,' 'entrance,' and 'exit,' and upon which no logo, advertisement or other identification is placed.

Sign, directory - A sign, other than an identification sign, listing the names, uses, tenants, occupants, or locations of the various businesses or activities conducted within a building or group of buildings, that is centrally located and intended to provide on-site directions.

Sign, free-standing - A sign supported by one or more upright poles, columns, or braces placed in or on the ground and not attached to any building or structure.

Sign, projecting or overhanging - A sign attached to and perpendicular to an exterior wall of a building which overhangs the street right-of-way.

Sign, real estate - (1) A temporary sign that relates to the sale, lease, or rental of property or buildings, or to construction activities on site. (2) A sign indicating that a property or any portion thereof is available for inspection, sale, lease, rent, but not including temporary subdivision signs.

Sign, roof - A sign attached on a roof that projects higher than the highest part of the building; also includes signs inscribed or painted on a roof.

Sign, temporary - A sign, poster, handbill, circular or paper which is in any way attached to any pole, tree, sign or other stationary object or structure, or which is freestanding, which is intended to advertise a specific community or civil event such as, but not limited to, fairs, carnivals, concerts, charitable functions, garage sales or auctions or any political campaign, candidate or event.

Sign, wall - A sign mounted flat against and projecting less than 4 inches from, or painted on the wall of, a building or structure with the exposed face of the sign in a plane parallel to the face of the wall. This does not include window signs.

Sign, window - A sign mounted flat against a glass window which does not exceed 15% of the total window area. Temporary community related posters are not included in the 15% calculation.

Single, Nonprofit Housekeeping Unit - One or more persons living together in one dwelling unit sharing, living, sleeping, cooking and sanitary facilities on a non-seasonal and nonprofit basis. Such living arrangements must comply with the space-related occupancy limitations set forth in the Property Maintenance Code of the Borough, including but not limited to sleeping and bathroom facilities and minimum amount of habitable floor area per occupant.

Site plan - A development plan of one or more lots on which is shown the existing and proposed conditions of the lot, including but not limited to topography, vegetation, drainage, floodplains, marshes and waterways; the location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures and signs, lighting and screening devices; and any other information that may be reasonably required in order to make an informal determination pursuant to this chapter.

Sketch Plat - The sketch map of a subdivision of sufficient accuracy to be used for the purpose of discussion and classification and meeting the sketch plat detail requirements of this chapter.

Special district - A district established to accommodate a narrow or special set of uses or for special purposes. The term can signify any district beyond the conventional residential, commercial, industrial, and agricultural districts .

Specified Anatomical Areas - Less than completely and opaquely covered human genitals, pubic area, buttocks, female breast below a point immediately above the top of the areola and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities – Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touchings of human genitals, pubic areas, buttocks or female breasts.

Story - The portion of a building included between the upper surface of a floor and the upper surface of the floor or the roof next above it. Underground space shall be considered a ‘story’ when the upper surface of the floor next above is more than six feet above the adjacent ground elevation at any point.

Story, half - That portion of a building under a gable, hip, or gambrel roof, the wall plates of which at least two (2) opposite exterior walls are not more then two (2) feet above the floor of such story. A cellar shall also be included as a half-story.

Street - Any street, avenue, boulevard, road, parkway, viaduct, drive or other way which is an existing state, county, or municipal roadway; or which is shown upon a plat heretofore approved pursuant to law; or which is approved by official action as pursuant to law; or which is shown on a plat duly filed and recorded in the office of the County Recording Officer prior to the appointment of a Planning Board and the grant to such Board the power to review plats; and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines.

Street Line - The line determining the limit of the highway rights of the public, either existing or contemplated. “Street line” and “right-of-way line” are synonymous.

Street, Residential - A street, or portion thereof, which is located in a residential zone.

Structure - A combination of materials to form a construction of occupancy, use or ornamentation, whether installed on, above or below the surface of a parcel of land.

Structural Alteration - Any change in or rearrangement of the supporting members of a building or structure, such as walls, columns, beams, girders and foundations, including any enlargement or addition to the structure, or any change in the utility system or mechanical equipment of a structure which significantly alters its usability, capacity or function.

Subdivider - Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under this chapter to effect a subdivision of land hereunder for himself or for another.

Subdivision - The division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale or development. The following shall not be considered subdivisions within the meaning of this chapter if no new streets are created: divisions of land found by the municipal agency or Subdivision Committee thereof appointed by the Chairman to be for agricultural purposes where all resulting parcels are five acres or larger in size; divisions of property by testamentary or interstate provisions; divisions of property upon court order, including but not limited to judgments of foreclosure; consolidation of existing lots by deed or the recorded instrument; and the conveyance of one or more

adjoining lots, tracts or parcels of land owned by the same person or persons and all of which are found and certified by the Administrative Officer to conform to the requirements of this chapter and are shown and designated as separate lots, tracts or parcels on the Tax Map or Atlas of the municipality. The term “subdivision” shall also include the term “re-subdivision”. See Minor Subdivision, Major Subdivision.

Swimming pool, private - A swimming pool located as an accessory use on the same residential lot as the principal use it serves, is utilized only by the owner(s) or his nonpaying guests and is not operated for profit.

Swimming pool, public - A swimming pool open to the general public or open to members only of a club or organization, whether operated for profit or not.

Tattoo Parlor (Tattoo Parlor/Body piercing studio) – An establishment whose principle business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

Tavern or Bar - A place where the principal use or function is the selling of alcoholic beverages and incident thereto may be the retail sale or consumption of food as a permitted use, consistent with N.J.S.A. 33:12 et. seq.

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

Temporary use - A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

Tract - A designated parcel or area of land, including a lot or lots, which is the subject of an application for development and which includes any contiguous portions of street rights-of-way in which the developer has property rights.

Trailer Home - Any dwelling unit for living or sleeping purposes which is equipped with wheels or some device used for the purpose of transporting such unit from place to place, whether by motor vehicle or other means, or any factory-built unit equipped with wheels used for living or sleeping purposes, whether the same is on blocks, posts or any other type of foundation. “Mobile home” shall be synonymous with “trailer home”.

Transcript - A typed or printed verbatim record of the proceedings or reproduction thereof.

Use - The specific purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

Use, accessory - A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

Use, nonconforming - A use or activity which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

Use, permitted - A use of a building or land that conforms to the provisions of this chapter.

Use, principal - A use which is the major use of the lot. In any residential zone, a dwelling on a lot shall be deemed the principal use of that lot.

Use, public - Any use of land or structure or structures thereon which is owned and used by the federal, state, county or municipal governments. Public use shall also include property not owned by a government entity but which is leased or used for that purpose.

Use, quasi-public - Any use which is public in nature but which is owned and used by a private interest group. Quasi-public uses include churches, parish houses, parochial schools, historical sites and similar uses, but do not include clubs, lodges or similar private uses.

Use, residential - The use of a building or part as a dwelling unit.

Visual Screening - Any fence, wall, tree, hedge, or shrub, or a combination of them which limits visibility or provides screening from adjacent use.

Wireless Communication - Any personal wireless service as defined in the FTA, i.e., FCC-licensed commercial wireless telecommunication services, including cellular, PCS, SMR, ESMR, paging and similar services that currently exist or that may in the future be developed. Wireless communication does not include any amateur radio facility that is under 70 feet in height and is owned and operated only by a federally licensed amateur radio station operator or is used exclusively to receive transmissions, nor does it include any parabolic satellite antennas, nor does it include non wireless telephone service.

Wireless Communications Antenna - Any device which is used for the transmission and reception of electromagnetic wave frequencies for the purpose of any wireless communication. For the purposes of this section, wireless communication antennas shall not be considered to be a public utility.

Wireless Communications Tower - A structure, often in the form of a monopole or lattice tower, on which one or more antennas are attached, but shall not mean existing structures such as silos, steeples, cupolas or water tanks.

Yard - An open space on the same lot with the principal building open, unoccupied and unobstructed by buildings from the ground to the sky except as otherwise provided by this chapter. The minimum required yard shall be the same as required setback.

Yard, front - The yard extending across the entire width of the lot between the street line and the nearest part of any building. On a corner lot, the front setback shall be required for all street frontages.

Yard, side - A yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the nearest part of the principal building.

Yard, rear - The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building.

Zoning Permit - A document signed by the administrative officer or his/her designee, which shall be required as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building which acknowledges that such use, structure or building complies with the provisions of the Development Ordinance or variance there from duly authorized by the appropriate municipal agency.

**§ 350-8. General regulations.**

- A. Applicability of district regulations to all buildings, structures and land.
- (1) This chapter shall apply to the construction, nature and extent of the use of all buildings and to the nature and extent of the use of all land. Except as previously or hereinafter provided, no building, structure or land or any part thereof shall be used or occupied and no building or structure shall be erected, constructed, relocated, repaired, enlarged, converted or structurally altered, unless in conformity with all of the regulations of this chapter specified for the district in which it is located.
  - (2) All regulations set by this chapter within each of the districts shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.
  - (3) Any structure regulated by this chapter requiring a zoning permit shall be subject to payment of a zoning permit fee as set forth in the Fees Chapter of the Ordinances of the Borough of South River.
- B. Application to municipality. Any municipally owned, operated or controlled building, structure, facility or use, either existing or proposed, shall be permitted in any zone; it being the intention of this section that whatever the Borough may be authorized to do shall constitute a function of government, and that whenever the Borough shall act, pursuant to granted authority, it acts as government in the public interest and not as private entrepreneur.
- C. Applicability to structures having been granted or pending approval. Nothing contained in this chapter shall require any change in the plans, construction, size or designated use of any structure or part thereof for which a building permit has been heretofore issued or for which plans are on file with the Construction Official/ Department.
- D. Principal buildings.
- (1) Second dwelling prohibited. In no case shall there be permitted more than one residential building on each subdivision lot of record, except multifamily housing developments.
  - (2) All principal buildings shall be built upon a lot with frontage on a public street or on a private street approved by the Planning Board.
- E. Accessory Buildings.
- (1) General Regulations
    - (a) No accessory structure may be built upon any lot on which there is no principal building or principal structure.
    - (b) In any residential zone, no private detached garage, storage shed, or other accessory building shall be within a required front yard nor within a required side yard.
    - (c) An accessory building may be erected within a required side yard or rear yard of any residential zone; provided, however, that no building shall be erected closer than five (5) feet from the property line.
    - (d) Distance from adjacent buildings. The minimum distance of any detached accessory structure from the adjacent main building shall be five feet.
    - (e) Distance from street line. On through lots (any lot running from one street to another), no accessory building erected in the rear yard shall be nearer the street line than the minimum distance specified for a front yard setback on the street which the yard abuts.
    - (f) There shall be no utilities other than electric connected to any detached accessory building.
    - (g) No usable second floor area shall be provided in any accessory garage or building, said unusable second floor areas shall include but not be limited to the use of dormers, basements, etc.

- (h) No subfloor or rough floor shall be permitted on the joists of any accessory garage or building.
- (i) No accessory garage or building, erected in any lot within any zone shall be used for any form of residential dwelling or rooming unit purposes.
- (j) Only one accessory building shall be permitted per residential lot.
- (k) Nothing contained herein shall prevent the construction of a private garage as a structural part of a main dwelling, provided that when so constructed the garage wall shall be regarded as the walls of the main dwelling applying the front, rear and side yard regulations of this chapter. Any accessory structure attached to the main building shall be considered part of the main building.
- (l) In any residential district, a patio or deck located in conjunction with a single or two-family residential use shall not be considered an accessory structure, however, such patios and decks shall be subject to the "Patios and Decks" Subsection K of this chapter.

(2) Garden/Utility Sheds

- (a) In any residential district, a garden/utility shed may be erected for the purpose of storing materials and equipment customarily associated with a residential dwelling.
- (b) An garden/utility shed may be erected within a required side yard or rear yard of any residential zone; provided, however, that no storage shed shall be erected closer than three (3) feet from any property line.
- (c) All garden/utility sheds shall be permitted to have a maximum height of eight (8) feet.
- (d) All sheds shall be permitted to have a maximum permitted building area no greater than 100 square feet.
- (e) Only one (1) garden shed is permitted per residential dwelling unit.

(3) Detached residential garages

- (a) In any residential district, an accessory detached residential garage may be erected for the purpose of storing vehicles, materials and equipment customarily associated with a residential dwelling.
- (b) A detached residential garage may be erected within a required side yard or rear yard of any residential zone; provided, however, that no part of the garage shall be erected closer than five (5') feet from the property line.
- (c) Detached residential garages shall be permitted to have a maximum height of fifteen (15) feet.
- (d) Detached residential garages shall be permitted to have a maximum permitted building area no greater than 220 square feet.

F. Lot frontage.

- (1) In the case of lots fronting on the turnaround of a cul-de-sac street or fronting upon any other curved street, lot frontage (as distinguished from lot width) may equal, but shall be no less than 2/3 of the required lot width as set forth in the bulk table and as defined herein.
- (2) All front yards must face on a dedicated public street or on a private street approved by the Planning Board.
- (3) Where a building lot has frontage upon a street which on the Master Plan or Official Map of the Borough of South River is contemplated for right-of-way widening, the required front yard area shall be measured from such proposed future right-of-way line.

G. Required yards.

- (1) No yard or any other open space required about or in connection with any building or buildings for the purpose of complying with this chapter shall be included as part of a yard or open space similarly required for any other building.

- (2) No existing yard or existing lot shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet or exceed the minimum requirements established herein.
- (3) Except as hereinafter specified in this subsection, every part of a required yard shall be open to the sky, unobstructed except for the following man-made structures:
  - (a) Accessory buildings in a required rear or side yard in accordance with Subsection E above.
  - (b) The ordinary projection of parapets, cornices, eaves, leaders and other ornamental features not to exceed 12 inches.
  - (c) Over 20 feet above the average grade level, nothing in this chapter shall prevent the projection of a cornice, roof/gutter overhang over the front yard and rear yard to an extent not exceeding two (2) feet nor over a required side yard.
  - (d) An open fire balcony, lattice-enclosed fireproof fire escape or stairway projecting into a yard not more than four feet.
  - (e) Bay windows or balconies projecting not more than three (3) feet into a required yard.
  - (f) An above ground oil tank, providing a side/rear setback of at least five (5) feet to the nearest property line.
  - (g) Fences, in accordance with Subsection I.
  - (h) Private residential driveways, in accordance with Subsection J.
  - (i) Patios and Decks in accordance with Subsection K.
  - (j) Swimming Pools in accordance with Subsection L.
  - (k) Vision clearance on corner lots. In any district on any corner lot, within the triangular area determined as provided in this subsection, no wall, fence, sign or other structure shall be erected to a height in excess of three feet above curb level and no vehicle, object or any other obstruction of a height in excess of three feet shall be parked or placed, and no hedge, shrub or other growth shall be maintained at a height in excess of three feet, except that trees whose branches are trimmed away to a height of at least 10 feet above curb level shall be permitted. Such triangular area shall be formed by the two intersecting street center lines and by a diagonal line connecting points on these street center lines which are 90 feet from the intersection of the street center lines for local roads and 200 feet for all other roads.

#### H. Site plan requirement.

Except as hereafter exempted, no building permit shall be issued for any building or use or for the enlargement of any building or use unless a site plan is first submitted and approved in accordance with Chapter 295, Subdivision and Site Plan Review, and no certificate of occupancy shall be given unless all construction conforms to the approved plan, except that site plan approval shall not be required for single-family and two-family dwellings. However, all applications for one- and two-family dwellings, while not required to file for and receive site plan approval, shall be submitted to the Borough Engineer for a determination as to whether any off-site improvements are necessary or any municipal facilities need be extended off the site. If it is determined by the Engineer that such improvements are necessary, then no building permit shall be issued until a plot plan and other construction details showing such improvements as deemed necessary by the Borough Engineer are approved by the Engineer and filed with the Zoning Officer/Construction Official. If it is determined by the Engineer that any off-tract improvements are necessary, then the applicant shall be required to obtain site plan approval from the appropriate board.

#### I. Fences.

- (1) A zoning permit shall be issued by the Zoning Officer for all fences, except living fences, erected in the Borough.
- (2) No solid fence shall be erected in a required front yard area on any lot in any residential zone in the Borough. However, on a corner lot, such a fence may be permitted when it extends only to a

building corner, and does not encroach into a front yard any farther than the existing front building line.

- (3) For the purposes of this chapter, a split rail, chain link or equivalent fence shall not be considered solid fences, while stockade, board-on-board, solid vinyl, chain link with woven slats or the equivalent shall be deemed to be solid fences.
- (4) Fences at residential properties shall not exceed six (6') feet in height.
- (5) Fences at non-residential properties shall not exceed six (6') feet in height.
- (6) The height of all fences shall be measured from grade.
- (7) Fences proposed at any new construction project shall be included as part of the site plan proposal presented for consideration before the appropriate approving board.
- (8) The following materials are prohibited for use as fencing materials on any lot within the Borough:
  - (a) Barbed wire
  - (b) Sharp pointed materials of any type to form the top of the fence.
  - (c) Canvas, cloth or similar material
  - (d) Electrically charged fences.
  - (e) Temporary fences, such as but not limited to snow fences, expandable fences and collapsible fences, upon a lot with a dwelling or structure on it; however, temporary fences shall be permitted to protect any hazardous condition or excavation.
- (9) All fences shall be constructed with the face or finished side facing adjacent properties.
- (10) Living fences shall be maintained in a neatly trimmed condition and shall not extend into adjacent properties.
- (11) Fences shall be constructed in a manner so as not to restrict the flow of drainage.
- (12) Fences around swimming pools shall conform with the swimming pool subsection of this chapter.
- (13) No part of any fence, fence post or wall shall be erected closer than 1/2 foot from the property line.
- (14) A fence shall be required on any retaining wall over 36" in height.

#### J. Driveways.

- (1) Nothing contained herein shall prevent a residential dwelling from creating and maintaining a residential driveway on a residential lot, which is intended to serve as an accessory parking space for the principal single family or two-family residential dwelling located on the same lot.
- (2) Such driveways shall be designed so as to provide off-street parking so as to comply with the Residential Site Improvement Standards parking requirements.
- (3) Driveways may be located in the required front yard of the site, however, all driveways in all residential zones and for all residential uses shall not extend to within five (5') feet of a side property line.
- (4) All driveways shall be constructed of macadam, blacktop, concrete, stone pavers, or similar material as determined by the Zoning Officer. No stone, gravel, dirt, sand or grass driveways shall be permitted.
- (5) The perimeter of all residential driveways shall be surrounded by concrete, granite block, wood tie, natural stone, or similar material as determined by the Construction Official arranged so as to contain the parking of vehicles within the limits of the driveway.
- (6) The maximum driveway width at any point shall be no greater than twenty (20) feet, exclusive of any curb returns or aprons at the point of connection of the street.
- (7) For purposes of determining impervious surface coverage, all areas of a surface driveway shall be considered impervious, regardless of the materials of construction. Pervious and semi-pervious paving blocks constructed on top of a bed of compacted stone shall be considered fully impervious.

- (8) Residential driveways connecting to a County road shall provide a hammerhead or similar turn-around to prevent backing movements onto the County right-of-way.

K. Patios and wood decks.

- (1) In all residential zones and for all residential uses a patio, wood deck or any combination of the two shall only be permitted as accessory to a principal residential dwelling.
- (2) When a patio or deck is proposed on a residential lot, the applicant shall submit to the Construction Official a plot plan of the site showing all property lines, buildings, the location of the patio/deck and any surrounding walkways or other improvements. Such plot plan shall show the dimensions and the distance to all property lines for all existing and proposed improvements.
- (3) Patios shall be constructed of concrete, concrete or stone pavers, brick, slate, tiles, or other similar materials as determined by the Zoning Official.
- (4) Decks shall be constructed of natural or synthetic wood or a combination of the two materials.
- (5) Patios and decks may be erected within a required side yard or rear yard of any residential zone; provided, however, that no such structure shall be erected closer than five (5') feet to any side property line, and ten feet (10') to any rear property line.
- (6) No part of any patio or deck shall be located in a required front yard.
- (7) For purposes of determining impervious surface coverage, all areas under an on-grade patio or under an above grade deck shall be considered impervious, regardless of the materials or methods of construction. Pervious and semi-pervious paving blocks shall be considered fully impervious.
- (8) No patio or deck shall be erected which will have an area to exceed 10% of the total area of the lot(s) upon which it is located.

L. Swimming Pools.

- (1) When a private swimming pool is proposed on a residential lot, the applicant shall submit to the Construction/Zoning Official a plot plan of the site showing all property lines, buildings, the location of the pool and any surrounding walkway or other improvements. Such plot plan shall show the dimensions and the distance to all property lines for all existing and proposed improvements.
- (2) In all residential zones and for all residential uses, the minimum setback from all property lines with respect to the installation of above-ground swimming pools shall be a minimum of eight (8) feet measured from the edge of the water to the property line.
- (3) In all residential zones and for all residential uses, the minimum setback from all property lines with respect to the installation of in-ground swimming pools shall be a minimum of eight (8) feet measured from the edge of the water to the property line. Such pools may have a concrete or similar walkway or coping around the perimeter of the pool so as to provide safe movement, however, no part of any concrete walkway shall be closer than five (5') feet to any property line.
- (4) No part of any private swimming pool shall, including water surface, coping, walkways or pool equipment shall be located in a required front yard.
- (5) Pool maintenance equipment, filters, pumps and other equipment essential to the operation of any residential pool shall be set back a minimum of five (5') feet from any property line. When a pool house, shed or other accessory building is proposed to contain this equipment, this building shall be subject to the accessory building requirements of Subsection E of this chapter.
- (6) For purposes of determining impervious surface coverage, the surface area of open water shall be considered fully impervious and shall count towards an impervious coverage calculation. All concrete walkway and coping areas around an in-ground pool shall be considered fully impervious and shall count towards an impervious coverage calculation.
- (7) No private swimming pool shall be constructed on any plot or lot unless there is a residence thereon, and no property shall be subdivided if the result will be that the said pool will be separated in ownership from the residence property to which it was originally attached.

- (8) All swimming pools shall provide a 8' deep distance from the closest building line of the principal dwelling or accessory dwelling located on the same lot as the pool.
- (9) All swimming pools shall also comply with Private Swimming Pools Chapter of this Ordinance and all other State and building code regulations.

M. Corner Lots.

- (1) A lot at the junction of and fronting on the corner of two or more intersecting streets shall be classified as a corner lot and shall provide a front yard setback on all street frontages.
- (2) On a corner lot, all lot lines generally parallel to a streetline shall be side lot lines.
- (3) When a corner lot is shaped so as to have a lot line that is not a front lot line, nor a side lot line, all other lot lines shall be classified as rear lot lines.
- (4) The greater frontage on a corner lot shall be its depth and the lesser frontage shall be its width.

N. Community residences.

- (1) Community Residences, as defined by N.J.S.A. §40:55D-66.2, for the mentally and physically handicapped, victims of domestic violence, homeless veterans, the terminally ill, disabled persons, and all other groups specified by the Municipal Land Use Law and their resident staff shall be permitted in any residential zone in the Borough. Such community residences shall meet the minimum area, yard and building requirements set forth for single-family units in the zone in which located, in accordance with N.J.S.A. §40:55D-66.1.
- (2) If more than fifteen (15) persons, exclusive of resident staff, are placed in the residence, then the use becomes a conditional use which may be permitted, provided that all of the terms and conditions specified for this particular use in the Conditional Use subsection of this chapter are complied with.

O. Minimum amount of habitable floor area per occupant. Every new residential building shall have a minimum of 150 square feet of habitable floor area, exclusive of basement area, per occupant. However, if such basement area is so constructed and finished as to be usable for habitation and shall be intended for such use, then 50% of the basement floor area constructed and finished as such shall be counted in computing the total amount of habitable floor area.

P. Multifamily dwellings.

The following requirements shall apply to multi-family (3 units or greater) apartment buildings when proposed in the R-75 District

- (1) The project shall be developed in an area of not less than three acres.
- (2) The development shall not exceed a gross density of three and 3.3 units per acre.
- (3) The area of lot coverage by buildings, other than garages and exclusive of public ways, shall not be greater than 25%.
- (4) No structure shall contain in excess of 2 1/2 habitable stories above curb level.
- (5) No structure shall be built closer than 25 feet to any property line, nor 50 feet from the center line of any public way.
- (6) Each structure shall be so designed or so located in the project site that the distance from at least one window of every room used for human habitation shall be not less than 60 feet from the wall of any structure on the site, and the distance from all other windows shall be not less than 30 feet from the wall of any structure on the site, such distance to be measured by a line perpendicular to the plane of the surface of said window, except that this distance may be reduced to not less than 30 feet for one exposure where a room is a bathroom. No separate

freestanding building shall be closer than 15 feet to any other building on the site.

- (7) Adequate potable water and electricity must be available, and all waterlines, sanitary sewers, storm sewers and electrical distribution facilities shall be installed in accordance with the Borough's Subdivision and Site Plan Ordinance. Editor's Note: See Ch. 295, Subdivision and Site Plan Review.
  - (8) A minimum of 15% of the site shall be allocated, developed and improved for usable recreation space or spaces, such as tot lots, tennis courts and other similar organized activity areas as may be recommended by the Board. No such space shall be less than 2,500 square feet in size or less than 75 feet wide.
  - (9) All areas of a garden apartment development not used for the construction of buildings, roads, access-ways, parking areas or sidewalks shall be fully landscaped or grassed.
  - (10) No parking shall be permitted on any road or access-way within the garden apartment development.
  - (11) No parking area may be placed closer to a building than 20 feet.
  - (12) There shall be only one central television antenna in each building for use of occupants therein.
  - (13) No front yard shall contain service facilities for the dwellings, such as clothes drying, storage, or the like.
  - (14) The development shall exert no detrimental effect upon surrounding areas due to poor design, inadequate parking, traffic danger or destruction of neighborhood character.
- Q. Zero-line houses. Zero-lot-line houses wherein one side yard may be omitted entirely and two houses built semidetached:
- (1) Two zero-lot-line houses are built at the same time with a common party wall.
  - (2) Each remaining other side yard shall have a width equal to the aggregate prescribed for both side yards on any one lot.
  - (3) If the two lots upon which the zero-lot-line houses are proposed are under separate ownership, then application for conditional use shall be made jointly by both parties.
  - (4) All adjoining structures shall be constructed so as to be of the same exterior architectural style and design; and no structure shall be constructed, renovated, maintained or altered in any manner so as to change the exterior architectural style and design of said structure from that of the adjoining structure.
- R. Keeping of Livestock. Given that the Borough is almost entirely developed and that no farmland or farming activities are present in the Borough at the adoption of this ordinance, the following restrictions shall be in affect to protect the health, safety and welfare of all residents. The keeping of all livestock, farm animals, or exotic animals shall be prohibited in all districts. Prohibited animals shall include any animals kept outside a principal dwelling, within a barn or stable, in exterior cages, coops or runs, or in open pasture space. Prohibited species shall include all chickens, ducks, geese and similar waterfowl, goats, sheep, lambs, lamas, and/or similar ruminant animals, wild species including all wild cats, lions, tigers, all bear and wolf species, and all exotic animals typically found in zoo's including all pachyderms, and primates. Nothing contained herein shall prohibit any resident from keeping no more than three (3) domestic small animals in a cage, tank, or terrarium which is no greater than five (5) cubic feet in volume, and when the container is wholly contained within a

residential dwelling. Such typical permitted species shall be animals commonly available in a retail pet store such as fish, small birds, small mammals or small reptiles and similar animals weighing less than ten (10) pounds and as determined by the zoning officer. All animals shall be kept in accordance with the provisions of Chapter 108 Animals of the Code of the Borough of South River, and all state, local and federal laws governing such species. This section shall not apply to licensed domestic dogs and cats.

- S. On-site trailers. No shipping containers, tractor-trailer trailers, or modular buildings not permanently affixed to the ground shall be permitted in any zone unless use variance and Site Plan approval is granted in accordance with the Subdivision and Site Plan Chapter of this Ordinance. This section does not apply to recreation vehicles or manufactured housing.

**§ 350-9. Affordable housing.**

Reserved.

### **§ 350-10. Nonconforming lots, structures and uses.**

The following regulations shall apply to all nonconforming lots, structures and uses existing at the time of adoption of this chapter:

- A. Intent. It is the intent of this chapter to permit any nonconformities to continue until they are removed but not to encourage their survival.
- B. Continuance of nonconforming uses. Any nonconforming use existing at the time of the passage of this chapter may be continued upon the lot or in the building so occupied. Except as required by the Borough to bring the building or premises up to code, no nonconforming use of the building or land shall be enlarged, structurally altered, extended to occupy a greater area of structure or land, or moved in whole or in part to any other portion of the lot occupied by such nonconforming use, unless the use thereof is changed to a use permitted in the district in which such building or premises is located.
- C. Continuance of nonconforming structures. A nonconforming structure, provided that the use of same is permitted in the district, may be enlarged, provided that said enlargement complies with all development regulations of the district.
- D. Prohibition against the conversion of one nonconforming use to another. Changes from one nonconforming use to another nonconforming use are prohibited.
- E. Conversion to permitted use. Any nonconforming building or use which has been changed to a conforming use shall not be changed back again to a nonconforming use.
- F. Abandonment. If any nonconforming use of a building or land ceases for any reason for 12 consecutive months or for 18 months during any three-year period, such structure and premises in combination shall be considered abandoned and shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- G. Restoration. Notwithstanding anything to the contrary hereinabove set forth, nothing in this chapter shall prevent the reconstruction, repairing, rebuilding and continued use of any nonconforming building or structure damaged or destroyed by fire, explosion, flood, windstorm or other act of God; provided, however, that there shall be no enlargement of the original structure and that the work shall be initiated within six months from the occurrence of such damage or destruction and shall be diligently pursued to completion.
- H. Repairs and maintenance of unsafe buildings. Nothing in this section shall be construed to prevent the strengthening or restoration to a safe and lawful condition any part of a building declared to be unsafe or unlawful by the Zoning Officer/Construction Official, Chief of the Fire Department or other duly authorized Borough official. Such repairs and maintenance work rendered necessary by wear and tear and required to keep it in sound condition may be made to a nonconforming structure, provided that no structural alterations shall be made to supporting members of the building (walls, columns, beams, girders) except such as are required by law, and also provided that such work does not exceed 50% of the market value of such structure at the time the work is to be done.
- I. Adjacent nonconforming lots in single ownership. If two or more lots, at least one of which is undeveloped, with continuous frontage are in single ownership of record, regardless of separate deeds, at the time of passage of this chapter, and if all or some of the lots do not meet the lot area or lot width requirements established by this chapter, the lands involved shall be considered to be an individual parcel for the purpose of this chapter, and no portion of said parcel shall be used or sold which does not meet lot area and width requirements established by this chapter, and any action to use such land as more than one lot shall require the granting of subdivision approval and the required variances.

**§ 350-11. Exceptions and permitted modifications to bulk standards.**

A. Exceptions to height limitations.

- (1) The provisions of this chapter with regard to height shall not apply to church spires, steeples, belfries, clock towers, noncommercial radio towers, flagpoles, chimney stacks, skylights, scenery lofts, antennas, water tanks, fire or parapet walls or roof structures for the housing of elevators, stairways, ventilating fans, air-conditioning equipment or similar equipment and structures, provided that such features shall be erected only to such height as is necessary to accomplish the purpose they are to serve.
- (2) No part of any structure erected pursuant to Subsection A(1) to a height in excess of the height limit for the zone in which it is situated shall:
  - (a) Have a lot coverage in excess of 10% of the lot area.
  - (b) Be used for residence or tenancy purposes.
  - (c) Have any sign, nameplate, display or advertising device of any kind whatsoever inscribed or attached to that part of the structure which exceeds the height limitation.

B. Exceptions to lot area and width requirements. Notwithstanding any provision of this chapter to the contrary, any parcel of land located in a residential zone with a lot area and/or width which is less than that prescribed for a lot in the zone in which such parcel is located may be used for single-family residential purposes, provided that the property owners shall submit proof by affidavit to the Zoning Officer/Construction Official of the following:

- (1) The property owner does not own any property adjoining such undersized parcel.
- (2) Dwellings or other principal uses are located on the lots adjacent to the undersized parcel.
- (3) The property owner cannot acquire property from any adjacent lot either because the owner of such lot refuses to sell or because such sale would render such adjacent lot in violation of this chapter with respect to side yard, width or bulk area requirements.
- (4) The undersized parcel and the dwelling to be erected thereon complies with all other requirements of this chapter.

C. Exceptions to yard requirements.

- (1) Where a lot is situated between two lots, each of which is developed with a main building which projects beyond the established front building line as required by this chapter and has been so maintained since the enactment of this chapter, the minimum front yard requirement of such lot may be the average alignment of the front yards of said existing buildings.

D. Exceptions to maximize solar gain. In order to promote the conservation of energy, variations in the front, side and rear yard and area requirements of this chapter may be permitted, provided the purpose of such variations is to orient buildings so as to permit said buildings to maximize solar gain and secure the full benefit of prevailing winds.

## **§350-12 Zoning District Regulations and Purpose**

### **A. Zone Regulations**

#### **(1) Schedule of Limitations**

The restrictions and controls designed to regulate the use of land, concentration of population, and traffic generation in each zone are set forth herewith and as further supplemented by this chapter.

#### **(2) Purpose of Zone Districts**

Zone districts are established in order to achieve the general purposes in Article I and for the following specific purposes:

- (a) To protect buildings and property against fire, explosion, noxious fumes, other hazards, offensive noise, vibrations, smoke, dust, odors, heat, glare and other objectionable influences.
- (b) To promote the aesthetic compatibility of all development with the community.
- (c) To protect residential and neighborhood commercial areas against congestion by regulating the bulk of buildings in relation to the land around them and to provide sufficient space in appropriate locations for development to meet the needs and demands of the anticipated growth in the population.
- (d) To maintain and protect existing residential neighborhoods throughout the Borough and increase residential land usage through infill, rehabilitation and redevelopment.
- (e) To encourage residential development which is compatible in density with the surrounding neighborhood.
- (f) To eliminate existing non-conforming uses in residential neighborhoods and prohibit any future obtrusive nonconforming uses from occurring.
- (g) To prevent increased deterioration and blight of existing residential neighborhoods through a continuation of current rehabilitation programs and the creation of innovative programs to increase home ownership and improve affordability to low and moderate income households.
- (h) To protect residential and commercial areas against the intrusion of abnormal vehicular traffic and to provide sufficient space for off-street parking.
- (i) To protect quasi-residential uses which require a residential environment to effectively provide essential health and welfare services to the Borough's residents.
- (j) To promote the creation of a business, professional and service oriented commercial environment.
- (k) To encourage the tendency of commercial development to cluster to the mutual advantage of both customers and merchants and thus promote and establish prosperity and welfare.
- (l) To promote the creation of a pedestrian-oriented neighborhood commercial environment which encourages maximum pedestrian activity.
- (m) To provide sufficient space in appropriate locations for attractive, modern, landscaped industrial complexes which do not create any hazards, nuisances or other objectionable influences, such as heavy trucking, which would be offensive to adjoining lands that require an environment free from these influences.

**§350-13 R-100 Single Family Residential District.**

- A. Permitted principal uses. No building, structure or premise shall be used and no building or structure shall be erected or structurally altered, except for the following uses:
  - (1) Detached single-family dwellings.
  - (2) Public utility structures other than storage and maintenance uses and garages.
  - (3) Community residences subject to the General Regulations chapter of this ordinance.
  
- B. Permitted accessory uses and buildings. Uses and buildings incidental to the above uses, including but not limited to those specific below:
  - (1) Private 1-car, 2-car or 3-car garages for the storage of personal automobiles.
  - (2) Private swimming pools.
  - (3) Residential garden/utility sheds, decks and patios.
  
- C. Conditional uses. The following conditional uses may be permitted, provided that all of the terms and conditions specified for the particular use in the Conditional Use chapter are complied with:
  - (1) Licensed nursing homes including assisted living facilities and adult day care.
  - (2) Nursery schools.
  - (3) Home professional offices & home occupations.
  - (4) Quasi-public clubs and organizations, and public and private, nonprofit philanthropic, educational and charitable institutions.
  - (5) Houses of Worship.
  
- D. Bulk requirements. As specified in the schedule of regulations, except as hereinafter provided:
  - (a) Houses of Worship, and Quasi-public clubs and organizations, and public and private, nonprofit philanthropic, educational and charitable institutions shall provide:
    - (1) A minimum lot area of one-half (½) acre.
    - (2) Minimum front yard, side yard and rear yard of thirty (30) feet each.
    - (3) A minimum lot width of one hundred fifty (150) feet.
    - (4) All other bulk standards of the zone apply.
  
- E. The maximum gross density permitted in this zone shall be four (4) dwelling units per acre for tracts of land >1 acre (43,560 sf).
  
- F. Off-street parking requirements. As specified in Parking Chapter of this ordinance.
  
- G. Signs. As specified in Sign Chapter of this ordinance.
  
- H. Prohibited uses. All uses not specifically permitted are prohibited.

**§350-13 R-75 Single Family Residential District.**

- A. Permitted principal uses. No building, structure or premise shall be used and no building or structure shall be erected or structurally altered, except for the following uses:
  - (1) Detached single-family dwellings.
  - (2) Public utility structures other than storage and maintenance uses and garages.
  - (3) Community residences subject to the General Regulations chapter of this ordinance.
  
- B. Permitted accessory uses and buildings. Uses and buildings incidental to the above uses, including but not limited to those specific below:
  - (1) Private 1-car, 2-car garages for the storage of personal automobiles.
  - (2) Private swimming pools.
  - (3) Residential storage sheds, decks and patios.
  
- C. Conditional uses. The following conditional uses may be permitted, provided that all of the terms and conditions specified for the particular use in the Conditional Use chapter are complied with:
  - (1) Licensed nursing homes including assisted living facilities and adult day care.
  - (2) Nursery schools.
  - (3) Home professional offices & home occupations.
  - (4) Quasi-public clubs and organizations, and public and private, nonprofit philanthropic, educational and charitable institutions.
  - (5) Houses of Worship.
  - (6) Multi-family dwellings.
  
- D. Bulk requirements. As specified in the schedule of regulations, except as hereinafter provided:
  - (1) Houses of Worship, and Quasi-public clubs and organizations, and public and private, nonprofit philanthropic, educational and charitable institutions. shall provide:
    - (a) A minimum lot area of 0.4 acres.
    - (b) Minimum front yard, side yard and rear yard of twenty five (25) feet each.
    - (c) A minimum lot width of one hundred fifty (100) feet.
    - (d) All other bulk standards of the zone apply.
  
- E. The maximum gross density permitted in this zone shall be five and eight-tenths (5.8) dwelling units per acre for tracts of land >1 acre (43,560 sf).
  
- F. Off-street parking requirements. As specified in Subsection 204-8B of the Borough of South River Land Development Ordinance.
  
- G. Signs. As specified in Parking Chapter of this ordinance.
  
- H. Parking restrictions. Same as prescribed in the R-100 Residential District.
  
- I. Prohibited uses.  
All uses not specifically permitted are prohibited.

## **§350-14 B-1 Neighborhood Business District**

- A. Permitted principal uses. No building, structure or premise shall be used and no building or structure shall be erected or structurally altered, except for the following uses:
- (1) All uses permitted in the OP Office Professional District.
  - (2) Professional offices, including the office of a physician, dentist, minister, architect, engineer, attorney or member of a similar profession.
  - (3) Banks, finance real estate offices and insurance offices.
  - (4) Retail shopping facilities where goods are sold only to the local trade and where nothing is fabricated or manufactured, such as or similar to the following: grocery store, bakery, delicatessen, drugstore, packaged liquor store, garden and flower shop, apparel store, stationery store, computer store.
  - (5) Restaurants, Café's and Taverns.
  - (6) Personal service establishments providing a service primarily for the surrounding neighborhood, such as or similar to the following: beauty or barber shops, dry-cleaning or tailoring shops, electrical repair establishments, printing shops and studios for instruction in music, singing, dancing, karate or art.
  - (7) Funeral homes.
  - (8) Mixed Use Buildings. The permitted uses listed above may be permitted in conjunction with one another in the same building and on the same lot provided that non-residential uses occupy the ground floors and that residential uses may only occupy upper floors within a multi-story building.
- B. Permitted accessory uses and buildings.
- (1) All uses and buildings deemed customary and incidental to the principal use thereon.
  - (2) Off-street parking areas.
- C. Conditional uses. The following conditional uses may be permitted, provided that all of the terms and conditions specified for the particular use in the Conditional Use chapter are complied with:
- (1) Home professional offices & Home occupations.
  - (2) Quasi-public clubs and organizations, and public and private, nonprofit philanthropic, educational and charitable institutions.
  - (3) Houses of Worship.
- D. Bulk requirements. As specified in the Schedule of Regulations, except as hereinafter provided:
- (1) Freestanding residential uses in the B-1 District shall comply with the bulk regulations established for the R-75 Zone.
  - (2) Houses of Worship, and Quasi-public clubs and organizations, and public and private, nonprofit philanthropic, educational and charitable institutions. shall provide:
    - (a) A minimum lot area of 0.4 acres.
    - (b) Minimum front yard, side yard and rear yard of twenty five (25) feet each.
    - (c) A minimum lot width of one hundred fifty (100) feet.
    - (d) All other bulk standards of the zone apply.
- E. Off-street parking requirements. As specified in Parking Chapter of this ordinance.
- (1) Notwithstanding any restrictions above, commercial enterprises may park marked fleet vehicles that are an integral part of their business or industrial on their private property but not on the street.

- F. Signs. As specified in Signs Chapter of this ordinance.
- G. Landscaping and Buffers. As specified in Landscaping Chapter of this ordinance.
- H. Prohibited uses and buildings.
  - (1) All adult uses including sex clubs, juice bars, go-go bars, pole dancing clubs, nude clubs, adult book/novelty sales, and unlicensed massage parlors are prohibited in this zone.
  - (2) All uses not specifically permitted are prohibited.

**§350-15 B-2 Business District.**

- A. Permitted principal uses. No building, structure or premise shall be used and no building or structure shall be erected or structurally altered, except for the following uses:
  - (1) Uses permitted in the O-P and B-1 Districts.
  - (2) Retail stores serving a widely distributed clientele including automobile sales and lumber and building material suppliers.
  - (3) Recreational and amusement facilities operated for private profit, including bowling alleys, skating rinks and similar indoor theaters
  - (4) Personal services and service agencies serving a widely distributed clientele, motels, hotels, small animal hospitals, diners and nightclubs.
- B. Permitted accessory uses and buildings. Uses and buildings incidental to the above uses, including but not limited to maintenance and storage buildings.
- C. Conditional uses. The following conditional uses may be permitted, provided that all of the terms and conditions specified for the particular use in the Conditional Use chapter are complied with:
  - (1) Gasoline service stations and repair garages, auto-body garages
  - (2) All conditional uses permitted in the B-1 Zone with the same conditions listed therein.
- D. Bulk requirements. As specified in the schedule of regulations, except as hereinafter provided;
  - (1) Freestanding residential uses in the B-1 District shall comply with the bulk regulations established for the R-75 District.
- E. Parking restrictions. Parking is subject to the parking regulations chapter of this ordinance.
- F. Signs. Signs are subject to the sign regulations chapter of this ordinance.
- G. Prohibited uses.
  - (1) All adult uses including sex clubs, juice bars, go-go bars, pole dancing clubs, nude clubs, adult book/novelty sales, and unlicensed massage parlors are prohibited in this zone.
  - (2) All uses not specifically permitted are prohibited.

**§305-16 O-P Office Professional District**

- A. Permitted principal uses. No building, structure or premises shall be used and no building or structure shall be erected or structurally altered, except for the following uses:
  - (1) Business and professional offices and office buildings.
  - (2) Finance, real estate and insurance offices.
  - (3) Medical offices, clinics and testing laboratories.
  - (4) Education training centers.
  - (5) Single-family detached dwellings.
  - (6) Municipal emergency service facilities.
  
- B. Permitted accessory uses and buildings. Uses and buildings incidental to the above uses, including but not limited to those specified below:
  - (1) All uses permitted in the R-100 Residential District.
  - (2) Off-street parking areas.
  - (3) All uses and buildings deemed customary and incidental to a permitted principal use.
  
- C. Conditional uses. The following conditional uses may be permitted, provided that all of the terms and conditions specified for the particular use in the Conditional Use chapter are complied with:
  - (1) Licensed nursing homes including assisted living facilities and adult day care.
  - (2) Nursery schools.
  - (3) Home professional offices & home occupations.
  - (4) Quasi-public clubs and organizations, public and private non-profit philanthropic, educational and charitable institutions.
  - (5) Houses of Worship.
  
- D. Bulk requirements. As specified in the schedule of regulations.
  
- E. Conditional uses. The following conditional uses may be permitted, provided that all of the terms and conditions specified for the particular use in Subsection 204-7 are complied with:
  - (1) Home professional offices and occupations.
  - (2) Quasi-public clubs and organizations.
  
- F. Off-street parking requirements. Parking is subject to the parking regulations chapter of this Subsection.
  - (1) Notwithstanding any restrictions herein above contained, commercial or industrial enterprises may park marked fleet vehicles that are an integral part of their business or industrial on their private property but not on the street.
  
- G. Signs. Signs are subject to the sign regulations chapter of Subsection.
  
- H. Prohibited uses.
  - (1) All uses not specifically permitted are prohibited.
  - (2) All adult uses including sex clubs, juice bars, go-go bars, pole dancing clubs, nude clubs, adult book/novelty sales, and unlicensed massage parlors are prohibited in this zone.

**§350-17 L-I Light Industrial District.**

- A. Permitted principal uses. No building, structure or premises shall be used and no building or structure shall be erected or structurally altered, except for the following uses:
- (1) Uses permitted in the B-1 Commercial District, excluding all residential, fraternal, quasi-public uses, Houses of Worship and nursing homes.
  - (2) Research institutions and laboratories for scientific or industrial research or testing, including experimentation and product development, provided that no such operation shall be conducted or equipment used which would create hazardous, noxious or offensive conditions beyond the boundaries of the site.
  - (3) Utility and service activities of an industrial character, such as repair and maintenance yards, storage facilities, depots and stations.
  - (4) Activities of a general industrial nature, such as light manufacturing, fabrication, textiles, processing or assembling of goods, that will not result in any nuisance or hazard beyond the limits of the lot occupied by such activity
  - (5) Warehousing and storage buildings, except for bulk storage and hazardous materials.
  - (6) Auto sales, service garages, body shops, auto inventory storage, commercial parking lots.
- B. Permitted accessory uses and buildings. Uses and buildings incidental to the above uses, including but not limited to those specified below:
- (1) Off-street parking areas.
  - (2) All uses and buildings deemed customary and incidental to a permitted principal use.
- C. Conditional uses. The following conditional uses may be permitted, provided that the applicant can demonstrate that the business will not create any conditions that are toxic, corrosive, noxious, hazardous, injurious or offensive by reason of the emission of odor, dust, refuse matter, garbage, smoke, gas fumes, vapor or noise that is dangerous to the comfort, peace, enjoyment, health or safety of the community and also fully comply with subsection K of this chapter: Additional industrial activity and material storage requirements which shall also be conditional use criteria:
- (1) Gasoline service stations, repair garages, and body shops. provided that all of the terms and conditions specified for the particular use in the Conditional Use chapter are also complied with.
  - (2) Bulk assembly and fabrication of iron, steel and metal products, metal processing, including metal treatment and processing, such as enameling, galvanizing and electroplating, reduction, smelting and refining of precious or rare metals; and casting of lightweight nonferrous metals.
  - (3) Manufacture of stone, clay, ceramic, macadam or cement products.
  - (4) Chemicals product manufacturing not involving noxious odors or danger from fire.
  - (5) Bulk processing of wood and lumber.
- D. Prohibited uses.
- (1) No building or premises shall be used for any heavy industry, mining trade, or any business or purpose of any kind that is toxic, corrosive, noxious, hazardous, injurious or offensive by reason of the emission of odor, dust, refuse matter, garbage, smoke, gas fumes, vapor or noise that is dangerous to the comfort, peace, enjoyment, health or safety of the community.
  - (2) Residential uses and all other uses permitted in any residential zone in the Borough.
  - (3) All uses not permitted are prohibited.
  - (4) Sex clubs and massage parlors are prohibited.
  - (5) All uses not specifically permitted are prohibited.
- E. Bulk requirements. As specified in the schedule of regulations.

- F. Off-street parking requirements. As specified in Parking subsection of the Borough of South River Land Development Ordinance.
- (1) Notwithstanding any restrictions herein above contained, commercial or industrial enterprises may park marked fleet vehicles that are an integral part of their business or industrial on their private property but not on the street.
- G. Landscape Requirement. Subject to the Landscaping chapter of this subsection.
- H. Buffer Requirement. Where any lot in this zone abuts a zone line of any other district other than the L-I district, a landscape buffer area shall be established. Such buffer shall be located on the lot(s) in this zone and shall be no less than 50' deep and shall consist of an undulating earthen berm, average 8' in height, which shall be planted upon with a dense mixture of shade and evergreen trees for the purpose of establishing a physical separation of the sound and visual impacts of industrial uses. Fencing, walls, and other screening methods may be incorporated into the buffer area. Where the property line in this zone abuts the R-75 or R-100 Residential Districts, the buffer shall be increased to 100' in depth.
- I. Signs. Signs are subject to the sign regulations of signs chapter of this subsection.
- J. Requirements for the storage of materials. All materials and equipment not stored within the main buildings shall be stored in completely enclosed buildings or otherwise shall be screened by walls, fences or landscaping to screen such materials and equipment from outside the boundaries of the lot.
- K. Additional industrial activity and material storage requirements. All uses involving the storage or handling of flammable or explosive materials or hazardous chemical substances shall comply with the following additional standards:
- (1) All activities involving flammable or explosive material and/or storage of same shall, at a minimum, comply with the most stringent standards and regulations set forth in the most current editions of the BOCA Basic Building Code and the BOCA Fire Prevention Code.
  - (2) All utilitarian, material storage or exposed equipment areas of the site shall be fully screened from view with a solid fence, no less than six feet (6') in height.
  - (3) The applicant shall furnish to the reviewing board, Health Department and Environmental Commission information identifying all chemicals and substances to be used and stored on site, as well as all pollutants to be generated and all wetlands, watercourses and/or floodplains on the site and the impact of the facility on such.
  - (4) The applicant shall furnish the above-named municipal agencies with copies of all applications and permits presently on file or which are proposed to be filed with state and federal agencies with respect to discharges into air or water. These applications and permits shall disclose quantities, chemical nature and physical characteristics of discharge, such as but not limited to temperature and velocity.
  - (5) Uses with accessory outdoor storage areas, such as building materials, equipment or outdoor storage tanks or vessels, shall be provided in such a manner so as to ensure that there will be no infiltration into or contamination of the Borough water resources, including the Farrington Sands, Old Bridge Sands and surface water sources. The contact of hazardous chemical substances and salts with rainfall water, overland water flow and/or storm runoff shall be prevented by adequate cover and containment mechanisms, including but not limited to sheds, impervious membranes or ground cover and berms.
  - (6) All outdoor above ground facilities for the storage of any hazardous chemical substance shall be located at a minimum distance of five hundred (500) feet from any residential development or residential zone and one hundred (100) feet from a public right-of-way. Tanks or drums of fuel directly connecting with heating devices or appliances located on the same premises as the tanks

- or drums of fuel are excluded from this provision. All outdoor storage of toxic chemicals is prohibited and shall not occur in areas identified as groundwater recharge areas.
- (7) The applicant shall provide the municipal agencies with a spill prevention and containment control plan setting forth the manner in which spillage of materials will be prevented and measures to be taken on the event of a spill.
  - (8) If the appropriate Board determines the need to have a technical expert review an application which proposes to use or store hazardous chemicals or toxic substances or to determine if said chemicals are hazardous substance or toxic, the applicant shall deposit, in addition to the fees set forth in Subsection 204-4C, sufficient money as may be determined by the appropriate Board for the payment of review fees for a technical expert. A technical expert is a licensed professional person with a specific knowledge of the proposed use of the applicant, which knowledge is not within the expertise of the Borough Planner and/or Borough Engineer. The deposit for the technical review fee need not be paid until the Planning Board shall first determine the need to hear a technical expert and the amount of deposit to be required. To the end that there should be any amount unexpended for technical review of any application, the unexpended balance shall be refunded to the applicant, and, should the fee deposited be insufficient to satisfy the expense of the technical review, the applicant shall be required to deposit such additional funds as may be necessary in order to satisfy such expense within ten (10) days of being notified of the amount of additional funds required.
  - (9) For the purposes of this section, a hazardous chemical substance shall be defined as any radioactive material or single substance or mixture containing a substance described in the most recent edition of the New Jersey Department of Environmental Protection, Hazardous Waste Management Regulations, New Jersey Administrative Code Title 7, Subchapter F, Chapter 26, Subchapter 6.
  - (10) All tank car and tank-truck loading, unloading or storage areas employed in the transfer or storage of hazardous substances shall be designed such that a spill will be prevented from entering any groundwater, other than a drain which leads to an approved industrial waste, water treatment plant or other facility which will effectively contain the spilled hazardous substance. Satisfactory provisions for neutralizing leakage or spills of hazardous chemicals or corrosive liquids shall be provided. All vehicles and rail cars carrying hazardous chemicals or explosive materials as defined under this section shall stand or be parked only in a secure area where they are under the care, custody and control of an owner or operator, who shall provide a qualified person to ensure that movement of any vehicle or rail car complies with this chapter. No transfer or storage of incompatible toxic hazardous substances shall occur without applicable state and federal requirements of proper labeling and storage having been met.
  - (11) Diking requirements. All chemical handling and storage areas and all above ground areas for the storage of bulk oil or gasoline shall be diked in a manner acceptable to the Borough Engineer in order to prevent pollution due to spillage of such materials. Any diking recommended by the Department of Environmental Protection shall also be required.

**§350-18 W-R Waterfront Revitalization District.**

**A. Intent and Purpose.**

The intent of the Waterfront District shall be to comprehensively revitalize the South River waterfront. This aims to encourage economic development and inject into all properties in the district opportunities for development, growth and prosperity. This ordinance intends to promote retail, commercial and pedestrian activity to create a vibrant mixed-use area.

**B. Revitalization District Goals.**

- (1) To create an attractive mixed-use district along the South River waterfront to attract economic activity to the area.
- (2) To create linkages to/from existing public parks and open space to each other and the river.
- (3) To create a highly visual public access-way leading to or along the waterfront and to create opportunities to develop a landmark waterfront-public space for the Borough.
- (4) Provision for three story development for property owners/developers in the district to encourage development.
- (5) To provide a coordinated parking program intended for non-residential uses.
- (6) To discourage residential uses from this area so as to secure them from fire, flood, panic and other man-made or natural disasters.
- (7) To create a long-term land use policy for the district which recognizes the history of flooding problems in this area, and aims to protect the health, safety and welfare of the citizens of the Borough during periods of mandatory flood evacuation of this area.
- (8) To encourage large scale (5 acres or more) development of the area.

**C. District Location.** The location of the Main Street Revitalization Zone shall be indicated on the Zoning Map of the Borough of South River, based on the recommendations found in the 2011 Master Plan and shall include all parcels of lands contained therein.

**D. Permitted principal uses.**

- (1) All uses permitted in the B-1 Neighborhood Business Zone, except detached single-family residential dwellings.
- (2) All office and personal service uses permitted in the O-P Office Professional Zone.
- (3) Mixed-use retail shopping centers, outlet malls, shopping villages and office parks.
- (4) Active recreation uses, including marinas, boat clubs, and other commercial waterfront recreation.
- (5) Art/artisan galleries, museums, art studios, health and fitness centers, day spas, licensed physical therapists and licensed massage and acupuncturists.
- (6) Restaurants, cafes, excluding drive-in and drive-through restaurants.
  - (a) Restaurants and eating establishments shall be permitted to entertainment in the form of various acts including musicians, comedians, magicians, diverse musical groups.
  - (b) Restaurants in this zone are permitted and encouraged to provide outdoor eating areas
- (7) In no fashion should any use permitted in this code be intended to permit any type of entertainment or adult use in this zone or permit any use that would violate Alcoholic Beverage Control, Health Regulations, or Police/Fire Regulations.

**E. Accessory uses.** Uses and buildings incidental to the above uses, including any use on the same lot with and customarily incidental to any use permitted in this district.

**F. Conditional uses.**

- (1) Taverns and nightclubs shall be conditional uses and shall be subject to site plan review and approval from the appropriate Board.

G. Prohibited uses.

- (1) Adult uses of any kind including strip clubs, juice bars, go-go bars, pole dancing, nude clubs, adult book/novelty sales, and unlicensed massage parlors.
- (2) Boarding or rooming houses.
- (3) Drive-through or drive-in uses.
- (4) Gasoline stations, automobile sales, service and repair garages.
- (5) All uses not specifically permitted are prohibited.
- (6) Single-family residential dwellings. Due to the danger to human life and the interest of securing life and property from damage due to flooding, single-family residential dwellings shall not be a permitted use in this zone. However, any single family home damaged by flooding or flood-related natural disaster shall be permitted to be reconstructed as long as the damage to the building does not exceed fifty percent (50%) of the pre-disaster condition of the building. Such determination shall be made by the Zoning Officer/Construction Official. This subsection is enacted in accordance with Chapter 291 §40:55D-65(e).

H. Bulk requirements.

The bulk standards of the L-I Light Industrial District shall apply:

- (1) Minimum lot area shall be 20,000 square feet.
- (2) Minimum lot width shall be one hundred feet (100'). Minimum lot depth shall be one-hundred feet (100').
- (3) Front setback shall be twenty five feet (25').
- (4) Minimum one side yard shall be ten feet (10'). Both side yards shall be a minimum of twenty five feet (25').
- (5) The rear yard setback shall be twenty feet (20').
- (6) Maximum building height: three (3) story or forty feet (40'), whichever is the lesser.
- (7) The maximum percent of building coverage shall be forty percent (40%). The maximum percent of impervious coverage shall be seventy (70%) percent.
- (8) All accessory building shall have a minimum side and rear setback of five feet (5').

I. Waterfront Access Requirement

Public access along/to the waterfront shall be provided to the public via a walkway/pathway.

J. Mixed-Use Requirements.

- (1) All retail uses shall be located in ground floor locations in all buildings in this zone. Retail uses may be extended to the 2<sup>nd</sup> floor and then the 3<sup>rd</sup> floor space above an existing ground floor retail space when interior stairways or elevators are provided to connect the spaces.
- (2) All office and personal service uses shall be located on the ground floor, 2<sup>nd</sup> floor or 3<sup>rd</sup> floor, provided that no office or personal service use shall be located over a residential use.

K. Parking requirements.

- (1) Unless hereinafter specified, all parking designs requirements of the Parking Chapter of this ordinance shall apply.
- (2) To encourage a scale of development appropriate for this area, mixed-use on parcels of 2 acres or more may propose a shared parking arrangement for a particular development site. Such a proposal should be submitted in the form of a parking study.
- (3) All on-site parking and loading facilities shall be located in the side or rear yards of each property, subject to all other requirements of the Parking Chapter of this ordinance.

L. Loading Requirements. Loading shall be subject to the loading chapter of this ordinance.

M. Landscaping Requirements. Landscaping in this zone shall be subject to the landscaping chapter of this ordinance.

N. Signs.

- (1) All signs are subject to the sign regulations chapter of this ordinance.
- (2) All billboard signs are prohibited.

O. Architectural Design Standards.

- (1) All buildings in this zone shall be required to submit color elevations or photo-simulations showing the appearance, colors, materials and textures of all proposed development to the appropriate Board.

P. Public and Quasi-Public Improvements.

- (1) Public Plaza. The 2011 Master Plan envisions a public plaza at a highly-visible location creating an “entrance way” into the Waterfront Revitalization District. To accomplish this, any developer may, as a part of any development application may propose the creation of this plaza as a public or quasi-public space. Such a plaza may contain civic monuments, pedestrian areas, transportation links, and public art. It should be barrier free, extensively landscaped and situated to attract pedestrians into abutting activity spaces.
- (2) Outdoor Dining. Outdoor dining in this district is contemplated for areas facing quasi-public areas and the water, although outdoor dining is permitted in all locations subject to the following:
  - (a) Tables, chairs, umbrellas, small private trash containers, and planters are all permitted.
  - (b) All furniture should be made of painted metal, painted wood, stained wood, or of some combination of these materials. The character of all furniture should complement the design of the building and the business that they adjoin.
  - (c) The size of the table and chair groupings is limited to that which will maintain a 4’ 0” clear walking path on the sidewalk, right-of-way, or walkway, sufficient width to permit pedestrians to pass.
  - (d) Overhead elements, such as umbrellas in quasi-public spaces should allow for clearance for passing pedestrians.
  - (e) Outdoor dining uses shall comply with all other dining chapters in this ordinance.

**§350-19 MSR – Main Street Rehabilitation District.**

**A. Intent and Purpose.**

The intent of the Main Street Rehabilitation District shall be to encourage economic development and revitalization and inject into all properties in the district opportunities for growth and prosperity in conjunction with aesthetic improvements. This ordinance intends encourage building rehabilitation and promote pedestrian traffic to create a vibrant mixed-use neighborhood.

**B. Rehabilitation District Goals.**

- (1) To create an attractive mixed-use district along Main Street/Ferry Street with an appropriate tempo and scale of buildings for a downtown setting.
- (2) To improve the aesthetics of the Main/Ferry Street district with streetscape improvements including street trees, sidewalk improvements and street lighting to create a sense of place.
- (3) To recognize the role this area plays and its importance to the character of the South River community.
- (4) To create opportunities to create a landmark public space for the Borough.
- (5) Creation of a visual terminus point at key locations through the use of building massing and visual corner elements.
- (6) Provision of new retail or other non-residential space along Main Street wrapping around corners of other collector streets.
- (7) Provision for a “density bonus” or “floor area bonus” for property owners/developers in the zone to encourage development.
- (8) To provide a coordinated parking program intended to meet residential need and to encourage non-residential uses.
- (9) To eliminate buildings in poor repair and inappropriate land uses and to encourage development at a pedestrian-friendly scale and with linkages to public transit.

**C. District Location.** The location of the Main Street Revitalization Zone shall be indicated on the Zoning Map of the Borough of South River, based on the recommendations found in the 2011 Master Plan and shall include all parcels and public lands contained therein.

**D. Permitted principal uses.**

- (1) All uses permitted in the B-1 Neighborhood Business Zone.
- (2) Residential apartments (on upper floors only).
- (3) All office and personal service uses permitted in the O-P Office Professional Zone.
- (4) Art/artisan galleries, museums, art studios, health and fitness centers, day spas, licensed physical therapists and licensed massage and acupuncturists.
- (5) Restaurants, cafes, excluding drive-in and drive-through restaurants
  - (a) Restaurants and eating establishments shall be permitted to entertainment in the form of various acts including musicians, comedians, magicians, diverse musical groups.
  - (b) Restaurants in this zone are permitted and encouraged to provide outdoor eating areas with tables and chairs, provided that all eating areas on the front façade of a building shall be of temporary nature and shall not block pedestrian circulation on any Borough sidewalk.
- (6) In no fashion should any use permitted in this code be intended to permit any type of entertainment or adult use in this zone or permit any use that would violate Alcoholic Beverage Control, Health Regulations, or Police/Fire Regulations.

**E. Accessory uses.** Uses and buildings incidental to the above uses, including any use on the same lot with and customarily incidental to any use permitted in this district.

**F. Conditional uses.**

- (1) Recreational facilities, video arcades, entertainment facilities including bowling alleys, skating rinks, indoor theatres, taverns, nightclubs shall all be conditional uses and shall be subject to site plan review and approval from the appropriate Board.

G. Prohibited uses.

- (1) Adult uses of any kind including strip clubs, juice bars, go-go bars, pole dancing, nude clubs, adult book/novelty sales, and unlicensed massage parlors.
- (2) Boarding or rooming houses.
- (3) Freestanding residential uses.
- (4) Drive-through or drive-in uses.
- (5) Gasoline stations, automobile sales, service and repair garages.
- (6) Houses of worship.
- (7) All uses not specifically permitted are prohibited.

H. Bulk requirements.

- (1) Minimum lot area shall be 2,500 square feet.
- (2) Minimum lot width shall be twenty five (25'). Minimum lot depth shall be one-hundred feet (100').
- (3) All buildings having a frontage on Main Street and Ferry Street shall be located so as to provide a zero feet (0') setback to those streets, with a tolerance of five feet (5'). In the case of in-fill development, new buildings shall be aligned with the average front alignment of the surrounding buildings. In no case shall any building have a front setback to Main or Ferry Street greater than five feet (5').
- (4) All buildings fronting on all streets other than Main and Ferry Street shall provide a front setback of ten feet (10') to those streets. In the case of in-fill development, new buildings shall be aligned with the average front alignment of the surrounding buildings.
- (5) The side yard setback shall be zero feet (0') provided that the lot line does not abut a residential district in which case the minimum requirement will be fifteen feet (15').
- (6) The rear yard setback shall be twenty feet (20').
- (7) When due to building orientation, lot configuration or other conditions that preclude entry into the rear of the property for parking area access, loading, refuse collection, emergency access, or similar purpose, a paved alleyway no greater than fifteen feet (15') shall be permitted alongside or within the frontage of the building. Where a building shall contain more than one (1) story, additional stories may be constructed above said alleyway pursuant to all applicable building codes with the aforementioned side yard requirements.
- (8) All buildings shall be two and a half (2½) story or three (3) story buildings with a maximum building height of forty feet (40').
- (9) The maximum percent of building coverage shall be seventy percent (70%). The maximum percent of impervious coverage shall be ninety five (95%) percent.

I. Mixed-Use Requirements.

- (1) All retail uses shall be located in all ground floor locations in all buildings in this zone. Retail uses may be extended to the 2<sup>nd</sup> floor and then the 3<sup>rd</sup> floor space above an existing ground floor retail space when interior stairways or elevators are provided to connect the spaces.
- (2) All office and personal service uses shall be located on the ground floor, 2<sup>nd</sup> floor or 3<sup>rd</sup> floor, provided that no office or personal service use shall be located over a residential use.
- (3) All buildings may provide residential uses on any floor except the ground floor or the basement floor. No more than 67% of the total floor area of any building shall be dedicated to residential use.

- (4) Regardless of the gross floor area of any building, the maximum floor area of each and any separate and individual permitted use shall be no greater than 2,500 square feet. Each single space greater than 2,500 square feet shall require relief from the appropriate Board.

J. Requirements for Buildings.

- (1) Maximum building footprint shall be 10,000 square feet.
- (2) No building shall exceed a building width of 200' along a single street frontage unless broken up by a plaza or courtyard.
- (3) Buildings should be placed to frame street corners.
- (4) To be compatible with a pedestrian scale, each ground level individual business shall provide a functioning, direct primary street entry. A shared entry is permitted for access to upper level units and shall provide a glazed commercial doorway and an entrance lobby area.
- (5) All building shall have a base, middle and top with the base differentiated with different materials than the upper floors. The top portions of all flat roof buildings should provide parapets or deep cornices on front facades.
- (6) Buildings shall present a complete and discrete vertical façade composition at an average street frontage of every 50 feet.
- (7) Allowable projections on any 2<sup>nd</sup> or 3<sup>rd</sup> floor façade include bow windows, and flat canopies and may project two feet (2') into a front right-of-way. French balconies shall project not more than one foot (1').
- (8) Corner and tower elements are encouraged to create an architectural focus for the area. Such an approved element may exceed the building height without violating this ordinance so long as the element does not exceed the building height by eight feet (8') for a total height of no greater than forty eight feet (48').

K. Parking requirements.

- (1) Unless hereinafter specified, all parking designs requirements of the Parking Chapter of this ordinance shall apply.
- (2) All properties within this district with street frontage along any street are subject to the special parking requirements on that frontage.
- (3) Due to the availability of existing parking for individual properties and existing street parking spaces along Main and Ferry Streets and along its streets, all ground floor retail, personal service and restaurant uses that are permitted within the geographic limit of this Zone shall not be subject to any parking requirement. Future parking needs, as they become evident, shall be satisfied through the construction of strategic parking lots on properties to be rendered available along or in the vicinity of Main Street.
- (4) All office, bank and commercial uses that are permitted within the geographic limit of this Zone shall be subject to parking requirements specified in Parking Subsection of the Borough of South River Land Development Ordinance.
- (5) All residential uses that are permitted or approved by variance within the geographic area of the Zone shall have parking requirements based on the Residential Site Improvement Standards. Residential parking shall be provided off-street.
- (6) All on-site parking facilities shall be located in the side or rear yards of each property, subject to all other requirements of the Parking Chapter of this ordinance. All parking shall be prohibited in front yards.
- (7) Buildings on individual parcels in the Zone are permitted to have contiguous on-site parking areas with free flowing traffic between said parking areas.
- (8) No parking lots shall be no closer than five (5) feet to any property line of the parcel on which they are located, except for points of cross-access. There shall be available as necessary, access to the rear of such properties for accessing parking areas, refuse collection, loading/unloading, entry of public safety vehicles and other necessary functions which require such entry.

L. Loading Requirements.

- (1) Loading shall be subject to the loading chapter of this subsection.
- (2) On street loading/unloading and dumpster tipping in the MSR District shall be prohibited between the hours of 10:00 p.m. and 6:00 a.m.
- (3) All loading/unloading shall be permitted in the rear yard area only.
- (4) Where rear or side yard parking, loading or other utilitarian activities are proposed, a minimum ten (10) foot wide buffer area shall be required adjacent to all residential uses, all rights-of-way, and all residential zones. Said buffer screen shall be comprised of a five (5) foot to six (6) foot high living evergreen wall and six (8) foot high solid fencing to provide screening for the abutting incompatible uses.

M. Landscaping Requirements. Landscaping in this zone shall be subject to the landscaping chapter of this subsection.

N. Signs.

- (1) All signs are subject to the Sign regulations chapter of this ordinance.
- (2) No ground signs shall be permitted. Only façade signs are permitted in this district.
- (3) The maximum permitted sign area shall be ten (10%) percent of the front façade. On corner lots, signs may increase to account for both façade areas. There shall be a limit of one sign per use or tenant.
- (4) When a ground sign is proposed such signs shall be monument style signs with a height no greater than four (4') feet. A planter base shall be provided around the base of the sign. Such signs shall require relief from the appropriate Board.
- (5) Shingle signs are permitted on the first and second floors. The maximum area should not exceed 4 square feet, the materials should be either painted wood or painted metal, and they should include ornamental metal brackets of some kind. They should only be externally illuminated and the message should only give the symbol or the name of the business.
- (6) Surface mounted signs on the first floor cornice/sign band shall contain individually mounted letters or symbols and not be a large board sign that obscures the cornice and its details. They should be externally illuminated and the message should only contain the name or the symbol of the business.
- (7) Surface mounted signs are not permitted above first floor.
- (8) Awning signs shall be limited by the size of the fringe or the main area of the awning, depending on the location of the sign.
- (9) All billboard signs are prohibited.

O. Awnings.

- (1) Cloth and canvas awnings are encouraged over building entrances and shall provide a minimum of eight foot (8') clearance and shall not extend more than four feet (4) from the building façade.
- (2) If an awning is so steeply sloped that it serves as a sign rather than as shelter, the sign must meet all the criteria (size, message, lighting, etc.) for wall signs that could be above the first floor.
- (3) All types of colors and patterns are acceptable if they meet the criteria for colors and signs: plain, striped, patterned, decorative, and so on. They must however, be compatible with the overall building.
- (4) If a single building contains more than one shop front and more than one shop, the two awnings can either be identical to complement the building, or they can differ, to add variety and to express the identity of the individual shops. 2) If a single shop occupies the ground floor of two adjacent buildings, the awnings in each building can be identical, since the objective of maintaining the identity of the two buildings is met by the building designs.

P. Architectural Design Standards.

- (1) The following activities regarding any of the buildings in the AAR Zone shall render the building(s) subject to the "Architectural Appearance requirements: listed below:
  - (a) The new construction of a primary use building on a parcel of land.
  - (b) The addition to an existing primary use building that is ten (10%) percent or more of the gross floor area of the existing building.
  - (c) The renovation or alteration in any manner of any outer wall of a building that faces street frontage or is considered the front of the building including addition of windows, doors or similar elements.
  - (d) The renovation or alteration in any manner of any outer wall or combination of outer walls of a building.
  - (e) The major internal renovation or alteration of a building which constitutes forty-nine (49%) percent or more of the gross floor area.
  
- (2) Architectural Appearance Requirements"
  - (a) Since all of the existing buildings within the limits of this Zone vary considerably in age and architecture in their present state, it is difficult to impose on them a rigid architectural design standard. Although beauty and character are subjective, there shall be an underlying design theme to the buildings and specifically to the facades so that a sense of conformity to a time period is achieved. Variation, creativity, uniqueness and distinction are encouraged provided that there is a visual flow from building to building with no evidence of abrupt change or disruption in design or theme. Each building, although having its own identity should compliment the others in style and taste without the look of an exact copy.
  - (b) The prominent veneers to be used for facades and sides of buildings facing the street shall be real brick, (mortar or painted), limestone, unpolished granite.
  - (c) The unpainted brick colors shall be in the brown, beige or red tones. Stone coloring shall be more flexible but maintain a subdued color scheme in keeping with the brick tones.
  - (d) Other veneers such as wood shingles, hardi-plank, cementitious fiber shingles, cast iron, terra cotta, fiberglass, glazed tile, painted wood or metal or other manmade siding products and wood veneer products shall be considered secondary veneers to compliment the brick or stone. The colors of such veneers shall be in subdued tones to blend in a compatible and aesthetic fashion. The use of fluorescent colors is prohibited as are abrupt color changes, even in the subdued tones, that clash visually.
  - (e) Aluminum siding, vinyl siding, faux brick face, metal panels, stucco/EIFS treatments are strongly discouraged except in utilitarian areas not visible from the street.
  - (f) No blank walls. All facades or sides of buildings facing the street shall have a décor that prohibits for a maximum distance of fifteen (15) feet horizontally, bare unadorned walls along each floor. These walls shall have appurtenances either decorative or functional to satisfy the condition. Such appurtenances shall consist of windows, doors, columns, lintels, cornices, balconies, overhangs, awnings, arches, railings or any other architectural items that fit the herein recommended design theme.
  - (g) Roofs should create visual interest. Roofs shall be of the "A" frame peak type wherever possible and include turrets, dormers, cupolas, towers and gables to reflect "turn of the century" attributes. Where it is necessary to install other than a peaked roof due to structural or height restrictions, parapets, cornices, eaves, turrets and other architectural devices that also reflect the above stated attributes shall be utilized.
  - (h) Windows for upper floors shall provide exterior muntins, casings, aprons, trims, shutters, etc to provide an attractive and visually interesting façade.
  - (i) Window glass shall be clear or lightly tinted. Dark tinted or mirrored windows are prohibited.

- (j) Windows should occupy 70% of the linear expanse of a retail façade. Night security gates, grills or other security coverings of windows is prohibited.
- (k) Exterior façade sconce or gooseneck style lighting is encouraged.
- (l) Rooftop mechanical equipment shall be fully screened from the street.
- (m) Buildings shall be richly detailed to create a visually interesting façade.

Q. Public and Quasi-Public Improvements.

- (1) Public Plaza. The 2011 Master Plan envisions a public plaza at a highly-visible location creating an “entrance way” into the Main Street Revitalization District. To accomplish this, any developer may, as a part of any development application may propose the creation of this plaza as a public or quasi-public space. Such a plaza may contain civic buildings, civic monuments, pedestrian areas, transportation links, and public art. It should be barrier free, extensively landscaped and situated to attract pedestrians into abutting retail spaces.
- (2) Off-site improvements. Within all lots in the district, the developer/property owner shall construct and maintain all streetscape improvements located on the street frontage of each property. This shall include installing sidewalks, access alleys, utility easements, curbs, gutters, undergrounding utilities, street furniture: benches, trash receptacles, bicycle racks, street trees and planters, and street lights.
- (3) Outdoor Dining.
  - (a) Tables, chairs, umbrellas, small private trash containers, and planters are all desirable elements of the street furnishings.
  - (b) All furniture should be made of painted metal, painted wood, stained wood, or of some combination of these materials. The character of all furniture should complement the design of the building and the business that they adjoin.
  - (c) The size of the table and chair groupings is limited to that which will maintain a 4’ 0” clear walking path on the sidewalk—a sufficient width to permit pedestrians to pass but also to create the slightly crowded feeling of a truly vibrant place.
  - (d) Overhead elements, such as umbrellas, should allow for clearance for passing pedestrians. A 7’-0” clearance height is required which is adequate for most pedestrians, and yet preserves the sense of intimacy and shelter that an umbrella gives to a seated group.
  - (e) Outdoor dining uses shall comply with all other dining chapters in this ordinance.
- (4) Planters.
  - (a) Planters that sit on the sidewalk should be made of durable materials. Plain ceramic pots and ornamental ceramic pots are the most common style, but stone, some ornamental concrete designs and certain large fiberglass pots can also be appropriately attractive.
  - (b) The size of these pots should allow a walking clearance on the sidewalk of at least 4’ 0”.
  - (c) Pots can be located either along the storefront or at the curb; if at the curb they cannot be in the way of swinging car doors – 1’-6” clear of the inside face of the street curb.
  - (d) Wooden window boxes under the storefronts are permitted.
  - (e) Plants should be selected which can stand the downtown climatic conditions and which need a minimum of maintenance. Merchants and/or building owners shall maintain all planters they use on their property.

**§350-20 PR – Park, Open Space, Recreation and Conservation District.**

- A. The purpose of the Park, Recreation and Open Space Conservation Zone is to preserve within the Borough lands that identified as open space, recreational facilities, environmentally sensitive, or lands restricted to stormwater management use. Placed in this zone will be public and quasi-public and other parcels that would be inherently suitable for this zone based on their use and purpose. All Federal, State, County and Municipal parks, private recreational lands, and lands containing stormwater management facilities or similar facilities encumbered by easement or deed shall be included in this zone.
- B. Permitted principal uses. No building, structure or use shall be used and no building or structure shall be erected or structurally altered, except for the following uses:
  - (1) Public Parks and Recreation facilities
  - (2) Municipal, County, State owned or preserved Open Space
  - (3) Environmental Education centers
  - (4) Private stormwater management facilities, drainage structures, basins and swales
  - (5) Private lands of an environmentally sensitive nature encumbered by conservation easements or similar deed restrictions.
  - (6) Municipal Utilities
- C. Permitted accessory uses and buildings. Uses and buildings incidental to the above uses, including but not limited to those specified below:
  - (1) Active and passive recreation fields and sports courts, recreation centers, seating, shelters, picnic facilities
  - (2) Recreation offices and maintenance buildings related to the recreation or conservation use.
  - (3) Public restroom facilities, lighting, parking and similar utilities related to the healthy and safety of any permitted use.
- D. Conditional uses. The following conditional uses may be permitted, provided that all of the terms and conditions specified for the particular use in Subsection 204-7 are complied with:
  - (1) Notwithstanding any restrictions found herein, nothing in this ordinance shall prohibit any organization from using its own private lands for the purposes of outdoor fundraising activities including carnivals and amusement facilities consisting of mechanical or electronic amusement devices, conditioned upon issuance of all necessary permits from the Borough.
- E. Bulk requirements. Buildings in this zone shall be subject to the bulk standards of the R-100 Zone.
- F. Off-street parking requirements. As specified in the Parking Chapter of this ordinance. Development Ordinance.
- G. Signs. Signs are subject to the sign regulations of chapter of this ordinance.

**§350-21 CEM - Cemetery Conservation District.**

- A. The intent of the Cemetery Conservation Zone shall be to preserve within the Borough lands that are currently operating as, or have historically been used as cemeteries and burial grounds. Placed in this zone will be public, quasi-public and private parcels that would be inherently suitable for this zone based on their current use and purpose. This ordinance seeks to protect existing cemetery parcels from development that would be incompatible with the intent of this zone, and to clarify the uses and building standards permitted therein.
- B. Permitted principal uses. No building, structure or land shall be used and no building or structure shall be erected or structurally altered, except for the following uses:
  - (1) Cemeteries and burial grounds, public and private.
  - (2) Mausoleums.
  - (3) Chapels and similar buildings for funeral or memorial services.
  - (4) Buildings for the sole purpose of cemetery administration and maintenance.
- C. Permitted accessory uses and buildings. Uses and buildings incidental to the above uses, including but not limited to those specified below:
  - (1) Flagpoles, Monuments, Gazebos, arbors, and similar structures and buildings.
  - (2) Maintenance and storage buildings for articles in connection with any of the above permitted uses.
  - (3) Traditional flag poles.
  - (4) Fences, walls, gates and similar hard-scape and landscape structures
  - (5) Parking lots for cemetery and funeral use
  - (6) All other uses deemed customary and incidental to the operation of a cemetery.
- D. Bulk requirements.
  - (1) Minimum lot area shall be 2 acres.
  - (2) Buildings in this zone shall be subject to the bulk standards of the R-100 Zone.
- E. Off-street parking requirements. As specified Parking chapter of this ordinance.
- F. Signs. Signs are subject to the sign regulations of this ordinance.
- G. Parking restrictions. No parking shall be permitted within any required front, side or rear yard.
- H. Prohibited uses.
  - (1) All uses not specifically permitted are prohibited.

**§350-22 E-I Educational Institution District.**

- A. The intent of the Educational Institutional Zone shall be to preserve within the Borough lands containing public, private, parochial schools, non-profit commercial schools, seminaries, colleges, academies or similar educational institution for academic instruction teaching an approved curriculum by the New Jersey Department of Education. Placed in this zone will be public, quasi-public and private parcels that would be inherently suitable for this zone based on their current use and purpose.
- B. Permitted principal uses. No building, structure or premise shall be used and no building or structure shall be erected or structurally altered, except for the following uses:
  - (1) Public schools, private schools, parochial schools, non-profit commercial schools, seminaries, colleges, academies or similar educational institutions
  - (2) Offices for the administration of a permitted educational institution.
  - (3) Municipal facilities and utilities.
- C. Permitted accessory uses and buildings. Uses and buildings incidental to the above uses, including but not limited to those specified below:
  - (1) Recreational facilities, sports fields and stadiums operated in conjunction with a permitted educational institution use
  - (2) Maintenance and storage buildings for equipment in connection with any of the above permitted uses.
  - (3) Parking lots for official school use operated in connection with any of the above permitted uses.
- D. Conditional uses. The following conditional uses may be permitted, provided that all of the terms and conditions specified for the particular use in Subsection 204-7 are complied with:
  - (1) Houses of worship, subject to the same conditional requirements found in the R-100 district.
  - (2) Quasi-public clubs and organizations, and public and private, nonprofit philanthropic, educational and charitable institutions, subject to the same conditional requirements found in the R-100 Zone.
- E. Height, area and yard requirements.
  - (1) Minimum Lot area shall be 2 acres.
  - (2) Buildings in this zone shall be subject to all other bulk standards of the R-100 Zone.
- F. Off-street parking requirements. As specified in Parking Chapter of this ordinance.
- G. Signs. Signs are subject to the sign regulations of this ordinance.
- H. Parking restrictions. No parking shall be permitted within any required front, side or rear yard.
- I. Prohibited uses.
  - (1) All uses not specifically permitted are prohibited.

§ 350-23. Reserved.

**§ 350-24. Conditional uses.**

**A. Intent.**

- (1) Recognizing the necessity for certain specific uses, while at the same time appreciating the fact that they may be or may become inimical to the public health, safety and general welfare of the community if improperly designed or located without due consideration to the existing conditions and surroundings, the standards and procedures in this section are hereby established.
- (2) A conditional use is a permitted use, not as a matter of right, but rather at the discretion of the Planning Board based upon satisfactory compliance with articulated criteria and standards as specified herein.
- (3) These standards are intended to provide the Planning Board with a guide for the purpose of reviewing applications for conditional uses as provided for by this chapter. In reviewing an application, the Planning Board may act on site plans submitted to it or may suggest modifications and changes. In approving an application, the Planning Board may require, in addition to features specified, such other features or design, in keeping with the intent thereof, that will further the purpose of these standards and regulations. Such features shall be provided and maintained as a condition of the establishment and maintenance of any use to which they are a condition of approval.
- (4) Notwithstanding compliance with specific conditional use standards hereinafter set forth, no conditional use will be permitted if the use at the proposed location would be detrimental to the health, safety and general welfare of the community.

**B. Licensed nursing homes including assisted living facilities and adult day care may be permitted in the R-100 and R-75 residential zones, provided that:**

- (1) Such use fronts upon a street classified in the Borough's Master Plan as other than a local street.
- (2) Such building shall be a minimum of 150 feet from any other dwelling, house or structure used for the housing of human beings or from a church, library, school or other public building.
- (3) The applicant shall comply with all state requirements for such use.
- (4) Such building shall be set back at least 40 feet from the street and rear lot lines and at least 20 feet from side lot lines.
- (5) Off-street parking shall be provided for at least one space for each three beds, plus one space for each staff member and employee, based upon the maximum number estimated to be on duty at any one time. Such off-street parking area shall be suitably screened from adjoining residential lots by appropriate landscaping and/or fencing.
- (6) Areas for outdoor recreation of a size and location sufficient to properly serve the needs of the occupants are provided.
- (7) It is ascertained by the Planning Board that the use will meet a community need without adversely affecting the character of the neighborhood.

**C. Nursery schools. Nursery schools and child care centers may be permitted in the R-100, R-75 Zones, provided that:**

- (1) Ingress and egress to the facility is such that the safety of the children is protected to the satisfaction of the Planning Board.
- (2) The building is appropriately designed and provides adequate fenced yard space developed for recreational purposes.

- (3) There are no home professional or home occupation uses carried on in the building.
- (4) The nursery school shall be licensed by the State of New Jersey Board of Education.
- (5) It is ascertained by the Planning Board that the use will meet a community need without adversely affecting the character of the neighborhood.

D. Gasoline service stations and repair garages, auto body garages

- (1) Such use shall not have an entrance or exit on the same side of the street and within 200 feet of an entrance or exit to a public or private school, public library, theater, church, public park or playground, orphanage or children's home, nursery school or fire station nor within 100 feet of a residential district except where and when the property is in another block or on another street which the lot in question does not abut. Such distance is to be measured along a straight line between the properties involved.
- (2) A description of the nature and extent of the proposed use shall be provided to the Planning Board.
- (3) No gasoline pumps shall be placed within 25 feet of any street or lot line.
- (4) There shall be no more than two access driveways along any one street. The minimum distance between driveways on the site shall be 25 feet, and access driveways shall be at least 15 feet from the nearest lot line and at least 25 feet from the nearest street intersection.
- (5) No part of any garage shall be nearer than 25 feet to any street line or 15 feet to any lot line.
- (6) No commercial repair work, except minor repair work, shall be conducted outdoors on the property.
- (7) Such use shall be adequately buffered and screened from any adjacent residential use as determined by the Planning Board by fencing and vegetation of a minimum 6' height and providing a 10' deep, heavily buffered planting area.
- (8) The use of strings of pennants, flags or similar decorations, such as whirling displays, are expressly prohibited, but shall be allowed for a period of one week to mark a grand opening.
- (9) No more than three vehicles per service bay shall be stored outside overnight on the premises, excluding vehicles owned or leased by the proprietor(s).

E. Quasi-public nonprofit clubs and organizations, and public and private non-profit, educational and charitable institutions:

- (1) Such use, when taken in conjunction with other existing land uses, will not generate traffic that would result in an undue burden upon the available access streets, resulting in a traffic movement on adjacent streets.
- (2) A statement setting forth full particulars of the operation of the use and the total number of proposed charter members (for membership clubs) shall be filed with the Planning Board.
- (3) It is ascertained by the Planning Board that the proposed use is a bonafide nonprofit organization operated solely for the recreation and enjoyment of the members of said organization or for civic, humanitarian or charitable purposes.
- (4) It is ascertained by the Planning Board that the proposed use in the proposed location shall in no way adversely affect the safe and comfortable enjoyment of property rights in the area in which it is located or otherwise adversely affect the value of adjacent properties.

- (5) The design of any structures erected in connection with such use are in keeping with the general character of the area and sufficient landscaping, including trees, shrubs and lawns, is provided to serve as buffer between said use and adjoining residential properties.
- (6) The maximum membership limit of said organization shall be fixed at the time of application and shall be commensurate to the amount of land to be used and the exact nature of the use. No further expansion of said membership shall be made unless supplemental approval is granted by the Planning Board.
- (7) Off-street parking shall be provided for at least one space for each 200 square feet of floor area, plus additional spaces determined by the Board based upon anticipated usage. Such off-street parking area shall be suitably screened from adjoining residential lots by appropriate landscaping and/or fencing.

F. Home occupations.

- (1) The dwelling unit proposed to house such use is a single-family unit.
- (2) Such occupation shall be conducted solely by members of the resident family.
- (3) Such use shall occupy an area equivalent to not over 35% of the floor area of one story.
- (4) There shall be no conspicuous display of goods or advertising to be seen from outside the premises.
- (5) Such use does not involve the use of any machinery or equipment which will cause electrical or other interference with radio and television reception in adjacent residences or which will cause offensive noise or vibration.
- (6) Such use shall in no way be objectionable or detrimental to the well-being or to the harmonious character of the neighborhood.

G. Home professional offices.

- (1) The lot meets the minimum requirements of the Zoning Ordinance with respect to lot area and lot width.
- (2) No structural alterations to accommodate the use of the dwelling for office use are required.
- (3) Such use shall occupy an area equivalent to not over 50% of the floor area of one story.
- (4) Such use shall not involve the sale of any goods, products or merchandise.
- (5) The dwelling unit proposed to house such use is a single-family unit.
- (6) Sufficient off-street parking space, as determined by the Planning Board on a case-by-case basis, is provided in the rear or side yards. Such parking area is to be suitably shielded from adjacent properties by means of appropriate landscaping and/or fencing.

H. Community residences for the mentally and physically handicapped, victims of domestic violence, terminally ill, or persons with head injuries. Qualifying community residences for the placement of more than six but less than 16 persons, exclusive of resident staff, may be permitted in all residential zones pursuant to N.J.S.A. §40:55D-66, provided that:

- (1) Sufficient off-street parking space, as determined by the Planning Board on a case-by-case basis, is provided in the rear or side yards. Such parking is to be suitably shielded from adjacent properties by means of appropriate landscaping and/or fencing.
- (2) The lot area for such use is equal to at least the minimum lot area required for the zone in which the use is to be located; provided, however, that greater lot area may be required on a case-by-

case basis depending upon the anticipated number of occupants.

- (3) In order that the health and safety of the occupants not be endangered by heavy traffic volumes, such use shall not be located on any street other than those classified as local streets in the Master Plan of the Borough of South River.
- (4) Ingress and egress to the building is such that the safety of the occupants is protected to the satisfaction of the Planning Board.
- (5) Sufficient off-street area is provided for the pickup and discharge of occupants by vans or other vehicles servicing the handicapped.
- (6) Such uses shall be subject to the same bulk requirements as a single family unit in the zone.
- (7) Such use shall not have an entrance or exit on the same side of the street and within 200 feet of an entrance or exit to a public or private school, garage or service station, theater, rescue squad or fire station, except where and when the property is in another block or on another street which the lot in question does not abut.

I. Billboards, signboards and advertising signs. Billboards, signboards and advertising signs may be permitted in the L-I zone only, provided that:

- (1) No structure for this purpose shall be closer than 15 feet to any front lot line or 10 feet to any side lot line.
- (2) No such sign shall be within 500 feet of a residential district.
- (3) No billboard or outdoor advertising sign shall have less than four feet of clear space between it and the ground nor shall, at any point, be higher than 16 feet above ground level.
- (4) No billboard or outdoor advertising sign shall have a horizontal dimension of more than 15 feet.
- (5) All rubbish and vegetation more than six inches high shall be kept constantly removed from a space at least five feet in all directions around such billboards or signboards.

J. Recreational facilities, video arcades, entertainment facilities including bowling alleys, staking rinks, indoor theatres, taverns, nightclubs shall all be conditional uses and shall be subject to site plan review and approval from the appropriate Board. provided that:

- (1) The premises shall be so arranged as to permit a clear view of each mechanical amusement device from the exterior at all times.
- (2) No operator shall knowingly permit any person convicted of a crime involving moral turpitude to be associated with him in the ownership or management of the business or to be in his employ or to loiter on the premises.
- (3) No operator shall offer or permit to be offered any prizes or awards, whether in cash or otherwise, as an inducement to use mechanical amusement devices except for trophies, plaques or items of a similar nature or nominal value.
- (4) No operator shall permit any minor under the age of 16 years, unaccompanied by a parent or guardian, to remain on the premises after 10:00 p.m.
- (5) No operator shall permit any activity which is illegal or immoral or which creates an undue amount of noise or a danger of a breach of the peace to occur on the premises.
- (6) No operator shall permit the operation of his premises between the hours of 12:00 midnight and 9:00 a.m.
- (7) There shall be conspicuously displayed on the premises in capital letters six inches in height a

notice stating:

- (a) The prohibited hours of operation.
  - (b) The fact that no minor under the age of 16 years, unaccompanied by a parent or adult guardian, may remain on the premises at 10:00 p.m.
- (8) Erection and installation of coin-operated or non-coin-operated mechanical amusement devices shall comply with all local, state and federal fire and safety regulations, statutes and codes. In addition, for each one square foot of floor space occupied, taken up or covered by a machine (to be measured at its widest, deepest and longest points whether touching the surface of the floor or not) a minimum of three square feet of open space in order to provide an established ratio between occupied space and space for the unobstructed flow of customers. If machines are located along an aisle way, the minimum width of aisles between the machines shall be eight feet. In computing open space as used in this section, any and all interior sections of the structure reserved for an office, rest room, operation, storage or other facilities shall be deducted and only the actual open unobstructed floor space shall be considered open for purposes of this calculation.
  - (9) During the hours of operation, the premises must be supervised at all times by at least one responsible adult individual, who shall be an employee of the owner or operator of the premises and who shall be responsible for the supervision, maintenance and operation of the premises. At least one such individual shall be visibly present on the premises during all hours of operation.

#### K. Houses of Worship.

- (1) Such use, when taken in conjunction with other existing land uses, will not generate traffic that would result in an undue burden upon the available access streets, resulting in a traffic movement on adjacent streets.
- (2) A statement setting forth full particulars of the operation of the use and the total number of proposed worshipers shall be filed with the Planning Board.
- (3) It is ascertained by the Planning Board that the proposed use is a bonafide religious organization operated solely for the spiritual needs of the members of its organization and for humanitarian or charitable purposes.
- (4) It is ascertained by the Planning Board that the proposed use in the proposed location shall in no way adversely affect the safe and comfortable enjoyment of property rights in the area in which it is located or otherwise adversely affect the value of adjacent properties.
- (5) The design of any structures erected in connection with such use are in keeping with the general character of the area and sufficient landscaping, including trees, shrubs and lawns, is provided to serve as buffer between said use and adjoining residential properties.
- (6) The maximum membership limit of said organization shall be fixed at the time of application and shall be commensurate to the amount of land to be used and the exact nature of the use. No further expansion of said membership shall be made unless supplemental approval is granted by the Planning Board.
- (7) The proposed use shall comply with all off-street parking and landscaping requirements of the ordinance.

#### L. Multifamily dwellings.

The following requirements shall apply to multi-family (3 units or greater) apartment buildings when proposed in the R-75 District.

- (1) The project shall be developed in an area of not less than three acres.
- (2) The development shall not exceed a gross density of three and 3.3 units per acre.
- (3) The area of lot coverage by buildings, other than garages and exclusive of public ways, shall not be greater than 25%.
- (4) No structure shall contain in excess of 2 1/2 habitable stories above curb level.
- (5) No structure shall be built closer than 25 feet to any property line, nor 50 feet from the center line of any public way.
- (6) Each structure shall be so designed or so located in the project site that the distance from at least one window of every room used for human habitation shall be not less than 60 feet from the wall of any structure on the site, and the distance from all other windows shall be not less than 30 feet from the wall of any structure on the site, such distance to be measured by a line perpendicular to the plane of the surface of said window, except that this distance may be reduced to not less than 30 feet for one exposure where a room is a bathroom. No separate freestanding building shall be closer than 15 feet to any other building on the site.
- (7) Adequate potable water and electricity must be available, and all waterlines, sanitary sewers, storm sewers and electrical distribution facilities shall be installed in accordance with the Borough's Subdivision and Site Plan Ordinance. Editor's Note: See Ch. 295, Subdivision and Site Plan Review.
- (8) A minimum of 15% of the site shall be allocated, developed and improved for usable recreation space or spaces, such as tot lots, tennis courts and other similar organized activity areas as may be recommended by the Board. No such space shall be less than 2,500 square feet in size or less than 75 feet wide.
- (9) All areas of a garden apartment development not used for the construction of buildings, roads, access-ways, parking areas or sidewalks shall be fully landscaped or grassed.
- (10) No parking shall be permitted on any road or access-way within the garden apartment development.
- (11) No parking area may be placed closer to a building than 20 feet.
- (12) There shall be only one central television antenna in each building for use of occupants therein.
- (13) No front yard shall contain service facilities for the dwellings, such as clothes drying, storage, or the like.
- (14) The development shall exert no detrimental effect upon surrounding areas due to poor design, inadequate parking, traffic danger or destruction of neighborhood character.

**§ 350-25 Signs.**

A. Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

B. General provisions.

- (1) Reference to zoning districts. Except as otherwise provided in this section, no outdoor sign or other form of exterior advertising shall be erected or maintained unless the same complies with the requirements of this subsection and those established for the zoning district in which such sign is located.
- (2) Drop awnings attached to buildings shall extend not more than five feet out from a building, and the curtain of the awning shall be no closer to the ground than seven feet.
- (3) Illumination. Lighted signs shall comply with the National Electrical Code and bear the Underwriters' Laboratories seal. All externally illuminated signs shall be lighted from the bottom, with said source of illumination so placed and screened as to prevent direct rays of light from being cast beyond the premises.
- (4) Setback. No sign shall permitted shall be located closer than 15' feet to any property line. No sign permitted in a nonresidential district shall be located closer than 25 feet to any residential zone boundary, and further, no sign shall be located in any required buffer area.
- (5) Nonconforming signs. Nonconforming signs may be continued in use but may not be enlarged, relocated, altered or rebuilt. Failure to keep signs painted and in good repair for a period of six consecutive calendar months shall constitute abandonment, and such sign may not then be replaced or reused and must be removed by the owner upon notice, in writing, from the Construction Official.
- (6) Maintenance. The issuance of a permit shall not relieve the owner or lessee of the premises from the duty of maintaining any such structure. Every sign constructed or maintained shall be plainly marked with the name of the person, firm or corporation erecting or maintaining such sign. All signs shall be painted, properly illuminated and maintained in good repair at all times. Any sign that is or shall become dangerous or unsafe in any manner whatsoever shall be repaired and made safe, in conformity with this chapter, or shall be removed by the owner, lessor, agent or occupant of the building, property or land upon which it is placed or to which it is attached. A written notice shall be served upon the owner, lessor, agent, or occupant of a building, property or land upon which a dangerous or unsafe sign is located. Said notice shall require necessary action to be taken within 10 days from the date of the service of the notice upon such person or within such lesser time as shall be deemed reasonable in the case where the danger to public health, safety and general welfare is so imminent as to require more immediate abatement.
- (7) Height. No attached sign shall be higher at any point than the roofline of the building to which said sign is attached. Except in the residential zones, where height limitations are more restrictive, freestanding signs shall be permitted up to a height of 18 feet or the height of the principal building on the lot, whichever is less.
- (8) Location outside of sight triangles. All signs shall be located to allow a clear, unobstructed sight triangle at intersections in accordance with § 350-8G(5).
- (9) Two-sided signs. Two-sided signs shall be measured for area by using the surface area of one side of the sign only. Both sides may be used.
- (10) Temporary signs. Temporary signs shall not be lighted nor displayed more than 60 days.

- (11) Posting of signs on utility poles. No foreign signs, objects, bulletins, notices or any other matter shall be placed or posted upon the utility poles owned by the South River Utility Department unless written approval and/or consent has been obtained from the Borough Council for the placement of such items upon the South River Utility Department utility poles. The appropriate officers of the Borough of South River are hereby directed to enforce said policy if said objects, signs, bulletins and/or notices have been placed or posted upon the utility poles without having first obtained the written approval and/or consent of the Borough of South River for the placement of such item there.
- (12) No person shall paint or cause to be painted or permit anyone in his employ to paint any kind of advertising matter or signs on any sidewalk.

C. Exempt signs. The following signs are exempt from the provisions of this section:

- (1) Residential nameplate signs and professional nameplate signs indicating the name and profession of the occupant of a dwelling, provided that such signs do not exceed two square feet in area and are not lighted between the hours of 9:00 p.m. and 8:00 a.m.
- (2) Temporary signs inside windows of commercial establishments, provided that these signs shall not unreasonably obstruct light and visibility and shall be removed within seven days after completion of the business being advertised.
- (3) Temporary signs of nonprofit or charitable organizations, provided that such signs do not exceed 32 square feet in area. Said signs shall be removed within seven days after completion of said event or function.
- (4) Bulletin boards not over 24 square feet in area for public, charitable or religious institutions when the same are located on the premises of said institutions.
- (5) On-site directional and parking signs, warning signs and signs posting property as "private property," "no-trespassing" or similar signs not to exceed two square feet in area.
- (6) Temporary signs denoting the architect, engineer or contract when placed upon work under construction, and not exceeding 16 square feet in area. Said signs shall be removed within seven days of issuance of a certificate of occupancy.
- (7) Temporary signs indicating a political preference or a political event, provided that such signs do not exceed 32 square feet in area on any one side in nonresidential zones and six square feet in area in residential zones. Such sign shall be removed within 14 days after the completion of said political function.
- (8) Garage sale signs located on the premises only, not exceeding two square feet and containing the date of sale. Such sign shall be removed within 24 hours after the last day of sale.
- (9) Real estate signs temporarily advertising the sale, rental or lease of the premises or portion thereof, provided that such signs do not exceed nine square feet in area. Such signs shall be removed within seven days after the purpose of the sign is fulfilled.
- (10) Subdivision signs for a subdivision of more than two contiguous lots may have one sign along each road which the tract in question abuts. Such signs shall not exceed 40 square feet in area and shall be removed within seven days after the purpose of the sign is fulfilled.
- (11) Signs of a noncommercial nature and in the public interest, erected by or on the order of a public officer in the performance of his public duty, such as safety signs, memorial plaques, signs of historical interest and the like.

D. Prohibited signs.

- (1) No sign shall be erected, used or maintained which in any way simulates official, directional or warning signs erected or maintained by the state, the county or the Borough or by any public utility or similar agency concerned with the protection of the public health or safety.
  - (2) No sign other than official traffic control or street signs shall be erected within or encroach upon the right-of-way of any street.
  - (3) No sign may obstruct any window, door, fire escape, stairway or opening intended to provide light or ingress and egress to or from any building or structure except as herein provided.
  - (4) Animated or flashing, flickering, or LED-style signs using mechanical or electrical devices to revolve, flash or display movement or the illusion of movement, except for clocks or weather information, are prohibited.
  - (5) Signs projecting more than one foot from the wall of a building are prohibited.
  - (6) No portion of any sign shall be located within or suspended over a public right-of-way or pedestrian walkway.
- E. District regulations. The following regulations shall apply in the specific districts to all signs other than those specifically exempted.
- (1) Residential districts.
    - (a) Signs on churches, schools and other institutions of a public or quasi-public nature may be erected, provided that the size of any freestanding sign shall not exceed 20 square feet, and not more than one such sign shall be placed on each road upon which such use fronts. Signs attached to the facade of the structure shall be permitted, provided that the area of the sign shall not exceed 5% of the building facade.
    - (b) All signs in residential districts shall have a setback of at least 15 feet from all lot lines. No sign shall be greater than 10 feet in height. No sign on a residential lot shall be greater than six square feet in area, and the total area of all signs on the lot shall not exceed 12 square feet.
    - (c) Identifying signs for garden apartments shall not exceed 32 square feet. The sign shall be a permanent structure and shall not be located less than 20 feet from the lot lines.
    - (d) Permanent signs in residential districts may be lighted if such illumination is from an external source.
  - (2) Signs in the Office Professional, Commercial, MSR & WR Districts.
    - (a) Any sign permitted in the residential districts shall be permitted.
    - (b) Signs must be accessory to the main use, advertising only businesses conducted on the premises where the sign is located. Such sign shall state only the name of the occupant of the premises and, in concise form, the nature of the business or professional activity or activities there conducted.
    - (c) One sign may be attached to the main building advertising the business or businesses conducted on the premises. Such sign shall not project more than 12 inches from the building facade to which it is attached; however, where a sign extends more than three inches from the face of said wall, the bottom of said sign shall not be closer than 10 feet from the ground level of said sign. Signs attached to a wall of a building shall not exceed 10% of the area of wall or 50 square feet whichever is less.
    - (d) Not more than one freestanding sign per business premise shall be permitted on any one

street frontage. Such sign may be internally or externally illuminated and shall not exceed 32 square feet in area. No freestanding sign shall be located closer than 15 feet to a lot line.

- (e) All of the foregoing shall not be construed to prohibit painted signs lettered on windows and doors.

(3) Industrial Districts.

- (a) Any sign permitted in residential and office professional districts shall be permitted.
- (b) Signs must be accessory to the main use, advertising only businesses conducted on the premises where the sign is located.
- (c) One sign may be attached to the main building advertising the business or businesses conducted on the premises. Such sign shall not project more than 12 inches from the building facade to which it is attached. However, where a sign extends more than three inches from the face of said wall, the bottom of said sign shall not be closer than 10 feet from the ground level. Signs attached to a wall of a building shall not exceed 20% of the area of the wall or 100 square feet, whichever is less.
- (d) Not more than one freestanding sign per business premise shall be permitted on any one street frontage. Such sign may be internally or externally illuminated and shall not exceed 100 square feet in area. No freestanding sign shall be located closer than 10 feet to a lot line.
- (e) Billboards and outdoor advertising signs may be permitted only in the L-I as a conditional use with the following conditions:
  - [1] No billboard shall be permitted within 1,500 feet as measured from the base of the billboard to any residential zone boundary in the Borough of South River.
  - [2] The minimum distance between billboards along the same side of the roadway shall be 1,000 feet, measured from the base of the billboard along the right-of-way line.
  - [3] The minimum front yard setback measured at the base of the billboard shall be 15 feet.
  - [4] The minimum side and rear yard setback measured at the base of the billboard shall be 10 feet.
  - [5] No part of the billboard, including copy extensions, may overhang any property line or public right-of-way. The bottom of any billboard must not be less than 20 feet above any parking area, driveway or sidewalk on private property.
  - [6] The maximum billboard height, including copy extensions, shall not exceed 65 feet as measured from the grade at the base of the billboard.
  - [7] The maximum billboard sign area facing any one direction shall be 672 square feet. Copy extensions beyond the basic sign are permitted, provided that they do not exceed 10% of the basic billboard sign area. Back-to-back signs are permitted.
  - [8] Lighting of any billboard shall be designated to avoid glare and spillover and to confine the illumination primarily to the sign face.
  - [9] The sign copy and sign face may not imitate or resemble any official traffic sign, signal or devise or include or utilize flashing, intermittent or moving lights or moving parts.

- (f) Shopping centers in the B-1, B-2, MSR and MR Zones shall be governed by these additional regulations:
  - [1] A shopping center may have one freestanding, lighted sign identifying the shopping center, along each road which the tract in question abuts.
  - [2] Each individual use may also have a facade sign, but may not have a freestanding sign. However, where uses share a common walkway, each use served by the walkway may have one additional principal sign identifying the use, suspended in perpendicular fashion from the roof over the walkway.
  - [3] There shall be a consistent design theme among signs in a shopping center.

**§ 350-26. Off-street parking requirements.**

**A. General Parking Requirements**

**1. General Provisions**

Off-street parking unloading, and service requirements of this section shall apply and govern all present and future zoning districts for permitted uses. Except as provided in this section, no application for a building permit shall be approved unless there is included with the plan for such building, improvement or use, a site plan showing the required space reserved for off-street parking, unloading and service purposes. An occupancy permit shall not be issued unless the required off-street parking, unloading and service facilities have been provided in accordance with those shown on the approved plan, except that due to weather conditions paving is not possible, a permit may be issued provided that a statement is attached to the permit specifying a specific period in which improvements shall be made. Such period of time is not to exceed 120 days. If improvements are not completed within the prescribed period of time, the permit is automatically revoked.

- (a) General Location. In all nonresidential zones, off-street parking space may be located in the front, side and rear yards; provided, however, that no parking area shall be located nearer than five (5) feet to any property line or twenty (20) feet from any pavement line.
- (b) Connection to a Public Right-of-Way. Each off-street parking, loading or service area shall be connected to a public street right-of-way by means of a driveway, and each parking space shall connect to an aisle providing access thereto.
- (c) Location of Driveways. At the intersection of streets, no driveway shall be located closer than twenty five (25) feet to the intersection of the two curb lines, or within five (5) feet of any property line.
- (d) Separation from Walkways and Streets. All off-street parking, loading and service areas shall be separated from walkways, sidewalks, streets, or alleys by appropriate protective devices.
- (e) Curbing. Curbing shall be constructed along all parking areas and shall be in accordance with Borough standards.
- (f) Means of Accommodating the Handicapped. Handicapped accessible or barrier free parking shall be provided in accordance with the requirements of the Americans with Disabilities Act.

- (g) **Parking Provided on the Same Lot as Main Building.** Off-street parking areas and appropriate access thereto shall be provided on the same lot as the main building to be served by such parking.
- (h) **Residential Driveway Dimensions:**
  - (1) One car driveway: Maximum width ten (10') feet.
  - (2) Two car driveway: Maximum width twenty (20') feet.
- (i) **Joint Parking Facilities.** The off-street parking and loading requirements for two or more neighboring uses, of the same or different types, may be satisfied by the allocation of the required number of spaces for each use in a common parking facility, provided that the number of off-street parking spaces is not less than the sum of individual requirements, and provided further that there be compliance with all other provisions of this chapter.
- (j) **Buffer Required When Adjoining Property is Residential**

Where off-street parking, loading or service areas are proposed to be located closer than fifty (50) feet to a lot in any residential zoning district or to any lot upon which there exists a dwelling as a permitted use under these regulations, except where a county highway coincides or is located between the lot line and the residential district, and where such parking, loading or service areas are not entirely screened visually from such lot by an intervening building or structure, there shall be provided along the lot line a continuous screen of either masonry hedging or similar materials or combinations thereof at least four (4) feet, but not more than six (6) feet, in height, so that lights of vehicles operating within such area will not shine upon neighboring residential properties. No such screen shall extend nearer to a street right-of-way line than the building line of the adjoining residential lot.
- (k) **Use of off-street parking spaces for repair of vehicles**

No off-street parking or loading area shall be used for the sale, repair, dismantling, servicing or storage of any vehicle, equipment, materials or supplies, except that no more than one (1) vehicle which is being repaired or reconstructed may be stored on a lot in any residential zone, provided that said vehicle is registered in the name of a legal occupant of the premises where it is stored.
- (l) **Waiver of parking requirements.**

If any applicant can clearly demonstrate to the appropriate Board that, because of the nature of his operation or use, the parking requirements of this section are unnecessary or excessive, the Board shall have the power to waive the construction of up to 50% of the required number of spaces, provided that an area sufficient in size to accommodate the waived parking is reserved and delineated on the site plan as potential parking.

**B. Minimum off-street parking requirements for particular uses are as follows:**

<b>Uses</b>	<b>Required Number of Parking Spaces</b>
Automotive service stations, repair garages and body shops	3 for each bay, plus 1 for each fueling position, plus one for each employee
Banks and savings institutions	1 for each 100 square feet of floor area exclusive of service areas or 10 for each teller window, whichever is greater

Houses of Worship	At least 1 for each 4 seats or 1 for each 100 inches of seating space when benches rather than seats are used
Clubs, lodges, fraternal or service organizations/institutions	1 for every 200 square feet of floor area
Grocery stores, food markets and supermarkets	1 per 100 square feet of gross floor area
Delicatessens and bakeries	1 per 250 square feet of gross floor area, plus 1 per employee
Barbershops and beauty shops	3 for each beautician and barber or 1 for each 150 square feet of gross floor area and 1 per employee, whichever is greater
Other retail commercial or personal service uses not specifically listed elsewhere in this section	1 for each 150 square feet of floor area where the floor area does not exceed 2,000 square feet; 1 for each 175 square feet of floor area where the floor area shall exceed 2,000 square feet
Places of public assembly or theatres.	1 for each 2 seats, except where a specific amount of seating is undetermined, then 1 shall be required for each 75 square feet of assemblage area
Educational and training schools (nonprofit or commercial)	1 for each employee, plus 1 for each seat or 1 for each 150 square feet of classroom and laboratories used for instructional purposes, whichever is greater.
Funeral homes and mortuaries	1 for each 4 seats in the chapel, plus 1 for each funeral vehicle, plus those spaces associated with residential use of the structure if such use exists
Home professional offices (exclusive of a dentist or physician)	A minimum of 4 in addition to those required for the residential use, plus additional facilities as required by the Planning Board on a case-by-case basis
Laboratory and research uses	1 for each 300 square feet of gross floor area
Manufacturing uses	1 for each employee on the maximum shift or 1 for each 500 square feet of gross floor area, whichever is greater
Medical or dental clinics or offices, including home professional offices	5 for each doctor or dentist plus 1 for each 250 square feet of gross floor area
Motels, hotels, motor lodges and rooming houses	1 for each room and, in addition, compliance with the requirements for each particular additional use located on the property, such as restaurants, eating and drinking establishments, retail stores, etc.
Nursing homes	1 for each 3 beds, plus 1 for each full-time employee
General Offices	1 for every 200 square feet of floor area
Restaurants, eating and drinking establishments and catering halls	1 for each 2.5 seats provided for patron use or 1 space for each 75 square feet of retail space exclusive of utility rooms, whichever is greater
Shopping centers with greater than 5,000 SF of retail area	6 for each 1,000 square feet of floor area or fraction thereof

Theaters	1 for each 3 seats
Wholesale establishments, warehouses, furniture stores	1 for each 500 square feet of floor area

- C. Minimum required number of loading/unloading berths. One loading berth shall be provided for any non-residential use greater than 2,500 SF. Spaces smaller than 2,500 SF shall be exempt from providing a loading space. Facilities greater than 10,000 SF shall provide 1 space per 10,000 SF.
- D. Minimum design standards.
- (1) Size of required parking spaces.
    - (a) Standard parking spaces shall be 9' feet in width and 18' in length.
    - (b) Parallel curb parking spaces shall measure eight feet in width and 22 feet in length.
    - (c) All angled off-street parking spaces shall measure not less than 19 feet in length by nine feet in width; width shall be measured perpendicular to side stall markings.
  - (2) Required size of loading/unloading berths. A loading berth shall have a minimum width of 12 feet and a minimum fifteen-foot overhead clearance. The length of the loading berth shall be such that the horizontal distance from the front of a dock for back-in parking to the limiting boundary of the loading and unloading area shall be not less than twice the overall length of the longest vehicle expected to use the facility, but not less than 40 feet in any case.
  - (3) General location. In all non-residential zones no parking or loading area shall be located nearer than five feet to any property line.
  - (4) Requirements for combined uses. The number of off-street parking spaces or loading berths required by land or buildings used for two or more purposes shall be the sum of the requirements for the various individual uses.
  - (5) Parking provided on the same lot as main building. Off-street parking areas and appropriate access thereto shall be provided on the same lot as the main building to be served by such parking, except that the off-street parking requirements for two or more nonresidential neighboring uses may be satisfied by the allocation of the required number of spaces for each use in a common parking facility, provided that the number of off-street parking spaces is not less than the sum of individual requirements, and provided that an easement is provided for such common usage and access.
  - (6) Connection to a public right-of-way. Each off-street parking, loading or service area shall be connected to a public street right-of-way by means of a driveway, and each parking space shall connect to an aisle providing access thereto.
  - (7) Size of non-residential driveways. All interior driveways, exclusive of curb-return radii, shall have the following widths: 12 feet for one-way traffic; 18 feet for two-way traffic with no parking; and 24 feet for all others.
  - (8) Location of curb cuts. At street intersections, curb cuts shall be set back not less than 20 feet from the intersection of the two curblines, or such lines extended, and shall be set back not less than five feet from the intersection of two property lines, or such lines extended. Between the curb returns for any two driveways serving the same property, there shall be at least 25 feet of curb, except that this distance may be reduced to as little as five feet where it is demonstrated that restricted frontage makes this necessary in order to provide adequate driveways [not more than two] for the property.

- (9) Size of aisles. The width of all aisles providing direct access to individual parking stalls shall be in accordance with the requirements set forth below. Only one-way traffic shall be permitted in aisles serving parking spaces placed at an angle other than 90°.

<b>Parking (degrees)</b>	<b>Angle Aisle Width (feet)</b>
0 (parallel parking)	12
30	12
45	14
60	18
90 (perpendicular parking)	24

- (10) Surfacing details. All off-street parking areas and loading/unloading areas shall be surfaced with bituminous concrete pavement in the following thicknesses:
- (a) Individual residential driveways shall be paved with 1 1/2 inches FABC-1 over four inches of quarry process stone and bearing on a suitable subgrade.
  - (b) Light traffic areas and car parking stalls shall be paved with 1 1/2 inches FABC-1 over three inches bituminous stabilized base course bearing on a suitable compacted subgrade approved by the Borough Engineer.
  - (c) Moderate traffic areas for single unit trucks shall be paved with two inches FABC-1 over four inches bituminous stabilized base course bearing on a compaction subgrade approved by the Borough Engineer.
  - (d) Heavy industrial traffic areas used by large truck units shall be paved with two inches FABC-1 over five inches bituminous stabilized base course bearing on a suitable compacted subgrade approved by the Borough Engineer.
- (11) Grading, drainage and maintenance. Off-street parking areas shall be suitably graded and drained with a minimum grade of 0.5% and a maximum grade of 6%. All such areas shall at all times be maintained at the expense of the owners thereof.
- (12) Curbing shall be constructed along all parking areas and shall be in accordance with Borough standards.
- (13) Means of accommodating the handicapped shall be required in all off-street parking areas.
- (14) Lighting for night use. Adequate lighting shall be provided if the off-street parking facilities are used at night. Lighting should provide a minimum of (2) two footcandles at intersections and a total average illumination of one (1) footcandle throughout the parking area. Such lighting shall be arranged and installed so as not to create a hazard or nuisance to adjoining properties or the traveling public due to reflection or glare.
- (15) Pavement markings and signs. Each off-street parking space shall be clearly marked by painted lines, being a minimum of two inches wide, and pavement directional arrows or signs shall be provided wherever necessary.
- (16) Buffer required when adjoining property is residential. Where off-street parking, loading or service areas are proposed to be located closer than 50 feet to a lot in any residential zoning district or to any lot upon which there exists a dwelling as a permitted use under these regulations, except where a county highway coincides or is located between the lot line and the residential district, and where such parking, loading or service areas are not entirely screened

visually from such lot by an intervening building or structure, there shall be provided along the lot line a minimum five-foot continuous screen of either masonry wall, solid woven fencing, evergreen hedging or similar materials or combinations thereof at least four feet, but not more than six feet, in height, so that lights of vehicles operating within such area will not shine upon neighboring residential properties. No such screen shall extend nearer to a street right-of-way line than the building line of the adjoining residential lot.

- (17) Reserved.
- (18) Parking of the following vehicles and equipment shall not be permitted on any street or highway within the Borough of South River:
  - (1) All construction equipment.
  - (2) Trucks and trailers, loaded or unloaded, buses and other commercial vehicles with linear measurements greater than any one (1) of the following: twenty (20) feet in length or seven (7) feet in width, excluding rearview mirrors, or eight feet in height, excluding radio antenna, and all cabs or tractors capable of pulling a trailer and commercial low trucks. The foregoing shall not be applicable to vehicles in the course of making deliveries or rendering necessary services requested by an adjacent resident or vehicles utilized for maintenance or repair of public utilities or other construction within the public right-of-way. Trailers intended or used for dwelling space, offices, storage or any other residential, commercial or industrial purposes are also prohibited, except that nothing herein contained is intended to prohibit the use of trailers for transportation or as construction offices or for storage of materials and supplies on a job site during the period of construction.
  - (3) Trailers, boat trailers, camp cars, campers or equivalent vehicles, whether self-propelled or otherwise, used or intended for use as a conveyance upon public streets or highways and whether or not designed, constructed or reconstructed or added to by means of accessories, sheds or tents in such manner as to permit the occupancy thereof as a dwelling or sleeping place for one (1) or more persons or having no foundation other than wheels, jacks or skirtings so arranged as to be integral with or portable by said trailer, boat trailer, camp car, camper or equivalent vehicle, for a period in excess of twelve (12) hours. Nothing contained herein is intended to prohibit the parking of vehicles commonly known as pick-up trucks with or without caps.

**§ 350-27. Landscaping and Buffering.**

- A. Purpose. The intention of these requirements is to enhance the aesthetic and environmental appeal and character of buildings and sites being developed within the municipality by ensuring the compatibility of uses, thereby maintaining the health, safety and general welfare of the community while preserving property values.
- B. General regulations for all zones.
  - (1) Landscaped areas. All areas in a development not used for construction of buildings, roads, access ways, parking or sidewalks shall be fully landscaped in accordance with these regulations.
  - (2) Site considerations. Natural site features, such as existing trees, streams, rock outcroppings, etc., shall be preserved wherever possible. Whenever such natural features are absent or insufficient or have been destroyed during the development of the site, additional new plantings of a sufficient size as determined by the municipal agency shall be established to provide environmental protection to beautify the buildings and grounds and to provide privacy, shade and the screening out of objectionable features created on the site.
  - (3) Design. Landscape plans shall be required, except for existing single and two-family homes, where no plan is required. A foundation planting on three sides of the dwelling shall be required for all new construction.
  - (4) Labeling. All landscape plans shall have a schedule of the Latin and common name, the quantity, the size, spacing and method of planting of each plant material.
- C. Buffer regulations for non-single-family zones.
  - (1) A minimum landscaped area of five feet in width shall be provided along all property lines, unless otherwise restricted.
  - (2) All buffers and landscaped areas shall be protected from adjacent parking areas by curbs, or concrete, metal or wood bumpers at least six inches in height and securely anchored into the ground.
  - (3) Retaining walls shall not be permitted within buffer areas unless approved as part of the site plan approval.
  - (4) In all zones where non-single-family zone lines abut a R-75 or R-100 single-family residential zone or use, a buffer shall be established in the above non-single-family zone as follows:

**Buffer Zone (feet)**

B-1	10
B-2	10
O-P	10
E-I	10
L-I	25
MSR	10
WR	25
CEM	25
PR	25

- (5) In all zones where a multifamily use abuts an existing commercial zone or use, a twenty-five-foot buffer must be established and maintained by the multifamily developer, unless such buffer is already established along the common boundary of that zone or use.
- (6) In all zones where a commercial zone line abuts a multifamily residential use, a twenty-five-foot buffer must be established and maintained unless such buffer is already established and maintained along the common boundary of that use.

- (7) In all zones where a multifamily use abuts an office or industrial zone or use, a fifteen-foot buffer shall be established and maintained unless a greater buffer is already established and maintained along the common boundary of that zone or use.

D. Landscape coverage:

- (1) Minimum landscape coverage limits for structures shall be as follows:

- (a) R-100 & R-75 Zones: 50%.
- (b) O-P Zones: 20%.
- (c) B Zones: 20%.
- (d) MSR Zone: 0%.
- (e) WR Zone: 30%.
- (f) L-I Zone: 30%.
- (g) CEM & PR Zone: 80%.
- (h) E-I Zone: 50%

E. Street and Parking Lot Shade Trees.

- (1) In addition to the trees required to be replaced by this chapter, Street trees shall be required for all streets and there shall be planted one (1) shade tree for every fifty (50) feet of frontage on proposed right-of-way. All street trees and on-site deciduous shade trees shall not be less than 2 ½ inches in diameter, measured one foot above the root crown and planted in accordance with the Tree Removal and Woodlands Management Ordinance.
- (2) The types and locations of shade trees to be planted shall be shown in the plans submitted to the approving Board in conjunction with the application for development.

F. Parking Lot Landscaping.

- (1) For parking lots with 10 spaces or more, parking lot landscaping shall be provided and consist of:
  - A. A solid row of minimum 36” high evergreen shrub species surrounding all exposed sides of the parking lot.
  - B. Shade trees, provided on 50’ centers around the perimeter of the parking lot, planted in accordance with the specifications above and the Tree removal and Woodlands Management Ordinance.
  - C. Interior parking lot shade trees, planted within landscape islands and providing one (1) shade tree per ten (10) spaces.

G. Tree Removal and Woodlands Management.

- (1) All applications for development shall be subject to compliance with the Tree Removal and Woodlands Management Ordinance. This ordinance shall be in effect when an application has been made for Site Plan or Subdivision approval.
- (2) The following tree replacement formula shall apply:
  - A. For trees with a D.B.H. equal to or greater than four (4) inches and less than sixteen (16) inches, replacement shall be based upon the total number of caliper inches removed. Tree replacement for said trees shall be 1” caliper replacement for every 1” caliper removed.
  - B. For trees with a D.B.H. equal to or greater than sixteen (16) inches, the removed tree shall be replaced based upon the following schedule:

Existing Tree	Number of Replacement Trees
18” or less:	3 replacement trees
21” or less:	4 replacement trees
24” or less:	5 replacement trees
27” or less:	6 replacement trees

29" or less:	7 replacement trees
31" or less:	8 replacement trees
33" or less:	9 replacement trees
35" or less:	10 replacement trees
37" or less:	11 replacement trees
39" or less:	12 replacement trees

- (3) The species or type of replacement tree and the mix of replacement tree types (deciduous, coniferous) shall be selected from the species removed from the tract under consideration or from the recommended tree species list. Deciduous trees shall be a minimum of 2.5" caliper D.B.H. at the time of planting. Evergreen trees shall be a minimum of 6'-8' high at the time of planting. If Arborvitae species are proposed, minimum tree height shall be 10' at the time of planting.
- (4) On parcels to be developed where less than ten (10%) percent of the site is wooded area, in addition to any trees that must be replaced or provided under this chapter, there shall be required the addition of one (1) tree for every one thousand (1,000) square feet of new or reconstructed impervious coverage. Trees incorporated in a landscaping plan or required for rights-of-way may not be credited toward this requirement.
- (5) The applicant may provide replacement trees on site, or via a voluntary contribution to the Borough of South River Tree Replacement Fund at a rate of \$150.00 per tree.

H. Utility equipment, dumpster, collection bin screening and landscaping.

- (1) Ground level utilities, HVAC equipment, transformers, dumpster enclosures, donation bin enclosures and similar utilitarian compounds shall be screened with a minimum 6' high solid fence and shall be surrounded with a 5' deep landscape buffer area. Such area shall be heavily planted with a mix of all season screening plantings, minimum 4' high.

**§ 350-28. Wireless Communications**

A. Purpose. It is the purpose of this section to provide zoning conditions, standards and limitations for the location, approval and operation of wireless communication facilities within the Borough that recognize the need to safeguard the public good, health, safety and welfare and preserve the intent and the purposes of the South River Master Plan.

B. Definitions. See Definitions Chapter of this ordinance.

C. Statement of findings.

- (1) The Borough recognizes that the federal government, through the FTA and FCC, regulates wireless communications and issues licenses for wireless communications, and that the FCC requires the license holders to provide coverage within the areas so licensed.
- (2) The FTA expressly preserves the zoning authority of the Borough to regulate the placement, construction and modification of personal wireless service facilities subject to the provisions noted at Section 332(c)(7)(B) of the Federal Telecommunications Act of 1996..
- (3) The FTA does not abrogate local zoning authority in favor of the commercial desire to offer optimal service to all current and potential customers, and the providers of the personal wireless services must bear the burden of proving that any proposed service facility is the least intrusive means of filling a significant gap in wireless communication services in the area.
- (4) It is in the public interest to minimize the number of wireless communications towers within the Borough and to preserve the nature and character of the local community.
- (5) It is in the public interest that, to the extent possible, any new facilities for wireless communications be placed on existing towers without the construction of new towers.
- (6) It is in the public interest that wireless communications carriers co-locate their facilities with each other.
- (7) The overall objective of this section is to allow the provision of wireless communication services while, at the same time, limiting the number of antennas and supporting towers to the fewest possible and only in those locations which do not negatively impact the prevailing character of the Borough and the quality of life enjoyed by the residents.

D. Specific goals:

- (1) To minimize the total number of wireless communication towers within the Borough;
- (2) To limit the impact of wireless communication antennas, towers and related facilities upon the residences and the streetscapes throughout the Borough;
- (3) To safeguard the prevailing and visual landscapes, character and development throughout the Borough, with particular emphasis on maintaining the prevailing character of the residential zoning districts and neighborhood areas;
- (4) To discourage the construction of new towers;
- (5) To encourage the location of antennas upon or within existing structures, including existing towers, buildings and tanks;
- (6) To encourage the co-location of antennas and facilities on the fewest number of existing structures within the Borough;
- (7) To encourage the communication carriers to configure their facilities in a manner that minimizes and mitigates any adverse impacts upon affected properties, streetscapes and viewsheds through careful design, landscape screening and innovative camouflaging techniques;
- (8) To encourage the use of alternative technologies which do not require the use of towers or require towers at relatively lesser heights;
- (9) To enhance the ability of wireless communications carriers who adhere to the letter and intent of the provisions of this section to provide such services quickly, effectively and efficiently;

- (10) To comply with the mandate of the FTA, 47 U.S.C. Section 332(c)(7), which preserves local government authority to enforce zoning requirements that protect public safety, public and private property and community aesthetics; and
  - (11) To ensure that the location and positioning of towers protects the public from damage or injury and protects the public health, safety and welfare from adverse impacts related to the construction and operation of towers and other wireless communications facilities.
- E. Exemptions of amateur radio services. This section shall not apply to any tower or the installation of any antenna that is under 70 feet high and is owned and operated only by a federally licensed amateur radio station operator or is used exclusively to receive transmissions or any municipal, state, federal emergency service agency operating a communications tower for the sole purpose of emergency communications.
- F. Location of wireless communications antennas. Wireless communication antennas may be located only as set forth in the two prioritized locations below, based on the policy recommendations of the *Wireless Communications Facilities Plan* found in the South River Master Plan:
- (1) Priority locations: The first priority locations for wireless communication antennas shall be on the existing towers and tanks within the Borough. Antennas so located shall be permitted uses and require site plan approval. No height variance shall be required.
  - (2) Non-priority locations: All proposed wireless communication facilities not located at a priority location shall be considered as a non-priority location. Antennas so located are not a permitted use and will require use variance approval as well as site plan approval.
- G. Requirements for priority locations.
- (1) Notwithstanding any provision of the Land Development Ordinance provisions of the Borough to the contrary, location and height of antenna(s) on or within any of the existing structures within the Borough and any accessory shelters enclosing the related electronic equipment shall be considered permitted uses in the subject zoning district and, therefore, shall require site plan approval in accordance with N.J.S.A. 40:55D-67 of the Municipal Land Use Law.
  - (2) The location and height of the antenna(s) on or within any of the existing structures within the Borough and any accessory shelter(s) enclosing the related electronic equipment shall require site plan approval.
  - (3) The height of any proposed antenna extending above any existing structure shall not exceed 10 feet and all antennas shall be flush-mounted, panel or dish antennas totaling no more than twelve (12) in number per carrier.
  - (4) The total number of antennas per tower, inclusive of all carriers shall not exceed sixty (60) antennas.
  - (5) Any and all facilities constructed shall maximize the use of materials, colors and textures designed to blend with the structure to which it may be affixed and to blend with, to the extent practicable, the surrounding buildings and area.
- H. Requirements for non-priority locations:
- (1) The following information shall be submitted for site plan approval and, in order to be deemed complete, the following documentation shall be included:
    - (a) An overall comprehensive plan in accordance with Subsection I below;
    - (b) An indication of conformance with the conditions set forth in Subsections J, K and L, below;
    - (c) Crane or balloon test. During the public hearing process, the applicant shall schedule the time for a crane or balloon test in order to provide the members of the Planning Board or Zoning Board of Adjustment, as the case may be, and the general public the opportunity to view a crane or balloon at the location and height of the proposed tower. Thereafter, a visual sight distance analysis shall be prepared by the applicant and presented to the Board, including

photographic reproductions of the crane or balloon test graphically simulating the appearance of the proposed tower with at least three antenna arrays attached thereto and from at least 10 locations around and within one mile of any proposed tower where the tower will be most visible.

I. Overall comprehensive plan required for non-priority locations:

- (1) In order to effectuate the purposes, objectives and goals of the provisions of this section, any applicant for approval to erect a new supporting tower for wireless communication antennas shall provide threshold evidence that the proposed location of the tower and antennas have been planned to result in the fewest number of towers within the Borough at the time full service is provided by the applicant.
- (2) The applicant shall provide an overall comprehensive plan indicating how it intends to provide full service within and around the Borough and, to the greatest extent possible, shall indicate how its plan specifically relates to and is coordinated with the needs of all other providers of wireless communication services within and around the Borough.
- (3) The overall comprehensive plan shall indicate the following, and this information shall be provided at the time of the initial submission of the application:
  - (a) The mapped location and written description of all existing and approved supporting towers for all providers of wireless communication services within one mile of the subject site, both within and outside the Borough;
  - (b) The mapped location and written description of all existing or approved water towers or water standpipes and existing power-line stanchions within one mile of the subject site both within and outside the Borough;
  - (c) Why proposed existing antennas could not be located on any of the structures either within or outside the Borough;
  - (d) How the proposed location of the proposed antennas specifically relates to the anticipated need for additional antennas and supporting structures within and near the Borough by the applicant and by other providers of wireless communication services within the Borough, including the number of additional wireless communications carriers that would be permitted to co-locate on the proposed facilities;
  - (e) How the proposed location of the proposed antennas specifically relates to the objective of co-locating the antennas of many different providers of wireless communication services on a single supporting structure; and
  - (f) How the proposed location of the proposed antennas specifically relates to the overall objective of providing adequate communication services within the Borough while, at the same time, limiting the number of towers to the fewest possible, including alternate technologies which do not require the use of towers or require towers at a lesser height.

J. Area and setback requirements for non-priority locations:

- (1) The proposed tower, antennas and ancillary-related electronic equipment shall be located on a land area of no less than 15,000 square feet;
- (2) The minimum required land area shall either be a separate undeveloped lot or a leased portion of an existing undeveloped or developed lot;
- (4) The proposed tower, antennas and related equipment, any approved building housing the electronic equipment and any approved camouflaging of the tower shall be the only land uses located on the subject land area, whether said land area is a separate lot or a leased portion of a lot; and
- (5) Except for any access driveway into the property, required landscaping and any underground utility line reviewed and approved by the Planning Board or Zoning Board of Adjustment, as appropriate, no building, tower, other structure and/or disturbance of land shall be permitted within 200 feet of any street line and within 500 feet of any lot line of any adjacent property,

provided that, in any case, no building, tower, other structure and/or land disturbance shall be located within 750 feet of any historic residential or school site as duly designated by the Borough, the State of New Jersey and/or by the federal government.

K. Design requirements for non-priority locations:

- (1) All towers shall be a monopole design.
- (2) All towers shall be camouflaged (e.g., housed in a silo, bell tower, etc., or made to look like a tree or non-oversized flagpole) as may be appropriate in the context of the visibility of the tower from different vantage points throughout the Borough and the existing land uses and vegetation in the vicinity of the subject site.
- (3) The height of any proposed new tower and the antennas attached thereto shall not exceed 125 feet from the existing ground level beneath the tower.
- (4) No signage is permitted except for such information signs deemed necessary for safety purposes by the Board.
- (6) Minimal off-street parking shall be permitted as needed and as specifically approved by the Board.
- (7) No lighting is permitted on a tower, except lighting that is specifically required by the FCC and FAA, and any such required lighting shall be focused and shielded to the greatest extent possible so as not to project towards adjacent and nearby properties. The applicant shall provide the Board all applicable FCC and FAA standards regarding lighting that apply to a proposed tower, including, but not limited to, the lighting color, elevation of lighting and whether the lighting is to be continuous or strobe lighting.
- (8) Individual shelters for the required electronic equipment related to the wireless communications antenna(s) shall be permitted in accordance with the following design criteria:
  - (a) Any proposed shelter enclosing required electronic equipment shall not be more than 15 feet in height nor more than 250 square feet in area, and only one such shelter shall be permitted for each provider of wireless communication services located on the site;
  - (b) No electronic equipment shall interfere with any public safety communications;
  - (c) All of the electronic equipment shall be automated so that the need for on-site maintenance and the commensurate need for vehicular trips to and from the site will be minimized;
  - (d) All of the required electronic equipment for all anticipated communication carriers to be located on the subject site shall be housed within a building of 1 1/2 stories, which building shall not exceed 1,000 gross square feet in area and 15 feet in height and which shall be designated with a single-ridge, pitched roof with a residential or barn-like appearance; and
  - (e) The building may have one light at the entrance to the building, provided that the light is attached to the building, is focused downward and is switched so that the light is turned on only when workers are at the building.
- (9) Between the location of the tower and the building enclosing related electronic equipment and any public street or residential dwelling unit or residential zoning district within view of the tower and the building, landscaping shall be provided in accordance with the following:
  - (a) The landscaping shall consist of a combination of existing and/or newly planted evergreen and deciduous trees and shrubs of sufficient density to screen the view of the tower, particularly as its base, to the maximum extent reasonably possible and to enhance the appearance of the building from the surrounding residential properties and any public street;
  - (b) The landscaping plan shall be prepared by a licensed landscape architect who shall present testimony to the Board regarding the adequacy of the plan to screen the tower from view and to enhance the appearance of the building; and
  - (c) Any newly planted evergreen trees shall be at least eight feet high at time of planting and any newly planted deciduous trees shall be a minimum caliper of three inches at the time of planting.

- L. Additional conditions for non-priority locations:
- (1) Documentation by a qualified expert that any proposed tower will have sufficient structural integrity to support the proposed antennas and the anticipated future co-located antennas and that the structural standards developed for antennas by the Electronic Industries Association (EIA) and/or the Telecommunications Industry Association (TIA) have been met;
  - (2) Co-location. A statement by the applicant that the owner of the tower and the operator of the wireless communications facilities, and his or her successors in interest, shall negotiate on good faith for the shared use of the proposed tower by other wireless communications service-providers in the future and shall reasonably respond to requests for information regarding potential co-location by other wireless communications carriers and shall permit such co-location upon reasonable terms and conditions; and
  - (3) The applicant (and the landowner in the instance of a leased property) shall provide a performance bond and/or other assurance satisfactory to the Planning Board or Zoning Board of Adjustment, as the case may be, in a form approved by the Borough Attorney, that will cause the antennas, any supporting tower, the electric equipment cabinets, any building enclosing the electronic equipment shelters, and all of the other related improvements to the land to be removed, at no cost to the Borough, when the antennas are no longer operative. Any wireless communication facility not used for its intended and approved purpose for a period of six months shall be considered no longer operative and shall be removed by the responsible party within 60 days thereof.
- M. Locational preferences for new towers. The following are not conditions, standards and limitations for the location of wireless communication towers, but represent the preferences of the Borough:
- (1) To the greatest extent possible, no tower shall be located to be visible from any historic site as duly designated by the Borough, the State of New Jersey and/or by the federal government.
  - (2) To the greatest extent possible, no tower shall be located to be visible from any public street.
  - (3) To the greatest extent possible, any tower shall be located behind existing buildings and/or natural topographical elevations in order to screen the tower from view from adjacent properties and from any street right-of-way.
- N. All other applicable requirements of this section not contrary to the conditions, standards and limitations specified herein shall be met, but waivers and/or variances of such other applicable requirements may be granted by the Planning Board or Zoning Board of Adjustment, as the case may be.

**§ 350-29. Solar or photovoltaic energy facilities.**

- A. Purpose. It is the purpose of this section to provide zoning conditions, standards and limitations for the location, approval and operation of solar panels, arrays, rooftop facilities and array facilities within the Borough that recognize the need to safeguard the public good, health, safety and welfare and preserve the intent and the purposes of the South River Master Plan.
- B. Definitions. See Definitions Chapter of this ordinance.
- C. Statement of findings.
  - (1) Solar energy production is a use which is universally considered of value to the community because it fundamentally serves the public good and promotes the general welfare.
  - (2) The Borough recognizes that production of renewable sources of energy serve as an important part of the green economy.
  - (3) It is in the public interest that solar energy production facilities will locate or co-locate their facilities on existing developed areas.
  - (4) It is in the public interest that, to the extent possible, any new facilities for solar production be located on existing rooftops and open areas.
  - (5) It is in the public interest to minimize the visual impact of solar energy production facilities in the Borough and to preserve the nature and character of the local community.
- D. Panel Regulations.
  - (1) Pursuant to §40:55D-66.11 of the Municipal Land Use Law, such renewable energy facilities on a parcel or parcels of land comprising 20 or more contiguous acres that are owned by the same person or entity shall be a permitted principal use within every industrial district in the Borough.
  - (2) All solar panels themselves shall be exempt from zoning limitations on *impervious cover*, however, the base or foundation of a solar panel may still be regulated as impervious cover.
  - (3) Solar or photovoltaic energy facilities or structures in all zoning districts of the Borough shall be considered inherently beneficial uses as defined by the Municipal Land Use Law.
  - (4) When installed at a location with an existing principal use, solar facilities shall be considered as an accessory use and shall be a permitted accessory use in all non-residential zones of the Borough. Such solar facilities shall be maintained as an accessory
- E. Site Plan Requirement.
  - (1.) Solar panels proposed on single and two-family residential dwellings shall be exempt from site plan review, however no such solar panel shall be erected without the approval the construction official.
  - (2.) Proposed solar panels on all other rooftops, ground arrays, car-ports or similar facilities shall require site plan approval in accordance with N.J.S.A. 40:55D-67 of the Municipal Land Use Law.
- F. Bulk Requirements.
  - (1) Notwithstanding any provision of the Land Development Ordinance provisions of the Borough to the contrary, the following location and height restrictions on shall apply to all panels and equipment:
    - A. The height of any roof-mounted panels shall be no greater than three (3) feet above the highest point of the roof.
    - B. The height of any ground mounted antenna shall not exceed five (5) feet in height to the top of the panel when the panels are positioned at their maximum angle.

- C. The height of any carport structure shall not exceed twelve (12') feet in height to the top of the structure.
- D. No panel or equipment structure shall be located in any required front, side or rear yard setback area.

G. Screening Requirements

- (1) To the greatest extent possible all solar panels and ground mounted equipment or utility cabinets shall be fully screened from the public right of way with a combination of solid fencing and landscaping.

H. Maintenance Plan Requirement

- (1) Upon application to the appropriate board, the applicant shall submit a maintenance plan for any proposed solar facility, indicating the details of regular maintenance, operation, safety details and the lifespan of the facility.

## § 350-30. Performance standards and procedures.

### A. Performance Standards

- (1) General Intent. As a condition to an approval or the continuance of any building, process, installation, construction, production or other use in any zone, the applicant shall supply evidence, satisfactory to the Planning Board, that the proposed use will conform fully with all the applicable performance standards stated herein. As evidence of compliance, the Board may require certification of tests by appropriate government agencies or by recognized testing laboratories, with any cost thereof to be borne by the applicant. The Planning Board may require the specified types of equipment, machinery, or devices, be installed and that specific operating procedures or methods be followed, if government agencies or testing laboratories determine that the use requires such in order to assure compliance with applicable performance standards.
- (2) Standard Requirements
  - (a) Smoke Control
    - (1) No smoke shall be emitted from any chimney or other source as visible gray greater than No. 1 on the Ringlemann Smoke Chart as published by the U.S. Bureau of Mines.
    - (2) Smoke of a shade not darker than No. 1 on the Ringlemann Smoke Chart may be emitted for not more than four (4) minutes in any thirty (30) minutes.
    - (3) These provisions, applicable to visible gray smoke, shall also apply to visible smoke of a different color but with an equivalent apparent opacity.
  - (b) Control of Dust and Dirt, Fly Ash, Fumes, Vapors and Gases\
    - a. No emission shall be made which can cause any danger to health, to animals or vegetation or other forms of property or which can cause excessive soiling at any point.
    - b. No emission of liquid or solid particles from any chimney or device shall exceed 0.3 grains per cubic foot of the covering gas at any point.
    - c. For measurement of the amount of particles in gases resulting from combustion, standards correction shall be applied to a stack temperature of five hundred (500) percent excess air.
  - (c) Control of Odors. There shall be no emission of odorous matter in such quantities as to be offensive. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained. As a guide in determining offensive odors, Table II (Odor Thresholds) in Chapter 5, "Air Pollution Abatement Manual" copyrighted 1951 by Manufacturing Chemists Association, Inc., Washington, D.C. shall be used.
  - (d) 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.
  - (e) Heat. Sources of heat, including but not limited to steam, gases, vapors, products of combustion of chemical reaction, shall not discharge onto or directly contact structures, plant life or animal life on neighboring uses or impair the function or operation or device shall cause in increase in ambient temperature as measured on the boundary between neighboring uses.
  - (f) Radioactivity. No use, activity, operation or device concerned with the utilization or storage of radioactive materials shall be established, modified, constructed or used without having first obtained valid permits and certificates from the Office of Radiation Protection, New Jersey Department of Environmental Protection. Proof of compliance with this requirement shall be the submission of duplicate copies of said permits and certificates.

- (g) Glare. Any process producing intense glare or flashing of lights shall be performed within a completely enclosed building in such manner that no discomforting glare shall be disseminated beyond the building. Parking and loading and unloading areas that are in use after dark shall be so situated as to provide maximum shielding and concealment of lighting from adjoining properties. Lighting of any sign, building exterior, fountain or decorative fixture shall be placed in such a manner that is directed toward the object to be lighted and does not disseminate glare. This section shall not be construed to prohibit lighting required by police or other enforcement agencies for the safety and protection of employees and of the general public.
- (h) Noise and Vibration. All uses and activities shall comply with noise and vibration standards promulgated by the New Jersey Department of Environmental Protection. Further, no use shall cause an increased vibration beyond the limits of the property on which located nor increase the ambient noise levels present at boundaries of the site nor cause intermittent or point audible noise or noise vibration to adversely impact adjoining property.
  - (1) Standard. Ground transmitted vibrations shall be measured with a seismograph or complement of instruments capable of recording vibration displacement and frequency in the three (3) mutually perpendicular directions simultaneously.
  - (2) Vibration level restrictions. Vibration levels shall not exceed a particular velocity of five-hundredths (.05) inch per second in any district. During the hours of 9:00 p.m. to 7:00 a.m. in residential districts, vibration levels shall not exceed a particle velocity of two-hundredths (.02) inch per second. Measurements shall be made at the points of maximum vibration intensity and on or beyond adjacent lot lines or neighboring uses, whichever is more restrictive.
- (i) Airborne Emissions. In all districts, no use, activity, operation or device shall be established, modified, constructed or used without having first obtained valid permits and certificates from the Bureau of Air Pollution Control, New Jersey Department of Environmental Protection, pursuant to NJAC 7:27-8. Specifically, no use, activity, operation or device shall be established, modified or constructed without a valid permit to construct. No use, activity, operation or device shall be operated, occupied or used without a valid certificate to operate control apparatus or equipment. Proof of compliance with this requirement shall be the submission of duplicate copies of the permit to construct and certificate to operate.
- (j) Noise Emissions. The noise standards as adopted, amended and enforced by Middlesex County, which are adopted herein by reference and included in their entirety in this Ordinance.
- (k) Industrial Waste. No industrial waste shall be discharged into the public sewage collection and disposal system unless the appropriate officials of the Borough of South River shall have first investigated the character and volume of such waste and shall have certified that it will accept the discharge of the waste material into the system. The applicant shall comply with any requirements of the Borough, including the pretreating of such wastes, control of pH and other methods of improving such wastes prior to discharge, as a condition of acceptance by the Borough.
- (l) Outdoor Storage and Waste Disposal
  - (1) In all districts permitting an operation, use or any activity involving the manufacture, utilization or storage of flammable, combustible and/or explosive materials, such operation shall be conducted in accordance with the regulations promulgated by the Department of Labor and Industry of New Jersey or the Fire Code of the National Fire Protection Association, whichever is more restrictive.
  - (2) All flammable, explosive and/or combustible material shall be stored in accordance with the Uniform Fire Code of the State of New Jersey and U.C.C. of State of New Jersey, whichever is more restricted.

- (3) All outdoor storage facilities for fuel, raw materials and products stored outdoors, wherever permitted, shall be enclosed by a conforming safety fence and visual screen and shall conform to all yard requirements imposed upon the principal building in the district and storage regulations of the National Fire Protection Association.
- (4) No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse.
- (5) All material or wastes which may cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only in closed containers.
- (6) No flammable or explosive liquids, solids or gases shall be stored in bulk above ground; however, tanks or drums of fuel directly connecting with energy devices, heating devices, or appliances located on the same lot as tanks or drums of fuel are excluded from this provision.

(m) Fire Protection

- (1) Provision shall be made for fire hydrants along streets, together with standpipe and sprinkler connections on the outside walls of nonresidential structures as approved by the Municipal Fire Department and Municipal Engineer in accordance with Insurance Services Office standards.
- (2) Fire lanes eighteen (18) feet in width shall be required across the front and rear of all new residential, institutional, commercial and industrial uses with gross floor area in excess of ten thousand (10,000) square feet. Similar fire lanes are recommended for design along the sides of all new commercial and industrial uses. Parking shall be strictly prohibited in all fire lane areas.
- (3) Hydrant spacing shall not exceed four hundred (400) feet between any hydrants and any building when measured along the street right-of-way.

(n) Public Utilities. All public services shall be connected to approved public utilities systems where they exist.

- (1) The developer shall arrange with the servicing utility for all underground installation of the utility's 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.
- (2) The developer shall submit to the approving authority, 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 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 of such utilities, such replacement, relocation or extension of such utilities, such replacement, relocation or extension shall be underground.

- (3) Where natural foilage is not sufficient to provide year-round screening or 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.
- (4) Any installation under this section to be performed by a servicing utility shall be exempt from the requirement of performance guarantees, but shall be subject to inspection and certification by the Municipal Engineer, unless specifically and documentably exempt by operation of State Law.

(o) Public Utility Installations

- (1) Cellular communication towers. No cellular communication tower shall be located within a minimum distance of one thousand (1,000') feet of a residential structure, public park or school.
- (2) Exemptions. Notwithstanding the above, communication towers used for the following purposes are hereby specifically exempted in the requirements of this chapter:
  - (a) Citizen band operation;
  - (b) Amateur operation;
  - (c) Public safety, including but not limited to communications for the Federal, State, County or Municipal Government.

(p) Additional Standards and References. In order to satisfy itself that the applicant will comply fully with all of the applicable performance standards, the Planning Board or its designated representative may examine and refer to any or all of the available standards, codes, regulations and requirements of the federal, state, county or local government and recognized professional organizations, associated and societies.

(q) Testing Procedures and Technical Assistance. In all cases where the Planning Board shall deem that it is advisable to determine whether or not the facility will be in conformance with applicable performance standards, the Planning Board or its designated representatives shall require adequate testing procedures and shall utilize expert assistance at the expense of the applicant.

**§ 350-31. Plats, permits and certificates.**

A. Plats. No construction of any building, dwelling or structure shall be commenced before an application for a building permit under this chapter shall be made to the Construction Official. The application shall be accompanied by a plat or plan of the site, in duplicate, drawn to scale, showing the following: the dimensions of the lot to be built upon, the location of and accurate dimension of the proposed building and all existing structures of the site, the intended use of the proposed building and all existing structures, the number of stories in the building, the number of families the building is designed to accommodate, dimensions of yards, the established building lines within the block, proposed improvements to the lot, such as sidewalks and curbs, existing road and lot elevation, proposed finished floor elevation of the lowest floor, the proposed location of water and sewer services and such other information as may be required by the office of the Construction Official to provide for the enforcement of this chapter.

B. Permits.

- (1) No land shall be occupied or used and no building shall be hereafter erected, extended, moved or

altered until a building permit shall have been issued by the Construction Official. Applications for building permits shall be made to the office of the Construction Official.

- (2) It shall constitute a violation of this chapter for any person, firm or corporation, either owner or agent, to erect or move any building for which a building permit is required under the provisions of this section or to commence any excavation for any such building without first have obtained said building permit. Any such building permit issued upon a false statement of any fact which is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established to the satisfaction of said Construction Official, he shall forthwith revoke the permit by notice, in writing, to be delivered by him to the owner or if such holder not be found there, by posting said notice of revocation in some conspicuous place upon said premises. Any person who shall proceed thereafter with such work or use without having obtained a new permit in accordance with the provisions of this chapter shall be deemed guilty of a violation thereof.
- (3) Work shall be initiated and diligently pursued toward completion within a year from the date of issuance of any permit for the construction of any structure. Upon failure to do so, the permit shall become void one year after date of issuance.

C. Certificates of occupancy.

- (1) It shall be unlawful for an owner to use or permit the use of any building or premises or part thereof hereafter created, located, erected, changed, converted or enlarged wholly or partly until the Construction Official has issued a certificate of occupancy for that premises certifying that the structure or use complies with the provisions of this chapter. A new certificate of occupancy shall be required for any change in use.
- (2) A certificate of occupancy, either for the whole or part of a building, shall be applied for at the same time as the application for a building permit and shall be issued immediately after the erection or alteration of such building shall have been completed in conformity with the provisions of this chapter and in conformity with the provisions of all other applicable ordinances.
- (3) In case the Construction Official shall decline to issue a certificate of occupancy, his reasons for doing so shall be so stated on one copy of the application and that copy shall be returned to the applicant.
- (4) Upon written request from an owner or tenant, the Construction Official shall issue a certificate of occupancy for any building or use of land existing at the time of enactment of this chapter, certifying, after inspection, the extent and kind of use made of the building and whether such use conforms to the provisions of this chapter. Such a certificate shall be issued without charge within six months of the enactment of this chapter for any nonconforming use or building.
- (5) The Construction Official may issue a temporary certificate of occupancy for use of land or building which is related to the development of the property for its permitted use. Such permits may be issued for a six-month period, and no more than one six-month extension may be granted.

**§ 350-32. Fee schedule.**

Reserved. See the Fees Chapter of this ordinance.

**§ 350-33. Severability; amendability; repealer; effect on pending proceedings; when effective.**

**A. Repealer**

All sections of any other Ordinance of the Borough of South River which contain provisions contrary to the provisions of this chapter shall be and are hereby repealed to the extent of such inconsistency.

**B. Provisions Continued**

Pursuant to the provisions of N.J.S.A. 40:55D-90b, the substantive provisions of the existing Land Subdivision Ordinance, Zoning Ordinance and Site Plan Review Ordinance of the Borough of South River and the development regulations set forth therein are hereby specifically readopted as interim ordinances and shall continue in full force and effect until such time that the ordinance provisions contained herein shall take effect according to law.

**C. Severability**

If any section, subsection or paragraph of this Ordinance shall be declared to be unconstitutional, invalid, or inoperative in whole or in part by a court of competent jurisdiction, such section, subsection or paragraph shall to the extent that it is not unconstitutional, invalid or inoperative remain in full force and effect, and no such determination shall be deemed to invalidate the remaining sections, subsections or paragraph of this Ordinance. To this end, the provisions of each section, subsection, paragraph of this Ordinance are hereby declared to be severable.

**D. Filing of Development Regulations**

Immediately upon adoption of this ordinance, the Borough Clerk shall file a copy of this ordinance, including the official zoning map of the Borough, all other relevant development regulations relating to land use, and any amendments or revisions thereto with the County Planning Board as required by law.

Copies of all development regulations and revisions or amendments thereto shall be filed and maintained in the office of the Borough Clerk.

**E. Effective Date**

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

**§ 350-34. Enforcement; violations and penalties.**

**A. Administration and Enforcement**

**1. Enforcement Official**

The provisions of this chapter shall be administered and enforced by the Zoning Officer/Construction Official/Bureau of Code Enforcement (Official). That official may be provided with the assistance of such other persons as the governing body may direct.

(a) This chapter shall be enforced by the above officer, who is empowered to cause any building, structure, place or premises to be inspected and examined and to order the abatement or correction of any condition or threat found to exist therein in violation of any provisions of these regulations. The owner or agent of a building or premises where a violation of any provision of this chapter shall have been committed or shall exist, or the lessee or tenant of any part of the building or premises in which such a violation shall have been committed or shall exist, or the agent, architect, building contractor or any other person who shall commit, take part in or assist in any such violation or shall maintain any building or premises in which any violation of this chapter shall exist, shall be guilty of a violation of this chapter. Upon

- discovery of any violation, the compliance officer of the Bureau of Code Enforcement is empowered to issue a summons concerning such.
- (b) It shall be the duty of the Official or his duly authorized assistants to cause any building, plans or premises to be inspected or examined. If the Official finds that any of the provisions of this chapter are being violated.
  - (c) The Official shall order discontinuance of illegal use of land, buildings, or structure; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions, pursuant to applicable enabling statutes.
  - (d) The Official shall have the right to enter any building or premises during the daytime in the course of his duties and shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering in writing the remedying of any conditions found to exist in violation of any provision of this chapter, or in the alternative, order prosecution of any violation as provided for by this chapter. The stated violation shall then be corrected by action of the violating party, and a second inspection and approval shall be accomplished within thirty (30) days.
  - (e) Records. It shall be the duty of the Official to keep a record of all applications for zoning permits, a record of all permits issued, and a record of all building permits and certificates of occupancy, together with a notation of all special conditions involved and record all of complaints and actions taken. 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 the use of the governing body and of other officials of the Borough. The Official shall prepare a monthly report for the governing body summarizing for the period since his last previous report all zoning permits and certificates for the period since his last previous report all zoning permits and certificates issued by him. A copy of each such report shall be filed with the Tax Assessor at the time it is filed with the governing body.
  - (f) In no case shall a permit be granted for construction, alteration or use there of that would be in violation of any provision in this chapter.

## B. Compliance

### 1. Minimum Requirements

The provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals and general welfare. Whenever the requirements of this chapter area at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or that imposing the higher standards shall govern.

### 2. Compliance Required

- (a) All zoning requirements shall be met at the time of any erection, enlargement, moving or change in use. If a new structure is added to an existing complex of structures or if an existing structure has an addition, the site plan provisions of this chapter shall apply to the enlargement or new structure.
- (b) All developments resulting from subdivisions and site plan approvals shall comply with all design and performance standards, including conditions imposed by the approving authority, as shown on the approved plat and/or included in the resolution adopted by the approving Board.
- (c) Construction and use is to be as provided in applications, plans, permits and certificates of zoning compliance. Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the Official authorize only the use, arrangement and

construction set forth in such approval plans and applications and no other use, arrangement or construction. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this chapter.

- (d) When an applicant fails to comply or deviates significantly from any approved plans filed with the Approving Board, the Official shall have jurisdiction to review the aforementioned deviation. If the Official is of the determination that the deviation is minor and insignificant and provided the deviation does not change the intent of the approved use, plans and resolution, the Construction Official may approve the deviation. If the Official is of the determination that the deviation will result in a substantial change to the approved use, plans and resolution the applicant shall be required to submit plans showing all proposed revisions to the original Approving Board. The Official shall make and file a report with the Approving Board noting all deviations and reasons for the Official's decision.

### C. Permits and Approvals

#### 1. Conformity Required

No zoning permit, building permit or certificate of occupancy shall be issued for any parcel of land or structure which was sold on which improvements were undertaken in violation of the provisions of this chapter, or for the use of a lot which was created by subdivision after the affective date of, and not in conformity with, the provision of this chapter. No site improvements, such as but not limited to excavation or construction, shall commence unless in conformity with this chapter and in accordance with plat approvals and the issuance of required permits.

#### 2. Zoning Permit

- (a) For any development application, it shall be unlawful to use or occupy or permit the use of occupancy of any building or premise, or both, or part thereof, hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure, until a certificate of zoning compliance shall have been issued therefore by the Zoning Officer/Official, stating that the proposed use of the building or land conforms to the requirements of this chapter and adequate planning standards.
- (b) The certificate of zoning compliance shall be issued by the official, stating that the proposed use of the building or land conforms to the requirements of this chapter and adequate planning standards.
- (c) No certificates of zoning compliance shall be issued by the Zoning Officer/Official unless the application for the said certificate is in conformity with all the provisions of this chapter or has been duly exempted by variance.
- (d) A zoning permit shall be issued by the Zoning Officer/Official before the issuance of either of a certificate of occupancy to a new occupant of an existing building or portion of an existing building or a building permit.
- (e) Failure to obtain a certificate of zoning compliance shall be a violation of this chapter.

#### 3. Building Permit

- (a) No permit for erection, construction, alteration, extension, enlargement, movement, remodeling, conversion, destruction or repair of any building shall be issued unless in accordance with the provisions of this chapter. No construction permits shall be issued until all required approvals from all agencies with jurisdiction have been secured and submitted to the Borough.
- (b) Expiration of building permit.
  - (1) If the work described in any building permit has not commenced within ninety (90) days from the date of issuance thereof, said permit shall expire and be canceled by the Construction Official and written notice thereof shall be given to the persons affected.

- (2) If the work described in any building permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire and be canceled by the Official and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.
- (3) If any such permit has been authorized and not lifted from the office of the Official and executed by the applicant within a period of six (6) months from the date of authorization, then such authorization shall be null and void and no permit shall be issued thereunder.

#### 4. Certificate of Occupancy

- (a) It shall be unlawful to use or permit the use of any building or part thereof hereafter created, changed, converted, altered or enlarged wholly or in part, until a certificate of occupancy shall have been issued by the Official.
- (b) No certificate shall be issued unless: the land, building and use thereof comply with the provisions of this chapter; all matters incorporated on the approved subdivision or site plan have been completed and certified by the Borough Engineer; and the Building and Health Codes are complied with.
- (c) In cases involving the new use of an existing structure, no certificate of occupancy for the new tenant be issued until a zoning permit has been issued.
- (d) On the serving of notice by the Official to the owner of any violation of any of the provisions or requirements with respect to any building or use thereof or of land, as specified in this chapter, the certificate of occupancy for such use shall be deemed to be in violation of this chapter and subject to the penalties hereinafter prescribed. A new certificate shall be required for any further use of such building or land.
- (e) Each nonresidential change of use shall secure a mercantile license pursuant to other applicable codes of the Borough.

#### D. Violations and Penalties

##### 1. Complaints of Violation

Whenever a violation of this chapter occurs or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof be filed with the Official. The Official shall record properly such complaint, immediately investigate and take action thereon as provided by this chapter.

##### 2. Violation

- (a) 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 chapter or of any other ordinance or regulation made under authority conferred hereby, the proper local authorities of the Borough or an interested party, in addition to other remedies, may institute any appropriate legal 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 any illegal act, conduct, business or use in or about such premises.
- (b) Separate violations. Except as otherwise provided, each and every day in which a violation of any provision of this Ordinance exists shall constitute a separate violation.

##### 3. Penalties

- (a) Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined no less than one thousand (\$1000.00) dollars nor more than two thousand five hundred (\$2,500.00) dollars or be imprisoned for a period of not exceeding

- 30 days or both, for each and every violation, and in addition shall pay all cost and expenses involved in the case.
- (b) If, before final subdivision approval has been granted, any person transfers or sells or agrees to transfer or sell, except pursuant to an agreement expressly conditional on final subdivision approval, as owner or agent, any land which forms a part of a subdivision for which municipal approval is required by ordinance pursuant to this chapter, such person shall be subject to a penalty not to exceed one thousand (\$1,000.00) dollars, and each lot disposition so made may be deemed a separate violation as per N.J.S.A. 40:55D-55.
  - (c) Any site clearance, site preparation or site construction commenced prior to receipt of all required Planning Board or Zoning Board of Adjustment approvals and/or prior to the issuance of a certificate of resolution compliance from the approving board secretary shall be subject to a penalty not to exceed one thousand (\$1,000.00) dollars, for each and every violation, and in addition shall pay all costs and expenses of the Borough involved in the case. Each and every day in which a violation of this provision exists shall constitute a separate violation.
  - (d) In addition to the foregoing, the Borough may institute and maintain a civil action for injunctive relief and 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 N.J.S.A. 40:55D-38. In any such action, the transferee, purchaser or grantee shall be entitled to a lien upon the portion of the land from which the subdivision was made that remains in the possession of the developer of his assigns or successors, to secure the return of any deposits made or purchase price paid, and also a reasonable search fee, survey expense and title closing expense, if any. Any such action must be brought within two (2) years after the date of the recording of the instrument of transfer, sale or conveyance of said land, within six (6) years, if unrecorded.

**§ 350-35. Zoning officer; position and duties.**

- A. There is hereby created the position of Zoning Officer within the Borough of South River. Said Zoning Officer shall be paid an annual salary as set forth in the Salary Ordinances of the Borough of South River.
- B. The duties of the Zoning Officer shall be as follows:
  - (1) To interact with the public with respect to any zoning issues and/or concerns raised by individuals from the public.
  - (2) To work closely with the land use boards of the Borough of South River.
  - (3) Enforce all state, county and local zoning ordinances, rules and regulations.
  - (4) Review and report to the appropriate land use boards with respect to all land use applications which may come before the Borough of South River.
  - (5) Review, approve and/or disapprove any and all building permit applications based on zoning guidelines.
  - (6) Review and resolve any and all other zoning questions and concerns within the Borough of South River.
  - (7) Inspect properties in the municipality for violations or, upon being advised of the existence of a violation, issue orders to the owners of the property to cease and desist from such violations and, where such means shall fail, file a complaint in the Municipal Court for said violation.
- C. The Zoning Officer shall be appointed by the Mayor with the advice and consent of the Borough

Council. The term of the Zoning Officer shall be one year and he or she may be removed for cause.

**SECTION 2.** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause, or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION 3.** All Ordinances or parts of Ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4.** This Ordinance shall take effect after final passage, adoption, and publication according to law.

Dated:  
ATTEST:

\_\_\_\_\_  
RAYMOND T. EPPINGER, Mayor

\_\_\_\_\_  
PATRICIA O'CONNOR, Registered Municipal Clerk

**ORDINANCE 2011-39**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF SOUTH RIVER,  
CHAPTER 295 ENTITLED "SUBDIVISION AND SITE PLAN REVIEW"**

**BE IT ORDAINED** by the Mayor and Borough Council of the Borough of South River, that Chapter 295 of the Code of the Borough of South River entitled "Subdivision and Site Plan Review", be amended as follows:

**SECTION 1.**

**ARTICLE I. GENERAL PROVISIONS**

**§ 295-1. Title & Statutory Authority.**

This Ordinance shall be known and may be cited as the "Land Subdivision and Site Plan Ordinance of the Borough of South River." This chapter is enacted pursuant to the authority granted by Chapter 291 of the Laws of 1775, commonly referred to as the Municipal Land Use Law.

**§ 295-2. Purpose.**

The purpose of this Ordinance shall be to provide rules, regulations and standards to guide land subdivision and site development in the Borough of South River in order to promote the public health, safety, convenience and general welfare of the municipality. It shall be administered to ensure orderly growth and development, the conservation, protection and proper use of land and adequate provision for circulation, utilities and services.

**§ 295-3. Approving agencies.**

The approval provisions of this Ordinance shall be administered by the Borough of South River Planning Board or Zoning Board of Adjustment, whichever has jurisdiction of the development application, in accordance with Chapter 291 of the Laws of New Jersey 1975 (N.J.S.A. 40:55D-1 et seq.). Hereinafter, all references to "Board" in this Ordinance shall include Planning Board and/or Zoning Board, where applicable.

**§ 295-4. Administrative Officer.**

It shall be the duty of the administrative officer to ensure that all applications for development comply with the provisions of this Ordinance and are in accordance with the provisions of land use procedures, of the Land Development Ordinances of the Borough of South River and all other applicable ordinances or requirements of the Borough of South River or statutes of the State of New Jersey. For the purposes of this ordinance, in the absence of an individual appointed as the administrative officer by the Mayor/Borough Council, the Planning Board / Zoning Board, as the case may be, shall act as Administrative Officer and shall carry out all duties assigned as such when an application has been submitted to the Board.

**§ 295-5. Minimum standards.**

The rules, regulations, and standards set out in this Ordinance shall be considered the basic requirements for the protection of the public health, safety and welfare of the citizens of the Borough. Any action taken by the Board and the Borough Council under the terms of this Ordinance shall give primary consideration to the above-mentioned matters and to the welfare of the entire community. However, if the applicant can clearly demonstrate, in accordance with the requirements of the Municipal Land Use Law that the literal enforcement of one or more of these regulations is impracticable or will constitute undue hardship, the Board may grant relief and/or permit substantial compliance in lieu of literal compliance as may be reasonable and within the general purpose and interest of the rules, regulations and standards established by this Ordinance, Chapter [350](#), Zoning, the Municipal Land Use Law, and other related ordinances.

**§ 295-6. Time of application.**

When an application for development has been filed with or submitted to the Board Secretary or Administrative Officer, the Board Secretary shall record the date of submission. The application for development shall be subject to the rules, regulations, and standards set out in this Ordinance at the time application submission.

**§ 295-7. Definitions.**

For the purposes of this chapter, unless the context clearly indicates a different meaning, all definitions set forth in Chapter 350 of the Zoning Ordinance of the Borough of South River are incorporated herein by reference.

## ARTICLE II. DEVELOPMENT REVIEW CLASSIFICATION

### § 295-8. Subdivision / site plan application review and approval required.

- A. Subdivision review and approval shall be required for all subdivisions of land as defined in this Ordinance. Site plan review and approval shall be required before significant development of land, or any new structure or use, change, addition or alteration in structure or use, construction of or addition to a parking lot or use of vacant land as a parking lot, change in use of any nonresidential use, or for any excavation, removal of soil or placement of fill, or any change of use or modification to site facilities of a commercial or industrial use or the further development of the site. No building permit shall be issued for any building or use or for the enlargement of any building or use and no excavation, removal of soil or placing of fill shall be permitted unless a site plan is first submitted and approved by the Board in accordance with this Ordinance, and no certificate of occupancy shall be given unless all construction conforms to the approved plan, except that site plan approval shall not be required for one- and two-family dwellings or for permitted accessory uses incidental to single-family and two-family dwellings, unless the same require the extension of municipal facilities.
- B. A change in the occupancy of a building or the utilization of a building or land which meets any of the following criteria shall be considered a “change of use” and shall require site plan approval:
- (1) The proposed use requires more off-street parking or loading spaces than the previous use based upon parking/loading requirements in this Ordinance.
  - (2) The proposed use has significantly different hours of operation than the previous use.
  - (3) The proposed use has special pickup and discharge or loading and unloading requirements which affect on-site circulation.
  - (4) The proposed use involves the storage or handling of chemicals or hazardous substances.
  - (5) The proposed use includes a change in intensity of exterior lighting.
  - (6) The proposed use will generate a volume of solid waste which will or should require additional refuse receptacles over what the previous use required.
- C. All changes of occupancy which satisfy any of the above criteria shall require site plan approval prior to issuance of any required municipal permits or certificates of occupancy. No certificate of occupancy shall be issued unless all construction and development conforms to an approved site plan.
- D. A signed affidavit stating that a proposed use does not meet any of the above criteria, and is a therefore a change of occupancy, not a “change of use” and should be exempt from site plan requirements, must be submitted to the Borough Zoning Officer prior to issuance of a certificate of occupancy. The Zoning Officer shall determine if the information provided in the signed affidavit is sufficient to grant the certificate of occupancy.

### § 295-9. Site plan clarification.

- A. Site plan exemption. No site plan application and approval shall be required prior to the issuance of a building permit or a certificate of occupancy for any of the following types of development:

- (1) Interior alterations, provided that no expansion of a nonconforming use results from same.
- (2) Erection of placement of signage which is in conformance with the provisions of the Borough's Zoning Ordinance. *Editor's Note: See Ch. 350, Zoning.*
- (3) Single-family and two-family dwellings and accessory structures to such uses unless the extension of municipal services is required.
- (4) Changes in use in which said use is permitted and the required parking for said use is provided on the subject site in conformance with the Borough's Zoning Ordinance or where no increase in the parking requirements result from the proposed change in use.

**§ 295-10. Minor / Major Site Plan Classification.**

A. Minor site plan. The following types of development shall be classified as a Minor site plan:

- (1) A development plan of one or more lots which proposes new development on less than five acres; does not involve planned development, or any new street or utility extension or any off-tract improvement.
- (2) Additions to buildings or the construction of accessory buildings which would result in an increase of less than 10% to the existing gross floor area (GFA) of the building(s) on the lot; and further provided that the addition will not require an increase of greater than 10% to the existing number of parking spaces on site; and further provided that the proposed development must comply with all existing zoning requirements.
- (3) Renovations or changes to exterior building facades, including window and door size and location changes, but excluding simple replacement of doors and windows with identical sized fixtures or texture changes to the exterior building façade.

B. Major site plan. All development of property not considered to be exempt from site plan review or not classified as a minor site plan shall be classified as a major site plan, which shall be divided into Preliminary and Final stages of approval.

C. Exemptions. Interior alterations, façade resurfacing, routine window and roof replacement and all additions to lawful single and two-family detached residential uses shall be exempt from this requirement.

**§ 295-11. Minor / Major Subdivision Classification.**

A. Minor subdivision. The following types of development shall be classified as a Minor subdivision:

- (1) A subdivision of land that does not involve the creation of more than three (3) lots, a planned development, and new streets or the extension of any off-tract improvement.
- (2) Only one minor subdivision shall be permitted on one parcel of land during any three (3) year period.

- B. Major subdivision. All development of property not considered to be exempt or not classified as a minor subdivision shall be classified as a major subdivision, which shall be divided into Preliminary and Final stages of approval. In addition, any proposed subdivision which would otherwise qualify as a minor subdivision shall be classified as a "major subdivision" if the subdivision under consideration represents a further subdivision of an original tract of land for which previous minor subdivision(s) has been approved by the Board within the past three years.
- C. Exemption. In accordance with N.J.S.A. 40:55D-7, agricultural divisions, divisions of property by testament or intestate, court order, and conveyances by deed are exempt from subdivision approval.

**§ 295-11. Standards for all conditional use applications.**

Regulation of land development and the attachment of reasonable conditions to development applications are exercises of valid police powers delegated by the state to the Borough. The applicant shall comply with all reasonable conditions laid down by the approving board for design, dedication, improvements and the use of the land to conform to the physical development of the municipality and to the safety and general welfare of the future residents/owners in the development and the community at large, as well as all conditional use criteria listed in the applicable zoning ordinance.

- A. In the course of subdivision and/or site plan review, the reviewing board shall consider, but not be limited to, such factors as the following:
  - (1) The adequacy of access, for fire and police protection and otherwise.
  - (2) The adequacy of provisions for drainage of surface waters and for waste disposal, including recycling.
  - (3) The protection of life and property from flood hazards.
  - (4) The adequacy of conservation and protection of soil from erosion caused by excavating or grading.
  - (5) Conformity with the standards of the Air Safety and Hazardous Zoning Act of 1983 *Editor's Note: See N.J.S.A. 6:1-80 et seq.* and the State Highway Access Management Act of 1989. *Editor's Note: See N.J.S.A. 27:7-89 et seq.*
  - (6) The adequacy of protection of potable water supplies.
  - (7) The impact of the proposed development upon the environment, with particular consideration for any type of pollution which may result.
  - (8) The location and the layout of accessory off-street parking and off-street loading spaces, the width and grading of all entrances and exits to such places, the location of such exits and entrances and exits to such places, the location of such exits and entrances, the traffic flow, together with:
    - (a) The distance from the street intersections;
    - (b) The likelihood of left-hand turns and other turning movements; and
    - (c) The anticipated traffic generation on and through roadways within the Borough.

- (9) The arrangements for safe and convenient pedestrian circulation, on the site and on its approaches.
  - (10) The impact of the proposed layout upon the surrounding area, and particularly upon any nearby residences, including, but not limited to:
    - (a) The location and height of buildings and the extent of their shadows;
    - (b) The location, intensity and directions of any outdoor lighting and the proposed times of its use;
    - (c) The location of any overhead power lines;
    - (d) The likelihood of any other nuisances; and
    - (e) Whether appropriate and adequate screening is provided.
  - (11) The size, location and type of any signs, and their appropriateness in the area involved.
  - (12) The arrangements of any outdoor display or storage and how same may impact upon the surrounding area and/or major transportation corridors traversing the Borough.
  - (13) The proposed landscaping and its appropriateness in the area involved. Preservation of all substantial trees over four inches' caliper is to be encouraged to the maximum extent possible.
  - (14) The arrangements of buildings, structures and open space on the site.
  - (15) The appropriateness of the proposed location of all infrastructure and utilities.
  - (16) Compatibility with adjacent uses and the adequacy of any proposed buffering and screening methods.
- B. In its review, where practical, the approving board shall encourage creative design of the site to provide an environmentally sound development and to encourage the conservation of energy resources.
- C. Where County Planning Board review or approval is required on a subdivision or site plan, the approving board shall condition any approval it grants upon either timely receipt of a favorable report by the County Planning Board or approved by the County Planning Board due to its failure to submit a report within the required time period. If the County's report is negative or attaches conditions, the original action by the municipal approving board may be null and void and a new resolution may be adopted which considers the County Planning Board's report.

**§ 295-12. Relief and Exceptions.**

The approving board, when acting upon applications for subdivision or site plan approval, shall have the power to grant such exceptions from the design and performance standards of this Ordinance as may be reasonable and within the general purpose and intent of the provisions for subdivision or site plan review and approval if the literal enforcement of one or more provisions of this Ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

**§ 295-13. Exemptions.**

In the performance of review of any development application, the approving board may waive requirements of plat preparation and standard improvement specifications for any site plan or subdivision based on the particular conditions associated with a tract of land. Such waiver of requirements shall not apply to fees, performance or maintenance guarantees, inspections, or any development regulation in the zoning ordinance requiring a variance or conditional use approval.

**§ 295-14. Concept plan & informal review.**

- A. At the request of an applicant, the Planning Board/Zoning Board shall grant a concept review or informal review of a concept plan for a development for which the applicant intends to prepare and submit an application for development.
- B. The purpose of the concept plan is to provide Board input in the formative stages of subdivision or site plan design.
- C. Applicants seeking concept plan informal review shall submit the items stipulated in this section 20 days before the concept plan meeting. These items provide the applicant and Board with an opportunity to discuss the development proposal in its formative stages. No formal action shall be taken by a Board hearing a concept review.

**§ 295-15. Reserved.**

### **ARTICLE III. APPLICATION REQUIREMENTS**

#### **§ 295-16. Concept plan.**

The applicant shall submit to the administrative officer the following documents, materials and information when making a conceptual plan application:

- A. Six completed copies of the concept plan application form.
- B. Twenty blue-on-white or black-on-white copies of the concept plan.
- C. Application fees.
- D. Escrow fees.

#### **§ 295-17. Minor subdivision.**

A. The applicant shall submit to the administrative officer the following documents, materials and information when making a minor subdivision application:

- (1) Six completed copies of the minor subdivision application form;
- (2) Twenty blue- or black-on-white copies of the sketch plat; plus at least one copy of the sketch plat printed on a Mylar, sepia, or other reproducible material;
- (3) Three completed copies of the sketch plat checklist;
- (4) Application fee and escrow fee;
- (5) Certification of the Tax Collector that all applicable taxes have been paid to date;
- (6) Three copies of any protective covenants, deed restrictions, easements, court decisions or board decisions affecting the property;
- (7) Twenty copies of the drainage calculations, utility reports and soil erosion and sediment control data, if required; and
- (8) Twenty copies of any required traffic, environmental or other study or report as may be required by the Board.

B. In lieu of the above required documents, an applicant may choose to file with the administrative officer a deed which clearly describes the proposed minor subdivision and four copies of the proposed subdivision plat. In all cases, an application fee as required by Chapter [155](#), Fees.

C. If the applicant is not the owner of record of the land, then all contractual agreements concerning its use shall be submitted.

D. If the application is found to be incomplete, the applicant shall be notified in writing within 45 days of submission of such application or it shall be deemed to be properly submitted.

**§ 295-18. Preliminary major subdivision.**

A. The applicant shall submit to the administrative officer the following documents, materials and information when making a preliminary major subdivision application:

- (1) Twenty completed copies of the major subdivision application form;
- (2) Twenty blue- or black-on-white copies of the preliminary subdivision plat, which shall be in accordance with the provisions of this Ordinance and all application statutes of the State of New Jersey; plus at least one copy of the preliminary subdivision plat printed on a Mylar, sepia, or other reproducible material;
- (3) Three completed copies of the preliminary subdivision plat checklist;
- (4) Application fee and escrow fee;
- (5) Certification of the Tax Collector that all applicable taxes have been paid to date;
- (6) Three copies of any protective covenants, deed restriction easements, court decisions, or board decisions affecting the property;
- (7) Twenty copies of drainage calculations, utility reports and soil erosion and sediment control data, if required; and
- (8) Twenty copies of any required traffic, environmental, or other study or report as may be required by the Board.

B. If the applicant is not the owner of record of the land, then all contractual agreements concerning its use shall be submitted.

C. If the application is found to be incomplete, the applicant shall be notified in writing within 45 days of submission of such application or it shall be deemed to be properly submitted.

**§ 295-19. Final major subdivision.**

A. The applicant shall submit to the administrative officer the following documents, materials and information when making a final major subdivision application:

- (1) Twenty completed copies of the major subdivision (final) application form.
- (2) Twenty blue- or black-on-white copies of the final subdivision plat, which shall be in accordance with the provisions of this Ordinance and all applicable statutes of the State of New Jersey; plus at least one copy of the final subdivision plat printed on Mylar, sepia or other reproducible material.
- (3) Three completed copies of the final subdivision plat checklist.
- (4) Application fee and escrow fee.
- (5) Certification of the Tax Collector that all applicable taxes have been paid up to date.

- (6) Three copies of any protective covenants, deed restrictions, easements, court decisions or board decisions affecting the property.
- (7) Twenty copies of the drainage calculations, utility reports and soil erosion and sediment control data, if required.
- (8) Twenty copies of any required traffic, environmental or other study or report as may be required by the Board.

B. If the applicant is not the owner of record of the land, then all contractual agreements concerning its use shall be submitted.

C. If the application is found to be incomplete, the applicant shall be notified in writing within 45 days of submission of such application or it shall be deemed to be properly submitted.

**§ 295-20. Minor site plan.**

A. The applicant shall submit to the administrative officer the following documents, materials and information when making a minor site plan application:

- (1) Twenty complete copies of the site plan review application form.
- (2) Three completed copies of the minor site plan checklist.
- (3) Application fee and escrow fee.
- (4) Certification of the Tax Collector that all applicable taxes have been paid to date.
- (5) Three copies of any protective covenants, deed restrictions, easements, court decisions or board decisions affecting the property.
- (6) Twenty copies of the drainage calculations, utility reports and soil erosion and sediment control data per the requirements set forth in this Ordinance.
- (7) Twenty copies of a survey of the property.
- (8) Letter of principal points describing the proposed development.
- (9) Three copies of floor plans depicting all room dimensions and showing all means of ingress and egress.
- (10) A written statement of anticipated traffic impacts of the proposed development.
- (11) Twenty copies of the site plan (in accordance with § [295-35](#)), which must also include the following:
  - (a) A landscaping plan which lists the species of plants to be provided, the calipers and/or height of any trees, the spacing proposed between each plant, and details of any proposed planters.

(b) A lighting plan which shows a detail of any proposed lighting fixture and includes photometric contours to indicate the intensity of any lighting.

(c) A utility plan showing the dimensions and locations of all existing and proposed utilities, including water, electric, gas, sanitary sewer and storm sewer.

B. Submittal of all of the above-mentioned items shall constitute a complete application as per N.J.S.A. 40:55D-10.3. Failure to submit all of the above-mentioned items shall constitute an incomplete application and the administrative officer shall notify applicant of same, in writing, within 45 days of submission of the application.

C. If the applicant is not the owner of record of the land, then all contractual agreements concerning its use shall be submitted.

**§ 295-21. Preliminary major site plan.**

A. The applicant shall submit to the administrative officer the following documents, materials and information when making a preliminary major site plan application:

(1) Twenty copies of the site plan review application form.

(2) Three completed copies of the preliminary site plan checklist.

(3) Application fee and escrow fee.

(4) Certification of the Tax Collector that all applicable taxes have been paid to date.

(5) Three copies of any protective covenants, deed restrictions, easements, court decisions or board decisions affecting the property.

(6) Twenty copies of the drainage calculations, utility reports, and soil erosion and sediment control data per the requirements set forth in this Ordinance.

(7) A certified list of all property owners within 200 feet of the subject property.

(8) Twenty copies of a survey of the property.

(9) Letter or principal points describing the proposed development.

(10) Twenty copies of a completed variance application form (if applicable).

(11) Twenty copies of any required traffic study, environmental study or other study or report.

(12) Twenty copies of the site plan (in accordance with § [295-36](#)), which must also include the following:

(a) A landscaping plan which lists the species of plants to be provided, the calipers and/or height of any trees, the spacing proposed between each plant, and details of any proposed planters.

(b) A lighting plan which shows a detail of any proposed lighting fixture and includes photometric contours to indicate the intensity of any lighting.

(c) A utility plan showing the dimensions and locations of all existing and proposed utilities, including water, electric, gas, sanitary sewer and storm sewer.

B. Submittal of all of the above-mentioned items shall constitute a complete application as per N.J.S.A. 40:55D-10.3. Failure to submit all of the above-mentioned items shall constitute an incomplete application and the administrative officer shall notify applicant of same, in writing, within 45 days of submission of the application.

C. If the applicant is not the owner of record of the land, then all contractual agreements concerning its use shall be submitted.

**§ 295-22. Final major site plan.**

A. The applicant shall submit to the administrative officer the following documents, materials and information when making a final major site plan application:

(1) Twenty completed copies of the site plan review application form.

(2) Three completed copies of the final site plan checklist.

(3) Application fee and escrow fee.

(4) Certification of the Tax Collector that all applicable taxes have been paid to date.

(5) Three copies of any protective covenants, deed restrictions, easements, court decisions or board decisions affecting the property.

(6) Twenty copies of the drainage calculations, utility reports, and soil erosion and sediment control data per the requirements set forth in this Ordinance.

(7) A certified list of all property owners within 200 feet of the subject property.

(8) Twenty copies of a survey of the property.

(9) Letter of principal points describing the proposed development.

(10) Completed variance application form (if applicable).

(11) Twenty copies of any required traffic study, environmental study or other study or report.

(12) Twenty copies of the site plan (in accordance with § [295-37](#)), which must also include the following:

(a) A landscaping plan which lists the species of plants to be provided, the calipers and/or height of any trees, the spacing proposed between each plant, and details of any proposed planters.

(b) A lighting plan which shows a detail of any proposed lighting fixture and includes photometric contours to indicate the intensity of any lighting.

(c) A utility plan showing the dimensions and locations of all existing and proposed utilities, including water, electric, gas, sanitary sewer and storm sewer.

B. Submittal of all of the above-mentioned items shall constitute a complete application as per N.J.S.A. 40:55D-10.3. Failure to submit all of the above-mentioned items shall constitute an incomplete application and the administrative officer shall notify applicant of same, in writing, within 45 days of submission of the application.

C. If the applicant is not the owner of record of the land, then all contractual agreements concerning its use shall be submitted.

## ARTICLE IV. APPLICATION AND HEARING PROCEDURES FOR ALL APPLICATIONS

### § 295-23. Minor subdivision application.

- A. Waiver of notice and hearing for fully compliant subdivision. The approving board may waive public notice and hearing for a plan if it is found that the subdivision of land contains not more than three lots fronting on an existing street, does not involve any new street, road, extension of municipal facilities, planned development, and does not adversely affect the development of the remainder of the parcel or adjoining property and is not in conflict with any provision of the Borough Master Plan or this Ordinance, and does not involve any variance relief.
- B. Filing. Minor subdivision applications shall be filed with the administrative officer at least 21 days prior to the regular meeting of the Board at which the applicant wishes to be heard. At the time of submission, the developer shall pay all fees and submit the required number of copies of the application, maps and other documents as specified in this Ordinance.
- C. Distribution of plans. Copies of the minor subdivisions shall be forwarded by the Board Secretary to the Borough Engineer, Board Planner, County Planning Board, the Borough Police Chief, and Borough Fire Chief, prior to public hearing, and the Borough Engineer and Planner shall file a written report on their review, where applicable. Notice of the application for development shall also be filed with the Zoning Officer, Tax Assessor and Tax Collector.
- D. Determination of completeness. The administrative officer shall forward the application to the approving Board. If the application for development is found to be incomplete, the developer shall be notified in writing of the deficiencies therein within 45 days of submission of such application or it shall be deemed to be properly submitted. An application will be determined to be complete if fees have been paid and if it contains the details required in this Ordinance. No application will be determined to be complete until all taxes have been paid. After determining an application to be complete, the Board shall establish the date of public hearing.
- E. Time for approval.
  - (1) Minor subdivision approval shall be granted or denied within 45 days of the date of submission of a complete application to the administrative officer, or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute minor subdivision approval 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; and it shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and shall be so accepted by the County Recording Office for purposes of filing subdivision plats.
  - (2) Minor subdivision approval shall be deemed to be final approval of the subdivision, provided that the Board may condition such approval on terms ensuring the provision of improvements.
- F. Outside Agency review and approval. Whenever review or approval of the subdivision by the Middlesex County Planning Board, or Freehold Soil Conservation District is required by Section 5 of P.L. 1968, c. 285 (N.J.S.A. 40:27-6.3), the Board shall condition any approval that it grants upon timely receipt of an approval or exemption from the said outside agencies of approval. The same conditions shall apply with regard to all outside agencies having jurisdiction, including but not limited to the Department of Transportation, The Department of Environmental Protection, The Department of

the Treasury, The Department of Community Affairs, The Federal Communications Commission, The Federal Aviation Administration, or similar government agencies.

G. Recording. Except as provided in Subsection I of this section, approval of a minor subdivision shall expire 190 days from the date on which the resolution of municipal approval is adopted unless within such period a plat in conformity with such approval and the provision of the Map Filing Law *Editor's Note: See N.J.S.A. 46:23-9.9 et seq.* or a deed clearly describing the approved minor subdivision is filed by the developer with the County Recording Officer, the Municipal Engineer and the Municipal Tax Assessor.

H. Effect of approval. The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor subdivision approval was granted shall not be changed for a period of two years after the date on which the resolution of minor subdivision approval is adopted, provided that the approved minor subdivision shall have been duly recorded as provided in this section.

I. Extension period for filing.

(1) The approving board may extend the period of 190 days for filing a minor subdivision plat or deed pursuant to Subsection G of this section if the developer provides to the reasonable satisfaction of the Planning Board that:

(a) The developer was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities; and

(b) The developer applied promptly for and diligently pursued the required approvals.

(2) The length of the extension shall be equal to the period of the delay caused by the wait for the required approvals, as determined by the approving board. The developer may apply for the extension either before or after what would otherwise be the expiration date.

J. Extension of approval. The Planning Board may grant an extension of minor subdivision approval for a period determined by the Board but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the approving board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the required approvals. A developer shall apply for the extension before:

(1) What would otherwise be the expiration date of minor subdivision approval; or

(2) The 91st day after the developer receives the last legally required approval from other governmental entities, whichever occurs later.

K. Distribution of approved plans. The Board shall retain four copies of the approved maps to be distributed as follows:

(1) One copy for its files;

- (2) One copy to the Building Inspector;
- (3) One copy to the Borough Engineer; and
- (4) One copy to the Tax Assessor.

**§ 295-24. Preliminary major subdivision application.**

- A. Filing. Preliminary plats of major subdivisions shall be filed with the administrative officer at least 21 days prior to the regular meeting of the Board at which the applicant wishes to be heard. At the time of submission, the developer shall pay all fees and submit the required number of copies of the application, plat and such other information in accordance with all appropriate sections of this Ordinance. The plat and any other engineering documents to be submitted shall be required in tentative form for discussion purposes for preliminary approval. However, if the applicant desires to be considered for a waiver of providing detailed final construction plans as required by this Ordinance for final approval, then the preliminary plans submitted must be of sufficient detail and accuracy to permit such waiver. If the applicant is not the owner of record of the land, then all contractual agreements concerning its use shall be submitted.
- B. Distribution of plans: the same as specified in § [295-16C](#) of this article.
- C. Determination of completeness: the same as specified in § [295-16D](#) of this article, except that the application must contain the details required in this Ordinance. If the application is found to be incomplete, the applicant shall be notified in writing within 45 days of submission of such application or it shall be deemed to be properly submitted.
- D. Amendments. If the Board requires any substantial amendment in the layout of improvements proposed by the applicant that have been the subject of a hearing, an amended application shall be submitted and proceeded upon, as in the case of the original application for development. The Board shall, if the proposed subdivision complies with the standards and provisions of this Ordinance, grant preliminary approval to the subdivision.
- E. Time for approval. Upon the submission to the administrative officer of a complete application for a subdivision of 10 or fewer lots, the approving board shall grant or deny preliminary approval within 45 days of the date of such submission or within such further time as may be consented to by the applicant. Upon the submission to the administrative officer of a complete application for a subdivision of more than 10 lots, the approving board shall grant or deny preliminary approval within 95 days of the date of such submission or within such further time as may be consented to by the applicant. Failure of the Approving Authority to act within the above prescribed time periods shall be deemed to have granted preliminary subdivision approval.
- F. Notice. Notice of hearings on major subdivision applications shall be given by the applicant in accordance with the provisions of N.J.S.A. 40:55D-12, and affidavits of publication and service shall be required before public hearings are held.
- G. Outside Agencies: the same as specified in § [295-16F](#) of this article.
- H. Recording. Two preliminary plans shall be filed by the applicant with the Middlesex County Planning Board. If the Middlesex County Planning Board fails to act on the subdivision application within a thirty-day period, the application shall be deemed to have been approved by the County Planning

Board. However, by mutual agreement between the County Planning Board and the approving board, and with the approval of the applicant, the thirty-day period may be extended for an additional thirty-day period. Any such extension shall so extend the time within which the municipal approving board shall be required by law to act. Should the Middlesex County approving board fail to receive an approved extension of time, and the Secretary of the County Planning Board shall attest on the final plan to the failure of the County Planning Board to report within the required time period, such attestation shall be sufficient authorized for further Borough action on the application.

I. Effect of preliminary approval. Preliminary approval of a major subdivision shall, except as provided in Subsection [I\(4\)](#) of this section, confer upon the applicant the following rights for a three-year period from the date on which the resolution of preliminary approval is adopted:

- (1) That the general terms and conditions on which preliminary approval was granted shall not be changed, including, but not limited to, use requirements; layout and design standards for streets, curbs and sidewalks; lot size; yard dimensions and off-tract improvements; except that nothing herein shall be construed to prevent the municipality from modifying by ordinance such general terms and conditions of preliminary approval as relate to public health and safety.
- (2) That the applicant may submit for final approval on or before the expiration date of preliminary approval the whole or a section or sections of the preliminary subdivision plat.
- (3) That the applicant may apply for and the approving board may grant extensions on such preliminary approval for additional periods of at least one year but not to exceed a total extension of two years, provided that if the design standards have been revised by ordinance, such revised standards may govern.
- (4) In the case of a subdivision of or site plan for an area of 50 acres or more, the approving board may grant the rights referred to in Subsection [I\(1\)](#), [\(2\)](#) and [\(3\)](#) of this section for such period of time, longer than three years, as shall be determined by the approving board to be reasonable, taking into consideration: (a) the number of dwelling units permissible under preliminary approval, (b) economic conditions and (c) the comprehensiveness of the development. The applicant may apply for thereafter, and the Planning Board may thereafter grant, an extension of preliminary approval for such additional period of time as shall be determined by the approving board to be reasonable, taking into consideration: (a) the number of dwelling units permissible under preliminary approval, (b) the potential number of dwelling units of the section or sections awaiting final approval, (c) economic conditions, and (4) the comprehensiveness of the development; provided that if the design standards have been revised, such revised standards may govern.
- (5) Whenever the approving board grants an extension of preliminary approval pursuant to Subsection [I\(3\)](#) or [\(4\)](#) of this section and preliminary approval has expired before the date on which the extension is granted, the extension shall begin on what would otherwise be the expiration date. The developer may apply for the extension either before or after what would otherwise be the expiration date.
- (6) The approving board shall grant an extension of preliminary approval for a period determined by the approving board but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the approving board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the required approvals. A developer shall apply for the

extension before: (a) what would otherwise be the expiration date of preliminary approval, or (b) the 91st day after the developer receives the last legally required approval from other governmental entities, whichever occurs later. An extension granted pursuant to this subsection shall not preclude the approving board from granting an extension pursuant to Subsection [I\(3\)](#) and [\(4\)](#) of this section.

J. Distribution of approved plans. The same requirements as specified in § [295-16K](#) of this article.

**§ 295-25. Final major subdivision application.**

- A. Filing. Final plats of major subdivisions shall be filed with the administrative officer at least 21 days prior to the regular meeting of the Board at which the applicant wishes to be heard and within three years from the date of preliminary approval. At the time of submission, the developer shall pay all fees and submit the required number of copies of the application, plat and such other information in accordance with all appropriate sections of this Ordinance. Unless the preliminary plat for subdivision approval was approved without changes, the final plat and final construction plans shall have incorporated all changes or modifications as were required by resolution of the Board. The approving board shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established by this Ordinance for final approval, the conditions for preliminary approval and the standards prescribed by the Map Filing Law. *Editor's Note: See N.J.S.A. 46:23-9.9 et seq.*
- B. Status of improvements. The final plat shall be accompanied by a statement from the Borough Engineer that he is in receipt of a map showing all utilities or extensions thereof in exact location and elevation, identifying those portions already installed and those to be installed and that the applicant has complied with one or both of the following:
- (1) He has installed all improvements in accordance with the requirements of these regulations and the conditions of preliminary approval.
  - (2) A performance guaranty has been posted in favor of the Borough of South River of sufficient amount to assure completion of all required improvements.
- C. Determination of completeness. The administrative officer shall forward the application to the Planning Board or Zoning Board of Adjustment, depending upon which agency has jurisdiction. If the application for development is found to be incomplete, the developer shall be notified in writing of the deficiencies therein within 45 days of submission of such application or it shall be deemed to be properly submitted. An application will be determined to be complete if fees have been paid and if it contains the details required in Article IV of this Ordinance. No application will be determined to be complete until all taxes have been paid and until all necessary stream encroachment permits, sanitary sewer extension permits, soil erosion and sediment control approvals and other required approvals have been obtained. After determining an application to be complete, the Board shall establish the date of public hearing.
- D. Time for approval. The Board shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established by ordinance for final approval, the conditions of preliminary approval and the standards prescribed by the Map Filing Law, P.L. 1960, c. 141 (N.J.S.A. 46:23-9.9 et seq.). Final approval shall be granted or denied within 45 days after notification that the application is complete or within such further time as may be consented to by the applicant. Failure of the Board to act within the period prescribed shall constitute final approval, and a certificate of the Board Secretary as to the failure of the Board to act shall be

issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval herein required and shall be so accepted by the County Recording Officer for purposes of filing subdivision plats.

- E. Outside Agency Approval. The same as specified in § [295-16F](#) of this article.
- F. Recording. After final approval, an applicant shall file the final subdivision plan which conforms to the Map Filing Law, clearly describing the approved subdivision, with the County Clerk, the Municipal Engineer and the Municipal Tax Assessor.
- G. Conditions of approval. Where the final approval contains conditions, if all conditions are not complied with within 180 days from the date of final approval, or within such additional time as the approving board shall allow, the final approval shall lapse.
- H. Signing. Approved final plats shall be signed by the Board Chairman and Secretary.
- I. Extension of approval.
  - (1) The Board may extend the ninety-five-day period if the developer proves to the reasonable satisfaction of the Board:
    - (a) That the developer was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities; and
    - (b) that the developer applied promptly for and diligently pursued the required approvals.
  - (2) The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the Board. The developer may apply for an extension either before or after the original expiration date.
- J. Effect of final approval.
  - (1) The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the applicant, whether conditionally or otherwise, shall not be changed for a period of two years after the date of final approval; provided that in the case of a major subdivision, the rights conferred by this section shall expire if the plat has not been duly recorded within the time periods provided herein. If the applicant has followed the standards prescribed for final approval and, in the case of a subdivision, has duly recorded the plat as required, the approving board may extend such period of protection by extensions of one year but there shall not be more than three extensions. Notwithstanding any other provisions of this Ordinance, the granting of final approval terminates the time period of preliminary approval for the section granted final approval.
  - (2) In the case of a subdivision for a planned development of 50 acres or more or major conventional subdivision or site development plan for 150 acres or more, the approving board may grant the rights referred to herein for such period of time, longer than two years, as shall be determined by the approving board to be reasonable, taking into consideration: (a) the number of dwelling units and nonresidential floor area permissible under final approval, (b) economic conditions, and (c) the comprehensiveness of the development. The applicant may apply for thereafter, and the approving

board may thereafter grant, an extension of final approval for such additional period of time as shall be determined by the approving board to be reasonable, taking into consideration: (a) the number of dwelling units and nonresidential floor area permissible under final approval, (b) the number of dwelling units and nonresidential floor area remaining to be developed, (c) economic conditions, and (d) the comprehensiveness of the development.

(3) Whenever the approving board grants an extension of final approval pursuant to Subsection [J\(1\)](#) or [\(2\)](#) of this section and final approval has expired before the date on which the extension is granted, the extension shall begin on what would otherwise be the expiration date. The developer may apply for the extension either before or after what would otherwise be the expiration date.

(4) The approving board shall grant an extension of final approval for a period determined by the Board but not exceeding one year from what would otherwise be the expiration date if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued these approvals.

(a) A developer shall apply for the extension before:

[1] What would otherwise be the expiration date of final approval; or

[2] The 91st day after the developer receives the last legally required approval from other governmental entities, whichever occurs later.

(b) An extension granted pursuant to this subsection shall not preclude the approving board from granting an extension pursuant to Subsection [J\(4\)\(a\)\[1\]](#) or [\[2\]](#) of this section.

(5) After Board approval of a final plat, the plans shall not be subject to change except for minor engineering changes approved by the Borough Engineer. If problems are experienced with construction on the site, all means of construction necessary to remedy the problems as required by the Borough Engineer shall be so performed by the developer. However, any change in site design subsequent to approval shall be regarded as a separate plan, and site development plans showing the proposed new design shall be submitted under the requirements of this section and shall be separately approved under the provisions set forth herein.

K. Distribution of approved plans: the same as specified in § [295-16K](#) of this article, except that an additional copy of an approved major subdivision shall be retained and distributed to the Board of Education.

#### **§ 295-26. Minor site plan application.**

A. Minor Site Plan waiver of hearing. The Planning Board may waive notice and public hearing for an application for development, if the Planning Board finds that the application for development conforms to the definition of "minor site plan," does not adversely affect the remainder of the site or adjoining property and is not in conflict with any provision of the Borough Master Plan and this Ordinance.

B. Filing. Minor site plan applications shall be filed with the administrative officer at least 21 days prior to the regular meeting of the Board at which the applicant wishes to be heard. At the time of

submission, the developer shall pay all fees and submit the required number of copies of the application, maps and other documents as specified in this Ordinance. If the applicant is not the owner of record of the land, then all contractual agreements concerning its use shall be submitted.

- C. Distribution of plans. Copies of the minor site plan shall be forwarded by the Board Secretary to the Borough Engineer, Board Planning Consultant and County Planning Board prior to public hearing, and the Borough Engineer and Planner shall file a written report on their review, where applicable. Notice of the application for development shall also be filed with the Zoning Officer, Tax Assessor and Tax Collector.
- D. Determination of completeness. The administrative officer shall forward the application to the Planning Board or Zoning Board of Adjustment, depending upon which agency has jurisdiction. If the application for development is found to be incomplete, the developer shall be notified in writing of the deficiencies therein within 45 days of submission of such application or it shall be determined to be properly submitted. An application will be determined to be complete if fees have been paid and if it contains the details required in Article V of this Ordinance. No application will be determined to be complete until all taxes have been paid. After determining an application to be complete, the Board shall establish the date of public hearing.
- E. Time for approval.
  - (1) Minor site plan approval shall be granted or denied within 45 days of the date of submission of a complete application, or within such further time as may be consented to by the applicant. Failure of the approving board to act within 45 days shall constitute minor site plan approval, and a certificate of the Board Secretary as to the failure of the Board to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval herein required and shall be so accepted by the County Recording Officer for purposes of filing site plans.
  - (2) Minor site plan approval shall be deemed to be final approval of the site plan by the Board, provided that the Board or said subcommittee may condition such approval on terms ensuring the provision of improvements.
- F. County Planning Board review: the same requirement as specified in § [295-16F](#) of this article.
- G. Recording. Minor site plan approval shall expire 190 days from the date on which the resolution of municipal approval is adopted unless within such period a plan in conformity with such approval is filed by the applicant with the County Recording Officer, the Borough Engineer and the Borough Tax Assessor. Any such plan for filing shall have been signed by the Chairman and Secretary of the approving board.
- H. Effect of approval. The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor site plan approval was granted shall not be changed for a period of two years after the date of minor site plan approval. The Planning Board shall grant an extension of this period for a period determined by the Board, but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the approvals. A developer shall apply for this extension before what would otherwise be the expiration date, or the 91st day after the date on which

the developer receives the last of the legally required approvals from the other governmental entities, whichever occurs later.

I. Distribution of approved plans: the same requirements as specified in § [295-16K](#) of this article.

**§ 295-27. Preliminary major site plan application.**

A. Filing. Preliminary site plans shall be filed with the administrative officer at least 21 days prior to the regular meeting of the Board at which the applicant wishes to be heard. At the time of submission, the developer shall pay all fees and submit the required number of copies of the application, site plan and such other information in accordance with all appropriate sections of this Ordinance. The site plan and any engineering documents to be submitted shall be required in tentative form for discussion purposes for preliminary approval. If any architectural plans are required to be submitted for site plan approval, the preliminary plans and elevations shall be sufficient. If the applicant is not the owner of record of the land, then all contractual agreements concerning its use shall be submitted.

B. Reserved.

C. Distribution of plans.

(1) Copies of the preliminary site plan or notice of the application shall be forwarded by the Board Secretary to the following agencies prior to public hearing:

(a) Agencies to receive a copy of site plan:

[1] The Borough Engineer.

[2] The Borough Planning Consultant.

[3] The County Planning Board.

[4] The Utilities Department.

[5] The Shade Tree Commission.

[6] The Bureau of Fire Prevention.

[7] The Police Chief.

(b) Agencies to receive notice of the application:

[1] The Zoning Officer.

[2] The Tax Assessor.

[3] The Tax Collector.

[4] The Board of Health.

[5] The Environmental Commission.

- (2) The Borough Engineer and Planner shall file a written report on their review, where applicable.
- D. Determination of completeness: the same as specified in § [295-16C](#) of this section, except that the application must contain the details required in Article V of this Ordinance.
- E. Amendments. If the Board requires any substantial amendment in the layout of improvements proposed by the developer that have been the subject of a hearing, an amended application for development shall be submitted and proceeded upon as in the case of the original application for development. The Board shall, if the proposed development complies with the requirements of this Ordinance and other applicable ordinances, grant preliminary site plan approval.
- F. Time for approval. Preliminary site plan approval for a site plan of 10 acres of land or less and 10 dwelling units or less shall be granted or denied within 45 days after notification that the application is complete or within such further time as may be consented to by the developer. Preliminary site plan approval for a site plan for more than 10 acres and more than 10 dwelling units shall be granted or denied within 95 days after such notification or within such further time as consented to by the developer. Otherwise, the Board shall be deemed to have granted approval of the site plan.
- G. Notice. Notice of hearings on major subdivision applications shall be given by the applicant in accordance with the provisions of N.J.S.A. 40:55D-12, and affidavits of publication and service shall be required before public hearings are held.
- H. County Planning Board: the same as specified in § [295-16F](#) of this Ordinance.
- I. Recording. Two preliminary plans shall be filed by the applicant with the Middlesex County Planning Board. If the Middlesex County Planning Board fails to act on the subdivision application within a thirty-day period, the application shall be deemed to have been approved by the County Planning Board. However, by the mutual agreement between the County Planning Board and the approving board, and with the approval of the applicant, the thirty-day period may be extended for an additional thirty-day period. Any such extension shall so extend the time within which the municipal approving authority shall be required by law to act. Should the Middlesex County Planning Board fail to receive an approved extension of time, and the Secretary of the County Planning Board shall attest on the final plan to the failure of the County Planning Board to report within the required time period, such attestation shall be sufficient authorization for further Borough action on the application.
- J. Effect of preliminary approval. Preliminary approval of a major site plan shall, except as provided in Subsection [J\(4\)](#) of this section confer upon the applicant the following rights for a three-year period from the date on which the resolution of preliminary approval is adopted:
- (1) That the general terms and conditions on which preliminary approval was granted shall not be changed, including, but not limited to, use requirements; layout and design standards for streets, curbs and sidewalks; lot size; yard dimensions and off-tract improvements; except that nothing herein shall be construed to prevent the municipality from modifying by ordinance such general terms and conditions of preliminary approval as relate to public health and safety.
  - (2) That the applicant may submit for final approval on or before the expiration date of preliminary approval the whole, or a section or sections of the preliminary site plan.

- (3) That the applicant may apply for and the approving board may grant extensions on such preliminary approval for additional periods of at least one year but not to exceed a total extension of two years, provided that if the design standards have been revised by ordinance, such revised standards may govern.
- (4) In the case of a site plan for an area of 50 acres or more, the approving board may grant the rights referred to in Subsection [J\(1\)](#), [\(2\)](#) and [\(3\)](#) of this section for such period of time, longer than three years, as shall be determined by the approving board to be reasonable, taking into consideration: (a) the number of dwelling units and nonresidential floor area permissible under preliminary approval, (b) economic conditions and (c) the comprehensiveness of the development. The applicant may apply for thereafter, and the Planning Board may thereafter grant, an extension of preliminary approval for such additional period of time as shall be determined by the approving board to be reasonable, taking into consideration: (a) the number of dwelling units and nonresidential floor area permissible under preliminary approval, (b) the potential number of dwelling units and nonresidential floor area of the section or sections awaiting final approval, (c) economic conditions, and (d) the comprehensiveness of the development; provided that if the design standards have been revised, such revised standards may govern.
- (5) Whenever the approving board grants an extension of preliminary approval pursuant to Subsection [J\(3\)](#) or [\(4\)](#) of this section and preliminary approval has expired before the date on which the extension is granted, the extension shall begin on what would otherwise be the expiration date. The developer may apply for the extension either before or after what would otherwise be the expiration date.
- (6) The approving board shall grant an extension of preliminary approval for a period determined by the approving board, but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the approving board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the required approvals. A developer shall apply for the extension before what would otherwise be the expiration date of preliminary approval, or the 91st day after the developer receives the last legally required approval from other governmental entities, whichever occurs later. An extension granted pursuant to this subsection shall not preclude the approving board from granting an extension pursuant to Subsection [J\(3\)](#) or [\(4\)](#) of this section.

K. Distribution of approved plans: the same requirements as specified in § [295-16K](#) of this section.

**§ 295-28. Final major site plan application.**

- A. Filing. Final plans of major site plans shall be filed with the administrative officer at least 21 days prior to the regular meeting of the Board at which the applicant wishes to be heard and within three years from the date of preliminary approval.
- (1) At the time of submission, the developer shall pay all fees and submit the required number of copies of the application, plat and such other information in accordance with all appropriate sections of this Ordinance.
  - (2) Unless the preliminary site plan approval was approved without changes, the final plan and final construction plans shall have incorporated all changes or modifications as were required by resolution of the Board.

- (3) The approving board shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established by this Ordinance for final approval, and the conditions for preliminary approval.
- B. Status of improvements. The final plat shall be accompanied by a statement from the Borough Engineer that he is in receipt of a map showing all utilities or extensions thereof in exact location and elevation, identifying those portions already installed and those to be installed and that the applicant has complied with one or both of the following:
- (1) He has installed all improvements in accordance with the requirements of these regulations and the conditions of preliminary approval.
  - (2) A performance guaranty has been posted in favor of the Borough of South River in sufficient amount to assure completion of all required improvements.
- C. Determination of completeness. The administrative officer shall forward the application to the Planning Board or Zoning Board of Adjustment, depending upon which agency has jurisdiction. If the application for development is found to be incomplete, the developer shall be notified in writing of the deficiencies therein within 45 days of submission of such application or it shall be deemed to be properly submitted. An application will be determined to be complete if fees have been paid and if it contains the details required in Article IV of this Ordinance. No application will be determined to be complete until all taxes have been paid and until all necessary stream encroachment permits, sanitary sewer extension permits, soil erosion and sediment control approvals and other required approvals have been obtained. After determining an application to be complete, the Board shall establish the date of public hearing.
- D. Time for approval. The Planning Board shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established by ordinance for final approval, provided that in the case of a planned unit development, planned unit residential development or residential cluster, the Planning Board may permit minimal deviations from the conditions of preliminary approval necessitated by change of conditions beyond the control of the developer since the date of preliminary approval without the developer being required to submit another application for development for preliminary approval. Final approval shall be granted or denied within 45 days after notification that the application is complete or within such further time as may be consented to by the applicant. Failure of the Board to act within the period prescribed shall constitute final approval, and a certificate of the Board Secretary as to the failure of the Board to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval herein required and shall be so accepted by the County Recording Officer for purposes of filing subdivision plats.
- E. Outside Agency Approval: the same as specified in § [295-16F](#) of this Ordinance.
- F. Recording. After final approval, an applicant shall file the final subdivision plat which conforms to the Map Filing Law, *Editor's Note: See N.J.S.A. 46:23-9.9 et seq.* clearly describing the approved subdivision, with the County Clerk, the Municipal Engineer and the Municipal Tax Assessor. Final approval of a major site plan shall expire 95 days from the date of signing of the plats 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 of recording for an additional period not to exceed 190 days from the date of signing of the plat.

- G. Conditions of approval. Where the final approval contains conditions, if all conditions are not complied with within 180 days from the date of final approval, or within such additional time as the approving board shall allow, the final approval shall lapse.
- H. Signing. Approved final plans shall be signed by the Board Chairman and Secretary.
- I. Extension of approval. The approving board may extend the ninety-five-day or one-hundred-ninety-day period if the developer proves to the reasonable satisfaction of the Planning Board: (1) that the developer was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities; and (2) that the developer applied promptly for and diligently pursued the required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the Planning Board. The developer may apply for an extension either before or after the original expiration date.
- J. Effect of final approval.
- (1) The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer, whether conditionally or otherwise, shall not be changed for a period of two years after the date on which the resolution of final approval is adopted. If the developer has followed the standards prescribed for final approval, the Planning Board may extend such period of protection for extensions of one year but not to exceed three extensions. Notwithstanding any other provisions of this act, the granting of final approval terminates the time period of preliminary approval.
  - (2) In the case of a site plan for a planned development of 50 acres or more, site plan for 150 acres or more, or site plan for development of a nonresidential floor area of 200,000 square feet or more, the Planning Board may grant the rights referred to in Subsection [J\(1\)](#) of this section for such period of time, longer than two years, as shall be determined by the Planning Board to be reasonable, taking into consideration: (a) the number of dwelling units and nonresidential floor area permissible under final approval, (b) economic conditions and (c) the comprehensiveness of the development. The developer may apply for thereafter, and the Planning Board may thereafter grant, an extension of final approval for such additional period of time as shall be determined by the Planning Board to be reasonable, taking into consideration: (d) the number of dwelling units and nonresidential floor area permissible under final approval, (e) the number of dwelling units and nonresidential floor area remaining to be developed, (f) economic conditions, and (g) the comprehensiveness of the development.
  - (3) Whenever the Planning Board grants an extension of final approval pursuant to Subsection [J\(1\)](#) or [\(2\)](#) of this section and final approval has expired before the date on which the extension is granted, the extension shall begin on what would otherwise be the expiration date. The developer may apply for the extension either before or after what would otherwise be the expiration date.
  - (4) The Planning Board shall grant an extension of final approval for a period determined by the Board but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued these approvals. A developer shall apply for the extension before: (a) what would otherwise be the expiration date of final approval, or (b) the 91st day after the developer

receives the last legally required approval from other government entities, whichever occurs later. An extension granted pursuant to this subsection shall not preclude the Planning Board from granting an extension pursuant to Subsection [J\(1\)](#) or [\(2\)](#) of this section.

K. Distribution of approved plans: the same as specified in § [295-16K](#) of this article, except that an additional copy of an approved major residential site plan shall be retained and distributed to the Board of Education.

**§ 295-29. Approval requirements for all subdivisions and site plan applications.**

A. Subdivision and site plan approval requirements. Board approval of the subdivision or site plan shall be granted upon a finding that the plan complies with the following standards and regulations:

- (1) That the applicant has submitted a plat containing all of the information and data as provided for in this Ordinance.
- (2) That the details of the plat are in accord with the standards of this Ordinance and of all ordinances of the Borough, including the Master Plan as may be in existence at the time of the application.
- (3) That all parking and traffic problems shall be reasonably resolved and that all parking areas shall provide for safe passage of traffic.
- (4) That adequate provisions are made so as to prevent any surface and subsurface drainage problems.
- (5) That the location, power, direction and time of any outdoor lighting will not have an adverse effect upon any properties in adjoining residential districts by impairing the established character or the potential use of the properties in such districts.
- (6) That the details of the plat for the authorized use will be such that the operation will not be detrimental to the public interest.
- (7) That adequate and suitable water supply, sewerage and electrical facilities are available for use by the proposed use.

B. Simultaneous review and approval.

- (1) The approving board, when acting upon applications for preliminary or minor subdivision approval, shall have the power to grant such extensions from the requirements for subdivision approval as may be reasonable and within the general purpose and intent of the provisions for subdivision review and approval of an ordinance adopted pursuant to this article, if the literal enforcement of one or more provisions of the ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.
- (2) The approving board, when acting upon applications for preliminary site plan approval, shall have the power to grant such exceptions from the requirements for site plan approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and approval of an ordinance adopted pursuant to this article, if the literal enforcement of one or more provisions of the ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

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

C. Time periods. Whenever an application for approval of a subdivision plat, site plan or conditional use includes a request for relief pursuant to Section 47 of the Municipal Land Use Law (N.J.S.A. 40:55D-60), the Planning Board shall grant or deny approval of the application within 120 days after submission by a developer of a complete application to the administrative officer or within such further time as may be consented to by the applicant. In the event that the developer elects to submit separate consecutive applications, the aforesaid provision shall apply to the application for approval of the variance or direction for issuance of a permit. The period for granting or denying any subsequent approval shall be as otherwise provided in this Ordinance. 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, and it shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and shall be so accepted by the County Recording Officer for purposes of filing subdivision plats.

D. Conditions of approval.

- (1) Conditions binding. All conditions of any preliminary and final approval shall be binding upon all present and future owners, tenants, occupants, lessors, lessees, heirs, assignees, developers, contractors and subcontractors.
- (2) Failure to maintain. All persons receiving development approval for property or their successors in title shall be responsible for installing, maintaining and properly utilizing on-site, off-site and off-tract improvements required by the Board, including, but not limited to, parking arrangements, buffer zones, drainage facilities, exterior lighting plans, and other requirements of the Board as reflected on the plans in the Board minutes. Failure of the property owner to install, maintain and/or utilize improvements as provided by the site plan approval shall constitute a violation of this Ordinance and shall be subject to the enforcement procedures set forth herein.

## **ARTICLE V. PLAN CONTENT REQUIREMENTS FOR COMPLETENESS**

### **§ 295-30. Conformity with requirements.**

No development application in which a plat is required shall be accepted unless such plat conforms to the following requirements as to form, content, and accompanying information and complies with the provisions of N.J.S.A. 46:23.9.9 et seq. (Map Filing Law), as amended. All plats shall be drawn by a land surveyor as required by law, licensed to practice in the State of New Jersey, and shall bear the signature, seal, license number and address of the land surveyor, except that sketch plats of minor subdivisions are exempt from this requirement. All drawings of improvements shall be signed and sealed by a licensed professional engineer of the State of New Jersey.

### **§ 295-31. Concept plans.**

For the concept plan state, only preliminary project and area information, which for the most part is readily obtained, is required and shall include a Tax Map sheet, showing the property to be developed and

any abutting streets, with names, North arrow, and topographic features from the United States Geodetic Survey (USGS) maps.

**§ 295-32. Minor subdivision.**

The following shall apply to minor subdivisions:

- A. In order to be deemed complete by the administrative officer, the sketch plat shall be based on Tax Map information or some similarly accurate base at a scale of not less than 50 feet to the inch, to enable the entire tract to be shown on one of three standard sizes, namely 11 inches by 17 inches, 18 inches by 24 inches, or 24 inches by 36 inches, and shall show or include the following information:
- (1) A key map at a scale of one inch equals 500 feet showing the location of the tract to be subdivided and its relationship to surrounding areas within 1,000 feet of its boundaries. All zoning boundaries and classifications affecting the tract to be subdivided, as well as the intersection of at least two public streets together with the names of such street shall also be shown.
  - (2) A title box containing the title of the map, the name of the development, if applicable, the Tax Map sheet, block and lot numbers, the name, address, license number, signatures and embossed seal of the engineer who prepared the engineering details, if any, the date of original plan preparation, and a box for recording revision dates, all to appear in the lower righthand corner of the plat.
  - (3) A survey prepared by a surveyor licensed in the State of New Jersey, or certification of a licensed land surveyor as to boundaries and topographic conditions. Such certification shall include name, address, license number, signature and seal.
  - (4) Notes adjacent to the title box shall include the name and address of the owner of the tract being subdivided and of the subdivider, if different from the owner. The current zoning and a schedule showing compliance with zoning district bulk requirements shall also be shown.
  - (5) Names of all adjacent landowners and owners of property directly across any official street, as disclosed by current tax records. All block and lot numbers shall also be provided.
  - (6) North arrow and graphic scale.
  - (7) The location of the tract to be subdivided in relation to any larger tract of which it is a part.
  - (8) The layout of the proposed subdivision, indicating all lot lines and the dimensions thereof in feet and tenths, as well as the acreage of each proposed lot and minimum setback lines.
  - (9) The location, size, type and specifications of all existing and proposed utilities and storm drainage facilities necessary to service the site.
  - (10) The location, size, and use of all existing structures, wooded areas, watercourses and drainage facilities on the site and within 200 feet of the property in question, as well as the location of all easements, rights-of-way, existing fences, walls, culverts, bridges, roadways, curbs, sidewalks and driveways on the tract. All trees with a caliper of six inches or more as measured three feet above the ground shall also be shown, as shall floodway and food hazard boundaries when applicable.

- (11) A copy of any covenants, deed restrictions or exceptions that are intended to cover all or part of the tract.
- (12) Certification that the applicant is the agent or owner of the land, or that the owner has given consent under an option agreement, or that the applicant is a contract purchaser or lessee. If the applicant is not the owner of record of the land, then all contractual agreements concerning its use shall be submitted.
- (13) A certificate from the Tax Collector that no taxes or assessments for local improvements are due or delinquent.
- (14) A signature block for signatures of the Chairman and Secretary of the Board.
- (15) The subdivision plan shall indicate the following improvements: necessary water and sewer services, curb, sidewalk, site grading, paved driveway, concrete driveway apron, improved roadway pavement or pavement repairs along frontage of all adjoining streets, and all other improvements required for the development of the proposed subdivision.
- (16) A soil erosion and sediment control plan, if applicable.
- (17) Trees proposed to be saved must be located and tree save details provided; limit of disturbance line must be shown.
- (18) The location and dimensions of surface or subsurface structures proposed for demolition must be provided.
- (19) Such other information as may be required by the Board in order to make an informed decision.

B. Submittal of all of the above-mentioned items shall constitute a complete application as per N.J.S.A. 40:55D-10.3. Failure to submit all of the above-mentioned items shall constitute an incomplete application and the administrative officer shall notify the applicant of same, in writing, within 45 days of submission of the application.

C. Any applicant may request the administrative officer to waive any of the above required documents. Said request must be made in writing and must specifically state the reasons for the waiver request. Upon receipt of a request to waive certain requirements, it shall be the duty of the administrative officer to render a decision regarding the request within 10 days of receipt of same.

**§ 295-33. Preliminary major subdivision.**

The following shall apply to preliminary major subdivisions:

A. The preliminary plan shall be clearly and legibly drawn or reproduced at a scale of not less than one inch equals 50 feet, and it shall be one of three standard sizes, namely 18 inches by 24 inches, 24 inches by 36 inches or 30 inches by 42 inches. Preliminary plats shall be designed and drawn by a person duly licensed for such purpose by the State of New Jersey. The plat shall be designed in compliance with the provisions of this Ordinance and shall show or be accompanied by the following information in order to be deemed complete by the administrative officer:

- (1) All items required for a minor subdivision sketch plat.
- (2) The name of the owner and of all adjoining property owners, as disclosed by the most recent municipal tax records, within 200 feet of the perimeter of the entire tract.
- (3) Elevations, to be based upon U.S. Coast and Geodetic Survey, showing existing contours with interval of one foot where slopes are 10% or less and two feet where slopes are more than 20%. Where changes in grade are proposed, finished grades shall be indicated. Topographic data shall be provided for the entire site as well as a one-hundred-foot overlap onto adjacent properties as deemed necessary to determine the existing drainage and grading patterns.
- (4) Existing spot elevations on structures, pavements, walks, or other physical features with sufficient detail to determine existing conditions.
- (5) Identification of any wetlands, floodways, flood hazard areas, etc. or any other environmentally sensitive areas.
- (6) Proposed elevations of the site shall be indicated by spot elevations at all corners of all buildings and lot corners and at changes in grade, and by curb elevations at lot corners. Finished first floor and garage floor elevations shall also be shown for all buildings. Designed proposed grading contours shall be provided.
- (7) A drainage plan based on the U.S.G.S Quadrangle Map with the drainage area delineated, contributory access given in acres, the anticipated existing and proposed runoff based on a twenty-five-year storm, and the upstream drainage area being fully developed. The size, location and capacity of existing downstream facilities shall be shown.
- (8) A design report for the water, sewer and drainage facilities, and plans of proposed water, sanitary sewer (gas and electricity, if ordered) and storm sewers designed in accordance with Borough standards, showing all adjacent existing and proposed facilities, connections, proposed method of connections, pipe sizes, types and slopes, structures as necessary for satisfactory operation. Plans, profiles and details are required for all water, sewer and drainage facilities.
- (9) Plans of all roadways, including improvements in accordance with Borough requirements for pavement width, thickness, center line, radius, grade, transitions, curbs, sidewalks, driveway aprons and other applicable requirements.
- (10) Plans and profiles of all existing and proposed roadways, pipelines, manholes, structures and proposed facilities showing all existing and proposed pavement elevations, inverts, rim elevations, grate elevations and the clearance of all crossing utilities.
- (11) A soil erosion and sediment control plan indicating the proposed methods of preventing erosion, and situation of property in question as well as downstream properties or watercourses.
- (12) A landscaping plan which shall locate, detail, quantify and indicate the proposed vegetation and landscaping of the site and scheduling of placement of same.
- (13) Statement of anticipated environmental impact.

(14) Traffic impact study.

- B. Submittal of all of the above-mentioned items shall constitute a complete application as per N.J.S.A. 40:55D-10.3. Failure to submit all of the above-mentioned items shall constitute an incomplete application and the administrative officer shall notify the applicant of same, in writing, within 45 days of submission of the application.
- C. Any applicant may request the administrative officer to waive any of the above required documents. Said request must be made in writing and must specifically state the reasons for the waiver request. Upon receipt of a request to waive certain requirements, it shall be the duty of the administrative officer to render a decision regarding the request within 10 days of receipt of same.

**§ 295-34. Final major subdivision.**

The following shall apply to final major subdivisions:

- A. The final plat shall be drawn in ink or on Mylar or cloth at a scale of not less than one inch equals 50 feet and in compliance with all provisions of the Map Filing Law (N.J.S.A. 46:23-9.9). The following shall be shown on the final plat in order to be deemed complete by the administrative officer:
- (1) All items required for the preliminary major subdivision plat.
  - (2) Certification by a surveyor authorized to practice in the State of New Jersey as to the accuracy of the details of the plat, and certification of engineering details by an engineer licensed in New Jersey.
  - (3) Tract boundary lines, indicating the bearings of all lot lines and dimensions thereof, as well as the acreage of each lot and minimum building setback lines.
  - (4) The location and description of all proposed or existing monuments in accordance with the Map Filing Law.
  - (5) Boundaries and designation of the purpose of any easements or land reserved or dedicated for public use.
  - (6) Right-of-way lines of all existing and proposed streets, easements and other rights-of-way, deflection angles, radii, arcs and central angles for all curves, all with accurate dimensions and bearings and minimum width as required by Borough standards.
  - (7) Acreage of the tract being subdivided and the proposed use of all nonresidential lots.
  - (8) Final construction plans providing all information required for the preliminary plat. However, said plans shall be based on final elevations and final lot dimensions. The requirement for final construction plans may be waived by the Board if it can be determined that the preliminary plat was prepared to an accuracy and detail acceptable to the Borough Engineer.
  - (9) Copies of all approvals for sanitary sewer extension permits, stream encroachment permits, soil erosion and sediment control permits, Middlesex County Planning Board approval, and all other applicable approvals required for construction of the project from all other agencies with jurisdiction.

- (10) The titles and dates of all filed maps for lands abutting the tract.
- (11) Title policy certifying that all proposed streets are free and clear of any encumbrances.
- (12) Name and address of the corporate secretary of all public utilities and the general manager of all cable television companies that own land or any facility or that possess a right-of-way or easement within 200 feet in all directions of the property which is the subject of the proposed subdivision.
- (13) All details as required by this Ordinance.
- (14) The final plat shall contain the following statements, certifications and endorsements:
  - (a) Signature of applicant's surveyor certifying compliance with the Map Filing Law.
  - (b) Signature of owner consenting to the filing of the plat at the Middlesex County Clerk's Office.
  - (c) Signature of Borough Clerk certifying that the required cash and bonds guaranteeing the setting of monuments have been posted.
  - (d) Signature of the Borough Engineer certifying compliance with the Map Filing Law and applicable municipal requirements.
  - (e) Signatures of the Chairman and Secretary of the Board certifying the approval of the final plat.
  - (f) Signature of the Borough Clerk certifying compliance with the Map Filing Law and consenting to filing of the plat in the Middlesex County Clerk's Office.
- (15) A performance guarantee in favor of the Borough of South River, and inspection fees if improvements have not already been constructed, approved as to size by the Borough Engineer and approved as to form by the Board Attorney.
- (16) Such other information as may be required by the Board in order to make an informed decision.

B. Submittal of all of the above-mentioned items shall constitute a complete application as per N.J.S.A. 40:55D-10.3. Failure to submit all of the above-mentioned items shall constitute an incomplete application and the administrative officer shall notify the applicant of same, in writing, within 45 days of submission of the application.

C. Unless the preliminary plat is approved without any changes or modifications being required, the final plat shall have incorporated all changes or modifications as required by the Board. Nothing in this Ordinance shall preclude an applicant from seeking both preliminary and final major subdivision approval at the same time.

D. Any applicant may request the administrative officer to waive any of the above required documents. Said request must be made in writing and must specifically state the reasons for the waiver request. Upon receipt of a request to waive certain requirements, it shall be the duty of the administrative officer to render a decision regarding the request within 10 days of receipt of same.

**§ 295-35. Minor site plan.**

The following shall apply to minor site plans:

- A. The minor site plan shall be clearly and legibly drawn or reproduced at a scale of no more than 50 feet to the inch. All distances shall be in feet and decimals of a foot, and all bearings shall be given to the nearest 10 seconds. For topographical and boundary survey information, the site plan shall be signed and sealed by a licensed land surveyor. For all elements of design, including drainage, pavements, curbing, embankments, horizontal and vertical geometrics, utilities, and all pertinent structures, drawings shall be signed and sealed by a licensed professional engineer. The plan shall show or be accompanied by the following in order to be determined complete by the administrative officer:
- (1) A key map at a scale of one inch equals 500 feet showing the location of the tract and its relationship to surrounding areas within 1,000 feet of its boundaries. Zoning boundaries and the intersection of at least two public streets, together with the names of such streets, shall also be shown.
  - (2) A title box containing the title of the map, the Tax Map sheet, block and lot numbers, the name, address, license number, signature and embossed seal of the engineer who prepared the engineer details, the date of original plat preparation and a box to record revision dates, all to appear in the lower righthand corner of the site plan.
  - (3) A survey prepared by a surveyor licensed in the State of New Jersey, or certification of a licensed land surveyor as to boundaries and topographic conditions. Such certification shall include name, address, license number, signature and seal.
  - (4) Notes adjacent to the title box shall include the name and address of the owner and of the applicant, if different from the owner. The current zoning and a schedule showing compliance with the zoning district bulk requirements shall also be shown.
  - (5) Names of all landowners within 200 feet as disclosed by current tax records. Block and lot numbers shall also be provided.
  - (6) North point and graphic scale.
  - (7) The location, size, type and specifics of all existing and proposed utilities and storm drainage facilities necessary to service the site, whether publicly or privately owned, as well as floodway and flood hazard boundaries and setback lines.
  - (8) The location, size and use of all existing structures on the site and within 200 feet of the property in question, as well as all other structures such as fences, walls, culverts, bridges, roadways, curbs, sidewalks and driveways on the tract. Structures to be removed shall be so indicated.
  - (9) The location, size and use of all existing wooded areas, watercourses, and drainage facilities on the site and within 200 feet of the property in question, as well as building or setback lines, lines of existing streets, lots, reservations, and the location of all easements and areas dedicated to the public, including grants, restrictions and rights-of-way.
  - (10) All trees with a caliper of six inches or more as measured three feet above the ground shall also be shown.
  - (11) Location of flood hazard boundaries as delineated by HUD-FHA, wooded areas, including single trees not in wooded areas, and other significant existing features.

- (12) A copy of any covenants, deed restrictions or exceptions that are intended to cover all or any part of the tract.
- (13) All distances, as measured along the center line, of the existing streets abutting the property to the nearest intersection with any other public street.
- (14) Elevations based upon U.S. Coast and Geodetic Survey datum showing existing contours with interval of one foot where slopes are 3% or less, two feet where slopes are more than 3%. Where changes in grade are proposed, existing grades shall be indicated by dashed lines and finished grades shall be indicated by solid lines. Topographic data shall be provided for the entire site as well as suitable overlap onto adjacent properties as deemed necessary to determine existing drainage and grading patterns.
- (15) Existing spot elevations on structures, pavements, walks or physical features with sufficient detail to determine the existing conditions.
- (16) The proposed use(s) of land and buildings and proposed location of structures, including exterior grades, finished floor elevations and elevations of outside corners. Elevations should also be shown for loading docks, ramps, and other points where necessary to determine proper construction of same.
- (17) All proposed means of vehicular access for ingress and egress to and from the site onto public streets, showing the size and location of driveways and curb cuts, including the possible utilization of traffic channels, channelization, acceleration, deceleration lanes, additional width, and any other device necessary to prevent a difficult traffic situation.
- (18) All walkways, sidewalks and rights-of-way for pedestrian traffic.
- (19) The location and design of any off-street parking or loading areas, showing the size and location of parking stalls, bays, aisles and boundaries.
- (20) The location of all existing and proposed storm drainage structures, indicating pipe, swale or ditch sizes, inverts, capacities, grades and direction of flow. In addition to design information, the plan shall include a stormwater analysis report prepared by the applicant's licensed engineer, detailing the methodologies used for calculation of run-off from all areas contributing to stormwater drainage.
- (21) The location of all proposed water lines, valves, hydrants and service connections, and of all sewer lines.
- (22) Cross-sections, center line profiles and tentative grades of all proposed streets, and plans and profiles of all proposed utility layouts, showing feasible connections to any existing or proposed system.
- (23) Architectural details showing proposed building elevations, floor plans, type of construction materials. All roof-mounted appurtenances must be screened from view.
- (24) Location of all existing and proposed signs, including dimensions, area and illumination.

- (25) The proposed location, direction of illumination, power and time of proposed outdoor lighting.
- (26) Proposed screening and landscaping, including a planting plan which identifies type, size and quantity of planting.
- (27) The location and size of refuse areas and means of screening same.
- (28) A copy of any covenants, deed restrictions or exceptions that are intended to cover all or part of the tract.
- (29) Certificate from the Tax Collector that no taxes or assessments for local improvements are due or delinquent.
- (30) All proposed soil erosion and sediment control measures.
- (31) An environmental impact statement.
- (32) Signature block for signature of the Chairman and Secretary of the Board.
- (33) The site plan shall indicate the following improvements: necessary water and sewer service, curb, sidewalk, site grading, paved driveway, concrete driveway apron, improved roadway pavement or pavement repairs along frontage of all adjoining streets, and all other improvements required for the development of the site.
- (34) Such other information or data as may be required by the Board in order to determine that the details of the site plan are in accordance with the standards of this Ordinance and all other ordinances of the Borough, and, further, that the building or use will not offend the public interest.
- (35) Trees proposed to be saved must be located and tree save details provided; limit of disturbance line must be shown.
- (36) The location and dimensions of surface or subsurface structures proposed for demolition must be provided.
- (37) A list of stockholders holding at least 10% of stock must be provided.

B. Any applicant may request the administrative officer to waive any of the above required documents. Said request must be made in writing and must specifically state the reasons for the waiver request. Upon receipt of a request to waive certain requirements, it shall be the duty of the administrative officer to render a decision regarding the request within 10 days of receipt of same.

C. Submittal of all of the above-mentioned items shall constitute a complete application as per N.J.S.A. 40:55D-10.3. Failure to submit all of the above-mentioned items shall constitute an incomplete application and the administrative officer shall notify the applicant of same, in writing, within 45 days of submission of the application.

**§ 295-36. Preliminary major site plan.**

The following shall apply to preliminary major site plans:

- A. The preliminary site plan shall be clearly and legibly drawn or reproduced at a scale of not less than one inch equals 50 feet, and shall be one of three standard sizes, namely 18 inches by 24 inches, 24 inches by 36 inches or 30 inches by 42 inches. Preliminary plats shall be designed and drawn by a person duly licensed for such purpose by the State of New Jersey. The plat shall be designed in compliance with the provisions of this Ordinance and shall show or be accompanied by the following information in order to be deemed complete by the administrative officer:
- (1) All items required for a minor site plan.
  - (2) A staging plan for all development projects of 10 acres or larger.
  - (3) A traffic impact study addressing existing peak hours, road capacity, gap analysis and proposed improvements both on- and off-site, adequacy of parking supply, loading spaces, and such other data as may be deemed necessary by the Board.
  - (4) An environmental impact statement.
- B. Any applicant may request the administrative officer to waive any of the above required documents. Said request must be made in writing and must specifically state the reasons for the waiver request. Upon receipt of a request to waive certain requirements, it shall be the duty of the administrative officer to render a decision regarding the request within 10 days of receipt of same.
- C. Submittal of all of the above-mentioned items shall constitute a complete application as per N.J.S.A. 40:55D-10.3. Failure to submit all of the above-mentioned items shall constitute an incomplete application and the administrative officer shall notify the applicant of same, in writing, within 45 days of submission of the application.

**§ 295-37. Final major site plan.**

The following shall apply to final major site plans:

- A. The final site plan shall be drawn at a scale of no more than 50 feet to the inch and shall be prepared by a surveyor and an engineer licensed in the State of New Jersey. The final plan shall show, or be accompanied by, the following information in order to be deemed complete:
- (1) All items required for a preliminary major site plan, except that the information shown on the plans shall be in final form.
  - (2) A statement by the Borough Engineer that he is in receipt of a map showing all utilities or extensions thereof in exact location and elevation, identifying those portions already installed and those to be installed.
  - (3) One of the following:
    - (a) A statement from the Borough Engineer that the applicant has installed all improvements in accordance with the requirements of these regulations and the conditions of preliminary approval; or

(b) A statement from the Borough Engineer that a performance guarantee sized in sufficient amount to assure the completion of all required improvements has been posted in favor of the Borough.

B. Any applicant may request the administrative officer to waive any of the above required documents. Said request must be made in writing and must specifically state the reasons for the waiver request. Upon receipt of a request to waive certain requirements, it shall be the duty of the administrative officer to render a decision regarding the request within 10 days of receipt of same.

C. Submittal of all of the above-mentioned items shall constitute a complete application as per N.J.S.A. 40:55D-10.3. Failure to submit all of the above-mentioned items shall constitute an incomplete application and the administrative officer shall notify the applicant of same, in writing, within 45 days of submission of the application.

**§ 295-38. Variance sketch.**

A. The variance sketch shall be based on Tax Map information or some similarly accurate base map at a scale preferably not less than 100 feet to the inch or greater than eight feet to the inch, to enable the entire tract to be shown on one sheet, and shall show or include the following information in order to be deemed complete by the administrative officer:

- (1) A key map must show all adjacent properties and property lines within 200 feet on all sides of the application lot.
- (2) North point, block numbers, lot numbers, date prepared.
- (3) Name and address of property owner.
- (4) Name and address of applicant.
- (5) Name and address of person preparing plan.
- (6) All lot lines and dimensions.
- (7) All existing and proposed structures and wall dimensions.
- (8) Zoning setback lines.
- (9) All adjoining lands owned by the owner and/or applicant.
- (10) Location of existing water mains and proposed water connections.
- (11) Location and width of all curb cuts and driveways.
- (12) Location, dimensions and street access for off-street parking spaces.
- (13) Locations and size of proposed landscaping.
- (14) Location of existing sanitary sewer lines and proposed sanitary sewer connections.

- (15) All existing and proposed curbs and sidewalks.
  - (16) Building off-set dimension from each property line to nearest adjoining structure on each side yard.
  - (17) Such other information as may be required by the Board in order to make an informed decision.
- B. Any applicant may request the administrative officer to waive any of the above required documents. Said request must be made in writing and must specifically state the reasons for the waiver request. Upon receipt of a request to waive certain requirements, it shall be the duty of the administrative officer to render a decision regarding the request within 10 days of receipt of same.
- C. Submittal of all of the above-mentioned items shall constitute a complete application as per N.J.S.A. 40:55D-10.3. Failure to submit all of the above-mentioned items shall constitute an incomplete application and the administrative officer shall notify the applicant of same, in writing, within 45 days of submission of the application.
- D. Upon final approval for a site plan, no changes or modifications shall be permitted unless said change is determined by the administrative officer to be minor in nature and thus require no further action by the Planning Board or the Board of Adjustment. Any change not determined to be minor in nature shall be considered a new application for development and shall comply with the provisions of this Ordinance.

## ARTICLE VI. CONDITIONS OF DEVELOPMENT APPLICATION APPROVAL

### § 295-39. General conditions.

- A. Conditions binding. All conditions of any preliminary and final approval shall be binding upon all present and future owners, tenants, occupants, lessors, lessees, heirs, assignees, developers, contractors and subcontractors.
- B. Prior to the subdivision or resolution of land within the municipality as a condition of the filing of subdivision plats with the County Recording Officer, a resolution of approval of the reviewing board is required, as is the approval of site plans by the issuance of a permit for any development, except that subdivisions or individual lot application for detached one- or two-dwelling-unit buildings shall be exempt from such site plan review and approval.
- C. Failure to maintain. All persons receiving development approval for property or their successors in title shall be responsible for installing, maintaining and properly utilizing on-site, off-site and off-tract improvements, drainage facilities, and other requirements of the Board as reflected on the plans and in the Board minutes. Failure of the property owner to install, maintain and/or utilize improvements as provided by the subdivision approval shall constitute a violation of this Ordinance and shall be subject to the enforcement procedures set forth herein.

### § 295-40. Design and improvement standards.

- A. All improvements which are proposed in conjunction with a subdivision or site plan application shall be constructed in accordance with the provisions of this Ordinance. Prior to the granting of final approval or as a condition of final approval, the subdivider shall have installed or shall have furnished a performance guarantee (in accordance with § [295-42](#) of this Ordinance) for the ultimate installation of the following improvements:
  - (1) Streets.
  - (2) Pavements and curbing.
  - (3) Sidewalks.
  - (4) Street lighting.
  - (5) Electric/Telephone lines.
  - (6) Street signs.
  - (7) Shade trees.
  - (8) Monuments.
  - (9) Storm and sanitary sewers, water mains and culverts.
  - (10) Any other improvements deemed necessary by the Borough Engineer to promote the public welfare.

B. The standards and requirements set forth in this Ordinance shall be considered to be the minimum requirements necessary for the protection of the public health, safety and general welfare of the Borough. However, should an applicant demonstrate that, due to an extraordinary or exceptional situation affecting a specific property, or that any requirement or standard is clearly not necessary in order to achieve the objectives of this Ordinance, the literal enforcement of any regulation is impracticable or would exact an undue hardship, the approving authority may grant variances or waivers as may be reasonable. Failure of the developer, his contractor or his agents to conform to the standards and specifications as required by this Ordinance will be considered just cause for suspension of the work being performed, and no person, firm or corporation shall have the right to demand or claim damages from the Borough, its officers, agents or servants, by reason of suspension.

**§ 295-41. Off-tract improvements.**

A. General cost. As a condition of final subdivision or site plan approval, the reviewing board may require an applicant to pay a pro-rata share of the cost of providing reasonable and necessary circulation improvements and water, sewerage, drainage facilities and other improvements, including land and easements, located off-tract of the property limits of the subdivision or development but necessitated or required by the development. "Necessary" improvements are those clearly and substantially related to the development in question. The reviewing board shall provide in its resolution of approval the basis of the required improvements. The capacity and design of proposed improvements shall be based upon the circulation plan element and utility service plan element of the adopted Master Plan. The proportionate or pro-rata amount of the cost of such facilities within a related or common area shall be based on the following criteria:

B. Cost allocation.

(1) Full allocation. In cases where off-tract improvements are necessitated by the proposed development, and where no other property owner(s) receives a special benefit thereby, the applicant may be required, at his sole expense and as a condition of approval, to provide and install such improvements.

(2) Proportionate allocation.

(a) Where it is determined that properties outside the development will also be benefited by the off-tract improvements, the following criteria shall be utilized in determining the proportionate share of the cost of such improvements to the developer.

(b) Allocation formula.

[1] Sanitary sewers. The applicant's proportionate share of distribution facilities, including the installation, location or replacement of collector, trunk and interceptor sewers and associated appurtenances, shall be computed as follows:

[a] The capacity and design of the sanitary sewer system shall be based on the standards specified in this Ordinance.

[b] The Borough Engineer or Planner shall provide the applicant with the existing and reasonably anticipated peak hour flows as well as capacity limits of the affected sewer system.

[c] If the existing system does not have adequate capacity to accommodate the applicant's flow given existing and reasonably anticipated peak-hour flows, the pro-rata share shall be computed as follows:

Total Cost of Enlargement Improvement		Capacity of Enlargement in Gallons Per Day (GPD)
	=	
Developer's Cost		Development (GPD) to be Accommodated by the Enlargement or Improvement

[2] Water supply. The applicant's proportionate share of water distribution facilities, including the installation of water mains, hydrants, valves, and associated appurtenances, shall be computed as follows:

[a] The capacity and design of the water supply system shall be based on the standards specified in this Ordinance.

[b] The Borough Engineer or Planner shall provide the applicant with the existing and reasonable anticipated capacity limits of the affected water supply system in terms of average demand, peak demand and fire demand.

[c] If the existing system does not have adequate capacity, as defined above, to accommodate the applicant's needs, the pro-rata share shall be computed as follows:

Total Cost of Enlargement Improvement		Capacity of Enlargement in Gallons Per Day (GPD)
	=	
Developer's Cost		Development (GPD) to be Accommodated by the Enlargement or Improvement

[3] Roadways. The applicant's proportionate share of street improvements, alignment, channelization, barriers, new curbs, sidewalks, trees, utility improvements not covered elsewhere, the construction or reconstruction of new or existing streets, and other associated street or traffic improvements shall be as follows:

[a] The Borough Engineer or Planner shall provide the applicant with the existing and reasonable anticipated future peak-hour traffic for the off-tract improvement.

[b] If the existing system does not have adequate capacity as defined above, the pro-rata shall be computed as follows:

Total Cost of Enlargement Improvement	Projected Total Peak Hour Volumes
---------------------------------------	-----------------------------------



**§ 295-41.1. Purpose.**

As a condition of final site plan approval, or prior to the recording of final subdivision plats, the Board may, for the purpose of assuring the installation and maintenance of any on-tract improvements or any other improvements deemed necessary to serve the public interest, health, safety, and general welfare, require the following.

**§ 295-42. Performance guarantee.**

A. General.

- (1) The boards shall require a performance guarantee for the purpose of guaranteeing the completion of all improvements that will affect the public interest. Final approval of a major subdivision or site plan cannot be granted without a performance guarantee (approved by the Borough Attorney) first being furnished, unless the Planning Board or Board of Adjustment conditions final approval upon the submission of a performance guarantee.
- (2) A performance guarantee submitted in compliance with this Ordinance shall be approved by the Borough Attorney and shall run for a period of time to be fixed by the Planning Board. In no case, however, shall the term of the guarantee exceed three years from the date final approval, unless the owner of the guarantee agrees to the extension of said term. An extension in accordance with this Ordinance may only be granted by resolution of the governing body. The amount of a performance guarantee may be reduced by resolution of the governing body in cases when a portion of the required improvements has been installed. If all required improvements has not been installed at the end of the term of the performance guarantee, the obligor shall be liable to the Borough for the reasonable cost of the improvements not installed and, upon receipt of the proceeds of the guarantee, the Borough shall install said improvements.

B. The furnishing of a performance guarantee in favor of the Borough in an amount not to exceed 120% of the cost of installation of the improvements as estimated by the Borough Engineer, and as the approving board may deem necessary or appropriate, shall include, but not be limited to, streets, grading, pavement, gutters, curbs, sidewalks, street lighting, shade trees, surveyor's monuments, as shown on the final map and required by the Map Filing Law, P.L. 1960, c.1412 (N.J.S.A. 46:23-9.9 et seq.), water mains, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, erosion control and sediment control devices, public improvements of open space and other on-site improvements and landscaping. The Borough Engineer shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, which itemized cost estimate shall be appended to each performance guarantee posted by the obligor. Of such performance guarantee, a maximum of 10% may be in the form of cash or certified check made payable to the municipality, and the remainder shall be in the form of a corporation surety performance bond issued by an authorized New Jersey corporation. The Borough Attorney shall approve the performance bond as to form, sufficiency and execution. The Borough Engineer shall approve the performance guarantee as to size and scope.

C. The time allowed for installation of the improvement for which the performance guarantee has been provided may be extended by the governing body by resolution. As a condition or as part of any such extensions, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation, which cost shall be determined by the Borough Engineer as of the time of the passage of the resolution.

- D. If the required improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the Borough for the reasonable cost of the improvements not completed or corrected and the Borough may, either prior to or after the receipt of the proceeds thereof, complete such improvements. Such compliance or correction of improvements shall be subject to the public bidding requirements of the Local Public Contracts Law. *Editor's Note: See N.J.S.A. 40A:11-1 et seq.*
- E. Upon substantial completion of all required street improvements and appurtenant utility improvements, and the connection of same to the public system, the obligor may request of the governing body in writing, by certified mail addressed in care of the Borough Clerk, that the Borough Engineer prepare, in accordance with the itemized cost estimate prepared by the Borough Engineer and appended to the performance guarantee pursuant to Subsection [B](#) of this section, a list of all incomplete or unsatisfactorily completed improvements. If such a request is made, the obligor shall send a copy of the request to the Borough Engineer. The request shall indicate which improvements have been completed and which improvements remain incomplete in the judgment of the obligor. Thereupon, the Borough Engineer shall inspect all improvements covered by the obligor's request and shall file a detailed list and report, in writing, with the governing body, and shall simultaneously send a copy thereof to the obligor not later than 45 days after receipt of the obligor's request.
- F. The list prepared by the Borough Engineer shall state in detail, with respect to each improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement, and remedy for the unsatisfactory state of each completed improvement determined to be unsatisfactory. The report prepared by the Borough Engineer shall identify each improvement determined to be complete and satisfactory, together with a recommendation as to the amount of reduction to be made in the performance guarantee relating to the completed and satisfactory improvement, in accordance with the itemized cost estimated prepared by the Borough Engineer and appended to the performance guarantee pursuant to Subsection [E](#) of this section.
- G. The governing body, by resolution, shall either approve the improvements determined to be complete and satisfactory by the Borough Engineer, or reject any or all of these improvements upon the establishment in a resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted in accordance with the itemized cost estimate prepared by the Borough Engineer and appended to the performance guarantee pursuant to Subsection [E](#) of this section. This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the Borough Engineer. Upon adoption of the resolution by the governing body, the obligor shall be released from all liability pursuant to its performance guarantee, with respect to those approved improvements, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that 30% of the amount of the performance guarantee posted may be retained to ensure completion and acceptability of all improvements.
- H. If the Borough Engineer fails to send or provide the list and report as requested by the obligor pursuant to Subsection [E](#) of this section, within 45 days from receipt of the request, the obligor may apply to the court in summary for an order compelling the Borough Engineer to provide the list and report within a stated time and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party. If the governing body fails to approve or reject the improvements determined by the Borough Engineer to be complete and satisfactory or reduce the performance guarantee for the complete and satisfactory improvements within 45 days from the receipt of the Borough Engineer's list and report, the obligor may apply to the court in a summary manner for an order compelling, within a stated time, approval of the complete and satisfactory improvements and approval of a reduction in the

performance guarantee for the provable complete and satisfactory improvements in accordance with the itemized cost estimate prepared by the Borough Engineer and appended to the performance guarantee pursuant to Subsection E of this section, and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

- I. In the event that the obligor has made a cash deposit with the municipality or approving board as part of the performance guarantee, then any partial reduction granted in the performance guarantee pursuant to this subsection shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee.
- J. If any portion of the required improvements is rejected, the approving board may require the obligor to complete or correct such improvements and, upon completion or correction, the same procedure of notification, as set forth in this section, shall be followed.

**§ 295-43. Maintenance guarantee.**

- A. Upon completion and approval of the required improvements or portions of improvements, the developer shall be required to post a maintenance guarantee with the Borough Council for a period not to exceed two years after final acceptance of the improvement, in an amount not to exceed 15% of the cost of the improvement, which cost shall be determined by the Borough Engineer. In event that the governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the Borough for such utilities or improvements.
- B. The guarantee shall be in a form and sufficiency approved by the Borough Attorney. The maintenance bond shall be posted upon final release of the performance bond by the Borough and shall be expressly conditioned upon the maintenance by the developer of all such improvements for a period of two years, and particularly shall guarantee the remedy of any defects in such improvements which occur during that period.
- C. A municipality shall not require that a maintenance guarantee required pursuant to N.J.S.A. 40:55D-53 be in cash or that more than 10% of a performance guarantee pursuant to that section be in cash. A developer may, however, provide at his option some or all of a maintenance guarantee in cash, or more than 10% of a performance guarantee in cash.
- D. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the Borough for such utilities or improvements.

**§ 295-44. Inspections.**

- A. Whenever site plan approval has been granted as required under the provisions of this Ordinance, the Borough Engineer shall conduct regular inspections of the subject premises during the course of construction and/or improvement to ascertain that there has been full compliance with the terms and provisions of the site plan approval granted by the Planning Board or Zoning Board of Adjustment.
- B. Observation of installation of improvements. All improvements (except electric, gas and water main extensions to a privately owned utility company) shall be installed under the observation and to the

satisfaction of the Borough Engineer, the cost thereof to be borne by the developer. In order to cover the cost of inspection, an amount equal to 5% of all improvements, as estimated in advance by the Borough Engineer and approved by the Board, shall be deposited in the form of cash or certified check with the Borough Clerk before commencement of any construction. Charges for observation services shall be in accordance with prevailing agreements between the Borough and the personnel involved. Payments for observation charges to the Borough Engineer or his agents shall be paid out of this fund upon presentation of bills by the Borough Engineer to the Borough Clerk for such observation. If said deposit shall be insufficient, any additional reasonable observation cost as approved by the governing body shall be paid by the developer before the improvement is accepted. Any balance from the deposit, after observation costs have been deducted therefrom, shall be refunded to the developer.

- C. Notification of Borough Engineer. No construction work relative to the installation of required improvements shall commence without the Borough Engineer or other responsible officer being notified at least 48 hours before the commencement of said work. No street underground installations shall be covered until inspected and approved by the Engineer or other authorized official.
- D. Not more than 48 business hours after an "engineer's" inspection pursuant to the provisions of this Ordinance, the Borough Engineer shall provide the applicant with written notice of any deficiency observed at the time of inspection.
- E. Suspension of work. Failure of the developer, his contractor or agent to conform to the specifications for installing improvements indicated in this Ordinance or to conform to the preliminary plat plan as approved by the Board, will be just cause for the suspension of work being performed, and no person, firm or corporation shall have the right to demand or claim damages from the Borough of South River, its officers, agents or servants by reason by such suspension. No underground installation shall be covered until inspected and approved by the Engineer.
- F. Prior to the issuance of a certificate of occupancy, an applicant shall submit to the Borough engineer five sets of as-built drawings (including one Mylar) of the project for which site plan approval was granted, signed and sealed by a licensed engineer.
- G. The following details should be provided on as-built drawings required for certificates of occupancy:
  - (1) The location of the dwelling and all physical features such as driveway, walks, decks, accessory structures and fences.
  - (2) The location of all utility services.
  - (3) The location of any storm sewer facilities on the property, including basement drainage discharge systems.
  - (4) The location of any utility and/or conservation easements.
  - (5) The site grading, including the first floor, garage floor and basement floor elevations.

**§ 295-45. Other requirements.**

- A. In the event that final approval is by stages or sections of development, the provisions of this article shall be applied by stages or sections.

- B. Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the governing body or the Borough Engineer.
- C. The municipality shall make all of the payments to professionals for services rendered to the municipality for review of applications for development review and preparation of documents, inspection of improvements or other purposes. If the municipality requires of the developer a deposit toward the anticipated municipal expenses for these professional services, the deposit shall be placed in an escrow account pursuant to N.J.S.A. 40:55d-53.1. The amount of the deposit required shall be reasonable in regard to the scale and complexity of the development. All payments charged to the deposit shall be pursuant to vouchers from the professionals stating the hours spent, the hourly rate, and the expenses incurred. The municipality shall render a written final accounting to the developer on the uses to which the deposit was put. Thereafter, the municipality shall, upon written request, provide copies of the vouchers to the developer. If the salary, staff support and overhead for a professional are provided by the municipality, the charge to the deposit shall not exceed 200% of the sum of the products resulting from multiplying: (1) the hourly base salary of each of the professionals by (2) the number of hours spent by the respective professional on review of the application for development or the developer's improvements, as the case may be. For other professionals, the charge to the deposit shall be at the same rate as all other work of the same nature by the professional for the municipality.

## **ARTICLE VIII. DESIGN STANDARDS**

### **§ 295-46. General design requirements.**

- A. All improvements which are proposed in conjunction with a development application shall be constructed in accordance with the provisions of this article as well as the standards and specifications as shown in this Ordinance except as otherwise specified in the Residential Site Improvement Standards (N.J.A.C. 5:21).
- B. The developer shall employ a New Jersey licensed professional engineer and/or architect to prepare all plans and specifications or similar documents and a licensed land surveyor of New Jersey to make land surveys.
- C. Construction shall be performed under the supervision and inspection of the Borough Engineer in accordance with the regulations defined herein.
- D. Minor modifications or changes in the approved plans and specifications may be effected only upon written approval of the Borough Engineer. Some changes may require a further review and approval of the reviewing board prior to making any proposed modifications or changes.

### **§ 295-47. Specific design requirements.**

The following design standards and specifications shall be adhered to for each specified improvement:

#### **A. Streets.**

- (1) The arrangement of streets shall be such as to provide for the extension of existing streets where appropriate.
- (2) In general, local residential streets shall be designed to discourage through traffic, and proposed larger traffic generators shall not be permitted through local residential streets. Streets and

roadways shall be located to blend with the topographic and aesthetic features of the site. Local residential roads shall be curved wherever possible to avoid conformity of lot appearance and to discourage through traffic. The grade of the streets shall run with the topography wherever possible and in a manner that provides most of the lots to be at or above the grade of the road.

- (3) If the subdivision or site plan abuts a major arterial road, the proposed plan shall include provisions to minimize the number of curb cuts or entrances onto and exits from same. Wherever possible, reverse frontage streets shall be employed or may be required by the Board.
- (4) Streets shall be of sufficient width and of suitable design to accommodate prospective traffic, but in all cases shall have a right-of-way width, measured from lot line to lot line, of not less than 50 feet for minor or marginal access streets and not less than 60 feet for collector and arterial streets.
- (5) In a subdivision that adjoins or includes an existing street that does not conform to the width designated in the Master Plan, Official Map or as required herein, such additional width shall be dedicated along either or both sides of such street as the Board may determine to be necessary and reasonable.
- (6) The width of the right-of-way of internal roads, alleys and serviceways in multifamily, commercial and industrial developments shall be determined on an individual basis, and in all cases shall be of sufficient width and of suitable design to comply with all applicable Borough requirements and to safely accommodate the anticipated peak traffic, parking and loading needs and to provide sufficient access and turnaround space for fire-fighting equipment.
- (7) Grades for minor residential streets shall not exceed 8% or have a minimum grade of less than 0.75%. Within 50 feet of the intersection of any such street with an arterial street, the maximum grade shall be limited to 2%. For arterial, collector, industrial or commercial roadways, the maximum grade shall be 7%.
- (8) Street intersections shall be as nearly at right angles as is possible, and in no case shall be less than 60°. At the street corners, curbs shall be rounded with a curve having a radius of not less than 25 feet.
- (9) A vertical curve of sufficient length shall be provided at all changes of grade of streets to provide moving vehicles with a smooth transition and to allow sufficient sight distance to drivers in order to assure traffic and pedestrian safety.
- (10) Cul-de-sacs shall be avoided to the extent feasible. When needed, such streets shall be no longer than 600 feet and shall provide a turnaround at the end with a radius of not less than 60 feet, tangent whenever possible to the right side of the street. Where the street or alley is in excess of 100 feet in length, it shall be subject to a determination by the Board that the design is such that fire-fighting apparatus of the Borough shall not be deprived of ready access to structures served by such cul-de-sac. If a dead-end street is of a temporary nature, a temporary cul-de-sac shall be installed in accordance with the requirements for a permanent cul-de-sac. Future extension of the street shall result in the revision of the right-of-way to the adjoining properties.
- (11) In residential developments, four-way intersections shall be prohibited except where deemed desirable by the Borough.
- (12) Street jogs with center-line offsets of less than 125 feet shall be prohibited.

- (13) Longitudinal changes in direction along a street shall be made by means of a curve with a minimum center-line radius of 150 feet for minor streets and a minimum of 300 feet for arterial or collector roads.
- (14) Where streets have a reverse curve, a tangent of at least 100 feet in length shall be required.
- (15) 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.
- (16) All intersections shall be provided with sight triangle easements of 90 feet by 90 feet for intersections of minor streets and a triangle with a two-hundred-foot base for collector roads.
- (17) Pavement specifications.
  - (a) All underground utilities shall be installed prior to the installation of pavement.
  - (b) All unsuitable materials, such as debris, stumps, loose boulders, soft clay, muck or other materials, shall be removed from the right-of-way limits as may be directed by the Borough Engineer.
  - (c) All excavation for utilities or for removing unsuitable materials shall be refilled to the proper road grade in twelve-inch maximum lifts with select fill material consisting of an approved sand and gravel material. The select fill shall be compacted to 95% of its modified Proctor density. Where deemed necessary by the Borough Engineer, crushed stone or quarry process stone shall be utilized.
  - (d) If the road base remains wet for prolonged periods or is unstable as a result of wet conditions, the Borough Engineer may require the installation of subsurface piping to drain the road base.
  - (e) Road base course. After the sub-base has been thoroughly compacted to 95% of its modified Proctor density and approved by the Borough Engineer, a minimum of six inches of hot bituminous stabilized base course shall be installed in two three-inch lifts in all minor roads in accordance with the latest requirements of the New Jersey State Highway Department Standards Specifications for Road and Bridge Construction. The Borough Engineer may permit installation of one six-inch lift if conditions warrant. The thickness of the base course shall be increased as deemed necessary by the Borough Engineer, depending on anticipated traffic and soils conditions for roads other than minor and local roads. The base course for the entire road or large section thereof shall be installed as soon as possible to afford access to the site and shall be installed prior to issuing certificates of occupancy for any house fronting same.
  - (f) Road surface wearing course. The road surface pavement course shall be hot type FABC-1 or SM-1 bituminous concrete surface course and shall be manufactured and installed in accordance with the New Jersey State Highway Department Standards for Road and Bridge Construction (latest revision). The required minimum thickness shall be 1 1/2 inches for all minor streets with sound and stable base. For collector roads or other streets, the minimum thickness shall be two inches. The wearing surface shall not be permitted to be installed until all major construction is completed, all curbs and sidewalks repaired, all base pavement repairs are made in accordance with the directions of the Borough Engineer, all low spots are brought to grade with leveling wedges, all manhole and inlet castings are grouted and the road is approved for paving by the

Borough Engineer. The last two certificates of occupancy shall not be issued until the paving is completed unless waived by the Borough.

- (g) Development along existing streets. Where existing streets are to be excavated for curbs, utilities extension or other purposes, trenches shall be backfilled, and pavement replacement shall be in accordance with requirements of this Ordinance, except where existing pavement is reinforced concrete, in which case the pavement or replacement shall be reinforced concrete in accordance with the requirements of the Borough Engineer. After completion of all pavement excavations, curbing and utility installations in existing streets, the pavement base shall be replaced as specified in this section, and the roadway shall be overlaid with 1 1/2 inches of bituminous concrete surface overlay along the entire frontage to the center line of the roadway if deemed necessary by the Borough Engineer.

#### B. Blocks and lots.

- (1) Block lengths and widths within the bounding road shall be such as to accommodate the size of lot required in the area by the Zoning Ordinance *Editor's Note: See Ch. 350, Zoning.* to provide for convenient access, circulation and safety of street traffic.
- (2) Lot dimensions and areas shall not be less than as required by the Zoning Ordinance.
- (3) Insofar as it is practical, side lot lines shall be at right angles to straight streets and radial to curved streets. Lot lines shall be regular and straight, except where the outside perimeter lines of the subdivision tract make such an arrangement unfeasible, and shall be free of irregularities and internal jogs, except where actual land conditions necessitate such delineation.
- (4) Each lot shall front on an approved street, and, before a permit for the erection of any structure on the lot is granted, such street shall be improved or such improvements shall have been assured by means of a performance guarantee.
- (5) Where extra width has been provided for the widening of existing streets, lot measurements shall begin at such extra width line, and all setbacks shall be measured from such line.
- (6) Intersecting property lines on corner lots adjacent to the street lines shall be rounded with a curve having a radius of no less than 15 feet.
- (7) Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formations, flood conditions or similar circumstances, the Borough may, after adequate investigation, withhold approval of such lots.

#### C. Easements and rights-of-way.

- (1) Easements or rights-of-way of at least 15 feet in width shall be provided for all public sewers, water mains and other required underground utilities. The locations of such easements or rights-of-way shall be determined by the Board after consultation with the utility company or Borough department concerned.
- (2) Where a proposed subdivision is traversed by a natural stream or watercourse, there shall be provided a stormwater easement or a drainage right-of-way conforming substantially to the lines of

such watercourses and such further width or construction, or both, as will provide adequate drainage. Improvements to all drainageways shall include cleaning, stabilization, provision of an access road for cleaning and maintenance at least along one side of same and other improvements as may be deemed necessary by the Borough Engineer.

- (3) Surface drainage easement for major and minor subdivisions and site plans may be required from the downstream property owner to the upstream property owner to permit continued passage of stormwater flow as required by existing conditions and the proposed development.

#### D. Pedestrian walks.

- (1) Pedestrian walks shall be provided along the frontage of all but industrial zones and in other locations deemed necessary by the Borough.
- (2) Pedestrian walks and sitting areas shall be surfaced so that they will be easily maintained and properly illuminated if in use after sunset. Walks along the frontage of property shall be in accordance with Borough standards.
- (3) A private pedestrian walk shall have a minimum paved width of four feet, and, if dedicated to the Borough as a public walkway, the pedestrian walk shall have an easement with a minimum width of 10 feet.

#### E. Bikeways.

- (1) Bikeways may be required at the approving authority's discretion, depending on the development's location in relation to schools and recreation areas. Bicycle traffic shall be separated from motor vehicle and pedestrian traffic as much as possible.
- (2) Bikeways shall be designed and constructed in accordance with the standards and specifications as detailed in the Bicycle and Pedestrian Planning and Facilities Design Manual as sponsored by the New Jersey Department of Transportation.

#### F. Buffers.

- (1) Function and composition. A buffer shall provide a year-round visual screen for a particular property or area in order to minimize adverse impacts from a site on an adjacent property or from adjacent areas. A buffer shall consist of fencing, evergreens, berms, mounds or any combination thereof to achieve the stated objectives.
- (2) When required. Buffer areas shall be required along all lot lines and street lines which separate a nonresidential use from either an existing residential use or residential zoning district and/or where the approving authority has determined that there is a need to shield a site from adjacent properties and to minimize adverse impacts such as incompatible land uses, noise, glaring light, and traffic.
- (3) Size. Parking areas, garbage collection and utility areas, and loading areas shall be screened around their perimeter by a buffer a minimum of three feet wide.

(4) Landscape requirements. All buffer areas shall be planted and maintained with either grass or ground cover, together with a living wall screen of live shrubs or scattered planting live trees, shrubs or other plant material meeting the following requirements:

(a) The preservation of all natural wooded tracts shall be an integral part of all site plans and may be calculated as part of the required buffer area, provided that the growth of a sufficient density and the area has sufficient width to serve the purpose of a buffer. Where additional plantings are necessary to establish an appropriate tone for an effective buffer, said plantings may be required.

(b) Planting materials used in screen plantings should be at least four feet in height when planted and be of such density as will obscure, throughout the full course of the year, the emitted glare of automobile headlights and other adverse impacts such as, but not limited to, noise, windblown debris, and other typical and frequent nuisance problems. The purpose of the screen plantings shall also be to create an aesthetically pleasing and attractive view to mask or obscure the use, function, or structure located upon the site.

(c) The screen planting shall be so placed that at maturity it will not be closer than three feet to any street or property line.

(d) Trees shall be at least eight feet in height and 2 1/2 inches in caliper when planted and be of a species common to the area, be balled and burlapped nursery stock and be free of insects and disease.

(e) Any plant material which does not live shall be replaced within one year or one growing season.

(f) Screen plantings and landscaping shall be broken at points of vehicular and pedestrian ingress and egress to assure a clean sight triangle at all street and driveway intersections.

(g) No buildings, structures, storage or materials, or parking shall be permitted within the buffer area; buffer areas shall be maintained and kept free of all debris, rubbish, weeds and tall grass.

G. Fences, walls and hedges. Fences and walls shall not be located in any required sight triangle. Fences may be erected, altered or reconstructed in accordance with all other provisions of this Ordinance and the Borough of South River Zoning Ordinance.

H. Public utilities. All public services shall be connected to approved public facilities systems where they exist.

(1) The developer shall arrange with the servicing utility for all underground installation of the utility's distribution supply lines and service connections in accordance with the provisions of the applicable standards, terms and conditions incorporated as part of its tariff as the same are then on file with the State of New Jersey Board of Public Utility Commissioners.

(2) The developer shall submit to the approving authority, 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 electronic and telephone service from those overhead lines. In the case of the 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.

- (3) 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.
- (4) Any installation under this section to be performed by a servicing utility shall be exempt from the requirement of performance guarantees, but shall be subject to inspection and certification by the Borough Engineer, unless specifically and documentably exempt by operation of state law.

I. Natural features. Natural features such as trees, brooks, swamps, hilltops and views shall be preserved whenever possible. On individual lots, care shall be taken to preserve selected trees to enhance soil suitability and the landscape treatment of the area.

J. Shade trees and landscaping.

- (1) Shade trees shall be of the type and species and shall be planted at locations and intervals as may be approved by the Shade Tree Commission, with a minimum of one tree per 50 feet of frontage. Existing trees near street lines shall be preserved by the subdivider.
- (2) All proposed and existing lots or sites shall be landscaped in a manner designed to provide approved vegetative cover over all areas of the lot not utilized for buildings, walks, drives or planting beds. The remaining areas of the lot shall be covered with a minimum of six inches of topsoil from on the site or off the site and vegetated with lawn or other vegetation as approved by the Board.

K. Recycling. All development proposals involving single-family development of 50 or more units; multifamily development of 25 or more units; and commercial or industrial development of 1,000 square feet or more of land shall provide adequate provisions for the collection, disposition and recycling of recyclable materials as designated by the Borough's recycling ordinance *Editor's Note: See Ch. 287, Solid Waste.* and the Mandatory Statewide Source Separation and Recycling Act. *Editor's Note: See N.J.S.A. 13:1E-99.32 et seq.*

L. Swimming pools. It shall be unlawful for any person to construct, install, establish or maintain a private swimming pool or wading pool, as herein defined, without having obtained a permit in the manner prescribed in this Ordinance.

M. Trailers.

- (1) No trailer, auto trailer, trailer coach, travel trailer, office trailer, shipping container or camper shall be used for dwelling purposes or as sleeping quarters for one or more persons, nor shall any such trailer or camper be used for storage or space of the permanent conduct of any business, profession, occupation or trade, except that such facilities may be used for temporary residency as the temporary replacement of a damaged dwelling unit and for temporary use as a construction office located on a site during construction or for a sales office subject to Planning Board approval, provided that a temporary permit has been issued for its use by the Building Inspector. This section shall not be construed so as to prohibit the parking or storage of recreational trailers and campers on private premises, but such storage shall be located to conform to the yard requirements for an accessory building.

(2) Temporary uses.

- (a) Temporary trailers for purposes of residential occupancy shall mean 90 days with an option to extend for one additional ninety-day period.
- (b) Temporary trailers for use as a model home and/or construction office shall mean occupancy during the time of construction.
- (c) Any temporary office shall be removed within 15 days of issuance of the certificate of occupancy for the last unit or within 15 days of cessation of construction activity.
- (d) The maximum allowable time period for a permitted temporary structure or use shall be set at one year.

N. Tree removal and woodlands management. The Tree Removal and Woodlands Management Ordinance, Chapter [319](#) of the South River Code, adopted April 10, 1996, and as may from time to time be amended, is adopted by reference and included in its entirety in this Ordinance.

**§ 295-48. Standard required improvements.**

- A. General. The design and construction of all site improvements shall be in accordance with this section and other applicable Borough requirements. Prior to the granting of final approval, the applicant shall have either installed improvements required by the Board or posted a performance guaranty or surety sufficient to cover the costs of said improvements. The Board may solicit local, county, state, federal, public or semipublic agencies and knowledgeable individuals on what improvements shall be required, the costs for same to be paid by the applicant, and improvements recommended by other agencies may be required by the Board as a condition of final approval. The following are standard required improvements which are necessary to protect the health, safety, welfare and convenience of the residents and public. Other improvements may also be required. It is recognized, however, that in peculiar situations all of the improvements listed below may not be appropriate or needed and may then be waived if deemed unnecessary by the Board.
- B. Installation of street improvements. All street improvements (i.e., pavements, curbs, gutters and sidewalks) shall be installed in accordance with the minimum standards set forth by the Borough or county engineers when said streets fall under their jurisdiction. All improvements to local streets shall be installed in conformance with Borough standards and specifications and as required by this Ordinance.
- C. Water system. The water system for all development plans, including major and minor subdivisions, site plans and development of individual residential lots, shall be in accordance with this section and also with the requirements of the Utility Department.
  - (1) All residential and commercial units shall be provided with water service through a minimum three-quarter-inch diameter Type K copper water service line complete with corporation cock at main, curb stop and box and shall have a minimum cover of four feet as shown on the Borough's Standard Details. Larger services shall be provided where deemed necessary.
  - (2) Water mains shall be eight-inch-diameter (minimum) cement-lined ductile iron pipe Class 52 suitable for sustaining pressures of 200 pounds per square inch and shall have a minimum cover of four feet from the top of the pipe to the proposed finished grade. Larger mains shall be provided as

shown in the Master Water Plan or as required by the Borough Engineer. Mains shall be looped to avoid dead ends.

- (3) All connections to existing mains shall be by the wet-tap method unless otherwise approved by the Borough Engineer.
- (4) All bends and fittings shall be restrained by utilizing thrust blocks as shown on the Standard Details or as otherwise required by the Borough Engineer.
- (5) All water mains shall be extended along the entire frontage of the site to the farthest property limit from the existing main.
- (6) Buried-type gate valves meeting AWWA-C-500-61 complete with valve box and extension stem shall be provided at the intersection of each street and main line valves a minimum of 1,000 feet apart. Accordingly, three gate valves are required at T-type intersections.
- (7) Fire hydrants shall be located as directed by the Borough Engineer and shall be required at the end of all dead-end mains and a maximum of 500 feet apart as measured along the curblines of the roadway. Fire hydrants shall be equipped with six-inch gate valves and shall be constructed in accordance with the Borough's Standard Details. All fire hydrants shall be Pentroy Machine, Model #PT 8100 "Patriot."
- (8) The development plans shall include plans and profiles of all water mains. Hydrants shall be provided at all high spots as a means of air release.
- (9) Prior to using new water mains for potable water distribution, all mains shall be tested for leakage by a two-hour pressure test. The allowable leakage shall be 25 gallons per inch diameter per mile per day at a pressure between 150 and 250 pounds per square inch as may be directed by the Borough Engineer, depending on location and elevation of the main within the system. After pressure testing, the line shall be chlorinated and flushed in accordance with the requirements of the New Jersey Department of Environmental Protection. Water samples shall be analyzed by a recognized professional testing lab, and the water mains shall not be utilized until all mains have satisfactorily passed leakage and bacteria testing.
- (10) Within 10 days after the completion of the water main, the developer shall provide six sets of as-built drawings prepared by a licensed professional engineer to the Borough Engineer. The as-built drawings shall indicate the type and the precise location of all mains, fittings, valves, service connections, curb boxes and thrust blocks.
- (11) All construction and operation of water mains shall be under the supervision of the Borough Engineer and Utility Engineer, respectively.

D. Sanitary sewerage facilities. The sanitary sewerage system for all development plans, including major and minor subdivisions, site plans and development of individual residential units, shall be in accordance with this section and also with the requirements of the Utility Department.

- (1) All residential units shall be connected to a sanitary sewer by a four-inch-diameter (minimum) sewer lateral. The lateral shall include connecting fitting and clean-out and shall be in accordance with the Borough's Standard Details. No lateral shall be accepted if the line has not been tested for watertightness. No connection shall be made without the approval of the Utility Engineer.

- (2) Commercial and industrial units shall utilize a sewer lateral size in accordance with estimated sewage flow from the particular unit with a minimum size of four inches.
- (3) Sewer laterals shall be constructed of cast-iron soil pipe or other material which may be approved by the Borough Engineer with neoprene gaskets and shall be complete with clean-out and other requirements of applicable codes and details.
- (4) Sewer mains shall be constructed of eight-inch-diameter (minimum) SDR-35 PVC gravity sewer pipe, Class 52 ductile iron pipe, or prestressed concrete cylinder pipe with steel bell and spigot, rubber gasket and bituminous lining. All pipe shall be thoroughly bedded on suitable base, backfilled with select fill material and thoroughly compacted around and over the pipe by mechanical tampers in six-inch lifts. Special compacting shall be required as directed by the Borough Engineer when utilizing PVC pipe in order to prevent egging of the pipe.
- (5) Manholes shall be located at a maximum of three-hundred-foot spacing and shall be constructed in accordance with the Borough's Standard Details. Manholes shall be located at the end of all sewers.
- (6) Connection to new mains shall be made by utilizing wye or tee-wye fittings approved by the Engineer. Connections to testing mains shall be made utilizing saddle-type connections approved by the Utility Department. Both types of connections shall be watertight and shall be in accordance with the Borough's Standard Details.
- (7) All sewer mains shall be extended along the entire frontage of the tract from the existing sewer main.
- (8) The development plan shall include plans and profiles of all sewer lines indicating the size, type, class and location of all mains, manholes and appurtenances.
- (9) Where sewage pump stations are required to service low areas, they shall be of the concrete wet-pit and separate concrete dry-pit type and shall be designed and constructed in accordance with the Tile Yard Pump Station constructed during 1979 and shall include all equipment and appurtenances contained therein and other design features required by the Borough Engineer for the particular installation.
- (10) Prior to construction of any sewer extension, a permit shall be obtained by the developer for said extension from the New Jersey Department of Environmental Protection.
- (11) After construction but before acceptance of the new sewer line, the pipeline shall be flushed free of debris and tested for leakage by infiltration and exfiltration testing as required by the Borough Engineer. The maximum allowable leakage shall be 25 gallons per inch diameter per mile per day. No noticeable streams of water shall be acceptable.
- (12) All construction and testing of the sewerage facilities shall be under the supervision of the Borough Engineer, and the connection to the existing facilities shall be made under the supervision of the Utility Engineer.
- (13) Prior to utilizing any sanitary sewer extension, a permit to operate same shall be obtained by the developer from the New Jersey Department of Environmental Protection.

- (14) Six sets of as-built drawings shall be provided to the Borough Engineer prior to utilizing the newly constructed sewer. The as-built drawing shall include a plan and profile of the sewer and shall indicate the precise location of all manholes, sewer connections and laterals, the size, type, slope and length of all sewer lines and other information deemed necessary by the Borough Engineer.

E. Storm drainage facilities.

- (1) All development plans for subdivisions, site plans and individual residential lots shall include provisions for safely and satisfactorily controlling stormwater runoff, drainage and stream flows in a manner that will not adversely affect existing and proposed properties, both upstream and downstream of the site. When developing a site in an aquifer outcrop area or other area affecting same, the development plan shall include provisions for on-site recharge of underground formations.
- (2) Where downstream drainage facilities have inadequate capacity for handling stormwater generated from the site in question and other presently undeveloped upstream sites, the development plan shall include provisions for providing capacity for same, or, if approved by the Borough, stormwater detention facilities may be required.
- (3) The applicant's engineer shall submit a drainage plan and report along with the proposed development plans for all major subdivisions and site plans. Other applicants may be required to submit same if deemed necessary by the Borough Engineer.
  - (a) The drainage plan shall include all data necessary to properly evaluate the existing and proposed drainage systems, including overall drainage basins, sub-basins, if applicable, with boundaries clearly indicated, areas shown in acres, topographic data, all existing and proposed drainage facilities, size, type, slope and elevations of all pipelines, culverts and drainage channels, location and type of land use within the drainage basin, drainage area to each inlet, ditch or other collection device and all other factors that may affect the drainage facilities.
  - (b) The drainage report shall include:
    - [1] An analysis of runoff before and after development, considering undeveloped areas with no runoff to the site to be fully developed in accordance with the zoning requirements of same.
    - [2] An analysis of potential impact of the drainage facilities adjoining properties and upstream and downstream drainage facilities.
    - [3] The drainage system shall be designed utilizing the rational formula ( $Q = CIA$ ) and shall be designed for a storm with a frequency of one in 25 years, except major drainage channels, detention basins and other facilities as deemed necessary by the Borough Engineer shall be designed for a storm with a frequency of one in 100 years.
    - [4] All drainage channels and detention ponds shall be designed with a one-foot freeboard and shall include an access easement and roadway along at least one side of the drainage facility for maintenance purposes.
    - [5] Swales shall be provided along property lines of all single-family residential lots in a manner that directs the runoff to a point where same can be suitably collected.

- [6] Inlets shall be located at all low points in roadway, parking areas and lawns and shall be sufficient to permit the entrance of all runoff with minimal surcharge. Inlets shall be constructed at other locations as may be required by the Borough Engineer to minimize gutter flow and to ensure that sufficient grate area is provided to accept all runoff. All inlets shall be in accordance with the Borough's Standard Details.
- [7] Manholes shall be precast concrete and shall be constructed in accordance with the Borough's Standard Details.
- [8] Storm drainage pipe shall be reinforced concrete pipe minimum Class III, except where cover and loading requirements necessitate Class IV pipe. Pipe size shall be determined by the Manning formula.
- [9] Flared end sections and headwalls shall be suitably designed reinforced concrete structures and shall include rip-rap energy dissipaters at all discharge points. The design of same shall be subject to the requirements of the Borough Engineer.
- [10] Vegetation. All drainage ditches, swales, channels, diversion dikes and berms shall be stabilized with vegetation in accordance with the requirements for soil erosion and sediment control in New Jersey with specific regard to slope, velocity and other applicable design factors.
- [11] After completion of the drainage system, the developer's engineer shall provide six sets of as-built drawings indicating the precise location, type, size, slope and elevation of all facilities.

F. Monuments. Monuments shall be in the size and shape required by N.J.S.A. 46:23-9.11 (the Map Filing Law, as amended) and shall be placed in accordance with said statute and indicated on the final plat. All lot corners shall be permanently marked with a metal alloy pin or equivalent.

G. Soil erosion and sediment control. All site plans and major subdivisions shall incorporate soil erosion and sediment control programs phased according to the scheduled progress of the development, including anticipated starting and completion dates. The purpose is to control soil erosion and sediment damages and related environmental damage by requiring adequate provisions for surface water retention and drainage and for the protection of exposed soil surfaces in order to promote the public health, safety, convenience, and general welfare of the community.

(1) Regulation and permits.

- (a) No building permit shall be issued for any application requiring either site plan or major subdivision approval until final plat approval has been given, including an approved soil erosion and sediment control plan.
- (b) No person shall proceed with any soil removal, soil disturbance or land grading without first having obtained either a permit for that purpose or a building permit based on an approved plat as outlined above.
- (c) A permit shall not be required under this Ordinance where Subsection [G](#) below applies, provided that no soil is removed from the premises involved.

(2) Data required.

- (a) A plan showing the area(s) of soil removal, soil disturbance and land grading and establishing the means for controlling soil erosion and sedimentation for each site or portion of a site when developed in stages.
- (b) The soil erosion and sediment control measures shall be certified by the local Soil Conservation District in the development of the plan and the selection of appropriate erosion and sediment control measures.
- (c) The plan shall be prepared by a professional engineer licensed in the State of New Jersey, except in instances where the preparation of a plan does not include or require the practice of engineering as defined in N.J.S.A. 45:8-28, and shall contain:
  - [1] Location and description of existing natural and man-made features on and surrounding the site, including general topography and soil characteristics and a copy of the County Soil Conservation District Soil Survey (where available).
  - [2] Location and description of the work and proposed changes to the site, including contours and spot elevations, showing existing and post-construction conditions, and, in the case of soil mining, a description of the equipment to be used for any processing of the soil and the number of cubic yards of soil to be removed.
  - [3] Measures of soil erosion and sediment control.
  - [4] A schedule of the sequence of installation of planned erosion and sediment control measures as related to the progress of the project, including anticipated starting and completion dates.
  - [5] All proposed revisions of data required shall be submitted for approval.
  - [6] Description of means for maintenance or erosion and sediment control measures and facilities during and after construction.
  - [7] Performance bond as set forth in this Ordinance. The bond shall be in such amount and for such period of time as determined by the governing body.

(3) General design principles.

- (a) Control measures shall apply to all aspects of the proposed land disturbances 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 distribution 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 area 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 run-off resulting from modified soil and surface conditions during and after development or land disturbances.
  - [6] Water run-off shall be minimized and retained on site wherever possible to facilitate groundwater recharge.
  - [7] Sediment shall be retained on site.
  - [8] Diversions, sediment basins and similar required structures shall be installed prior to any on-site grading or land disturbance.
- (b) Grading and filling. All lots where fill material is deposited shall have clean fill and/or topsoil deposited, which shall be graded to allow complete surface draining of the lot into local storm sewer systems or natural drainage courses. No regrading of a lot shall be permitted which would create or aggravate water stagnation or a drainage problem on site or on adjacent properties or which will violate this Ordinance. Grading shall be limited to areas shown on an approved site plan or subdivision. Any topsoil disturbed during approved excavation and grading operations shall be redistributed throughout the site.
- (c) Soil removal and redistribution. Excavation of soil other than as 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 shall be done in the following manner to minimize or eliminate the erosion of soil. Any application proposing the disturbance of more than 5,000 square feet of surface area of land as defined in the Soil Erosion and Sediment Control Act *Editor's Note: See N.J.S.A. 4:24-39 et seq.* (c. 251, P.L. 1975) shall include on its plan the following: the means to control or prevent erosion, providing for a sedimentation basin(s) for soil that does erode due to water; controlling drainage, dust and mud on the premises as well as abutting lands; preserving soil fertility and the ability of the area to support plant and tree growth by maintenance of adequate topsoil consisting of at least six inches of the original layer; maintaining necessary lateral support and grades of abutting lands, structures and other improvements; preventing pits and declivities which are hazardous or which provide insect breeding locations; and not altering the physical limitations and characteristics of the soil in such a way as to prevent the use to which the land may lawfully be put.
- (4) Maintenance. All erosion and sediment control measures installed shall be maintained for one year after completion of the improvements or until such measures are permanently stabilized as determined by the Borough Engineer, whichever is longer. The Borough Engineer shall give the applicant, upon the applicant's request, certification of this determination.
- (5) Engineer report and public hearing. If no subdivision or site plan review is required, a separate report by the Borough Engineer shall be obtained. The Borough Engineer shall make a report on the application within 30 days of its receipt. The report shall comment upon all the requirements of this section, including but not limited to soil characteristics, slopes, quantities of soil involved, water table, drainage, road capacities, performance bonds and the utility of the site following completion of the operation. All applications shall require a public hearing as set forth in Chapter [50](#), Land Use Procedures.

(6) Exemptions. The following activities are specifically exempt from the soil erosion and sediment control provisions:

(a) Land disturbance associated with the construction of a single-family dwelling unit unless such unit is a part of a proposed subdivision, site plan, zoning variance or building permit application involving two or more such single-family dwelling units.

(b) Land disturbances of 5,000 square feet or less of the surface area of land for the accommodation of construction for which the Standard Building Code of the State of New Jersey would require a building permit.

(c) Agricultural use of land when operated in accordance with a farm conservation plan approved by the local Soil Conservation District or when it is determined by the local Soil Conservation District that such use will not cause excessive erosion and sedimentation.

(d) Use of land for gardening primarily for home occupation.

(e) Percolation tests and/or soil borings.

H. Topsoil protection. Prior to undertaking major grading operations, all topsoil shall be temporarily stockpiled. No topsoil shall be removed from the site. After completion of grading and construction in any area, the topsoil shall be spread and the soil stabilized by establishing vegetation in accordance with the requirements for soil erosion and sediment control. Where sufficient topsoil is not available on the site not to be paved or contain structures, the developer shall provide sufficient topsoil to accomplish same from off-site sources.

I. Steep slopes.

[Added 6-13-2011 by Ord. No. 2011-19]

(1) This subsection shall be applicable to new development or land disturbance on a steep slope within the Borough of South River.

(2) Definitions. As used in this subsection, the following terms shall have the meanings indicated:

**DISTURBANCE**

The placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation.

**IMPERVIOUS SURFACE**

Any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, and includes porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements.

**REDEVELOPMENT**

The construction of structures or improvements on areas which previously contained structures or other improvements.

**STEEP SLOPES**

Any slope equal to or greater than 20% as measured over any minimum run of 10 feet. Steep slopes are determined based on contour intervals of two feet or less.

- (3) Designation of areas. The percent of slope (rise in feet per horizontal distance) shall be established by measurement of distance perpendicular to the contour of the slope. The percent of slope shall be calculated for each two-foot contour interval. For example, any location on the site where there is a one-foot rise over a ten-foot horizontal run constitutes a ten-percent slope; a 1.5-foot rise over a ten-foot horizontal run constitutes a fifteen-percent slope; a two-foot rise over a ten-foot horizontal run constitutes a twenty-percent slope.
- (4) Steep slope limits.
- (a) For steep slopes, any disturbance shall be prohibited, except as provided below:
- [1] Redevelopment within the limits of existing impervious surfaces; and
- [2] New disturbance necessary to protect public health, safety or welfare, such as necessary linear development with no feasible alternative; to provide an environmental benefit, such as remediation of a contaminated site; to prevent extraordinary hardship on the property owner peculiar to the property; or to prevent extraordinary hardship, provided that the hardship was not created by the property owner, that would not permit a minimum economically viable use of the property based upon reasonable investment. For example, redevelopment, within the footprint of existing impervious cover should be allowed to support efforts to revitalize development that has fallen into disrepair.
- (b) The applicant shall demonstrate through site plans depicting proposed development and topography that new disturbance is not located in areas with a twenty-percent or greater slope.
- (5) Enforcement; violations and penalties.
- (a) A prompt investigation shall be made by the appropriate personnel of the Borough of South River of any person or entity believed to be in violation hereof. If, upon inspection, a condition which is in violation of this subsection is discovered, a civil action in the Special Part of the Superior Court, or in the Superior Court, if the primary relief sought is injunctive or if penalties may exceed the jurisdictional limit of the Special Civil Part, by the filing and serving of appropriate process. Nothing in this Ordinance No. 2011-19 shall be construed to preclude the right of the Borough of South River, pursuant to N.J.S.A. 26:3A2-25, to initiate legal proceedings hereunder in Municipal Court. The violation of any section or subsection of this Ordinance No. 2011-19 shall constitute a separate and distinct offense independent of the violation of any other section or subsection, or of any order issued pursuant to this Ordinance No. 2011-19. Each day a violation continues shall be considered a separate offense.
- (b) Any person or entity who violates any provision of this subsection shall, upon conviction thereof, be punished as provided in Chapter 1, Article 1, General Penalty.

## **ARTICLE IX. ADDITIONAL REQUIREMENTS**

### **§ 295-49. Environmental impact statement.**

- A. Purpose. The purpose of this section is to establish rules, regulations, standards and procedures for the preparation of an environmental impact statement by the applicant in order to provide essential information to the appropriate Reviewing Board so that the environmental consequences of a proposed activity can be evaluated and controlled for the promotion of the safety, public health, convenience

and general welfare of the community. The environmental impact statement shall describe, with suitable sketches and plans, the proposed project. The environmental impact statement shall complement, rather than duplicate, the site plan and building plan and shall include a survey and description of the environmental features of the property.

- B. Applicability. All applications for major subdivisions, major site plan, use variance, or conditional use for any application involving one acre (43,560 square feet) or more of land shall be required to include an environmental impact statement as part of the application submission documentation.
- C. Environmental assessment. Prior to submitting a preliminary plat for any application involving more than one acre (43,560 square feet) of land, the applicant shall use the Borough's Master Plan or the Soil Conservation Service maps to present an overview of the natural limitations of the site and to guide the layout of the proposed development. These maps will aid in locating soil types, topography, slopes, surface water, aquifers, depth to water table, floodplains, vegetation, foundation limitations, erosion potential and septic suitability. With regard to freshwater wetlands, mapping showing the general location of wetlands is available from the New Jersey Department of Environmental Protection and Energy (NJDEP) and should be utilized for preparing the overview of natural limitations. It is anticipated that major areas of concern can be identified and agreed upon by use of this generalized data at an early stage in order to avoid development designs that will encroach upon the major environmental problem areas. Where environmentally sensitive areas identified by this general data must be encroached upon, the environmental impact statement submitted at the preliminary plat stage can analyze the problem in more detail based on on-site evaluations, but limiting the analysis to smaller areas of concern.
- D. Compliance. The preliminary plat for any development of one acre (43,560 square feet) or more shall be accompanied by an environmental impact statement complying with the following, unless as a result of data submitted prior to the preliminary plat, the approving authority shall have waived or modified certain portions of these requirements:
- (1) A description of the development specifying what is to be done during construction and operation, how it is to be done, and practical alternate plans to achieve the objective(s).
  - (2) An inventory of the following on-site environmental conditions and an assessment of the probable impact of the development upon them: water supply; water quality; floodplain protection; geology; soil erosion; wetlands; sewage disposal; topography; slopes in excess of 10%; vegetation and vegetation protection; depth to bedrock; noise characteristics and levels; air quality; land use; site aesthetics, such as views, terrain and mature wooded areas; and historic sites. Air and water quality shall be described with reference to standards promulgated by the Department of Environmental Protection of the State of New Jersey, and soils shall be described with reference to Soil Conservation Service categories and characteristics.
  - (3) A list of the status of the licenses, permits and approvals needed from federal, state or county agencies, including the conclusions and comments of these governmental agencies.
  - (4) An evaluation of any adverse environmental impact which cannot be avoided. Particular emphasis shall be placed upon air or water pollution, traffic increases, increase in noise, increase in sedimentation and siltation, increase in municipal services or capital needs and consequences to the municipal tax structure. The evaluation should include how the developer can assist in minimizing the adverse impacts by altering design concepts or by making, or participating in, on- or off-tract improvements.

- (5) In conjunction with the submission of an environmental impact statement, the applicant shall prepare and submit a fiscal impact analysis which shall detail all municipal costs to be generated by the proposed development, identified by type of obligation such as, but not limited to, public safety, public works, health and welfare, recreation, education, administration, utilities, garbage, etc. All anticipated municipal revenues to be realized by the creation of the proposed development shall be identified. In both costs and revenue analysis, dollar values used shall reflect the current year of application budgeting dollar equivalents for comparative purposes. A determination of annual net cost/revenue shall be provided. This cost revenue analysis shall be provided via annual projections to the year of projected one-hundred-percent project build-out completion.

E. Information required.

- (1) General requirements. The information required shall be presented in a concise descriptive report. The descriptive report shall be supplemented with graphic and explanatory material when environmentally sensitive areas are involved. Environmentally sensitive areas include, but are not limited to, stream corridors and floodplains, depth to bedrock of less than two feet, streams and water bodies, wetlands, slopes greater than 10%, highly acid or erodable soils, mature stands of trees, aquifer recharge areas, aquifer discharge areas and unique natural features and habitats.

- (2) Specific requirements.

- (a) Project description: describe the suitability of the site for the intended use and indicate the extent to which the site must be altered, the kinds of facilities to be constructed, the uses intended and an estimate of the resident population and working population. The compatibility or incompatibility of the proposed project shall be described in relation to the following:

- [1] Master Plan, especially the land use and open space elements.

- [2] The Middlesex County Master Plan.

- [3] Other pertinent planning documents.

- (b) Site description and inventory.

- [1] Types of soil. A complete mapping of all soil types on the site shall be required and a description of each soil's characteristics shall be included, with a reference to the Soil Survey and Middlesex County, New Jersey. The statement should make specific reference to the Soil Survey Tables for Engineering Index Properties, Soil and Water Features, and, where applicable, Sanitary Facilities.

- [2] Topography: describe the topographic conditions of the site.

- [3] Geology: describe the geologic formations and features associated with the site as well as depth to bedrock conditions; delineate those areas where bedrock is in close proximity to the surface (within two feet of the surface), as well as major rock outcroppings.

- [4] Vegetation: map and describe the diversity and frequency of all major species.

- [5] Wetlands. A presence/absence letter indicating whether wetlands exist on a property shall be obtained from NJDEPE. If it is known or anticipated that wetlands exist on a property and in lieu of a presence/absence letter, a letter of interpretation (LOI) shall be obtained from NJDEPE. Any wetland delineation shall be shown on the site plan and/or subdivision maps as well as support documents for the environmental impact statement.
- [6] Wildlife: describe the diversity and extent of wildlife habitats; identify any unique habitats.
- [7] Surface water: describe and map existing watercourses and water bodies that are particularly or totally on the site; determine the existing surface run-off from the site. Existing drainage network shall be determined. When the natural drainage pattern will be significantly altered or sewerage effluent is to be added to a watercourse or body, an analysis shall be conducted which will investigate flow, depth, capacity and water quality of the receiving waters.
- [8] Subsurface water: where existing conditions warrant, describe the subsurface water conditions on the site, in terms of both depth to groundwater and of water supply capabilities of the site; from existing data, provide detailed information regarding existing wells within 500 feet of the site as to depth, capacity and water quality.
- [9] Unique, scenic and/or historic features: describe and map those portions of the site which can be considered to have unique scenic and/or historic qualities; discuss views to and views from prominent locations.
- [10] Existing development features: describe any existing features on the site that are not considered to be part of the natural environment; include roads, housing units, accessory structures, utility lines, sewage facilities and public water supplies. When required, a regional analysis should be included which describes existing infrastructure for stormwater, sewerage, water supply and transportation.

(c) Environmental impact:

- [1] Describe on-site sewerage facilities and off-site sewerage conditions. Demonstrate adequacy of both on-site and off-site sewerage facilities and capacities and that the sewage can be disposed of without pollution to natural and man-made water systems.
- [2] Demonstrate that an adequate potable water supply is available for both domestic use and fire protection and demonstrate compliance with N.J.S.A. 58:12A-1 et seq., the New Jersey Safe Drinking Water Act, and Board of Health (BH) Chapter 4, Individual and Semi-public Water Supply Code. *Editor's Note: See Ch. 390, Water Supply.*
- [3] Discuss the effect of the proposed activity on groundwater and surface water quality and quantity; include calculations of before- and after-developed infiltration capacity; describe any activities which may result, even temporarily, in compliance with relevant water quality standards and demonstrate ability to comply permanently with state and local regulations as set forth in N.J.S.A. 26:3B-2 and 26:3B-3, Nuisances, N.J.A.C. 7:14, the Water Pollution Control Act, N.J.A.C. 7:14A-1, the New Jersey Pollution Discharge Elimination System, BH Chapter 2, Section 2-11c, the Public Health Nuisance Code, *Editor's Note: See Ch. 373, Nuisances.* and BH Chapter 12, Water Supply Protection.

- [4] Describe any impact on stream corridors, wetlands, aquifer recharge areas and historically or archeologically significant areas.
  - [5] Describe any effect, including cumulative effects, of the proposed activity on air quality surrounding the project; demonstrate compliance with relevant state and local regulations and standards for visible and invisible pollutants in the air as set forth in N.J.A.C. 27, Air Pollution Control, BH Chapter 2, Section 2-11d, Public Health Nuisance Code, and BH Chapter 16, Air Pollution Control.
  - [6] Demonstrate that there will be no significant increase in sound levels which will adversely impact public health and welfare nor be detrimental to the quality of life and privacy of the surrounding community; demonstrate compliance with N.J.A.C. 7:29, Noise Control, and BH Chapter 2, Section 2:11c, Public Health Nuisance Code.
  - [7] Describe any hazardous substances to be transported to or from or to be stored at the site and solid waste which will be generated by the proposed activity. Demonstrate compliance with relevant state and local regulations and standard as set forth in N.J.S.A. 13:1K-6 et seq., Environmental Cleanup and Responsibility Act, N.J.A.C. 7:19, Discharge of Petroleum and Other Hazardous Substances, N.J.A.C 7:30, Pesticide Control, and BH Chapter [17](#), Hazardous Substance Control.
  - [8] Describe the environmental impact of traffic generation.
  - [9] Describe any adverse environmental effect that may occur during the construction phase of the project.
  - [10] List all publications, file reports, manuscripts or written sources of information related to the project, the project site and the Borough which were consulted and employed in the compilation of the environmental impact statement.
  - [11] Demonstrate that there will be no adverse impact to environmentally sensitive areas from the proposed development.
  - [12] Demonstrate that there will be no adverse impact to traffic safety from the proposed development.
- (d) Environmental performance controls: describe in detail what measures will be employed during the planning, construction and operation phases which will minimize or eliminate impacts on-site and off-site resulting from the proposed activity, including, but not limited to:
- [1] Site design techniques sensitive to the natural environment, which should include innovative landscapes, building and circulation design buffers.
  - [2] Drainage plans which would limit off-site run-off.
  - [3] Sewage disposal techniques.
  - [4] Water supply and water conservation proposals.

[5] Energy conservation measures.

[6] Pollution control measures that favorably affect air quality and water quality and reduce noise.

[7] Open space reserves.

[8] Procedures for chemical spill prevention, control and clean-up.

(e) The name and address of the person, persons, or entity who or which prepared the environmental impact statement or their curriculum vitae.

F. Disposition. The municipal reviewing board shall use the environmental impact and, where appropriate, formulate reasonable and necessary conditions of approval which will mitigate adverse environmental impact.

G. Notwithstanding the foregoing, the approving authority may waive the requirement for all or part of an environmental impact statement if sufficient evidence is submitted to support a conclusion that the proposed development will have a slight or negligible environmental impact, or upon a finding that the complete report need not be prepared in order to evaluate the environmental impact of the development.

#### **§ 295-50. Building permits.**

No building permit shall be issued for the development of any parcel or lot contained in any subdivision which has been created subsequent to the effective date of this Ordinance unless the lot or parcel has been created pursuant to this Ordinance.

#### **§ 295-51. Violations and penalties.**

If, before final subdivision approval has been obtained, any person transfers or sells or agrees to sell, as owner or agent, any land which forms a part of said subdivision, such person shall be subject to a fine not to exceed \$1,000 and each parcel, plot or lot so disposed of shall be deemed a separate violation.

#### **§ 295-52. Miscellaneous provisions.**

A. Severability. If any section, subsection, paragraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, subsection, paragraph, clause or provision so adjudged, and the remainder of this Ordinance shall remain in full force and effect.

B. Amendability. This Ordinance may be amended at any time by the Borough Council in accordance with Chapter 291, of the Laws of New Jersey 1975 (N.J.S.A. 40:55D-1 et seq.).

C. Repealer. All ordinances inconsistent with this Ordinance, with the exception of Chapter [350](#), Zoning, are hereby repealed.

D. Effective date. This Ordinance shall take effect upon its final passage and publication as provided by law.

#### **§ 295-53. Stormwater.**

- A. Severability. If any section, subsection, paragraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, subsection, paragraph, clause or provision so adjudged, and the remainder of this Ordinance shall remain in full force and effect.
- B. Amendability. This Ordinance may be amended at any time by the Borough Council in accordance with Chapter 291, of the Laws of New Jersey 1975 (N.J.S.A. 40:55D-1 et seq.).
- C. Repealer. All ordinances inconsistent with this Ordinance, with the exception of Chapter [350](#), Zoning, are hereby repealed.
- D. Effective date. This Ordinance shall take effect upon its final passage and publication as provided by law.

**SECTION 2.** If any section, paragraph, subdivision, clause of provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause, or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION 3.** All Ordinances or parts of Ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4.** This Ordinance shall take effect after final passage, adoption, and publication according to law.

Dated:

ATTEST:

\_\_\_\_\_  
 RAYMOND T. EPPINGER, Mayor

\_\_\_\_\_  
 PATRICIA O'CONNOR, Registered Municipal Clerk

## **ORDINANCE 2011-40**

### **ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF SOUTH RIVER, CHAPTER 50 ENTITLED “LAND USE PROCEDURES”, ARTICLE I: PLANNING BOARD**

**BE IT ORDAINED** by the Mayor and Borough Council of the borough of South River, that Chapter 50 of the Code of the Borough of South River entitled “Land Use Procedures”, Article I: Planning Board be amended as follows:

#### **Section 1.**

##### **§50-1 Establishment**

There is hereby established, pursuant to N.J.S.A. C.40:55D-23 in the Borough of South River, a Planning Board of nine (9) members consisting of the following four (4) classes.

- A. Class I: The Mayor, or Mayor’s designee in the absence of the Mayor (§40-55D-23a).
- B. Class II: One (1) of the officials of the Borough other than a member of the governing body to be appointed by the Mayor; provided that if there is an Environmental Commission, the member of the Environmental Commission who is also a member of the Planning Board as required by C.40:56A-1 shall be deemed to be the Class II Planning Board member if there is both a member of the Zoning Board of Adjustment and a member of the Board of Education among the Class IV members or alternate members.
- C. Class III. A member of the governing body, to be appointed by it.
- D. Class IV: Six (6) other citizens of the Borough, to be appointed by the Mayor. The members of Class IV shall hold no other municipal office, position or employment, except that one (1) member may be a member of the Zoning Board of Adjustment. A member of the Environmental Commission who is also a member of the Planning Board as required by C.40:56A-1 shall be a Class IV Planning Board member, unless they are among the Class IV, or alternate members, both a member of the Zoning Board of Adjustment and a member of the Board of Education, in which case the member of the Environmental Commission shall be deemed to be the Class II member of the Planning Board. For the purpose of this section, membership on a municipal board of 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.

##### **§50-2 Terms of Members**

- A. The term of the member composing Class I shall correspond with the Mayor’s official tenure, or if the member is the Mayor’s designee, the designee shall server at the pleasure of the Mayor during the Mayor’s official tenure.
- B. The term of the members composing Class II and Class III shall be for one (1) year or terminate at the completion of their respective terms of office whichever comes first, except for a Class II member who is also a member of the Environmental Commission.
- C. The term of a Class II or Class IV member who is also a member of the Environmental Commission shall be for three (3) years or terminate at the completion of his term in office as a member of the Environmental Commission, whichever comes first.
- D. The term of a Class IV member who is also a member of the Board of Adjustment or the Board of Education shall terminate whenever he is no longer a member of such other body or at completion of his Class IV term whichever comes first.

- E. The terms of all class IV members first appointed pursuant to this chapter shall be so determined that, to the greater practicable extent, the expiration of such terms shall be evenly distributed over the first four (4) years after their appointment as determined by resolution of the governing body, provided, however, that no term of any member shall exceed four (4) years, and further provided that nothing herein shall affect the term of any present member of the Planning Board, all of whom shall continue in office until the completion of the term for which they were appointed. Thereafter all Class IV members shall be appointed for terms of four (4) years except as otherwise provided herein.
- F. All terms shall run from January 1 of the year in which the appointment was made, except as otherwise specified herein.
- G. 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.
- H. Any member other than a Class I member, after a public hearing if he requests one, may be removed by the governing body for cause.

**§50-3 Alternate Members**

- A. There shall be two alternate members of the Planning Board who shall be appointed by the Mayor and shall meet the qualifications of Class IV members of the Planning Board. Said alternates shall be designated at the time of their appointment as “Alternate No. 1” and “Alternate No. 2”. The terms of the alternate members shall be for two (2) years except that the terms of the alternate members shall be such that the term of not more than one (1) alternate member shall expire in any one (1) year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two (2) years. A vacancy occurring otherwise than by expiration of term shall be filled by the approving authority for the unexpired term only.
- B. No alternate member shall be permitted to act on any matter on which he has either directly or indirectly any personal or financial interest. An alternate member may, after public hearing if he requests one, be removed by the governing body for cause. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. 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.

**§50-4 Vacancies**

If a vacancy of any class shall occur otherwise than by expiration of term, it shall be filled by appointment as above provided for the unexpired term.

**§50-5 Basic Course in Land Use Law and Planning**

All regular and alternate members of the Planning Board shall be required to successfully complete a course in land use law and planning which has been authorized by the NJ Commissioner of Community Affairs and/or New Jersey Planning Officials within eighteen (18) months of assuming Board membership. No new member of the Planning Board shall be seated as a first-term member or alternate member of the Planning Board unless the person agrees to complete the basic course required and complete that course within eighteen (18) months of assuming Board membership. The Mayor or Class I member, a member of the Governing Body serving as a Class III member, and any person licensed as professional planner shall be exempt from this requirement.

**§50-6 Organization of Board**

The Planning Board shall elect a Chairman and Vice Chairman from the members of Class IV, select a Secretary who may either be a member of the Planning Board or a municipal employee, and create and fill such other offices as established by ordinance.

**§50-7 Planning Board Attorney**

There is hereby created the position of Planning Board Attorney. The Planning Board shall annually appoint and fix the compensation of the Planning Board Attorney for all legal service including, but not limited to: regular and special meetings of the Board, litigation, and such other legal services as may be deemed necessary by the Board. The Board Attorney shall be an attorney other than the Municipal Attorney or Zoning Board of Adjustment Attorney. The Board shall not, however, exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.

**§50-8 Expert Staff**

The Planning Board may also employ or contract for services of Planning and/or Engineering Consultants and their staff and other services as it may deem necessary. The Board shall not, however, exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use. The Planning Board may also employ or contract for services of a Board Secretary. The Board shall not exceed the amount appropriated by the Governing Body for its use.

**§50-9 Rules and Regulations**

The Board shall adopt bylaws governing its procedural operation and such rules and regulations as may be necessary to carry into effect the provisions and purpose of this chapter. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigation Law of 1953 (N.J.S.A. 2a:67a-1 et. seq.) shall apply.

**§50-10 Powers of the Planning Board**

The Planning Board shall have such powers as are granted by law:

- A. To make and adopt, and from time to time, amend a Master Plan for the physical development of the municipality, including in its consideration areas outside its boundaries which in the Board's judgment bear essential relation to the planning of the municipality, in accordance with the provisions of C.40:55D-1 et. seq.
- B. To administer the provisions of the Land Development Ordinance of the municipality in accordance with the provisions of said ordinances and with C.40:55D-1 et. seq.,
- C. To participate in the preparation and review of programs or plans required by state or federal law or regulations.
- D. To assemble data on a continuing basis as part of a continuing planning process.
- E. To annually prepare a program of municipal capital improvements and projects projected over a term of six (6) years, and amendments thereto, and recommend same to the governing body.
- F. To consider and make report to the governing body within thirty-five (35) days after referral as to any proposed development regulations submitted to it pursuant to the provisions of C.40:55d-26b.
- G. The Planning Board when reviewing applications for approval of subdivision plans, site plans or conditional uses shall have the power to grant to the same extent and subject to the same restrictions as the Board of Adjustment, provided no variance under N.J.S.A. 40:55D-70d is required:
  - (1) Grant variances, pursuant to Subsection 57C of Chapter 291 of the Laws of New Jersey, 1975 (C.40:55D-70C), from lot area, lot dimension, setback and yard requirements, etc.

- (2) Direction, pursuant to Section 25 (C.40:55D-34), for issuance of a permit for a building or structure in the bed of a mapped street or public drainageway, flood control basin or public area reserved pursuant to Section 23 (C.40:55D-32).
  - (3) Direction, pursuant to Section 27 (C.40:55D-36), for issuance of a permit for a building or structure not related to a street.
  - (4) Whenever relief is requested pursuant to this subsection, notice of a hearing on the application for development shall include references to the request for a variance or direction for issuance of a permit, as the case may be.
- H. The Planning Board shall perform such other advisory duties as are assigned to it by ordinance or resolution of the governing body for the aid and assistance of the governing body or other municipal agencies or offices.
  - I. To hold hearings on any application to establish any residential housing facilities under the pursuant to Senate Bill No. 210, for the developmentally disabled, and to approve any such application by resolution, setting forth the terms and conditions of the approved.
  - J. Hear and decide requests for interpretation of all Borough Ordinances related to the powers, functions and duties generally performed by the Planning Board, other than the Zoning Ordinance.

**§50-11 Environmental/Shade Tree Commission Review**

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 an informational copy available to the Environmental Commission shall not invalidate any hearing or proceeding.

**§50-12 Time Limits**

- A. Minor subdivision and minor site plans - Minor subdivision and minor site plan 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. Failure of the Planning Board to act within the prescribed forty-five (45) day period shall constitute minor subdivision. Minor subdivisions 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 (N.J.S.A. 46:23-9.9 et. seq.), or a deed clearly describing the approved minor subdivision, is filed by the developer with the County Recording Officer, the Borough Engineer and the Borough 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.
  - (1) The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor subdivision approval was granted shall not be changed for a period of 2 years after the date on which the resolution of minor subdivision approval is adopted; provided that the approved minor subdivision shall have been duly recorded as provided in this subsection.
  - (2) The Planning Board may extend the 190-day period for filing a minor subdivision plat or deed pursuant to Section 204-3L1 if the developer proves to the reasonable satisfaction of the Planning Board that: (1) the developer was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities, and (2) the developer applied promptly for the diligently pursued the required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the

Planning Board. The developer may apply for the extension either before or after what would otherwise be expiration date.

- (3) The Planning Board shall grant an extension of minor subdivision approval for a period determined by the Board but not exceeding one year from what would otherwise be the expiration date, if the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the required approvals. A developer shall apply for the extension before: (1) what would otherwise be the expiration date of minor subdivision approval, or (2) the 91<sup>st</sup> day after the developer receives the last legally required approval from the other government entities, whichever occurs later.

B. Preliminary approval of major subdivisions and major site plans - Upon submission of a complete application for a subdivision of ten (10) acres of land or less and ten (10) dwelling units or less, 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 (10) acres or more than ten (10) dwelling units, the Planning Board shall grant or deny preliminary approval within ninety-five (95) days 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 either size subdivision or site plan.

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 50-10(g), 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 described 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 the request of the applicant.

D. Final Approval

- (1) Application for final subdivision approval or site plan 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. Failure of the Planning Board to act within the period prescribed shall constitute final approval.
- (2) 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.
- (3) The Planning Board may extend the 95 days or 190 day period if the developer proves to the reasonable satisfaction of the Planning Board that: (1) the developer was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities, and (2) the developer applied promptly for and diligently pursued the required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the Planning Board. The developer may apply for the extension either before or after what would otherwise be the expiration date.

## ARTICLE II: ZONING BOARD OF ADJUSTMENT

### §50-13 Establishment and Terms of Members

- A. A Zoning Board of Adjustment is hereby established pursuant to N.J.S.A. C.40:55D-69 et. seq. consisting of seven (7) residents of the Borough of South River appointed by the Governing Body to serve for a term of four (4) years from January 1 of the year of their appointment. Nothing in this chapter shall, however, be construed to affect the term of any present member of the Zoning Board of Adjustment, all of whom shall continue in office until the completion of the term for which they were appointed.
- B. No member of the Zoning Board of Adjustment may hold any elective office or position under the Borough.
- C. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only.
- D. No member of the Zoning Board of Adjustment shall be permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest.
- E. A member may, after a public hearing if he requests it, be removed by the governing body for cause.

### §50-14 Alternate Members

- A. There shall be two (2) alternate members of the Board of Adjustment appointed by the Governing Body. The alternate members shall be designated at the time of appointment by the governing body as "Alternate No. 1" and Alternate No. 2". The terms of the alternate members shall be such that the term of not more than one (1) alternate member shall expire in any one (1) year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two (2) years.
- B. The alternate member may participate in discussion of the proceedings but may not vote except in the absence or disqualification of a regular member. 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.
- C. No alternate member of the Board of Adjustment shall be permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest.
- D. An alternate member may, after a public hearing if he requests one, be removed by the governing body for cause.

### §50-15 Officers

The Board of Adjustment shall elect a Chairman and Vice Chairman from its members and shall also select a Secretary, who may be either a Board Member or another municipal employee.

### §50-16 Board of Adjustment Attorney

There is hereby created the position of Attorney to the Zoning Board of Adjustment, appointed by the Zoning Board of Adjustment. The Zoning Board of Adjustment shall annually appoint and fix the compensation of the Zoning Board of Adjustment Attorney for all legal services including but not limited to: regular and special meetings of the Board, litigation and such other legal services as may be deemed necessary by the Board. The Board of Adjustment Attorney shall be an attorney other than the Municipal Attorney or Planning Board Attorney. The Board shall not, however, exclusive of gifts or grants, exceed the amount appropriated by the governing body for its use.

### §50-17 Other Expert Staff

The Zoning Board of Adjustment may also employ or contract for the services of Planning and/or Engineering Consultants and their staff and other services as it may deem necessary. The Board shall not, however, exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.

#### **§50-18 Rules and Regulations**

The Board shall adopt bylaws governing its procedural operation and such rules/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 (N.J.S.A.2A :67A-1 et. seq.) shall apply.

#### **§50-19 Powers of the Zoning Board of Adjustment**

A. The Board of Adjustment shall have such powers as are granted by law to:

- (1) Hear and decide appeals where it is alleged by the applicant that there is an error in any order, requirement, decision or refusal made by an Administrative Official based on or made in the enforcement of the Zoning Ordinance, pursuant to N.J.S.A. 40:55d-70a. In exercising the above-mentioned power, the Board of Adjustment may, in conformity with the provisions of R.S. 40:55D-1 et. seq. or amendments thereto or subsequent statutes applying, 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.
- (2) Hear and decide requests for interpretation of the Zoning Map or Zoning Ordinance or for decisions upon other special questions upon which such Board is authorized to pass by the Zoning Ordinance, pursuant to N.J.S.A. 40:55d-70b.
- (3) (a) Where: (1) by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or (2) by reason of exceptional topographical conditions or physical features uniquely affecting a specific piece of property, or (3) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to the Zoning Ordinance, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property, grant, upon an application or an appeal, a variance from such strict application of such regulation so as to relieve such difficulties or hardship; (b) Where, in an application or appeal relating to a specific piece of property, the purpose of this act or the Educational Facilities Construction and Financing Act would be advanced by a deviation from the zoning ordinance requirements and the benefits or the deviation would substantially outweigh any detriment, grant a variance to allow departure from regulations pursuant to Zoning Ordinance; provided, however, that no variance from those departures enumerated in Subsection 4 of this section shall be granted under this subsection; and provided further that the proposed development does not require approval by the Planning Board of a subdivision, site plan or conditional use, in conjunction with which the Planning Board has power to review a request for a variance.
- (4) In particular cases and for special reasons, grant a variance to allow departure restricted against such (a) use or principal structure not permitted; (b) an expansion of a nonconforming use; (c) deviation from a specification or standard pursuant to N.J.S.A. 40:55D-67 pertaining solely to a conditional use; (d) an increase in the permitted floor area ratio as defined in N.J.S.A. 40:55D-4; (e) an increase in the permitted density as defined in C.40:55D-4, except as applied to the required lot area for a lot or lots for detached one or two dwelling unit buildings, which lot or lots are either an isolated undersized lot or lots

resulting from a minor subdivision; or (f) a height of a principal structure which exceeds by ten (10) feet or 10% of the maximum height permitted in the district for a principal structure. A variance under this subsection shall be granted only by affirmative vote of at least five (5) members. 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 the purpose of the zone plan and Zoning Ordinance. Any application under 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 Zoning Board of Adjustment shall act.

#### **§50-20 Additional Duties**

- A. In addition, the Zoning Board of Adjustment shall have power given by law to:
- (1) Direct issuance of a permit pursuant to N.J.S.A. 40:55d-34 for a building or structure in the bed of a mapped street or public drainage-way, flood control basin or public area reserved on the Official Map.
  - (2) Direct issuance of a permit pursuant to N.J.S.A. 40:55D-36 for a building or structure not related to a street.
  - (3) The Board of Adjustment shall have the power to grant, to the same extent and subject to the same restrictions as the Planning Board, subdivision or site plan approval pursuant to N.J.S.A. 40:55D-67 whenever the Board is reviewing an application for approval of a use variance pursuant to N.J.S.A. 40:55D-70d.
  - (4) The developer may elect to submit a separate application requesting approval of the variance and a subsequent application for any required approval of subdivision, site plan or conditional use. The separate approval of the variance shall be conditioned upon the grant of all required subsequent approvals by the Zoning Board of Adjustment, consistent with N.J.S.A. 40:55-76.

#### **§50-21 Appeals and Application**

- A. Appeals to the Board of Adjustment may be taken by any interested party affected by any decision of the Zoning Officer of the municipality based on or made in the enforcement of the Zoning Ordinance or Official Map. Such appeal shall be taken within twenty (20) days by filing a notice of appeal and eight (8) copies with the office from whom the appeal is taken specifying the grounds of such appeal. The official from whom the appeal is taken shall immediately transmit to the Board all the papers constituting the record upon which the action appealed was taken.
- B. A developer may file an application for development with the Board of Adjustment for action under any of its powers without prior application to an Administrative Officer. Eight (8) copies of the application shall be filed. At the time of filing the appeal or application, but in no event less than ten (10) 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 ordinance or any rule of the Board of Adjustment. The applicant shall obtain all necessary forms from the Secretary of the Zoning Board of Adjustment. 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 Board.

#### **§50-22 Modification on Appeal**

The Board of Adjustment may reverse or affirm, wholly or in part, or may modify the action, order, requirement, decision, interpretation or determination appealed from and to that end have all the powers of the administrative officer from whom the appeal is taken.

#### **§50-23 Stay of Proceedings by Appeal**

An appeal to the Board of Adjustment shall stay all proceeding in the appealed matter unless the Officer from whose action the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by an order of the Superior Court upon notice of the officer from whom the appeal is taken and on due cause shown.

**§50-24 Environmental Commission Review**

Whenever the Environmental Commission has prepared and submitted to the Zoning Board an index of the natural resources of the municipality, the Zoning Board shall make available to the Environmental Commission an informational copy of every application for development to the Zoning Board. Failure of the Zoning to make such an informational copy available to the Environmental Commission shall not invalidate any hearing or proceeding.

**§50-25 Time for Decision**

The Board of Adjustment shall render its decision not later than one hundred twenty (120) days after the date an appeal is taken from the decision of an administrative officer or after the submission of a complete application for development to the Board pursuant to the provisions of N.J.S.A. C.40:55D-72b, or within such further time as may be consented to by the applicant. Failure of the Board to render a decision within such period shall constitute a decision favorable to the applicant. In the event the developer submits separate consecutive applications, the aforesaid time period shall apply to the application for approval of the variance. The period for granting or denying any subsequent approval shall be as otherwise provided in this Ordinance. Failure of the Board to render a decision within the prescribed period shall constitute a decision favorable to the applicant.

**§50-26 Expiration of Variance**

Any variance from the items of this chapter hereafter granted by the Board of Adjustment, permitting the erection or alteration of any structure or structures or permitting a specified use of any premises, shall expire by limitation within one (1) year from the date of entry of the judgment or deterioration of the Board of Adjustment, or in the case where a variance was granted in conjunction with the approval of a development application for a minor subdivision or site plan, the protection period for the variance shall run concurrently with the protection period for the respective development application, unless the applicable construction permits have been obtained or the permitted use has actually been commenced by that date; except, however, that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the Board of Adjustment to the court of competent jurisdiction until the termination in any manner of such appeal or proceeding.

**§ 50-27 Lack of quorum**

If the Board of Adjustment lacks a quorum because any of its regular or alternate members is prohibited by N.J.S.A. 40:55D-69 from acting on a matter due to the member's personal or financial interest therein, Class IV members of the Planning Board shall be called upon to serve, for that matter only, as temporary members of the Board of Adjustment. The Class IV members of the Planning Board shall be called upon to serve in order of seniority of continuous service to the Planning Board until there are the minimum number of members necessary to constitute a quorum to act upon the matter without any personal or financial interest therein, whether direct or indirect. If a choice has to be made between Class IV members of equal seniority, the Chair of the Planning Board shall make the choice.



**ARTICLE III: PROVISIONS APPLICABLE TO BOTH PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT**

**§50-27 Conflicts of Interest**

No member of the Planning Board or Zoning Board of Adjustment shall act on any matter in which he has, either directly or indirectly, any personal or financial interest. Whenever any such member shall disqualify himself from acting on a particular matter, he shall not continue to sit with the Board on the hearing of such matter nor participate in any discussion or decision relating thereto.

**§50-28 Application Procedure**

- A. All applications for development shall be filed with the Administrative Officer. At the time of filing of application, the applicant shall also file the fee, a completed checklist (as set forth in the schedule of forms attached to and made a part of this chapter), any request for waiver and any and all maps required by this section. The applicant shall file, at least fourteen (14) days before the date of the monthly meeting of the Board, eight (8) copies of a sketch plat, eight (8) copies of an application for minor subdivision approval, eight (8) 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 (10) 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 Board. The Secretary of the Board shall inform the applicant of the steps to be taken to initiate applications and of the regular meeting dates of the Board.
- B. Upon receipt of an application for development, the Administrative Officer shall review the application and certify it as complete if all requirements for completeness have been met.
- C. Within forty-five (45) days from the filing as required above the Administrative Officer shall review and certify the application to be complete or incomplete in writing.
  - (1) If incomplete, the Administrative Officer shall certify in writing the deficiencies in the application on a checklist as specified in the schedule of forms attached to and made part of this chapter.
  - (2) The application shall be deemed complete within forty-five (45) days of the date of its submission if the Administrative Office does not certify the application to be complete.
- D. The applicant may request relief from one (1) or more of the submissions required in above. The request must be in writing stating the reason thereof. The Administrative Officer shall grant or deny the request within forty-five (45) days of the request.
- E. The Administrative Officer shall assign a hearing date and notify the applicant of the same after the application has been deemed complete. Notice to the applicant shall be in writing by regular mail. Upon receipt of a date of hearing, the applicant shall proceed to give proper notice of the hearing and comply with all other provisions of this chapter and the Municipal Land Use Law.

**§50-29 Meetings**

- A. Meetings of both the Planning Board and Zoning Board of Adjustment shall be scheduled as on an adopted calendar, and any meeting scheduled shall be held as scheduled unless canceled 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 (2) 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 provisions of Chapter 291 of the Laws of 1975 (see N.J.S.A. 40:55D-9 et. seq.).

- 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 Act, Chapter 231 of the Laws of 1975 (see N.J.S.A. 10:4-6 et. seq.). An executive session for the purpose of discussing and studying any matters to come before either Board shall not be deemed a regular or special meeting in accordance with the provisions of N.J.S.A. 40:55d-9.

**§50-29 Minutes**

Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the Board and of the persons appearing by attorney; the action taken by the Board, the findings, if any, made by it and reasons therefor. The minutes shall thereafter be made available for public inspection during normal business hours at the office of the Borough 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 reasonable fee as indicated in the Fee Ordinance for reproduction of the minutes for his use as provided for in the rules of the Board.

**§50-30 Documents and Fees**

Forms and any other required documents for applications or for the rendering of any service by the Planning Board or Zoning Board of Adjustment or any member of their administrative staffs which are not otherwise provided for by Ordinance may be provided for and adopted as part of the rules of the Board. Copies of said rules or of the separate fee and submission schedule shall be made available to the public. A schedule of fees is detailed in Section 204-4 of this chapter.

**§50-31 Hearings**

- A. Rules - The Planning Board and Zoning Board of Adjustment may make rules governing the conduct of hearings before such bodies, which rules shall be consistent with the provisions of N.J.S.A. 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 the power to administer oaths and issue subpoena to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, as well as the provisions of the County and Municipal Investigations Law, P.L. 1953, C.38 (N.J.S.A. 2A:67A-1 et. seq.), shall apply.
- 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 to time and number of witnesses.
- D. Evidence - Technical rules of evidence shall not be applicable to the hearing, but the Board may exclude irrelevant, immaterial or unduly repetitious evidence.
- E. Records - Each Board shall provide for the verbatim recording of the proceedings of either stenographer, mechanical or electronic means. The Board shall furnish a transcript or duplicate recording in lieu thereof on request to any interested party at his expense.
- F. Absent Member - When any hearing before either the Planning Board or Zoning Board of Adjustment shall carry over two (2) or more meetings, a member of the Board who was absent for one (1) or more the meetings shall be eligible to vote on the matter upon which the hearing was conducted, notwithstanding his absence from one (1) or more of the meetings; provided, however, that such Board Member has available to him a transcript or recording of the meeting from which he was absent and certifies in writing to the Board from which he was absent that he has read such transcript or listened to such recording.

### **§50-32 Notice Requirements for Hearings**

- A. Whenever a hearing is required on an application for development, except for minor subdivisions, minor site plans, final site plans and final subdivisions, pursuant to N.J.S.A. 40:55D-1 et. seq., the applicant shall give notice thereof as follows:
- (1) Public notice shall be given by publication in the official newspaper of the municipality at least ten (10) days prior to the date of the hearing.
  - (2) Notice shall be given to the owners of all real property, as shown on the current tax 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 locate. Such notice shall be given by serving a copy thereof on the owner as show on the said current tax duplicate or his agent in charge of the property or by 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 be 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.
  - (3) 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 to the owners of lands in such adjoining municipality which are located within two hundred (200) feet of the subject premises.
  - (4) Notice shall be given by personal service or certified mail to the Middlesex 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 the Middlesex County Master Plan, adjoining other county land or situated within two hundred (200) feet of a municipality boundary.
  - (5) Notice shall be given by personal service or certified mail to the New Jersey Commissioner of Transportation of a hearing on an application for development of property adjacent to a state highway.
  - (6) Notice shall be given by personal service or certified mail to the State Planning Commission of a hearing on an application for development of property which exceeds one hundred and fifty (150) acres of 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 Chapter 291 of the Laws of 1975 (see N.J.S.A. 40:55D-10).
  - (7) Minor Applications
    - (a) Notice of hearings on applications for approval of minor subdivision or a site plan not defined as a minor site plan requiring public notice pursuant to subsection (a) of this section shall be given by personal service or certified mail to the corporate secretary of all public utilities and the general manager of all cable television companies that own land on any facility or that possess a right-of-way or easement within 200 feet in all directions of the property which is the subject of this hearing.
    - (b) In addition to any notification requirement otherwise imposed under this act, an applicant seeking approval of a development which does not require notice as provided in paragraph (a) of this subsection, shall be required to provide notice, by personal service or certified mail, to the corporate secretary of any public utility and the general manager of any cable television company that possesses a right-of-way or easement situated within the property limits of the property which is the subject of the application for development approval under this paragraph.

- (c) The applicant shall file an affidavit of proof of service with the municipal agency holding the hearing on the application for development in the event that the applicant is required to give notice pursuant to this section.
- (d) All notices hereinabove specified in this section shall be given at least ten (10) days prior to the date fixed for hearing and the applicant shall file an affidavit of proof of service with the Board holding the hearing on the application for development.
- (e) Any notice made by certified mail as hereinabove required shall be deemed to be complete upon mailing in accordance with the provisions of N.J.S.A. 40:55D-14.
- (f) 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 the property proposed for development by street address, and, 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.

**§50-33 List of Property Owners**

Pursuant to the provisions of N.J.S.A. 40:55D-12c, the administrative officer of the municipality, the Municipal Tax Collector, shall, within seven days after receipt of a request therefor and upon receipt of payment of a fee as provided in Chapter 155, Fees, 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 Article III, § 50-33B, of this chapter.

**§50-34 Decisions**

- A. Each decision on any application for development shall be set forth in writing as a resolution of the Board, which shall include findings of fact and legal conclusions based thereon, and shall be memorialized by resolution. Said adoption shall not occur later than forty-five (45) days after the date of meeting at which the reviewing agency voted to grant or deny approval. Only members of the Board who voted for the action taken may vote on the memorialization resolution.
- B. A copy of the decision shall be mailed by the Board within ten (10) days of the date of 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 the fee prescribed by the 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 fees established for copies of other public documents in the municipality.

**§50-35 Publication of Decisions**

A brief notice of every final decision shall be published in the official newspaper of the municipality. Such publication shall be arranged by the applicant and said notice shall be sent to the official newspaper for publication within ten (10) days of the date of any such decision.

**§50-36 Payment of Taxes**

Pursuant to the provisions of N.J.S.A. 40:55D-39 and 40:55D-65, the requirement that every application for development submitted to the Planning Board or to the Zoning Board of Adjustment shall be accompanied by proof that no taxes or any other outstanding fees owed to the Borough are due or delinquent on the property which is the subject of such application may be waived at the discretion of the Reviewing Board. No zoning permits, building permits, certificates of occupancy or other permits shall be issued unless proof is submitted by the

applicant that no taxes or any other outstanding fees owed to the Borough are due or delinquent on the property which is the subject of such application.

## ARTICLE IV: APPEALS

### **§50-37 Appeal to the Zoning Board of Adjustment**

An appeal to the Zoning Board of Adjustment may be taken by any interested party affected by any decision of the Construction Official of the Borough based on, or made in, the enforcement of the Zoning Ordinance or Official map. Such appeal shall be taken within twenty (20) days by filing a notice of appeal in the manner set forth in herein and in accordance with the provisions of C.40:55D-72 of the Municipal Land Use Law of 1975.

### **§50-38 Appeal from Decision of Planning Board**

Any interested party shall appeal a final decision of the Planning Board by commencing an action in lieu of prerogative writ in the Superior Court of New Jersey pursuant to the applicable Rules of Court.

### **§50-39 Appeal from Decision of Zoning Board of Adjustment**

Any interested party may appeal to the governing body any final decision of the Zoning Board of Adjustment approving an application for development. Such appeal shall be made pursuant to N.J.S.A. 40:55D-17 et. seq.

E. Miscellaneous Provisions

### **§50-40 Pending Applications**

All applications for development filed prior to the effective date of this chapter may be continued, but any appeals arising out of decisions made on any such applications shall be governed by the provisions of Article III of this chapter.

### **§50-41 Notice of Applications**

Any other provisions of the ordinances of the Borough of South River to the contrary notwithstanding, public notice and notice with respect to all applications for development with the exception of applications for final approval pursuant to N.J.S.A. 40:55D-50 shall be given in accordance with the provisions of N.J.S.A. 40:55D-12.

### **§50-42 Informal Review**

At the request of the developer, the Reviewing Board shall grant an informal review of a concept plan for development for which the developer intends to prepare and submit an applications for development. The amount of any fees for such an informal review shall be a credited towards the application fees for review for the application for development. The developer shall not be bound by any concept plan for which review is requested, and the Reviewing Board shall not be bound by any such review.

### **§50-43 Electronic files required.**

- A. In addition to the current required submittals set forth above, all drawings associated with the preliminary and final application of major site plans, minor subdivisions, and major subdivisions and their applicable reports shall be submitted in Adobe Portable Document Format (PDF) at 400 by 400 dpi. All other documents such as but not limited to application, escrow sheet, completion checklist, environmental impact study, traffic study, storm water report, sewer and water report, reforestation or woodland management plan, and permits associated with the application shall be submitted in Adobe Portable Document Format (PDF) at 300 by 300 dpi. All revisions and resubmissions shall also be submitted in these formats.

- B. All filed maps and required final as-built plans shall be submitted in one of the following formats: Autocad Drawing File (dwg), ESRI Shape File (shp), Drawing Exchange Format File (dxf) or Microstation drawing file (dgn) and contain coordinate values for at least three identifiable boundary corners (preferably in the 1983 New Jersey State Plane Coordinate System). Exceptions may be granted by the approving board for circumstances where production of a CAD file presents an undue hardship.

**§50-44 Conditional approvals; expiration of variance.**

- A. Conditions precedent.
  - (1) Whenever any application for development is approved subject to specified conditions intended to be fulfilled before the approval becomes effective, said conditional approval shall lapse and become null and void unless all specified conditions, other than those contemplated by N.J.S.A. 40:55D-22b, are fulfilled within 180 days of the date of conditional approval.
  - (2) Proof that applications have been filed with all other agencies having jurisdiction over any aspect of the application for development shall be filed with the municipal agency.
  - (3) The fulfillment of all conditions precedent shall be reported in writing to the municipal agency, which may cause such reports to be verified in an appropriate manner. Only upon fulfillment of all conditions shall any subdivision map or site plan be signed or any required building permit, occupancy permit or zoning permit be issued.
  - (4) When all conditions have been fulfilled with respect to any minor or major subdivision, the applicant shall, within 45 days of the fulfillment of all such conditions, submit his deed or map for signature in accordance with N.J.S.A. 40:55D-47 or 40:55D-54 or any such approval shall lapse and be of no force and effect; provided, however, that the applicant may, for good cause shown, obtain an extension either before or after the lapse of said twenty-five-day period within a reasonable exercise of the Board's judgment.
- B. Conditions subsequent.
  - (1) Whenever any application for development is approved subject to conditions, which by their terms are incapable of being fulfilled, or are not required to be fulfilled prior to the final approval of the application, the performance of which are not guaranteed by bonds or securities of any type, failure to fulfill any such conditions within 180 days from the date of final approval of the application for development shall be grounds for the issuance of a stop-work order by the enforcing official and the withholding of any zoning permit, certificate of occupancy or any other approval until such condition or conditions are fulfilled.
  - (2) Nothing herein contained shall be construed as preventing the municipal agency from specifying a longer period of time within which any specific condition must be fulfilled or from granting upon an ex parte application an extension of time for good cause shown.
  - (3) The fulfillment of all conditions shall be reported in writing to the municipal agency which may cause such reports to be verified in an appropriate manner.
  - (4) For purposes of calculating the time period in which conditions must be fulfilled, such time period shall commence from the date on which the resolution memorializing an approval was adopted.
- C. Any variance from the terms of this chapter hereafter granted by the Planning Board or Board of Adjustment permitting the erection or alteration on 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 Board of Adjustment; except, however, that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal

from the decision of the Board of Adjustment to the governing body, or to a court of competent jurisdiction until the determination in any manner of such appeal or proceeding.

**§50-45 Basic Course in Land Use Law and Planning**

All regular and alternate members of the Planning Board and Zoning Board of Adjustment shall be required to successfully complete a course in land use law and planning which has been authorized by the NJ Commissioner of Community Affairs and/or New Jersey Planning Officials within eighteen (18) months of assuming Board membership. No new member of the Planning Board/Zoning Board of Adjustment shall be seated as a first-term member or alternate member of the Board unless the person agrees to complete the basic course required and complete that course within eighteen (18) months of assuming Board membership. The Mayor or Class I member, a member of the Governing Body serving as a Class III member, and any person licensed as professional planner shall be exempt from this requirement.

**SECTION 2.** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause, or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION 3.** All Ordinances or parts of Ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4.** This Ordinance shall take effect after final passage, adoption, and publication according to law.

Dated:  
ATTEST:

\_\_\_\_\_  
RAYMOND T. EPPINGER, Mayor

\_\_\_\_\_  
PATRICIA O'CONNOR, Registered Municipal Clerk

**ORDINANCE 2011-41**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF SOUTH RIVER,  
CHAPTER 155 ENTITLED "FEES" BY AMENDING SECTION 155-25. CHAPTER 295,  
SUBDIVISION, SITE PLAN AND VARIANCE APPLICATIONS**

**BE IT ORDAINED** by the Mayor and Borough Council of the Borough of South River, that Chapter 155 of the Code of the Borough of South River entitled "Fees", Section 155-25. "Chapter 295, Subdivision, Site Plan and Variance applications be amended as follows:

**SECTION 1.**

**§ 155-25. Chapter 295, Subdivision, site plan and variance applications.**

A. Application fees:

(1) Subdivisions

Minor subdivision: \$250 base fee, plus \$100 for each lot created.

Preliminary Major subdivision: \$250 base fee, plus \$100 for each lot created

Final Major subdivision: \$250 base fee

(2) Site Plans

Minor site plan: \$300 base fee

Preliminary Major site plan: \$300 base fee

Final Major site plan: \$200 base fee

(3) Conditional use application to Planning Board: \$250 base fee, plus the fee for site plan.

(4) Application for a site plan waiver shall require an application fee of \$150.00

(5) Appeals and Interpretations

Application for appeal of zoning officer decision or action: \$75.00.

Request for zoning ordinance interpretation: \$75.00

(6) Variances

Request for each new single or two family residential bulk variance: \$75.00 each

Request for each multi-family or new non-residential bulk variance: \$100.00 each

Request for use variance: \$250.00

(7) Applications involving utility extensions (Major Applications)

For any application, including the extension of sewer facilities, add \$100 per lot for subdivisions or \$100 per unit for site plans. If a pump station or other special facility is required, add a flat fee of \$700. A review of off-tract improvements shall be the actual review fee of the Engineer, estimated by the Engineer and paid in advance.

For any application involving extension of water facilities, add \$50 per lot for subdivisions or \$50 per unit for site plans. A review of off-tract improvements shall be the actual review fee of the Engineer, estimated by the Engineer and paid in advance.

(8) Final approval of site plans and subdivisions shall be conditioned upon the applicant's paying all necessary water, sewer and electric connection charges and inspection fees.

- (9) Inspection fees shall be posted by certified check or cash prior to final approval in an amount equal to 5% of the cost of the improvements, except where the Borough Engineer deems it necessary to increase same due to special or complex construction requirements. Where construction of facilities will take place after preliminary approval, the inspection fees shall be paid prior to commencing construction.
- (10) Submission of each revised plan shall result in a revised submission application fee of ½ the original total application fee.

B. Escrow Fees

- (1) Subdivisions.
- |                                |            |
|--------------------------------|------------|
| Minor subdivision:             | \$3,000.00 |
| Preliminary Major subdivision: | \$5,000.00 |
| Final Major subdivision:       | \$1,500.00 |
- (2) Site Plans.
- |   |             |
|---|-------------|
| a. Minor Site Plans:                        | \$2,500.00  |
| b. Preliminary Major Site Plans             |             |
| 1. Residential building of 0-10 units:      | \$2,500.00  |
| 2. Residential building of 10+ units:       | \$5,000.00  |
| 3. Non-residential or mixed uses            | \$5,000.00  |
| 4. Non-residential uses with over 5,000 GFA | \$10,000.00 |
| c. Final Major Site Plans:                  | \$1,500.00  |
- (3) Conditional use application to Planning Board: \$1,250.00, plus the fee for site plan.
- (4) Application for a site plan waiver: \$300.00
- (5) Appeals and Interpretations
- |  |          |
|--|----------|
| “a” Appeal of zoning officer decision or action: | \$600.00 |
| “b” Request for zoning ordinance interpretation: | \$400.00 |
- (6) Variances
- |   |            |
|---|------------|
| “c” Single or two family residential bulk variances:    | \$700.00   |
| “c” Multi-family or new non-residential bulk variances: | \$1,000.00 |
| “d” Request for use variance:                           | \$1,000.00 |
- (7) Final approval of site plans and subdivisions shall be conditioned upon the applicant's paying all necessary water, sewer and electric connection charges and inspection fees.
- (8) Inspection fees shall be posted by certified check or cash prior to final approval in an amount equal to 5% of the cost of the improvements, except where the Borough Engineer deems it necessary to increase same due to special or complex construction requirements.

Where construction of facilities will take place after preliminary approval, the inspection fees shall be paid prior to commencing construction.

- (9) Special design elements. Applicants shall pay escrow fees based upon 33% of the original escrow fee, when and as determined by the reviewing Board, that the proposed project includes a special design consideration, such as, but not limited to sanitary sewer pump station, detention of retention ponds, potable water storage facility, traffic signalization device, off-tract improvements, etc.
- (10) Resubmission. Submission of each revised plan shall result in a revised submission escrow fee of 20% the original total escrow fee.

**SECTION 2.** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause, or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION 3.** All Ordinances or parts of Ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4.** This Ordinance shall take effect after final passage, adoption, and publication according to law.

Dated:  
ATTEST:

\_\_\_\_\_  
RAYMOND T. EPPINGER, Mayor

\_\_\_\_\_  
PATRICIA O'CONNOR, Registered Municipal Clerk

**ORDINANCE 2011-42**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF SOUTH RIVER, CHAPTER 155 ENTITLED "FEES" BY AMENDING SECTION 155-13. "CHAPTER 157, FIBER OPTIC CABLE" BY ADDING NEW SUBSECTIONS B(1)(a)(i) AND (ii) THEREOF**

**BE IT ORDAINED** by the Mayor and Borough Council of the Borough of South River, that Chapter 155 of the Code of the Borough of South River entitled "Fees" be amended by amending Section 155-13 "Chapter 157, Fiber Optic Cable" as follows:

**SECTION 1.**

155-13. Chapter 157, Fiber Optic Cable  
B(1)(a)

(i) Above ground installation \$0.50 per linear foot per year

or

(ii) Utility pole attachment fees equivalent to the fees charged in (i) above

**SECTION 2.** If any section, paragraph, subdivision, clause of provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause, or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION 3.** All Ordinances or parts of Ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4.** This Ordinance shall take effect after final passage, adoption, and publication according to law.

\*\* Additions are underlined, deletions are in brackets

Dated:

ATTEST:

\_\_\_\_\_  
RAYMOND T. EPPINGER, Mayor

\_\_\_\_\_  
PATRICIA O'CONNOR, Registered Municipal Clerk

**ORDINANCE 2011-43**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF SOUTH RIVER, CHAPTER 22 ENTITLED "BOARDS, COMMISSIONS AND AUTHORITIES" BY AMENDING THE TITLE OF ARTICLE VI AND SECTION 22-25. CREATION, THEREOF**

**BE IT ORDAINED** by the Mayor and Borough Council of the Borough of South River, that Chapter 22 of the Code of the Borough of South River entitled "Boards, Commissions and Authorities" be amended by amending the title of Article VI and Section 22-25, Creation as follows:

**SECTION 1.**

ARTICLE VI

Advisory Committee on Persons with Special Needs

22-25. Creation.

There is created a committee known as the Mayor's Advisory Committee on [handicapped and disabled] persons with special needs.

**SECTION 2.** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause, or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION 3.** All Ordinances or parts of Ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4.** This Ordinance shall take effect after final passage, adoption, and publication according to law.

\*\* Additions are underlined, deletions are in brackets

Dated:

ATTEST:

\_\_\_\_\_  
RAYMOND T. EPPINGER, Mayor

\_\_\_\_\_  
PATRICIA O'CONNOR, Registered Municipal Clerk

RES: 2011-362

DECEMBER 12, 2011

RESOLUTION

WHEREAS, John Krenzel was elected Mayor of the Borough on November 8, 2011 and will assume said office on January 1, 2012; and

WHEREAS, John Krenzel has resigned his position as Councilman of the Borough and the Municipal Committee of the Republican Party pursuant to NJSA 40A:16-11 has provided the names of three (3) registered Republicans as possible successors to fill the unexpired term of John Krenzel ending on December 31, 2012.

NOW, THEREFORE, BE IT HEREBY RESOLVED that \_\_\_\_\_ is hereby appointed as Councilperson to serve the unexpired term of John Krenzel ending on December 31, 2012.

DATED: DECEMBER 12, 2011

/s/ \_\_\_\_\_  
Councilmember

/s/ \_\_\_\_\_  
Councilmember

RESOLUTION

WHEREAS, the official utility records of the Borough of South River, New Jersey show certain refunds which include electric, water and consumer deposits (CD); and

WHEREAS, the Collector of Utility Revenue recommends that the following refunds should be made to the consumer noted herein below listed; and

NOW, THEREFORE BE IT AND IT IS HEREBY RESOLVED by the Borough Council of the Borough of South River that the Collector of Utility Revenue is hereby authorized to make the following refunds and adjustments indicated below and any attached list.

<u>ACCOUNT #</u>	<u>PAYABLE TO:</u>	<u>AMOUNT OF CHECK</u>
65-999-869-353CD	RASHAD ABDELSHAHEED 160 WILLETT AVE APT A SOUTH RIVER, NJ 08882	\$123.92
65-999-866-427CD	MARIO ANDRE 114 HARDENBURG LANE EAST BRUNSWICK, NJ 08816	\$28.44
65-999-879-924CD	KRISTEEN CASTRO RIVERVIEW DR A-1 SOUTH RIVER, NJ 08882	\$86.67
65-999-894-631CD	NICOLE HERREL 21 STEPHEN ST APT 1 SOUTH RIVER, NJ 08882	\$118.67
65-999-987-328CD	IMARA LOPEZ 111 LEONARDINE AVE APT H12A SOUTH RIVER, NJ 08882	\$9.30
65-999-867-263CD	ROBERT LOTZ	\$12.02
65-999-867-263 ELEC CURRENT	111 LEONARDINE AVE APT H11A SOUTH RIVER, NJ 08882	\$78.11
65-999-891-573ELEC PREV	MILTON LUSOTTO 52 DAVID ST SOUTH RIVER, NJ 08882	\$26.81
65-999-869-375CD	ERIK MORAIS 19 LEVINSON AVE SOUTH RIVER, NJ 08882	\$83.67

65-999-975-602CD	ALFREDO MOTA 12 WOODLAWN AVE SOUTH RIVER, NJ 08882	\$14.69
65-999-881-772CD	IRIS PADILLA 40 SILVER LAKE AVE EDISON, NJ 08817	\$114.07
65-999-874-831CD	JASON RICCIO	\$91.30
65-999-874-831 ELEC CURRENT	8 MILES POND PL BARNEGAT, NJ 08005	\$30.00
65-999-909-063ELEC PREV	CARMEN RODRIGUEZ 807 SUNNYVIEW OVAL KEASBEY, NJ 08832	\$34.73

DATED: DECEMBER 12, 2011

/s/ \_\_\_\_\_  
Councilmember

/s/ \_\_\_\_\_  
Councilmember

RES:2011-364

DECEMBER 12, 2011

RESOLUTION

WHEREAS, the Borough Engineer originally calculated a performance bond to be posted by the developer in connection with the Capitol Court Major Subdivision, Block 356, Lot 1.16; and

WHEREAS, the Borough Engineer has determined that all required work has been completed in connection with this project; and

WHEREAS, the Borough Engineer by letter dated November 11, 2011 has recommended that the performance bond be released subject to posting of a two (2) year maintenance bond in the amount of \$2,212.74, together with payment of all outstanding engineering inspection or other borough fees.

NOW THEREFORE BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of South River, in the County of Middlesex, the State of New Jersey that the improvements required of the developer are accepted, the performance bond previously posted may be released upon a maintenance bond being provided in the amount of \$2,212.74 and payment by the developer of all outstanding engineering inspection fees as well as any other fees due the Borough of South River.

DATED: DECEMBER 12, 2011

/s/ \_\_\_\_\_  
Councilmember

/s/ \_\_\_\_\_  
Councilmember

RESOLUTION

WHEREAS, there exists the need for the purchase an estimated quantity of 800 tons of rock salt (Sodium Chloride) by the Borough of South River in the County of Middlesex of the State of New Jersey to be use for the removal of snow and ice from the roadways; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-11 et seq.) permits a contracting unit to purchase any materials, supplies or equipment under any contract or contracts for such materials, supplies or equipment entered into by the lead agency in a joint purchasing agreement; and

WHEREAS, it appears that the materials, supplies and/or equipment to be purchased pursuant to this resolution at the price and upon the terms and conditions provided therein, are subject to a contract or contracts for such materials, supplies and/or equipment entered into on behalf by the County of Middlesex under its Common Cents Program; and

WHEREAS, the Chief Financial Officer of the Borough of South River has advised that funds are to be appropriated in the 2012 municipal budget for the purchase of said rock salt.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of South River, in the County of Middlesex and the State of New Jersey as follows:

1. The appropriate Borough Officials are hereby authorized to sign those documents necessary for the purchase of an estimated 800 tons of rock salt under bid No. 11-560 of the Middlesex County Common Cents Program from

Atlantic Salt  
130 Plain Street  
Lowell, MA 01851

2. This contract is awarded without competitive bidding pursuant to the provision of N.J.S.A. 40A:11-1 at the cost of \$52.00 per ton as per the interlocal joint purchasing agreement.

3. Said resolution is now of record and on file in the Office of the Borough Clerk and available for public inspection.

DATED:       DECEMBER 12, 2011

/s/ \_\_\_\_\_  
Councilmember

/s/ \_\_\_\_\_  
Councilmember

RESOLUTION

WHEREAS, the governing body of the Borough of South River in the County of Middlesex, State of New Jersey, had previously authorized and directed the Borough Clerk to advertise for the receipt of sealed bids for a Electric Utility Department Materials in accordance with specifications approved and filed in the Office of the Borough Clerk; and

WHEREAS, said bids were received on November 10, 2011 and opened and read aloud in public and an examination thereof shows that Wesco Distribution Inc. was the apparent low bidder thereon with a bid setting forth various unit prices according to the listing for said materials in the bid specifications as noted in the opinion letter of the Borough Attorney dated November 16, 2011; and

WHEREAS, the Borough Attorney has noted that there were no major departures from the bid specifications.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the governing body of the Borough of South River in the County of Middlesex, the State of New Jersey, that the above recited bid be and the same is hereby accepted and that a contract be and the same is hereby awarded to Wesco Distribution Inc., as per the bid so submitted subject to the contractor submitting the executed contract together with all documents required by the specifications.

BE IT FURTHER RESOLVED that the appropriate officers of the Borough be and they are hereby authorized and directed to execute all instruments necessary to complete the above stated transaction but only upon receipt of the documents required above.

DATED: DECEMBER 12, 2011

/s/ \_\_\_\_\_  
Councilmember

/s/ \_\_\_\_\_  
Councilmember

RESOLUTION

WHEREAS, the governing body of the Borough of South River in the County of Middlesex, State of New Jersey, had previously authorized and directed the Borough Clerk to advertise for the receipt of sealed bids for Property Maintenance in accordance with specifications approved and filed in the Office of the Borough Clerk; and

WHEREAS, said bids were received on November 10, 2011 and opened and read aloud in public and an examination thereof shows that Johnny's Landscaping Service, LLC. was the apparent low bidder thereon with a bid of \$30.00/man hour as set forth in the bidding documents.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of South River in the County of Middlesex, the State of New Jersey, that the above recited bid be and the same is hereby accepted and that a contract be and the same is hereby awarded to Johnny's Landscaping Service, LLC, as per the bid so submitted.

BE IT FURTHER RESOLVED that the appropriate officers of the Borough be and they are hereby authorized and directed to execute all instruments necessary to complete the above stated transaction but only upon submission of all documents required by the bid specifications and approval of same by the appropriate borough officials.

DATED: DECEMBER 12, 2011

/s/ \_\_\_\_\_  
Councilmember

/s/ \_\_\_\_\_  
Councilmember

RESOLUTION

WHEREAS, the State of New Jersey, Department of Transportation provides federal aid under the "Safe Routes to School Program"; and

WHEREAS, the objectives of the Safe Routes to School Program are:

1. To enable and encourage children, including those with disabilities, to walk and bicycle to school; and
2. To make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age; and
3. To facilitate the planning, development, and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity (approximately 2 miles) of primary and middle schools (Grades K-8).

WHEREAS, there are funds available for two different types of projects – infrastructure and non-infrastructure activities; and

WHEREAS, infrastructure related grants can fund the planning, design, and construction of such things as sidewalks, crosswalks, signals, traffic calming and bicycle facilities within two miles of an elementary or middle school while non-infrastructure projects can include enforcement, education and encouragement programs; and

WHEREAS, CME Associates is currently submitting on behalf of the South River Board of Education an application for infrastructure improvements for the sidewalk improvements along Johnson Place; and

WHEREAS, said application is beneficial to the children and residents of the Borough of South River.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED, by the Mayor and Borough Council of the Borough South River that the Mayor and Borough Council does hereby endorse the application being prepared and submitted by CME Associates on behalf of the South River Board of Education for the sidewalk improvements along Johnson Place.

DATED: DECEMBER 12, 2011

/s/ \_\_\_\_\_  
Councilmember

/s/ \_\_\_\_\_  
Councilmember

RES:2011-369

DECEMBER 12, 2011

RESOLUTION

WHEREAS, the Middlesex County Prosecutor maintains a Prosecutor's County Law Enforcement Trust Account (PCLETA) to be used to upgrade local law enforcement agency capabilities; and

WHEREAS, the Attorney General of the State of New Jersey has authorized the use of conducted energy devices under certain guidelines; and

WHEREAS, Middlesex County wishes to provide the Borough of South River with a Taser International Model X2 device and the training in use thereof, as outlined in the attached agreement, utilizing PCLETA funds.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED, by the Mayor and Borough Council of the Borough South River that the Mayor and appropriate Borough Officials are hereby authorized to execute said Agreement between Middlesex County and the Borough of South River.

DATED:      DECEMBER 12, 2011

/s/ \_\_\_\_\_  
Councilmember

/s/ \_\_\_\_\_  
Councilmember

RESOLUTION

WHEREAS, the governing body has received a completed Voucher, Final Payment Estimate No. 1 and close-out change order from the Borough Engineer for the project known as Improvements to Leonardine Park which work is being undertaken by Fernandes Construction, Inc; and

WHEREAS, the Borough Engineer has advised in a letter dated December 6, 2011 that the change order request is to allow the installation of header curbs and additional sidewalk reconstruction at the intersection of Sheinfine Avenue and Leonardine Avenue in order to provide ADA compliant curb ramps which change order reflects the final contract quantities and supplemental items including reductions and increases in same due to actual field conditions encountered and calls for an overall increase in the original contract in the amount of \$3,750.00; and

WHEREAS, the Borough Engineer recommends acceptance of the work, approval of the close-out change order and final payment estimate for work on the above referenced project and payment in the amount of \$57,686.50 to Fernandes Construction, Inc. subject to the contractor installing the harness for the Adaptive Swing Seat and the posting of a one year maintenance bond in the amount of \$8,652.98, which work will satisfactorily complete the aforesaid project due to field conditions encountered; and

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Borough Council of the Borough of South River that this close-out change order be approved.

DATED: DECEMBER 12, 2011

/s/ \_\_\_\_\_  
Councilmember

/s/ \_\_\_\_\_  
Councilmember

RES:2011-371

DECEMBER 12, 2011

RESOLUTION

I, Raymond T. Eppinger, with the advice and consent of the Council of the Borough of South River, do hereby appoint Dale Poserow to the position of Junior Firefighter of the South River Fire Department of the Borough of South River effective as of this date.

\_\_\_\_\_  
Raymond T. Eppinger, Mayor

DATED: DECEMBER 12, 2011

/s/ \_\_\_\_\_  
Councilmember

/s/ \_\_\_\_\_  
Councilmember

RES:2011-372

DECEMBER 12, 2011

RESOLUTION

WHEREAS, Mark Halaka has submitted an application for a Mercantile License for a business known as Mark Computer Repair to be located at 8 Old Bridge Turnpike, in the Borough of South River; and

WHEREAS, the nature of the business will be computer repair ; and

WHEREAS, the Mercantile License application was distributed to the appropriate agencies as provided by Code of the Borough of South River; and

WHEREAS, recommendations for approval have been submitted by all departments investigating same.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Borough Council of the Borough of South River that the Mercantile License Application submitted by Mark Halaka for a business known Mark Computer Repair to be located at 8 Old Bridge Turnpike, in the Borough of South River, New Jersey is hereby approved.

DATED: DECEMBER 12, 2011

/s/ \_\_\_\_\_  
Councilmember

/s/ \_\_\_\_\_  
Councilmember

RES:2011-373

DECEMBER 12, 2011

RESOLUTION

WHEREAS, Elyissia Wassung has submitted an application for a Mercantile License for a business known as 2 Chicks with Chocolate to be located at 268 Main Street, in the Borough of South River; and

WHEREAS, the nature of the business will be a chocolate gift shop; and

WHEREAS, the Mercantile License application was distributed to the appropriate agencies as provided by Code of the Borough of South River; and

WHEREAS, recommendations for approval have been submitted by all departments investigating same.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Borough Council of the Borough of South River that the Mercantile License Application submitted by Elyissia Wassung for a business known as 2 Chicks with Chocolate to be located at 268 Main Street, in the Borough of South River, New Jersey is hereby approved.

DATED: DECEMBER 12, 2011

/s/ \_\_\_\_\_  
Councilmember

/s/ \_\_\_\_\_  
Councilmember

RES:2011-374

DECEMBER 12, 2011

RESOLUTION

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of South River that the resignation letter dated November 13, 2011 submitted by Suzanne Buffalino as a Member of the Planning Board and the Economic Development Commission of the Borough of South River, is hereby accepted.

DATED: DECEMBER 12, 2011

/s/ \_\_\_\_\_  
Councilmember

/s/ \_\_\_\_\_  
Councilmember

RES:2011-375

DECEMBER 12, 2011

RESOLUTION

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of South River that the resignation letter dated November 18, 2011 submitted by Michelle Rodrigues as a member of the Mayor's Advisory Committee on the Handicapped and Disabled of the Borough of South River, is hereby accepted.

DATED: DECEMBER 12, 2011

/s/ \_\_\_\_\_  
Councilmember

/s/ \_\_\_\_\_  
Councilmember

RES:2011-376

DECEMBER 12, 2011

RESOLUTION

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of South River that the resignation letter dated November 15, 2011, submitted by Michael Trenga as a Member of the Board of Health, the Economic Development Commission and the Alternative Energy Committee of the Borough of South River, is hereby accepted.

DATED: DECEMBER 12, 2011

/s/ \_\_\_\_\_  
Councilmember

/s/ \_\_\_\_\_  
Councilmember

RES:2011-377

DECEMBER 12, 2011

RESOLUTION

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of South River that the resignation letter dated December 6, 2011 submitted by Arthur Londensky as a member of the Economic Development Commission of the Borough of South River, is hereby accepted.

DATED: DECEMBER 12, 2011

/s/ \_\_\_\_\_  
Councilmember

/s/ \_\_\_\_\_  
Councilmember

RESOLUTION

WHEREAS, the official tax records of the Borough of South River, New Jersey show certain adjustments, recessions, amendments, cancellations, corrections, refunds, and uncollectible should be made on certain accounts due to various reasons; and

WHEREAS, the Tax Collector recommends these changes as listed; and

NOW, THEREFORE BE IT AND IT IS HEREBY RESOLVED that the Borough Tax Collector be and he is authorized to make the necessary adjustments, indicated below and any attached list.

<u>Block</u>	<u>Lot</u>	<u>Reason</u>	<u>Name&amp; Addres</u>	<u>Property Location</u>	<u>Amount</u>
253	2.2	Overpayment	Clifford Walling 123 Prentice Ave South River, NJ 08882	123 Prentice Ave	881.85

DATED: DECEMBER 12, 2011

/s/ \_\_\_\_\_  
Councilmember

/s/ \_\_\_\_\_  
Councilmember

RESOLUTION

WHEREAS, the Borough of South River has participated as a member of the Middlesex County Municipal Joint Insurance Fund (hereinafter the "Fund") existing pursuant to Chapter 372, Laws of 1983 (N.J.S.A. 40A:10-36 et seq.) and is desirous of continuing said membership for a term expiring on December 31, 2014; and

WHEREAS, the governing body of the Borough of South River has determined that continued membership in the Fund is in the best interest of the municipality.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of South River in the County of Middlesex of the State of New Jersey as follows:

SECTION 1. The Borough of South River hereby agrees to continue as a Member of the Fund for a period commencing January 1, 2012 and terminating on December 31, 2014 for the purpose of securing the following types of insurance coverage:

- a) Workers Compensation and Employer's Liability.
- b) General Liability Coverage (including Public Official, Police Professional).
- c) Motor Vehicle and Equipment Liability Coverage.
- d) Property Damage Coverage (including Building and Contents, Automobile Physical Damage, Contractors Equipment, Boiler and Machinery, and Public Employee Blanket Bonds).

After the expiration of the said three (3) year period of membership, participation may be canceled or extended in accordance with the Bylaws of the Fund.

SECTION 2. For the purposes of contribution of sums into the Fund to be designated for administrative costs and claims, the Borough of South River hereby agrees to obtain the types of coverage from the Fund as are set forth in Section 1 of this Resolution and the Indemnity and Trust Agreement to be signed by it.

SECTION 3. The By-Laws of the Middlesex County Municipal Joint Insurance Fund are hereby adopted and accepted.

SECTION 4. The Mayor and Borough Clerk are hereby authorized and directed to execute an Indemnity and Trust Agreement signifying continued membership.

DATED:           DECEMBER 12, 2011

/s/ \_\_\_\_\_  
Councilmember

/s/ \_\_\_\_\_  
Councilmember

RES: 2011-380

DECEMBER 12, 2011

RESOLUTION

BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of South River, in the County of Middlesex and the State of New Jersey that all bills, claims and statements against the Borough, in the total amount of \$780,407.64 and previously paid claims in the amount of \$2,680,943.58, listing attached, have been duly itemized, audited, approved and signed by the proper officers of the Borough, be and the same are hereby ordered paid.

DATED: DECEMBER 12, 2011

/s/ \_\_\_\_\_  
Councilmember

/s/ \_\_\_\_\_  
Councilmember

P.O. Type: All  
Range: First to Last  
Format: Condensed

Open: N Rcvd: Y Paid: N  
Held: Y Aprv: N Void: N  
Bid: Y State: Y Other: Y

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
76008 BOVE, THOMAS	11-02625	09/27/11	CLOTHING ALLOWANCE	Open	405.00	0.00		
A0128 ADVANCED GENERATOR EXCHANGE	11-02880	10/13/11	Alternator Repairs-BLANKET	Open	903.00	0.00		
	11-02997	10/24/11	Alternator Repairs-BLANKET	Open	433.00	0.00		
					1,336.00			
A0151 AGIN SIGNS & DESIGNS	11-03079	11/02/11	POLICE DEPARTMENT SIGNS	Open	485.48	0.00		
A0190 AIM UNIFORM INC	11-03064	10/28/11	BADGE/PINS	Open	159.00	0.00		
A0305 ALLIED OIL COMPANY LLC	11-03243	11/21/11	Fuel Del 11/16/11	Open	11,109.68	0.00		
A0327 ATAK TRUCKING, INC.	11-03055	10/28/11	3/4" Clean Stone	Open	820.99	0.00		
A0434 ANDERSON HOYT IRRIGATION CO, I	11-03214	11/21/11	Sprinkler Repair-Grekoski Park	Open	237.50	0.00		
A0502 ARCARI & IOVINO ARCHITECTS	00-40328	08/26/10	MODIFY LIBRARY DESIGNS	Open	2,706.08	0.00		B
A0535 ASBURY PARK PRESS	11-03170	11/10/11	PARKING AUTHORITY AD	Open	143.54	0.00		
ABDE001 RASHAD ABDELSHAHEED	11-03179	11/10/11	CD REFUND	Open	123.92	0.00		
ADP001 ADP, INC.	11-03087	11/02/11	SERVICE FOR PE 10/28/11	Open	788.36	0.00		
AIEL01 GAIL AIELLO	11-03174	11/10/11	Basketball Refund	Open	35.00	0.00		
ALLC01 ALL CLEAN BUILDING SVC, INC.	11-03227	11/21/11	CUSTODIAL SVCS. 11/11	Open	2,419.12	0.00		
ANDRE001 MARIO ANDRE	11-03180	11/10/11	CD REFUND	Open	28.44	0.00		
ANOT01 ANOTHER RECON CENTER, LTD.	11-03172	11/10/11	COMPLETE DETAILING - POLICE CA	Open	925.00	0.00		

12/09/11  
08:33:02

Borough of South River  
Bill List By Vendor Id

Page No: 2

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
APE01 A PEST PLUS, LLC.								
	11-02998	10/24/11	Pest Control-November	Open	201.00	0.00		
B0750 B & W CONSTRUCTION CO								
	11-01504	06/06/11	VARIOUS REPAIRS AT POLICE DEPT	Open	8,750.00	0.00		
	11-02753	10/03/11	REPAIR CATCH BASIN-SHELDON AVE	Open	6,681.47	0.00		
	11-02754	10/03/11	INTERSECTION-DARROW & EDGEWOOD	Open	15,233.29	0.00		
	11-02903	10/17/11	INSTALL BOLLARDS AT POLICE	Open	5,857.20	0.00		
	11-03080	11/02/11	REPAIR HYDRANT ON 47 LOUIS ST	Open	6,866.43	0.00		
	11-03280	11/28/11	REPAIRED BROKEN MAIN-JOHNSON P	Open	7,044.25	0.00		
					50,432.64			
B0884 BETTS & HOLT								
	11-03235	11/21/11	PROF SERVICES FOR ENERGY SUPPL	Open	351.15	0.00		
	11-03236	11/21/11	POWER SUPPLY/BORO PORTION	Open	452.63	0.00		
					803.78			
B0892 BENN, CHARLES								
	11-03247	11/21/11	2011 OEM COORDINATOR FEES	Open	1,500.00	0.00		
B0893 BENECARD SERVICES, INC.								
	11-03347	12/02/11	PRESCRIPTION FOR 12/11	Open	41,075.36	0.00		
B0903 C BENTLEY'S CAR WASH								
	11-02855	10/11/11	Car wash - October - BLANKET	Open	45.00	0.00		
	11-03160	11/10/11	Car wash for police vehicles	Open	84.00	0.00		
					129.00			
B0952 BIGNELL PLANNING CONSULTANTS								
	11-03155	11/10/11	LOURENCO, J. #1355	Open	521.25	0.00		
	11-03175	11/10/11	GONCALVES, C. #1360	Open	83.75	0.00		
	11-03192	11/14/11	PLANNING SVCS. 10/11	Open	400.00	0.00		
	11-03193	11/14/11	2011 ZONING ORD. PLAN SVCS.	Open	5,000.00	0.00		
	11-03300	12/01/11	M. PACHECO #1302	Open	83.75	0.00		
	11-03301	12/01/11	RAIS REALTY #1352	Open	121.25	0.00		
	11-03302	12/01/11	SILVA, A. #1362	Open	83.75	0.00		
	11-03303	12/01/11	SOARES, R. #1365	Open	83.75	0.00		
	11-03306	12/01/11	HUSSAIN - ANZ ASSOCIATES #1368	Open	1,062.50	0.00		
	11-03313	12/01/11	MORGAN BLDRS. #402	Open	653.75	0.00		
	11-03315	12/01/11	MORGAN BLDRS. #402	Open	383.75	0.00		
	11-03393	12/07/11	PACHECO, M. #1302	Open	83.75	0.00		
	11-03394	12/07/11	CHARANJIT TUCKER #1359	Open	1,366.25	0.00		
	11-03395	12/07/11	HUSSAIN, M. #1368	Open	758.75	0.00		
	11-03396	12/07/11	EDWARDS, L. #1390	Open	387.50	0.00		
	11-03397	12/07/11	ERAKAT, M. #1392	Open	725.00	0.00		
	11-03398	12/07/11	SERVICES FOR 11/11	Open	400.00	0.00		
	11-03399	12/07/11	2011 ZONING ORDINANCE	Open	5,000.00	0.00		
					17,198.75			

12/09/11  
08:33:02

Borough of South River  
Bill List By Vendor Id

Page No: 3

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
B0960 BLUE CROSS/BLUE SHIELD OF NJ	11-03223	11/21/11	DENTAL INS. FOR 12/11	Open	8,366.13	0.00		
B1069 BRICK PLANT ROAD REALTY, LLC	11-03330	12/01/11	REFUND OF ESCROW ENG.FEES	Open	1,750.00	0.00		
B1073 BRIAN'S LAWN MOWER & SAW SVC	11-02330	08/30/11	Mower Supplies-BLANKET	Open	634.24	0.00		
B1083 BRINK'S US, INC.	11-02529	09/19/11	SERVICE FOR 8/11	Open	374.34	0.00		
	11-02923	10/18/11	ARMoured SERVICE FOR 9/11	Open	373.52	0.00		
	11-03282	11/28/11	SERVICE FOR 10/11	Open	350.89	0.00		
					-----			
					1,098.75			
B1131 JEFF BOEHNE	11-02955	10/20/11	2011 CLOTHING ALLOWANCE	Open	200.00	0.00		
B1135 BSN SPORTS	11-02174	08/09/11	EQUIPMENT BAG	Open	15.00	0.00		
B1202 BYRAM LABORATORIES	11-03356	12/05/11	AMI EA ENERGY AXIS 11/11	Open	2,915.00	0.00		
C1261 CAMELOT CATERERS	11-03400	12/07/11	Senior Holiday Party 12/9/11	Open	4,291.00	0.00		
C1300 CARROT TOP INDUSTRIES	11-03057	10/28/11	Flag & Stand-Planning Board	Open	187.90	0.00		
C1326 CENTRAL JERSEY WASTE &	11-03253	11/21/11	Collection Service-December	Open	3,827.46	0.00		
C1336 CENTRAL JERSEY SECURITY,CORP.	11-03148	11/10/11	Fire Alarm Inspection 11/1/11	Open	195.00	0.00		
	11-03149	11/10/11	Fire Alarm Inspection 11/1/11	Open	95.00	0.00		
					-----			
					290.00			
C1338 CENTRAL JERSEY REGISTRAR'S ASN	11-03321	12/01/11	Central Jersey Registrar-Mtg	Open	40.00	0.00		
C1393 MICHAEL CHICHANOWSKI	11-02952	10/20/11	2011 CLOTHING ALLOWANCE	Open	2,000.00	0.00		
C1470 CLEAN AIR COMPANY	11-02235	08/15/11	Exhaust Hose - DPW	Open	771.58	0.00		
C1482 CME ASSOCIATES	11-01513	06/06/11	SOUTH RIVER LIBRARY EXPANSION	Open	6,384.50	0.00		B
	11-03191	11/14/11	ZONING/BD.ADJ. MEETING 8/30/11	Open	408.00	0.00		
	11-03291	12/01/11	LEONARDINE PARK	Open	70.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
11-03292	12/01/11		HCD REP. SERVICES	Open	105.00	0.00		
11-03293	12/01/11		INSPECT CURBS	Open	412.00	0.00		
11-03294	12/01/11		2012 NJDOT FUND GRANT APPS.	Open	35.00	0.00		
11-03295	12/01/11		WATER FACILITIES UPGRADES	Open	179.00	0.00		
11-03296	12/01/11		ZONING/ADJ. BOARD MEET. 10/25	Open	442.00	0.00		
11-03297	12/01/11		FRANK GREEK NORTH END #1349	Open	70.00	0.00		
11-03298	12/01/11		CAPITAL COURT SUB. # 631	Open	240.00	0.00		
11-03346	12/02/11		ANZ ASSOCIATES #1368	Open	409.00	0.00		
11-03349	12/02/11		WATER FACILITIES UPGRADES	Open	303.00	0.00		
11-03353	12/05/11		LEONARDINE PARK	Open	103.00	0.00		
11-03390	12/07/11		BENTLEY REALTY #1234	Open	138.00	0.00		
11-03391	12/07/11		BENTLEY REALTY #1234	Open	344.00	0.00		
					9,642.50			
C1494	ANDREW COGSWELL							
11-02957	10/20/11		2011 CLOTHING ALLOWANCE	Open	200.00	0.00		
C1510	COMCAST							
11-03166	11/10/11		SERVICE FOR 11/06-12/05/11	Open	262.75	0.00		
11-03224	11/21/11		SERVICE FOR 11/16-12/15/11	Open	65.41	0.00		
11-03308	12/01/11		SERVICE FOR 11/1-11/30/11	Open	750.94	0.00		
					1,079.10			
C1518	CONNEY SAFETY PRODUCTS, LLC.							
11-03077	11/02/11		Back Supports	Open	196.55	0.00		
C1649	CURTIS SERVICE INC							
11-03089	11/02/11		Repairs to #544	Open	620.18	0.00		
11-03199	11/14/11		AIR BAG ASSEMBLY	Open	1,503.33	0.00		
11-03335	12/01/11		Repair Wire Harness #545	Open	401.40	0.00		
					2,524.91			
C1651	CS CONSTRUCTION, LLC.							
11-02993	10/21/11		REMOVE & DISPOSE SHED VARGA PK	Open	5,800.00	0.00		
C1652	CUSTOM BANDAG INC							
11-03083	11/02/11		Tires-Truck #27 & Sweeper	Open	1,933.66	0.00		
11-03220	11/21/11		Tires for various vehicles	Open	1,336.55	0.00		
					3,270.21			
C1657	CUSTOM DECO/SABINA, LLC.							
11-01445	05/31/11		Mugs - Frost on the Pumpkin	Open	793.58	0.00		
CAST001	KRISTEEN CASTRO							
11-03181	11/10/11		CD REFUND	Open	86.67	0.00		
CHIC01	HEATHER CHICHANOWSKI							
11-02956	10/20/11		2011 CLOTHING ALLOWANCE	Open	200.00	0.00		

12/09/11  
08:33:02

Borough of South River  
Bill List By Vendor Id

Page No: 5

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
CORD002 JUSTIN CORDES								
	11-02958	10/20/11	2011 CLOTHING ALLOWANCE	Open	100.00	0.00		
D1780 DELL COMPUTER CORPORATION								
	11-02748	10/03/11	PRINTER ROLLER	Open	509.98	0.00		
D1931 DRAEGER SAFETY DIAGNOSTICS								
	11-02730	09/29/11	PERFORM ANNUAL CALIBRATION	Open	142.00	0.00		
D1993 RICHARD DUDAS								
	11-03268	11/28/11	LEAGUE OF MUNICIP 11/15-11/17	Open	159.90	0.00		
DEER001 ANGELA DEERSON								
	11-02760	10/05/11	Yoga 9/13, 9/20, 9/27	Open	105.00	0.00		
	11-02916	10/18/11	Yoga 10/4	Open	35.00	0.00		
	11-03032	10/25/11	Yoga 10/18	Open	35.00	0.00		
	11-03114	11/07/11	Yoga 11/01	Open	35.00	0.00		
					-----			
					210.00			
E2039 TOWNSHIP OF EAST BRUNSWICK								
	11-03250	11/21/11	SERVICE FOR 10/1-11/01/11	Open	67,621.62	0.00		
E2041 TOWNSHIP OF EAST BRUNSWICK								
	11-03388	12/07/11	SERVICE FOR 11/1-1/01/12	Open	133,061.89	0.00		
E2046 EAST COAST EMERGENCY LIGHTING								
	11-02844	10/11/11	LIGHT BAR	Open	3,736.62	0.00		
	11-03161	11/10/11	Repairs for police vehicle	Open	98.00	0.00		
					-----			
					3,834.62			
E2090 ECLIPSE IRRIGATION INC.								
	11-03142	11/07/11	winterize Lawn Sprinkler	Open	60.00	0.00		
E2373 EMERGENCY SOFTWARE PRODUCTS								
	00-39998	07/23/10	Computer Software	Open	8,880.00	0.00		
E2514 XTREME MACHINES, LLC.								
	11-02371	08/31/11	Jet Ski Repairs	Open	434.99	0.00		
E2600 EZ PASS								
	11-03203	11/21/11	REPLENISH TOLLS	Open	100.00	0.00		
F2739 FIRE FIGHTERS EQUIPMENT CO.INC								
	11-02839	10/11/11	JACKETS	Open	5,715.45	0.00		
	11-02910	10/18/11	TRIPOD LIGHT	Open	1,866.00	0.00		
					-----			
					7,581.45			
F2788 FERNANDEZ CONSTRUCTION INC.								
	11-02195	08/11/11	INSTALL OF IMPROV. LEONARDINE	Open	57,686.50	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
F2849 FLEETWASH, INC.	11-01763	06/30/11	Wash Boro Trucks	Open	440.00	0.00		
F2891 FORD MOTOR CREDIT CO	11-03341	12/01/11	LEASE # 7637804 3RD,FINAL PYMT	Open	34,970.94	0.00		
F2927 DONNA M. FRICKE	11-03118	11/07/11	October Exercise Classes	Open	420.00	0.00		
FRO001R FROST, JOHN	11-03198	11/14/11	REIMB. REGISTRATION	Open	630.00	0.00		
G3020 GALLS INC.	11-03162	11/10/11	Equipment for police vehicles	Open	613.00	0.00		
G3024 GALETON GLOVES, INC	11-03219	11/21/11	Gloves	Open	691.30	0.00		
G3173 GLOBAL PROD.& SOLUTIONS,LLC.	11-03299	12/01/11	Emergency Gate Repair 11/21/11	Open	485.95	0.00		
G3206 JOSEPH GONZALEZ	11-02960	10/20/11	2011 CLOTHING ALLOWANCE	Open	100.00	0.00		
G3271 GREATER MEDIA NEWSPAPER	11-02561	09/22/11	Ad for 2011 Shred Event	Open	405.00	0.00		
GILES01 CAROLE GILESKI	11-02959	10/20/11	2011 CLOTHING ALLOWANCE	Open	200.00	0.00		
H3434 HANKO, LAWRENCE A.,MS,MSW,LCSW	11-03225	11/21/11	JUV.CONF. COMMITTEE 1-11/11	Open	167.59	0.00		
H3511 HARRY HAUSHALTER-ATTY AT LAW	11-03288	12/01/11	SPECIAL TAX COUNCIL 10/11	Open	348.00	0.00		
H3524 JAMES HEITZ	11-02892	10/14/11	FIRST AID REFUND	Open	55.00	0.00		
H3545 HELMETTA REGIONAL ANIMAL SHELTER	11-03107	11/03/11	Animal Shelter - July 2011	Open	2,090.00	0.00		
	11-03116	11/07/11	Animal Shelter Services 10/28	Open	234.75	0.00		
					----- 2,324.75			
H3608 HIGH ENERGY ELECT.TESTING,INC.	11-03204	11/21/11	PERFORM 1 WEEK POWER SURVEY	Open	1,200.00	0.00		
H3676 WAYNE HODGES	11-02953	10/20/11	2011 CLOTHING ALLOWANCE	Open	1,500.00	0.00		
H3708 HOME DEPOT	11-03171	11/10/11	PAINT & LIQUID NAILS	Open	129.81	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
	11-03173	11/10/11	CANVAS & BRUSHES	Open	81.81	0.00		
	11-03270	11/28/11	BRUSHES & POLE	Open	169.83	0.00		
					-----			
					381.45			
H3719 HOME NEWS TRIBUNE								
	11-02560	09/22/11	Ad for 2011 Shred Event	Open	378.00	0.00		
	11-03088	11/02/11	Shred Event Correction Notice	Open	378.00	0.00		
	11-03221	11/21/11	DECISION OF PLANNING BD. 11/15	Open	14.04	0.00		
	11-03251	11/21/11	Zoning Ords. - intro	Open	143.64	0.00		
	11-03333	12/01/11	Improvments to Kamm Ave. Bid	Open	92.34	0.00		
					-----			
					1,006.02			
HERR001 NICOLE HERREL								
	11-03182	11/10/11	CD REFUND	Open	118.67	0.00		
HERZ01 KYLE HERZIG								
	11-02961	10/20/11	2011 CLOTHING ALLOWANCE	Open	200.00	0.00		
HYL001 JOSEPH HYLAND								
	11-03240	11/21/11	SHADE TREE CONVENTION	Open	132.43	0.00		
I4206 IMPERIAL MUSIC CENTER								
	11-03206	11/21/11	New Years Eve Bash K-5th Grade	Open	1,786.00	0.00		
J4552 G.P. JAGER & ASSOCIATES, INC.								
	11-03082	11/02/11	Motor for Chlorinator Pump	Open	1,406.98	0.00		
J4553 JACK'S LOCKSMITH LLC								
	11-03164	11/10/11	Repair locks at War Memorial	Open	802.32	0.00		
	11-03167	11/10/11	KEYS FOR FILING CABS- POLICE	Open	211.25	0.00		
					-----			
					1,013.57			
J4630 JERSEY STATE EQUIP CORP.								
	11-02845	10/11/11	3 CHROME UNITS	Open	950.00	0.00		
J4660 JOE'S HEATING INC								
	11-02332	08/30/11	4th Qtr HVAC Maint	Open	1,660.00	0.00		
	11-03216	11/21/11	Repair Heaters-DPW Garage	Open	180.00	0.00		
					-----			
					1,840.00			
J4694 JOHNNY ON THE SPOT, INC.								
	11-03060	10/28/11	Port-A-John-10K Race	Open	395.00	0.00		
	11-03310	12/01/11	Veterans Drive Porter John	Open	37.20	0.00		
					-----			
					432.20			
J4720 JOSHUA MARCUS GROUP								
	11-03065	10/28/11	FD KEY TAGS	Open	815.00	0.00		
	11-03159	11/10/11	CAPS	Open	190.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
					1,005.00			
JOH100			JOHNNY'S LANDSCAPING SERVICE					
	11-03200	11/21/11	Property Maintenance-Aband.Pro	Open	5,216.00	0.00		
K5052			JESSICA KOGUT					
	11-03115	11/07/11	Zumba 10/31	Open	35.00	0.00		
	11-03196	11/14/11	Zumba 11/07 & 11/09	Open	70.00	0.00		
	11-03232	11/21/11	Zumba 11/16	Open	35.00	0.00		
	11-03269	11/28/11	Zumba 11/22	Open	35.00	0.00		
					175.00			
KEPA001			J.C.SANTORO/c/o MORGAN SANTORO					
	11-02809	10/06/11	Dog Show National Night Out-11	Open	90.00	0.00		
KESS01			STEVEN KESSLINGER					
	11-03277	11/28/11	REFUND OF ESCROW BAL. #1358	Open	2,800.00	0.00		
KLO001			EILEEN KLOSE					
	11-02962	10/20/11	2011 CLOTHING ALLOWANCE	Open	100.00	0.00		
KNAP002			ERIC KNAPP					
	11-02963	10/20/11	2011 CLOTHING ALLOWANCE	Open	400.00	0.00		
L5118			LABOR LAW CENTER INC					
	11-03249	11/21/11	5 NJ COMPLETE POSTERS	Open	149.75	0.00		
L5155			GLENN LAURITSEN					
	11-03323	12/01/11	REIMB. FOR CONF. EXPENSES	Open	23.00	0.00		
L5187			LEE'S AUTO PARTS INC.					
	11-03000	10/24/11	Auto Parts-November	Open	2,637.68	0.00		
L5256			LINCOLN FINANCIAL GROUP					
	11-03205	11/21/11	GTD, LIFE & ADD FOR 12/11	Open	1,612.41	0.00		
L5310			LOMBARDI & LOMBARDI PA					
	11-03154	11/10/11	LOURENCO, J. #1355	Open	391.50	0.00		
	11-03197	11/14/11	PLANNING BOARD MEET.10/18/11	Open	200.00	0.00		
	11-03305	12/01/11	SANTOS, D. #1292	Open	67.50	0.00		
	11-03314	12/01/11	MORGAN BLDRS. #402	Open	39.00	0.00		
	11-03316	12/01/11	MORGAN BLDRS. #402	Open	26.00	0.00		
	11-03355	12/05/11	LOURENCO, M. #1355	Open	40.50	0.00		
					764.50			
L5319			LONDENSKY, ARTHUR					
	11-03322	12/01/11	2011 OEM CLOTHING ALLOWANCE	Open	750.00	0.00		
L5343			LOVE'S TREE REMOVAL, INC.					
	11-02558	09/22/11	Remove tree & stump-190 Main	Open	2,450.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
-----								
LANG013	MARC LANGE							
	11-03146	11/10/11	Hockey Ref 11/05	Open	35.00	0.00		
	11-03229	11/21/11	Hockey Ref 11/15	Open	35.00	0.00		
	11-03254	11/21/11	Hockey Ref 11/19	Open	35.00	0.00		
					-----			
					105.00			
LOPES10	DORA LOPES							
	11-03165	11/10/11	REFUND OF ESCROW BAL. #1322	Open	100.06	0.00		
LOPEZ01	IMARA LOPEZ							
	11-03183	11/10/11	CD REFUND	Open	9.30	0.00		
LOTZ01	ROBERT LOTZ							
	11-03184	11/10/11	CD & ELECT. CURR. YR. REFUND	Open	90.13	0.00		
LUSOT001	MILTON LUSOTTO							
	11-03185	11/10/11	ELECT. PRIOR YR. REFUND	Open	26.81	0.00		
M5421	W.B.MASON CO.							
	11-03061	10/28/11	Office Supplies	Open	1,186.37	0.00		
M5443	MAIN STREET FLORIST							
	11-03339	12/01/11	Veterans Day Wreath	Open	75.00	0.00		
	11-03359	12/05/11	Holiday Party Balloons 12/9	Open	192.50	0.00		
					-----			
					267.50			
M5697	MGL PRINTING SOLUTIONS							
	11-03045	10/26/11	HOMESTEAD REBATE BILLS	Open	96.00	0.00		
	11-03049	10/26/11	4 PT. PURCHASE ORDERS	Open	930.00	0.00		
					-----			
					1,026.00			
M5698	MIDD CTY UTILITY AUTHORITY							
	11-03141	11/07/11	Landfill Charges-October	Open	36,674.40	0.00		
M5707	MIDDLESEX WELDING SALES							
	11-02334	08/30/11	Cylinder Rentals-October	Open	49.50	0.00		
M5713	MIDD.CTY.IMPROVEMENT AUTHORITY							
	11-03273	11/28/11	Comingle Collection-October	Open	11,281.56	0.00		
	11-03274	11/28/11	Brush Collection-Oct 2011	Open	1,780.51	0.00		
					-----			
					13,062.07			
M5754	MIDDLESEX COUNTY T.S.O. ASSOC.							
	11-03211	11/21/11	Annual Dues 2011/2012	Open	35.00	0.00		
M5758	MIRACLE CHEMICAL CO.							
	11-02282	08/23/11	15% Sodium Hypochlorite	Open	719.60	0.00		



Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
	11-03409	12/07/11	2011 CLOTHING ALLOWANCE	Open	275.00	0.00		
06508 ONE CALL CONCEPTS								
	11-03217	11/21/11	One Call Messages-October	Open	51.18	0.00		
06521 OPSOLVE, LLC.								
	11-03120	11/07/11	BILLING FOR 10/11	Open	767.48	0.00		
	11-03121	11/07/11	BILLING FOR 10/11	Open	460.99	0.00		
					-----			
					1,228.47			
06522 OPSOLVE, LLC.								
	11-03122	11/07/11	BILLING FOR 10/11	Open	4,093.69	0.00		
	11-03123	11/07/11	BILLING FOR 10/11	Open	12,751.61	0.00		
					-----			
					16,845.30			
OCON01 MARY O'CONNOR								
	11-02968	10/20/11	2011 CLOTHING ALLOWANCE	Open	100.00	0.00		
P7209 PUBLIC SERVICE ELECTRIC & GAS								
	11-03373	12/05/11	SERVICE FOR 11/11	Open	2,597.44	0.00		
P7213 PUBLIC SAFETY OUTFITTERS INC								
	11-02996	10/21/11	BLADES	Open	6,995.00	0.00		
P7232 PUBLIC POWER ASSN OF N.J.								
	11-03245	11/21/11	BILLING FOR 10/11	Open	10,625.34	0.00		
PADI001 IRIS PADILLA								
	11-03188	11/10/11	CD REFUND	Open	114.07	0.00		
PETTY-PW GEORGE LYONS								
	11-03157	11/10/11	Reimburse Petty Cash	Open	182.18	0.00		
PINT013 DENNIS PINTO								
	11-03147	11/10/11	Hockey Ref 11/05	Open	70.00	0.00		
PLAN001 HELEN PLANK								
	11-03287	12/01/11	Refund/cancel Radio City 12/2	Open	100.00	0.00		
PR002 PRINCETON SUPPLY								
	11-02907	10/18/11	Janitorial Supplies	Open	1,202.85	0.00		
PRE001 PRECISION ANALYTICAL, INC.								
	11-02559	09/22/11	Coliform Analysis-October	Open	175.00	0.00		
	11-03002	10/24/11	Coliform Analysis-November	Open	187.50	0.00		
					-----			
					362.50			
Q7288 QUALITY STAR TRUCKS, INC.								
	11-03145	11/07/11	Parts for Truck 25 & Truck 26	Open	663.50	0.00		



Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
	11-02364	08/31/11	Road Paint - BLANKET	Open	26.00	0.00		
S8039	SOMERSET COUNTY FIRE ACADEMY							
	11-03222	11/21/11	ICS-200 CLASS	Open	300.00	0.00		
S8162	STAVOLA COMPANIES							
	11-02534	09/19/11	Hi Perf Cold Patch-BLANKET	Open	828.30	0.00		
	11-02793	10/05/11	Hi Perf Cold Patch-BLANKET	Open	934.76	0.00		
					-----			
					1,763.06			
S8227	SUN BADGE COMPANY							
	11-03029	10/25/11	Chief of Police Badge	Open	582.50	0.00		
S8251	SWIFT ELECTRICAL SUPPLY CO.							
	11-02648	09/28/11	Electrical Supplies-BLANKET	Open	861.40	0.00		
	11-03152	11/10/11	Electrical Supplies-BLANKET	Open	934.32	0.00		
					-----			
					1,795.72			
S8263	WILLIAM SYNEK							
	11-02954	10/20/11	2011 CLOTHING ALLOWANCE	Open	1,250.00	0.00		
SIGNS01	SIGNS AND SAFETY DEVICES,LLC							
	11-02505	09/15/11	Road Paint/Signs-BLANKET	Open	231.00	0.00		
STA001	STAHL, ESQ DAVID							
	11-03226	11/21/11	PROSECUTOR SVCS. 11/11	Open	620.33	0.00		
	11-03228	11/21/11	PROSECUTOR SVCS. FOR 10/11	Open	1,240.67	0.00		
					-----			
					1,861.00			
STAP01	STAPLES PRINT SOLUTIONS							
	11-01858	07/07/11	ats mailers/blank paper	Open	431.81	0.00		
T8302	TS EXPOSITION							
	11-03283	11/28/11	Dead Sea Scrolls Exbt 3/28/12	Open	364.50	0.00		
T8309	T.REAGAN TRUCKING, INC.							
	11-03207	11/21/11	Infield Mix	Open	800.00	0.00		
T8324	TAYLOR OIL CO INC.							
	11-03139	11/07/11	Fuel Del 10/26/11	Open	1,955.24	0.00		
	11-03218	11/21/11	Fuel Del 11/03/11	Open	1,937.17	0.00		
	11-03252	11/21/11	Fuel Del 11/9/11	Open	2,402.94	0.00		
					-----			
					6,295.35			
T8382	TEKTON DEVELOPMENT CORP.							
	11-01234	05/10/11	LIBRARY RENOVATION/ADDITION	Open	68,894.00	0.00		B
T8447	THYSSENKRUPP ELEVATOR CORP.							
	11-02496	09/14/11	Emergency Elevator Repair-PD	Open	2,810.00	0.00		

12/09/11  
08:33:02

Borough of South River  
Bill List By Vendor Id

Page No: 14

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
	11-03140	11/07/11	Repairs to Elevator-00A	Open	580.00	0.00		
					----- 3,390.00			
T8453	TOSHIBA BUSINESS SOLUTIONS							
	11-03168	11/10/11	DOCSTAR SYS.11/09/11-11/08/12	Open	2,990.00	0.00		
TAC002	TACTICAL DISPATCH CONSULT.LLC							
	11-02687	09/28/11	DISPATCHER TRAINING	Open	200.00	0.00		
THOMP20	LAUREN THOMPSON							
	11-02969	10/20/11	2011 CLOTHING ALLOWANCE	Open	400.00	0.00		
TRES01	DAWN TRESCH							
	11-02970	10/20/11	2011 CLOTHING ALLOWANCE	Open	400.00	0.00		
U8802	UNIFIRST CORPORATION							
	11-03004	10/24/11	Uniform Rental 11-01-11	Open	133.74	0.00		
	11-03005	10/24/11	Uniform Rental 11-08-11	Open	96.59	0.00		
	11-03006	10/24/11	Uniform Rental 11-15-11	Open	96.59	0.00		
	11-03007	10/24/11	Uniform Rental 11-22-11	Open	96.59	0.00		
					----- 423.51			
U8810	UNITED COMPUTER SALES & SVC.IN							
	11-02828	10/06/11	WEBSense WEB FILTER I YR.RENEW	Open	1,600.00	0.00		
	11-03085	11/02/11	MONTHLY BILLING FOR NOVEMBER	Open	2,125.00	0.00		
	11-03156	11/10/11	SERVICE TO REC. COMPUTERS	Open	67.50	0.00		
	11-03212	11/21/11	websense Subscription	Open	500.00	0.00		
					----- 4,292.50			
V9004	VERIZON WIRELESS							
	11-03389	12/07/11	SERVICE FOR 11/24-12/23/11	Open	4,534.65	0.00		
V9010	VERIZON							
	11-03248	11/21/11	Phone/Fram Relay Bill	Open	1,743.00	0.00		
	11-03272	11/28/11	SERVICE FOR 12/11	Open	4,451.93	0.00		
					----- 6,194.93			
V9016	VERIZON BUSINESS							
	11-03357	12/05/11	WEEKLY UPDATES FOR POLICE SVCS	Open	1,435.62	0.00		
W9471	SHARON WITKOWSKI							
	11-03113	11/07/11	Aerobics 11/03	Open	35.00	0.00		
W9632	MARIANNA WYSZYNSKA							
	11-02971	10/20/11	2011 CLOTHING ALLOWANCE	Open	200.00	0.00		
WAL01	CLIFFORD WALLING							
	11-03317	12/01/11	REFUND OF OVERPAYMENT	Open	881.85	0.00		

---

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
Z9875	STEPHEN ZIMMER	11-02986	10/21/11	2011 CLOTHING ALLOWANCE	Open	100.00	0.00		
Z9998	ZLATEN ZIFOVSKI	11-02792	10/05/11	Supplies-BLANKET	Open	16.77	0.00		
Total Purchase Orders:		287	Total P.O. Line Items:		571	Total List Amount:		780,407.64	Total Void Amount: 0.00

---

Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total
CURRENT FUND	1-01	271,897.65	0.00	271,897.65	0.00
WATER UTILITY	1-02	248,995.91	0.00	248,995.91	0.00
ELECTRIC UTILITY	1-03	72,386.71	0.00	72,386.71	0.00
	1-15	682.75	0.00	682.75	0.00
PARKING UTILITY	1-20	718.54	0.00	718.54	0.00
	Year Total:	594,681.56	0.00	594,681.56	0.00
GENERAL CAPITAL	C-06	155,988.06	0.00	155,988.06	0.00
ESCROW ACCOUNT	E-17	14,514.31	0.00	14,514.31	0.00
OTHER TRUST ACCOUNTS	T-05	14,741.71	0.00	14,741.71	0.00
WATER CAPITAL	W-07	482.00	0.00	482.00	0.00
	Total of All Funds:	780,407.64	0.00	780,407.64	0.00

Previously paid bills for pay meeting of 12/12/11

Date	From	Account	Amount	To	Account	Amount	Comment
11/15/2011	PNC Payroll Account	8015731865	\$ 100,576.28	State of NJ - Div. of Pensions		\$ 100,576.28	Health Ins. Premium - active 11/11
11/15/2011	PNC Payroll Account	8015731865	\$ 59,044.27	State of NJ - Div. of Pensions		\$ 59,044.27	Health Ins. Premium - retired 11/11
11/18/2011	PNC Electric Utility Account	8015731646	\$ 20,367.24	PJM Settlement Inc.		\$ 20,367.24	Weekly Elect. Pymt. 11/03-11/09/11
11/18/2011	PNC Electric Utility Account	8015731646	\$ 337,484.92	NextEra Energy Power		\$ 337,484.92	Monthly pool costs for elect. Dist.
11/28/2011	PNC Electric Utility Account	8015731646	\$ 20,753.42	PJM Settlement Inc.		\$ 20,753.42	Weekly Elect. Pymt. 11/10-11/16/11
11/30/2011	PNC Current Account	8013667761	\$ 785,000.00	Depository Trust Co.		\$ 785,000.00	2007 Gen. Water. Elect. Bonds
11/30/2011	PNC Water Account	8015731638	\$ 1,652.00	Depository Trust Co.		\$ 1,652.00	1977 Gen. Water. Elect. Bonds
11/30/2011	PNC Current Account	8013667761	\$ 270,250.02	Depository Trust Co.		\$ 270,250.02	2007 Gen. Water. Elect. Bonds
11/30/2011	PNC Water Account	8015731638	\$ 15,000.00	Depository Trust Co.		\$ 15,000.00	1977 Water Operating Bond
12/1/2011	PNC Electric Utility Account	8015731646	\$ 22,047.43	PJM Settlement Inc.		\$ 22,047.43	Weekly Elect. Pymt. 11/17-11/23/11
12/6/2011	PNC Current Account	8013667761	\$ 18.00	Petty cash - Finance		\$ 18.00	Petty Cash reimbursement - Finance
12/6/2011	PNC Water Account	8015731638	\$ 72.60	Petty cash - Finance		\$ 72.60	Petty Cash reimbursement - Finance
12/6/2011	PNC Electric Utility Account	8015731646	\$ 169.40	Petty cash - Finance		\$ 169.40	Petty Cash reimbursement - Finance
12/8/2011	PNC Current Account	8013667761	\$ 1,048,508.00	South River Board of Education		\$ 1,048,508.00	December School Tax Levy
			\$ 2,680,943.58			\$ 2,680,943.58	