

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
---------------------------------------	-----------------------------------

Developer's Cost

Development-Generated Peak Hour
Volumes

[4] Drainage improvements. The applicant's proportionate share of stormwater and drainage improvements, including the installation, relocation or replacement of storm drains, culverts, catch basins, manholes, rip-rap, improved drainage ditches and appurtenances, and relocation or replacement of other storm drainage facilities or appurtenances, shall be determined as follows:

[a] The capacity and design of the drainage system to accommodate stormwater run-off shall be based on the standard specified in this Ordinance, computed by the developer's engineer and approved by the Borough Engineer.

[b] The capacity of the enlarged, extended or improved system required for the subdivision and areas outside of the developer's tributary to the drainage system shall be determined by the developer's engineer, subject to approval of the Borough Engineer. The plans for the improved system shall be prepared by the developer's engineer and the estimated cost of the enlarged system calculated by the Borough Engineer. The pro-rata share for the proposed improvements shall be computed as follows:

Total Cost of Enlargement
Improvement

Capacity of Enlargement Gallon Per Day (GPD)

=

Developer's Cost

Development (GPD) to be Accommodated by the
Enlargement or Improvement

[5] Other improvements. The applicant's proportionate share of other capital improvements shall be computed as follows:

Total Cost of Enlargement
Improvement

Capacity of Facility Enlargement

=

Developer's Cost

Development-Generated Share of the
Enlargement or Improvement

(c) Escrow Accounts. Where the proposed off-tract improvements are to be undertaken at some future date, monies required for the improvement shall be deposited in a separate interest-bearing account to the credit of the municipality until such time as the improvement is concentrated. If the off-tract improvement is not begun within three years of deposit, all monies and interest shall be returned to the applicant.

ARTICLE VII. GUARANTEES AND INSPECTIONS

§ 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 of 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