

ADEQUATE NOTICE OF THIS MEETING HAS BEEN PROVIDED AS IS REQUIRED BY CHAPTER 231, PUBLIC LAW 1975 AND BY RESOLUTION 2008-14 WITH THE REQUEST OF THE HOME NEWS TRIBUNE AND THE SENTINEL NEWSPAPERS TO PUBLISH SAME AND THIS ANNOUNCEMENT MUST BE ENTERED INTO THE MINUTES OF THIS MEETING

A Regular Meeting of the Mayor and Council of the Borough of South River, in the County of Middlesex and the State of New Jersey was held November 24, 2008 and was called to order by Mayor Raymond T. Eppinger at 8:30 PM in the Council Chamber of the Criminal Justice Building at 61 Main Street in South River, New Jersey with the following Councilmembers in attendance:

Councilmembers Buffalino, Hutchison, Krenzel, Razzano, Trenga and Trzeciak

Also attending this meeting were Gary M. Schwartz, Borough Attorney, Henry Bignell, Borough Planner and Andrew Salerno, Borough Administrator.

MINUTES

The Minutes of Meeting No. 24 held on November 10, 2008 were submitted to the Council for acceptance and/or amendment.

Councilman Krenzel moved that the Minutes be approved as presented. Councilman Hutchison seconded the motion. So carried.

The Minutes of Meeting No. 8 held on April 16, 2007 were submitted to the Council for acceptance and/or amendment.

Councilman Krenzel moved that the Minutes be approved as presented. Councilman Razzano seconded the motion. So carried. Councilmembers Buffalino, Hutchison and Trenga abstained.

ORDINANCES-SECOND READING & PUBLIC HEARING

The Clerk announced that pursuant to previous action of the Borough Council and legal advertisement, this is the date, time and place set forth for the Second Reading and Public Hearing prior to Final Passage of the following Ordinances.

The Clerk submitted to the Council proof of publication from the Home News Tribune, a newspaper published in Neptune, New Jersey and circulated in the Borough of South River dated November 3, 2008, giving notice of the Second Reading and Public Hearing on the Ordinances.

ORD. 2008-37

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF SOUTH RIVER, CHAPTER 344 ENTITLED "WRECKERS" BY AMENDING SECTION 344-2 AND ADDING NEW SECTIONS 344-19, 20, 21, AND 22 _____.

BE IT ORDAINED by the Mayor and Borough Council of the Borough of South River, that Chapter 344 of the Code of the Borough of South River entitled "Wreckers" be amended by amending Section 344-2 and adding new sections 344-19, 20, 21, and 22:

SECTION 1.

344-2 Definitions.

Whenever used in this chapter, unless a different meaning clearly appears from the context, the following terms shall have the meanings indicated:

Abandoned tow list — A list of licensed towing businesses, maintained by the police department and used for the purpose of calling the appropriate towing service for vehicles deemed to be abandoned by the police department

Conventional wrecker — A vehicle used to tow or remove other vehicles via a hydraulic beam or winch beam, capable of handling passenger cars and small trucks.

Cruising – The driving of a wrecker to and fro along any Borough street for the purpose of soliciting business in the Borough.

Flatbed wrecker — A vehicle used to tow or lift and carry other vehicles via tilt-body flatbed or wheel lift, capable of handling passenger cars and small trucks, such as a pickup or small-panel trucks.

Heavy duty wrecker — A wrecker commercially manufactured with chassis, hydraulic in nature, with a capacity of not less than 26,001 pounds gross vehicle weight with under reach capabilities, and axle lift with minimum 25,000 pounds lift capability and 80,000 pounds tow capability.

Owned – Owned, rented or leased.

Person – Any individual, sole proprietorship, firm, partnership, association, corporation or other organization, and the singular or plural, masculine, feminine or neuter thereof, unless the contrary is clearly expressed.

Primary wrecker operator — A borough licensed wrecker operator who responds to the scene of a police tow.

Subcontractor — A borough licensed tow operator called to the scene by the primary wrecker operator to assist.

Towing list — A list of licensed towing businesses, maintained by the police department and used for the purpose of calling the appropriate towing service for all police needs and for removing vehicles from accidents where the operator has not selected a towing service.

Tow vehicle — A vehicle, such as a flatbed wrecker or conventional wrecker, that is equipped with a boom, winches, slings, tilt beds, wheel lifts or under-reach equipment designed by its manufacturer for the removal and transport of private passenger automobiles and small trucks.

Wrecker — A vehicle used for the purpose of towing, transporting or otherwise removing any and all kinds of vehicles which are disabled.

344-19 Equipment Specifications:

The tow operator shall have specialized towing equipment in good repair which meet the following specifications.

- 1.) Reflective traffic vest
- 2.) Twenty (20) pounds of absorbent material.
- 3.) Fire extinguisher, five (5) pound carbon dioxide or dry powder equivalent
- 4.) Amber light permit.
- 5.) Clean up equipment such as brooms, shovels and debris containers.
- 6.) Emergency warning lights at sufficient height to be seen over the towed vehicle.

344-20 Performance Standards

Light and medium duty tow operators shall not be required to maintain a principal place of operation within the Borough but shall maintain a principal place of operation within ten miles of the Borough's boundaries. A heavy duty tow operator shall maintain a principal place of operation within fifteen (15) miles of the Borough's boundaries. All tow operators shall comply fully with all of the zoning, land use and property maintenance codes of the municipality in which the tow operator's business is located.

- 1.) Each place of business shall maintain the following:
 - a.) A store front including signage displaying the business name, address and phone number

- b.) A person in the office to greet customers rendering service.
- 2.) Availability of services.
 - a.) The tow operator must be available and capable of providing towing services on a seven (7) day a week, twenty-four (24) hour per day basis for the borough.
- 3.) Registered towing personnel. The tow operator must register all personnel who are authorized by the tow operator to provide services on behalf of the tow operator. The registration must include for each person:
 - a.) Name, address and phone number
 - b.) New Jersey drivers license number and expiration date.
 - c.) Social Security number
 - d.) Signed statement by each person setting forth their understanding that the background check will be performed by the South River Police Department, the results which will be used by the South River Police Department in determining eligibility of the towing and storage contractor for inclusion on the on call tow list.
 - e.) The tow operator must update this registration as necessary to insure that it remains current
- 4.) Clean-up of debris. The tow operator shall be responsible for the clean-up of vehicle debris including glass, plastic, fuel oil, chemicals and hazardous waste materials.
- 5.) Unavailable for service. Should the tow operator not be available for service when called upon by the South River Police Department the next wrecker on the towing list shall be contacted. If a wrecker service is unavailable for service for three (3) calls in a six (6) month period, that wrecker service may be suspended off of the towing list for a period of three (3) months.
- 6.) Unavailable for abandoned vehicle tow. Should a tow operator not be available for a vehicle deemed to be abandoned by the South River Police Department, that tow operator will be removed from the next rotation from the towing list. Any wrecker service unavailable for three (3) abandoned vehicle tows in a six (6) month period may be removed from the towing list for a period of (3) months and also may be excluded from the next years towing list.
- 7.) Subcontracting services. A tow operator may only subcontract towing services to a licensed wrecker service for the Borough of South River

344-21 Unclaimed vehicles

All tow operators, in order to be in compliance with N.J.S.A. 39:10A-1, shall notify the South River Police Department Traffic Safety Bureau regarding any unclaimed vehicle within three (3) days after taking possession of the vehicle.

The following information shall be included upon notification:

- 1.) The year, make, model, color and vehicle identification number
- 2.) The odometer reading of the vehicle
- 3.) Photograph of vehicle

The South River Police Department, Traffic Safety Bureau will make notification of possession to the owner of record or holder of interest and provide information needed for the two operator to make its own further notice as set forth herein.

After notification by the traffic safety bureau, the person storing the vehicle shall notify the owner of record and holder of interest by certified mail return receipt requested of the schedule of costs for storing the motor vehicle and instructions on how the vehicle may be reclaimed.

If the person storing the motor vehicle fails to provide such notice to the owner of record or security interest holder within thirty (30) days of the date on which the storer of the vehicle received the notice from the traffic safety bureau, the maximum amount that such person may charge the owner of record or the security interest holder for storing the motor vehicle shall be seven-hundred and fifty dollars (\$750.00), provided that the owner of record or security interest holder submits a proper claim for the vehicle not later than the thirtieth (30th) day following the date the notice is delivered from the traffic safety bureau to the person storing the vehicle. If the owner of record or security interest holder fails to submit a proper claim for the vehicle on or before that thirtieth (30th) day, the person storing the vehicle may charge the security interest holder reasonable costs for storage.

344-22 Violations and penalties.

Any person who shall violate any of the provisions of this chapter shall, upon conviction, be punished as provided in Chapter 1, Article I, General Provisions, and each violation of any of the provisions of this chapter and each day there is a violation thereof shall be deemed and taken to be a separate and distinct offense. In addition, the Mayor and Council, after a hearing, may revoke or suspend any license issued hereunder or may refuse to renew any license previously issued hereunder for violation of any of the provisions of this chapter.

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.

Mayor Eppinger advised that the public hearings on the wrecker ordinances would be held this evening as advertised, but we were given a number of substantial changes requested by the Police Department. Once the hearing is closed, we will table the vote until the next meeting when the amendments can be made properly. Mayor Eppinger opened the public hearing. No comments were made. Councilman Razzano moved that the public hearing be closed. Councilman Hutchison seconded the motion. So carried.

Mayor Eppinger asked the Councilmembers as to the action to be taken on this Ordinance.

Councilman Krenzel moved to table the ordinance until December 8, 2008 when the amendments can be discussed. Councilman Razzano seconded the motion.

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razzano, Trenga, Trzeciak
NAYS: None

ORD. 2008-38

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF SOUTH RIVER, CHAPTER 155 ENTITLED "FEES" BY AMENDING SECTION 155-31. "WRECKERS"

BE IT ORDAINED by the Mayor and Borough Council of the Borough of South River, that Chapter 155 of the Code of the Borough of South River entitled "Fees" be amended by amending Section 155-31 "Wreckers":

SECTION 1.

155-31 Wreckers.

A. License fee: \$50 per year; fee on or after August 1: \$25

B. Charges

- 1) For conveying a disabled vehicle from any point in the Borough, when towed, transported and/or conveyed or removed any time of the day or night: \$110
- 2) Dead storage
 - a) For the first 15 days of dead storage, after a twenty-four (24) hour grace period from the time of arrival at a storage facility: \$35/day for each twenty-four (24) hour period or fraction thereof
 - b) For every day of dead storage exceeding 15 days: \$50/day
- 3) Clean up scene of accident: \$50; \$15 additional for application of absorbent material
- 4) Standby time: \$60 per hour which time shall begin to accrue once the tow operator has been on the scene for fifty-nine (59) minutes without being able to

begin to tow and/or commence recovery efforts. Any part of an hour after the elapsed first fifty-nine (59) minutes shall be counted as a full hour and the full hourly rate of \$60.00 shall then be charged.

5) Winching fee: \$50.00 per hour

6) The rates delineated in this section shall be exclusive of any other repair service costs provided by the tow operator including, but not limited to, such services as repairing flat tires or installing new and/or spare parts to a disabled vehicle. A tow operator shall be permitted to charge an additional fee of \$75.00 for such services as lockouts, tire changes and fuel deliveries. In such situations, it shall be the responsibility of the tow operator to first inform the owner and/or operator of the motor vehicle of the hourly labor rates and estimated cost for parts, materials, other services and labor prior to the performance of such repair services.

7) If a motorist requests to have his or her vehicle taken to any location within the township other than the wrecker operator's business location, the wrecker operator shall comply if the motorist has either cash or a credit card to pay for the towing charges. There shall be no additional charge for towing a vehicle to any location within the Borough of South River. If a motorist requests that his or her vehicle be taken outside the Borough but within Middlesex County and the wrecker operator is able to comply with the request the fee shall be four (\$4.00) per mile beyond the boundaries of South River regardless of the time of day. The motorist shall be responsible for negotiating the terms of a tow beyond Middlesex County. No operator shall refuse a credit card or cash as payment for services.

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.

Mayor Eppinger opened the hearing to the public for comments/questions. No comments were made. Councilman Razzano moved that the public hearing be closed. Councilman Trzeciak seconded the motion. So carried.

Mayor Eppinger asked the Councilmembers as to the action to be taken on this Ordinance.

Councilman Krenzel moved to table the ordinance until December 8, 2008 when the amendments can be discussed. Councilman Razzano seconded the motion.

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razzano, Trenga, Trzeciak
NAYS: None

Mayor Eppinger noted that Ordinances 2008-39, 2008-40 and 2008-41 will bring them into compliance with the Master Plan and that the Planning Board supports these ordinances.

ORD. 2008-39

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF SOUTH RIVER, CHAPTER 350 THEREOF ENTITLED "ZONING" BY REPEALING SECTIONS 350-1 THROUGH 350-6 AND SUBSTITUTING NEW SECTIONS 350-1 THROUGH 350-7 THEREFOR

NOW THEREFORE BE IT ORDAINED by the Mayor and Borough Council of the Borough of South River, that Chapter 350 of the Code of the Borough of South River entitled "Zoning" be amended by repealing Sections 350-1 through 350-6 and substituting new Sections 350-1 through 350-7 therefor.

SECTION 1.

§ 350-1. Title

This ordinance chapter shall be known and cited as the "Comprehensive Land Development Ordinance of the Borough of South River."

§ 350-2. Statutory Authority

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

§ 350-3. Intent

The Comprehensive Development Ordinance is designed to limit, restrict and regulate the nature and extent of the uses of land to specified districts or zones delineated throughout the Borough. The Ordinance subsequently specifies which particular uses of land are permitted or restricted, within each district and dictates the regulations and standards concerning the construction of buildings and structures proposed therein. The Ordinance provides for the

administration and enforcement of the provisions contained within this chapter and establishes penalties to be levied upon the party responsible for the violations thereof in furtherance of the following related objectives:

To guide and regulate orderly growth, development and redevelopment in accordance with the Borough's Master Plan.

To establish zoning districts and to set forth regulations governing these districts, in order to encourage the most appropriate use of land throughout the Borough.

To regulate the bulk, height, number of stories and size of buildings and other structures;

To protect the established character and the social and economic well-being of both private and public property.

To prevent overcrowding of land and buildings and to avoid undue concentration of population.

To provide adequate light, air, convenience and safety of access.

To conserve and enhance the value of property throughout the Borough of South River.

To facilitate the adequate provisions of municipal services.

To promote the general welfare of the public by providing for affordable housing within the Borough of South River.

To provide a realistic opportunity to accomplish the Borough of South River's fair share of the regional need for low and moderate income housing, and establish a mechanism for assuring that housing units designated for occupancy by low or moderate income households remain affordable to and occupied by such households.

To conform to the Substantive Rules of the New Jersey Council on Affordable Housing, N.J.A.C.

§ 350-4. Purpose

This Ordinance is hereby ordained, by the Mayor and Council of the Borough of South River, a land development ordinance pursuant to the provisions of P.L. 1975 C.291 as amended, C.216 (N.J.S.A. 40:55D-1 et. seq.) in order to establish a pattern for the use of land predicated on the Land Use Element of the Borough Master Plan and thereby enacted for the following purposes:

- To encourage municipal action to guide the appropriate use or development of all lands in this Borough, in a manner which will promote the public health, safety, morals and general welfare;
- To secure safety from fire, flood, panic and other natural and man-made disasters;
- To provide adequate light, air and open space;
- To ensure that the development of this municipality does not conflict with the development and general welfare of neighboring municipalities, Middlesex County, and the State as a whole;
- To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;
- To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
- To provide sufficient space and in appropriate locations for the variety of residential, recreational, commercial, business and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all South River residents;
- To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;
- To promote desirable visual environment through creative development techniques and good civic design and arrangements;
- To promote the conservation of open space, historic sites, energy resources, and valuable natural resources and to prevent urban sprawl and degradation of the environment through improper use of land;
- To encourage planned unit development which incorporates the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development to the particular site;
- To encourage senior citizen community housing construction;
- To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land. To limit and restrict buildings and structures to specified districts

and regulate buildings and structures according to their type and the nature and extent of the use of land for trade, industry, residence open space or other purposes;

To promote the maximum practical recovery and recycling of recycling materials from municipal solid waste through the use of planning practices designed to incorporate State and County Recycling Plan goals.

§ 350-5. Interpretation and Scope

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements.

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

§ 350-6. Establishment of districts; Zoning Map; interpretation of boundaries.

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

R-100	Single-Family Residential District
R-75	Single-Family Residential District
R-2	Two-Family Residential District
O-P	Office Professional District
B-1	Neighborhood Business District
B-2	General Commercial District
L-I	Research and Limited Manufacturing District

H-I Heavy Industrial District

- B. Official Zoning Map. The aforesaid zones are established by the locations and boundaries set forth and indicated on the official Zoning Map of the Borough of South River, hereby made and declared to be a part of this chapter. A map entitled "General Zoning Map," prepared by E. Eugene Oross Associates, indicating locations and boundaries shall be attached to all copies of the Zoning Ordinance for information purposes only. Editor's Note: The Zoning Map is included in a pocket at the end of this volume.
- C. Amendments to Zoning Map. If, in accordance with the provisions of this chapter and the revised statutes of the State of New Jersey, changes are made in the district boundaries or other matters portrayed in the Zoning Map by the Borough Council, such changes shall be made promptly by the Borough Planner after the amendment has taken effect as provided by law. For each change in the map, note shall be made in the revision box of the date of revision. These changes are to be endorsed upon the map on the effective date of the amendment.
- D. Rules for interpretation of district boundaries. Whenever an uncertainty or ambiguity exists as to the true location of any boundary line of any district (zone) shown on the map, the following rules shall apply:
- (1) Center lines. District boundary lines indicated as following or approximately following streets, highways or other public or private ways shall be construed to follow the center lines thereof.
 - (2) Platted lines. District boundaries indicated as following or approximately following platted lot lines shall be construed as following such lot lines as the same appear on the Tax Maps of the Borough as revised.
 - (3) Determination by Board of Adjustment. Where, due to scale, lack of detail or illegibility of the Zoning Map, there is uncertainty, contradiction or conflict as to the intended location of any district boundary line as shown thereon, the determination thereof shall lie with the Board of Adjustment after public hearing.

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

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.

Mayor Eppinger opened the hearing to the public for comments/questions. No comments were made. Councilman Razzano moved that the public hearing be closed. Councilman Hutchison seconded the motion. So carried.

Mayor Eppinger asked the Councilmembers as to the action to be taken on this Ordinance. Councilman Krenzel moved that the Ordinance be approved and the Clerk be authorized to publish same as is required by law. Councilman Trzeciak seconded the motion.

Mayor Eppinger asked if the Councilmembers have any comments. Hearing none, he asked the Clerk to call the roll.

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razzano, Trenga, Trzeciak
NAYS: None

ORD. 2008-40

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF SOUTH RIVER, CHAPTER 50 THEREOF ENTITLED "LAND USE PROCEDURES" BY REPEALING THE ORDINANCE IN ITS ENTIRETY AND SUBSTITUTING A NEW CHAPTER 50 ENTITLED "LAND USE PROCEDURES" THEREFOR

NOW THEREFORE BE IT ORDAINED by the Mayor and Borough Council of the Borough of South River, that Chapter 50 of the Code of the Borough of South River entitled "Land Use Procedures" be amended by repealing the ordinance in its entirety and substituting a new Chapter 50 "Land Use Procedures" therefor.

SECTION 1.

ARTICLE I: PLANNING BOARD

Establishment of the Planning Board

§50-1 Establishment

There is hereby established, pursuant to N.J.S.A. C.40:55D-23 in the Borough of South River, a Planning Board of nine (9) members consisting of the following four (4) classes.

Class I: The Mayor, or Mayor's designee in the absence of the Mayor (§40-55D-23a).

Class II: One (1) of the officials of the Borough other than a member of the governing body to be appointed by the Mayor; provided that if there is an Environmental Commission, the member of the Environmental Commission who is also a member of the Planning Board as required by C.40:56A-1 shall be deemed to be the Class II Planning Board member if there is both a member of the Zoning Board of Adjustment and a member of the Board of Education among the Class IV members or alternate members.

Class III. A member of the governing body, to be appointed by it.

Class IV: Six (6) other citizens of the Borough, to be appointed by the Mayor.

The members of Class IV shall hold no other municipal office, position or

employment, except that one (1) member may be a member of the Zoning Board of Adjustment. A member of the Environmental Commission who is also a member of the Planning Board as required by C.40:56A-1 shall be a Class IV Planning Board member, unless they are among the Class IV, or alternate members, both a member of the Zoning Board of Adjustment and a member of the Board of Education, in which case the member of the Environmental Commission shall be deemed to be the Class II member of the Planning Board. For the purpose of this section, membership on a municipal board of commission whose function is advisory in nature, and the establishment of which is discretionary and not required by statute, shall not be considered the holding of municipal office.

§50-2. Terms of Members

The term of the member composing Class I shall correspond with the Mayor's official tenure, or if the member is the Mayor's designee, the designee shall server at the pleasure of the Mayor during the Mayor's official tenure.

The term of the members composing Class II and Class III shall be for one (1) year or terminate at the completion of their respective terms of office whichever comes first, except for a Class II member who is also a member of the Environmental Commission.

The term of a Class II or Class IV member who is also a member of the Environmental Commission shall be for three (3) years or terminate at the completion of his term in office as a member of the Environmental Commission, whichever comes first.

The term of a Class IV member who is also a member of the Board of Adjustment or the Board of Education shall terminate whenever he is no longer a member of such other body or at completion of his Class IV term whichever comes first.

The terms of all class IV members first appointed pursuant to this chapter shall be so determined that, to the greater practicable extent, the expiration of such terms shall be evenly distributed over the first four (4) years after their

appointment as determined by resolution of the governing body, provided, however, that no term of any member shall exceed four (4) years, and further provided that nothing herein shall affect the term of any present member of the Planning Board, all of whom shall continue in office until the completion of the term for which they were appointed. Thereafter all Class IV members shall be appointed for terms of four (4) years except as otherwise provided herein.

All terms shall run from January 1 of the year in which the appointment was made, except as otherwise specified herein.

No member of the Planning Board shall be permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest.

Any member other than a Class I member, after a public hearing if he requests one, may be removed by the governing body for cause.

§50-3 Alternate Members

There shall be two alternate members of the Planning Board who shall be appointed by the Mayor and shall meet the qualifications of Class IV members of the Planning Board. Said alternates shall be designated at the time of their appointment as "Alternate No. 1" and "Alternate No. 2". The terms of the alternate members shall be for two (2) years except that the terms of the alternate members shall be such that the term of not more than one (1) alternate member shall expire in any one (1) year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two (2) years. A vacancy occurring otherwise than by expiration of term shall be filled by the approving authority for the unexpired term only.

No alternate member shall be permitted to act on any matter on which he has either directly or indirectly any personal or financial interest. An alternate member may, after public hearing if he requests one, be removed by the governing body for cause. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular

member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

§50-4 Vacancies

If a vacancy of any class shall occur otherwise than by expiration of term, it shall be filled by appointment as above provided for the unexpired term.

§50-5 Basic Course in Land Use Law and Planning

All regular and alternate members of the Planning Board shall be required to successfully complete a course in land use law and planning which has been authorized by the NJ Commissioner of Community Affairs and/or New Jersey Planning Officials within eighteen (18) months of assuming Board membership. No new member of the Planning Board shall be seated as a first-term member or alternate member of the Planning Board unless the person agrees to complete the basic course required and complete that course within eighteen (18) months of assuming Board membership. The Mayor or Class I member, a member of the Governing Body serving as a Class III member, and any person licensed as professional planner shall be exempt from this requirement.

§50-6 Organization of Board

The Planning Board shall elect a Chairman and Vice Chairman from the members of Class IV, select a Secretary who may either be a member of the Planning Board or a municipal employee, and create and fill such other offices as established by ordinance.

§50-7 Planning Board Attorney

There is hereby created the position of Planning Board Attorney. The Planning Board shall annually appoint and fix the compensation of the Planning Board Attorney for all legal service including, but not limited to: regular and special meetings of the Board, litigation, and such other legal services as may be deemed necessary by the Board. The Board Attorney shall be an attorney other than the Municipal Attorney or Zoning Board of Adjustment Attorney. The

Board shall not, however, exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.

§50-8 Expert Staff

The Planning Board may also employ or contract for services of Planning and/or Engineering Consultants and their staff and other services as it may deem necessary. The Board shall not, however, exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.

The Planning Board may also employ or contract for services of a Board Secretary. The Board shall not exceed the amount appropriated by the Governing Body for its use.

§50-9 Rules and Regulations

The Board shall adopt bylaws governing its procedural operation and such rules and regulations as may be necessary to carry into effect the provisions and purpose of this chapter. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigation Law of 1953 (N.J.S.A. 2a:67a-1 et. seq.) shall apply.

§50-10 Powers of the Planning Board

The Planning Board shall have such powers as are granted by law:

To make and adopt, and from time to time, amend a Master Plan for the physical development of the municipality, including in its consideration areas outside its boundaries which in the Board's judgment bear essential relation to the planning of the municipality, in accordance with the provisions of C.40:55D-1 et. seq.

To administer the provisions of the Land Development Ordinance of the municipality in accordance with the provisions of said ordinances and with C.40:55D-1 et. seq.,

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

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

To annually prepare a program of municipal capital improvements and projects projected over a term of six (6) years, and amendments thereto, and recommend same to the governing body.

To consider and make report to the governing body within thirty-five (35) days after referral as to any proposed development regulations submitted to it pursuant to the provisions of C.40:55d-26b.

The Planning Board when reviewing applications for approval of subdivision plans, site plans or conditional uses shall have the power to grant to the same extent and subject to the same restrictions as the Board of Adjustment, provided no variance under N.J.S.A. 40:55D-70d is required:

Grant variances, pursuant to Subsection 57C of Chapter 291 of the Laws of New Jersey, 1975 (C.40:55D-70C), from lot area, lot dimension, setback and yard requirements, etc.

Direction, pursuant to Section 25 (C.40:55D-34), for issuance of a permit for a building or structure in the bed of a mapped street or public drainageway, flood control basin or public area reserved pursuant to Section 23 (C.40:55D-32).

Direction, pursuant to Section 27 (C.40:55D-36), for issuance of a permit for a building or structure not related to a street.

Whenever relief is requested pursuant to this subsection, notice of a hearing on the application for development shall include references to the request for a variance or direction for issuance of a permit, as the case may be.

The Planning Board shall perform such other advisory duties as are assigned to it by ordinance or resolution of the governing body for the aid and assistance of the governing body or other municipal agencies or offices.

To hold hearings on any application to establish any residential housing facilities under the pursuant to Senate Bill No. 210, for the developmentally disabled, and to approve any such application by resolution, setting forth the terms and conditions of the approved.

Hear and decide requests for interpretation of all Borough Ordinances related to the powers, functions and duties generally performed by the Planning Board, other than the Zoning Ordinance.

§50-11 Environmental/Shade Tree Commission Review

Whenever the Environmental Commission has prepared and submitted to the Planning Board an index of the natural resources of the municipality, the Planning Board shall make available to the Environmental Commission an informational copy of every application for development to the Planning Board. Failure of the Planning Board to make such an informational copy available to the Environmental Commission shall not invalidate any hearing or proceeding.

§50-12 Time Limits

Minor subdivision and minor site plans - Minor subdivision and minor site plan approvals shall be granted or denied within forty-five (45) days of the date of submission of a complete application to the Planning Board or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the prescribed forty-five (45) day period shall constitute minor subdivision. Minor subdivisions shall expire one hundred ninety (190) days from the date of Planning Board approval unless within such period a plat in conformity with such approval and the provisions of the Map Filing Law (N.J.S.A. 46:23-9.9 et. seq.), or a deed clearly describing the approved minor subdivision, is filed by the developer with the County Recording Officer, the Borough Engineer and the Borough Tax Assessor. Any such plat or deed must be signed by the Chairman and Secretary of the Planning Board before it will be accepted for filing by the County Recording Officer.

The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor subdivision approval was granted shall not be changed for a period of 2 years after the date on which the resolution of minor subdivision approval is adopted; provided that the approved minor subdivision shall have been duly recorded as provided in this subsection.

The Planning Board may extend the 190-day period for filing a minor subdivision plat or deed pursuant to Section 204-3L1 if the developer proves to the reasonable satisfaction of the Planning Board that: (1) the developer was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities, and (2) the developer applied promptly for the diligently pursued the required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the Planning Board. The developer may apply for the extension either before or after what would otherwise be expiration date.

The Planning Board shall grant an extension of minor subdivision approval for a period determined by the Board but not exceeding one year from what would otherwise be the expiration date, if the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for an 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 the other government entities, whichever occurs later.

Preliminary approval of major subdivisions and major site plans - Upon submission of a complete application for a subdivision of ten (10) acres of land or less and ten (10) dwelling units or less, the Planning Board shall grant or deny preliminary approval within forty-five (45) days of the date of such submission or within such further time as may be consented to by the developer. Upon submission of a complete application for a subdivision of more than ten (10) acres or more than ten (10) dwelling units, the Planning Board shall grant or deny preliminary approval within ninety-five (95) days of

such submission or within such further time as may be consented to by the developer. Otherwise, the Planning Board shall be deemed to have granted preliminary approval for either size subdivision or site plan.

Ancillary Powers - Whenever the Planning Board is called upon to exercise its ancillary powers before the granting of a variance as set forth in Section 50-10(g), the Planning Board shall grant or deny approval of the application within ninety five (95) days after submission by the developer of a complete application or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period described shall constitute approval of the application and a certificate of the administrative officer, as to the failure of the Planning Board to act, shall be issued on the request of the applicant.

Final Approval

Application for final subdivision approval or site plan approval shall be granted or denied within forty-five (45) days of submission of a complete application or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute final approval.

Final approval of a major subdivision shall expire ninety-five (95) days from the date of signing of the plat unless within such period the plat shall have been duly filed by the developer with the County recording officer. The Planning Board may, for good cause shown, extend the period for recording for an additional period not to exceed one hundred ninety (190) days from the date of signing of the plat.

The Planning Board may extend the 95 days or 190 day period if the developer proves to the reasonable satisfaction of the Planning Board that: (1) the developer was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities, and (2) the developer applied promptly for and diligently pursued the required approvals. The

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

ARTICLE II: ZONING BOARD OF ADJUSTMENT

A. Establishment of the Zoning Board of Adjustment

§50-13 Establishment and Terms of Members

A Zoning Board of Adjustment is hereby established pursuant to N.J.S.A. C.40:55D-69 et. seq. consisting of seven (7) residents of the Borough of South River appointed by the Governing Body to serve for a term of four (4) years from January 1 of the year of their appointment. Nothing in this chapter shall, however, be construed to affect the term of any present member of the Zoning Board of Adjustment, all of whom shall continue in office until the completion of the term for which they were appointed.

No member of the Zoning Board of Adjustment may hold any elective office or position under the Borough.

A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only.

No member of the Zoning Board of Adjustment shall be permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest.

A member may, after a public hearing if he requests it, be removed by the governing body for cause.

§50-14 Alternate Members

There shall be two (2) alternate members of the Board of Adjustment appointed by the Governing Body. The alternate members shall be designated at the time of appointment by the governing body as "Alternate No. 1" and Alternate No. 2". The terms of the alternate members shall be such that the term of not more than one (1) alternate member shall expire in any one (1) year; provided,

however, that in no instance shall the terms of the alternate members first appointed exceed two (2) years.

The alternate member may participate in discussion of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

No alternate member of the Board of Adjustment shall be permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest.

An alternate member may, after a public hearing if he requests one, be removed by the governing body for cause.

§50-15 Officers

The Board of Adjustment shall elect a Chairman and Vice Chairman from its members and shall also select a Secretary, who may be either a Board Member or another municipal employee.

§50-16 Board of Adjustment Attorney

There is hereby created the position of Attorney to the Zoning Board of Adjustment, appointed by the Zoning Board of Adjustment. The Zoning Board of Adjustment shall annually appoint and fix the compensation of the Zoning Board of Adjustment Attorney for all legal services including but not limited to: regular and special meetings of the Board, litigation and such other legal services as may be deemed necessary by the Board. The Board of Adjustment Attorney shall be an attorney other than the Municipal Attorney or Planning Board Attorney. The Board shall not, however, exclusive of gifts or grants, exceed the amount appropriated by the governing body for its use.

§50-17 Other Expert Staff

The Zoning Board of Adjustment may also employ or contract for the services of Planning and/or Engineering Consultants and their staff and other services as it

may deem necessary. The Board shall not, however, exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.

§50-18 Rules and Regulations

The Board shall adopt bylaws governing its procedural operation and such rules/regulations as may be necessary to carry into effect the provisions and purposes of this chapter. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigations Law of 1953 (N.J.S.A.2A :67A-1 et. seq.) shall apply.

§50-19 Powers of the Zoning Board of Adjustment

The Board of Adjustment shall have such powers as are granted by law to:

Hear and decide appeals where it is alleged by the applicant that there is an error in any order, requirement, decision or refusal made by an Administrative Official based on or made in the enforcement of the Zoning Ordinance, pursuant to N.J.S.A. 40:55d-70a. In exercising the above-mentioned power, the Board of Adjustment may, in conformity with the provisions of R.S. 40:55D-1 et. seq. or amendments thereto or subsequent statutes applying, reverse or affirm wholly or partly or may modify the order, requirement, decision, or determination appealed from, and make such other requirement, decision or determination as ought to be made, and, to that end, have all the powers of the administrative officer from whom the appeal was taken.

Hear and decide requests for interpretation of the Zoning Map or Zoning Ordinance or for decisions upon other special questions upon which such Board is authorized to pass by the Zoning Ordinance, pursuant to N.J.S.A. 40:55d-70b.

(a) Where: (1) by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or (2) by reason of exceptional topographical conditions or physical features uniquely affecting a specific piece of property, or (3) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully

existing thereon, the strict application of any regulation pursuant to the Zoning Ordinance, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property, grant, upon an application or an appeal, a variance from such strict application of such regulation so as to relieve such difficulties or hardship; (b) Where, in an application or appeal relating to a specific piece of property, the purpose of this act or the Educational Facilities Construction and Financing Act would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow departure from regulations pursuant to Zoning Ordinance; provided, however, that no variance from those departures enumerated in Subsection 4 of this section shall be granted under this subsection; and provided further that the proposed development does not require approval by the Planning Board of a subdivision, site plan or conditional use, in conjunction with which the Planning Board has power to review a request for a variance.

- (4) In particular cases and for special reasons, grant a variance to allow departure restricted against such (a) use or principal structure not permitted; (b) an expansion of a nonconforming use; (c) deviation from a specification or standard pursuant to N.J.S.A. 40:55D-67 pertaining solely to a conditional use; (d) an increase in the permitted floor area ratio as defined in N.J.S.A. 40:55D-4; (e) an increase in the permitted density as defined in C.40:55D-4, except as applied to the required lot area for a lot or lots for detached one or two dwelling unit buildings, which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision; or (f) a height of a principal structure which exceeds by ten (10) feet or 10% of the maximum height permitted in the district for a principal structure. A variance under this subsection shall be granted only by affirmative vote of at least five (5) members. No variance or other relief may be granted under the provisions of this section unless such variance or other relief can be granted without

substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and Zoning Ordinance. Any application under this section may be referred to any appropriate person or agency, for it report, provided that such reference shall not extend the period of time within which the Zoning Board of Adjustment shall act.

§50-20 Additional Duties

- a. In addition, the Zoning Board of Adjustment shall have power given by law to:
 - (1) Direct issuance of a permit pursuant to N.J.S.A. 40:55d-34 for a building or structure in the bed of a mapped street or public drainageway, flood control basin or public area reserved on the Official Map.
 - (2) Direct issuance of a permit pursuant to N.J.S.A. 40:55D-36 for a building or structure not related to a street.
 - (3) The Board of Adjustment shall have the power to grant, to the same extent and subject to the same restrictions as the Planning Board, subdivision or site plan approval pursuant to N.J.S.A. 40:55D-67 whenever the Board is reviewing an application for approval of a use variance pursuant to N.J.S.A. 40:55D-70d.
 - (4) The developer may elect to submit a separate application requesting approval of the variance and a subsequent application for any required approval of subdivision, site plan or conditional use. The separate approval of the variance shall be conditioned upon the grant of all required subsequent approvals by the Zoning Board of Adjustment, consistent with N.J.S.A. 40:55-76.

§50-21 Appeals and Application

- a. Appeals to the Board of Adjustment may be taken by any interested party affected by any decision of the Zoning Officer of the municipality based on or made in the enforcement of the Zoning Ordinance or Official Map. Such appeal shall be taken within twenty (20) days by filing a notice of appeal and eight (8) copies with the office from whom the appeal is taken specifying the

grounds of such appeal. The official from whom the appeal is taken shall immediately transmit to the Board all the papers constituting the record upon which the action appealed was taken.

- b. A developer may file an application for development with the Board of Adjustment for action under any of its powers without prior application to an Administrative Officer. Eight (8) copies of the application shall be filed. At the time of filing the appeal or application, but in no event less than ten (10) days prior to the date set for hearing, the applicant shall also file all plot plans, maps or other papers required by virtue of any provision of this ordinance or any rule of the Board of Adjustment. The applicant shall obtain all necessary forms from the Secretary of the Zoning Board of Adjustment. The Secretary of the Board shall inform the applicant of the steps to be taken to initiate proceedings and of the regular meeting dates of the Board.

§50-22 Modification on Appeal

The Board of Adjustment may reverse or affirm, wholly or in part, or may modify the action, order, requirement, decision, interpretation or determination appealed from and to that end have all the powers of the administrative officer from whom the appeal is taken.

§50-23 Stay of Proceedings by Appeal

An appeal to the Board of Adjustment shall stay all proceeding in the appealed matter unless the Officer from whose action the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by an order of the Superior Court upon notice of the officer from whom the appeal is taken and on due cause shown.

§50-24 Environmental Commission Review

Whenever the Environmental Commission has prepared and submitted to the Zoning Board an index of the natural resources of the municipality, the Zoning Board shall make available to the Environmental Commission an informational

copy of every application for development to the Zoning Board. Failure of the Zoning to make such an informational copy available to the Environmental Commission shall not invalidate any hearing or proceeding.

§50-25 Time for Decision

The Board of Adjustment shall render its decision not later than one hundred twenty (120) days after the date an appeal is taken from the decision of an administrative officer or after the submission of a complete application for development to the Board pursuant to the provisions of N.J.S.A. C.40:55D-72b, or within such further time as may be consented to by the applicant. Failure of the Board to render a decision within such period shall constitute a decision favorable to the applicant. In the event the developer submits separate consecutive applications, the aforesaid time period shall apply to the application for approval of the variance. The period for granting or denying any subsequent approval shall be as otherwise provided in this Ordinance. Failure of the Board to render a decision within the prescribed period shall constitute a decision favorable to the applicant.

§50-26 Expiration of Variance

Any variance from the items of this chapter hereafter granted by the Board of Adjustment, permitting the erection or alteration of any structure or structures or permitting a specified use of any premises, shall expire by limitation within one (1) year from the date of entry of the judgment or deterioration of the Board of Adjustment, or in the case where a variance was granted in conjunction with the approval of a development application for a minor subdivision or site plan, the protection period for the variance shall run concurrently with the protection period for the respective development application, unless the applicable construction permits have been obtained or the permitted use has actually been commenced by that date; except, however, that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the Board of Adjustment to the court of competent jurisdiction until the termination in any manner of such appeal or proceeding.

§ 50-27 Lack of quorum

If the Board of Adjustment lacks a quorum because any of its regular or alternate members is prohibited by N.J.S.A. 40:55D-69 from acting on a matter due to the member's personal or financial interest therein, Class IV members of the Planning Board shall be called upon to serve, for that matter only, as temporary members of the Board of Adjustment. The Class IV members of the Planning Board shall be called upon to serve in order of seniority of continuous service to the Planning Board until there are the minimum number of members necessary to constitute a quorum to act upon the matter without any personal or financial interest therein, whether direct or indirect. If a choice has to be made between Class IV members of equal seniority, the Chair of the Planning Board shall make the choice.

ARTICLE III: PROVISIONS APPLICABLE TO BOTH PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT

§50-27 Conflicts of Interest

No member of the Planning Board or Zoning Board of Adjustment shall act on any matter in which he has, either directly or indirectly, any personal or financial interest. Whenever any such member shall disqualify himself from acting on a particular matter, he shall not continue to sit with the Board on the hearing of such matter nor participate in any discussion or decision relating thereto.

§50-28 Application Procedure

- a. All applications for development shall be filed with the Administrative Officer. At the time of filing of application, the applicant shall also file the fee, a completed checklist (as set forth in the schedule of forms attached to and made a part of this chapter), any request for waiver and any and all maps required by this section. The applicant shall file, at least fourteen (14) days before the date of the monthly meeting of the Board, eight (8) copies of a sketch plat, eight (8) copies of an application for minor subdivision approval, eight (8) copies of an application for site plan review, conditional use approval or planned development. At the time of filing the application, but in no event less than ten (10) days prior to the date set for hearing, the applicant shall also file all plot plans, maps or other papers required by virtue of any provision of this chapter or any rule of the Planning Board. The applicant shall obtain all necessary forms from the Secretary of the Planning Board. The Secretary of the Board shall inform the applicant of the steps to be taken to initiate applications and of the regular meeting dates of the Board.
- b. Upon receipt of an application for development, the Administrative Officer shall review the application and certify it as complete if all requirements for completeness have been met.
- c. Within forty-five (45) days from the filing as required above the Administrative Officer shall review and certify the application to be complete or incomplete in writing.
 - (1) If incomplete, the Administrative Officer shall certify in writing the deficiencies in the application on a checklist as specified in the schedule of forms attached to and made part of this chapter.
 - (2) The application shall be deemed complete within forty-five (45) days of the date of its submission if the Administrative Office does not certify the application to be complete.

- d. The applicant may request relief from one (1) or more of the submissions required in above. The request must be in writing stating the reason thereof. The Administrative Officer shall grant or deny the request within forty-five (45) days of the request.
- e. The Administrative Officer shall assign a hearing date and notify the applicant of the same after the application has been deemed complete. Notice to the applicant shall be in writing by regular mail. Upon receipt of a date of hearing, the applicant shall proceed to give proper notice of the hearing and comply with all other provisions of this chapter and the Municipal Land Use Law.

§50-29 Meetings

- a. Meetings of both the Planning Board and Zoning Board of Adjustment shall be scheduled no less than once a month, and any meeting scheduled shall be held as scheduled unless canceled for lack of applications for development to process.
- b. Special meetings may be provided for at the call of the Chairman or on the request of any two (2) Board members, which shall be held on notice to its members and the public in accordance with all applicable legal requirements.
- c. No action shall be taken at any meeting without a quorum being present.
- d. All actions shall be taken by majority vote of a quorum except as otherwise required by any provisions of Chapter 291 of the Laws of 1975 (see N.J.S.A. 40:55D-9 et. seq.).
- e. All regular meetings and all special meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meetings Act, Chapter 231 of the Laws of 1975 (see N.J.S.A. 10:4-6 et. seq.). An executive session for the purpose of discussing and studying any matters to come before either Board shall not be deemed a regular or special meeting in accordance with the provisions of N.J.S.A. 40:55d-9.

§50-29 Minutes

Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the Board and of the persons appearing by attorney; the action taken by the Board, the findings, if any, made by it and reasons therefor. The minutes shall thereafter be made available for public inspection during normal business hours at the office of the Borough Clerk. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceeding concerning the subject matter of such minutes. Such interested party may be charged a reasonable fee as indicated in the Fee Ordinance for reproduction of the minutes for his use as provided for in the rules of the Board.

§50-30 Documents and Fees

Forms and any other required documents for applications or for the rendering of any service by the Planning Board or Zoning Board of Adjustment or any member of their administrative staffs which are not otherwise provided for by Ordinance may be provided for and adopted as part of the rules of the Board. Copies of said rules or of the separate fee and submission schedule shall be made available to the public. A schedule of fees is detailed in Section 204-4 of this chapter.

§50-31 Hearings

- a. Rules - The Planning Board and Zoning Board of Adjustment may make rules governing the conduct of hearings before such bodies, which rules shall be consistent with the provisions of N.J.S.A. 40:55D-1 et. seq. or of this chapter.
- b. Oaths - The officer presiding at the hearing, or such person as he may designate, shall have the power to administer oaths and issue subpoena to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, as well as the provisions of the County and Municipal Investigations Law, P.L. 1953, C.38 (N.J.S.A. 2A:67A-1 et. seq.), shall apply.
- c. Testimony - The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer

and the right of cross-examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations to time and number of witnesses.

- d. Evidence - Technical rules of evidence shall not be applicable to the hearing, but the Board may exclude irrelevant, immaterial or unduly repetitious evidence.
- e. Records - Each Board shall provide for the verbatim recording of the proceedings of either stenographer, mechanical or electronic means. The Board shall furnish a transcript or duplicate recording in lieu thereof on request to any interested party at his expense.
- f. Absent Member - When any hearing before either the Planning Board or Zoning Board of Adjustment shall carry over two (2) or more meetings, a member of the Board who was absent for one (1) or more the meetings shall be eligible to vote on the matter upon which the hearing was conducted, notwithstanding his absence from one (1) or more of the meetings; provided, however, that such Board Member has available to him a transcript or recording of the meeting from which he was absent and certifies in writing to the Board from which he was absent that he has read such transcript or listened to such recording.

§50-32 Notice Requirements for Hearings

- a. Whenever a hearing is required on an application for development, except for minor subdivisions, minor site plans, final site plans and final subdivisions, pursuant to N.J.S.A. 40:55D-1 et. seq., the applicant shall give notice thereof as follows:
 - (1) Public notice shall be given by publication in the official newspaper of the municipality at least ten (10) days prior to the date of the hearing.
 - (2) Notice shall be given to the owners of all real property, as shown on the current tax duplicates, located within two hundred (200) feet in all directions of the property which is the subject of such hearing and whether

located within or without the municipality in which applicant's land is locate. Such notice shall be given by serving a copy thereof on the owner as show on the said current tax duplicate or his agent in charge of the property or by mailing a copy thereof by certified mail to the property owner at his address as shown on the said current tax duplicate. A return receipt is not required. Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made be service upon its president, a vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation.

- (3) Notice of all hearings on applications for development involving property located within two hundred (200) feet of an adjoining municipality shall be given by personal service or certified mail to the Clerk of such municipality, which notice shall be in addition to the notice required to be given to the owners of lands in such adjoining municipality which are located within two hundred (200) feet of the subject premises.
- (4) Notice shall be given by personal service or certified mail to the Middlesex County Planning Board of a hearing on an application for development of property adjacent to an existing county road or proposed road shown on the Official County map or the Middlesex County Master Plan, adjoining other county land or situated within two hundred (200) feet of a municipality boundary.
- (5) Notice shall be given by personal service or certified mail to the New Jersey Commissioner of Transportation of a hearing on an application for development of property adjacent to a state highway.
- (6) Notice shall be given by personal service or certified mail to the State Planning Commission of a hearing on an application for development of property which exceeds one hundred and fifty (150) acres of five hundred (500) dwelling units. Such notice shall include a copy of any maps or

documents required to be on file with the Municipal Clerk pursuant to Section 6b of Chapter 291 of the Laws of 1975 (see N.J.S.A. 40:55D-10).

(7) Minor Applications

- (a) Notice of hearings on applications for approval of minor subdivision or a site plan not defined as a minor site plan requiring public notice pursuant to subsection (a) of this section shall be given by personal service or certified mail to the corporate secretary of all public utilities and the general manager of all cable television companies that own land on any facility or that possess a right-of-way or easement within 200 feet in all directions of the property which is the subject of this hearing.
- (b) In addition to any notification requirement otherwise imposed under this act, an applicant seeking approval of a development which does not require notice as provided in paragraph (a) of this subsection, shall be required to provide notice, by personal service or certified mail, to the corporate secretary of any public utility and the general manager of any cable television company that possesses a right-of-way or easement situated within the property limits of the property which is the subject of the application for development approval under this paragraph.
- (c) The applicant shall file an affidavit of proof of service with the municipal agency holding the hearing on the application for development in the event that the applicant is required to give notice pursuant to this section.
- (d) All notices hereinabove specified in this section shall be given at least ten (10) days prior to the date fixed for hearing and the applicant shall file an affidavit of proof of service with the Board holding the hearing on the application for development.

- (e) Any notice made by certified mail as hereinabove required shall be deemed to be complete upon mailing in accordance with the provisions of N.J.S.A. 40:55D-14.
- (f) Form of Notice - All notices required to be given pursuant to the terms of this chapter shall state the date, time and place of the hearing; the nature of the matters to be considered; and identification the property proposed for development by street address, and, or by reference to lot and block numbers as shown on the current tax duplicate in the Municipal Tax Assessor's Office; and the location and times at which any maps and documents for which approval is sought are available as required by law.

§50-33. List of Property Owners

Pursuant to the provisions of N.J.S.A. 40:55D-12c, the administrative officer of the municipality, the Municipal Tax Collector, shall, within seven days after receipt of a request therefor and upon receipt of payment of a fee as provided in Chapter 155, Fees, make and certify a list from the current tax duplicate of names and addresses of owners to whom the applicant is required to give notice pursuant to Article III, § 50-33B, of this chapter.

§50-34 Decisions

- a. Each decision on any application for development shall be set forth in writing as a resolution of the Board, which shall include findings of fact and legal conclusions based thereon, and shall be memorialized by resolution. Said adoption shall not occur later than forty-five (45) days after the date of meeting at which the reviewing agency voted to grant or deny approval. Only members of the Board who voted for the action taken may vote on the memorialization resolution.
- b. A copy of the decision shall be mailed by the Board within ten (10) days of the date of decision to the applicant, or if represented, then to his attorney, without separate charge. A copy of the decision shall also be mailed to all persons who have requested it and who have paid the fee prescribed by the Board for such service. A copy of the decision shall also be filed in the office

of the Municipal Clerk, who shall make a copy of such filed decision available to any interested party upon payment of a fee calculated in the same manner as those fees established for copies of other public documents in the municipality.

§50-35 Publication of Decisions

A brief notice of every final decision shall be published in the official newspaper of the municipality. Such publication shall be arranged by the applicant and said notice shall be sent to the official newspaper for publication within ten (10) days of the date of any such decision.

§50-36 Payment of Taxes

Pursuant to the provisions of N.J.S.A. 40:55D-39 and 40:55D-65, the requirement that every application for development submitted to the Planning Board or to the Zoning Board of Adjustment shall be accompanied by proof that no taxes or any other outstanding fees owed to the Borough are due or delinquent on the property which is the subject of such application may be waived at the discretion of the Reviewing Board. No zoning permits, building permits, certificates of occupancy or other permits shall be issued unless proof is submitted by the applicant that no taxes or any other outstanding fees owed to the Borough are due or delinquent on the property which is the subject of such application.

ARTICLE IV: APPEALS

§50-37 Appeals to the Zoning Board of Adjustment

An appeal to the Zoning Board of Adjustment may be taken by any interested party affected by any decision of the Construction Official of the Borough based on, or made in, the enforcement of the Zoning Ordinance or Official map. Such appeal shall be taken within twenty (20) days by filing a notice of appeal in the manner set forth in herein and in accordance with the provisions of C.40:55D-72 of the Municipal Land Use Law of 1975.

§50-38 Appeal from Decision of Planning Board

Any interested party shall appeal a final decision of the Planning Board by commencing an action in lieu of prerogative writ in the Superior Court of New Jersey pursuant to the applicable Rules of Court.

§50-39 Appeal from Decision of Zoning Board of Adjustment

Any interested party may appeal to the governing body any final decision of the Zoning Board of Adjustment approving an application for development. Such appeal shall be made pursuant to N.J.S.A. 40:55D-17 et. seq.

E. Miscellaneous Provisions

§50-40 Pending Applications

All applications for development filed prior to the effective date of this chapter may be continued, but any appeals arising out of decisions made on any such applications shall be governed by the provisions of Article III of this chapter.

§50-41 Notice of Applications

Any other provisions of the ordinances of the Borough of South River to the contrary notwithstanding, public notice and notice with respect to all applications for development with the exception of applications for final approval pursuant to N.J.S.A. 40:55D-50 shall be given in accordance with the provisions of N.J.S.A. 40:55D-12.

§50-42 Informal Review

At the request of the developer, the Reviewing Board shall grant an informal review of a concept plan for development for which the developer intends to prepare and submit an applications for development. The amount of any fees for such an informal review shall be a credited towards the application fees for review for the application for development. The developer shall not be bound by any concept plan for which review is requested, and the Reviewing Board shall not be bound by any such review.

§50-43 Electronic files required.

- A. In addition to the current required submittals set forth above, all drawings associated with the preliminary and final application of major site plans, minor subdivisions, and major subdivisions and their applicable reports shall be submitted in Adobe Portable Document Format (PDF) at 400 by 400 dpi. All other documents such as but not limited to application, escrow sheet, completion checklist, environmental impact study, traffic study, storm water report, sewer and water report, reforestation or woodland management plan, and permits associated with the application shall be submitted in Adobe Portable Document Format (PDF) at 300 by 300 dpi. All revisions and resubmissions shall also be submitted in these formats.
- B. All filed maps and required final as-built plans shall be submitted in one of the following formats: Autocad Drawing File (dwg), ESRI Shape File (shp), Drawing Exchange Format File (dxf) or Microstation drawing file (dgn) and contain coordinate values for at least three identifiable boundary corners (preferably in the 1983 New Jersey State Plane Coordinate System). Exceptions may be granted by the approving board for circumstances where production of a CAD file presents an undue hardship.

§50-44 Conditional approvals; expiration of variance.

- A. Conditions precedent.
- (1) Whenever any application for development is approved subject to specified conditions intended to be fulfilled before the approval becomes effective, said conditional approval shall lapse and become null and void unless all specified conditions, other than those contemplated by N.J.S.A. 40:55D-22b, are fulfilled within 180 days of the date of conditional approval.
- (2) Proof that applications have been filed with all other agencies having jurisdiction over any aspect of the application for development shall be filed with the municipal agency.

- (3) The fulfillment of all conditions precedent shall be reported in writing to the municipal agency, which may cause such reports to be verified in an appropriate manner. Only upon fulfillment of all conditions shall any subdivision map or site plan be signed or any required building permit, occupancy permit or zoning permit be issued.
- (4) When all conditions have been fulfilled with respect to any minor or major subdivision, the applicant shall, within 45 days of the fulfillment of all such conditions, submit his deed or map for signature in accordance with N.J.S.A. 40:55D-47 or 40:55D-54 or any such approval shall lapse and be of no force and effect; provided, however, that the applicant may, for good cause shown, obtain an extension either before or after the lapse of said twenty-five-day period within a reasonable exercise of the Board's judgment.

B. Conditions subsequent.

- (1) Whenever any application for development is approved subject to conditions, which by their terms are incapable of being fulfilled, or are not required to be fulfilled prior to the final approval of the application, the performance of which are not guaranteed by bonds or securities of any type, failure to fulfill any such conditions within 180 days from the date of final approval of the application for development shall be grounds for the issuance of a stop-work order by the enforcing official and the withholding of any zoning permit, certificate of occupancy or any other approval until such condition or conditions are fulfilled.
- (2) Nothing herein contained shall be construed as preventing the municipal agency from specifying a longer period of time within which any specific condition must be fulfilled or from granting upon an ex parte application an extension of time for good cause shown.
- (3) The fulfillment of all conditions shall be reported in writing to the municipal agency which may cause such reports to be verified in an appropriate manner.

(4) For purposes of calculating the time period in which conditions must be fulfilled, such time period shall commence from the date on which the resolution memorializing an approval was adopted.

C. Any variance from the terms of this chapter hereafter granted by the Planning Board or Board of Adjustment permitting the erection or alteration on any structure or structures or permitting a specified use of any premises shall expire by limitation unless such construction or alteration shall have been actually commenced on each and every structure permitted by said variance, or unless such permitted use has actually been commenced, within nine months from the date of entry of the judgment or determination of the Board of Adjustment; except, however, that the running of the period of limitation herein provided shall be told from the date of filing an appeal from the decision of the Board of Adjustment to the governing body, or to a court of competent jurisdiction until the determination in any manner of such appeal or proceeding.

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.

Mayor Eppinger opened the hearing to the public for comments/questions. No comments were made. Councilman Razzano moved that the public hearing be closed. Councilman Trenga seconded the motion. So carried.

Mayor Eppinger asked the Councilmembers as to the action to be taken on this Ordinance. Councilman Krenzel moved that the Ordinance be approved and the Clerk be authorized to publish same as is required by law. Councilman Trenga seconded the motion.

Mayor Eppinger asked if the Councilmembers have any comments. Hearing none, he asked the Clerk to call the roll.

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razzano, Trenga, Trzeciak
NAYS: None

ORD. 2008-41

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF SOUTH RIVER, CHAPTER 295 THEREOF ENTITLED "SUBDIVISION AND SITE PLAN REVIEW" BY REPEALING SECTIONS 295-7 THROUGH 295-23 AND SUBSTITUTING NEW SECTIONS 295-7 THROUGH 295-48 AND RENUMBERING SECTIONS 295-24, 295-25 AND 295-26 TO READ SECTIONS 295-49, 295-50 AND 295-51

NOW THEREFORE 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 by repealing Sections 295-7 through 295-23 and substituting new sections 295-7 through 295-48 and renumbering sections 295-24, 295-25 and 295-26 to read sections 295-49, 295-50 and 295.51 therefor.

SECTION 1.

A. Development Review Procedure

§295-7 Administration

It shall be the duty of the Administrative Officer to ensure that all applications for development comply with the provisions of this chapter 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.

§295-8 Approving Agencies

The approval provisions of this chapter shall be administered by the Borough of South River Planning Board or 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 chapter shall include Planning Board and/or Zoning Board, where applicable.

§295-9 Conditional Approval

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.

- 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 and the State Highway Access Management Act of 1989.
 - (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 4" 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 Planing 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.

The rules, regulations, and standards set out in this chapter 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 chapter shall give primary consideration to the above-mentioned matters and to the welfare of the entire community.

§295-11 Review and Approval Required

Subdivision review and approval shall be required for all subdivisions of land as defined in this chapter, whereas site plan review and approval shall be required for all significant development of land as defined in this chapter.

- a. Unless specifically exempted hereinafter, site plan review and approval in accordance with this chapter shall be required for: 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.
- b. A change in occupancy of a building or the utilization of a building or land which meets any of the following criteria shall be determined to be a “change of use” under this chapter requiring site plan approval:
 - (1) The proposed use requires more off-street parking spaces than the previous use based upon parking requirements in this chapter.
 - (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 any storage or handling of any 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.

Any changes of use denial by the Construction Official shall be accompanied by a statement to the Board identifying which change of occupancy criteria violation was the basis of the denial.

- c. All changes of occupancy which are classified as a change of use shall require site plan approval prior to issuance of any building permits or other required municipal permits.
- d. A signed affidavit documenting how the proposed use does not meet each of the above criteria and therefore is not a “change of occupancy” must be submitted to the Borough Zoning Officer prior to issuance of a certificate of occupancy.
- e. No certificate of occupancy shall be given unless all construction and development conforms to an approved site plan.
- f. The Approving Board may waive certain site plan content requirements if the proposed construction or alteration or change of occupancy or use does not affect existing circulation, drainage, relationship of buildings to each other, landscaping, buffering, lighting or other considerations of site plan review, and further provided that all requirements of the zoning regulations are met. The Approving Board may waive the requirement for notice and a public hearing for minor site plan, at its discretion on any application for minor site plan approval.

§295-12 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 chapter 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 (1) or more provisions of this chapter is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

§295-13 Exemptions

The Approving Board may waive required notices and hearing for exempt site plans, minor subdivisions and exempt subdivisions except where a variance or conditional use is part of the application. Divisions of land not considered a subdivision as defined in this chapter or in N.J.S.A. 40:55D-1 et. seq. shall be exempt from compliance with the requirements of this chapter.

§295-14 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 or placement of signage which is in conformance with the provisions of the Borough's Zoning Ordinance.
- (3) Single-family and two-family dwellings and accessory structures to such uses unless the extension of municipal services are 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.

b. Minor Site Plan

Approval by the Planning Board of a minor site plan application prior to the issuance of a building permit or certificate of occupancy is required for the following types of development:

- (1) Additions to buildings or the construction of accessory buildings which would result in an increase of less than ten percent (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 ten percent (10%) to the existing number of parking spaces on site. Be it further provided that the proposed development must comply with all existing zoning requirements.
- (2) Renovations or changes to exterior building facades (excluding single-family and two-family dwellings).

c. Major Site Plan

Approval by the Approving Board of a major site plan application prior to the issuance of a building permit or certificate of occupancy is required for the following types of development:

- (1) All development of property not considered to be exempt from site plan review or not classified as a minor site plan.

B. Application Approval Procedures

§295-15 Submission of Concept Plan

- a. At the request of the applicant, the Planning Board shall grant an 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 Planning 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 twenty (20) days before the concept plan meeting. These items provide the applicant and Planning Board with an opportunity to discuss the development proposal in its formative stages.

§295-16 Submission of Minor Subdivision

- a. Waiver of Notice and Hearing. 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 (3) lots fronting on an existing street, nor involving any new street, road, extension of Municipal facilities, planned development, and not adversely affecting 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 twenty-one (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 chapter.
- 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 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 forty-five (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 chapter. 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. 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.

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. County Planning Board Review. Whenever review or approval of the subdivision by the County Planning Board 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 a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the statutorily required time period.
- 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" 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 (2) years after the date on which the resolution of minor subdivision approval is adopted, provided that the approved minor subdivision shall have been duly recorded as provided in this section.

- i. Extension Period for Filing. The Planning Board may extend the 190 day period 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: (1) the developer was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities, and (2) that the developer applied promptly for and diligently pursued the required approvals. 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 Planning 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 (1) 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 (4) copies of the approved maps to be distributed as follows: one (1) copy for its files, one (1) copy to the Building Inspector, one (1) copy to the Borough Engineer and one (1) copy to the Tax Assessor.

§295-17 Submission of Preliminary Major Subdivision

- a. Filing. Preliminary plats of major subdivisions shall be filed with the Administrative Officer at least twenty-one (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 chapter. 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 chapter 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 subsection 2(c) of this section.
- c. Determination of Completeness: The same as specified in subsection 2(d) of this chapter, except that the application must contain the details required in subsection 4 of this Article. If the application is found to be incomplete, the applicant shall be notified in writing within forty-five (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 chapter, 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 ten (10) or fewer lots, the Approving Board shall grant or deny preliminary approval within forty-five (45) days of the date of such submission or within such further time as may be consented to by the applicant. Upon the submission to the Administrative Officer of a complete application for a subdivision of more than ten (10) lots, the Approving Board shall grant or deny preliminary approval within ninety-five (95) days of the date of such submission or within such further time as may be consented to by the 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. County Planning Board. The same as specified in subsection 2(f) of this chapter.
- h. Recording. Two (2) 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 (30) 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 (30) day period may be extended for an additional thirty (30) 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 4 of this section confer upon the applicant the following rights for a three (3) 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 (1) year but

not to exceed a total extension of two (2) years, provided that if the design standards have been revised by ordinance, such revised standards may govern.

- (4) In the case of a subdivision of or site plan for an area of fifty (50) acres or more, the Approving Board may grant the rights referred to in subsections 1, 2 and 3 of this section for such period of time, longer than three (3) 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 are 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 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 3 and 4 of this section.

- j. Distribution of Approved Plans. The same requirements as specified in subsection 2(k) of this section.

§295-18 Submission of Final Major Subdivision

- a. Filing. Final plats of major subdivisions shall be filed with the administrative officer at least twenty-one (21) days prior to the regular meeting of the Board of which the applicant wishes to be heard and within three (3) 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 chapter.

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 chapter for final approval, the conditions for preliminary approval and the standards prescribed by the Map Filing Law.

- 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 (1) 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 forty-five (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 subsection (c) of this chapter. 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 forty-five (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. County Planning Board Review. The same as specified in subsection 2(f) of this chapter.
- 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 one hundred and eighty (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. The Planning Board may extend the ninety-five (95) 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 applicant whether conditionally or otherwise, shall not be changed for a period of two (2) 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 (1) year but there shall not be more than three (3) extensions. Notwithstanding any other provisions of this chapter, 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 fifty (50) acres or more of major conventional subdivision or site development plan for one hundred and fifty (150) acres or more, the Approving Board may grant the rights referred to herein for such period of time, longer than two (2) 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: (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 Approving Board grants an extension of final approval pursuant to subsection (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 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 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 (a) or (b) 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 subsection 2(k) of this section, except that an additional copy of an approved major subdivision shall be retained and distributed to the Board of Education.

- a. Waiver of Notice and 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 chapter.
- b. Filing. Minor site plan applications shall be filed with the Administrative Officer at least twenty-one (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 chapter. 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 forty-five (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 chapter. 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. Minor site plan approval shall be granted or denied within forty-five (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 forty-five (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.

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 subsection 2(f) 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 (2) 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: (1) what would otherwise be the expiration date, or (2) 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 subsection 2(k) of this section.

§295-20 Submission of Preliminary Major Site Plan

- a. Concept Plan. Notwithstanding anything hereinafter, an applicant may appear before the Board and submit a concept plan for informal discussion prior to formal application. No fee shall be charged for such submission.

- b. Filing. Preliminary site plans shall be filed with the Administrative Officer at least twenty-one (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 chapter. 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.
- c. Distribution of Plans. 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:
- (1) Agencies to receive a copy of site plan:
 - (a) The Borough Engineer.
 - (b) The Borough Planning Consultant.
 - (c) The County Planning Board
 - (d) The Utilities Department.
 - (e) The Shade Tree Commission.
 - (f) The Bureau of Fire Prevention.
 - (g) The Police Chief.
 - (2) Agencies to receive notice of the application:
 - (a) The Zoning Officer.
 - (b) The Tax Assessor.
 - (c) The Tax Collector.
 - (d) The Board of Health.
 - (e) The Environmental Commission.
- The Borough Engineer and Planner shall file a written report on their review, where applicable.
- d. Determination of Completeness. The same as specified in subsection 2(c) of this section, except that the application must contain the details required in Article V of this chapter.

- 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 chapter and other applicable ordinances, grant preliminary site plan approval.
- f. Time for Approval. Preliminary site plan approval for a site plan of ten (10) acres of land or less and ten (10) dwelling units or less shall be granted or denied within forty-five (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 ten (10) acres and more than ten (10) dwelling units shall be granted or denied within ninety-five (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 subsection 2(f) of this chapter.
- i. Recording. Two (2) 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 (30) 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 (30) day period may be extended for an additional thirty (30) 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 (4) of this section confer upon the applicant the following rights for a three (3) 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 (1) year but not to exceed a total extension of two (2) years, provided that if the design standards have been revised by ordinance, such revised standards may govern.
 - (4) In the case of a site plan for an area of fifty (50) acres or more the Approving Board may grant the rights referred to in subsections (1), (2) and (3) of this section for such period of time, longer than three (3) 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 (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 (1) 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 (3) or (4) of this section.
- k. Distribution of Approved Plans. The same requirements as specified in subsection 2(k) of this section.

§295-21 Submission of Final Major Site Plans

- a. Filing. Final plans of major site plans shall be filed with the Administrative Officer at least twenty-one (21) days prior to the regular meeting of the Board at which the applicant wishes to be heard and within three (3) 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 chapter.

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.

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 Chapter 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 (1) 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 forty-five (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 subsection (c) of this chapter. 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 forty-five (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. County Planning Board Review. The same as specified in subsection 2(f) of this chapter.
- f. Recording. After final approval, an applicant shall file the final subdivision plat which conforms to the Map Filing Law, 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 ninety-five (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 one hundred ninety (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 one hundred and eighty (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 (95) day or one hundred ninety (190) 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 (2) 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 (1) 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 fifty (50) acres or more, site plan for one hundred fifty (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 (1) of this section for such period of time, longer than two (2) 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 (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 (1) year from what would otherwise be the expiration date, if the developer proves to the reasonable

satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued these approvals. A developer shall apply for 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 (1) or (2) of this section.

- (k) Distribution of Approved Plans. The same as specified in subsection 2(k) of this section, except that an additional copy of an approved major residential site plan shall be retained and distributed to the Board of Education.

§295-22 Submission of Subdivisions and Site Plans

- 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 chapter.
 - (2) That the details of the plat are in accord with the standards of this chapter 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 Planning 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 Planning 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 Planning 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 (c. 40:55D-60) of this act, the Planning Board shall grant or deny approval of the application within one hundred twenty (120) days after submission by a developer or 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 act. 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 of 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 chapter and shall be subject to the enforcement procedures set forth herein.

C. Site Plan and Subdivision Submission Requirements

§295-23 Concept Plan

- a. The applicant shall submit to the Administrative Officer the following documents, materials and information when making a conceptual plan applications:
 - (1) Six (6) completed copies of the concept plan application form.
 - (2) Twenty (20) blue-on-white or black-on-white copies of the concept plan.
 - (3) Application fees.
 - (4) Escrow fees.

§295-24 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 (6) completed copies of the Minor Subdivision application form.
 - (2) Twenty (20) blue- or black-on-white copies of the sketch plat; Plus at least one (1) copy of the sketch plat printed on a mylar, sepia, or other reproducible material.
 - (3) Three (3) completed copies of the sketch plat checklist.
 - (4) Application fee and escrow fee.
 - (5) Certification of Tax Collector that all applicable taxes have been paid to date.
 - (6) Three (3) copies of any protective covenants, deed restrictions, easements, court decisions or board decisions affecting the property.
 - (7) Twenty (20) copies of the drainage calculations, utility reports and soil erosion and sediment control data, if required; and
 - (8) Twenty (20) 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 (4) copies of the proposed subdivision plat. In all cases, an application fee as required by Subsection 204-4 of this ordinance.
- c. If the applicant is not the owner of record of the land, then all contractual agreements concerning its use shall be submitted. If the application is found to be incomplete, the applicant shall be notified in writing within forty-five (45) days of submission of such application or it shall be deemed to be properly submitted.

§295-25 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 (20) completed copies of the Major Subdivision application form.
 - (2) Twenty (20) blue- or black-on-white copies of the Preliminary Subdivision plat which shall be in accordance with the provisions of this chapter and all application statutes of the State of New Jersey; plus at least one (1) copy of the preliminary subdivision plat printed on a mylar, sepia, or other reproducible material.
 - (3) Three (3) completed copies of the preliminary subdivision plat checklist.
 - (4) Application fee and escrow fee.

- (5) Certification of Tax Collector that all applicable taxes have been paid to date.
 - (6) Three (3) copies of any protective covenants, deed restriction easements, court decisions, or board decisions affecting the property.
 - (7) Twenty (20) copies of drainage calculations, utility reports and soil erosion and sediment control data, if required; and
 - (8) Twenty (20) 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. If the application is found to be incomplete, the applicant shall be notified in writing within forty-five (45) days of submission of such application or it shall be deemed to be properly submitted.

§295-26 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 (20) completed copies of the Major Subdivision (Final) application form.
 - (2) Twenty (20) blue- or black-on-white copies of the final subdivision plat which shall be in accordance with the provisions of this chapter and all applicable statutes of the State of New Jersey; Plus at least one (1) copy of the final subdivision plant printed on mylar, sepia or other reproducible material.
 - (3) Three (3) completed copies of the final subdivision plat checklist.
 - (4) Application fee and escrow fee.
 - (5) Certification of Tax Collector that all applicable taxes have been paid up to date.
 - (6) Three (3) copies of any protective covenants, deed restrictions, easements, court decisions or board decisions affecting the property.
 - (7) Twenty (20) copies of the drainage calculations, utility reports and soil erosion and sediment control data, if required.
 - (8) Twenty (20) 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. If the applicant is found to be incomplete, the applicant shall be notified in writing forty-five (45) days of submission of such application or it shall be deemed to be properly submitted.

§295-27 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 (20) complete copies of the Site Plan Review application form.
 - (2) Three (3) completed copies of the minor site plan checklist.
 - (3) Application fee and escrow fee.
 - (4) Certification of Tax Collector that all applicable taxes have been paid to date.
 - (5) Three (3) copies of any protective covenants, deed restrictions, easements, court decisions or board decisions, affecting the property.
 - (6) Twenty (20) copies of the drainage calculations, utility reports and soil erosion and sediment control data per the requirements set forth in this Ordinance.
 - (7) Twenty (20) copies of a survey of property.
 - (8) Letter of principal points describing the proposed development.
 - (9) Three (3) 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 (20) copies of site plan (in accordance with Subsection 204-5D) 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 forty-five (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.

295-28 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 (20) copies of the Site Plan Review application form.
 - (2) Three (3) completed copies of the preliminary site plan checklist.
 - (3) Application fee and escrow fee.
 - (4) Certification of Tax Collector that all applicable taxes have been paid to date.
 - (5) Three (3) copies of any protective covenants, deed restrictions, easements, court decisions or board decisions affecting the property.
 - (6) Twenty (20) copies of the drainage calculations, utility reports, and soil erosion and sediment control data per the requirements set forth in this Ordinance.
 - (7) Certified list of all property owners within 200 feet of subject property.
 - (8) Twenty (20) copies of a survey of property.
 - (9) Letter or principal points describing the proposed development.
 - (10) Twenty (20) copies of a completed variance application form (if applicable).
 - (11) Twenty (20) copies of any required traffic study, environmental study or other study or report.
 - (12) Twenty (20) copies of site plan (in accordance with Subsection 204-5D) 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 forty-five (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.

295-29 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 (20) completed copies of the Site Plan Review application form.
 - (2) Three (3) completed copies of the final site plan checklist.
 - (3) Application fee and escrow fee.
 - (4) Certification of Tax Collector that all applicable taxes have been paid to date.
 - (5) Three (3) copies of any protective covenants, deed restrictions, easements, court decisions or board decisions affecting the property.
 - (6) Twenty (20) copies of the drainage calculations, utility reports, and soil erosion and sediment control data per the requirements set forth in this ordinance.
 - (7) Certified list of all property owners within 200 feet of subject property.
 - (8) Twenty (20) copies of a survey of property.
 - (9) Letter of principal points describing the proposed development.
 - (10) Completed variance application form (if applicable).
 - (11) Twenty (20) copies of any required traffic study, environmental study or other study or report.
 - (12) Twenty (20) copies of site plan (in accordance with Subsection 204-5D) 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 forty-five (45) days of submission 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.

D. Site Plan and Subdivision Plan Requirements

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 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

- 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 (1) 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 (2) 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 right hand 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 (6) inches or more as measured three (3) 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 leasee. If the applicant is not the owner of record of the land, then all contractual agreements concerning its use shall be submitted.
 - (13) Certificate from the Tax Collector that no taxes or assessments for local improvements are due or delinquent.
 - (14) 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) 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 applicant of same, in writing, within forty-five (45) days of submission 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 ten (10) days of receipt of same.

295-33 Preliminary Major Subdivision

- a. The preliminary plan shall be clearly and legibly drawn or reproduced at a scale of not less than one (1) inch equals fifty (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 chapter 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 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 (1) foot where slopes are ten (10%) percent or less and two (2) feet where slopes are more than twenty (20%) percent or more. Where changes in grade are proposed, finished grades shall be indicated. Topographic data shall be provided for the entire site as well as a 100' 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 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 (25) year storm, and the upstream

drainage area being fully developed. The size, location and capacity of existing downstairs 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, centerline, 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 applicant of same, in writing, within forty-five (45) days of submission 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 ten (10) days of receipt of same.

295-34 Final Major Subdivision

- a. The final plat shall be drawn in ink or on mylar or cloth at a scale of not less than one (1) inch equals fifty (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 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 Act.
 - (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 non-residential lots.
 - (8) Final construction plans providing all information required for 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 two (200) hundred feet in all directions of the property which is the subject of the proposed subdivision.
 - (13) All details as required by this chapter.
 - (14) The final plat shall contain the following statements, certifications and endorsements:
 - (a) Signature of applicant's surveyor certifying compliance with 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 has 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 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 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 forty-five (45) days of submission 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 chapter 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 ten (10) days of receipt of same.

295-35 Minor Site Plan

- a. The minor site plan shall be clearly and legibly drawn or reproduced at a scale of no more than fifty (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 ten (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 (1) 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 (2) 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 right-hand-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, licensed 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, water courses, 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 (6) inches or more as measured three (3) feet above the ground shall also be shown.
- (11) Location of flood hazard boundaries as delineated by H.U.D.-F.H.A., 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 centerline 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 (1) foot where slopes are 3% or less, two (2) 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, centerline 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) 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 chapter 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) 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 ten 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 applicant of same, in writing, within forty-five (45) days of submission of the application.

295-36 Preliminary Major Site Plan

- a. The preliminary site plan shall be clearly and legibly drawn or reproduced at a scale of not less than one (1) inch equals fifty (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 chapter 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 minor site plan.
 - (2) A staging plan for all development projects of ten (10) acres or larger.
 - (3) Traffic impact study addressing existing peak hours, road capacity, gap analysis and proposed improvements both on off-site, adequacy of parking supply, loading spaces, and such other data as may be deemed necessary by the Board.
 - (4) 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 ten (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 applicant of same, in writing, within forty-five (45) days of submission of the application.

295-37 Final Major Site Plan

- a. The final site plan shall be drawn at a scale of no more than fifty (50) feet to the inch and shall be prepared by a surveyor and an engineering 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 (1) 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 ten (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 applicant of same, in writing, within forty-five (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 preferable not less than one-hundred (100) feet to the inch or greater than eight (8) 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) Show 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 ten (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 applicant of same, in writing, within forty-five (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 chapter.

E. 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 chapter 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 chapter.

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 Subsection 204-5F of this chapter) 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 chapter 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 chapter, 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 chapter 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:

(1) Cost Allocation.

(a) Full Allocation. In cases where off-tract improvements are necessitated by the proposed development, and where no other property owner(s) receive(s) 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.

(b) Proportionate Allocation

[1] 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.

[2] Allocation Formula

[a] 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:

- i. The capacity and design of the sanitary sewer system shall be based on the standards specified in this chapter.
- ii. 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;
- iii. 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:

$$\frac{\text{Total cost of enlargement improvement}}{\text{(GPD)}} = \frac{\text{Capacity of enlargement gallon per day}}{\text{(GPD)}}$$

Developer's Cost Development (GPD) to be accommodated by the enlargement or improvement.

[b] 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:

- i. The capacity and design of the water supply system shall be based on the standards specified in this chapter;
- ii. 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;
- iii. 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:

$$\frac{\text{Total cost of enlargement improvement}}{\text{Developer's Cost}} = \frac{\text{Capacity of enlargement gallon per day}}{\text{Development (GPD) to be accommodated by the enlargement or improvement.}}$$

Developer's Cost
accommodated by
improvement.

Development (GPD) to be
the enlargement or

[c] 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:

- i. The Borough Engineer or Planner shall provide the applicant with the existing and reasonable anticipated future peak-hour traffic for the off-tract improvement;
- ii. If the existing system does not have adequate capacity as defined above, the pro rata shall be computed as follows:

$$\frac{\text{Total cost of enlargement improvement}}{\text{Developer's C}}$$

Developer's C

[d] Drainage Improvements. The applicant's proportionate share of storm water 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:

- i. The capacity and design of the drainage system to accommodate storm water run-off shall be based on the standard specified in this chapter, computed by the developer's engineer and approved by the Borough Engineer.
- ii. 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:

$$\text{Total cost of enlargement improvement} = \frac{\text{Capacity of enlargement gallon per day}}{(\text{GPD})}$$

Developer's Cost Development (GPD) to be accommodated by the enlargement or improvement.

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

$$\text{Total cost of enlargement improvement} = \frac{\text{Capacity of facility enlargement}}{\text{Developer's}}$$

[f] Escrow Accounts. Where the proposed off-tract improvements is 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.

F. Guarantees and Inspections

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

The Boards shall require a performance guarantee for the purpose of guaranteeing the completion of all improvements as 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.

A performance guarantee submitted in compliance with this chapter 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 (3) 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 chapter 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 have been installed. If all required improvements have 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.

- a. The furnishing of a performance guarantee in favor of the Borough in an amount not to exceed one hundred twenty (120%) percent 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 (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 ten percent (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.

- b. 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 one hundred twenty (120%) percent 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.
- c. 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."
- d. 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 (a) 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 forty-five (45) days after receipt of the obligor's request.

- e. 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.
- f. 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 forty-five (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 thirty (30%) percent of the amount of the performance guarantee posted may be retained to ensure completion and acceptability of all improvements.

- g. 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 forty-five (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 state 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 complete and satisfactory or reduce the performance guarantee for the complete and satisfactory improvements within forty-five (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.

- h. 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.
- i. 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 (2) years after final acceptance of the improvement, in an amount not to exceed fifteen percent (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 (2) 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 C.40:55D-53 be in cash or that more than ten (10%) percent of a performance guarantee pursuant to that section be in cash. A developer may, however, provided at his option some or all of a maintenance guarantee in cash, or more than ten (10%) of 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 the chapter, 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 five percent (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's or other responsible officer's being notified at least forty-eight (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 forty-eight (48) business hours after an "engineer's" inspection pursuant to the provisions of this chapter, 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 chapter or to conform to the preliminary plat plan as approved by the Board will be just cause for the suspension of work being performed, and no person, firm or corporation shall have the right to demand or claim damages from the Borough of South River, its officers, agents or servants by reason by such suspension. No underground installation shall be covered until inspected and approved by the Engineer.
- f. Prior to the issuance of a certificate of occupancy, an applicant shall submit to the Borough engineer five (5) 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 Certificate of Occupancies:

- (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 section 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 C.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 two hundred (200%) percent 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.

G. Design Standards

295-46 General Requirements

- a. All improvements which are proposed in conjunction with a development application shall be constructed in accordance with the provisions of this section as well as the standards and specifications as shown in this chapter 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 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 fifty (50) feet for minor or marginal access streets and not less than sixty (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 multi-family, 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 turn around space for fire-fighting equipment.
- (7) Grades for minor residential streets shall not exceed eight percent (8%) or have a minimum grade of less than seventy-five hundredths (0.75%). Within fifty (50) feet of the intersection of any such street with an arterial street, the maximum grade shall be limited to two percent (2%). For arterial, collector, industrial or commercial roadways, the maximum grade shall be seven percent (7%).
- (8) Street intersections shall be as nearly at right angles as is possible, and in no case shall be less than sixty degrees (60°). At the street corners, curbs shall be rounded with a curve having a radius of not less than twenty-five (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 six hundred (600) feet and shall provide a turnaround at the end with a radius of not less than sixty (60) feet, tangent whenever possible to

the right side of the street. Where the street or alley is in excess of one hundred (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 or 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 off sets of less than one hundred twenty-five (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 one hundred fifty (150) feet for minor streets and a minimum of three hundred (300) feet for arterial or collector roads.
- (14) Where streets have a reverse curve, a tangent of at least one hundred (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 ninety by ninety (90 x 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 ninety-five percent (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 ninety-five percent (95%) of its modified Proctor density and approved by the Borough Engineer, a minimum of six (6) inches of hot bituminous stabilized base course shall be installed in two (2) 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 (1) 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 one and one-half (1 ½) inches for all minor streets with sound and stable base. For collector roads or other streets, the minimum thickness shall be two (2) 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 (2) 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 chapter, 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 one and one-half (1 ½) inches of bituminous concrete surface overlay along the entire frontage to the centerline 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 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 Ordinances.
- (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 fifteen (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 fifteen (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 (1) 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 (4) feet, and, if dedicated to the Borough as a public walkway, the pedestrian walk shall have an easement with a minimum width of ten (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 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 (3) 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 (4) 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 (3) feet to any street or property line.
 - (d) Trees shall be at least eight (8) feet in height and two and one half (2 ½) 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 (1) year or one (1) 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 the following regulations and in accordance with all other provisions of this chapter:

- (1) Hedges running parallel to the front property line may be erected, altered or reconstructed to a height not to exceed four (4) feet above ground level toward which the front entrance of any dwelling in a residential zone faces.
- (2) Fences may be permitted in any yard provided that they do not exceed three (3) feet in height at any point within the front yard, and that they do not exceed four (4) feet along the front property line. All fences situated on or within the required front yard area shall be an open style of fence.

- (3) Fences and hedges running parallel to side or rear yard lines may be erected, altered or reconstructed to a height not to exceed six (6) feet when located in said side or rear yards of any dwelling in a residential zone at any point to the rear of the rear building line.
- (4) The foregoing restrictions shall not be applied so as to prevent the erection of any open wire fence not exceeding eight (8) feet above ground level anywhere within a public park, public playground or school premises.
- (5) All fences, walls and hedges must be erected within the property lines, and no fences, wall or hedge shall be erected so as to encroach upon a public right-of-way.
- (6) All fences, walls and hedges shall be maintained in a safe, sound and upright condition and present a uniform appearance.
- (7) Fences on property bordering crosswalks that bisect two residential properties shall not exceed six (6) feet in height on the site of the property adjoining the crosswalk. Fencing must be set back at least two (2) feet from the crosswalk.
- (8) The height of the fence shall be measured from a point on the ground directly under the fence to the highest point on the fence above the ground reference.
- (9) The maximum height indicated above shall not apply to any fencing within ten (10) feet of the periphery of any private wading or swimming pool. Such fencing shall be in no case less than four (4) feet in height.
- (10) When a fence, as constructed, shall have a finished side as compared to an unfinished or inside surface, the finished or public side shall face outward.
- (11) No fence shall be situated in such a manner that would obstruct the view of vehicular or pedestrian traffic at any intersection or crosswalk.
- (12) Nothing in this section shall supersede the mandatory sight triangle requirements as found elsewhere in this Ordinance.
- (13) Fences, walls or other similar dividing structures shall not be more than ninety percent (90%) solid in every linear foot. Such fences shall include, but not be limited to: board-on-board fences, basket weave fences, and other such similar style partially open fence designs.
- (14) The use of barbed wire in any manner in the construction of any fence is expressly prohibited in all zones.

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 shall be installed underground. 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 foilage 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 & 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 (1) tree per fifty (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 (6) 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: (1) single-family development of fifty (50) or more units; (2) multi-family development of twenty-five (25) or more units; and (3) commercial or industrial development of one thousand (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 and the Mandatory Statewide Source Separation and Recycling Act.

l. Swimming Pool

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 chapter.

m. Trailers

- (1) No trailer, auto trailer, trailer coach, travel trailer or camper shall be used for dwelling purposes or as sleeping quarters for one (1) 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 such 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 ninety (90) days with an option to extend for one (1) additional ninety (90) 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 fifteen (15) days of issuance of the certificate of occupancy for the last unit or within fifteen (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 (1) year.

n. Tree Removal and Woodlands Management

The Tree Removal and Woodlands Management Ordinance, Chapter 190 of the South River Code, adopted 4/10/1996 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 standards 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 chapter.

- 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 (3/4") 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 (4) 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 two hundred (200) pounds per square inch and shall have a minimum cover of four (4) 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 one thousand (1,000) feet apart. Accordingly, three (3) 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 five hundred (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 Penntroy 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 twenty-five (25) gallons per inch diameter per mile per day at a pressure between one hundred fifty (150) and two hundred fifty (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 ten (10) days after the completion of the water main, the developer shall provide six (6) 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 (minimum) diameter 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 water tightness. 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 (4) 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 (minimum) diameter 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 (300) feet 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 ex-filtration testing as required by the Borough Engineer. The maximum allowable leakage shall be twenty-five (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 (6) 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, and 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 (1) in twenty-five (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 (1) in one hundred (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 (1) 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 (6) 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 46:23-9.12 (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 chapter where subsection (6) 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 manmade 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 chapter. 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 chapter. 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 or more than five thousand (5,000) square feet of surface area of land as defined in the Soil Erosion and Sediment Control Act (c. 25, P.L. 1975) shall include on its plan the following: the means to control or prevent erosion, providing for 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 (6) 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 (1) 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 thirty (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 Article III "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 (2) or more such single family dwelling units.
- (b) Land disturbances of five thousand (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. Environmental Impact Statement

(1) 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 compliment, rather than duplicate, the site plan and building plan and shall include a survey and description of the environmental features of the property.

(2) Applicability

All applications for major subdivisions, major site plan, use variance, or conditional use for any application involving one (1) acre (43,560sf) or more of land, shall be required to include an environmental impact statement as part of the application submission documentation.

(3) Environmental Assessment

Prior to submitting a preliminary plat for any application involving more than one (1) acre (43,560sf) 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.

(4) Compliance

The preliminary plat for any development of one (1) acre (43,560sf) 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:

- (a) 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).
- (b) 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 ten percent (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.
- (c) 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.
- (d) 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.

- (e) 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 (100%) percent project build-out completion.

(5) Information Required

- (a) 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 floor plains, depth to bedrock of less than two (2) feet, streams and water bodies, wetlands, slopes greater than ten percent (10%), highly acid or erodable soils, mature stands of trees, aquifer recharge areas, aquifer discharge areas and unique natural features and habitats.

(b) Specific Requirements.

[1] 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:

- [a] Master Plan, especially the land use and open space elements.
 - [b] The Middlesex County Master Plan.
 - [c] Other pertinent planning documents.
- [2] Site Description and Inventory.
- [a] 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.
 - [b] Topography. Describe the topographic conditions of the site.
 - [c] 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 (2) feet of the surface), as well as major rock outcroppings.
 - [d] Vegetation. Map and describe the diversity and frequency of all major species.
 - [e] 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.
 - [f] Wildlife. Describe the diversity and extent of wildlife habitats. Identify any unique habitats.
 - [g] 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, any analysis shall be conducted which will

investigate flow, depth, capacity and water quality of the receiving waters.

[h] 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 five hundred (500) feet of the site as to depth, capacity and water quality.

[i] 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.

[j] 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.

[3] Environmental Impact.

[a] 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 manmade water systems.

[b] 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., New Jersey Safe Drinking Water Act, and BH Chapter 4, Individual and Semi-public Water Supply Code.

[c] Discuss the effect of the proposed activity on ground 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. 26:3B2 & 3, Nuisances, N.J.A.C. 7:14, Water Pollution Control Act, N.J.A.C. 7:14A-1, New Jersey Pollution Discharge Elimination System, BH Chapter 2, Section 2-11c, Public Health Nuisance Code, and BH Chapter 12, Water Supply Protection.

- [d] Describe any impact on stream corridors, wetlands, aquifer recharge areas and historical or archeological significant areas.
- [e] 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.
- [f] 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.
- [g] 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. 13:1k6, 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.
- [h] Describe the environmental impact of traffic generation.
- [i] Describe any adverse environmental effect that may occur during the construction phase of the project.

- [j] 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.
- [k] Demonstrate that there will be no adverse impact to environmentally sensitive areas from the proposed development.
- [l] Demonstrate that there will be no adverse impact to traffic safety from the proposed development.
- [4] 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, but not limited to:
 - [a] Site design techniques sensitive to the natural environment, which should include innovative landscapes, building and circulation design buffers.
 - [b] Drainage plans which would limit off-site run-off.
 - [c] Sewage disposal techniques.
 - [d] Water supply and water conservation proposals.
 - [e] Energy conservation measures.
 - [f] Pollution control measures that favorably affect all quality and water quality and reduce noise.
 - [g] Open space reserves.
 - [h] Procedures for chemical spill prevention, control and clean-up.
- [5] The name and address of the person, persons, or entity who prepared the Environmental Impact Statement or their curriculum vitae.
- [6] 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.
- [7] 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.

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.

Mayor Eppinger opened the hearing to the public for comments/questions. No comments were made. Councilman Razzano moved that the public hearing be closed. Councilman Hutchison seconded the motion. So carried.

Mayor Eppinger asked the Councilmembers as to the action to be taken on this Ordinance. Councilman Krenzel moved that the Ordinance be approved and the Clerk be authorized to publish same as is required by law. Councilman Hutchison seconded the motion.

Mayor Eppinger asked if the Councilmembers have any comments. Hearing none, he asked the Clerk to call the roll.

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razzano, Trenga, Trzeciak
NAYS: None

ORDINANCES – FIRST READING BY TITLE ONLY

ORD 2008-42

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF SOUTH RIVER, CHAPTER 193 ENTITLED “VEHICLES AND TRAFFIC,” SECTION 193-9 PARKING TIME LIMITED BY AMENDING SECTION 193-33 SCHEDULE IV “PARKING TIME LIMITS” THEREOF

Councilman Trzeciak moved that the Council pass the said Ordinance on its First Reading by Title Only and that the Clerk be authorized to publish same as is required by Law with the Second Reading and Public Hearing to be held on December 8, 2008 at 8:30 p.m. in the Council Chambers of the Criminal Justice Building at 61 Main Street in South River, New Jersey. Councilman Buffalino seconded the motion.

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razzano, Trenga, Trzeciak
NAYS: None

ORD 2008-43

AN ORDINANCE AUTHORIZING THE ADVERTISING FOR BIDS TO
LEASE CERTAIN LANDS, LOT 1.3, BLOCK 380, OWNED BY THE
BOROUGH OF SOUTH RIVER

Councilman Trzeciak moved that the Council pass the said Ordinance on its First Reading by Title Only and that the Clerk be authorized to publish same as is required by Law with the Second Reading and Public Hearing to be held on December 23, 2008 at 8:30 p.m. in the Council Chambers of the Criminal Justice Building at 61 Main Street in South River, New Jersey. Councilman Buffalino seconded the motion.

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razzano, Trenga, Trzeciak
NAYS: None

ORD 2008-44

AN ORDINANCE AUTHORIZING THE ADVERTISING FOR BIDS TO
LEASE CERTAIN LANDS, LOT 1, BLOCK 225, OWNED BY THE
BOROUGH OF SOUTH RIVER

Councilman Trzeciak moved that the Council pass the said Ordinance on its First Reading by Title Only and that the Clerk be authorized to publish same as is required by Law with the Second Reading and Public Hearing to be held on December 23, 2008 at 8:30 p.m. in the Council Chambers of the Criminal Justice Building at 61 Main Street in South River, New Jersey. Councilman Buffalino seconded the motion.

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razzano, Trenga, Trzeciak
NAYS: None

PUBLIC COMMENTS (agenda items only)

No comments were made. Councilman Razzano closed the public portion. Councilman Hutchison seconded the motion. So carried.

LICENSES

RL-1305 – St. Mary of Ostrabrama – Off/premise 50/50

Councilman Krenzel moved that the above-referenced licenses be approved. Councilman Trzeciak seconded the motion. So carried.

RESOLUTIONS

RES:2008-505

NOVEMBER 24, 2008

RESOLUTION

I, Raymond T. Eppinger, Mayor, with the advice and consent of the Council of the Borough of South River, do hereby approve the promotion of Robert Horvath to Equipment Operator in the Water and Sewer Department of the Department of Public Works of the Borough of South River effective as of January 1, 2007.

Raymond T. Eppinger
Mayor

DATED: NOVEMBER 24, 2008

/s/ John Krenzel
Councilmember

/s/ Jim Hutchison
Councilmember

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razaano, Trenga, Trzeciak

NAYS: None

RES:2008-506

NOVEMBER 24, 2008

RESOLUTION

I, Raymond T. Eppinger, Mayor, with the advice and consent of the Council of the Borough of South River, do hereby appoint Tarum Kumar to the position of Probationary Member in the Reliable Fire Company, South River Fire Department of the Borough of South River effective as of October 3, 2008.

BE IT FURTHER RESOLVED that said appointment is subject to the successful completion of:

1. Police background and fingerprint investigation
2. Physical examination
3. Drug/alcohol testing

Raymond T. Eppinger
Mayor

DATED: NOVEMBER 24, 2008

/s/ John Krenzel
Councilmember

/s/ Jim Hutchison
Councilmember

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razaano, Trenga, Trzeciak
NAYS: None

RES:2008-507

NOVEMBER 24, 2008

RESOLUTION

I, Raymond T. Eppinger, with the advice and consent of the Council of the Borough of South River, do hereby appoint John Schackley as a Regular Member of the Reliable Fire Company, South River Fire Department of the Borough of South River effective as of September 15, 2008.

Raymond T. Eppinger
Mayor

DATED: NOVEMBER 24, 2008

/s/ John Krenzel
Councilmember

/s/ Jim Hutchison
Councilmember

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razaano, Trenga, Trzeciak

NAYS: None

RES:2008-508

NOVEMBER 24, 2008

RESOLUTION GRANTING RENEWAL TO
PLENARY LICENSES IN THE BOROUGH
OF SOUTH RIVER FOR THE PERIOD
JULY 1ST, 2008 TO JUNE 30, 2009

WHEREAS, the Borough Council of the Borough of South River in the County of Middlesex, New Jersey, has received an application for the renewal of Plenary License for the period of July 1st, 2008 until June 30th, 2009; and

WHEREAS, said application is complete and on file in the Office of the Borough Clerk for public inspection; and

WHEREAS, all requirements have been complied with and the Borough Council after public hearing thereon has determined that no protests have been filed against the granting of the said renewal application for such plenary license; and

WHEREAS, the New Jersey Division of Alcoholic Beverage Control has granted permission for the renewal of said license, pursuant to N.J.S.A. 33:1-12.39.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Borough Council of the Borough of South River in the County of Middlesex, New Jersey, that approval is hereby granted to said application, subject to the Rules and Regulations of the Alcoholic Beverage Control Commission and Code of the Borough of South River; and

BE IT FURTHER RESOLVED that the certified copies of this resolution be filed with the Division of Alcoholic Beverage Control Commission, the applicant for their record purposes, the Beverage Tax Bureau, and the Chief of Police of the Borough.

PLENARY RETAIL CONSUMPTION LICENSE:

STATE/LOCAL
NUMBERS:

HOLDER

TRADE NAME

C-8
1223-33-008-005

BACIO INC.
700 OLD BRIDGE TPKE.

BACIO RESTAURANTE

DATED: NOVEMBER 24, 2008

/s/ John Krenzel
Councilmember

/s/ Jim Hutchison
Councilmember

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razaano, Trenga, Trzeciak

NAYS: None

RES:2008-509

NOVEMBER 24, 2008

RESOLUTION

WHEREAS, the State of New Jersey has implemented the "New Jersey Local Unit Pay-To-Play" Law under P.L. 2004, Chapter 19 (as amended by P.L. 2005, c.51) N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, said Statute affects all Municipalities and Counties, and their agencies that enter into contracts with a value over \$17,500.00 and further requires that

all such contracts with a value over \$17,500.00 (aggregation rules apply) be awarded pursuant to a "Fair and Open" or a "Non-fair and Open" process, both of which are defined by law; and

WHEREAS, the Borough of South River has determined to solicit proposals of qualifications for professional services under a "Fair and Open Process"; and

WHEREAS, the Borough of South River shall also establish criteria for their proposal/qualification evaluation in considering a fair and open contract award.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Borough Council of the Borough of South River that the Borough of South River shall proceed with a notice for solicitation of proposals and qualifications for professional services under a "Fair and Open Process" for the positions of:

Borough Attorney	Risk Management Insurance
Borough Engineer	Health Benefits Consultant
Borough Auditor	Attorney-Planning Board
Borough Planner	Engineer-Planning Board
Bond Counsel	Planner-Planning Board
Special Tax Counsel	Zoning Board Attorney
Special Employment/Labor Counsel	Zoning Board Engineer
Borough Prosecutor	Zoning Board Planner
Borough Public Defender	Alternate Borough Prosecutor
Borough Magistrate	Alternate Public Defender
Electrical Engineer	Webmaster

BE IT FURTHER RESOLVED that each of the proposals that are submitted will be evaluated by the Mayor and Borough Council of the Borough of South River on the basis of the ones that are deemed to be the most advantageous and beneficial to the Borough of South River including the following criteria:

- a) Experience and reputation in the field;
- b) Knowledge of the Borough of South River and the subject matter to be addressed under the proposed contract as well as familiarity with the Borough of South River and its procedures as well as its ongoing matters;
- c) Availability to accommodate any required meetings of the agency;
- d) Such other factors, if demonstrated, to be in the best interest of the Borough of South River.

BE IT FURTHER RESOLVED that the Borough Clerk shall utilize the attached Public Notice and have the same placed on the Borough website or such other location as

determined by the Mayor and Council to be appropriate permitting receipt of proposals and qualifications for a period of not less than 10 days.

BE IT FURTHER RESOLVED, that upon receipt and the opening of said proposals and qualifications, the same shall be provided to the Mayor and Borough Council for the appropriate appointments to be made by the Mayor with the advice and consent of Council as established by the State Statute.

DATED: NOVEMBER 24, 2008

/s/ John Krenzel
Councilmember

/s/ Jim Hutchison
Councilmember

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razaano, Trenga, Trzeciak
NAYS: None

PUBLIC NOTICE
BOROUGH OF SOUTH RIVER
NOTICE FOR SOLICITATION OF QUALIFICATIONS
FOR PROFESSIONAL SERVICES FOR 2009
UNDER A FAIR AND OPEN PROCESS

Notice is hereby given that sealed qualifications for professional services, not subject to bidding pursuant to NJSA 40A:11-5, will be received by the Clerk of THE BOROUGH OF SOUTH RIVER. The sealed qualifications will be opened and recorded at the Municipal Building at 48 Washington Street, South River, New Jersey 08882 on December 16, 2008 at 10:00 a.m. by the Borough Clerk. Qualifications for the following professional services will be accepted:

Borough Attorney
Borough Engineer
Borough Auditor
Borough Planner

Risk Management Insurance
Health Benefits Consultant
Attorney-Planning Board
Engineer-Planning Board

Bond Counsel	Planner-Planning Board
Special Tax Counsel	Zoning Board Attorney
Special Employment/Labor Counsel	Zoning Board Engineer
Borough Prosecutor	Zoning Board Planner
Borough Public Defender	Alternate Borough Prosecutor
Borough Magistrate	Alternate Public defender
Electrical Engineer	Webmaster

Each submission to be considered shall comport to the criteria set forth herein:

- (1) Should the applicant be a professional requiring licensing in the State of New Jersey; said applicant shall be licensed for a period of not less than five (5) years;
- (2) The applicant shall submit a "Certificate in Good Standing", an Affidavit or other similar document evidencing and confirming that the professional's license is not presently suspended or revoked;
- (3) The applicant shall submit a resume, which shall set forth information including, but not limited to the following (as applicable to a business entity or individual professional):
 - (a) Full name and business address;
 - (b) A listing of all post high school education of the applicant;
 - (c) Dates of licensure in the State of New Jersey and any other State;
 - (d) A listing of any professional affiliations or memberships in any professional societies or organizations, with an indication as to any offices held therein;
 - (e) The number of licensed professionals employed by/affiliated with the business entity or the entity which employs the applicant;
 - (f) A listing of all special accreditations held by the individual licensed professional or business entity;
 - (g) A listing of all previous public entities served by the business entity or licensed professional, indication the dates of service and position held.
- (4) Fee Schedule for services to be rendered including cost details

and hourly rates of individual rendering services.

The Municipal appointing authority shall thereafter publicly select the professional or business entity for the position so advertised which shall thereafter be confirmed or approved as required by Law or Ordinance.

RES:2008-510

NOVEMBER 24, 2008

RESOLUTION

I, Raymond T. Eppinger, Mayor, with the advice and consent of the Council of the Borough of South River, do hereby appoint Andrew King to the position of Patrolman of the Police Department of the Borough of South River at a salary of \$39,957 per year effective as of December 1, 2008.

BE IT FURTHER RESOLVED that said appointment is subject to the successful completion of:

1. Police background and fingerprint investigation
2. Physical examination
3. Drug/alcohol testing

Raymond T. Eppinger
Mayor

DATED: NOVEMBER 24, 2008

/s/ _____
John Krenzel
Councilmember

/s/ _____
Jim Hutchison
Councilmember

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razaano, Trenga, Trzeciak
NAYS: None

RES:2008-511

NOVEMBER 24, 2008

RESOLUTION

I, Raymond T. Eppinger, Mayor, with the advice and consent of the Council of the Borough of South River, do hereby appoint Donna Thrasher to the position of Dispatcher of the Police Department of the Borough of South River at a salary of \$31,884 per year effective as of December 1, 2008.

BE IT FURTHER RESOLVED that said appointment is subject to the successful completion of:

1. Police background and fingerprint investigation
2. Physical examination
3. Drug/alcohol testing

Raymond T. Eppinger

Mayor

DATED: NOVEMBER 24, 2008

/s/ John Krenzel
Councilmember

/s/ Jim Hutchison
Councilmember

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razaano, Trenga, Trzeciak

NAYS: None

RES:2008-512

NOVEMBER 24, 2008

RESOLUTION

I, Raymond T. Eppinger, Mayor, with the advice and consent of the Council of the Borough of South River, do hereby appoint Jacinta Duignan as a Member of the Board of Health to effective as of this date to December 31, 2010.

Raymond T. Eppinger
Mayor

DATED: NOVEMBER 24, 2008

/s/ John Krenzel
Councilmember

/s/ Jim Hutchison
Councilmember

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razaano, Trenga, Trzeciak
NAYS: None

RES:2008-513

NOVEMBER 24, 2008

RESOLUTION

WHEREAS, the Borough Engineer originally calculated a performance bond to be posted by the developer in connection Block 61, Lots 1, 2.01, and 2.03 known as the Sosulski Subdivision; and

WHEREAS, the borough engineer has determined that all required work has been completed in connection with this project; and

WHEREAS, the borough engineer by letter dated November 14, 2008 has recommended that the performance bond be released subject to posting of a two (2) year maintenance bond in the amount of \$486.36, together with payment of all outstanding engineering inspection or other borough fees.

NOW THEREFORE BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of South River, in the County of Middlesex, the State of New Jersey that the improvements required of the developer are accepted, the performance bond previously posted may be released, and no maintenance bond shall be required due to the length of time the improvements have been in place subject to the payment by the developer of all outstanding engineering inspection fees as well as any other fees due the Borough of South River.

DATED: NOVEMBER 24, 2008

/s/ John Krenzel
Councilmember

/s/ Jim Hutchison
Councilmember

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razaano, Trenga, Trzeciak
NAYS: None

RES:2008-514

NOVEMBER 24, 2008

RESOLUTION

I, Raymond T. Eppinger, Mayor, with the advice and consent of the Council of the Borough of South River, do hereby appoint Theresa Mahony to the position of First Aider at the salary of \$8.00/hour in the Recreation Department in the Borough of South River effective November 24, 2008.

Raymond T. Eppinger
Mayor

DATED: NOVEMBER 24, 2008

/s/ John Krenzel
Councilmember

/s/ Jim Hutchison
Councilmember

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razaano, Trenga, Trzeciak
NAYS: None

NOVEMBER 24, 2008

RES:2008-515

NOVEMBER 24, 2008

RESOLUTION

I, Raymond T. Eppinger, Mayor, with the advice and consent of the Council of the Borough of South River, do hereby appoint Maryrose Mahony to the position of First Aider at the salary of \$8.00/hour in the Recreation Department in the Borough of South River effective November 24, 2008.

DATED: NOVEMBER 24, 2008

Raymond T. Eppinger
Mayor

/s/ _____
John Krenzel
Councilmember

/s/ _____
Jim Hutchison
Councilmember

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razaano, Trenga, Trzeciak
NAYS: None

RES:2008-516

NOVEMBER 24, 2008

RESOLUTION

I, Raymond T. Eppinger, Mayor, with the advice and consent of the Council of the Borough of South River, do hereby appoint Sadae Hori to the position of First Aider at the salary of \$8.00/hour in the Recreation Department in the Borough of South River effective November 24, 2008.

DATED: NOVEMBER 24, 2008

Raymond T. Eppinger
Mayor

/s/ John Krenzel
Councilmember

/s/ Jim Hutchison
Councilmember

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razaano, Trenga, Trzeciak
NAYS: None

RES:2008-517

NOVEMBER 24, 2008

RESOLUTION

BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of South River, in the County of Middlesex and the State of New Jersey that all bills, claims and statements against the Borough, listing attached, have been duly itemized, audited, approved and signed by the proper officers of the Borough, be and the same are hereby ordered paid.

<u>VENDOR</u>	<u>AMOUNT</u>
ALLIED OIL COMPANY LLC	4,420.00
ALTEC INDUSTRIES INC.	300.00
AMERICAN POWERNET MGMT LP	1,166.00
ANDERSON HOYT IRRIGATION CO.	795.00
KIM BELL	23.14
BIGNELL PLANNING CONSULTANTS	1,595.00
BLUE CROSS/BLUE SHIELD OF NJ	8,416.65
BLUE STREAK UNIFORMS LLC	917.15
ROYCE ASSOCIATES INC.	1,952.00
CME ASSOCIATES	6,741.50
COMCAST	192.11
CONTINENTAL FIRE & SAFETY INC.	278.00
CUSTOM BANDAG INC.	1,663.76
JOAO CONCEICAO	98.21
DARLEY	2,259.73
DOOR TO DOOR DUMBBELLS	270.00
DUECO INC. C/O GREG ADLER	1,565.00
DUKE'S ROOT CONTROL INC.	4,137.18
REINA TIRE SERVICE INC.	385.50

TOWNSHIP OF EAST BRUNSIWCK	2,633.35
EDMUNDS & ASSOCIATES	50.00
FOX EQUIPMENT CO.	3,300.00
MADGI FARAG	146.12
GALETON GLOVES INC.	876.40
GENERAL CODE PUBLISHERS CORP.	1,298.07
KEVIN & JAMIE GREIM	72.45
HANKO, LAWRENCE A., MS, MSW, LCSW	72.00
HOME NEWS TRIBUNE	30.45
K & J LANDSCAPE MANAGEMENT INC.	6,715.00
KNIGHTS OF COLUMBUS	600.00
LAB SAFETY SUPPLY INC.	298.49
LINCOLN FINANCIAL GROUP	1,470.65
LINK, DANIEL	250.00
LOMBARDI & LOMBARDI PA	564.00
LYONS-SHEPSKO	450.00
MAGICAL ENTERPRISES	3,800.00
MCMANIMON & SCOTLAND LLC	595.00
MIDDLESEX COUNTY UTILITIES	232,214.60
LUIS MUJICA	66.26
NJCM-NJ CONFERENCE OF MAYORS	475.00
NJ PUBLIC SAFETY ACCREDITATION	300.00
NORCIA CORP.	422.65
ON SITE FLEET SERVICE INC.	1,664.60
JOSEPH V. LOGOZIO	300.00
PENTATEK SOLUTIONS INC.	2,425.00
PINNACLE WIRELESS INC.	2,028.00
PJM INTERCONNECTION LLC	5,000.00
PUBLIC STORAGE	277.00
JOAO PEREIRA	.75
MARCILEY PORTO	144.06
QUEST DIAGNOSTICS INC.	141.96
V E RALPH & SON INC.	67.50
RARITAN VALLEY COMM. COLLEGE	350.00
RICOH BUSINESS SYSTEMS INC.	550.44
ROBOTRONICS INC.	124.50
SOUTH RIVER BOARD OF ED.	62.50
S & S WORLDWIDE INC.	199.25
SAYREVILLE, BORO OF	6,638.93
SCHWARTZ, GARY M. ESQ.	7,179.50
SHAPIRO, KENNETH	185.00
SOUTH RIVER ELECTRIC UTILITY	392.09
SPRING BROOK WATER	30.00
SS PETER & PAUL CHURCH	450.00

SALERNO, ANDREW J.	203.25
FORTINO SANCHEZ	139.68
NORMAN SAWYER	143.92
CARINA SOARES	161.32
TRAFFIC SAFETY SERVICE, LLC	990.00
UNITED STATES POST OFFICE	530.00
UTILITY BILLING SERVICES INC.	15,985.53
UTILITY BILLING SERVICES INC.	1,779.24
VALLEY POWER INC.	4,004.95
VERIZON WIRELESS	1,520.84
HELEN WOZNICKI	150.73
ZARSKI, JASON	42.39
ZUCZEK, ROBERT	493.00
JOSE ZAVALA	168.90

DATED: NOVEMBER 24, 2008

/s/ John Krenzel
Councilmember

/s/ John Trzeciak
Councilmember

COUNCIL COMMENTS

Councilman Razzano

- Nice parade and ceremony was held on Veterans Day with a breakfast at the VFW.
- Attended the Slow Down Campaign press conference – good program.
- Expressed condolences on the passing of Margaret Drumright, a wonderful South River teacher who died earlier this month.

Councilwoman Buffalino

- Attended Slow Down Campaign press conference on 11/12/08. Heartened by the decent amount of public attendance.
- 12/5/08 – Senior Citizen holiday party at the Byelorussian Community Center – tickets on sale at the Office on Aging.

Councilman Hutchison

- Apologized for arriving late for the Business Meeting. Wife's car died on Route 9 around 5:00 p.m.
- Could not attend NJLM Convention due to job constraints and looks forward to 2009 conference.
- Beautiful Veterans Day ceremony – disappointed with minimal attendance. Businesses should be closed to allow people to attend.
- Alternative Energy Committee met on 11/11/08 – bylaws formed. Next meeting is 12/9/08 at 7:30 p.m. in Council Chambers.
- Environmental/Shade Tree Committee met on 11/13/08.
- 12/2/08 – Parks and Recreation meeting
- Congratulations to Coach Eric Clays and SR High School soccer team for a great season
- Trash will be picked up a day in advance – no pickup on Thanksgiving.
- 12/5/08 – Tree lighting ceremony at Dailey's Pond

Councilman Trenga

- Thanked Borough employees and volunteers for their efforts.
- Attended NJLM Convention and had a great time.
- Thanked Veterans for their service.
- Apologized for being late for the Business Meeting – due to job constraints.
- Wished everyone a Happy Thanksgiving.

Councilman Trzeciak

- Congratulations to Andrew King, a new Patrolman who was sworn in this evening.
- New Police dispatcher, Donna Thrasher, was also hired.
- Thanked OEM and Rescue Squad on their efforts with a fire today.
- Veterans Day – heart goes out to all the veterans.
- 12/7/08 – Pearl Harbor Day
- Slow Down Campaign – good kickoff.
- 12/5/08 – Senior Christmas Party
- 12/5/08 – Tree Lighting at Dailey's Pond
- Congratulations to SR High School Soccer Team and all scholar athletes.

Councilman Krenzel

- Veterans Day – nice if more people could attend ceremony.
- Attended NJLM Convention – attended seminars, networked. Mayor hosted breakfast for Borough Council and staff; auditor gave presentation.
- 12/5/08 – Senior Christmas Party and Tree Lighting
- 11/26/08 - Ecumenical Service for Thanksgiving at Holy Trinity at 7:00 p.m.
- Happy Thanksgiving

Mayor's Comments

- Veterans Day - read Proclamation on Veterans Day. Councilmen Krenzel and Razzano laid wreath at Memorial.
- Slow Down Campaign – want to see more signs and have people get involved.
- 12/5/08 – Tree lighting ceremony
- 12/5/08 – Senior Christmas party
- Andrew King appointed as new Patrolman
- Donna Thrasher hired as Police Dispatcher
- Congratulations to SR High School soccer team
- 11/26/08 - Ecumenical Service at Holy Trinity at 7:30 p.m.
- Attended NJLM Convention; hosted breakfast for staff – was a very productive meeting and would like to do it again next year.
- Received \$250,000 NJDOT Municipal Aid Program to redo North End Drive
- 12/20/08 – Blood Drive at Office on Aging from 10:00 a.m. to 3:30 p.m.
- Happy Thanksgiving – family will be together, it is a privilege to be Mayor, a lot to be thankful for here in South River.

PUBLIC COMMENTS (good & welfare of Borough)

Gordon Anthony, 27 Charter Drive

- Commented that the Alternative Energy Committee is looking at a residential device that is an electric meter which is mounted outside the house.

Marilyn Meloni, 53 Kamm Ave.

- Asked about the status of the “Red X” buildings. Mr. Salerno stated that the Unfit Buildings Committee met two weeks ago and identified properties to go after. He will give an update after next meeting.

John Scala, 440 Turnpike Road

- Commented that his sewer was backed up, called in Roto Rooter and was billed \$321.00. Asked if Borough had coverage. Councilman Razzano stated that if it is determined the problem is with the main, submit the paperwork and a claim will be submitted to JIF. Mr. Scala gave a copy of the bill to Mr. Salerno.
- Asked who was in charge of electric and water billing. Mr. Salerno replied UBS. Said he received a bill for the third time that said payment was overdue. He is against privatizing.
- Asked when a property owner had to put a \$25 deposit on electric. Mr. Salerno stated that it is a transfer fee. He will look at when the ordinance was enacted.
- Asked how often is the electric meter read. Mr. Salerno responded once a month.

Jim Maiello, 2 O'Brien Ave.

- Asked if remote read electric meters would give an accurate reading. Mr. Salerno replied yes.

ADJOURNMENT

Councilman Trenga moved that this meeting be adjourned at 9:35 p.m..
Councilwoman Buffalino seconded the motion. So carried.

Respectfully submitted on
December 5, 2008.

Patricia O'Connor, RMC
Borough Clerk

Approved at the regular meeting
held on December 8, 2008.