

TOWNSHIP  
OF  
LOWER ALLOWAYS CREEK  
COUNTY OF SALEM  
STATE OF NEW JERSEY  
LAND DEVELOPMENT  
ORDINANCE

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[USE REQUIREMENTS FOR ZONING DISTRICTS \(setbacks, Lot size requirements\)](#)

Adopted by the Township Committee as  
Ordinance No. 96-7 on August 20, 1996.  
Amended through Ordinance No. 2021-06,  
adopted JULY 20, 2021.

CODED SYSTEMS CORPORATION  
120 MAIN STREET  
AVON, NEW JERSEY 07717

LAND DEVELOPMENT ORDINANCE\*  
OF THE  
TOWNSHIP OF LOWER ALLOWAYS CREEK

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# **CHAPTER 1 GENERAL PROCEDURES**

## **ARTICLE I**

### **TITLE AND PURPOSE**

#### **Section 1.00 Title.**

This ordinance is derived from a comprehensive ordinance regulating and limiting the uses of land and the uses and locations of buildings and structures; regulating and restricting the height of buildings and structures and determining the area of yards and other open spaces; regulating and restricting the density of population; dividing the Township of Lower Alloways Creek into districts for such purposes; adopting a map of said Township showing boundaries and the classification of such districts; establishing rules, regulations and standards governing the subdivision and development of land within the Township; establishing a Planning Board and a Zoning Board of Adjustment pursuant to the provisions of N.J.S.A. 40:55D-1 et seq.; providing for the powers and duties of said Board; fixing procedures governing applications to said Board, review and action on such applications and appeals there from; and prescribing penalties for the violation of its provisions.

#### **Section 1.01 Short Titles.**

This ordinance shall hereafter be cited or referred to, for the purposes of amendment or otherwise, as ‘Land Development Ordinance, of the Township of Lower Alloways Creek, County of Salem, New Jersey.’”

#### **Section 1.02 Intent and Purpose.**

It is the intent and purpose of this ordinance to establish a pattern for the uses of land and of the buildings and structures thereon based on the Land Use Element of the Master Plan, as adopted and as may be amended from time to time, to effectuate the Master Plan, and to encourage municipal action to guide the appropriate and orderly development of land in a manner which will promote the public health, safety, and general welfare of the people. This ordinance is intended to:

1. Guide the appropriate use or development of all lands in the Township in a manner which will promote the public health, safety, and general welfare;
2. Secure safety from fire, flood, panic and natural and man-made disasters;
3. Provide adequate light, air and open space;

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4. Ensure that the development of Lower Alloways Creek Township does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole;
5. 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;
6. Encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
7. Provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial, and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all residents;
8. Encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routing which result in congestion or blight;
9. Promote a desirable visual environment through creative development techniques and good civic design and arrangements;
10. Promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through the improper use of land;
11. Encourage planned developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development of the particular site;
12. 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;
13. Promote utilization of renewable energy resources; and
14. Promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs.

### **Section 1.03 Interpretation of Standards.**

The provisions of this ordinance shall be held to be minimum requirements. Where this ordinance imposes a greater restriction than is imposed or required by other provisions of law

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or by other rules or regulations or resolutions, the provisions of this ordinance shall control. Where other laws, rules, regulations or resolutions require greater restrictions than are imposed or required by this ordinance, the provisions of such other laws, rules, regulations or restrictions shall control.

### **Section 1.04 Application and Implementation of Land Development Ordinance.**

The application, implementation and enforcement of this Land Development Ordinance, shall be accomplished as prescribed in Sections 5.02 and 6.02.

### **Section 1.05 Time of Compliance.**

All applicable requirements shall be met at the time of erection, enlargement, alteration, moving or change in use of the principal use and shall apply to the entire structure or structures whether or not the entire structure or structures were involved in the erection, enlargement, alteration, moving or change in use.

## **ARTICLE II** **DEFINITIONS AND DESCRIPTIONS**

### **Section 1.06 Definitions.**

For the purpose of this ordinance, certain phrases and words are herein defined as follows: Words used in the present tense include the future; words used in the singular number include the plural number and vice versa; the word “used” shall include arranged, designed, constructed, altered, converted, rented, leased or intended to be used; the word “lot” includes the words “plot”, “premises” and “tract”; the word “building” includes the words “structure”, “dwelling” or “residence”; the word “shall” is mandatory and not discretionary. Any word or term not defined herein shall be used with a meaning of standard usage. Moreover, whenever a term is used in the ordinance which is defined in N.J.S.A. 40:55L)- 1, et seq., such term is intended to have the meaning as defined in N.J.S.A. 40:55D-1 et seq., unless specifically defined to the contrary in this ordinance.

*Accessory Building, Structure or Use:* A building, structure or use which is customarily associated with and is subordinate and incidental to the principal building, structure or use and which is located on the same lot therewith. An accessory building attached to the principal building shall comply in all respects with the requirements applicable to the principal building.

*Administrative Officer:* The Zoning Officer of Lower Alloways Creek Township, Salem County, New Jersey.

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*Adverse Effect:* Conditions or situations creating, imposing, aggravating or leading to impractical, unsafe or unsatisfactory conditions on a subdivided property or off-tract property such as, but not limited to, improper circulation and drainage rights-of-way, inadequate drainage facilities, insufficient street widths; unsuitable street grades; unsuitable street locations to accommodate prospective traffic or coordinate and compose a convenient system; locating lots in a manner not adaptable for the intended purposes without danger to health or peril from flood, fire, erosion or other menace; providing for lots of insufficient size and neither providing nor making future allowance for access to the interior portion of the lot or for other facilities required by this ordinance.

*Agent:* One or more persons designated to represent the applicant before either the Planning Board or Zoning Board. Such person or persons shall be accompanied by an attorney.

*Airport:* Any area of land or water, or both, designed and set aside for the landing and taking-off of fixed wing aircraft, utilized or to be utilized by the general public for such purposes, publicly or privately owned, and licensed by the Commissioner of Transportation as a public use airport or landing strip.

*Alley:* A minor way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

*Alterations or Additions, Structural:* Any change in or additions to the supporting members of a building such as walls, columns, beams, girders, posts or piers.

*Applicant.* The landowner or the agent, optionee, contract purchaser or other person authorized to act for and acting for the landowner submitting an application under this ordinance.

*Application for Development:* The application or appeal forms and all accompanying documents required by this ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance or direction of the issuance of a permit pursuant to N.J.S.A. 40:55D-34 or N.J.S.A. 40:55D-36.

*Basement:* A portion of a building having more than fifty (50) percent of its clear vertical dimension (space) below the average finished contact grade along the outside walls of the buildings.

*Bedroom:* A private room planned and intended for sleeping, separable from other rooms by a door, and accessible to a bathroom without crossing another bedroom or living room.

*Billboard:* Any structure, surface or portion thereof on which lettered or pictorial matter is displayed for advertising purposes other than that on a building or its grounds.

*Block:* The area bounded by one or more streets or a municipal boundary and also of sufficient size to accommodate a lot or lots of the minimum size required in the Zoning Ordinance of Lower Alloways Creek Township and as further specified herein.

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*Building:* Any structure or extension thereof or addition thereto having a roof supported by such things as columns, posts, piers or walls and intended for the shelter, business, housing or enclosing of persons, animals or property.

*Building Height:* The vertical distance measured to the highest point from the mean elevation of the finished grade at the foundation along the side(s) of the building facing a Street or to the street line, whichever is closer to the foundation. In all cases where this ordinance provides for height limitations by reference to a specified height and a specified number of stories, the intent is to limit height to the specified maximum footage and the specified number of stories within said footage.

*Building Line:* A line parallel to the street line at a distance there from equal to the depth of the front yard required for the zoning district in which the lot is located.

*Capital Improvement:* A governmental acquisition of real property or major construction project.

*Cartway:* The hard or paved surface portion of a street customarily used by vehicles in the regular course of travel. Where there are curbs, the cartway is that portion between the curbs. Where there are not curbs, the cartway is that portion between the edge of the paved or graded width.

*Circulation:* Systems, structures and physical improvements for the movement of people, goods, water, air, sewage or power by such means as streets, highways, railways, waterways, towers, airways, pipes and conduits, and the handling of people and goods by such means as terminals, stations, warehouses, and other storage buildings or transshipment points.

*Common Property:* A parcel or parcels of land or an area of water, or a combination of land and water, together with the improvements thereon and designed and intended for the ownership, use and enjoyment shared by the residents and owners of the development. Common property may contain such complementary structures and improvements as are necessary and appropriate for the benefit of the residents and owners of the development.

*Conditional Use:* A use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as specified in this ordinance.

*Construction Official:* The Construction Official of the Township of Lower Alloways Creek, Salem County, New Jersey.

*Conventional Development:* A development other than a planned development.

*Coverage, Building:* The building area covered by all buildings on a lot, including all roofed areas on a lot, fixed or temporary, expressed as a percentage of the total lot area,

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*Coverage, Impervious:* The building coverage plus the area of all paved surfaces which cover a lot such as: required parking spaces, including necessary maneuvering areas, gravel and crushed stone areas, passageways and driveways giving access thereto, service areas, accessways, streets, walkways, patios and plazas.

*Cul-de-sac or Dead-end Street:* A street or portion of a street in which accessibility is limited to only one single means of ingress or egress.

*Days:* Calendar days.

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

*Detached Single-family Dwelling:* A building physically detached from other buildings or portions of buildings which is occupied or intended to be occupied for residence purposes by one housekeeping unit and which has its own sleeping, sanitary and general living facilities. Each detached single-family dwelling shall have at least one-thousand (1,000) square feet of gross floor area.

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

*Development Regulation:* A zoning ordinance, subdivision ordinance, site plan ordinance, or other Township regulation of the use and development of land, or amendment thereto.

*Development:* The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure; or any mining, excavation of landfill, and any use or change in use of any building or other structure or land or extension of use of land, for which permission is required.

*Drainage:* The removal of surface water or ground water from land by drains, grading or other means as retention or detention basins and includes control of runoff to minimize erosion and sedimentation during and after construction or development and means necessary for water supply preservation or prevention or alleviation of flooding.

*Drainage and Utility Right-of-Way:* The lands required for the installation and maintenance of stormwater and sanitary sewers, water pipes or drainage ditches and other utilities or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

*Dwelling:* Any permanent building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons.

*Dwelling Unit:* A room or series of connected rooms designed for permanent residency containing living, cooking, sleeping and sanitary facilities for one housekeeping unit. The



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dwelling units shall be self-contained and shall not require the use of outside stairs, passing through another dwelling unit or other indirect route(s) to get to any portion of the dwelling unit, nor shall there be shared facilities with another housekeeping unit.

*Easement:* A use or burden imposed on real estate by deed or other legal means to permit the use of land by the municipality, public, a corporation or particular persons for specific uses.

*Environmental Commission:* A Township advisory body which may be created pursuant to N.J.S.A. 40:55D-27.

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

*Farm:* A tract of land at least five (5) acres in size used for the growing and harvesting of crops and the raising and breeding of certain animals, including truck farms, fruit farms, nurseries and greenhouses, dairies and livestock produce.

*Fence:* A vertical enclosure, solid or partially open, to prevent straying from within or intrusion from without. All fences over six (6) feet in height are also considered a structure for purposes of this ordinance. (Ord. No. 97-5)

*Final Approval:* The official action of the Planning Board taken on a preliminary approved plat/site plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guarantees properly posted for their completion, or approval conditioned upon the posting of such guarantees.

*Financial Institutions:* Any structure wherein business of primarily a financial nature is transacted, such as: banks, savings and loans, mortgage companies and similar institutions.

*Flood Fringe Area:* That portion of the flood hazard area not designated as the floodway. *Flood Hazard Area:* The floodway and the flood fringe area of a delineated stream.

*Flood Plain:* The relatively flat area adjoining the channel of a natural stream which has been or may be hereafter covered by flood water.

*Floodway:* The channel of a natural stream and portions of the flood hazard area adjoining the channel which are reasonably required to carry and discharge the flood water or flood of any natural stream.

*Floor Area Ratio:* The sum of the area of all floors of buildings or structures compared to the total area of the site.

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*Garage, Private:* A building or enclosed space used as an accessory to the main building which provides the storage of motor vehicles and in which no occupation, business or service for profit is carried on.

*General Office:* A building used as a general, corporate, administrative and/or professional office.

*Golf Course:* A tract of seventy-five (75) or more acres containing a full-size, professional golf course at least eighteen holes in length, together with appropriate accessory uses and structures such as club houses, dining and refreshment facilities; driving ranges and miniature golf courses, providing the operation of such are incidental and subordinate to the operation of the golf course.

*Grade:* The slope of a road, path, driveway, swale or other surface or the average finished ground elevation adjoining a building at project completion.

*Gross Floor Area:* The area measured by using the outside dimensions of the building, excluding the area of a garage, basement, attic, open porch or patio. Only those floor areas which have a ceiling height as prescribed by the Township Building Code for residential uses and those floor areas either having a ceiling height of six (6) feet or more or used for storage space in nonresidential uses shall be included in the gross floor area.

*Home Occupation:* A professional office, individual instruction, and provision of services conducted in a dwelling unit and subordinate to the residential use and meeting the criteria established for home occupations in Section 5.26 of this ordinance.

*Interested Party:* Any person, whether residing within or without the Township, whose right to use, acquire, or enjoy property is or may be affected by any action taken under this ordinance or whose rights to use, acquire, or enjoy property under this ordinance have been denied, violated or infringed by an action or a failure to act under this ordinance.

*Intensive Fowl or Livestock Farm:* A farm on which are kept more than a total of ten (10) head of adult large animals; or fifty (50) head of small animals; or two hundred (200) head of fowl per acre. Large animal shall include beef and dairy cattle, horses and mules. Small animal shall include pigs, sheep, goats and calves up to an age of one (1) year.

*Junk Yard:* The use of any space, whether inside or outside a building, for the storage, keeping, or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition, salvage, resale or abandonment of automobiles or other vehicles or machinery or parts thereof.

*Kennel:* Any structure, premises, or refuge wherein or whereon the business of boarding or selling, or breeding of small animals is carried on; included shall be such establishments as animal shelters and animal hospitals.

*Land:* Improvements and fixtures on, above or below the surface.

*Landscaping:* An area of land restricted to landscape items which may also include such elements as natural features, earth berms, sculpture, signs, lighting, accessways, bikeways and pedestrian walkways, but not including motor vehicle parking, extending along the entire lot line where they are required. The width of a landscape area shall be measured at right angles to the lot line.

*Loading Space:* An off-street space or berth on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading or unloading, with fifteen (15) feet of vertical clearance.

*Lot:* Any parcel of land separated from other parcels or portions as by a subdivision plat or deed of record, survey map or by metes and bounds, except that for purposes of this ordinance, contiguous undersized lots under one ownership shall be considered one lot and except further that no portion of an existing public Street shall be included in calculating the lot boundaries or areas.

*Lot Area:* The area contained within the lot lines of a lot not including any portion of a Street right-of-way.

*Lot, Corner:* A lot on the junction of and abutting two (2) or more intersecting streets where the interior angle of intersection does not exceed one hundred thirty-five (135) degrees. Each corner lot shall have two (2) front yards, one (1) side yard and one (1) rear yard, the side and rear yard to be designated at the time of application for a construction permit.

*Lot Depth:* The shortest horizontal distance between the street line and a line drawn parallel to the front lot line through the midpoint of the rear lot line.

*Lot Frontage:* The horizontal distance between side lot lines measured along the street line. The minimum lot frontage shall be the same as the lot width except that on curved alignments with an outside radius of less than five hundred (500) feet, the minimum distance between the side lot lines measured at the street line shall not be less than seventy-five (75) percent of the required minimum lot width. In the case of a corner lot, either Street frontage which meets the minimum frontage required for that zone may be considered the lot frontage.

*Lot, Interior:* A lot other than a corner lot.

*Lot Width:* The straight and horizontal distance between side lot lines at setback points on each side lot line measured an equal distance back from the street line. The minimum lot width shall be measured at the minimum required building setback line. Where side lot lines are not parallel, the minimum lot width at the setback line shall not be less than seventy-five (75) percent of the minimum lot frontage for the zoning district in which the lot is located.

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*Maintenance Bond:* Any security acceptable to the governing body to assure the maintenance of duly approved improvements installed by the developer after the final acceptance of the improvements and including, but not limited to, surety bonds and letters of credit in accordance with N.J.S.A. 40:55D-53.5.

*Maintenance Guarantee:* Any security, other than cash, which may be accepted by the Township for the maintenance of any improvements required by this ordinance.

*Manufacturing, Limited:* An activity which involves the fabrication, reshaping, reworking, assembly or combining of products from previously prepared materials and which does not involve the synthesis of chemical or chemical products or the processing of any raw materials. Limited manufacturing includes light industrial operations such as electronic, machine parts and small component assembly, as opposed to heavy industrial operations such as automobile assembly or milling activities.

*Master Plan:* A composite of the mapped and written proposals recommending the physical development of the municipality which shall have been duly adopted by the Planning Board.

*Maximum Impervious Coverage (MIC):* The total area of impervious surfaces permitted on a lot, expressed as a percentage of the lot area.

*Mean Elevation:* The average of the ground level measurements computed at the four (4) extreme corner points of any existing or proposed building.

*Minor Site Plan:* A minor site plan shall be as specified hereunder and an applicant may prepare a minor site plan application drawn according to the standards and conditions of this ordinance if:

The proposed building, the conversion of an existing building from one use to another, or the enlargement of an existing building or any combination of same does not: exceed five thousand (5,000) square feet for retail commercial uses; exceed ten thousand (10,000) square feet for industrial uses; nor require more than twenty-five (25) new parking spaces as prescribed by this ordinance. All residential development requiring site plan approval shall comply with the major site plan submission requirements. All other site plans shall be minor site plans.

*Municipal Agency:* The Planning Board, Zoning Board of Adjustment or Township Committee, or any agency created by or responsible to one or more municipalities, when acting pursuant to N.J.S.A. 40:55D-1, et seq.

*Nonconforming Building or Structure:* A building or structure which was lawful prior to the adoption, revision or amendment of the zoning ordinance, but fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

## LAND DEVELOPMENT LD 1.06

*Nonconforming Lot:* A lot the area, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

*Nonconforming Use:* A use occupying a building, structure or lot which does not conform with the use regulations for the zone in which it is located.

*Nursing Home:* A facility operated for the purpose of providing therein lodging, board and nursing care to sick, invalid, infirm, disabled or convalescent persons for compensation and duly licensed by all governmental agencies.

*Official Map:* A map adopted by ordinance pursuant to N.J.S.A. 40:55D-32 to 40:55D-36.

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

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

*On-Site:* Located on a lot or a portion of the lot which is the subject of a development application.

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

*Open Space:* Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural open character of the land. Retention and detention basins designed and approved for the purpose of managing stormwater shall not be considered as open space.

*Open Space Organization:* An incorporated, non-profit organization operating in a planned development under recorded land agreement through which (a) each owner is automatically a member; (b) each occupied dwelling unit is automatically subject to a charge for a proportionate share of the expenses for the organization's activities and maintenance, including any maintenance costs levied against the association by the Township; and (c) each owner and tenant has the right to use the common property.

*Owner:* The term shall be construed to include the duly authorized agent, attorney, purchaser, devisee, fiduciary or any person having vested or contingent interest in the property in question.

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*Parking Space:* An area of not less than nine (9) feet wide by eighteen (18) feet in length (unless otherwise specified in this ordinance), either within a structure or in the open, for the parking of motor vehicles, exclusive of driveways, access drives, fire lanes and public rights-of-way, except that nothing shall prohibit private driveways for detached dwelling units from being considered off-street parking areas provided that no portion of such private driveway within the right-of-way line of the street intersected by such driveway shall be considered off-street parking space. The area is intended to be sufficient to accommodate the exterior extremities of the vehicles, whether in addition thereto wheel blocks are installed within this area to prevent the bumper from overhanging one end of the parking space. The width and length of each space shall be measured perpendicular to each other regardless of the angle of the parking space to the access aisle or driveway.

*Performance Guarantee:* Any security in accordance with the requirements of this ordinance which may be accepted in-lieu of a requirement that certain improvements be made including performance bonds, escrow agreements and other similar collateral or surety agreements.

*Permitted Use:* Any use of land or buildings as permitted by this ordinance.

*Piggery:* A commercial establishment where pigs are assembled for growth or fattening before slaughter and which utilizes municipal garbage for feed.

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

*Plat:* Means the map of a subdivision or site plan and is used interchangeably in the ordinance with “plan.”

*Concept Plat:* The concept plan of a subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification and meeting the requirements of this ordinance.

*Preliminary Plat:* The preliminary map indicating the proposed layout of the subdivision or site plan which is submitted to the Board for consideration and preliminary approval and meeting the requirements of this ordinance.

*Final Plat:* The final map of all or a portion of the subdivision or site plan which is presented to the Board for final approval in accordance with these regulations.

*Preliminary Approval:* The conferral of certain rights as set forth in this chapter prior to final approval and after specific elements of a development plan have been agreed upon by the Planning Board and the applicant.

*Principal Building:* A building in which is conducted the main or principal use of the lot on which said building is located.

*Principal Use:* The main purpose for which a lot or building is used.

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*Professional Office:* The office of a member of a recognized profession or occupation, including architects, artists, authors, dentists, doctors, lawyers, veterinarians, ministers, musicians, optometrists, engineers, realtors and such other similar professions or occupations upon finding that such occupation is truly professional in character by virtue of the need for similar training and experience as a condition for the practice thereof, and that the practice of such occupation shall in no way adversely affect the safe and comfortable enjoyment of property rights in any zone in which it is located to a greater extent than for the professional activities listed herein.

*Public Areas:* Public parks, playgrounds, trails, paths and other recreational areas; and other public open spaces; scenic and historic sites; and sites for schools and other public buildings and structures.

*Public Development Proposal:* A master plan, capital improvements program or other proposal for land development adopted by the appropriate public body, or any amendment thereto.

*Public Drainage Way:* The land reserved or dedicated for the installation of storm water sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water to safeguard the public against flood damage, sedimentation and erosion.

*Public Purpose Uses:* The use of land or buildings by the governing body of the Township or any officially created authority or agency thereof.

*Quorum:* The majority of the full authorized membership of the Planning Board.

*Research Laboratory:* A building for experimentation in pure or applied research, design, development and production of prototype machines or devices, or of new products and uses accessory thereto, wherein products are not manufactured for wholesale or retail sale and wherein commercial servicing or repair of commercial products is not performed; and where there is no display of any materials or products.

*Residential Agriculture:* The growing and harvesting of plant life and the keeping of farm animals for the enjoyment of the residents on the property and not primarily for commercial purposes.

*Restaurant:* Any establishment, however, designated, at which food is sold primarily for consumption on the premises. However, a snack bar or refreshment stand at a public or community swimming pool, playground, golf course, playfield or park, operated solely by the agency or group operating the recreational facility and for the convenience of patrons of the facility, shall not be deemed to be a restaurant.

*Restaurant, Drive-in:* Any restaurant, refreshment stand, snack bar, dairy bar, hamburger stand or hot dog stand where food is served primarily for consumption at counters, stools, tables or bars outside the building or primarily for consumption in automobiles parking on

## LD 1.06 CODE OF LOWER ALLOWAYS CREEK

the premises whether brought to said automobiles by the customer or by employees of the restaurant, regardless of whether or not additional seats or other accommodations are provided for customers inside the building.

*Resubdivision:* The further division of a lot or the adjustment of a lot line or lot lines.

*Right-of-way:* The land and space required on the surface, subsurface and overhead for the construction and installation of materials necessary to provide passageway for vehicular traffic, pedestrians, utility lines, poles, conduits and mains, signs, hydrants, trees and shrubbery.

*Sedimentation:* The deposition of soil that has been transported from its site of origin by water, ice, wind, gravity or other natural means as a product of erosion.

*Service Station:* Lands and buildings providing for the sale of fuel, lubricants and automotive accessories. Maintenance and minor repairs for motor vehicles may be provided, but no body repairs or painting or the extended storage of inoperable or wrecked vehicles shall be permitted.

*Setback Line:* A line drawn parallel with a Street line or lot line and drawn through the point of a building nearest to the street line or lot line. The term "required setback" means a line that is established a minimum horizontal distance from the street line or the lot line and beyond which a building or part of a building is not permitted to extend toward the street line or lot line.

*Shopping Center:* A group of commercial establishments built on one tract that is planned and developed as an operating unit; it provides on-site parking in definite relationship to the type and total size of the stores. The commercial establishments may be located in one or several buildings, attached or separated.

*Sight Easement at Intersection:* A triangular shaped area established at intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct sight distance of motorists entering or leaving the intersection.

*Sign:* Any building or structure or portion thereof on which any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interest of any person or product when the same is placed in view of the general public.

*Sign Area:* The entire space within a single continuous perimeter enclosing the extreme limits of a sign.

*Sign Functions:* These may include, but not be limited to, the following:

1. Advertising - A sign directing attention to a business commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where the sign is maintained.



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2. Business - A sign directing attention to a business, commodity, service, or entertainment conducted, sold or offered upon the same premises as those upon which the sign is located.
3. Directory - A sign of permanent character, but with interchangeable letters, words or numerals, indicating the names of persons associated with, or events conducted upon, or products or services offered upon the premises whereon a sign is maintained.
4. Identification - A sign other than a bulletin board, directory or nameplate sign, indicating the name of a permitted use, the name and address of a building, or the name of the management thereof, or the date(s) of construction thereof.
5. Instructional - A sign conveying instructions with respect to the premises on which it is maintained, such as parking lot entrance or exit signs, and danger signs.
6. Nameplate - A sign indicating the name, address and/or profession or occupation of a person.
7. Public - A sign of a non-commercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of his duty, such as safety signs, danger signs, memorial plaques or citations, official court and public notices, signs of historical interest, and the like.
8. Temporary - A sign which is designed to advertise or announce, for a limited period, a particular event or series of events, to solicit political support, or to announce the availability for sale of a particular item or items.

*Sign Height:* The greatest vertical dimension between the top of a sign and the ground.

*Sign, Interior:* Any sign that is affixed to or painted on the interior of a window or any sign located inside and within three (3) feet of the face of the window which sign is designed to be visible from the exterior of the window.

*Sign Types:* These may include, but not be limited to, the following types:

1. Ground - A freestanding sign supported by uprights or braces in or upon the ground and not attached to any part of a building.
2. Hanging - A sign designed to project beyond the front face and perpendicular to it over a public walkway.
3. Integral - A sign carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.
4. Marquee - A sign attached to or hung from a marquee, canopy or other covered structure projecting from and supported by the building.

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5. Roof - A sign which is erected, constructed or maintained on, above or as part of the roof of any building.
6. Wall - A sign which is attached directly to the building and is parallel to the building.

*Site Plan:* A development plan of one or more lots on which is shown (1) the existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, flood plains, marshes and waterways; (2) the location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting, screening devices and (3) any other information that may be reasonably required in order to make an informed determination concerning the adequacy of the plan in accordance with the requirements of this ordinance.

*Site Plan Review:* The examination of the specific development plans for a lot. Wherever the term ‘Site Plan Approval’ is used in this ordinance, it shall be understood to mean a requirement that the site plan be reviewed and approved by the Board.

*Story:* That portion of a building included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, then the space between the floor and the ceiling next above it. For the purpose of this ordinance, the interior of the roof shall not be considered a ceiling. A half story is the area under a pitched roof at the top of a building, the floor of which is at least four (4) feet, but no more than six (6) feet, below the plate.

*Street:* Any street, avenue, boulevard, road, parkway, viaduct, drive or other way (1) which is an existing state, county or municipal road, or (2) which is shown upon a plat heretofore approved pursuant to law or (3) which is approved by N.J.S.A. 40:55D-1, et seq., or (4) which is shown on a plat duly filed and recorded in the office of the County Recording Officer prior to the appointment of a Planning Board and the grant to such Board of the power to review plats; and includes the land between the street lines, whether improved or unimproved and may comprise pavement, shoulders, gutter, sidewalks, parking areas and other areas within the street line.

*Street Line:* The edge of the existing or future street right-of-way line, whichever would result in the widest right-of-way, as shown on the adopted Master Plan or Official Map, forming the dividing line between the street and a lot.

*Structure:* Anything constructed, assembled or erected which requires location on the ground or attachment to something having such location on the ground, including buildings, fences, tanks, towers, signs, advertising devices and swimming pools.

## LAND DEVELOPMENT LD 1.06

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

*Subdivision:* The division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale or development. The following shall not be considered subdivision within the meaning of this ordinance if no new streets are created:

(1) divisions of land found by the Planning Board or Subdivision Committee thereof appointed by the Chairman to be for agricultural purposes where all resulting parcels are five (5) acres or larger in size; (2) division of property by testamentary or intestate provisions; (3) divisions of property upon court order; and (4) conveyances so as to combine existing lots by deed or other instrument. The term “subdivision” shall also include the term “resubdivision,”

*Subdivision, Major:* Any division of land not classified as a minor subdivision.

*Subdivision, Minor:* The division of a tract of land under one (1) or more of the following conditions:

1. The division of a parcel of land for the purpose of enlarging an adjoining lot, notwithstanding that such existing lot, together with the added portion, still does not meet the requirement of the Zoning Ordinance or this chapter, wherein the remaining parcel is not in conflict with the Zoning Ordinance nor is its future use or development adversely affected.
2. The division of a tract of land into not more than three (3) lots, in addition to the remainder of the tract being subdivided, wherein all such lots or parcels meet all of the following requirements:
  - a. The lots are not in conflict with the Zoning Ordinance, Master Plan or Official Map.
  - b. All lots front on an existing street which is improved sufficiently to meet all requirements of N.J.S.A. 40:55D-35 so that a building permit could be issued to construct a building on each lot.
  - c. No new streets or roads are involved.
  - d. The creation of the lots shall not produce a drainage problem or result in the necessity for drainage improvements or any other type of off-tract improvement.
  - e. The creation of the lots shall not adversely affect the uniform and comprehensive development of any remaining parcel or adjoining land in terms of suitable future road access and desirable future road and lot patterns.
  - f. All lots created by prior subdivisions subsequent to December 27, 1963 (date of final adoption of first Land Subdivision Ordinance of Lower Alloways Creek

## LD 1.06 CODE OF LOWER ALLOWAYS CREEK

Township), out of the original parcel of contiguous land under common ownership as it existed on December 27, 1963, are individual lots.

*Swimming Pool, Commercial:* Commercial swimming pools shall mean and include all pools associated with permitted hotel and motel land uses. Commercial swimming pools shall be further classified into types in accordance with their particular use and shall meet the appropriate design standards as set forth by the National Swimming Pool Institute.

*Swimming Pool, Portable:* Portable pools shall not be subject to the requirement of this ordinance and are those pools which are not otherwise permanently installed; do not require water filtration, circulation and purification; do not exceed a water surface of one hundred (100) square feet; and do not require braces or supports.

*Swimming Pool, Private Residential:* Private residential swimming pools shall mean and include artificially constructed pools, whether located above or below the ground, having a depth of more than eighteen (18) inches and/or a water surface of one hundred (100) square feet or more; designed and maintained for swimming and bathing purposes by an individual for use by members of his household and guests and which is located on a lot as an accessory use to a detached dwelling and shall include all buildings, structures, equipment and appurtenances thereto.

Private residential swimming pools shall be further classified into types in accordance with their particular use and shall meet the appropriate design standards as set forth by the National Swimming Pool Institute.

*Two-Family Dwelling:* A building containing two (2) dwelling units only, each having entrances on the first floor, intended for residential occupancy by two (2) housekeeping units, each living independently of each other and each with its own sleeping, cooking and sanitary facilities. The dwelling units shall be entirely separated from one another by vertical fire walls or horizontal floors, unpierced except for access to outside or to a common basement, unless otherwise specifically approved by the Board.

*Township:* Township of Lower Alloways Creek, Salem County, New Jersey.

*Tract:* An area of land composed of one or more lots adjacent to one another, having sufficient dimensions and area to make one parcel of land meeting the requirements of this ordinance for the use(s) intended. The original land area may be divided by one existing public Street and still be considered one tract provided that the Street is not an arterial or collector road and that a linear distance equal to more than seventy-five (75) percent of the Frontage of the side of the street having the larger street frontage lies opposite an equivalent linear distance of street frontage on the other side of the street.

*Use:* The purpose for which land or structure(s) is arranged, designed, or intended, or for which either land or structure(s) is or may be used, occupied, or maintained.

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*Use, Principal:* The main or primary purpose or purposes for which land and/or structure(s), or use therefor is designed, arranged, or intended or for which they may be occupied or maintained under this ordinance. All other structures or uses on the same lot and incidental or supplementary thereto and permitted under this ordinance, shall be considered accessory uses.

*Variance:* A departure from the terms of this ordinance authorized by the appropriate municipal agency in accordance with N.J.S.A. 40:55D-1, et seq.

*Yard, Front:* An open space extending across the full width of the lot and lying between the street line and the closest point of the principal building on the lot. The depth of the front yard shall be measured horizontally and at right angles to either a straight street line or the tangent lines of curved street lines. The minimum required front yard shall be at least the same depth as the required setback.

*Yard, Rear:* An open space extending across the full width of the lot and lying between the rear lot line and the closest point of the principal building on the lot. The depth of the rear yard shall be measured horizontally and at right angles to either a straight rear lot line or the tangent of curved rear lot lines. The minimum required rear yard shall be at least the same depth as the required setback.

*Yard, Side:* An open space extending from the front yard to the rear yard and lying between each side lot line and the closest point of the principal building on the lot. The width of the required side yard shall be measured horizontally and at right angles to either a straight side line or the tangent lines of curved side lot lines.

*Zoning Board of Adjustment:* The municipal zoning board established pursuant to N.J.S.A. 40:55D-69.

*Zoning District:* A finite area of land, as designated by its boundaries on the zoning map, throughout which specific and uniform regulations govern the use of land and/or the location, size and use of buildings.

*Zoning Map:* The map annexed to and made part of this ordinance, indicating zoning districts.

*Zoning Officer:* The municipal official appointed by the Township Committee to carry out the literal provisions of the zoning ordinance.

*Zoning Permit:* A document signed by the administrative officer which either (1) is required by ordinance as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building; or (2) which acknowledges that such use, structure or building complies with the provisions of the municipal zoning ordinance or variance there from duly authorized by a municipal agency to N.J.S.A. 40:55D-60 and 40:55D-70. (Ord. No. 98-3; Ord. No. 2001-6)

*Use, Principal:* The main or primary purpose or purposes for which land and/or structure (s), or use therefor is designed, arranged, or intended or for *which* they may be occupied or maintained under this ordinance. All other structures or uses on the same lot and incidental or supplementary thereto and permitted under this ordinance, shall be considered accessory uses.

*Variance:* A departure from the terms of this ordinance authorized by the appropriate municipal agency in accordance with N.J.S.A. 40:55D-1, et seq.

*Yard, Front:* An open space extending across the full width of the lot and lying between the street line and the closest point of the principal building on the lot. The depth of the front yard shall be measured horizontally and at right angles to either a straight street line or the tangent lines of curved street lines. The minimum required front yard shall be at least the same depth as the required setback.

*Yard, Rear:* An open space extending across the full width of the lot and lying between the rear lot line and the closest point of the principal building on the lot. The depth of the rear yard shall be measured horizontally and at right angles to either a straight rear lot line or the tangent of curved rear lot lines. The minimum required rear yard shall be at least the same depth as the required setback.

*Yard, Side:* An open space extending from the front yard to the rear yard and lying between each side lot line and the closest point of the principal building on the lot. The width of the required side yard shall be measured horizontally and at right angles to either a straight side line or the tangent lines of curved side lot lines.

*Zoning Board of Adjustment:* The municipal Zoning Board established pursuant to N.J.S.A. 40:55D-69.

**ALL DUTIES OF THE ZONING BOARD HAVE BEEN COMBINED INTO THE SINGLE PLANNING BOARD IN LOWER ALLOWAYS CREEK TOWNSHIP PER ORDINANCE 2004-02 ADOPTED 2/3/2004**

*Zoning District:* A finite area of land, as designated by its boundaries on the zoning map, throughout which specific and uniform regulations govern the use of land and/or the location, size and use of buildings.

*Zoning Map:* The map annexed to and made part of this ordinance, indicating zoning districts.

*Zoning Officer:* The municipal official appointed by the Township Committee to carry out the literal provisions of the zoning ordinance.

*Zoning Permit:* A document signed by the administrative officer which either:

- (1) is required by ordinance as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building; or
- (2) which acknowledges that such use, structure or building complies with the provisions of the municipal zoning ordinance or variance there from duly authorized by a municipal agency to N.J.S.A. 40:55D-60 and 40:55D-70. (Ord. No. 98-3; Ord. No. 2001-6)

## ARTICLE III GENERAL PROCEDURES

### Section 1.07 Establishment of a Board of Adjustment (DELETED by Township Ordinance 2004-02 adopted 2/3/04)

*\*The remainder of Section 1.08 shall remain the same, except any and all references to the "Zoning Board", "Zoning Board of Adjustment" and/or "Board of Adjustment" shall be reworded as is appropriate to delete or change said references. The code publishing company upon approval of the Township Solicitor shall make all such changes.*

### Section 1.08 Powers and Jurisdiction of the Planning Board. (As amended by ORD 2004-02 adopted 2/3/04, see above statement)

Pursuant to N.J.S.A. 40:55D-25(c)(1) and N.J.S.A. 40:55D-70, "the Planning Board shall exercise, to the same extent and subject to the same restrictions, all of the powers and duties of a board of adjustment, including the following powers as granted by law:"

The Planning Board shall have the power to:

- A. Error or Refusal. Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement decision or refusal made by an administrative officer based on or made in the enforcement of the Land Development Ordinance.
- B. Exceptions or Interpretations. Hear and decide, in accordance with the provisions of the Land Development Ordinance, requests for interpretation of the Zoning Map or ordinance or for decisions upon other special questions upon which the Board is authorized to pass by any Land Development Ordinance or Official Map. Public notice in accordance with N.J.S.A. 40:55D-12 shall be required.
- C. Variance of Area or Yard Requirements. Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property; or by reason of exceptional topographic conditions; or physical features uniquely affecting a specific piece of property; or by reason of other extraordinary and exceptional situation or condition of such piece of property or the structures thereon, the strict application of any regulation of this ordinance would result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the developer of such property, grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve any difficulties or hardships; where in an application or appeal relating to a specific piece of property the purposes of this ordinance would be advanced by a deviation from the ordinance requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow departure from the zoning regulations; provided, however, that no variance shall be granted under this subsection to allow a structure or use in a district restricted against such structure or use; and 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 shall review a request for a variance pursuant to this ordinance.

- D. Variance of Use Regulations. In particular cases and for special reasons grant a variance to permit
- (1) a structure or use in a district restricted against such structure or use;
  - (2) an expansion of a nonconforming use;
  - (3) deviation from a specification or standard pertaining solely to a conditional use;
  - (4) an increase in the permitted floor area ratio;
  - (5) an increase in the permitted density, except as applied to the required lot area for a lot or lots for detached one(1) or two (2) dwelling unit buildings, which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision; or
  - (6) a height of a principal structure which exceeds by ten (10) feet or ten (10) percent the maximum height permitted in the district for a principal structure.

A variance under this section shall be granted only by affirmative vote of two-thirds (2/3) of the full authorized membership of the Board.

- E. If an application for development requests one or more variances but not a variance for purposes enumerated in Subsection D. of this section, the decision on the requested variance or variances shall be rendered under Subsection C. of this section.
- F. General Provision. No variance or other relief may be granted under the terms of this section unless such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and Zoning ordinance. \*Any application to the Planning Board under this section may be referred to any appropriate person or agency for its report; provided that such reference shall not extend the period of time within which the Planning Board shall act.
- G. Expiration of Variance. Any variance from the terms of this ordinance hereafter granted by the Planning Board, permitting the erection or alteration of any structure 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 one ( 1) year from the date of publication of the note of the judgement or determination of the Planning Board, provided that a longer period of time before such expiration may be granted by the Planning Board as a term and condition of the variance where the Board finds such an extended time period reasonably necessary and appropriate due to circumstances clearly demonstrated by the applicant at the hearing; except, however, that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the Planning Board to the governing body or to a court of competent jurisdiction until the termination in any manner of such appeal or proceeding.
- H. Other Powers. The Planning Board shall have such other powers as prescribed by law by affirmative vote of a majority of the full authorized membership of the Board, including but not limited to, the following:



1. Direct issuance of a building permit for the construction of a building or structure within the bed of a mapped street or public drainage way, flood control basin or public area reserved pursuant to N.J.S.A. 40:55D-32.

The Planning Board shall not exercise the power otherwise granted by this section if the proposed development requires approval by the Planning Board of a subdivision, site plan or conditional use in conjunction with which the Planning Board has power to direct the issuance of a permit pursuant to N.J.S.A. 40:55D-60.

2. Direct issuance of a building permit for the construction of a building or structure on a lot not abutting a street which is shown on a duly adopted Official Map of the municipality or which is:
  - (a) an existing State, county or municipal street or highway; or
  - (b) a street shown upon a plat approved by the municipal Planning Board; or
  - (c) a street on a plat duly filed in the office of the County Recording Officer.

The Board may grant such relief only where the enforcement of the statute requirement that a building lot abut a street would entail practical difficult or unnecessary hardship, or where the circumstances of the case do not require the building or structure to abut a street. The Board shall impose requirements of conditions that will provide adequate access for fire fighting equipment, ambulances and other emergency vehicles necessary for the protection of the health and safety and will protect any future street layout shown on the Official Map or on the general circulation plan element of the municipal Master Plan.

3. The Planning Board shall have the power to grant, to the same extent and subject to the same restrictions as the Board of Adjustment, subdivision or site plan approval or conditional use approval whenever the Planning Board is reviewing an application for approval of a variance pursuant to Section 1.08D. of this ordinance; provided, however, that the exercise of subdivision and/or site plan review by the Planning Board shall be restricted to that lot (or lots) upon which the proposed variant use is to be situated.

- I. Inquiries as to whether a proposed land use is permissible under the Zoning ordinance shall be submitted in writing to the Planning Board which shall issue a written response within forty-five (45) days after the next meeting following receipt of the request or within such additional time as may be consented to by the inquirer .

**Section 1.09 Appeals and Applications.** (As amended by Ord 2004-02 adopted 2/3/04, by Ord 2018-06 adopted 9/18/18)

- A. Pursuant to N.J.S.A. 40:55D-72, appeals to the Planning Board may be taken by any interested party affected by the decision of an administrative officer of the Township based on or made in the enforcement of the Zoning Ordinance or the Official Map. Each appeal shall be taken within the twenty (20) days prescribed by the statute by filing a notice of appeal with the officer from whom the appeal was taken, together with ten (10) copies of said notice with the Secretary of the Planning Board. Said notice of appeal shall specify the grounds for said appeal. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- B. Applications may be made to the Planning Board under any of its powers without prior application to an administrative officer. Sixteen (16) copies of a completed application form and all plats or plans, along with all required accompanying documents and fees, shall be filed with the Board Secretary at least ten (10) days prior to the date set for the hearing. The applicant shall obtain all necessary forms from the Board Secretary. 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.
- C. Pursuant to N.J.S.A. 40:55D-75, an appeal stays all proceedings in furtherance of the action in respect of which the decision appealed from was made, unless the officer from whom the appeal is taken certifies to the Board after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed other than by an order of the Superior Court of New Jersey upon notice to the officer from whom the appeal is taken and on due cause shown.
- D. Decision.
  - 1. Pursuant to N.J.S.A. 40:55D-73, the Planning Board shall render its decision not later than one hundred twenty (120) days after:
    - a. an appeal is taken from the decision of an administrative officer; or
    - b. the submission of a complete application for development to the Board pursuant to the provisions of N.J.S.A. 40:55D 72b.
  - 2. Failure of the Board to render a decision within such one- hundred-twenty-day period or within such further time as may be consented to by the applicant shall constitute a decision favorable to the applicant.
- E. Expiration of variance. Any variance from the terms of this chapter hereafter granted by the Planning Board permitting the erection or alteration of any structure or structures 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 (9) months from the date of publication of the notice of determination of the Board, provided that a longer period of time for such expiration may be granted by the Board as reasonably necessary and appropriate due to circumstances clearly demonstrated by the applicant at the hearing; except, however, that the running of the period of limitation herein provided shall be suspended from the date of filing an appeal from the decision of the Board to the Township Committee or to a court of competent jurisdiction, until the termination in any manner of such appeal or proceeding.

- F. In acting on any appeal, the Planning Board 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 officer from whom the appeal is taken.

**Section 1.10 Establishment of the Planning Board.** (As amended by Ord 2004-02 adopted 2/3/04)

- A. There is hereby established, pursuant to N.J.S.A. 40:55D-23 in the Township of Lower Alloways Creek, a Planning Board of nine (9) members consisting of the following four classes:

Class I: the Mayor or the Mayor's designee in the absence of the Mayor.

Class II: One of the officials of the Township, other than a member of the governing body, to be appointed by the Mayor .

Class III: One member of the Township Committee. The Class III member shall be appointed by the Township Committee.

Class IV: Six (6) other citizens of the Township, to be appointed by the Mayor. The Class IV members shall hold no other Township office, position or employment (however membership on a Township Board or Commission whose function is advisory in nature, and the establishment of which is discretionary and not required by statute, shall not be considered the holding of municipal office); except that One Class IV member may be a member of the Historic Preservation Advisory Board or Commission; One Class IV member may be a member of the Board of Education.

- B. **Planning Board Attorney.** There is hereby created the office of Planning Board Attorney. The Planning Board may annually appoint, fix the compensation of, or agree upon the rate of compensation of the Planning Board Attorney, who shall be an attorney other than the Municipal Attorney.

C. Terms of office.

- (a) The term of the member composing Class I shall correspond with his official tenure or if the member is the Mayor's designee in the absence of the Mayor, the designee shall serve at the pleasure of the Mayor during the Mayor's official tenure.
- (b) The terms 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 occurs first.
- (c) The term of a Class IV member shall be for four (4) years, except that the term of a Class IV member who is a member of the Board of Education shall terminate whenever he is no longer a member of the Board of Education or at the completion of his Class IV term, whichever occurs first. The terms of all Class IV members first appointed under this revised section by the Mayor shall be so determined that to the greatest practicable extent the expiration of such terms shall be distributed evenly over the first four years after their appointments; provided that the initial Class IV term of no member shall exceed four (4) years. Thereafter, the Class IV term of each such member shall be four (4) years.

(d) All terms shall run from January 1st of the year in which the appointment was made.

D. Reserved.

E. 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.

F. Officers. The Planning Board shall elect a chairman and vice chairman from members of Class IV and select a secretary who may be either a member of the Planning Board or a municipal employee designated by it.

G. Employment of Experts and Staff. The Planning Board may also employ or contract for and fix the compensation of such experts and other staff and services, as it may deem necessary. The Board shall not authorized expenditures that exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its uses.

H. Rules and Regulations. The Planning Board shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this ordinance.

I. Alternate Members. In addition to the foregoing up to four (4) alternate members may be appointed to the Planning Board by the Mayor. Alternate members shall be designated at the time of appointment by the Mayor as " Alternate No. 1", " Alternate No. 2", "Alternate No. 3", and "Alternate No. 4". The term of the alternate members shall be for two years, except that the term of not more than two alternate members shall expire in any one year; and provided further that in no instance shall the terms of the alternate members first appointed by the Mayor under this revised section exceed two years.

Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of any class. 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.

**Section 1.11 Powers and Jurisdiction of the Planning Board.** (As amended by Ord 2004-02 adopted 2/3/04)

The Planning Board shall have the powers listed below in addition to other powers established by law:

- A. Make, adopt and from time to time, amend a Master Plan for the physical development of the Township, including any areas outside its boundaries which, in the Board's judgement, bear essential relation to the planning of the Township.
- B. Administer the provisions of the Land Development Ordinance.

- C. Participate in the preparation and review of programs or plans required by State or federal law or regulations.
- D. Assemble data on a continuing basis as part of a continuous planning process.
- E. Annually, prepare a program of municipal capital improvements projects projected over a term of six (6) years and amendments thereto and recommend same to the governing body.
- F. Consider and make report to the governing body within thirty-five (35) days after referral as to any proposed development regulation submitted to it and also pass upon other matters specifically referred to the Planning Board by the governing body.
- G. The Planning Board shall have other powers as prescribed by law, including but not limited to, the following power to grant the following variances:
  - 1. Variances pursuant to N.J.S.A. 40:55D-70.c from lot area, lot dimension, setback and yard requirements; provided that relief pursuant to this subsection from lot area requirements shall not be granted if there is an increase in the permitted density requiring a variance pursuant to N.J.S.A. 40:55D-70.d;
  - 2. Direction pursuant to N.J.S.A. 40:55D-34 for issuance of a permit for a building or structure in the bed of a mapped street or public drainage-way, flood control basin or public area pursuant to N.J.S.A. 40:55D-44; and
  - 3. Direction pursuant to N.J.S.A. 40:55D-36 for issuance of a permit for a building or structure on a lot not abutting a street.

**Section 1.12 Provisions Applicable to the Planning Board** (as amended by Ord 2004-02 adopted 2/3/04)

**A. Conflicts of Interest**

No member of the Planning Board 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.

**B. Meetings.**

- 1. Meetings of the Planning Board shall be scheduled no less often than once a month, and any meeting so scheduled shall be held as scheduled unless cancelled for lack of applications for development to process.

2. 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.
3. No action shall be taken at any meeting without a quorum being present, said quorum to be the majority of the full authorized membership of the Board.
4. All actions shall be taken by majority vote of the members present except as otherwise required by this ordinance. Failure of a motion to secure the number of votes required to approve an application for development shall be deemed an act denying the application.
5. All meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meeting Law, C.231, Laws of New Jersey, 1975.

### **C. Records.**

- 1 .Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the Planning Board and of the persons appearing by attorney, the action taken by the Planning Board, the findings, if any, made by it and reasons therefor. The minutes shall thereafter be made available for public inspection during the normal business hours at the office of the board secretary. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceedings concerning the subject matter of such minutes.
2. A verbatim recording shall be made of every hearing. The recording of the proceedings shall be made by either stenographer, mechanical or electronic means. The municipality shall furnish a transcript or duplicate recording in lieu thereof on request to any interested party at his expense.

### **D. Public Hearing.**

- 1 .The Planning Board of Adjustment, as the case may be, shall hold a hearing on each application for development. Each Board shall make the rules governing such hearings.
2. Any maps and documents for which approval is sought at a hearing shall be on file and available for public inspection at least ten (10) days before the date of the hearing during normal business hours in the office of the board secretary. The applicant may produce other documents, records or testimony at the hearing to substantiate or clarify or supplement the previously filed maps and documents.
3. The officer presiding at the hearing, or such person as he may designate, shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents

presented by the parties, and the provisions of the "County and Municipal Investigations Law," P.L. 1953, c.38 (C.2A:67A-1 et seq.) shall apply.

4. The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer, and the right of cross-examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.
5. Technical rules of evidence shall not be applicable to the hearing, but the Board may exclude irrelevant, immaterial or unduly repetitious evidence.

**E. Public Notice of a Hearing.**

1. Public notice of a hearing shall be given for following applications:
  - a. Any request for a variance or an appeal pursuant to N.J.S.A. 40:55D 70;
  - b. Any request for conditional use approval;
  - c. Any request for the issuance of a permit to build within the bed of a mapped street or public drainage way or on a lot not abutting a street;
  - d. Any request for major site plan approval involving one or more of the aforesaid elements; and
  - e. Any request for preliminary subdivision approval.
2. The Secretary of the Planning Board, as the case may be, shall notify the applicant at least two (2) weeks prior to the public hearing at which the application will be discussed. Notice of a hearing requiring public notice shall be given by the applicant at least ten (10) days prior to the date of the hearing in the following manner:
  - a. By publication in the official newspaper of the municipality, if there be one, or in a newspaper of general circulation in the municipality.
  - b. To all owners of real property as shown on the current tax duplicate located within two hundred (200) feet in all directions of the property which is the subject of the hearing, which notice shall be given by serving a copy thereof on the property owner, as shown on the 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. It is not required that a return receipt be obtained. Notice is deemed complete upon mailing (N.J.S.A. 40:550-14).
  - c. Notice to a partnership owner may be made by service upon any partner; notice to a corporate owner may be made by service upon its president, a vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation.

- d. To the Clerk of any adjoining municipality or municipalities when the property involved is located within two hundred (200) feet of said adjoining municipality or municipalities, which notice shall be given by personal service or certified mail.
  - e. To the County Planning Board when the application for development involves property adjacent to an existing county road or proposed road shown on the County Official Map or the County Master Plan or adjoins other county land.
  - f. To the Commissioner of Transportation of the State of New Jersey when the property abuts a state highway.
  - g. To the Director of the Office of State Planning when the hearing involves an application for development of property which exceeds one hundred fifty (150) acres or five hundred (500) dwelling units, in which case the notice shall include a copy of any maps or documents required to be on file with the board secretary .
  - h. To the corporate secretary of all public utilities and the general manager of all cable television companies which have registered with the municipality in accordance with N.J.S.A. 40:55D-12.1 that own land or any facility or that possess a right-of-way or easement within two hundred (200) feet in all directions of the property which is the subject of such hearing by personal service or certified mail.
  - i. In addition to any notification requirement otherwise imposed under this ordinance, an applicant seeking approval of a development which does not require notice, as provided in paragraph 2,h. of this subsection, shall be required to provide public 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 possess 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 section.
3. List of Property Owners Furnished. Upon the written request of an applicant, the Township Tax Assessor shall, within seven (7) days, make and certify a list from said current tax duplicates of names and addresses of owners within the Township to whom the applicant is required to give notice. The applicant shall be charged ten dollars (\$10.00) for said list and shall be entitled to rely upon the information contained in such list, and failure to give notice to any owner not on the list shall not invalidate any hearing or proceeding. Additionally, the applicant shall be responsible for giving proper notice to all property owners pursuant to Subsection E, 2, b. above who do not reside within the Township.



4. The applicant shall file an affidavit or proof of service with the Planning Board
5. Form of Notice. The notice shall state the date, time and place of the hearing and the nature of the matters to be considered, and an identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the municipal Tax Assessor's office, and the location and times at which any maps or documents for which approval is sought are available for inspection.

#### **Section 1.13 Appeal of Use Variance Approvals.**

- A. Any interested party may appeal an approval of the variance to the governing body pursuant to N.J.S.A. 40:55D 70.d.
- B. Such appeal shall be made within ten (10) days of the date of publication of such final decision pursuant to Section 1.14 of this ordinance. The appeal to the governing body shall be made by serving the Township Clerk in person or by certified mail with a notice of appeal specifying the grounds thereof and the name and address of the appellant and name and address of his attorney, if represented. Such appeal shall be decided by the governing body only upon the record established before the Planning Board. The appellant shall arrange and pay for five (5) copies of a transcript of the Board of Adjustment hearing on the variance and shall deliver the five (5) copies to the Township Clerk.
- C. Notice of the meeting of the governing body to review the record below shall be given by the governing body by personal service or certified mail to the appellant, to those entitled to notice of a decision pursuant to Section 1.14 of this ordinance, and to the Planning Board at least ten (10) days prior to the date of the meeting. The parties may submit oral and written arguments on the record at such meeting and the governing body shall provide for verbatim recording and transcripts of such meeting.
- D. The governing body shall conclude a review of the record below not later than ninety-five (95) days from the date of receipt of the transcript of the hearing unless the applicant consents in writing to an extension of such period. Failure of the governing body to hold a hearing and conclude a review of the record below and to render a decision within such specified period without such written consent of the appellant shall constitute a decision affirming the action of the Planning Board.
- E. The governing body may reverse, remand or affirm, with or without conditions, wholly or in part, or may modify the final decision of the Planning Board. The affirmative vote of a majority of the full authorized membership of the governing body shall be necessary to reverse, remand or modify any final action of the Board.

**Section 1.14 Notice of Decisions.**

Any decision of the Planning Board acting upon an application for development and any decision of the governing body when acting upon an appeal shall be given notice in the following manner:

- A. A copy of the decision shall be mailed by the Board within ten (10) days of the date of decision to the applicant or appellant, or, if represented, then to his attorney, without separate charge. A copy of the decision shall also be mailed to any interested party who has requested it and who has paid the fee prescribed by the Board for such service.
- B. A brief notice of every final decision shall be published in the official newspaper of the Township. The cost for such publication shall be charged to the applicant and arranged by either the Secretary of the Planning Board. The notice shall be sent to the official newspaper for publication within ten (10) days of the date of any such decision.
- C. A copy of the decision shall also be filed in the office of the Township Clerk, who shall make a copy of such filed decision available to any interested party upon payment of a fee calculated in the same manner as those established for copies of other public documents in the Township.

## CHAPTER 2

### SUBDIVISION

#### ARTICLE I

#### TITLE, PURPOSE AND APPROVING AUTHORITY

##### **Section 2.00 Short Title.**

This chapter shall be known and may be cited as The Subdivision Ordinance of Lower Alloways Creek Township.

##### **Section 2.01 Purpose.**

The purpose of this chapter shall be to provide rules, regulations and standards to guide land subdivision in Lower Alloways Creek Township in order to promote the public health, safety, convenience and general welfare of said Township and to carry out the objectives of the Municipal Land Use Laws (N.J.S.A. 40:55D-1 et seq.). It shall be administered to insure the orderly growth and development, the conservation, protection and proper use of land and adequate provisions for circulation, utilities and services, and the conservation and environmental protection of all land, water and air resources within the jurisdiction of Lower Alloways Creek Township.

##### **Section 2.02 Approving Authority.**

A. Planning Board. The provisions of this chapter shall be administered by the Planning Board of the Township of Lower Alloways Creek except as set forth in Subsection B. of this section.

B. Zoning Board of Adjustment. The provisions of this chapter shall be administered by the Zoning Board of Adjustment in applications before the Zoning Board involving variances provided for in N.J.S.A. 40:55D-70(d) in which subdivision approval would be required. For such applications any reference in this chapter to the Planning Board shall be considered to refer to the Zoning Board of Adjustment where applicable.

ARTICLE II  
DEFINITIONS

**Section 2.03 Definitions.**

Certain words and phrases used in this chapter are defined as noted in Chapter 1, Article II, Definitions, of The Land Development Ordinance' of Lower Alloways Creek Township.

ARTICLE III  
GENERAL PROCEDURES

**Section 2.04 General Requirements.**

- A. No one shall subdivide or resubdivide land in the Township of Lower Alloways Creek without first obtaining approval of the Township Planning Board.
- B. No approval shall be granted until the payment of appropriate fees as specified in the Township ordinance.
- C. No minor or major subdivision shall be preliminarily or finally approved until proof has been submitted that no taxes or assessments for local improvements are due or delinquent on the property for which the subdivision application is made.
- D. Unless otherwise specified herein, applications and approval procedures shall be in accordance with the provisions of the Land Use Procedures Ordinance of the Township of Lower Alloways Creek Township (Chapter 1, Article III of this ordinance) and the Municipal Land Use Law (N.J.S.A. 40:55D-1 et. seq.).

**Section 2.05 Application of Requirements.**

- A. These rules, regulations and standards shall be considered the minimum requirements for the protection of the health, safety and welfare of the citizens of Lower Alloways Creek Township. No building permit, certificate of occupancy or other required permit shall be issued except in accordance with an approval of the subdivision and its improvements granted pursuant to this chapter unless modified in accordance with Subsection B. and Subsection C. of this section.
- B. The Planning Board when acting upon applications for preliminary or minor subdivision approval shall have the power to grant such exceptions and waivers from the requirements for subdivision approval as may be reasonable and within the general purpose and intent of this chapter, if the applicant can clearly demonstrate that, because of peculiar conditions pertaining to the land literal enforcement of one or more provisions of this chapter is impracticable or will exact undue hardship.

C. A building permit or certificate of occupancy may be issued if all improvements have been installed or completed except the finish course of the road and the Township Engineer warrants that completion of the road is in the Township's interest after the subdivider has completed construction of dwellings and structures. The maintenance guarantee required shall not begin until the finish course has been installed,

D. The Planning Board may also authorize the issuance of a temporary certificate of occupancy if the following public improvements have been bonded but not yet installed:

landscaping, sidewalks and other similar improvements approved by the Planning Board.

Section 2.06 Subdivision/Site Plan Advisory Committee.

An advisory committee to the Planning Board to be known as the Subdivision/Site Plan Advisory Committee (Subdivision Committee) is hereby created and shall be vested with the membership, authority and by-laws as described in the Township's Site Plan Ordinance.

#### ARTICLE IV

#### PROCEDURES FOR SUBDIVISION APPROVAL

##### **Section 2.07 General Intent.**

A. Any applicant wishing to subdivide land within Lower Alloways Creek Township shall apply for and obtain the approval of the Planning Board in accordance with the following procedure. Major subdivisions shall be formally reviewed and approved in two (2) stages:

preliminary and final. An informal discussion and concept plat stage is encouraged of applicants seeking major subdivision plat approval.

B. The applicant or his agent shall appear at all regular and special meetings of the Planning Board whenever the application is being considered. Failure to appear shall give the Planning Board the right to postpone action on the application for that particular meeting or deny and dismiss the application without prejudice if applicant or his agent's absence deprives the Planning Board of information necessary to make a decision.

##### **Section 2.08 Filing, Referral and Classification Procedures.**

A. Filing. The applicant shall submit fifteen (15) copies of all required exhibits as set forth under the appropriate subdivision review stage of this article together with an application form and all applicable fees to the Planning Board Secretary. The time for the Board's review shall not begin to run until the receipt of a complete application with the required fee.

B. Referral. The Planning Board Secretary shall forward upon receipt of a subdivision application in proper form with requisite fees, one (1) copy of said application to the Township Planner and Township Engineer for their preliminary determination of completeness and classification of the subdivision. The Township Planner and the Township Engineer shall provide a written report to the Subdivision Committee within fourteen (14) days of the filing date whether the application is complete or noting items omitted or other deviations of ordinances.

C. If the application is deemed to be complete, the Planning Board Secretary shall distribute copies as stipulated within this chapter for the appropriate subdivision review. The Planning Board may also designate other local or higher governmental agencies to receive copies of any application for review and recommendation beyond those agencies stipulated in this chapter. If the application is found to be incomplete or in violation of any applicable codes and ordinances, the applicant shall be notified by certified mail as to the items omitted or other deviations of ordinances.

D. Classification. The Planning Board Secretary shall determine whether the Planning Board has approval jurisdiction on the application. The Planning Board Secretary may confer with the Planning Board Attorney in making this determination.

#### **Section 2.09 Subdivision Committee Action (Major Subdivision).**

The Subdivision Committee shall review the complete application and report back to the Planning Board within thirty (30) days after the filing date of an application. In the event that during its review of an application it is found by the Subdivision Committee to be incomplete or in violation of any applicable codes or ordinances, the applicant shall be notified by the Planning Board Secretary within forty-five (45) days of the official receipt of the application by certified mail as to the items omitted or ordinances violated.

#### **Section 2.10 Submission Requirements Common to Concept, Minor and Preliminary Subdivision Applications.**

The following requirements are applicable to the submission of concept, minor and preliminary subdivision applications to either the Planning Board or the Zoning Board of Adjustment.

A. Administrative Items, All applications submitted shall include one (1) original and eighteen (18) copies of the following information, in addition to the plat details noted in Subsection B. below, and as required in the following checklists for the specific application type.

1. The appropriate application form(s), completely filled in and signed by the applicant, the subdivision plan or site plan, and supporting information. If any item is not applicable to the application, it should be so indicated on the application form(s) or checklist.

2. Certificate from the Tax Collector that all taxes are paid.
3. Receipt from the Planning Board Secretary indicating that all application and escrow fees are paid.
4. Affidavit of ownership. If applicant is not the owner, applicant's interest in land, i.e., tenant, contract-purchaser, lien holder, etc., and an executed copy of the document creating that interest.
5. If a corporation or partnership, list the names and addresses of all stockholders or individual partners owning at least ten (10) percent of its stock of any class as required by N.J.S.A. 40:55D- 48.1 et seq.
6. Names and addresses of witnesses and their expertise, if any.
7. A list of any checklist requirement(s) for which waiver approval is sought with a statement justifying the need for said waiver(s).
8. A list of any design standards, zoning requirements or other information for which either waiver or variance approval is sought, accompanied by a separate statement explaining the basis and reason for the relief sought.
9. Documentation from the NJDEP Division of Coastal Resources regarding coastal permit jurisdiction under CAFRA, the Wetlands Act of 1970, and all other applicable waterfront development statutes.
10. Documentation from the Federal Emergency Management Agency (FEMA) regarding stream encroachment permits if the subject property is within the A-4 Flood Zone.
11. Other Information. The Planning Board may require such additional information not specified herein, or any revisions in the accompanying documents, as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application have been met. The application shall not be deemed incomplete for lack of any such additional information or any revisions in the accompanying documents so required by the Planning Board.
12. If an on-site septic system is proposed, the results and location(s) of all percolation or permeability tests and test borings shall be shown on the plan for each proposed building lot and a report from the Salem County Health Department as to the suitability of each proposed building lot for an on-site septic disposal system.
13. The location, described by metes and bounds, of any and all wetland areas and required wetlands transition areas as required by the "Freshwater Wetlands Protection Act Rules" (N.J.A.C. 7:7A), or an NJDEP Letter of Interpretation indicating that the proposed development does not require a wetlands permit or delineation.

The locations of any and all wetland areas and required wetlands transition areas within the proposed development as required under the Freshwater Wetlands Protection Act and rules and regulations promulgated by the NJDEP indicating that the proposed activity within the subdivision requires no wetlands permit or delineation; provided, however, in the case of a minor subdivision, the Township Engineer may waive this requirement if the applicant submits a signed statement by a New Jersey licensed engineer, surveyor or planner that:

- a. He/she has personally visited the subject property and conducted a site investigation as necessary to determine that there are not freshwater wetlands or transition areas on the subject property; and
- b. He/she has examined the National Wetlands Inventory map; and
- c. He/she has reviewed the soils on the site as set forth in the Salem County Soil Survey; and
- d. He/she has certified that there are no freshwater wetlands or transition areas on the subject property.

14. A copy of any protective covenants or deed restrictions applying to the land.

15. Photographs of the property where necessary to show any unusual topographic, environmental or physical aspect of the site. This would include but not be limited to vegetation, natural drainage ways, wetlands and existing structures and improvements.

16. Survey map dated and prepared not more than one (1) year from the date of application by a licensed surveyor of New Jersey, showing boundaries of the properties, lines of all existing streets and roads, easements, rights-of-way, and areas dedicated to public use within two hundred (200) feet of the development, existing and proposed monumentation. These shall be dimensioned and where applicable, referenced as to direction.

17. An environmental impact statement as required by Section 4.11 of this Ordinance.

B. Plan Details. All plans submitted shall contain the following information, in addition to the specific plat details as required by the applicable checklist contained in the Appendices of this ordinance.

1. Title block denoting type of application, tax map sheet, name of county and municipality, block and lot numbers, and street address.
2. Name, address and signature of landowner and applicant. If a corporation is landowner or applicant, the principal office address, name and signature of the president and secretary, shall be included.



3. Name, address and professional license number and seal of the professional(s) preparing documents and drawings. All plats, except those prepared at the concept stage, shall be signed and sealed as required by applicable State Statute.
4. Signature lines for the Planning Board Chairman and Secretary, Municipal Clerk and Municipal Engineer, as appropriate.
5. North arrow, drawing scale, date of plat and any modifications thereto.
6. All plans shall be based on accurate information at a scale of not more than one inch equals sixty feet (1" = 60') to enable the entire tract to be shown on one sheet.
7. A location map at a scale of one inch equals one thousand feet (1" = 1,000') or larger scale, showing the entire tract and its relation to the neighborhood within one thousand (1,000) feet giving the accurate location of all existing and proposed property and street lines. This map should also show any contiguous lot in which the applicant has any direct or indirect interest, and the nature of the applicant's interest.
8. The location, architectural design and approximate age of existing houses, buildings and other structures within the subject site and within two hundred (200) feet thereof, with accurate dimensions from all existing and proposed lot lines, and notations as to whether the houses, buildings and other structures will be retained or removed.
9. The location of existing or proposed streets, roads, vehicle access ways, easements, utility easements, public rights-of-way, streams, bridges, pipes and culverts, drainage ditches, floodplains and natural watercourses in and within five hundred (500) feet of the site.
10. The existing and proposed lot layout, lot dimensions, all required setback lines, and any other areas restricted by municipal zoning regulations, the lot area of each lot in square feet and acreage. Lot acreage shall be based on an outbound survey performed by a New Jersey Licensed Surveyor. The date of survey is to be shown on the plan and shall not be more than one (1) year from the date of application. Existing and proposed monumentation are to be indicated.
11. The zoning classification of the site and all adjoining lands, including the quantitative aspects of the proposal such as improvement coverage, number of units, square feet of construction, value of construction, density, coverage, number of employees, number of residents and area of land, etc. Specifically identified on the site plan, in tabular form, shall be pertinent zoning data, indicating the bulk/area requirements of the zone in which the proposed development is located and how the proposed development corresponds to the zoning requirements.
12. Contours at five (5) foot intervals for slopes averaging ten (10) percent or greater, and at two (2) foot intervals for land of lesser slope. Contours shall be in the United States Coast and Geodetic Control Survey Datum. Existing contours are to be

indicated by short dashed lines. Proposed contours shall be indicated by bold, solid lines. Location of existing high points, watercourses and drainage ways, depressions, ponds, marshes, wetlands and buffers, vegetation, wooded areas and other significant existing features including previous flood elevations of watercourses, ponds and areas as determined by survey.

13. Boundary limits, nature and extent of wooded areas, location of all trees with a diameter at breast (dbh) of ten (10) inches or greater, historic sites and structures, and other significant physical features.

14. Vehicular and pedestrian circulation patterns, including the proposed location of at least one possible driveway or other entrance onto a public street for each dwelling unit or principal structure, and the size and location of driveways, sidewalks, fire lanes and curb cuts.

15. Parking plan (where applicable) showing spaces (size and type), aisle width, curb cuts, driveways, and all ingress and egress with dimensions.

16. Sight triangles and curb radii at all intersections.

17. All existing and/or proposed front property corners shall be staked in the field to clearly identify the limits of existing and proposed lots.

18. For any application where found necessary by the Planning Board to assure that there is no adverse effect on the development or provisions of access to the remainder of the tract, a rough indication of an acceptable layout of the remainder of the tract.

19. All land to be dedicated to the municipality or to be reserved for specific use.

20. The location of any municipal boundary within two hundred (200) feet of the site.

21. The names and addresses of all property owners within two hundred (200) feet of the site, including their block and lot, and use classification, as disclosed by the most recent municipal tax records.

22. Any existing protective covenants, easements or deed restrictions applying to the land shall be shown graphically.

23. A statement of the impact of the development upon any structure of historic significance within two hundred (200) feet of the site.

24. Size, height and location of all proposed buildings (including grades), structures, signs and fences, including details for any signs, fences and trash enclosures.

25. The proposed location, height, direction of illumination, power and type of proposed outdoor lighting including details of lighting poles and luminaries, hours and time of lighting.

26. Legends. The following legends shall be on the plat as noted:

(MINOR) or (PRELIMINARY) or (FINAL)

a. SUBDIVISION OF \_\_\_\_\_  
LOT \_\_\_\_\_ BLOCK \_\_\_\_\_ ZONE \_\_\_\_\_  
DATE \_\_\_\_\_ SCALE \_\_\_\_\_  
APPLICANT \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
SUBDIVISION CONTROL NO. \_\_\_\_\_

b. I CONSENT TO THE FILING OF THIS SUBDIVISION PLAT WITH THE PLANNING BOARD OF LOWER ALLOWAYS CREEK TOWNSHIP.

\_\_\_\_\_  
(Owner) (Date)

c. To be signed before issuance of a building permit and incorporated only on a final plat of a major subdivision:

I HEREBY CERTIFY THAT ALL THE REQUIRED IMPROVEMENTS HAVE BEEN INSTALLED OR A BOND POSTED IN COMPLIANCE WITH ALL APPLICABLE CODES AND ORDINANCES.

If Improvements Installed:

\_\_\_\_\_  
(Township Engineer) (Date)

If Bond Posted:

\_\_\_\_\_  
(Township Clerk) (Date)

\_\_\_\_\_  
Building Permit Issued (Date)

d. To be incorporated on final plat for major or minor and signed prior to issuance of a building permit:

VERIFICATION THAT PAYMENT OF MUNICIPAL TAXES OR ASSESSMENTS IS CURRENT.

\_\_\_\_\_  
(Tax Collector) (Date)

e. The appropriate approval signature block to be incorporated depending on whether subdivision is a minor or a major.

(1) Minor Subdivision Approved

_____	_____
(Chairman)	(Date)
_____	_____
(Planning Board Secretary)	(Date)

Deed to subdivision must be filed with County Clerk within one hundred ninety (190) days of date of Board Approval.

(2) Major Subdivision Approved (Preliminary or Final)

_____	
(Date of Board Approval)	
_____	_____
(Chairman)	(Date)
_____	_____
(Planning Board Secretary)	(Date)

f. EXPIRATION OF SUBDIVISION APPROVAL (1) Major: Preliminary - 3 Years; Final - 2 Years; or (2) Minor: 2 Years.

\_\_\_\_\_  
Date (without extensions)

C. Other Information. The Planning Board may require such additional information not specified in the ordinance, or any revisions in the accompanying documents, as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application for development have been met. The application shall not be deemed incomplete for lack of any such additional information or any revisions in the accompanying documents so required by the municipal agency.

D. Compliance With Other Ordinances. Information and documents required for other Township codes and ordinances such as soil erosion and sedimentation plans or storm water management plans shall be submitted as part of an application for subdivision approval and may be used to comply with subdivision submission requirements for particular stages as applicable.

E. Waiver of Information Required. The Planning Board may waive submission of any required information, details, or exhibits in appropriate cases and for specific subdivision plats. Request for such waivers shall accompany a subdivision application, stating the reasons why such waiver(s) is being requested. (Ord. No. 97-5)

**Section 2.11 Concept Plan: Minor or Major Subdivisions.**

A. Objectives of Submission. Applicants are encouraged to submit a concept plan so that it can be informally reviewed to determine the plans general compliance with applicable Township ordinances and design requirements as set forth herein. Also, the submission may form the basis for classification by the Subdivision Committee of the plan as either a major or minor subdivision.

Concept plans for major subdivisions should be used as a basis for changes and redesign so as to avoid undue expense and delay in preparing more detailed plans and specifications in subsequent review stages. The subdivision committee shall not be governed by any statutory time limits in its review of concept plans for major subdivisions and it is expressly understood that compliance with the subdivision committee recommendations shall not bind the Planning Board in subsequent deliberations.

B. Application. Eighteen (18) copies and one original (1) of the concept plan, an application in a form approved by the Planning Board, and the requisite fees, shall be delivered to the Planning Board Secretary in accordance with the procedures set forth herein.

C. Concept Plan Details. The concept plan shall contain all the information required by Section 2.10 of this chapter, except that the Planning Board may waive any requirement or request additional information where it is clearly appropriate to the particular application.  
(Ord. No. 97-5)

**Section 2.12 Minor Subdivision Approval.**

A. Application. Eighteen (18) copies and one (1) original of the minor subdivision plan and application in a form approved by the Planning Board, and the requisite fees shall be delivered to the Planning Board Secretary in accordance with the procedures set forth herein.

B. Plat Details - Minor Subdivision. The minor subdivision plat, in addition to the requirements stipulated in Section 2.10 of this chapter, shall be clearly and legibly drawn at a scale not less than one inch equals fifty feet (1=50') and shall contain the following information, except that the Planning Board may waive any requirement or request additional information where it is clearly appropriate to a particular situation:

1. Each block and lot numbered in accordance with the system of numbers which will ultimately be the numbers shown on the Township tax map.
2. Acreage of tract(s) to be subdivided to nearest tenth of an acre and the remaining parcel(s).
3. All proposed lot lines and lot lines to be eliminated clearly indicated with bearings and distances, and the approximate area of all lots in square feet.

4. The location, size and direction of flow of all streams, drainage structures and ditches within the area to be subdivided and within five hundred (500) feet of the subdivision.
5. For all applications involving the creation of more than two (2) lots, spot elevations on lot corners and for any application where found necessary by the approving authority, sufficient topographic information for a proper determination of requirements, but not exceeding the topographic information requirement applicable to preliminary major subdivision approval.
6. Existing and proposed monumentation.
7. No minor subdivision involving any corner lot shall be approved unless a sight triangle easement shall be granted as specified by this ordinance.
8. Deed descriptions including metes and bounds, easements, covenants, restrictions and roadway and sight triangle dedications shall be submitted for approval and required signatures prior to filing with the County Recording Officer.

C. Plat Approval, Minor Subdivision.

1. Distribution. If classified as a minor subdivision, one (1) copy of the plat shall be retained for the Planning Board file and one (1) copy of the plat shall be forwarded by the Planning Board Secretary to each of the following for review and comment:

Township Engineer

Township Construction Official

Planning Board Attorney

Other agencies as may be determined by the Planning Board (e.g., secretary of school board, clerk of adjoining township, NJDOT, etc.)

2. Action. The Planning Board shall act within forty-five (45) days of the filing date of a complete application for a minor subdivision.

When a public sewerage system is not available to service the development, the current rules, regulations and procedure of the Salem County Health Department shall be followed. An adverse report from the Health Department shall be deemed as sufficient grounds for the Planning Board or Zoning Board to disapprove said development application or portion thereof.

3. Filing with County Recording Officer. If approved as a minor subdivision, a plat drawn in compliance with Chapter 141 of the Laws of 1960 or a deed stamped with the date of the Planning Board approval shall be signed by the Board Secretary and Chairman after all conditions of approval have been satisfied and filed by the subdivider

with the County Recording Officer within one hundred ninety (190) days from the date of approval. Failure to file within one hundred ninety (190) days shall void said subdivision approval. A copy of the recorded deed or plat shall be submitted to the Township Engineer within fourteen (14) days of the filing of said document with the County Recording Officer.

4. Approved Minor Subdivisions; Municipal Distribution. Before the Construction Official issues a building permit for the approved minor subdivision, the applicant shall provide the Planning Board Secretary with a certificate of filing from the County Clerk's office. The Planning Board Secretary shall distribute copies of the approved subdivision to each of the following:

Construction Official	for each lot and block 1 print
Tax Assessor	1 print

5. Effect of Minor Subdivision Approval. The granting of minor subdivision approval shall guarantee that 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 of minor subdivision approval; provided that the approved minor subdivision shall have been duly recorded as provided herein. Applicants shall be responsible for necessary approvals prior to development as may be required by other Township, county, State and federal codes and ordinances.

D. Plan Review. Within forty-five (45) days of the submission to the Planning Board Secretary of a complete minor subdivision plat, or within such further time as may be agreed upon by the developer the Planning Board shall act upon the application.

E. Public Hearing. All actions of the Planning Board on minor subdivisions involving a variance(s) shall be at or after a public hearing. Public notice of an application as provided in Section 4.06 of this ordinance shall be required for all such applications.

F. Decisions of Planning Board. See Section 4.07 of this ordinance for decisions on subdivision plat application, under varying procedural conditions. (Ord. No. 97-5)

## Section 2.13 Preliminary Plat Approval; Major Subdivision.

A. Objectives of Submission. To transfer the general and approximate ideas of the concept plan more exactly to a precise base to verify their feasibility and merit before proceeding with detailed construction and engineering documents.

B. Application. Eighteen (18) copies and one original (1) of the preliminary plat, an application in a form approved by the Planning Board, and the requisite fee shall be delivered to the Planning Board Secretary in accordance with the procedures set forth herein.

C. Preliminary Flat Details. The preliminary plat, in addition to the requirements stipulated in Section 2.10 of this chapter, shall be clearly and legibly drawn or reproduced at a scale of not less than one inch equals fifty feet ( $1'' = 50'$ ) and shall contain or be accompanied by the following information, except that the Planning Board may waive any requirement or request additional information where it is clearly appropriate to the particular application:

1. Contours at five (5) foot intervals for slopes averaging ten (10) percent or greater, and at two (2) foot intervals for land of lesser slope shall be required. Contours shall be in the United States Coast and Geodetic Control Survey Datum. At least two (2) permanent benchmarks for each fifty (50) acres or portion thereof shall be established on opposite ends of the proposed subdivision and their locations, descriptions and elevations of the benchmarks shall be noted.

However, elevations and contours are not needed for any parcel to be retained by the subdivider in excess of five (5) acres for agricultural purposes if the Planning Board, on the recommendation of the Township Engineer, finds that they are not necessary to evaluate the effect of drainage onto or away from the areas to be conveyed or to determine the proper location of roads, drainage ways, structures or improvements relating to the subdivision.

2. The locations, names, right-of-way and cartway widths of all streets within two hundred (200) feet of the subdivision. Also indicate all Township Master Plan proposals or special areas on-site or off-tract within five hundred (500) feet of the proposed subdivision.

3. Plans and profiles showing proposed utility layouts (sanitary sewers, storm drains, water, gas, electric, detention basins, etc.) showing feasible connections to existing or proposed utility systems. Locations of fire hydrants and street lights shall be established with the aid of the Township.

4. The proposed names of all streets within the subdivision shall be shown and shall be subject to approval by the Township Committee.

5. Each block and lot shall be numbered in accordance with the system of numbers which will ultimately be the numbers shown on the Township tax map.

6. A drainage plan which shall include the following:

- a. Preliminary plans and profiles at a scale of one inch equals fifty feet ( $1' = 50'$ ) horizontally and one inch equals five feet ( $1'' = 5'$ ) vertically of all proposed and existing storm sewers, drainage swales and streams within the subdivision together with the locations, sizes, elevations, and capacities of any existing storm drain, ditch or stream to which the proposed facility will be connected.



b. The location and extent of any proposed groundwater recharge basins, retention basins or other water conservation devices and/or structures.

c. All drainage calculations used for the design of the storm drainage system and the documents indicating conformance with the standards in this chapter shall be submitted.

d. Existing and proposed contours, elevations of inverts, grates, and manhole covers.

7. All proposed lot lines and lot lines to be eliminated clearly indicated with bearings and distances, and the approximate area of all lots in square feet.

8. When the development of the subdivision or improvements within the subdivision are contingent upon improvements outside the boundaries of said subdivision, information shall be supplied by the subdivider prior to Planning Board consideration for preliminary approval that the improvements outside the subdivision shall be installed and shall be available to the subdivider prior to the issuance of any certificate of occupancy for the project or phase of a project that is the subject of a development application.

9. Any open space proposed to be dedicated for public use or playgrounds or other public purpose and the location and use of all such property. The location, design, and dimensions of open areas, pedestrian walkways, and any proposed recreation areas and facilities.

10. When deemed necessary to determine the suitability of the soil to support new construction, the Planning Board may require as a condition of preliminary approval, test holes or borings to be made by a New Jersey licensed engineer or an approved testing laboratory at the expense of the subdivider under the direction of the Township Engineer, prior to the commencement of construction.

11. Statement indicating type of structure(s) to be erected, approximate date of construction start, a tentative phasing plan for the entire subdivision indicating the estimated number of lots for which final approval will be requested in the first section.

12. The location of all utility poles, distance(s) from intersections and illumination factors for all street lighting.

13. A traffic signage plan in conformance with accepted engineering standards.

14. All existing and proposed watercourses, lakes, ditches and ponds including cross-sections, centerline profiles, slope stabilization and the boundaries of floodplains.

15. The results and location of all percolation tests and test borings shall be shown. At a minimum, a test boring and percolation test shall be taken for every four (4) lots.

16. Centerline profiles and cross-sections of all proposed and existing streets.

17. Landscaping and buffering plan showing the proposed location of all proposed plantings, screenings and buffering, a legend listing all botanical and common names, method of irrigation, the total quantity of each plant, and the location of each plant keyed to the plan or plat.

D. Preliminary Plan Review. Within forty-five (45) days of the submission to the Planning Board Secretary of a complete subdivision plat application for ten (10) lots or less or within ninety-five (95) days of submission of a complete application for a subdivision application of more than ten (10) lots, or within such further time as may be agreed upon by the developer the Planning Board shall act upon the application.

When a public sewerage system is not available to service the development, the current rules, regulations and procedure of the Salem County Health Department shall be followed. An adverse report from the Health Department shall be deemed as sufficient grounds for the Planning Board or Zoning Board to disapprove said development application or portion thereof.

E. Preliminary Plan Hearing. All actions of the Planning Board on preliminary subdivision plats shall be at or after a public hearing. Public notice of an application as provided in Section 4.06 of this ordinance shall be required for all major subdivision plats. Applicants for major subdivision plats requiring variances by the Planning Board shall also be required to provide public notice of application.

F. Decisions of Planning Board. See Section 4.07 of this ordinance for decisions on subdivision plat application, under varying procedural conditions.

G. Effect of Preliminary Approval. Preliminary approval of a subdivision plat shall, except as provided in Subsection H. herein, confer upon the applicant the following rights for a three (3) year period from the date of the preliminary approval:

1. That the general terms and conditions on which preliminary approval was granted shall not be changed including but not limited to use requirements, layout and design standards for streets, curbs and sidewalks, lot size; yard dimensions and on-site and off-tract improvements. The Township may modify by ordinance such general terms and conditions of preliminary approval as they relate to public health and safety provided such modifications are in accord with amendments adopted by ordinance subsequent to approval.

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.

H. Extension of Preliminary Approval. The applicant may apply for and the Planning 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.

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

I. Variances; Planning Board Review. The Planning Board when reviewing applications for subdivision plats shall have the power to grant variances from lot area, lot dimensions, setback, and yard requirements, but not variances pursuant to N.J.S.A. 40:55D- 70(d).

J. Approved Preliminary Plat: Municipal Distribution. The Planning Board Secretary shall distribute copies of the approved preliminary plat with construction plans to each of the following:

Township Engineer	1 print
Applicant	1 print
Planning Board file (Ord. No. 97-5)	1 print

## **Section 2.14 Final Plat Approval; Major Subdivision.**

A. Objectives of Review. The final plat shall be reviewed to determine whether the construction documents to be utilized in construction of the project substantially conform with the approved preliminary plat and to assure proper posting of performance and maintenance bonds.

B. Application. Eighteen (18) copies and one (1) original of the final plat and application in a form approved by the Planning Board, and the requisite fee shall be delivered to the Planning Board Secretary. The final plat shall be submitted to the Planning Board for final approval within three (3) years from the date of preliminary plat approval or within such extension as provided herein.

C. Final Plat Details. The final plat, notwithstanding any other requirements stipulated by this chapter or other Township ordinances, shall be drawn in ink on tracing cloth, Mylar, or equal at a scale of one inch equals fifty feet (1" = 50), except where otherwise permitted by the Planning Board and in compliance with all the provisions of the Map Filing Law (N.J.S.A. 46:23- 9.9 et seq.). The final plat shall contain or be accompanied by the following:

1. Date, name and location of the subdivision, name of owner, graphic scale and reference meridian.
2. Tract boundary lines, right-of-way lines of streets, Street names, easements and other rights-of-way, land reserved or dedicated to public use, all lot lines and other site lines; with accurate dimensions, bearings or deflection angles, and radii, arcs and central angles of all curves.
3. The purpose of any easement or land reserved or dedicated to public use shall be designated, and the proposed use of sites other than residential shall be noted.
4. Each block and lot shall be numbered in accordance with the system of numbers which will ultimately be the numbers shown on the Township tax map.
5. Locations and description of all monuments.
6. Minimum building setback lines with typical dimensions for all lots and other site improvements.
7. Names of owners of adjoining unsubdivided land.
8. Certification by a land surveyor licensed in the State of New Jersey as to accuracy of plat details and conformance with the "Map Filing Law."
- 9 Certification that the applicant is agent or owner of the land, or that the owner has given consent under an option agreement.
10. When approval of a plat is required by any officer or body of such municipality, county or State, approval shall be certified on the plat.
11. A statement from the Township Engineer that he is in receipt of final construction plans and profiles showing proposed utility layouts (sanitary sewers, storm drains, water, gas, electric, detention basins, etc.) showing connections to existing or proposed utility systems and that the subdivider has complied with one of the following:
  - a. Installed all improvements in accordance with the requirements of these regulations; or
  - b. Filed a performance guaranty and a maintenance guaranty which have been approved by the Township Solicitor and is in sufficient amount to assure the completion of all required improvements. The provisions of N.J.S.A. 40:55D-53

shall govern said bonds and the completion, inspection and approval of said improvements and the payment of inspection fees.

12. A final drainage plan showing the same information as required on the preliminary plat with the addition that the individual lot grading shall be shown as follows:

Final grades shall be shown for each lot corner, all high and low points and breaks in grade and at the corners of tentative house locations. If it is intended to use drainage swales, the elevations and profiles of these swales shall be shown.

13. A soil erosion control plan and narrative shall accompany the final plat. Such soil erosion control plan shall show the same information as required on the final drainage plan. The soil erosion control plan and the final drainage plan may be combined as one plan.

14. Cross-sections and centerline profiles of all existing and/or proposed streets and/or watercourses.

15. A section or staging plan, if proposed.

16. Certification in writing from the Township Engineer that: (1) all installed improvements have been inspected and as-built drawings have been submitted, and (2) those installed improvements that do not meet or exceed the Township design standards shall be factored into the required performance guarantee.

17. Deed descriptions including metes and bounds, easements, covenants, restrictions and roadway and sight triangle dedications.

18. No development application shall be approved unless the "Right to Farm" provisions contained in Section 5.33 of this ordinance are prominently shown on the approved and/or recorded final map and are agreed upon by the developer to be included in such agreement of sale with any contract purchaser of any of the subject lots. (Ord. No. 97-5)

## **Section 2.15 Certificates Showing Approval.**

A. The prospective purchaser, prospective mortgagee, or any other person interested in any land which forms part of a subdivision, or which formed part of such a subdivision three (3) years preceding the effective date of this ordinance, may apply in writing to the Planning Board Secretary, for the issuance of a certificate certifying whether or not such subdivision has been approved by the Planning Board. Such application shall contain a diagram showing the location and dimension of the land to be covered by the certificate and the name of the owner thereof.

B. The Planning Board Secretary shall make and issue such certificate within fifteen (15) days after the receipt of such written application and the fees therefor. Said Secretary shall

keep a duplicate copy of each certificate, consecutively numbered, including a statement of the fee charged, in a binder as a permanent record in his office.

C. Each such certificate shall be designated a “certificate as to approval of subdivision of land,” and shall certify:

1. Whether there exists in the municipality a duly established Planning Board and whether there is an ordinance controlling subdivision of land adopted under the authority of this ordinance.
2. Whether the subdivision, as it relates to the land shown in said application, has been approved by the Planning Board, and if so, the date of such approval and any extensions and terms thereof, showing that subdivision of which the lands are a part is a validly existing subdivision.
3. Whether such subdivision, if the same has not been approved, is statutorily exempt from the requirement of approval as provided in this ordinance.

The Planning Board Secretary shall be entitled to receive for such certificate issued a fee as stipulated in the Township’s Fee Ordinance (Article VII of Chapter 4).

## ARTICLE V

### DESIGN STANDARDS FOR SUBDIVISIONS

#### **Section 2.16 General.**

In passing on the adequacy of subdivision plans, the Planning Board shall apply the standards contained in this article.

#### **Section 2.17 Streets, Sidewalks, Alleys.**

A. Street Extensions. The arrangement of collector and arterial streets shall be such as to provide for the extension of existing collectors and arterials. Local streets shall not be made continuous or so aligned that one subdivision adds unduly to the traffic generated by a local street in another subdivision.

B. Classification of Streets. In any major subdivision it shall be the duty of the Planning Board to classify proposed streets according to their types. The Planning Board, in making its decisions, shall refer to the master plan and shall consider conditions within the subdivision and surrounding area. Other design characteristics of streets are shown on Table A

- “Dimensions of Streets”. Definitions of streets as set forth in the Master Plan are as follows:

1. Minor Collectors. Any street which is intended to gather traffic from a series of local streets and distribute it to major collectors or minor arterials. The right-of-way shall be sixty (60) feet.
2. Residential Access or Local Street. A street intended primarily for access to individual properties and designed for local traffic having either origins or destinations on the street. If it can serve traffic having origin and destination other than on the street, it shall be considered a collector. Required right-of-way is fifty (50) feet.
3. Special Purpose Streets. Design guidelines for cul-de-sac, marginal access, divided and stub streets shall be dependent upon the anticipated traffic volume and be consistent with the standards set forth in the Circulation Plan Element of the Master Plan.
4. Waiver of Classification Definitions. In those instances where a proposed subdivision abuts an existing subdivision where existing stub or cul-de-sac streets may be extended, the Planning Board may deem such extended streets "local" in nature for purposes of classification, provided that such extended street is likely to serve traffic having either origins or destinations on the Street.

C. Lots Abutting Major Collector Streets. No residential lot shall abut only a major collector street. Access shall be provided by reverse frontage on a minor collector, local street or by a marginal service road, but no additional setback is required. An appropriate landscaped buffer shall be provided on such reverse frontage lots along the collector street, containing a combination of shrubs, trees, conifers or berms conforming to a uniform landscape plan.

D. Table of Dimensions. Right-of-way widths, measured from lot line to lot line, graded widths, paving widths, and other items, shall be not less than shown on the appended table and diagrams, unless otherwise indicated on the Master Plan or the Official Map, when adopted. \*

\*Editor's Note: The Official Map was adopted on August 20, 1996.

TABLE A

## DIMENSIONS OF STREETS

<b>Design Criteria</b>	<b>Local Access</b>	<b>Minor Collector</b>
Right-of-way width	50'	60'
Paving Widths	30'	36'
Curb radii at intersections	30	35'
Length of tangents between reverse curves	100' <sup>4</sup>	- -
Minimum radii to centerline on curves	180' <sup>1</sup>	500'
Straight line maximum at centerline	500'	3,000'
Acceleration /deceleration lanes <sup>2</sup>	- -	200'
Maximum centerline grades	10 %	8 %
Minimum centerline grades	0.75%	0.75%
Cul-de-sac R-O-W radii	60'	- -
Cul-de-sac paving radii	50'	- -
Minimum spacing of intersections (see Section 2.18)		

**NOTES:**

1. Where, because of shape of tracts to be subdivided or topography, it is not feasible to adhere to a minimum radius of one hundred eighty (180) feet, the minimum pavement must be widened as the radius decreases, to accommodate the widened path of a turning vehicle, as follows:

Radius	Added pavement width (symmetrically)
180+	0 FT.
150-179	2
125-149	3
100-124	4
75-99	6

<sup>2</sup> Required at intersections, and at all driveways to private property on arterials.

<sup>3</sup> Or as determined by jurisdictional agency of roadway.

<sup>4</sup> Tangent lengths may be reduced or omitted at the discretion of the Township Engineer.



E. Nonresidential Streets. The widths of internal streets in business or industrial development designed as a whole in accordance with a comprehensive site plan shall be determined by the Planning Board in each case in the light of the circumstances of the particular situation and with a view to assuring the maximum safety and convenience of access for traffic and fire fighting equipment, circulation and parking, including provisions for the loading and unloading of goods.

F. Reserve Strips. There shall be no reserved strips or areas for controlling access to streets except where control and disposal of the land comprising such strips or areas have been placed in the hands of the governing body under conditions approved by the Planning Board.

G. Subdivisions on Existing Streets. When a subdivision abuts an existing street, it shall be widened (if necessary) and improved to conform to this chapter.

If the subdivision is only a small part of a longer run of a substandard street, and such improvement would produce a hazardous saw-tooth arrangement, the municipality on the advice of the Planning Board may elect to receive a cash payment in lieu of the improvements, and to hold same in a separate escrow account until continuous improvement of the Street can be accomplished.

H. Curved Minor Streets. Curved minor streets are preferred to discourage speed and monotony. The maximum straight line between points on the centerline shall not exceed that specified in the Table of Dimensions (Section 2.17).

I. The Crown Slope. The crown on minor streets shall not be less than six (6) inches in order to provide for proper surface drainage.

J. Cut and Fill Slopes. To prevent gulleying and erosion, street cuts and streets on fill shall be provided with side slopes no steeper than one (1) vertical to two (2) horizontal, or shall be equipped with cribbing, loose concrete blocks, or other form of retaining wall. Such slopes, including cribbing and blocks, shall be suitably planted with perennial grasses or other vegetation in accordance with a plan approved by the Planning Board, and shall be suitably maintained for a period of three (3) years.

K. Street Names.

1. Street names and subdivision names shall be reviewed by the Tax Assessor and shall not duplicate or nearly duplicate the names of existing streets or subdivisions in the municipality or surrounding communities. The continuation of an existing street shall have the same name.
2. Ending of proper street names should reflect street classification and differing types of streets in a development.
3. The developer shall submit in writing a list of all proposed Street names for any new development. This list is to be forwarded by the Township to the appropriate postmaster serving the particular zip code for review and verification of nonconflicting

names within the zip code. The Township Committee shall then make the final determination regarding acceptance of new street names.

L. Alleys. The following shall apply to the design and location of alleys:

1. Public alleys shall not be permitted in residential developments except by permission of the Planning Board. Where public alleys are permitted in residential developments, they shall be twenty (20) feet wide and paved for the full width.
2. Alleys serving commercial and industrial establishments are required unless other provisions for service are approved by the Planning Board. Alleys serving such establishments shall have a paved width of at least twenty-four (24) feet. If it is impossible for an alley to go through a block, the alley shall be provided with a standard cul-de-sac turnaround at its closed end.

M. Cul-de-sac or Dead-end Turnarounds.

1. Cul-de-sacs or dead-end turnarounds of a permanent nature shall provide a turnaround at the end with a right-of-way radius equal to sixty (60) feet and a paved cartway radius of at least fifty (50) feet.
2. The maximum length of a cul-de-sac shall be six hundred (600) feet as defined from the centerline by centerline intersection of the cul-de-sac and its intersecting road to the center point of the cul-de-sac.
3. Where a cul-de-sac street design is proposed to be located within an existing treed environment, the Planning Board may consider an alternate lot design treatment whereby minimum lot width on the cul-de-sac may be reduced to seventy-five (75) percent of the required lot width for a standard frontage lot. Such lot width reduction shall result in a shorter cul-de-sac length and, therefore, less destruction of the existing treed environment in order to be favorably considered by the Planning Board.

N. Street Layout and Arrangement. Loop streets and cul-de-sac streets shall not cross municipal boundary line or provide access to inadequate lot. All loop streets and cul-de-sac streets shall be entirely contained within the Township of Lower Alloways Creek and may not extend across a municipal boundary line so as to be partly within another municipality. All proposed streets in a subdivision including cul-de-sac streets, loop streets and the portion of collector streets within the Township shall provide access only to lots which meet the area, dimension and lot configuration standards for such lots with land entirely within the Township of Lower Alloways Creek. (Ord. No. 2001-9 § II)

## Section 2.18 Street Intersections.

A. Angle of Intersections. No more than two (2) streets shall cross the same point. Street intersections shall be at right angles wherever possible, and intersections of less than sixty (60) degrees (measured at the centerline of streets) shall not be permitted.

B. Spacing. Only one point of access and one point of egress may be allowed each property except where large frontages, one thousand (1,000) feet or larger, are present. In those latter cases, streets shall not enter the same side of major collector or minor arterial streets at intervals less than eight hundred (800) feet, major arterial streets at intervals of less than one thousand two hundred (1,200) feet or principal arterials at intervals of less than two thousand (2,000) feet. Streets which enter a minor or major/minor collector street from opposite sides shall either be directly opposite to each other or they shall be separated by at least two hundred (200) feet between their centerlines, measured along the centerline of the intersected street.

C. Approaches. Approaches of any collector street to any intersection with another collector or an arterial street shall follow a straight line course within one hundred (100) feet of the intersection.

D. Extra Widths. Where a nonresidential collector Street or a collector/arterial Street serving more than one hundred (100) residential lots or dwelling units intersects with another collector or arterial, both the right-of-way and the pavement shall be widened by twenty-four (24) feet for a distance of two hundred (200) feet back from the intersection of the right-of-way lines.

E. Sight Triangles. In addition to right-of-way widths required for full length of streets and wider intersections as specified above, sight triangles shall be dedicated as follows: The area bounded by the right-of-way lines and a straight line connecting "sight points" on street centerlines which are the following distances from the intersection of the centerlines:

1. Where a local street intersects another local street, ninety (90) feet.
2. Where a local Street intersects a collector Street Of arterial, ninety (90) feet on the local and two hundred (200) feet on the collector or arterial.

F. Sight Triangle Prohibited Obstructions. No fences or any other obstruction, nor any planting exceeding thirty (30) inches in height as measured horizontally from the centerline of the road may be placed in any sight triangle.

G. Property Access. Unless necessary to provide access to a lot in separate ownership existing before the date of this chapter, no driveway access to property or additional street intersection may be permitted within the "Extra Widths" or "Sight Triangles" as specified herein.

H. Street and Neighborhood or Directional Signs. Street signs shall have reflectorized white letters on a green background. Letters shall be four (4) inches high except those marking collector or primary streets, which shall be six (6) inches high. Signs shall be placed in accordance with the "Manual of Uniform Traffic Control Devices," latest edition.

At the discretion of the Planning Board similar neighborhood or directional signs, with letters eight (8) inches high, may be permitted or required.

#### **Section 2.19 Curbs.**

Vertical (straight-face) curbs shall be required. Curb cuts, mountable curbs or ramps shall be provided wherever sidewalks cross streets to accommodate wheelchairs and bicycles in accordance with New Jersey Barrier Free Design Criteria.

#### **Section 2.20 Culverts.**

Culverts shall have headwalls and railings, where necessary, placed on right-of-way lines unless the stream flow is judged minor by the Planning Board and the Township Engineer. In this case, at the option of the developer, pipes may be extended no less than twenty-five (25) feet beyond the right-of-way line, and a single headwall may be built to grade on the upstream side without a railing. Because of traffic hazard, intruding curbs and abutments near the paving line are forbidden.

#### **Section 2.21 Sidewalks.**

A. Sidewalks shall be installed in all types of major development and shall be installed along both sides of all streets and wherever pedestrian traffic is expected. In nonresidential development, sidewalks will be installed at the discretion of the Board depending upon the probable volume of pedestrian traffic, the developments location in relation to other populated areas and the general type of improvement needed.

B. Where sidewalks are optional, they may be required if close to pedestrian generators, to continue a walk on an existing street, to link areas, or depending on probable future development as indicated in local master plans.

C. In conventional development, sidewalks shall be placed in the right-of-way, parallel to the street, four (4) to six (6) feet back from the curbline depending on the street classification, unless an exception has been permitted to preserve topographical or natural features, or to provide visual interest, or unless the applicant shows that an alternative pedestrian system provides safe and convenient circulation. In commercial and in high density residential areas, sidewalks may abut the curb.

D. Pedestrian way easements may be required by the Planning Board through the center of blocks to provide circulation or access to schools, playgrounds, shopping or other community facilities.

E. Sidewalk width shall be a minimum of four (4) feet; wider widths may be necessary near pedestrian generators and employment centers. Where sidewalks occur in parking areas, parked vehicles shall not overhang or extend over the sidewalk unless an additional two (2) feet of sidewalk is provided to accommodate such overhang.

**Section 2.22 Lots.**

A. Lot Size. Minimum lot size shall be governed by the Townships Zoning Ordinance based on the zoning district in which the lot is located and the results of percolation and soil boring analysis, where required.

B. Lot and House Numbers. House and lot numbers shall be assigned for each lot by the Township Engineer or Construction Code Official.

C. Side Lot Lines. Insofar as is practical, side lot lines shall be at right angles to straight streets and radial to curved streets.

D. Lot Frontage and Width. Each lot shall front on an approved street accepted by the municipality. Frontage shall be measured along a straight line between points where side lines meet Street lines; e.g., the chord of a circle in a cul-de-sac.

E. Lot Line on Widened Streets. Where extra width is 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 unless otherwise provided by the Zoning Ordinance.

F. Unsuitable Lots. All lots shall be suitable for the purpose for which they are intended to be used. In order to prevent the use of lots which are not suitable because of adverse topography, flood conditions, or similar circumstances, the Planning Board may require such revisions in the layout of the subdivisions as will accomplish one of the following:

1. That the area of the unsuitable lots is included in other lots by increasing the size of the remaining lots and eliminating the unsuitable lots;
2. That the unsuitable lot is included in an area to be deeded to the municipality and held in its natural state for conservation and/or recreation purposes; or
3. That some other suitable arrangement, such as common ownership made permanent by deed covenants running with the land, is made.

G. Flag Lots. Flag lots may be subdivided from a property having an existing single- family freestanding dwelling unit either close to the street with an adequate area behind that house, or having an existing dwelling unit in the back and an adequate area in front. Not more than two (2) lots may be created. If the front of the property can be subdivided into a conforming lot, a private access strip fifty (50) feet wide and not more than four hundred (400) feet long may be permitted provided that the rear lot is also otherwise conforming. If the access strip is more than four hundred (400) feet long or serves more than one (1) dwelling unit, access to the rear shall be only by a standard municipal street and a cul-de-sac turnaround dedicated as a public road. Placement of a private driveway within the required access strip shall provide for a minimum fifteen (15) foot open space grass or landscaped area between the adjacent property line and edge of paved access driveway.

**Section 2.23 Structure Location and Driveway.**

A. All lots shall be such that a structure conforming to the intended use and setback requirements of the Zoning Ordinance can be constructed in an area of the lot that is in conformity with the provisions of the Zoning Ordinance or any other local, county, State or federal rules and regulations.

B. Any structure must be accessible by means of a driveway that complies with the provisions of Section 3.27 of the Township's Site Plan Ordinance. Driveways shall be so laid out that it is possible to turn all vehicles on the lot and that it is not necessary to back any vehicle into a Street.

**Section 2.24 Easements.**

A. Utility Installation Easements. Easements for utility installations may be required. Easements for sanitary sewer lines shall be constructed in such a manner so that all manholes have permanent, unrestricted access for highway-type trucks for the purpose of maintaining said sewer lines. Said easements shall be at least twenty (20) feet in width or wider if necessary of which an area of twelve (12) feet in width by twelve (12) inches in depth shall consist of quarry process with filter fabric with sufficient space for vehicles to turn around located at least every one thousand two hundred (1,200) feet. Such easement area may be seeded as long as the formation and strength of the same is not diminished.

B. Drainage and Conservation Easements. If the property on which a proposed subdivision is to be located is traversed by a watercourse of any kind, including a channel or a stream, the Planning Board may require that a storm water and drainage easement and right-of- way along said watercourse be provided by the subdivider. The land which is the subject of such easement and right-of-way shall be a strip, which conforms substantially to the flood plain of such watercourse along both sides of the watercourse, or extends along both sides of the top of the bank of the watercourse to a width of fifteen (15) feet in each direction, or is not less than an encroachment line established by a competent higher authority, whichever is the greater; except, however, that if the location of such watercourse is at or near the boundary of the subdivision, the dimensions of the easement and right-of-way shall be modified to retain it within the confines of the subdivision.

Said easement and right-of-way shall include provisions assuring the following: preservation of the channel of the watercourse; prohibition of alteration of the contour, topography or composition of the land within the easement and right-of-way; prohibition of construction within the boundaries of the easement and right-of-way which will obstruct or interfere with the natural flow of the watercourse; and reservation to the Township of a right-of-entry for the purposes of maintaining the natural flow or drainage of the watercourse, of maintaining any and all structure related to the exercise of the easement and right-of-way and of installing and maintaining storm or sanitary sewer systems or other public utility, and the right to add additional utility lines when needed.

**Section 2.25 Sewers.**

A. Dry sewers may be required in all major developments whether or not such sewers can be put to immediate use provided the development is in a State approved sanitary sewer service area (208 WMv area).

B. In the case of all major/minor subdivisions or site plans where sewer lines, which will pass in front of existing lots, are to be installed, the developer, as a condition of approval, shall provide:

1. To vacant property - a "wye".
2. To improved property - a lateral to the existing curb line (including clean out). These laterals shall be provided in accordance with Township details and shall be installed at locations approved by the Township Engineer.

## CHAPTER 3

### SITE PLAN

### ARTICLE I

#### TITLE, PURPOSE AND APPROVING AUTHORITY

##### **Section 3.00 Short Title.**

This chapter shall be known and may be cited as the Site Plan Ordinance of the Township of Lower Alloways Creek New Jersey.

##### **Section 3.01 Purpose.**

This chapter is adopted pursuant to the Municipal Land Use Law (N.J.S.A 40:55D-1 et seq.) and subsequent amendments and supplements thereto in order to establish rules, regulations, standards and procedures for approval of all development other than single family detached dwellings or uses accessory thereto in order to:

- A. Preserve existing natural resources and give proper consideration to the physical constraints of the land.
- B. Provide for safe and efficient vehicular and pedestrian circulation.
- C. Provide for screening, landscaping, signing and lighting.
- D. Ensure efficient, safe and aesthetic land development.
- E. Provide for compliance with appropriate design standards to ensure adequate light and air, proper building arrangements, and minimum adverse effect on surrounding property.
- F. Develop proper safeguards to minimize the impact on the environment including but not limited to soil erosion and sedimentation and air and water pollution.
- G. Ensure the provision of adequate water supply, drainage and storm water management, sanitary facilities, and other utilities and services.
- H. Provide for recreation, open space and public use areas.

##### **Section 3.02 Approving Authority.**

A. Planning Board. The provisions of this chapter shall be administered by the Planning Board of the Township of Lower Alloways Creek.



B. Zoning Board of Adjustment. The provisions of this chapter shall be administered by the Zoning Board of Adjustment in applications before the Zoning Board involving variances provided for in N.J.S.A. 40:55D-70(d) in which subdivision approval would be required. For such applications any reference in this chapter to the Planning Board shall be considered to refer to the Zoning Board of Adjustment where applicable.

## ARTICLE II DEFINITIONS

### **Section 3.03 Definitions.**

Certain words and phrases used in this ordinance are defined as noted in Chapter 1, Article II, Definitions, of this ordinance.

## ARTICLE III GENERAL PROVISIONS

### **Section 3.04 Application of Requirements.**

No development shall take place within the Township nor shall any land be cleared or altered, nor any use or change in the use of any building or other structure nor shall any watercourse be diverted or its channel or floodplain dredged or filled, nor shall any parking areas, accessory or otherwise or accessways thereto, be constructed, installed or enlarged, nor shall any building permit, certificate of occupancy or other required permit be issued with respect to any such structure, land or parking area, except in accordance with an approval of such development granted pursuant to this chapter, unless exempted in accordance with Section 3.05 of this article.

#### **Section 3.05 Exemptions.**

Site plan approval shall not be required for any of the following:

A. Detached one- or two-family single family dwellings including accessory uses permitted as of right under applicable zoning districts, but this shall not limit the requirements for submission and approval of subdivision plats as otherwise required by Township ordinances.

B. The one time construction of a parking area for less than three (3) vehicles.

C. Any structure or use for which a site plan review application was made to the Planning Board prior to the effective date of this ordinance under municipal ordinances and regulations then in effect and superseded by this chapter and that is developed in accordance with an approval of such application heretofore given by the Planning Board pursuant to said prior ordinances and regulations, provided that such approval is less than two (2) years old.

D. A proposed development not involving a change in use and not affecting existing circulation, drainage, building arrangements, landscaping, buffering, lighting and other considerations of site plan review.

E. Township buildings and developments.

F. Farm buildings.

**Section 3.06 Waiver of Site Plan Review Requirements.**

A. The rules, regulations and standards set forth in this chapter shall be considered the minimum requirements for the protection of the public health, safety and welfare of the citizens of the Township. However, if the applicant can clearly demonstrate that, because of peculiar conditions pertaining to his land, the literal enforcement of this chapter is impracticable or will exact undue hardship, the Planning Board may permit such exemption(s) and waiver(s) as may be reasonable, within the general purpose and intent of the rules, regulations and standards established by this chapter.

B. The Planning Board may also waive the requirements of this chapter if the proposed development:

1. Secured previous site plan approval under the terms of this chapter; or
2. Involves normal maintenance or replacement such as a new roof, painting, new siding or similar activity.

[ARTICLE IV](#)

PROCEDURES FOR SITE PLAN APPROVAL

**Section 3.07 General Intent.**

All site plans shall be formally reviewed except as noted herein in two (2) stages: preliminary and final. An informal discussion and concept plan review stage is encouraged of applicants seeking site plan approval. Preliminary and final stages may be combined by the applicant. As a condition for combined stage application, the time for approval by the Planning Board shall be the total of the mandated approval time allowed to each review stage as noted herein.

**Section 3.08 Filing, Referral and Classification Procedures.**

A. Filing. Site plan applications shall be received for official processing by the Planning Board Secretary. The applicant shall submit nineteen (19) copies of all required exhibits as set forth under the appropriate site plan review stage of this article together with an application form and all applicable fees to the Planning Board Secretary. The time for the Boards review shall not begin to run until the submission of a complete application with the required fee.

B. Referral. The Planning Board Secretary shall forward upon receipt of a site plan application in proper form with requisite fees, one (1) copy each of an application to the Environmental Commission and Township Engineer for their preliminary determination of completeness and classification of an application.

C. If the application is deemed to be complete, the Planning Board Secretary shall distribute copies as stipulated within this chapter for the appropriate site plan review stage. The Planning Board may also designate other local or higher governmental agencies to receive copies of any application for review and recommendation beyond those agencies stipulated in this chapter. If the application is found to be incomplete or in violation of any applicable codes and ordinances, the applicant shall be notified by certified mail as to the items omitted or other deviations of ordinance.

D. Classification. The Planning Board Secretary shall determine whether the Planning Board has approval jurisdiction on the application and whether it should be classified as a major or minor site plan. The Planning Board Secretary may confer with the Board Attorney in making these determinations.

**Section 3.09 Requirements Common to Concept, Minor, Preliminary and/or Final Site Plan Applications.**

A. Administrative Items. All applications submitted shall include one (1) original and eighteen (18) copies of the following information, in addition to specific plat details as required for each application type noted herein:

1. The appropriate application form(s), completely filled in and signed by the applicant, the subdivision plan or site plan, and supporting information. If any item is not applicable to the application, it should be so indicated on the application form(s) or checklist.
2. Certificate from the Tax Collector that all taxes are paid.
3. Receipt from the Planning Board Secretary indicating that all application and escrow fees are paid.
4. Affidavit of ownership. If applicant is not the owner, applicant's interest in land, i.e., tenant, contract-purchaser, lienholder, etc., and an executed copy of the document creating that interest.

5. If a corporation or partnership, list the names and addresses of all stockholders or individual partners owning at least ten (10) percent of its stock of any class as required by N.J.S.A. 40:55D- 48.1 et seq.
6. Names and addresses of witnesses and their expertise, if any.
7. A list of any checklist requirement(s) for which waiver approval is sought with a statement justifying the need for said waiver(s).
8. A list of any design standards, zoning requirements or other information for which either waiver or variance approval is sought, accompanied by a separate statement explaining the basis and reason for the relief sought.
9. Documentation from the NJDEP Division of Coastal Resources regarding coastal permit jurisdiction under CAFRA, the Wetlands Act of 1970, and all other applicable waterfront development statutes.
10. Documentation from the Federal Emergency Management Agency (FEMA) regarding stream encroachment permits if the subject property is within the A-4 Flood Zone.
11. Other Information. The Planning Board may require such additional information not specified herein, or any revisions in the accompanying documents, as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application have been met. The application shall not be deemed incomplete for lack of any such additional information or any revisions in the accompanying documents so required by the Planning Board.
12. If an on-site septic system is proposed, the results and location(s) of all percolation or permeability tests and test borings shall be shown on the plan for each proposed building lot and a report from the Salem County Health Department as to the suitability of each proposed building lot for an on-site septic disposal system.
13. The location, described by metes and bounds, of any and all wetland areas and required wetlands transition areas as required by the "Freshwater Wetlands Protection Act Rules" (N.J.A.C. 7:7A), or an NJDEP Letter of Interpretation indicating that the proposed development does not require a wetlands permit or delineation.

The locations of any and all wetland areas and required wetlands transition areas within the proposed development as required under the Freshwater Wetlands Protection Act and rules and regulations promulgated by the NJDEP indicating that the proposed activity within the subdivision requires no wetlands permit or delineation; provided, however, in the case of a minor subdivision, the Township Engineer may waive this requirement if the applicant submits a signed statement by a New Jersey licensed engineer, surveyor or planner that:

- a. He/she has personally visited the subject property and conducted a site investigation as necessary to determine that there are not freshwater wetlands or transition areas on the subject property; and
- b. He/she has examined the National Wetlands Inventory map; and
- c. He/she has reviewed the soils on the site as set forth in the Salem County Soil Survey; and
- d. He/she has certified that there are no freshwater wetlands or transition areas on the subject property.

14. A copy of any protective covenants or deed restrictions applying to the land.

15. Photographs of the property where necessary to show any unusual topographic, environmental or physical aspect of the site. This would include but not be limited to vegetation, natural drainageways, wetlands and existing structures and improvements.

16. Survey map dated and prepared not more than one (1) year from the date of application by a licensed surveyor of New Jersey, showing boundaries of the properties, lines of all existing streets and roads, easements, rights-of-way, and areas dedicated to public use within two hundred (200) feet of the development, existing and proposed monumentation. These shall be dimensioned and where applicable, referenced as to direction.

17. An environmental impact statement as required by Section 4.11 of this ordinance.

B. Plan Details. All plans submitted shall contain the following information, in addition to the specific plat details as required in the accompanying application checklists.

1. Title block denoting type of application, tax map sheet, name of county and municipality, block and lot numbers, and street address.
2. Name, address and signature of landowner and applicant. If a corporation is landowner or applicant, the principal office address, name and signature of the president and secretary, shall be included.
3. Name, address and professional license number and seal of the professional(s) preparing documents and drawings. All plats, except those prepared at the concept stage, shall be signed and sealed as required by applicable State Statute.
4. Signature lines for the Planning Board Chairman and Secretary, Municipal Clerk and Municipal Engineer, as appropriate.

5. North arrow, drawing scale, date of plat and any modifications thereto.
6. All plans shall be based on accurate information at a scale of not more than one inch equals sixty feet (1" = 60') to enable the entire tract to be shown on one sheet.
7. A location map at a scale of one inch equals one thousand feet (1" = 1,000') or larger scale, showing the entire tract and its relation to the neighborhood within one thousand (1,000) feet giving the accurate location of all existing and proposed property and street lines. This map should also show any contiguous lot in which the applicant has any direct or indirect interest, and the nature of the applicant's interest.
8. The location, architectural design and approximate age of existing houses, buildings and other structures within the subject site and within two hundred (200) feet thereof, with accurate dimensions from all existing and proposed lot lines, and notations as to whether the houses, buildings and other structures will be retained or removed.
9. The location of existing or proposed streets, roads, vehicle access ways, easements, utility easements, public rights-of-way, streams, bridges, pipes and culverts, drainage ditches and natural watercourses and floodplains in and within five hundred (500) feet of the site.
10. The existing and proposed lot layout, lot dimensions, all required setback lines, and any other areas restricted by municipal zoning regulations, the lot area of each lot in square feet and acreage. Lot acreage shall be based on an outbound survey performed by a New Jersey Licensed Surveyor. The date of survey is to be shown on the plan and shall not be more than one (1) year from the date of application. Existing and proposed monumentation are to be indicated.
11. The zoning classification of the site and all adjoining lands, including the quantitative aspects of the proposal such as improvement coverage, number of units, square feet of construction, value of construction, density, coverage, number of employees, number of residents and area of land, etc. Specifically identified on the site plan, in tabular form, shall be pertinent zoning data, indicating the bulk area requirements of the zone in which the proposed development is located and how the proposed development corresponds to the zoning requirements.
12. Contours at five (5) foot intervals for slopes averaging ten (10) percent or greater, and at two (2) foot intervals for land of lesser slope. Contours shall be in the United States Coast and Geodetic Control Survey Datum. Existing contours are to be indicated by short dashed lines. Proposed contours shall be indicated by bold, solid lines. Location of existing high points, watercourses and drainageways, depressions, ponds, marshes, wetlands and buffers, vegetation, wooded areas and other significant existing features including previous flood elevations of watercourses, ponds and areas as determined by survey.

13. Boundary limits, nature and extent of wooded areas, location of all trees with a diameter at breast (dbh) of ten (10) inches or greater, historic sites and structures, and other significant physical features.
14. Vehicular and pedestrian circulation patterns, including the proposed location of at least one driveway or other entrance onto a public street for each dwelling unit or principal structure, and the size and location of driveways, sidewalks, fire lanes and curb cuts.
15. Parking plan (where applicable) showing spaces (size and type), aisle width, curb cuts, driveways, and all ingress and egress with dimensions.
16. Sight triangles and curb radii at all intersections.
17. All existing and/or proposed front property corners shall be staked in the field to clearly identify the limits of existing and proposed lots.
18. For any application where found necessary by the Planning Board to assure that there is no adverse effect on the development or provisions of access to the remainder of the tract, a rough indication of an acceptable layout of the remainder of the tract.
19. All land to be dedicated to the municipality or to be reserved for specific use.
20. The location of any municipal boundary within two hundred (200) feet of the site.
21. The names and addresses of all property owners within two hundred (200) feet of the site, including their block and lot, and use classification, as disclosed by the most recent municipal tax records.
22. Any existing protective covenants, easements or deed restrictions applying to the land shall be shown graphically.
23. A statement of the impact of the development upon any structure of historic significance within 200 feet of the site.
24. Size, height and location of all proposed buildings (including grades), structures, signs and fences, including details for any signs, fences and trash enclosures.
25. The proposed location, height, direction of illumination, power and type of proposed outdoor lighting including details of lighting poles and luminaries, hours and time of lighting.
26. Identification of each abutting parcel that is assessed as farmland qualified under the New Jersey Farmland Assessment Act.
27. Legends. The following legends are required on plans as noted:

(PRELIMINARY) or (FINAL)

a. SUBDIVISION OF \_\_\_\_\_  
 LOT \_\_\_\_\_ BLOCK \_\_\_\_\_ ZONE \_\_\_\_\_  
 DATE \_\_\_\_\_ SCALE \_\_\_\_\_  
 APPLICANT \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 SUBDIVISION CONTROL NO. \_\_\_\_\_

b. I CONSENT TO THE FILING OF THIS SITE PLAN WITH THE PLANNING BOARD OF LOWER ALLOWAYS CREEK TOWNSHIP.

\_\_\_\_\_  
 (Owner)

\_\_\_\_\_  
 (Date)

c. To be signed before issuance of a building permit and incorporated only on a final site plan (as applicable):

I HEREBY CERTIFY THAT A BOND HAS BEEN POSTED FOR ALL  
 THE REQUIRED IMPROVEMENTS IN COMPLIANCE WITH ALL  
 APPLICABLE CODES AND ORDINANCES.

\_\_\_\_\_  
 (Township Clerk)

\_\_\_\_\_  
 (Date)

d. To be incorporated only on final site plan and signed prior to issuance of a building permit:  
 VERIFICATION THAT PAYMENT OF MUNICIPAL TAXES OR ASSESSMENTS IS CURRENT.

\_\_\_\_\_  
 (Tax Collector)

\_\_\_\_\_  
 (Date)

e. APPROVED BY THE PLANNING BOARD (Preliminary Approval Date) (Final Approval Date)

\_\_\_\_\_  
 (Chairman)

\_\_\_\_\_  
 (Date)

f. EXPIRATION OF APPROVAL (PRELIMINARY - 3 YEARS; FINAL -2 YEARS)

\_\_\_\_\_  
 Date (without extensions)

C. Other Information. Planning Board may require such additional information not specified in this chapter, or any revisions in the accompanying documents, as are reasonably



## LD 3.10 CODE OF LOWER ALLOWAYS CREEK

necessary to make an informed decision as to whether the requirements necessary for approval of the application for development have been met. The application shall not be deemed incomplete for lack of any such additional information or any revisions in the accompanying documents so required by the municipal agency.

D. Compliance With Other Ordinances. Information and documents required for other local, county, State and federal agency's rules and regulations shall be submitted as part of an application for site plan approval and may be used to comply with site plan submission requirements for particular stages as applicable.

E. Waiver of Information Required. The Planning Board may waive submission of any required exhibits in appropriate cases and for specific site plans. Request for such waivers shall accompany a site plan application, stating the reasons why such waiver(s) is being requested.

(Ord. No. 97-5)

### **Section 3.10 Concept Plan: Minor or Major Site Plan.**

A. Objectives of Submission - Concept Plan. Applicants for preliminary approval are encouraged to submit for review by the site plan/subdivision review advisory board a concept plan for informal discussions and recommendations. The concept site plan shall be reviewed to determine the proposal's compliance with applicable Township ordinances and the general site design concept, including use, location and bulk; buildings and improvements; density; open space; traffic and pedestrian patterns and other general design components. The concept plan shall be to scale, but detailed dimensions need not be shown. The advisory board shall not be governed by any statutory time limits in its review of concept site plans and it is expressly understood that compliance with the advisory board recommendations shall not bind the Planning Board in subsequent deliberations.

Concept plans for major site plans should be used as a basis for changes and redesign so as to avoid undue expense and delay in preparing more detailed plans and specifications in subsequent review stages. The advisory board shall not be governed by any statutory time limits in its review of concept plans for major site plans and it is expressly understood that compliance with the advisory board recommendations shall not bind the Planning Board in subsequent deliberations.

B. Application. Eighteen (18) copies and one (1) original of the concept plan, an application in a form approved by the Planning Board, and the requisite fees, shall be delivered to the Planning Board Secretary in accordance with the procedures set forth herein.

C. Concept Plan Details. The concept plan shall contain all the information required by Section 3.09 of this chapter, except that the Planning Board may waive any requirement or request additional information where it is clearly appropriate to the particular application.

(Ord. No. 97-5)

### Section 3.11 Minor Site Plan Approval.

A. Application. Eighteen (18) copies and one (1) original of the minor site plan and application in a form approved by the Planning Board, and the requisite fee shall be delivered to the Planning Board Secretary.

B. Plat Details - Minor Site Plan. All minor site plans shall fulfill the information requirements of Section 3.09 prior to review by the approving authority, and shall contain the following:

1. The proposed addition or modification, the location of parking areas, and the number of parking spaces; all dimensioned and referenced to lot lines and centerlines of streets.
2. The location of all storm water inlets within one hundred (100) feet of the property boundaries.
3. Cross-sections and centerline profiles of all streets and watercourses.
4. Such other details as may apply to the proposed improvements or change of use.

C. Decisions of Planning Board. See Section 4.07 of Chapter 4, Provisions Applicable to Site Plans and Subdivisions, for decisions on site plan applications under varying procedural conditions. (Ord. No. 97-5)

### Section 3.12 Preliminary Site Plan Approval.

A. Objectives of Review. The preliminary site plan shall be reviewed to determine the acceptability of the detailed design and shall be in sufficient detail to enable the Board to ascertain compliance with the performance standards and other standards of this chapter as well as other applicable Township ordinances.

B. Application. Eighteen (18) copies and one (1) original of the preliminary site plan and application in a form approved by the Planning Board, and the requisite fee shall be delivered to the Planning Board Secretary.

C. Plat Details - Preliminary Site Plan. The preliminary site plan and any supplemental plans that are necessary to properly depict the project, shall be at a scale of one inch equals fifty feet (1" = 50'), or larger scale, In the case of a complex project a scale other than one inch equals fifty feet (1" = 50') may be submitted provided that one (1) copy of a photomechanical reduction to a scale of one inch equals fifty feet (1" = 50') is submitted. The preliminary plan, in addition to the plat requirements stipulated in Section 3.09 of this chapter, shall contain the following:

1. The location, size, elevation, slope and type of storm drainage structures and other utility structures, above and below grade, whether publicly or privately owned. Design calculations supporting the adequacy of proposed drainage structures and/or surface drainage shall be submitted. The site plan shall include existing ponds, streams and watercourses as well as the designated greenbelt, if applicable.
2. The location of all existing buildings, bridges, culverts, paving, lighting, signs or any other structures with grade elevations for each structure.
3. The distances measured along the right-of-way lines of existing streets abutting the property, to the nearest intersection with other streets.
4. Sketch or typical building elevations indicating type of materials to be used.
5. The location and design of any off-street parking areas, bicycle parking, service, trash or loading areas showing size and location of bays, aisles, barriers, planters, maneuvering areas, and traffic patterns.  
  
Include manufacturer's cut or illustration depicting type of bicycle parking facility proposed. Also provide typical plan layout of facility at an appropriate scale to determine location from walkways and building lines.
6. The location, design, and size of any on or off-site pedestrian parks and bicycle pathways, open space, common open space, plazas and recreation areas or any other public use areas.
7. The location and design of all proposed utility structures and lines, storm water drainage on-site and off-tract, with manholes, inlets, pipe sizes, grades, inverts and directions of flow, as well as telephone, power and light, water hydrant locations, sewer and gas, whether publicly or privately owned. Where on-site sewage disposal systems and/or potable water wells are provided these shall be located on the site plan indicating size of system and distance between wells and septic fields.
8. The location and design of the proposed screening, landscaping and planting, including a planting plan and schedule of plant materials.
9. The location of all outdoor lighting (freestanding or on building), the size, nature of construction, lumens, heights, area and direction of illumination, foot-candles produced, typical manufacturer cuts illustrating style, and time controls proposed for outdoor lighting and display.
10. The location and design of all signs, the size, nature of construction, height and orientation, including all identification signs, traffic and directional signs and arrows, freestanding and facade signs and time controls for sign lighting.

11. The location and size of all proposed easements, rights-of-way, public areas to be dedicated to the public or to be restricted or defined by deed or any other arrangement. Also the location of any master plan proposals indicating roadway, public area or facility shall be shown.
12. A tabulation of a proposed building's perimeter that fronts on a public or private street or on a fire apparatus space expressed in feet as well as percentage of total building perimeter linear footage shall be indicated as part of site data information contained on a site plan.
13. A grading plan showing existing and proposed spot elevations (based on United States Coastal and Geodetic datum) and all building corners, all floor levels, centerlines of abutting roads, tops and bottoms of curbs, property corners, gutters and other pertinent locations.
14. A landscape plan prepared by a qualified professional, at a minimum scale of one inch equals fifty feet (1" = 50') or larger. Different graphic symbols shall be used to show location and spacing of shade trees, ornamental trees, evergreen trees, shrubs, and ground cover. The size of the symbol must be representative of the size of the plant and shown to scale. The plan shall:
  - a. Illustrate the proposed site plan elements as they relate to existing structures and site amenities, including existing woodlands, isolated trees greater than ten (10) inches dbh, existing topographic contours, and any and all other natural environmental features;
  - b. Show the intent, location, and type of all existing and proposed landscaping and buffering;
  - c. Conceptually indicate plant types and general construction materials to be used, as appropriate;
  - d. Superimpose an aerial photograph on the drawings with the site boundaries outlined to evaluate the effects upon existing vegetation and surrounding land uses;
  - e. Provide on-site photographs of existing features and topography, as appropriate;
  - f. Contain a planting schedule, including specific plant botanical and common names, sizes, root, spacing, and comments;
  - g. Indicate all existing vegetation to be saved or removed;
  - h. Show the location, form, height and width of other landscape architectural materials such as berms, fences, walls, site furniture, bridges, and walks. When required, a section to show the effective height of a proposed berm or fence in relation to the height of the area being screened from should be provided (i.e., center line of road to building); and
  - i. Show all open space areas in adjacent developments on the project location map.

15. A traffic signage plan conforming to the requirements of Section 4. 19T.

16. Where applicable, all items as required in the environmental impact statement as set forth in Section 4. 11 of this ordinance or statement concerning such which does not apply.

17. Where applicable, the method by which any common or public open space or commonly held building or structure is to be owned and maintained.

D. All items as required in the environmental impact statement as set forth in Section 4.11 of this ordinance or statement concerning such which does not apply.

E. Where applicable, the method by which any common or public open space or commonly held building or structure is to be owned and maintained.

F. Where warranted, such other material deemed necessary by the Planning Board to evaluate the physical, fiscal or socioeconomic impact of the proposed development upon the Township.

G. Preliminary Site Plan Review. Within forty-five (45) days of receipt by the Planning Board Secretary of a complete site plan application for ten (10) acres of land or less and ten (10) dwelling units or less, or within ninety-five (95) days of receipt of a complete application for a site plan of more than ten (10) acres or more than ten (10) dwelling units or within such further time as may be agreed upon by the developer, the Planning Board shall act upon the application.

Upon receipt of a complete application the Planning Board Secretary shall submit one (1) copy to each member of the subdivision committee and one (1) copy of the application to the following professionals and agencies:

1. Township Engineer.
2. Environmental Commission.
3. Salem County Planning Board and where applicable, the State Department of Transportation.
4. Such other boards or professionals as the Planning Board may deem necessary.

H. Preliminary Site Plan Hearing. All actions of the Planning Board on preliminary major site plans shall be at or after a public hearing. Public notice of an application as provided in Section 4.06 of Chapter 4, Provisions Applicable to Site Plans and Subdivisions, shall be required.

I. Preliminary Site Plan Action. After the conclusion of the hearing, the Planning Board shall by resolution approve, disapprove, or conditionally approve the preliminary site plan, stating reasons for any disapproval.

J. Decisions of Planning Board. See Section 4.07, Chapter 4, Provisions Applicable to Site Plans and Subdivisions, for decisions on site plan applications under varying procedural conditions.

K. Effect of Preliminary Approval. Preliminary approval of a site plan shall, except as provided in Subsection I. herein, confer upon the applicant the following rights for a three (3) year period from the date of the preliminary approval:

1. That the general terms and conditions on which preliminary approval was granted shall not be changed, including but not limited to use requirements; layout and design standards for streets, curbs and sidewalks; lot size; yard dimensions and on-site and off-tract improvements; and any requirements peculiar to the specific site plan. The Township may modify by ordinance such general terms and conditions of preliminary approval as they relate to public health and safety provided such modifications are in accord with amendments adopted by ordinance subsequent to approval.
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.

L. Extension of Preliminary Approval. The applicant may apply for and the Planning 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.

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

In the event no extension is applied for, preliminary approval shall expire and the site plan shall lapse three (3) years from such approval.

M. Variances - Planning Board Review. The Planning Board when reviewing applications for site plans shall have the power to grant variances from lot area, lot dimensional, setback and yard requirements, but not for variances pursuant to N.J.S.A. 40:55D-70(d). (Ord. No. 97-5)

**Section 3.13 Final Site Plan Approval.**

A. Objectives of Review. The final site plan shall be reviewed to ascertain whether the construction documents to be utilized in construction of the project substantially conform to the approved preliminary site plan.

B. Application. Eighteen (18) copies and one (1) original of the final site plan, an application in a form approved by the Planning Board, and the requisite fee shall be delivered to the Planning Board Secretary.

C. Final Site Plan Details. The final site plan application technical materials shall include the following:

1. The approved preliminary site plan together with all proposed additions, changes or departures there from, if applicable.
2. Final construction documents amongst other items, illustrating:
  - a. The final plans for site development and site improvement, including those construction details as may be specified at the time of preliminary approval;
  - b. The ground floor or other floor plans sufficient to show pedestrian, vehicular or other access as it relates to the final site plan;
  - c. The building elevation or typical elevations including size, structure, materials, colors and textures; and
  - d. Elevations or typical illustrations of any accessory structures, sign or area visible to the general public.
3. A final landscape plan, signed and sealed by a qualified professional, in the form of construction documents and substantially conforming to the approved preliminary landscape plan. The landscape plan shall be prepared upon separate half-tone sheets of the engineered site plan with contour lines so that landscape details and grading are clearly shown and may be adequately reviewed. It shall show:
  - a. Reverse frontage buffers and other important landscape areas at a minimum scale of one inch equals thirty feet (1" = 30') or larger;
  - b. The manner of irrigation of all nonresidential and high density residential sites;

- c. All existing trees which will be removed and preserved and what methods will be used to assure preservation during and after construction;
- d. The existing and proposed topography by the use of one (1) foot contours for all land forms and berms in coordination with the final grading and drainage plans submitted by the project engineer;
- e. A landscape management and maintenance schedule and agreement; and
- f. Planting details conforming to the standards set forth in Section 4. 19N. of Chapter 4, Provisions Applicable to Site Plans and Subdivisions. (Ord. No. 97-5)

## ARTICLE V

### GENERAL PERFORMANCE STANDARDS

#### **Section 3.14 General Intent.**

No site plan shall be approved by the Planning Board unless the use meets the performance standards herein set forth and such State or Federal standards as may be more stringent than those set forth herein. Failure to comply with the performance standards at any time after the issuance of a certificate of occupancy shall be cause for revocation of such certificate. In reviewing any site plan, the Planning Board shall consider those elements as specifically noted in Section 3.14 through Section 3.23 of this article.

#### **Section 3.15 Circulation and Parking.**

A. The pedestrian and vehicular traffic movement within and adjacent to the site with particular emphasis on the provision and layout of parking areas, off-street loading and unloading, movement of people, goods and vehicles from access roads, within the site, between buildings and between buildings and vehicles shall be reviewed.

B. The Planning Board shall ensure that all parking spaces are usable and are safely and conveniently arranged. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the site.

#### **Section 3.16 Site Design and Building Layout.**

The site design and layout of buildings and parking areas shall be reviewed so as to provide an aesthetically pleasing design and efficient arrangement. Particular attention shall be given to safety and fire protection, impact on surrounding development and contiguous and adjacent buildings and lands.



**Section 3.17 Lighting.**

Adequate lighting shall be provided to ensure safe movement of persons and vehicles and for security purposes. Directional lights shall be arranged so as to minimize glare and reflection on adjacent properties.

**Section 3.18 Common Open Space.**

A. Common open space shall be provided as part of any planned residential development. The open space should be classified as developed (recreational) or undeveloped (natural) space.

B. Developed open space should not be isolated in one (I) corner of a project and all developed open space should be linked to all other open spaces by walkway systems. It should also be distributed in relation to the dwelling units it is intended to serve.

C. Undeveloped open space should have as a prime objective the preservation of a site's natural amenities, e.g., wooded areas, water body features, streams, etc.).

**Section 3.19 Signs.**

Signs shall be designed so as to be aesthetically pleasing and harmonious with other signs and buildings on the site. They shall be located so as to achieve their purpose without constituting hazards to vehicles and pedestrians or be visually distracting from the overall site design.

**Section 3.20 Utilities.**

Storm drainage, sanitary waste disposal, water supply and solid waste collection and disposal shall be reviewed. Particular emphasis shall be given to the preservation of stream corridors, establishment of drainage rights-of-way and the adequacy of existing utility systems, and the need for improvements both on-site and off-tract, where appropriate, to adequately carry run-off, and to maintain an adequate supply of water at sufficient pressure.

**Section 3.21 Reserved.****Section 3.22 Street Furniture.**

The site plan shall provide for those elements of street furniture appropriate to the particular use. These may include phone booths, benches, bike racks, trash receptacles and bus shelters.

**Section 3.23 Technical Performance Standards Applicable to All Uses.**

In all districts and for all uses requiring site plan approval, the following provisions as may apply to specific site plan applications as set forth below shall apply. For any technical manual cited, the latest edition shall govern for technical review where applicable.

A. Airborne Emissions. No use generating airborne emissions, activity, operation or device shall be established, modified, constructed or used without having first obtained valid permits and certificates from the NJDEP - Bureau of New Source Review pursuant to N.J.A.C. 7:27-8. Specifically, no use, activity, operation or device shall be established, modified or constructed without a valid Permit to Construct. No use, activity, operation or device shall be operated, occupied or used without a valid Certificate to Operate Control Apparatus or Equipment'.

In addition to the requirements of NJDEP, the following shall also apply:

1. Steam emissions. No visible emissions of steam, having an equivalent capacity greater than sixty (60) percent and excepting direct results of combustion shall be permitted within five hundred (500) feet of a residential district.
2. Toxic matter. Emissions of chemicals, gases, components or elements, listed as being toxic matter by the American Conference of Governmental Hygienists, N.J. Department of Labor and Industry or the US EPA shall not exceed the threshold level, as determined in accordance with A.S.T.M. D-1391. The emission of concentrations, levels or mass loadings in excess of the threshold value shall be permitted only if the emissions of said toxic matter comply with the applicable regulations of the NJDEP, N.J. Department of Labor and Industry and US EPA. Proof of compliance shall require the submission of duplicate copies of certifications or permits from NJDEP and N.J. Department of Labor and Industry approving the concentrations, level or loading proposed by the applicant.
3. Odorous matter. No odor shall be emitted that is detectable by the human sense at or beyond an adjacent lot line so as to be detrimental or injurious to the life, health, safety, comfort, or welfare of adjacent occupants or residents. There is hereby established as a guide in determining such quantities of offensive odors, Table III (Odor Thresholds) in Chapter 5, "Air Pollution Abatement Manual", Copyright 1951 by Manufacturing Chemists Association, Inc., Washington, D.C.

B. Noise.

1. Standard. Noise shall be measured with a sound level meter complying with the standards of The American National Standards Institute, "American Standards Specifications for General Purpose Sound Level Meters" (A.N.S.I. 5.1.4-1961 or its latest revisions). The instrument shall be set to the A-weighted response scale and the meter to the slow response. Measurements shall be conducted in accordance with 'American Standard Method for the Physical Measurements of Sound' (A.N.S.I. 5.1.2- 1961).

2. Noise level restrictions. Noises shall not exceed the maximum sound levels specified in the table, except as designated below:

#### NOISE LEVEL RESTRICTIONS

PERFORMANCE CATEGORY	MAXIMUM LEVEL PERMITTED	WHERE MEASURED
Residence Districts	55 dBA	On or beyond the neighboring use or lot line.
All Other	65 dBA	On or beyond the lot line or Districts district boundaries.

In any residence district, the A-weighted sound levels shall not exceed fifty (50) dBA between the hours of 9:00 p.m. to 7:00 a.m. Whenever a residence district abuts any other district, the most restrictive of the limitations shall apply.

3. Exclusions and permitted variations.

- a. The levels specified in the table may be exceeded once by ten (10) dBA in a single period of fifteen (15) minutes, during any one (1) day.
- b. Peak values of short duration also known as impact noises may exceed the value specified in the table by twenty (20) dBA or have a maximum noise level of eighty (80) dBA, whichever is more restrictive.
- c. Noises such as alarms, sirens, emergency warning devices, motor vehicles and other sources not under the direct control of a use or agricultural equipment are excluded from the above limitations.

#### C. Vibration.

1. Standard. Ground-transmitted vibrations shall be measured with a seismograph or complement of instruments capable of recording vibration displacement and frequency in the three (3) mutually perpendicular directions, simultaneously.
2. Vibration level restrictions. Vibration levels shall not exceed a particle velocity of five-tenths (0.5) inches per second in any district. During the hours of 9:00 p.m. to 7:00 a.m. in residence districts, vibration levels shall not exceed a particle velocity of two tenths (0.2) inches per second. Measurements shall be made at the points of maximum vibration intensity and on or beyond adjacent lot lines or neighboring uses, whichever is more restrictive.

D. Heat and Glare.

1. Heat. Sources of heat, including but not limited to. steam, gases, vapors, products of combustion or chemical reaction shall not discharge onto or directly contact structures, plant life or animal life on neighboring uses or impair the function or operation of a neighboring use. No use, occupation, activity, operation or device shall cause an increase in ambient temperature, as measured on the boundary between neighboring uses.
2. Glare. No use, operation or activity shall produce an illumination in excess of one (1 .0) foot-candle in a residence district. In all other districts, light intensities of all illumination sources shall be kept as low as possible and shall not interfere, annoy, cause deformity, or cause loss in visual performance to persons and animals of neighboring uses.

E. Radioactivity. No use, activity, operation or device concerned with the utilization or storage of radioactive materials shall be established, modified, constructed or used without having first obtained valid permits and certificates from the Office of Radiation Protection, NJDEP.

F. Storage and Waste Disposal.

1. In all districts, any operation, use or any activity involving the manufacture, utilization, or storage of flammable, combustible and/or explosive materials shall be conducted in accordance with the regulations promulgated by the New Jersey Department of Labor and Industry, or the Fire Prevention Code of the Township, whichever is more restrictive.
2. All flammable, explosive and/or combustible material shall be stored in accordance with the fire prevention code of the Township or New Jersey Department of Labor and Industry Codes, whichever is more restrictive.
3. All outdoor storage facilities for fuel, raw materials and products stored outdoors, shall be enclosed by an approved safety fence and suitable landscaping to screen such areas from public view and shall conform to all yard requirements imposed by the Township Zoning Ordinance upon the principal buildings in the district.
4. No materials, wastes or other substance shall be stored or maintained upon a lot in such a manner that natural runoff from such areas on a site with an approved storm water drainage plan can impair the existing water quality of a stream, watercourse or aquifer more than the primary use of the lot.
5. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers which are adequate to eliminate such hazards. These restrictions shall not apply to agriculture as recognized by the Right to Farm (Section 5.33).

ARTICLE VI  
DESIGN DETAILS

**Section 3.24 Purpose.**

The purpose of the design details set forth in this article is to implement the general performance standards established in Article V of this chapter.

**Section 3.25 Circulation and Parking.**

A. Off-Street Parking. In all zones in connection with every industrial business, institutional, recreational, residential or any other use, there shall be provided, at the time any building or structure is erected or is enlarged or increased in capacity, off-street parking for automotive, bicycle and other vehicles in accordance with the requirements set forth herein. Such facilities shall be completed prior to the issuance of a certificate of occupancy. Applicant shall also meet the requirements for handicapped parking spaces as required by law.

B. Schedule of Off-Street Parking Requirements.

1. Motor Vehicle Parking Requirements. The minimum number of off-street parking spaces with proper access from a Street, alley or driveway, for each use in all districts shall be:

<b>Land or Building Use</b>	<b>Minimum Standards</b>
Academic and administrative space, facilities of higher learning, plus, 1 as applicable for each 5 students.	1 space for each 1.25 for persons employed therein; buildings, education
Assembly hall, auditorium, church, similar	1 space for three fixed seats, or where capacity is not stadium, theater, determined by the number of fixed seats, 1 space for places of public assemblage.
	each 40 square feet of floor area available for patron use.
Automobile and gasoline service station.	1 space for each gasoline pump, grease rack or similar service area with a minimum of 5 acres plus 1 space for each employee during the period of greatest employment.
Auto repair garage, body shop tire service, muffler shop, lubrication service.	1 space for each 200 SF GFA plus 1 space per employee on the maximum shift.

**Land or Building****Use Minimum Standards**

Auto and truck sales.	2 spaces for each 1,000 SF of sales area plus 1 for each employee; 1 for each 400 SF of parts sales area; 170 SF of lot area for each vehicle displayed, sold, stored, rented, leased or otherwise used in the business of selling, renting and leasing motor vehicles, plus 250 SF of lot area for each truck kept on site.
Business, professional offices.	1 space for each 200 square feet of building floor area.
Drive-in or fast food establishment.	1 space for each 25 square feet of building floor area, plus 1 space for each 2 persons employed therein.
Dwelling: Single-family.	1 space for each 2 bedroom; detached unit or fraction thereof.
Dwelling: All other dwelling units except units for the elderly, in thereof.	1.25 spaces for 1 bedroom; 1.75 spaces for 2 bedrooms; 2.00 spaces for 3-bedroom unit or fraction designated districts,
Dwelling: Units designed and elderly, demonstrated that other than auto transit will be	1 space for each dwelling unit except where it can be intended for the available, in which case these requirements may be reduced.
Financial institutions.	1 space for each 250 square feet of building floor area.
Manufacturing, wholesaling and or 1 space per employee on the maximum shift, whichever is greater.	1 space for each 600 square feet of building floor area warehousing.
Medical or dental clinic or office.	1 space for each 100 square feet of building floor area or 4 spaces for each doctor or dentist plus 1 space for each employee, whichever is applicable.
Nursing home.	1 space for each bed.
Personal service business.	1 space for each 100 square feet of building floor area up to 400 square feet plus 1 space for each 200 square feet of building floor area above 400 square feet.
Public or private schools.	1 space for each employee, plus 1 space for each 5 seats in the auditorium or other places of assembly available to the public.

**Land or Building****Use Minimum Standards**

Research laboratories.

1 space for each 500 square feet of building area or 1 space for each employee, whichever is greater.

Restaurant, tavern or similar

for each 40 square feet of floor area devoted to patron

drinking and dining use, whichever yields the greatest number of spaces plus 1 space for each two employees employed therein.

Retail business.

1 space for each 200 square feet of building floor area.

Supermarkets, food stores.

1 space for each 175 square feet of building floor area.

Undertakers, mortuary or funeral

seating accommodations plus 1 space for each person employed therein.

Mixed uses.

If 2 or more uses are conducted on one lot, the minimum required number of parking spaces shall be the aggregate of the required minimum number of parking spaces for each use, computed separately, except as may be modified by Subsection D. of this section.

Uses not specified.

As determined by the Planning Board.

2. Bicycle Parking Requirements. In addition to the required facilities for passenger automobiles, facilities for the secure and convenient parking of bicycles shall be provided. The number of such bicycle spaces shall not be less than ten (10) percent of the first one hundred required automobile parking spaces as specified in Section 3.25B,1. of this section plus two (2) percent of any amount thereafter; provided however that should it be demonstrated that the proposed use of the development application will generate a greater need for bicycle parking than that provided for herein, the Planning Board may require a reasonable increase in bicycle parking spaces. Bicycle parking facilities shall be of such type and quantity so as to encourage and facilitate the use of the bicycle as a means of transportation by the employees and customers of the land or building.

C. Off-Street Loading Requirements. Off-street loading area or berths, open or enclosed with proper access from a street, highway, common service driveway or alley shall be provided for any use specified herein. In addition, such spaces shall comply with the design standards for such spaces as contained herein.

Any land which is developed as a unit under single ownership and control shall be considered a single lot for the purpose of these loading requirements.

D. Schedule of Off-Street Loading Requirements. In no case shall the required space be less than one (1) loading area, and additional space shall be provided as follows:

I. For retail stores, financial institutions, educational facilities, restaurants, wholesale, warehouse, general service, manufacturing or industrial establishments: the number of berths on building floor area shall be as follows:

- a. Up to 4,000 square feet - 1 loading area.
- b. 4,001 to 10,000 square feet - 1 berth.
- c. 10,001 to 20,000 square feet - 2 berths.
- d. Each additional 20,000 square feet or major fraction thereof up to a maximum of 60,000 square feet - 1 berth.
- e. Each 50,000 square feet over 60,000 square feet - 1 additional berth.

2. For apartment buildings, motels, hotels, offices, dormitories, schools, places of public assembly or similar uses: the number of berths based on the building floor area devoted to such uses shall be as follows:

- a. Up to 10,000 square feet - 1 loading area.
- b. 10,001 to 100,000 square feet•• 1 berth.
- c. Each 100,001 square feet or fraction thereof over 100,001 square feet - additional berth.

Section 3.26 Supplementary Parking and Loading Space Requirements.

A. Fractional Space. When the application of a unit of measurement for parking space or loading space to a particular use or structure results in a fractional space, a space shall be required for each such fraction.

B. Computing Number of Employees. The number of employees, where not clearly stipulated, shall be computed on the basis of persons to be employed, taking into consideration day, night and seasonal variations on-site at any given time.

C. Minimum Space Requirements for Uses Not Specifically Covered. In determining minimum parking space requirements for uses not covered in this article, the Planning Board shall be guided by: the number of persons to be employed in said building or by the use; the number of persons expected to reside in, visit, or patronize the building or use; the anticipated percentage of residents, visitors, or patrons using various transportation modes; and the need for safe and convenient loading space for visitors or patrons and goods.



D. Supplementary Space Requirements Applying to Motor Vehicle Parking and Off- Street Loading.

1. Collective or Mixed Uses Off-Street Parking and Loading Requirements. Collective provision of off-street parking and loading facilities by two (2) or more buildings or uses located on adjacent lots is permitted to allow for the sharing of such facilities for commercial and multiple use centers according to the following schedule:

- a. For buildings or groups of uses of less than ten thousand (10,000) square feet, the total parking and loading facilities shall not be less than the sum of the requirements for the various individual uses computed separately.
- b. Where the total area of nonresidential use is greater than ten thousand (10,000) square feet, but less than thirty thousand (30,000) square feet, the total number of parking spaces provided shall equal one (1) car for every two hundred (200) square feet of building floor area. Additional parking shall be provided for residential uses built in conjunction with a center of this size and shall equal at least one and one-half (1.5) spaces for each dwelling unit. Off-street loading facilities may be based on documented, actual use of facilities similar to the combined uses or the total as required if calculated as separate uses.
- c. Where the total nonresidential use is greater than thirty thousand (30,000) square feet, the number of off-street parking spaces provided shall equal five and one-half (5.5) cars for every one thousand (1,000) square feet of building floor area. Off-street loading facilities may be based on documented, actual usage of facilities similar to the combined uses or the total as required if calculated as separate uses. In centers of this size, which in addition to retail shops and services contain residential and/or office spaces, additional parking shall be provided according to the following:
  - (1) Residential: One (1) parking space for each dwelling unit.
  - (2) Office: One (1) parking space for each three hundred (300) square feet of building floor area which exceeds twenty (20) percent of the total gross floor area of the nonresidential uses.

2. Waiver of Parking and Off-Street Loading and Unloading Requirements.

- a. Excess spaces. Where it can be demonstrated, at the time of Planning Board review, that the parking and/or loading and unloading requirements of this section will result in more parking spaces than actual needs require, the Planning Board may permit a portion of the proposed parking and/or loading areas to remain unpaved, but landscaped and improved only with a six (6) inch base course of one and one-half (1 1/2) inch crushed stone stabilized with topsoil and seeded to lessen storm water runoff. Such unpaved area shall remain reserved for such future facilities needs and, if conditions in use or actual operation of the proposed use vary, the Planning Board may require such unpaved space to be paved.

b. Exceeding minimum off-street parking and loading requirements. Minimum off-street parking and loading requirements as required by this section may only be exceeded, where it can be demonstrated, at the time of Planning Board review, that such additional parking facilities are necessary for the actual operation of a proposed use. In such instances, the Planning Board may grant an increase in minimum space on a lot, provided that all other bulk and area requirements are met for the use in the district in which it is located.

### 3. Educational Facilities Parking Modifications.

a. Where a building is for an educational institution which prohibits the ownership or operation of automobiles by students or that restricts the parking of student automobiles to designated institutional parking areas or to parking areas in another township, such students need not be included in the calculation of automobile parking requirements.

b. Institutional parking spaces of educational institutions that are provided for normal daytime activity for other purposes shall be considered to be available for such public uses as are normally conducted in the evening or on weekends in places of public assembly of such institutions.

## **Section 3.27 General Circulation, Parking and Loading Area Design Standards.**

A. Access. Unobstructed access to and from a street shall be provided. Paved access drives or driveways shall be provided in accordance with the criteria provided in Subsection I. of this section.

B. Location of Parking Spaces. Such parking spaces, open or enclosed, shall be on the same lot or tract of land as the building or use to be served unless the Planning Board, in connection with site plan review, shall approve collective off-street parking facilities for two (2) or more buildings or uses on adjacent or contiguous lots. The total of such collective off-street parking facilities shall be not less than the sum of facilities required for the individual uses computed separately.

1. Parking areas in residential zones for uses other than single-family dwellings may be located in the rear or side yard, but shall not be located in any required front yard.

2. Where parking is permitted between the front building line and the street line, a safety island or raised median separating the public street from the parking area shall be provided to the satisfaction of the Board Engineer. Parking lots shall be set back at least twenty-five (25) feet from the street line.

C. Location in Different Zones. No access drive, driveway or other means of ingress and egress shall be located in any residential zone to provide access to uses other than those permitted in such residential zone.

D. Sidewalks and Curbing. Sidewalks between parking areas and principal structures, along aisles and driveways and wherever pedestrian traffic shall occur, shall be provided with a minimum width of four (4) feet of passable area and be raised six (6) inches or more above the parking area except when crossing streets or driveways. At points of intersection between pedestrian and motorized lines of travel, and at other points where necessary to avoid abrupt changes in grade, a sidewalk shall slope gradually so as to provide an uninterrupted line of travel. Guardrails and wheel stops permanently anchored to the ground shall be provided in appropriate locations. Parked vehicles shall not overhang or extend over sidewalk areas, unless an additional sidewalk width of two and one-half (2 1/2) feet is provided to accommodate such overhang.

E. Enclosed Facilities. Required parking areas may be constructed within or under any portion of a main building, provided that the access driveway does not at any point leave a grade in excess of ten (10%) percent.

F. Landscaping and Drainage.

1. Parking areas shall be suitably landscaped to minimize noise, glare and other nuisance characteristics as well as to enhance the environment and ecology of the site and surrounding area. All open parking areas and accessways thereto shall be properly drained and all such areas shall be a paved surface except for parking spaces accessory to single-family residences.

2. Parking viewed from the public right-of-way or from any property used for residential purposes shall be suitably shielded.

G. Lighting. All parking areas shall be lighted to provide a minimum of three (3) foot-candles at driveway intersections with main roads and a total average illumination of one-half (0.5) foot-candles throughout the parking area.

Such lighting shall be shielded in such a manner as not to create a hazard or nuisance to the adjoining properties or the traveling public.

H. General Circulation Design Principles.

1. Parking space allocations should be oriented to specific buildings.

2. Parking areas may be designed to focus on major walkways which should be marked.

3. Where pedestrians must cross service roads or access roads to reach parking areas, crosswalks should be clearly designated by pavement markings and/or signs.

4. Roads and driveways from main roads should be located at grade and not below the crest of vertical curves.

5. All parking and loading spaces and driveways shall be so arranged that cars and trucks may be turned on the lot so that it is not necessary to back into any street.
6. In business districts, provision for pedestrian access between adjoining commercial lots should be encouraged.
7. Dead-end parking aisles shall be prohibited in all parking areas containing twenty-five (25) or more parking spaces.

#### I. Location of Driveways.

##### 1. Design.

- a. All entrance and exit driveways shall be located to afford maximum safety to traffic, provide for safe and convenient ingress and egress to and from the site, and to minimize conflict with the flow of traffic.
- b. Any exit driveway or driveway lane shall be so designed in profile and grading and located to provide the following minimum sight distance measured in each direction. The measurements shall be from the driver's seat of a vehicle standing on that portion of the exit driveway that is immediately outside the edge of the road right-of-way.

Allowable Speed	Required Sight Distance in Feet
25 MPH	150
30 MPH	200
35 MPH	250
40 MPH	300
45 MPH	350
50 MPH	400

- c. Where a site occupies a corner of two (2) intersecting roads, no driveway entrance or exit shall be located within fifty (50) feet of the point of tangency of the existing or proposed curb radius of that site.
- d. No part of any driveway shall be located within a minimum of ten (10) feet of a side property line. However, the Planning Board may permit a driveway serving two (2) or more adjacent sites to be located on or within ten (10) feet of a side property line between the adjacent sites.
- e. Where two (2) or more driveways connect a single site to any one (1) road, a minimum clear distance of two hundred (200) feet measured along the right of-way line shall separate the closest edges of any two (2) such driveways. Where such development fronts on an arterial street, access to parking and service areas, where practicable, shall be provided by a single access to the arterial street.

f. Where a development fronts on a principal, major or minor arterial or a major collector, a combined one point of access and egress to parking and service areas shall be provided except where large frontages (one thousand (1,000) feet or larger) are involved. In those instances where two (2) or more driveways connect a single site to any one (1) road, a minimum clear distance of three hundred (300) feet measured along the right-of-way line shall separate the closest edges of any two (2) such driveways.

## 2. Driveway Angle.

a. Two-way operation: Driveways used for two-way operation shall intersect the road at an angle to as near ninety (90) degrees as site conditions will permit and in no case will be less than sixty (60) degrees.

b. One-way operation: Driveways used by vehicles in one direction of travel (right turn only) shall not form an angle smaller than forty-five (45) degrees with a road, unless acceleration and deceleration lanes are provided.

## 3. Driveway Dimensions.

a. The dimensions of driveways shall be designed to adequately accommodate the volume and character of vehicles anticipated to be attracted daily onto the land development for which a site plan is prepared.

b. All driveways shall be five (5) feet wider at the curb line and this additional width shall be maintained for a distance of twenty (20) feet into the site.

J. Acceleration/Deceleration Lanes. Where access to a parking area of one hundred (100) or more spaces is proposed, acceleration and/or deceleration lanes shall be provided in accordance with design criteria established by the American Association of State Highway and Transportation Officials Standards Manual.

K. New or Altered Parking Lots. No public or private parking area or access roads thereto shall be constructed, altered or added to in the Township until there shall have been filed with the construction official an application for a building permit, which shall include a plan, in duplicate, drawn to scale, showing the actual dimensions of the lot or lots to be built upon, the exact size and location on the lot or lots of the building or structure and accessory buildings already existing or to be erected, and containing such other information as shall be deemed necessary for the Construction Official to determine conformity with the provisions of this chapter and of the Building Code.

## L. Maintenance of Off-Street Parking and Loading Areas.

1. Every parcel of land hereafter used as a public or private off-street parking or loading area shall be maintained in good condition, free of hazards and deterioration.

All pavement areas, sidewalks, curbs, drainage facilities, lighting, bumpers, guard-rails, markings, signs, bicycle parking devices, landscaping and other improvements shall be maintained in workable, safe and good condition.

#### M. Automobile Parking Design Principles.

1. Access. The width of all aisles providing direct access to individual parking stalls shall be in accordance with the requirements set forth below.

The minimum width of access aisles shall conform with the following requirements:

Parking Angle (Degrees)	Aisle Width One-Way Traffic (Feet)	Aisle Width Two-Way Traffic (Feet)
0(parallel)	15	25
30	15	25
45	15	25
60	18	25
90 (perpendicular)	25	25

2. General. A one-way car movement (to the left or counter-clockwise) should be encouraged. A major loop road should be developed around the parking areas. All parking shall be located in bays generally perpendicular to driveways or roads.

3. Parking Lot Layout. Parking areas or lots providing for more than sixty (60) motor vehicle spaces shall, where possible, be subdivided into modular parking bays or lots of not greater than sixty (60) spaces each. Single row or line of spaces within a bay should be no more than twenty (20) spaces in length. Parking bays should be separated from access or circulation drives by ten (10) foot wide islands for the full width of a bay at the ends of rows.

4. Markings. In outdoor parking or service areas for uses open to the public, parking spaces shall be double striped between spaces with lines eighteen (18) inches on center. Lines shall be four (4) inches wide. Such areas shall be curbed with permanent and durable curbing to confine cars to striped parking, without overhang or projection onto sidewalks, driveways, bicycle parking areas, planted areas or adjacent landscaped areas.

5. Areas Computed as Parking Spaces. Areas which may be computed as open or enclosed off-street parking spaces include any private garage, carport, or other area available for parking, other than a Street, access lane or a driveway.

6. Size of Parking Spaces. Standard parking space shall measure ten (10) feet in width by twenty (20) feet in length, exclusive of interior driveway or maneuvering areas.

7. Parking for the Handicapped. The number of spaces shall be provided in each parking area in conformance with the following table:

Total Spaces in Lot	Minimum Required Accessible Spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501- 1000	2% of total
1001 and over	20 plus 1 for each 100 over 1000

#### N. Bicycle Parking Design Principles.

1. General. Bicycle parking facilities shall be of such a type and quantity so as to encourage and facilitate the use of the bicycle as a means of transportation by the employees and customers of the proposed use requiring site plan approval.
2. Location. Outdoor bicycle parking facilities shall be located in convenient locations close to building entrances or pedestrian walkways leading to building entrances. Such facilities shall be clearly marked, and separated from automobile access by either landscaping, raised curbs or similar devices. Indoor bicycle parking facilities shall be provided in a secure and safe area.
3. Access. Bicycle access should be combined with motor vehicle access where possible. In those cases where bicycle access is combined with motor vehicle access driveways to the site under review, the driveway shall be not less than fifteen (15) feet wide if one-way in direction, and thirty (30) feet if two-way in direction. In those cases where bicycle access is independent from motor vehicle access driveways to the site under review, the bicycle access drive shall be not less than four (4) feet wide if one-way in direction and eight (8) feet wide if two-way in direction, Subsection I. of this section notwithstanding. Bicycle access to a lot shall not be combined with pedestrian access, nor shall it be via a separate path parallel and adjacent to motor vehicle access. Access, egress and internal circulation shall be planned so as to minimize conflicts between automobiles, trucks, bicycles and pedestrians, both within the lot and on the adjacent street. Bicycle access driveways and aisles shall not contain hazards to the cyclists (e.g., parallel bar drainage grates, insufficient sight clearance at points of intersection, or insufficient lateral or vertical clearance or radii of curvature).

4. **Parking Facilities.** Bicycle parking facilities shall be located close to major entrances to buildings, or other areas they serve, in view of working personnel on-site or close to high activity areas to minimize chances of theft or vandalism. Parking facilities shall provide for padlock, chain or cable attachment and shall allow for both wheels and the frame of a bicycle to be secured to with a standard six (6) foot cable or chain. Devices such as lockers or those that support the bicycle by its frame or handlebars shall be used rather than slotted concrete slab or vertical bar type racks or other devices that support the bicycle by a wheel and could cause damage to wheel rims. (In industrial developments and for other uses involving regular daily access by defined groups of people or the parking of bicycles for a period of time generally in excess of three (3) hours, consideration should be given to sheltered parking facilities that provide protection for bicycles from direct sunlight and precipitation.) For any use for which twelve (12) or more employee bicycle parking spaces are required or provided, not less than twenty-five (25) percent of the bicycle parking spaces shall be provided within wholly enclosed individually secured compartments or lockers, providing protection against theft, vandalism, and the weather for all or any part of any bicycle parked therein. Other provisions of the chapter to the contrary notwithstanding, the lockers shall be close to an entrance to the building they serve but need neither be located at a major entrance to the building nor be in view of working personnel on-site or close to high activity areas. In lieu of the lockers, the same number of bicycle parking spaces providing equivalent security and convenience may be provided within the building they serve.

**O. Off-Street Loading Area, Berth Sizes.**

1. **Loading Area.** A loading area need not be necessarily a full berth, but shall have a minimum plan dimension of at least ten (10) feet overload clearance. The Construction Official shall determine the sufficiency of the off-street loading area(s) based upon the land and amount of loading and unloading operation required by the proposed use, but in no case shall the use of such space hinder the free movement of vehicles and pedestrians over a street, sidewalk or alley.

2. **Loading Berth.** Each required loading berth shall be at least twelve (12) feet wide, thirty-three (33) feet long, and fourteen (14) feet high.

**P. Location and Access of Loading Areas, Berths.** Unobstructed access, at least ten (10) feet wide, to and from a street shall be provided. Such access may be combined with access to a parking lot. All permitted or required loading areas or berths shall be on the same lot as the use to which they are accessory. No entrance or exit for any loading area or berth shall be located within fifty (50) feet of any street intersection. No off-street loading berth or area shall be located in any front yard.



All areas for the loading and unloading of vehicles and for the servicing of establishments or shops shall have adequate and unobstructed access from a street, service driveway or alley and shall be so arranged that they may be used without blocking or otherwise interfering with the use of automobile accessways, parking facilities, fire lanes or sidewalks.

### **Section 3.28 Site Design and Building Layout.**

In reviewing site plans, the following site design and building layout principles, where applicable, shall be followed:

#### **A. Minimum Spacing Between Buildings.**

1. Between Similar Structures. In development groups (more than one (1) building or structure on a tract) the following distances shall be maintained between structures:

- a. End wall (no openings) to end wall: twelve (12) feet minimum.
- b. Any building face to parking aisle or drive: twenty (20) feet minimum.
- c. Any building face to parking area: twelve (12) feet minimum.
- d. End wall to window wall: thirty (30) feet minimum.
- e. Window wall to window wall: seventy- five (75) feet minimum.

The Planning Board shall reduce the above distances by not more than one-third (1/3) if there is an angle of twenty (20) degrees or more between buildings and if extensive landscaping or buffers are placed between buildings.

### **Section 3.29 Lighting**

In connection with every site plan, the applicant shall submit plan for all proposed exterior lighting. These plans shall include the location, type of light, radius of light, manufacturer's specification sheet and intensity in foot-candles. The following design standards shall be followed:

A. The style of the light and light standard shall be consistent with the architectural style of the principal building.

B. The maximum height of freestanding lights shall be the same as the principal building, but not exceeding twenty-five (25) feet.

C. All lights shall be shielded to restrict the maximum apex angle of the cone of illumination to one hundred fifty (150) degrees.

D. Where lights along property lines would be visible to adjacent residents, the lights shall be appropriately shielded. Such shielding may include berming, landscape material, decorative fencing and, in the case of buildings in excess of two (2) stories, interior window shades or other appropriate treatment that restricts exterior light passage.

1. Site lighting, other than that needed for security purposes, shall be set on a timer system that shuts off all but security lighting of the site by 11:00 p.m.

E. Spotlight-type fixtures attached to buildings and visible to the public shall be avoided.

F. Freestanding lights shall be so located and protected to avoid being easily damaged by vehicles.

G. Lighting shall be located along streets, parking areas, at intersections, and where various types of circulation systems merge, intersect, or split.

H. Pathways, sidewalks and trails shall be lighted with low or mushroom type standards.

I. Stairways, and sloping or rising paths, building entrances and exits require illumination.

J. Lighting shall be provided where buildings are set back or off-set if access is provided at such points.

K. The following intensity in foot-candles shall be provided;

1. Parking lots - an average of five-tenths (0.5) foot-candles throughout;
2. Intersections - three (3.0) foot-candles;
3. Maximum at property lines - one (1.0) foot-candles;
4. In residential areas - average of six. tenths (0.6) foot-candles.

### **Section 3.30 Utilities.**

The design and location of all utilities shall be based on Township standards and the public utility having primary jurisdiction. The location of all utilities shall be coordinated by the Township Engineer. Necessary approvals from the County Health Office, where applicable, shall also be required.

**Section 3.31 Street Furniture.**

Street furniture are the man-made elements of the environment. These include but are not limited to phone booths, benches, directional boxes, mail and meter boxes, lighting standards, fountains and pools, drinking fountains, trash receptacles, and bike racks. In reviewing site plans, details of Street furniture shall include location, size, lighting, and design relationship to the principal building(s). Such furniture shall be subordinate to the site plan and arranged in a design-coordinated fashion to the principal use on the lot (e.g., color, scale, bulk shall be reasonably harmonious with the principal building and coordinated with the overall site landscaping plan).

## CHAPTER 4

### PROVISIONS APPLICABLE TO SITE PLANS AND SUBDIVISIONS

#### ARTICLE I TITLE, PURPOSE AND APPROVING AUTHORITY

##### **Section 4.00 Short Title.**

This chapter shall be known and may be cited as the Provisions Applicable to Site Plans and Subdivisions ordinance of Lower Alloways Creek Township.

##### **Section 4.01 Purpose.**

The purpose of this chapter shall be to provide definitions, rules, administrative procedures, regulations and standards which would be applicable to both site plan and subdivision applications.

##### **Section 4.02 Approving Authority.**

A. Planning Board. The provisions of this chapter shall be administered by the Planning Board of the Township of Lower Alloways Creek except as set forth in Subsection B. of this section.

B. Zoning Board of Adjustment. The provisions of this chapter shall be administered by the Zoning Board of Adjustment in applications before the Zoning Board involving variances provided for in N.J.S.A 40:55D-70(d) in which subdivision approval would be required. For such applications an reference in this chapter to the Planning Board shall be considered to refer to the Zoning Board of Adjustment where applicable.

#### ARTICLE II GENERAL PROVISIONS

##### **Section 4.03 General Intent.**

The various rules and regulations contained herein are meant to enable processing of various development applications in accordance with procedures and objectives as established in the Municipal Land Use Act' (N.J.S.A. 40:55D-1 et seq).

**Section 4.04 Reservation of Public Areas.**

A. If the Master Plan or the Official Map provides for the reservation of designated streets, public drainageways, flood control basins, or public areas within the proposed development, before approving a subdivision or site plan, the Planning Board may further require that such streets, ways, basins or areas be shown on the plat in locations and sizes suitable to their intended uses. The Planning Board may reserve the location and extent of such streets, ways, basins or areas shown on the plat for a period of one (1) year after the approval of the final plat or within such further time as may be agreed to by the developer. Unless during such period or extension thereof the Township shall have entered into a contract to purchase or institute condemnation proceedings according to law for the fee or a lesser interest in the land comprising such streets, ways, basins or areas, the developer shall not be bound by such reservations shown on the plat and may proceed to use such land for private use in accordance with applicable development regulations. The provisions of this section shall not apply to the streets and roads, flood control basins or public drainageways necessitated by the land development and required for final approval.

B. The developer shall be entitled to just compensation for actual loss found to be caused by such temporary reservation and deprivation of use provided such request shall be made to the Township Committee within ten (10) days of final approval. In such instances, unless a lesser amount has previously been mutually agreed upon, just compensation shall be deemed to be the fair market value of an option to purchase the land reserved for the period of reservation; provided that determination of such fair market value shall include, but not be limited to, consideration of the real property taxes apportioned to the land reserved and prorated for the period of reservation. The developer shall be compensated for the reasonable increased cost of legal, engineering, or other professional services incurred in connection with obtaining subdivision or site plan approval caused by the reservation. Payment for one (1) year compensation shall be based upon the applicant requesting of the Township Committee no greater than five (5) percent of the current assessed value of the land so reserved.

**Section 4.05 Simultaneous Review.**

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 make further application to the Planning Board, or the Planning Board 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 applicant pursuant to this section, notice of the hearing on the plat or site plan shall include reference to the request for such conditional use.

## Section 4.06 Hearings and Notices.

A. When necessary hearings shall be required as part of approval for all applications for development.

B. Maps and Documents and Exhibits on File. A complete set of maps, documents and exhibits shall be on file at the office of the Planning Board at least ten (10) days prior to the date of the noticed hearing.

## C. Public Notice of Application.

1. When Required. A public notice shall be required for preliminary approval of all major subdivision applications, approval of all minor site plan and minor subdivision applications requiring a zoning variance to be granted by the Planning Board, and of all major site plan applications.

Such notice shall be required as part of a development applications requirements for a determination of completeness. Failure to provide such notice shall deem an application incomplete, irrespective of its conformity with applicable Township ordinance requirements.

2. Contents of Notice, to Whom Required and How Served. Notice requirements for hearings, contents of such notices, to whom required and how served shall be in accordance with such requirements as stipulated in N.J.S.A. 40:55D-12.

D. Transcript of Hearings. If an applicant desires a court reporter, the cost of taking testimony and transcribing it and providing a copy of the transcript to the Township shall be at the expense of the applicant, who shall arrange for the reporters attendance.

**Section 4.07 Decisions on Applications for Development.**

A. Decisions to be in Writing and Contain Findings and Conclusions. Each decision of the Planning Board on any application for development shall be in writing and shall include findings of fact and conclusions based thereon.

B. County Planning Board Approval. Whenever review or approval of any application by the County Planning Board is required, the Planning Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or upon County Planning Board approval by default for failure to report thereon within the required time period.

C. Developments Barred by Administrative or Judicial Order. In the event that a developer submits an application for development proposing a development that is barred or prevented, directly or indirectly, by a legal action instituted by any State agency, political subdivision or court of competent jurisdiction to protect the public health and welfare, 'the Planning Board shall process such application for development in accordance with this chapter, and if such application complies with the requirements of this chapter, the Planning Board shall approve such application conditioned on removal of such legal barrier to development.

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D. Approval by Other Governmental Agencies. In the event that development proposed by an application for development requires an approval by a governmental agency other than the Planning Board, the Planning Board shall, in appropriate instances, condition its approval upon the subsequent approval of such governmental agency.

When a public sewerage system is not available to service the development, the current rules, regulations and procedures of the Salem County Health Department shall be followed. An adverse report from the Salem County Health Department shall be deemed sufficient grounds for the Planning Board to disapprove said development application or portion thereof.  
(Ord. No. 97-5)

E. Decisions to be Furnished to Applicant and Others. A copy of each decision shall be mailed by the Planning Board, within ten (10) days after the date of decision, to the applicant, or if represented then to his attorney, without separate charge, and to all others upon request for a fee as noted in the Township's Fee Ordinance (Section 4.38).

F. Filing in Office of Planning Board Secretary. A copy of each decision shall also be filed by the Planning Board in the office of the Planning Board Secretary who shall make a copy of the filed decision available to any interested party for a fee as noted in the Township's Fee Ordinance and available for public inspection at this office during reasonable hours.

G. Publication. A brief notice of each decision shall be published by the Planning Board Secretary and the Township may make a reasonable charge for such publication. The applicant, also, may cause such publication to be made if he so desires. The time for appeal from the decision shall run from the first publication, whether made by the Planning Board Secretary or the applicant.

H. Time for Decision on Applications to Planning Board for Preliminary Approval of Site Plans and Major Subdivisions. Preliminary approval shall be granted or denied on applications to the Planning Board for a site plan of ten (10) acres or less or for a major subdivision of ten (10) or fewer lots within forty-five (45) days, and for a site plan of more than ten (10) acres or for a major subdivision of more than ten (10) lots within ninety-five (95) days, after the date of submission of a complete application to the Planning Board Secretary except as otherwise provided in Subsections J. through N.

I. Time for Decision on Applications to Planning Board for Minor Subdivision Approval and Final Approval of Site Plans and Major Subdivisions. Final approval of site plans and major subdivisions and approval of minor subdivisions shall be granted or denied on applications to the Planning Board within forty-five (45) days after the date of submission of a complete application to the Planning Board Secretary except as otherwise provided in Subsections J. through N.

J. Time for Decision when Planning Board Reviews Conditional Uses or Site Plans Simultaneously with Subdivisions. Whenever the Planning Board reviews conditional uses or site plans simultaneously with subdivisions, the longer or longest period of time for action in any such case shall apply to all such cases.

K. Time for Decision when Planning Board Reviews Applications for Subdivision, Site Plan or Conditional Use Approval that Includes Request for Variance. Whenever an application to the Planning Board for approval of a subdivision plat, site plan or conditional use includes a request for a variance pursuant to N.J.S.A. 40:55D-60, the Planning Board shall grant or deny approval of the application within one hundred twenty (120) days after the date of submission of a complete application to the Planning Board Secretary. 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 and subsequent approval shall be as otherwise provided in this ordinance.

L. Time for Decision when Planning Board Reviews Application for Conditional Use that Includes Request for Site Plan Approval. Whenever the Planning Board reviews an application for conditional use that includes a request for site plan approval, the Planning Board shall grant or deny approval of the application within ninety-five (95) days after the date of submission of a complete application to the Planning Board Secretary.

M. Time for Decision when Planning Board Reviews Subdivision, Site Plan or Conditional Use in Conjunction with Use Variance. Whenever an application is made to the Planning Board for subdivision, site plan or conditional use approval in conjunction with the board's review of a use variance, the Planning Board shall grant or deny approval of the application within one hundred twenty (120) days after the date of submission of a complete application to the Planning Board Secretary.

N. Extension of Time for Decision. Any time period for action by the Planning Board may be extended with the consent of the applicant or appellant.

O. Failure to Make Decision within Time. The failure of the Planning Board to act within such time period or extension thereof shall constitute approval of the application. Such approval shall only be valid if in accordance with the requirements of N.J.S.A. 40:55D- 10.4.

#### Section 4.08 Application by Corporation or Partnership.

A. A corporation or partnership applying to the Planning Board for permission to subdivide a parcel of land into six (6) or more lots or for approval of a site to be used for commercial purposes shall list the names and addresses of all stockholders or individual partners owning at least ten (10) percent of its stock of any class or at least ten (10) percent of the interest in the partnership, as the case may be.



B. Disclosure of Ten (10) Percent Ownership Interest of Corporation or Partnership which is Ten (10) Percent of Applying Corporation or Partnership. If a corporation or partnership owns ten (10) percent or more of the stock of a corporation, or ten (10) percent or greater interest in a partnership, subject to disclosure pursuant to Subsection A., that corporation or partnership shall list the names and addresses of its stockholders holding ten (10) percent or more of its stock or of ten (10) percent or greater interest in the partnership, as the case may be, and this requirement shall be followed by every corporate stockholder or partner in a partnership, until the names and addresses of the noncorporate stockholders and individual partners, exceeding the ten (10) percent ownership criterion established in this section, have been listed.

C. Disapproval of Application. The Planning Board or governing body shall not approve the application of any corporation or partnership which does not comply with Subsections A. or B.

I). Penalty. Any corporation or partnership which conceals the names of the stockholders owning ten (.10) percent or more of its stock, or of the individual partners owning a ten (10) percent or greater interest in the partnership, as the case may be, shall be subject to a fine of one thousand (\$1,000.00) dollars to ten thousand (\$10,000.00) dollars which shall be recovered in the name of the municipality in any court of record in the State in a summary manner pursuant to "The Penalty Enforcement Law" (N.J.S.A. 2A:58-1 et seq.).

#### **Section 4.09 Sales Map.**

A. Display of Sales Map. All developers who have obtained final approval for a major subdivision consisting of six (6) or more building lots are permitted to install a temporary real estate sign in accord with the standards contained in Section 5.34 of this ordinance. Developers who have obtained final approval for a major subdivision consisting of twenty (20) or more building lots shall maintain a sales office upon the issuance of the first construction permit and display therein in a prominent fashion the officially approved preliminary plat and the final plat and in addition thereto a sales map which may be observed and reviewed by any and all persons calling at such office. Such display is to remain in place until such time as the last lot in the subdivision is sold.

B. Basis of Sales Map. The sales map shall be based upon the final plat as well as official tax map information at a scale of not more than one hundred feet to the inch (100'

I'). The map shall show the development plan and all land contiguous thereto for a distance of two thousand (2,000) feet within or without the Township.

C. Provisions of Sales Map. The sales map shall clearly show and include for that area within two thousand (2,000) feet of the development the following information:

1. The location of connector streets to the proposed Street(s) within the development.

2. The location of all State, county and municipal roads, both in existence and/or proposed by any governmental agency having jurisdiction to establish such roads. If any such roads are evidenced upon the Township Master Plan or Salem County Master Plan or State Transportation Master Plan, the same shall be indicated upon the sales map.
3. The location of all railroads, rights-of-way, airports, heliports and airport runways, overhead easements for transmission of power or otherwise, rights-of-way for public utilities, and location of public utility plans.
4. The location of all sanitary landfill operations which are in existence, proposed or which have been closed.
5. The location of all existing and proposed, in accordance with the Master Plan, schools, parks, playgrounds, open space and public buildings.
6. The location of all streams, ponds, flood plains, storm water facilities, greenbelts and watercourses, wetlands and wetland transition areas.

D. Waiver of Restrictions with Notation. All zoning restrictions or improvements applicable to the development shall be shown with notation as to which restrictions have been waived, relaxed or varied by a Township agency.

E. Zoning District Classification. All contiguous property to the tract shall have prominently displayed thereon the zoning district classification, whether such property is within or without the Township as well as any Township restrictions on construction of accessory structures.

F. Property Taxes Displayed. There shall be displayed upon said sales map a reasonable estimate of the amount of property taxes to be levied upon the proposed property to be sold in the upcoming year.

#### **Section 4.10 Conditional Approvals.**

A. Conditions Precedent. 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 are fulfilled within one hundred ninety (190) days of the date of conditional approval.

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.

B. Conditions Subsequent. 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 one hundred ninety (190) days from the date of the resolution memorializing 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.

C. 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.

D. 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. Only upon fulfillment of all conditions shall any subdivision map or site plan be signed or any required building permit, occupancy permit, zoning permit or other required approval be issued.

#### Section 4.11 Environmental Considerations.

Environmental elements relating to prevention of soil erosion, preservation of trees, protection of watercourses and floodplains, protection of water sources, historic sites, noise, air quality, topography, soil and animal life shall be reviewed and the design of the plan shall minimize any adverse impact on these elements.

A. Environmental impact. No application for development shall be approved unless it has been affirmatively determined by the Planning Board, after an environmental appraisal, that the proposed project:

1. Will not result in a significant adverse impact on the environment;
2. Has been conceived and designed in such a manner that it will not significantly impair natural processes; and
3. Will not place a disproportionate or excessive demand upon the total resources available to the project site and to the impact area.

B. Application of Requirement. To facilitate the environmental appraisal, all preliminary site plan applications involving the construction of five thousand (5,000) square feet of new gross floor area, and all preliminary major subdivisions shall be accompanied by a preliminary environmental impact statement (EIS). Based on the findings of the preliminary EIS, detailed statements or clarification of detail on specific areas of environmental impact may be required. Applications requiring an EIS may be rejected by the Planning Board for failure to furnish sufficient information to enable the Planning Board to make an adequate environmental approval. The applicant may request a pre-application conference with the Environmental Commission concerning the level of detail and scope of the preliminary EIS for a particular project.

C. Requirements of Preliminary EIS. Applicants shall supply ten (10) copies of the following items to comply with the preliminary EIS requirements:

1. Information on the existing condition of the site (natural features, land use, water quality, etc.), anticipated changes due to the proposed development, and measures which will be used to mitigate adverse environmental impacts. The applicant shall use the most recent data source available.
2. Preliminary Environmental Analysis Maps. Maps shall be produced which show the location of proposed lots and structures with respect to the natural features of the site and shall be at a scale of one inch equals eight hundred feet (1" 800') or larger.

Preliminary environmental analysis maps shall be produced using, but not limited to, the following eight (8) natural resource maps:

- a. Land Suitability for Development.
  - b. Environmentally Sensitive Areas.
  - c. Vegetation and Wildlife Habitats.
  - d. Suitability for Septic Tank Effluent Disposal.
  - e. Depth to Seasonally High Water Table.
  - f. Aquifer Recharge Potential.
  - g. Flood Hazard Areas.
  - h. Prime agricultural soils (Class I and Class II), and all lands designated by the Tax Assessor under the "Farmland Assessment Act."
- Other maps may be required by the Planning Board, depending upon the particular site characteristics.

3. Storm Water Management Plan Overview. The applicant shall provide a brief overview narrative describing storm water management on the site. Topics discussed shall include, but not be limited to: existing storm water runoff volume and rate and anticipated changes with proposed development at various level storm events including the ten (10) and one hundred (100) year storms; existing direction of flow over the site and anticipated changes; proposed measures to reduce storm water runoff and maintain water quality in nearby streams and ponds, and the maintenance plans for proposed storm water management facilities.

To the extent that technical information is provided as part of a development application, it need not be duplicated here but may be referenced as part of the preliminary EIS.

## LD 4.11 .A CODE OF LOWER ALLOWAYS CREEK

D. Requirements of Detailed EIS. The preliminary EIS shall be reviewed by the Lower Alloways Creek Environmental Commission for completeness, and the potential environmental impact of the proposed project shall be assessed according to the standards as set forth in this section. The Environmental Commission shall recommend action on the project to the Planning Board as to whether the project meets the standards of this section. If the Environmental Commission determines that said standards are not met by the preliminary EIS as submitted the developer shall have the option of submitting more detailed information or clarifying information with respect to those areas of the preliminary EIS which the Environmental Commission feels are deficient and warrant a detailed EIS.  
(Ord. No. 97-5)

### **Section 4.11. A Preservation of Natural or Man-Made Assets.**

A. Wherever possible, developers shall preserve trees, groves, waterways, scenic points, historic sites, and other community assets and landmarks.

B. Within five (5) days of receipt by the Construction Official of an application for demolition affecting an historic structure as listed in Appendix A, the Construction Official is required to notify the Chairman of the Township Historical Committee in writing of such application. The Historical Committee has a maximum of ten (10) days from receipt of this notification to contact the owner/applicant of said structure and document, and/or salvage as the case may be, historic aspects of the subject property. The time permitted for this documentation and/or salvage operation shall in no case exceed thirty (30) days from the date of application, unless specifically authorized by the Township Committee.

## ARTICLE III IMPROVEMENT GUARANTEES

### **Section 4.12 Guarantees Required; Surety; Release.**

Before recording final subdivision plats or as a condition of final site plan approval, the Planning Board shall require, for the purpose of assuring the installation and maintenance of on-tract public improvements and landscaping within two (2) years of such approval, and shall accept in accordance with the following:

A. The furnishing of a performance guarantee in favor of the Township in an amount equal to one hundred twenty (120) percent of the cost of installations for improvements as estimated by the Township Engineer, including: streets, grading, pavement, gutters, curbs, sidewalks, street lighting, shade trees, surveyor's monuments, water mains, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, erosion control and sedimentation control devices, public improvements of open space, landscaping and other public on-site improvements. Not less than ten (10) percent of the required guarantee shall be in cash.

B. The furnishing of a maintenance guarantee to be posted with the governing body for a period not to exceed two (2) years after final acceptance of the improvement, in an amount equal to fifteen (15) percent of the cost of the improvement. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the Township for such utilities or improvements.

C. The time allowed for installation of the improvements 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 extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed one hundred twenty (120) percent of the cost of the installation as determined as of the time of the passage of the resolution.

D. If the required improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the Township for the reasonable cost of the improvements not completed or corrected and the Township may either prior to or after the receipt of the proceeds thereof complete such improvements.

E. Upon substantial completion of all required appurtenant utility improvements, and the connection of same to the public system, the obligor may notify the governing body in writing, by certified mail addressed in care of the Township Clerk of the completion or substantial completion of improvements and shall send a copy thereof to the Township Engineer. Thereupon the Township Engineer shall inspect all improvements of which such notice has been given and shall file a detailed report, in writing, with the governing body, indicating either approval, partial approval or rejection of such improvements with a statement of reasons for any rejection. The cost of the improvements as approved or rejected shall be set forth.

F. The governing body shall either approve, partially approve or reject the improvements on the basis of the report of the Township Engineer and shall notify the obligor in writing, by certified mail, of the contents of said report and the action of said approving authority with relation thereto, not later than forty-five (45) days after receipt of the notice from the obligor of the completion of the improvements. Where partial approval is granted, the obligor shall be released from all liability pursuant to the performance guarantee, except for that portion adequately sufficient to secure provision 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 of all improvements. Failure of the governing body to send or provide such notification to the obligor within forty-five (45) days shall be deemed to constitute approval of the improvements and the obligor and surety, if any, shall be released from all liability pursuant to such performance guarantee for such improvements.

G. The performance guarantee may be released when:

1. The Township Committee has authorized acceptance of improvements and in pursuant to N.J.S.A. 40:55D-53(e). Bonds, if any, shall be released first; cash shall be released last.

2. The Township Engineer has issued a certification in the following form:

“I hereby certify that all of the improvements required to be installed by \_\_\_\_\_ in subdivision (site plan) known as \_\_\_\_\_ which are covered by a performance bond issued by \_\_\_\_\_ Bond No. \_\_\_\_\_ and/or by cash escrow in the amount of \$ \_\_\_\_\_ have been installed in accordance with specifications of the Township of Lower Alloways Creek and to my satisfaction.’

H. If any portion of the required improvements are rejected, the approving authority may require the obligor to complete such improvements and, upon completion, the same procedure of notification, as set forth in this section shall be followed.

I. 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 Township Engineer.

J. The obligor shall reimburse the municipality for all reasonable inspection fees paid to the Township Engineer for the foregoing inspection of improvements, as provided in the Township’s Fee Ordinance provided that the municipality may require of the developer a deposit for all or a portion of the reasonably anticipated fees to be paid to the Township Engineer for such inspection.

K. In the event that final approval is by stages or sections of development, the provisions of this section shall be applied by stage or section. Similarly, if a developer should opt to delay acceptance of private road improvements by either a homeowners association or the governing body, then the release of any performance guarantees shall be as provided for in this section. Maintenance responsibility shall remain with the developer, to be governed by any conditions of final approval of a development application. Upon acceptance of the improvements by a homeowners association or the governing body, a maintenance guarantee as outlined herein shall be required.

L. Performance guarantees shall be approved by the Township Attorney as to form, sufficiency and execution. A letter of credit shall be an acceptable form of performance guarantee if it is in accord with N.J.S.A. 40:55D-53.5, approved by the Township Committee and satisfies the following conditions:

1. It is irrevocable for an initial period of at least one (1) year with automatic one (1) year renewals unless the bank notifies the Township in writing at least ninety (90) days before the initial date of expiration or each anniversary of such date that it will not be renewed;

2. If the letter of credit is not renewed:

- a. The Township shall have the right to immediately draw a draft on sight if the developers performance is not satisfactory as of that date, or to draw a draft thirty (30) days after receipt of said notice if, after notification by the municipality that the letter of credit will not be renewed, the developer fails to submit a satisfactory replacement performance guarantee; and
- b. The developer agrees to cease and desist all such work upon receipt of notification from the municipality that the letter of credit will not be renewed until such time as a satisfactory replacement performance guarantee is submitted; and

3. The developer shall execute any agreement(s) required by the Township Attorney confirming the conditions set forth herein prior to the Townships acceptance of said letter of credit.

#### ARTICLE IV

#### OFF-TRACT IMPROVEMENTS

**Section 4.13 Off-Tract Improvements Required.**

As a condition of final subdivision or site plan approval, the Planning Board may require an applicant, as per the requirements contained in N.J.S.A. 40:55D-42, to pay his pro-rata share of the cost of providing reasonable and necessary Street improvements and water, sewerage and drainage facilities, and easements therefor, located outside the property limits of the development but necessitated or required by construction or improvements within such development. The proportionate or pro-rata amount of the cost of such facilities that shall be borne by each developer or owner within a related or common area shall be based on the criteria established herein.

**Section 4.14 Improvements to be Constructed at the Sole Expense of the Developer.**

In cases where the reasonable and necessary need for an off-tract improvement or improvements is necessitated or required by the proposed development application and where no other property owners receive a special benefit thereby, the applicant may be required, as a condition of approval, at the applicant's sole expense, to provide for and construct such improvements as if such were an on-tract improvement in the manner provided hereafter and otherwise provided by law.



**Section 4.15 Other Improvements.**

In cases where the need for any off-tract improvement is necessitated by the proposed development application and where it is determined that properties outside of the development will also be benefited by the improvement, the following criteria shall be utilized in determining the proportionate share of such improvements to the developer.

A. Sanitary Sewers. Distribution facilities including the installation, relocation or replacement of collector, trunk and interceptor sewers, and the installation, relocation or replacement of other appurtenances associated therewith; the applicant's proportionate share shall be computed as follows:

1. The capacity and the design of the sanitary sewer system shall be based on "Rules and Regulations for the Preparation and Submission of Plans for Sewerage Systems," N.J.D.E.P. and all Lower Alloways Creek Township sewer design standards including infiltration standards, and all other Township storm water drain standards.
2. The capacity of the existing system to service the entire improved drainage area shall be computed. If the system is able to carry the total developed drainage basin, no improvement or enlargement cost will be assigned to the developer. If the existing system does not have adequate capacity for the total developed drainage basin, the prorated enlargement or improvement share shall be computed as follows:

$$\frac{\text{Total enlargement improved cost}}{\text{Developers cost}} = \frac{\text{Total tributary gpd}}{\text{Development gpd.}}$$

If it is necessary to construct a new system in order to service the proposed development, the prorated enlargement share to the developer shall be computed as follows:

$$\frac{\text{Total project = Developer's cost}}{\text{Developer's cost}} = \frac{\text{Total tributary gpd. to new system}}{\text{Development gpd.}}$$

The plans for the improved system or extended system shall be prepared by developer's engineer. All work shall be calculated by the developer and approved by the Township Engineer.

B. Roadways. Street widening, alignment, channelization of intersections, construction of barriers, new or improved traffic signalization, signs, curbs, sidewalks, trees, utility improvements uncovered elsewhere, the construction or reconstruction of new or existing streets and other associated street or traffic improvements: the applicant proportionate cost shall be as follows:

1. The applicant shall provide a Traffic Impact Study if deemed necessary by the Planning Board. This study should contain the existing and anticipated future peak hour flows and address the adequacy of roads/intersections affected by the proposed development.
2. The applicant shall furnish a plan for the proposed off-tract improvement which shall include the estimated peak hour traffic generated by the proposed development. The ratio of the peak hour traffic generated by the proposed development to the future additional peak hour traffic anticipated to impact the proposed off-tract improvement shall form the basis of the proportionate share. The proportionate share shall be computed as follows:

$$\text{Developers Cost} = \frac{\text{Total cost of the off-tract improvement}}{\text{Future peak hour traffic generated by the developer (\%), Future additional peak hour traffic.}} \times$$

C. Drainage improvements. Storm water and drainage improvements including the installation, relocation or replacement of storm drains, culverts, catch basins, manholes, rip- rap or improved drainage ditches and appurtenances thereto and relocation or replacement of other storm drainage facility or appurtenances associated therewith: the applicants proportionate share shall be determined as follows:

1. The capacity and the design of the drainage system to accommodate storm water runoff shall be based on a method described in "Urban Hydrology for Small Watershed Technical Release 55, Soil Conservation Service U.S.D.A., January 1975 as amended, computed by the developer's engineer and approved by the Township Engineer.
2. 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 developers engineer subject to approval of the Township 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 Township Engineer. The prorated share for the proposed improvement shall be computed as follows:

$$\frac{\text{Total enlargement or improvement cost of drainage facilities}}{\text{Developer's cost}} = \frac{\text{Total tributary cfs}}{\text{Development cfs}}$$

**Section 4.16 Escrow Accounts.**

Where the proposed off-tract improvement is to be undertaken at some future date, the monies required for the improvement shall be deposited to the credit of the Township in a sep-al-ate account until such time as the improvement is constructed. If the off-tract improvement is not begun within ten (10) years of deposit, all monies and interest shall be returned to the applicant.

**Section 4.17 Computation of Pro-Rata Share.**

In any case in which an applicant shall not provide the approving authority with the estimates of a traffic consultant and/or consulting engineer with regard to estimated improvement costs and all other information necessary to proportion costs, the approving authority may rely on the estimates of the Township Engineer in order to determine pro-rata costs.

**ARTICLE V**  
**IMPROVEMENTS**

**Section 4.18 General.**

Prior to the granting of final approval, the developer shall have installed improvements required by the Planning Board or have posted a performance guarantee or surety sufficient to cover the costs of said improvements. The Planning Board may solicit local, county, State, federal, public or semi-public agencies and knowledgeable individuals on what improvements shall be required. Improvements recommended by other agencies, such as a utilities authority, county, State or other governmental agencies, may be required by the Planning Board as a condition of final approval. The following construction standards, and improvements are necessary to protect the health, safety, welfare, and convenience of the residents and public as well as needed to meet local, county, regional, State and national goals and objectives. It is recognized, however, that in peculiar situations, all of the improvements listed below may not be appropriate or needed.

**Section 4.19 Construction, Maintenance, and Installation Standards for Specific Improvements.****A. Streets.**

1. The developer shall submit plans, profiles cross-sections and design for the work to the Township Engineer for approval prior to the start of any construction and at his own expense, grade all streets for their full width, in conformity with the terrain and good engineering practices; shall have all underground utilities installed prior to any street paving construction, shall construct adequate underground pipe drainage systems to carry off surface waters, shall construct streets in accordance with specifications shown below and shall install a base course.

2. Pavement thickness design shall, as a minimum, conform to the following schedule:

Pavement Specifications

	Bituminous Concrete Surface Course	Bituminous Concrete Base Course	Subbase
Industrial	2" (Mix 1-5)	5" (Mix I-1)	6' Quarry Blend
Primary			6"
Arterial	2" (Mix 1-5)	5" (Mix I-1)	Quarry Blend 6"
Secondary			6"
Street	2" (Mix 1-5)	4" (Mix I-1)	Quarry Blend 6"
Collector			6"
Street	2" (Mix 1-5)	4" (Mix I-1)	Quarry Blend 6"
Local			6"
Street	2" (Mix 1-5)	4" (Mix I-1)	Quarry Blend

3. Prior to placing the surface course, the base course shall have a tack coat of bituminous material. All of the above construction shall be in accordance with current New Jersey Department of Transportation Standard Specifications and supplements thereto on file in the office of the Township Engineer. The standard specifications are further supplemented to require that, prior to placing final surface course, the intermediate base course shall be open to traffic and shall so remain for at least one (1) winter season. Thereafter, the Township Engineer shall inspect the pavement and will require areas of pavement failure to be removed and replaced, settled areas shall be leveled with hot mixed bituminous concrete. The Township Engineer may require compacted select fill or approved subbase material as needed to replace native subgrade material.

4. All traffic lanes, both moving and parking, shall be striped in accordance with the Manual on Uniform Traffic Control Devices, as amended. (U.S. Department of Transportation, Federal Highway Administration, 1971.)

5. Construction standards as specified herein, shall also apply to any private street as may be part of a development application receiving preliminary approval by the Planning Board.

6. Fire lanes located in other than those paved portions of a lot shall be designed such that the subsurface base be at least twenty (20) feet wide of twelve (12) inch thick quarry blend over a quality subsoil necessary and sufficient to support a thirty (30) ton fire apparatus vehicle. The subsurface base may be covered with at least two (2) inches of topsoil prior to the placement of sod or alternative paving block or similar decorative paving may be used. Final design shall be approved by the Township Engineer.

7. If the natural sub-base contains more than fifteen (15) percent material passing a #200 sieve and does not have adequate sub-surface drainage, underdrains of such size, location and number,, together with access facilities as determined by the Township Engineer shall be constructed in addition to the required sub-base. Sieve analysis shall be performed at all low points and concave vertical curves along a roadway. The Township Engineer may require additional sieve analysis to be performed. Such underdrains may be constructed longitudinally in the center of the street, longitudinally on the side of the Street, and transverse to the street. Where constructed in the center of the street, underdrains shall be located with a minimum of eighteen (18) inches clearance from the sanitary sewer. The trench in which underdrains are laid shall be filled with crushed stone or washed pebbles (from 3/8 to 3/4t# in size) for a minimum of six (6) inches below, on both sides and above the pipe, and the balance of the trench, from the top of the stone or washed pebbles, to the sub-base, shall be filled with an approved porous material for a width at least equal to the bottom of the trench with a two (2) inch layer of salt hay or filter fabric being placed on top of the stone or washed pebbles.

B. Curbs. Shall be constructed of Portland Cement air-entrained concrete having a twenty-eight (28) day compressive strength of four thousand five hundred (4,500) pounds per square inch. Dimensions shall be 6"x9"x18" with a six (6) inch reveal. Depressed curbs at driveways shall have a full depth of eighteen (18) inches.

C. Sidewalks. Shall be constructed of Portland Cement air-entrained concrete having a twenty-eight (28) day compressive strength of four thousand (4,000) pounds per square inch.

D. Water Mains. Water mains are to be installed in accordance with the following:

1. Engineering requirements for all water main installations are to comply with the rules and regulations of the New Jersey State Department of Health.
2. All pipe shall be not less than Class 52 ductile iron pipe of the size determined by the Township Engineer, but in no case less than six (6) inches in diameter, and meeting the current specifications of the American Water Works Association. PVC water mains with push-on joints may be used if approved by the applicable public utility.
3. All joints shall be lead or mechanical joint.
4. The depth of pipe from the finished surface or roadway or grade shall be not less than four (4) feet from the top of pipe.
5. Fire hydrants shall be generally located not more than eight hundred (800) feet apart and spotted, where practicable, as follows: Near streetlights, near inlets, near street intersections; and on property lines.

6. Valves shall be installed with all fire hydrants and at such other locations in the lines as directed by the Township Engineer.
7. House service connections, from the main to the curb stop and box, must be installed at all lots prior to placing any foundation or surface on the roadway.
8. No installation shall be covered until inspected and approved by the Township Engineer or the appropriate utility (water purveyor) as the case may be.

#### E. Sanitary Sewers.

1. Where required by the Planning Board, sanitary sewers including service laterals and cleanouts at curb side, shall be installed in all streets and easements before the base materials for the streets are in place or the fine grading of the easement is complete, whether or not such sewers can be put to immediate use.
2. Where, in the opinion of the County Board of Health so expressed to the Planning Board, the subsurface soil characteristics and/or the percolation rate are such to permit subsurface disposal of sewage from individual dwellings as a temporary expedient until the sewers installed in the streets can be connected to the Township sewer system, such temporary subsurface disposal facilities may be permitted and constructed in addition to the sewers in the streets and easements. Sewerage facilities for individual dwellings shall conform with the code promulgated by the NJDEP Standards for Individual Subsurface Sewage Disposal Systems (N.J.A.C. 7:9A-1.1 et seq.) and current County Health Regulations Codes.
3. Sewers in the streets and easements are to be constructed in accordance with the following:
  - a. Standards. All sewers, manholes, appurtenances and equipment shall be designed, constructed and installed in accordance with the requirements of the Department of Environmental Protection and Energy, the approval of which shall be noted on plans and specifications submitted as part of the data required, and in accordance with the most recent approved specifications and details of the Township.
  - b. Pipe material. Pipe shall be PVC- SDR35 or ductile iron pipe of the class, type and strength of each required for the particular use and location.
  - c. Pipe dimensions. The minimum inside diameter shall be eight (8) inches for sewers in roadways or easements and four (4) inches for house connections; the diameter and slope (gradient) being such as to maintain theoretically a velocity of two (2) feet per second when flowing one-half (1/2) full (or full) with an assumed  $n = 0.013$ . Without special permission of all approving authorities, pipes larger in diameter with flatter slopes shall not be permitted if the project rate of flow does not theoretically fill the pipe one-half (1/2) full.

d. Joints. Sections of pipe shall be joined by slip-type rubber gasketed joints, mechanical joints and such other gasketed joints as approved. Hot poured bituminous joints and caulked lead joints may be used, if approved, where conditions are such that preformed gasketed joints are not applicable.

e. Watertight caps or plugs. Termination of service laterals or any other temporary or permanent opening into the system shall be sealed by an acceptable means against the entrance of surface and ground water. Such sealed caps or plugs shall be so installed as to be watertight against any such internal pressure as might be applied in the testing of the sewer, as well as external subsurface water infiltration. Terminations of laterals shall be referred to "S cuts on curbs or to other permanent monuments to facilitate locating the ends in the future.

f. Manholes. Manholes may be either precast or built in place. No more than four (4) courses of brick may be used for casting grade adjustments. No deviation from the approved standards will be permitted which may adversely affect water tightness, structural strength, safe use or maintenance of the manhole or the pipes connecting thereto.

g. Service connections. Laterals for sanitary sewers shall be constructed from mains to a point two (2) feet beyond underground utility easement in front of the realty improvement to be sewered.

The owner shall, at the time he deeds the streets within a development to the Township, give a bill of sale to the municipality, transferring title to all sewer utility improvements within Street line limits and within easement limits absolutely free to the Township of Lower Alloways Creek.

#### F. Street Signs.

1. All Street signs shall have reflectorized white letters on a green background (e.g., type E-450 or equal). Both signs and poles shall either be of non-ferrous metal or galvanized steel.

Neighborhood or directional signs shall be installed on major roads to aid in circulation.

2. All signs shall be mounted on two (2) inch diameter posts embedded in concrete.

3. Street signs shall be approved by the Township Engineer prior to ordering by the developer.

4. Street signs shall comply with the requirements contained within the Manual of Uniform Traffic Control Devices.

5. Street signs shall be installed by the developer upon the completion of the base course of each roadway within the development. No certificates of occupancy will be issued until the signs are installed and approved by the appropriate Township officials.

6. No decorative street signs are permitted within the Township of Lower Alloways Creek, unless expressly approved by the Planning Board.

G. Sidewalks. All required sidewalks shall be four (4) feet wide (minor street) or five (5) feet wide (primary or collector Street) by four (4) inches thick, except at driveways and aprons where they shall be eight (8) inches thick.

H. Street/Lights.

1. All street lights shall be installed at least at all street intersections and as may be required by the Township Engineer. They must be shielded so that no direct light or glare is visible from house or apartment windows, and do not produce glare in the eyes of a motorist.

2. Poles shall be laminated, gray wood.

I. Topsoil Protection. No topsoil shall be removed from the site or used as spoil. Topsoil moved during the course of construction shall be redistributed so as to provide at least four (4) inches of cover in all areas of the subdivision and shall be stabilized, seeded or planted, so as to remain in place.

J. Monuments. All monuments are to be of the size and shape required by "The Map Filing Law (1960)," N.J.S.A. 46:23-9.9 et seq., or other applicable statutes, on both sides of all new streets.

K. Storm Drainage Systems.

1. All storm drainage systems consisting of catch basins, underground sewers, paved swales, box culverts, rip-rap or otherwise stabilized stream banks, dams, retention basins and swales, and other devices shall be installed so that all storm water is led to and confined in natural drainage channels without causing erosion. Bicycle safe storm sewer gratings are required. They shall also be designed in accordance with the standards established in Article VI of this ordinance.

2. Concrete pipe is preferred to box culverts for drainage under roads. In such cases an easement of appropriate width extending at least -fifty (50) feet beyond the right of-way line shall be granted on either side, and the pipe shall be covered for the full width of the right-of-way and twenty (20) feet beyond.

L. Additional Elements Necessitated by Topography. Retaining walls, cribbing, ground cover, diversionary swales, and guard rails shall be installed as necessary to prevent erosion, hazard, and unusual problems of maintenance.



M. Electrical, Telephone Lines and Similar Utilities. All such lines shall be underground from existing utility poles.

N. Landscaping - General.

1. Landscape plans shall conform to the following general design principles.

- a. Landscaping shall be provided as part of site plan and subdivision design. It shall be conceived in a total pattern throughout the site, integrating the various elements of site design, preserving and enhancing the particular identity of the site and creating a pleasing site character appropriate to the historical context.
- b. Landscaping may include plant materials such as trees, shrubs, groundcover, perennials, and annuals and other materials such as rocks, water, sculpture, art, walls, fences and building and paving materials.
- c. Use landscaping to accent and complement buildings. For example, groupings of tall trees to break up long, low buildings and lower plantings for taller buildings.
- d. Locate landscaping to provide for climate control. For example, shade trees on the south to shield the hot summer sun and evergreens on the north side for windbreaks.
- e. Provide for a variety and mixture of predominantly native landscaping. The variety shall consider susceptibility to disease, colors, season, textures, shapes, blossoms, and foliage.
- f. Local soil conditions and water availability and native plants shall be considered in the choice of landscaping.
- g. Consider the impact of any proposed landscaping plan at various time intervals so that, for example, shrubs do not grow and eventually block sight distances or encroach upon roads or sidewalks.
- h. All landscape plants shall be typical full specimens conforming to the American Association of Nurserymen Standards and/or landscape plans and specifications for quality and installation.
- i. Assure that no aspect of the landscape design inhibits access to the development by emergency vehicles.

2. A landscape plan prepared by a qualified professional shall be submitted with each site plan application, unless an exception is granted by the approving authority. The plan shall identify existing and proposed trees, shrubs, groundcover, natural features and other landscaping elements. The plan should show where they are or will be located and planting and/or construction details. When existing natural growth is proposed to

remain, applicant shall include in the plans proposed methods to protect existing trees and growth during and after construction.

### 3. Site Protection and General Planting Requirements.

- a. Topsoil Preservation. Topsoil moved during the course of construction shall be redistributed on all regraded surfaces so as to provide at least four (4) inches of even cover to all disturbed areas of the development and shall be stabilized by seeding or planting.
- b. Removal of Debris. All stumps and other tree parts, litter, brush, weeds, excess or scrap building materials, or other debris shall be removed from the site and disposed of in accordance with the law. No tree stumps, portions of tree trunks or limbs shall be buried anywhere in the development. All dead or dying trees, standing or fallen shall be removed from the site. If trees and limbs are reduced to chips, they may, subject to approval of the approval authority, be used as mulch in landscaped areas. A developer shall be exempt from these provisions, however, and shall be permitted to dispose of site-generated new construction wastes on-site as long as the conditions set forth in N.J.A.C. 7:26-1.7 are met.
- c. Protection of Existing Plantings. Maximum effort should be made to save fine specimens. Trees over ten (10) inches in diameter shall be retained and incorporated into all landscape plans. No material or temporary soil deposits shall be placed within four (4) feet of shrubs or ten (10) feet of trees designated to be retained on the preliminary and/or final plat. Protective barriers or tree wells shall be installed around each plant and/or group of plants that are to remain on the site. Barriers shall not be supported by the plants they are protecting, but shall be self-supporting. They shall be a minimum of four (4) feet high and constructed of a durable material that will last until construction is completed. Snow fences and silt fences are examples of acceptable barriers.
- d. Slope Plantings. Landscaping of the area of all cuts and fills and/or trenches shall be sufficient to prevent erosion and all roadway slopes steeper than one (1) foot vertically to three (3) feet horizontally shall be planted with groundcovers appropriate for the purpose and soil conditions, water availability and environment.
- e. Additional Landscaping. In residential developments, besides the screening and Street trees required, additional plantings or landscaping elements shall be required throughout the subdivision where necessary for climate control, privacy or for aesthetic reasons in accordance with a planting plan approved by the Planning Board and taking into consideration cost constraints. In nonresidential developments, all areas of the site not occupied by buildings and required improvements shall be landscaped by the planting of grass or other groundcover, shrubs, and trees as part of a site plan approved by the Planning Board.

f. Planting Specifications. Deciduous trees shall have at least a two and one-half (2 1/2) inch caliper at planting. Size of evergreens and shrubs shall be allowed to vary depending on setting and type of shrub. Only nursery-grown plant materials shall be acceptable; and all trees, shrubs and groundcovers shall be planted according to accepted horticultural standards. Dead or dying plants shall be replaced by the developer during the following planting season.

g. Plant Species. The plant species selected should be hardy for the particular climatic zone in which the development is located and appropriate in terms of function and size. Native species should predominate.

#### 4. Street Trees.

a. Location. Street trees shall be installed on both sides of all streets in accordance with the approved landscape plan. Trees shall either be massed at critical points or spaced evenly along the street or both.

When trees are planted at predetermined intervals along streets, spacing shall depend on mature tree size as follows:

<b>Tree Size (height) (in feet)</b>	<b>Planting Interval (in feet)</b>
Large Trees (40+)	50-70
Medium-sized Trees (30-40)	40-50
Small Trees (to 30)	30-40

When the spacing interval exceeds forty (40) feet, small ornamental trees can be spaced between the large trees. If a Street canopy effect is desired, trees may be planted closer together, following the recommendations of a certified landscape architect and approval of the Township, trees shall be planted so as not to interfere with utilities, roadways, sidewalks, sight easements, or street lights. Tree location, landscaping design and spacing plan shall be approved by the Planning Board as part of the landscape plan.

b. Tree Type. Tree type may vary depending on overall effect desired, but as a general rule, all trees shall be the same kind on a street, except to achieve special effects. Selection of tree type shall be approved by the Planning Board. The use of native trees is recommended.

c. Planting Specifications. All trees shall have a minimum caliper of two and one-half (2 1/2) inches and they shall be nursery grown, of substantially uniform size and shape, and have straight trunks. Trees shall be properly planted and staked and provision made by the applicant for regular watering and maintenance until they are established. Dead or dying trees shall be replaced by the applicant during the next planting season.

## 5. Buffering.

a. **Function and Materials.** Buffering shall provide a year-round visual screen in order to minimize adverse impacts from a site on an adjacent property or from adjacent areas. It may consist of fencing, evergreens, berms, rocks, boulders, mounds or combinations to achieve the stated objectives.

b. **When Required.** Buffering shall be required when topographical or other barriers do not provide reasonable screening and when the Planning Board determines that there is a need to shield the site from adjacent properties and to minimize adverse impacts such as incompatible land uses, noise, glaring light, electromagnetic or other radiation, and traffic. in small-lot developments, when building design and siting do not provide privacy, the Planning Board may require landscaping, fences or walls to ensure privacy.

When required, buffers shall be measured from side and rear property lines, excluding access driveways.

(1) Where more intensive land uses abut less intensive uses, a buffer strip twenty-five (25) feet, but not to exceed ten (10) percent of the lot area in width shall be required.

(2) Parking areas, garbage collection and utility areas, and loading and unloading areas shall be screened around their perimeter by a buffer strip a minimum of five (5) feet wide or in such manner approved by the Township Engineer.

(3) Where residential subdivisions abut higher-order streets (collectors or arterials), adjacent lots should front on lower-order streets, and a landscaped buffer area provided along the property line abutting the road. The buffer strip shall be a minimum of twenty-five (25) feet wide or wider where necessary for the health and safety of the residents and include both trees and shrubs.

c. **Design.** Arrangement of plantings in buffers shall provide maximum protection to adjacent properties and avoid damage to existing plant material. Possible arrangements include planting in parallel, serpentine or broken rows. If planted berms are used, the minimum top width shall be four (4) feet, and the maximum side slope shall be two to one (2:1).

d. **Planting Specifications.** Plant materials shall be sufficiently large and planted in such a fashion that a screen at least eight (8) feet in height shall be produced within three (3) growing seasons. All plantings shall be installed according to accepted horticultural standards.

e. Maintenance, Plantings shall be watered regularly and in a manner appropriate for the specific plant species through the first growing season, and dead or dying plants shall be replaced by the applicant during the next planting season. No building, structures, storage of 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.

6. Paving Materials, Walls and Fences.

a. Paving Materials. Design and choice of paving materials used in pedestrian areas shall consider the following factors: cost, maintenance, use, climate, characteristics of users, appearance, availability, glare, heat, drainage, noise, compatibility with surroundings, decorative quality and aesthetic appeal and historical context, Acceptable materials shall include but are not limited to concrete, brick, cement pavers, asphalt and stone.

b. Walls and fences shall be erected where required for privacy, screening, separation, security or to serve other necessary functions and shall comply with the following provisions. These provisions shall not apply to the required screening of storage or similar areas for business, agricultural or industrial uses.

(1) All applications for a fence permit shall be accompanied with a drawing of the proposed fence design which meets the following standards and provides the following information:

(a) The drawing shall be neatly and accurately drawn at an appropriate scale of not more than twenty (20) feet to the inch.

(b) The drawing shall show all dimensions and shall be clearly marked.

(2) A fence shall be defined as any wood, masonry, metal or aluminum structure(s) or any wall or hedge planted or constructed on the front, side or rear yard designed to shield, screen or protect a lot(s) or a portion of a lot(s) in a residential district.

(3) Fences may be erected, altered or reconstructed to a height not to exceed four

(4) feet above ground level when located within the front yard area and to a height not to exceed six (6) feet above ground level when located in the side or rear yard.

(4) Fences exceeding three (3) feet in height located within the front yard area shall be constructed in such a manner as to provide at least fifty (50) percent open space.

Picket fences shall have at least fifty (50) percent open space between vertical pickets when considering total fence area.

- (5) The foregoing restrictions shall not be applied so as to prevent the erection of an open wire fence not exceeding eight (8) feet above ground level anywhere within a public park, public playground, school premises, or commercial zone.
- (6) All fences must be erected within the property lines and no fences shall be erected so as to encroach upon adjacent properties or public rights-of way. Fence gates shall be designed to prevent the open swing of the gate from encroaching upon adjacent properties or public rights-of-way.
- (7) All fences shall be constructed with the face, or finished side, away from the property and the structural side toward the interior of the lot(s) on which it is erected.
- (8) All fencing shall be in conformance with the requirements for visibility at intersections.
- (9) Living fences, hedges or screen plantings shall be planted no closer than three (3) feet to a property line and shall be appropriately maintained.
- (10) All fences and walls shall be maintained in a safe, sound and upright condition.
- (11) If the Zoning Officer, upon inspection, determines that any fence or portion thereof is not being maintained in a safe, sound or upright condition, he shall notify the owner of such fence in writing of his findings and state briefly the reasons for such findings and order such fence repaired or removed within thirty (30) days of the date of the written notice.
- (12) Fencing may not be erected in any yard if it acts to inhibit access to Township fire, police and emergency medical services.
- (13) These restrictions shall not be applied so as to restrict the erection of a wall for the purpose of retaining earth.
- (14) These restrictions shall not be applied so as to restrict the erection, alteration or reconstruction of fences used in connection with farms and farm operations except insofar as such fences might affect the public safety.
- (15) Temporary fences such as snow fences, expandable fences, collapsible fences, canvas, and cloth fences may be permitted upon a determination by the Zoning Officer that such fencing is necessary to inhibit the dispersal of air-borne material during construction activity.
- (16) The following fences are prohibited in all residential districts except when constructed as per Subsection 14 above: barbed wire, razor wire, electric and other similar type fences.

7. Landscape Maintenance. A landscape management maintenance specification shall be provided in conjunction with all approved subdivisions as to street trees, common open space, and areas to be dedicated to the public and all approved site plans. In addition, a copy of the reverse frontage maintenance specifications for the tasks outlined below for this area must be provided to all owners of fee simple reverse frontage lots at the time of sale.

These documents shall provide specifications for perpetual maintenance in order to assure a safe and attractive landscape environment and to promote healthy growth of all plant materials. They make take the form of a monthly schedule or a categorized guideline.

8. Installation and Inspection of Landscaping. The following installation and performance and inspection principles and procedures should be applied to all landscape installations.

a. Prior to the issuance of any certificate of occupancy, the proposed landscape as shown on the approved landscape plan must be installed, inspected, and approved by the Township Engineer.

b. All plantings shall be made in a manner consistent with the instructions and graphics set forth in the following planting details.

c. For all reverse frontage and other buffer areas, the following installation and inspection procedures shall be followed. First, the area should be rough graded for the approval of the Township Engineer. Based upon comments made during these two (2) inspections, the sidewalk shall be formed for inspection and approval. Subsequent to sidewalk installation, the area should be fine graded and the planting staked for the approval of the Township Engineer.

d. if minor changes to the approved plan are made prior to or during construction, revised or record drawings must be submitted to the Township Engineer for approval. Such revisions shall be indicated by a formal letter of request to the Township with a copy to the Township Engineer. Substantial changes shall require the approval of the board of jurisdiction. If unapproved or inadequate landscape is implemented, then appropriate replacement may be required.

e. Subsequent to landscape installation and until release of performance bonds, the Township shall have the right to inspect all landscape areas for conformance to the approved plans, proper installation and maintenance, and performance of landscape material.

f. Site Amenities. Site amenities include, but are not limited to, tot lots, play structures, benches, tables, bridges, paths, fences, walls, banks, bicycle racks, and signs. All of these amenities shall be periodically inspected and maintained as necessary by the homeowners

association, or other appropriate entity. At a minimum, inspection shall occur twice a year in early March and early August. Any damaged, worn, or unsafe conditions shall be rectified immediately.

P. Landscape Lighting. All lighting essential to pedestrian and vehicular circulation shall be periodically inspected. Damaged or malfunctioning lights shall be replaced or repaired immediately.

Q. Paved Surfaces. All paved surfaces shall be periodically inspected and maintained. Items of normal maintenance not listed below but found to be necessary shall be performed as soon as possible to keep these surfaces safe and in satisfactory condition.

1. All roadways, parking areas, loading areas, and pedestrian walkways shall be maintained free of snow, trash, and debris at all times.
2. All stains shall be washed off paved surfaces.
3. During building occupation, sidewalks shall not be obstructed with maintenance equipment, trash, or grass clippings.
4. Damaged pavements shall be repaired and properly resurfaced or replenished as necessary to assure a neat appearance and safe usage.

R. Bicycle-Safe Storm Grates. Storm sewer grates installed on roadways, including driveways and parking lot aisles and dedicated bikeways, shall be bicycle safe. Standard Township construction detail for such grates shall be utilized.

S. Other Improvements. In the event the Township has not adopted standards for a specific type of improvement, then generally accepted engineering standards as set forth in engineering and construction manuals as may be approved and modified by the Township Engineer for a specific situation, shall be used.

T. Traffic Signs.

1. A proposed traffic control plan showing traffic signs to be installed by the developer at its sole expense shall be submitted with each application for subdivision or site plan approval. The plan shall indicate the nature and proposed location of traffic and street signs needed to assure the safe and controlled flow of traffic on the tract, including ingress and egress to the site. The information to be set forth on each sign, including street names, permissible speed limits, stop and yield signs at intersections, designations of one-way and dead-end streets, and prohibited parking locations, shall be specified.
2. Final sign locations shall be determined by the Township after review, when necessary, with the New Jersey Department of Transportation of proposed traffic generation and vehicular movement data and relevant speed and accident sampling data.



3. All signs shall be approved by the Township Engineer prior to their purchase by the Developer, to assure uniformity and conformance with the standards contained in the Manual on Uniform Traffic Control Devices.
4. No certificate of occupancy shall be issued for any structure located on the tract until the Township Engineer has certified the satisfactory installation by the developer of all signage in accordance with the traffic control plan, as it may be modified by the Township Police Department or the New Jersey Department of Transportation.
5. The installation of electronic traffic control signaling devices is not prescribed by this section, since a pro-rata portion of the developer's cost for such devices shall be assessed and collected from the developer pursuant to Section 4. 12B. of this chapter.  
Section 4.20 Inspections and Fees.

A. Prior to starting any construction of the required improvements, the developer must submit final detailed construction plans to the Township Engineer for his review and approval and shall pay to the Township Treasurer, by cash or certified check, the inspection fee and escrow deposit as per the Township Fee Ordinance for both private and public improvements.

B. All of the required improvements for a development, during and upon completion of their construction, shall be subject to inspection and approval by the Township Engineer, who shall be notified by the developer at least twenty-four (24) hours prior to the start of construction.

C. No underground installations shall be covered until inspected and approved by the Township Engineer. At a minimum, the Township Engineer will make the following inspections:

1. Roadway subgrade prior to placing subbase material and/or bituminous stabilized base course material.
2. The bituminous stabilized base course material after complete compaction and prior to applying bituminous material tack coat for the bituminous concrete surface course.
3. Bituminous concrete surface course materials while it is being laid.
4. Finished bituminous concrete surface course pavement.
5. Concrete curb and sidewalks, when the forms are laid and the subgrade is leveled and tamped prior to placing concrete, also during the placing and finishing of the concrete.
6. Such inspections as the Township Engineer shall deem necessary of the pipe drains, inlets, municipal utilities lines and appurtenances, etc. while pipes, etc. are being laid and prior to backfilling trenches, inlets and manholes while being constructed.

D. Approval or reasons for withholding approval for either public or private improvements shall be given promptly, and in any event within forty-five (45) days after inspection. If work proceeds without such approval or not in compliance therewith, the Township Engineer, in addition to any other remedies available to the municipality, may issue an order requiring immediate cessation of the affected work and prohibiting resumption thereof until approval is obtained or noncompliance corrected.

**Section 4.21 Acceptance of Streets and Improvements.**

A. Prior to the acceptance by the Township of any Street or other improvement in a subdivision, or release of performance bond covering same, there shall be filed with the Township Engineer a deed of dedication containing a metes and bounds description of all easements, two (2) paper prints, plus one (1) reproducible polyester film tracing (matte finish) (base thickness, 0.001 in.), "as-built" plans and profiles drawn to a scale of one inch equals five feet (1" = 5') vertically, which plans and profiles shall be based, on a final survey and shall be the United States Coast and Geodetic Control Survey datum. Such drawing shall show how streets and other improvements were actually constructed or installed. The following data must be shown with measurements from the property lines:

1. Plans and profiles of the streets showing elevations as constructed and reference bench marks.
2. Plans and profiles of sanitary storm sewers showing elevations of inverts of manholes and catch basins and elevations of inlet gratings and manhole rims; also locations of sanitary sewer, laterals dimensioned from main and reference dimensions to "T" or "V" connections from manholes.

B. Upon submission of the deeds for easements and the "as-built" plans and profiles to the Township Engineer, the governing body will consider the acceptance of any improvement and final release of the performance guaranty covering same within forty-five (45) days following the submission by the developer of said deed and "as-built" plans.

**Section 4.22 Maintenance of Streets Prior to Acceptance.**

A. Until such time as the streets are accepted by the governing body in accordance with Section 4.21, the developer shall be obligated to perform all maintenance, including but not limited to snowplowing, on said streets.

B. In the event the developer fails to maintain the streets and thereby creates a hazard, the Township may perform such maintenance as is necessary to remove the hazard. The Costs incurred by the Township shall be billed to and paid by the developer. Emergency maintenance work performed by the Township as a result of the developer's failure to properly maintain shall not constitute an acceptance of the streets.

ARTICLE VI  
STORM WATER CONTROL

**Section 4.23 General Administration.**

No application for development shall be approved unless the Township Engineer has certified to the approving authority in writing that:

A. The applicant has provided the Township Engineer with sufficient information for him to determine whether or not the proposed development will conform with Township runoff standards, runoff control details and storm water detention facility design criteria.

B. In the judgment of the Township Engineer the proposed development will substantially conform with these standards and design criteria set forth herein.

**Section 4.24 Location.**

A. Retention and detention basins as may be required for surface runoff and drainage control shall be located on-site and within the zoning district permitting that use, subject to the requirements outlined herein. Such basins shall be considered accessory uses.

B. Such storm water control improvements may be located within the setback lines of the area to be improved, excluding landscape transition buffers or landscape strips as may be required by the Zoning Ordinance.

**Section 4.25 Optional Location.**

A. Where it can be demonstrated, at the time of Planning Board review, that such on-site basin location within the zoning district permitting that use is impractical due to engineering feasibility factors, then the Planning Board may permit such basins to be located off-tract, and/or out of the zoning district provided the following requirements are met:

- 1 All of the conditions noted in this article are met.
2. Location of the basin does not hinder or discourage the appropriate development and use of the property on which it is located or the use of adjacent land and buildings.
3. Permanent access or easement to the basin for maintenance and inspection purposes shall be provided.
4. Utilization of other nearby off-tract basin facilities is not feasible or practicable as determined by the Township Engineer.

**Section 4.26 Site Design Characteristics.**

Basins other than those providing long-term water retention, such as at a recreational or irrigation lake or basin facility serving three (3) or more properties, shall be designed to be dewatered with the side slopes and floor of such basins to be sodded. Where dewatering is not practical, then areas adjacent to such basins shall contain protective landscaping (e.g., thorny, decorative shrubs), arranged so as to restrict access to its edge. Where basins in general are to be located in parking lots or areas adjacent to pedestrian or vehicular traffic, dense plantings of shrubs to act as barriers and adequate low-level lighting for safety precautions shall be required. A minimum of two (2) soil borings for each detention retention to determine the depth to seasonal high ground water shall be required. The bottom elevation of any proposed basin shall be at least eighteen (18) inches above the seasonal high ground water elevation.

**Section 4.27 Runoff Standards.**

A. No land area in the Township shall be developed so that:

1. The maximum rate of storm water runoff from the area from any storm up to and including the one hundred (100) year, twenty-four (24) hour Type III storm is increased over what occurs there under existing conditions for the site in question;
2. The drainage of adjacent areas is adversely affected;
3. Soil erosion during and after development is increased over what naturally occurs there;
4. Soil absorption and ground water recharge capacity of the area is decreased below what occurs under existing conditions; or
5. The natural drainage pattern of the area is significantly altered.

B. Provisions should be made for retention of runoff from small storms long enough for settlement of particulates. Specifically, the stored runoff from one and one-quarter (1 1/4) inches of rainfall occurring in two (2) hours must allow only ninety (90%) percent to be evacuated from the detention facility during thirty-six (36) hours, or during eighteen (18) hours in the case of dry basins in residential areas. This requirement for retention may be waived for residential areas where runoff is passed in sheet flow over thirty (30) feet of lawn or leaf mulch area; and the full extent of retention will not be required where this would require outlets less than three (3) inches in diameter.

**Section 4.28 Runoff Control Details.**

A. In order to duplicate as nearly as possible natural drainage conditions, regulation and control of storm water runoff and erosion for any land area to be developed shall be through on-site water detention and/or ground absorption systems which include, but are not limited to, the following:

1. Detention areas which may be depressions in parking areas, excavated basins, basins created through use of curbs, stabilized earth berms or dikes, or any other form of grading which serves to temporarily impound and store waters;
2. Rooftop storage through temporary impoundment and storage of storm water on flat or slightly pitched building rooftops by use of drain outlets which restrict the storm water runoff from the roof surface;
3. Drywells or leaching basins which control storm water runoff through ground absorption and temporary storage;
4. Porous pavement or gravel, which preserves the natural ground absorption capacity of a site and provides a subsurface reservoir for temporary storage of storm water;
5. Any system of porous media, such as gravel trenches drained by porous wall or perforated pipe, which temporarily store and dissipate storm water through ground absorption; and
6. Any combination of the above mentioned techniques which serve to limit storm water runoff from a given site to what presently occurs there.
7. Preservation of natural vegetation.

**Section 4.29 Design of Storm Water Detention Facilities.**

A. Storm water detention facilities shall be designed to contain an amount equal to the increase in volume of runoff which would result from development of any site. The volume of runoff shall not exceed the difference between a fifty (50) year post-developed storm and the runoff from a ten (10) year storm prior to development.

B. The runoff shall be computed for each site using accepted, published runoff coefficients such as found in Urban Hydrology for Small Watershed, Technical Release No. 55 Engineering Division, Soil Conservation Service, U.S. Department of Agriculture, January 1977, and as may be modified by the Township Engineer. The range of coefficients for each land use and surface type reflects differences in land slope, intensity of development, amount of impervious surface and degree of ground saturation due to antecedent precipitation.

C. The runoff shall be determined for each site for both existing and proposed conditions and the difference in the two, or runoff excess, shall be used to determine the capacity of the storm water detention facilities. If any such facility will contain water under normal conditions, the amount so contained shall not be counted in calculating the capacity required for the detention of water for the design storm.

D. In the case of detention facilities utilizing porous media for ground absorption, such as drywell, porous pavement, or the like, the volume of the porous media above the water table shall be large enough to contain the total volume of runoff excess within the voids. Ground absorption systems shall be used only where the infiltration rate of the receiving soil is acceptable as determined by percolation tests and soil borings, or as determined by the Township Engineer. Provisions shall be made to contain overflow on such systems on-site or to surface drain the overflow in such a way as not to adversely affect any other property.

E. If detention facilities utilizing surface impoundment such as detention basins or rooftop storage, are used, sufficient volume to fully contain the total volume of runoff excess shall be provided. The outlets of such facilities shall discharge in such a way as not to adversely affect any other property. If rooftop storage is proposed the weight of the impounded water on the roof shall be accounted for in the structural design of the building and the roof shall be designed to provide maximum protection against leakage. If berms or dikes are used to create the impounding area, they shall be adequately stabilized and the slopes protected with vegetative cover, paving, or rip-rap to protect against failure or breaching.

F. If a combination of different storm water detention techniques is used, combined volume of the systems shall be large enough to fully contain the total volume of runoff excess.

G. Storm water detention facilities shall be constantly maintained by the owner to insure continual functioning of the systems at design capacity and to prevent the health hazards associated with debris buildup and stagnant water. In no case shall water be allowed to remain in any facility long enough to constitute a mosquito breeding, disease, or any other type of health problem, unless approved as a multi-function facility to include water such as a pond. If the land or storm water detention facility or facilities are proposed to be dedicated to the Township and said dedication is accepted by the Township, the procedures for the construction, dedication and acceptance and maintenance of such facilities set forth herein including, but not limited to performance and maintenance bonds, inspections, etc. shall govern.

H. Detention and sediment and erosion control facilities shall be designed in conformance with the "Standards for Soil Erosion and Sediment Control in New Jersey" of the New Jersey State Soil Conservation Committee as approved by the Township Engineer or the Salem County Soil Conservation District under agreement, except where the Township Engineer has determined that conditions peculiar to a certain site warrant exception.

I. Sediment and erosion control measures shall be installed prior to any other site development, shall apply to all aspects of the proposed development, and shall be in operation during all stages of development. Increased runoff and sediment, resulting from modified soil and surface conditions caused by the proposed development, shall be minimized and where possible, retained on-site.

J. For each detention basin, an emergency spillway shall be provided which will accommodate flows from storms in excess of the design storm. Outlets shall be designed so as to reduce the maximum rate of outflow from the one hundred (100) year storm after development to a rate not in excess of that which would have occurred prior to development as required by Section 4.27, subsection All. above, both for the peak instantaneous flow and the peak hourly flow, and to provide for retention of runoff from small storms as required by Section 4.27, Subsection B. above. Outlets shall effect the maximum practicable degree of detention of runoff from storms of intermediate size. If an affirmative showing is made that storage in an amount less than the runoff excess will satisfy requirements of Section 4.27 for both the one hundred (100) year storm and for storms respectively one-quarter (1/4), one-half (1/2), three-quarters (3/4) of that amount of rainfall, then that reduced amount of storage will be sufficient to satisfy the requirements of this chapter. In making this determination, all lands in the site shall be assumed, prior to development, to be in good condition (if the lands are pastures, lawns or parks) with good cover if the lands are woods, or with conservation treatment (if the land is cultivated) regardless of conditions existing at the time of computation.

K. Outlet waters from the site or the detention facility shall be discharged at such locations and velocities as not to cause additional erosion, or to create additional channels below the development.

#### **Section 4.30 Storm Drainage Design Criteria.**

- A. Runoff Computation. Computations of the rate of flow at any given location shall be based on the Rational Formula:  $Q = CiA$ , in which:

$Q$  = Volume in cubic feet per second

$C$  = Runoff coefficient

$i$  = Intensity of rainfall in inches per hour

$A$  = Watershed area in acres

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

Land Use	Description	Coefficient
Residential	Individual dwelling with lot size: 20,000 SF or greater	0.40
Residential	Individual dwelling with lot size: less than 20,000 SF	0.50
Apartments		0.70
Commercial		0.85
Industrial		0.80
Industrial		0.25

B. The intensity of the storm shall be based on the following:

1. As a minimum, a ten (10) year storm shall be used where excess flow can continue downhill in the street without flooding adjoining properties.
2. As a minimum, a twenty-five (25) year storm shall be used at low points with a relief swale, or where totally carried in a pipe.
3. As a minimum, all culverts designed to convey open channel flows under public roads shall be based on a one hundred (100) year storm.
4. Standard headwalls shall be installed on all pipes. Flared end sections shall be permissible at the discretion of the Township Engineer.

C. Pipeline Design.

1. Storm sewer pipelines shall be designed by the following method, and shall be based on the Manning equation utilizing the following friction factors:

$n = 0.015$  concrete pipe

$n = 0.021$  corrugated metal pipe

2. The minimum allowable pipe size is fifteen (15) inches.
3. Pipeline flowing full. This method is based on the assumption that the hydraulic gradient will match the inside top of the pipe when the system is under maximum hydraulic load.
  - a. For this method, head losses through manholes, inlets etc., shall be ignored.
  - b. The minimum slope of any pipe shall be such that a minimum velocity of two and five-tenths (2.5) feet per second shall be maintained when the pipe is flowing one-fourth (1/4) full.
  - c. When the pipe sizes change, the inside tops of the pipes shall be matched.
  - d. Continuous profiles for each reach of pipe shall be plotted, along with the location of the hydraulic gradient and the hydraulic information pertinent to each reach within the system. This information shall include the pipe size and type, the n-factor, the slope of the hydraulic gradient, slope of the pipe, the design capacity and the velocity at the design capacity.

D. Inlet Design.

1. Storm water inlets shall be equal to New Jersey State Highway Department Inlet Type B. The maximum collecting capacities of the inlets shall be considered to be:



- a. When installed on streets where the grade is seventy-five hundredths (0.75) percent: five (5) cubic feet per second.
- b. When installed on streets where the grade is two (2) percent: four and eight-tenths (4.8) cubic feet per second.
- c. When installed on streets where the grade is three (3) percent: four and six-tenths (4.6) cubic feet per second.
- d. When installed on streets where the grade is four (4) percent: four and four-tenths (4.4) cubic feet per second.
- e. When installed on streets where the grade is five (5) percent: four and two-tenths (4.2) cubic feet per second.
- f. When installed on streets where the grade is six (6) percent: four (4.0) cubic feet per second.

2. Sufficient inlets shall be located and constructed so that the length of surface runoff will not contribute runoff flow to an inlet exceeding the preceding designated collecting capacities.

3. The gutter grate of all inlets shall be not less than two (2) inches nor more than four (4) inches below the gutter grade. The surface of the paving adjacent to the inlets shall be constructed to blend into the lowered gutter grade at the inlet in such a manner that a sudden drop-off or dip at the inlet will not be created. At such locations where drainage is entirely dependent on inlets, the collecting capacities of the inlets shall be designed for one-half (1/2) the preceding considered capacities.

4. Where surface water is collected from two (2) directions at one (1) street corner, inlets shall be placed at, or near, the tangent points of both ends of the radius. The use of one (1) inlet in the radius shall not be allowed.

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

E. Open Channel Design. Open ditches or channels may be permitted when the design capacity requires a fifty-four (54) inch pipe or larger or where cover constraints exist. Where permitted, open channel design should be based on the following hydraulic considerations:

1. Manning's Equation.

$n = 0.015$  (best concrete-lined ditch)

$n = 0.025$  (best unlined ditch)

$n = 0.03$  to  $0.15$  (fair - poor natural streams)

<b>Velocity Excavation Material</b>	<b>Velocity (fps)</b>
Fine sand and firm loam	2.5-3.5
Stiff clay and hard pan	3.75-6.0
Concrete-lined ditch	15

2. Ample freeboard of not less than one (1) foot should be provided on all channels.

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

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

5. Open channels shall have a maximum side slope of three to one (3:1) and shall have adequate slope protection as required by the Salem Soil Conservation District.

F. Culverts. All culverts shall be limited to a single opening where possible; the use of multiple pipes shall not generally be permitted. The design of culverts shall be such as to minimize the probability of debris accumulation.

G. Detention Basin Design. Detention basins will be required in all major subdivisions and site plans unless deemed unnecessary by the Township.

H. Detention basins shall be designed to limit the storm water runoff after development to a controlled rate of flow equal to or less than the storm water runoff prior to development. The required storage in the basin should be for a developed fifty (50) year storm, with the outflow from the basin limited to an undeveloped ten (10) year storm. Complete calculations for the basin should include runoff prior to development, runoff after development and complete calculations for design.

## **Section 4.31 Storm Drainage Pipelines.**

### **A. Materials.**

1. Reinforced concrete pipe. Reinforced concrete pipe shall conform to the requirements of the American Society for Testing and Materials specifications therefore, as amended and revised to date. Unless otherwise permitted by the Township Engineer, reinforced concrete pipe with less than two (2) feet of cover shall be Class IV, Wall B.

a. All reinforced concrete pipe shall have flexible, gutter-type gasket joints. Types of joint material shall be in accordance with ASTM C-443 and approved by the Township Engineer.

2. Corrugated metal pipe and pipe arch and elliptical reinforced concrete pipe shall not be used unless specifically authorized by the Township Engineer.

#### B. Methods of Construction.

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

#### 2. Placement.

a. Pipe shall be laid in straight lines between drainage structures. All pipe shall be laid to uniform grades.

b. Each section of pipe shall be solidly bedded in the trench bottom and shall be supported for its full length except where excess excavation has been made for joints. Before making each joint, the ends of the pipes and all joint members shall be thoroughly cleaned. All jointing shall be done in strict accordance with the manufacturers recommendations. No defective or leaking pipe, joints, connections, manholes, inlets or other parts of the work will be acceptable. All visible leakage of any description, and no matter where located shall be corrected by the developer in a manner satisfactory to the Township Engineer.

c. Except when necessary to maintain a flow, storm drains shall not be placed in an embankment until the embankment has been constructed and consolidated to proposed finished grade or subgrade or to an elevation of not less than three (3) feet above the proposed top of pipe, whichever is lower. After an embankment has been so constructed, trenches for storm drainage shall be excavated as hereinabove specified.

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

4. Existing Pipes and Structures. The locations of existing pipes and structures shown on the plans are approximate and, before construction, the developer shall determine the exact location of all existing pipes, and structures in the vicinity of the proposed pipe work. Connections to existing pipes and structures shall be made in a manner satisfactory to the Township Engineer.

5. If and when encountered during the construction of any improvement (including buildings) subsurface field drain tiles (pipes) shall be connected to a proposed storm drain system at an inlet (catch basin), manhole, or other suitable location so as not to cause any interference of the upstream flow within the tiles. The location and manner of said connection(s) shall be subject to the approval by the Township Engineer.

#### **Section 4.30.1 Private Storm Drain Inlet Retrofitting**

Requires the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the [insert name of municipality] so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

##### **A. Definitions:**

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

1. Municipal separate storm sewer system (MS4)– a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by [insert name of municipality] or other public body, and is designed and used for collecting and conveying stormwater. NOTE: In municipalities with combined sewer systems, add the following: “MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.”
2. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
3. Storm drain inlet- an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet. d. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

##### **B. Prohibited Conduct:**

No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

1. Already meets the design standard below to control passage of solid and floatable materials; or
2. Is retrofitted or replaced to meet the standard in Section 4 below prior to the completion of the project.

**C. Design Standard:**

Storm drain inlets identified in Section 3 above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, “solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section 3 below.

1. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
  - a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
  - b. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension. Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.
2. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
3. This standard does not apply:
  - a. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
  - b. Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
    - i. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
    - ii. A bar screen having a bar spacing of 0.5 inches.
  - c. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1”) spacing between the bars; or
  - d. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

**E. Enforcement:**

This ordinance shall be enforced by the Zoning Officer of the Township of Lower Alloways Creek

**F. Penalties:**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject penalties and fines found here within.

**Section 4.32 Manholes, Inlets and Catch Basins.****A. Materials.**

1. Concrete. Concrete shall conform to the requirements specified elsewhere herein.
2. Concrete block, brick, clay or shale, mortar and castings (Gray Iron) shall conform to Article 5.3.2 of the New Jersey State Highway Department Standard Specifications, latest edition.
3. Ladder Rungs. Ladder rungs shall be fabricated or cast iron aluminum and shall be subject to the approval of the Township Engineer.

**B. Method of Construction.**

1. Excavation and Backfill. Excavation and backfill shall conform to the requirements of subsurface structure excavation.
2. Installation. Manholes, inlets and catch basins shall be constructed in accordance with the standard practices. Unless otherwise specified or directed, manholes, inlets and catch basins may be constructed of either brick, concrete block or four thousand pounds per square inch (4,000 psi) concrete. Concrete blocks shall be laid with vertical joints staggered. Joints shall be not more than one-half (1/2) inch thick and shall be completely filled with mortar. The masonry shall be carried to such height so that mortar joints not more than one-half (1/2) inch thick will be required for setting the head castings. The use of split rocks or bricks for shimming shall not be permitted. Outside walls shall be plastered with a five-eighths (5/8) inch thick coat of mortar, trowled to a smooth finish.

**Section 4.33 Maintenance Agreements.**

Prior to the granting of any site development approval, the applicant may be required to enter into an agreement with the Township, in form satisfactory to the Township Attorney, requiring the installation and maintenance by the applicant and the applicants successors in interest, of such improvements on or to the site or imposing such limitations upon the development thereof, as are deemed necessary by the Planning Board for implementing the standards and criteria set forth in this chapter, providing that the Township may cause such improvements to be installed or maintained and developments in violation of such limitations to be corrected at the expense of the applicant or the applicants successors in interest, if they shall fail to do so, and granting to the municipality such rights and easements as shall be reasonably required for access by the municipality to such improvements and developments for such purposes. The agreement may also provide for inspection annually and after each major flood by the Township Engineer and by another qualified engineer acceptable to the Township Engineer, at the expense of the applicant and the applicant's successors in interest, and for the undertaking by the applicant and successors of such corrective measures as are shown by such inspection to be required for the proper functioning of the facilities.

**Section 4.34 Inspection and Stop Work Order.**

Such improvements and developments on the site, during and upon completion of their construction, shall be subject to inspection and approval by the Township Engineer who shall be notified by the applicant at least twenty-four (24) hours prior to the start of construction. No underground installation shall be covered until inspected and approved. Approval or reasons for withholding approval shall be given promptly, and in any event within forty-five (45) days after inspection. If work proceeds without such approval or not in compliance therewith, the Township Engineer, in addition to any other remedies available to the municipality, may issue an order requiring immediate cessation of the affected work and prohibiting resumption thereof until approval is obtained or noncompliance corrected

**Section 4.35 As Built Certification.**

Prior to the acceptance by the Township of any storm water facilities, the developer's engineer shall certify that said facilities were constructed in accordance with the approved plan.

**Section 4.36 Joint Detention Facilities.**

A. The provision of separate detention facilities for a number of single sites is generally more expensive and more difficult to maintain than provision of joint facilities each serving a number of sites. In such cases, a properly planned staged plan and program of detention facilities may be approved by special ordinance; and, in such a case, compliance with detention requirements for areas first developed may be postponed at early stages while preliminary work is being undertaken, sites acquired and construction funds accumulated.

B. In such a case, an initial money contribution will be levied upon each developer, proportionate to the runoff excess of his proposed development. Such funds will be held in escrow for use in carrying out the joint plan. Construction and maintenance responsibility for the joint facilities will be determined and specified as part of the plan.

Section 4.37.1 Stormwater Control

(Section 4.37.1 Added July 18, 2006 by Ord. 2006-11, replaced 2-16-2021 by Ord 2021-03, replaced 10-17-2023 by Ordinance 2023-09)

4.37. Municipal Stormwater Control

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4.37.1 Scope and Purpose:

- A. Policy Statement Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.
- B. Purpose The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below in Section 4.37.2
- C. Applicability 1. This ordinance shall be applicable to the following major developments: a. Non-residential major developments; and b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21. 2. This ordinance shall also be applicable to all major developments undertaken by Lower Alloways Creek Township



D. Compatibility with Other Permit and Ordinance Requirements Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

#### **4.37.2. Definitions:**

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

“CAFRA Centers, Cores or Nodes” means those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

“CAFRA Planning Map” means the map used by the Department to identify the location of Coastal Planning Areas, CAFRA centers, CAFRA cores, and CAFRA nodes. The CAFRA Planning Map is available on the Department's Geographic Information System (GIS). “Community basin” means an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:8- 4.2(c)14, that is designed and constructed in accordance with the New Jersey Stormwater Best Management Practices Manual, or an alternate design, approved in accordance with N.J.A.C. 7:8-5.2(g), for an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond and that complies with the requirements of this chapter.

“Compaction” means the increase in soil bulk density.

“Contributory drainage area” means the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

“Core” means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

“County review agency” means an agency designated by the County Commissioners to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

1. A county planning agency or

2. A county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

“Department” means the Department of Environmental Protection.

“Designated Center” means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

“Design engineer” means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlarge, enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

In the case of development of agricultural land, development means: any activity that requires a State permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act , N.J.S.A 4:1C-1 et seq.

“Disturbance” means the placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving is not considered disturbance for the purposes of this definition.

“Drainage area” means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

“Environmentally constrained area” means the following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

“Environmentally critical area” means an area or feature which is of significant environmental value, including but not limited to: stream corridors, natural heritage priority sites, habitats of endangered or threatened species, large areas of contiguous open space or upland forest, steep slopes, and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department’s Landscape Project as approved by the Department’s Endangered and Nongame Species Program.

“Empowerment Neighborhoods” means neighborhoods designated by the Urban Coordinating Council “in consultation and conjunction with” the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.

“Erosion” means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

“Green infrastructure” means a stormwater management measure that manages stormwater close to its source by:

1. Treating stormwater runoff through infiltration into subsoil;
2. Treating stormwater runoff through filtration by vegetation or soil; or
3. Storing stormwater runoff for reuse.

"HUC 14" or "hydrologic unit code 14" means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

“Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water. “Infiltration” is the process by which water seeps into the soil from precipitation.

“Lead planning agency” means one or more public entities having stormwater management planning authority designated by the regional stormwater management planning committee pursuant to N.J.A.C. 7:8-3.2, that serves as the primary representative of the committee.

“Major development” means an individual “development,” as well as multiple developments that individually or collectively result in:

1. The disturbance of one or more acres of land since February 2, 2004;
2. The creation of one-quarter acre or more of “regulated impervious surface” since February 2, 2004;
3. The creation of one-quarter acre or more of “regulated motor vehicle surface” since March 2, 2021 {or the effective date of this ordinance, whichever is earlier}; or
4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of paragraphs 1, 2, 3, or 4 above. Projects undertaken by any government agency that otherwise meet the definition of “major development” but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered “major development.”

” NOTE: The definition of major development above aligns with the definition at N.J.A.C. 7:8-1.2 and is recommended for consistency. Alternatively, a municipality may adopt the following definition, which is the minimum standard required. Municipalities that have already adopted the definition at N.J.A.C. 7:8-1.2 or another definition that goes beyond the minimum requirement should not reduce the stringency of their definition by adopting the minimum standard.

“Major development” means an individual “development,” as well as multiple developments that individually or collectively result in the disturbance of one or more acres of land since February 2, 2004. Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually result in the disturbance of one or more acres of land since February 2, 2004. Projects undertaken by any government agency that otherwise meet the definition of “major development” but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered “major development.”

Additionally, individual municipalities may define major development with a smaller area of disturbance, a smaller area of regulated impervious or motor vehicle surface, or both.

“Motor vehicle” means land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.

“Motor vehicle surface” means any pervious or impervious surface that is intended to be used by “motor vehicles” and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, racetracks, and runways.

“Municipality” means any city, borough, town, township, or village.

“New Jersey Stormwater Best Management Practices (BMP) Manual” or “BMP Manual” means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department’s determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with Section 4.37.4 of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

“Node” means an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

“Nutrient” means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

“Person” means any individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, interstate or Federal agency.

“Pollutant” means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2011 et seq.)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. “Pollutant” includes both hazardous and nonhazardous pollutants.

“Recharge” means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

“Regulated impervious surface” means any of the following, alone or in combination:

1. A net increase of impervious surface;
2. The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a “new stormwater conveyance system” is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);
3. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
4. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

“Regulated motor vehicle surface” means any of the following, alone or in combination:

1. The total area of motor vehicle surface that is currently receiving water;
2. A net increase in motor vehicle surface; and/or quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

“Sediment” means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

“Site” means the lot or lots upon which a major development is to occur or has occurred. “Soil” means all unconsolidated mineral and organic material of any origin.

“State Development and Redevelopment Plan Metropolitan Planning Area (PA1)” means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the State’s future redevelopment and revitalization efforts.

“State Plan Policy Map” is defined as the geographic application of the State Development and Redevelopment Plan’s goals and statewide policies, and the official map of these goals and policies.

“Stormwater” means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

“Stormwater management BMP” means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management BMP may either be normally dry (that is, a detention basin or infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

“Stormwater management measure” means any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

“Stormwater runoff” means water flow on the surface of the ground or in storm sewers, resulting from precipitation. “Stormwater management planning agency” means a public body authorized by legislation to prepare stormwater management plans.

“Stormwater management planning area” means the geographic area for which a stormwater management planning agency is authorized to prepare stormwater management plans, or a specific portion of that area identified in a stormwater management plan prepared by that agency.

“Tidal Flood Hazard Area” means a flood hazard area in which the flood elevation resulting from the two-, 10-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or influenced by, stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources. In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events.

“Urban Coordinating Council Empowerment Neighborhood” means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

“Urban Enterprise Zones” means a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. seq.

“Urban Redevelopment Area” is defined as previously developed portions of areas:

1. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
2. Designated as CAFRA Centers, Cores or Nodes; 3. Designated as Urban Enterprise Zones; and 4. Designated as Urban Coordinating Council Empowerment Neighborhoods.

“Water control structure” means a structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, 10-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir. “Waters of the State” means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

“Wetlands” or “wetland” means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

#### **4.37.3 Design and Performance Standards for Stormwater Management Measures**

A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:

1. The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
2. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.

B. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

Note: Alternative standards shall provide at least as much protection from stormwater related loss of groundwater recharge, stormwater quantity and water quality impacts of major development projects as would be provided under the standards in N.J.A.C. 7:8- 5.

#### **4.37.4 Stormwater Management Requirements for Major Development**

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section X.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department’s Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B 15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section 4.37.4 P, Q and R:

1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
  2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
  3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section 4.37.4 O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
  2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of Section 4.37.4 O, P, Q and R to the maximum extent practicable;
  3. The applicant demonstrates that, in order to meet the requirements of Section 4.37.4 O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and 4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under 4.37.4 D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Section 4.37.4 O, P, Q and R that were not achievable onsite.
- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Section 4.37.4 O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:
- [https://njstormwater.org/bmp\\_manual2.htm](https://njstormwater.org/bmp_manual2.htm).
- F. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.



**Table 1**  
**Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff**  
**Quality, and/or Stormwater Runoff Quantity**

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Cistern	0	Yes	No	--
Dry Well <sup>(a)</sup>	0	No	Yes	2
Grass Swale	50 or less	No	No	2 <sup>(e)</sup> 1 <sup>(f)</sup>
Green Roof	0	Yes	No	--
Manufactured Treatment Device <sup>(a)</sup> (g)	50 or 80	No	No	Dependent upon the device
Pervious Paving System <sup>(a)</sup>	80	Yes	Yes <sup>(b)</sup> No <sup>(c)</sup>	2 <sup>(b)</sup> 1 <sup>(c)</sup>
Small-Scale Bioretention Basin <sup>(a)</sup>	80 or 90	Yes	Yes <sup>(b)</sup> No <sup>(c)</sup>	2 <sup>(b)</sup> 1 <sup>(c)</sup>
Small-Scale Infiltration Basin <sup>(a)</sup>	80	Yes	Yes	2
Small-Scale Sand Filter	80	Yes	Yes	2
Vegetative Filter Strip	60-80	No	No	--

(Notes corresponding to annotations <sup>(a)</sup> through <sup>(g)</sup> are found on Page D-15)

<b>Table 2</b> <b>Green Infrastructure BMPs for Stormwater Runoff Quantity</b> <b>(or for Groundwater Recharge and/or Stormwater Runoff Quality</b> <b>with a Waiver or Variance from N.J.A.C. 7:8-5.3)</b>				
<b>Best Management Practice</b>	<b>Stormwater Runoff Quality TSS Removal Rate (percent)</b>	<b>Stormwater Runoff Quantity</b>	<b>Groundwater Recharge</b>	<b>Minimum Separation from Seasonal High Water Table (feet)</b>
Bioretention System	80 or 90	Yes	Yes <sup>(b)</sup> No <sup>(c)</sup>	2 <sup>(b)</sup> 1 <sup>(c)</sup>
Infiltration Basin	80	Yes	Yes	2
Sand Filter <sup>(b)</sup>	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond <sup>(d)</sup>	50-90	Yes	No	N/A

(Notes corresponding to annotations <sup>(b)</sup> through <sup>(d)</sup> are found on Page D-15)

**Table 3**  
**BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or**  
**Stormwater Runoff Quantity**  
**only with a Waiver or Variance from N.J.A.C. 7:8-5.3**

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Blue Roof	0	Yes	No	N/A
Extended Detention Basin	40-60	Yes	No	1
Manufactured Treatment Device <sup>(h)</sup>	50 or 80	No	No	Dependent upon the device
Sand Filter <sup>(c)</sup>	80	Yes	No	1
Subsurface Gravel Wetland	90	No	No	1
Wet Pond	50-90	Yes	No	N/A

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at Section IV.O.2;
- (b) designed to infiltrate into the subsoil;
- (c) designed with underdrains;
- (d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
- (e) designed with a slope of less than two percent;
- (f) designed with a slope of equal to or greater than two percent;
- (g) manufactured treatment devices that meet the definition of green infrastructure at Section II;
- (h) manufactured treatment devices that do not meet the definition of green infrastructure at Section II.

- G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with Section 4.37.4 B. Alternative stormwater management measures may be used to satisfy the requirements at Section 4.37.4 O only if the measures meet the definition of green infrastructure at Section II. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section O.2 are subject to the contributory drainage area limitation specified at Section O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Section O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section 4.37.4 D is granted from Section 4.37.4 O.
- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.
- I. Design standards for stormwater management measures are as follows:
1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
  2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section 4.37.8 C;

3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
  4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section 4.37.8; and
  5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Section II may be used only under the circumstances described at Section 4.37.4 O.4.
- K. Any application for a new agricultural development that meets the definition of major development at Section II shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections 4.37.4 O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 4.37.4 P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the {insert Office of the County Clerk or the registrar of deeds and mortgages of the county in which the development, project, project site, or mitigation area containing the stormwater management measure is located, as appropriate, to the municipality}. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 4.37.4 O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to Section 4.37.10 B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality.

Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Section 4.37.4 of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the {insert appropriate Office of the County Clerk or the registrar of deeds and mortgages, as applies} and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.

O. Green Infrastructure Standards

1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
2. To satisfy the groundwater recharge and stormwater runoff quality standards at Section 4.37.4 P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section 4.37.4 F. and/or an alternative stormwater management measure approved in accordance with Section 4.37.4 G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

<u>Best Management Practice</u>	<u>Maximum Contributory Drainage Area</u>
Dry Well	1 acre
Manufactured Treatment Device	2.5 acres
Pervious Pavement Systems	Area of additional inflow cannot exceed three times the area occupied by the BMP
Small-scale Bioretention Systems	2.5 acres
Small-scale Infiltration Basin	2.5 acres
Small-scale Sand Filter	2.5 acres

3. To satisfy the stormwater runoff quantity standards at Section 4.37.4R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with Section 4.37.4 G.
4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section 4.37.4 D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with Section 4.37.4 G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 4.37.4 P, Q and R.
5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at Section 4.37.4P, Q and R, unless the project is granted a waiver from strict compliance in accordance with Section 4.37.4 D.

#### P. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section 4.37.5, either:
  - i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
  - ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
3. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to 4 below.
4. The following types of stormwater shall not be recharged:
  - i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4;

areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

ii. Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

#### Q. Stormwater Runoff Quality Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
  - i. Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.
  - ii. If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.
3. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.
4. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.



Table 4 - Water Quality Design Storm Distribution

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
1	0.00166	41	0.1728	81	1.0906
2	0.00332	42	0.1796	82	1.0972
3	0.00498	43	0.1864	83	1.1038
4	0.00664	44	0.1932	84	1.1104
5	0.00830	45	0.2000	85	1.1170
6	0.00996	46	0.2117	86	1.1236
7	0.01162	47	0.2233	87	1.1302
8	0.01328	48	0.2350	88	1.1368
9	0.01494	49	0.2466	89	1.1434
10	0.01660	50	0.2583	90	1.1500
11	0.01828	51	0.2783	91	1.1550
12	0.01996	52	0.2983	92	1.1600
13	0.02164	53	0.3183	93	1.1650
14	0.02332	54	0.3383	94	1.1700
15	0.02500	55	0.3583	95	1.1750
16	0.03000	56	0.4116	96	1.1800
17	0.03500	57	0.4650	97	1.1850
18	0.04000	58	0.5183	98	1.1900
19	0.04500	59	0.5717	99	1.1950
20	0.05000	60	0.6250	100	1.2000
21	0.05500	61	0.6783	101	1.2050
22	0.06000	62	0.7317	102	1.2100
23	0.06500	63	0.7850	103	1.2150
24	0.07000	64	0.8384	104	1.2200
25	0.07500	65	0.8917	105	1.2250
26	0.08000	66	0.9117	106	1.2267
27	0.08500	67	0.9317	107	1.2284
28	0.09000	68	0.9517	108	1.2300
29	0.09500	69	0.9717	109	1.2317
30	0.10000	70	0.9917	110	1.2334
31	0.10660	71	1.0034	111	1.2351
32	0.11320	72	1.0150	112	1.2367
33	0.11980	73	1.0267	113	1.2384
34	0.12640	74	1.0383	114	1.2400
35	0.13300	75	1.0500	115	1.2417
36	0.13960	76	1.0568	116	1.2434
37	0.14620	77	1.0636	117	1.2450
38	0.15280	78	1.0704	118	1.2467
39	0.15940	79	1.0772	119	1.2483
40	0.16600	80	1.0840	120	1.2500

5. If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (A \times B) / 100,$$

Where

R = total TSS Percent Load Removal from application of both BMPs, and

A = the TSS Percent Removal Rate applicable to the first BMP

B = the TSS Percent Removal Rate applicable to the second BMP.

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in Section 4.37.4 P, Q and R.
7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
10. This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

#### R. Stormwater Runoff Quantity Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section 4.37.5, complete one of the following:

- i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100- year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
  - ii. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
  - iii. Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
  - iv. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

#### **4.37.5 Calculation of Stormwater Runoff and Groundwater Recharge:**

A. Stormwater runoff shall be calculated in accordance with the following:

1. The design engineer shall calculate runoff using one of the following methods:
  - i. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in Technical Release 55 - Urban Hydrology for Small Watersheds (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

[https://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb1044171.pdf](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf)

or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873; or

- ii. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at:

<http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf>.

2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology above at Section 4.37.5 A.1.i and the Rational and Modified Rational Methods at Section 4.37.5 A.1.ii. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 – Urban Hydrology for Small Watersheds or other methods may be employed.
5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

B. Groundwater recharge may be calculated in accordance with the following:

The New Jersey Geological Survey Report GSR-32, A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at:

<https://www.nj.gov/dep/njgs/pricelst/gsr32.pdf>

or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

**4.37.6 Sources for Technical Guidance:**

A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department's website at:

[http://www.nj.gov/dep/stormwater/bmp\\_manual2.htm](http://www.nj.gov/dep/stormwater/bmp_manual2.htm).

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.
2. Additional maintenance guidance is available on the Department's website at:

[https://www.njstormwater.org/maintenance\\_guidance.htm](https://www.njstormwater.org/maintenance_guidance.htm).

B. Submissions required for review by the Department should be mailed to: The Division of Water Quality, New Jersey Department of Environmental Protection, Mail Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420.

**4.37.7 Solids and Floatable Materials Control Standards:**

A. Site design features identified under Section 4.37.4 F above, or alternative designs in accordance with Section 4.37.4 G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section 4.37.7 .2 below.

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
  - i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
  - ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

- iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
2. The standard in A.1. above does not apply:
- i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
  - ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
  - iii. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
    - a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
    - b. A bar screen having a bar spacing of 0.5 inches.

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

- iv. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4- 7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

#### **4.37.8 Safety Standards for Stormwater Management Basins:**

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in Section 4.37.8 C.1, 4.37.8 C.2, and 4.37.8 C.3 for trash racks, overflow grates, and escape provisions at outlet structures.

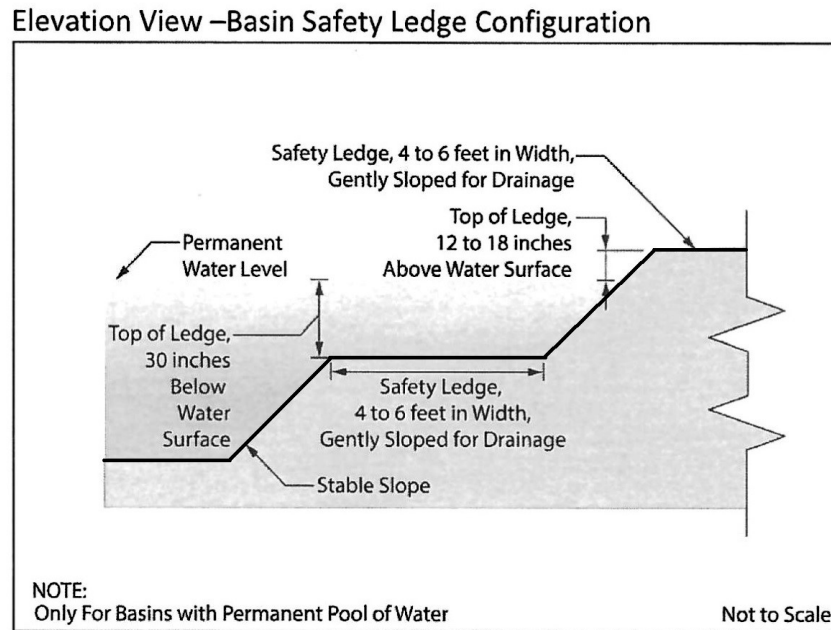
### C. Requirements for Trash Racks, Overflow Grates and Escape Provisions

1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
  - i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
  - ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
  - iii. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
  - iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
  - i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
  - ii. The overflow grate spacing shall be no less than two inches across the smallest dimension
  - iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
3. Stormwater management BMPs shall include escape provisions as follows:
  - i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to 4.37.8 C, a free-standing outlet structure may be exempted from this requirement;
  - ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See 4.37.8 E for an illustration of safety ledges in a stormwater management BMP; and
  - iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

#### D. Variance or Exemption from Safety Standard

A variance or exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the municipality that the variance or exemption will not constitute a threat to public safety.

#### E. Safety Ledge Illustration Elevation View –Basin Safety Ledge Configuration



### 4.37.9 Requirements for a Site Development Stormwater Plan:

#### A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section 4.37.9 C below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit 12 copies of the materials listed in the checklist for site development stormwater plans in accordance with Section 4.37.9 C of this ordinance.

#### B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.



C. Submission of Site Development Stormwater Plan The following information shall be required:

1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

3. Project Description and Site Plans

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Sections 4.37.3 through 4.37.5 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.

- ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

#### 6. Calculations

- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 4.37.4 of this ordinance.
- ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

#### 7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section X.

#### 8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section 4.37.9 C.1 through 4.37.9 C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

### **4.37.10 Maintenance and Repair:**

A. Applicability Projects subject to review as in Section 4.37.1 C of this ordinance shall comply with the requirements of Section 4.37.10 B and 4.37.10 C. B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable
3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
5. If the party responsible for maintenance identified under Section 4.37.10 B.3 above is not a public agency, the maintenance plan and any future revisions based on Section 4.37.10 B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
7. The party responsible for maintenance identified under Section 4.37.10 B.3 above shall perform all of the following requirements:
  - i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
  - ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
  - iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Section 4.37.10 B.6 and B.7 above.
8. The requirements of Section 4.37.10 B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.

Note: It may be appropriate to delete requirements in the maintenance and repair plan that are not applicable if the ordinance requires the facility to be dedicated to the municipality. If the municipality does not want to take this responsibility, the ordinance should require the posting of a two year maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

Maintenance and inspection guidance can be found on the Department's website at:

[https://www.njstormwater.org/maintenance\\_guidance.htm](https://www.njstormwater.org/maintenance_guidance.htm).

9. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53

#### **4.37.11 Penalties:**

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the following penalties:

Any person who shall violate any provision of this chapter shall be liable to a fine of one hundred dollars (\$100.) for the first offense and, for subsequent offenses, a fine of at least one hundred dollars (\$100.) and up to ninety (90) days' community service, on such terms and in such form as the court shall deem appropriate, or any combination thereof.

#### **4.37.12 Severability:**

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

#### **4.37.13 Effective Date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law.

## **SECTION 4.37.2 RIPARIAN ZONES**

[HISTORY ADDED 2/23/2010 BY ORD 2010-02]

- I Purpose and Statutory Authority**
- II Definitions**
- III Establishment of Riparian Zones**
- IV Exceptions**
- V Adjustments**
- VI Appeals Procedures, Conflicts, and Severability**
- VII Enforcement**
- VIII Effective Date**

### **I. PURPOSE AND STATUTORY AUTHORITY**

The purpose of this Ordinance is to designate riparian zones, and to provide for land use regulation therein in order to protect the streams, lakes, and other surface water bodies of Township of Lower Alloways Creek in order to provide compliance with N.J.A.C. 7:15-5.25(g)3 which requires municipalities to adopt an ordinance that prevents new disturbance for projects or activities in riparian zones. Authority is provided or limited as follows:

- A. Compliance with the riparian zone requirements of this Ordinance does not constitute compliance with the riparian zone or buffer requirements imposed under any other Federal, State or local statute, regulation or ordinance.
- B. Use powers given to Township of Lower Alloways Creek under the provisions of the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., authorizes each municipality to plan and regulate land use in order to protect public health, safety, and welfare through the protection and maintenance of native vegetation in riparian areas. Township of Lower Alloways Creek is also empowered to adopt and implement this ordinance under provisions provided by the following legislative authorities of the State of New Jersey:
  - 1. Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.
  - 2. Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq.
  - 3. Spill Compensation and Control Act, N.J.S.A. 58:10-23 et seq.
  - 4. Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq.
  - 5. Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq.

### **II. DEFINITIONS**

The following definitions shall apply to all sections of the Lower Alloways Creek Land Use Ordinance unless otherwise defined in other sections of the Ordinance, in which case the following definitions shall apply only to this Riparian Zone Section.

Acid producing soils - means soils that contain geologic deposits of iron sulfide minerals (pyrite and marcasite) which, when exposed to oxygen from the air or from surface waters, oxidize to produce sulfuric acid. Acid producing soils, upon excavation, generally have a pH of 4.0 or lower. After exposure to oxygen, these soils generally have a pH of 3.0 or lower. Information regarding the location of acid producing soils in New Jersey can be obtained from local Soil Conservation District offices.

**Applicant** - means a person, corporation, government body or other legal entity applying to the Planning Board, Board of Adjustment or the Construction Office proposing to engage in an activity that is regulated by the provisions of this ordinance, and that would be located in whole or in part within a regulated Riparian Zone.

**Category One waters or C1 waters** - shall have the meaning ascribed to this term by the Surface Water Quality Standards, N.J.A.C. 7:9B, for purposes of implementing the antidegradation policies set forth in those standards, for protection from measurable changes in water quality characteristics because of their clarity, color, scenic setting, and other characteristics of aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, or exceptional fisheries resources.

**Intermittent Stream** - means a surface water body with definite bed and banks in which there is not a permanent flow of water and shown on the New Jersey Department of Environmental Protection Geographic Information System (GIS) hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys.

**Lake, pond, or reservoir** - means any surface water body shown on the New Jersey Department of Environmental Protection Geographic Information System (GIS) hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys; that is an impoundment, whether naturally occurring or created in whole or in part by the building of structures for the retention of surface water. This excludes sedimentation control and stormwater retention/detention basins and ponds designed for treatment of wastewater.

**Perennial stream** - means a surface water body that flows continuously throughout the year in most years and shown on the New Jersey Department of Environmental Protection Geographic Information System (GIS) hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys.

**Riparian zone** - means the land and vegetation within and directly adjacent to all surface water bodies including, but not limited to lakes, ponds, reservoirs, perennial and intermittent streams, up to and including their point of origin, such as seeps and springs, as shown on the New Jersey Department of Environmental Protection's GIS hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys. There is no riparian zone along the Atlantic Ocean nor along any manmade lagoon or oceanfront barrier island, spit or peninsula.

**Special Water Resource Protection Area or SWRPA** - means a 300 foot area provided on each side of a surface water body designated as a C1 water or tributary to a C1 water that is a perennial stream, intermittent stream, lake, pond, or reservoir, as defined herein and shown on the USGS quadrangle map or in the County Soil Surveys within the associated HUC 14 drainage, pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h).

Surface water body(ies) - means any perennial stream, intermittent stream, lake, pond, or reservoir, as defined herein. In addition, any regulated water under the Flood Hazard Area Control Act rules at N.J.A.C. 7:13-2.2, or State open waters identified in a Letter of Interpretation issued under the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A-3 by the New Jersey Department of Environmental Protection Division of Land Use Regulation shall also be considered surface water bodies.

Threatened or endangered species - means a species identified pursuant to the Endangered and Nongame Species Conservation Act, N.J.S.A. 23:2A-1 et seq., the Endangered Species Act of 1973, 16 U.S.C. §§1531 et seq. or the Endangered Plant Species List, N.J.A.C. 7:5C-5.1, and any subsequent amendments thereto.

Trout maintenance water - means a section of water designated as trout maintenance in the New Jersey Department of Environmental Protection's Surface Water Quality Standards at N.J.A.C. 7:9B.

Trout production water - means a section of water identified as trout production in the New Jersey Department of Environmental Protection's Surface Water Quality Standards at N.J.A.C. 7:9B.

### **III. ESTABLISHMENT OF RIPARIAN ZONES**

A. Riparian zones adjacent to all surface water bodies shall be delineated as follows:

1. The riparian zone shall be 300 feet wide along both sides of any Category One water (C1 water), and all upstream tributaries situated within the same HUC 14 watershed.
2. The riparian zone shall be 150 feet wide along both sides of the following waters not designated as C1 waters:
  - a. Any trout production water and all upstream waters (including tributaries);
  - b. Any trout maintenance water and all upstream waters (including tributaries) within one linear mile as measured along the length of the regulated water;
  - c. Any segment of a water flowing through an area that contains documented habitat for a threatened or endangered species of plant or animal, which is critically dependent on the surface water body for survival, and all upstream waters (including tributaries) within one linear mile as measured along the length of the regulated water; and
  - d. Any segment of a water flowing through an area that contains acid producing soils.
3. For all other surface water bodies, a riparian zone of 50 feet wide shall be maintained along both sides of the water.

- B. The portion of the riparian zone that lies outside of a surface water body is measured landward from the top of bank. If a discernible bank is not present along a surface water body, the portion of the riparian zone outside the surface water body is measured landward as follows:
1. Along a linear fluvial or tidal water, such as a stream, the riparian zone is measured landward of the feature's centerline;
  2. Along a non-linear fluvial water, such as a lake or pond, the riparian zone is measured landward of the normal water surface limit;
  3. Along a non-linear tidal water, such as a bay or inlet, the riparian zone is measured landward of the mean high water line; and
  4. Along an amorphously-shaped feature such as a wetland complex, through which water flows but which lacks a discernible channel, the riparian zone is measured landward of the feature's centerline.
- C. The applicant or designated representative shall be responsible for the initial determination of the presence of a riparian zone on a site, and for identifying the area on any plan submitted to the Township of Lower Alloways Creek in conjunction with an application for a construction permit, subdivision, land development, or other improvement that requires plan submissions or permits. This initial determination shall be subject to review and approval by the municipal engineer, governing body, or its appointed representative, and, where required, by the New Jersey Department of Environmental Protection.
- D. No new land disturbance may occur within a riparian zone in connection with an Applicant's project or activity except for land disturbance within the limits of existing impervious materials coverage, provided that such impervious materials coverage is confirmed to have been in lawful existence as of the effective date of this Riparian Zone Section.

#### **IV. APPEALS; INTERPRETATIONS; VARIANCES**

- A. Appeals, interpretations and variance requests relating to riparian zones shall be governed by N.J.S.A. 40:55D-70.a., b. and d., respectively.

#### **V. SEVERABILITY**

- A Severability:
1. Interpretation: This Ordinance shall be so construed as not to conflict with any provision of New Jersey or Federal law.
  2. Notwithstanding that any provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, all remaining provisions of the Ordinance shall continue to be of full force and effect.
  3. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning and land use regulations.



**VI. ENFORCEMENT**

A prompt investigation shall be made by the appropriate personnel of Township of Lower Alloways Creek, of any person or entity believed to be in violation of this Riparian Zone Section.. If, upon inspection, a condition which is in violation of this Ordinance is discovered, a civil action in the Special Part of the Superior Court, or in the Superior Court, if the primary relief sought is injunctive or if penalties may exceed the jurisdictional limit of the Special Civil Part, by the filing and serving of appropriate process. Nothing in this Ordinance shall be construed to preclude the right of Township of Lower Alloways Creek, pursuant to N.J.S.A 26:3A2-25, to initiate legal proceedings hereunder in Municipal Court. The violation of any section or subsection of this Ordinance shall constitute a separate and distinct offense independent of the violation of any other section or subsection, or of any order issued pursuant to this Ordinance. Each day a violation continues shall be considered a separate offense.

**VII. VIOLATIONS AND PENALTIES.**

Any owner or agent, any person or corporation who shall violate any of the provisions of this ordinance or fail to comply herewith or any of the requirements thereof, shall be subject to the provisions of Chapter 6, section 6.03 Violations and Penalties of the Land Development Ordinance.

**IV. EFFECTIVE DATE**

This Ordinance shall take effect upon final adoption and publication in accordance with the law.

**ARTICLE VII****FEES****Section 4.38 Fees.**

- A. The following fees shall be charged an applicant for review of an application for development by a municipal agency:
1. Variance pursuant to N.J.S.A. 40:55D-70d: \$500.00 plus review fee deposit as set forth below.
  2. Any other type of variance or request made to the Board of Adjustment: \$75.00 plus review fee deposit as set forth below.
  3. Direction pursuant to N.J.S.A. 40:55D-34 or 40:55D-36 (building lot in bed of mapped street, etc., or not abutting an improved street): \$100.00 plus review Fee deposit as set forth below.
  4. Conditional Use: \$500.00 plus review fee deposit as set forth below.
  5. Minor Subdivision: \$100.00 per lot created, excluding anyone parcel to be retained, plus review fee deposit as set forth below.
  6. Preliminary Major Subdivision: \$300.00 plus \$100.00 per lot created, plus review fee deposit as set forth below.
  7. Final Major Subdivision: \$300.00 plus \$100.00 per lot, plus review fee deposit and inspection fee deposit as set forth below.
  8. Appeals from Planning Board to Governing Body: \$1,000.00.
  9. Site Plan Review: \$1,000.00 plus review fee deposit and inspection fee deposit as set forth below.
  10. Temporary Use Permit: \$1.00 per square foot per month for any structure or land use granted a temporary use permit.
  11. Subdivision Certification: \$25.00.

12. Concept Plan Review with Nonbinding Comments (fees for informal review shall be credited toward fees for application for development)

- a. Subdivision of three (3) or less lots: \$25.00.
- b. Subdivision of more than three (3) lots: \$350.00.
- c. Commercial/Industrial Use: \$100.00.

13. Zoning Permit Application: \$35.00.

14. Resubmission or Revision of any Application: For any resubmission or revision of a development plan or application, there shall be paid the same fees and deposits as for a new application, which shall be in addition to the amounts paid or owed for the original application and for any previous resubmissions and revisions. Fees and deposits on account of a revised plan or application shall, at the discretion of the reviewing agency, not be required for any revision not necessary for approval but which is requested by the reviewing agency, nor for any revision not involving any additional costs of review by professional personnel or hearing expenses.

15. Review Fee Deposit: (Amended 11-20-2007 by Ordinance 2007-16)

a. Whenever a review fee is required, the developer shall deposit with the Municipal Treasurer, a sum of money which the Municipal Treasurer shall, in turn, deposit in a separate escrow account and carry under the municipality's trust fund section of accounts on the books of the municipality as a review fee escrow fund. The amount of money so deposited, exclusive of all other fees, shall be as follows:

(1) For major subdivisions at preliminary application and again at final application, \$800.00 per lot to be created. At the time of application for final approval any amounts remaining on deposit after the preliminary application review fees have been paid shall be credited to the deposit for the final approval review fee deposit.

(2) For minor subdivisions: \$300.00 per first lot created, and \$200.00 for each additional lot, including any parcel to be retained.

(3) For site plan review: \$1,000.00 per first acre or part thereof, plus \$200.00 each additional acre or part thereof.

(4) For variance pursuant to N.J.S.A. 40:55D 70d for a land mine: \$2,000.00 per first acre or part thereof plus \$250.00 each additional acre or part thereof.

(5) For variance pursuant to N.J.S.A. 40:55D-70d other than for a land mine: \$2,000.00 per first acre or part thereof plus \$150.00 each additional acre or part thereof.

(6) For conditional use: \$2,000.00 per first acre or part thereof plus \$150.00 for each additional acre or part thereof.

(7) Acreage for the purpose of computing the fee for a land mine development application shall include all area within the mandatory buffer area, the buffer area itself plus any improvements outside the buffer area.

(7.1) All other review fees not specifically mentioned above: \$2,000.00.

(8) Said fund is to be used to pay the fees of any professional or technical personnel retained or employed by the Township to assist in processing, reviewing, making recommendations and testifying concerning the subject application.

(9) Within forty-five (45) days after the filing of an application for development, the Planning Board shall review said application for development to determine whether the escrow amount set forth above is adequate. In conducting such review said Board shall consider the following criteria:

- (a) The presence or absence of public water and/or sewer servicing the site.
- (b) Environmental considerations, including but not limited to geological, hydrological and ecological factors.
- (c) Traffic impact of the proposed development.
- (d) Impact of the proposed development on existing aquifer and/or water quality.
- (e) Impact of the proposed development on off tract facilities.
- (f) Surface drainage impact on the site or on surrounding properties of facilities.

(10) Upon completion of said review and within said forty-five (45) day period, the Board shall adopt a resolution specifying whether the escrow amount specified above is sufficient, excessive or insufficient. In the event the Board shall determine that said amount is excessive, it shall in the resolution specify the amount that shall be deemed sufficient. In the event the Board shall determine that the amount specified above is insufficient, it shall so specify and shall further set forth the amount required to be posted in light of the criteria specified herein. In the event the Board shall determine that it is appropriate that no escrow be posted, it shall so specify in its resolution.

(11) No application for development shall be deemed complete until such time as the applicant shall have posted with the Township of Lower Alloways Creek in cash, certified check or money order the amount of escrow deposit determined by the Planning Board to be required in accordance with the provisions of this ordinance.

(12) If at any time it becomes evident that the escrow fund is, or will become, insufficient to cover all reasonable fees for the required professional or technical services, the applicant shall increase the fund as determined by the reviewing agency.

(13) All sums not actually so expended for professional or technical services shall be refunded to the applicant within one hundred twenty (120) days after certification by the Board Chairman that said application has been finally determined. **"Finally determined" shall be**

- (1) denial of preliminary approval; or
- (2) denial of final approval; or
- (3) compliance with all conditions following final approval; or
- (4) withdrawal of application; or
- (5) expiration of approval.

16. Inspection Fees: Prior to final approval of the subdivision or site plan, the developer shall deposit with the Municipal Treasurer, a sum of money which the Municipal Treasurer shall, in turn, deposit in a separate escrow account and carry under the municipality's trust fund section of accounts on the books of the municipality as an inspection fee escrow fund. The amount of money so deposited, exclusive of all other fees shall equal four (4% ) percent of the cost of all improvements required as a condition of subdivision, site plan, land mining or earth extraction approval as such cost is estimated by the Municipal Engineer. However, there shall be a minimum inspection fee escrow deposit of \$300.00 even though the aforesaid computation produces a lesser amount, unless there are no improvements required for the subdivision or site plan approval, in which case there shall be no inspection fee escrow fund established.

- a. Said escrow fund shall be used to pay the fees of professional personnel employed to inspect and approve the construction of the improvements required for subdivision or site plan approval. Any excess of funds in the escrow at the time when all improvements have been finally accepted or approved shall be returned to the developer. If at any time it becomes evident that the escrow fund is or will be insufficient to cover said inspection fees, the developer shall increase the fund as required by the approving municipal agency.
- b. All fees shall be paid by the applicant or appellant to the Secretary or Clerk of the municipal agency to which the application or appeal is being made at the same time as the application is submitted or the appeal is filed. Said fee shall then be turned over to the Municipal Treasurer within forty-eight (48) hours of receipt.
- c. Whenever a term is used in this ordinance which is defined in the "Municipal Land Use Law," such term is intended to have the meaning set forth in the definition of such term found in such statute, unless a contrary intention is clearly expressed from the context of this ordinance.
- d. All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.
- e. The fee for the purchase of the Land Use Ordinance of the Township of Lower Alloways Creek is hereby set in the amount of sixty (\$60.00) dollars.

- f. When an amount of money in excess of \$5,000.00 shall be deposited by an applicant in escrow for review fees or inspection fees, the Township shall not refund an amount of interest earned on such deposit which does not exceed \$100.00 per year. If the amount of interest exceeds \$100.00 per year, that entire amount shall belong to the applicant and shall be refunded to him by the Township annually or at the time the deposit is repaid or applied to the purposes for which it was deposited, as the case may be; except, that the Township may retain thirty-three and one-third (33 1/3%) percent of such interest for administrative and custodial expenses.

(Ord. No. 97-8; Ord. No. 2000-9; Ord. No. 2001-6)

## CHAPTER 5

### ZONING

#### ARTICLE I

##### TITLE, PURPOSE, ESTABLISHMENT OF DISTRICTS, GENERAL CONDITIONS

###### **Section 5.00 Short Title.**

This chapter shall be known and may be cited as the Zoning Ordinance of the Township of Lower Alloways Creek, New Jersey.

###### **Section 5.01 Purpose.**

This chapter is adopted pursuant to the Municipal Land Use Law of 1975 (N.J.S.A. 40:55D-1 et seq.) and subsequent amendments and supplements thereto, in order to promote and protect the public health, safety, and general welfare.

###### **Section 5.02 Application and Implementation of Zoning Ordinance.**

The application, implementation and enforcement of this Zoning Ordinance shall be accomplished as prescribed in Section 5.09 of this ordinance.

###### **Section 5.03 Establishment of Zoning Districts.**

For the purpose of this ordinance, the Township of Lower Alloways Creek is hereby divided into the following districts, differentiated according to use, area and bulk requirements, to be designated as follows:

AR Agricultural Residential District  
VR Village Residential District  
I Industrial District  
W Wetlands District  
CF Conservation Park District

**Section 5.04 Zoning Map.\***

The boundaries of these zoning districts are established on the map entitled “Zoning Map of the Township of Lower Alloways Creek”, dated November 1993, which accompanies and is hereby made part of this ordinance. The Zoning Map shall be the official reference as to the current zoning classification of any land within the boundaries of Lower Alloways Creek Township.

The land designated as a Conservation Park District as shown on the Zoning Map shall only include property owned by the Township and private property containing deed restrictions for conservation. This clarification of intent supersedes any inaccuracy on the Zoning Map concerning the Conservation Park area. (Ord. No. 99-4)

**Section 5.05 Interpretation of District Boundaries.**

A. Zoning district boundary lines are intended to follow the center lines of streets, railroad rights-of-way, streams and lot or property lines as they exist on lots of record at the time of enactment of this ordinance unless otherwise indicated by dimensions on the Zoning Map. Any dimensions shown shall be in feet and measured horizontally and, when measured from a street, shall be measured from the street right-of-way line even if the centerline of that street is used for the location of a zoning district line.

B. The exact location of any disputed zoning district boundary line shall be determined by the Zoning Board of Adjustment.

C. The zoning standards, controls and designations apply to every structure, lot and use within each district and the district lines extend vertically in both directions from ground level.

D. Where a zone boundary fixed by dimension on the Zoning Map approximately follows and is not more than twenty (20) feet from a lot line, such lot line shall be construed to be the zone boundary.

E. In unsubdivided land and where a zone boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions on the map, shall be determined by the Zoning Officer by application of a scale thereto.

F. Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits.

G. Where physical or cultural features existing on the ground are at variance with those shown on the official Zoning Map, or in other circumstances not covered by subsections above, the Zoning Officer shall interpret the district boundaries.

\*Editor’s Note: The Zoning Map referred to can be found at the end of this Land Development.



**Section 5.06 Effect of Establishment of Districts.****A. Following the effective date of this chapter:**

1. Any use not permitted by this chapter shall be deemed to be prohibited.
2. Where the provisions of this zoning chapter impose greater restrictions than those of any statute, other ordinance, or regulation, the provisions of this zoning ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this zoning ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.

**B. Prohibited Uses in All Districts:** All uses not expressly permitted in this Chapter are prohibited, including, but not by way of limitation, the following:

1. Piggeries.
2. Junkyards including automobile wrecking.
3. The dumping or disposal of waste or scrap material of any kind or the sufferance of such dumping, upon any property by the owner or occupant thereof, except by special permit (exclusive of dumps maintained by the Township Committee of Lower Alloways Creek).
4. Excavation and removal of any earth, soil, clay, gravel or stone for sale or use off premises.
5. No land, building, structure or equipment of any kind in the Township of Lower Alloways Creek shall be used for the temporary or permanent storage or disposal of spent nuclear fuel or radioactive waste material of any kind. However, in connection with the operation of a duly licensed nuclear generating facility, spent nuclear fuel produced only by that generating facility may be temporarily retained at that same generating facility until such time as space becomes available in a spent fuel repository outside the Township or until any means of spent fuel disposal becomes available outside the Township to the operator of that generating facility, whichever happens first, after allowing for normal spent fuel cooling time, if such temporary retention qualifies and is approved as a conditional use pursuant to Section 5.07 B.2 of the Township Land Development Ordinance. Notwithstanding the foregoing, low-level radioactive waste and spent nuclear fuel produced only by duly licensed nuclear generating facilities within the Township may be temporarily stored at one (1) of those same generating facilities if such storage qualifies and is approved as a conditional use pursuant to Section 5.07 of the Township Land Use Ordinance.  
(Ord. No. 2001-6)

## Section 5.07 Conditional Uses.

Uses listed as conditional uses in a particular district may be permitted by the Planning Board only if it has been determined that the development proposal complies with the conditions and standards set forth in this chapter for the location and operation of such use.

**A. The only conditional uses permitted are those set forth in this section and shall be obtained in accordance with the following procedures:**

Before a construction permit or certificate of occupancy shall be issued for any conditional use as permitted by this section, application shall be made to the Planning Board. The Planning Board shall grant or deny said application within ninety-five (95) days of submission of a complete application by a developer or the Administrative Officer, or within such further time as may be consented to by the applicant.

The review by the Planning Board of a conditional use shall include a site plan review as set forth in the Land Development Ordinance of the Township of Lower Alloways Creek. Public notice and a hearing shall be required as set forth in the ordinance.

In all requests for approval of conditional uses, the burden of proof shall be on the applicant. The Planning Board shall give due consideration to all reasonable elements which could affect the public health, welfare, safety, comfort and convenience, such as, but not limited to, the proposed use(s), the character of the area, vehicular travel patterns and access, pedestrian ways, landscaping, lighting, signs, drainage, sewage treatment, potable water supply, utilities, and building and structure location(s) and orientation(s).

**B. Conditional Uses Permitted.**

**1. Storage of Low-Level Radioactive Waste (LLW) in the Industrial District.**

a. Intent. It has been determined that there may be a need for onsite, temporary storage of LLW generated by the duly licensed nuclear facility(ies) existing in the Township.

b. The storage of LLW shall be permitted only if it complies with the following conditions and standards:

(1) Only LLW generated by a duly licensed nuclear generating facility(ies) existing within the Township on the date of adoption of this ordinance may be stored.

(2) Storage of LLW must take place

(a) On the site of the nuclear generating facility(ies)

(b) Within the nuclear security fence

(c) Within the Nuclear Regulatory Commission licensed exclusion area of a reactor site, as defined in 10 CFR 100.3(a)

- (3) There shall be no more than one (1) LLW storage facility permitted in the Township.
- (4) The maximum dimensions of an LLW storage facility shall be:
  - (a) Area: twenty thousand (20,000) square feet
  - (b) Height: fifty (50) feet
  - (c) Storage capacity: sixty-five thousand seven hundred fifty (65,750) cubic feet
- (5) The LLW storage facility must be designed and constructed in accordance with applicable NRC regulations and guidelines and any other federal and/or state agency(ies) which have jurisdiction over the storage of LLW.
- (6) Provided there is a legally available storage or deposit site for low level radioactive waste, at least fifty (50%) percent of the low level radioactive waste accumulated in the storage facility shall be removed from the Township annually.
- (7) Any owner or operator of a low level radioactive waste storage facility existing in the Township on the date of adoption of this ordinance shall be required to make application to the Planning Board for conditional use approval within sixty (60) days of the date of the adoption of this ordinance.
- (8) Nothing in this section shall apply to the exclusive Federal regulatory authority granted to the nuclear regulatory authority by the Atomic Energy Act at 42 U.S.C.A. 2021 and the Federal regulations promulgated thereto over radiological safety and protection against radiological hazards. See 42 U.S.C.A. 2021(k).

## 2. CANNABIS BUSINESSES

### (1). **Definitions.**

As used in this section, the following terms shall have the meanings indicated:

#### ACT

"New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," codified at N.J.S.A. 24:61-31

#### CANNABIS

The definition given to "marijuana," as provided in Section 2 of the New Jersey Controlled Dangerous Substances Act, P.L. 1970, c. 226 (effective January 17, 1971), codified at N.J.S.A. 24:21-1 et seq.

#### CANNABIS BUSINESS or BUSINESS

An organization issued a permit by the Commission to operate as a medical cannabis cultivator, medical cannabis manufacturer, wholesaler, transporter or medical cannabis dispensary. The terms "cannabis business" and "business" shall also mean "medical cannabis alternative treatment center (ATC)" or "alternative treatment center" as defined under the Jake Honig Compassionate Care Act.

#### CANNABIS CULTIVATOR OR CULTIVATION CENTER

An organization issued a permit by the permitting authority that authorizes the organization to: possess and cultivate cannabis and deliver, transfer, transport, distribute, supply, and sell cannabis and related supplies to other cannabis cultivators and to cannabis manufacturers and dispensaries, as well as to plant, cultivate, grow, and harvest medical cannabis for research purposes. For the purposes of zoning, this shall include the building, structure, or premises used for the cultivation or storage of medical cannabis.

MEDICAL CANNABIS DISPENSARY or DISPENSARY

An organization issued a permit by the permitting authority that authorizes the organization to: purchase or obtain medical cannabis and related supplies from medical cannabis cultivators; purchase or obtain medical cannabis products and related supplies from medical cannabis manufacturers; purchase or obtain medical cannabis, medical cannabis products, and related supplies and paraphernalia from other medical cannabis dispensaries; deliver, transfer, transport, distribute, supply, and sell medical cannabis and medical cannabis products to other medical cannabis dispensaries; furnish medical cannabis, including medical cannabis products, to a medical cannabis handler for delivery to a registered qualifying patient, designated caregiver, or institutional caregiver consistent with the requirements of the Act; and possess, display, deliver, transfer, transport, distribute, supply, sell, and dispense medical cannabis, medical cannabis products, paraphernalia, and related supplies to qualifying patients, designated caregivers, and institutional caregivers. For the purposes of zoning, this shall include the building, structure, or premises used for the dispensing of medical cannabis.

CANNABIS MANUFACTURER OR MANUFACTURING FACILITY

An organization issued a permit by the permitting authority that authorizes the organization to: purchase or obtain cannabis and related supplies from a cannabis cultivator; purchase or obtain cannabis products from another medical cannabis manufacturer; produce, manufacture, or otherwise create medical cannabis products; and possess, deliver, transfer, transport, distribute, supply, and sell cannabis products and related supplies to other medical cannabis manufacturers and dispensaries. For the purposes of zoning, this shall include the building, structure, or premises used for the manufacturing of cannabis products.

MMP IDENTIFICATION CARD

The New Jersey Medical Marijuana Program Identification Card, which identifies registered qualifying patients under the Act.

PARAPHERNALIA

The definition as provided in N.J.S.A. 2C:36-1.

PERMIT

The documents issued by the permitting authority pursuant to the Act granting the legal right to operate as a cannabis business.

PERMITTING AUTHORITY

The entity responsible for the regulation and enforcement of activities associated with the medical use of cannabis. This shall include the New Jersey Department of Health and the Cannabis Regulatory Commission, established pursuant to Section 31 of P.L. 2019, c. 153 (N.J.S.A. 24:61-24), which shall assume all powers, duties, and responsibilities with regard to the regulation and oversight of activities authorized pursuant to P.L. 2009; c. 307 (N.J.S.A. 24:61-1 et al.) from the Department of Health for the further development, expansion, regulation, and enforcement of activities associated with the use of cannabis pursuant to P.L. 2009, c. 307 (N.J.S.A. 24:61-1 et al.).

QUALIFYING PATIENT or PATIENT

A resident of the State of New Jersey who has been authorized for medical use of cannabis by a health care practitioner, and who has been registered by the permitting authority as a registered qualifying patient.

USABLE CANNABIS

The dried leaves and flowers of cannabis and any mixture or preparation thereof, but does not include the seed, stems, stalks, or roots of the plant.

VERTICAL INTEGRATION

The collocation or combination of the following activities related to the production of usable cannabis for within a single corporate entity: cultivation, manufacturing, and dispensing.

**(2). Limitation on the type and number of cannabis businesses within the Township** to Class 1 (Cultivation), Class 2 (Manufacturing), Class 3 (Wholesale) and Class 4 (Distribution) as defined under the Act.

- a. There will be no permitted Class 5 (Retail Dispensaries) cannabis businesses within the Township's Borders for medical cannabis or otherwise. Additionally, there will be no permitted Class 6 (Delivery) licenses within the Township.
- b. The number of standalone cultivation centers and/or manufacturing facilities permitted within the Township is based on population. A maximum of one cultivation center and/or manufacturing facility shall be permitted for every 1000 people or fraction thereof. Population shall be determined by the most recent data available from the U.S. Census Bureau and the New Jersey Department of Labor, Bureau of Statistics.
- c. Standalone or integrated cultivation centers and manufacturing facilities are permitted businesses as long as the secured facility does not contain a dispensary or have public access. Signage for the cultivation center or manufacturing facility shall remain innocuous and part of the general directional signage typically found in industrial manufacturing facilities. Facade signs will be limited to those at the point of entry to the facility and may not be more than six square feet. In the event more than one land use application for a cultivation center or manufacturing facility of the same classification are submitted to the Township in close proximity to one another, and if the applications comply with all the requirements of this chapter and the Act, the Township is not permitted to approve all of the applications because of the limitations set forth in this subsection. The Township shall first review for approval the application that was first submitted and determined to be a complete and compliant application by the Township Planner, or Zoning Officer.

**3. Permitted locations.**

- a. Dispensaries.  
Dispensaries shall be not permitted to be located within Lower Alloways Creek Township, medical or otherwise.

- b. Vertically integrated or stand-alone cultivation centers, manufacturing, wholesale and distribution facilities.

Vertically integrated cultivation centers and manufacturing, wholesale and distribution facilities shall be permitted to be located within the following zones in accordance with this chapter where applicable. For all properties, adherence to the site design standards of the Township Land Development Ordinances through a review by the Zoning Official, and the Township Planning Board where applicable, is required. Issuance of zoning permit and/or site plan approval is required. Zones permitted include Agricultural/Residential (AR) and Commercial (C) as defined under Section 5 “Zoning” of the Township Code.

**4. Distance between cultivation, manufacturing, wholesale and distribution facilities, schools and daycare facilities.**

- a. Cultivation, manufacturing, wholesale and distribution facilities shall not be located within 1,000 feet of a school or child daycare property.

**5. Operation of multiple cannabis businesses at a single location: vertical integration.**

A person may vertically integrate a cultivation center, manufacturing, wholesale and distribution facility permitted by this section at a single location as long as it is in full compliance with the requirements of the Act and the Township Land Development Ordinances.

**6. Specific requirements for cannabis businesses.**

- a. The cultivation of cannabis shall not be permitted on exterior portions of a lot. The cultivation, production or possession of cannabis within a building or unit must not be perceptible from the exterior of the building or unit from a street or residential use. Such use shall adhere to the bulk standards of the underlying zoning.
- b. Cannabis businesses must limit signage to text on external signage, labeling, and brochures. Use of graphics shall be limited to the logo for the business so long as it does not include a cannabis plant leaf and outward glorification of cannabis consumption.
- c. All Township sign regulations must be complied with.
- d. Cannabis business signage shall not display on the exterior of the facility or windows advertisements for medicinal cannabis or a brand name except for purposes of identifying the building by the permitted name.
- e. In the event of a conflict between the Township bulk standards and the Act or the permitting authority's regulations, the Township shall consider the pertinent statute or regulation as justification of any variance and/or design waiver.

**7. Security and reporting.**

Security systems must be in place, along with a 24 / 7 recording system that records for a minimum thirty-day archive. This system shall be shared with the local Police Unit via web browser. Outside areas of the premises and the perimeter shall be well lit. The Local Police Unit shall be provided the name and phone number of a staff person to notify during suspicious activity during or after operating hours. Security staff is required on the premises during all hours of operation. Additionally:

- a. The premises must only be accessed by authorized personnel and free of loitering.
- b. All cannabis businesses shall take place in an enclosed, locked facility.
- c. Security personnel must be present during all times.

**8. No products to be visible from public places.**

Cannabis plants and products, contained in any cannabis business shall not be visible from a public sidewalk, public street or right-of-way, or any other public place. On-site storage of usable cannabis shall comply with 21 CFR 1301.72.

**9. No beer or alcohol on premises.**

No fermented malt beverages and no alcoholic beverages shall be kept, served or consumed on the premises of a cannabis business.

**10. Storage of products.**

All products and accessories shall be stored completely indoors and all-site in accordance with the Act and the permitting authority regulations.

**11. Consumption of cannabis prohibited.**

No consumption or smoking of any cannabis products shall be allowed or permitted on the premises or adjacent grounds of a cannabis business.

**12. Storage of currency.**

All currency over \$1,000 shall be stored within a separate vault or safe, not used for the storage of medical cannabis, securely fastened to a wall or floor, as approved by the local Police Unit.

**13. Prevention of emissions and disposal of materials.**

- a. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting the cannabis business premises shall be provided at all times. In the event that any debris, dust, fluids or other substances shall exit the business premises, the property owner and operator shall be jointly and severally responsible for the full cleanup immediately.
- b. Businesses shall properly dispose of all materials and other substances in a safe and sanitary manner in accordance with state regulations.
- c. As applicable, cannabis businesses shall be equipped with ventilation systems with carbon filters sufficient in type and capacity to eliminate cannabis odors emanating from the interior to the exterior of the premises discernible by reasonable persons. The ventilation system must be inspected and approved by the Construction Official.

- d. If carbon dioxide will be used in any cultivation area, sufficient physical barriers or a negative air pressure system shall be in place to prevent carbon dioxide from moving into the ambient air, into other units in the same building or into an adjacent building in a concentration that would be harmful to any person, including persons with respiratory disease and shall be inspected and approved by the Construction Official and the Fire Marshall.
- e. All state regulations concerning ventilation systems shall be followed.

**14. Compliance with other codes.**

Any cannabis business and the adjacent grounds of the cannabis business shall comply with all zoning, health, building, fire, and other codes and ordinances of the Township as shown by completed inspections and approvals by the Township Planner, Construction Division, Fire Safety Division, and the Township Health Department, if applicable.

**15. No harm to public health, safety or welfare.**

The premises of a cannabis business, and any adjacent grounds thereto, shall be operated in a manner that does not cause any substantial harm to the public health, safety and welfare.

**16. Additional requirements,**

At the time a site plan approval is granted, amended, or a major change to a cannabis business is approved, the Township may impose on the applicant any condition related to the proposed use that is necessary to protect the public health, safety or welfare, not inconsistent with the permitting authority requirements, including but not limited to the following:

- a. Additional security requirements;
- b. Limits and requirements on parking and traffic flows;
- c. Requirements for walls, doors, windows, locks and fences on the premises and adjacent grounds;
- d. Requirements and limits on ventilation and lighting;
- e. Limits on noise inside the licensed premises or on the adjacent grounds;
- f. Prohibitions on certain conduct in the cannabis business;

**17. Penalty for violation.**

Any violation of the provisions of this subsection or the conditions of the zoning permit granted, by a cannabis business shall be punishable by a civil fine of up to \$1,000. Each day that a violation is committed, exists or continues shall be deemed a separate and distinct offense. In addition, any violation of the provisions of this subsection, or any conditions imposed by the zoning permit may result in the revocation of the zoning permit.



- 18.** To the extent any provisions of the Township Ordinance Code, zoning and site plan code or standards conflict with this section, the provisions and standards of this section shall control.

**Section 5.08 Temporary Uses.**

Temporary uses of land or temporary activities such as fairs, carnivals and circuses, for a period not to exceed fifteen (15) calendar days for each sponsor in any calendar year shall be permitted in all districts. However, all such temporary uses or activities shall require a special permit issued by the Zoning Officer, and shall be subject to the provisions of adequate off-street parking and control of traffic, noise, glare, dust, sanitary concerns and general public safety.

**Section 5.09 Planning Board and Zoning Board of Adjustment Jurisdiction.**

In this chapter, any reference to the "Planning Board" shall be considered to refer to the Zoning Board of Adjustment in those instances where the Zoning Board of Adjustment has jurisdiction as granted by the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and vice versa.

ARTICLE II  
DISTRICT REGULATIONS

**Section 5.10 General Requirements.**

A. No building shall hereafter be used, erected, altered, converted, enlarged, added to, moved or reduced, wholly or in part, nor shall any land be designed, used or physically altered for any purpose or in any manner except in conformity with this ordinance. Where a lot is formed from part of a lot already occupied by a building, any subdivision shall be effected in such a manner as not to impair any of the requirements of this ordinance with respect to the existing building and all yard and other open space in connection therewith and so that all resulting lots have adequate dimensions consistent with the requirements of the zoning district in which they are located and so that all lots have frontage on a street.

B. Where a lot straddles a municipal boundary line all minimum lot size and minimum yard dimension requirements must be met by that portion of that lot within Lower Alloways Creek Township. No building or structure located on such a lot shall straddle the municipal boundary line. The principal building or structure on such a lot, if located within Lower Alloways Creek Township, must be located entirely on a portion of such lot that fronts on a public Street located in Lower Alloways Creek Township.

C. No subdivision or site plan approval may be given unless each lot contained in the subdivision or site plan complies with all the requirements of the zone in which the lot is located, unless a variance is granted.

D. No lot shall have erected on it more than one (1) residential building, except when the lot contains a structure of historic significance as listed in Appendix A and the following requirements can be met:

- 1 The lot is a minimum of three (3) acres in size.
2. A minimum distance of fifty (50) feet between structures must be established.
3. The historic structure shall not constitute a hazard to public health or safety. (Ord. No. 2001-9)

**Section      5.11      Use Regulations: Agricultural Residential (AR) District.**

A. Permitted Uses. En the Agricultural Residential district, no building or premises shall be used and no building shall be erected or altered on a lot which is arranged, intended or designed to be used, except for one (1) or more of the following uses:

1. Farm and agricultural uses subject to the regulations contained in Section 5.2 F. and Section 5.33 of this ordinance.
2. The sale on a seasonal basis, and processing of agricultural products subject to the regulations contained in Section 5.21F, 5. of this ordinance.
3. Detached single family dwelling units.
4. Residential agriculture as defined herein.
5. Hunting clubs, commercial hunting preserves and boat rentals.
6. Public and non-profit playgrounds, athletic fields, swimming pools, conservation areas, parks and public purpose uses.
7. Temporary buildings, temporary construction office and temporary storage of materials, provided that such use is located on the lot where construction is taking place or on a lot adjacent to or part of the development site, and that such temporary use is to be terminated within thirty (30) days of issuance of a final certificate of occupancy for the total project, or work is abandoned according to N.J.S.A. 5:23-2.5(c)2.
8. Buildings, structures and uses owned and operated by the Township of Lower Alloways Creek.
9. Accessory uses and accessory buildings incidental to the above uses and located on the same lot.

B. Conditional Uses. In the Agricultural Residential district, the following uses may be permitted as conditional uses:

1. Public and private elementary, junior and high schools subject to the requirements of Subsection B, 8. paragraphs a. and b., in addition to the minimum lot sizes as established by the New Jersey State Department of Education for school facilities.

2. Home occupations as part of a continued residential use subject to the regulations contained in Section 5.26 of this ordinance.
3. Public libraries and museums, subject to the requirements of Subsection B, 8. paragraphs a., b. and d. of this section.
4. Water storage tank or tower, water reservoir, water or sewer pumping station and water or sewage treatment plant, subject to the following special requirements:
  - a. Project is designed to be structurally compatible and in keeping with the architectural character of the neighborhood in which it is to be located.
  - b. Project is in keeping with the master plan or utility services element of the Master Plan.
  - c. Project conforms with yard setbacks for the district in which it is to be located.
  - d. Adequate landscaping in conformance with standards established in Section 5.22 and Section 5.23 of this ordinance.
5. Substations, electric and gas facilities, and all other public utilities no greater than four hundred (400) square feet in gross floor area, subject to the following requirements:
  - a. All those requirements of Subsection B,4.
  - b. No storage of materials or trucks and no repair facilities or housing of repair crews, except within completely enclosed buildings.
6. Transmission lines, transmitting and receiving antennae or aerials, subject to the following special requirements:
  - a. None shall exceed fifty-five (55) feet in height.
  - b. None shall be of such height or position that aircraft warning lights are required by any governmental agency.

7. Day care centers, day camps, kindergartens, pre-schools, day nursery schools provided such use complies with N.J.S.A. 40:55D-66.5.b and subject to the following special requirements:

- a. At least one hundred (100) square feet of outdoor play space per child shall be provided.
- b. Outdoor play space shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas, or land unsuited by other usage or natural features for children's active play space.

8. Church or other place of worship, parish house or religious school building, subject to the following special requirements:

- a. Location of access driveways, landscaping and site plan design are compatible with the neighborhood, in which it is to be located.
- b. No building or part thereof or any parking or loading area shall be located nearer than fifty (50) feet to any street line or lot line.
- c. A parish house, rectory or parsonage shall conform to the requirements for a single-family dwelling.
- d. Minimum lot area shall be two (2) acres.

9. Cluster development, provided public sewer is available and subject to the provisions of certain Planning Board findings for planned developments. (Ord. No. 2000-9)

**Section 5.12 Bulk and Area Regulations: Agricultural Residential (AR) District.**

A. The following shall be the standards for the Agricultural Residential district:

1. Minimum lot area: One and one-half (1.5) acres.\*

If depth to seasonal high water table in the vicinity of the proposed septic system is three (3) feet or less: 150,000 square feet is the minimum lot area required.

2. Minimum lot width: Two hundred (200) feet.
3. Minimum lot depth: Two hundred (200) feet.

## 4. Minimum setbacks:

## a. Front yard:

Local roads: 75 feet.

State/county roads: 100 feet.

## b. Rear yard: Fifty (50) feet.

## c. Side yard: Twenty (20) feet.

## 5. Maximum residential building coverage: Ten (10) percent.

## 6. Maximum impervious coverage permitted for nonresidential uses permitted as conditional uses: Twenty (20) percent.

## 7. Maximum building height: Two and one-half stories, but not to exceed thirty- five (35) feet.

\* In the AR district, lot areas may be increased based on the results of permeability tests performed on said lots. All such permeability tests shall be witnessed by either the Township Engineer or Salem County Health Department, at the applicant's expense. All lots created containing existing dwellings serviced by on-site septic systems shall also be subject to the following requirements:

Minimum lot areas shall increase in addition to the minimum one and one-half (1.5) acres according to the following calculation:

Lot Area Increment (square feet) = Lot Area Factor X 43,560 SF.

Lot Area Factor =  $\frac{(2 - \text{Permeability Rate})}{2} + \frac{72'' \text{ DSHW}^{**}}{24''}$

\*\* Depth to Seasonal High Water. Lot area increments shall be based solely upon calculations involving positive numerical values. Any negative values derived during calculations shall be disregarded.

A permeability rate greater than twenty (20) inches per hour or less than 0.2 inches per hour is not acceptable.

All State standards, specifically NJDEP Standards for the Construction of Individual Subsurface Sewage Disposal Systems, January 1, 1990 as amended, shall apply. (Ord. No. 2000-9)

**Section 5.13 Use Regulations: Village Residential (VR) District.**

A. Permitted Uses. In the Village Residential district, no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses.

1. Detached single family dwelling units.
2. Attached two-family dwelling units.
3. Professional offices as defined herein.
4. Buildings, structures and uses owned or operated by the Township of Lower Alloways Creek.
5. Accessory uses and accessory buildings incidental to the above uses located on the same lot and within the same zoning district permitting the principal use.

B. Conditional Uses, In the Village Residential district, the following uses may be permitted as conditional uses:

1. Personal service establishments (tailor, barber or beauty shop) subject to the following:
  - a. The facility is designed to be structurally and architecturally compatible with the neighborhood in which it is to be located.
  - b. Landscape screening in accordance with Section 4.19N. of this ordinance shall be provided.
  - c. No building or any parking or loading area shall be located closer than twenty (20) feet to any street line or lot line.
  - d. Access driveways shall be a minimum distance of ten (10) feet from adjoining property lines.
2. Nursing home, rest home or home for the aged, subject to the following special requirements:
  - a. The minimum lot area required for each four (4), or remainder over a multiple of four (4), resident patients or resident guests shall be required for each dwelling unit in the district in which the use is to be created.
  - b. Such buildings shall conform to the Manual of Standards of Nursing Homes issued by the Department of Institutions and Agencies of the State of New Jersey and be duly licensed under appropriate law.

- c. A landscape strip shall be provided along each side or rear property line in accordance with the standards established in Section 4. 19N. of this ordinance.
- 3. All farm and agricultural uses permitted in residential districts in accordance with the provisions set forth in Section 5.2 F. and Section 5.33 of this chapter.
- 4. Home occupations as part of a continued existing residential use may occur subject to the criteria governing such home occupations as contained in Section 5.26 of this chapter.
- 5. Public libraries and museums, subject to the requirements of Subsection B,6. paragraphs a., h. and d. of this section.
- 6. Church or other place of worship, parish house or religious school building, subject to the following special requirements:
  - a. Location of access driveways, landscaping and site plan design are compatible with the neighborhood, in which it is located.
  - b. No building or part thereof or any parking or loading area shall be located nearer than fifty (50) feet to any street line or lot line.
  - c. A parish house, rectory or parsonage shall conform to the requirements for a single-family dwelling.
  - d. Minimum lot area shall be two (2) acres. (Ord. No. 2000-9)

**Section 5.14 Bulk and Area Regulations: Village Residential District.**

The following shall be the standards for the Village Residential district:

- A. Minimum lot area: Eight thousand five hundred (8,500) square feet.
- B. Minimum lot width: Sixty (60) feet.
- C. Minimum lot depth: One hundred twenty-five (125) feet.
- D. Minimum setbacks:
  - 1. Front yard: Twenty (20) feet.
  - 2. Rear yard: Thirty (30) feet.
  - 3. Side yard: Ten (10) feet.
- E. Maximum residential building coverage: Twenty-five (25) percent.



F. Maximum building coverage for nonresidential uses permitted as conditional uses:  
Thirty-five (35) percent.

G. Maximum building height: Two and one-half stories, but not to exceed thirty-five (35) feet.

**Section 5.15 Use Regulations: Industrial (I) District.**

A. Permitted Uses. In the Industrial district no building or premises shall be used and no building shall be erected or altered which is arranged, intended, or designed to be used, except for one or more of the following uses, and such use shall be subject to the Townships Site Plan Ordinance:

1. Public utility uses.
2. General offices as defined herein.
3. Computer centers.
4. Municipal activities including buildings and structures, public recreation, libraries, community theaters, other cultural activities and associated public or semi-public uses.
5. All farm and agricultural uses permitted in residential districts in accordance with the provisions set forth in Section 5.2 IF. and Section 5.33 of this chapter.
6. Residential agriculture as defined herein.
7. Planned industrial development and industrial parks on tracts of land at least twenty-five (25) contiguous acres in area comprised of any combination of the uses listed hereinabove.
8. Accessory uses and accessory buildings on the same lot and within the same zoning with and customarily incidental to any of the permitted uses district principal uses which may include but not limited to:
  - a. Restaurant or cafeteria primarily for supplying meals only to employees and guests of the principal use.
  - b. In-service training schools for employees.
  - c. Custodial living quarters.
  - d. Indoor and outdoor recreation facilities, provided that all such accessory buildings and uses shall be planned as an integral part of the principal use development.
  - e. Assembly halls for meetings incidental to the business of the principal use.
  - f. Maintenance, utility and storage facilities incidental to the fully-enclosed buildings.
  - g. Buildings, structures and uses owned or operated by the Township of Lower Alloways Creek.
9. Limited manufacturing.

B. Conditional Uses. In the Industrial district, the following uses may be permitted as conditional uses:

1. Substations, electric and gas facilities, and all other public utilities, subject to the requirements of Section 5.11B,4.
2. Transmission lines, transmitting and receiving antennae or aerials, subject to the requirements of Section :5.11B,6.
3. Research office and limited industrial park development, notwithstanding any other requirements of this chapter, shall be subject to the following special requirements:
  - a. Minimum park area: Twelve (12) acres in contiguous parcels.
  - b. Minimum lot area: Three (3) acres.
  - c. Minimum park and lot frontage: Two hundred fifty (250) feet.
  - d. Maximum building height: Three (3) stories but not to exceed forty-five (45) feet.
  - e. Minimum yards:
    - (1) Front yard: Seventy-five (75) feet with a twenty-five (25) foot landscaped area at the street right-of-way.
    - (2) Rear yard: Forty (40) feet.
    - (3) Side yard: There shall be two (2) side yards with a minimum width of twenty (20) feet each.
    - (4) Yards abutting residential districts: The above yard requirements, including the landscape transition and buffer and screen requirements shall be increased by twenty (20) feet in those instances where they abut, in whole or in part, a residential district or lot line.

f. Maximum FAR: The maximum permitted FAR shall vary according to the following schedule depending on the intended use and building height:

<b>Primarily Manufacturing/Warehousing Uses*</b>		<b>Maximum FAR</b>
(1)	Uses in one story buildings	.30
(2)	Uses in multi-story buildings	.40

\* “Primarily” shall mean more than eighty (80) percent of total building use on lot. The maximum FAR shall be adjusted proportionately where less than eighty (80) percent of the designated building uses are proposed for a lot.

g. Maximum improvement coverage: Sixty (60) percent.

### Section      **5.16 Bulk and Area Regulations: Industrial (I) District.**

The following shall be the standards for the Industrial district:

A. Minimum lot area: Three (3) acres.

B. Minimum lot width: Two hundred (200) feet.

C. Minimum lot depth: Two hundred (200) feet.

D. Minimum setbacks:

1. Front yard: Seventy-five (75) feet with a twenty-five (25) foot landscape area at the street right-of-way.
2. Rear yard: Thirty (30) feet.
3. Side yard: There shall be two (2) side yards with a minimum forty (40) feet each.
4. Yards abutting residential districts: The above yards including the landscape transition buffer and screen requirements shall be increased by twenty (20) feet in those instances where they abut, in whole or in part, a residential district or lot line.

E. Maximum FAR: The maximum permitted FAR shall be allowed to vary according to the following schedule depending on the intended use and building height:

	<b>Maximum FAR</b>
1. Uses in one-story buildings	.22
2. Uses in multi-story buildings	.30

F. Maximum improvement coverage: Fifty (50) percent.

G. Maximum building height: Three (3) stories, but not to exceed forty-five (45) feet.

**Section 5.17 Use Regulations: Wetlands (W) District.**

A. Permitted Uses. In the Wetlands district, no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses.

1. Low intensive recreational facilities and areas which will have an insignificant impact on surrounding uses or on the environmental integrity of the area, such as hiking, hunting, trapping, fishing, canoeing, nature study and bicycling.
2. Buildings, structures and uses owned or operated by the Township of Lower Alloways Creek.
3. All farm and agricultural uses permitted in residential districts in accordance with the provisions set forth in Section 5.2 F. and Section 5.33 of this chapter.
4. Accessory uses and accessory buildings incidental to the above uses located on the same lot and 'within the same zoning district permitting the principal use.

B. Conditional Uses. In the Wetlands district, the following uses may be permitted as conditional uses:

1. Hunting clubs and preserves, detached single family dwellings subject to the following:
  - a. Minimum lot size: Five (5) acres.
  - b. Maximum permitted density: 0.2 dwelling units per acre.
  - c. Maximum building envelope size: Forty (40) percent of the lot or twenty thousand (20,000) square feet, whichever is less.
  - d. Maximum total lot disturbance: Fifty (50) percent of the lot area or twenty five thousand (25,000) square feet, whichever is less.
  - e. Minimum spacing between building envelopes and tract boundary or offsite public street: Fifty (50) feet.
  - f. Minimum setback of building envelope from lakes or ponds: One hundred (100) feet.

**Section 5.18 Bulk and Area Regulations: Wetlands (W) District.**

The following shall be the standards for all permitted uses in the Wetlands district:

- A. Minimum lot area: Ten (10) acres.
- B. Minimum lot width: One hundred fifty (150) feet.
- C. Minimum lot depth: Two hundred (200) feet.
- D. Minimum setbacks:

- 1. Front yard: Fifty (50) feet.
- 2. Rear yard: Fifty (50) feet.
- 3. Side yard: Twenty (20) feet.

E. Maximum Building Coverage: Fifteen (15) percent.

F. Maximum Building Height: Two and one-half stories, but not to exceed thirty-five (35) feet.

**Section 5.19 Use Regulations: Conservation Park (CP) District.**

A. Permitted Uses. In the Conservation Park district, no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses.

- 1. Public and non-profit park, recreation and conservation purposes.
- 2. Accessory uses and accessory buildings *incidental* to the above uses located on the same lot and within the same zoning district permitting the principal use.

B. Conditional Uses. In the CP district, the following uses may be permitted as conditional uses: None.

**Section 5.20 Bulk and Area Regulations: Conservation Park (CP) District.**

The following *shall* be the standards for all permitted uses in the Conservation Park district:

- A. Minimum lot area: Twenty five (25) acres.
- B. Minimum lot width: Two hundred fifty (250) feet.
- C. Minimum lot depth: Two hundred (200) feet.
- D. Minimum setbacks:

- 1. Front yard: One hundred fifty (150) feet.
- 2. Rear yard: Three hundred (300) feet.
- 3. Side yard: One hundred (100) feet.

E. Maximum building coverage: One and one-half (1 1/2) percent.

F. Maximum building height: Two and one-half stories, but not to exceed thirty-five (35) feet.

**Section 5.20.1 Use Regulations: Commercial (C) District.**

A. The following uses are permitted in a Commercial (C) District:

- (1) Retail sale or services store or shop with all sales and merchandise to be contained within a building.
- (2) Food sales or service.
- (3) Offices and clinics to include post office and government offices.
- (4) Any business which is not primarily a retail or service business, but which, in the opinion of the reviewing board, is consistent with the permitted uses of the district.

B. The following uses are permitted as conditional uses, subject to the approval of the Planning Board:

(1) A motel, subject to the following regulations:

- (a) The lot shall be not less than one (1) acre in size, with not less than one hundred fifty (150) feet fronting on a public road and with a front set back of fifty (50) feet.
- (b) Access driveways shall be located not less than thirty (30) feet from the side property line, with twenty-five (25) feet for each side yard and thirty (30) feet for the rear yard.
- (c) A minimum four thousand (4,000) square feet of lot area shall be provided for each overnight rental unit.
- (d) The maximum coverage shall be thirty-five percent (35%) of the usable area.

(2) A service station provided that:

- (a) The area for use by motor vehicles, except access drives thereto, as well as any structure, shall not encroach on any required yard area.
- (b) No fuel pump shall be located within twenty (20) feet of the side lot line nor within thirty-five (35) feet of the rear lot line.

(3) Shopping Center.

**Section 5.20.2 Bulk and Area Regulations: Commercial (C) District.**

The following shall be standards for the Commercial District:

- (a) Minimum required lot area: ten (10,000) thousand square feet for one-story building; fifty (50,000) square feet for building more than one story in height.
- (b) Minimum required lot width: one (100) hundred feet for one-story building; three hundred fifty (350) feet for building more than one-story in height.
- (c) Minimum required building front set back: forty (40) feet for one-story building; fifty (50) feet for building more than one-story in height.

- (d) Minimum required building side set back: twenty (20) feet for one-story building; fifty (50) feet for building more than one-story in height.
- (e) Minimum required building rear set back: twenty-five (25) feet for one-story building; fifty (50) feet for building more than one-story in height.
- (f) Minimum permitted building height: thirty-five (35) feet.
- (g) Maximum coverage: thirty-five (35) percent.

### **ARTICLE III GENERAL PROVISIONS AND SUPPLEMENTAL REGULATIONS GOVERNING CERTAIN USES**

#### **Section 5.21 Accessory Structures and Uses.**

A. Accessory Building as Part of Principal Buildings. Any accessory building attached to a principal building shall be considered part of the principal building and the total structure shall adhere to the yard requirements for the principal building regardless of the technique of connecting the principal and accessory buildings.

B. Accessory Buildings Not to be Constructed Prior to Principal Building. No construction permit shall be issued for the construction of an accessory building prior to the issuance of a construction permit for the construction of the main building upon the same premises.

C. Height of Accessory Buildings. The height of accessory buildings shall be as prescribed for principal structures in Article II.

D. Location. The following provisions shall govern the location of accessory uses:

1. Accessory uses shall be permitted only on the same lot and within the same zoning district, unless otherwise indicated, with the principal building to which they are accessory except for parking as required in the Site Plan Ordinance and retention/detention basins as noted in the Provisions Applicable to Site Plans and Subdivisions Ordinance.

2. All accessory uses shall be such as do not alter the character of the premises on which they are located or impair the neighborhood. Such accessory uses shall not be located within required front, side or rear yard area, unless otherwise permitted in this chapter. Access to off-street parking and loading areas may cross front yard areas or the yard area abutting a principal street from which site access is to be provided.

E. Bulk Area Regulations. No distinction is made in the dimensional limitations between principal and other buildings or structures referred to as accessory, except as permitted in this chapter. All such accessory buildings, or structures or uses shall be governed by the bulk and area regulations of the district within which they are located.



**F. Farm and Agricultural Uses.** In the districts where farm and agricultural uses are permitted the following additional provisions governing their use shall apply:

1. Such uses are conducted upon a lot not less than five (5) acres in area.
2. Buildings used for the shelter of fowl of any kind shall have a maximum usable floor area of two thousand (2,060) square feet for the first ten (16) acres and five thousand (5,000) additional square feet for each additional acre.
3. One domestic horse for the personal use of the occupants of the residence may be maintained on any lot at least three (3) acres in size. An additional two (2) acres shall be required for each additional horse.
4. The display for sales of products grown or raised by the owner, tenant or lessee on a roadside stand shall only be permitted where:
  - a. The sale of any such products shall not have a deleterious effect on adjoining properties by reason of nuisance or health hazard.
5. Intensive fowl or livestock farms shall be prohibited:

**G. Swimming Pools, Tennis Courts and Similar Personal Recreational Facilities in Residential Zones.** Except for portable swimming pools less than three (3) feet in height and less than ten (10) feet in length or diameter, the following regulations shall apply to permanent and portable swimming pools, tennis courts and similar recreational facilities accessory to a residential use.

1. Said use shall comply with the minimum setback and yard requirements for principal structures.
2. Said use shall be appropriately screened and fenced so as not to adversely affect adjoining properties.
3. Said use shall meet all applicable codes and ordinances of the Township of Lower Alloways Creek and any regulations of a county or State agency.
4. A pool or water surface shall not be counted as part of a lot's maximum building coverage requirements.

**H. Storage Sheds in Residential Districts.** Storage sheds not exceeding one hundred (100) square feet facilities on the same lot as the principal structure may be located within ten (10) feet of the required side and rear yards but shall conform to front yard setback requirements for principal structures. Storage sheds on corner lots shall not be located closer to the side street property line than the required setback line for a front yard in the zoning district within which the lot is located. (Ord. No. 2000-9)

**Section 5.22 Landscape Transition Buffers, Strips, Fences and Screening of Nonresidential Uses from Residential Uses.**

A. Landscape Transition Buffer. A landscape transition buffer satisfactory to the Planning Board of not less than twenty-five (25) feet in width shall be provided and maintained by the owner or lessee of a property between any nonresidential use and contiguous residentially zoned districts.

1. The Planning Board may waive the requirements to provide a transition buffer where natural or manmade physical barriers exist such that an effective visual separation exists between residential and nonresidential uses or a landscape strip, screen or fence as stipulated in Subsection B. of this section is provided.
2. Yard requirements shall be deemed to be counted as part of the landscape transition buffer area. Where yard areas are less than the required buffer area, they shall be increased accordingly.

B. Landscape Strips, Fences or Screens. A landscape strip of at least ten (10) feet in width, or in lieu thereof, a fence, shall be provided and maintained by the owner or lessee of a property within landscape transition buffers or in any case where a nonresidential use as permitted in this chapter, is contiguous to or abuts upon any property or area classified for residential purposes, or the rear or either side line which abuts upon a street separating it from any property classified for residential purposes. Such landscape strip, screen or fence shall be of such a type and designed in such manner as to obscure from view at ground level such non-residential property from the contiguous or abutting or neighboring residential properties and be constructed of materials and be of a design subject to the special requirements for such strips, screens or fences as stipulated in the Site Plan Ordinance. Such planting strip, screen or fence shall be not less than six (6) feet high at the time of installation nor shall a fence be more than eight (8) feet high.

C. Fences in Residential Districts. No fence or wall within fifty (50) feet of a public right-of-way shall exceed four (4) feet in height.

D. Site plans and subdivision plans shall show a buffer strip of one hundred (100) feet in width in addition to the required minimum lot size and minimum yard dimensions, along any boundary with land that is assessed and qualified farmland under the 'New Jersey Farmland Assessment Act.' Said buffer strip shall not be included in measurements for establishing setbacks for construction and for yard requirements on the lot. Said buffer strip shall be restricted by deed and by final subdivision plat against construction of any buildings or structures other than fences, walls or drainage facilities and against removal of any screen of trees or hedges, so long as the adjacent land is assessed or qualified as farmland under the 'New Jersey Farmland Assessment Act,' or is actively farmed should the "Farmland Assessment Act" be revoked or substantially modified. The right to enforce said restrictions shall be held separately and may be exercised independently by the Township of Lower Alloways Creek or by the owner of the adjacent farmland.

In addition, the developer shall be required to plant a screen of trees, hedges or shrubbery, and/or may, at the sole discretion of the approving authority, be required to construct a fence within the agricultural buffer along the boundary line with the adjacent property meeting the following specifications:

1. The buffer fence, when required, shall be a four (4) to six (6) foot high fence, installed along any property line abutting farmland. The fence shall be installed by the applicant and/or developer. The Planning Board shall determine the type of fence after considering the recommendations of its professionals as well as comments of the owners or farmers of adjacent farmland. The Board may grant exceptions to this requirement as may be reasonable and within the general purpose and intent of the provisions of this section if literal enforcement of the requirement is impractical or will exact undue hardship because of peculiar conditions pertaining to the land in question.
2. The screen planting or landscaping shall be planted and/or constructed in the case of mounds or berms in reasonable proximity to any fencing required as set forth hereinabove. The plant material shall be of such type and nature as to provide a visual and dust screen and must be at least six (6) feet in height when installed. This screen planting requirement may be waived by the approving authority to the extent that a screen of trees or natural plant material already exists on either side of the boundary line between the nonagricultural use lands and the farmland. The approving authority shall determine the type of plant material to be used at the time of site plan and/or subdivision approval and shall take into consideration recommendations of its professionals as well as the owners or farmers of adjacent farmland in making such determination. (Ord. No. 97-5)

## **Section 5.23 Landscaping.**

A. Landscaping in Nonresidential Districts. Other provisions of this chapter notwithstanding, in any nonresidential district, the entire lot, except for areas covered by buildings or surfaced as parking, recreation or service areas, shall be seeded, sodded or planted with ground cover and suitably landscaped in accordance with an overall landscape plan consistent with natural surroundings. All landscaping shall be properly maintained throughout the life of any use on said lot. Existing trees or landscaping located within twenty (20) feet of any street line, lot or zoning district line shall not be removed except upon written approval from the Planning Board; nor shall the existing grade within that space be disturbed without such approval.

B. Landscaping Requirements Where Parking is in Front Yard Areas. So as to obstruct from view, at the street line, any parking area in the front yard, the front yard area riot containing parking shall contain a landscape strip, or screen. Landscaped earth berms may also be used in front yard areas where there is sufficient area to allow for their construction and long term maintenance. Such landscaping shall be subject to the approval of the Planning Board and shall be maintained throughout the effective period of any certificate of occupancy.

LD 5.24 CODE OF LOWER ALLOWAYS CREEK

1. Landscaping within Parking Areas. Any single parking area with fifty (50) or more spaces shall, notwithstanding other requirements of this ordinance, provide at least five (5) percent of its area in landscaping.

C. Natural Landscape Area along Watercourses. Except for residential and agricultural uses, no building or parking area shall be located within two hundred (200) feet from the center line of any stream, or within a flood hazard area. Such area shall be deemed to be part of any landscape area or landscape transition buffer when required.

D. Screening of Outdoor Storage. Except for agricultural uses, any article or material stored outside an enclosed building as an incidental part of the primary operation on a lot shall be so screened by fencing, walls or evergreen planting that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing on the ground level.

**Section 5.24 Exceptions and Supplemental Requirements to Bulk and Area Regulations for All Districts.**

A. Corner Lots.

1. Obstruction to Vision at Street Intersections. At all street intersections in all districts, no obstructions to vision exceeding thirty (30) inches in height above curb level shall be erected or maintained on any lot within the sight triangle as required by the Township's Subdivision Ordinance. This requirement shall apply to existing as well as proposed street intersections.

2. Yards. On a corner lot, one (1) yard other than the front yard shall be deemed to be a rear yard and the other or others, side yards.

B. Through Lots. on a through lot, front yards are required on all Street lines.

C. Lot Frontage/Width. When a lot adjoins a cul-de-sac or is on a curved alignment with an outside radius of less than five hundred (500) feet, such frontage may be reduced to not less than one-half (1/2) the required lot width, and the minimum lot width at the setback line may be reduced to not less than seventy-five (75) percent of the required lot width.

D. Lot Depth. For any individual lot, the required lot depth at any point may be decreased by twenty-five (25) percent if the average lot depth of the individual lot conforms with the minimum requirement.

E. Measurement of Setbacks. Where a building lot has frontage upon a Street, or streets, in the case of a corner lot, which on the Master Plan or Official Map of Lower Alloways Creek Township is contemplated for right-of-way widening, the required setback distance shall be measured from such proposed right-of-way line.

F. Height Exceptions. The height limitations of this chapter shall not apply to silos, church spires, belfries, cupolas and domes not used for human occupancy; nor to chimneys or

radio and television antennae less than fifty-five (55) feet above average grade which grade shall be substantially unchanged from the natural grade at the time of a construction permit application. Mechanical equipment such as penthouse elevators, condensers, exhaust fans, air conditioners and similar equipment, stair enclosures and skylights or atrium structures may exceed the maximum permitted height in the district by up to ten (10) feet, provided that such structures in the aggregate do not exceed ten (10) percent of the roof area on which they are located and are properly shielded or screened. Except for walls of elevators and stair enclosures when required by the plan of the building, all such screened mechanical equipment structures may be either ten (10) feet from the perimeter walls of a building or integral with the front facade of the building if designed as an architectural extension of the facade and containing similar building materials.

G. Minimum Net Habitable Floor Area. Minimum net habitable floor areas for permitted residential uses in this chapter shall comply with the least restrictive of the most current minimum floor areas as promulgated by the New Jersey Housing Finance Agency or by the U.S. Department of Housing and Urban Development minimum property standards manuals.

H. Number of Buildings Restricted. There shall be not more than one (1) principal structure on each lot in any residence district. In commercial or industrial zones, applicants seeking to develop more than one (1) principal structure on each lot shall comply with the provisions of the Site Plan Ordinance and submit for Planning Board approval a site plan showing existing, proposed and all future developments on the site.

I. Frontage Upon a Street. Every principal building shall be built upon a lot with the minimum lot width fronting upon an improved and approved public street in accordance with the road standards established by the Township or on a private road shown on an approved site plan.

J. Minimum Occupancy Requirements. The number of occupants per permitted residential use in this chapter shall comply with the most current occupancy guidelines as established by the U.S. Department of Housing and Urban Development (Manual 7465.1) which establishes reasonable criteria limiting the number of occupants per dwelling unit to available sleeping and bedroom facilities.

#### **Section 5.25 Off-Street Parking and Loading Requirements.**

Off-street parking and loading for uses allowed in this Zoning Ordinance shall be subject to the requirements stipulated in the Township's Site Plan Ordinance.

#### **Section 5.26 Home Occupations.**

A. Home occupations shall be permitted in all residence districts as a conditional use provided that:

1. A maximum of two (2) members of the family residing on the premises plus one (1) outside employee shall be engaged in such occupation. The person whose occupation is being operated from the home shall reside on the premises.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the principal dwelling on the lot, except those used for farm purposes, shall be used in the conduct of the home occupation.
3. Such occupation shall be pursued only in single-family dwelling units, shall give no external evidence of nonresidential use other than a small nameplate sign not to exceed two (2) square feet in size, and shall not display products visible from the Street.
4. The lot upon which the premises is located is three-fourths (3/4) acre or larger, and no traffic or parking shall be generated in excess of three (3) passenger automobiles at any one time in addition to those used by the owner or tenant, all of which must be parked off-street, in properly designed spaces, except that a home occupation may be located in a single-family dwelling unit on a lot smaller than three-fourths (3/4) acre if no employees are hired therefor, the occupation does not generate more than one (1) passenger automobile at any one time in addition to those used by the owner or tenant, and only one (1) off-street parking space is provided for use of customers of the home occupation.
5. No mechanical or electrical equipment is used that will be detectable to the normal senses or that will create electrical or audio interference.
6. The retail sale of goods shall not be construed to be a home occupation under the terms of this chapter.
7. There shall be no more than one (1) home occupation in any one (1) dwelling unit.

**Section 5.27 Utilities.**

Electric and telephone lines shall be underground to the structures from existing utility poles.

**Section 5.28 Flag Lots.**

Flag lots are permitted, subject to the provisions of Subdivision Ordinance, Section 2.22G. Only one (1) flag lot shall be approved by the Planning Board from the same original parcel provided none have been granted since December 6, 1978.

**Section 5.29 Calculation of Floor Area.**

For developments located in nonresidential zoning districts, the total square footage of a building to be permitted shall be computed on the basis of the permitted floor area ratio (FAR)

of the nonresidential zone multiplied by the net acreage of a tract remaining after exclusion of environmentally constrained areas located on the lot. Environmentally constrained areas shall include areas designated as wetlands, water bodies, and flood hazard areas. Detailed soil engineering and geotechnical test data undertaken in accordance with acceptable engineering standards and practices or permits received from governmental agencies having jurisdiction over such wetlands or flood plains indicating a different geographic area, may be submitted by an applicant if he seeks amendment of the boundary limits which define such environmentally constrained areas.

#### Section 5.30 Nonconforming Uses.

A. General. The following provisions shall apply to all buildings and uses lawfully existing on the effective date of this chapter which do not conform to the requirements set forth in this chapter and to all buildings and uses that become nonconforming by reason of any subsequent amendment to this chapter.

B. Regulations. Any nonconforming use of buildings or open land and any nonconforming buildings may be continued indefinitely, but such uses:

1. Shall not be enlarged, altered, extended, reconstructed or restored except as provided in Section 5.31 herein nor placed on a different portion of the lot or parcel of land occupied by such use on the effective date of this chapter, nor shall any external evidence of such use be increased by any means whatsoever.
  2. Shall not be moved to another location where such use would be nonconforming.
  3. Shall not be reestablished if such use has been voluntarily discontinued for any reason for a period of one (1) year or more, or has been changed to, or replaced by, a conforming use.
  4. Shall not be restored for other than a conforming use after substantial destruction thereof.
- Section 5.31 Additions and Alterations to Nonconforming Buildings.

Nothing in this article shall be deemed to prevent normal maintenance and repair, structural alteration in, or the reconstruction, of a noncomplying building, provided that such action does not increase or extend the degree of, or create any new nonconformity with regard to the regulations pertaining to such buildings or the lot upon which they are constructed (e.g., an undersized house, situated closer to the Street line than now specified may have an addition on the back, provided side and rear yards are not invaded); except that the floor area of a single family house that occupies a lot that is smaller than the minimum lot area for the district in which the house is located, may be increased by not more than twenty (20) percent of the floor area existing as of the date of adoption of this chapter provided all other provisions of this

chapter are complied with. Yard reductions for such undersized lots may be permitted according to criteria established in Section 5.32 of this article. This latter exception shall not apply to those lots in which an increase in floor area of a nonconforming building has occurred since June 4, 1971.

**Section 5.32 Nonconforming Lots of Record.**

A. No nonconforming vacant lot shall be further reduced in size. In residential districts, such lots as well as those which are consolidated into a single lot but still are nonconforming in area or dimension, may be improved for a single family residence and its permitted accessory uses without appeal for variance relief provided the following provisions are met:

1. The lot is in separate ownership and not contiguous to lots in the same ownership and owner had made a conscientious effort to acquire additional property. However, in the case of two (2) or more contiguous lots under the same ownership, regardless of whether or not each may have been approved as a subdivision, acquired by separate conveyance or by other operation of law, where one (1) or more of said lots does not conform with the area and/or division requirements for the zone in which it is located, the contiguous lots shall be considered as a single lot and the provisions of the applicable zoning district shall apply.
2. As appropriate, all necessary health approvals are obtained.
3. Floor Area Ratio/Maximum Improvement Coverage (FARMIC) exceptions.
  - a. The FAR/MIC of the zoning district in which the vacant lot is located may either be the maximum permitted FAR/MIC of the zoning district or one hundred twenty (120) percent of the average FAR/MIC of dwellings immediately adjacent to the vacant lot, whichever is smaller. In the case of all vacant lots in a particular block or area, the permitted FAR/MIC of the zoning district may be increased by ten (10) percent.
4. Yard exceptions.
  - a. Where the lot does not have the required width, each side yard may be reduced by one (1) foot for each five (5) feet that the lot is below the minimum required width except that no side yard shall be less than one-half (1/2) that required by the zoning district.
  - b. Where the lot does not have the required depth, the rear yard may be reduced six (6) inches for every foot below one hundred (100) feet in depth except that no rear yard shall be less than one-half (1/2) that required by the zoning district.
  - c. If after application of exceptions, paragraphs 4,a. and 4,b. above, front yard infringement is necessary, no building shall be set back less than seventy-five (75) percent of required front yard in the zoning district.



**Section 5.33 Right to Farm.**

A. The right to farm all land is hereby recognized to exist as a natural right and is hereby ordained to exist as a permitted use everywhere in the Township of Lower Alloways Creek regardless of zoning designations and regulations in the local Zoning Ordinance.

B. The right to farm, as it is used in this ordinance, includes the use of irrigation pumps and equipment and the maintenance and repair related thereto, aerial and ground seeding and spraying, large equipment and the maintenance and repair related thereto, farm laborers, the application of fertilizers, manures, insecticides and herbicides; all for the purpose of producing from the land agricultural products such as vegetables, grains, hay, fruits, fibers, wood, trees, plants, shrubs, flowers and seeds.

C. This right to farm shall also include the right to use land for grazing by animals and raising of livestock, hunting, trapping and fishing, subject to State and Federal laws.

D. The foregoing uses and activities included in the right to farm is hereby permitted on weekdays, weekends, holidays, and specifically are permitted as part of the exercise of this right. (Ord. No. 97-5; Ord. No. 2000-9)

**Section 5.34 Signs.**

A. Temporary Signs, General. The erection, installation, or maintenance of temporary signs other than as set forth below is hereby prohibited. They shall be subject to sign standards contained in the Township's Site Plan Ordinances, except as may be modified herein. Persons placing signs on property in which they do not have an interest which permits them to do so shall secure the permission of the owner. No sign shall be placed on utility poles.

1. Temporary Signs for Fund-Raising, Charitable, or Religious Events. Such temporary signs shall be permitted in all districts for a period of thirty (30) days prior to the particular event. They shall be removed within seven (7) days subsequent to the event by the respective organizations. Such signs shall not exceed sixteen (16) square feet and no side of any sign shall be more than six (6) feet in any linear dimension.

2. Temporary Political Signs. Temporary political signs shall be permitted in all districts for a period of two (2) months prior to a primary, general and/or special election and for one (1) week thereafter. Said signs shall not exceed sixteen (16) square feet and no side of any sign shall be more than six (6) feet in any linear dimension.

3. Temporary Signs Containing Noncommercial Messages. Temporary signs in addition to those set forth in paragraphs A,1., A,2. and A,4. hereof shall be permitted in all districts, provided that they do not advertise, promote, or indicate the location of any business, commodity, service, or entertainment or contain other commercial information. No more than one (1) such sign shall be placed on any one (1) lot, and the total square footage of the sign shall not exceed sixteen (16) feet. Signs permitted by paragraphs A, 1. and A,4. hereof shall not be treated as signs coming within the purview of this section.

4. Temporary Signs, Real Estate, and Development. Such temporary signs shall be permitted in applicable districts according to the criteria stipulated in Table A ‘Temporary Real Estate and Development Sign Regulations.’

TABLE A  
Temporary Real Estate and  
Development Sign Regulations

Sign Type	Sign Function/Control	Non-Residential Projects	Residential Projects
T-A	identifies architects, engineers, contractors, developers doing work on the site. Remove when work ceases or is abandoned according to N.J.S.A 5:23-2.5 (c) 2, or a final C.O. for total project is issued.	4 SF per entity or if all such entities are combined one sign it shall not exceed 36 SF	
T-B	Real estate signs on individual properties for sale, rent or lease. Removed when property withdrawn from market or within one week of date of sale/rental agreement.	12 SF	32 SF for initial occupancy  12 SF for subsequent occupancy
T-C	Identifies nonresidential project under construction, opening date for occupancy. Removed within one year of issuance of sign permit or at time of final C.O., whichever comes first. One per lot or one per existing road frontage.	N/A	32 SF
T-D	Identifies new housing development under construction. Removed when 90 percent of all initially approved lots or units are sold. One per tract or one per existing road frontage.	32 SF plus 20 SF in connection with and on same lot as sales office.	

B. Permanent signs shall be subject to the requirements stipulated in the Townships Site Plan Ordinance. Temporary signs shall be governed by the regulations contained in Subsection A. of Section 5.34 herein with design standards not stipulated in Article I, conforming to the Township's Site Plan Ordinance. Each site plan application shall include a sign plan showing the specific design, location, size, height, construction and illumination of proposed signs in accordance with the following regulations:

**Schedule of Sign Use Regulations.** Signs shall be permitted in each zoning district according to the following use regulations and other applicable requirements of this section. Standards for the types of signs permitted herein are set forth in Section 534C. of this article.

1. Permitted Signs in Residential Districts.

<b>Type of Sign</b>		
<b>Uses or Function</b>	<b>Permitted</b>	<b>Other Regulations</b>
Advertising	Not Permitted	Not Permitted
Business Wall	Ground, Hanging	Only one (1) type permitted per lot.
Directory	Ground, Wall	Only one (1) type permitted per lot.
Identification	Ground, Integral, Wall	Only one (1) type permitted per lot.
		Notwithstanding size standards contained in Section 5.34C., this article, the maximum size of a sign shall not exceed four (4) square feet.
Instructional	Ground, Wall	Quantity not restricted but subject to safety considerations. Notwithstanding size standards contained in Section 5.34C., this article, the maximum size of a sign shall not exceed two (2) square feet per instructional message.
Nameplate	Ground, Hanging, Integral, Wall	Only one (1) type of sign permitted per lot. Notwithstanding size standards contained in Section 5.34C. of this article, the maximum size of a sign shall not exceed one and one-half (1 1/2) square feet.
"No Solicitation"	Wall	Sign shall be located on or within two (2) feet of front door and shall not exceed one (1) square foot.

## 2. Permitted Signs in Nonresidential Districts.

<b>Uses or Function</b>	<b>Type of Sign Permitted</b>	<b>Other Regulations</b>
Advertising	Ground	Only one (1) per lot permitted on undeveloped lots.
Business	Ground, Hanging, Marquee, Wall	Only one (1) type of sign permitted for each separate Street frontage of a business occupancy. Marquee signs shall be permitted only for movie or other theatrical establishments and subject to special requirements of Section 5.34F. of this article.
Directory	Ground, Wall	Notwithstanding Section 5.34B. of this article, only two (2) signs per lot are permitted at its main ingress or egress points.
Identification	Ground, Integral, Wall	Only one (1) type of sign permitted for each occupant of a lot. Notwithstanding size standards contained in Section 5.34C. of this article, the maximum sign area shall not exceed four (4) square feet.
Instructional	Ground, Wall	Quantity not limited but subject to safety considerations. Notwithstanding size standards contained in Section 5.34C. of this article, the maximum sign area shall not exceed two (2) square feet.
Nameplate	Ground, Hanging, Wall, Integral	Only one (1) type of sign permitted per lot. Notwithstanding Section 5.34C. of this article, maximum sign area shall not exceed four (4) square feet.

C. Sign Standards. The types of signs permitted in Section 5.34A. shall comply with the standards listed in the schedule below and shall also be subject to other applicable regulations as set forth herein.

The aggregate total area of all permanent signs on a lot shall not exceed the limitations of Section 5.34B. Permanent signs visible on or through windows, and signs on vehicles belonging to the business and parked in public view on the lots, are included within these limitations.

## 1. Schedule of Sign Standards.

	Ground	Hanging	Type of Sign		
			Integral	Marquee	Wall
1. illumination Permitted					
(a) Residential Districts	No	No	Yes	n.p.	Yes
(b) Nonresidential Districts	Yes	Yes	Yes	Yes	Yes
2. Maximum #/Lot					
(a) Residential Districts	1 <sup>a</sup>	1 <sup>a</sup>	1	n.p.	1
(b) Nonresidential Districts	1 <sup>a</sup>	1 <sup>a</sup>	1	1	1 <sup>a</sup>
3. Maximum Area (Sq. Ft.)					
(a) Residential Districts	12 <sup>c</sup>	6 <sup>c</sup>	4 <sup>c</sup>	n.p.	12 <sup>c</sup>
(b) Nonresidential Districts	12 <sup>b/c</sup>	6	4	d	12

**NOTES:**

n.p. Not permitted.

a Except where larger quantities are permitted by Section 5.34A.

b One-half (1/2) square foot of sign area for each linear foot of building in a business district measured along a single frontage or a maximum of up to sixty (60) square feet for said structure, whichever is less; or one-half (1/2) square foot of sign area for each linear foot of a building in an industrial district measured along a single frontage or a maximum of up to one hundred (100) square feet for said structure, whichever is less.

c Two (2) square feet for each occupant when listed on a directory sign.

d Refer to special regulations contained in Section 5.34F.

e Provisions of home occupation signing as set forth in the Townships Zoning Ordinance shall supersede these requirements.

D. Prohibited Signs. Any other provisions of this section notwithstanding, the following signs shall be prohibited in all zoning districts:

1. Signs which contain or are an imitation of an official traffic signal or hide from view any traffic street signal or sign.
2. Billboards and other signs which advertise, promote, indicate the location of, or otherwise direct attention to a business, commodity, service or entertainment that is not available on the lot upon which the sign is located.
3. Signs which are designed to move, either by mechanical or other means.
4. Signs which contain or consist of banners, posters, pennant ribbons, streamers, strings of light bulbs, spinners, or other similarly moving devices.
5. Signs which flash, except for time and temperature indicator.

6. Signs which emit odors or smoke or produce noise or sounds capable of being heard even though the sounds produced are not understandable.

7. Silhouetted or three-dimensional signs; e.g., signs lacking a background and having letters, figures, or devices silhouetted against the sky or other open space not a part of the sign, and/or signs in which objects or representational devices are present in the round, or other than in a vertical plane.

8. Any freestanding sign or any sign projecting from a building, within a triangular area bounded by the intersection of two (2) right-of-way lines and a line connecting points thirty (30) feet from such intersection along the right-of-way lines, whether existing or shown on the master plan or in sight clearance triangles specified in other regulations.

#### E. General Sign Provisions.

1. Signs Not Covered. Any sign for which the purpose, location, type, or definition is not clearly permitted or prohibited by this article shall be considered as being a sign of the most closely resembling purpose, function, type or definition as established by this article.

2. Nonconforming Signs. Nonconforming signs which are structurally altered, relocated, or replaced shall comply with all provisions of this article.

3. Structural Requirements. All signs shall comply with structural requirements as established by the Township's building code. This article, however, shall, where applicable, take precedence over that code in all matters pertaining to the regulation of design and location.

#### F. Supplementary Sign Regulations and Design Considerations. The following regulations shall also apply to all permitted signs as set forth herein:

1. Interior Signs. No interior sign shall cover more than twenty-five (25) percent of the window upon which it is affixed, displayed, or painted. The Construction Official may, upon written application, grant permission during or prior to community-wide sales days for the erection or installation of interior signs to cover not more than fifty (50) percent in area of each window, but such signs shall not be maintained for more than fifteen (15) days.

2. Marquee Signs. Signs shall not be permitted on any marquee, other than signs built into and forming a part of the structure of the marquee. Such signs shall not exceed a height of three (3) feet, a total area of twenty-one (21) square feet on any one (1) side of the marquee and shall not extend beyond the edge of the marquee. Further, only that portion of the marquee containing such sign may be illuminated. Minimum clearance, when over a walkway or sidewalk, not in a public right-of-way, shall be eight (8) feet; when over a thoroughfare, not in a public right-of-way, it shall be ten (10) feet.

3. Wall Signs. Wall signs shall be attached to the face of the building in a plane parallel to such face and projecting not more than twelve (12) inches there from and shall not extend higher than the top of the parapet in case of one story buildings; and in the case of other buildings, they shall not extend above the sill of the windows of the second story, nor extend more than fifteen (15) feet above the outside grade.

a. No wall sign or combination of signs on any single frontage in a business district, including interior signs, shall exceed an area equivalent to one hundred (100) percent of the linear length of the structure on such frontage or a maximum of sixty (60) square feet, whichever is less, for said structure.

b. Where an establishment for which business signs are permitted has a rear entrance on a public way or frontage on two (2) or more streets, such as a corner, wall signs shall be permitted for ground type signs as established in Section 5.34B, l. of this article.

c. Wall signs shall not cover wholly or partially any wall opening including doors, fire escapes, and windows, nor project beyond the ends of the wall to which it is attached. All such signs must be safely and adequately attached to said building wall by means satisfactory to the Construction Official.

4. Height of Signs. The maximum height to the top of all permitted freestanding signs shall not exceed the permitted height limit of the principal structure to be located on the lot or twenty (20) feet, whichever is less.

5. Sign Location. Signs may be located on a lot (SC) that they shall not be in or within the public right-of-way nor interfere with sight distances at street intersections or ingress and egress points to a lot. Signs designed to be seen from vehicles should be perpendicular to the line of travel while signs designed to be read on foot can be parallel with walks. To the extent possible, adjacent signs on the same or adjoining buildings should be placed within the same horizontal band and be of reasonably harmonious materials and colors.

6. Maximum Sign Dimension. The minimum outline dimension of a sign in any direction shall be no less than one-third (1/3) the maximum outline dimension of a sign.

7. Design Theme. There should be a consistent sign design theme throughout a particular project. The design theme would include style of lettering, construction, material, type of pole or standard, (wood or metal, for example), size, and lighting. Color of letters and background should be carefully considered in relation to the color of the material of buildings or where the signs are proposed to be located. Signs should be a subordinate rather than predominant feature of a plan.

8. Sign Lettering. The general standard for directional signs is a letter size of two (2) inches plus one (1) additional inch for each twenty-five (25) feet of viewing distance. A sign designed to be read from one hundred (100) feet should have letters of at least six (6) inches high. Adjacent signs should be of the same height.

**Section 5.35 Travel Trailers or Motor Homes.**

A. A travel trailer or motor home shall be permitted as a temporary dwelling place for the owner of the lot on which it is located and the owner's immediate family after all of the following conditions have been met:

1. Within three (3) months prior to commencement of such use of a travel trailer or motor home, a residential dwelling on the same lot has been made uninhabitable by fire or natural disaster and such residential dwelling was legally occupied as the principal residence at the time of such fire or natural disaster by the same owner and the owner's family as occupy the travel trailer or motor home.
2. A permit has been issued by the Construction Official for repair or reconstruction of the residential dwelling made uninhabitable by fire or natural disaster, said permit being for the restoration for use as the principal residence for such owner and the owner's immediate family, and such repair or reconstruction work has begun.
3. A permanent water supply and sewerage facilities for the repaired or reconstructed residential dwelling have been installed and duly certified and have been connected temporarily to the travel trailer or motor home.
4. The owner signs a statement agreeing that the owner will permanently disconnect the travel trailer or motor home from the sewer and water systems and cease using same as a temporary residence upon the issuance of a certificate of occupancy for the residential dwelling or one (1) year following the placement of the travel trailer or motor home on the lot, whichever occurs earlier.
5. A non-renewable zoning permit has been issued by the Zoning Officer to the owner permitting such use of the travel trailer or motor home and a fee of ten (\$10.00) dollars for same has been paid.
6. The owner shall provide a plot plan showing the proposed placement of the travel trailer or motor home on the lot. The placement of the travel trailer or motor home shall, whenever possible, be placed such as to comply with the setback requirements of that particular district. The Construction Official shall have the discretion to determine whether the travel trailer or mobile home can reasonably be placed in a position to comply with the setback requirements of that district and grant any variation there from that the Construction Official deems reasonable.

B. The right to use a travel trailer or motor home on any lot as a temporary dwelling as granted by the foregoing provisions shall be limited to a one (1) year period and shall not be renewable



or extendible except that the Township Committee may grant one ninety (90) day extension if the owner, on appeal to the Committee, clearly demonstrates that the delay in repairs to the existing residential dwelling was beyond the owner's control despite the owner's best efforts. (Ord. No. 2000-9)

**Section 5.36 Lot Restrictions and Exceptions.**

A. Open Area Restrictions. All open areas shall be maintained with no portion of such area used as building area or covered by an impervious surface. The following shall constitute the only exceptions:

- Air-conditioner pad
- Animal feeding areas
- Barbeques or outdoor fireplaces
- Bays
- Chimneys
- Cornices and gutters
- Cultivated field or garden
- Driveways
- Fences
- Flagpoles and clothesline poles
- Outdoor furniture
- Playground equipment or games
- Ponds and streams
- Power generating plants
- Sewage disposal plants
- Sidewalks
- Swimming pool
- Temporary garden structures
- Tree walls
- Water systems

(Ord. No. 2001-6)

## CHAPTER 6

### ADMINISTRATION

#### ARTICLE I

#### SEVERABILITY, REPEALER, ENFORCEMENT, VIOLATIONS AND PENALTIES, EFFECTIVE DATE

##### **Section 6.00 Severability.**

If for any reason any part or section of this ordinance shall be declared to be unconstitutional by the courts, the remaining sections thereof shall remain in full force and effect.

##### **Section 6.01 Repeal of Conflicting Ordinances.**

All land development regulations previously adopted by the Township of Lower Alloways Creek, and amendments thereto shall be and are hereby are repealed. All other ordinances or parts thereof inconsistent with the terms of this ordinance are hereby repealed.

##### **Section 6.02 Enforcement.**

This ordinance shall be enforced by the Zoning Officer of the Township. Requirements for enforcement and penalties for noncompliance shall be as set forth herein.

##### **Section 6.03 Violations and Penalties.**

A. Any owner or agent, any person or corporation who shall violate any of the provisions of this ordinance or fail to comply therewith or with any of the requirements thereof, who shall erect, structurally alter, enlarge, rebuild or move any building or buildings or any structure, who shall put into use any lot or land in violation of any detailed statement or plan submitted and approved hereunder or who shall refuse reasonable opportunity to inspect any premises shall be guilty of a misdemeanor and, upon conviction, shall be liable for a fine of not more than one thousand (\$1,000.00) dollars or to imprisonment for not more than ninety (90) days, or to such fine and imprisonment. Each and every day such violation continues shall be deemed a separate and distinct violation.

B. The owner of any building or structure, lot or land, or part thereof, where anything in violation of this ordinance shall be placed or shall be placed or shall exist and any architect, builder, contractor, agent, person, or corporation employed in connection therewith and who may have assisted in the commission of any such violation shall each be guilty of a separate misdemeanor and, upon conviction therefor, shall be liable to a fine or imprisonment or both, herewith specified.

##### **Section 6.04 Effective Date.**

This ordinance shall take effect immediately upon its passage and publication as required by law.

APPENDIX  
to  
LAND DEVELOPMENT

[Appendix A](#)

Historic Sites and Structures

Appendix B

Schedule A

Schedule B

Schedule C

Schedule D

Schedule E

Schedule F

Schedule G

Application Checklists

General Requirements

Minor Subdivision

Preliminary Major Subdivision

Major Subdivision Final Plat

Minor Site Plan

Preliminary and Final Site Plan

Zoning Variances

Appendix C

Diagrams, Illustrations and Zoning Map

Plates 1 through 17

Schedule of Area, Yard and Building Requirements

Zoning Map

APPENDIX A  
HISTORIC SITES AND STRUCTURES

The list of Historic Sites and Structures is available  
for review at the office of the Township Clerk

APPENDIX B  
APPLICATION CHECKLISTS

SCHEDULE A  
GENERAL REQUIREMENTS  
(Township of Lower Alloways Creek)

The following requirements apply to all development applications submitted to either the Planning Board or the Zoning Board of Adjustment.

A. Administrative Items. All applications submitted shall include one (1) original and eighteen (18) copies of the following information, in addition to the plat details noted in Subsection B. below, and as required in the following checklists for the specific application type.

1. The appropriate application form(s), completely filled in and signed by the applicant, the subdivision plan or site plan, and supporting information. If any item is not applicable to the application, it should be so indicated on the application form(s) or checklist.
2. Certificate from the Tax Collector that all taxes are paid.
3. Receipt from the Planning Board Secretary indicating that all application and escrow fees are paid.
4. Affidavit of ownership. If applicant is not the owner, applicant's interest in land, i.e., tenant, contract-purchaser, lienholder, etc., and an executed copy of the document creating that interest.
5. If a corporation or partnership, list the names and addresses of all stockholders or individual partners owning at least ten (10) percent of its stock of any class as required by N.J.S.A. 40:55D-48.1 et seq.
6. Names and addresses of witnesses and their expertise, if any.
7. A list of any checklist requirement(s) for which waiver approval is sought with a statement justifying the need for said waiver(s).
8. A list of any design standards, zoning requirements or other information for which either waiver or variance approval is sought, accompanied by a separate statement explaining the basis and reason for the relief sought.
9. Documentation from the NJDEP Division of Coastal Resources regarding coastal permit jurisdiction under CAFRA, the Wetlands Act of 1970, and all other applicable waterfront development statutes.

## Schedule A - Cont.

10. Documentation from the Federal Emergency Management Agency (FEMA) regarding stream encroachment permits if the subject property is within the A-4 Flood Zone.

11. Other Information. The Planning Board or Zoning Board, may require such additional information not specified herein, or any revisions in the accompanying documents, as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application have been met. The application shall not be deemed incomplete for lack of any such additional information or any revisions in the accompanying documents so required by the Planning Board or Zoning Board.

12. If an on-site septic system is proposed, the results and location(s) of all percolation or permeability tests and test borings shall be shown on the plan, for each proposed building lot and a report from the Salem County Health Department as to the suitability of each proposed building lot for an on-site septic disposal system.

13. The location, described by metes and bounds, of any and all wetland areas and required wetlands transition areas as required by the "Freshwater Wetlands Protection Act Rules" (N.J.A.C. 7:7A), or an NJDEP Letter of Interpretation indicating that the proposed development does not require a wetlands permit or delineation.

OR

The locations of any and all wetland areas and required wetlands transition areas within the proposed development as required under the Freshwater Wetlands Protection Act and rules and regulations promulgated by the NJDEP indicating that the proposed activity within the subdivision requires no wetlands permit or delineation; provided, however, in the case of a minor subdivision, the Township Engineer may waive this requirement if the applicant submits a signed statement by a New Jersey licensed engineer, surveyor or planner that:

a. He/she has personally visited the subject property and conducted a site investigation as necessary to determine that there are not freshwater wetlands or transition areas on the subject property; and

b. He/she has examined the National Wetlands Inventory map; and

c. He/she has reviewed the soils on the site as set forth in the Salem County Soil Survey; and

d. He/she has certified that there are no freshwater wetlands or transition areas on the subject property.

## Schedule A - Cont.

14. A copy of any protective covenants or deed restrictions applying to the land.
15. Photographs of the property where necessary to show any unusual topographic, environmental or physical aspect of the site. This would include but not be limited to vegetation, natural drainageways, wetlands and existing structures and improvements.
16. Survey map dated and prepared not more than one (1) year from the date of application by a licensed surveyor of New Jersey, showing boundaries of the properties, lines of all existing streets and roads, easements, rights-of-way, and areas dedicated to public use within two hundred (200) feet of the development. These shall be dimensioned and where applicable, referenced as to direction.
17. An environmental impact statement as required by Section 4.11.

B. Plan Details. All plans submitted shall contain the following information, in addition to the specific plat details as required in the accompanying application checklists.

1. Title block denoting type of application, tax map sheet, name of county and municipality, block and lot numbers, and street address.
2. Name, address and signature of landowner and applicant. If a corporation is landowner or applicant, the principal office address, name and signature of the president and secretary, shall be included.
3. Name, address and professional license number and seal of the professional(s) preparing documents and drawings. All plats, except those prepared at the concept stage, shall be signed and sealed as required by applicable State statute.
4. Signature lines for the Planning Board or Zoning Board Chairman and Secretary, Municipal Clerk and Municipal Engineer, as appropriate.
5. North arrow, drawing scale, date of plat and any modifications thereto.
6. All plans shall be based on accurate information at a scale of not more than one inch equals sixty feet (1' = 60') to enable the entire tract to be shown on one sheet.
7. A location map at a scale of one inch equals one thousand feet (1" = 1,000') or larger scale, showing the entire tract and its relation to the neighborhood within one thousand (1,000) feet giving the accurate location of all existing and proposed property and street lines. This map should also show any contiguous lot in which the applicant has any direct or indirect interest, and the nature of the applicant's interest.

## Schedule A - Cont,

8. The location, architectural design and approximate age of existing houses, buildings and other structures within the subject site and within two hundred (200) feet thereof, with accurate dimensions from all existing and proposed lot lines, and notations as to whether the houses, buildings and other structures will be retained or removed.
9. The location of existing and proposed streets, roads, vehicle accessways, easements, utility easements, public rights-of-way, streams, bridges, drainage ditches, pipes and culverts, watercourses and floodplains in and within five hundred (500) feet of the subject site.
10. The existing and proposed lot layout and lot dimensions with the lot area of each lot in square feet and acreage, all required setback lines, and any other areas restricted by municipal zoning regulations. Lot acreage shall be based on an outbound survey performed by a New Jersey Licensed Surveyor.
11. The zoning classification of the site and all adjoining lands, including the quantitative aspects of the proposal such as improvement coverage, number of units, square feet of construction, value of construction, density, coverage, number of employees, number of residents and area of land, etc. Specifically identified on the plan, in tabular form, shall be pertinent zoning data, indicating the bulk area requirements of the zone in which the proposed development is located and how the proposed development corresponds to the zoning requirements.
12. Contours at five (5) foot intervals for slopes averaging ten (10%) percent or greater, and at two (2) foot intervals for land of lesser slope. Contours shall be in the United States Coast and Geodetic Control Survey Datum. Existing contours are to be indicated by short dashed lines. Proposed contours shall be indicated by bold, solid lines. Location of existing high points, watercourses and drainageways, depressions, ponds, marshes, wetlands and buffers, vegetation, wooded areas and other significant existing features including previous flood elevations of watercourses, ponds and areas as determined by survey.
13. Boundary limits, nature and extent of wooded areas, location of all trees with a diameter at breast (dbh) of ten (10) inches or greater, historic sites and structures, and other significant physical features.
14. Vehicular and pedestrian circulation patterns, including the proposed location of at least one possible driveway or other entrance onto a public street for each dwelling unit or principal structure, and the size and location of driveways, sidewalks, fire lanes and curb cuts.
15. Parking plan (where applicable) showing spaces (size and type), aisle width, curb cuts, driveways, and ingress and egress with dimensions.



Schedule A - Cont.

16. Sight triangles and curb radii at all intersections.
17. All existing and/or proposed front property corners shall be staked in the field to clearly identify the limits of existing and proposed lots.
18. For any application where found necessary by the Planning Board to assure that there is no adverse effect on the development or provisions of access to the remainder of the tract, a rough indication of an acceptable layout of the remainder of the tract.
19. All land to be dedicated to the municipality or to be reserved for specific use.
20. The location of any municipal boundary within two hundred (200) feet of the site.
21. The names and addresses of all property owners within two hundred (200) feet of the site, including their block and lot, and use classification, as disclosed by the most recent municipal tax records.
22. Any existing protective covenants, easements or deed restrictions applying to the land shall be shown graphically.
23. A statement of the impact of the development upon any structure of historic significance on or within 200 feet of the subject site.
24. Size, height and location of all proposed buildings (including grades), structures, signs and fences, including details for any signs, fences and trash enclosures.
25. The proposed location, height, direction of illumination, power and type of proposed outdoor lighting including details of lighting poles and luminaries, hours and time of lighting.
26. Identification of each abutting parcel of land that is assessed as farmland qualified under the New Jersey Farmland Assessment Act. (Ord. No. 97-5)

LAND DEVELOPMENT LD App. B

APPENDIX B

APPLICATION CHECKLIST

SCHEDULE B  
MINOR SUBDIVISION  
(Township of Lower Alloways Creek)

Plan Details - In addition to the items required by Checklist A, all minor subdivision plans filed by plat shall be drawn in ink on tracing cloth or its equivalent in compliance with all provisions of the "Map Filing Law," and shall contain the following:

1. Each block and lot numbered in accordance with the system of numbers which will ultimately be the numbers shown on the Township tax map.
2. Acreage of tract(s) to be subdivided to nearest tenth of an acre and the remaining parcel(s).
3. All proposed lot lines and lot lines to be eliminated clearly indicated with bearings and distances, and the approximate area of all lots in square feet.
4. The location, size and direction of flow of all streams, drainage structures and ditches within the area to be subdivided and within five hundred (500) feet of the subdivision.
5. For all applications involving the creation of more than two (2) lots, spot elevations on lot corners and for any application where found necessary by the approving authority, sufficient topographic information for a proper determination of requirements, but not exceeding the topographic information requirement applicable to preliminary major subdivision approval.
6. Existing and proposed monuments.
7. No minor subdivision involving any corner lot shall be approved unless a sight triangle easement shall be granted as specified in this ordinance.
8. Deed descriptions including metes and bounds, easements, covenants, restrictions and roadway and sight triangle dedications shall be submitted for approval and required signatures prior to filing with the County Recording Officer.(Ord. No. 97-5)

APPENDIX B

APPLICATION CHECKLIST

SCHEDULE C

PRELIMINARY MAJOR SUBDIVISION  
(Township of Lower Alloways Creek)

Plan Details - In addition to the items required by Checklist A, all preliminary major subdivision plans shall include:

1. Contours at five (5) foot intervals for slopes averaging ten (10) percent or greater, and at two (2) foot intervals for land of lesser slope shall be required. Contours shall be in the United States Coast and Geodetic Control Survey Datum. At least two (2) permanent benchmarks for each fifty (50) acres or portion thereof shall be established on opposite ends of the proposed subdivision and their locations, descriptions and elevations of the benchmarks shall be noted.

However, elevations and contours are not needed for any parcel to be retained by the subdivider in excess of five (5) acres for agricultural purposes if the Planning Board, on the recommendation of the Township Engineer, finds that they are not necessary to evaluate the effect of drainage onto or away from the areas to be conveyed or to determine the proper location of roads, drainageways, structures or improvements relating to the subdivision.

2. The locations, names, right-of-way and cartway widths, cross-sections and centerline profiles of all streets within two hundred (200) feet of the subdivision. Also indicate all Township Master Plan proposals or special areas on-site or off-tract within five hundred (500) feet of the proposed subdivision.

3. Plans and profiles showing proposed utility layouts (sanitary sewers, storm drains, water, gas, electric, detention basins, etc.) showing feasible connections to existing or proposed utility systems, Locations of fire hydrants and street lights shall be established with the aid of the Township.

4. The proposed names of all streets within the subdivision shall be shown and shall be subject to approval by the Township Committee.

5. Each block and lot shall be numbered in accordance with the system of numbers which will ultimately be the numbers on the tax map.

## Schedule C Cont.

5. A drainage plan shall which includes the following:
  - a. Preliminary plans and profiles at a scale of one inch equals fifty feet (1" = 50) horizontally and one inch equals five feet (1" = 5) vertically of all proposed and existing storm sewers, drainage swales and streams within the subdivision together with the locations, sizes, elevations, and capacities of any existing storm drain, ditch or stream to which the proposed facility will be connected.
  - b. The location and extent of any proposed groundwater recharge basins, retention basins or other water conservation devices and/or structures.
  - c. All drainage calculations used for the design of the storm drainage system and the documents indicating conformance with the standards in this ordinance shall be submitted.
  - d. Existing and proposed contours, elevations of inverts, grates, and manhole covers.
7. All proposed lot lines and lot lines to be eliminated clearly indicated with bearings and distances, and the approximate area of all lots in square feet.
8. When the development of the subdivision or improvements within the subdivision are contingent upon improvements outside the boundaries of said subdivision, information shall be supplied by the subdivider prior to Planning Board consideration for preliminary approval that the improvements outside the subdivision shall be installed and shall be available to the subdivider prior to the issuance of any certificate of occupancy for the project or phase of a project that is the subject of a development application.
9. Any open space proposed to be dedicated for public use or playgrounds or other public purpose and the location and use of all such property. The location, design, and dimensions of open areas, pedestrian walkways, and any proposed recreation areas and facilities.
10. When deemed necessary to determine the suitability of the soil to support new construction, the Planning Board may require as a condition of preliminary approval, test holes or borings to be made by a New Jersey licensed engineer or an approved testing laboratory at the expense of the subdivider under the direction of the Township Engineer, prior to the commencement of construction.
11. Statement indicating type of structure(s) to be erected, approximate date of construction start, a tentative phasing plan for the entire subdivision indicating the estimated number of lots for which final approval will be requested in the first section.

## Schedule C - Cont.

12. The location of all utility poles, distance(s) from intersections and illumination factors for all street lighting.
13. A traffic signage plan in conformance with accepted engineering standards.
14. All existing and proposed watercourses, lakes, ditches and ponds including cross-sections, centerline profiles, slope stabilization and the boundaries of floodplains.
15. The results and location of all percolation tests and test borings shall be shown. At a minimum, a test boring and percolation test shall be taken for every four lots.
16. Centerline profiles and cross-sections of all proposed and existing streets.
17. Landscaping and buffering plan showing the proposed location of all proposed plantings, screening and buffering, a legend listing the botanical and common names, the sizes at time of planting, a planting schedule, planting details, method of irrigation, the total quantity of each plant, and the location of each plant keyed to the plan or plat.  
(Ord. No. 97-5)

## APPENDIX B

## APPLICATION CHECKLIST

SCHEDULE D  
MAJOR SUBDIVISION FINAL PLAT  
(Township of Lower Alloways Creek)

Plat Details - All final major subdivision plats shall be drawn in ink on tracing cloth or its equivalent in compliance with all provisions of the "Map Filing Law," and shall contain the following:

1. Date, name and location of the subdivision, name of owner, graphic scale and reference meridian.
2. Tract boundary lines, right-of-way lines of streets, street names, easements and other rights-of-way, land reserved or dedicated to public use, all lot lines and other site lines; with accurate dimensions, bearings or deflection angles, and radii, arcs and central angles of all curves.
3. The purpose of any easement or land reserved, or dedicated to public use shall be designated,, and the proposed use of sites other than residential shall be noted.
4. Each block and lot shall be numbered in accordance with the system of numbers which will ultimately be the numbers, shown on the Township tax map.
5. Locations and description of all monuments.
6. Minimum building setback lines with typical dimensions for all Lots and other site improvements.
7. Names of owners of adjoining unsubdivided land.
8. Certification by a land surveyor licensed in the State of New Jersey as to accuracy of plat details and conformance with the "Map Filing Law."
9. Certification' that the applicant is agent or owner of' the land, or that the owner has given consent under an option agreement
10. When approval of a plat is required by any officer or body of such municipality, county or State, approval shall be certified on the plat.

## Schedule D - Cont.

11. A statement from the Township Engineer that he/she is in receipt of final construction plans and profiles showing proposed utility layouts (sanitary sewers, storm drains, water, gas, electric, detention basins, etc.) showing connections to existing or proposed utility systems and that the subdivider has complied with one of the following:

a. Installed all improvements in accordance with the requirements of these regulations; or

b. Filed a performance guaranty and a maintenance guaranty which have been approved by the Township Solicitor and are in sufficient amount to assure the completion of all required improvements. The provisions of N.J.S.A. 40:550-53 shall govern said, bonds and the completion, inspection and approval of said improvements and the payment of inspection fees.

12. A final drainage plan showing the same information as required on the preliminary plat with the addition that the individual lot grading shall be shown as follows: final grades shall be shown for each lot corner, all high and low point and breaks in grade and at the corners of tentative house locations. If it is intended to use drainage swales, the elevations and profiles of the swales shall be shown.

13. A soil erosion control plan and narrative shall accompany the final plat. Such soil erosion control plan shall show the same information as required on the final drainage plan. The soil erosion control plan and the final drainage plan may be combined as one plat.

14. Cross-sections and centerline profiles of all existing and/or proposed streets and/or watercourses. .

15. A section or staging plan, if proposed.

16. Certification in writing from the Township Engineer that: (1) all installed improvements have been inspected and as-built drawings have been submitted and (2) those installed improvements that do not meet or exceed the Township design standards shall be factored into the required performance guarantee.

17. Deed descriptions including metes and bounds, easements, covenants, restrictions and roadway and sight triangle dedications.

18. No development application shall be approved unless the complete "Right to Farm" provisions contained in Section 5.33 of this ordinance are prominently shown on the approved and/or recorded final map and are agreed upon by the developer to be included in such agreement of sale with any contract purchaser of any of the subject lots. (Ord. No. 97-5)

APPENDIX B

APPLICATION CHECKLIST

SCHEDULE D  
MINOR SITE PLAN  
(Township of Lower Alloways Creek)

Plan Details - In addition to the items required by Checklist A, all minor site plans shall include:

1. The proposed addition or modification, the location of parking areas, and the number of parking spaces, all dimensioned and referenced to lot lines and center lines of streets.
2. The location of all storm water inlets within one hundred (100) feet of the property boundaries.
3. Cross-sections and centerline profiles of all streets and watercourses,
4. Such other details as may apply to the proposed improvements or change of use.  
(Ord. No. 97-5)



## APPENDIX B

APPLICATION CHECKLIST  
SCHEDULE F  
PRELIMINARY AND FINAL SITE PLAN  
(Township of Lower Alloways Creek)

A. Preliminary Plan Details. In addition to the items required by Checklist A, all preliminary site plans shall include:

1. The location, size, elevation, slope and type of storm drainage structures and other utility structures, above and below grade, whether publicly or privately owned. Design calculations supporting the adequacy of proposed drainage structures and/or surface drainage shall be submitted. The site plan shall include existing ponds, streams and watercourses as well as the designated greenbelt, if applicable.
2. The location of all existing buildings, bridges, culverts, paving, lighting, signs or any other structures with grade elevations for each structure.
3. The distances measured along the right-of-way lines of existing streets abutting the property, to the nearest intersection with other streets.
4. Sketch of typical building elevations indicating type of materials to be used.
5. The location and design of any off-street parking areas, bicycle parking, service, trash or loading areas showing size and location of bays, aisles, barriers, planters, maneuvering areas, and traffic patterns.

Include manufacturer's cut or illustration depicting type of bicycle parking facility proposed. Also provide typical plan layout of facility at an appropriate scale to determine location from walkways and building lines.

6. The location, design, and size of any on or off-site pedestrian parks and bicycle pathways, open space, common open space, plazas and recreation areas or any other public use areas.
7. The location and design of all proposed utility structures and lines, storm water drainage on-site and off-tract, with manholes, inlets, pipe sizes, grades, inverts and directions of flow, as well as telephone, power and light, water hydrant locations, sewer and gas, whether publicly or privately owned. Where on-site sewage disposal systems and/or potable water wells are provided these shall be located on the site plan indicating size of system and distance between wells and septic fields.

## Schedule F - Cont.

8. The location and design of the proposed screening, landscaping and planting, including a planting plan and schedule of plant materials.
9. The location of all outdoor lighting (freestanding or on building), the size, nature of construction, lumens, heights, area and direction of illumination, foot-candles produced, typical manufacturer cuts illustrating style, and time controls proposed for outdoor lighting and display.
10. The location and design of all signs, the size, nature of construction, height and orientation, including all identification signs, traffic and directional signs and arrows, freestanding and facade signs and time controls for sign lighting.
11. The location and size of all proposed easements, rights-of-way, public areas to be dedicated to the public or to be restricted or defined by deed or any other arrangement. Also the location of any master plan proposals indicating roadway, public area or facility shall be shown.
12. A tabulation of a proposed building's perimeter that fronts on a public or private street or on a fire apparatus space expressed in feet as well as percentage of total building perimeter linear footage shall be indicated as part of site data information contained on a site plan.
13. A grading plan showing existing and proposed spot elevations (based on United States Coastal and Geodetic datum) and all building corners, all floor levels, centerlines of abutting roads, tops and bottoms of curbs, property corners, gutters and other pertinent locations.
14. A landscape plan prepared by a qualified professional, at a minimum scale of one inch equals fifty feet (1" 50') or larger. Different graphic symbols shall be used to show location and spacing of shade trees, ornamental trees, evergreen trees, shrubs, and ground cover. The size of the symbol must be representative of the size of the plant and shown to scale. The plan shall:
  - a. Illustrate the proposed site plan elements as they relate to existing structures and site amenities, including existing woodlands, isolated trees greater than ten (10) inches dbh, existing topographic contours, and any and all other natural environmental features;
  - b. Show the intent, location, and type of all existing and proposed landscaping and buffering;

## Schedule F - Cont.

- c. Conceptually indicate plant types and general construction materials to be used, as appropriate;
  - d. Superimpose an aerial photograph on the drawings with the site boundaries outlined to evaluate the effects upon existing vegetation and surrounding land uses;
  - e. Provide on-site photographs of existing features and topography, as appropriate;
  - f. Contain a planting schedule, including specific plant botanical and common names, sizes, root, spacing, and comments;
  - g. Indicate all existing vegetation to be saved or removed;
  - h. Show the location, form, height and width of other landscape architectural materials such as berms, fences, walls, site furniture, bridges, and walks. When required, a section to show the effective height of a proposed berm or fence in relation to the height of the area being screened from should be provided (i.e., center line of road to building); and
  - i. Show all open space areas in adjacent developments on the project location map.
15. A traffic signage plan conforming to the requirements of Section 4. 19T.
16. Where applicable, all items as required in the environmental impact statement as set forth in Section 4.11 of this ordinance or statement concerning such which does not apply.
17. Where applicable, the method by which any common or public open space or commonly held building or structure is to be owned and maintained.

## B. Final Plan Details.

- 1. The approved preliminary site plan together with all proposed additions, changes or departures there from, if applicable.
- 2. Final construction documents amongst other items, illustrating:
  - a. The final plans for site development and site improvement, including those construction details as may be specified at the time of preliminary approval;
  - b. The ground floor or other floor plans sufficient to show pedestrian, vehicular or other access as it relates to the final site plan;

Schedule F Cont.

- c. The building elevation or typical elevations including size, structure, materials, colors and textures; and

- d. Elevations or typical illustrations of any accessory structures, sign or area visible to the general public.

3. A final landscape plan, signed and sealed by a qualified professional, in the form of construction documents and substantially conforming to the approved preliminary landscape plan. The landscape plan shall be prepared upon separate halftone sheets of the engineered site plan with contour lines so that landscape details and grading are clearly shown and may be adequately reviewed. It shall show:

- a. Reverse frontage buffers and other important landscape areas at a minimum scale of one inch equals thirty feet (1" = 30') or larger;

- b. The manner of irrigation of all nonresidential and high density residential sites;

- c. All existing trees which will be removed or preserved and what methods will be used to assure preservation during and after construction;

- d. The existing and proposed topography by the use of one (1) foot contours for all land forms and berms in coordination with the final grading and drainage plans submitted by the project engineer;

- e. A landscape management and maintenance schedule and agreement; and

- f. Planting details conforming to the standards set forth in Section 4. 19N. of Chapter 4, Provisions Applicable to Site Plans and Subdivisions. (Ord. No. 97-5)

## APPENDIX B

## APPLICATION CHECKLIST

SCHEDULE G  
ZONING VARIANCES  
(Township of Lower Alloways Creek)

Applicants for zoning variances pursuant to N.J.S.A. 40:55D-70.c. or d. shall submit all information required in Checklist Schedule A and Checklist Schedule D, even if a site plan is not being sought. In addition, applicants for such zoning variances shall supply the following:

1. When the property was acquired by the applicant.
2. Indicate the prevailing zoning at the time of acquisition.
3. State the nature and disposition of any previous appeal, request or application to this or any other Township Board, or the Zoning or Construction Official involving this property.
4. Identify by letter and number, the subsection(s) of N.J.S.A. 40:55D-70 and the Lower Alloways Creek Land Development Ordinance under which the variance is sought.
5. Set forth and describe in detail the EXCEPTIONAL conditions or situation of the property preventing applicant from complying with the zoning ordinance and any peculiar and exceptional difficulties or exceptional and undue hardships claimed by applicant as a result of such condition or situation of the property.
6. Describe how the proposed deviation from the zoning ordinance requirements would advance the purposes of the Municipal Land Use Law, if that is a claimed basis for the variance.
7. Supply a statement of facts showing why the variance can be granted without substantial detriment to the public good and will not impair the intent and purpose of either the zone plan or zoning ordinance.
8. In the case of an application for a variance under N.J.S.A. 40:55D-70.d, set forth with particularity the special reasons' asserted for granting the variance. (Ord. No. 97-5)

APPENDIX C

DIAGRAMS, ILLUSTRATIONS AND ZONING MAP  
(Township of Lower Alloways Creek)

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