



STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY

ROBERT J. DEL TUFO
ATTORNEY GENERAL

April 19, 1991

Scott Weiner, Commissioner
Department of Environmental Protection
401 East State Street
CN 402
Trenton, New Jersey 08625

Re: Formal Opinion No. 3 (1990): Reprise

Dear Commissioner Weiner:

1.
Introduction

Information which has reached me, coupled with recent press reports and observations, suggest that Formal Opinion No. 3 (1990) may be the subject of misinterpretation both as to the role of this office in issuing it and, more importantly, as to its substantive content. Such misinterpretation seems rather evident among some members of the public and some members of your departmental staff. We are both well aware that the Governor is dedicated to having any confusion or misconceptions promptly and clearly eliminated. Both of us share these concerns. And so I write in an effort to accommodate these wishes.

Preliminarily, the misinterpretation of role overlooks the fact that the exemptions are a reflection of legislative will and policy judgment, not those of the Attorney General. The substantive misinterpretation falls into two areas. One involves the misbelief that an exempted project can encompass little more than conceptual statements or designs or the like. The other error is the view that a subdivision or site plan approval or application involving or affecting only a portion of a piece of property exempts the entire property from wetlands regulation. These erroneous interpretations were well-described in your memorandum to me of April 10, 1991 (a copy of which is annexed as Exhibit A) under which you requested additional guidance or

advice.1

As will be discussed in more detail below, the exemption contemplated by the Legislature did not cover "concepts" but rather centered exclusively upon projects which had reached the preliminary approval stage and thus upon projects substantially well along in planning and development. Moreover, the exemption covers only the specific property involved. Accordingly, if the preliminary approval or the application for it covers only a portion of a piece of property then only the affected portion -- i.e. the portion for which preliminary approval is sought -- not the balance of the tract, is exempted.

These conclusions were reached in Formal Opinion No. 3 (1990). I apologize if they were not as clearly articulated as they should have been so that any confusion might have been avoided from the outset. But I hope that this letter will serve to remedy the situation and to eliminate any outstanding ambiguity.

2.

Role of the Attorney General

The misconception concerning the role of the Attorney General is to suggest that the Attorney General is somehow responsible for the exemptions set forth in the Freshwater Wetlands Act and thus that we are somehow instrumental in defining wetlands exemption policy. Both points are inaccurate and far from the mark.

The Attorney General obviously has no power or authority to legislate, but only to define and interpret what the Legislature has said and has intended in response to requests for such advice by state agencies. Formal Opinion No. 3 (1990) was proffered in responding to a request from the Department of Environmental Protection for an interpretation of the legislative meaning and intent of the Act's exemptions section.

In this connection, the Freshwater Wetlands Act was debated keenly and hotly over many years by many competing interests and its enactment well predated this administration's tenure. In it, the Legislature specifically exempted certain specified projects from the operational effect of its terms. Among them were projects which had received "preliminary site plan or subdivision" approval "from the local authorities

1. Your memorandum also indicated that Department of Environmental Protection staff was even proposing to memorialize the inaccurate latter viewpoint in proposed wetlands regulations. This circumstance assuredly confirms a rather pervasive misconception and miscommunication and further insists upon the within clarification.

pursuant to the 'Municipal Land Use Law,'...prior to the effective date of [the]...Act" and projects for which "preliminary site plan or subdivision applications [had]...been submitted prior to June 8, 1987...."

The language is very clear. The Legislature chose to exempt projects for which preliminary site plan or subdivision applications or approvals had been filed or received prior to the specified dates. And this is precisely what Formal Opinion No. 3 (1990) stated. The policy was made by the Legislature when it enacted the law, not by Formal Opinion No. 3 (1990) in pointing out its clear meaning. Any disappointment over the legislation as enacted, or advocacy for a change in policy, must be addressed to the Legislature which is the only governmental body capable of changing the policy articulated in the statute and of moving in a different policy direction.

3.

Preliminary Approval

As stated in Formal Opinion No. 3 (1990), the legislative exemptions based upon the Municipal Land Use Law were designed to balance "the Legislature's concern for strictly regulating future development in freshwater wetlands and transition areas with a recognition that ongoing development projects not be halted after the expenditure of significant funds, planning and time." (p.5). The accommodation was reached only after much discussion and compromise by and between environmentalists and those whose projects were substantially well along and would possibly be inequitably affected by new regulation. The polestar here involves substantial investment of effort and other resources. The exemption identified in the Act thus revolves around the event of preliminary approval of major subdivisions and preliminary approval of site plans. This is not sketch plat approval or minor subdivision approval. And it does not involve "concepts" or tentative plans or sketches. It is, as stated, exclusively preliminary approval, a step which implicates "specific procedures well-defined in the Municipal Land Use Law...and in municipal planning ordinances..., procedures which necessarily call for the submission of concrete plans and information." Formal Opinion No. 3 (1991), p.5.

The last point cannot be over-emphasized. Preliminary approval of a major subdivision or of a site plan is probably the most important stage in the development process and the legislative choice for identifying projects which are well along and have consumed significant resources. For example, pursuant to N.J.S.A. 40:55D-49, preliminary approval of a major subdivision or a site plan confers rights upon the applicant which persist for a 3-year period of time and which include a commitment that "the general terms and conditions on which preliminary approval was granted shall not be changed, including but not limited to use requirements; layout and design standards for streets, curbs and sidewalks; lot size; yard dimensions and off-tract improve-

ments; and, in the case of site plan, any requirements peculiar to site plan approval pursuant to...[N.J.S.A. 40:55D-49(a)]." An application for preliminary major subdivision approval must satisfy articulated criteria which often call for detailed drainage, engineering, utility, landscaping, soil and environmental data as well as a property survey with topographical characteristics, lot and street layouts, and natural features duly noted. A proper preliminary site plan application mirrors most of these requisites. In short, the application must address those numerous and substantively significant subjects required by statute to be included in ordinances regulating subdivisions and site plans (see N.J.S.A. 40:55D-38 and 48).²

Confirming, and clarifying, the conclusion reached in Formal Opinion No. 3 (1990), then, the exemptions which turn upon a reference to the Municipal Land Use Law focus exclusively upon the very substantial step attending preliminary approval of a major subdivision or site plan and the filing of an application for such preliminary approval. Moreover, consistent with the compromise which the Municipal Land Use Law exemption reflects, to gain exemption an application for preliminary approval must have been in proper form, must have been accompanied by all plans, data and information called for by the local planning ordinance and by statute for either a major subdivision or a site plan, as the case may be, and thus must have been in fact complete prior to the statutory deadline. Categorically excluded from exemption is anything short of either preliminary approval of a major subdivision or site plan itself or a proper and complete application for either one.

4.

Project vs. Property

As stated above, the exemptions involving the Municipal Land Use Law were put there so that ongoing development projects which progressed to the advanced stage of the formal municipal preliminary approval process would not be halted. This was done out of equitable recognition of the significant and legitimate private interests implicated by the expenditure of funds, effort and time in getting to that point. Consistent with this ration-

2. Representatives of the Division of Law reviewed various subdivision ordinances which also describe the volume and detail of information required to be supplied. The Princeton Township ordinance is fairly representative. Enclosed is an excerpt (Exhibit B) and a checklist used by the Princeton Township Planning Board (Exhibit C).

ale, and as Formal Opinion No. 3 (1990) stated,³ the only lands exempted from wetlands regulations are those for which preliminary approval was granted or which were the subject of a proper application for preliminary approval. If the land subject to the application was part of a larger tract, neither the legislation nor Formal Opinion No. 3 (1990) would exempt the remaining, contiguous portions of the tract which were not the subject of either the preliminary approval or the application for preliminary approval.⁴ A contrary view would greatly overstate the equitable need, strip the exemption of its required close connection to the municipal preliminary approval process and do violence to the clear legislative mandate.

Accordingly, the Municipal Land Use Law exemptions run only to that portion of a tract of land which is the physical location of the proposed economic development project for which preliminary major subdivision or site plan approval was granted

3. Formal Opinion No. 3 (1990), in referring to the statutory language, the unambiguous legislative decision and the policy basis for the approach emphasized that only the project which had received, or which had properly applied for, preliminary approval fell within the scope of the municipal land use exemptions. Assuredly only those lands affected by the project would escape wetlands regulation. Other lands, whether as the remainder of a larger tract or as contiguous property in common ownership would not benefit and would remain subject to wetlands strictures.

4. The conclusion would not be altered by the fact that some depiction of a future development concept on the remainder of the parcel might be required by the Planning Board. Section 10B-158(g) of the Princeton Township Ordinance provides, for example, as follows:

"Where the preliminary plat covers only a part of the entire holding, a sketch of the prospective future street system of the unsubmitted part shall be furnished. The street system of the submitted part will be considered in the light of adjustments and connections with the future street system of the part not submitted."

The only portion of the property gaining wetlands exemption would be that "submitted" for preliminary approval and shown as such on the preliminary plat. The "unsubmitted" portion -- i.e. the remainder of the land not part of the preliminary application -- will not be exempted notwithstanding the required sketching of possible future street layout if ever submitted for preliminary approval.

or was sought.⁵

5.
Miscellaneous

In closing, allow me to make some additional points and observations:

(1) Neither Formal Opinion No. 3 (1990) nor this letter have specifically addressed the question of whether a substantial change in a project which has either gained preliminary approval or for which an application for preliminary approval was timely filed would result in the loss of wetlands regulation exemption. I understand that you seek our advice on this question and we shall provide it under separate cover.

(2) Hopefully to avoid any further confusion or misconception, I suggest that the resources of my office be utilized by you to assess specific exemption claims, challenges or questions on a case by case basis in an effort to tie both the legislative will evidenced in the exemptions section of the wetlands legislation and the interpretative strictures of Formal Opinion No. 3 (1990) and this letter directly to a particular municipal preliminary approval decision or to a particular application for such approval. As we collectively apply the law to specific situations, a body of decisions will develop capable of giving guidance to the Department of Environmental Protection and to the regulated community.

(3) The proposed regulation which substitutes "property" for "project" is infirm in terms of both the act of substitution and the language of the definition of property itself. There may be other such instances of misconception and error. And there may be several other ways of strengthening the language and purport of the proposals. Under the circumstances, I would urge that you defer approving the regulations for publication until we have had an opportunity to confer further and to give the matter our further personal attention. Accordingly, I have directed my staff that the review of the proposed regulation be

5. As an example, very often a large tract is developed by sections. A completed, final and accepted application for preliminary approval of Section 1 which may show the balance of the tract to be later developed as Sections 2 and 3 (and may even show some general layout of future sections -- see footnote 3, supra) results solely in the exemption of Section 1.

Commissioner Scott Weiner
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given the highest priority and that their efforts should be coordinated with the work of the Division of Coastal Resources.

Sincerely yours,



Robert J. Del Tufo
Attorney General

RJD:vs



STATE OF NEW JERSEY
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
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MEMORANDUM

TO: Robert Del Tufo
 FROM: Scott Weiner
 DATE: April 10, 1991
 RE: Request for Guidance Regarding Proposed Freshwater Wetlands Regulations

I am writing as a follow up to our recent conversations regarding the application of F.O.3-1990 upon regulations which have been proposed by the DEP pertaining to the administration of the Freshwater Wetlands Protection Act (the "Act").

As we have discussed, the staff of the DEP, in reaction to F.O.3-1990, have used the word "property" as opposed to "project" to describe the subject of exemptions from the Act. The proposed amendments to N.J.A.C. 7:7A-1 et seq include, for the first time, a definition of property as "...the area contained within the legal boundary as defined by municipal block and lot as set forth in the deed for that area." N.J.A.C. 7:7A-1.4. Such a change of language from the wording of the Act and prior department regulations represent an expansion of the scope of the statutory exemption from an articulated plan (a project) to merely a delineation of acreage (property).

Based upon our discussions, it is my opinion that we share the view that the proposed regulatory change in language is neither required nor appropriate under the Act and in fact, would represent an interpretation not intended by nor sustainable under F.O.3-1990.

Our discussions have also addressed the appropriate criteria to determine the factors which would describe or identify a particular project exempt from the



Act. Recent public comment suggests that a project can be little more than a conceptual design located within the boundaries of lot lines, thereby allowing a developer to maintain and utilize the exemption for any purpose for an extended period of time. We have discussed that such an interpretation misapplies both the Act and F.O.3-1990 and fails to reflect the significant actions and detail contemplated by the Municipal Land Use Law in order for a municipality to accept an application, let alone grant, preliminarily approval. See generally, N.J.S.A. 40:55D-38 through 49.

I want to take this opportunity to restate my belief that it would be most useful for you to provide additional, more detailed, guidance to the DEP regarding the requirements of the Municipal Land Use Law and their application in determining the limits of a project which qualifies for an exemption from the Act. Based upon our discussions, it is my intent to, among other revisions of the proposed regulations, to replace the word property with project. I would appreciate your advice with respect to this issue. The public comment period for the proposed regulations closes on April 22, 1991. I anticipate being in a position to act upon the proposed regulations in mid to late May 1991.

Accordingly, I would appreciate receiving any additional advice or guidance regarding the delineation of a project so that such guidance could be incorporated as part of the Department's regulations as criteria, examples, or illustrations as may be appropriate.

S.A.W.

cc: Larry Stanley, D.A.G.
John Weingart

§ 10B-156 PRINCETON TOWNSHIP CODE **§ 10B-157**
(c) Upon final approval by the planning board, the chairman and secretary shall affix their signatures to the final plat with a notation that it has received final approval, and copies shall be distributed to the municipal clerk, municipal engineer, development enforcement officer, construction official, tax assessor, county planning board and secretary of the planning board. (Ord. No. 856, § 2; Ord. No. 947, § 1.)

Sec. 10B-156. Expiration of final approval; filing of final plat with county recording officer.

- (a) Final approval of a major subdivision shall expire ninety-five days from the date of signing of the plat unless within such period the plat shall have been duly filed by the developer with the county recording officer. The planning board may for good cause shown extend the period for recording for an additional period not to exceed one hundred ninety days from the date of signing of the plat.
- (b) No subdivision plat shall be accepted for filing by the county recording officer until it has been approved by the planning board as indicated on the instrument by the signature of the chairman and secretary of the planning board. If the county recording officer records any plat without such approval, such recording shall be deemed null and void, and upon request of the municipality, the plat shall be expunged from the official records.
- (c) It shall be the duty of the county recording officer to notify the planning board in writing within seven days of the filing of any plat, identifying such instrument by its title, date of filing and official number. (Ord. No. 856, § 2.)

DIVISION 5. PLAT DETAILS.

Sec. 10B-157. Sketch plat.

The sketch plat shall be based on tax map information or some other similarly accurate base at a scale (not less than four hundred feet to the inch and preferably two hundred feet or larger) enabling the entire tract to be shown on one sheet. The sketch plat shall show or include the following information:

- (a) The location of that portion which is to be subdivided in relation to the entire tract.

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§ 10B-158

LAND USE.

§ 10B-158

- (b) All existing structures and wooded areas within the portion to be subdivided or within two hundred feet thereof.
- (c) The name of the owner and of all adjoining property owners as disclosed by the most recent township tax records.
- (d) The tax map sheet, block and lot numbers, including those for the proposed lots, which shall be obtained from the office of the township engineer.
- (e) All streets or roads and streams within five hundred feet of the subdivision.
- (f) General data concerning the slope and natural drainage of the land, where pertinent, such as can be secured from New Jersey or U.S. Geodetic Survey maps, and approximate location of water and sewer mains.
- (g) Approximate location of existing and proposed streets and property lines and approximate lot sizes.
- (h) In the case of minor subdivisions, when utility layouts do not show feasible connections to existing or proposed utility systems, the developer shall have percolation tests made and shall show the location and results of such tests on the plat. Any proposed individual water supply or sewage disposal system must be indicated and accompanied by the approval of the appropriate township, county and state health agencies.
- (i) In the case of minor subdivisions, a certificate from the tax collector stating that all taxes are paid to date, and that all local improvement assessments against the tract being subdivided have been paid in full or that such local improvement assessments have been apportioned among the lots of the subdivision upon the application of the subdivider, pursuant to section 54:7-1 et seq. of the Revised Statutes of New Jersey, and in the event of such apportionment, that such local improvement assessments are paid to date. (Ord. No. 856, § 2.)

Sec. 10B-158. Preliminary plat.

The preliminary plat shall be legibly drawn or reproduced at a scale of not less than one inch equals one hundred feet. Preliminary plats shall be drawn by a land surveyor licensed by the state. The preliminary plat shall be designed in compliance

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with the provisions of division 8 of this article and shall show or be accompanied by the following information:

(a) The tract name, tax map sheet, block and lot number, date, reference meridian, graphic scale and the names and addresses of the following:

(1) The record owner.

(2) The subdivider.

(3) The person who prepared the map.

(b) The location of that portion which is to be subdivided in relation to the entire tract.

(c) Property lines of the land to be subdivided, the names of all owners of all immediately adjacent land and the location and right of ways widths of streets and roads within four hundred feet of any part of the property proposed to be subdivided.

(d) The location and elevation of a permanent bench mark, accessibly placed, together with a notation as to the datum from which it was established and sufficient elevations or five feet contours to determine the general slope and natural drainage of the land and high and low points; all existing watercourses; tree masses and isolated trees more than ten inches in diameter; existing buildings, sewers and water mains and all other significant features. However, elevations or contours need not be shown for land subdivisions with a gross area of less than ten acres or for land subdivisions containing no new streets or roads.

(e) All proposed streets and tentative center line profiles therefor, plans and profiles of proposed utility layouts and easements (sewers, storm drains, water, gas and electricity), parks, playgrounds and other public areas; suggested street names; proposed building setback lines for each street; lot lines and approximate dimensions of lots; and all streets and other areas proposed to be dedicated to the public or designed for public use.

(f) When utility layouts do not show feasible connections to existing or proposed utility systems, the developer shall have percolation tests made and shall show location and results of tests on the plat. For large tracts to be developed in sections, such tests shall be made for points of topographic or geologic change, but not less than one for each five acres. On small tracts, and on sections of larger tracts when proposed for final platting, tests shall be

made for each lot. The proposed individual water supply or sewage disposal system must be indicated and accompanied by the approval of the appropriate township, county or state health agency.

(g) Where the preliminary plat covers only a part of the entire holding, a sketch of the prospective future street system of the unsubmitted part shall be furnished. The street system of the submitted part will be considered in the light of adjustments and connections with the future street system of the part not submitted.

(h) A key map showing the entire subdivision and its relation to surrounding areas.

(i) A certificate from the tax collector that all taxes are paid to date, and that any local improvement assessments against the tract being subdivided have been paid in full or that such local improvement assessments have been apportioned among the lots of the subdivision upon the application of the subdivider, pursuant to section 54:7-2, et seq., of the Revised Statutes of New Jersey, and in the event of such apportionment, that such local assessments are paid to date. (Ord. No. 856, § 2; Ord. No. 90-23, § 2.)

Sec. 10B-159. Final plat.

The final plat shall be drawn in ink on tracing cloth at a scale of not less than one inch equals one hundred feet. It shall meet all statutory requirements for map filing with the county recording officer and shall be designed in compliance with the provisions of division 8 of this article. The final plat shall show or be accompanied by the following information:

(a) The tract name, tax map sheet, block and lot number, date, reference meridian, graphic scale and the names and addresses of the following:

(1) The record owner.

(2) The subdivider.

(3) The person who prepared the map.

SUBDIVISION CHECKLIST

(Preliminary Major Application)

The following checklist is designed to assist applicants in preparing preliminary Major Subdivision plans for Board review. Applicant should check off each item to ensure that it is included with the application. ITEMS OMITTED MAY RESULT IN APPLICATION BEING DEEMED INCOMPLETE AND THEREFORE DELAY CONSIDERATION BY THE BOARD. Utilities, details, profiles, etc., may be shown on separate sheets. This checklist must be submitted with the application.

I. General Requirements:

- Completed application form (14 copies).
- Overall subdivision plat in reduced form (8 1/2 x 14" - 14 copies). Information to be provided on one sheet.
- Complete subdivision plan and construction drawings signed and sealed by an appropriate professional pursuant to State licensing requirements (8 sets).
- Application and Escrow Fees.
- Completed checklist.

II. Subdivision Plat:

- Tract name.
- Tax map sheet, lot and section number.
- Date, north arrow and graphic scale (min. 1"=100' or larger).
- Name, and address of applicant (if other than the owner).
- Key map at a scale of 1"=400', showing the following information within 1500 feet of the property.
 - a. Zoning districts and boundary delineations.

- b. Streets and Roads.
- c. Streams, water courses, bodies of water, property lines.
- d. Master Plan designations.
- e. Property owners in schedule form.
- f. Block and Lot numbers.
- Suggested street names.
- Acreage of the entire tract as well as the acreage of proposed new lots, and open space areas.
- Zoning regulations for district in schedule form.
- Proposed Block, Lot numbers, property lines and dimension of lots.
- All required building setback lines for each lot, as well as the shortest dimension from existing buildings on the tract to new or existing property lines.
- Master Plan designations for right-of-way, open space, recreation, community facilities, etc.
- Letter from Tax Collector stating that all taxes on the property are paid to date.

Existing and Proposed features:

- Bench mark and data from which it was derived.
- Location of streams, stream corridors, water courses, flood hazard and flood plain areas, and bodies of water.
- Rock outcroppings and/or boulder fields.
- Right-of-way dedications with acreage and boundary information.

- Steep slope locations of grades in excess of 25 per cent.
- Size, shape and location of buildings on the tract, adjoining property and on both sides of adjacent streets.
- Location of hedgerows, and/or screening, fences, walls, etc.
- Location of public/private sidewalks and bicycle paths.
- Location of scenic, historical, archeological and landmark sites.
- Location of tree masses including type and approximate height.
- Location of individual specimen trees greater than eight inches caliper along proposed utility easements, road right-of-ways extending 50 feet on each side of said right-of-way, and public/private pedestrian/bicycle access easements.
- Monumentation along existing and proposed right-of-way lines in accordance with the "Map Filing Law", standards.

III. Drainage and Utility Plan:

- Contours of site at 2 foot intervals.
- Center line profile and cross sections at 25 foot intervals, for all proposed streets.
- Plans and profiles of proposed utility lines and easements for sewers, storm drains, water, gas, electric and CATV.
- Plan of proposed utility layout for sanitary and storm sewers, electric, telephone, CATV, gas and street lighting.
- Location and type of inlets, storm and sanitary sewer pipes, swales, berms, storm detention facilities, etc.

- Location of off-site/adjacent electric, telephone, gas, water, storm and sanitary sewers, and CATV servicing mains and service line connections.
- Utility easements with owner entity identification.
- Plan, profile and grades of existing adjacent roads/streets which provide direct access into the proposed development.
- If applicable, location of proposed percolation and soil logs and results of such test on the plan for on-site private septic systems.
- Construction details of on-tract improvements, including street cross sections, drainage structures, curbs, sidewalk/bicycle paths, pipe beddings, etc.

IV. Landscape and lighting plan:

- Location, height and types of proposed plantings and/or screenings.
- Location of existing trees greater than eight inch caliper with specie identification.
- Location of existing shrubs, hedgerows, and screening.
- Location of street lighting, height, type and illuminance standard.

V. Soil Map:

- Location of steep slopes in excess of 7 per cent.
- Location of soil group type boundaries with soil identification.
- Location of buildings and/or storm water detention basin facilities.
- Location of streams, wetlands and approximate areas of aquifer recharge and discharge.
- Location of highly acid or highly erodible soils.

- Location of areas of high water table and/or bedrock.

VI. Soil Erosion and Sedimentation Control Plan:

- Existing and proposed contours at 2 foot intervals.
- Location of present and proposed drains and culverts with their discharge capacities and velocities and supporting computations and identification of conditions below outlets.
- A site grading plan showing proposed cut and fill areas together with existing and proposed profiles of these areas.
- Delineation of any area subject to flooding from the 100 year storm in compliance with the Flood Plains Act or applicable Municipal Zoning.
- Delineation of streams within the project area.
- Location of all proposed soil erosion and sediment control facilities.
- Proposed sequence of development.
- Proposed starting date of each phase in the sequence.
- Identification of land areas to be disturbed and length of time the soil in each area will be unprotected.
- Proposed date to complete each phase of development.
- Planned soil erosion and sediment control measures and facilities with supporting computations based upon standards promulgated by the New Jersey Conservation Soil Committee.
- Soil erosion control details.
- Plans for maintenance of permanent soil erosion and sediment control measures and facilities during and after construction, including responsibility for maintenance of facilities after the development is completed.

VII..Requirements for Residential Cluster only:

- Location and extent of Common Open Space.
- Statement of the nature of the owning entity (e.g., Homeowners' Association), and a description of the documentation which will provide for the maintenance of the Open Space in perpetuity.
- An outline of the covenants and restrictions describing the rights, limitations and obligations of the owners and occupants of the dwelling units relative to the Common Open Space.
- For developments involving zero lot line units or structures, a plan showing imaginary lot lines to demonstrate compliance with lot line standards.
- Schematic plans and elevation drawings for all buildings (except for single-family lots proposed to be sold as vacant land to individual purchases).

VIII.Required notes for all plans:

- If the extension of water mains is required, the spacing and location of hydrants will comply with the standard of the Elizabethtown Water Company and approved by the Township Engineer and Fire Prevention Official.
- Electric, Telephone, CATV and all other wire served utility extensions and services shall be installed underground with standards established by the servicing utility company and approved by the Township Engineer.
- All drainage and sewer easements for public purpose shall be dedicated to the Township, unless otherwise noted.
- All construction to be in accordance with the final construction plans and profiles as approved by the Township Engineer.

- All areas where natural vegetation and/or specimen trees are to remain shall be protected by the erection of fencing and no disturbance of, shall occur prior to inspection by the Township Engineer and the issuance of written authorization to proceed with construction. These protective measures shall not be altered or removed without the approval of the Township Engineer.

IX.. Required Contents of Environmental Information Statement:

- Map, list and description of soil types on the site, derived from the Mercer County Soil Survey.
- Brief description of the surficial geology of the area.
- Estimated potable water demand in gallons per day and the source of water supply.
- Estimated sewage to be generated in gallons per day and a general description of proposed method of sewage disposal.
- Character, estimated tonnage and method of solid waste disposal and storage.
- Impacts on ambient air quality.
- Information and calculations regarding proposed drainage including total area to be paved or built upon, estimating volume and rate of runoff, proposed changes to existing drainage, drainage plans, and details in accordance with Section 10B-227.
- Soil Erosion and Sedimentation Control Plan, together with report.
- Traffic study including widths, and conditions of existing roads in the area and impacts of the proposed developments on traffic volumes.
- Required governmental licenses, permits and approvals and the status of each.

Applications filed which include a waiver request for any of the above items, shall be accompanied by a written statement in support of each request.

The undersigned (applicant) (owner) hereby acknowledges that the information contained herein is true and complete to the best of its knowledge.

Dated: This _____ day of _____, 19 _____

