

Chapter 15

LAND USE PROCEDURES AND DEVELOPMENT

Editor's Note: Former Chapter 15, Land Development, previously codified herein, was amended in its entirety by Ordinance No. 92-33. New Chapter 15, Land Use Procedures and Development has been codified in a separate volume. Prior ordinance history includes portions of Ordinance Nos. 81-2, 83-8, 83-11, 83-22, 84-14, 86-1, 86-6, 86-22, 87-21, 87-24, 88-2, 88-4, 88-8, 88-16, 88-28, 88-12, 89-10, 89-18, 89-22, 90-15, 90-22, 91-20, 92-1, 92-5 and 92-11.

§ 15-1. SHORT TITLE, PURPOSE, DEFINITIONS.

§ 15-1.1. Short Title. [Ord. No. 92-33]

This chapter shall be known and may be cited as the "Land Use Procedures and Development Ordinance of the Township of Warren."

§ 15-1.2. Purpose. [Ord. No. 92-33]

The purpose of this chapter shall be to provide procedure, rules, regulations and standards to guide land subdivision and site development in the Township of Warren in order to promote the public health, safety, convenience and general welfare of its inhabitants. It shall be administered to insure the orderly growth and development, the conservation, protection and proper use of land and adequate provision for circulation, utilities and services. Specifically, it is the intent and purpose of this chapter to:

- a. Guide the appropriate development of all lands in this Township in a manner which will promote the public health, safety, morals and general welfare.
- b. Secure safety from fire, flood, panic and other natural and man-made disasters.
- c. Provide adequate light, air and open space.
- d. Ensure that the development of this Township does not conflict with the development and general welfare of neighboring municipalities, the County of Somerset and the State as a whole.
- e. Promote the preservation of the environment.
- f. Encourage the appropriate and efficient expenditure of public funds.
- g. Encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight.
- h. Promote a desirable visual environment through creative development techniques and good civic design and arrangements.
- i. Promote the conservation of open space and valuable natural resources and to prevent urban sprawl and degradation of the environment through improper development of land.
- j. Encourage coordination of 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 resources.

- k. Encourage the control of surface water runoff, encourage the control of soil erosion and sedimentation and to prevent flooding and other damage to land.
- l. Promote the utilization of renewable energy sources.
- m. 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 programs.

§ 15-1.3. Definitions. [Ord. No. 92-33; Ord. No. 2000-26, § 1; Ord. No. 06-31, § 1; Ord. No. 10-07, § I; Ord. No. 11-09, § 1]

For purposes of this chapter, unless the context clearly indicates a different meaning, the following terms have the meanings indicated:

ACCESSORY BUILDING — A building separate from the principal building on the same lot.

ACID SOIL — A soil which, upon exposure to the atmosphere, becomes more acid and, as a result of its composition, continues to release additional acidity to surrounding soils, percolation groundwater and runoff water.

ACTIVITY — The type of business or use conducted upon a parcel of land.

ADMINISTRATIVE OFFICER — For the Planning Board, the Planning Board Clerk, and for the Zoning Board of Adjustment, the Zoning Board of Adjustment Clerk.

ALTERATION OF A BUILDING OR STRUCTURE — A change in the supporting members of building or structure; an addition, diminution or conversion of a building or a part thereof; or removal of building from one location to another.

APPEAL — A request for review of Township Officer's decision by the Planning Board or Board of Adjustment in his interpretation of any provision of this chapter or review of the Planning Board's or Board of Adjustment's grant of development permit or variance by the Township Committee.

APPLICANT — A developer or owner submitting an application for development.

APPLICATION FOR DEVELOPMENT — The application form and all accompanying documents required by this chapter for approval of a sketch plat, preliminary major subdivision, preliminary site plan, final site plan, conditional use, zoning variance or direction of the issuance of a permit pursuant to N.J.S.A. 40:55D-3 or N.J.S.A. 40:55-36.

APPROVING AUTHORITY — The Planning Board, the Zoning Board of Adjustment or the Township Committee, when acting pursuant to the authority of this chapter, unless a different agency is designated by this chapter.

AREA OF SHALLOW FLOODING — A designated AO or VO Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding.

AREA OF SPECIAL FLOOD HAZARD — The land in the flood plain within the Township subject to a 1% or greater chance of flooding in any given year.

BASE FLOOD — The flood having a 1% chance of being equalled or exceeded in any given year.

BASEMENT — An interior space or portion of an interior space having a floor level more than two feet below the outside elevation of ground at the foundation wall and having a ceiling height of not less than seven feet.

BIKEWAY — Any path separate from vehicular travel or a route clearly defined along a public right-of-way for exclusive use by bicycles.

BOARD OF ADJUSTMENT — The Board established pursuant to this chapter.

BREAKAWAY WALL — A wall that is not part of the structural support on the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

BUILDING HEIGHT — The vertical distance from the finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip and gambrel roofs.

CABLE TELEVISION COMPANY — A cable television company as defined pursuant to N.J.S.A. 48:5A-3.

CAPITAL IMPROVEMENT — A governmental acquisition of real property or major construction project.

CHANGE IN USE REQUIRING A VARIANCE — A change from permitted use to one not permitted under the zoning provisions (Chapter 16).

CHANNEL — The bed of stream, river, brook or spring which conveys water most of the time.

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.

CLUSTER DEVELOPMENT — Any grouping of buildings in close physical proximity to each other, usually arranged around a common feature, such as courtyard or open space.

COMMON OPEN SPACE — An open space area within or related to a site designated as a development, and designed and intended for the use or enjoyment of residents and owners of the development. "Common open space" may contain such complementary structures and improvement as are necessary and appropriate for the use or enjoyment of residents and owners of the development.

COMPLETE APPLICATION — An application form completed as specified by this chapter and the rules and regulations of the board or agency before which the application is to be presented and all accompanying documents required by ordinance for approval of the application for development, including, where applicable, but not limited to a site plan or subdivision plat. The board or agency may require such additional information not specified in this chapter or any revisions in the accompanying documents as are reasonably necessary to make an informed decision on the development application.

The application shall not be deemed incomplete for lack of such additional information or any revisions in the accompanying documents so required by the municipal board or agency. An application shall be certified as complete upon the meeting of all requirements specified in the ordinance and in the rules and regulations of the municipal board or agency and shall be deemed complete as of the day it is so certified by the administrative officer for purposes of the commencement of the time period for action by the municipal agency.

CONSTRUCTION STANDARDS — The construction specifications and standard construction detail as prepared by the Township Engineer of the Township of Warren.

CONVENTIONAL DEVELOPMENT — Development other than planned development or cluster development.

COUNTY MASTER PLAN — A composite of the Master Plan for the physical development of Somerset County, with the accompanying maps, plats, charts and descriptive and explanatory matter adopted by the Somerset County Planning Board pursuant to N.J.S.A. 40:27-2 and Section 27-4.

COUNTY PLANNING BOARD — The Somerset County Planning Board.

CUTOFF LIGHT FIXTURE — A light fixture with cutoff optics that allows no direct light emissions above a vertical cutoff angle of 80° above nadir (straight down at perfect vertical), through the light fixture's lowest light emitting part when the mounting height is 16 feet or less. Any structural part of the light fixture providing this cutoff angle must be permanently affixed.

DAYS — Calendar days.

DETENTION BASIN — A Man-made or natural depression below ground level designed to collect surface and subsurface water so that it might impede its flow and to gradually release the same at a rate not greater than that prior to the development of the property, into natural or man-made outlets (i.e., the storm sewer system or stream).

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

DEVELOPMENT — The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure or of any mining, excavation or land fill 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 may be required pursuant to this chapter.

DEVELOPMENT REGULATION — A zoning, subdivision or site plan regulation, Official Map or other Township regulation of the use and development of land or amendment thereto.

DIRECT GLARE SOURCE — Any direct glare source visible above a height of five feet at the subject property line.

DISCHARGE — The volume of water flowing past a given point per unit of time and measured in cubic feet per second.

DISTURBANCE — Any activity which involves the clearing, excavating, storing,

grading, filling or transporting of soil or any other activity which causes soil to be exposed to the danger of soil erosion.

DRAINAGE — The removal of surface water or groundwater from land by drains, grading or other means and includes control of runoff during and after construction or development to minimize erosion and sedimentation, to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, to lessen nonpoint pollution, to maintain the integrity of stream channels for their biological functions as well as for drainage, and including the means necessary for water supply preservation or prevention or alleviation of flooding.

DRAINAGE RIGHT-OF-WAY — The lands required 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 therein to safeguard the public interest against flood damage in accordance with Chapter I of Title 58 of the Revised Statutes, as amended.

DRAINAGEWAY — Any watercourse, trench, ditch, depression or other hollow space in ground, natural or artificial, which collects or disperses water from land.

ELEVATED BUILDING — A nonbasement building (i) built in the case of building in an area of special flood hazard to have the top of the elevated floor or, in the case of a building in a coastal high hazard area, to have the bottom of the lowest horizontal structural member of the elevated floor elevated above the ground level by the means of piling, columns (post and piers), or shear walls parallel to the flow of water; and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In an area of special flood hazard, "elevated building" shall also include a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In areas of coastal high hazard, "elevated building" shall also include a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls.

ENVIRONMENTAL ASSESSMENT REPORT (EAR) — A concise objective evaluation of the impact of a development on the natural and man-made resources of the Township.

ENVIRONMENTAL COMMISSION — The municipal advisory body created pursuant to N.J.S.A. 40:56A-1 et seq.

EROSION — The detachment and movement of soil or rock fragments by the natural effects of water, wind, ice and gravity.

EXCAVATOR — Any person who shall move or remove soil as said term is hereinafter defined in this chapter.

EXEMPT TRANSACTION — The following non-sales title transactions shall be "exempt transactions" as used in this chapter: the transfer of ownership between two former spouses ordered as a result of judicial decree of divorce; the transfer of ownership through an executor's deed to a Class A beneficiary; and the transfer of ownership by court order. All other title transfers shall be nonexempt.

FARMING — The use of land for agricultural or horticultural use or raising poultry or domestic livestock.

FENCE — A structure which encloses or borders a field or yard.

FINAL APPROVAL — The official action of the Planning Board, or the Zoning Board, as the case may be, taken on a preliminary approved major subdivision or site plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guarantees properly posted for their completion or approval conditioned upon the posting of such guarantees.

FINAL PLAT — The final map of all or a portion of the subdivision which is presented to the Planning Board, or the Zoning Board, as the case may be, for final approval in accordance with these regulations, and which, if approved, shall be filed with the Somerset County recording officer.

FLOOD DELINEATION MAP — The map identified in subsection 15-10.5b.

FLOOD INSURANCE RATE MAP (FIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the Township.

FLOOD INSURANCE STUDY — The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Hazard Boundary-Floodway Map and the water surface elevation of the base flood.

FLOOD or FLOODING — A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland waters.
- b. The unusual and rapid accumulation of runoff of surface waters from any source.

FLOODPLAIN — Usually a relatively flat or low land area adjoining a river, stream, watercourse or lake which has been in the past or can reasonably be expected in the future to be covered temporarily by flood.

FLOODPLAIN AND WATERCOURSE PROTECTION AREA — An area in which development is regulated by Section 15-10 of this chapter.

FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without any increase in water surface elevation.

FOOTCANDLE (fc) — A unit of illuminance on a surface one foot square in area onto which there is a uniform flux of one lumen.

FOOTLAMBERT (fL) — A unit of luminance of a surface reflecting or emitting light at the rate of one lumen per square foot. The average luminance of any reflecting surface in footlamberts is the product of the illuminance in footcandles striking the surface times the reflectance of the surface.

GLARE — The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort or loss in visual performance and visibility.

GOVERNING BODY — The Township Committee of the Township of Warren.

GROSS FLOOR AREA — The area measured from external dimensions of a building, exclusive of floor areas which have a ceiling height of less than seven feet and basements.

HISTORIC SITE — Any real property, man-made structure, natural object or configuration or any portion or group of the foregoing of historical, archaeological, cultural, scenic or architectural significance.

IESNA — Illuminating Engineering Society of North America. An organization that recommends standards for the lighting industry.

IMPERVIOUS SURFACE — A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water. For purposes of this definition and application to Township regulations contained in this chapter and Chapter 16 (Zoning), impervious surfaces of dry-laid paver blocks and nontongue and groove decking shall be calculated as 50% surface area.

IMPROVEMENT — Street paving and the widening, extension or modification of existing paving, curbs, sidewalks, bikeways, storm drains or appurtenances, drainage structures, culverts, fire hydrants, driveways, sanitary sewers, water mains or appurtenances, gutters, street signs, retaining walls and the like.

IMPROVEMENTS SUBSTANTIALLY COMPLETE — When all necessary public service facilities and improvements are in place and approved by the department having jurisdiction over such facilities. Improvements shall include water, sanitary sewer or other systems as applicable, electric and telephone service, storm water drainage facilities including site grading; road improvements including curbing, base course(s), and other site improvements necessary to the health and safety of site occupants or visitors to the site (customers, employees or others) as the case may be; open space including submission of deed, of dedication or establishment of owner association as the case may be.

INTERESTED PARTY —

- a. In a criminal or quasi-criminal proceeding, any citizen of the State of New Jersey.
- b. In the case of a civil proceeding in any court or in an administrative proceeding before a municipal agency, any person, whether residing within or without the municipality, whose right to use, acquire or enjoy property is or may be affected by any action taken under this chapter or whose right to use, acquire or enjoy property under this chapter or under any law of this State or of the United States has been denied, violated or infringed by an action or a failure to act under this chapter.

JUNK — Old or scrap copper, glass, brass, rags, batteries, paper, trash, rubber, debris, waste or junked, dismantled or wrecked automobiles or parts thereof, iron, steel and other old or scrap ferrous or nonferrous metals and any old, discarded or any waste material of any type and all other materials commonly or generally known as "junk" in the ordinary meaning of the word.

JUNKYARD — A place where old metal, junk or material of any kind, including, but not by way of excluding, disabled vehicles either held or not held for sale in parts of junk metal or materials, paper, glass, rags, bags or other old material is collected, bought, sold, stored or dealt in. Any place, establishment or land which is maintained, operated or used for storing, keeping, buying, selling or just leaving junk on such premises or for the maintenance or operation of an automobile graveyard is hereby defined as a "junkyard."

LAND — Any ground, soil or earth, including sandy areas, marshes, swamps,

drainageways and areas not permanently covered by water. The term "land" includes improvements and fixtures on, above or below the surface.

LIGHT TRESPASS — Any form of artificial illuminance emanating from a light fixture or illuminated sign that penetrates other property and creates a nuisance, as specified in Exhibit A.¹

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.

LOCAL UTILITY — Means any sewerage authority created pursuant to the "Sewerage Authorities Law," P.L. 1946, c. 138 (N.J.S.A. 40:14A-1 et seq.); any utilities authority created pursuant to the "Municipal and County Utilities Authority Law," P.L. 1957, c. 183 (N.J.S.A. 40:14B-1 et seq.); or any utility, authority, commission, special district or other corporate entity not regulated by the Board of Regulatory Commissioners under Title 48 of the Revised Statutes that provides gas, electricity, heat, power, water or sewer services of the Township of Warren or the residents thereof.

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

LOT AREA — The total area, measured in square feet or acres, of a lot, and shall not include:

- a. Any land lying within any abutting street right-of-way.
- b. Any land within 25 feet of the center line of a street.
- c. Any land shown within a street right-of-way on the Master Plan or Official Map of the Township or County.

LOWEST FLOOR — The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of other applicable non-elevation design requirements.

MAINTENANCE GUARANTEE — Any security which may be deemed acceptable to maintenance of duly approved improvements required by this chapter, including but not limited to surety bonds, letters of credit under the circumstances specified in N.J.S.A. 40:55D-53.5, and cash.

MAJOR SITE PLAN — Any site plan not classified as a minor site plan.

MAJOR SUBDIVISION — Any subdivision not classified as a minor subdivision.

MASTER PLAN — A composite of one or more written or graphic proposals for the development of the municipality as set forth in and adopted pursuant to N.J.S.A. 40:55D-28.

MAYOR — Chairman of the Township Committee of Warren.

MINING — An extractive process involving the removal of soil, earth, sand, clay, gravel, humus, peat or other organic and mineral materials.

1. Editor's Note: Exhibit A, "Warren Lighting Standards and Regulations" may be found at the end of Section 15-7.

MINOR SITE PLAN — A development plan of one or more lots in which (1) the size of the existing building is not increased by more than 10% or 500 square feet whichever is lesser and the plan does not increase the number of off-street parking spaces by more than 10% of existing or more than five spaces in number, whichever is lesser; (2) does not involve planned development, any new street or extension of any off-tract improvement which is to be prorated pursuant to N.J.S.A. 40:55D-42 and (3) contains the information reasonably required in order to make an informed determination as to whether the requirements established by Section 15-6 for approval of minor site plan have been met.

MINOR SUBDIVISION — A subdivision of land for the creation of three or fewer lots, including remaining land, fronting on an existing street; provided that such subdivision does not involve (1) a planned development, (2) any new street or (3) the extension of an off-tract improvement, the cost of which is to be prorated pursuant to N.J.S.A. 40:55D-42.

MOBILE HOME — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "mobile home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "mobile home" does include park trailers, travel trailers and other similar vehicles.

MOBILE HOME PARK or MOBILE HOME SUBDIVISION — A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MOVE — To dig or excavate, to remove, to deposit, to place, to fill, to grade, regrade, level or otherwise alter or change the location or contour, to transport or to supply.

MUNICIPAL AGENCY — The Township Planning Board, Board of Adjustment, or governing body of this Township, when acting pursuant to N.J.S.A. 40:55D-1 et seq. and any agency which is created by or responsible to one or more municipalities when such agency is acting pursuant to N.J.S.A. 40:55D-1 et seq.

MUNICIPALITY — The Township of Warren.

NATURAL DRAINAGE PATTERN — The usual pre-development topographical pattern or system of drainage of surface water runoff from a particular site prior to land disturbance, including drainageways and watercourse which carry surface water only during periods of heavy rains, storms or floods.

NEW CONSTRUCTION — Structures for which the "start of construction" commenced with excavation for and installation of footing(s).

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

NONCONFORMING STRUCTURE — A structure the size, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

NUISANCE — An unreasonable, offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, constituting a substantial invasion or disturbance of others' rights, including but not limited to an excessive or concentrated movement of noise, dust, smoke, fumes, odor, glare, flashes of light, vibration, shock waves, heat, electronic or atomic radiation or liquid or gaseous objectionable effluent.

OFF-TRACT — Not located on the property which is the subject of a development application nor on a contiguous portion of a street or right-of-way.

OFFICIAL MAP — A map adopted by ordinance pursuant to article 5 of P.L. 1975, c. 291.

OFFSITE — 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.

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.

ONSITE — Located on the lot in question.

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 openness of the land.

OPENING — Removing, digging in, disturbing, excavating or taking up any surface, pavement or soil of any street or right-of-way area.

OUTDOOR ENCLOSED LIGHT FIXTURE — An electrically powered illuminating device which is either temporarily or permanently installed outdoors, including but not limited to, devices used to illuminate any site, architectural structure or sign. The face of lamp must be recessed within the enclosure and any glass/plastic protective or diffusing device cannot extend beyond that enclosure.

OWNER — Any individual, firm, association, syndicate, copartnership or corporation having sufficient proprietary interest in the land sought to be developed to commence and maintain proceedings to develop the same under this chapter.

PARKING SPACE — An area of not less than nine by 18 feet served by an adequate drive and intended primarily for the parking of a registered and operating motor vehicle.

PARTY IMMEDIATELY CONCERNED — For purposes of notice on any application for development, the owners of the subject property and all owners of property and government agencies entitled to notice under N.J.S.A. 40:55D-12.

PAVEMENT — The regularly traveled portion of any street.

PERFORMANCE GUARANTEE — Performance guarantee means any security which may be accepted by a municipality, in lieu of a requirement that certain improvements be completed prior to final approval of a development application, including, but not limited to performance bonds, letters of credit under the circumstances specified in Section 16 of P.L. 1991, c. 256 (N.J.S.A. 40:55D-53.5), and cash.

PERSON — Any individual, firm, association, partnership, corporation or other legal

entity, or any combination thereof.

PLANNED COMMERCIAL DEVELOPMENT — An area of minimum contiguous size as specified by ordinance to be developed according to a plan as a single entity containing one or more structures with appurtenances common areas to accommodate commercial or office uses or both and any residential and other uses incidental to the predominant use as may be permitted by ordinance.

PLANNED DEVELOPMENT — Planned unit development, planned unit residential development, residential cluster, planned commercial development or planned industrial development.

PLANNING BOARD — The Township of Warren Planning Board established pursuant to N.J.S.A. 40:55D-23.

PLAT — A map or maps of subdivision or site plan.

PRE-DEVELOPMENT — The condition of the site previous to any modification of the land requiring municipal agency approval.

PRELIMINARY APPROVAL — The conferral of certain rights pursuant to N.J.S.A. 40:55D-46 and N.J.S.A. 40:55D-49 prior to final approval after specific elements of a development plan have been agreed upon by the Planning Board and the applicant.

PRELIMINARY FLOOR PLANS AND ELEVATIONS — Architectural drawings prepared during the early and introductory stages of the design of a project illustrating in a schematic form, its scope, scale and relationship to its site and immediate environs.

PUBLIC AREAS — (1) Public parks, playgrounds, trails, paths and other recreational areas; (2) other public open spaces; (3) scenic and historic sites; and (4) sites for schools and other public buildings and structures.

PUBLIC DEVELOPMENT PROPOSALS — A Master Plan, capital improvement 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 biological, ecological, as well as drainage function of the channel and providing for the flow of water to safeguard the public against flood damage, sedimentation and erosion and to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, and to lessen non-point pollution.

PUBLIC OPEN SPACE — An open space area conveyed or otherwise dedicated to a municipality, municipal agency, board of education, State or County agency, or other public body for recreational or conservational uses.

PUBLIC UTILITY — Any public utility regulated by the Board of Regulatory Commissioners as defined pursuant to N.J.S.A. 48.2-13.

QUORUM — The majority of the full authorized membership of a municipal agency.

RE-SUBDIVISION — (1) The further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law or (2) the alteration of any street rights-of-way or the establishment of any new street within any subdivision previously made and approved or recorded according to law, but does

not include conveyances so as to combine existing lots by deed or other instrument.

RECHARGE BASIN — A detention basin designed not only to release water gradually into a natural or man-made outlet, but also to percolate into the ground consistent with subsurface strata. Such basins are designed for sandy or gravel soil with little evidences of fines (soil that passes through a 200 mesh sieve).

RESIDENTIAL CLUSTER — An area to be developed as a single entity according to a plan containing residential housing units which have a common or public open space area as an appurtenance.

RESIDENTIAL DENSITY — The number of dwelling units per gross acre of residential land area including streets, easements and open space portions of a development prior to approval.

RETENTION BASIN — A man-made or natural body of water containing water at all times, the level of which will be increased as a result of the flow into it of surface and subsurface water, collected therein and released gradually into natural or man-made outlets.

REVERSE SUBDIVISION — The combining of two or more existing lots into a single lot.

RIGHT-OF-WAY — Any property either owned by the Township of Warren in fee simple or over which the Township has an easement and which is held by the Township for road purposes or for any other municipal utility or other purposes. The said area providing access for Township purposes.

RUNOFF — The flow of water collected from a drainage basin or watershed, the rate of which is measured in cubic feet per second.

SECTION — Any building or grouping of buildings or lots set apart by natural features, landscaping or buffers from other parts of the development so as to constitute an identifiably separate portion of the development or portion of a development proposal specifically approved by the municipal agency to be developed as a separate unit.

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.

SHOULDER — That area within the street right-of-way adjacent to the existing pavement and available for use by vehicular traffic.

SIGHT TRIANGLE — A triangularly shaped area used as a line of vision established at intersections in accordance with the requirements of this chapter, in which nothing shall be erected, placed, planted or allowed to grow in such a manner as to obstruct vision between height of 30 inches and seven feet above the center line grade of either street.

SIGHT TRIANGLE EASEMENT — An easement which allows the grantee of said easement to have the right of entry into an established sight triangle area to remove any obstruction to vision within the sight triangle area not conforming to the standards of the definition of "sight triangle," following due notice to the property owner.

SITE — Any plot, parcel or parcels of land.

SKETCH PLAT — The sketch map of a subdivision of sufficient accuracy to be used for the purpose of discussion and classification and meeting the requirements of this chapter.

SKY GLOW — Luminance in the atmosphere caused by dust, water vapor, and other particles that reflect and scatter any stray lighting that is reflected or emitted into the atmosphere.

SOIL — Any earth, sand, clay, loam, gravel, humus, rock or dirt without regard to the presence or absence therein of organic matter.

SOIL EROSION AND SEDIMENT CONTROL PLAN — A scheme which indicates land treatment measures, including a schedule of timing of their installation, to minimize soil erosion and sedimentation before, during and after disturbance. The minimum standards for the control of soil erosion and sedimentation shall be the Standards for Soil Erosion and Sediment Control, as promulgated by the New Jersey State Soil Conservation Committee, and may be cited in this chapter as "standards."

SOIL MOVEMENT PERMIT — A permit for the addition, removal or movement of soil located on any lot within the Township of Warren.

STANDARDS OF PERFORMANCE — Standards adopted by this chapter pursuant to N.J.S.A. 40:55D-65 regulating noise levels, glare, earthborne or sonic vibrations, heat, electronic or atomic radiation, noxious odors, toxic matters, explosive and inflammable matters, smoke and airborne particles, waste discharge, screening of unsightly objects or conditions and such other similar matters as may be reasonably required by the Township or required by applicable Federal or State laws or municipal ordinances.

START OF CONSTRUCTION — (For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348) shall include substantial improvement and mean the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start shall mean either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

STORM WATER RETENTION — A facility or other means used to control water runoff.

STREAM CORRIDOR — An area adjacent to a stream within which, to the extent practicable, natural cover is maintained, no alteration of natural terrain occurs and no structures or impervious surfaces are located.

STREET — Any street, avenue, boulevard, road, parkway, viaduct, drive or other way which is an existing State, County or municipal roadway and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines. For the purpose of this chapter, streets shall be classified as follows:

- a. Arterial streets shall mean those which are used primarily for fast heavy traffic.
- b. Secondary traffic streets shall mean streets connecting places of relatively dense settlement with each other and with arterial streets and intended primarily for inter-

municipal and commuter traffic.

- c. Connector streets shall mean those which carry traffic from minor streets to the major system of arterial streets, including the principal entrance of a residential development.
- d. Minor streets shall mean those which are used primarily for access to the abutting properties.

STRUCTURE — A combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above or below the surface of a parcel of land and includes a mobile home, gas or liquid storage tank.

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

SUBDIVISION — The division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale or development. The following shall not be considered subdivisions within the meaning of this chapter, if no new streets are created: (a) 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 acres or larger in size, (b) divisions of property by testamentary or intestate provisions, (c) divisions of property upon court order, and (d) conveyances so as to combine existing lots by deed or other instrument, and (e) the conveyance of one or more adjoining lots, tracts or parcels of land owned by the same person or persons and all of which are found and certified by the administrative officer to conform to the requirements of the municipal development regulations and are shown and designated as separate lots, tracts or parcels on the tax map or atlas of the Township. The term "subdivision" shall also include the term "resubdivision."

SUBDIVISION AND SITE PLAN COMMITTEE — A committee of at least three Planning Board or Zoning Board of Adjustment members appointed by the Chairman of the Board for the purpose of reviewing development applications and such other duties relating to land subdivision and site plan review which may be conferred on this committee by the Board.

SUBSTANTIAL IMPROVEMENT — Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

- a. Before the improvement or repair is started; or
- b. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:
 - 1. Any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
 - 2. Any alteration of a structure listed on the National Register of Historic Places

or a State Inventory of Historic Places.

SUPERINTENDENT — The Superintendent of Public Works or such individual designated by the Township Committee to perform the duties of Superintendent.

SURFACE WATER MANAGEMENT PLAN — A plan which fully indicates sufficient surface water runoff control measures to effectively minimize surface water runoff damage before, during and after land disturbance.

SWIMMING POOL —

- a. A private swimming pool is any constructed pool which is used, or intended to be used, as a swimming pool in connection with a building of Use Group R-3 and available to the family of the householder and his private guests.
- b. A public swimming pool is any swimming pool other than a private swimming pool.

TOPSOIL — Soil that, in its natural state, constitutes the top layer of earth and is composed of 2% or more, by weight of organic matter and has the ability to support vegetation.

TRANSCRIPT — A typed or printed verbatim record of the proceedings or reproduction thereof.

TRANSITION LOT — A contiguous property, subject to common ownership, which is divided by a boundary line between a residential and nonresidential zone district.

USE — The specific purpose for which a parcel of land or a building or portion of a building is designed, arranged, intended, occupied or maintained.

VARIANCE — Permission to depart from the literal requirements of the zoning provisions of Warren Township.

VELOCITY — The distance traveled in a specific amount of time and measured in feet per second.

VOLUME — The quantity of liquid or solid, measured in gallons, acre feet or cubic feet.

WALKWAY or SIDEWALK — A way for carrying pedestrian traffic which may be located within the right-of-way provided for a street, or may be located adjacent to a property line, between lots, and laid out so that it may provide pedestrian traffic along a street or between lots.

WATER SURFACE ELEVATION — The projected heights in relation to mean sea level reached by floods of various magnitudes and frequencies in the floodplains of riverine areas.

WATERCOURSE — Any natural or artificial path of water movement having eroded banks, beds, boundaries or channels, whether perennial or intermittent, as well as the land thereunder. Where the level of water varies with the season, and the annual rainfall and/or other factors, natural or artificial, it shall be measured by reference to the high-water mark.

WATERCOURSE PROTECTION AREA — The watercourse, floodway, flood fringe, area of special flood hazard and a contiguous area that buffers the flood plain thereof, subject to abnormal fluctuations in discharge and burdens of foreign substances which would arise from developments. This includes those points which are not more than five

feet in elevation above the tops of the banks of any watercourse or 50 feet in distance from the area of special flood hazard, whichever is greater.

WATERSHED — An area of land which collects surface water runoff draining toward lower elevations via a system of watercourses.

ZONING PERMIT — A document signed by the Zoning Officer which:

- a. Is required as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building.
- b. Acknowledges that such use, structure or building complies with the provisions of this chapter or variance therefrom duly authorized by a municipal agency.

§ 15-2. APPROVING AGENCIES AND APPEALS. [Ord. No. 92-33]

The approval provisions of this chapter shall be administered by the Township of Warren Planning Board or Board of Adjustment in accordance with this chapter and N.J.S.A. 40:55D-1 et seq., as amended and as applicable. No development of land shall hereafter be effected in the Township except pursuant to this chapter.

§ 15-2.1. Planning Board. [Ord. No. 92-33]

- a. Establishment; composition. **[Amended 1-23-2020 by Ord. No. 20-02]**
 1. There is hereby established in the Township, pursuant to N.J.S.A. 40:55D-1 et seq., a Planning Board of nine members consisting of the following four classes:
 - (a) Class I: the Mayor or the Mayor's designee in the absence of the Mayor.
 - (b) Class II: one of the officials of the Township other than a member of the Township Committee, to be appointed by the Mayor, provided that the member of the Environmental Commission who is also a member of the Planning Board as required by N.J.S.A. 40:56A-1 shall be deemed to be the Class II Planning Board member, if there is both a member of the Zoning Board of Adjustment and a member of the Board of Education among the Class IV members.
 - (c) Class III: a member of the Township Committee to be appointed by it.
 - (d) Class IV: six other citizens of the Township to be appointed by the Mayor. The members of Class IV shall hold no other municipal office, position or employment, except that in the case of nine-member boards, one such member may be a member of the Zoning Board of Adjustment. No member of the Board of Education may be a Class IV member of the Planning Board, except that in the case of a nine-member board, one Class IV member may be a member of the Board of Education. The member of the Environmental Commission who is also a member of the Planning Board, as required by N.J.S.A. 40:56A-1, shall be a Class IV Planning Board member, unless there shall be among the Class IV or alternate members of the Planning Board both a member of the Zoning

Board and a member of the Board of Education, in which case the member common to the Planning Board and Municipal Environmental Commission shall be deemed a Class II member of the Planning Board. For the purpose of this section, membership on a municipal 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 a holding of municipal office.

2. Alternate members: two other citizens of the Township to be appointed by the Mayor. The alternate members of the Planning Board shall meet the qualifications of Class IV members. Alternate members shall be designated at the time of their appointment as "Alternate No. 1" and "Alternate No. 2." A vacancy occurring other than by expiration of term shall be filled by the Mayor for the unexpired term only. 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.
- b. Appointment and Terms. The term of the member composing Class I shall correspond to his official tenure. The terms of the members composing Class II and Class III shall be for one year or terminate at the completion of their respective terms of office, whichever occurs first, except for a Class II member who is also a member of the Environmental Commission. The term of a Class II or Class IV member who is also a member of the Environmental Commission shall be for three years or terminate at the completion of his term of office as a member of the Environmental Commission, whichever occurs first. The term of a Class IV member who is also a member of the Board of Adjustment or Board of Education shall terminate whenever he is no longer a member of such other body or at the completion of his Class IV term, whichever occurs first. The terms of all Class IV members first appointed under this act 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 appointment; provided that the initial Class IV term of no member shall exceed four years. Thereafter, the Class IV term of each such member shall be four years. If a vacancy in any class shall occur otherwise than by expiration of the Planning Board term, it shall be filled by appointment, as above provided, for the unexpired term. No member of the Planning Board shall be permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest. Any member other than a Class I member, after a public hearing if he requests one, may be removed by the governing body for cause. All terms shall run from January 1 of the year in which the appointment is made.

The terms of the alternate members shall be for two years, except that the terms of the alternate members shall be such that the terms of not more than one alternate member shall expire in any one year; provided however, that in no instance shall the terms of the alternate members first appointed exceed two years.

If the Planning Board lacks a quorum because any of its regular or alternate members is prohibited by subsection b of N.J.S.A. 40:55D-23 or Section 13 of N.J.S.A. 40:55D-23.1 from acting on a matter due to the member's personal or

financial interest therein, regular members of the Board of Adjustment shall be called upon to serve, for that matter only, as temporary members of the Planning Board in order of seniority of continuous service to the Board of Adjustment until there are the minimum number of members necessary to constitute a quorum to act upon the matter without any personal or financial interest therein, whether direct or indirect. If a choice has to be made between regular members of equal seniority, the Chairman of the Board of Adjustment shall make the choice.

- c. Officers. The Planning Board shall elect a Chairperson and Vice Chairperson from the members of Class IV and select a Secretary who may be either a member of the Planning Board or a Township employee designated by it.
- d. 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 Township Attorney.
- e. Experts and Staff. The Planning Board may also employ or contract for the services of experts and other staff and services as it may deem necessary. The Board shall not, however, exceed, exclusive of gifts or grants, the amount appropriated by the Township Committee for its use.
- f. Powers and Duties Generally. The Planning Board is authorized to adopt bylaws governing its procedural operation. It shall also have the following powers and duties:
 - 1. To make and 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, in accordance with the provisions of N.J.S.A. 40:55D-1, et seq.
 - 2. To administer the provisions of the Land Subdivision Ordinance and Site Plan Review Ordinance of the Township in accordance with the provisions of such ordinances and the Municipal Land Use Law of 1975, N.J.S.A. 40:55D-1, et seq.
 - 3. To participate in the preparation and review of programs or plans required by State or Federal law regulations.
 - 4. To assemble data on a continuing basis as part of a continuous planning process.
 - 5. To consider and make report to the Township Committee within 35 days after referral as to any proposed development regulation submitted to it pursuant to the provisions of N.J.S.A. 40:55D-26(a), and also pass upon other matters specifically referred to the Planning Board by the Township Committee, pursuant to the provisions of N.J.S.A. 40:55D-26(b).
 - 6. When reviewing applications for approval of subdivision plats, site plans or conditional uses, to grant to the same extent and subject to the same restrictions as the Zoning Board of Adjustment:
 - (a) Variances pursuant to N.J.S.A. 40:55D-70(c), from lot area, lot

dimensional setback and yard requirements provided that such relief from lot area requirements shall not be granted for more than one lot.

- (b) Issuance of permits for buildings or structures. For purposes of preserving the integrity of the Official Map of the Township, no permit shall be issued for any building or structure in the bed on any street or public drainage way, flood control basin or public area reserved pursuant to N.J.S.A. 40:55D-32 as shown on the Official Map, or shown on a plat filed pursuant to this chapter under N.J.S.A. 40:55D et seq. before adoption of the Official Map except as herein provided. Whenever one or more parcels of land, upon which is located in the bed of such a mapped street or public drainage way, flood control basin or public area reserved pursuant to N.J.S.A. 40:55D-32 cannot yield a reasonable return to the owner unless a building permit is granted, the Board of Adjustment, may, in a specific case, by an affirmative vote of a majority of the full authorized membership of the Board, direct the issuance of a permit for a building or structure in a bed of such mapped street or public drainage way or flood control basin or public area reserved pursuant to N.J.S.A. 40:55D-32 which will as little as practicable increase the cost of opening such street, or tend to cause a minimum change of the Official Map and the Board shall impose reasonable requirements as a condition of granting the permit so as to promote the health, morals, safety and general welfare of the public. N.J.S.A. 40:55D-72 through N.J.S.A. 40:55D-75 shall apply to applications or appeals pursuant to this chapter.

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

- 7. To perform such other advisory duties as are assigned to it by ordinance or resolution of the Township Committee for the aid and assistance of the Township Committee or other agencies or officers.
- g. Citizens Advisory Committee. The Mayor may appoint one or more persons as a Citizens Advisory Committee to assist or collaborate with the Planning Board in its duties, but such person or persons shall have no power to vote or take other action required of the Board. Such person or persons shall serve at the pleasure of the Mayor.
- h. Environmental Commission. The Planning Board shall make available to the Environmental Commission a copy of every application for development to the Planning Board.
- i. Rules and Regulations. The Board shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this chapter. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigations Law of 1953, R.S. 2A:67A-1, et seq. shall apply.

§ 15-2.2. Zoning Board of Adjustment. [Ord. No. 92-33; Ord. No. 06-09 § 1]

- a. Establishment; Composition. A Zoning Board of Adjustment is hereby established, pursuant to N.J.S.A. 40:55D-69 et seq., consisting of seven residents of the Township appointed by the Township Committee to serve for terms of four years from January 1 of the year of their appointment. The terms of the members first appointed 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 appointment; provided that the initial term of no member shall exceed four years. Thereafter the term of each member shall be for four years. Nothing in this chapter shall, however, be construed to affect the term of any present member of the Zoning Board of Adjustment. All such members shall continue in office until the completion of the term for which they were appointed.

No member of the Zoning Board of Adjustment may hold any elective office or position within the Township.

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

The Township Committee may appoint two alternate members to the Zoning Board of Adjustment. Alternate members shall be designated by the Township Committee as "Alternate No. 1" and "Alternate No. 2," shall serve during the absence or disqualification of any regular members, shall be appointed for two years.

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

- b. Officers. The Board of Adjustment shall elect a Chairperson and Vice Chairperson from its members and shall also select a Secretary who may be either a Board member or another Township employee.
- c. Board of Adjustment Attorney. There is hereby created the office of Attorney to the Zoning Board of Adjustment. The Zoning Board of Adjustment may annually appoint, fix the compensation of or agree upon the rate of compensation of the Zoning Board of Adjustment Attorney other than the Township Attorney.
- d. Experts and Staff. The Zoning Board of Adjustment 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 authorize expenditures which exceed, exclusive of gifts or grants, the amount appropriated by the Township Committee for its use.

- e. Rules and Regulations. The Board shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this chapter. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigations Law of 1953, 7.R.S. 2A:67A-1 et seq., shall apply.
- f. Powers of Zoning Board of Adjustment. The powers of the Zoning Board of Adjustment shall be in accordance with N.J.S.A. 40:55D-69 et seq., and amendments and supplements thereto, and with the provisions of this chapter.

It is further the intent of this chapter to confer upon the Zoning Board of Adjustment as full and complete powers as may lawfully be conferred upon such Board, including not by way of limitation, the authority, in connection with any case, action or proceeding before the Board, to interpret and construe the provisions of this chapter, or Chapter 16, or any term, clause, sentence or word thereof, and the Zoning Map, in accordance with the general rules of construction, applicable to legislative enactments.

The Board may, in appropriate cases and subject to appropriate conditions and safeguards grant variances from the terms of this chapter or Chapter 16 in accordance with the general or specific rules contained herein, and with the general rules hereby laid down that equity shall be done in cases where the strict construction of the provisions of this chapter or Chapter 16 would work undue hardship. The powers and duties of the Board having been delegated to and imposed upon it by statute, the Board shall in all cases follow the provisions applicable to it in N.J.S.A. 40:55D-1 et seq., or subsequent statutes in such case made and provident and it shall, from time to time, furnish to any person requesting the same a copy of its rules and information as to how appeals or applications may be filed with the Board for its decision thereon.

- g. Powers Granted by Law. The Board of Adjustment shall have such powers as are granted by law to:
 - 1. Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative official or agency based on or made in the enforcement of the zoning ordinances of the Township of Warren.
 - 2. Hear and decide requests for interpretation of the map or zoning ordinances of the Township of Warren or for decisions upon other special questions upon which such Board is authorized by the zoning ordinances of the Township of Warren to pass.
 - 3. Where: (a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to article 8 of the Municipal Land Use Law would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property, grant, upon an application or an appeal relating to such property, a

variance from such strict application of such regulation so as to relieve such difficulties or hardship. Where in an application or appeal relating to a specific piece of property the purposes of the Municipal Land Use Law would be advanced by a deviation from the Zoning Ordinance requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow departure from regulations, provided, however, that no variance from those departures enumerated in paragraph g4 of this subsection shall be granted under this paragraph; and provided further that the proposed development does not require approval by the Planning Board of a subdivision, site plan or conditional use, in conjunction with which the Planning Board has power to review a request for a variance pursuant to subsection 60 of the Municipal Land Use Law; and

4. In particular cases and for special reasons, grant a variance from Warren Township zoning regulations to permit: (1) a use or principal structure in a district restricted against such use or principal structure, (2) an expansion of a nonconforming use, (3) deviation from a specification or standard pursuant to N.J.S.A. 40:55D-67 pertaining solely to a conditional use, (4) an increase in the permitted floor area ratio as defined in N.J.S.A. 40:55D-4, (5) an increase in the permitted density as defined in N.J.S.A. 40:55D-4 except as applied to the required lot area for a lot or lots for detached one or two dwelling unit buildings, which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision or (6) a height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted in the zone district for a principal structure. A variance under this paragraph shall be granted only by affirmative vote of at least five members.

If an application for development requests one or more variances but not a variance for a purpose enumerated in paragraph g4 of this subsection, the decision on the requested variance or variances shall be rendered under paragraph g3 of this subsection.

No variance or other relief may be granted under the terms of this subsection unless such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the Zone Plan and Zoning Ordinance.

- h. Additional Powers. The Zoning Board of Adjustment shall, in addition to the powers specified in subsection 15-2.2f of this chapter, have power by law to:
 1. Direct issuance of permit pursuant to N.J.S.A. 40:55D-34 for a building or structure in the bed of a mapped street or public drainageway, flood control basin or public area reserved on the Official Map.
 2. Where the enforcement of N.J.S.A. 40:55D-35 would entail practical difficulty or unnecessary hardship, or where the circumstances of the case do not require the building or structure to be related to a street, the Board of Adjustment may upon application or appeal, vary the application of N.J.S.A. 40:55D-35 and direct the issuance of a permit subject to conditions that will provide adequate access for fire fighting equipment, ambulances and other emergency vehicles necessary for the protection of health and safety and that will protect any

future street layout shown on the Official Map or on a general circulation plan element of the municipal Master Plan pursuant to paragraph (4) of N.J.S.A. 40:55D-28.

The Board of Adjustment shall not exercise the power otherwise granted by this subsection if the proposed development requires approval by the Planning Board of 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.

The Board of Adjustment shall have the power to grant to the same extent and subject to the same restrictions as the Planning Board subdivision or site plan approval pursuant to Article 6 of N.J.S.A. 40:55D-1 et seq., or conditional use approval pursuant to N.J.S.A. 40:55D-67 whenever the Board is reviewing an application for approval of a use variance pursuant to this chapter.

- i. Time for Decision.
 - 1. Time Limit. The Board of Adjustment shall render its decision not later than 120 days after the date an appeal is taken from the decision of an administrative officer, or the submission of a complete application for development to the Board pursuant to the provisions of N.J.S.A. 40:55D-70(b).
 - 2. Failure to Render Decision. Failure of the Board to render a decision within such 120-day period or within such further time as may be consented to by the applicant shall constitute a decision favorable to the applicant.
- j. Stay of Proceedings. 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 of Adjustment after the notice of appeal shall have been filed with him/her that by reason of facts stated in the certificate a stay would, in her/his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by the Superior Court of New Jersey on application or notice to the officer from whom the appeal is taken and on due cause shown.
- k. Power to Reverse or Modify Decisions. In exercising the above mentioned power, the Board of Adjustment may, in conformity with the provisions of N.J.S.A. 40:55D-1 et seq., (or amendments thereto), reverse or affirm wholly or partly or may modify the order, requirement, decision or determination appealed from, and make such other requirement, decision or determination as ought to be made, and to that end have all the powers of the administrative officer from whom the appeal was taken.
- l. Expiration of Variance.
 - 1. Any variance under this chapter or Chapter 16 hereafter granted by the Board of Adjustment permitting the erection or alteration of any structure or structures, or permitting a specified use of any premises, shall expire by limitation unless such construction or alteration shall have been actually

commenced on each and every structure permitted by such variance, or unless such permitted use has actually been commenced, within 12 months from the date of entry of the judgment or determination of the Board of Adjustment; except, however, that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the Board of Adjustment to the Township Committee, or to a court of competent jurisdiction, until a full determination is made in any manner of such appeal or proceeding, or if the applicant were barred or prevented directly or indirectly from proceeding by reason of a legal action instituted by any State agency, political subdivision or other party to protect the public health and welfare, or by a directive or order issued by any State agency, political subdivision or court of competent jurisdiction to protect the public health or welfare, if the applicant is otherwise ready, willing and able to proceed under the variance, pursuant to N.J.S.A. 40:55D-21.

2. The Board of Adjustment is authorized to consider requests for an extension of the twelve-month limitation period, upon a showing of good cause, after a hearing held upon notice to all parties entitled to notice under N.J.S.A. 40:55D-12. The Board of Adjustment may consider such requests for extensions whether the request is made prior to, or after, the expiration of the twelve-month limitation period, however, in such case where the request is made by the applicant after the expiration of the limitation period, the applicant must also establish good cause for failing to make the request prior to the expiration of the limitation period.
 3. If the variance approvals are granted in conjunction with a minor subdivision approval or minor site plan approval, the twelve-month limitation period shall automatically be extended for a period of one year from the date on which the resolution of the Board of Adjustment is adopted.
 4. If the variance approvals are granted in conjunction with a preliminary major subdivision approval or preliminary major site plan approval, the twelve-month limitation period automatically shall be extended for a period of one year from the date on which the resolution of the Board of Adjustment is adopted.
- m. Appeals and Applications to Board of Adjustment.
1. Appeals to the Board of Adjustment may be taken by any interested party affected by any decision of an administrative officer of the municipality based on or made in the enforcement of the Zoning Ordinance or Official Map. Such appeal shall be taken within 20 days by filing a notice of appeal with the officer from whom the appeal is taken specifying the grounds of such appeal. The officer from whom the appeal is taken shall immediately transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
 2. A developer may file an application for development with the Board of Adjustment for action under any of its powers without prior application to an administrative officer.
- n. Annual Report on Variances Heard by Zoning Board. The Board of Adjustment

shall, at least once a year, review its decisions on applications and appeals for variances and prepare and adopt by resolution a report of its findings on Zoning Ordinance provisions which were the subject of variance requests and its recommendations for Zoning Ordinance amendment or revision, if any. The Board of Adjustment shall send copies of the report and resolution to the Township Committee and Planning Board.

§ 15-2.3. Provisions Applicable to Both the Planning Board and the Zoning Board of Adjustment. [Ord. No. 92-33; Ord. No. 03-11, § 1; Ord. No. 03-25 § 2; Ord. No. 2017-22]

- a. Conflicts of Interest. No member of the Planning Board or Zoning Board of Adjustment shall act on any matter in which he or she has either directly or indirectly any personal or financial interest. Whenever any such member shall disqualify himself from acting on particular matter, he or she 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. Scheduled Meetings. Meetings of both the Planning Board and Zoning Board of Adjustment shall be scheduled no less than once a month, and any meeting so scheduled shall be held as scheduled unless canceled for lack of applications for development to process.
 2. Special Meetings. Special meetings may be provided for at the call of the Chairman or on the request of any two Board members, which shall be held on notice to its members and the public in accordance with all applicable legal requirements.
 3. Quorum Required. No action other than adjournment to a future date shall be taken at any meeting without a quorum being present.
 4. Majority Vote of Quorum. All actions shall be taken by majority vote of a quorum except as otherwise required or permitted by any provision of N.J.S.A. 40:55D-1 et seq.
 5. Meetings Open to the Public. All regular meetings and all special meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meetings Law, N.J.S.A. 10:4-1 et seq. An executive session for the purpose of discussing and studying any matters to come before either board shall not be deemed a regular or special meeting in accordance with the provisions of N.J.S.A. 40:55D-9.
- c. Minutes. Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the Board and of the persons appearing by attorney, the action taken by the Board, the findings, if any, made by it and reasons therefor. The minutes shall thereafter be made available for public inspection during normal business hours at the office of the Township Clerk. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceeding concerning the subject matter of such minutes. Such interested party shall be charged the standard Township fee for reproduction

of the minutes for his use as provided for in the rules of the Board.

d. Hearings.

1. Rules. The Planning Board and Zoning Board of Adjustment may make rules governing the conduct of hearings before such bodies which rules shall not be inconsistent with the provisions of N.J.S.A. 40:55D-1 et seq., or this chapter.
2. Oaths; Subpoenas for Witnesses. The officer presiding at the hearing or such persons 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, R.S. 2A:67A-1, et seq., shall apply.
3. Testimony. The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer and the right of cross examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.
4. Evidence. Technical rules of evidence shall not be applicable to the hearing, but the Board may exclude irrelevant, immaterial or unduly repetitious evidence.
5. Records. Each Board shall provide for the verbatim recording of the proceedings by either stenographer, mechanical or electronic means. The Board shall furnish a transcript or duplicate recording in lieu thereof on request to any interested party at his expense.

e. Notice Requirements for Hearings. Whenever a hearing (which includes, not by way of limitation, a hearing before the Zoning Board of Adjustment pursuant to N.J.S.A. 40:55D-70a or 40:55D-70b is held before the Zoning Board of Adjustment or the Planning Board pursuant to N.J.S.A. 40:55D-1 et seq., the applicant shall give notice thereof as follows and for each class of application set forth below: (a) any request for a variance; (b) any request for the issuance of a permit to build within the bed of a mapped street or public drainageway or on a lot not abutting a street; (c) any request for site plan approval but not including minor site plan as defined herein; (d) any request for preliminary subdivision approval; (e) any request for a variation for the Flood Hazard and/or Water Course Protection regulations set forth in Section 15-10 of this chapter.

1. Public Notice. Public notice shall be given by publication in the official newspaper of the Township at least 10 days prior to the date of the hearing.
2. Notice to Property Owners. Notice shall be given to the owners of all real property as shown on the current tax duplicate located within 200 feet in all directions of the property which is the subject of such hearing and whether located within or without the Township in which the applicant's land is located. Such notice shall be given by serving a copy thereof on the owner, as shown on the current tax duplicate or his agent in charge of the property, or

mailing a copy thereof by certified mail to the property owner at his address as shown on the current tax duplicate. A return receipt is not required. This requirement shall be deemed satisfied by notice to the (1) condominium association, in the case of any unit owner whose unit has a unit above or below it, or (2) horizontal property regime, in the case of any co-owner whose apartment has an apartment above or below it. Notice shall be given by: (1) serving a copy thereof on the property owner as shown on the said current tax duplicate, or his agent in charge of the property, or (2) mailing a copy thereof by certified mail to the property owner at his address as shown on the said current tax duplicate.

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. Notice to a condominium association, horizontal property regime, community trust or homeowners' association, because of its ownership of common elements or area located within 200 feet of the property which is the subject of the hearing, may be made in the same manner as to a corporation without further notice to unit owners, co-owners, or homeowners on account of such common elements or areas.

3. Notice to Public Utilities, Cable Television Companies and Local Utilities. Notice of hearings on applications for approval of a major subdivision or a site plan not defined as a minor site plan under this chapter requiring public notice hereunder shall be given, in the case of a public utility, cable television company, or local utility which possesses a right-of-way or easement within the Township and which has registered with the Township in accordance with paragraph e4 below, by (i) serving a copy of the notice on the person whose name appears on the registration form on behalf of the public utility, cable television company, or local utility, or (ii) mailing a copy thereof by certified mail to the person whose name appears on the registration form at the address shown on that form.
4. Registration. Every public utility, cable television company, and local utility interested in receiving notice pursuant to paragraph e3 above may register with the Land Use Coordinator in the event the public utility, cable television company, or local utility has a right-of-way or easement within the Township. The registration shall remain in effect until revoked by the public utility, cable television company, or local utility or by its successor in interest.

The Township Clerk shall adopt a registration form and shall maintain a record of all public utilities, cable television companies, and local utilities which have registered pursuant to paragraph e5 below. The registration form shall include the name of the public utility, cable television company, or local utility and the name, address, and position of the person to whom notice shall be forwarded, as required pursuant to paragraph e3 above. The information contained therein shall be made available to any applicant, as provided in paragraph e5 below.

The Township requires the payment of a registration fee of \$10 from any public utility, cable television company, or local utility which registers to

receive notice as set forth herein.

By no later than March 17, 1992, the Township Clerk shall notify the corporate secretary of every local utility that, in order to receive notice by an applicant pursuant to paragraph e3 above, the utility shall register with the Township in the event the utility has a right-of-way or easement within the Township.

Failure to give notice as required in paragraph e3 above shall not invalidate any hearing or proceeding held or to be held, or any preliminary or final approval granted or to be granted from August 7, 1991, until April 1, 1992. **[Ord. No. 2017-22]**

5. Upon the written request of an applicant, the Land Use Coordinator shall, within seven days, make and certify a list from said current tax duplicated of names and addresses of owners to whom the applicant is required to give notice pursuant to paragraph b of this subsection. In addition, the Land Use Coordinator shall include on the list the names, addresses and position of those persons who, not less than seven days prior to the date in which the applicant requested the list, have registered to receive notice pursuant to paragraph e4 above. The applicant shall be entitled to rely upon the information contained in such list, and failure to give notice to any owner or to any public utility, cable television company or local utility not on the list shall not invalidate any hearing or proceeding. A sum of \$10 shall be charged for such list. **[Ord. No. 2017-22]**
 6. Notice of hearings on applications for development involving property located within 200 feet of an adjoining municipality shall be given by personal service or certified mail to the Clerk of such municipality.
 7. Notice shall be given by personal service or certified mail to the County Planning Board of a hearing on an application for development of property adjacent to an existing County road or proposed road shown on the Official County Map or on the County Master Plan, adjoining other County land or situated within 200 feet of a municipal boundary.
 8. Notice shall be given by personal service or certified mail to the Commissioner of Transportation of a hearing on an application for development of property adjacent to a State highway.
 9. Notice shall be given by personal service or certified mail to the State Planning Commission of a hearing on an application for development of property which exceeds 150 acres or 500 dwelling units. The notice shall include a copy of any maps or documents required to be on file with the Township Clerk.
 10. The applicant shall file an affidavit of proof of service with the municipal agency holding the hearing on the application for development in the event that the applicant is required to give notice pursuant to this subsection.
- f. Decisions.
1. Board Resolution. Each decision on any application for development shall be set forth in writing as a resolution of the Board which shall include findings of

fact and legal conclusions based thereon.

2. Copies of Decision. A copy of the decision shall be mailed by the Board within 10 days of the date of decision to the applicant, or if represented, then to his attorney, without separate charge. A copy of the decision shall also be mailed to all persons who have requested it and who have paid the fee prescribed by the Board for such service. A copy of the decision shall also be filed in the office of the 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.
- g. Publication of Decision. A brief notice of every final decision shall be published in the official newspaper of the Township. Such publication shall be arranged by the Secretary of the Planning Board or Zoning Board of Adjustment, as the case may be, without separate charge to the applicant. Such notice shall be sent to the official newspaper for publication within 10 days of the date of any such decision.
- h. Payment of Taxes. Pursuant to the provisions of N.J.S.A. 40:55D-39, every application for development submitted to the Planning Board or to the Zoning Board of Adjustment shall be accompanied by proof that no taxes or assessments for local improvements are due or delinquent on the property which is the subject of such application; or, if it is shown that taxes or assessments are delinquent on the property, any approvals or other relief granted by either Board shall be conditioned upon either the prompt payment of such taxes or assessments, or the making of adequate provision for the payment thereof in such manner that the Township will be adequately protected.

§ 15-2.4. Technical Coordinating Committee (TCC). [Ord. No. 92-33]

- a. Purpose and Scope. The Technical Coordinating Committee (hereinafter referred to as TCC) shall review all applications for the development of land (involving subdivision or site plan) within the Township of Warren, except for minor subdivisions where there are no variances involved and the subdivided property is not located within steep slope or wetlands designated areas, site plan waiver requests or applications for final site plan or subdivision approval, whether the formal application for the same will be heard before the Planning Board or the Board of Adjustment, or both of those bodies.
- b. The Planning Board or the Board of Adjustment may waive review by the TCC, but only at a public meeting of the Board and at which the applicant presents facts and reasons justifying waiver of TCC review or the Board determines that TCC review is not warranted.
- c. Composition of TCC.
 1. The TCC shall have as members the following Township officials or substitutes designated by the respective official:

Chairperson of the Planning Board (Optional at said party's election)

Construction Code Enforcement Official

Development Coordinator

Environmental Commission Representative as designated by the
Environmental Commission Chairperson

Fire Department Representative

Police Department Representative

Public Works Representative

Township Engineer and/or Assistant Engineer

Township Planner

Township Sewer Authority Engineer

Township Zoning Officer

Township T.C.C. Secretary

Township Planning Board Representative

2. The respective chairpersons of the Planning Board and Zoning Board of Adjustment may appoint, for up to a period of one year, other municipal officials, representatives or other governmental agencies or citizens of the Township to sit on the TCC.

d. Meetings.

1. Minutes of the TCC will be taken and maintained by the Township, but no testimony shall be offered or accepted.
2. The TCC secretary shall establish the meeting schedule thereafter, the schedule shall be published on or before February 15 of each year for that year. The said schedule may be modified at any time during any year at the discretion of the said Committee upon 10 days' notice of said modification. Any additional meetings shall be held at the discretion of the TCC or as requested by the Planning Board or the Board of Adjustment.

e. Responsibilities of the TCC.

1. The TCC shall review each application and shall advise the Planning Board or the Board of Adjustment of any deficiencies found relative thereto if the same are not corrected by the applicant.
2. The TCC shall review each application for compliance with the Township's zoning requirements, development regulations, sound planning policies and design standards and shall advise in a timely manner the applicant, the Planning Board or the Board of Adjustment of its findings in writing.

The findings of the TCC shall in no way be construed to relieve the applicant of the responsibility for complying with zoning requirements, development regulations and design standards and shall not be binding on either the Board or the applicant.

3. The TCC shall advise, in a timely manner, the Planning Board or the Board of Adjustment as to the current status of applications before it. The TCC shall also advise both the Planning Board and the Board of Adjustment of the need for special meetings of the TCC which shall be scheduled by the TCC or the Planning Board or the Board of Adjustment at the direction of the Chairman of either Board.
4. The TCC shall, at the request of either the Planning Board or the Board of Adjustment, provide technical support at meetings of the Board which support may include the presentation of supplementary technical information or independent studies in addition to the written comments resulting from its review.
5. The TCC shall consult with the Police and Fire Departments and Engineering Departments of the municipality, County and State, and any other agency it deems appropriate, if members from those agencies were not present at the hearing on an application.

§ 15-2.5. Appeals to the Township Committee. [Ord. No. 92-33]

- a. Who May Appeal. Any interested party desiring to appeal any final decision of the Board of Adjustment approving an application for development pursuant to paragraph (d) of N.J.S.A. 40:55D-70 may appeal to the Township Committee.
- b. Time Period for Appeal. Any appeal shall be made within 10 days of the date of publication of such final decision. The appeal to the Township Committee shall be made by serving the Township Clerk in person or by certified mail with a notice of appeal specifying the ground 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 Township Committee only upon the record established before the Board of Adjustment.
- c. Notice of the meeting to review the record below shall be given by the Township Committee by personal service or certified mail to the appellant, to those entitled to notice of a decision pursuant to subsection h of Section 6 of N.J.S.A. 40:55D-10.
- d. The appellant shall, (1) within five days of service of the notice of the appeal pursuant to paragraph a hereof, arrange for a transcript pursuant to N.J.S.A. 40:55D-17c for use by the Township Committee and pay a deposit of \$50 or the estimated cost of such transcript, whichever is greater, or (2) within 35 days of service of the notice of appeal, submit a transcript as otherwise arranged to the Township Clerk; otherwise, the appeal may be dismissed for failure to prosecute.

The Township Committee shall conclude a review of the record not later than 95 days from the date of publication of notice of the decision below, unless the applicant requests in writing to an extension of such period. Failure of the Township Committee to render a decision within such specified period shall constitute a decision affirming the action of the Board.

- e. The Township Committee may reverse, remand, or affirm with or without the imposition of conditions the final decision of the Board of Adjustment approving a variance pursuant to subsection d of N.J.S.A. 40:55D-70. The review shall be made

on the record made before the Board of Adjustment.

- f. The affirmative vote of three members of the full authorized membership of the Township Committee shall be necessary to reverse, revise, or remand to the Board of Adjustment or to impose conditions on or alter conditions to any final action of the Board of Adjustment. Otherwise, the final action of the Board of Adjustment shall be deemed to be affirmed; tie vote of the Township Committee shall constitute affirmance of the decision of the Board of Adjustment.
- g. An appeal to the Township Committee shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made, unless the Board from whose action the appeal is taken certifies to the governing body, after the notice of appeal shall have been filed with such Board, that by reason of facts stated in the certificate, a stay would, in its opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by an order of the Superior Court on application upon notice to the Board from whom the appeal is taken and on good cause shown.
- h. The Township Committee shall mail a copy of the decision to the appellant or, if represented, then to his attorney, without separate charge, and for a reasonable charge to any interested party who has requested it, not later than 10 days after the date of the decision. A brief notice of the decision shall be published in the official newspaper of the Township. The period of time in which an appeal to a court of competent jurisdiction may be made shall run from the first publication.
- i. Nothing in this chapter shall be construed to restrict the right of any party to obtain a review by any court of competent jurisdiction, according to law.

§ 15-3. FILING OF APPLICATION.

§ 15-3.1. Filing. [Ord. No. 92-33]

Applications shall be filed with the administrative officer to the Planning Board or administrative officer to the Zoning Board of Adjustment dependent upon the respective Board's jurisdiction. The appropriate administrative officer shall determine completeness of the application and notify the applicant in accordance with Section 15-4 of this chapter.

Applications shall be filed on forms provided by the respective Boards and conform to requirements and standards set forth in Section 15-6 of this chapter. No application shall be accepted if not in compliance with minimum submission standards as follows:

- a. Complete application with required signatures.
- b. Payment of escrow fees.
- c. Payment of application fee.
- d. Submission of required number of maps.

§ 15-3.2. Concept Plan. [Ord. No. 92-33]

An applicant may submit a concept plan for informal discussion prior to formal

application. No fee under Sections 15-5a and 15-5b shall be charged for such submission. A fee as provided in Section 15-5c (escrow) shall be paid prior to informal review by the Board having jurisdiction. The plan shall be drawn based upon applicable standards set forth in Section 15-6 through 15-8 of this chapter.

§ 15-3.3. Abandoned Land Development Applications; Board Ability to Dismiss Applications. [Ord. No. 94-22]

- a. In the event an application for land development has been determined to be incomplete in accordance with the provisions of the checklist section (Section 15-6: "Standards for Complete Application and Plat Details"), the application shall be administratively terminated and the applicant will be required to file a new application, if the applicant desires, to proceed unless:
 1. The applicant files additional information with the Board in a reasonable attempt to satisfy the checklist deficiencies within six months of the letter of incompleteness or the last letter of continued incompleteness; or
 2. The applicant files with the Board before which the application was filed a written request to extend such period prior to the expiration of six months from the issuance of a letter of incompleteness or the last letter of continued incompleteness. Such letter shall include an explanation of the reasons why the applicant cannot make the application complete within the time allowed. The said Board shall decide whether to allow the application to remain active or dismiss the same.
- b. Once an application has been determined to be complete, the applicant shall diligently proceed with the presentation of the application before the Board before which the same was filed. In the event the applicant fails to proceed with the application when scheduled by the Board before which it is pending for a period of 120 days or more, the Board may, upon prior written notice to the applicant of not less than 15 days, dismiss the application without prejudice.

§ 15-3.4. Request for Rezoning. [Ord. No. 12-15]

- a. Any rezoning request made by a property owner or by the beneficial owner of any property within the Township (other than for a rezoning initiated by the Township or any of its constituent boards, bodies or agencies or by any instrumentality of the County or of the State of New Jersey) shall be made in writing to the Township Clerk and be accompanied by the following fees:
 1. Application Fee: \$250; and
 2. Escrow fee for the Township to retain consultants to review such request for rezoning, including but not limited to a professional planner, Township Engineer, a traffic consultant and the Township Attorney; \$5,000.
- b. The fees set forth above shall be drawn as separate checks made payable to "Township of Warren." The applicant shall be required to replenish the aforesaid consultant's escrow account if the escrow posted is insufficient to cover the fees and costs of the consultant's reviewing the rezoning request. Any unexpended escrow shall be refunded to the applicant.

- c. If the Township Committee authorizes the Township Attorney to draft a rezoning ordinance, the applicant shall post an additional \$1,000 to cover the costs of drafting such ordinance. The applicant shall be required to replenish said attorney escrow if the escrow posted is insufficient to cover the Township Attorney's fees and costs. Any unexpended escrow shall be refunded to the applicant.
- d. The applicant shall reimburse the Township for its actual out-of-pocket costs if notice is required under N.J.S.A. 40:55D-62.1 in connection with such request for rezoning.
- e. The application and escrow fees detailed above shall be required to be posted irrespective of whether such rezoning request is initiated by the applicant before the Township Committee or the Township Planning Board.

§ 15-4. TIME OF DECISION, RECORDING, VESTED RIGHTS, EXPIRATION OF APPROVAL AND EXTENSION.

§ 15-4.1. Minor Subdivision. [Ord. No. 92-33]

- a. A minor subdivision shall be approved or denied within 45 days of the date of submission of an application deemed complete by the administrative officer, or within such further time as may be consented to by the applicant.

Failure of the Planning/Zoning Board to act within the period prescribed shall constitute minor subdivision approval and a certificate of the Planning/Zoning Board as to the failure of such Board to act shall be issued pursuant to N.J.S.A. 40:55D-10.4; and it shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required and shall be so accepted by the County Recording Officer for purposes of filing subdivision plats.

If the plat is classified as a major subdivision, a notation to that effect shall be made on the plat and a copy shall be returned to the subdivider for compliance with the procedures in subsection 15-4.3 and Section 15-6 of this chapter.

- b. Standards for completeness are set forth in Section 15-6.
- c. If the Planning/Zoning Board determines that the application is not complete, the applicant shall be so notified and instructed to resubmit the application within 90 days of the notice date or within such additional time as agreed to the Board.
- d. Whenever review or approval of the application by the County Planning Board is required by N.J.S.A. 40:27-6.3, the Township Planning/Zoning Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period.

Except as provided in paragraph f of this subsection, approval of a minor subdivision shall expire 190 days from the date on which the resolution of municipal approval is adopted unless within such period a plat in conformity with such approval and the provisions of the "Map Filing Law," N.J.S.A. 46:23-9.9 et seq., or deed clearly describing the approved minor subdivision is filed by the developer with the County Recording Officer, the Municipal Engineer and the

Municipal Tax Assessor. Any such plat or deed accepted for such filing shall have been signed by the Chairman and Secretary of the Planning Board. In reviewing the application for development for a proposed minor subdivision the Planning/Zoning Board may be permitted by ordinance to accept a plat not in conformity with the "Map Filing Act," N.J.S.A. 46:23-9.9 et seq.; provided that if the developer chooses to file the minor subdivision as provided herein by plat rather than deed such plat shall conform with the provisions of said Act. A translucent copy of each plat shall be filed with the Township Engineer.

- e. The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor subdivision approval was granted, shall not be changed for a period of two years after the date on which the resolution of minor subdivision approval is adopted; provided that the approved minor subdivision shall have been duly recorded as provided in this subsection.
- f. The Planning/Zoning Board may extend the 190-day period for filing a minor subdivision plat or deed pursuant to paragraph d of this subsection if the developer proves to the reasonable satisfaction of the Planning/Zoning Board (1) that the developer was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities and (2) that the developer applied promptly for and diligently pursued the required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the Planning Board. The developer may apply for the extension either before or after what would otherwise be the expiration date.
- g. The Planning/Zoning Board shall grant an extension of minor subdivision approval for a period determined by the Board but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other government entities and that the developer applied promptly for and diligently pursued the required approvals. A developer shall apply for the extension before (1) what would otherwise be the expiration date of minor subdivision approval; or (2) the 91st day after the developer receives the last legally required approval from other governmental entities, whichever occurs later.
- h. The Planning/Zoning Board shall retain five copies of a plat classified and approved as a minor subdivision; one copy for its files, one copy to the Tax Assessor, one copy to the Township Engineer, one copy to the Code Enforcement Official and one copy to the Environmental Commission.
- i. Approval and Compliance Requirements. If the Board acts favorably on a preliminary plat, the Board officers shall sign six copies of the approved preliminary plat revised, if necessary, to reflect all revisions required by the resolution of approval. The officers shall not sign such plans until the conditions of approval specified in the resolution of approval to be met prior to the signing of the plans have been satisfied in full and certified to by approving agency or party as identified in resolution.

§ 15-4.2. Minor Site Plan. [Ord. No. 92-33]

- a. Minor site plan approval shall be granted or denied within 45 days of the date of submission of a complete application to the administrative officer, or within such further time as may be consented to by the applicant. Failure of the Planning/Zoning Board to act within the period prescribed shall constitute minor site plan approval. Minor site plan approval shall be deemed to be final approval of the site plan by the Board, provided that the Board may condition such approval on terms ensuring the provisions of improvements pursuant to Sections 15-8 through 15-14 of this chapter.
- b. Standards for completeness are set forth in Section 15-6.
- c. Whenever review or approval of the application by the County Planning Board is required by N.J.S.A. 40:27-6.6, the Planning/Zoning Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period.
- d. The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor site plan approval was granted, shall not be changed for a period of two years after the date of the minor site plan approval. The Planning/Zoning Board shall grant an extension of this period for a period determined by the Board but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the approvals. A developer shall apply for this extension before: (1) what would otherwise be the expiration date, or (2) the 91st day after the date on which the developer receives the last of the legally required approvals from the other governmental entities, whichever occurs later.

§ 15-4.3. Major Subdivision and Major Site Plan. [Ord. No. 92-33; Ord. No. 06-11 § 1]

- a. Upon the submission to the administrative officer of a complete application for a major subdivision of 10 or fewer lots, the Planning/Zoning Board shall grant or deny preliminary approval within 45 days of the date of such submission or within such further time as may be consented to by the developer. Upon the submission of a complete application for a subdivision of more than 10 lots, the Planning Board shall grant or deny preliminary approval within 95 days of the date of such submission or within such further time as may be consented to by the developer. Otherwise, the Planning/Zoning Board shall be deemed to have granted preliminary approval to the subdivision.

Upon the submission to the administrative officer of a complete application for a major site plan which involves 10 acres of land or less, and 10 dwelling units or less, the Planning Board shall grant or deny preliminary approval within 45 days of the date of such submission or within such further time as may be consented to by the developer. Upon submission of a complete application for a site plan which

involves more than 10 acres, or more than 10 dwelling units, the Planning/Zoning Board shall grant or deny preliminary approval within 95 days of the date of such submission or within such further time as may be consented to by the developer. Otherwise, the Planning/Zoning Board shall be deemed to have granted preliminary approval to the site plan.

- b. If the Planning/Zoning Board required any substantial amendment in the layout of improvements proposed by the developer that have been the subject of a hearing, an amended application for development shall be submitted and proceeded upon, as in the case of the original application for development. The Planning/Zoning Board shall, if the proposed development complies with the ordinance and N.J.S.A. 40:55D-1 et seq., grant preliminary plan approval.
- c. Standards for completeness are set forth in Section 15-6.
- d. Whenever review or approval of the application by the County Planning Board is required, the Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period.
- e. Effect of Preliminary Approval. Preliminary approval of a major subdivision pursuant to N.J.S.A. 40:55D-48 or of a site plan pursuant to N.J.S.A. 40:55D-46 shall, except as provided in paragraph e4 of this subsection, confer upon the applicant the following rights for a three-year period from the date on which the resolution of preliminary approval is adopted:
 - 1. That the general terms and conditions on which preliminary approval was granted shall not be changed, including but not limited to use requirements: layout and design standards for streets, curbs and sidewalks; lot size; yard dimension and off-tract improvements; and, in the case of a site plan, any requirements peculiar to site plan approval pursuant to N.J.S.A. 40:55D-41; except that nothing herein shall be construed to prevent the Township from modifying by ordinance such general terms and conditions of preliminary approval as relate to public health and safety;
 - 2. That the applicant may submit for final approval on or before the expiration date of preliminary approval the whole or section or sections of the preliminary subdivision plat or site plan, as the case may be; provided, however, that the applicant may only submit for final approval in sections in accordance with the previously approved sectioning plan and;
 - 3. That the applicant may apply for and the Planning/Zoning Board may grant extensions on such preliminary approval for additional periods of at least one year but not to exceed a total extension of two years, provided that if the design standards have been revised by ordinance, such revised standards may govern.
 - 4. In the case of a subdivision of or site plan for an area of 50 acres or more, the Planning/Zoning Board may grant the rights referred to in paragraphs e1, e2 and e3 of this subsection for such period of time, longer than three years, as shall be determined by the Planning/Zoning 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/Zoning Board may thereafter grant an extension to preliminary approval for such additional period of time as shall be determined by the Planning/Zoning Board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under preliminary approval, and (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.

- f. Whenever the Planning/Zoning Board grants an extension of preliminary approval pursuant to paragraphs e3 or e4 of this subsection and preliminary approval has expired before the date on which the extension is granted, the extension shall begin on what would otherwise be the expiration date. The developer may apply for the extension either before or after what would otherwise be the expiration date.
- g. The Planning/Zoning Board shall grant an extension of preliminary approval for a period determined by the Board but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the required approvals. A developer shall apply for the extension before (1) what would otherwise be the expiration date of preliminary approval or (2) the 91st day after the developer receives the last legally required approval from other governmental entities, whichever occurs later. An extension granted pursuant to this subsection shall not preclude the Planning/Zoning Board from granting an extension pursuant to paragraphs e3 or e4 of this subsection.
- h. Approval and Compliance Requirements. If the Board acts favorably on a preliminary plat, the Board officers shall sign six copies of the approved preliminary plat revised, if necessary, to reflect all revisions required by the resolution of approval. The officers shall not sign such plans until the conditions of approval specified in the resolution of approval to be met prior to the signing of the plans have been satisfied in full and certified to by the approving agency or party as identified in the resolution.
- i. No construction permit, or other authorization to proceed for the clearing of a site or for installation or construction of on-site or off-tract improvements shall be issued and no such work shall be commenced until both the preliminary and final plans for subdivision or site plans have been approved and signed by the designated Planning/Zoning Board officers. No final plat shall be signed by the designated Planning/Zoning Board officers until the preliminary plans have been signed. If an applicant for a major subdivision or site plan which is proposed to be constructed decides to proceed with the installation or construction of required on-site, off-site or off-tract improvements before an application for final approval, the applicant shall be required to post a performance guaranty to restore the site to a safe and sanitary condition in order to protect the interests of the public pursuant to N.J.S.A.

40:55D-39D. The amount of the guaranty shall be 15% of the estimated cost of the improvements. Restoration of the site shall take place if the applicant ceases work on the site for a period of 12 months and has been notified in writing by the Township of the intent to invoke the performance guaranty in order to begin restoration of the site. The notice of intent shall take place after 12 months of no substantial work on the site. Maintenance shall also include the plowing of snow on streets or portions of streets not yet accepted by the Township in order that vehicular access is at all times provided to lots for which certificates of occupancy have been issued.

§ 15-4.4. Final Approval of Site Plans and Major Subdivisions. [Ord. No. 92-33; Ord. No. 06-11 § 2]

- a. The Planning/Zoning Board shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established by this chapter for final approval, the conditions of preliminary approval and, in the case of a major subdivision, the standards prescribed by the "Map Filing Law," P.L. 1960, c. 141.
- b. Final approval shall be granted or denied within 45 days after submission of a complete application to the administrative officer, or within such further time as may be consented to by the applicant. Failure of the Planning/Zoning Board to act within the period prescribed shall constitute final approval and a certificate of the administrative officer as to the failure of the Planning/Zoning Board to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and shall be so accepted by the County Recording Officer for purposes of filing subdivision plats.
- c. Whenever review or approval of the application by the County Planning Board is required by N.J.S.A. 40:27-6.3, in the case of a subdivision, or N.J.S.A. 40:27-6.6, in the case of a site plan, the Planning/Zoning Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period.
- d. Recording of Final Approval of Major Subdivision; Filing of All Subdivision Plats. Final approval of a major subdivision shall expire 95 days from the date of signing of the plat unless within such period the plat shall have been duly filed by the developer with the County Recording Officer. The Planning/Zoning Board may for good cause shown extend the period for recording for an additional period not to exceed 190 days from the date of signing of the plat. The Planning/Zoning Board may extend the ninety-five-day or 190-day period if the developer proves to the reasonable satisfaction of the Planning/Zoning Board (1) that the developer was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities and (2) that the developer applied promptly for and diligently pursued the required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the Planning/Zoning Board. The developer may apply for an extension either before or after the original expiration date.

- e. No subdivision plat shall be accepted for filing by the County recording officer until it has been approved by the Planning/Zoning Board as indicated on the instrument by the signature of the Chairman and Secretary of the Planning Board or a certificate has been issued pursuant to N.J.S.A. 40:55D-47, 50, 56, 61, 67, 76. The signatures of the Chairman and Secretary of the Planning Board shall not be affixed until the developer has posted the guarantees required pursuant to Section 15-14 of this chapter. If the County Recording Officer records any plat without such approval, such recording shall be deemed null and void, and upon request of the Township, the plat shall be expunged from the official records.
- f. It shall be the duty of the County Recording Officer to notify the Planning/Zoning Board in writing within seven days of the filing of any plat, identifying such instrument by its title, date of filing, and official number.
- g. Effect of final approval of a site plan or major subdivision.
 - 1. The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer pursuant to N.J.S.A. 40:55D-49, whether conditionally or otherwise, shall not be changed for a period of two years after the date on which the resolution of final approval is adopted; provided that in the case of a major subdivision, duly recorded within the time period provided in N.J.S.A. 40:55D-54. If the developer has followed the standards prescribed for final approval, and, in the case of a major subdivision has duly recorded the plot as required in N.J.S.A. 40:55D-54, the Planning/Zoning Board may extend such period of protection for extensions of one year but not to exceed three extensions. Notwithstanding any other provisions of this act, the granting of final approval terminates the time period of preliminary approval pursuant to N.J.S.A. 40:55D-49 for the section granted final approval.
 - 2. In the case of a subdivision or site plan for a conventional subdivision or site plan for 150 acres or more, or site plan for development of a nonresidential floor area of 200,000 square feet or more, the Planning/Zoning Board may grant the rights referred to in paragraph a of this subsection for such period of time, longer than two years, as shall be determined by the Planning/Zoning Board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under final approval, (2) economic conditions and (3) the comprehensiveness of the development. The developer may apply for thereafter, and the Planning/Zoning Board may thereafter grant, an extension of final approval for such additional period of time as shall be determined by the Planning/Zoning Board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under final approval, (2) the number of dwelling units and nonresidential floor area remained to be developed, (3) economic conditions and (4) the comprehensiveness of the development.
- h. Whenever the Planning/Zoning Board grants an extension of final approval pursuant to paragraphs g1 or g2 of this subsection and final approval has expired before the date on which the extension is granted, the extension shall begin on what would otherwise be the expiration date. The developer may apply for the extension either before or after what would otherwise be the expiration date.

- i. The Planning/Zoning Board shall grant an extension of final approval for a period determined by the Board but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued these approvals. A developer shall apply for the extension before (1) what would otherwise be the expiration date of final approval or (2) the 91st day after the developer receives the last legally required approval from other governmental entities, whichever occurs later. An extension granted pursuant to paragraphs g1 or g2 of this subsection shall not preclude the Planning/Zoning Board from granting an extension pursuant to paragraphs g1 and g2 of this subsection.
- j. Improvements and Guarantees Required Prior to Final Approval, Issuance of Building Permits and Certificates of Occupancy.

1. The subdivider shall install or guarantee the installation of such of the following improvements or portions thereof as may be required by the Planning/Zoning Board, street grading and pavement or other surfacing; gutters, curbs and sidewalks; shade trees; street lighting; street signs; water mains, culverts, storm sewers or dry sewers, sanitary sewers or dry sewers, or other means of sewage disposal, drainage structures, and all appurtenances to such facilities properly connected with approved systems of water supplies, sewage and storm water drainage and any other improvements which reasonably may be required by the said Board, as the case may be.

Such requirements shall take into consideration the characteristics of potential development of various parts of the Township as reflected in the comprehensive Land Use Plan embodied in the Zoning Ordinance, with a view to providing safe, convenient and pleasant means for the movement of traffic appropriate to the streets of the various classes defined in this chapter and protecting the public health, safety, comfort and convenience by provision for the proper distribution of water and for adequate sewage and stormwater drainage in a manner appropriate to the existing and prospective type and intensity of development in various parts of the Township and in arrangements that will not impose unnecessary financial burdens on property owners or add to the normal costs of operation of the government of the Township.

2. The standards in this chapter shall be deemed to be the minimum standards necessary for any particular subdivision.
3. All improvements shall be installed in accordance with the specifications contained in this chapter.
4. Requirements for the issuance of building permits and certificates of occupancy relative to the installation of required improvements.
 - (a) It shall be expressly understood that, notwithstanding the posting of a performance guarantee in accordance with the requirements of Section 15-14 of this chapter entitled, "Performance and Maintenance Guarantee of Improvements," no building permit shall be issued until final

subdivision or final site plan approval is granted and until the developer has provided a plan setting forth adequate provisions to prevent the deposit of foreign material (mud, dirt, stone, gravel, etc.) on the Township of Warren or County of Somerset roadways during construction within the said subdivisions or site plans. The said "adequate provisions" referred to above shall be subject to the written approval and acceptance of the Township Engineer.

- (b) No certificate of occupancy, whether final, temporary or otherwise, for residential and nonresidential buildings shall be issued until all improvements for which a performance guarantee is posted, or was required to be posted, have been completed and approved by the Township Engineer or the Township Engineer has waived the completion of the improvement before the issuance of a certificate of occupancy, allowing the improvement to be completed after the certificate of occupancy is issued provided adequate performance guarantees are posted to insure the completion of the same. The Township Engineer shall only waive items for completion hereunder if the same are prevented from completion by matters beyond the control of the developer. In the case of single-family subdivisions where subdivision improvements are not complete but the health, safety and general welfare of Warren residents would not be detrimentally affected by the issuance of a certificate of occupancy, the Township Engineer shall recommend to the construction official that the same be issued, provided the completion of all subdivision improvements have been adequately guaranteed.

§ 15-4.5. Development Reapplication. [Ord. No. 2000-28, § 1]

- a. Upon the expiration of the periods of protection afforded subdivisions and site plans by N.J.S.A. 40:55D-49 and N.J.S.A. 40:55D-52 (also see subsections 15-4.3 and 15-4.4), as the same may be extended by the Planning Board or Zoning Board of Adjustment, an applicant, before commencing or continuing any development work pursuant to a preliminary or final subdivision or site plan, shall reapply to the Board (Planning Board or Zoning Board of Adjustment) that originally granted the development approval for its review of the original approval to determine if any terms or conditions upon which the development approval was granted have changed and that change's effect on the application or if any other matters pertaining to the development must be reviewed by the Board before work on the site or subdivision can commence or continue.
- b. The Zoning Officer will immediately issue or cause to be issued a stop work order as to a development project in the event any development commences or continues once the aforesaid periods of protection have lapsed.
- c. The fees for the development reapplication required above are set forth in Section 15-5, Fees.

§ 15-5. FEES.

§ 15-5.1. Development Application Fee Schedule. [Ord. No. 92-33; Ord. No. 94-7,

§ 1; Ord. No. 96-5; Ord. No. 2000-28, § 2; Ord. No. 03-05, § 1; amended 12-10-2020 by Ord. No. 20-27]

- a.
 - 1. Application for minor subdivision: \$300.
 - 2. Application for extension for filing: \$50.
- b.
 - 1. Application-sketch plan: \$200.
Plus 1-3 lots: \$50.
4-10 lots: \$100.
11-50 lots: \$300.
50- + lots: \$400.
- c.
 - 1. Application preliminary major subdivision-with sketch plat approval: \$350.
Plus 1-3 lots: \$50.
4-10 lots: \$400.
11-50 lots: \$800.
50- + lots: \$1,600.
 - 2. Subdivision without sketch plat approval: \$500.
Plus 1-3 lots: \$100.
4-10 lots: \$800.
11-50 lots: \$1,600.
50- + lots: \$3,200.
 - 3. Application for extension of preliminary approval: \$100.
- d.
 - 1. Application for final major subdivision: \$300.
Plus 1-3 lots: \$50.
4-10 lots: \$100.
11-50 lots: \$300.
50- + lots: \$400.
- e. Application for preliminary site plan (nonresidential).
 - 1. Building area 10,000 square feet or less: \$600.
 - 2. Building area more than 10,000 square feet to 50,000 square feet: \$1,500.
 - 3. Building area more than 50,000 square feet to 100,000 square feet: \$2,200.
 - 4. Building area more than 100,000 square feet: \$3,300.

5. Application for extension of preliminary approval: \$100.
- f. Application for final site plan (nonresidential).
 1. Building area 10,000 square feet or less: \$300.
 2. Building area more than 10,000 square feet to 50,000 square feet: \$600.
 3. Building area more than 50,000 square feet to 100,000 square feet: \$1,200.
 4. Building area more than 100,000 square feet: \$1,800.
 5. Application for extension of final approval: \$100.
- g. Application for preliminary site plan (Residential): \$350 plus \$10/unit.
- h. Application for final site plan (Residential): \$200 plus \$10/unit.
- i. Watercourse Protection Area. Site plan for watercourse protection area for new construction on unimproved tract: \$200.

Site plan for watercourse protection area for additional improvement on improved tract: \$100.
- j. Soil removal/fill permit: \$50.
- k. Driveway permit: \$50 plus \$20 for each inspection.
- l. Minor Site Plan: \$200.
- m. Resubmission of Plans. On the applications where substantially similar plans are resubmitted within three months from the date of the original submission, the fee shall be equivalent to 1/2 the current fee for said submission.
- n. Certification of Approval (N.J.S.A. 40:55D-56): \$25.
- o. Zoning permits (as required by Chapter 16, entitled "Zoning") subsection 16-23.14: \$25.
- p. Tree ordinance fees as required by Section 17-9b1: \$25.
- q. Development reapplication fee.
 1. Fee: \$100.
 2. The escrow amount set forth in subsection 15-5.3a shall be 1/2 the amount set forth.
- r. Tax Map Revision Fee. In addition to the application fees set forth above, the engineering department will submit invoices against the applicant's inspection fees necessary to defray cost of professional services required to effect revisions to the Township Tax Map necessitated by the development application for minor subdivision plats, final major subdivision plats, and site plan applications created condominium units whether residential or commercial units).

§ 15-5.2. Variance Application Fee Schedule. [Ord. No. 92-33; Ord. No. 96-5; Ord.

No. 03-05, § 2; Ord. No. 04-06, § 2]

- a. Appeals filed pursuant to N.J.S.A. 40:55D-70(a):
 - 1. Residential: \$150.
 - 2. Other: \$150.
- b. Appeals filed pursuant to N.J.S.A. 40:55D-70(b):
 - 1. Residential: \$150.
 - 2. Other: \$150.
- c. Appeals filed pursuant to N.J.S.A. 40:55D-70(c):
 - 1. Residential: \$200.
 - 2. Other: \$200.
- d. Appeals filed pursuant to N.J.S.A. 40:55D-70(d):
 - 1. New use or structures:
 - (a) Residential: \$200 for the first dwelling unit. If more than one unit, then add \$25 for each additional unit.
 - (b) Nonresidential: \$300.
- e. Appeals filed pursuant to N.J.S.A. 40:55D-34: \$150.
- f. Appeals filed pursuant to N.J.S.A. 40:55D-36: \$150.
- g. Only one fee is to be charged for a single application regardless of its complexity, and such fee will be the highest fee chargeable under the above schedule.
- h. On appeals under N.J.S.A. 40:55D-76(b), the filing fee shall be the sum of the applicable fees by class of development application and variance(s), if applicable.

Fees for applications or for the rendering of any service by the Planning Board or the Zoning Board of Adjustment or any member of their administrative staffs which is not otherwise provided by ordinance may be provided for and adopted as part of the rules of the Board and copies of such rules or of the schedule shall be available to the public.
- i. Tax Map Revision Fee. In addition to the application fees set forth above, the following sums shall be due and payable at the time maps are submitted for signature by the Board to defray the cost of professional services required to effect revisions to the Township Tax Map necessitated by the development application:
 - 1. Minor subdivision plat: \$75 per lot.
 - 2. Final major subdivision plat: \$50 per lot.
 - 3. Site plan application creating condominium units (whether residential or commercial units): \$50 per unit.

j. Wireless Telecommunications Facilities:

1. If no new tower is proposed: \$2,500.
2. If a new tower is proposed: \$4,000.

§ 15-5.3. Escrow Funds Required to Be Deposited for the Planning Board, Zoning Board of Adjustment, Technical Coordinating Committee and Other Review Committees. [Ord. No. 92-33; Ord. No. 94-7 § 2; Ord. No. 96-5 § 6; Ord. No. 02-08 §§ 1, 2; Ord. No. 04-06 § 1; Ord. No. 04-15 § 3; Ord. No. 05-14 §§ 7-9; Ord. No. 08-15 § 1; Ord. No. 10-02, § 1; amended 12-10-2020 by Ord. No. 20-27]

a. General.

1. In addition to the submission of application filing fees (which are charged to cover general Township administrative costs), as set forth hereinbefore, development applications which meet the criteria established herein shall be accompanied by a deposit of escrow funds in accordance with the provisions of this subsection.
2. Said escrow funds shall be utilized to cover the Township costs of professional charges for review of applications, review and preparation of documents and inspections of developments under construction and review by outside consultants when an application is of a nature beyond the scope of the expertise of the professional normally utilized by the Township. All plan review and inspection fees or charges must be set by resolution by the Planning Board or Zoning Board or Township governing body. The only charge that shall be added to any such charges shall be actual out-of-pocket expenses of any such professionals or consultants, including normal and typical expenses incurred in processing applications and inspecting improvements.
 - (a) Review fees shall be charged only in connection with an application for development presently pending before the approving authority or upon review of compliance with conditions of approval, or review of requests for modification or amendments made by the applicant.
 - (b) A professional shall not review items which are subject to approval by any State governmental agency and not under municipal jurisdiction except to the extent consultation with a State agency is necessary due to the effect of State approvals in the subdivision or site plan.
 - (c) Inspection fees shall be charged only for actual work shown on a subdivision or site plan or required by an approving resolution. Professionals inspecting improvements under construction shall charge only for inspections that are reasonably necessary to check the progress and quality of the work and such inspections shall be reasonably based on the approval development plans and documents.
3. Sketch Plat, Preliminary Site Plan and/or Subdivision Approval Inclusive of Minor Site Plan as defined in subsection 15-1.3:

	Escrow Amount
Nonresidential:	
Less than 10,000 square feet of building area	\$7,000
10,001-50,000 square feet of building area	\$18,000
50,001-100,000 square feet of building area	\$25,000
In excess of 100,000 square feet of building area	\$35,000
Residential:	
1-3 lots or units	\$4,000
4-10 lots or units	\$10,000
11-25 lots or units	\$20,000
26-50 lots or units	\$25,000
51-100 lots or units	\$30,000
In excess of 100 lots or units	\$50,000

* Escrow fees for amended Planning Board and Board of Adjustment applications shall be reduced by 50% of the above posted fees.

4. Final Plan Approval: 1/3 for nonresidential use and 1/2 for residential use of the original escrow fee paid at the time of preliminary plan application.
5. Water Course Protection Area, Filling Permits/Site Plans and Waiver of Site Plan: \$500 per lot.
6. Soil Removal/Fill Permit. An application fee of \$50 shall accompany each application, to be utilized to offset the general administrative costs of the application. In addition to the application fee, the following sums shall be posted in escrow to cover the Township costs of professional and nonprofessional services incurred during the review process and also for inspection costs required during the construction process:
 - (a) The sum of \$500 where the application is for the addition, removal or movement of between 100 and 999 cubic yards of soil, except in matters pertaining to the construction of residential swimming pools and other work related directly thereto where the fee shall be \$250.
 - (b) The sum of \$1,000 where the application is for the addition, removal or movement of between 1,000 and 4,999 cubic yards of soil.
 - (c) The sum of \$2,000 where the application is for the addition, removal or movement of 5,000 cubic yards of soil or more.
 - (d) No escrow fee shall be required for applications of less than 100 cubic yards of soil.
 - (e) The sum of \$250 where the application is for the construction of a swimming pool.

- (f) The sum of \$500 where the application is for the construction of a footing and foundation unless the construction is included in a project that is exempted hereinafter.

7. Variance.

- (a) Appeals filed pursuant to N.J.S.A. 40:55D-70(a):
 - (1) Residential: \$1,000.
 - (2) Other: \$2,000.
- (b) Appeals filed pursuant to N.J.S.A. 40:55D-70(b):
 - (1) Residential: \$2,000.
 - (2) Other: \$5,000.
- (c) Appeals filed pursuant to N.J.S.A. 40:55D-70(c):
 - (1) All Residential: \$2,000.
 - (2) Other: \$6,000.
- (d) Appeals filed pursuant to N.J.S.A. 40:55D-70(d):
 - (1) New use or structure:
 - i. Residential: \$2,500.
 - ii. Nonresidential: See escrow required under subsection 15-5.3a3.
 - (2) Extension, alteration or repair of existing use or structure:
 - i. Residential: \$2,500.
 - ii. Nonresidential: See escrow required under subsection 15-5.3a3.
- (e) Appeals filed pursuant to N.J.S.A. 40:55D-34: \$4,000.
- (f) Appeals filed pursuant to N.J.S.A. 40:55D-36: \$4,000.
- (g) Wireless telecommunications facilities:
 - (1) If no new tower is proposed: \$5,000.
 - (2) If a new tower is proposed: \$10,000.
- (h) Any application involving more than one of the above categories shall deposit cumulative amounts.

b. Procedural Requirements.

- 1. All escrow sums must be in the form of cash, certified check or money order. All deposits of escrow funds shall be forwarded to the Chief Financial Officer

of the Township or designee, or other official designated by the Township Committee.

2. The Township Engineer will not commence his review of the application until the required application fee has been paid and the required escrow sums posted.
3. An applicant to the Technical Coordinating Committee or other review committee shall deposit all escrow funds called for in the within subsection before the applicant's appearance before that committee. The administrative officer of the Board having jurisdiction shall have the right to waive the posting of escrow funds by an applicant before that applicant's first appearance before the Technical Coordinating Committee or other review committee for good cause and provided no professional or nonprofessional review time is required relative to the same. An applicant appearing initially before the Planning Board or the Zoning Board of Adjustment shall deposit all escrow funds called for in the within subsection before said appearance. No meeting or hearing with the applicant shall be held by the said Boards or committees until all escrow funds and required fees have been deposited in accordance with this subsection.
4. Additional escrow funds may be required when the escrow has been depleted to 20% of the original escrow amount or that, in the opinion of the escrow official or administrative officer, additional funds are necessary. If an escrow account contains insufficient funds to enable the Township or approving authority to perform required application reviews or improvement inspections, the Chief Financial Officer of the Township shall provide the applicant with a notice of the insufficient escrow or deposit balance. In order for work to continue on the development or the application, the applicant shall, within 14 days, post a deposit to the account in an amount to be agreed upon by the Township or approving authority and the applicant. In the interim, any required health and safety inspections shall be made and charged back against the replenishment of funds.
5. Escrow deposits shall be placed in an interest bearing account by the Chief Financial Officer of the Township and the same shall be administered in accordance with the requirements of N.J.S.A. 40:55D-53.1.
6. All disbursements to consulting professionals and applicable charges from Township employed professionals for services involved in processing an application which requires the deposit of escrow funds shall be charged against the escrow account in accordance with the requirements of N.J.S.A. 40:55D-53.2.
7. The Chief Financial Officer of the Township shall make all payments to professionals for services rendered pursuant to the formal procedures prepared. All vouchers submitted by consulting professionals relative to said application shall specify the name of the person performing the service, the actual hours spent on the project (to 1/4 hour increments), the services performed, the name of the project, the hourly rate being charged and the date the work was performed.

- (a) All consulting professionals shall submit billing vouchers on a monthly basis in accordance with the schedules developed by the Chief Financial Officer. The professional shall send an informational copy of the voucher to the applicant simultaneously with submission to the Township. Any vouchers submitted 30 days or longer from date of the signing of the plats or subdivision plans may be void.
 - (b) The Chief Financial Officer of the Township shall prepare and send to the applicant a monthly statement which shall include an accounting of funds listing all deposits, interest earnings, disbursements and the cumulative balance of the escrow account.
- 8. All charges by Township employed professionals, enumerated hereinabove, shall be submitted on a voucher by the Township employee to the Chief Financial Officer of the Township containing the same information as required on a voucher, on a monthly basis. The charge for Township employed professionals shall not exceed 200% of the sum of the products resulting from multiplying (1) the hourly base salary of each of the professionals by (2) the number of hours spent by the respective professionals on review of the application for development or the developer's improvements, as the case may be. For other professionals, the charge to the deposit shall be at the same rate as all other work of the same nature by the professional for the Township when fees are not reimbursed or otherwise imposed on applicants or developers.
- 9. The following close-out procedures shall apply to all deposits and escrow accounts established under the provisions of P.L. 1975, c. 291 (N.J.S.A. 40:55D-1 et seq.) and shall commence after the approving authority has granted final approval and signed the subdivision plat or site plan, in the case of application review escrows and deposits, or after the improvements have been approved as provided in Section 41 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-53) in the case of improvement inspection escrows and deposits.
 - (a) The applicant shall send written notice by certified mail to the Chief Financial Officer of the Township and the approving authority, and to the relevant Township professional, when the application or the improvements, as the case may be, are completed.
 - (b) After receipt of such notice, the professional shall render a final bill to the Chief Financial Officer of the Township within 30 days, and shall send a copy simultaneously to the applicant.
 - (c) The Chief Financial Officer of the Township shall render a written final accounting to the applicant on the uses to which the deposit was put within 45 days of receipt of the final bill.
 - (d) Any balances remaining in the deposit or escrow account, including interest, shall be refunded to the developer along with the final accounting.
- 10. No resolution approving any development application which is subject hereto shall be passed by either the Planning Board or the Zoning Board of Adjustment until all fees and escrow sums required hereunder have been paid

in full.

11. In the event that an applicant disputes the charges made by a professional for services rendered to the Township in reviewing applications (or development, review and preparation of documents, and inspection of improvements or any other charges made pursuant to P.L. 1975, c. 291 (N.J.S.A. 40:55D-1 et seq.), the applicant shall notify in writing the Township Committee with copies to the Chief Financial Officer, the approving authority and the professional. The governing body or its designee shall, within a reasonable time period, attempt to remediate any disputed charges.
 - (a) If the matter is not resolved to the satisfaction of the applicant, the applicant may appeal to the County Construction Board of Appeals established under Section 9 of P.L. 1975, c. 217 (N.J.S.A. 52:27D-127) any charge to an escrow account or a deposit by any municipal professional or consultant, or the cost of the installation of improvements estimated by the Township Engineer pursuant to Section 13 of P.L. 1991, c. 256 (N.J.S.A. 40:55D-53.4).
 - (b) An applicant or its authorized agent shall submit the appeal in writing to the County Construction Board of Appeals. The applicant or its authorized agent shall simultaneously send a copy of the appeal to the Township, approving authority, and any professional whose charge is the subject of the appeal.
 - (c) The County Construction Board of Appeals is required by law to hear the appeals, render a decision thereon and file its decision with a statement of the reasons therefor with the Township or approving authority not later than 10 business days following the submission of the appeal, unless such period of time has been extended with the consent of the applicant. The decision may approve, disapprove or modify the professional charges appealed from and a copy of the decision shall be forwarded by certified or registered mail to the party making the appeal, the Township, the approving authority and the professional involved in the appeal.
 - (d) During the pendency of any appeal, the Township or approving authority shall continue to process, hear and decide the application for development and to inspect the development in the normal course and shall not withhold, delay or deny reviews, inspections, signing of subdivisions plats or site plans, the reduction or the release of performance or maintenance guarantees, the issuance of construction permits or certificates of occupancy or any other approval or permit because an appeal has been filed or is pending under this section.
 - (e) The Chief Financial Officer of the Township may pay charges out of the appropriate escrow account or deposit for which an appeal has been filed.
 - (f) If a charge is disallowed after payment, the Chief Financial Officer of the Township shall reimburse the deposit or escrow account in the amount of any such disallowed charge or refund the amount to the applicant.
 - (g) If the charge is disallowed after payment to a professional or consultant

who is not in the employ of the Township, the professional or consultant shall reimburse the Township in the amount of any such disallowed charge.

§ 15-5.4. Development Fees to Fund Affordable Housing. [Ord. No. 92-33; Ord. No. 96-7 § 2; Ord. No. 2000-8 §§ 1, 2; Ord. No. 05-03 § 1; Ord. No. 06-29 § 1; Ord. No. 13-21; Ord. No. 2018-15]

a. Purpose.

1. In *Holmdel Builder's Association v. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27D-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's adoption of rules.
2. Pursuant to P.L. 2008, c. 46, § 8 (N.J.S.A. 52:27D-329.2), and the Statewide Nonresidential Development Fee Act (N.J.S.A. 40:55D-8.1 through 40:55D-8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved or court-approved spending plan may retain fees collected from nonresidential development.
3. This subsection establishes standards for the collection, maintenance and expenditure of development fees pursuant to COAH's regulations and in accordance P.L. 2008, c. 46, §§ 8 and 32 through 38. Fees collected pursuant to this section shall be used for the sole purpose of providing low- and moderate-income housing. This section shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:93-8.

b. Basic Requirements.

1. This section shall not be effective until approved by COAH or the Superior Court of the State of New Jersey pursuant to N.J.A.C. 5:93-8.
2. The Township of Warren shall not spend development fees until COAH or the Superior Court of New Jersey has approved a plan for spending such fees in conformance with N.J.A.C. 5:93-5.1(c).

c. Definitions. The following terms, as used in this section, shall have the following meanings:

AFFORDABLE HOUSING DEVELOPMENT — A development included in the Housing Element and Fair Share Plan and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100% affordable development.

COAH or THE COUNCIL — The New Jersey Council on Affordable Housing, established under the Act, or such other Agency as is created by the Legislature which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the state.

COURT — The Superior Court of the State of New Jersey.

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 FEE — Money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:93-8.

EQUALIZED ASSESSED VALUE — The assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with §§ 1, 5 and 6 of P.L. 1973, c. 123 (N.J.S.A. 54:1-35a through N.J.S.A. 54:1-35c).

GREEN BUILDING STRATEGIES — Those strategies that minimize the impact of development on the environment and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

d. Mandatory Residential Development Fee.

1. Residential development, except for residential development specifically addressed in paragraph d(2) below, shall pay a fee of 1.5% of the equalized assessed value (EAV) of the residential development; provided, however, in the event an increase in density has been approved pursuant to N.J.S.A. 40:55D-70d(5), or permitted pursuant to a rezoning subsequent to March 9, 2010, a fee of 6% of the equalized assessed value shall be paid for each dwelling unit over the number of units permitted as a matter of right or permitted prior to rezoning. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.
2. Exemptions from residential mandatory development fees. The following types of residential development shall be exempt from the requirement to pay a residential mandatory development fee:
 - (a) Inclusionary affordable housing developments or 100% affordable housing developments.
 - (b) Developments where the developer is providing for the construction of the affordable units elsewhere in the Township.
 - (c) Developments where the developer has made a payment in lieu of on-site construction of affordable units.
 - (d) On an existing lot, either vacant or improved, the expansion, improvement, renovation, rehabilitation, reconstruction or replacement of an existing detached single-family dwelling resulting in an increased EAV of \$50,000 or less, in any two-year period. For increases in EAV of less than \$50,000 but greater than \$25,000, there shall be a flat-fee payment of \$300. For increases in EAV in excess of \$50,000, the fee shall

be \$300 plus 1.5% of the increase that exceeds \$50,000.

- (e) The repair, reconstruction or replacement of owner-occupied residential structures damaged or destroyed by fire or natural disaster.
 - (f) Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
- e. Nonresidential Development Fees.
- 1. Imposed fees.
 - (a) Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements for all new nonresidential construction on an unimproved lot or lots.
 - (b) Nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.
 - (c) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the preexisting land and improvement and the equalized assessed value of the newly improved structure, i.e., land and improvement, at the time a final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.
 - 2. Eligible exactions, ineligible exactions and exemptions for nonresidential development:
 - (a) The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to the development fee of 2.5% unless otherwise exempted below.
 - (b) The fee of 2.5% shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
 - (c) Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to P.L. 2008, c. 46, as specified in the Form N-RDF, State of New Jersey Nonresidential Development Certification/Exemption form. Any exemption claimed by a developer shall be

substantiated by that developer.

- (d) A developer of a nonresidential development exempted from the nonresidential development fee pursuant to P.L. 2008, c. 46 shall be subject to it at such time the basis for the exemption no longer applies and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the nonresidential development, whichever is later.
- (e) If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by the Township of Warren as a lien against the real property of the owner.

f. Collection Procedures.

1. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the Zoning Officer.
2. For nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF, State of New Jersey Nonresidential Development Certification/Exemption, to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the nonresidential developer as per the instructions provided in Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
3. The Construction Official responsible for the issuance of a building permit shall notify the local Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.
4. Within 90 days of receipt of that notice, the Municipal Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
5. The Construction Official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
6. Within 10 business days of a request for the scheduling of a final inspection, the Municipal Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.

7. Should the Township of Warren fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b of § 37 of P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.6).
8. 50% of the development fee shall be collected by the Zoning Officer at the time of issuance of the zoning permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of the issuance of the zoning permit and that determined at issuance of the certificate of occupancy.
9. Appeal of development fees.
 - (a) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the Township of Warren. Appeals from a determination of the Board may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
 - (b) A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the Township of Warren. Appeals from a determination of the Director may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
- g. Affordable Housing Trust Fund.
 1. Establishment of fund. There is hereby established in the Township of Warren an interest-bearing account known as the "Warren Township Affordable Housing Trust Fund," which shall have as its primary purpose support of low- and moderate-income housing in the Township of Warren and the region in which it is included, in furtherance of the mandates of the Constitution of the State of New Jersey. Trustees of the fund shall be the Township Committee of the Township of Warren, and, in accordance with the provisions of N.J.A.C. 5:93-8.19, the Superior Court of the State of New Jersey may, upon notice to the Township Clerk, direct the disbursement of development fees.
 2. The Township Committee, acting as trustees of the fund, shall have the power to appoint a person or organization as Housing Officer to administer the fund on its behalf and at its direction.

3. Development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls shall be deposited in the Township of Warren's affordable housing trust fund maintained by the Chief Financial Officer.
 4. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - (a) Payments in lieu of on-site construction of affordable units;
 - (b) Developer-contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible;
 - (c) Rental income from municipally operated units;
 - (d) Repayments from affordable housing program loans;
 - (e) Recapture funds;
 - (f) Proceeds from the sale of affordable units; and
 - (g) Any other funds collected in connection with the Township of Warren's affordable housing program.
 5. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH or the Court.
 6. In the event of a failure by the Township of Warren to comply with trust fund monitoring and reporting requirements or to submit accurate monitoring reports; or a failure to comply with the conditions of the judgment of compliance or a revocation of the judgment of compliance; or a failure to implement the approved Spending Plan and to expend funds within the applicable required time period as set forth in *In re. Twp. of Monroe*, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563); or the expenditure of funds on activities not approved by the Court; or for other good cause demonstrating the unapproved use(s) of funds, the Court may authorize the State of New Jersey, Department of Community Affairs, Division of Local Government Services (LGS), to direct the manner in which the funds in the Affordable Housing Trust Fund shall be expended, provided that all such funds shall, to the extent practicable, be utilized for affordable housing programs within the Township of Warren, or, if not practicable, then within the County of the Housing Region. **[Amended 5-9-2019 by Ord. No. 19-33]**
 - (a) Any party may bring a motion before the Superior Court presenting evidence of such condition(s), and the Court may, after considering the evidence and providing the municipality with a reasonable opportunity to respond and/or remedy the noncompliant condition(s), and upon a finding of continuing and deliberate noncompliance, determine to authorize LGS to direct the expenditure of funds in the Trust Fund. The Court may also impose such other remedies as may be reasonable and appropriate to the circumstances.
- h. Use of Funds.

1. The expenditure of all funds shall conform to a spending plan approved by COAH or the Court. Funds deposited in the housing trust fund may be used for any activity approved by COAH or the Court to address the Township of Warren's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to, preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable or regional housing partnership programs, conversion of existing nonresidential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan or any other activity as permitted pursuant to N.J.A.C. 5:93-8.16 and specified in the approved spending plan.
2. Funds shall not be expended to reimburse the Township of Warren for past housing activities.
3. At least 30% of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.
 - (a) Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners' association or condominium fees and special assessments and assistance with emergency repairs.
 - (b) Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.
 - (c) Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
4. The Township of Warren may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:93-8.16(d).
5. No more than 20% of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan and/or an affirmative marketing program. In the case of a rehabilitation program, no

more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units and compliance with COAH's or the Court's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the Affordable Housing Trust Fund.

- i. **Monitoring.** The Township of Warren shall complete and return to COAH, or LGS, or other entity designated by the state and/or the Court, with a copy provided to Fair Share Housing Center and posted on the Township website, all monitoring forms included in monitoring requirements related to the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income, repayments from affordable housing program loans and any other funds collected in connection with the Township of Warren's housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH and/or approved by the Court. All monitoring reports shall be completed on forms designed by COAH and/or the Court. **[Amended 5-9-2019 by Ord. No. 19-33]**
- j. **Ongoing Collection of Fees.** The ability for the Township of Warren to impose, collect and expend development fees shall expire with its substantive certification or judgment of compliance unless the Township of Warren has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification or the entry of a judgment of compliance from the Court, and has received COAH's or the Court's approval of its development fee ordinance. If the Township of Warren fails to renew its ability to impose and collect development fees prior to the expiration of substantive certification or judgment of compliance, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to § 20 of P.L. 1985, c. 222 (N.J.S.A. 52:27D-320). The Township of Warren shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance nor shall the Township of Warren retroactively impose a development fee on such a development. The Township of Warren shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

§ 15-6. STANDARDS FOR COMPLETE APPLICATION AND PLAT DETAILS.

§ 15-6.1. Development Applications. [Ord. No. 92-33]

Development applications shall be submitted in accordance with applicable subsections of this section. Official filing forms and checklists are available from the administrative official of the Planning or Zoning Boards.

Prior to scheduling of action by the Board, the application shall be reviewed for completeness and the applicant notified of finding by the administrative officer of the

Board having jurisdiction.

- a. The minimum standards for completeness are as follows:
 1. The appropriate application form signed by the owner and applicant is submitted.
 2. The appropriate checklist or checklists are completed and filed with the application and all items required by such checklist and submitted or a waiver granted by the Board.
 3. All taxes are paid through the current quarter (the last tax payment which was due on the property).
 4. All required fees and escrows are paid or posted.
- b. The plans shall be submitted in accordance with all requirements and standards set forth in this chapter in the number required.
- c. Unless all of the above items are submitted to the Planning Board or Zoning Board of Adjustment, the submission will not be reviewed for completeness.
- d. Applications which do not comply with the minimum submission may be rejected by the Administrative Officer and returned to applicant.

§ 15-6.2. Determination of Completeness. [Ord. No. 92-33]

An application for development shall be deemed complete for purposes of commencing the applicable time period for action by a municipal agency when so certified by the administrative officer. In the event that the administrative officer does not certify the application to be complete within 45 days of the date of its submission, the application shall be deemed complete upon the expiration of the forty-five-day period for purposes of commencing the applicable time period unless: (a) the application lacks information indicated on the checklist (Section 15-6) and provided to the applicant, and (b) the administrative officer has notified the applicant, in writing, of the deficiencies in the application within 45 days of submission of the application.

An applicant may request that one or more of the submission requirements be waived, in which event the Board shall grant or deny the request within 45 days. Nothing herein shall be construed as diminishing the applicant's obligation to prove in the application process that he is entitled to approval of the application.

The Planning Board or Zoning Board of Adjustment may subsequently require correction of any information found to be in error and submission of 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 Board.

§ 15-6.3. Minor Subdivision - Completeness Checklist and Plat Details. [Ord. No. 92-33; Ord. No. 03-05, § 3; Ord. No. 03-11, § 2; Ord. No. 03-25 § 2; Ord. No. 07-70 § 5; Ord. No. 10-07, § II; Ord. No. 13-04 § 1]

Applicant shall check off all items as submitted, not applicable, or waiver requested. Plans and improvements shall conform to standards and requirements of Sections 15-7 through 15-11 of this chapter.

Any request for waiver must accompany this application as a separate rider, denoting reasons why the waiver should be granted. The Board will review your request and notify you whether or not waiver has been granted.

The Warren Township Planning/Zoning Board may require submission of additional information not specified in this checklist as is 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. (Municipal Land Use Law Chapter 291 C. 40:55D-10.3)

(See the following for the Minor Subdivision - Completeness Checklist and Plat Details)

Minor Subdivision - Completeness Checklist and Plat Details					
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board
1.	2 copies completed application.				
2.	Application fee is paid in accordance with Section 15-5. Minor Subdivision: \$200				
	(Add \$200 if variance relief is requested)				
3.	Escrow fee is paid in accordance with Section 15-5. Minor Subdivision 1-3 lots or units: \$4,000 NOTE: Escrow fees for AMENDED Planning Board and Board of Adjustment applications shall be reduced by 50% of the above posted fees. [Per Ordinance 10-2 Effective 3/11/10 amending subsection 15-5.3a3.]				
4.	Signed Developer's Escrow Agreement				
5.	Official Somerset County Planning Board receipt.				
6.	Proof of submission to NJDEP for necessary permits.				
7. (a)	Disclosure Statement listing names and addresses of all stockholders or individual partners owning at least 10% of the interest in the partnership or corporation in accordance with N.J.S.A. 40:55D-48.1.				
	Please note any applicant who is incorporated must have an attorney represent them.				

Minor Subdivision - Completeness Checklist and Plat Details					
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board
7. (b)	Disclosure statement of 10% ownership interest of corporation or partnership which is 10% owner of applying corporation or partnership in accordance with N.J.S.A. 40:55D-48.2.				
8.	Owner's letter of consent if applicant is other than the owner.				
9.	List any variances being sought and all information necessary for proper deliberation.				
10.	Certification by Tax Collector that all taxes have been paid through the current quarter.				
11.	Copy of any protective covenants or deed restrictions applying to the lands being developed.				
12.	11 FOLDED blue on white prints and 15 11 inches by 17 inches reduced copies. Applicant to bring 4 additional maps of the latest revisions to each Planning Board meeting. 14 blue on white prints for Board of Adjustment applications in accordance with the following:				
13.	Proper scale (1 inch equals 100 feet minimum)				
14.	Date and revision date(s).				
15.	Name and address of applicant must be shown on plans.				
16.	Key map showing surrounding area within 500 feet of site (scale not less than 1 inch equals 800 feet)				
17.	Name and address of person(s) preparing the plans, signature, date, seal, and license number must be shown on plans.				
18.	Name and address of owner of record and/or authorized agent must be shown on plans.				
19.	North arrow.				
20.	Existing block and lot number(s) of the lot(s) as they appear on the official municipal tax maps.				
21(a)	A map of the entire tract or property prepared by a licensed professional land surveyor showing the location of that portion to be divided, giving all distances and bearings, showing all roads abutting or traversing the property. Development boundaries shall be clearly delineated and any reference corners shall be clearly indicated.				
21(b)	Pursuant to N.J.A.C. 13:40-7(a)1, "a signed and sealed survey prepared by a licensed professional land surveyor shall be submitted in conjunction with all subdivision and site plan applications".				
22.	Drainage calculations:				

Minor Subdivision - Completeness Checklist and Plat Details					
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board
	a. Stormwater Management Plan - Calculations for evaluation of on-site detention facilities for zero net increase in runoff.				
	b. Calculations for downstream impact analysis without detention facilities.				
	c. Internal drainage system sizing calculations including inlet drainage area map.				
23.	Names and addresses of owners within 200 feet with respective block and lot numbers.				
24.	Any municipal limits within 200 feet of the subdivision and the name of the adjoining municipality and county.				
25.	Any adjacent lots in which applicants have a direct or indirect interest.				
26.	Location of existing and proposed:				
	a. Property lines.				
	b. Buildings (with an indication as to whether existing building will be retained or removed.)				
	c. Driveways				
	d. Watercourses.				
	e. Bridges				
	f. Culverts				
	g. Drain pipes				
	h. Natural features and treed areas within tract - all driveways and roads and structures within 200 feet of boundary.				
	All improvements proposed to be dedicated to and/or maintained by Warren Township shall conform to standards and requirements of Section 15-8.				
27.	Area in square feet of all existing and proposed lots.				
28.	Indication of building setback lines from each property line.				
29.	Existing and proposed contours at 5 feet intervals for slopes averaging 10% or greater, at 2 feet intervals for slopes averaging less than 10% and indicate those areas having a slope of 15% or greater with shading.				
30.	All existing streets as shown on the official map or master plan.				

Minor Subdivision - Completeness Checklist and Plat Details					
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board
31.	Where proposed or potential new building site is to be established, plans for water supply and sewerage disposal systems.				
32.	Zone district boundaries.				
	Zoning Schedule - indicating applicable zoning requirements within 500 feet of site include also:				
	a. Lot area in square feet.				
	b. Lot width in feet.				
	c. Front yard setback in feet.				
	d. Both side yard setbacks in feet.				
	e. Rear and side yard setbacks for any accessory buildings.				
	f. Maximum % lot coverage by building.				
	g. Maximum height in stories and feet.				
	h. Maximum % lot coverage by all buildings and pavement.				
33.	Delineation of floodplain and wetland areas, and source of delineation (NWI maps, etc.); if none, a statement describing the absence of such. Show appropriate buffer around wetlands of applicable classification.				
34.	A sketch of the proposed layout or disposition of remaining lands, if any.				
35.	For plats involving corner lot(s) sight triangle easements.				
36.	If structure is located in Watercourse Protection area full site plan approval is required. All plats that encompass a watercourse protection area as outlined and defined in Section 15-10 shall contain the following certification: This subdivision encompasses land in a Watercourse Protection Area and is subject to all the standards and requirements of the Floodplain and Watercourse regulations.				
37.	If the applicant intends to file by deed record of the approved subdivision with the County Recording Office, the following signature block shall be provided on the deed:				

Minor Subdivision - Completeness Checklist and Plat Details					
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board
	APPROVED BY THE WARREN TOWNSHIP PLANNING BOARD _____ Date _____ _____ Planning Board Chairman _____ Date _____ _____ Planning Board Secretary				
38.	If the applicant intends to file the plat as record of the approved subdivision with the County Recording Office, the plat shall be prepared in compliance with the Map Filing Act P.L. 1060 C. 141 (C. 46.2309.9 et seq.) and bear the signature block as noted in item #37.				
39.	Location and species of all existing trees or groups of trees having a diameter in excess of 6 inches DBH. The location of all wooded areas and the approximated number of trees per acre shall be shown when tree count is more than 25 trees per acre.				
40.	4 copies of an Environmental Assessment Report containing:				
	a. Plan and description of the proposed development.				
	b. Inventory of existing natural resources, on-site and affected off-site area.				
	c. Assessment of environmental impacts.				
	d. Unavoidable adverse environmental impact (both long and short-term)				
	e. Proposed mitigation measures.				
	f. The following areas of concern must be addressed within each of the above categories:				
	1. Sewerage facilities.				
	2. Water supply				
	3. Stormwater runoff				
	4. Floodplain and any N.J.D.E.P. stream encroachment permits needed.				
	5. Solid waste disposal				
	6. Air pollution				
	7. Traffic				
	8. Social/Economic impact.				

Minor Subdivision - Completeness Checklist and Plat Details					
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board
	9. Aesthetics, including noise impacts, and historic value.				
	10. Licenses, permits, etc. needed for completion of the project				
	11. Wetlands (specify how delineated, quality and any NJDEP permits required.				
	12. Steep slopes (note significant areas of 12% or greater slopes.				
	13. Soil types and descriptions				
	14. Wildlife				
	15. Vegetation				
	g. Alternatives (changes in design and/or use as well as the "no-build option").				
	NOTE: Any request for waiver of the above EAR must be submitted in writing as a separate rider in duplicate to the Administrative Officer of the Planning Board. A waiver request should address the above items in #40 and describe why there is no impact from the proposed development.				

§ 15-6.4. Minor Site Plan Completeness Checklist and Plat Details. [Ord. No. 92-33; Ord. No. 03-05, § 4; Ord. No. 07-70 § 5; Ord. No. 10-07, § III; Ord. No. 13-04 § 2]

No plan shall be classified as a minor site if (a) a variance is required, (b) the plan increases the size of the existing building by more than 10% or 500 square feet, whichever the lesser, or (c) the plan increases the number of off-street parking spaces by more than 10% of existing or more than five in number, whichever the lesser.

Applicant shall check off all items as submitted, not applicable, or waiver requested. Any request for waiver must accompany this application as a separate rider, denoting reasons why the waiver should be granted. The Board will review the request and notify applicant whether or not waiver has been granted.

When the applicant appears before the Planning Board for either a work session or public hearing, the applicant will be required to bring four maps of the latest revision submission for the Board members.

The Warren Township Board may require submission of additional information not specified in this checklist as is 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 (Municipal

Land Use Law, Chapter 291 C. 40:55D-10.3).

(See the following for the Minor Site Plan Completeness Checklist)

Minor Site Plan Completeness Checklist					
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board
1.	2 copies of completed application and checklist.				
2.	Application fee is paid in accordance with Section 15-5. Minor Site Plan: \$200 Add \$200 if variance relief is requested				
3.	Escrow fee is paid in accordance with Section 15-5. Minor Site Plan: \$6,000 NOTE: Escrow fees for AMENDED Planning Board and Board of Adjustment applications shall be reduced by 50% of the above posted fees. (Per Ordinance 10-2 Effective 3/11/10 amending subsection 15-5.3a3.)				
4.	Signed Escrow Agreement				
5(a)	Disclosure Statement listing names and addresses of all stockholders or individual partners owning at least 10% of the interest in the partnership or corporation in accordance with N.J.S.A. 40:55D-48.1				
5(b)	Disclosure statement of 10% ownership interest of corporation or partnership which is 10% owner of applying corporation or partnership in accordance with N.J.S.A. 40:55D-48.2				
6.	Owner's letter of consent if applicant is other than owner.				
7.	Certification by the Tax Collector that all taxes have been paid through the current quarter.				
8.	Copy of all existing protective covenants or deed restrictions of every nature affecting the premises sought to be developed or any part thereof and including a statement as to whether such deeds or covenants are of record.				
9.	11 FOLDED and 15 11 inches by 17 inches REDUCED COPIES (Applicant to bring 4 full size maps to meeting for Planning Board review) 14 copies if Board of Adjustment application) in accordance with the following: (Please note that if not all of the following is applicable to your site, simply check the "not applicable" column).				
10.	Graphic scale of not less than 1 inch equal to 100 feet.				
11.	Date and revision date(s)				
12.	Name and address of applicant must be shown on plans.				
13.	North arrow.				

Minor Site Plan Completeness Checklist					
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board
14.	Entire tract shown.				
15.	Name of project.				
16.	All title blocks should meet requirements of N.J.A.C. 13:40 Sections 1.3; 1.4; 1.5; 1.6				
17.	Pursuant to N.J.A.C. 13:40-7.2(a)(1), a signed and sealed survey prepared by a licensed professional land surveyor shall be submitted in conjunction with all subdivision and site plan applications.				
18.	Tax map identification (sheet number, block and lot numbers) on plans.				
19.	Tract boundaries and dimensions.				
20.	Tract area (within 1/100 acres).				
21.	Zone boundaries and existing schools within 200 feet				
22.	Building height, size and location.				
23.	Zoning Schedule - indicating applicable zoning requirements and proposal including:				
	a. Lot area in square feet.				
	b. Lot width in feet.				
	c. Front yard setback in feet.				
	d. Both side yard setbacks in feet.				
	e. Rear yard setback in feet.				
	f. Rear and side yards for accessory buildings in feet.				
	g. Maximum percent (%) lot coverage by all buildings and pavement.				
	h. Floor area ratio.				
24.	Location and width of all existing and proposed easements.				
25.	Names and addresses of owners within 200 feet with respective block and lot numbers.				
26.	Signature block for endorsement of the Planning Board Chairman and Planning Board Secretary on cover sheet of plans in lower right hand corner of plan:				
	APPROVED BY THE WARREN TOWNSHIP PLANNING BOARD				

Minor Site Plan Completeness Checklist						
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board	
	<div> <div>Planning Board Chairman</div> <div>Date</div> </div> <div> <div>Planning Board Secretary</div> <div>Date</div> </div>					
27.	Location and size of existing building and structures.					
28.	Structures to be removed shall be clearly indicated by dashed lines.					
29.	Existing elevations and contours (2 feet contour interval and extended minimum of 100 feet beyond tract).					
30.	Proposed elevations and contours (2 feet contour interval).					
31.	Exterior wall material.					
32.	Exterior architectural lighting and details.					
33.	Access streets (names, width, lanes).					
34.	Vehicular ingress and egress to and from site onto public streets.					
35.	Directional traffic flow on site.					
36.	Calculation of parking provided and required, including barrier-free parking spaces.					
37.	Location and scaled design of off-street parking.					
38.	Size and location of bays, aisles and planting areas.					
39.	Off-street parking areas paved and curbed.					
40.	Written use plan, explaining intended use of the building.					
41.	Size and location of driveways and curb cuts.					
42.	Driveways conform to maximum and minimum dimensions required.					
43.	Sight easements shown on plan.					
44.	Fire lanes.					
45.	Loading spaces or docks, including signage.					
46.	Signage details with dimensions					
47.	Applicable barrier free design in accordance with N.J.S.A. 16:41-2.5.					
48.	3 sets of drainage calculations:					

Minor Site Plan Completeness Checklist						
No.	Item		Submitted	Not Applicable	Waiver Requested	Planning Board
	a.	Stormwater Management Plan - Calculations for evaluation of on-site detentions facilities for zero net increase in runoff as required by Chapter 15 (Land Use Procedure and Development).				
	b.	Calculations for downstream impact analysis without detention facilities.				
	c.	Internal drainage system sizing calculations including inlet drainage area map.				
	d.	Design standards for all facilities as set forth in Section 15-10.				
	e.	Proposed stormwater retention or detention facilities, if warranted.				
49.	Existing and proposed storm sewer system.					
50.	Existing and proposed sanitary sewers.					
51.	Existing and proposed water mains and hydrants.					
52.	Existing and proposed gas lines.					
53.	Existing and proposed electric lines.					
54.	Existing and proposed telephone lines.					
55.	Existing and proposed common space.					
56.	Existing and proposed open space.					
57.	Collection and disposal method of recyclable materials and solid waste in accordance with Chapter 11 of the Revised General Ordinances of Warren Township.					
58.	Streams, waterways, watercourse protection areas and flood plains on site and within 200 feet of tract. If none, a statement describing the absence of such. "This lot encompasses land in a Watercourse Protection Area and is subject to all the standards and requirements of the Floodplain and Watercourse regulations of the Township of Warren."					
59.	Setback lines; provided and required.					
60.	Proposed landscaping areas including types and sizes of plantings, staking and mulching details (include buffer area).					
61.	Buffer areas, including height, width calculation of area required, and type of buffer and its expected effectiveness in screening views, auto headlights and reducing noise.					

Minor Site Plan Completeness Checklist					
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board
62.	Indication of wetlands on tract, as determined by National Wetlands Inventory maps. If none, a statement to that effect should appear on the plans. Indicate classifications of wetlands and show appropriate buffer where applicable.				
63.	Indicate slopes greater than 15% by shading.				
64.	Lighting details for parking lots and common areas.				
65.	Seeded or sodden areas, groundcover, retaining walls, fencing, shrubbery, and trees (including height and caliper).				
66.	Indication of significantly sized trees (approximately 12 inches or greater dbh).				
67.	All improvements proposed to be dedicated to and/or maintained by Warren Township shall conform to standards and requirements of Section 15-8.				

§ 15-6.5. Watercourse Protection Area Completeness Checklist and Plat Details.
[Ord. No. 92-33; Ord. No. 03-11, § 3; Ord. No. 03-25 § 2; Ord. No. 10-07, § IV;
Ord. No. 13-04 § 3]

Applicant shall check off all items as submitted, not applicable, or waiver requested. Plans and improvements shall conform to standards and requirements of Sections 15-7 through 15-11 of this chapter.

Any request for waiver must accompany this application as a separate rider, denoting reasons why the waiver should be granted. The Zoning Board will review your request and notify you whether or not waiver has been granted.

The Warren Township Board may require submission of additional information not specified in this checklist as is 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 (Municipal Land Use Law Chapter 291 C. 40:55D-10.3).

When the applicant appears before the Planning Board for either a work session or public hearing, the applicant will be required to bring with them four maps of the latest revision submission for the Planning Board members.

(See the following for the Watercourse Protection Area Completeness Checklist)

Watercourse Protection Area Completeness Checklist					
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board
1.	2 copies completed application and checklist.				
2.	Application fee is paid in accordance with Section 15-5. Watercourse Protection Area:				
	New construction or unimproved lot: \$200				
	Additional improvements on improved tract: \$100				
3.	Escrow fee is paid in accordance with Section 15-5. Watercourse protection area and filing permits or Site Plan: \$500 Note: Escrow fees for AMENDED Planning Board and Board of Adjustment applications shall be reduced by 50% of the above posted fees. (Per Ordinance 10-2 Effective 3/11/10 amending subsection 15-5.3a3.)				
4.	Signed Escrow Agreement				
5.	Official Somerset County Planning Board receipt which demonstrates proof of filing with the County.				
6.	Proof of submission to N.J.D.E.P.				
7(a)	Disclosure Statement: Application by Corporation or Partnership for approval of a site to be used for commercial purposes shall list all stockholders holding 10% or more of stock in any class and/or all individual partners having 10% or greater interest in partnership or corporation. Please note: Any applicant that is incorporated must have an attorney represent them.				
7(b)	Disclosure Statement: of 10% ownership interest of Corporation or Partnership which is 10% owner of applying Corporation or Partnership.				
8.	Owner's letter of consent if applicant is other than the owner.				
9.	List of any variances being sought, including all information necessary for proper deliberation.				
10.	Certification by Tax Collector that all taxes have been paid through the current quarter.				

Watercourse Protection Area Completeness Checklist					
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board
11.	Copy of all existing protective covenants or deed restrictions of every nature affecting the premises sought to be developed or any part thereof and including a statement as to whether such deeds or covenants are of record.				
12.	A copy of abstract of the deed or deeds or other instruments by which title is derived with the names of all owners.				
13.	11 FOLDED blue on white prints and 15 11 inches by 17 inches reduced copies in accordance with the following: Please Note: Applicant to bring 4 additional full size maps of the latest revision to each Planning Board meeting.				
14.	Proper scale (1 inch equals 100 feet)				
15.	Graphic scale				
16.	Key map (not less than 1 inch equals 1,600 feet)				
17.	Date and revision date.				
18.	Name and address of applicant must be shown on the plans.				
19.	Name and address of person(s) preparing the plans, signature, date, seal, and license number must be shown on plans.				
20.	Name and address of owner of record and/or authorized agent must be shown on plans.				
21.	North arrow.				
22.	Existing block and lot number(s) of the lot(s) as they appear on the official municipal tax maps.				
23.	Entire tract shown.				
24.	Name of project.				
25.	All title blocks should meet requirements of N.J.A.C. 13:40 Sections 1.3, 1.4, 1.5, 1.6.				
26.	Survey of tract certified by Professional Licensed Land Surveyor indicating boundaries and area (within 1/100 acre).				
27.	Names of adjoining owners and owners within 200 feet with respective block and lot numbers and tax sheet numbers.				
28.	Tax map identification (sheet number, block and lot numbers) on plans.				
29.	Space provided for endorsement of the Chairman and Secretary of the Planning Board.				
30.	Zone boundaries and existing schools within 200 feet				
31.	Improvements and utilities within 200 feet				
32.	Proposed rights-of-way.				

Watercourse Protection Area Completeness Checklist					
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board
33.	Any adjacent lots in which applicant has a direct or indirect interest.				
34.	Improvements to adjoining streets and roads.				
35.	All distances to the nearest intersection with any public street (measured along sideline or centerline of adjacent street).				
36.	Building height, size and location.				
37.	Percent (%) of building coverage, and proposed floor area ratio.				
38.	Location and size of existing building and structures, on-site and within 200 feet				
39.	Structures to be removed shall be indicated by dashed lines.				
40.	Minimum proposed floor elevations in accordance with Section 15-10 of this chapter.				
41.	Designate and note existing structures on Historic Landmarks inventory maintained by the Somerset County Planning Board.				
42.	Existing elevations and contours (2 feet contour interval and extended minimum of 100 feet beyond tract).				
43.	Proposed elevations and contours (2 feet contour interval).				
44.	Indication of slopes greater than 15% by shading.				
45.	Exterior wall material.				
46.	Exterior architectural design lighting and illumination patterns and details.				
47.	Access streets (names, width, lanes).				
48.	Vehicular ingress and egress to and from site onto public streets.				
49.	Directional traffic flow on site.				
50.	Calculation of parking provided and required, including barrier-free parking spaces.				
51.	Location, scaled design of off-street parking.				
52.	Size and location of bays, aisles and planting areas.				
53.	Off-street parking areas paved and curbed.				
54.	Written use plan, explaining intended use of the building.				
55.	Size and location of driveways and curb cuts.				
56.	Driveways conform to maximum and minimum dimensions required.				

Watercourse Protection Area Completeness Checklist					
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board
57.	Site easements shown on plan.				
58.	Sidewalks, walkways and pedestrian lanes.				
59.	Fire Lanes.				
60.	Loading spaces or docks, including signage.				
61.	6 sets of traffic impact analysis for sites generating more than 25 vehicles per hour				
62.	Existing and proposed storm sewer system.				
63.	Drainage Calculations:				
	a. Stormwater Management Plan - Calculations for evaluation of on-site detention facilities for zero net increase in runoff.				
	b. Calculations for downstream impact analysis without detention facilities.				
	c. Internal drainage system sizing calculations including inlet drainage area map.				
64.	Existing and proposed sanitary sewers.				
65.	Existing and proposed water mains and hydrants.				
66.	Existing and proposed gas lines.				
67.	Existing and proposed electrical lines.				
68.	Existing and proposed telephone lines.				
69.	Existing and proposed common space.				
70.	Existing and proposed open space.				
71.	Solid waste collection and disposal method, including recyclable material storage area.				
72.	Streams, waterways and floodplains on tract and within 200 feet of tract.				
73.	Indication of wetland areas on tract, including classification and buffer where appropriate.				
74.	Watercourse Protection areas, flood boundaries and elevation to be shown.				
75.	Setback lines; provided and required.				
76.	Buffer areas, including height, width and type of buffer and its expected effectiveness in screening views, auto headlights and reducing noise.				

Watercourse Protection Area Completeness Checklist					
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board
77.	Proposed landscaping areas including types and sizes of plantings, and planting, staking and mulching details (include buffer area).				
78.	Area(s) of proposed dedication for public use.				
79.	Seeded or sodden areas, ground cover, retaining walls, fencing, shrubbery, and trees, including height and caliper.				
80.	Location and diameter of single trees not in wooded areas with diameter of 6 inches or more as measured 3 feet above the base of the trunk.				
81.	Soil erosion and sediment control plan.				
82.	4 copies of an Environmental Assessment Report containing:				
a.	Plan and description of the proposed development.				
b.	Inventory of existing natural resources, on site and affected off-site area.				
c.	Assessment of environmental impacts.				
d.	Unavoidable adverse environmental impact (both long and short term).				
e.	Proposed mitigation measures.				
f.	The following areas of concern must be addressed within each of the above categories:				
1.	Sewerage facilities				
2.	Water supply				
3.	Stormwater runoff				
4.	Floodplain and any N.J.D.E.P. stress encroachment permits needed.				
5.	Solid waste disposal				
6.	Air pollution				
7.	Traffic				
8.	Social/Economic impact				
9.	Aesthetics, including noise impacts, and historic value.				
10.	Licenses, permits, etc. needed for completion of the project.				
11.	Wetlands (specify how delineated, classification, buffer, and any N.J.D.E.P. permits required.				

Watercourse Protection Area Completeness Checklist							
No.	Item			Submitted	Not Applicable	Waiver Requested	Planning Board
		12.	Steep slopes (note significant areas of 12% or greater slopes).				
		13.	Soil types and descriptions				
		14.	Wildlife				
		15.	Vegetation				
	g.	Alternatives (changes in design and/or use as well as the "no build option.")					
	Note: Any request for waiver of the above EAR must be submitted in writing as a separate rider in duplicate to the Planning Board Secretary. A waiver request should address the items listed in #82 and describe why there is no impact from the proposed development.						

§ 15-6.6. Preliminary Major Subdivision Completeness Checklist and Plat Details.
[Ord. No. 92-33; Ord. No. 03-11, § 4; Ord. No. 03-25 § 2; Ord. No. 07-70 § 5; Ord. No. 10-07, § V; Ord. No. 13-04 § 4]

Applicant shall check off all items as submitted, not applicable, or waiver requested. Plans and improvements shall conform to standards and requirements of Sections 15-7 through 15-11 of this chapter.

Any request for waiver must accompany this application as a separate rider, denoting reasons why the waiver should be granted. The Zoning Board will review your request and notify you whether or not waiver has been granted.

The Warren Township Board may require submission of additional information not specified in this checklist as is 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 (Municipal Land Use Law Chapter 291 C. 40:55D-10.3).

When the applicant appears before the Planning Board for either a work session or public hearing, the applicant will be required to bring four maps of the latest revision submission for the Planning Board members.

(See the following for the Preliminary Major Subdivision Completeness Checklist)

Preliminary Major Subdivision Completeness Checklist					
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board
1.	2 copies completed application and checklist				
2.	Application fee is paid in accordance with Section 15-5. Preliminary Major Subdivision with Sketch Plat Approval: \$350 Plus:				
	1-3 Lots: \$50 4-10 Lots: \$400 11-50 Lots: \$800 50+ Lots: \$1,600				
3.	Escrow fee is paid in accordance with Section 15-5. Preliminary Major Subdivision:				
	1-3 lots or units: \$4,000 4-10 lots or units: \$10,000 11-25 lots or units: \$20,000 26-50 lots or units: \$25,000 51-100 lots or units: \$30,000 Excess of 100 lots or units: \$50,000				
	NOTE: Escrow fees for AMENDED Planning Board and Board of Adjustment applications shall be reduced by 50% of the above posted fees. (Per Ordinance 10-2 Effective 3/11/10 amending subsection 15-5.3a3.)				
4.	Signed Escrow Agreement				
5.	Official Somerset County Planning Board receipt.				
6.	Proof of submission to N.J.D.E.P. for necessary permits.				
7a.	Disclosure Statement listing names and addresses of all stockholders or individual partners owning at least 10% of the interest in the partnership or corporation in accordance with N.J.S.A. 40:55D-48.1. Any applicant who is incorporated must be represented by an attorney.				

Preliminary Major Subdivision Completeness Checklist					
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board
7b.	Disclosure statement of 10% ownership interest of corporation or partnership which is 10% owner of applying corporation or partnership in accordance with N.J.S.A. 40:55D-48.2.				
8.	Owner's letter of consent if applicant is other than owner.				
9.	List of any variances being sought, including all information necessary for proper deliberation.				
10.	Certification by Tax Collector that all taxes have been paid through the current quarter.				
11.	Copy of all existing protective covenants or deed restrictions of every nature affecting the premises sought to be developed or any part thereof and including a statement as to whether such deeds or covenants are of record.				
12.	A copy of abstract of the deed or deeds or other instruments by which title is derived with the names of all owners.				
13.	11 FOLDED blue on white signed and sealed maps and 15 11 inches by 17 inches (14) if Board of Adjustment in accordance with the following: Please note: Applicant is to bring 4 additional maps of the latest revision to each Planning Board meeting.				
14.	Proper scale (1 inch equals 50 feet) minimum				
15.	Date and revision date on each sheet, (overall plan revision dates to be shown on cover sheet.)				
16.	Name and address of applicant must be shown on plans.				
17.	Name and address of person(s) preparing the plans, signature, date, seal, and license number must be shown on plans.				
18.	Name and address of owner of record and/or authorized agent must be shown on plans.				
19.	North arrow.				
20.	Existing block and lot number(s) of the lot(s) as they appear on the official tax maps.				
21.	A map of the entire tract or property signed and sealed by a professional licensed surveyor showing the location of that portion to be divided, giving all distances and showing all roads abutting or traversing the property. Development boundaries shall be clearly delineated.				
21a.	Pursuant to N.J.A.C. 13:40-7(a)1, "a signed and sealed survey prepared by a licensed professional land surveyor shall be submitted in conjunction with all subdivision and site plan applications."				

Preliminary Major Subdivision Completeness Checklist					
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board
22.	Name and address of all owners within 200 feet of the subdivision and the name of the adjoining municipality and county.				
23.	Any municipal limits within 200 feet of the subdivision and the name of the adjoining municipality and county.				
24.	Drainage submitted must include:				
	a. Title sheet.				
	b. Site survey and layout plan.				
	c. Landscaping plan.				
	d. Clearing, grading, and drainage plan.				
	e. Erosion and sedimentation control plans.				
	f. Municipal utilities plans and profiles - road profiles and private utilities to be shown in plan.				
	g. Township standard details (2 sheets).				
25.	Public improvement construction plans and specifications at a scale of 1 inch equals 50 feet minimum. Plans to construct public improvements prior to submission for final approval shall show sufficient detail to allow a thorough Engineering review.				
26.	Standard road and sewer construction detail sheets (2)				
27.	Key map (not greater than 1 inch equals 1,600 feet)				
28.	Title Block to be in accordance with Chapter 40 of revised statute 45:8 of the State Board of Professional engineers and Land Surveyors stipulating title block content.				
	a. Name of development, municipality and county.				
	b. Name and address of developer.				
	c. Scale				
	d. Date of Preparation.				
	e. Name, address, signature and license number of the professional engineer and other professionals that prepared the drawings.				
29.	Graphic scale and North arrow				
30.	Signature block for endorsement of the Board Chairman and Board Secretary on cover sheet of plans in lower right hand corner of plan:				

Preliminary Major Subdivision Completeness Checklist					
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board
	APPROVED BY THE WARREN TOWNSHIP PLANNING BOARD				
	<div>Chairman</div> <div>Date</div> <div>Secretary</div> <div>Date</div>				
31.	All existing tract boundaries or lot lines.				
32.	Lot and block number of each bordering lot.				
33.	Planning district boundaries affecting the tract and within 200 feet.				
34.	Planning Schedule indicating applicable zoning requirements and proposal including:				
	a. Lot area in square feet.				
	b. Lot width in feet.				
	c. Front yard setback in feet.				
	d. Both side yard setbacks in feet.				
	e. Rear yard setback in feet.				
	f. Rear and side yard setbacks for any accessory buildings.				
	g. Maximum % lot coverage by building.				
	h. Maximum height in stories and feet.				
	i. Maximum % lot coverage by all buildings and pavement.				
	j. Floor area ratio.				
35.	The location of any portion which is to be developed in relation to the entire tract.				
36.	Existing and proposed contours at 5 foot intervals for slopes averaging 10% or greater, and at 2 foot intervals for slopes averaging less than 10%.				
37.	Indication of slopes of 15% or greater to be shown with shading.				
38.	Acreage of the parcels to be developed to the nearest tenth of an acre.				

Preliminary Major Subdivision Completeness Checklist					
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board
39.	Location of all existing structures on site and within 200 feet of the site. If site structure presents a variance condition, offsets shall be provided.				
40.	Indication of whether existing structures and uses will be retained or removed to be clearly indicated with a dashed line.				
41.	The location and extent of all existing and proposed easements of rights-of-way (whether public or private), or utility or encroachments affecting the tract, including a statement of the limits and purpose of the easement rights.				
42.	The boundaries and dimensions of any proposed new lot(s), the number of new lots, and the area of each proposed lot in square feet.				
43.	A sketch of the proposed layout or disposition of remaining lands, if any.				
44.	The location and use of all property to be reserved by covenant in the deed for the common use of all property owners or otherwise.				
45.	All means of vehicular access and egress to and from the tract or site onto public streets, showing the size and location of driveways, curb cuts, traffic signs, and signals, channelization, acceleration and deceleration lanes.				
46.	Plans, typical sections, centerline profiles, cross sections at 50 feet intervals, proposed grades and details of all streets which are to be improved, both within, abutting and off the tract including curbing, sidewalks, storm drains, and drainage structures. Sight triangles, the radius of curb lines and street sign locations shall be clearly indicated at intersections.				
47.	Drainage Calculations:				
	a. Stormwater Management Plan - Calculations for evaluation of on-site detention facilities for zero net increase in runoff.				
	b. Calculations for downstream impact analysis without detention facilities.				
	c. Internal drainage system sizing calculations including inlet drainage area map.				
	d. Design standards for all facilities as set forth in Section 15-10.				
	e. Proposed stormwater retention or detention facilities, if warranted. No more than 1/3 of lot area required in the zone shall be designated as a stormwater facility.				

Preliminary Major Subdivision Completeness Checklist					
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board
48.	Plans of proposed improvements and utility layouts showing feasible connections to any of the proposed utility systems:				
	a. Sewers				
	b. Storm drains				
	c. Water				
	d. Fire hydrants and water control valves				
	e. Gas				
	f. Telephone				
	g. Electricity				
	h. Cable Television				
49.	<p>All existing watercourses including lakes and ponds, flood hazard areas, floodways, Watercourse Protection Areas, and drainage rights-of-way within the tract or within 200 feet thereof.</p> <p>All plats that encompass any Watercourse Protection Area as outlined and defined in Section 15-10 shall contain the following certification:</p> <p><i>"This subdivision encompasses land in a Watercourse Protection Area and is subject to all the standards and requirements of the Floodplain and Watercourse regulations of the Township of Warren."</i></p>				
50.	Indication of wetland areas on tract and source of delineation. If none, a statement to that effect. Indicate classification of wetlands, and show appropriate buffer where applicable. Proof of submission to N.J.D.E.P. for L.O.I. and permits, as applicable.				
51.	When a stream is proposed for alteration, improvement, or relocation or when a drainage structure or fill is proposed over, under, in or along running stream falling under the jurisdiction of N.J.D.E.P., the following documentation shall be submitted:				
	a. Cross sections of water courses, and/or drainage swales to scale showing the extent of floodplain, top of bank, normal water levels and bottom elevations at the following locations:				
	1. At any point where a watercourse crosses a boundary of the tract.				

Preliminary Major Subdivision Completeness Checklist					
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board
	2. At 50 feet intervals for a distance of 500 feet upstream of any point or juncture of 2 or more watercourses within the tract and 500 feet downstream of the tract.				
52.	A delineation of the floodway, flood hazard, and wetlands areas adjacent to the tract.				
53.	The total acreage in the drainage basin of any watercourse running through or adjacent to the tract in the area upstream of the tract.				
54.	The location and extent of any existing and proposed drainage and conservation easements and of stream encroachment lines. The location, extent and water level elevation of lakes and ponds within and adjacent to the tract.				
55.	When ditches, streams or watercourses are to be altered, improved, or relocated, the method of stabilizing slopes and measures to control erosion and siltation, as well as typical ditch sections and profiles, shall be shown, together with supporting calculations in accordance with soil conservation standards.				
56.	The location and species of all existing trees or groups of trees having a diameter in excess of 6 inches (D.B.H.) The location of all wooded areas and the approximate number of trees per acre shall be shown when the tree count is more than 25 trees per acre.				
57.	Proposed shade trees, screening, and buffering should be shown on a separate landscaping plan, and include the following:				
	a. Existing vegetation and whether or not it will remain.				
	b. Existing individual trees in excess of 6 inches (DBH) identified by species and showing the approximate crown limits.				
	c. Contiguous stands of trees with inter-grown crowns which will be preserved.				
	d. Existing and proposed contours and site clearance and grading limits.				
	e. Limits of excavation, haul roads, stockpile areas, staging areas and the temporary and ultimate landscape of each				
	f. Areas with special soils or slope conditions (existing or proposed).				

Preliminary Major Subdivision Completeness Checklist					
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board
	g. Specifications for proposed topsoiling, seeding, soil sediments and mulching.				
	h. Details, cross sections, materials, surface and finished grade elevations.				
	i. Notes regarding special maintenance requirements during the period of establishment and the limits of any such special maintenance areas.				
	j. Notes regarding permanent or temporary site maintenance commitments.				
	k. If soil is to be removed or brought to the site the quantity, method of transportation and steps to be taken to protect public streets shall be described. Requirements of Section 15-9 (Soil Movement) shall apply.				
58.	Each major subdivision application shall include 6 project reports containing the following:				
	a. Project description and statistic report.				
	b. Land classification map and report.				
	c. A natural features report.				
	d. Open space plan and report.				
	e. Land coverage and drainage plan.				
	f. Erosion and sedimentation control plan and report.				
	g. Sewer and water plan and report.				
	h. Circulation plan and traffic report.				
	i. Utilities plan and report.				
	j. Development schedule plan.				
	k. Variances, exception and modifications.				
	l. Easements and covenants.				
59.	Unique natural features or historic sites or structures within the tract and within 200 feet thereof.				
60.	All public property and property proposed to be dedicated in the tract, accurately outlined and described with existing or proposed uses designated.				
61.	4 copies of an Environmental Assessment Report in accordance with Section 15-12 containing:				
	a. Descriptive report of environmentally sensitive areas.				

Preliminary Major Subdivision Completeness Checklist						
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board	
	b.	Site description & inventory:				
	1.	Types of soil				
	2.	Topography				
	3.	Geology				
	4.	Vegetation				
	5.	Wildlife				
	6.	Surface & subsurface water.				
	7.	Unique, scenic, historic features.				
	8.	Existing development features not part of natural environment.				
	c.	Environmental impact matters to be evaluated:				
	1.	On-site sewerage and off-site connections.				
	2.	Potable water supply.				
	3.	Stress corridors, wetlands, erodible soils, vegetation, wildlife habitats, aquifer recharge areas and historically or archeologically significant areas.				
	4.	Adverse sound levels.				
	5.	Hazardous substances transported and/or stored.				
	6.	Solid waste disposal.				
	7.	Traffic generation.				
	8.	Adverse effects during construction phase.				
	9.	List all licenses, permits, approvals from municipal, county, state, federal agencies.				
	d.	Site design to minimize environmental damage:				
	1.	Drainage plans to limit off-site runoff.				
	2.	Sewage disposal techniques.				
	3.	Water supply and conservation.				
	4.	Energy conservation measures.				
	5.	Air, water and noise pollution control.				
	6.	Open space reserves.				
	7.	Procedures for chemical spill control.				
	8.	Name and address of person, persons or entity who prepared the EAR and their curriculum vitae.				

Preliminary Major Subdivision Completeness Checklist					
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board
	<p>Please see note below for waiver of EAR instructions:</p> <p>PLEASE NOTE: Any request for waiver of the above Environmental Assessment Report (EAR) must be submitted in writing as a separate rider in duplicate to the Planning Board Administrative Officer. A waiver request shall address the applicable items and state reasons and describe why there is no impact from the proposed development.</p>				
62.	<p>Recycling Plan pursuant to the provisions of subsection 11-1.16.</p> <p>[Ordinance 07-70]</p>				

§ 15-6.7. Final Major Subdivision Completeness Checklist and Plat Details. [Ord. No. 92-33; Ord. No. 03-05, § 5; Ord. No. 03-11, § 5; Ord. No. 03-25 § 2; Ord. No. 07-70 § 5; Ord. No. 10-07, § VI]

Applicant shall check off all items as submitted, not applicable, or waiver requested. Plans and improvements shall conform to standards and requirements of Sections 15-7 through 15-11 of this chapter.

Any request for waiver must accompany this application as a separate rider, denoting reasons why the waiver should be granted. The Board will review your request and notify you whether or not waiver has been granted.

The Warren Township Board may require submission of additional information not specified in this checklist as is 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 (Municipal Land Use Law Chapter 291 C. 40:55D-10.3).

When the applicant appears before the Planning Board for either a work session or public hearing, the applicant will be required to bring four maps of the latest revision submission for the Board members.

(See the following for the Final Major Subdivision Completeness Checklist)

Final Major Subdivision Completeness Checklist					
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board
1.	2 copies of completed application and checklist.				
2.	<p>Application fee is paid in accordance with Section 15-5. Final Major Subdivision: \$200</p> <p>Plus:</p>				

Final Major Subdivision Completeness Checklist						
No.	Item		Submitted	Not Applicable	Waiver Requested	Planning Board
	1-3 Lots	\$50				
	4-10 Lots	\$100				
	11-50 Lots	\$300				
	50 Plus Lots	\$400				
3.	Escrow Fee: 1/3 for nonresidential use and 1/2 for residential use of the original escrow fee paid at the time of preliminary plan application pursuant to Section 15-5. Note: Escrow fees for AMENDED Planning Board and Board of Adjustment applications shall be reduced by 50% of the above posted fees. (Per Ordinance 10-2 Effective 3/11/10 amending subsection 15-5.3a3.)					
4.	Signed escrow agreement.					
5.	Official Somerset County Planning Board Receipt.					
6.	Proof of submission to NJDEP for necessary permits.					
7.	Disclosure Statement listing names and addresses of all stockholders or individual partners owning at least 10% of the interest in the partnership or corporation in accord with N.J.S.A. 40:55D-48.2. Any applicant who is incorporated must have an attorney represent them.					
8.	Disclosure Statement of 10% ownership interest of corporation or partnership which is 10% owner or applying corporation or partnership in accordance with N.J.S.A. 40:55D-48.2.					
9.	Owner's letter of consent if applicant is other than owner.					
10.	Certification by Tax Collector that all taxes have been paid through the current quarter.					
11.	Copy of all existing protective covenants or deed restrictions of every nature affecting the premises sought to be developed or any part thereof and including a statement as to whether such deeds or covenants are of record.					
12.	A copy of abstract of the deed or deeds or other instruments by which title is derived with the names of all owners.					
13.	5 translucent reproducible mylars and 2 paper copies (signed and sealed) to be supplied for signatures following action by the Planning Board.					

Final Major Subdivision Completeness Checklist					
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board
14.	11 blue on white prints signed and sealed, 15 11 inches by 17 inches reduced copies 14 if Board of Adjustment application) in accordance with the following: (Applicant must bring 4 full size signed and sealed maps to all Planning Board hearings.				
15.	Identification as "Final Plat".				
16.	The final plans must fully conform to the preliminary plan as approved by the Planning Board, including revisions required as conditions of approval.				
17.	Preliminary plans must be signed by the Planning Board prior to filing for final.				
18.	Name and address of owner(s) of record.				
19.	Names of property owners adjacent to tract, along with respective block and lot designations.				
20.	The name of the map, municipality and county shall be shown.				
21.	The map must show streets, avenues, roads, lanes or alleys.				
22.	Signature lines and certifications must comply with the map filing law				
23.	Scale must be inches to feet and be large enough to contain legibly written date on the dimensions, bearings and all other details of the boundaries, and it shall also show the graphic scale (1 inch equals 100 feet) minimum				
24.	It shall show the dimensions, bearings and curve data sufficient to enable the definite location of all lines and boundaries shown thereon, including public easements and areas dedicated for public use.				
25.	Block and lot designations shall be shown.				
26.	The reference median used for bearings on the map shall be shown graphically.				
27.	All municipal boundary lines crossing or adjacent to subdivision shall be shown and designated.				
28.	All natural and artificial watercourses, streams, and water boundaries and encroachment lines shall be shown.				
29.	Watercourse Protection Area certification to be included if applicable: "This development permit application encompasses lands in a Watercourse Protection Area and is subject to all the standards and requirements of Section 15-10 of the Revised General Ordinances of the Township of Warren."				

Final Major Subdivision Completeness Checklist					
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board
30.	The map shall clearly show all documentation as required by Chapter 141 P.L. 1960; including monuments found, monuments set, and monuments to be set.				
31.	Any curve data shall be shown on both sides; namely radius, length of curve, subtended angle, chord bearing and chord distance.				
32.	The date of survey shall be shown				
33.	New Jersey State coordinates in NAD 1983 indicated at a minimum of 5 out bound corners.				
34.	Land Surveyor Certification shall be in accordance with N.J. Map Filing Law.				
35.	All maps shall be in accordance with Chapter 141 P.L. 1960 of the Map Filing Law.				
36.	All maps shall have the following certifications from the Map Filing Law:				
a.	I hereby certify that this map complies with the provisions of Chapter 141 P.L. 1960 and further certify that it has been approved for filing in the office of the County Clerk of Somerset County by the "Proper Authority," the Planning Board of the Township of Warren.				
	This certification shall expire if this map is not properly filed with the said County Clerk on or before _____.				
	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%; border-bottom: 1px solid black; margin-bottom: 5px;"></div> <div style="width: 45%; border-bottom: 1px solid black; margin-bottom: 5px;"></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">Chairman</div> <div style="width: 45%;">Date</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%; border-bottom: 1px solid black; margin-bottom: 5px;"></div> <div style="width: 45%; border-bottom: 1px solid black; margin-bottom: 5px;"></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">Secretary</div> <div style="width: 45%;">Date</div> </div>				

Final Major Subdivision Completeness Checklist					
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board
	<p>b. I hereby certify that this map and survey has been made under my supervision, and complies with the provisions of the "Map Filing Law."</p> <p>Include the following if applicable:</p> <p>I do further certify that the Monuments as designated and shown hereon have been set.</p> <hr/> <p>Licensed Land Surveyor & No.</p> <p>(Affix Seal) (Date)</p>				
	<p>c. If monuments are to be set at a later date, the following endorsement shall be shown on the map:</p> <p>"I certify that a bond has been given to the municipality, guaranteeing the future setting of the monuments shown on this map and so designated.</p>				
	<hr/> <p>Municipal Clerk Date</p> <p>(Affix Seal)</p>				
	<p>d. There shall be endorsed thereon a certificate of the municipal engineer as follows:</p> <p>"I have carefully examined this map and find it conforms with the provisions of the "Map Filing Law" and the Municipal Ordinances and requirements applicable thereto.</p>				
	<hr/> <p>Municipal Engineer Date</p> <p>(Affix Seal)</p>				
	<p>e. The Owner's Consent as follows: We, the undersigned, hereby declare that we are the owners of the land delineated hereon and we hereby consent to the filing of this map in the office of the Clerk of Somerset County.</p>				
	<hr/> <p>Owner Date</p>				

§ 15-6.8. Preliminary Site Plan Completeness Checklist and Plat Details. [Ord.

No. 92-33; Ord. No. 03-11, § 6; Ord. No. 03-25 § 2; Ord. No. 07-70 § 5; Ord. No. 10-07, § VII; Ord. No. 13-04 § 5]

Applicant shall check off all items as submitted, not applicable, or waiver requested. Plans and improvements shall conform to standards and requirements of Sections 15-7 through 15-11 of this chapter.

Any request for waiver must accompany this application as a separate rider, denoting reasons why the waiver should be granted. The Board will review your request and notify you whether or not waiver has been granted.

The Warren Township Planning Board may require submission of additional information not specified in this checklist 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 (Municipal Land Use Law Chapter 291 C. 40:55D-10.3).

When the applicant appears before the Planning Board for either a work session or public hearing, the applicant will be required to bring four maps of the latest revision submission for the Board members.

(See the following for the Preliminary Site Plan Completeness Checklist)

Preliminary Site Plan Completeness Checklist					
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board
1.	2 copies of completed application and checklist.				
2.	Application fee is paid in accordance with Section 15-5.				
	Major Preliminary Site Plan:				
	Preliminary Site Plan (Commercial)				
	Building Area 10,000 square feet or less \$550				
	Building Area 10,000 square feet - 50,000 square feet \$1,100				
	Building Area 50,000 square feet - 100,000 square feet \$2,200				
	Building 100,000 square feet or more \$3,300				
	Preliminary Site Plan Residential: \$350				
	PLUS \$5 per unit				
	Add \$200 if variance relief requested				
3.	Escrow fee is paid in accordance with Section 15-5. Site Plan:				
	Nonresidential:				

Preliminary Site Plan Completeness Checklist						
No.	Item		Submitted	Not Applicable	Waiver Requested	Planning Board
	Less than 10,000 square feet of building area	\$6,000				
	10,001-50,000 square feet of building area	\$15,000				
	50,001 - 100,000 square feet of building area	\$25,000				
	In excess of 100,000 square feet of building area	\$35,000				
	Residential:					
	1-3 lots or units	\$4,000				
	4-10 lots or units	\$10,000				
	11-25 lots or units	\$20,000				
	26-50 lots or units	\$25,000				
	51-100 lots or units	\$30,000				
	In excess of 100 lots or units	\$50,000				
	NOTE: Escrow fees for AMENDED Planning Board and Board of Adjustment applications shall be reduced by 50% of the above posted fees. (Per Ordinance 10-2 Effective 3/11/10 amending subsection 15-5.3a3.)					
	4.	Signed escrow agreement				
5.	Official Somerset County Planning Board receipt which demonstrates proof of filing with the County.					
6.	Proof of submission to N.J.D.E.P. for necessary permits.					
7a.	Disclosure statement listing names and addresses of all stockholders or individual partners owning at least 10% of the interest in the partnership or corporation in accordance with N.J.S.A. 40:55D-48.1					
7b.	Disclosure statement of 10% ownership interest of corporation or partnership which is 10% owner of applying corporation or partnership in accordance with N.J.S.A. 40:55D-48.2.					
8.	Owner's letter of consent if applicant is other than owner.					
9.	List of any variances being sought, including all information necessary for proper deliberation.					
10.	Certification of the Tax Collector that all taxes have been paid through the current quarter.					

Preliminary Site Plan Completeness Checklist													
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board								
11.	Copy of all existing protective covenants or deed restrictions of every nature affecting the premises sought to be developed or any part thereof and including a statement as to whether such deeds or covenants are of record.												
12.	A copy of abstract of the deed or deeds or other instruments by which title is derived with the names of all owners.												
13.	11 (14 if Board of Adjustment case) blue on white FOLDED prints and 15 11 inches by 17 inches reduced copies (Planning Board). (Applicant to bring 4 additional maps of the latest revision to each Planning Board meeting - (Planning Board).)												
14.	Proper scale (1 inch equals 50 feet) minimum.												
15.	Graphic Scale												
16.	Key map (not less than 1 inch equals 800 feet).												
17.	Date and revision date on each sheet. Overall plan revision dates to be shown on cover sheet.												
18.	Name and address of applicant must be shown on plans.												
19.	Name and address of person(s) preparing the plans, signature, date, seal and license number must be shown on plans.												
20.	Name and address of owner of record and/or authorized agent must be shown on plans.												
21.	North arrow.												
22.	Existing block and lot number(s) of the lot(s) as they appear on the official municipal tax maps.												
23.	Entire tract shown on 24 inches by 36 inches plat.												
24.	Name of project.												
25.	All title blocks should meet requirements of N.J.A.C. 13.40 Sections 1.3, 1.4, 1.5, 1.6.												
26.	Signature block for endorsement of the Board Chairman and Board Secretary on cover sheet of plans in lower right hand corner of plan.												
	<table border="1"> <tr> <td>_____</td> <td>_____</td> </tr> <tr> <td>Planning Board Chairman</td> <td>Date</td> </tr> <tr> <td>_____</td> <td>_____</td> </tr> <tr> <td>Planning Board Secretary</td> <td>Date</td> </tr> </table>	_____	_____	Planning Board Chairman	Date	_____	_____	Planning Board Secretary	Date				
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Planning Board Chairman	Date												
_____	_____												
Planning Board Secretary	Date												

Preliminary Site Plan Completeness Checklist					
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board
27.	Pursuant to N.J.A.C. 13:40-7(a), "a signed and sealed survey prepared by a licensed professional land surveyor shall be submitted in conjunction with all subdivision and site plan applications."				
28.	Names and addresses of owners within 200 feet with respective block and lot numbers shown on the plan.				
29.	Tax map identification (sheet number, block and lot numbers) on plans.				
30.	Zone boundaries within 200 feet to be shown on map.				
31.	Improvements and utilities within 200 feet				
32.	Proposed rights-of-way.				
33.	Any adjacent lots in which applicant has a direct or indirect interest.				
34.	Proposed improvements to adjoining streets or roads.				
35.	All distances to the nearest intersection with any public street (measured along sideline or centerline of adjacent street).				
36.	Building height, size and location (in stories and in feet).				
37.	Zoning Schedule - indicating applicable zoning requirements and proposal including:				
	a. Lot area in square feet.				
	b. Lot width in feet.				
	c. Front yard setback in feet.				
	d. Both side yard setbacks in feet.				
	e. Rear yard setback in feet.				
	f. Rear and side yards for accessory buildings in feet.				
	g. Maximum (%) lot coverage by building.				
	h. Maximum height in stories and feet.				
	i. Maximum (%) lot coverage by all buildings and pavement.				
	j. Floor area ratio.				
38.	Location and size of existing building and structures on site and within 200 feet				
39.	Structures to be removed shall be clearly indicated by dashed lines				
40.	Designate and note existing structures on Historic Landmarks inventory maintained by the Somerset County Planning Board.				

Preliminary Site Plan Completeness Checklist					
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board
41.	Existing elevations and contours (2 feet contour interval and extended minimum of 100 feet beyond tract.)				
42.	Indication of slopes greater than 15% shown by shading.				
43.	Proposed elevations and contours (2 feet contour interval) and extended minimum of 100 feet beyond tract).				
44.	Signage details with dimensions.				
45.	Location and width of all existing and proposed easements.				
46.	Exterior wall material				
47.	Exterior architectural design lighting illumination pattern and details to include parking facilities.				
48.	Access streets (names, width, lanes).				
49.	Vehicular ingress and egress to and from site onto public streets.				
50.	Directional traffic flow on site.				
51.	Calculation of parking provided and required, including barrier-free parking spaces.				
52.	Location and design of off-street parking.				
53.	Size and location of bays, aisles and planting areas.				
54.	Off-street parking areas paved and curbed.				
55.	Applicable barrier free design in accordance with N.J.S.A. 16:41-2.5				
56.	Written use plan, explaining intended use of the building.				
57.	Size and location of driveways and curb-cuts.				
58.	Driveways conform to maximum and minimum dimensions required.				
59.	Sight easements shown on plan.				
60.	Sidewalks, walkways and pedestrian lanes.				
61.	Fire lanes.				
62.	Loading spaces or docks, including signage.				
63.	Traffic impact analysis for sites generating more than 25 vehicles per hour.				
64.	Existing and proposed storm sewer system.				
65.	Drainage calculations:				

Preliminary Site Plan Completeness Checklist					
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board
	a. Stormwater Management Plan - Calculations for evaluation of on-site detention facilities for zero net increase in runoff.				
	b. Calculations for downstream impact analysis without detention facilities.				
	c. Internal drainage system sizing calculations including inlet drainage area map.				
	d. Design standards for all facilities are set forth in Section 15-7				
66.	Existing and proposed sanitary sewers				
67.	Existing and proposed water mains and hydrants.				
68.	Existing and proposed gas lines.				
69.	Existing and proposed electric lines.				
70.	Existing and proposed telephone lines.				
71.	Existing and proposed common space.				
72.	Existing and proposed open space.				
73.	Collection and disposal method of recyclable materials and solid waste in accord with Chapter 11 of the Revised General Ordinance of Warren Township.				
74.	Areas of site to be used for storage of chemical or hazardous material to be designated on plans, including:				
	a. List of substances, quantities, copy of licenses required for storage and transport of any chemical or hazardous materials.				
75.	Streams, waterways, watercourse protection areas and flood-plains on tract and within 200 feet of tract. All plats that encompass a watercourse protection area as outlined and defined in Section 15-10 shall contain the following certification: "This lot encompasses land in a Watercourse Protection Area and is subject to all the standards and requirements of the Floodplain and Watercourse regulations."				
76.	Delineation of floodplain and wetland areas, and source of delineation (NWI maps) or, if not, a statement describing the absence of such. Indicate classification of wetlands, show appropriate buffer where applicable.				
77.	Setback lines, provided and required.				

Preliminary Site Plan Completeness Checklist					
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board
78.	Buffer areas, including height, width, calculation of area, and type of buffer and its expected effectiveness in screening views, auto headlights and reducing noise.				
79.	Proposed landscaping areas including types and sizes of plantings, and planting, staking and mulching details (include in buffer area).				
80.	Areas of proposed dedication for public use.				
81.	Seeded or sodded areas, groundcover, retaining walls, fencing, shrubbery, trees, including height and caliper.				
82.	Location of single trees not in wooded areas with diameter of 6 inches or more as measured 3 feet above the base of the trunk.				
83.	4 copies of an Environmental Assessment Report containing:				
	A. Descriptive report of environmentally sensitive areas.				
	B. Site description & inventory:				
	1. Types of soil				
	2. Topography				
	3. Geology				
	4. Vegetation				
	5. Wildlife				
	6. Surface & subsurface water.				
	7. Unique, scenic, historic features.				
	8. Existing development features not part of natural environment.				
	C. Environmental impact matters to be evaluated:				
	1. On-site sewerage & off-site connections.				
	2. Potable water supply.				
	3. Stress corridors, wetlands, erodible soils, vegetation, wildlife habitats, aquifer recharge areas & historically or archaeologically significant areas.				
	4. Adverse sound levels				
	5. Hazardous substances transported and/or stored.				
	6. Solid waste disposal.				
	7. Traffic generation				
	8. Adverse effects during construction phase.				

Preliminary Site Plan Completeness Checklist					
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board
	9. List all licenses, permits, approvals from municipal, county, state, federal agencies.				
	D. Site design to minimize environmental damage:				
	1. Drainage plans to limit off-site runoff.				
	2. Sewage disposal techniques.				
	3. Water supply and conservation.				
	4. Energy conservation measures.				
	5. Air, water and noise pollution control.				
	6. Open space reserves.				
	7. Procedures for chemical spill control.				
	8. Name and address of person, persons or entity that prepare the EAR and their curriculum vitae.				
	Any request for waiver of the above EAR must be submitted in writing as a separate rider in duplicate to the Planning Board Administrative Officer. A waiver request shall address the applicable items and state reasons and describe why there is no impact from the proposed development.				
84.	Soil erosion and sediment control plan.				
85.	Show location of Fire Department connections and automatic fire alarm panel (if required).				
86.	Recycling Plan pursuant to the provisions of subsection 11-1.16 Ordinance 07-70.				

§ 15-6.9. Final Site Plan Approval Completeness Checklist and Plat Details. [Ord. No. 92-33; Ord. No. 03-05, § 6; Ord. No. 03-11, § 7; Ord. No. 03-25 § 2; Ord. No. 07-70 § 5; Ord. No. 10-07, § VIII]

Applicant shall check off all items as submitted, not applicable, or waiver requested. Plans and improvements shall conform to standards and requirements of Sections 15-7 through 15-11 of this chapter. Any request for waiver must accompany this application as a separate rider, denoting reasons why the waiver should be granted. The Planning Board will review your request and notify you whether or not waiver has been granted.

The Warren Township Planning/Zoning Board may require submission of additional information not specified in this checklist as is 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. (Municipal Land Use Law Chapter 291 C. 40:55D-10.3)

(See the following for the Final Site Plan Approval Completeness Checklist)

Final Site Plan Approval Completeness Checklist					
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board
1.	2 copies of completed application and checklist				
2.	Application fee is paid in accordance with Ordinance #15-5:				
	Final Site Plan (Nonresidential)				
	Building area 10,000 square feet or less \$300				
	Building area 10,000 - 50,000 square feet \$600				
	Building area 50,000 - 100,000 square feet \$1,200				
	Building area 100,000 square feet or more \$1,800				
	Application for Extension of Approval \$100				
	Final Site Plan (Residential) \$200 PLUS \$10/unit				
3	Escrow fee is paid in accordance with Ordinance Section 15-5: Final Site Plan (Nonresidential) 1/3 of the original escrow fee paid at the time of preliminary plan application. Final Site Plan (Residential) 1/2 of the original escrow fee paid at the time of preliminary plan application. NOTE: Escrow fees for AMENDED Planning Board and Board of Adjustment applications shall be reduced by 50% of the above posted fees. (Per Ordinance 10-2 Effective 3/11/10 amending subsection 15-5.3a3.)				
4.	Signed Escrow Agreement.				
5.	Disclosure Statement: Application by corporation or partnership for approval of a site to be used for commercial purposes shall list all stockholders holding 10% or more of stock in any class and/or all individual partners having 10% or greater interest in the partnership or corporation. Any applicant who is incorporated must be represented by an attorney.				
6.	Disclosure Statement: Listing of names and addresses of all stockholders or individuals of 10% ownership interest of corporation or partnership which is 10% owner of applying corporation or partnership.				
7.	Owner's letter of consent if applicant other than owner.				

Final Site Plan Approval Completeness Checklist					
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board
8.	List any variances being sought, including all information necessary for proper deliberation.				
9.	Certification by Tax Collector that all taxes have been paid through the current quarter.				
10.	Copy of all existing protective covenants or deed restrictions of every nature affecting the premises sought to be developed or any part thereof and including a statement as to whether such deeds or covenants are of record. All plats that encompass a watercourse protection area as outlined and defined in Section 15-10 shall contain the following certification: "This lot encompasses land in a Watercourse Protection Area and is subject to all the standards and requirements of the Floodplain and Watercourse regulations."				
11.	A copy of abstract of the deed or deeds or other instruments by which title is derived with the names of all owners.				
12.	11 FOLDED and 15 11 inches by 17 inches blue on white prints (14 if Board of Adjustment case). (Applicant is responsible to bring 4 additional maps of the latest revision to each meeting.)				
13.	The final plans must fully conform to the preliminary plans as approved by the Planning Board, including revisions required as conditions of approval.				
14.	Preliminary plans must be signed by the Board prior to filing for final.				
15.	Scale (1 inch equals 50 feet) minimum				
16.	Graphic Scale				
17.	Key map (not less than 1 inch equals 800 feet)				
18.	Date and all revision date(s) shown on cover sheet				
19.	Name and address of applicant must be shown on plans.				
20.	Name and address of person(s) preparing the plans, signature, date, seal and license number must be shown on plans.				
21.	Name and address of owner of record and/or authorized agent must be shown on plans.				
22.	North arrow.				
23.	Existing block and lot number(s) of the lot(s) as they appear on the official municipal tax maps				

Final Site Plan Approval Completeness Checklist									
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board				
24.	Entire tract shown								
25.	Name of project								
26.	All title blocks should meet requirements of N.J.A.C. 13.40 Sections 1.3, 1.4, 1.5, 1.6.								
27.	Survey of tract certified by professional licensed land surveyor, with actual building setback shown with boundaries and area within 1/100 acres.								
27a	Pursuant to N.J.A.C. 13:40-7(a)1, "a signed and sealed survey prepared by a licensed professional land surveyor shall be submitted in conjunction with all subdivision and site plan applications."								
28.	Names of owners within 200 feet with respective block and lot numbers.								
29.	Tax map identification (sheet number, block and lot numbers) on plans.								
30.	Zone boundaries within 200 feet								
31.	Final Site Plan should be clearly indicated as "FINAL"								
32.	Signature block for endorsement of the Chairman and Planning Board Secretary on cover sheet of plans in lower right-hand corner of plan:								
	<table border="1"> <tr> <td>Chairman</td> <td>Date</td> </tr> <tr> <td>Secretary</td> <td>Date</td> </tr> </table>	Chairman	Date	Secretary	Date				
Chairman	Date								
Secretary	Date								
33.	Improvements and utilities within 200 feet								
34.	Existing rights-of-way.								
35.	Any adjacent lots in which applicant has a direct or indirect interest.								
36.	As built condition of streets and roads.								
37.	All distances to the nearest intersection with any public street (measured along sideline or centerline of adjacent street).								
38.	Zoning Schedule - indicating applicable zoning requirements and proposal including:								
	a. Lot area in square feet								
	b. Lot width in feet								

Final Site Plan Approval Completeness Checklist					
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board
	c. Front yard setback in feet				
	d. Both side yard setbacks in feet				
	e. Rear yard setback in feet				
	f. Rear and side yard setbacks for any accessory buildings				
	g. Maximum and lot coverage by building				
	h. Maximum height in stories and feet				
	i. Maximum lot coverage by all buildings and pavement				
	j. Floor area ratio				
39.	Location and size of existing buildings and structure on site and within 200 feet				
40.	Designate and note existing structures on Historic Landmarks inventory maintained by Somerset County Planning Board.				
41.	Existing elevations and contours 2 feet contour interval and extended minimum of 100 feet beyond tract).				
42.	Proposed elevations and contours (2 feet contour interval).				
43.	Exterior wall material.				
44.	Exterior architectural design lighting illumination pattern and details.				
45.	Access streets names, widths, lengths.				
46.	Vehicular ingress and egress to and from site onto public streets.				
47.	Directional traffic flow on site.				
48.	Calculation of parking provided and required.				
49.	Location, scaled design of off-street parking.				
50.	Actual size and location of bays, aisles and planting areas.				
51.	Off-street parking paved and curbed.				
52.	Size and location of driveways and curb cuts.				
53.	Driveways conform to maximum and minimum dimensions required.				
54.	Site easements shown on plan.				
55.	Sidewalks, walkways and pedestrian lanes.				
56.	Fire lanes.				
57.	Loading spaces or docks.				

Final Site Plan Approval Completeness Checklist					
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board
58.	Existing and proposed storm sewer systems				
59.	Drainage calculations - reflecting any changes from preliminary.				
60.	Existing sanitary sewers.				
61.	Existing water mains and hydrants.				
62.	Existing gas lines.				
63.	Existing electric lines.				
64.	Existing telephone lines.				
65.	Existing common space.				
66.	Existing open space.				
67.	Solid waste collection and disposal method in accord with Chapter 11 of the Revised General Ordinances of Warren Township.				
68.	Streams, waterways and floodplains on tract and within 200 feet of tract.				
69.	Indication of wetland areas on tract, with classification and buffer where appropriate.				
70.	Buffer areas including height, width and type of buffer and its expected effectiveness in screening views, auto headlights and reducing noise.				
71.	Proposed or existing landscaping areas including types and sizes of plantings, and planting, staking and mulching details (include buffer area).				
72.	Areas of proposed dedication for public use.				
73.	Seeded or sodden areas, groundcover, retaining walls, fencing, shrubbery, trees, including height and caliper.				
74.	Location of single trees not in wooded areas with diameter of 6 inches or more as measured 3 feet above the base of the trunk.				

§ 15-6.10. Board of Adjustment Completeness Checklist Variance Application Not Involving a Subdivision or Site Plan Application. [Ord. No. 92-33; Ord. No. 02-04, §§ 1, 2; Ord. No. 03-05, § 7; Ord. No. 03-11, § 8; Ord. No. 03-25 § 2; Ord. No. 07-70 § 5; Ord. No. 13-04 § 6]

Applicant shall check off all items as submitted, not applicable, or waiver requested. Any request for waiver must accompany this application as a separate rider, denoting reasons why the waiver should be granted. The Board will review your request and notify you whether or not waiver has been granted.

The Board of Adjustment may require submission of additional information not specified in this checklist 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 (Municipal Land Use Law Chapter 291 C. 40:55D-10.3).

(See the following for the Board of Adjustment Completeness Checklist)

Board of Adjustment Completeness Checklist					
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board
1.	2 copies completed application, and checklist				
2.	Application fee is paid in accordance with Section 15-5.				
3.	Escrow fee is paid in accordance with Section 15-5				
4.	Signed Escrow Developers Agreement				
5.	Owner's letter of consent if applicant other than owner				
6.	Certification by Tax Collector that all taxes have been paid through the current quarter				
7.	Certification of Township Engineering Department of compliance with Watercourse Protection and Flood Hazard regulation (Section 15-10) of this chapter or, in the alternative, certification by the Warren Township Engineering Department that the structure is not located in the watercourse protection area. If the structure is located in the watercourse protection area, site plan approval is required				
8.	14 folded blue on white prints in accordance with the following:				
9.	Name and address of owner and applicant shown on plans.				
10.	Name and address of person preparing plans, including signature, date, seal and license number shown on plans.				
11.	North arrow.				
12.	Names of adjoining property owners and owners within 200 feet with respective block and lot numbers.				
13.	Designation of zoning district.				
14.	Tax map identification (sheet number, block and lot numbers) shown on plans.				
15.	All existing and proposed streets shown on plans.				
16.	Location and width of all existing and proposed easements.				
17.	Scale (1 inch equals 40 feet) feet minimum) labeled on plat				
18.	Entire tract on 1 sheet at scale not more than 1 inch equals 100) feet.				

Board of Adjustment Completeness Checklist					
No.	Item	Submitted	Not Applicable	Waiver Requested	Planning Board
19.	Date and revision dates. (Over all plan revision dates to be shown on cover sheet.)				
20.	All proposed lot lines, as well as any lot lines to be eliminated, must be clearly indicated on plans.				
21.	Location of all existing building and structures				
22.	Height and size of existing building and structures				
23.	Percent (%) coverage for:				
	a. Lot coverage by building.				
	b. Lot coverage by all buildings, decks and pavement.				
	c. Floor area ratio.				
24.	Indicate on plans those structures to be removed				
25.	Designate and note any existing structures which are on the Historic Landmarks' Inventory (maintained by Somerset County)				
26.	Show location and size (square footage) of existing and proposed driveways				
27.	Area in square feet of all existing and proposed lots				
28.	Dimensions, area (in square feet) and height of proposed buildings, additions or structures				
29.	Mark front yard, side yard and rear yard setback lines on plan.				
30.	Show location of septic field if applicable.				
31.	Show location of well and indicate if it is the sole source of drinking water if applicable.				
32.	Applicant will provide a disk in Autocad format, acceptable to the Township Engineer, at the time maps are submitted for signature by the Board, with all information necessary to update Township Tax Maps as a result of any development approval finally granted. (Checking the "submitted" column signifies applicant agrees.)				
33.	Recycling Plan pursuant to the provisions of subsection 11-1.16				

§ 15-6.11. Post-Approval Compliance. [Ord. No. 13-04 § 7; Ord. No. 2017-08]

- a. Notwithstanding anything in the contrary contained in 15-6.1 through 15-6.10, a certification and/or waiver from the Warren Township Sewerage Authority shall be a condition precedent to the issuance of any and all building and/or construction permits under Chapter 8.

- b. After the effective date of this Ordinance (Ordinance No. 2017-08), pursuant to N.J.S.A. 58:11-23, no installation or erection of an individual subsurface sewage disposal system and/or nonpublic water system shall be commenced or made in any realty improvement not served by an approved water supply and an approved sewerage system in the Township unless a certification as required by N.J.S.A. 58:11-25 has been issued by the Board of Health. The words and phrases used in this section shall be as defined in N.J.S.A. 58:11-24.
- c. A certification by the Board of Health for any realty improvement as set forth in paragraph b above, or for any variation from the provisions of the Standards for Individual Subsurface Sewage Disposal Systems, Chapter BH4 of the Warren Township Board of Health Ordinances, shall be a condition precedent to the issuance of any and all building and/or construction permits under Chapter 8.
- d. The certifications or waivers required by paragraphs a and b above shall be submitted to the Construction Code Official prior to the issuance of any and all building and/or construction permits.
- e. Notwithstanding anything to the contrary set forth in this Ordinance, a formal application shall be made to the Health Department.

§ 15-7. DESIGN STANDARDS.

§ 15-7.1. General Standards. [Ord. No. 92-33]

A development plan design shall conform to standards which will encourage good development patterns and the maximization of the use of available energy within the Township. All aspects of the design shall conform to all applicable sections of the Zoning Ordinance, Master Plan, Official Map and any other controls established by State, County or local statutes, ordinances or resolutions. Protection and promotion of the public health, safety, morals and welfare shall be of paramount concern in all design details

§ 15-7.2. Specific Standards. [Ord. No. 92-33; Ord. No. 01-13; Ord. No. 07-22 § 1; Ord. No. 09-06 §§ 1, 2]

All subdivision and site plan designs shall conform to the Warren Township Standard Construction Detail Sheets and applicable specific standards as follows:

- a. **Building Location.** A building shall be located to front towards and relate to a public street, both functionally and visually. In a multiple building development, buildings located in the interior of a site creating courts or alleys, shall be located to front towards and relate to one another, both functionally and visually.
- b. **Street Arrangement.** The arrangement of streets not shown on the Master Plan or Official Map shall be such as to provide for the appropriate extension of existing streets and the easy flow of traffic with particular consideration for simplicity of access to any part of the subdivision by emergency vehicles and the logical interconnection and/or extension of water lines, sewer lines and other basic utilities and services. When the proposed subdivision adjoins the end of any dead-end street, provision shall be made for the continuation of the dead-end street to another street.

The arrangement of streets not shown on the Master Plan or Official Map shall be such as to provide for the appropriate extension of existing streets and so oriented as to permit, within the limits of practicability and feasibility, the buildings constructed thereon to maximize solar gain.

- c. When a new development adjoins land susceptible to being subdivided, suitable provisions shall be made for optimum access of the remaining and/or adjoining tract to existing or proposed streets.
- d. Minor streets shall be so designed as to discourage through traffic.
- e. Required Right-of-Way Width. The right-of-way width shall be measured from lot line to lot line and shall be not less than 50 feet except where greater right-of-way width is established in the adopted Master Plan of Warren Township. In this instance, the width specified in the Warren Township Master Plan shall be observed.
- f. Required Dedication. Subdivisions that adjoin or include existing streets that do not conform to such right-of-way widths shall dedicate, on the final plat if there is one or by deed if there is no final plat, such additional right-of-way width as will cause them to conform. If the subdivision adjoins both sides of an existing street, boundaries of the area or areas to be dedicated shall be determined and based upon the adopted Master Plan of Warren Township. If the subdivision is along one side of an existing street, 1/2 of the required extra right-of-way width shall be dedicated.
- g. Street Grades. No street shall be greater than 12% nor less than 0.5%. Within 50 feet of any intersection with another street, no street grade shall be greater than 5%.
- h. Street Intersections. Street intersection shall be as nearly as possible at right angles and in no case shall be less than 60°. The block corners at intersections shall be rounded at the curb line with a curb having a radius of not less than 25 feet.
- i. Sight Rights. Sight rights shall be provided and shown at all street intersections to assure full visibility of approaching traffic. The sight rights shall be triangular with the street sides being at least the following lengths: Along a County road, as required by the County Planning Board; along an existing Township street crossing the intersection, 100 feet; along an existing Township street crossing the intersection but designated by ordinance as a stop street at the intersection and along a proposed new street crossing the intersection, 50 feet; along an existing Township street or proposed new street ending at the intersection, 30 feet, except that if future extension of the street across the intersection can reasonably be contemplated, the length of the sight right side shall be 50 feet.
- j. Street Jogs. Street jogs with center line offsets of less than 125 feet shall be prohibited. Street intersections shall be spaced at least 125 feet apart.
- k. Reverse Curves. A tangent at least 100 feet in length shall be introduced between reverse curves.
- l. Curves. When connecting street lines deflect from each other at any point by more than 5°, they shall be connected by a curve having a radius of not less than 100 feet. Connecting street lines which deflect from each other by more than 45° shall be

prohibited. When connecting street lines deflect from each other at any one point, they shall be connected by a curve with a radius conforming to standard engineering practice so that the minimum sight distance within the right-of-way shall be 300 feet for local streets, 450 feet for a collector street and 800 feet for an arterial street. All horizontal curves shall be designed to conform to A Policy on Geometric Design of Rural Highways/American Association of State Highway Transportation Officials.

- m. Vertical Curves. All changes in grade shall be connected by vertical curves of sufficient radius to provide a smooth transition and proper sight distances. All vertical curves shall be designed to conform to A Policy on Geometric Design of Rural Highways/American Association of State Highway Transportation Officials.
- n. Dead-end Streets. All dead-end streets whether permanent or temporary shall provide a turn-around at the end having a right-of-way radius of not less than 50 feet and tangent wherever possible to the right side of the street. Where it is possible to extend the dead-end street to a through street in the future by the subdivision of adjoining property, provisions for such extension shall be made by the dedication of a right-of-way to the present subdivider's property line, the location of which right-of-way shall be as determined by the Planning/Zoning Board. Where extension of the dead-end street is possible, or the dead-end is of a temporary nature for any reason, provisions shall be made for reversion of the excess right-of-way at the turnaround to the adjoining properties upon future extension of the street.
- o. Culs-de-sac, Private and Public. Culs-de-sac public or private streets are streets with a single means of ingress and egress and having a turn-around, the design of which must conform to Township requirements. Cul-de-sac public streets shall provide access and egress to no less than seven single family detached dwellings but no more than 24 single family detached dwellings. Any existing lot, not having the driveway connection to the public cul-de-sac and not part of the development application shall not count as a lot for purposes of meeting the minimum seven lot requirement of this subsection. An application for six or fewer lots on a cul-de-sac shall be deemed to be a private cul-de-sac street. Any existing lot, not having the driveway connection to the private cul-de-sac and not part of the development application shall not count as a lot for purposes of meeting the six or fewer lot requirement of this subsection.
- p. Street Names. No street shall have a name which will duplicate or so nearly duplicate as to be confused with the name of any other street in the Township. The Engineering Department, or its assign shall provide a listing of acceptable street names. The continuation of an existing street shall have the same name. Street names shall be reviewed by the Police and Fire Departments and written response provided by same.
- q. Lot Lines. Wherever possible, lot lines shall be at right angles to straight streets and radial to curved streets. Lots shall be as nearly rectangular as possible, and deep triangular or trapezoidal lots shall be avoided.
- r. Suitability for Development. No lot shall be created if a building permit for its intended purpose could not be issued in compliance with the Warren Township Zoning Ordinance (Chapter 16).

- s. Storm Water Management. All storm water control basins shall be designed in accordance with the Hand-book for Storm Water Detention/Retention Basins of Somerset County, latest edition. All basins shall be located on a single lot. Storm water conveyance facilities connecting to detention and/or retention basins shall be designed to provide for the 100-year flood. All other pipe(s) or conveyance facilities shall be designed to provide for the twenty-five-year flood. Further, all systems shall conform to flood hazard requirements of Section 15-10 of this chapter. The free board of any proposed basin shall be located no less than 50 feet from an existing or proposed dwelling.
- t. Sewer Easements. Where public or semi-public sanitary sewage facilities are not to be constructed as improvements in any subdivision or part thereof, easements shall be provided and designed to provide for the most convenient and economical gravity flow sewers from the probable site of each building to be erected in the subdivision to the most practical point or points for connection with existing or potential trunk lines or tributaries thereof. Such easements, except where they may cross the same, shall not be within the beds of street pavements, but shall traverse and encompass any street right-of-way outside of the pavement or curb lines.
- u. Natural Features. Desirable natural features of the land shall be preserved as much as possible.
- v. No development application shall adversely affect further development of the tract or adjoining property. The Planning Board may require, prior to approval of any development application, submission of a sketch plat showing that further development of the tract or adjoining property can be achieved in compliance with this chapter and zoning ordinances of the Township.
- w. All requirements and directions set forth in this section, where applicable, shall be applied to site plans with equal force and effect. Any reference to "subdivision" shall be taken to include site plan.
- x. Steep Slopes. Steep slopes includes all areas of land of 15% grade or greater. Only major subdivision development applications utilizing the modified variable lot size or open space standards set forth in Chapter 16 (Zoning) shall be required to be designed in accordance with the following:
 - 1. Lots of 1.5 acres or larger shall provide a contiguous area of one acre having a slope of less than 15%.
 - 2. Lots created by variable lot size or open space development standards and less than 1.5 acres in size shall provide 50% of the lot area with a slope of less than 15%.
- y. Tree Replacement. The following requirements are applicable to all site plans and subdivisions, both major and minor:
 - 1. The square footage of each parcel of land to be developed, not existing and remaining in a wooded state after completion of development, shall be computed and set forth on the development plan. Only trees taller than 20 feet shall constitute wooded area. For the purpose of determining the wooded area of a parcel, 1,600 square feet around each tree over 20 feet in height shall be

deemed to be wooded. Also, an area of 2,500 square feet for building clearance shall be deducted from the above computation.

2. For each 1,600 square feet of unwooded area thus computed, the developer or subdivider shall cause to be planted, protected and maintained or replaced one tree according to the following descriptions of size, species and placement:
 - (a) No fewer than three species of tree shall be included in any one acre of land; identical species should not be contiguous.
 - (b) No such tree shall be planted closer than 20 feet to a lot line, structure or contiguous tree than. Equal distances and straight lines shall be avoided.
 - (c) No more than 50% of each hardwood species shall be less than 3 1/2 inches caliper and no hardwood tree shall be less than 2 1/2 inches caliper, DBH. No evergreen tree shall be less than six feet in height if pruned nursery stock or eight feet unpruned stock.
 - (d) 80% of all trees shall be of native species such as maple, oak, ash, beech, or other native hardwood variety, or evergreen of vertical habit such as pine or spruce (or in approved protected location, hemlock). Trees thus provided shall not be used as foundation plantings.
3. In the event the residential home purchaser of a lot in a subdivision (this paragraph not being applicable to site plans), shall prefer fewer than the number of trees as provided for above on his lot, or that no trees be planted, the developer shall increase the number of trees planted on adjacent or nearby lots to that same amount, so that the subdivided tract shall maintain the aggregate number of trees as provided for in this section.
4. Tree specimens shall be of quality nursery stock with straight trunks and shall be balled, burlapped, well-branched and with a healthy root system. Backfill upon planting will consist of 50% humus for each tree. Soil is not to be placed around the base of the tree above normal ground level.
5. All trees are to be thoroughly watered at the time of planting and at adequately frequent intervals thereafter. Trees not surviving or showing significant die-back after 18 months from planting shall be replaced by the developer with equivalent stock.
6. Each hardwood tree will be staked approximately five feet from the ground with two stakes each two inches by two inches in girth and eight feet in length. Trees will be wired to both stakes with the wire passing through a rubber hose section where attached to the tree.
7. The Planning Board or Board of Adjustment, for good cause, shall have the right to make adjustments to the above requirements as a result of any special circumstances encountered in the development process. The Planning Board or Board of Adjustment should seek the advice of the Environmental Commission before making adjustments.
- z. Reservation of Public Areas. 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, 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 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 subsection shall not apply to the streets and roads, flood control basins or public drainageways necessitated by the subdivision or land development and required for final approval. The developer shall be entitled to just compensation for actual loss found to be caused by such temporary reservation and deprivation of use. In such instance, 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.

§ 15-7.3. Town Center and Nonresidential Zone Design Standards. [Ord. No. 92-33; Ord. No. 2000-26 §§ 2, 3]

- a. Purpose. The purpose and intent of this subsection is to:
 1. Set forth specific guidelines and standards to promote functional and attractive site plans and subdivisions.
 2. Provide guidelines and standards that shall be used by an applicant in preparing a development plan and by the Planning Board and Zoning Board of Adjustment in reviewing the same. In reviewing a development plan, the Planning Board and Zoning Board of Adjustment (sometimes referred to as "Board" or "Boards" hereinafter) shall determine whether or not, and to what degree, an application for development meets such guidelines and standards. The Boards may approve, conditionally approve, request modifications, or deny approval of the application for development based upon its review of the development plan.
 3. Insure that any development gives due consideration to the physical, visual, and spatial character and scale of the existing streetscape, neighborhood and district in which it is located and the Township generally; and in the Town Center, to ensure that any development gives due consideration to the results of the Visual Preference Survey previously completed and to the illustrative streetscape sketches and comment as attached hereto.²

2. Editor's Note: The streetscape sketches referred to herein may be found at the end of this section.

4. Insure that the design, location and facade treatment of the front, sides, and rear of all buildings and structures is done in an efficient and aesthetically pleasing manner so that they will not be markedly incongruous with the character of the existing neighborhood or, if within the Town Center, with the standards and guidelines set forth in the Town Center Design Plan and in the illustrative streetscape sketches and comment as attached hereto.³
 5. Be in addition to all other design standards set forth in Chapter 15 "Land Use Procedures and Development" or in any other Township ordinance. If any conflicts shall exist between this subsection and any other Township ordinance relative to development within a nonresidential zone this subsection shall be controlling.
- b. Modifications and Waivers. The design standards and guidelines contained in this subsection are the minimum requirements for site plan, subdivision and development or rehabilitation plans, and shall be the criteria for evaluating the plan and design of such developments. The guidelines and standards are not intended to restrict creativity and an applicant may request their modification or waiver, provided the applicant demonstrates to the Board not only the criteria for exceptions pursuant to N.J.S.A. 40:55D-51, but also that the resulting change will:
1. Generally satisfy the purpose of this subsection.
 2. Be designed in accordance with the Township's normally acceptable engineering, planning and Master Plan goals.
 3. Generally enhance the overall development plan for the tract, without adverse impacts on its physical, visual or spatial characteristics.
 4. Generally enhance the existing streetscape, neighborhood and district in which such development is located, without adverse impacts on their physical, visual or spatial characteristics, or on the Township generally.
- c. Compliance.
1. Statement of Plan. A report shall be submitted by the applicant that demonstrates compliance with all design standards and guidelines contained herein. The report shall include verbal and written descriptions, drawings, slides and any other materials necessary to illustrate the proposed design elements and the scale of such in relation to people and neighboring properties.
 2. Building Design. Individual buildings shall respect the general image as presented in the Illustrated Streetscape Sketches and Visual Preference Survey Guidelines and shall take into consideration the adjacent or adjoining buildings which already embody the recommended design features. Any deviation shall require specific proofs as to why the design standards and guidelines cannot be met.
 3. Context. Consistency over an entire viewed area (context), including the street or street enclosure shall be created through consistency of materials, colors,

3. Editor's Note: The streetscape sketches referred to herein may be found at the end of this section.

sidewalk textures, streetscape, scale and proportion, lighting fixtures and street furniture. Context is defined as the adjacent and adjoining buildings within a minimum of 200 feet of the property line of the site plan, and within any viewshed where the buildings or surfaces on that site plan are visible.

4. Incompatible Design Prohibited. In the zone districts specified hereinafter, use of materials, colors or building configurations incompatible with these design standards and guidelines shall be prohibited unless specific proofs can be presented as to why these cannot be met. If the context area differs significantly from the design standards, the Illustrated Streetscape and Visual Preference Survey Guidelines shall dominate unless it can be demonstrated that the context in scale and character is of significant architectural merit.

d. General Standards and Guidelines.

1. Application. The standards and guidelines set forth herein shall apply to all nonresidential zone districts throughout the Township except the ORL, G-I-1 and G-I-2 Districts. The standards and guidelines set forth specifically for the CB-1, CB-2, ECR/SC and OS-1 and OS-2 Districts shall supersede these general standards and guidelines.
2. Site Plans.
 - (a) This subsection shall apply to all site plan applications in nonresidential zones except the ORL, G-I-1 and G-I-2 Districts.
 - (b) The following standards shall be used to develop and review any site plan:
 - (1) Building Location. A building shall be located to front towards and relate to a public street, both functionally and visually. In a multiple building development, buildings located in the interior of a site, creating courts or alleys, shall be located to front toward and relate to one another, both functionally and visually. To the extent possible, the development shall divide proposed buildings into smaller, individualized groupings, utilizing such features as courtyards, quadrangles, and alleys to provide for and foster pedestrian and social interaction among users. No building shall be oriented to front toward an open parking area.
 - (2) Parking Lot Location. Parking lots shall be located to the rear of a building and/or the interior of the site where its negative visual impact to adjacent properties and the public right-of-way can be minimized. Parking lots shall be prohibited in any front yard setback area.
 - (3) Pedestrian Circulation. A barrier-free walkway system shall be provided to allow pedestrian access to a building or use from both parking lots within the site and the Township's sidewalk system. Such walkway system shall promote pedestrian activity both within the site itself and throughout the community by its integration with the Township's sidewalk system. Walk-ways shall be separate from

motor vehicle circulation to the greatest extent possible and shall provide pedestrian amenities.

- (4) **Street Lamps/Posts.** The exterior of any site with greater than 50 feet of street frontage shall have decorative lamp posts spaced at intervals of between 40 and 60 feet along or near all street lines and driveways.
- (5) **Pedestrian Walkways.** Walkways shall have traditional decorative lighting fixtures. Lighting fixtures shall be positioned in proximity to pedestrian crosswalks at intersections. Walkways in the interior of a site shall have ornamental lamp posts spaced approximately 30 to 40 feet apart. The style, size and color of such lamp posts shall be determined by the Board based on existing features located in similar developments in the Township. Lighting levels from such fixtures shall provide a minimum of 0.25 foot candles along all walkways.
- (6) **Building Spacing.** The minimum distance between buildings in a multiple building development shall be the product of a multiplier and the highest single wall height of the buildings involved, as measured from ground level to the height of the top of the cornice or from ground level to the height of the juncture of the wall plane and the roof eaves, as follows:

Building Wall Relationship	Multiplier	Minimum Spacing
Front wall to front wall	1.50	30 feet
Front wall to rear wall	2.00	40 feet
Front wall to side wall	1.50	30 feet
Front wall to windowless side wall	1.25	25 feet
Rear wall to rear wall	2.00	40 feet
Rear wall to windowless side wall	1.50	30 feet
Side wall to side wall	1.25	25 feet
Windowless side wall to windowless side wall	0.75	15 feet

(Wall height x multiplier = minimum distance between buildings)

3. Nonresidential Design.

- (a) This subsection shall apply to all site plan applications in nonresidential zones except the OR and G-I District.
- (b) **Design Standards.** The following standards shall be used to prepare and review the physical character and appearance of a development plan and, specifically, the appropriateness of the physical, visual and spatial relationships between the proposed development and the streetscape,

neighborhood and district in which it is located.

- (1) An individual development shall not be considered on its own, but with regard to the area in which it is located, including existing adjacent or nearby buildings, the geometric pattern of structures and roads, yards and streetscapes.
- (2) Consistency within a district shall be created through the use of selected or complementary materials, colors, sidewalk textures, street textures, scale and proportions, lighting fixtures and street furniture (such as benches, trash receptacles, street signs, etc.). If additional materials or colors are introduced, the applicant shall demonstrate that the materials or colors will enhance the design intent of the district.
- (3) The physical, visual and spatial characteristics of a streetscape, neighborhood, district, and the Township generally shall be promoted through the consistent use of compatible urban design elements, relating the characteristics of an individual development to other existing and planned developments in a harmonious manner, and resulting in a coherent overall development pattern for a streetscape, neighborhood and district, and the Township generally. A development plan shall relate to and reinforce urban design elements where such exist, as established by an urban design elements inventory conducted of the streetscape, neighborhood and district in which such development is located. If a site is located in a streetscape, neighborhood or district where existing design elements are weak or nonexistent, the development plan shall establish design elements that relate to the community generally, based on an urban design inventory of the Township. In the case of an addition or renovation to an existing building of architectural merit, the development plan shall also relate to and reinforce design elements of such existing building. Urban design elements to be addressed in any development plan should include, but not be limited to, the following:
 - (i) Scale, as defined by the comparison of the height, width, mass and fenestration of a building or buildings in proportion to a person.
 - (ii) Massing, as defined by the shape, dimensions and volume of the solid form of a building and/or the space of which it is part.
 - (iii) Proportion, as defined by the comparison of the width to height of a building wall or streetscape.
 - (iv) Composition of solid to voids, as defined by the comparison of the solid portions of a building wall to the voids formed by door and window openings and recesses in same.
 - (v) Horizontal courses, as defined by the base course, middle wall section, belt courses and cornice of a building.

- (vi) Projections and recesses, as defined by the projections formed by such elements as bay windows, dormers, cornices and eaves from the building wall surface and the indentations formed by such elements as porch and window recesses from same.
- (vii) Roof form, as defined by the type, shape and pitch of the roof of a building.
- (viii) First floor elevation, as defined by the height of the first floor level of a building from the ground and any elements, such as stairs, that facilitate the transition between levels.
- (ix) Entrance treatment, as defined by the placement and articulation of the entrance to a building.
- (x) Street orientation, as defined by the visual and functional orientation of the front facade, or other visible facades and entrance of a building to the street and sidewalk.
- (xi) Footprint, as defined by the location and coverage of the lot by the ground floor of the building.
- (xii) Setbacks, as defined by the dimensions of a building is setback from front, side and rear lot lines.
- (xiii) Yard areas, as defined by the areas of open space remaining between front, side and rear lot lines and a building.
- (xiv) Architectural style, materials, colors and details.
- (xv) Signage.
- (xvi) Shade trees.
- (xvii) Lamp posts and other lighting fixtures.
- (xviii) Landscaping.
- (xix) Walls and fencing.
- (xx) Sidewalks and walkways.
- (xxi) Benches, trash receptacles and other street or site furniture.

4. Architectural Design.

- (a) The following standards shall apply to all site plans in nonresidential zones except the OR and G-I District.
- (b) Design Standards. The following standards shall be used to develop and review the architectural design of all buildings and structures in a development plan. Where a development plan involves an existing building, the existing building shall be repaired, renovated, and restored to promote the intent of this subsection.

- (1) Continuity of Treatment. The architectural treatment of a facade or roof shall be completely continued around all visually exposed sides of a building, whether such building is new or an existing building to be rehabilitated. All sides of a building shall be architecturally designed so as to be consistent with regard to style, materials, colors, and details.
- (2) Facades. All visually exposed facades of a building shall have an articulated base course and cornice or soffit. The base course, if used, shall be traditionally proportionate to the overall horizontal and vertical dimensions of a facade and may align with kickplate or sill levels on the ground floor. The cornice or soffit overhang, if used, shall terminate the top of a building wall and may project horizontally from the building wall plane and may be ornamented with moldings, brackets and other details that shall be appropriate to the architectural style of a building. The middle section of a building may be horizontally divided at floor, lintel, or sill levels with belt courses. Building massing shall be considered an integral part of the design of a building and shall be architecturally compatible with the style, materials, colors, and details of the building.
- (3) Massing and Length. A building shall not be permitted to measure longer than 150 feet on any plane. Building wall offsets measuring a minimum of four feet shall be provided at a maximum spacing of 50 feet along any building wall of 75 feet or greater to provide architectural interest and variety and relieve the negative visual effect of a single, long wall. Roof line offsets shall be provided along any roof measuring longer than 75 feet in length, in order to provide architectural interest and variety to the massing of a building and relieve the negative visual effect of a single, long roof.
- (4) Roof. The type, shape, texture, and color of the roof of a building shall be designed to compliment the architectural design of the building. A roof shall be considered as an integral part of the design of a building and shall be architecturally compatible with the style, materials, colors, and details of the building. The minimum permitted gable roof pitch shall be 6/12 and all gables on a building shall be of the same pitch. A flat roof may be permitted on a building provided significant architectural treatment is made of roof line. A mansard roof may be permitted on buildings which incorporate these elements as a portion of the entire style of the building (such as Victorian Second Empire), but only if it is located on the third story of a building, completely and integrally enclosing that story. Flat or mansard roofs shall be prohibited on all other buildings. Architectural embellishments that add visual interest to roofs, such as dormers, belvederes, masonry chimneys, cupolas, clock towers and such similar elements, shall be permitted, provided such is architecturally compatible with the style, materials, colors and details of the building.
- (5) Windows. The fenestration of a building is an integral part of its

design and shall be architecturally compatible with its style, materials, colors, and details.

- (6) Entrances. All entrances to a building shall be defined and articulated by utilizing such elements as lintels, pediments, pilasters, columns, porticos, porches, overhangs, railings, balustrades and other such elements appropriate to the style of architecture of the building.
- (7) Physical Plant. All air conditioning units, HVAC systems, exhaust pipes or stacks, and elevator housing shall be concealed from view. Such shielding shall be accomplished by utilizing the walls or roof of the building or a pent-house type screening device that shall be designed to complement the design of the building and shall be architecturally compatible with the style, materials, colors, and details of the building or, if placed on the ground, screened by fencing and landscaping.
- (8) Materials, Colors and Details. All materials, colors and details used on the exterior of a building shall be architecturally compatible with the style of such building, as well as with each other. A building designed of an architectural style that normally includes certain integral materials, colors and/or details shall have such incorporated into the design of such building.
- (9) Details. All architectural details used on the exterior of a building shall be compatible with the architectural style of the building. A building designed of an architectural style that normally has certain integral architectural details shall incorporate such details.
- (10) Shutters. A building designed of an architectural style that normally has shutters shall have them on all windows of all facades fronting on a street and shutters shall be operable or appear to be.
- (11) Lighting. Light fixtures attached to the exterior of a building shall be designed to help accent its architectural features and the urban space of which it is part, shall be designed to compliment the design of a building and shall be architecturally compatible with the style, materials, colors and details of the building and other lighting fixtures used on the site. Careful attention shall also be given to the type of light source used and the light quality it produces. The type of light source used on buildings, signs, parking areas, pedestrian walkways, and other areas of a site shall be the same or compatible. The use of low pressure sodium lighting shall be discouraged. All exterior lighting shall comply with the requirements and standards set forth in Exhibit A which may be found at the end of this section.
- (12) Signage. Signs affixed to the exterior of a building shall be designed to compliment the design of the building and shall be architecturally compatible with the style, materials, colors, and details of the building and other signs used on the site.

- (13) Multiple Tenancy. A building with multiple fronts or multiple tenants, whether or not the same type of use is located on the same floor level, shall be unified in its design treatment through the use of architecturally compatible style, materials, colors, details, awnings, signage, lighting fixtures and other design elements.
- (14) Corner Buildings. A building on a corner site shall be considered a more prominent structure from an urban design standpoint because such buildings have at least two front visible facades. Therefore, these structures shall have additional height, visual prominence, and design elements relating to its location as a corner site.
- (15) Multiple Buildings. A development that contains more than one building or structure shall be unified through the use of architecturally compatible styles, materials, colors, details, awnings, signage, lighting fixtures, and other design elements.

e. Standards and Guidelines.

- 1. Applicability. The standards and guidelines contained in this subsection shall apply to all site plan applications in the Town Center Area of the adopted Warren Township Master Plan Town Center Element dated August, 1990.
- 2. Guidelines Resulting from the Visual Preference Surveys.
 - (a) The following guidelines shall apply to all site plan applications on tracts located within the Town Center Area of the adopted Warren Township Master Plan Town Center Element dated August, 1990.
 - (b) Guidelines. The following guidelines result from the Community Character Preference Survey and are based on photographs and sketches which represent the images, dimensional qualities, and physical, spatial and visual character desired by the Township. These images illustrate specific design elements which provide guidance and direction for development. The following elements are significant in determining the desired images:
 - (1) Foreground and background, including the ground plane and the frontal picture plane.
 - (2) The visible facades of all buildings, including all vertical surfaces and openings.
 - (3) Ground plane textures and colors including sidewalks, pedestrian walkways and parking lots.
 - (4) Design details, including landscaping, street lights and other street furniture, such as trash receptacles, benches, bus stops, and information/advertising kiosks.
 - (5) The relationship between building surfaces and edges.
 - (6) The height, scale, style and proportions of buildings and the

proportion of openings to voids.

- (7) The continuity of streetscape elements, such as light standards, pavement width, planting islands, pavement texture, and landscape elements.

3. Town Center Design.

- (a) This subsection shall apply to all site plan applications in the Town Center Area of the adopted Warren Township Master Plan Town Center Element dated August, 1990.
- (b) Standards and Guidelines. Design is the three dimensional relationship between structures, spaces and landscaping elements which determines the visual, spatial and physical impact of an area and moving picture plane of the view and/or user. The following shall be used to develop and review the physical character and appearance of a development plan and, specifically, the appropriateness of the physical, visual, and spatial relationships between the proposed development, the adjacent and nearby buildings, the open spaces, both on and off the site, and the district in which it is located.
 - (1) Context. An individual development shall not be considered on its own, but with sufficient regard to the design guidelines and standards as set forth in the Design Vocabulary, the results of the Visual Preference Survey and the Illustrative Streetscape Sketches.
 - (2) Character and Consistency. The character of a zone, neighborhood, streetscape, district and community is created and maintained through the consistent use of compatible urban design and architectural design elements, such as massing, scale, proportion, style, roof pitches, materials, colors, signage, building details, lamp posts and other lighting, fences and walls, shade trees and other landscaping, sidewalk and walkway materials and other groundscape treatments, benches, trash receptacles and other street furniture. Consistent use of compatible elements develops and reinforces design relationships and shall be encouraged. Architectural or streetscape elements that are incompatible with these guidelines shall be avoided. If existing buildings, streetscapes and/or open areas are considered visually incompatible or unattractive, and provide for inappropriate context for new development or redevelopment, the standards set forth in the Visual Preference Survey Guidelines shall apply. Materials or colors incompatible with the selected Design Vocabulary shall not be allowed unless the applicant shows proof that the materials or colors will enhance the design intent of the district and its Design Vocabulary.
 - (3) Each building, whether new or rehabilitated, shall have a finished elevation, cornice and roof on all visible facades. The design of each building shall not be considered on its own, but with sufficient regard to the overall Urban Design Plan, the Design Standards and

Design Vocabulary.

- (4) The following relationships shall be demonstrated for any building or structure proposed for the Town Center Area of the adopted Warren Township Master Plan Town Center Element dated August, 1990.
- (i) Rhythm of Spacing. The relationship of the building to the open space between it and adjoining buildings shall conform to the Urban Design Plan and the recommended Urban Design Vocabulary.
 - (ii) Relationship of Materials, Textures and Colors. The relationship between materials, textures, and colors of the facades and roof of a building or group of buildings shall conform to the recommended Design Vocabulary, the Material and Color Standards and must be visually compatible with the predominant materials, textures and colors used in buildings to which such are visually related.
 - (iii) Roof. The roof of a building shall be visually compatible with the Design Vocabulary and the streetscape and buildings to which such is visually related. Buildings shall have either a pitched roof or a roof designed with an articulated cornice. Gabled roofs shall have a minimum pitch of 6/12. No "tack on" mansard roofs shall be permitted, except where historically appropriate. Flat roofs may be permitted provided an articulated cornice that steps out from the building wall plane is utilized along the roof line of the street facade.
 - (iv) Scale. The size and massing of a building shall follow the Urban Design Plan and shall be compatible with the existing and proposed buildings and spaces to which it is related.
 - (v) Awnings and Canopies. In the Town Center Area of the adopted Warren Township Master Plan Town Center Element dated August, 1990, awnings and canopies shall be required where outside display is to occur and where adjacent structures have such. Awnings and canopies shall be used where possible to complement the architecture and color of the building. Awnings shall be capable of retracting up against building facades when not in use. Stationary aluminum or metallic awnings and pent eaves are inappropriate and shall be avoided. All awnings and canopies shall also conform to the Township's applicable sign ordinance.
 - (vi) Continuity of Walls and Fences. Walls and open fencing shall be visually compatible with the Design Vocabulary and the streetscape, buildings and spaces to which such are visually related.
 - (vii) Proportion of Facade. The relationship of the width of a

building to the height of its front elevation shall conform to the Design Vocabulary and the streetscape, buildings and spaces (created by ground conditions, building sides and vegetation) to which it is visually related.

- (viii) Rhythm of Openings. The relationship of entrances and porches to the street shall be visually compatible with the Design Vocabulary and the streetscape and buildings to which such is visually related. Entrances shall be recessed where possible.
- (ix) Rhythm of Solids. The relationship of the solid portions of a building to the voids, formed by door and window openings and recesses, shall conform to the Design Vocabulary and the streetscape and buildings to which such is visually related.
- (x) Windows. Ground level windows for permitted uses may be of the large pane display type, but shall be framed by the surrounding wall and shall not comprise over 75% of the ground level facade area.
- (xi) Sidewalks. Public sidewalks, roadway crosswalks and internal pedestrian walkways shall follow the recommended Material and Color standards. The Board may waive these paving material specifications only if the applicant can demonstrate that the substitute paving material(s) will be architecturally compatible with the style, materials, colors, and details of buildings and other structures on the site and on adjacent properties and will create a more attractive development generally.

4. Streetscape.

- (a) The following standards and guidelines shall apply throughout the Town Center Area of the adopted Warren Township Master Plan Town Center Element dated August, 1990.
- (b) Standards and Guidelines.
 - (1) Buildings and building edges shall be designed to define a streetscape as indicated on the Urban Design Plan and elsewhere in this chapter. Building facades shall be used to create spatial enclosure. The recommended proportion of a street (average height of buildings to average street width) is 1:1 or one dimension wide to one equal dimension of height. This proportion can range from 1:2 (one wide to two high) to 2:1 (two wide to one high).
 - (2) The streetscape edge shall include Belgian block or granite curbing, decorative lamp posts, sidewalks of brick, colored textured concrete or concrete with brick outlines; street trees and privacy edges (decorative fences or hedges) where use is other than retail/service and other street furniture such as benches, trash receptacles, planters,

bus stops and information/advertising kiosks.

- (3) Landmarks and focal points shall be designed to provide orientation and termination of views, and shall occur at strategic locations indicated on the Urban Design Plan: at locations that terminate a major view, at locations that form a gateway to a district, at 600-foot to 1,000-foot intervals along roadways where vehicular speeds range from 25 mph to 35 mph, at major curves in roadways and at the terminus of "T" intersections. Buildings designed as landmarks and focal points may include an increase in height and shall include such features as clock towers or other architectural embellishments inherent to the architectural design of the lower portion of the building.
- (4) Buildings shall be sited to maintain the grid relationship of the existing and proposed streets, or the road network proposed in the approved Circulation Plan Element of the Master Plan.
- (5) New or rehabilitated structures, parking lots or other building improvements shall conform to the locations and street edge recommendations of the Urban Design Plan.
- (6) Sidewalks shall promote a pleasant ambiance to pedestrians. Sidewalks shall be a minimum of four feet wide in residential areas with greater width in commercial areas which are subject to heavier pedestrian traffic. The applicant shall give attention to color, detail, material and harmony of the sidewalk.
- (7) Lamp posts and other lighting fixtures to be located on the site shall conform to the general lighting standards herein set forth and be compatible with any lighting posts and/or fixtures which may be located in the adjacent portion of the public right-of-way and/or on adjacent and nearby sites or rights-of-way.
- (8) Shade trees and other landscaping on the site or in the adjacent public right-of-way shall conform to the general landscaping standards, and be compatible with shade trees and/or landscaping on adjacent or nearby sites or rights-of-way.
- (9) Benches, trash receptacles and other street furniture on the site shall conform with the design standards and with those existing in the public right-of-way and on adjacent or nearby sites or rights-of-way.

5. Material and Color Standards and Guidelines.

- (a) The following standards shall be specifically applied to develop and evaluate the architectural materials and colors of all buildings and structures in development plans located in the Town Center.
 - (1) Materials. Exterior building materials shall consist of the following:
 - (i) Walls — brick, stone, cast stone, or other smooth finished surface masonry; wood, aluminum or vinyl horizontal

clapboard siding.

- (ii) Roofs - asphalt or cedar shingles, tile, slate, synthetic slate (mineral fiber reinforced or lightweight concrete roofing shingles), and standing or batten seam metal, including aluminum.
 - (iii) Door and window trim - wood, stone, steel, or anodized colored aluminum, vinyl clad wood or fiber glass.
 - (iv) Cornices and soffits - wood, stone or fiber glass.
 - (v) Shutters - wood or vinyl with woodgrain imprint.
 - (vi) Awnings - canvas, acrylic, vinyl, plastic or other water proofed fabric or materials.
 - (vii) Gutters, leaders and flashing - galvanized steel, copper, colored anodized aluminum or terne coated stainless steel.
 - (viii) Sidewalks and walkways - public sidewalks, roadway crosswalks and internal pedestrian walkways shall consist of brick and/or other textured surface materials including cobblestone, patterned and colored concrete and concrete accented by brick.
- (2) Prohibited Materials. The use of bare aluminum, other bare metal materials or exposed concrete block as exterior building materials shall be specifically prohibited. In no instance shall a sidewalk located in a public right-of-way be permitted to be constructed of asphalt.
- (3) Colors.
- (i) All exterior portions of a building and all materials used on it shall be of such colors or hues as those recommended in the Visual Preference Survey Color List. Colors not contained in the Visual Preference list or building materials that are not available in colors specifically contained in the Visual Preference may be permitted if such colors are shown by the applicant to be substantially consistent and compatible with the Visual Preference Colors.
 - (ii) The Color Chart.

Recommended Building Color Combinations

[illegible]

6. Street Trees.

- (a) The design objective for the existing roadways classified as arterial roadways within the Town Center Area of the adopted Warren Township Master Plan Town Center Element dated August, 1990 area is to establish coordination of roadside improvements. Little Leaf Linden (*tilia cordata*) and Red Maple (*acer rubrum*) are the preferred street tree within and adjoining the public right-of-way of existing roadways within the Town Center Area. The two species have been selected from the urban tolerant street trees. The Little Leaf Linden tree is currently present at a number of properties in the area.
- (b) All other streets not classified as arterials within the Town Center Area should present a variety of street tree species. The preferred street tolerant trees are as follows:

Village Green Zelkova

Zelkova serrata village green

Little Leaf Linden

Tilia cordata

Honeylocust

Gleditsia triacanthos inermis

Green Ash

Fraxinus lanceolata

Ginkgo

Ginkgo magyar

Regent Scholartree

Sophora japonica regent

London Planetree

Platanus acerifolia (orientalis)

Red Maple

Acer rubrum

October Glory Maple

Acer rubrum October glory

Kwanzan Cherry

Prunus Kwanzan

Hackberry

Celtis occidentalis

Bradford Callery Pear

Pyrus Bradford

Redspire Callery Pear

Pyrus Redspire

Pin Oak

Quercus Paulustris

Southern Red Oak

Quercus Falcata

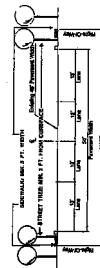
Thornless honey locust

Gleditsia triacanthos

Trees and other landscaping shall have a two-year maintenance standard.

7. Sidewalks.

- (a) Arterial Streets. Interlocking paving blocks in buff color range with a minimum of five feet in width.
 - (b) All Other Street Classes. Sidewalks shall not be a finished concrete or asphalt. Sidewalk surface construction material shall be coordinated from one property to the next. Surface and construction material may change at street intersections.
8. Typical Cross Sections. See attached. The attached cross sections incorporate adopted design standards of the Town Center Area and Mountain Boulevard corridor plan elements of the Master Plan.

Figure 1**Proposed Typical Cross-Section****Mountain Boulevard - West (With Left Turn Lanes)****Proposed Typical Cross-Section****Mountain Boulevard - West**

§ 15-8. STANDARD CONSTRUCTION REQUIREMENTS AND STANDARD REQUIRED IMPROVEMENTS.

§ 15-8.1. Standard Construction Requirements. [Ord. No. 92-33]

- a. All construction stakes and grades shall be set by a professional engineer or land surveyor in the employ of the developer or his contractor, and a duplicate copy of the notes made therefrom shall be filed with the Township Engineer.
- b. No construction work shall commence without the Township Engineer being properly notified. Such notice shall be given at least three working days before the

commencement of work and applicant shall show proof that all permits are approved.

- c. All site improvements proposed to be dedicated to the Township of Warren shall conform to the Standard Construction. Details on file in the Warren Township Engineering Department unless specific modification of same has been approved by the Planning Board or Board of Adjustment as the case may be.
- d. In accordance with the "New Jersey Soil Erosion and Sediment Control Act" (chapter 251, P.L. 1975) sediment and erosion control measures shall be installed prior to any other site development. Such measures 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. 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 and administered by the Somerset-Union Soil Conservation District.
- e. Water Supply. Water mains shall be constructed in such a manner as to make adequate water service available to each lot or building within the development. The entire system shall be designed in accordance with requirements and standards of the Township of Warren and local serving utility.
- f. Sanitary Sewers. Each lot within a subdivision area shall be provided with sewage disposal facilities by the required extension of sewer lines and connections thereto. All such installation of lines, mains and connections shall be constructed in accordance with the specifications and requirements of the Township Sewerage Authority and shall be subject to the approval of same.
- g. Public Utilities. All public utilities shall be connected to an approved public utilities system where one exists. The developer shall arrange with the servicing utility for the underground installation of the utilities distribution supply lines and service connections in accordance with the provisions of the applicable Standard Terms and Conditions incorporated as part of its tariff as the same are then on file with the State of New Jersey Board of Regulatory Commissioners. The developer shall provide the Township with four copies of a final site plan showing the installed location of the utilities. The developer shall submit to the Board, prior to the granting of final approval, a written instrument from each serving utility which shall evidence full compliance.

**§ 15-8.2. Standard Required Improvements for Development of Subdivision.
[Ord. No. 92-33]**

- a. General Improvements Required. The following are classified as preliminary improvements and shall be installed within the time limitations as provided herein:
 - 1. Sidewalks or additional walkways may be required in residential, business or industrial areas as determined on an individual basis.
 - 2. Grading, curbing, road and pavement in entirety of all new streets except for surface course.

3. Drainage facilities including stormwater management facilities, as may be required by the Planning/Zoning Board.
 4. Sanitary sewers.
 5. Water and gas mains, where applicable.
 6. The clearing or regrading of areas within the sight rights required by Section 15-7, to provide clear visibility across the same.
 7. Street signs.
 8. Street lights, if required.
 9. Other subdivision or site improvements as set forth in resolution of approval of the Board.
- b. The following are classified as final improvements and shall be installed within the time limitations as provided herein.
1. Road pavement surface course.
 2. Such monuments as may be required by the Map Filing Law of New Jersey or the Planning/Zoning Board.
 3. Topsoil protection, which shall consist of the redistribution of any topsoil moved during the course of development so as to provide the maximum possible cover to all graded areas.
 4. Such additional sight rights as required by Section 15-7 of this chapter.
 5. Plantings set forth on the Land Development Plan and as specified in Section 15-7.
 6. Driveway aprons as specified in Section 15-9.
 7. Other subdivision or site improvements set forth in the resolution of approval of the Board.

**§ 15-9. STREETS AND RIGHT-OF-WAY AREAS SOIL MOVEMENT/
CONSTRUCTION DEBRIS/DRIVE-WAY CONSTRUCTION.**

§ 15-9.1. Excavation or Other Work in Streets or Right-of-Way Areas Located Within the Township of Warren. [Ord. No. 92-33; Ord. No. 97-9, § 1; Ord. No. 02-23, §§ 1-3; Ord. No. 09-14 § 1]

- a. Township/County Streets and Rights-of-Way. For work on Township streets and right-of-way areas, this entire section shall be applicable. For work on County roads and right-of-way areas, the person conducting the same shall obtain a County of Somerset road opening permit and shall comply with all portions of the within section except for paragraphs d, e, f, g, h, i, l.1 and m (the matters specific to County applications in paragraphs b, c, and j are set forth separately therein). The person conducting work on a County road or right-of-way shall have all Township fees and escrow requirements waived.

- b. **Permit Required.** No person shall make any excavation or place any form of construction in, over or upon any street or right-of-way area, or remove or alter any curb or otherwise endanger or obstruct the normal flow of traffic or normal flow of surface water by: water discharge, the placing of any barricade, structure, material or equipment not normally designated to be operated, placed or used on a street or which would cause injury to a right-of-way area without first obtaining a written permit approved by the Superintendent of Public Works after consultation with the Warren Engineer and the Warren Police Chief or his designee which permit shall be issued by the Superintendent of Public Works for the fees provided in this section. No permit will be issued which would allow the discharge of water from any property onto any street or right-of-way area. Before a permit is issued, application must be made upon forms provided by the Township. The application shall be accompanied by scaled drawings satisfactory to the Superintendent of Public Works or Township Engineer, showing all details of any structures being installed or altered in the streets or right-of-way areas (relative to County roads, the drawing accepted by the County shall be acceptable to the Township). Every application for a permit shall specify the name and address of the applicant, the name and address of the property owner if different than the applicant, the day and evening telephone numbers of the contractor and the property owner, FAX numbers and pager numbers for the property owner and the contractor and the name, address, FAX number and pager number for the person to contact for an emergency 24 hours a day, the place at which the work is to be done, the character of the work and the time within which it is to be completed. No such permit shall be valid except for the place, time and character of work specified therein. If for any reason, emergency contacts cannot be reached, or if the emergency contact person does not respond to a call to correct a hazardous condition, the Township may respond to correct such hazardous condition. The reasonable costs for such emergency services by the Township shall be charged to the landowner and the contractor on the project.
- c. **Insurance.** Prior to the issuance of any permit for excavation below pavement grade or for any disturbance to a right-of-way area, the applicant shall file a certificate of insurance with the Superintendent of Public Works certifying that there is in full force and effect liability, property damage and XCU insurance for the protection of the applicant and the Township from any and all claims for personal injury including accidental death and property damage in minimum amounts of \$100,000 to \$300,000 for bodily injury and \$25,000 for property damage (on County roads, the amount of insurance coverage acceptable to the County will be acceptable to the Township).
- d. **Deposit or Bond.** No person shall be granted a permit to open any street or to conduct any work in a right-of-way area unless there is deposited with the Superintendent of Public Works (who will forward the same to the Warren Chief Financial Officer) performance guarantees sufficient to secure the cost of repairing and replacing the street or other surface appurtenances within the street, shoulder, curb, right-of-way area or drainage areas as may be determined by the Superintendent of Public Works in consultation with the Township Engineer; said determination of performance guarantee amounts shall be based upon actual current cost estimates to be made by the Township Engineer plus 20%. All performance guarantees required hereunder shall be secured by cash only. The minimum amount of the performance guarantee for any street opening shall be \$700.

- e. **Inspection Fees.** All street openings, excavation and restoration thereof shall be made under the supervision of the Superintendent of Public Works, and shall be subject to periodic inspection as he deems necessary. In addition to the performance guarantee deposit as provided in paragraph d., each applicant for a permit shall pay the following fees for the purpose of issuance of the permit, examination of drawings, supervision and inspection of work: The sum of \$100 for all permits for which a \$700 performance guarantee is posted under paragraph d hereof and 5% of any sum in excess of a \$700 performance guarantee posted under paragraph d hereof. In addition, for applications for trench openings which run parallel to the road the permittee shall pay an additional \$25 for each 100 feet of trench or portion thereof. By way of example: The Township requires an \$800 performance guarantee to be posted and the application is for 135 feet of parallel trench - the total fee would be \$100 (base fee); \$5 for eight \$800 performance guarantee and \$50 for 135 feet of parallel trench - for a total fee of \$155. In the event more than one inspection is required, the same will be made at the additional charge of \$25 each, which sum shall be deducted from the above performance guarantee.
- f. **Release of Deposit or Bond.** No performance guarantee shall be released until all repaving and replacing of streets or other surfaces or appurtenances within the street, shoulder, curb, right-of-way area or drainage areas are fully complete to the satisfaction of the Superintendent of Public Works and all inspection fees paid as provided in this section. In no event shall any such performance guarantee be released within a period of six months from completion of the work and until written approval thereof by the Superintendent of Public Works is obtained and the Warren Township committee approves the same.
- g. **Backfill.** Unless otherwise directed by the Superintendent of Public Works the following specifications shall govern the backfill in excavated trenches:
 - 1. All openings in roads, road shoulders, driveways and other municipal right-of-way areas shall be backfilled with the materials excavated therefrom, if approved by the Superintendent of Public Works, and shall be tamped in twelve-inch layers with a mechanical tamper. If the Superintendent of Public Works finds that those materials are not of suitable nature he shall have the authority to require the said opening to be backfilled with bank run gravel.
 - 2. All material not suitable for backfill and all excess backfill material shall be removed from the site by the permittee. A soil movement permit application pursuant to subsection 15-9.2 of this chapter may be required.
- h. **Maintenance and Repair of Openings.** Unless otherwise directed by the Superintendent of Public Works, upon completion of the opening and backfill as specified in paragraph g., the following specifications shall govern the maintenance and repair of street openings and openings in right-of-way areas by the permittee.
 - 1. Shoulder openings shall be backfilled to within eight inches of the existing shoulder surface. The remainder of the trench shall be filled with road stone and tamped or rolled with a roller having a minimum capacity of a five ton roller. The trench shall be maintained to the existing shoulder grade by the addition of shoulder stone as required.
 - 2. Pavement openings shall be filled as specified above for shoulder openings

except that in place of the shoulder stone used to fill the remainder of the opening, six inches of bituminous concrete may be required. When, in the opinion of the Superintendent of Public Works, settlement in the pavement opening has ceased, the bituminous concrete surface shall be removed and a permanent surface installed which shall as nearly as possible duplicate the original pavement in type, material, color and texture of surface to result in a uniform riding surface.

3. Driveway openings shall be replaced in kind in accordance with the provisions of subsection 15-9.3 hereof. All other work relative to driveways shall be conducted in accordance with the said subsection.
 4. Adequate provisions shall be made to maintain and restore drainage facilities.
 5. Right-of-way areas shall be filled in accordance with paragraph h above and shall be fine graded and seeded or sodded at the Superintendent of Public Work's direction. All such areas shall, to the extent reasonably possible, be returned to a state as close as that which existed before any work was performed therein.
- i. Use of Explosives. When it shall be necessary to use or store explosives in conjunction with any street opening or right-of-way work, the permittee shall comply with all applicable provisions of the Fire Prevention Code adopted by the Township. The provisions and requirements of the code are in addition to this subsection. The permittee shall notify the Warren Police Chief or his designee by 8:00 a.m. each day blasting shall take place.
 - j. Traffic and Public Safety. Every person making an excavation shall be required to place and maintain suitable warning devices, caution notices, barriers and lighting devices pursuant to the requirements of Title 39 of the Revised Statutes of New Jersey as amended and supplemented and all work shall also be performed and conducted in accordance with the provisions hereof and the requirements of the Manual on Uniform Traffic Control Devices (referred to as "M.U.T.C.D.", hereinafter), as amended and supplemented. M.U.T.C.D. requirements may be modified to reasonably take into consideration the specific project by the Superintendent of Public Works in consultation with the Warren Police Chief or his designee. All work shall be conducted in such manner as to minimize the obstruction of traffic and inconvenience to the public and occupants of adjoining property. Where an excavation extends the full width of a street, only 1/2 of the street shall be open and back-filled prior to opening the remaining half. When a Township road is required to be totally closed for construction for a period of 24 hours or less, a detour plan shall be submitted to the Warren Police Chief or his designee for approval. In the event that such closure shall exceed 24 hours, the plan will be submitted to the Warren Police Chief or his designee for approval, once approved, the same will be submitted to the Warren Committee for its acceptance. When a County road is closed by the County for the above time periods, pursuant to County specifications for road openings, along County roads, then the above approval process for Township road closures shall apply. Flagpersons shall be posted at all construction or maintenance sites when determined by the Warren Police Chief or his designee that the same is necessary to provide for the safety and expeditious movement of traffic. All flagpersons shall possess sight and hearing

within normally accepted limits and be able to communicate in English sufficiently well to answer motorists' questions. When the Warren Police Chief or his designee deems it appropriate, he shall require that a sworn police officer shall act as the aforesaid person.

- k. Pre-Construction Meeting. In the event the Superintendent of Public Works or the Warren Police Chief or his designee deem it appropriate, a preconstruction meeting shall be arranged for the submission of plans for the safe movement of traffic during the period of construction or work and/or the actual construction of the project. The entity filing the application for street opening or excavation permit will be advised at the time of the issuance of a permit as to any requirement for a pre-construction meeting. The said superintendent or Police Chief shall advise each other of any meeting called.
- l. Time of Performance and Work Hours.
 - 1. Time of Performance. Any street opening must be backfilled within a period of 48 hours after commencement of excavation. Temporary repaving shall be completed promptly as trenches are backfilled. Permanent replacement shall be completed within a period of six months from the date of installation of temporary pavement, unless the Superintendent of Public Works designates a shorter period of time. The Superintendent of Public Works may grant time extensions under this paragraph where circumstances warrant. All work in any right-of-way areas shall be completed at the earliest time reasonably possible.
 - 2. Work Hours. There shall be no construction or maintenance operations on any street in Warren before the hour of 9:00 a.m. or after the hour of 4:00 p.m. unless an emergent need arises or unless the party receives written permission from the Superintendent of Public Works or Warren Police Chief or his designee as to the same.
- m. Public Utilities. Any public utility subject to regulation by the New Jersey Board of Public Utilities may, in lieu of security deposits, required in paragraph d., execute a bond in the sum of \$10,000 to the Township and file same with the Township Clerk. Such bond shall be conditioned upon compliance with the applicable provisions of this subsection. In lieu of filing certificates of insurance as provided in paragraph c above, a public utility may file with the Township Clerk evidence certifying that it is qualified as a self-insurer pursuant to the appropriate statutes of the State of New Jersey. The provisions of paragraphs d and e shall not apply to the installation of public utility poles and anchors. The Township Clerk shall advise the Superintendent of Public Works as to the filing of such bonds.
- n. Emergencies. Street openings or excavations may be made without obtaining a written permit as provided herein in cases of emergency which would reasonably appear to endanger public health or safety. In such emergencies, adequate precautions shall be taken as provided in paragraph j. Immediate notice thereof shall be communicated to the Warren Police Chief or his designee. Application for a permit shall thereafter be made within a period of 48 hours and the provisions of this subsection shall be met.
- o. Indemnification. Every permittee shall, as a condition of accepting any permit issued hereunder, save and hold harmless the Township and indemnify the

Township from and against any loss, damage, claim, expense or demand whatsoever arising out of any matter or resulting from the opening of any street and the issuance of a permit therefor.

- p. Violations and Penalties. Any person, contractor, utility or other entity which commits a violation of this section shall, upon conviction thereof, for a first offense pay a fine of not less than \$100 nor more than \$300 and/or be imprisoned in the County Jail for a term not exceeding 30 days. For a second offense, upon conviction thereof, pay a fine of not less than \$200 nor more than \$500 and/or be imprisoned in the County Jail for a term not exceeding 60 days.

A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

This section shall be enforced by the Superintendent of Public Works and all sworn officers of the Warren Police Department.

The Superintendent of Public Works or the Warren Police Chief or his designee shall have the authority to stop work, including the removal of equipment, vehicles and materials within the street or right-of-way in order to abate any nuisance, traffic delay and/or safety hazard or for any violation of this section.

§ 15-9.2. Soil Movement/Construction Debris. [Ord. No. 92-33; Ord. No. 04-15, §§ 1, 2; Ord. No. 04-31 § 1]

- a. Legislative Findings and Statement of Purpose.
1. The Township Committee finds that the uncontrolled and unregulated disturbance, excavation, filling and removal of soil has resulted and will result in conditions detrimental to the public safety, health and general welfare, deterring and hampering the efforts of the Township to effectuate the general purposes of municipal planning.
 2. Continuation of the uncontrolled and unregulated disturbance, excavation, filling and removal of soil will result in serious and irreparable damage to the public health and welfare by reason of the consequent erosion by water and wind, inadequate and improper surface water drainage, interruption of septic and sanitary disposal systems, decrease in or destruction of the fertility of soil, removal of the lateral support of abutting streets, lands and premises, creation of dangerous depressions or pits, creation of dust storms and mosquito breeding places, rendering of lands unfit or unsuitable for their most appropriate uses, and creation of other factors and elements hampering and deterring the coordinated, adjusted and harmonious physical and aesthetic development of the Township.
 3. For these reasons it is hereby established that the uncontrolled and unregulated disturbance, excavation, filling and removal of soil shall be controlled and regulated as set forth herein.
- b. Requirement of Permit; Transferability.
1. No person, firm or corporation shall do, cause or allow any of the following

actions to occur in the Township of Warren, unless and until a soil permit therefor shall first have been issued by the Township Engineer of the Township of Warren.

- (a) The addition of more than 100 cubic yards of soil to any lot;
 - (b) The removal of more than 100 cubic yards of soil from any lot; or
 - (c) The moving of more than 100 cubic yards of soil or other material on a lot where said activity results in a change in any of the contours of the lot greater than six inches or results in a change in the drainage characteristics of the lot to the extent that there is increased or decreased runoff to any abutting properties or private or public roads.
 - (d) The construction of an inground swimming pool regardless of the amount of soil disturbed.
 - (e) Any construction which requires a footing and foundation regardless of the amount of soil disturbed; however, the requirements of fees and plans will be waived by the Engineering Department if the project involves removal of less than 100 cubic yards of soil from the lot.
2. A soil permit may be transferred. The transferee shall be subject to all terms and conditions of said permit.
- c. Exceptions; Approvals of Other Agencies. The provisions of this subsection shall not apply to the following:
- 1. Excavation for the construction or repair of individual subsurface sewage disposal systems (septic systems) when such construction or repair is performed pursuant to a permit duly issued by the Warren Township Board of Health.
 - 2. Commercial site plans approved by the Planning Board or the Board of Adjustment.
 - 3. Lake or stream dredging, where approval is required by the Soil Conservation District, Bureau of Fish, Game and Wildlife, New Jersey Department of Environmental Protection or any other governmental agency.
 - 4. Landscaping activities, to include but not limited to the addition of any amount of soil, provided that the said activity results in no change in any of the contours of the lot greater than six inches and also does not change the lot's drainage characteristics to the extent that there is increased or decreased runoff to any abutting properties or private or public roads.
 - 5. Farming activities including plowing, spading, cultivation, harrowing or dishing of soil, or any other operation usually and ordinarily associated with the preparation of soil for agricultural or horticultural purposes.
 - 6. Improvements made within a major subdivision, which have been reviewed by the Township Engineering Department during the subdivision review process and have been approved by the Planning/Zoning Board. This exception

specifically does not include the development of individual lots within a subdivision or any subdivision improvements which have not been reviewed by the Township Engineering Department during the subdivision review process and approved by the Planning/Zoning Board which will remain subject to this subsection.

7. If approval is required by the Soil Conservation Service of the State of New Jersey, Department of Environmental Protection or any other governmental agency, such approval shall be required as a condition of approval of the soil permit application and no soil permit shall be issued until such approval is obtained.
 8. Deck footings.
- d. Application; Form and Content; Fees. An application for a soil permit and the fee and escrow deposit as set forth in Section 15-5 of this chapter shall be filed with the Township Engineer. Application shall be made in duplicate on forms prescribed by the Township and supplied by the Township Engineer. The application shall set forth the following:
1. The identity and location of the applicant.
 2. The description and location of the lands in question including metes and bounds and tax lot and block.
 3. The identity and location of the owner of lands.
 4. The purpose and reason for moving the soil.
 5. In case of removal, the place to which the soil will be removed, and the type and quantity of soil to be removed.
 6. The proposed dates of commencement and completion of the work.
 7. An engineer's or surveyor's estimate of the cost of work to be performed.
 8. Soil erosion control measures.
 9. Such other pertinent data as the Township Engineer may require.
- e. Topographical Maps Required for Soil Permit. The application for soil permit shall be accompanied by a topographical map, in duplicate, of the lands in question. Said map shall be prepared and certified by a licensed professional engineer, architect, or licensed land surveyor as New Jersey law may allow. Said map shall be prepared at a scale of no greater than 50 feet to the inch and shall show:
1. The present grades (existing contour lines).
 2. The proposed grades as will exist when the work has been completed (future contour lines).
 3. The quantity of cubic yards of soil involved in the work (estimated).
 4. The topography of all lots and streets within 100 feet of the property in question.

5. The soil erosion measures to be employed.
 6. Present and proposed surface water drainage and supporting drainage analysis.
 7. Such other pertinent data as may be required by the Township Engineer.
- f. Review by Township Engineer. All applications for soil movements of less than 1,000 cubic yards of soil shall be reviewed and approved or denied by the Township Engineer based upon the standards established herein. In the event an applicant is dissatisfied with the Township Engineer's decision, he shall have the right to appeal the same to the Planning/Zoning Board which will hear the same de novo under paragraph g.
- g. Review by Planning/Zoning Board. Any application for soil movement of 1,000 cubic yards or more (or, in the case an applicant is dissatisfied with the Township Engineer's decision as set forth in paragraph f) shall be reviewed and approved or denied by the Planning Board based upon the standards established herein. Before the application is heard by the Planning/Zoning Board, the Township Engineer shall review the application and shall forward the same to the Planning/Zoning Board with written recommendations. The Township Engineer shall complete his review of the application and forward the same to the Planning/Zoning Board within 20 days of his deeming the same complete. Upon receipt by the Planning/Zoning Board, together with the written recommendations of the Township Engineer, the Planning Board shall schedule a hearing for its next public meeting.

In the event that the application before the Planning/Zoning Board is for a soil movement of 5,000 cubic yards or more, public notice of the said Planning/Zoning Board hearing shall be required by publication in the official newspaper of the Township at least 10 days prior to the date of the hearing. Notice shall also be given to the owners of all real property as shown on the current tax duplicate or duplicate located within 200 feet in all directions of the property which is the subject of such hearing and whether located within or without the Township in which the applicant's land is located. Such notice shall be given by serving a copy thereof on the owner, as shown on the current tax duplicate or his agent in charge of the property, or mailing a copy thereof by certified mail to the property owner at his address as shown on the current tax duplicate. A return receipt is not required. Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, vice-president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation. Notice of all hearings on applications for development involving property located within 200 feet of an adjoining municipality shall be given by personal service or certified mail to the clerk of such municipality, which notice shall be in addition to the notice required to be given to the individual owners of lands in such adjoining municipality which are located within 200 feet of the subject premises.

- h. Standards for Review; Resolution of Consent. In considering and reviewing the application and in issuing or denying a permit, the Township Engineer or the Planning/Zoning Board shall be guided by the general purpose of municipal planning and shall consider at minimum the following factors:
1. Surface water drainage.

2. Soil erosion by water and wind.
 3. Lateral support of abutting streets or public improvements.
 4. Public health and safety.
 5. For any residential lot of 40,000 square feet or greater which will have a lot coverage by all buildings and pavements in excess of 15%, the Township Engineer or the Planning/Zoning Board, as the case may be, shall require on-site provisions for the retention of all surface water drainage resulting from the said excess coverage over and above the said 15%. The Township Engineer or Planning/Zoning Board, as the case may be, shall have the ability to waive the requirements of this paragraph in the event that the Township Engineer or Planning/Zoning Board determine that the existing drainage facilities servicing the subdivision are adequate to handle the excess surface water drainage resulting from the lot coverage exceeding 15%.
 6. Such other factors as may bear upon or relate to the coordinated and harmonious physical development of the Township.
- i. Performance Bond Requirements; Waiver.
1. Before any permit shall be issued, the applicant shall file with the Township Clerk of the Township of Warren, any performance bond required by the Township Engineer or the Planning/Zoning Board with satisfactory surety in the amount set by the Township Engineer or the Planning/Zoning Board. The bond shall be conditioned upon full and faithful performance by the permit holder within the time specified in the application of all proposed work as set forth in the application which impacts public improvements. The bond shall also be conditioned upon the repair, at the expense of the applicant, of any street or streets damaged by the transportation of soil in connection with the permit if in the judgement of the Township Engineer or the Planning/Zoning Board such repairs will become necessary. The Township Engineer or the Planning Board may in its discretion designate particular streets which may be used for transportation of soil. The sufficiency of the bond as to form shall be determined by the Township Attorney.
 2. The Township Engineer or the Planning/Zoning Board in its reasonable discretion may waive the requirements of the posting of a performance bond. Consideration shall be given to the following factors if the bond provision is waived:
 - (a) The volume of soil to be removed as estimated by the Township Engineer;
 - (b) The determination of the Township Engineer as to the extent of work to be done;
 - (c) The character of the public improvement affected; and
 - (d) Such other pertinent data as the Township engineer or the Planning/Zoning Board may deem relevant.

- j. Topsoil to Be Retained. The permit holder shall not take away the top layer of arable soil for a depth of six inches, but such soil shall be set aside for retention on the premises when the rest of the soil has been removed, pursuant to levels and contour lines approved by the Township Engineer or the Planning/Zoning Board of the Township of Warren.
- k. Performance; Maintenance of Records; Erosion.
 - 1. In the moving of soil, when permission has been duly granted, the permit holder shall so conduct the operation that there shall be no declivities, pits or depressions, and in such a manner that upon completion, the area shall be properly leveled off, cleared of debris, graded topsoil to a depth of at least four inches and seeded to conform to the contour lines and grades approved by the Township Engineer or the Planning Board of the Township of Warren.
 - 2. When a permit for moving soil has been granted, the permit holder shall keep records as are necessary to show the quantities of soil added, moved or removed to or from the land, whichever the case. The records shall be so maintained as to allow inspection and audit by the Township Engineer.
 - 3. Adequate measures shall be taken to prevent erosion or the depositing of soil or surface runoff upon surrounding lands.
- l. Inspections. The Construction Official, Township Engineer or their designees shall have at all times the right to inspect any property where a permit has been issued under the provisions of this chapter. In order to facilitate this right of inspection, the permit holder shall cause sufficient grade and boundary stakes to be put in place while work is going on or about to commence.
- m. Soil Conservation District Approval. Nothing contained herein shall diminish any requirements of the applicant to obtain Somerset-Union Soil Conservation District approval when required. The requirements of this subsection are in addition to the said soil district approval requirements.
- n. Conservation Programs. Nothing contained herein shall be construed to affect or apply to any persons engaged in the moving of soil in and upon lands pursuant to any government-sponsored soil conservation program.
- o. Dangerous Conditions. No soil movement shall take place which would result in dangerous, unsightly, unsafe or unhealthful condition. Appropriate safety precautions shall be taken during all soil movement activities.
- p. Construction Debris.
 - 1. All construction materials which have not been utilized during the construction process shall be removed from the lot after construction has been completed and before a certificate of occupancy is issued.
 - 2. All natural wood debris developed during the construction process will be removed from the lot after construction has been completed and before a certificate of occupancy is issued.
 - 3. Before a certificate of occupancy is issued, a construction site will be inspected

by the construction official, Township Engineer or their designees and found to be in satisfactory condition relating to debris removal.

- q. **Time Limitation of Soil Permit I Completion of Work.** All soil permits issued pursuant to this subsection shall be valid for two years from the date of issue. Upon the permit's expiration, all work being conducted pursuant thereto will immediately cease. In the event a permit holder has not completed the work pursuant to the permit issued, the said permit holder will be required to reapply for a new permit within 30 days of the said permit's expiration in accordance with the provisions of this subsection. The reissued permit may be for less than two years. The permit holder is required to complete all work pursuant to the terms. Failure to complete all of the said work, if any work under the permit is commenced, shall be a violation of the permit.

§ 15-9.3. Driveway Construction. [Ord. No. 92-33]

- a. **Permit Required.** No driveway may be constructed or existing driveway altered within an existing or future municipal street or road right-of-way or connected thereto without first obtaining a driveway permit from the Township Engineer for driveways constructed pursuant to a land development approval of the Warren Township Planning Board or Board of Adjustment or the Superintendent of Public Works for an alteration to an existing driveway or the construction of a new driveway on an existing road for a lot that was not approved pursuant to a land development approval of the Warren Township Planning Board or Board of Adjustment.
- b. **Conformance to Standards.** All driveways shall conform to the existing pavement cross section. All specifics and technicalities of construction shall conform to acceptable engineering standards.
- c. **Construction to Be Perpendicular to Pavement.** All driveways constructed or modified within a municipal or road right-of-way or connected thereto shall be constructed so as to be perpendicular to the existing pavement or as approved by the Township Engineer or the superintendent. Any curved or angular approach of the driveway or aesthetic or topographical reasons shall be accomplished outside of the municipal street or road right-of-way.
- d. **Minimum Driving Width.** All driveways constructed or modified within municipal streets or road right-of-way or connected thereto shall have a minimum driving width of 10 feet (may vary with local conditions) with a minimum radius of five feet (may vary with local conditions) each side as they touch the municipal paved traveled way.
- e. **Prevention of Soil Erosion.** All driveways shall be constructed and maintained at all times in such a manner as to prevent erosion of the soil from them and land behind them. Water and silt shall be prevented from running onto the municipal street or road and silt shall be prevented from filling up gutters, catch basins, inlets, drains or culverts.
- f. **Stormwater Runoff.** All driveways shall be constructed so as not to unduly concentrate, transport, or serve as a drainageway for stormwater runoff from roofs

and/or adjacent land surfaces to the road drainage system.

- g. **Drainage Interference; Extension of Driveway.** All driveways within the municipal street or road right-of-way or connected thereto shall be constructed or altered in such a manner as not to interfere with the drainage along the existing pavement and traveled way thereby creating a hump or uneven driving surface on the pavement or traveled way.
- h. **Construction of Dish-Type Gutter.** The construction of a properly sized dish-type gutter will be permitted provided that the existing municipal water flow will not be blocked, altered or changed in any manner unless otherwise approved by the superintendent or the Township Engineer.
- i. **Replace Curb Breaks; Install Pipe or Culvert.** The installation of suitable size reinforced concrete pipe or culvert will be required in the event that the existing flow line or ditch cannot be crossed with a dish-type gutter. The size of the pipe or culvert shall be determined by a New Jersey licensed professional engineer. Where the construction of any driveway involves the breaking of existing curbing, the break in the curbing shall be restored at the borders of the driveway, in accordance with current Township detail specifications.
- j. **Submission of Plans; Required Information.** The Superintendent of Public Works and/or Township Engineer shall require the person applying for a driveway permit to submit plans in sufficient detail for them to adequately review. The plans shall show as a minimum the following information:
 - 1. A plot or site plan showing the driveway for at least 50 feet of its length, and its relation to the municipal street or road.
 - 2. A profile of the driveway showing existing and proposed centerline grades and elevations for at least 50 feet of its length.
 - 3. A plan showing the type of storm drainage to be constructed at the driveway entrance to the municipal street or road, i.e., dish-type gutters, grades, elevations, typical cross-sections, construction details and any other information deemed necessary to the proper analysis of the installation shall also be known.
- k. **Permit for Newly Constructed Building.** Whenever any new driveway shall be intended to serve a building to be newly constructed or substantially altered, application for a driveway permit shall be made in conjunction with the application for a building permit for such building. The Construction Official (or other designated official) shall withhold the issuance of such building permit until such driveway permit has been approved pursuant to this subsection.
- l. **Safety Barriers Required.** It shall be the duty of the applicant to properly guard the construction of a driveway regulated under this subsection by erecting suitable barriers, warning signs and lanterns, in accordance with the manual on uniform traffic control, and such applicant shall be liable for any neglect to safeguard the traveling public.
- m. **Construction Unrelated to Subsection Objectives.** In the event construction or

modification of a driveway shall be such as to be unrelated to any of the objectives of this subsection (i.e., traffic safety, visibility, soil or pavement erosion, drainage, etc.) the Superintendent or the Township Engineer may waive any or all of the above requirements, provided such waiver shall be consistent with the purpose and intent of this subsection.

- n. Any excavation or construction affecting the areas outside the right-of-way area shall be governed by the applicable provisions of subsection 15-9.2 of this chapter.
- o. Appeal Decisions. Appeals from decisions under this subsection may be made to the Township Committee in writing within 10 days from the date of such decision. The appeal shall be written notice to the Township Clerk. The appellant shall be entitled to a hearing before the Township Committee of the Township of Warren within 30 days from the date of appeal. The Township Committee may thereafter reverse, modify or affirm the aforesaid decision.

§ 15-10. WATERCOURSE PROTECTION AREA.⁴

§ 15-10.1. Intent. [Ord. No. 02-41, § 1]

It is the intent of this section that it be read in conjunction with Section 15-10A entitled "Flood Damage Prevention," and that the provisions of Section 15-10A also apply to "watercourse protection areas" as defined in subsection 15-10.2b of this section.

§ 15-10.2. General Provisions. [Ord. No. 02-41, § 1]

- a. Lands to Which Section 15-10 Applies. Section 15-10 shall apply to all development in a watercourse protection area as defined in subsection 15-10.2b or to areas of special flood hazard as defined in Section 15-10A, within the jurisdiction of the Township of Warren. Except that any lot which is all or partially within a watercourse protection area and which lot was created by a subdivision for which a wetland and/or stream encroachment permit was granted by the New Jersey Department of Environmental Protection shall be exempt from obtaining a watercourse protection development permit as contained in subsection 15-10A.7. Additionally, the Township of Warren Engineer and Zoning Officer are authorized to waive the requirement for a watercourse protection permit because of topographic changes altering the natural drainage patterns which occurred since the preparation of the watercourse protection area maps described in subsection 15-10.2b. These exemptions only apply to the obtaining of the actual permit.
- b. Basis for Establishing the Watercourse Protection Areas. The watercourse protection areas are defined in and identified in the Federal Insurance Administration scientific and engineering report entitled "The Flood Insurance Study for the Township of Warren," dated January 4, 2002, with accompanying Flood Insurance Rate Maps (FIRM), also dated January 4, 2002, together with a map entitled "Flood Delineation Map," prepared by the Township of Warren Engineering Department, dated December 15, 1988 (watercourse protection area) (consisting of 120 sheets). In instances where the maps are not sufficiently detailed or do not coincide, the more restrictive map shall control.

4. Editor's Note: Prior ordinance history includes portions of Ordinance Nos. 92-33, 96-25 and 98-16.

- c. Compliance. All properties within the areas of special hazard as defined in subsection 15-10A.4 must comply with Section 15-10A. Additionally, all properties within the watercourse protection areas must also comply with Section 15-10A.
- d. Purpose. The purpose of this section is for development within a watercourse protection area to also meet the requirements of Section 15-10A.

§ 15-10A. FLOOD DAMAGE PREVENTION.⁵

§ 15-10A.1. Statutory Authorization. [Ord. No. 07-65 § 1]

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Township Committee of the Township of Warren, County of Somerset, State of New Jersey does ordain as follows:

§ 15-10A.2. Findings of Fact. [Ord. No. 07-65 § 1]

- a. The flood hazard areas of the Township of Warren are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- b. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

§ 15-10A.3. Statement of Purpose. [Ord. No. 07-65 § 1]

It is the purpose of this section to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- a. To protect human life and health;
- b. To minimize expenditure of public money for costly flood control projects;
- c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d. To minimize prolonged business interruptions;
- e. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- f. To help maintain a stable tax base by providing for the second use and development

5. Editor's Note: Prior ordinance history includes portions of Ordinance No. 01-34.

of areas of special flood hazard so as to minimize future flood blight areas;

- g. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- h. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§ 15-10A.4. Methods of Reducing Flood Losses. [Ord. No. 07-65 § 1]

In order to accomplish its purposes, this section includes methods and provisions for:

- a. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- b. Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- d. Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- e. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

§ 15-10A.5. Definitions. [Ord. No. 07-65 § 1]

Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application.

APPEAL — Shall mean a request for a review of the Township of Warren Zoning Officer's interpretation of any provision of this section or a request for a variance.

AREA OF SHALLOW FLOODING — Shall mean a designated AO, AH, or VO zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a 1% annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD — Shall mean the land in the flood plain within a community subject to a 1% or greater chance of flooding in any given year.

BASE FLOOD — Shall mean the flood having a 1% chance of being equaled or exceeded in any given year.

BASEMENT — Shall mean any area of the building having its floor sub grade (below ground level) on all sides.

BREAKAWAY WALL — Shall mean a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the

building or supporting foundation system.

DEVELOPMENT — Shall mean any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

ELEVATED BUILDING — Shall mean a non-basement building (i) built in the case of a building in an area of special flood hazard to have the top of the elevated floor elevated above the ground level by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an area of special flood hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.

FLOOD INSURANCE RATE MAP (FIRM) — Shall mean the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) — Shall mean the official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

FLOOD or FLOODING — Shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters and/or
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD PLAIN MANAGEMENT REGULATIONS — Shall mean zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOODWAY — Shall mean the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

HIGHEST ADJACENT GRADE — Shall mean the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE — Shall mean any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a State inventory of historic places in states with historic

preservation programs which have been approved by the Secretary of the Interior;
or

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved State program as determined by the Secretary of the Interior;
or

(2) Directly by the Secretary of the Interior in States without approved programs.

LOWEST FLOOR — Shall mean the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements.

MANUFACTURED HOME — Shall mean a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK or MANUFACTURED HOME SUBDIVISION — Shall mean a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION — Shall mean structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION — Shall mean a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the flood plain management regulations adopted by the municipality.

RECREATIONAL VEHICLE — Shall mean a vehicle which is: (1) built on a single chassis; (2) 400 square feet or less when measured at the longest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

START OF CONSTRUCTION — Shall mean for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include

excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE — Shall mean a walled and roofed building, a manufactured home, or a gas or liquid storage tank, that is principally above ground.

SUBSTANTIAL DAMAGE — Shall mean damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT — Shall mean any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

VARIANCE — Shall mean a grant of relief from the requirements of this chapter that permits construction in a manner that would otherwise be prohibited by this section.

§ 15-10A.6. General Provisions. [Ord. No. 07-65 § 1]

- a. **Lands to Which This Section Applies.** This section shall apply to all areas of special flood hazards within the jurisdiction of the Township of Warren, Somerset County, New Jersey.
- b. **Basis for Establishing the Areas of Special Flood Hazard.** The areas of special flood hazard for the Township of Warren are identified and defined on the following documents prepared by the Federal Emergency Management Agency:
 1. A scientific and engineering report "Flood Insurance Study, Somerset County, New Jersey (All Jurisdictions)" dated September 28, 2007.
 2. Flood Insurance Rate Map for Somerset County, New Jersey (All Jurisdictions) as shown on Index and panel numbers 0062, 0064, 0067, 0068, 0069, 0086, 0087, 0088, 0089, 0152, 0156, 0157, 0159, 0176; whose effective date is September 28, 2007.

The above documents are hereby adopted and declared to be a part of this section. The Flood Insurance Study and maps are on file at 46 Mountain Boulevard, Warren, NJ 07059.

- c. Penalties for Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this section and other applicable regulations. Violation of the provisions of this section by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates any provision of this chapter, or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$1,000 or imprisoned for not more than 90 days, or a period of community service not exceeding 90 days, or any combination thereof, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Township of Warren from taking such other lawful action as is necessary to prevent or remedy any violation.
- d. Abrogation and Greater Restrictions. This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- e. Interpretation. In the interpretation and application of this section, all provisions shall be:
 - 1. Considered as minimum requirements;
 - 2. Liberally construed in favor of the governing body; and,
 - 3. Deemed neither to limit nor repeal any other powers granted under State statutes.
- f. Warning and Disclaimer of Liability. The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This section shall not create liability on the part of the Township of Warren, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

§ 15-10A.7. Development Permit, Variance and Appeal Procedure. [Ord. No. 07-65 § 1]

- a. Establishment of Development Permit. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in subsection 15-10A.6b. Application for a development permit shall be made on forms furnished by the Township of Warren Zoning Officer and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

Specifically, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
 2. Elevation in relation to mean sea level to which any structure has been floodproofed.
 3. Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in subsection 15-10A.8f2; and
 4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- b. Public Hearing Required. All applications for a development permit hereunder shall require a public hearing which shall be in accordance with the provisions of N.J.S.A. 40:55D-11 and 12.
- c. Designation of the Local Administrator. The Township of Warren Zoning Officer is hereby appointed to administer and implement this section by granting or denying development permit applications in accordance with its provisions.
- d. Duties and Responsibilities of the Administrator. Duties of the Township of Warren Zoning Officer shall include, but not be limited to:
1. Permit Review. Review all development permits to determine that the permit requirements of this section have been satisfied.
 2. Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
 3. Review all development permits to determine if the proposed development is located in the floodway, and assure that the encroachment provisions of subsection 15-10A.10 are met.
 4. Use of Other Base Flood and Floodway Data. When base flood elevation and floodway data has not been provided in accordance with subsection 15-10A.6b, Basis for Establishing the Areas of Special Flood Hazard, the Township of Warren Zoning Officer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer subsections 15-10A.8f1, Specific Standards, Residential Construction, and 15-10A.8f2, Specific Standards, Nonresidential Construction.
 5. Information to Be Obtained and Maintained.
 - (a) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
 - (b) For all new or substantially improved floodproofed structures:

- (1) Verify and record the actual elevation (in relation to mean sea level); and
 - (2) Maintain the flood proofing certifications required in subsection 15-10A.7a3.
- (c) Maintain for public inspection all records pertaining to the provisions of this section.
6. Alteration of Watercourses.
 - (a) Notify adjacent communities and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
 - (b) Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.
7. Interpretation of FIRM Boundaries. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in subsection 15-10A.7e.

The Township of Warren Zoning Officer shall not approve any development permit required by this section unless and until it is satisfied that the requirements of subsection 15-10A.8 have been met.

e. Variance Procedure.

1. Appeal Board. Township of Warren Planning Board or Board of Adjustment shall hear and decide appeals and requests for variances from the requirements of this section.
2. The Township of Warren Planning Board or Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Township of Warren Zoning Officer in the enforcement or administration of this section.
3. The Township of Warren Board of Adjustment shall have power to grant variances and appeals under this subsection to the same extent and subject to the same restrictions as the Township of Warren Planning Board whenever the Board of Adjustment is reviving an application for approval of a development permit pursuant to N.J.S.A. 40:55D-76(b).
4. Application and filing requisites for variances and appeals under this section, time limitations, hearing and other procedural requirements shall be governed by the applicable provisions of this Chapter 15 and the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

5. Those aggrieved by the decision of the Township of Warren Planning Board or Board of Adjustment, or any taxpayer, may appeal such decision to the Superior Court of New Jersey, as provided by law.
 6. In passing upon such applications, the Township of Warren Planning Board and Board of Adjustment, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this section, and:
 - (a) The danger that materials may be swept onto other lands to the injury of others;
 - (b) The danger to life and property due to flooding or erosion damage;
 - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) The importance of the services provided by the proposed facility to the community;
 - (e) The necessity to the facility of a waterfront location, where applicable;
 - (f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (g) The compatibility of the proposed use with existing and anticipated development;
 - (h) The relationship of the proposed use to the comprehensive plan and flood plain management program of that area;
 - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and,
 - (k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
 7. Upon consideration of the factors of subsection 15-10A.7e6 and the purposes of this section, the Township of Warren Planning Board and Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this section.
 8. The Township of Warren Zoning Officer shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.
- f. Conditions for Variances.
1. Generally, variances may be issued for new construction and substantial

improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items [(a) — (k)] in subsection 15-10A.7e6 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

2. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon:
 - (a) A showing of good and sufficient cause;
 - (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in subsection 15-10A.7e6, or conflict with existing local laws or ordinances.
6. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

§ 15-10A.8. Provisions for Flood Hazard Reduction. [Ord. No. 07-65 § 1]

- a. General Standards. In all areas of special flood hazards the following standards are required:
 1. Anchoring.
 - (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
 - (b) All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

b. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters;
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
4. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

d. Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or five acres (whichever is less).

e. Enclosure Openings. All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

f. Specific Standards. In all areas of special flood hazards where base flood elevation data have been provided as set forth in subsection 15-10A.6b, Basis for Establishing the Areas of Special Flood Hazard or in subsection 15-10A.7d4, Use of Other Base Flood Data, the following standards are required:

1. Residential Construction.

- (a) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation;
- (b) Require within any AO zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

2. Nonresidential Construction.

- (a) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or
 - (1) Other nonresidential structure shall either have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified), and, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures; or together with the attendant utilities and sanitary facilities, shall:
 - (2) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - (3) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 - (4) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in subsection 15-10A.7d5.

g. Manufactured Homes.

- 1. Manufactured homes shall be anchored in accordance with subsection 15-10A.8a.
- 2. All manufactured homes to be placed or substantially improved within an area

of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation.

- h. Floodways. Located within areas of special flood hazard established in subsection 15-10A.6b are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
 - 1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
 - 2. If subsection 15-10A.8h1 is satisfied, all new construction and substantial improvements must comply with subsection 15-10A.8, Provisions for Flood Hazard Reduction.
 - 3. In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than 0.2 of a foot at any point.

§ 15-10B. STORMWATER MANAGEMENT.⁶

§ 15-10B.1. Scope and Purpose. [Added 3-18-2021 by Ord. No. 21-03]

- 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 section is to establish minimum stormwater management requirements and controls for "major development," as defined below in Section II.
- c. Applicability.
 - 1. This section 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

6. Editor's Note: Ord. No. 21-03 amended § 15-10B in entirety. Prior history includes Ord. No. 05-23.

Residential Site Improvement Standards at N.J.A.C. 5:21.

2. This section shall also be applicable to all major developments undertaken by the Township of Warren.
- d. **Compatibility with Other Permit and Ordinance Requirements.** Development approvals issued pursuant to this section 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 section shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This section 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 section 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.

§ 15-10B.2. Definitions. [Added 3-18-2021 by Ord. No. 21-03]

For the purpose of this section, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this section 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 section.

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 Board of County Commissioners to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

- a. A county planning agency; or
- b. 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.

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.

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.

DEVELOPMENT — Means 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 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.

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.

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.

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:

- a. Treating stormwater runoff through infiltration into subsoil;
- b. Treating stormwater runoff through filtration by vegetation or soil; or
- c. 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 — Means 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:

- a. The disturbance of one or more acres of land since February 2, 2004;
- b. The creation of one-quarter acre or more of "regulated impervious surface" since February 2, 2004;
- c. The creation of one-quarter acre or more of "regulated motor vehicle surface" since March 2, 2021; or
- d. A combination of paragraphs b and c 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 a, b, c, and d 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."

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 section. 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 section. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this section, provided the design engineer demonstrates to the municipality, in accordance with § 15-10B.4F 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 section.

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:

- a. A net increase of impervious surface;
- b. 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);
- c. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
- d. 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:

- a. The total area of motor vehicle surface that is currently receiving water;
- b. 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 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.

STORMWATER RUNOFF — Means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

TIDAL FLOOD HAZARD AREA — Means a flood hazard area in which the flood elevation resulting from the two-, ten-, 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:

- a. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
- b. Designated as CAFRA Centers, Cores or Nodes;
- c. Designated as Urban Enterprise Zones; and
- d. 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-, ten-, 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.

§ 15-10B.3. Design and Performance Standards for Stormwater Management Measures. [Added 3-18-2021 by Ord. No. 21-03]

- 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 section 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.

§ 15-10B.4. Stormwater Management Requirements for Major Development. [Added 3-18-2021 by Ord. No. 21-03]

- a. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with § 15-10B.10.
- 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 § 15-10B.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 § 15-10B.4o, 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 § 15-10B.4o, p, q and r to the maximum extent practicable;
 3. The applicant demonstrates that, in order to meet the requirements of § 15-10B.4o, 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 § 15-10B.4d3 above within the upstream drainage area of the receiving stream that would provide additional opportunities to mitigate the requirements of § 15-10B.4o, 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 § 15-10B.4o, 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.
- f. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this section 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 ^(a)	0	No	Yes	2
Grass Swale	50 or less	No	No	2 ^(e) 1 ^(f)
Green Roof	0	Yes	No	—
Manufactured Treatment Device ^{(a)(g)}	50 or 80	No	No	Dependent upon the device
Pervious Paving System ^(a)	80	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Small-Scale Bioretention Basin ^(a)	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Small-Scale Infiltration Basin ^(a)	80	Yes	Yes	2
Small-Scale Sand Filter	80	Yes	Yes	2
Vegetative Filter Strip	60-80	No	No	—

(Notes corresponding to annotations ^(a) through ^(g) are found after Table 3.)

Table 2 Green Infrastructure BMPs for Stormwater Runoff Quantity (or for Groundwater Recharge and/or Stormwater Runoff Quality 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)
Bioretention System	80 or 90	Yes	Yes ^(b)	2 ^(b)
			No ^(c)	1 ^(c)
Infiltration Basin	80	Yes	Yes	2
Sand Filter ^(b)	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond ^(d)	50-90	Yes	No	N/A

(Notes corresponding to annotations ^(b) through ^(d) are found after Table 3.)

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

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)
Manufactured Treatment Device ^(h)	50 or 80	No	No	Dependent upon the device
Sand Filter ^(c)	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 § 15-10B.4o2;
 - (b) Designed to infiltrate into the subsoil;
 - (c) Designed with underdrains;
 - (d) Designed to maintain at least a ten-foot wide area of native vegetation along at least 50% 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 2%;
 - (f) Designed with a slope of equal to or greater than 2%;
 - (g) Manufactured treatment devices that meet the definition of green infrastructure at § 15-10B.2;
 - (h) Manufactured treatment devices that do not meet the definition of green infrastructure at § 15-10B.2.
- 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 § 15-10B.6b. Alternative

stormwater management measures may be used to satisfy the requirements at § 15-10B.4o only if the measures meet the definition of green infrastructure at § 15-10B.2. Alternative stormwater management measures that function in a similar manner to a BMP listed at § 15-10B.4o2 are subject to the contributory drainage area limitation specified at § 15-10B.4o2 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 § 15-10B.4o2 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 § 15-10B.4d granted from § 15-10B.4o.

- 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 § 15-10B.8c;
 - 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 § 15-10B.8; and
 5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of 2 1/2 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 § 15-10B.2 may be used only under the circumstances described at § 15-10B.4o4.
- k. Any application for a new agricultural development that meets the definition of major development at § 15-10B.2 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at § 15-10B.4o, 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 § 15-10B.4p, 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 Somerset County Clerk's Office. 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 § 15-10B.4o, 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 § 15-10B.10b5. 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 § 15-10B.4 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 Somerset County Clerk's Office and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with paragraph 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 paragraph 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 § 15-10B.4p and q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at § 15-10B.4f and/or an alternative stormwater management measure approved in accordance with § 15-10B.4g. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

Best Management Practice	Maximum Contributory Drainage Area
Dry Well	1 acre
Manufactured Treatment Device	2.5 acres
Pervious Pavement Systems	Area of additional inflow cannot exceed 3 times the area occupied by the BMP
Small-scale Bioretention	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 § 15-10B.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 § 15-10B.4g.
4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with § 15-10B.4d 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 § 15-10B.4g may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § 15-10B.4p, 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 § 15-10B.4p, q and r, unless the project is granted a waiver from strict compliance in accordance with § 15-10B.4d.

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 § 15-10B.5, either:
 - (a) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100% of the average annual pre-construction groundwater recharge volume for the site; or
 - (b) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the two-year storm is infiltrated.
3. This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to paragraph 4 below.
4. The following types of stormwater shall not be recharged:
 - (a) 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
 - (b) 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 postconstruction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
 - (a) 80% 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.
 - (b) 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 paragraph 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	Cumulative	Time	Cumulative	Time	Cumulative
(Minutes)	Rainfall	(Minutes)	Rainfall	(Minutes)	Rainfall
(Inches)	(Inches)	(Inches)	(Inches)	(Inches)	(Inches)
1	0.00166	41	0.1728	81	1.0906
2	0.00332	42	0.1796	82	1.0972

Table 4 - Water Quality Design Storm Distribution					
Time	Cumulative	Time	Cumulative	Time	Cumulative
(Minutes)	(Inches)	(Minutes)	(Inches)	(Minutes)	(Inches)
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

Table 4 - Water Quality Design Storm Distribution

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
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% 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.
 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 § 15-10B.4p, 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% 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 § 15-10B.5, complete one of the following:
 - (a) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the two-, ten-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
 - (b) 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 two-, ten- 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;
 - (c) Design stormwater management measures so that the post-construction peak runoff rates for the two-, ten- and 100-year storm events are 50%, 75% and 80%, 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
 - (d) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with paragraphs 2(a), 2(b) and 2(c) 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.

§ 15-10B.5. Calculation of Stormwater Runoff and Groundwater Recharge.
[Added 3-18-2021 by Ord. No. 21-03]

- a. Stormwater runoff shall be calculated in accordance with the following:
 1. The design engineer shall calculate runoff using one of the following methods:
 - (a) 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 or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873; or
 - (b) 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 § 15-10B.5a1(a) and the Rational and Modified Rational Methods at § 15-10B.5a1(b). 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 has 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 preconstruction 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/greport/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.

§ 15-10B.6. Sources for Technical Guidance. [Added 3-18-2021 by Ord. No. 21-03]

- 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.
 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.
- 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.

§ 15-10B.7. Solids and Floatable Materials Control Standards. [Added 3-18-2021 by Ord. No. 21-03]

- a. Site design features identified under § 15-10B.4f above, or alternative designs in accordance with § 15-10B.4g 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 § 15-10B.7a2 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:
 - (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; or
 - (b) A different grate, if each individual clear space in that grate has an area of no more than seven square inches, or is no greater than 0.5 inch 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.

- (c) 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 square inches, or be no greater than two inches across the smallest dimension.
2. The standard in paragraph a1 above does not apply:
 - (a) Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine square inches;
 - (b) 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;
 - (c) 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:
 - (1) A rectangular space 4.625 inches long and 1.5 inches wide (this option does not apply for outfall netting facilities); or
 - (2) 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).

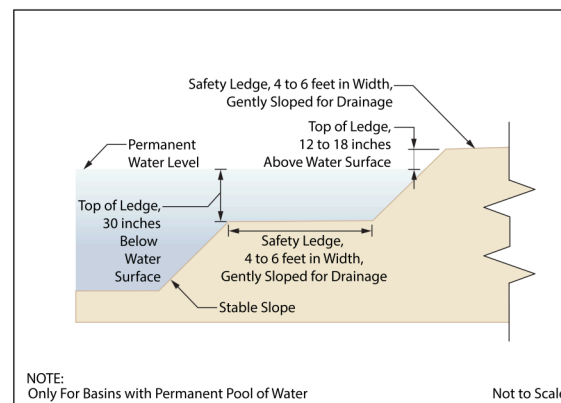
- (d) Where flows are conveyed through a trash rack that has parallel bars with one-inch spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- (e) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey 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.

§ 15-10B.8. Safety Standards for Stormwater Management Basins. [Added 3-18-2021 by Ord. No. 21-03]

- 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 § 15-10B.8c1, c2 and c3 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:
 - (a) The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
 - (b) The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
 - (c) 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
 - (d) 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:

- (a) The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - (b) The overflow grate spacing shall be no less than two inches across the smallest dimension.
 - (c) 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:
 - (a) 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 § 15-10B.8c, a free-standing outlet structure may be exempted from this requirement;
 - (b) Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than 2 1/2 feet. Safety ledges shall be comprised of two steps. Each step shall be four feet to six feet in width. One step shall be located approximately 2 1/2 feet below the permanent water surface, and the second step shall be located one foot to 1 1/2 feet above the permanent water surface. See § 15-10B.8e for an illustration of safety ledges in a stormwater management BMP; and
 - (c) 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



§ 15-10B.9. Requirements for a Site Development Stormwater Plan. [Added 3-18-2021 by Ord. No. 21-03]

- a. Submission of Site Development Stormwater Plan.
 1. Whenever an applicant seeks municipal approval of a development subject to this section, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at § 15-10B.9c 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 section.
 3. The applicant shall submit three copies of the materials listed in the checklist for site development stormwater plans in accordance with § 15-10B.9c.
- 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 section.
- 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 one inch equals 200 feet or greater, showing two-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 § 15-10B.3 through § 15-10B.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:
 - (a) 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.
 - (b) 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.
 - (a) Comprehensive hydrologic and hydraulic design calculations for the predevelopment and post-development conditions for the design storms specified in § 15-10B.4.
 - (b) 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 § 15-10B.10.
8. Waiver from Submission Requirements. The municipal official or board reviewing an application under this section may, in consultation with the municipality's review engineer, waive submission of any of the requirements in § 15-10B.9c1 through § 15-10B.9c2 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.

§ 15-10B.10. Maintenance and Repair. [Added 3-18-2021 by Ord. No. 21-03]

- a. Applicability. Projects subject to review as in § 15-10B.1c shall comply with the requirements of § 15-10B.10b and 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 chapter containing design specifics.
 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 § 15-10B.10b3 above is not a public agency, the maintenance plan and any future revisions based on § 15-10B.10b7 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 § 15-10B.10b3 above shall perform all of the following requirements:
 - (a) 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;
 - (b) Evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
 - (c) 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 § 15-10B.10b6 and b7 above.
 8. No stormwater management facility shall be dedicated to the municipality or accepted for dedication by the municipality. Rather, all stormwater management facilities shall 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.
 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 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.

§ 15-10B.11. Penalties. [Added 3-18-2021 by Ord. No. 21-03]

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this section shall be subject to the penalties set forth in Chapter 3, General Police Regulations, § 3-21 of the General Ordinances of the Township of Warren.

§ 15-10C. RIPARIAN BUFFER CONSERVATION ZONES.**§ 15-10C.1. Intent and Purpose. [Ord. No. 06-28 § 1]**

The Township Committee of the Township of Warren ("Township") finds that riparian lands adjacent to streams, lakes, or other surface water bodies that are appropriately vegetated provide important environmental protection and resource management benefits. It is necessary to protect and maintain the beneficial character of riparian areas by implementing specifications for the establishment, protection, and maintenance of vegetation along the surface water bodies within the jurisdiction of the Township, consistent with the interest of landowners in making reasonable economic use of parcels of land that include such designated areas. The purpose of this section is to designate Riparian Buffer Conservation Zones ("RBCZ"), and to provide for land use regulation therein in order to protect the streams, lakes, and other surface water bodies of the Township; to protect the water quality of watercourses, reservoirs, lakes, and other significant water resources within the Township; to protect the riparian and aquatic ecosystems of the Township; and to provide for the environmentally sound use of the land resources of the Township. The specific purposes and intent of this section are to:

- a. Restore and maintain the chemical, physical, and biological integrity of the water resources of the Township;
- b. Prevent excessive nutrients, sediment, and organic matter, as well as biocides and other pollutants, from reaching surface waters by optimizing opportunities for filtration, deposition, absorption, adsorption, plant uptake, biodegradation, and denitrification, which occur when stormwater runoff is conveyed through vegetated buffers as stable, distributed sheet flow prior to reaching receiving waters;
- c. Provide for shading of the aquatic environment so as to moderate temperatures, retain more dissolved oxygen, and support a healthy assemblage of aquatic flora and fauna;
- d. Provide for natural organic matter (fallen leaves and twigs) and large woody debris (fallen trees and limbs) that provide food and habitat for small bottom dwelling organisms (insects, amphibians, crustaceans, and small fish), which are essential to maintain the food chain;
- e. Increase stream bank stability and maintain natural fluvial geomorphology of the stream system, thereby reducing stream bank erosion and sedimentation and protecting habitat for aquatic organisms;
- f. Maintain base flows in streams and moisture in wetlands;
- g. Control downstream flooding; and

- h. Conserve the natural features important to land and water resources, e.g., headwater areas, groundwater recharge zones, floodways, floodplains, springs, streams, wetlands, woodlands, and prime wildlife habitats.

§ 15-10C.2. Statutory Authority. [Ord. No. 06-28 § 1]

The Township is empowered to regulate land uses under the provisions of the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., which authorizes each municipality to plan and regulate land use in order to protect public health, safety and welfare by protecting and maintaining native vegetation in riparian areas. The Township is also empowered to adopt and implement this section under provisions provided by the following legislative authorities of the State of New Jersey:

- a. Water Pollution Control Act, N.J.S.A. 58:10A et seq.;
- b. Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq.;
- c. Spill Compensation and Control Act, N.J.S.A. 58:10-23 et seq.;
- d. Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq.; and
- e. Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq.

§ 15-10C.3. Definitions. [Ord. No. 06-28 § 1]

ADMINISTRATIVE AUTHORITY — The Planning Board or Board of Adjustment or Construction Office with all of the powers delegated, assigned, or assumed by them according to statute or ordinance.

APPLICANT — A person 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 section, and that would be located within a regulated Riparian Buffer Conservation Zone.

CATEGORY ONE (C1) WATERS — Those waters, designated in the Surface Water Quality Standards at N.J.A.C. 7:9B-1.15, which have been identified for protection from degradation 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.

CATEGORY TWO WATERS — Those waters not designated as Outstanding National Resource Waters or Category One in the Surface Water Quality Standards at N.J.A.C. 7:9B-1.15 for purposes of implementing the antidegradation policies set forth at N.J.A.C. 7:9B-1.5(d).

FLOODWAY — Shall have the meaning ascribed to this term by the Flood Hazard Control Act (N.J.S.A. 58:16A-50 et seq.) and regulations promulgated thereunder published at N.J.A.C. 7.13 et seq., and any supplementary or successor legislation and regulations from time to time enacted or promulgated.

INTERMITTENT STREAM — Surface water drainage channels with definite bed and banks in which there is not a permanent flow of water. Streams shown as a dashed line on either the USGS topographic quadrangle maps or the USDA County Soil Survey Maps

of the most recent edition that includes hydrography are included as intermittent streams.

LAKE, POND, or RESERVOIR — Any impoundment, whether naturally occurring or created in whole or in part by the building of structures for the retention of surface water, excluding sedimentation control and stormwater retention/detention basins and ponds designed for treatment of wastewater.

PERENNIAL STREAM — A stream that flows continuously throughout the year in most years. These streams appear as a blue line on USGS topographic quadrangle maps or on USDA County Soil Survey Maps.

RIPARIAN BUFFER CONSERVATION ZONE (RBCZ) — An area of land or water within or adjacent to a surface water body within the municipality and designated on the Riparian Buffer Conservation Zone Map promulgated by Warren Township in accordance with subsection 15-10C.4 of this section.

RIPARIAN BUFFER CONSERVATION ZONE MANAGEMENT PLAN — A plan approved by the Township Engineer and Township Planner. The plan shall be prepared by a landscape architect, professional engineer or other qualified professional, and shall fully evaluate the effects of any proposed activities and uses on any RBCZ. The plan shall identify existing conditions, all proposed activities, and all proposed management techniques, including any measures necessary to offset disturbances to any affected RBCZ.

SURFACE WATER BODY — Any perennial stream, intermittent stream, lake, pond, or reservoir, as defined herein. In addition, any State open waters identified in a letter of interpretation issued by the New Jersey Department of Environmental Protection Land Use Regulation Program shall also be considered surface water bodies.

§ 15-10C.4. Establishment of Riparian Buffer Conservation Zones. [Ord. No. 06-28 § 1]

- a. Riparian Buffer Conservation Zones (RBCZs) shall be delineated as follows:
1. In the case of Category One (C1) waters, the RBCZ shall equal the Special Water Resource Protection Area, and shall be measured as defined at N.J.A.C. 7:8-5.5(h). Special Water Resource Protection Areas are established along all waters designated as C1 at N.J.A.C. 7:9B and perennial or intermittent streams that drain into or upstream of the C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys within the associated HUC 14 drainage.
 2. For areas adjacent to surface water bodies designated Category Two Waters for Trout Production (FW2-TP) the RBCZ shall be measured from the defined edge of the intermittent or perennial stream, or centerline if the bank is not defined, or lake, pond or reservoir at bank-full flow or level, and shall extend 150 feet horizontally outward from the perpendicular. Where steep slopes (in excess of 10%) are located within the designated widths, the RBCZ shall be extended to include the entire distance of this sloped area.
 3. For areas adjacent to other surface water bodies, the RBCZ shall be measured from the top of bank of an intermittent or perennial stream, or centerline if bank is not defined, or lake, pond or reservoir at bank-full flow or level, and shall extend 75 feet horizontally outward from the perpendicular. Where steep

slopes (in excess of 10%) are located within the designated widths, the RBCZ shall be extended to include the entire distance of this sloped area.

4. For areas adjacent to surface water bodies for which the floodway has been delineated, the RBCZ shall cover the entire floodway area, or the area described in subsection 15-10C.4a1 or 15-10C.4a2, whichever area has the greatest extent. Floodway delineations shall be based upon the State's adopted floodway delineations. However, requests for alterations to the adopted delineations can be provided to the New Jersey Department of Environmental Protection ("NJDEP") for consideration if site specific information is available.
5. An RBCZ is an overlay to the existing zoning districts. The provisions of the underlying district shall remain in full force, except where the provisions of the RBCZ differ from the provisions of the underlying district, in which case the provision which is more restrictive, and less permissive, to a landowner or applicant shall apply. These provisions are intended to modify the type of land use, siting of structures, and engineering of all proposed development on parcels located within the RBCZ. These provisions apply to land disturbances resulting from or related to any activity or use requiring application for any of the following permits or approvals:

Building permit

Zoning variance

Special exception

Conditional use

Subdivision/land development approval

6. A map of the RBCZs of the entire Township, including all land and water areas within its boundaries, which designates surface water bodies, is authorized by this section, and, when prepared by the Township Engineer and Township Planner, will be found at the end of this chapter as Appendix I. Maps of the Township on which these designations have been overlain shall be on file and maintained by the offices of the Township Clerk. This map conforms to all applicable laws, rules and regulations applicable to the creation, modification and promulgation of zoning maps.
7. It shall be the duty of the Township Engineer and the Township Planner, every second year after the adoption of this section, to propose modifications to the map delineating Riparian Buffer Conservation Zones required by any naturally occurring or permitted change in the location of a defining feature of a surface water body occurring after the initial adoption of the RBCZ Map, to record all modifications to the RBCZ Map required by decisions or appeals under subsection 15-10C.11, and by changes made by DEP in surface water classifications or floodway delineations. Floodway delineations shall be based upon the State's adopted floodway delineations. However requests for alterations to the adopted delineations can be provided to the NJDEP for consideration if site specific information is available.

8. The applicant or designated representative shall be responsible for the initial determination of the presence of an RBCZ on a site, and for identifying the area on any plan submitted to the Township 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 Township Engineer and Township Planner, and, where required, by NJDEP.
9. The Township's Master Plan provides the legal basis for zoning and land use regulation at the local level. The technical foundation for local RBCZs in the Township may be incorporated into the Master Plan. A technical report on the need for Riparian Buffer Conservation Zones in the Township may be adopted as part of the Master Plan (N.J.S.A. 40:55D-28b(11)). The technical report should include the following information:
 - (a) A statement setting forth the rationale and need to protect RBCZs; and
 - (b) Reference to the methods used to designate and delineate RBCZs.

§ 15-10C.5. Uses Permitted in Riparian Buffer Conservation Zones. [Ord. No. 06-28 § 1]

- a. For Category One (C1) RBCZs, permitted uses are governed by N.J.A.C. 7:8-5.5(h), unless otherwise exempt.
- b. Any other RBCZ area shall remain in a natural condition or, if in a disturbed condition, including agricultural activities, at the time of adoption of this section, may be restored to a natural condition. There shall be no clearing or cutting of trees and brush, except for removal of dead vegetation and pruning for reasons of public safety or for the replacement of invasive species with indigenous species, altering of watercourses, dumping of trash, soil, dirt, fill, vegetative or other debris, regrading or construction. The following uses are permitted either by right or after review and approval by the municipality in RBCZs.
- c. No new construction, development, use, activity, encroachment, or structure shall take place in an RBCZ, except as specifically authorized in this subsection. The following uses shall be permitted within a RBCZ:
 1. Open space uses that are primarily passive in character shall be permitted by right to extend into an RBCZ, provided near stream vegetation is preserved.
 2. Uses that do not require approval by the Zoning Officer or compliance with an approved RBCZ Management Plan, include but are not limited to: wildlife sanctuaries, nature preserves, forest preserves, fishing areas, game farms, fish hatcheries and fishing reserves, operated for the protection and propagation of wildlife, but excluding structures, and passive recreation areas of public and private parklands, including unpaved hiking, bicycle and bridle trails, provided that said trail have been stabilized with pervious materials. Fences, for which a permit has been issued by the Construction Code Office, to the extent required by applicable law, rule or regulation, are permitted.
 3. Crossings by farm vehicles and livestock, recreational trails, roads, railroads,

stormwater lines, sanitary sewer lines, water lines and public utility transmission lines, provided that the land disturbance is the minimum required to accomplish the permitted use, shall be permitted, subject to approval by the Zoning Officer, provided that any applicable State permits are acquired, and provided that any disturbance is offset by buffer improvements in compliance with an approved RBCZ Management Plan.

4. Stream bank stabilization or riparian reforestation, which conform to the guidelines of an approved RBCZ Management Plan, or wetlands mitigation projects that have been approved by the NJDEP, are permitted to extend into an RBCZ, subject to approval by the Zoning Officer and subject to compliance with an approved RBCZ Management Plan.

§ 15-10C.6. Performance Standards for Riparian Buffer Conservation Zones.
[Ord. No. 06-28 § 1]

- a. All encroachments proposed into Category One (C1) RBCZs shall comply with the requirements at N.J.A.C. 7:8-5.5(h) and shall be subject to review and approval by the NJDEP. For all other RBCZs, the following conditions shall apply:
 1. All new major and minor subdivisions and site plans shall be designed to provide sufficient areas outside of the RBCZ to accommodate primary structures, and normal accessory uses appurtenant thereto, as well as all planned lawn areas.
 2. Portions of lots within the RBCZ must be permanently restricted by deed or conservation easement, which restrictive document is to be prepared and approved by the Warren Township Attorney, held by the Township to prevent clearing of vegetation within the RBCZ. A complete copy of the recorded conservation restriction that clearly identifies the deed book and pages where it has been recorded in the County Clerk's office must be submitted to the Township. The applicant shall not commence with the project or activity prior to making this submittal and receiving actual approval of the plan modification and receipt of any applicable permits from the NJDEP. The recorded conservation restriction shall run with the land and be binding upon the property owner and the successors in interest in the property or in any part thereof. The conservation restriction may include language reserving the right to make de minimus changes to accommodate necessary regulatory approvals upon the written consent of the Township, provided such changes are otherwise consistent with this chapter. The recorded conservation restriction shall, at a minimum, include:
 - (a) A written narrative of the authorized regulated activity, date of issuance, and date of expiration, and the conservation restriction that, in addition, includes all of the prohibitions set forth at N.J.S.A. 13:8B-2b(1) through (7);
 - (b) Survey plans for the property as a whole and, where applicable, for any additional properties subject to the conservation restrictions. Such survey plans shall be submitted on the surveyor's letterhead, signed and sealed by the surveyor, and shall include metes and bounds descriptions of the

property, the site, and the areas subject to the conservation restriction in New Jersey State Plane Coordinates, North American Datum 1983, and shall depict the boundaries of the site and all areas subject to the conservation restriction as marked with flags or stakes on site. All such survey plans shall be submitted on paper and in digital CAD or GIS file on a media and format required by the Township Engineer. The flags or stakes shall be numbered and identified on the survey plan; and

- (c) A copy or copies of deeds for the property as a whole that indicate the deed book and pages where it has been recorded in the County Clerk's office.
- 3. Any lands proposed for development which include all or a portion of an RBCZ shall, as a condition of any major subdivision or major site plan approval, provide for the vegetation or revegetation of any portions of the RBCZ which are not vegetated at the time of the application or which were disturbed by prior land uses, including for agricultural use. Said vegetation plan shall utilize native tree and plant species in accordance with an approved Riparian Buffer Conservation Zone Management Plan, described in subsection 15-10C.10.
- 4. Minimum front, side, and rear setbacks required for building lots which exist as of the date of adoption of this section,⁷ but have not obtained a building permit, may extend into the RBCZ, provided that a deed restriction or conservation easement is applied which prohibits clearing or construction in the RBCZ.
- 5. All stormwater shall be discharged outside of but may flow through an RBCZ and shall comply with the Standard For Off-Site Stability in the "Standards for Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. (see N.J.A.C. 2:90-1.3.).
- 6. If stormwater discharged outside of and flowing through an RBCZ cannot comply with the Standard For Off-Site Stability cited in subsection 15-10C.6a5, then the stabilization measures in accordance with the requirements of the above standards may be placed within the RBCZ, provided that:
 - (a) Stabilization measures shall not be placed closer than 50 feet from the top of the bank at bank full flow or level of other surface water bodies;
 - (b) The encroachment shall only be allowed where the applicant demonstrates that the functional value and overall conditions of the RBCZ will be maintained to the maximum extent practicable;
 - (c) A conceptual project design meeting shall be held with the appropriate municipal staff and Soil Conservation District staff to identify necessary stabilization measures; and

7. Editor's Note: Ordinance No. 06-28, codified herein as Section 15-10C, was adopted September 14, 2006.

- (d) All encroachments proposed under this section shall be subject to review and approval by the Administrative Authority.

§ 15-10C.7. Nonconforming Structures and Uses in Riparian Buffer Conservation Zones. [Ord. No. 06-28 § 1]

Nonconforming structures and uses of land within the RBCZ are subject to the following requirements:

- a. Legally existing but nonconforming structures or uses may be continued.
- b. Any proposed enlargement or expansion of the building footprint within a Category One (C1) RBCZ shall comply with the standards in N.J.A.C. 7:8-5.5(h).
- c. For all other RBCZs:
 - 1. The existing building footprint or uses shall not be expanded or enlarged.
 - 2. Discontinued nonconforming uses may be resumed any time within one year from such discontinuance but not thereafter when showing clear indications of abandonment.
 - 3. No change or resumption shall be permitted that is more detrimental to the RBCZ, as measured against the intent and purpose under subsection 15-10C.1, than the existing or former nonconforming use. This one year time frame shall not apply to agricultural uses that are following prescribed Best Management Practices for crop rotation; however, resumption of agricultural uses must be strictly confined to the extent of disturbance existing at the time of adoption of this section.⁸

§ 15-10C.8. Uses Prohibited in Riparian Buffer Conservation Zones. [Ord. No. 06-28 § 1]

- a. Any use within a Category One (C1) RBCZ shall comply with the standards in N.J.A.C. 7:8-5.5(h).
- b. For other RBCZs, any use or activity not specifically authorized in subsection 15-10C.5 or subsection 15-10C.7 shall be prohibited within the RBCZ. By way of example, the following activities and facilities are prohibited:
 - 1. Removal or clear-cutting of trees and other vegetation or soil disturbance such as grading.
 - 2. Storage of any hazardous or noxious materials.
 - 3. Use of fertilizers, pesticides, herbicides, and/or other chemicals in excess of prescribed industry standards or the recommendations of the Soil Conservation District.
 - 4. Roads or driveways, except where permitted in compliance with subsection 15-10C.5.

8. Editor's Note: Ordinance No. 06-28, codified herein as Section 15-10C, was adopted September 14, 2006.

5. Motor or wheeled vehicle traffic in any area, except as permitted by this section.
6. Parking lots.
7. Any type of permanent structure, except structures needed for a use permitted by subsection 15-10C.5.
8. New subsurface sewage disposal areas.
9. Residential grounds or lawns, except as otherwise permitted pursuant to this section.

§ 15-10C.9. Activities Permitted in Stream Buffer Conservation Zones in the Case of No Reasonable or Prudent Alternative or Extreme Hardship. [Ord. No. 06-28 § 1]

- a. For Category One (C1) RBCZs, requests for exemptions must be authorized by the DEP.
- b. For other RBCZs, hardship variances may be granted by the Zoning Board of Adjustment in cases of a preexisting lot (existing at the time of adoption of this section), when there is insufficient room outside the RBCZ for uses permitted by the underlying zoning and there is no other reasonable or prudent alternative to placement in the RBCZ, including obtaining variances from setback or other requirements that would allow conformance with the RBCZ requirements, and provided the following demonstrations are made:
 1. An applicant shall be deemed to have established the existence of an extreme economic hardship, as distinguished from mere inconvenience, if the subject property is not capable of yielding a reasonable economic return if its present use is continued or if it is developed in accordance with provisions of this section and that this inability to yield a reasonable economic return results from unique circumstances peculiar to the subject property which:
 - (a) Do not apply to or affect other property in the immediate vicinity;
 - (b) Relate to or arise out of the characteristics of the subject property because of the particular physical surroundings, shape or topographical conditions of the property involved, rather than the personal situations of the applicant; and
 - (c) Are not the result of any action or inaction by the applicant or the owner or his predecessors in title. The necessity of acquiring additional land to locate development outside the RBCZ shall not be considered an economic hardship unless the applicant can demonstrate that there is no adjacent land that is reasonably available.
 2. An applicant shall be deemed to have established compelling public need if the applicant demonstrates, based on specific facts, that:
 - (a) The proposed project will serve an essential public health or safety need;

- (b) The proposed use is required to serve an existing public health or safety need; or
 - (c) There is no alternative available to meet the established public health or safety need.
3. A variance can only be granted if it is shown that the activity will not be materially detrimental or injurious to other property or improvements in the area in which the subject property is located and will not endanger public safety; and the exception granted is the minimum relief necessary to relieve the hardship.
 4. If the above demonstrations are made, then the encroachment of impervious surfaces (structures or pavement) otherwise permitted by the underlying zoning is permitted to the extent of 750 square feet total. Said encroachment is not permitted closer than 100 feet from the top of the bank at bank-full flow or level of Category Two Waters for Trout Production (FW2-TP), or closer than 50 feet from the top of the bank at bank-full flow or level of other surface water bodies.
 5. If such an exception is granted, the applicant shall rehabilitate an environmentally degraded RBCZ area within or adjacent to the same site, and at least equivalent in size to the RBCZ reduction permitted, or, if not possible, rehabilitate or expand an RBCZ area at least equivalent in size within a nearby site and, if available, within the same watershed. Rehabilitation shall include reforestation, stream bank stabilization and removal of debris, in accordance with an RBCZ Management Plan.

§ 15-10C.10. Riparian Buffer Conservation Zone Management Plan. [Ord. No. 06-28 § 1]

- a. Within any RBCZ, no construction, development, use, activity, or encroachment shall be permitted unless the effects of such development are accompanied by preparation, approval, and implementation of a Riparian Buffer Conservation Zone Management Plan.
- b. The landowner, applicant, or developer shall submit to the Township Engineer and Township Planner as a completeness item a Riparian Buffer Conservation Zone Management Plan prepared by an environmental professional, professional engineer or other qualified professional which fully evaluates the effects of any proposed uses of the RBCZ. The Riparian Buffer Conservation Zone Management Plan shall identify the existing conditions including:
 1. Existing vegetation;
 2. Field delineated surface water bodies;
 3. Field delineated wetlands;
 4. The 100-year floodplain;
 5. Flood hazard areas, including floodway and flood fringe areas, as delineated by the DEP;

6. Soil classifications as found on soil surveys;
7. Existing subdrainage areas of site with HUC-14 (Hydrologic Unit Code) designations; and
8. Slopes in each subdrainage area segmented into sections of slopes less than or equal to 10%; above 10% but less than 20%; and greater than 20%.

The proposed plan shall describe all proposed uses and activities, and fully evaluate the effects of all proposed uses/activities in an RBCZ, and all proposed management techniques, including proposed vegetation and any other measures necessary to offset disturbances to the RBCZ. A discussion on activities proposed as well as management techniques proposed to offset disturbances and enhance the site to improve the RBCZ's ability to function effectively as an RBCZ shall also be included with the RBCZ Management Plan submittal to the Township.

- c. The Plan shall be reviewed and must be approved by the Township Engineer and Township Planner, in consultation with the Warren Township Environmental Commission, as part of the subdivision and land development process.
- d. The Riparian Buffer Conservation Zone Management Plan should include management provisions in narrative and graphic form specifying:
 1. The manner in which the area within the RBCZ will be owned and by whom it will be managed and maintained.
 2. The conservation and land management techniques and practices that will be used to conserve and protect the RBCZ, as applicable.
 3. The professional and personnel resources that are expected to be necessary, in order to maintain and manage the RBCZ.
 4. A revegetation plan, if applicable, that includes: three layers of vegetation, including herbaceous plants that serve as ground cover, understory shrubs, and trees that form an overhead canopy. Vegetation selected must be native and consistent with the soil, slope and moisture conditions of the site. The revegetation plan shall be prepared by a qualified professional such as a landscape architect or engineer, and shall be subject to the approval of the Township Engineer and Township Planner, in consultation with the Warren Township Environmental Commission. Dominant vegetation in the Riparian Buffer Conservation Zone Management Plan shall consist of plant species that are suited to the stream buffer environment. The Township Engineer and Township Planner may require species suitability to be verified by qualified experts from the Soil Conservation District, Natural Resources Conservation Service, NJDEP, US Fish and Wildlife Service and/or State or Federal forest agencies.
- e. A Riparian Buffer Conservation Zone Management Plan is not required where the RBCZ is not being disturbed and conservation easements or deed restrictions are applied to ensure there will be no future clearing or disturbance of the RBCZ.
- f. Performance of the Riparian Buffer Conservation Zone Management Plan shall be

guaranteed for two years by a surety, such as a bond, cash or letter of credit, which shall be provided to the Township prior to the Township issuing any permits or approving any uses relating to the applicable use or activity.

§ 15-10C.11. Boundary Interpretation, Appeals Procedures, Inspections, Conflicts, Severability. [Ord. No. 06-28 § 1]

- a. When a landowner or applicant disputes the boundaries of an RBCZ, or the defined bank-full flow or level, the landowner or applicant shall submit evidence to the Township Engineer and Township Planner that describes the RBCZ, presents the landowner or applicant's proposed RBCZ delineation, and presents all justification for the proposed boundary change. For Category One (C1) RBCZs, the landowner or applicant must first obtain approval from the NJDEP. The applicant shall submit evidence to the Township Engineer and Township Planner that describes the RBCZ, presents the landowner or applicant's proposed RBCZ delineation, and presents all justification for the proposed boundary change. A decision from the NJDEP must be included with the evidence submitted for Township review.
- b. Within 45 days of a complete submission of subsection 15-10C.11a above, the Township Engineer and Township Planner, shall evaluate all material submitted and shall make a written determination, a copy of which shall be submitted to the Township Engineer, Township Planner and the landowner or applicant. Failure to act within the forty-five-day period shall not be interpreted to be an approval of the proposed boundary change.
- c. Any party aggrieved by any such determination or other decision or determination under subsection 15-10C.11b may appeal to the Township Engineer and Township Planner under the provisions of this section. The party contesting the location of the RBCZ boundary shall have the burden of proof in case of any such appeal.
- d. Any party aggrieved by any determination or decision of the Township Engineer and Township Planner under this section may appeal to the Township Committee. The party contesting the determination or decision shall have the burden of proof in case of any such appeal.
- e. Inspections.
 1. Lands within or adjacent to an identified RBCZ shall be inspected by the Township Engineer when:
 - (a) A subdivision or land development plan is submitted;
 - (b) A building permit is requested;
 - (c) A change or resumption of a nonconforming use is proposed;
 - (d) A discontinued nonconforming use is resumed more than a year later, as described in subsection 15-10C.7. The party contesting the discontinued use shall have the burden of proof to demonstrate when the use was discontinued.
 2. The RBCZ may also be inspected periodically by Township representatives if excessive or potentially problematic erosion is present, other problems are

discovered, or at any time when the presence of an unauthorized activity or structure is brought to the attention of municipal officials or when the downstream surface waters are indicating reduction in quality.

§ 15-10C.12. Enforcement. [Ord. No. 06-28 § 1]

- a. A prompt investigation shall be made by the appropriate Township personnel, of any person or entity believed to be in violation hereof. If, upon inspection, a condition which is in violation of this section 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. The violator must reimburse the Township for all fees and costs incurred by the Township for the Township Attorney to pursue such action.
- b. Nothing in this section shall be construed to preclude the right of the Township, pursuant to N.J.S.A. 26:3A2-25, to initiate legal proceedings hereunder in Municipal Court. The violation of any subsection of this section shall constitute a separate and distinct offense independent of the violation of any other subsection, or of any order issued pursuant to this section. Each day a violation continues shall be considered a separate offense.

§ 15-10D. STORMWATER MANAGEMENT DESIGN STANDARDS.

§ 15-10D.1. Definitions. [Ord. No. 06-32 § 2]

All terms in this section shall be defined in the NJDEP Stormwater Rules (N.J.A.C. 7:8, et seq.). This section shall supplement Section 15-10B entitled Stormwater Management. The following additional terms are defined for this section only.

- a. EXEMPT DEVELOPMENT — Any development that creates less than 1,000 square feet of new impervious surface and disturbs less than 2,500 square feet of land. Further, an exempt development shall not meet the definition of "minor development."
- b. MINOR DEVELOPMENT — Any development that results in the creation of 1,000 square feet or more of new impervious surface or one that disturbs more than 2,500 square feet of land area. Further, a minor development shall not meet the definition of "major development" in N.J.A.C. 7:8-1.2.

§ 15-10D.2. Design Standards. [Ord. No. 06-32 § 2]

- a. Exempt Development. Any project meeting the definition of "exempt development" shall be exempt from the provisions of this section.
- b. Minor Development. Minor developments shall be designed to include the following stormwater management measures:
 1. Water Quality. Soil erosion and sediment control measures shall be installed in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey.

2. Rate/Volume Control. Seepage pits or other infiltration measures shall be provided with a capacity of three inches of runoff for each square foot of new impervious surface. Stone used in the infiltration devices shall be 2 1/2 inches clean stone and design void ratio of 33% shall be used. The infiltration measures shall be designed with an overflow to the surface which shall be stabilized and directed to an existing stormwater conveyance system or in a manner to keep the overflow on the developed property to the greatest extent feasible. If the new impervious surface is not roof area, an equivalent area of existing roof may be directed to the infiltration system. This shall be permitted where the existing roof is not already directed to infiltration devices.
- c. Major Developments. All major developments shall have their stormwater management designed in accordance with the Residential Site Improvement Standards (RSIS, N.J.A.C. 5:21) and the NJDEP Stormwater Rules (N.J.A.C. 7:8). These standards shall apply to all projects, residential and nonresidential.

§ 15-10D.3. Waivers and Exceptions. [Ord. No. 06-32 § 2]

- a. Standards for Relief. Waivers from strict compliance with the design standards shall only be granted upon showing that meeting the standards would result in an exceptional hardship on the applicant or that the benefits to the public good of the deviation from the standards would substantially outweigh any detriments of the deviation. A hardship will not be considered to exist if reasonable reductions in the scope of the project would eliminate the noncompliance.
- b. Mitigation. If the reviewing agency for the project determines that a waiver is appropriate, the applicant must execute a mitigation plan. The scope of the mitigation plan shall be commensurate with the size of the project and the magnitude of the relief required. The mitigation project may be taken from the list of projects in the Municipal Stormwater Management Plan or another project identified by the applicant. All mitigation projects are subject to the approval of the Township Engineer. A monetary contribution to the Township may be made in lieu of the work identified in the mitigation plan, subject to the approval of the reviewing agency.
- c. Reviewing Agency. All applications subject to the review of the Planning Board or Board of Adjustment shall be reviewed by those Boards concurrently with development plan review. Applications not subject to Planning Board or Board of Adjustment review shall be reviewed by the Township Engineer.
- d. Appeals. The appeal of the determination of the Township Engineer shall be made in accordance with N.J.S.A. 40:55D-70a.

§ 15-10D.4. Application and Review Fees. [Ord. No. 06-32 § 2]

There shall be no additional fees for stormwater review for applications to the Planning Board or Board of Adjustment. Applications to the Township Engineer shall be accompanied by a review fee in the amount of \$250. If a project is approved, an inspection escrow deposit shall be made in an amount to be determined by the Township Engineer.

§ 15-10E. WETLAND PROTECTION.**§ 15-10E.1. Requirement for Obtaining Letter of Interpretation from NJDEP.****[Ord. No. 06-32 § 2]**

A wetlands letter of interpretation (LOI) from the New Jersey Department of Environmental Protection (NJDEP) shall be submitted as part of the application for any major subdivision or major site plan application. A minor subdivision application shall not be required to submit an LOI; however, an on-site wetland delineation shall be prepared by a qualified consultant. If wetlands are present that could be impacted by the proposed improvements, a NJDEP approved LOI shall be submitted with the minor subdivision application. If no wetlands are observed, a note to that effect shall be shown on the plans.

- a. Documentation. All wetland and transition areas required pursuant to N.J.A.C. 7:7A-1 et seq. (New Jersey Freshwater Wetlands Protection Act Rules) or any successor statutes or regulations shall be clearly shown on all plats or site plans submitted for approval.
- b. All final plats or final site plans shall include the wetland line(s) identification number as assigned by NJDEP, pursuant to the Freshwater Wetlands Protection Act.

§ 15-10E.2. Wetland Protection Standards. [Ord. No. 07-15 § 2]

To prevent adverse impacts on delineated wetlands, the following guidelines shall be employed:

- a. A snow fence shall be installed along the limit of disturbance outside of the final wetland transition area boundary line prior to the commencement of on-site construction, so as to prevent encroachment into these regulated areas.
- b. A silt fence or hay bales should be installed downstream from disturbance areas adjacent to the State-mandated wetland transition area line (or buffer) so as to prevent the transport of silt into the wetland areas.
- c. The applicant shall avoid encroachment into State-regulated wetland and transition areas. All existing on-site vegetation within or adjacent to the wetland areas shall be preserved.
- d. Prior to signing of the final plat or site plan, the applicant shall provide evidence of the filing of any deed restriction required by NJDEP to permit transition area modifications.
- e. Whenever a conservation easement is required pursuant to subsection 15-10E.3 below, the easement boundaries shall be delineated with survey monuments to ensure that future encroachment and disturbance of the easement does not occur. The quantity and location of monuments shall be sufficient to adequately identify the easement and shall be shown on the plans and subject to approval by the Township Engineer, provided the spacing of monuments shall not exceed 100 feet. Performance of the monument installation shall be guaranteed by a surety, such as a bond, cash or letter of credit, which shall be provided to the Township prior to the

Township issuing any permits relating to the proposed site work.

§ 15-10E.3. Conservation Easement. [Ord. No. 07-15 § 2]

Whenever an LOI or wetlands delineation is required under subsection 15-10E.1 above, all wetlands and transition areas shall be protected by a conservation easement running to the Township.

Such conservation easement shall, at the request of the owner of such a property, be amended to conform to any subsequent modification of the included transition areas, provided that such modification is first approved by the New Jersey Department of Environmental Protection. Modifications may include, but are not limited to, transition area averaging plans. An owner may request such modification by submitting an amendatory deed to the Township Engineer for review and approval. The owner shall be responsible to reimburse the Township for the cost of having any in-house or outside professional or technical personnel review the proposed amendatory deed.

§ 15-11. OFF-TRACT IMPROVEMENTS AND TRANSPORTATION IMPROVEMENT DISTRICT REGULATIONS.

§ 15-11.1. Additional Improvements and Guarantees Prior to Final Approval Where Off-Tract Improvements are Required. [Ord. No. 92-33]

- a. Where the need for an off-tract improvement of the type described in Section 15-8 of this chapter is in whole or in part made necessary by the application of the developer and the installation of the improvement would confer a benefit upon the development, a determination of the contribution of the developer for said off-tract improvement shall be made in accordance with the provisions as hereinafter set forth and the performance of the work or the posting of adequate performance guarantees to insure installation of the required off-tract improvement or improvements shall be made by the developer. Such improvements shall be deemed reasonable and necessary when they are set forth in the circulation plan element and the utility service plan element of the Township Master Plan.
- b. Where the Planning/Zoning Board has determined by resolution the necessity of an off-tract improvement, it shall forward its recommendation together with the estimated cost of the off-tract improvement to the governing body of the Township.

Said estimated cost of the off-tract improvement shall set forth an estimate by which all properties to be serviced, including the developer's property shall be benefited thereby.

1. Upon receipt of the recommendation and report of the Planning Board, the governing body shall, within 30 days from the date of receipt thereof, make a determination as follows:
 - (a) That the recommended off-tract improvement should not be required of the developer; or
 - (b) If the governing body, by resolution, concurs with the recommendation of the Planning/Zoning Board in whole or in part, it shall notify the Planning/Zoning Board of its recommendation and the Planning/Zoning

Board shall then, with the aid of the Township Engineer or such other persons who have pertinent information or expertise calculate:

- (1) The cost of the improvement, and
 - (2) The amount by which all properties to be serviced thereby, including the subdivider's property, will be specifically benefited therefrom.
- c. Manner of Construction. Upon completion of the Planning/Zoning Board studies with respect to the cost of the improvement and special benefits to be conferred, these reports shall be forwarded to the governing body to decide whether the off-tract improvement is to be constructed:
1. By the Township of Warren as a general improvement, or
 2. By the Township as a local improvement, or
 3. By the developer under a formula providing for partial reimbursement by the Township for benefits to properties other than the subdivision.
- d. Amount of Contribution. When this has been determined, the developer may be required to provide, as a condition for final approval of the subdivision, a bond (or a cash deposit, in lieu thereof) to insure payment to the Township of one of the following amounts:
1. If the improvement is to be constructed by the Township as a general improvement, an amount equal to the difference between the estimated cost of the improvement and the estimated total amount, if less, by which all properties to be serviced thereby, including the subdivision property, will be specifically benefited by the off-tract improvement;
 2. If the improvement is to be constructed by the Township as a local improvement, then in addition to the amount referred to in paragraph d1, above, the estimated amount by which the subdivision will be specifically benefited by the off-tract improvement; or
 3. If the improvement is to be constructed by the developer, an amount equal to the estimated cost of the off-tract improvement, less an offset for benefits to properties other than the developer's.
- e. Determination of Special Benefits. In determining benefits conferred on properties specifically benefited by an off-tract improvement the following formula shall, subject to adjustment for peculiar or exceptional conditions, be used:
1. The development shall be allocated the percentage of benefit computed by dividing the land area by the total area benefited by the off-tract improvement.
 2. The development shall be allocated the percentage of benefit computed by dividing the maximum potential intensity of use of the development (total square feet of building floor area) by the maximum potential intensity of use under existing zoning limitation in the total land area benefited by the off-tract improvement.
 3. In the case of linear improvements, i.e., roads, curbing, sidewalks, pipes,

drains, sewers, drainage easement, etc., the subdivision shall be allotted that percentage of benefit computed by dividing the distance (measured along the course of the off-tract improvement) from the connecting facility to the farthest abutting point of the development by the sum of the distance of all intervening properties, including the development abutting the off-tract improvement similarly measured.

4. The sum of paragraphs e1, e2 and e3, if applicable, shall be divided by two (or three if e3 is included), to arrive at the percentage which, subject to discretionary adjustment as above stated, shall be the percentage of the total cost of the off-tract improvement which shall be apportioned to the developer.
- f. When Required. The requirement of appropriate off-tract improvements and the apportionment of the cost of a portion thereof to the developer shall, where applicable, be a condition of either preliminary (tentative) approval or final approval of the major subdivision or a condition of classification as a minor subdivision. If not imposed as a condition of preliminary approval, such off-tract improvements and the apportionment of the cost thereof shall be considered "improvements" under the terms of this section and may be imposed at the time of final approval.
- g. Payment of Allocated Cost.
 1. The estimated cost of the off-tract improvement allocated to the developer, if deposited in cash, shall be paid by the subdivider to the Township Treasurer, who shall provide a suitable depository therefor, and such funds shall be used only for the off-tract improvements serving the same purpose. If such improvements are not initiated by the Township within a period often 10 years from the date of payment, then funds so deposited shall be returned together with accumulated interest or other income thereon, if any.
 2. In the event the payment by the developer to the Township Treasurer provided for herein, is less than its share of the actual cost of the off-tract improvement, then it shall be required to pay its additional share of the cost thereof.
 3. In the event the payment by developer to the Township Treasurer provided for above is more than its appropriate share of the actual cost of installation of the off-tract improvements, it shall be reimbursed an amount equal to the difference between the deposit and its share of the actual cost.
 4. Before apportioning the cost of off-tract improvements to a developer, the Planning/Zoning Board shall notify and afford the developer an opportunity to be heard thereon at a public meeting. If the developer shall deem that any of the amounts so estimated by the Planning/Zoning Board are unreasonable, it may challenge them and seek to have them revised in appropriate proceedings brought to compel subdivision approval.
 5. If the developer and the Township cannot agree with respect to the developer's appropriate share of the actual cost of the off-tract improvement, or the determination made by the officer or Board charged with the duty of making assessments as to special benefits and if the off-tract improvement is constructed as a local improvement, the dispute shall be decided in an

appropriate judicial proceeding.

- h. **Assessment of Properties.** Upon receipt from the developer of its allocated share of the costs of the off-tract improvements, the Township may adopt a local improvement assessment ordinance for the purpose of construction and installation of the off-tract improvements based upon the actual cost thereof. Any portion of the cost of the improvements not defrayed by a developer may be assessed against benefiting property owners by the Township. Any assessment for benefits conferred made against the subdivider or its successors in interest shall be first offset by a pro rata share credit of the allocated costs previously deposited with the Township Treasurer pertaining thereto. The developer, or his successors in interest, shall not be liable for any part of an assessment for such improvements unless the assessment exceeds its pro rata share credit for its deposit, and then only to the extent of the deficiency.
- i. **Credit for Work Performed.** In the event the developer installs and constructs an off-tract improvement or any portion thereof, which improvement is accepted by the Township, then the cost, as submitted by the assessment commission and certified by the Township Committee, shall be treated as a credit against any future assessment for that particular off-tract improvement, or portion thereof, constructed by the Township in the same manner as if the developer had deposited its apportioned cost with the Township Treasurer, as provided herein.
- j. **Installation of Improvements by Applicant.**
 - 1. At the discretion and option of the Township, the Township may enter into a contract with the developer providing for the installation and construction of the off-tract improvements by the subdivider upon contribution by the Township of the remaining unallocated portion of the cost of the off-tract improvement.
 - 2. In the event the Township so elected to contribute to the cost and expense of installation of the off-tract improvements by the developer, the portion contributed by the Township shall be subject to possible certification and assessment as a local improvement against benefiting property owners in the manner provided by law, if applicable.
- k. **Site Plan.** All requirements and directions in this subsection shall be applicable to site plan off-tract improvements with equal force and effect. Any reference to "subdivider" or "subdivision" shall be taken to include site plan or site plan applicant.
- l. **Design Standards.** Should the subdivider and the Township enter into a contract for the construction and erection of the off-tract improvements to be done by the subdivider, it shall observe all requirements and principles of the land subdivision and other ordinances in the design of such improvements.

§ 15-11.2. Transportation Improvement District (T.I.D.). [Ord. No. 92-33]

- a. **Purpose and Intent.** The purpose of this subsection is to ensure adequate off-tract road and related drainage, lighting, sidewalks, signage, traffic control devices and the like, which are a direct consequence of new development. The Township of

Warren's Transportation Improvement Districts ("T.I.D.s") are designed to achieve the following purposes:

1. To encourage safe and efficient traffic flow and pedestrian access along the roadway systems serving the Township;
 2. To maintain satisfactory levels of traffic service throughout the Township during peak travel times;
 3. To assess future development its fair share of the cost of reasonable and necessary off-tract improvements that are a direct consequence of such new development rather than arising from existing development.
 4. To raise revenues that will be managed and expended in such a manner and time that the development paying the fee will receive a direct benefit from the improved roads and related facilities.
 5. To encourage development that is compatible with and, whenever possible, carries out the land use and circulation objectives of the Warren Township Master Plan and other regional planning incentives that match Warren Township's community goals.
 6. To accomplish the foregoing objectives through thoughtful and cooperative planning between all levels of government and the private sector for the benefit of all residents and businesses in the Township.
 7. It is the intent of this subsection to effectuate its terms consistent with the goals and objectives of the County of Somerset and the agencies of the State of New Jersey through policy and project agreements now or hereafter formulated or consummated.
- b. Identification of Districts. The following T.I.D.s are hereby established, as described in the Traffic and Circulation Plan Element of Warren Township's Master Plan;
1. Transportation Improvement District-1 (T.I.D.-1) comprised of the area set forth on the attached map drawn by Garmen Associates entitled "T.I.D.-1 Transportation Improvement District (TID) Boundaries." This area being commonly referred to as the "Mountain Boulevard Corridor."
- c. Roadway Improvements. The improvements to be made within each established T.I.D. are set forth in subplans to the Traffic and Circulation Plan Element of the Warren Township Master Plan as approved by the Planning Board, and as presently amended or as amended in the future.
- d. T.I.D. Impact Fees.
1. The pro rata share of T.I.D. impact fees ("T.I.D. Impact Fees") to be collected from a developer having an application for development within an established T.I.D. as set forth in subplans to the Traffic and Circulation Plan Element of the Warren Township Master Plan, as approved by the Planning Board and as presently amended or as amended in the future, shall be adopted by the Township Committee with recommendations of the Planning Board or Zoning

Board of Adjustment, as the case may be, and the County of Somerset, (to the extent that egress from or ingress upon a County roadway is involved) as follows:

Developer's Traffic Impact

$$\text{Developer's Share} = \frac{\text{Total District Traffic Growth}}{\text{Total District Traffic Growth}} \times \text{Total District Improvement Cost}$$

That portion of the above formula identified as Total District Traffic Growth encompasses traffic resulting from new development and growth in through traffic.

2. The purposes of the T.I.D. impact fee is to satisfy the developer's proportionate and pro-rate contribution to the cost of reasonable and necessary off-tract roadway improvements and necessitated by new development (to include, but not be limited to: the construction or reconstruction of new or existing streets, rights-of-ways, acquisition, engineering, and other associated street or traffic improvements such as street widening, alignment, channelization of intersections, construction of barriers, new or improved traffic signalization, signs, curbs, sidewalks, street drainage, road culverts, lighting, landscaping, utility relocation and the like) to be borne by developers within a related and common area of an established T.I.D.
 3. The data upon which T.I.D. impact fees are determined shall be adjusted from time to time as is reasonably deemed appropriate by the Township Committee and the County to account for modifications to projected roadway improvement costs resulting from detailed engineering field studies and inflation, adjusted development projections, actual costs of T.I.D. program maintenance and administration, land acquisition costs and necessary changes in the scope of roadway improvements.
 4. Where an applicant pays the amount determined as his pro rata share under protest, he shall institute a legal action within one year of such payment in order to preserve the right to judicial determination as to the fairness and reasonableness of such amount. In the event such applicant fails to institute such legal action within one year of such payment, such applicant shall have been deemed to waive any right to challenge such pro rata share.
 5. No applicant shall be required to pay T.I.D. impact fees for a development within an established T.I.D. if the applicant can demonstrate to the satisfaction of the Township and the Planning Board or the Board of Adjustment, as the case may be (or to the satisfaction of Somerset County, to the extent that egress from or ingress upon a County road-way is involved), in connection with any application for preliminary approval of a development located within an established T.I.D., that (i) the traffic impact from such new development will be negligible (for the purposes of this subsection defined to mean less than 10 trips generated per day), or (ii) the proposed development will receive no benefit (direct or indirect) from the roadway improvements.
- e. Implementation of T.I.D. Impact Fees through Developers Agreements.

1. Developers of developments within an established T.I.D. shall be required to enter into an agreement with the Township (and with Somerset County, to the extent that egress from and ingress upon a County roadway is involved) for the payment of the required T.I.D. impact fee; and the Planning Board or Board of Adjustment, (after receiving input from County or State agencies for developments located along roads under the jurisdiction of these agencies, if County or State road improvements are to be undertaken) as the case may be, in deliberations with respect to any applications for preliminary approval of development located within an established T.I.D., shall make findings and recommendations as to items to be addressed by the agreement. A condition to any final approval shall be that the developer enter into the said agreement with the Township (and with Somerset County, to the extent that egress from or ingress upon a County roadway is involved). The agreement shall be in proper form for recording and, once duly signed and acknowledged by all parties thereto, shall be recorded by the developer in the Somerset County Clerk's Office.
2. The agreement shall take into consideration the applicable Board's findings of fact, recommendations and conditions of approval and shall, at a minimum, provide for the following:
 - (a) Payment of an impact fee representing the applicant's fair share of road and street (Township, County and State) improvements, inclusive of land acquisition costs, if any, in accordance with the standards set forth in this subsection and the appropriate T.I.D. subplan. Unless an installment payment schedule is approved, the T.I.D. impact fee shall be paid prior to the issuance of any building permits.
 - (b) Where the development is phased, an installment payment schedule, if requested by the developer, based upon the phasing of the development or other standards as outlined in the subplan to the Traffic and Circulation Plan Element of the Township's Master Plan or as agreed to by the Township Committee with respect to the collection of the fee determined. With any installment payment plan, full payment shall be required prior to the issuance of the final building permit for the project or phase thereof subject to such installment payments. The applicable Board may require that the developer posts a letter of credit or other appropriate financial guarantee to ensure the receipt of any such installment payments.
 - (c) The limit of the developer's future off-tract traffic improvement liability upon full or partial payment of the T.I.D. impact fee.
 - (d) A description of on-tract or off-tract road and related traffic improvements to be made by or at the expense of the developer, in lieu of a T.I.D. impact fee, contribution or some combination thereof, if any, and the timing or sequencing of such installation.
 - (e) A description of any credits or repayment due the developer as a result of (i) voluntary construction or payments in excess of the developer's fair share based upon the standards set forth in the T.I.D. subplan, and/or (ii) implementation of traffic reduction management plans and transit

incentives which the developer has adequately demonstrates to the applicable Board (and Somerset County, to the extent that egress from or ingress upon a County roadway is involved) will permanently reduce the peak hour volumes and trip generation rates established by the Institute of Transportation Engineers in the Trip Generation Handbook, as such handbook may be amended or revised from time to time, or from any other source as may be approved by the Township Committee.

- (f) Where the proposed off-tract improvement is to be undertaken at some future date, the monies required for the improvement shall be deposited in a separate interest-bearing account to the credit of the Township (or, in the case of a County road, in the joint interest bearing account established or to be established between the Township and the County) until such time as the improvement is constructed. If the off-tract improvement is not commenced within 10 years of the deposit monies, then all monies and interest (less 1% to cover administrative fees) earned thereon shall be returned to the applicant. An improvement shall be deemed commenced if right-of-way acquisition and/or preliminary engineering is in progress and the improvement is fully funded and committed to by the Township and/or the County and/or the State.
- (g) Where the applicable Board, or the County or the State, as the case may be, requires a developer to construct an on-tract street improvement in excess of that required for or used exclusively by the particular development in order to benefit the general public and other future developers within the established T.I.D., consideration shall be given to reducing the off-tract T.I.D. impact fee in an amount equal to the difference between the cost of the on-tract street improvement required by the development itself and the total cost of the on-tract street improvement required by such Board, the County or the State, as the case may be. The reduction, if any, shall be applied against the T.I.D. impact fee required under this subsection. An on-tract street improvement required by such Board, the County or the State, as the case may be. The reduction, if any, shall be applied against the T.I.D. impact fee required under this subsection. An on-tract street improvement shall be deemed "in excess of that required for or used exclusively by the particular development" for purposes hereof if it exceeds the design standards established in the land development ordinances of the Township for such improvement. In order to receive a reduction of the T.I.D. impact fee required under this subsection, it shall be the responsibility of the developer to demonstrate to the satisfaction of the applicable Board, or the County or the State, as the case may be, that the on-tract street improvement exceeds the design standards established in the land development ordinances of the Township for such improvement. The cost of rights-of-way dedicated to the Township (or the County, if applicable) shall not be included in any calculation under this subsection. Notwithstanding anything to the contrary in this subparagraph (g), under no circumstances shall access related improvements, such as acceleration or deceleration lanes, towing lanes, signalization, roadside drainage and interim improvements receive a reduction of the developer's T.I.D.

impact fee. Additionally, no reduction shall be given for on-tract improvements such as, but not limited to, curbing, detention or retention basins, overlay, sidewalks or crowns.

- (h) Such other matters as may be recommended by the applicable Board or the Township Committee.
- 3. Use of Funds Collected. Any funds collected by way of the T.I.D. impact fee shall be maintained in a separate escrow account credited to the Township or in a separate escrow account credited to the Township or in a separate escrow account of the County (if a County road is involved). Such funds shall be used only for improvements referred to in the T.I.D. subplan and as adopted as part of the Township's capital improvement program. Any funds held in the account of the County shall be distributed and utilized in accordance with an agreement between the County and the Township regarding the distribution and utilization of such funds. The mutual consent of the County and the Township shall be required prior to the release of any funds held by the County in its escrow account for purposes of capital expenditures to any county road within an established T.I.D.
- 4. Exemption for Public Buildings. Development applications made by a municipal agency for the construction of a public building shall be exempt from the requirements of the payment of a T.I.D. impact fee as set forth herein, provided that the Township Committee finds that the proposed building will serve a public purpose and promote the public health, safety and welfare. Rather, the traffic impact, if any, of such public building shall be considered as part of the general sector share.

§ 15-12. ENVIRONMENTAL ASSESSMENT REPORT.

§ 15-12.1. Purpose. [Ord. No. 92-33]

The purpose of this subsection is to establish rules, regulations, standards and procedures for the preparation of an environmental assessment report by the applicant in order to provide essential information to the appropriate reviewing Board so that the environmental consequences of a proposed activity can be evaluated for the protection of the safety, public health, convenience and general welfare of the community. The environmental assessment report, (hereinafter referred to as "EAR"), shall describe, with suitable sketches and plans, the proposed project. The EAR shall complement, rather than duplicate the site plan and building plan and shall include a survey and description of the environmental features of the property.

§ 15-12.2. Applicability. [Ord. No. 92-33; Ord. No. 07-03 § 1]

- a. All applications for major subdivision for 10 or more lots or dwelling units, major site plan for construction of 10,000 square feet or more of floor area, conditional use or use variance, except those exempted under subsection 15-12.2b shall be required to include an EAR unless waived in accordance with subsection 15-12.2c.
- b. Exemptions. The following shall be exempt from the EAR requirement:

1. All agricultural operations conducted in accordance with a plan approved by the Soil Conservation District and accepted agricultural management practices as defined by the State Agricultural Development Committee.
 2. All silvaculture operations conducted in accordance with a plan prepared by a professional forester.
- c. Waiver. The appropriate reviewing board, may waive EAR requirement where the application and other sources of information available to the reviewing board demonstrate that the proposed activity will not involve an environmentally detrimental or potentially environmentally detrimental use or development. The reviewing board shall seek the advice of the Environmental Commission before rendering a waiver decision. Any request for a waiver of this requirement shall be made in writing with reasons as to why the waiver should be granted.
- d. If the application for a project as described in paragraph a above is located within the future sewer service area of the Warren Township Sewerage Authority's Sewage Treatment Plants and requires a NJDEP treatment works approval pursuant to N.J.A.C. 7:14A and is located in an area mapped as Ranks 3 (State Threatened), 4 (State Endangered) and 5 (Federal Threatened and/or Endangered) habitat as depicted by the NJDEP Landscape Project Maps, the applicant shall also document the existence or any nonexistence of any threatened or endangered species on the project site by completing a Threatened and Endangered Species Analysis (TESA) in accordance with subsection 15-12.3(b)(3)(i).

§ 15-12.3. Information Required. [Ord. No. 92-33; Ord. No. 07-03 §§ 2, 3]

- a. General Requirements. The information required shall be presented in a concise descriptive report. The descriptive report shall be supplemented with graphic and explanatory material when environmentally sensitive areas are involved. "Environmentally sensitive areas" include but are not limited to stream corridors and floodplains, streams and water bodies, wetlands, slopes greater than 15%, highly acidic or erodible soils, mature stands of trees, aquifer recharge areas, aquifer discharge areas and unique natural features and habitats.
- b. Specific Requirements. Project description: indicate the purpose and scope of the proposed project, describe the suitability of the site for the intended use and indicate the extent to which the site must be altered, the kinds of facilities to be constructed, the uses intended and an estimate of the resident population and working population. The compatibility or incompatibility of the proposed project shall be described in relation to the Township Master Plan.
1. Site Description and Inventory.
 - (a) Types of Soil. A complete mapping of all soil types on the site shall be required and a description of each soil's characteristics shall be included, with reference to the Soil Survey of Somerset County, New Jersey. The statement should make specific reference to the Soil Survey Tables for Engineering Index Properties, Soil and Water Features, and, where applicable, Sanitary Facilities.
 - (b) Topography. Describe the topographic conditions of the site.

- (c) **Geology.** Describe the geological formations and features associated with the site as well as depth-to-bedrock conditions, delineate those areas where bedrock is in close proximity to the surface (within two feet of the surface), as well as major rock outcroppings and discussion of projected volume of rock to be removed and time (duration in days) to complete blasting, if applicable.
 - (d) **Vegetation.** Map and describe the diversity and frequency of all major species.
 - (e) **Wildlife.** Describe the diversity and extent of wildlife habitats; identify any unique habitats.
 - (f) **Surface Water.** Describe and map existing watercourses and water bodies that are particularly or totally on the site; determine the existing surface runoff from the site. Existing drainage structures shall be mapped, and the capacity of the drainage network shall be determined. When the natural drainage pattern will be significantly altered or an analysis shall be conducted which will investigate flow, depth, capacity and water quality of the receiving waters.
 - (g) **Subsurface Water.** Where existing conditions warrant, describe the subsurface water conditions on the site, in terms both of depth to groundwater and of water supply capabilities of the site; from existing data of Warren Township Board of Health, provide detailed information regarding existing wells within 500 feet of the site as to depth, capacity and water quality.
 - (h) **Unique, Scenic and/or Historic Features.** Describe and map those portions of the site which can be considered to have unique scenic and/or historic qualities; discuss views to and views from prominent locations in the Township.
 - (i) **Existing Development Features.** Describe any existing features on the site that are not considered to be part of the natural environment; include roads, housing units, accessory structures, utility lines, sewage facilities and public water supplies.
- 2. **Intentionally Omitted.**
 - 3. **Environmental Impact.**
 - (a) Describe on-site sewerage facilities and off-site sewerage connections; demonstrate adequacy of both on-site and off-site sewerage facilities and capacities and that the sewage can be disposed of without pollution to natural and man-made water systems.
 - (b) Demonstrate that an adequate potable water supply is available for both domestic use and fire protection, and demonstrate compliance with N.J.S.A. 58:12A-1 et seq., (the New Jersey Safe Drinking Water Act).
 - (c) Describe impact on stream corridors, wetlands, erodible soils, vegetation, wildlife habitats, aquifer recharge areas and historically or

archaeologically significant areas.

- (d) Demonstrate that there will be no significant increase in sound levels which will adversely impact public health and welfare nor be detrimental to the quality of life and privacy of the surrounding community; demonstrate compliance with N.J.A.C. 7:29, (Noise Control).
- (e) Describe any hazardous substances to be transported to or from or to be stored at the site and solid waste which will be generated by the proposed activity; demonstrate compliance with relevant State and local regulations and standards as set forth in N.J.S.A. 13:1K-6 et seq., (Environmental Cleanup and Responsibility Act); N.J.A.C. 7:19, (Discharges of Petroleum and Other Hazardous Substances); N.J.A.C. 7:30, (Pesticide Control).
- (f) Describe the environmental impact of traffic generation.
- (g) Describe any adverse environmental effect that may occur during the construction phase of the project.
- (h) List all known licenses, permits and other forms of approval required by the Township, as well as agencies of the County, State and Federal governments. Where approvals have been granted, attach copies; where approvals are pending, a note shall be made to that effect.
- (i) Threatened and Endangered Species Analysis ("TESA"). In accordance with the provisions of subsection 15-12.2(d) above, any applicant of proposed development projects within the Township, where such project is located within the future sewer service area of the Warren Township Sewerage Authority's Sewage Treatment Plants and requires a NJDEP treatment works approval pursuant to N.J.A.C. 7:14A and is located in an area mapped as Ranks 3 (State Threatened), 4 (State Endangered) and 5 (Federal Threatened and/or Endangered) habitat as depicted by the NJDEP Landscape Project Maps, shall be required to complete a TESA.

A TESA shall include but not necessarily be limited to:

- (1) The applicant must screen for the existence or nonexistence of endangered or threatened species habitat on the project site by utilizing the NJDEP "Landscape Project." Landscape Project Maps and geographical information systems (GIS) support data are available on the Fish and Game website at <http://www.njfishandwildlife.com> and can be accessed by following the link to Endangered and Non Game Species. In addition, a copy of the Landscape Project Maps Compact Disk (CD) can be obtained by contacting New Jersey Maps and Publications at (609) 777-1038.
- (2) If specific species' habitat of concern as depicted by the NJDEP Landscape Project Maps for Rank 3, 4 and 5 habitat areas is identified, the applicant may choose to have a qualified environmental scientist/biologist or ecologist perform a site specific analysis to identify or confirm all species and the approximate

location of the habitat within the project location.

- (3) If the proposed development falls within a Landscape Project Area Rank 3, 4, or 5 and the project location of critical habitat is verified, then the first and primary consideration shall be given to project design measures that avoid any negative impacts to confirmed critical habitat areas.
 - (4) If there will be unavoidable impacts to critical habitat areas that have been identified, submission of a Conservation Plan is required.
 - (5) The Conservation Plan shall provide measures to be taken to permanently protect critical habitat areas from future impacts from development. Measures should include protection of identified areas with a conservation/deed restriction. In addition, measures to be taken should include those necessary to mitigate or restore habitat areas which will be disturbed by unavoidable impacts as a result of the proposed project activity.
 - (6) Identification of measures to be taken to permanently protect these areas from current or future impacts from development of adjoining non-critical areas. Measures should include protection of identified areas with a deed-restricted conservation area.
4. Environmental Performance Controls. Describe in appropriate detail what measures will be employed during the planning, construction and operation phases which will minimize or eliminate negative impacts on- and off-site resulting from the proposed activity, including but not limited to:
 - (a) Site design techniques sensitive to the natural environment, which should include innovative landscapes, building and circulation design and buffers.
 - (b) Drainage plans which would limit off-site runoff.
 - (c) Sewage disposal techniques.
 - (d) Water supply and water conservation proposals.
 - (e) Energy conservation measures.
 - (f) Pollution control measures that favorably affect air quality and water quality and reduce noise, if applicable.
 - (g) Open space reserves.
 - (h) Procedures for chemical spill prevention, control and cleanup, if applicable.
5. The name and address of the person, persons or entity who prepared the EAR and their curriculum vitae.

§ 15-12.4. Disposition. [Ord. No. 92-33]

The municipal reviewing board shall use the EAR and any other available information to evaluate impacts and, where appropriate, formulate reasonable and necessary conditions of approval which will mitigate adverse impact.

§ 15-13. INSPECTION COSTS FOR SITE PLAN AND SUBDIVISIONS.**§ 15-13.1. Inspection Fees and Costs; Deposits Held in Trust. [Ord. No. 92-33; Ord. No. 96-5 § 7; Ord. No. 05-14 § 6]**

Costs for inspection of improvements, or for issuance of permits and certificates of occupancy, are payable by the applicant in addition to the filing fees and escrows under Section 15-5. All improvements (except electric, gas and water lines) shall be installed under the supervision and inspection of the Township Engineer with the cost thereof to be borne by the developer. The reasonable cost of inspection shall be computed at \$500 or 5% of the total cost of improvements as estimated by the Township Engineer pursuant to subsection 15-14.1m of this chapter. Such amount, in the form of cash or certified check, shall be deposited with the Township Clerk before commencement of any construction.

- a. In the event the actual inspection fees exceed the reasonably anticipated fees, the developer shall be required to reimburse the Township for all additional reasonable inspection fees before the improvement is accepted by the Township of Warren. Any balance from the deposit, after inspection costs have been deducted therefrom, shall be refunded to the developer, including the applicant's portion of the interest earned thereon, by resolution of the governing body.
- b. The funds deposited with the Township, until repaid or applied to the purposes for which it is deposited, except as otherwise provided in this subsection, shall continue to be the property of the applicant and shall be held in trust by the municipality. Money deposited in an amount in excess of \$5,000 shall be held in escrow, and is subject to municipal inspection. The Township Clerk or Township Chief Financial Officer shall deposit such funds in a banking institution or savings and loan association in this State insured by an agency of the Federal government, or in another fund or depository approved for such deposits by the State, in an interest-bearing account as required by law.
- c. The municipality shall not be required to refund an amount of interest paid on a deposit which does not exceed \$100 for the year. If the amount of interest exceeds \$100, that entire amount shall belong to the applicant and shall be refunded to him or her by the municipality 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 municipality may retain for administrative expenses a sum equivalent to no more than 33 1/3% of that entire amount which shall be in lieu of all other administrative and custodial expenses.
- d. The Township shall assess the cost of inspections no less than quarterly against the account, and the developer shall be invoiced monthly for the replacement of funds drawn on the account. Inspection by other than Township personnel, as well as other expenses directly related to inspection shall be charged at the actual costs to

the Township. All bills shall be payable within 30 days of rendering. Failure on the part of the developer to make payment within 30 days shall entitle the Township to revoke building permits, issue a stop work order, or to take such legal action as may be necessary to secure invoiced inspection fees, except that no such action shall be taken until 15 days after completion of an appeal, if such appeal is undertaken as provided in paragraph f below.

- e. The Township Engineer shall not endorse a certificate of occupancy unless all inspection fees and other fees are paid. All sums not utilized for the inspection of improvements shall be returned to the developer within 30 days of the issuance of the certificate of occupancy.
- f. If, within 30 days of receipt of an invoice for inspection fees, the developer is of the opinion that inspection fees, as invoiced, are unreasonable, the developer may, within that thirty-day period, appeal the reasonableness of the costs of inspection to the Township Administrator. Notice of such an appeal shall be made in writing to the administrative officer and a hearing before the Township Administrator shall be held within 45 days of receipt of such written request. Failure on the part of the Township to hold the hearing within 45 days shall result in the granting of the relief requested by the developer. After the conclusion of the hearing, the Township Administrator shall render a decision within 15 days. This decision may determine if the fees charged are reasonable, or if unreasonable, result in a reduction in the inspection fee charged to the developer. The results of the hearing shall in no way preclude the developer from such alternate course(s) of action that the developer may deem appropriate.
- g. The procedures listed in subsection 15-5.3b shall apply to all escrow deposits held under this subsection 15-13.1.

§ 15-13.2. Deposit Required upon Approval of Site Plan. [Ord. No. 92-33; Ord. No. 05-14 § 6]

An applicant, upon grant of approval of a site plan, shall deposit with the Township Clerk a fee equal to \$500 or 5% of the estimated cost of outside improvements as listed in Section 15-8 to defray the reasonable cost of outside improvement inspection by the Warren Township Engineering Department.

§ 15-14. PERFORMANCE AND MAINTENANCE GUARANTEE OF IMPROVEMENTS/EXECUTION OF DEVELOPER'S AGREEMENT/NOTIFICATION OF ADJOINING PROPERTY OWNERS AND OTHERS AFTER DEVELOPMENT APPROVAL.

§ 15-14.1. In General. [Ord. No. 92-33; Ord. No. 96-5 § 8; Ord. No. 05-14 §§ 1 — 4; Ord. No. 2018-21]

In accordance with the provisions of N.J.S.A. 40:55D-53, the Township of Warren, before the recording of final subdivision plats or as a condition of final site plan approval, or as a condition to the issuance of a zoning permit, may require the developer to post guarantees for the installation (performance) and maintenance of certain on-tract improvements inclusive of site plans for residential and nonresidential land development which include common site improvements. The Township, Planning Board or Zoning

Board of Adjustment shall require, and shall accept, security in a form acceptable to the Governing Body and prepared by the Township Attorney, said security to be in accordance with the following standards for the purpose of assuring the installation and maintenance of on-tract improvements.

- a. The furnishing of a performance guarantee in favor of the Township of Warren in an amount not to exceed 120% of the cost of installation, of only those improvements required by a developer's agreement, ordinance or regulation to be dedicated to a public entity, and that have not yet been installed, which cost shall be determined by the Township Engineer according to the method of calculation set forth in N.J.S.A. 40:55D-53.4 for the following improvements as shown on the approved plans or plat: streets, pavement, gutters, curbs, sidewalks, street lighting, street trees, surveyor's monuments, as shown on the final map and required by the "Map Filing Law," N.J.S.A. 46:23-9.9 et seq., water mains, sanitary sewers community septic systems, drainage structures, public improvements of open space and, any grading necessitated by the preceding improvements. The performance guarantee may also be required to include, at the discretion of the Township, Planning Board or Zoning Board of Adjustment, a guarantee for the installation of privately-owned perimeter buffer landscaping. At the developer's option, a separate performance guarantee may be posted for the privately-owned perimeter buffer landscaping.

The Township Engineer shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, which itemized cost estimate shall be appended to each performance guarantee posted by the obliger.

- b. In addition to a performance guarantee required pursuant to paragraph a of this subsection, a developer may be required to furnish to the Township a separate guarantee, referred to herein as a "safety and stabilization guarantee", in favor of the Township, to be available to the Township solely for the purpose of returning property that has been disturbed to a safe and stable condition or otherwise implementing measures to protect the public from access to an unsafe or unstable condition, only in the circumstance that:
 1. Site disturbance has commenced and, thereafter, all work on the development has ceased for a period of at least 60 consecutive days following such commencement for reasons other than force majeure, and
 2. Work has not recommenced within 30 days following the provision of written notice by the Township to the developer of the Township's intent to claim payment under the bond. The amount of the safety and stabilization guarantee shall be calculated as set forth in N.J.S.A. 40:55D-53. At the developer's option, the safety and stabilization guarantee may be included as a line item for safety and stabilization in the performance guarantee rather than in the form of a separate guarantee.

The amount of a "safety and stabilization guarantee" for a development with bonded improvements exceeding \$100,000 shall be calculated as a percentage of the bonded improvement costs of the development or phase of development as follows:

\$5,000 for the first \$100,000 of bonded improvement costs, plus two and a half

percent of bonded improvement costs in excess of \$100,000 up to \$1,000,000, plus 1% of bonded improvement costs in excess of \$1,000,000.

A municipality shall release a separate "safety and stabilization guarantee" to a developer upon the developer's furnishing of a performance guarantee which includes a line item for safety and stabilization in the amount required under this paragraph.

A municipality shall release a "safety and stabilization guarantee" upon the Municipal Engineer's determination that the development of the project site has reached a point that the improvements installed are adequate to avoid any potential threat to public safety.

- c. The developer shall post with the Governing Body, prior to the release of the performance guarantee, a maintenance guarantee for a period not to exceed two years after final acceptance of the improvement, in an amount not to exceed 15% of the cost of the installation of the improvements which are being released, along with the following private site improvements: stormwater management basins, in-flow and water quality structures within the basins, and the out-flow pipes and structures of the stormwater management system, if any, which cost shall be determined by the Township Engineer according to the method of calculation set forth and generally based on documented construction costs for public improvements prevailing in the general area and as further set forth in paragraph o below. In the event that other governmental agencies or public utilities will own the utilities to be installed or the improvements are covered by a performance guarantee or maintenance guarantee to another government agency, no performance or maintenance guarantee shall be required by the Township for such utilities or improvements.
- d. The time allowed for installation of the bonded 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 120% of the cost of the installation, which cost shall be determined by the Township Engineer according to the method of calculation set forth in N.J.S.A. 40:55D-53.4 as of the time of the passage of the resolution.
- e. If the required bonded 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 guarantees posted for the improvements not completed or corrected and the Township may either, prior to or after the receipt of the proceeds thereof, complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the "Local Public Contracts Law," N.J.S.A. 40A:11-1 et seq.
- f. As-built drawings shall be submitted before a performance guarantee is considered for release. As each partial release is applied for, as-built drawings of the bonded improvements installed shall be submitted to the Township Engineer.
- g. Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements, and the connection of same to the public system, the obligor may request of the Governing Body in writing, by

certified mail addressed in care of the Clerk, that the Township Engineer prepare, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to paragraph a of this subsection, a list of all uncompleted or unsatisfactory completed bonded improvements. If such a request is made, the obligor shall send a copy of the request to the Township Engineer. The request shall indicate which bonded improvements have been completed and which bonded improvements remain uncompleted in the judgment of the obligor. Thereupon the Township Engineer shall inspect all bonded improvements covered by the obligor's request and shall file a detailed list and report, in writing, with the Governing Body, and shall simultaneously send a copy thereof to the obligor not later than 45 days after receipt of the obligor's request. The list prepared by the Township Engineer shall state, in detail, with respect to each bonded improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete bonded improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed bonded improvement determined to be unsatisfactory. The report prepared by the Township Engineer shall identify each bonded improvement determined to be complete and satisfactory together with recommendation as to the amount of reduction to be made in the performance guarantee relating to the completed and satisfactory bonded improvement in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to paragraph a of this subsection.

- h. 1. The Governing Body, by resolution, shall either approve the improvements determined to be complete and satisfactory by the Township Engineer, or reject any or all of these improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to paragraph a of this subsection. This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the Township Engineer. Upon adoption of the resolution by the Governing Body, the obligor shall be released from all liability pursuant to its performance guarantee, with respect to those approved bonded improvements, except for that portion adequately sufficient to secure compliance or correction of the improvements not yet approved; provided that 30% of the amount of the performance guarantee and safety and stabilization guarantee posted may be retained to ensure completion and acceptability of all improvements. The safety and stabilization guarantee shall be reduced by the same percentage as the performance guarantee is being reduced at the time of each performance guarantee reduction.

For the purpose of releasing the obligor from liability pursuant to the performance guarantee, the amount of the performance guarantee attributable to each approved bonded improvement shall be reduced by the total amount for each such improvement, in accordance with the itemized cost estimate prepared by the Municipal Engineer and appended to the performance guarantee pursuant to subsection a of this section, including any contingency factor applied to the cost of installation. If the sum of the approved bonded

improvements would exceed 70% of the total amount of the performance guarantee, then the municipality may retain 30% of the amount of the total performance guarantee and safety and stabilization guarantee to ensure completion and acceptability of the bonded improvements, as provided above, except that any amount of the performance guarantee attributable to bonded improvements for which a temporary certificate of occupancy guarantee has been posted shall be released from the performance guarantee even if such release would reduce the amount held by the municipality below 30%.

2. If the Township Engineer fails to send or provide the list and report as requested by the obligor pursuant to paragraph g of this subsection within 45 days from receipt of the request, the obligor may apply to the Superior Court of New Jersey in a summary manner for an order compelling the Township Engineer to provide the list and report within a stated time and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.
 3. If the Governing Body fails to approve or reject the bonded improvements determined by the Township Engineer to be complete and satisfactory or reduce the performance guarantee for the completed and satisfactory bonded improvements within 45 days from the receipt of the Township Engineer's list and report, the obligor may apply to the Superior Court of New Jersey in a summary manner for an order compelling, within a stated time, approval of the complete and satisfactory bonded improvements and approval of a reduction in the performance guarantee for the approved complete and satisfactory bonded improvements in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to paragraph a of this subsection; and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.
 4. In the event that the obligor has made a cash deposit with the municipality or approving authority as part of the performance guarantee, then any partial reduction granted in the performance guarantee pursuant to this subsection shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee provided that if the developer has furnished a "safety and stabilization guarantee," the municipality may retain cash equal to the amount of the remaining "safety and stabilization guarantee."
- i. If any portion of the bonded improvements is rejected, the approving authority may require the obligor to complete or correct such improvements and, upon completion or correction, the same procedure of notification as set forth in this subsection shall be followed.
 - j. Nothing in this subsection 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.
 - k. In the event that the developer shall seek a temporary certificate of occupancy for a development, unit, lot, building or phase of development, as a condition of the

issuance thereof, the developer shall furnish a separate guarantee, referred to herein as a "temporary certificate of occupancy guarantee" in favor of the Township in an amount equal to 120% of the cost of installation of only those improvements or items which remain to be completed or installed under the terms of the temporary certificate of occupancy and which are required to be installed or completed as a condition precedent to the issuance of the permanent certificate of occupancy for the development, unit, lot, building or phase of development and which are not covered by an existing performance guarantee. Upon posting of a temporary certificate of occupancy guarantee, all sums remaining under a performance guarantee, required pursuant to this subsection, which relate to the development, unit, lot, building or phase of development for which the temporary certificate of occupancy is sought, shall be released. The scope and amount of the temporary certificate of occupancy guarantee shall be determined by the Township Engineer. The temporary certificate of occupancy guarantee shall be released by the Township Engineer upon the issuance of a permanent certificate of occupancy with regard to the development, unit, lot, building or phase as to which the temporary certificate of occupancy relates.

- l. The obligor shall reimburse the Township for reasonable inspection fees paid to the Township Engineer for the foregoing inspection of improvements which fees shall not exceed the sum of the amount set forth in N.J.S.A. 40:55D-53. The Township may require the developer to post the inspection fees in escrow in an amount calculated pursuant to the method of calculation set forth in N.J.S.A. 40:55D-53. If the Township determines that the amount in escrow for the payment of inspection fees, as calculated herein, is insufficient to cover the cost of additional required inspections, the Township may require the developer to deposit additional funds in escrow provided that the Township delivers to the developer a written inspection escrow deposit request, signed by the Township Engineer, which informs the developer of the need for additional inspections, details the items or undertakings that require inspection, estimates the time required for those inspections, and estimates the cost of performing those inspections. The inspection fees required to be posted by this paragraph shall be deposited in accordance with Section 15-13 of this chapter.
- m. In the event that final approval is by stages or sections of development pursuant to N.J.S.A. 40:55D-38, the provisions of this subsection shall be applied by stage or section.
- n. The Township shall not require that a maintenance guarantee required pursuant to N.J.S.A. 40:55D-53 be in cash or that more than 10% of a performance guarantee be in cash. A developer may, however, provide at his option some or all of a maintenance guarantee in cash or more than 10% of a performance guarantee in cash.
- o. The cost of the installation of the bonded improvements for the purposes of N.J.S.A. 40:55D-53 shall be estimated by the Township Engineer based on documented construction costs for public improvements prevailing in the general area of the Township. The developer may appeal the Township Engineer's estimate to the County Construction Board of Appeals established under Section 9 of P.L. 1975, c. 217 (N.J.S.A. 52:27D-129).

- p. The approving authority shall, for the purposes of N.J.S.A. 40:55D-53, accept a performance guarantee or maintenance guarantee which is an irrevocable letter of credit if it:
1. Constitutes an unconditional payment obligation of the issuer running solely to the Township for an express initial period of time in the amount determined pursuant to N.J.S.A. 40:55D-53;
 2. Is issued by a banking or savings institution authorized to do and doing business in this State;
 3. Permits the Township to draw upon the letter of credit if the obligor fails to furnish another letter of credit which complies with the provisions of this subsection 30 days or more in advance of the expiration date of the letter of credit or such longer period in advance thereof as is stated in the letter of credit.
- q. Execution of Developers Agreement. Before the commencement of any work pursuant to a preliminary approval for a major subdivision or site plan, the developer will execute a developer's agreement in the form provided by the Planning Board or Zoning Board of Adjustment.
- r. The fees for the preparation and review of the performance guarantees, including those attributable to the Township Attorney, shall be reimbursed by the obligor through obligor's escrow account in connection with the improvements for which the performance guarantee and/or bond is required in accordance with subsection 15-5.3. If no escrow account exists or is deposited under subsection 15-5.3, the obligor shall reimburse such fees in regard to the performance guarantee through their deposit for inspection fees in accordance with Section 15-13 and paragraph l of this subsection 15-14.1. If no deposit is made by the developer or the deposit is insufficient to cover such costs, then such fees shall be billed in accordance with subsections 15-13.1d, e, and f.

The fees for the preparation and inspection of the maintenance guarantees, including those attributable to the Township Attorney, shall be reimbursed by the obligor prior to the final release of the performance guarantee and/or bond. The monies for such fees shall be reimbursed through the obligor through obligor's escrow account in connection with the improvements for which the performance guarantee and/or bond is required in accordance with subsection 15-5.3. If no escrow account is required or deposited under subsection 15-5.3, the obligor shall reimburse such fees in regard to the performance guarantee through their deposit for inspection fees in accordance with Section 15-13 and paragraph l of this subsection 15-14.1. If no deposit is made by the developer or the deposit is insufficient to cover such costs, then such fees shall be billed in accordance with subsection 15-13.1d, e and f.

§ 15-14.2. Notification of Adjoining Property Owners and Others After Development Approval. [Ord. No. 2000-27, § 2]

In the event that a developer does not commence work pursuant to a land development approval for a subdivision, site plan or soil movement permit within one year from

the date that the Warren Planning Board or the Warren Zoning Board of Adjustment memorializes that land development approval and the publication of that memorialization, then in that event, the developer will provide the following notices to adjoining property owners and others:

- a. **Public Notice.** Public notice of this construction, in a form approved by the Township, shall be given by publication in the official newspaper of the Township at least 20 days prior to the commencement of construction.
- b. **Notice to Property Owners.** Notice of this construction, in a form approved by the Township shall be given to the owners of all real property as shown on the current Township tax duplicate located within 200 feet in all directions of the property which is the subject of construction and whether located within or without the Township at least 20 days prior to the commencement of construction. The requirements of such notice to said property owners shall be subject to the provisions and regulations set forth in subsection 15-2.3e of this chapter, as the same may be amended in the future.

§ 15-15. ADMINISTRATION. [Ord. No. 92-33]

The regulations, requirements, standards and procedures established by this chapter shall be considered as minimums. In any particular case where the protection and promotion of the public health, safety, morals and welfare warrant, the appropriate board may impose greater controls. If the developer can clearly demonstrate that because of peculiar conditions pertaining to his land, the literal enforcement of one or more of these controls is impracticable or will exact undue hardship, the Planning Board or Zoning Board of Adjustment may by resolution permit such variance as may be reasonable and within the general purpose and intent of the regulations, standards and procedures established by this chapter.

§ 15-16. PENDING CASES. [Ord. No. 92-33]

All applications for development approval or classification presently pending before the Planning Board or Zoning Board of Adjustment shall, prior to action thereon by the respective Board, be revised to whatever degree is necessary to comply with this chapter. All applications for final approval now pending or made subsequent for subdivision and site plans for which preliminary approval has been granted prior to the effective date of this chapter shall conform with all provisions of the standard improvement requirements.

§ 15-17. VIOLATIONS AND PENALTIES; CIVIL RELIEF.

§ 15-17.1. Transfer or Sale of Land Prior to Final Approval. [Ord. No. 92-33]

If final approval has not been granted and any person transfers or sells or agrees to sell, except pursuant to an agreement expressly conditioned on final approval, as owner or agent, any land which forms a part of a subdivision on which, by ordinance, the Planning Board or Zoning Board of Adjustment approval is required, such person shall be subject to a fine not to exceed \$1,000, or imprisonment for a period of not exceeding 90 days or both. The minimum fine for the violation shall be \$100. Each parcel, plot or lot so disposed, shall be deemed a separate violation.

§ 15-17.2. Civil Action. [Ord. No. 92-33]

In addition to the foregoing, if the streets in the subdivision are not such that a structure on said land in the subdivision would meet requirements for a building permit under Section 3 of the Official Map and Building Permit Act, (1953), the Township may institute and maintain a civil action:

- a. For injunctive relief.
- b. To set aside and invalidate any conveyance made pursuant to such contract for sale if a certificate of compliance has not been issued in accordance with N.J.S.A. 40:55D-44.
- c. Concealing Ownership Interest; Fine. Any corporation or partnership which conceals the names of the stockholders owning 10% or more of its stock, or of the individual partners owning a 10% or greater interest in the partnership, as the case may be, shall be subject to a fine of \$1,000 to \$10,000 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.).

§ 15-17.3. Penalty for Clearing of Site Prior to Signing of Preliminary Subdivision and/or Preliminary Site Plan or Before a Soil Movement Permit Is Obtained. [Ord. No. 92-33; Ord. No. 96-7 § 1; Ord. No. 08-24 § 2]

The Township Committee views this violation to be particularly detrimental to the welfare of Warren Township. The maximum penalty for the violation of this subsection shall be upon conviction, a fine not to exceed \$2,000 or imprisonment for a period not exceeding 90 days or both. The minimum fine for the violation of this subsection shall be \$100. Each and every day in which a violation of any provision of this subsection takes place shall constitute a specific violation for the purposes of a penalty.

§ 15-18. SEVERABILITY. [Ord. No. 92-33]

If any section, subsection, sentence, paragraph, clause or phrase of this chapter is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this chapter.

§ 15-19. REPEALER. [Ord. No. 92-33]

All ordinances or parts of ordinances relating to planning and zoning, other than the Zoning Ordinance of the Township, which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency. Former Chapters 9, 13, 15 and 17⁹ of the Revised General Ordinance of Warren Township are expressly repealed.

9. Editor's Note: Former Chapter 17, Land Use Procedures is now part of Chapter 15. Prior ordinance history includes portions of Ordinance Nos. 76-21, 79-7, 79-12, 80-2, 80-18, 83-11, 85-4, 85-27, 86-4, 86-17, 86-26, 87-3, 87-35, 88-4, 88-7, 89-6, 90-5, 90-6, 90-7 and 90-15.