

CHAPTER 2.109

SITE PLAN REVIEW

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GENERAL REFERENCES

Land use procedures – See Ch. 19.

Uniform construction codes – See Ch. 63.

Flood damage prevention – See Ch. 76.

Off-street parking – See Ch. 93.

Sewers – See Ch. 106.

Streets and sidewalks – See Ch. 112.

Subdivision of land – See Ch. 115.

Water – See Ch. 126.

Zoning – See Ch. 130.

Editor's Note: This ordinance originally constituted an addition to Chapter XII of the 1972 Code.

2.109.01 Definitions.

A. The definitions as set forth in the "Municipal Land Use Law," c. 291, Laws of New Jersey, 1975, N.J.S.A. 40:55D-1 et seq., are incorporated herein by reference.

B. [Amended 12-27-77] In addition, the following definitions shall apply:

FLOOR AREA – The sum of the gross horizontal areas of the floor to floors of a building which are enclosed. The area shall be measured between the inside face of exterior walls.

MINOR SITE PLAN – Any site plan which requires fewer than six (6) parking places.

MAJOR SITE PLAN – Any site plan which requires six (6) or more parking places.

(Ord. 82-12, Renumbered, 09/15/1982)

2.109.02 When required.

- A. Site plan review and approval shall be required before any change of use, or before any excavation, removal of soil, clearing of a site or placing of any fill on lands contemplated for development, and, except as hereinafter provided, no building permit shall be issued for any building or use, or reduction or enlargement in size or other alteration of any building or change in use of any building including accessory structures unless a site plan is first submitted and approved by the reviewing board, and no certificate of occupancy shall be given unless all construction and development conforms to the plans as approved by the reviewing board.
- B. Site plan approval shall not be required for any detached one or two dwelling unit buildings or any uses accessory thereto, such as a private garage or storage shed incidental to residential uses, or accessory nonresidential buildings less than one thousand (1,000) square feet in floor area and the construction of which results in less than a ten-percent increase of lot coverage; but this shall not limit the requirements for submission and approval of subdivision plats as otherwise required by borough ordinances.

***Editor's Note:** In particular, see Ch. 115, Subdivision of Land.

(Ord. 82-12, Renumbered, 09/15/1982)

2.109.03 Application for review.

- A. The applicant shall submit fifteen (15) copies of his complete application to the Secretary of the reviewing board. The time for the board's review shall not begin to run until the submission of a complete application with the required fee. Unless the applicant is informed in writing by the Secretary of the reviewing board within forty-five (45) days of the actual submission of the application that it is incomplete, said application shall be deemed complete as of the date it was submitted.
- B. A complete application for a preliminary approval shall consist of the following:
 - (1) A properly completed site plan information form available from the Planning Board Secretary.
 - (2) The required fee.
 - (3) A Site plan on which the following is set out:
 - (a) Scale, not to exceed one (1) inch equals one hundred (100) feet.
 - (b) Locator map showing all road intersections within five hundred (500) feet.

- (c) Wooded areas and topography with two-foot intervals, except where the slope exceeds fifteen percent (15%) in which case contour intervals may be five (5) feet.
- (d) All lot lines, approximate location of all structures, and owners of lots within two hundred (200) feet of the site.
- (e) Streets, easements, watercourses, and rights-of-way.
- (f) Utility and drainage plans and information.
- (g) Preliminary plans for elevations and locations of structures.
- (h) Preliminary plans for parking, lighting, loading, signs, landscaping and buffers.
- (i) Any extension of off-tract improvements necessitated by the proposed development.
- (j) A soil erosion and sedimentation control plan, pursuant to the requirements of N.J.S.A. 4:34-39 et seq.
- (k) The lot and block number, Tax Map sheet number, exact dimensions and acreage of property to be built upon.
- (l) A survey prepared by a licensed surveyor of the State of New Jersey shall accompany the site plan.
- (m) A translucent cloth copy of the plan shall be filed with the paper prints for the permanent record of the reviewing board.
- (n) The following legends shall be on the site plan map:

Site plan of.....
 Lot.....Block.....Zone.....
 Date.....Scale.....
 Applicant.....
 Address.....
 I consent to the filing of this site plan with the Planning Board of.....

 (Owner) (Date)

I hereby certify that I have prepared this site plan and that all dimensions and information are correct.

 (Name) (Title and License Number)

I have reviewed this site plan and certify that it meets all codes and ordinances under my jurisdiction.

 (Date) (Municipal Engineer)

To be signed before issuance of a building permit: I hereby certify that all the required improvements have been installed or a bond posted in compliance with all applicable codes and ordinances.

(If improvements installed)

 (Borough Engineer) (Date)

(If bond posted)

.....
(Borough Clerk) (Date)

.....
(Building Permit Issued) (Date)

Approved by the Planning Board:

Preliminary.....

Final.....

.....

(Chairman) (Date)

C. *Other Information.* The Planning Board may require other information and data for specific site plans. These data may include but are not limited to geologic information, water yields, flood data, environmental information, traffic counts, road capacities, market information and similar material.

D. *Compliance with other ordinances.* Information and documents required for other borough codes and ordinances such as environmental impact statements, soil erosion and sedimentation plans and storm water management plans shall be submitted as part of site plan approval and may be used to comply with site plan submission requirements where applicable.

E. *Referral to County Planning Board.* All applications for site plan approval shall be submitted to the County Planning Board for its review and recommendations and, where applicable, approved. The applicant shall furnish proof of such submission at the time of the submission of his application to the municipal reviewing board by presenting a copy of his site plan with a mark on it indicating it has been filed with the county. Any application for site approval shall not be deemed complete in the absence of proof that it has been filed with the County Planning Board. If the County Planning Board has failed to grant or deny approval of the site plan at the time of preliminary approval of the applicant's application, such preliminary approval shall be conditioned on approval of said site plan by the County Planning Board.

F. No application for site plan approval shall be deemed complete in the absence of proof that a plan for soil erosion and sedimentation control has been submitted to the relevant reviewing authority, pursuant to the requirements of N.J.S.A. 4:34-39 et seq. or proof that such a plan is not required by said statute for the particular application. If the reviewing authority has failed to grant or deny certification of the erosion plan at the time of preliminary approval of the applicant's site plan, preliminary approval shall be conditioned on certification of the applicant's erosion plan.

G. *Distribution of site plan.* The Secretary of the reviewing board shall distribute the site plan application for review and report and, where required, approval, as follows:

- (1) One (1) copy to the borough's planning consultant.
- (2) One (1) copy to the Borough Engineer.
- (3) One (1) copy for the permanent files of the board's Secretary,
- (4) One (1) copy for the attorney of the reviewing board.
- (5) Remaining copies to members of the reviewing board.

2.109.04 Time for decision.

- A. Upon the submission to the Secretary of the Planning Board of a complete application for a site plan for ten (10) acres of land or less, the Planning Board shall grant or deny preliminary approval within forty-five (45) days of the date of such submission or within such further time as may be consented to by the developer, except that if the application for site plan approval also involves an application for a relief pursuant to N.J.S.A. 40:55D-60, the Planning Board shall grant or deny preliminary approval within ninety-five (95) days of the date of the submission of a complete application to the Secretary of the Planning Board or within such further time as may be consented to by the applicant.
- B. Upon the submission of a complete application for a site plan of more than ten (10) acres, the Planning Board shall grant or deny preliminary approval within ninety-five (95) days of the date of such submission or within such further time as may be consented to by the applicant.
- C. Upon the submission to the Secretary of the Board of Adjustment of a complete application for site plan approval pursuant to N.J.S.A. 40:55D-76b, the Board of Adjustment shall grant or deny approval of the application within one hundred twenty (120) days of the date of such submission or within such further time as may be consented to by the applicant.
- D. Failure of the reviewing board to reach a decision within the specified time periods or extensions thereof shall result in the approval of the site plan as submitted.
- E. If the reviewing board requires any substantial amendment in the layout of improvements proposed by the developer that have been the subject of a hearing, an amended application for development shall be submitted and proceeded upon, as in the case of the original application for development. The reviewing board shall, if the proposed development complies with this chapter, grant preliminary site plan approval.
- F. Nothing herein shall be construed to limit the right of a developer to submit a sketch plan to the reviewing board or informal review, and neither the reviewing board nor the developer shall be bound by any discussions or statements made during such review, provided that the right of the developer at any time to submit a complete application for site plan approval shall not be limited by his submittal of a sketch plan and the time for the reviewing board's decision shall not begin to run until the submission of a complete application.

(Ord. 82-12, Renumbered, 09/15/1982)

2.109.05 Public hearing.

A public hearing shall be held on all applications for site plan approval involving uses, which, in the submitted complete application, show five (5) or more off-street parking spaces. A public hearing is not required for all other site applications.

(Ord. 82-12, Renumbered, 09/15/1982)

2.109.06 Final approval.

- A. The reviewing board shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established hereunder for final approval and the conditions of preliminary approval.
- B. Final approval shall be granted or denied within forty-five (45) days after submission of a complete application to the Secretary of the reviewing board, or within such further time as may be consented by the applicant.
- C. A complete application for final approval shall consist of the following:
 - (1) A properly completed final site plan approval form.
 - (2) The required fee.
 - (3) A site plan in final form, including all the information shown on the preliminary plan and conditions of preliminary approval.

(Ord. 82-12, Renumbered, 09/15/1982)

2.109.07 Grant of exceptions.

The reviewing board when acting upon applications for site plan approval shall have the power to grant such exceptions from the requirements for site plan approval as may be reasonable and within the general purpose and intent of this chapter, if the literal enforcement of one (1) or more provisions of this chapter is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in questions.

(Ord. 82-12, Renumbered, 09/15/1982)

2.109.08 Required guaranties.

- A. As a condition of final site plan approval, the reviewing board may require and shall accept in accordance with the standards adopted by this chapter for the purpose of assuring the installation and maintenance of on-tract improvements.
 - (1) The furnishing of a performance guaranty in favor of the municipality in an amount not to exceed one hundred twenty percent (120%) of the cost of installation for improvements it may deem necessary or appropriate, including streets; grading; pavement; gutters; curbs; sidewalks; street lighting; shade trees; surveyor's monuments, as shown on the final map and required by the Map Filing Law, P.L. 1960, c. 141 (N.J.S.A. 46:23-9.9 et seq.); water mains; culverts, storm sewers; sanitary sewers, or other means of sewage disposal; drainage structures; erosion control and sedimentation control devices public improvements of open space; and, in the case of site plans only, other on-site improvements and landscaping, provided that no more than ten percent (10%) of the total performance guaranty shall be in cash, and the balance shall be in the form of a bond from a bonding company approved by the Borough Council.
 - (2) The Borough Engineer shall review the improvements required by the reviewing board, which are to be bonded and itemize their cost. Said

itemization shall be the basis for determining the amount of the performance guaranty and maintenance guarantee required by the reviewing board. The Borough Engineer shall forward his estimate of the cost of improvements to the applicant within thirty (30) days of the date of receipt of a request sent by certified mail for said estimate.

- (3) The furnishing of a maintenance guaranty to be posted with the Borough Council for a period not to exceed two (2) years after final acceptance of the improvement, in the amount not to exceed fifteen percent (15%) of the cost of the improvement. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed, or the improvements are covered by a performance or maintenance guaranty to another governmental agency, no performance or maintenance guaranty, as the case may be, shall be required for such utilities or improvements.
- B. The amount of any performance guaranty may be reduced by the Borough Council, by resolution, when portions of the improvements have been certified by the Borough Engineer to be completed. The time allowed for installation of the improvements for which the performance guaranty has been provided by may be extended by the borough Council by resolution.
 - C. If the required improvements are not completed or corrected in accordance with the performance guaranty, the obligor and surety, if any, shall be liable thereon to the borough for the reasonable cost of the improvements not completed or corrected, and the borough may either prior to or after the receipt of the proceeds thereof complete such improvements.
 - D. When all of the required improvements have been completed, and the obligor has supplied the Borough Council with as-built drawings of the storm water system, the water system and the sanitary sewer system, then the obligor shall notify the Borough Council in writing, by certified mail addressed in care of the Borough Clerk, of the completion of said improvements and shall send a copy thereof to the Borough Engineer. Thereupon, the Borough Engineer shall inspect all of the improvements and shall file a detailed report, in writing, with the Borough Council, indicating either approval, partial approval or rejection of the improvements with a statement of reasons for any rejection. If partial approval is indicated, the cost of the improvements rejected shall be set forth.
 - E. The Borough Council shall either approve, partially approve or reject the improvements, on the basis of the report of the Borough Engineer and shall notify the obligor in writing, by certified mail, of the contents of said report and the action of said reviewing board with relation thereto, not later than sixty-five (65) days after receipt of the notice from the obligor of the completion of the improvements. Where partial approval is granted, the obligor shall be released from all liability pursuant to its performance guaranty, except for that portion adequately sufficient to secure provision of the improvements not yet approved. Failure of the Borough Council to send or provide such notification to the obligor within sixty-five (65) days shall be deemed to constitute approval of the improvements and the obligor and surety, if any, shall be released from all liability, pursuant to such performance guaranty.

- F. If any portion of the required improvements are rejected, the reviewing board may require the obligor to complete such improvements and, upon completion, the same procedure of notification, as set forth in this section shall be following.
- G. The obligor shall reimburse the municipality for all reasonable inspection fees paid to the Borough Engineer for the foregoing inspection of improvements.

(Ord. 82-12, Renumbered, 09/15/1982)

2.109.09 Waiver of design standards.

For good and sufficient reason, the reviewing board may vary these design standards and details as they may apply to a specific site plan application.

(Ord. 82-12, Renumbered, 09/15/1982)

2.109.10 Parking, off street loading and driveway standards.

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

(1) Design standards for off-street parking areas:

- (a) *Number of parking spaces required.* The number of off-street parking spaces required shall be as set forth in accordance with Subsection A(1)9c) below.
- (b) *Size of parking stalls.* Each off-street parking space shall have an area of not less than two hundred (200) square feet, exclusive of access drives or aisles, and shall measure ten (10) feet in width by twenty (20) feet in length and shall be of usable shape and condition. These conditions shall not apply to parallel curb parking spaces, which shall measure no less than eight (8) feet in width and twenty-four (24) feet in length. Except in the case of one-family and two-family dwellings, no parking area provided hereunder shall be established for less than three (3) spaces.
- (c) *Off-street parking requirements for particular uses.*

<u>USES</u>	<u>REQUIRED PARKING SPACES</u>
Automotive service stations	3 for each bay plus 1 for each service vehicle
Banks and savings institutions	1 for each 100 s.f. of floor area exclusive of service areas or 10 spaces for each teller window, whichever is greater.
Churches and other places of worship	1 for each 3 seats, or 1 for each 72 inches of seating space when benches rather than seats are used.

Colleges and institutions of higher learning	1 for each full-time or part-time student.
Community buildings, social halls and places of public assembly	1 for each 2 seats, except where a specific amount of seating is undetermined, then 1 parking space shall be required for each 72 s.f. of assemblage area.
Farm or garden produce sold on the premises	10
Funeral homes, mortuaries	10 spaces plus 1 for each 50 square feet of floor area.
Industrial uses, laboratory and research uses	1 for each 300 square feet of floor area.
Medical or dental clinics or offices of floor area.	4 spaces for each doctor or dentist, plus 1 space for each 100 s.f.
Offices, business	1 space for every 200 s.f. of floor area.
Offices, professional (other than medical and dental)	1 space for every 200 s.f. of floor area.
Residential dwellings	2 parking spaces for each dwelling unit.
Restaurants, eating and drinking establishments	1 for each 2 ½ seats.
Retail stores, store groups, shops, etc.	1 for each 150 s.f. of floor area where the floor area shall not exceed 2,000 s.f.; 1 for each 175 s.f. of floor area where the floor area shall exceed 2,000 s.f.
Theaters	1 for each 3 seats
Wholesale establishments, warehouses, furniture stores	1 for each 500 s.f. of floor area.

(d) *Parking area design standards.*

- [1] *Access.* There shall be adequate provision for ingress and egress to all parking spaces. Access drives or driveways shall be not less than ten (10) feet for either ingress or egress and fifteen (15) feet wide for both ingress and egress as provided in Subsection F below.
- [2] *Size of aisles.* The width of all aisles providing direct access to individual parking stalls shall be in accordance with the requirements set forth below. Only one-way traffic shall be permitted in aisles serving parking spaces placed at an angle other than ninety degrees (90°).

<u>Parking Angle (degrees)</u>	<u>Aisle Width (feet)</u>
0 (parallel parking)	12
30	12
45	13
60	18
90 (perpendicular parking)	25

[3] *General location.* No off-street parking or loading area shall be located in a minimum required front yard. All parking shall be located in bays generally perpendicular to driveways or roads.

[4] *Location in different zones.* No access drive, driveway or other means of ingress and egress shall be located in any residential zone to provide access to uses other than those permitted in such residential zone.

[5] *Sidewalks and curbing.* Sidewalks between parking area and principal structures, along aisles and driveways and wherever pedestrian traffic shall occur, shall be provided with a minimum width of four (4) feet of passable area and shall be raised six (6) inches or more than the parking area except when crossing streets or driveways. Guardrails and wheel stops permanently anchored to the ground shall be provided in appropriate locations. Parked vehicles shall not overhang or extend over sidewalk areas, unless an additional sidewalk width of two and one-half (2 ½) feet is provided to accommodate such overhang.

(2) Other design criteria

- (a) *Landscaping and drainage.* Parking areas shall be suitably landscaped to minimize noise, glare and other nuisance characteristics as well as to enhance the environment and ecology of the site and surrounding area. Said parking areas shall have suitable drainage facilities as required by the Borough Engineer.
- (b) *Lighting.* All parking areas shall be lighted to provide a minimum of three (3) foot-candles at intersections and a total average illumination of one and one-half (1 ½) foot-candles throughout the parking area. Such lighting shall be shielded in such a manner as not to create a hazard or nuisance to the adjoining properties or the traveling public.
- (c) *Marking and access.* Parking stalls, driveways and aisles shall be clearly marked and delineated. The Planning Board may require certain areas be maintained for fire-fighting or other emergency purposes, and these areas shall be appropriately designated.

(3) Multi-family circulation systems.

- (a) Multi-family developments should be serviced by a complete loop street system of at least thirty (30) feet in width affording at least two (2) means of ingress and egress to the site. Crossovers should be provided. When a complete system is not practical, thirty-four (34) or forty (40) foot side streets should be considered with a divided road at least at the entrance.
- (b) General circulation design principles.
 - [1] Parking space allocations shall be oriented to specific buildings.
 - [2] Parking areas shall be designed to focus on major walkways which shall be fenced or marked.
 - [3] Where pedestrians must cross service roads or access roads to reach parking area, crosswalks shall be clearly designated by pavement markings or signs. Crosswalk surfaces may be raised slightly to designate them to drivers, unless drainage problems would result. A one-way car movement (to the left or counter-clockwise) should be encouraged. A major loop road should be developed around the parking area and parking bays should run perpendicular of the road.

B. Off-street loading requirements.

- (1) In any zone, in connection with every building, or building group or part thereof hereafter erected which is to be occupied by industrial, office and laboratory or commercial uses or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with such building, off-street loading berths in accordance with the requirements set forth below.
- (2) Each loading space shall be no less than twelve (12) feet in width, fifty (50) feet in length and fourteen (14) feet in height, and may not occupy any part of any required front, side or rear yard; provided, however, that on lots on which the rear yard abuts a limited access highway or railroad, such loading space may occupy the rear yard up to the rear property line.

C. Joint facilities for off-street parking or loading. Off-street parking and loading facilities for separate uses may be provided jointly if the total number of spaces so provided is not less than the sum of the separate requirements for each use, provided that all regulations governing the location of accessory spaces in relation to the use served are adhered to. Further, no accessory space or portion thereof shall serve as a required space for more than one (1) use unless otherwise approved by the Planning Board as provided herein in accordance with the purposes and procedures set forth herein.

D. Maintenance of off-street parking and loading areas.

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

drainage facilities, lighting, bumpers, guardrails, markings, signs, landscaping and other improvements shall be maintained in workable, safe and good condition.

- (2) The governing body may authorize repairs for such improvements, if, after proper notice, the owner fails to maintain such improvements and such conditions constitute a hazard to health and safety or where such improvements are governed by a development or other similar agreement.

E. Waiver of parking requirements. If any applicant can clearly demonstrate to the reviewing board that, because of the nature of his operation or use, the parking requirements of this section are unnecessary or excessive, the reviewing board shall have the power to approve a site plan showing less paved parking area than is required by this section; provided, however, that a landscaped area of sufficient size to meet the deficiency shall be set aside and reserved for the purpose of meeting future off-street parking requirements in the event that a change of use of the premises shall make such additional off-street parking spaces necessary.

F. Location of driveways.

(1) *Design.*

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

<u>Allowable Speed (in miles per hour)</u>	<u>Required Sight Distance (in feet)</u>
25	150
30	200
35	250
40	300
45	350
50	400

- (c) Where a site occupies a corner of two (2) intersecting roads, no driveway entrance or exit shall be located within fifty (50) feet of the point of tangency of the existing or proposed curb radius of that site.
- (d) No part of any driveway shall be located within a minimum of ten (10) feet of a side property line. However, the reviewing board may permit a driveway serving two (2) or more adjacent sites to be located on or within ten (10) feet of a side property line between the adjacent site.
- (e) No entrance or exit driveway shall be located on a rotary, ramp of an interchange, or within twenty (20) feet of the beginning of any ramp or other portion of an interchange.

- (f) Where two (2) or more driveways connect a single site to any one (1) road, a minimum clear distance of fifty (50) feet measured along the right-of-way line shall separate the closest edges of any two (2) such driveways.

(2) *Driveway angle.*

- (a) Two-way operation. Driveways used for two-way operation shall intersect the road at an angle to as near ninety degrees (90°) as site conditions will permit and in no case will be less than sixty degrees (60°).
- (b) One-way operation. Driveways used by vehicles in one (1) direction of travel (right turn only) shall not form an angle smaller than forty-five degrees (45°) with a road, unless acceleration and deceleration lanes are provided.

(3) *Driveway dimensions.* The dimensions of driveways shall be designed to adequately accommodate the volume and character of vehicles anticipated daily onto the land development for which a site plan is prepared. The required maximum and minimum dimensions for driveways are indicated below. Driveways serving large volumes of daily traffic or traffic of over fifteen percent (15%) truck traffic shall be required to utilize high to maximum dimensions.

	One-way Operation Driveway Width (In Feet)	Two-way Operation Driveway Width (In Feet)
Three to Ten Family Residence	10 to 15	15 to 25
Ten-Family or over	15 to 25	20 to 35
Commercial and Industrial	15 to 30	25 to 35

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

- (4) *Driveway surfacing.* The surface of any driveway shall be constructed with a permanent pavement as per the approved standards and details on file with the Borough Clerk and to the satisfaction of the Borough Engineer. Such pavement shall extend to the paved portion of the road and shall extend throughout the area defined by the required driveway dimensions specified above.
- (5) *Driveway profile.* Any vertical curve on a driveway shall be flat enough to prevent dragging of any vehicle undercarriage. Should the sidewalk be so close to the curb at a depressed-curb driveway as to cause the ramp to be too steep and be likely to cause undercarriage drag, the sidewalk shall be appropriately lowered to provide a suitable ramp gradient.

***Editor's Note:** For related provisions, see Ch. 93, Parking, off-Street.

(Ord. 82-12, Renumbered, 09/15/1982)

2.109.11 Building design and layout.

- A. The design and layout of buildings and parking areas shall be reviewed so as to provide an aesthetically pleasing design and efficient arrangement. The situation of the buildings shall be such as to allow adequate light and air on the site.
- B. *Townhouses.* In the event townhouses are permitted in a zone or may be allowed by reason of variance, court decree or otherwise, the following standards shall apply:
- (1) Maximum of eight (8) units in a single row. Minimum width of unit, eighteen (18) feet. Off-set of four (4) feet between every two (2) units.
 - (2) Townhouses shall be grouped in clusters with a maximum of thirty (30) per cluster. Private parking areas shall be located near the entrances and outdoor living areas or patios adjoining open space or paths leading to open space. Units shall not front on a through street.
 - (3) Maximum density of townhouses shall be ten (10) units per acre. Each unit shall have two (2) means of ingress and/or egress. End units shall have at least a ten-foot side yard. Units shall be at least fifty (50) feet from all tract boundary lines unless abutting the same or higher density area, then thirty-five (35) feet shall be permitted.

(Ord. 82-12, Renumbered, 09/15/1982)

2.109.12 Lighting, landscaping and buffering.

- A. **Lighting.** In connection with every site plan, the applicant shall submit plans for all proposed exterior lighting. These plans shall include the location, type of light, radius of light and intensity in foot-candles. The following standards shall be followed:
- (1) Adequate lighting shall be provided to ensure safe movement of persons and vehicles and for security purposes.
 - (2) The maximum height of free-standing lights shall be the same as the principal building but not exceeding twenty-five (25) feet.
 - (3) All lights shall be shielded to restrict the maximum apex angle of the cone of illumination to one hundred fifty degrees (150°).
 - (4) Where lights along property lines will be visible to adjacent residents, the lights shall be appropriately shielded.
 - (5) Free-standing lights shall be so located and protected to avoid being easily damaged by vehicles.
 - (6) Lighting shall be located along streets, parking areas, at intersections, and where various types of circulation systems merge, intersect or split.
 - (7) Pathways, sidewalks and trails shall be lighted with low or mushroom-type standards.
 - (8) Stairways, and sloping or rising paths, building entrances and exits shall be illuminated.
 - (9) Lighting shall be provided where buildings are set back or off-set.

- (10) The following intensity in foot-candles shall be provided:
- (a) Parking lots: an average of zero and five-tenths (0.5) foot-candles throughout.
 - (b) Intersections: Three (3) foot-candles.
 - (c) Maximum at property Lines: one and zero-tenths (1.0) foot-candle.
 - (d) In residential areas: average of zero and six-tenths (0.6) foot-candles.

B. Landscaping. A landscaping plan shall be submitted with each site plan application. The plan shall identify existing and proposed trees, shrubs, bushes, plant material, ground cover and natural features such as boulders and rock outcroppings. It shall show where they are or will be located and the planting details. The following principles shall be followed:

- (1) All non paved areas on properties used for any purpose other than farming shall be suitably landscaped with trees, shrubs, grass and other suitable landscaping materials.
- (2) Landscaping shall be provided in public areas, recreation sites and adjacent to building.
- (3) Deciduous trees should have at least tow-inch caliper at planting, and evergreens should be at least four (4) feet tall. Shrubs should be at least two (2) feet tall at planting.
- (4) Street trees shall be installed on both sides of all streets in accordance with an approved landscape plan. Trees shall either be massed at critical points or spaced evenly along the street, or both.

When trees are planted at predetermined intervals along streets, spacing shall depend on tree size as follows:

<u>Tree Size (in feet)</u>	<u>Planting Interval (in feet)</u>
Large trees (40+)	50 – 70
Medium-sized trees (30-40)	40 – 50
Small trees (to 30)	30 – 40

When the spacing interval exceeds 40 feet, small ornamental trees can be spaced between the larger trees. If a street canopy effect is desired, trees may be planted closer together, following the recommendations of a certified landscape architect. Tree location, and landscaping design, and spacing plan shall be approved by the Planning/Zoning Board as part of the landscape plan.

All trees shall have at least a caliper of two (2) to two and one-half (2 ½) inches and they shall be balled and bur lapped, nursery grown, of substantially uniform size and shape, free from insects and disease, have straight trunks and true to species and variety. Trees shall be properly planted and staked and provision made by the applicant for regular watering and maintenance until they are established. Dead or dying trees shall be replaced by the applicant during the next planting season.

- (5) Existing large trees shall be saved by not varying the grade around the trees by more than six (6) to twelve (12) inches, construction of tree wells, and by erecting protective fences.

Stripping trees from a lot or filling soil around trees on a lot shall not be permitted unless it can be shown that grading requirements necessitate removal of trees. Where trees are removed, an equivalent number of new trees shall be planted, placed in appropriate locations considering soil stabilization, existing trees remaining reestablishing the tone of the area and compatibility with adjacent lots. Dead or dying trees shall be replaced by the developer during the next recommended planting season.

Maximum effort should be made to save fine specimens (because of size or relative rarity). No material or temporary soil deposits shall be placed within four (4) feet of shrubs or ten (10) feet of trees designated to be retained on the preliminary and/or final plat. Protective barriers or tree wells shall be installed around each plant and/or group of plants that are to remain on the site. Barriers shall not be supported by the plants they are protecting, but shall be self-supporting. They shall be a minimum of four feet high and constructed of a durable material that will last until construction is completed. Snow fences and silt fences are examples of acceptable barriers.

- (6) In parking lots, at least five percent (5%) of the parking area shall be landscaped. The landscaping should be located in protected areas, along walkways, center islands and at the end of bays.
- (7) All landscaping in parking areas shall be carefully located so as not to obstruct vision.
- (8) Any tree on the site having a trunk diameter of more than four (4) inches at a height of two (2) feet from the ground shall not be removed unless such removal is in accordance with a plan approved by the Planning Board.

C. Buffers. Buffering shall be located around the perimeter of the site to minimize glare from headlights of vehicles, to minimize noise, to shield light from structures, to shield the movement of people and vehicles from adjacent property and to shield activities from adjacent properties. Buffers are fences, landscaping, beams and mounds used to minimize any adverse impacts or nuisances on the site from adjacent areas. The applicant shall incorporate into its landscaping plan submitted with the site plan a buffer design plan, which shall incorporate the following principles:

- (1) Buffers shall be located along property lines shielding various uses from each other.
- (2) Buffer areas shall consist of lawn areas and massed evergreen and deciduous trees and shrubs planted in a manner that will provide a continuous visual screen through the entire year within a period of two (2) growing seasons following the planting of the buffer.
- (3) Evergreen and deciduous shrubs shall have a minimum height of three (3) feet when planted, and shall be of different varieties.
- (4) The height of shrubs planted in a buffer area shall be measured from the ground level around the base of the

- shrub to the topmost part of the shrub, once the shrub has been properly planted in the ground.
- (5) When an area required for a buffer is already wooded, it shall be left in its natural state, and existing growth shall be supplemented with additional plant material where necessary to bring the buffer area up to minimum requirements of this chapter.
 - (6) In any residential zone, all parking areas, exclusive of ingress and egress drives, having a capacity of more than four (4) vehicles, garbage collection areas and loading and unloading areas, shall be screened from adjacent properties by a buffer strip at least five (5) feet in width.

(Ord. 88-5, Amended, 03/15/1988; Ord. 82-12, Renumbered, 09/15/1982)

2.109.13 Signs.

Signs shall be designed so as to be aesthetically pleasing, harmonious with other signs on the site, and located so as to achieve their purpose without constituting hazards to vehicles and pedestrians. Each site plan application shall include a sign plan showing the specific design, location, size, construction and illumination.

(Ord. 82-12, Renumbered, 09/15/1982)

2.109.14 Utilities.*

Storm drainage, sanitary waste disposal, water supply and solid waste collection and disposal shall be reviewed and considered. Particular emphasis shall be given to the adequacy of existing systems, and the need for improvements, both on-site and off-site, to adequately carry run-off and sewage, and to maintain an adequate supply of water at sufficient pressure. The design and location of all utilities shall be based on borough standards, and for those of the public utility having primary jurisdiction. All plans shall be approved by the Borough Engineer and shall be in accordance with those detail and design standards on file with the Borough Clerk.

***Editor's Note:** See also Ch. 106, Sewers and Ch. 126, Water.

(Ord. 82-12, Renumbered, 09/15/1982)

2.109.15 Street furniture.

- A. The site plan shall provide for those elements of street furniture appropriate to the particular use. These are the functional elements of the environment and include phone booths, benches, planting boxes, mail and meter boxes, water towers, lighting standards, directional signs, bollards (posts) fire hydrants, power lines, fences and walls, water fountains and pools, drinking fountains, trash receptacles, bike racks, sculpture, paving and steps, and bus shelters. The street furniture plan shall include location, size, lighting and design relationship.

- B. Certain street furniture is functional in nature and shall be located at points of demand. Bike racks shall be located in the rear of multifamily areas.
- C. Trash receptacles shall be located near recreational activities, at street corners, at entrances and exits to buildings, and where people naturally congregate, such as under streetlights. Open-weave receptacles shall not be permitted.

(Ord. 82-12, Renumbered, (0915/1982)

2.109.16 Fees

The following fee shall be submitted with the application for Final Site Plan approval, said fee shall be the combined total for tract area charge and building area charge.

A. Tract area charge (gross tract area).

- (1) Less than one (1) acre:
 - (a) Zero (0) square feet to twenty thousand (20,000) square feet: Sixty dollars (\$60.00).
 - (b) Twenty thousand (20,000) square feet to forty-three thousand five hundred sixty (45,560) square feet: One hundred dollars (\$100.00)
- (2) More than one (1) acre:
 - (a) To three (3) acres: fifty dollars (\$50.00). per acre or fraction thereof.
 - (b) More than three (3) acres: fifty dollars (\$50.00) per acre for first three (3) acres, plus twenty-five dollars (\$25.00) per acre for each additional acre or fraction thereof.

B. Building area charge (gross building floor area).

- (1) Zero (0) square feet to two thousand (2,000) square feet: sixty dollars (\$60.00).
- (2) Two thousand one (2,001) square feet to five thousand (5,000) square feet: one hundred twenty dollars (\$120.00).
- (3) Five thousand one (5,001) square feet to ten thousand (10,000) square feet: one hundred fifty dollars (\$150.00).
- (4) Ten thousand one (10,001) square feet to one hundred thousand (100,000) square feet: one hundred fifty dollars (\$150.00), plus three-tenths cent (\$0.003) per square foot.
- (5) One hundred thousand one (100,001) square feet and over: three hundred fifty dollars (\$350.00) plus one-tenth cent (\$0.001) per square foot.

(Ord. 82-12, Renumbered,09/5/1982)

2.109.17 Recyclable Materials.

- A. Materials designated in the Englishtown Borough Recycling Ordinance No. 87-3 and amendments thereto, * shall be separated from other solid waste by the generator and a storage area for recyclable material shall be provided as follows:

1. For each subdivision application for 50 or more single family units, the applicant shall provide a storage area of at least 12 square feet within each dwelling unit to accommodate a four week accumulation of mandated recyclables (including but not limited to: newspaper, glass bottles, aluminum cans, tin and bi-metal cans). The storage area may be located in the laundry room, garage, basement or kitchen.
2. For each subdivision application for 25 or more multifamily units, the applicant shall provide a storage area of at least 3 square feet within each dwelling unit to accommodate a one-week accumulation of mandated recyclables (including but not limited to: newspaper, glass bottles, aluminum cans, tin and bi-metal cans). The storage area may be located in the laundry room, garage, or kitchen. Unless recyclables are collected on a weekly basis from each dwelling unit, one or more common storage areas must be provided at convenient locations within the development.
3. For each site plan application for commercial and industrial developments that utilize 1000 square feet or more of land, the applicant shall provide the municipal agency with estimates of the quantity of mandated recyclable materials (including but not limited to: newspaper, glass bottle, aluminum cans, tin and bi-metal cans, high grade paper, and corrugated cardboard) that will be generated by the development during each week. A separated storage area must be provided to accommodate a one to four week accumulation of recyclable material. The municipal agency may require the location of one or more common storage areas at convenient locations within the development.

(Ord. 90-4, Added, 03/27/1990)

2.109.18 Stormwater Management.

- A. All stormwater management measures for a development regardless of use, including structural stormwater management strategies, detention basins and other stormwater management facilities and stormwater collection and conveyance structures, shall be designed in accordance with and comply with the provisions of Chapter 2.54 of the Code of the Borough of Englishtown entitled “Municipal Stormwater Control” and the Residential Site Improvement Standards, N.J.A.C.5:21-7 et seq.
- B. In a development not defined as a “major development”, stormwater measures shall only be developed to meet the stormwater runoff quantity requirements in Chapter 2.54 of the Code of the Borough of Englishtown entitled “Municipal Stormwater Control”.

(Ord. 2006-12, Added, 05/10/2006)