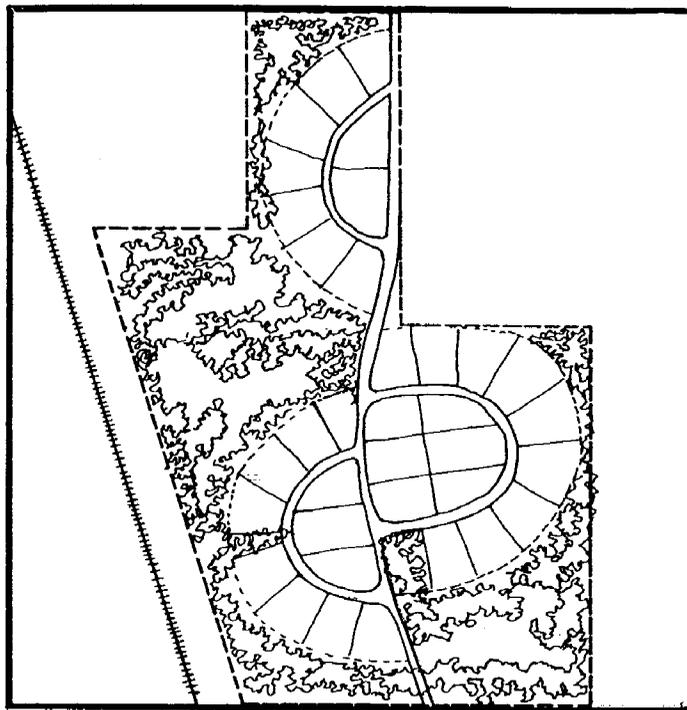


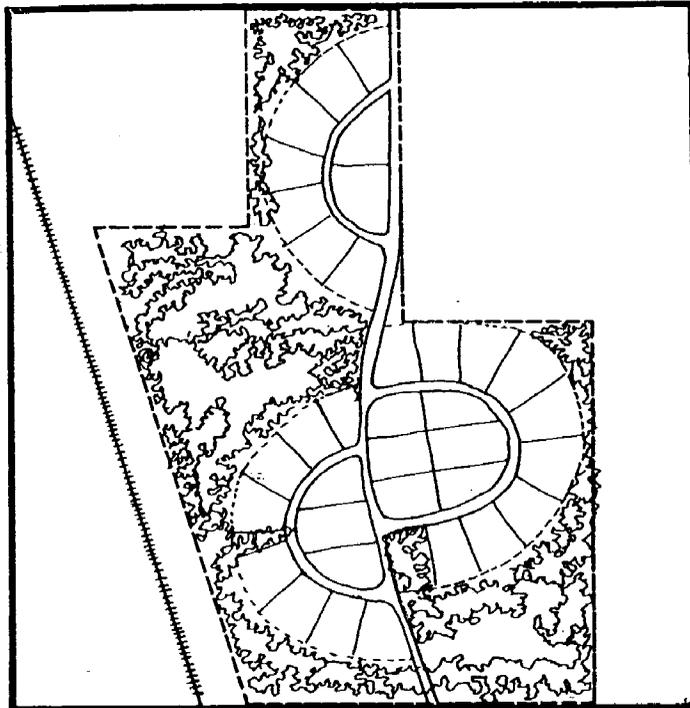
**DOWNE TOWNSHIP
SITE PLAN AND SUBDIVISION
REVIEW PROCEDURES ORDINANCE**



ONE CLUSTER SUBDIVISION DESIGN

Prepared by the Downe Township Planning Board
With Technical Assistance
From the
Cumberland County Department of Planning & Development

DOWNE TOWNSHIP SITE PLAN AND SUBDIVISION REVIEW PROCEDURES ORDINANCE



This Ordinance, known as the "Downe Township Site Plan and Subdivision Review Procedures Ordinance," was revised with assistance from the Cumberland County Department of Planning & Development and adopted by the Downe Township Committee on April 19, 2000 after a review and recommendation by the Downe Township Planning & Zoning Board and review by both the solicitor for the Planning & Zoning Board and the Township Committee.

The content of this Ordinance belongs solely to Downe Township. The implementation and interpretation of these regulations shall be made by the appropriate Township officials and regulatory bodies. The County of Cumberland shall have no responsibility or role in the interpretation and implementation of this Ordinance.

TABLE OF CONTENTS

Downe Township Site Plan and Subdivision Ordinance

<u>SUBJECT</u>	<u>PAGES</u>
FEE SCHEDULE	i
ARTICLE I: SHORT TITLE	1
ARTICLE II: PURPOSE, INTENT, AND INTERPRETATION	1
2.1 Purpose	1
2.2 Intent	1
2.3 Interpretation	1
ARTICLE III: DEFINITIONS	2 - 5
ARTICLE IV: RESERVED	5
ARTICLE V: GENERAL PROVISIONS AND PERFORMANCE STANDARDS	5 - 35
5.1 Applicability	5
5.2 Provisions and Standards	5 - 35
5.3 Grants of Waivers or Adjustments	34
5.4 Inspection	34
ARTICLE VI: GUARANTIES	35-37
ARTICLE VII: DEVELOPMENT REVIEW PROCEDURES	37-57
7.1 Subdivision and Site Plan Review	37
7.2 Application Procedures	37
7.3 Initial Approval	38-39
7.4 Final Approval	39-40
7.5 Conditional Use	40-41
7.6 Zoning Approvals and Applications	41-42
7.7 Applications for Sign Permits	42-43
7.8 Application for Planned Unit Development	43-44
7.9 Informal Discussion	44
7.10 Plat and Plan Conformity	44

7.11 Plat and Plan Details	45-54
7.12 Hearings	54
7.13 Notice Requirements for Hearings	54-56
7.14 Date of Public Hearing	56
7.15 Furnishing List of Property Owners	56
7.16 Forms of Decisions; Copies	56-57
7.17 Publication of Decision	57
7.18 Payment of Taxes	57
ARTICLE VIII: FEES	57-58
ARTICLE IX: ADMINISTRATION AND ENFORCEMENT	58-59
ARTICLE X: INTERPRETATION AND AMENDMENT	60-61
APPENDIX I: HISTORIC PRESERVATION GUIDELINES	63
APPENDIX II: TYPICAL CROSS-SECTIONS	64

DOWNE TOWNSHIP
Subdivision and Site Planning Fee Schedule
Adopted April 19, 2000

APPLICATION TYPE	FEE
CONCEPTUAL SUBDIVISION/SITE PLAN REVIEW	No Charge
MINOR SUBDIVISION	\$150.00
MINOR SUBDIVISION WITH VARIANCES	\$250.00
MAJOR SUBDIVISIONS*	
Up to 25 Lots	\$500.00
26 - 100 Lots	\$750.00
100+ Lots	\$1,000.00
SITE PLANS	
Minor Site Plan	\$250.00
Major Site Plan*	\$500.00
VARIANCES	
For Variances Other than D Variances	\$150.00
For D Variances	\$250.00
CONDITIONAL USE PERMITS	\$150.00
ZONING PERMITS	\$150.00

*For all major subdivisions and site plans, in addition to the charges noted above, the applicant shall post a \$1,000 Escrow fee to cover the costs of special reviews as may be necessary by the Township's attorneys, engineers, and other professionals, as necessary. The unused portion of this escrow will be returned to the applicant upon completion of the review process.

DOWNE TOWNSHIP ORDINANCE 84-4

As Revised April 19, 2000

AN ORDINANCE ESTABLISHING GENERAL PROVISIONS AND PERFORMANCE STANDARDS AND DEVELOPMENT REVIEW PROCEDURES AND FOR FEES AND GUARANTEES FOR SITE PLAN, SUBDIVISION AND CONSTRUCTION IN DOWNE TOWNSHIP.

BE IT ORDAINED by the Township Committee of the Township of Downe, Cumberland County, New Jersey:

ARTICLE I SHORT TITLE

1.1 Title: This Ordinance shall be known and may be cited as "Downe Township Site Plan and Subdivision Ordinance," as revised April 19, 2000.

ARTICLE II PURPOSE, INTENT, AND INTERPRETATION

2.1 Purpose: It is the purpose of this Ordinance to establish uniform Site Plan and Subdivision Review standards and procedures so as to regulate land development in the Township of Downe by providing rules, regulations, performance standards, construction standards, procedures for application and review, and for review, guarantee and approval thereof.

2.2 Intent:

A. To encourage the most appropriate use or development of lands throughout Downe Township compatible with local zoning and in accord with the comprehensive master plan.

B. To promote the public health, safety, morals and general welfare by promoting conservation of open space, preventing overcrowding of land, providing a desirable visual environment through creative development techniques and good civic design and arrangement, by providing for adequate light, air, and open space.

C. To encourage industrial development compatible with the environment and consistent with the natural features of the Township of Downe.

D. To encourage the development of land consistent with human needs for health, safety, dignity, convenience, and general well-being, including but not limited to the provision of adequate utilities, schools, parks, playgrounds, and other public and community facilities.

2.3 Interpretation. The provisions of this Ordinance shall be held to be the minimum requirements to meet the above stated intent. Where the provisions of this Ordinance impose greater restrictions than those of any other statute, ordinance or regulation, the provisions of this Ordinance shall prevail. Where the provisions of any other statute, ordinance, or regulation

impose greater restrictions than those of this Ordinance, the provisions of such other statute, ordinance, or regulation shall prevail.

ARTICLE III DEFINITIONS

3.1 Reference to Zoning: Words, phrases, and definitions not found in this Article shall be defined as set forth in Downe Township Zoning Ordinance, Downe Township Procedures Ordinance and Municipal Land Use Law of New Jersey.

Accessory Use or Structure. A subordinate use or structure, the purpose of which is incidental to that of the main use or structure and on the same lot. The accessory use or structure is subordinate in area, extent, and purpose to the principal use or structure on the same lot.

Agriculture. The growing and harvesting of crops and/or the raising or breeding of poultry and livestock including such uses as nurseries, greenhouses, dairies, vegetable operations, grain and orchard operations, but excluding swineries. An agricultural operation shall include all those accessory buildings and structures typically incidental to normal farming practices. Aquaculture shall also be considered an agricultural use for the purposes of this Ordinance.

Alterations. As applied to a building or a structure, means a change or rearrangement in the structure or in the existing facilities, or an enlargement whether by extension of a side or by increasing in height or by moves from one location or position to another.

Apartment. A dwelling unit that is typically rented and/or occupied by persons other than the owner and attached to one or more additional dwelling units.

Applicant. Any person applying for a subdivision or site plan application or other action prescribed by this Ordinance.

Area, building. (Ground Coverage.) The total areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps.

Area, Liveable or Habitable, Floor. All gross floor area having a clear ceiling height of at least seven feet, except that not more than ten per cent of the habitable floor area may have a ceiling height less than seven but not less than five feet; any cellar, open porches, carports, garages or utility space, bay windows not extending more than three feet, balconies and terraces shall not be considered in the computation of habitable floor area.

Area, Gross Floor. The sum of the gross horizontal areas of every floor of a building, measured from the inside face of exterior walls or from the center line or party or common walls separating two dwelling units.

Board. Unless specifically stated otherwise, shall mean the combined Planning & Zoning Board of Downe Township.

Board of Adjustment. Shall mean the combined Planning & Zoning Board of Downe Township.

Building. Any structure having a roof supported by columns, piers, or walls including tents, lunch wagons, trailers, mobile homes, prefabricated or modular structures, pole barns, garden sheds, dining cars, camp cars, or other structures on wheels, or having other supports.

Building Coverage. That percentage of the lot area covered by the building area.

Building Height. The vertical dimension measured from the average elevation of the finished grade at the perimeter of the building to the highest point on the roof.

Building Inspector. Shall mean the duly appointed Construction Officer of Downe Township.

Building Line. A line formed by the vertical projection to the ground of the exterior surface of the building on any side. In case of a cantilevered or projected section of a building, the projection will not coincide with the surface nearer to the lot line allowed for a structure. A building line shall not be closer to the street line than the required front yard depth.

Conditional Use. A use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in this Ordinance and upon the issuance of an authorization therefore by the Planning & Zoning Board.

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.

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 the means necessary for water supply preservation or prevention or alleviation of flooding.

Erosion. Means the detachment and movement of soil or rock fragments by water, wind, ice and gravity.

Final approval. The official action of the Planning and Zoning Board 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.

Land. Includes improvements and fixtures on, above, or below the surface.

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

Maintenance Guarantee. Any security, other than cash, which may be accepted the the Township for the maintenance of improvements in accordance with Section 6.3 of this Ordinance.

~~**Minor subdivision.** Any subdivision of four (4) or more lots.~~

Minor site plan. Any site plan for conventional use having less than ten acres and involving no new streets, extensions of streets, sewers, public water systems, or planned unit developments.

Minor subdivision. Any subdivision of three (3) or fewer lots with no new streets proposed.

Official Map. A Township map adopted by ordinance showing all existing and planned roads, streets, drainage ways, basins, and other public infrastructure.

Off site. Located outside the lot lines of the lot in question but within the property which is the subject of a development application or contiguous portion of a street or right-of-way.

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

Onsite. Located on the lot in question.

Performance Guarantee. Any security which may be accepted by the Township, including cash; provided that the Township shall not require more than ten (10) percent of the total performance guarantee in cash.

Planned unit development. An area with a specified minimum contiguous acreage of 10 acres or more to be developed as a single entity according to a plan containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified in the Zoning Ordinance of Downe Township.

Plat. A map or maps of a subdivision or site plan.

Preliminary approval. The conferral of certain rights and or conditions of approval, granted by the Planning & Zoning Board for a development plan prior to the granting of final approval.

Sight Triangle. Shall refer to that area, bounded by intersecting streets, where a clear line of sight is to be maintained in accordance with the requirements of this Ordinance.

Site Plan. The development plan of one or more lots on which is shown all existing and proposed buildings, structures, conditions, and other information as required by this Ordinance.

Street. Any street, avenue, boulevard, road, parkway, viaduct, drive or other way which is an existing State, county or municipal roadway, or which is shown upon a plat heretofore approved pursuant to law, or which is approved by official action provided by this act, or which is shown on a plat duly filed and recorded in the office of the County recording officer prior to the appointment of a planning board and the grant to such board of the power to review plats; and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines.

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.

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 Ordinance, if no new streets are created: 1) Divisions of land found by the Planning & Zoning Board to be for agricultural purposes where all resulting parcels are 5 acres or larger in size, 2) Divisions of property by testamentary or intestate provisions, 3) Divisions of property upon court order, including but not limited to judgements of foreclosure, 4) Consolidation of existing lots by deed or other recorded instrument and 5) 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 Downe Township development regulations and are shown and designated as separate lots, tracts, or parcels on the tax map of the Township. The term "subdivision" shall also include resubdivision or redivision.

Township. Shall refer to Downe Township, Cumberland County, New Jersey.

Township Engineer. Shall refer to the engineer for Downe Township, duly appointed by the Township Committee, or his official representative.

ARTICLE IV (RESERVED)

ARTICLE V GENERAL PROVISIONS AND PERFORMANCE STANDARDS

5.1 Applicability. The provisions and performance standards set forth in this Article shall apply to all development within the Township as provided in the Downe Township Zoning Ordinance and other Township Ordinances.

5.2 Provisions and Standards Enumerated. The following provisions and standards shall be addressed and satisfied in connection with development review and approval:

A. Air Quality. No use (governed by State or Federal air quality regulations) shall emit heat, odor, vibrations, noise or any other pollutant into the air which exceeds the most stringent requirements of the applicable State or Federal requirements, or any ordinance of Downe Township or other governing agency.

B. Blocks. The length, width and acreage of street blocks shall be sufficient to accommodate the size lot required in the zone district in which it is to be located and to provide for convenient access, circulation control, and to ensure the safe flow of traffic. Blocks over one thousand (1,000) feet in length within residential areas shall be (discouraged,) but where they are used, pedestrian crosswalks or bikeways between lots may be required in locations deemed necessary by the Planning & Zoning Board. No block within a residential area shall exceed fifteen hundred (1,500) feet in length. Within commercial and industrial areas, block lengths shall be sufficient to meet area and yard requirements for such uses and to provide proper street access and circulation.

C. Buffers and Screening. Wherever buffers or screening are required as provided by this Ordinance or as a condition imposed by the Planning & Zoning Board, they shall be installed in accordance with the following standards and requirements:

(1) Buffer areas shall require site plan review and are required along all lot lines and street lines which separate a non-residential use from either an existing residential use or residential zoning district. Buffer areas shall be developed in an aesthetic manner for the primary purpose of screening views and reducing noise perception beyond the lot. No structure, use activity, storage of materials, or parking of vehicles shall be permitted within a buffer area.

(2) The standards for the location and design of buffer areas are intended to provide flexibility in order to provide effective buffers. The location and design of buffers shall consider the use of the portion of the property being screened, the distance between the use and the adjoining property line, difference in elevations, the type of buffer such as dense planting, existing woods, a wall or fence, buffer height, buffer width, and other combinations of man-made and natural features. The buffer shall be designed, planted, graded, landscaped and developed with the general guideline that the closer a use or activity is to a property line, or the more intense the activity is to a property line, or the more intense the use; then the more effective the buffer area must be in obscuring light and vision and reducing noise beyond the lot.

(3) All buffer areas shall be planted and maintained with either grass or groundcover together with a screen of live shrubs or scattered plantings of live trees, shrubs, or other plant material meeting the following standards:

(a) The preservation of all natural wooded tracts shall be an integral part of all site plans and may be calculated as part of the buffer area provided the growth is of a density and the area has sufficient width to serve the purpose of a buffer. Where additional plantings are necessary to establish an appropriate tone for an effective buffer, said plantings shall conform Subsection L. herein;

(b) Plant material used in screen planting shall be at least three (3) feet in height when planted and be of such density as will obscure, throughout the full course of the year, the glare of vehicle headlights emitted from the premises;

(c) The planting shall be so placed that at maturity it will not be closer than three (3) feet from any street or property line;

(d) Trees shall be at least eight (8) feet in height and fourteen (14) inches in caliper when planted, free of disease and insect pests, and approved stock as required by the Township Shade Tree Commission or, should one not exist, the Planning & Zoning Board;

(e) Any plant material which does not live shall be replaced within one (1) year or one (1) growing season; and

(f) Screen plantings and landscaping shall be broken at points of vehicle and pedestrian ingress and ingress to assure a clear sight triangle at all street and driveway intersections.

(4) Constructed screening shall consist of a masonry wall or barrier or a uniformly painted fence of material highly resistant to weather conditions or decay and at least six (6) feet in height, no more than eight (8) feet above finished grade at the point of construction. Such wall, barrier or fence may be opaque or perforated, provided that not more than fifty percent (50%) of its area is open.

D. Concrete Structures. Where concrete structures are required to be designed and built as part of a residential subdivision or site plan proposal, the requirements of Section AD 6.1 shall apply. Concrete structures shall conform to the American Society for Testing Materials cement designations C-150, Type 1 for Standard Portland Cement; C-150, Type 3 for High Early Strength Vinsol resin or Darex A.E.A. shall be used as the air-entraining agent and both fine and coarse aggregate shall conform to requirements therefore of the New Jersey Department of Transportation Standards Specifications, as amended and supplemented.

The following standards shall be met unless modified by the Township Engineer:

(1) Unless otherwise specified, all concrete shall be air entrained, having four percent (4%) to seven percent (7%) entrained air.

(2) Concrete shall be Class A, B, C or D (See Chart 1).

(3) Required reinforcing steel shall be intermediate grade deformed bars conforming to American Society for Testing Materials designation A-15 and A-305, as amended and supplemented.

(4) Required joint filler shall be a cellular compression material conforming to the requirements therefore of the New Jersey Department of Transportation Standards Specifications, as amended and supplemented.

(5) In the construction of required concrete structures, the Municipal Engineer will determine the slump range within which the contractor may work. Transit mix concrete may be used if obtained from sources approved by the Municipal Engineer. On-site mixing and proportioning equipment will also be subject to the approval of the Municipal Engineer.

(6) Forms shall conform to lines, dimensions and grades shown on plans and may only be omitted when soil conditions and workmanship permit accurate excavation to specifications. Forms shall be firmly braced, tight and capable of resisting movement, bulging or mortar leakage. Forms shall be smooth and clear and shall be completely removed.

(7) Soil base for concrete work shall be properly finished to prescribed lines, grades and dimensions and shall be approved by the Municipal Engineer or his representative before concrete is placed. All areas to receive concrete shall be free of frost, foreign matter and excessive water, except that soil surface and forms shall be uniformly damp when concrete is placed. All concrete shall be handled and placed so as to avoid segregation. Concrete that has

begun to set or has been contaminated with foreign materials or that has too much water shall not be used. Pouring shall be done in a continuous process until an individual section is complete. All concrete shall be thoroughly compacted with vibrator or suitable equipment. Finished concrete shall have a wood-float finish unless specified by the Municipal Engineer and shall be kept continuously moist for a period of three (3) days. Curing shall be accomplished at the discretion of the Municipal Engineer. Expansion joints shall be provided at prescribed and shall extend the full thickness of the concrete. Concrete shall not be poured when the temperature is below forty degrees Fahrenheit or during periods of precipitation taken to prevent damage to the work. Precautions to avoid freezing of the concrete shall be in accordance with the current recommendations of the American Concrete Institute.

E. Curbs and Gutters. Where curbs or gutters are required to be designed and built as part of a residential subdivision or site plan proposal, the requirements of Section AD 6.1 shall apply. The standard monolithic concrete curb and gutter will be required along the pavement edge of streets in conformance with the improvement standards as defined and shown in Diagrams 1 through 3, Typical Roadway Sections and Details, and Diagram 4, Standard Details - Curb & Gutter, which are hereby made a part of this Ordinance. At the discretion of the Planning & Zoning Board upon advice of the Municipal Engineer, roll-type curb may be permitted along local street sin conformance with the improvement standards defined and shown in the New Jersey Department of Transportation Design Manual for Highways.

**Chart 1
Concrete Standards**

Class	Cement	Sand	Coarse Aggregate	Void Contract
A	1	1.50	3.0	1.35
B	1	1.75	3.5	1.55
C	1	2.00	4.0	1.80
D	1	2.25	4.5	2.00

Expansion joints shall be provided at intervals of twenty (20) feet or when new construction abuts existing construction. The expansion joints shall be filled with one-half inch thick cellular material conforming to the requirements therefore contained in the Standards Specifications of the New Jersey Department of Transportation, as amended to date, to within one-half (1/2) inch of the top and face of the curb and to within one-fourth (1/4) inch of the top of the gutter. All joints shall extend the full depth of the structure. Finished curbs and gutters shall be true to applicable grades, lines, dimensions, and curvatures. Exposed edges shall be neatly rounded to a one-half-inch radius. Completed work shall be protected from traffic, and the elements and shall be kept moist for at least three (3) days. Damaged, broken or cracked work shall be renewed by the contractor at his expense.

F. Customer Service Areas. Any site plan that provides temporary stopping space for vehicles of customers or patrons seeking service at a roadside business establishment, such as a roadway grocery or farm market produce stand, gasoline service station, drive-in bank, fast food take-out window, or similar uses, shall ensure that the stopping or maneuvering space is at least ten (10) feet removed from the right-of-way line of the road.

G. Development Name. The proposed name of any development shall not duplicate, or too closely approximate, the name of any other development or locality in or in close proximity to the Township. The Planning & Zoning Board shall have final authority to designate the name of the development which shall be determined at the preliminary stage of development review.

H. Energy Conservation. Whenever and wherever feasible, buildings shall be sited so as to make maximum use of sunlight or winds in connection with energy generation and/or conservation. All buildings hereinafter erected or constructed, altered or added onto shall use renewable energy sources, with the limits of practicability and feasibility dependent on the proposed use of the structures and its location. Where an applicant can demonstrate that literal enforcement of the provisions of this Ordinance will prevent or substantially impair or reduce energy conservation methods or technologies, the approval authority may waive or adjust the standards, including, through variance procedures as set forth in Section 5.3, maximum and minimum yard dimensions as shown in Downe Township Zoning Ordinance. In so doing, the approval authority shall determine that the intent and purpose of this Ordinance and the adopted Master Plan are met, and that adjoining properties and/or their environment will not be adversely affected by the waiver, adjustment or variance. In the case of new developments, the majority of all structures in said development shall have their long axis located within thirty degrees of true South.

Wherever plantings are proposed or required as provided under the provisions of this Ordinance, no plantings of trees, shrubs or any object shall be permitted which will result in shading or interfering with solar access to the South wall of any proposed or existing building. When reviewing proposed landscaping for any proposed development, the approving authority shall not require or permit, where reasonably able to do so, any planting or the placement of an object or structure which will substantially interfere with solar access to adjacent buildings or existing solar devices or structures.

I. Fire Protection. In order to provide fire protection to new developments the following standards shall apply:

(1) All deadend roads will terminate in an area adequate to provide ingress and egress for firefighting equipment.

(2) The rights-of-way of all roads will be maintained so that they provide an effective fire break.

(3) All proposed developments of twenty-five (25) units or more will have two (2) accessways to public rights-of-way and said accessways shall be of such width and surface composition sufficient to accommodate and support firefighting equipment.

(4) Wherever a central water system will serve a development, provisions shall be made for fire hydrants along the streets, driveways and/or on the walls of non-residential structures as approved by the Township fire departments or other appropriate fire official, the Municipal

Engineer and in accordance with Fire Insurance Rating Organization Standards. Any development of ten (10) or more units shall be required to have a well and storage tank for fire fighting water supply as approved by the Township Engineer.

J. Frontage. Every principal building shall be built upon a lot having frontage on a public street, either improved to Township specifications and standards, or for which said improvements have been ensured by the posting of a performance guarantee as provided in this Article. Where a building or lot has frontage upon a street which is shown on an adopted Master Plan or Official Map of the Township and which street is proposed for right-of-way widening, the required front yard area shall be measured from such proposed right-of-way line(s)

K. Homeowners Association. A homeowners association may, or in some cases, be required to be established for the purpose of owning and managing common lands or property designed within a development provided the Planning and Zoning Board is satisfied that the organization will have a sufficient number of members to reasonably expect a perpetuation of the organization in a manner enabling it to meet its obligations and responsibilities in owning and maintaining any property for the benefit of owners or residents of the development. If established, the organization shall incorporate the following provisions:

(1) Membership by all property owners, condominium owners, stockholders under a cooperative development and other owners of property or interests in the project, shall be mandatory. Required membership and the responsibilities upon the members shall be in writing between the organization and each member in the form of a covenant with each agreeing to liability for his/her pro rata share of the organization's costs.

(2) The organization shall be responsible for liability insurance, taxes, maintenance and any other obligations assumed by the organization, and shall hold the municipality harmless from any liability. The organization shall not be dissolved and shall not dispose of any open space or property by sale or otherwise, except to an organization conceived and established to own and maintain the open space or property for the benefit of such development, and thereafter such organization shall not be dissolved or dispose of any of its open space or property without first offering to dictate the same to the municipality or municipalities wherein the land is located.

(3) The assessment levied by the organization upon each member may become a lien on each member's property. The organization shall be allowed to adjust the assessment to meet changing needs.

(4) The organization shall clearly describe in its by-laws, all the rights and obligations of each tenant and owner, including a copy of the covenant, model deeds, and articles of incorporation of the organization and the fact that every tenant and property owner shall have the right to use all common properties. These shall be set forth as a condition of approval and shall be submitted prior to the granting of final approval by the Planning & Zoning Board.

(5) The articles of incorporation, covenants, by-laws, model deeds, and other legal instruments shall insure that control of the organization shall be transferred to the members based on a percentage of the dwelling units sold and/or occupied and shall clearly indicate that in the event such organization shall fail to maintain the common open space or common property or lands in reasonable order and condition, the Township may serve written notice upon such organization or upon the owners of the development setting forth the manner in which the organization has failed to maintain the common open space or common property or lands in

reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within fifteen (15) days thereof, and shall state the date and place of a hearing thereon which shall be held within fifteen (15) days of the notice. At such hearing, the designated municipal body or officer, as the case may be, may modify the terms of the original notice as to deficiencies and may give a reasonable extension of time, not to exceed sixty five (65) days within which they shall be cured.

If the deficiencies set forth in the original notice or in the modification thereof shall not be cured within fifteen (15) days, or any permitted extension thereof, the Township, in order to preserve the common open space and common property or land and maintain the same for a period of one (1) year, may enter upon and maintain such land. Said entry and maintenance shall not vest in the public any rights to use the common open space and common property and land, except when the same is voluntarily dedicated to the public by the owners. Before the expiration of said year, the Township shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space and common property or land, call a public hearing upon fifteen (15) days written notice to such organization and to the owners of the development, to be held by the Township at which hearing such organization and the owners of the development shall show cause why such maintenance by the municipality shall not, at the election of the Township, continue for a succeeding year.

If the municipality shall determine that such organization is ready and able to maintain said open space and property or land in reasonable condition, the municipality shall cease to maintain said open space and property or lands at the end of said year. If the Township shall determine such organization is not ready and able to maintain said open space and property or land in reasonable condition, the Township may, in its discretion, continue to maintain said open space and property or land during the next succeeding year, subject to a similar hearing and determination in each year thereafter. The decision of the Township in any such case shall constitute a final administrative decision subject to judicial review.

(6) The cost of such maintenance by the Township shall be assessed pro rata against the properties within the development that have a right of enjoyment of the common open space and property or land in accordance with assessed values at the time of imposition of the lien, and shall be a lien and tax on said properties and be added to and be part of the taxes to be levied and assessed thereon, and enforced and collected with interest by the same officers and in the same manner as other taxes.

L. Landscaping and Shade Trees

(1) All shade trees shall have a minimum diameter of two and one-half (2 1/2) inches measured three (3) feet above the ground and shall be of a species approved by the Planning & Zoning Board or Township Shade Tree Commission. Trees shall be planted forty (40) to sixty (60) feet apart and parallel to but no more than twenty (20) feet from the curbline and shall be balled and burlapped, nursery grown, free from insects and disease and true to species and variety.

Stripping trees from a lot or filling around trees on a lot shall not be permitted unless it can be shown that grading requirements necessitate removal of trees, in which case those lots shall be replanted with trees to re-establish the tone of the area to conform with adjacent lots. Dead or dying trees shall be replaced by the developer during the next recommended planting season.

(2) Off-street parking areas located in commercial or industrial zones which comprise parking for twenty-five (25) or more vehicles shall be provided with living shade trees of a type or types as approved by the Township Shade Tree Commission or Planning & Zoning Board. The said shade trees shall be located in a carefully planned manner within the parking lot area and in quantity equal to not less than one (1) shade tree for every eight (8) parking spaces, and they shall be so spaced and planted as to ensure their proper maintenance and full protection for health and continued growth.

(3) At least twenty percent (20%) of the land area within the perimeter of the parking surface in commercial or industrial zones where one hundred (100) or more parking spaces are provided shall be developed as a landscaped divider strip. All such areas shall be planted with grass, shrubs, bushes and shade trees in order to alleviate an otherwise barren expanse of open area and unsightly appearance and as an aid to stormwater disposal. Adequate provisions shall be made to ensure that such landscaping shall be maintained in good condition.

(4) Where parking islands or dividers are to be planted, they shall be a minimum of seven and one-half (7 1/2) feet wide when planted between rows of parking spaces. Where parking islands at the ends of parking bays are to be planted and landscaped, said islands shall be a minimum of fifteen (15) feet wide, and such planting shall be maintained at all times so that proper sight distances are maintained for the safe movement of traffic. All such parking islands shall be protected from intrusion and injury which would result from the movement of vehicles by the use of curbs or other equally effective means as approved by the Township Engineer.

(5) Planting strips shall be provided between and adjoining parking lots in commercial zones to achieve safety and better control of vehicular movement from one parking lot to another. In such instances, no parking shall be allowed within five (5) feet of the property line, on either side, thereby providing a total strip or island ten (10) feet wide sufficient for landscaping and/or screening, consistent with all applicable safety standards as approved by the Township Engineer as set forth in this Ordinance.

(6) Open space adjacent to buildings not surfaced, such as walkways, driveways, parking areas, utility areas or other required improvements in any apartment or multi-family dwelling project, shall be graded and seeded to provide a thick stand of grass or other groundcover material. Two (2) suitable specimen trees and four (4) evergreen shrubs, exclusive of those used in connection with parking or other open areas, shall be provided and properly planted for each dwelling unit. All such landscaping shall be subject to the approval of any Township Shade Tree Commission or, in the absence of a Commission, the Planning & Zoning Board.

(7) In connection with the demolition or removal of a structure from a site, any hole or excavation remaining or resulting from such demolition or removal shall be filled only with clean fill dirt. The dumping of masonry, concrete, wood, debris or rock shall be prohibited. The site of such demolition or removal shall have a layer of topsoil provided for the entire site in sufficient depth and quality to permit the planting, healthy growth and maintenance of a thick stand of grass which shall be planted by the person or firm responsible for the said demolition or removal. The Township Engineer shall determine the suitability of the topsoil and seeding to be provided. When deemed appropriate and necessary to maintain the character of the street or neighborhood, the planting of shade trees shall be required. Such trees shall be approved by the Township Shade Tree Commission or the Planning & Zoning Board.

M. Lighting. All area lighting shall provide translucent fixtures with shields around the light source. The light intensity provided at ground level shall average a maximum of five tenths foot candle over the entire area. For each fixture and lighted sign, the total quantity of light radiated above a horizontal plane passing through the light source shall not exceed seven and one-half percent (7 1/2) of the total quantity of light emitted from the light source. Any other outdoor lighting shall be shown on the site plan in sufficient detail to allow determination of the effects at the property line and one nearby streets, driveways, residences and overhead sky glow. No lighting shall shine directly or reflect into windows, or onto streets and driveways in such a manner as to interfere with driver vision. No lighting shall be of a yellow, red, green or blue beam, nor be of a rotating, pulsating, beam or other intermittent frequency. (Typical, ornamental holiday lighting such as Christmas lights shall not be regulated by this Ordinance so long as they do not pose a nuisance or danger to motorists or neighboring property owners.) The intensity of such light source, light shielding, the direction and reflection of the lighting and similar characteristics shall be subject to site plan approval by the Planning & Zoning Board. The objective of these specifications is to minimize undesirable off-site effects.

N. Lots. In accordance with good design practice, extreme deviations from rectangular lots shapes and straight lot lines shall not be allowed unless made necessary by special topographical conditions or other special conditions acceptable to the approving authority. All lots shall conform to the following requirements:

(1) lot dimensions and area shall not be less than the requirements of the minimum and maximum standards set forth in Downe Township Zoning Ordinance and other appropriate ordinances.

(2) Insofar as is practical, side lot lines shall be either at right angles or radial to street lines.

(3) Each lot must front upon an approved, paved street.

(4) Through lots with frontage on two (2) streets will be permitted only under the following conditions:

(a) Where the length of the lots between both streets is such that future division of the lot into two (2) lots is improbable, and

(b) Access shall be to the street with the lower traffic function, and the portion of the lot abutting the other street shall be clearly labeled on the plat, and in any deed, that street access is prohibited.

(5) Where extra width has either been dedicated or anticipated for widening of existing streets, zoning consideration shall begin at such new street line, and all setbacks shall be measured from such line.

(6) Whenever land has been dedicated or conveyed to the Township by the owner of a lot in order to meet the minimum street width requirement or to implement the Official Map or Master Plan, which lot existed at the effective date of this Ordinance, the Construction Official shall not withhold a building and/or occupancy permit when the lot depth and/or area was rendered substandard due to such dedication and where the owner has no adjacent lands to meet the minimum requirements.

O. Manholes, Inlets and Catch Basins. Where manholes, inlets, or catch basins are required to be constructed in conjunction with a residential subdivision or site plan, the

requirements of Section AD 6.1 shall apply. Whenever manholes, inlets or catch basins are proposed and/or required to be constructed, all materials used in said construction shall meet the latest testing materials used in said construction shall meet the latest testing standards for the materials involved and shall be subject to the approval of the Township Engineer. All such structures shall be designed and constructed in accordance with the approval of the Township Engineer.

P. Master Plan. Where either a Master Plan or Official Map shall have been adopted, the development shall conform to the proposals and conditions shown or contained therein said adopted Master Plan or Official Map. The streets, drainage rights-of-way, school sites, public parks, recreational areas or open space, scenic sites, historic sites and other facilities and any lands considered environmentally sensitive as shown on or in an officially adopted Master Plan or Official Map, shall be considered in the review and approval of any proposed development plats or plans. All improvements shall be installed and connected with existing facilities; or installed in required locations to enable future connections with approved systems or contemplated systems, and shall be adequate to handle all present and probably future development.

Q. Monuments. Monuments shall be the size and shape required by N.J.S.A. 46:23-9.12 of the Map Filing Law, as amended, and shall be placed in accordance with said statute and indicated on the final plat. All lot corners shall be marked with a metal alloy pin of permanent character.

R. Natural Features. In connection with the clearing of any site for a proposed development or in the construction of any proposed development, natural features of the site, such as trees (particularly those trees with a diameter of eight (8) inches at breast height), brooks, streams, wetlands, hilltops and scenic vista or views, shall be preserved whenever possible. On individual lots, care shall be taken to preserve individual trees to enhance soil suitability and landscape treatment of the area.

S. Off-Site and Off-Tract Improvements. As a condition of preliminary approval and prior to any construction or the filing of an application for final approval of a subdivision or a site plan, the applicant shall have made case payments, or, with the consent of the Township installed, in the manner provided below with respect to the immediate and ultimate installation of any required off-site and/or off-tract improvements.

(1) Allocation of Costs, Criteria In Determining Allocation. The allocation of costs for off-site and/or off-tract improvements as between the applicant, other property owners and the Township or any one or more of the foregoing, shall be determined by the Planning & Zoning Board, with the assistance of the appropriate Township agencies, on the basis of the total cost of the off-site or off-tract improvements, the increase in market value of the property affected and any other benefits conferred. The needs created by the application, population and land use projections for the general area of the applicant's property and other areas to be served by the off-site or off-tract improvement, the estimated time of construction of the off-site or off-tract improvements and the condition and periods of usefulness, which periods may be based upon the criteria of N.J.S.A. 40A:2-22. Requirements for off-site or off-tract improvements shall be

consistent with Section 30 of P.L. 1975, Chapter 291. In addition, the following criteria may also be considered, as well as any other reasonable criteria the Planning & Zoning Board feels is necessary to protect the health, safety and general welfare of the Township.

(a) Street, curb, sidewalk, shade trees, street lights, street signs and traffic light improvements may also be based upon the anticipated increase of traffic generated by the application. In determining such traffic increase, the Planning & Zoning Board may consider traffic counts, existing and projected traffic patterns, quality of roads and sidewalks in the area and other factors related to the need created by the application and the anticipated benefit thereto.

(b) Drainage facilities may also be based upon or be determined by the drainage created by or affect by a particular land uses, considering:

i. The percentage relations between the acreage of the application and the acreage of the total drainage basin;

ii. The use of a particular site and the amount of area to be covered by impervious surfaces on the site itself;

iii. The use, condition or status of the remaining area in the drainage basin.

(c) Water supply and distribution facilities may be also based upon the added facilities required by the total anticipated water use requirements of the property of the applicant and other properties in the general area benefiting therefrom.

(d) Sewage facilities may be based upon the proportion that the total anticipated volume of sewage effluent of the applicant's property and other properties connected to the new facility bears to the existing capacity of existing sewage facilities, including but not limited to, lines and other appurtenances leading to and servicing the applicant's property. Consideration may also be given to the types of effluent and particular problems requiring special equipment or added costs for treatment. In the event the applicant's property shall be permitted to be connected to existing sewer facilities, the applicant shall pay a charge or be assessed in accordance with law.

(2) Determination of Cost of Improvements. The cost of installation of the required off-site and/or off-tract improvements shall be determined by the Planning & Zoning Board with the advise of the Planning & Zoning Board and/or Township Engineer and appropriate Township agencies. The Township shall document that an appropriate rational nexus has been established between the off tract impact of the development proposal and the cost of the improvements assigned to the developer taking into account the volume and demand created by the development, compared to the existing volume.

(3) Manner of Construction. When those estimates are received, the Township Committee shall then decide whether the off-tract improvement(s) is to be constructed:

(a) By the Township as a general improvement, or

(b) By the Township as a local improvement, or

(c) By the applicant under a formula providing for partial reimbursement by the Township for benefits to properties other than the subdivision or site plan subject property.

(4) Amount of Contribution. When the manner of construction has been determined, the applicant may be required to provide a cash deposit to the Township of one of the following amounts:

(a) If the improvement is to be constructed by the Township as a general improvement, an amount equal to the developer's prorata share of the cost of improvements shall be dedicated to the Township;

(b) If the improvement is to be constructed by the Township as a local improvement, then in addition to the amount referred to in Subsection (a) above, the estimated amount by which the subject property will be specifically benefited by the off-tract improvement; or

(c) If the improvement is to be constructed by the applicant, an amount equal to the estimated cost of the off-tract improvement, less an offset for benefits to properties other than the subject property.

(5) Payment of Allocated Cost.

(a) The estimated costs of the off-tract improvement allocated to the applicant if deposited in case, shall be paid by the applicant to the Township Treasurer, who shall provide a suitable depository therefor, and such funds shall be used only for the off-tract improvements for which they are deposited or improvement serving the same purpose, unless such improvements are not initiated by the Township within a period of ten (10) years from the date of payment, after which time said funds so deposited shall be returned together with accumulated interest or other income thereof, if any. In the event that other properties in the future are benefitted by the installation of off-site improvements funded by an applicant, the owners of such properties shall be required to reimburse the applicant the pro-rata share of such benefits or shall be assessed a fee as a condition of access to use such off-site improvements.

(b) In the event the payment by the applicant to the Township Treasurer provided for herein is less than its share of the actual cost of the off-tract improvements then it shall be required to pay its appropriate share of the cost thereof.

(c) In the event the payment by the applicant 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 or its successors or assigns, shall be repaid an amount equal to the difference between the deposit and its share of the actual cost.

(d) If the applicant shall deem that any of the amounts so estimated by the Planning & Zoning Board or its designee are unreasonable, it may challenge them and seek to have them revised in appropriate proceedings brought to compel subdivision or site plan approval.

(e) If the applicant and the Planning & Zoning Board cannot agree with respect to the applicant's appropriate share of the actual cost of the off-site improvement, or the determination made by the officer or board charged with the duty of making assessments as to specific benefits, if the off-tract improvement is to be constructed as a local improvement, no approval shall be granted, provided, however, that the applicant may challenge such determination and seek to have it revised in appropriate judicial proceedings in order to compel subdivision or site plan approval.

(6) Assessment of Properties. Upon receipt from the applicant of its allocated share of the costs of the off-tract improvements, the Township may adopt a local improvements 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 deposit by the applicant may be assessed against benefiting property owners by the Township. Any Assessment for benefits conferred made against the applicant or his successors in interest shall be first offset by a pro rata share accredit of the allocated costs previously deposited with the Township Treasurer pertaining thereto. The applicant or his successors in interest, shall not be liable for any part of an assessment for such improvements unless the assessment exceeds the pro rata share credit for the deposit, and then only to the extent of the deficiency.

(7) Credit For Work Performed. In the event the applicant, with the Township's consent, decides to install and construct the off-tract improvement, or any portion thereof, the certified cost 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.

(8) Installation of Improvement by Applicant.

(a) At the discretion and option of the Township and with the consent of the applicant, the Township may enter into a contract with the applicant, providing for the installation and construction of off-tract improvements by the applicant upon contribution by the Township of the remaining unallocated portion of the cost of the off-tract improvement.

(b) In the event the Township so elects to contribute to the cost and expense of installation of the off-site improvements by the applicant, 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.

(9) Compliance To Design Criteria. Should the applicant and the Township enter into a contract of the construction and erection of the off-tract improvements to be done by the applicant, it shall observe all requirements and principals or policies of this Ordinance in the design of such improvements.

T. Off-Street Loading and Parking Facilities Design. The following standards shall apply to all off-street loading and parking facilities required as per this Ordinance and the Downe Township Zoning Ordinance.

(1) There shall be appropriate means of access to a street or alley, as well as sufficient area to permit on-site maneuvering and docking.

(2) The minimum dimensions of stalls and aisles in parking facilities shall be as follows:

(a) Parking space width shall be at least ten (10) feet.

(b) Parking space depth shall be at least (20) feet, with said dimensions measured on the angle for all angle parking.

(c) Minimum width of aisles providing access to parking spaces for one-way traffic only, varying with the angle of the parking, shall be:

Angle of Parking (degrees)	Minimum Aisle Width (feet)
Parallel	12
30	12
45	14
60	18
90	24

(d) Minimum width of aisles providing access to stalls for two-way traffic shall be twenty-five (25) feet.

(3) Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other vehicle.

(4) The width of entrance and exit drives shall be:

- (a) A minimum of twelve (12) feet for one-way use only.
- (b) A minimum of twenty (20) for two-way use.
- (c) A maximum of thirty-five (35) feet at the street line and fifty-four (54) at the curblineline.
- (5) The maximum width of driveways and sidewalk openings measured at the street lot line shall be thirty-five (35) feet, and the minimum width shall be twenty (20) feet for loading facilities.
- (6) All off-street loading spaces shall be surfaced with asphaltic or portland cement concrete or other hard-surfaced, dustless material.
- (7) For the purpose of servicing any property held under single and separate ownership, entrance and exit drives crossing the street lines shall be limited to two (2) along the frontage of any single street, and their centerlines shall be spaced at least eighty (80) feet part in the case of loading facilities and thirty (30) feet apart for parking areas. On all corner properties, there shall be spaced a minimum of sixty (60) feet, measured at the curblineline, between the centerline of any entrance or exit drive and the street line of the street parallel to said access drive.
- (8) All loading spaces and access drives shall be at least five (5) feet from any side or rear lot line.
- (9) All artificial lighting used to illuminate any loading spacer or spaces shall be so arranged that no direct rays from such lighting shall fall upon any neighboring property.
- (10) The arrangement of the off-street loading spaces shall be such that no vehicle would have occasion to back out onto the street.
- (11) Off-street loading spaces shall be designed and used in a manner as to not constitute a nuisance or a hazard or unreasonable impediment to traffic.
- (12) The screening requirements of Section 5.2C shall be applicable to all loading areas, including access and maneuvering areas, abutting residential or commercial districts, and in the case of off-street parking areas of greater than ten (10) spaces, from all lots in an abutting R-Residential District, including side lots situated across a street.

U. Orientation and Siting. In reviewing site plans for freestanding buildings and structures and depending on individual site characteristics, consideration shall be given by the approving authority in its review thereof, to positioning in that provides a desirable visual composition, avoids blocking natural scenic vistas or views, provides a desirable space enclosure, does not unnecessarily alter existing topography and natural features and otherwise respects established natural conditions and the character of surrounding buildings and structures, in particular those structures of historic significance as determined by a local, County, State or Federal listing of such significance.

The approving authority shall also give consideration to the positioning of buildings and structures on the site with respect to energy conservation and the avoidance of prevailing winter winds and the maximizing of solar access and gain, both for the proposed structure(s) and any existing ones on adjoining properties.

V. Paving of Streets. Where streets are required to be constructed in conjunction with residential subdivision or site plan approval, the requirements of Section AD 6.1 shall apply. All

on-site streets shall be paved in conformance with the improvement standards as defined in Diagrams 1 through 3, "Typical Roadway Sections and Details" which is a part of this Ordinance, and the standards set forth herein:

(1) Gravel base course shall be constructed in accordance with the provisions of Article 3.1 of the Standard specifications for Road and Bridge Construction of the New Jersey Department of Transportation, as currently amended. Gravel base course materials shall be soil aggregate, Type 2, Class B.

(2) Bituminous-stabilized base course materials shall conform to requirements specified in Article 3.2A of the Standard Specifications for Road and Bridge Construction of the New Jersey Department of Transportation, as currently amended, for bituminous stabilized base course stone mix. Before construction of the bituminous-stabilized base course, the gravel base course shall be in a properly finished condition conforming to the proper line and grade and free of soft spots or other deficiencies. Within twenty four (24) hours prior to the commencement of paving, the gravel base course shall be tested by running a roller of a weight as great as entire pavement area. When, in the opinion of the Township Engineer or his representative, such testing results in excess deformation, the developer will be required to stabilize the gravel base course in a manner satisfactory to the Township Engineer.

(3) The method of construction of the bituminous-stabilized base course shall conform to the same State of New Jersey specifications referred to above for base course material. Upon completion, uniformly selected core sample intact for full thickness of base course shall be provided, at the rate of one (1) sample for every one thousand (1,000) square yards of base course, at the expense of the developer.

(4) Where deficiencies in required thickness are noted, at least two (2) additional cores will be required to determine the extent of the deficiency.

(5) The average thickness of the bituminous-stabilized base course as determined from the core sample shall be not less than the thickness specified in Diagrams 1 through 3, "Typical Roadway Sections and Details", which are a part of this Ordinance. When the thickness of the pavement as indicated by any core sample shall show a deficiency of one-fourth (1/4) inch or more from the required thickness, the Township Engineer, at his option, may direct the developer to:

(a) Remove and replace the bituminous-stabilized base course to the correct thickness; or
(b) Construct an overlay of bituminous concrete suitable to the Engineer to correct the thickness deficiencies.

(6) Materials from the surface course, as shown on Diagrams 1 through 3, "Typical Roadway Sections and Details", which are part of this Ordinance, shall be FABC-1, No. 5.

W. Principal and Accessory Building and Structure Design. In reviewing site plans, consideration shall be given to building materials, use of color and/or texture, massing, fenestration and advertising features as they relate to site conditions and harmonize with similar elements in surrounding buildings and structures.

X. Sanitary Sewers. The following standards shall govern the construction of sanitary sewer systems in Downe Township, except in those cases where such systems are required in conjunction with residential development. In those cases, the standards of the New Jersey Residential Site Planning Act, N.J.A.C. 5-21 et.seq. shall apply.

(1) Sanitary sewer facilities shall be provided and installed in accordance with the specifications as set forth in this Section and as required by the Township Engineer. Said sanitary sewer facilities shall be designed and installed for either immediate or future connection with a public or on-site community sanitary sewer system approved by the New Jersey Department of Environmental Protection and the Township Committee of the Township of Downe. In areas where a public sanitary sewer system does not exist or is not expected to be provided within a reasonable period of time in the opinion of the Planning & Zoning Board, the Board may waive the requirement that sanitary sewer facilities be installed and connected to public sewer systems.

(2) In those cases where a public sanitary sewer system is not presently available and the site of the proposed development is unsuitable for individual on-site septic systems as determined by the New Jersey Department of Environmental Protection or other County or local agency, an on-site community sanitary sewer system approved by the New Jersey Department of Environmental Protection and the Township Committee shall be installed. Said on-site septic systems shall be provided in addition to the required installation of sanitary sewer systems (collection lines and other related facilities) for those areas expected to be provided with public sanitary sewers within a reasonable period of time. All individual on-site septic systems shall be installed within the front yard of the lots or in any area approved by the Construction Official in order to facilitate the eventual connection of system to public facilities.

(3) The approval authority may also as a condition of preliminary approval require the installation of sanitary sewer facilities necessary to permit connection to a public sanitary sewer system.

(4) All sanitary sewer systems shall comply with the rules and regulations established by the Department of Health, State of New Jersey, as amended. Sanitary sewer pipe shall be sized for full flow from the tract. The Township may require larger pipe sizes to accommodate future extensions. Minimum grades for sanitary sewer lines shall be four-tenths of one percent (4/10 of 1%) for vitrified clay pipe.

(5) Cast-iron pipe, when used for sanitary sewers, shall be centrifugally cast shall be provided with mechanical joints, with both pipe and joints conforming to applicable American Standards Association specifications. Cast-iron pipe shall be thickness Class 22 for pipe diameters of twelve (12) inches or less and thickness Class 21 for pipe diameters of fourteen (14) inches or more. All cast-iron fittings, including Y-branches, shall conform to the requirements of the current American Waterworks Association's specifications therefor and shall be provided with joints suitable for use with adjoining pipe. Cast-iron fittings shall be Class D for fitting diameters of twelve (12) inches or less and Class B for diameters of fourteen (14) inches or more. Cast-iron saddles shall be subject to the approval of the Township Engineer.

(6) Asbestos-cement pipe and fittings shall conform to applicable requirements of the American Society for Testing Materials specifications, as amended. Except where required for special conditions, asbestos-cement pipe fittings shall be nonpressure Class 1500 for pipe diameters of twelve (12) inches or less and Class 2400 for pipe diameters of fourteen (14) inches or more. All asbestos cement pipe and fittings shall be furnished with sleeve-and-gasket type couplings designed for use with the size and class of pipe specified.

(7) Vitrified clay pipe and fitting shall conform to the applicable requirements of the American Society for Testing and Materials specifications, as amended. Except where required for special conditions, such as excessive depth, vitrified clay pipe and fittings shall be standard

strength. All vitrified clay pipe and fittings shall have factory-fabricated gasket-type couplings which conform to the American Society for Testing and Materials specifications therefor.

(8) Excavation and backfill shall conform to the requirements set for the subsurface structure excavations. Applicable requirements for protecting excavations from cave-ins and water accumulations set forth under subsection 5.2 (AB), Storm Water Runoff, shall apply. Pipes shall be laid in straight lines between manholes except where otherwise specifically provided by the Municipal Engineer. When deviation from a straight line is permitted, the deflection of each joint shall not exceed the manufacturer's recommended maximum for the type, joint and size of pipe being installed. All pipes shall be laid to uniform grades between manholes. Each section of pipe shall be solidly bedded in the trench bottom and shall be supported for its full length except where excavation has been made for joints. Before making each joint, the ends of the pipes and all joint members shall be thoroughly cleaned. All jointing shall be done in strict accordance with the manufacturer's recommendations and the directions of the Township Engineer. All visible leakage of any description and no matter where located shall be corrected by the contractor in a manner satisfactory to the Township Engineer, whether or not the total leakage into the sewer is within the allowable maximum as determined by infiltration tests. Such infiltration tests shall be made when and as directed by the Township Engineer, and no connections to flowing lines shall be made until the testing is complete and satisfactory results have been obtained. The contractor shall furnish all labor, material and equipment necessary for the infiltration tests. No section of sanitary sewer between adjacent manholes will be considered satisfactory or acceptable when the rate of infiltration exceeds one-half (1/2) of the above-specified rate. Leakage in excess of the above shall be located and corrected by the contractor. Y-branch and service laterals which are not to be immediately connected to flowing lines shall be securely plugged as to provide a permanently watertight seal, and the contractor shall accurately record the station and direction of each such stub. These shall also be located on the contractor's copy of the plans and permanently marked with a cross cut on the curb or a hub stake driven at the curblines.

Y. Shoulder Paving. Where streets and shoulders are required to be constructed in conjunction with residential subdivision or site plan approval, the requirements of Section AD 6.1 shall apply. In each land development requiring project approval, the area between the edge of the existing pavement and the proposed or existing curbing along the entire property frontage of the road shall be paved in accordance with the standards and specifications set forth in this Ordinance and by the Township Engineer.

Z. Solid Waste Disposal. All multi-family, commercial, industrial, recreational and public uses shall provide for centralized collection of solid wastes. Such solid waste disposal areas and facilities shall be sufficient in size to handle anticipated waste generation of the site and use, and be at convenient locations, screened from view. All such areas and facilities, including provisions for source separation and areas and facilities, including provisions for source separation and resource recovery, shall conform to the Cumberland County Improvement Authority's Solid Waste Plan and any other adopted solid waste disposal plan or ordinance applicable to the area involved.

AA. Street Lighting. Where street lighting is required as part of residential subdivision or site plan approval, the requirements of Section AD 6.1 shall apply. Street lighting standards of a type and number approved by the Planning Board and Municipal Engineer shall be installed at street intersections and elsewhere as deemed necessary by the public streets. The developer shall provide for the installation of connection of street lighting standards wherever underground utility service is provided.

AB. Stormwater Management. The following standards shall apply to the construction of stormwater management facilities in Downe Township, except where such facilities are required in conjunction with residential development. In those cases, the standards of the New Jersey Residential Site Planning Act, N.J.A.C. 5-21 et.seq. shall apply.

(1) Surface drainage systems adequately designed to accommodate all surface runoff coming to or accumulating on the tract shall be constructed. The determination of pipe sizes and box culverts shall be based on hydraulic computations using the rational method in which the actual watershed area tributary to the structure is measured and a minimum runoff coefficient is used which is based on Chart 2 shown below. In cases where dense residential and business development is anticipated by the Planning & Zoning Board, this coefficient should be increased as conditions require, to be determined by the Township Engineer.

**Chart 2
Runoff Coefficients for Drainage Design**

Classification	Runoff Factor C
Parklands, golf courses, etc.	0.15 to 0.30
Open residential	0.30 to 0.50
Dense residential and business	0.50 to 0.70
Commercial and Industrial	0.70 to 0.90

(2) In general, it will be the objective of these standards to encourage the retention and disposal of all surface runoff on-site to the greatest extent practical given existing site conditions and the ability of downstream facilities to handle additional runoff to be generated by the site. In all cases, no more surface runoff shall be permitted under developed conditions that existed on the site in question prior to development.

(3) In general, where pipe sizes would be four (4) feet in diameter or larger, open channels will be permitted. Such channels shall be properly cleared and graded, with side slopes not to exceed three (3) feet horizontally to one (1) foot vertically. Maximum design velocities for channels in feet per second shall not exceed three (3) for fine sand to firm loam, five (5) for stiff clay to hardpan and fifteen (15) for concrete-lined ditch. Velocity shall be controlled by the use of check dams or ditch banks, which shall be protected by the use of sod, riprap or paving, as design velocity dictates.

(4) No storm drainage pipes of less than twelve (12) inches in diameter or, if the run exceeds fifty (50) feet, of less than fifteen (15) inches in diameter, shall be installed. Inlets shall be spaced so that the run of water in gutters does not exceed one thousand (1,000) feet or one (1)

block, whichever is less. Manholes or inlets shall be located where a change in grade or alignment or a storm drain occurs, but in any case not more than five hundred (500) feet apart. Where pipe sizes are increased; the invert of the larger pipe shall be dropped so that tops of the pipes will be at the same elevation. Outlet pipes shall extend to the edge of existing streams and must be provided with concrete headwalls or suitable end sections. Underdrains with minimum pipe size of six (6) inches must be constructed where groundwater interferes with the stability of the road base or with development construction.

(5) Where piping drains a low point from which there can be no surface runoff without flooding curbs and sidewalks areas, the design shall be based on the municipal standard rainfall curves shown in Figure 1 and shall be based on a ten-year storm. In other cases, the pipe size may be based on a two-year storm. Box culverts shall be designed on the basis of a fifteen-year storm. Pipe grades shall be so designed that a minimum velocity of two and one-half (2 1/2) feet per second will be obtained when the pipe is flowing one-fourth (1/4) full. All drainage calculations must be preliminary reviewed and approved by the Township Engineer.

(6) Subsurface structure excavations shall be carried out by the contractor and, only where considered necessary by the Township Engineer, shall be carried below the required facility installation level to remove and replace unstable soils with thoroughly tamped and gravel, crushed stone or crushed slag. Adequate bracing, shoring and sheeting shall be installed to protect workmen, members of the public, public and private property and the work underway. Where deemed necessary by the Township Engineer, the contractor shall provide, install and operate an adequate well-point system for dewatering to stabilize excavation bottoms and banks.

(7) Unless otherwise specified in specific situations by the Township Engineer, reinforced concrete pipe, when used, shall be Class III, Wall B. All reinforced concrete pipe shall have flexible rubber type gasket joints, with both pipe and gasket conforming to the American Society for Testing and Materials specifications therefor, as amended and revised to date. When used, corrugated metal pipe and pipe arch shall conform to the requirements of the American Association of State Highway Officials (AASHTO) specification therefor, as amended and revised to date. All corrugated metal pipe and pipe arch shall be fully bituminous coated in accordance with current New Jersey Department of Transportation specifications therefor.

(8) When used, corrugate aluminum pipe and pipe arch shall conform to the requirements of AASHTO designation M-196-62 or AASHTO designation M-211-65. The aluminum alloy sheets shall conform to the requirements of ASTM B209 Alloy Alclad 3004-H34.

(9) Where used, cast-iron pipe, together with mechanical joints, shall conform to the American Standards Association specifications therefor, and unless otherwise specified by the Township Engineer, cast iron pipe shall be class 22 for pipe diameter of twelve (12) inches or less and thickness Class 21 for a pipe diameter and fourteen (14) inches or more.

(10). All drainage pipe shall be laid in straight lines between drainage structures except when other wise specifically provided. When deviation from a straight line is permitted, the deflection of each joint shall not exceed the manufacturer's recommended maximum for the pipe, joint and size of pipe being installed. All pipe shall conform to specified lines, grades and dimensions.

(11) No defective or leaking pipes, joints, connections, manholes, inlets or other parts of the work will be acceptable. All visible leakage of any description, no matter where located, shall be corrected by the contractor in a manner satisfactory to the Township Engineer.

(12) All developments may incorporate on-site stormwater detention or impoundment facilities as indicated earlier, in the following manner:

(a) Swales may be constructed in which there need be no outlet facilities and which will impound water draining only from other landscaped areas. The water impounded in these areas will be left to evaporate and percolate, and the swales shall otherwise be seeded and maintained in lawn area.

(b) Impoundment/detention basins along any stream that maintains a steady flow of water throughout the year may be constructed, provided that any improvements designed to provide such impoundment/detention facilities shall meet the standards of, and if required have the approval of, the New Jersey Department of Environmental Protection, and shall have the proper amount of sustained water flow downstream, proper depth of water to control vegetation, and a proper design to prevent water stagnation in any part of the pond.

(c) Detention of stormwater on roof surfaces may be designed by means of essentially flat but slightly pitched roofs to the edges. Facilities for control of the water runoff from the roof shall be provided in the form of vertical leaders with detention rings shall be approved by the Township Engineer and Construction Official, depending on the area to be drained, the pitch of the roof, the capacity of the impoundment/detention facilities to which the water will eventually drain and the structural strength of the roof. It is recommended that the intakes be protected by a device that will accept the full amount of water passed on to it from the detention rings, but which will act as a stainer for any foreign matter such as leaves, twigs and seedlings. The leaders from a roof with water detention design shall direct the stormwater into a detention basin constructed in a manner as outlined above.

AC. Topsoil Conservation. Topsoil moved during the course of construction shall be redistributed so as to provide at least three (3) inches of cover to all areas of the development not covered and shall be stabilized by seeding, planting or sodding. In the event that the site does not contain sufficient amounts of topsoil to provide three (3) inches of topsoil to all uncovered areas of the development, the developer shall supply sufficient amounts to meet this requirement. Unless specifically permitted by the Planning & Zoning Board, no topsoil shall be removed from the site.

AD. Traffic and Circulation. The following standards shall apply in connection with all developments in connection with the design and construction of driveways, bikeways, sidewalks or pedestrian ways, streets and similar items concerned with traffic and circulation.

(1) **Access** - Where a driveway serves right-turning traffic from a parking area providing two hundred (200) or more parking spaces and/or the abutting road has a peak hour traffic volume exceeding one thousand (1,000) vehicles per hour, an acceleration lane shall be provided in accordance with "A Policy of Geometric Design of Urban Highways", published by the American Association of State Highway Officials. Where a driveway serves as an entrance to a development providing fifty (50) or more parking spaces, a deceleration lane shall be provided for traffic turning right into the driveway from any collector or arterial road. The deceleration lane is to be at least two hundred (200) feet long and at least thirteen (13) feet wide, measured from the abutting road curbline. A minimum forty (40) foot curb return radius will be used from the deceleration lane into the driveway.

(2) **Driveways** - Any driveway providing access from a public street or way to any permitted use or structure shall comply with the following regulations:

(a) Driveways shall enter the street or road right-of-way at an angle between seventy-five degrees and one hundred five degrees.

(b) The portion of the roadway lying between the right-of-way of the street and the driveway shall be surfaced as a driveway extension.

(c) Any curb opening shall be properly reconstructed to the satisfaction of the Township Engineer. When curbing does not exist and conditions warrant, an adequate drain pipe shall be installed as determined by the Township Engineer.

(d) Driveway grades shall not exceed eight percent (8%) by a distance of forty (40) feet from any street or road right-of-way line, unless otherwise approved by the Township Engineer.

(e) Driveway width at the street right-of-way lines shall be a minimum of ten (10) feet and a maximum of twenty (20) feet in connection with single-family residential uses. All other uses shall conform to the driveway regulations contained herein or as required by the Township Engineer.

(f) The number of driveways provided from a site directly to any road shall be as follows:

**Chart 3
Permitted Driveways**

Use	Length of Site Frontage (feet)	No. of Driveways
Residential	200 or less	1
Commercial	200 or less	1
Commercial on arterial or collector road	200 to 500	2
All other uses	over 800	To be determined by the Planning & Zoning Board upon Receipt of advise from the Township Engineer.

(g) All entrance and exit driveways to a road shall be located to afford maximum safety to traffic to the road.

(h) Any exit driveway lane shall be so designed in profile and grading and shall be so located as to permit the following maximum sight distance measured in each direction along any abutting road; the measurement shall be from the driver's seat of a vehicle standing on the portion of the exit driveway that is immediately outside the edge of the road traveled or shoulder:

**Chart 4
Speed and Sight Distance Dimensions**

Allowing Speed on Road (mph)	Required Sight Distance (feet)
25	150

30	200
35	250
40	300
45	350
50	400

(i) Where a site occupies a corner of two (2) intersecting roads, no driveway entrance or exit may be located within a minimum of thirty (30) feet of tangent of the existing or proposed curb radius of that site.

(j) No entrance or exit driveway shall be located on the following portions of any collector or arterial road: on a traffic circle, on a ramp of an interchange, within thirty (30) feet of the beginning of any ramp or other portion of any interchange, nor on any portion of such road where the grade has been changed to incorporate an interchange.

(k) Where two (2) or more driveways connect a single site to any one (1) road, a minimum clear distance of one hundred (100) feet measured along the right-of-way line shall separate the closest edges of any two (2) such driveways.

(l) Driveways used for two-way operation shall intersect any collector or arterial road at an angle as near ninety degrees as site conditions will permit and in no case less than sixty degrees.

(m) Driveways used for two-way operation shall intersect any collector or arterial road at an angle as near ninety degrees as site conditions will permit and in no case less than sixty degrees.

(n) The dimensions of driveways shall be designed to adequately accommodate the volume and character of vehicles anticipated to be attracted daily onto the land development for which the site plan is prepared. The required maximum and minimum dimensions for driveways are indicated on the accompanying table. Driveways serving large volumes of daily traffic or traffic over twenty-five percent (25%) of which is truck traffic shall be permitted to use low-to-minimum dimensions. (See Chart 5.)

(o) The surface of any driveway subject to Township site plan approval shall be constructed with a permanent pavement of a type specified by standards set by the Township Engineer. Such pavement shall extend to the paved travelled way or paved shoulder of the road; required driveway dimensions specified in Chart 5.

**Chart 5
Driveway Dimensions and Land Use**

Type of Development	One-Way	Operation	Two-Way	Operation
	Curbline	Driveway	Curbline	Driveway
	Opening	Width	Opening	Width
	(feet)	(feet)	(feet)	(feet)
5 to 10 family residence	12-15	10-13	12-30	10-26
10 family or more	12-30	10-26	24-36	20-30
Commercial and industry	24-50	24-34	24-50	24-46

(p) Any vertical curve on a driveway shall be flat enough to prevent the dragging of any vehicle undercarriage. Any driveway profiles and grades shall be submitted to and approved by the Township Engineer. Should a sidewalk be so located with respect to the curb at a depressed-curb driveway that is likely to cause undercarriage drag, the sidewalk should be appropriately lowered to provide a suitable ramp gradient.

(3) **Bikeways** - Bikeways shall be required when in the Planning & Zoning Board's opinion, depending on the probably volume of bicycle traffic, the development's location in relation to other populated areas, or its location with respect to any overall bikeway route or trail adopted by the Planning & Zoning Board or other applicable agency, provisions of said bikeway(s) would be needed and used. Bicycle traffic shall be separated from motor vehicle and pedestrian traffic as much as possible.

Bikeways shall generally not exceed a grade of three percent (3%), except for short distances, and they should be a minimum of five (5) feet wide for one-way and eight (8) feet wide for two-way travel. Bikeways shall be designed and constructed in accordance with the specifications and standards of the Township Engineer.

(4) **Sidewalks** - Sidewalks shall be required along all streets, new or existing, adjacent to a proposed development. Where sidewalks are required to be constructed in conjunction with residential development, Section AD 6.1 of this Ordinance shall apply. In reviewing a request for a waiver of this requirement, the Planning Board shall be guided by the probable volume of pedestrian traffic, the street classification in instances where streets are involved, school bus stops, the development's location in relation to other populated areas or pedestrian traffic generators, and the general type of improvement intended. The Planning & Zoning Board shall further only grant waivers which are in accordance with the provisions of the Master Plan. When required and unless reduced or altered by the Planning & Zoning Board, all sidewalks shall conform to the following standards:

(a) Sidewalks shall be at least four (4) feet wide and located as approved by the Planning & Zoning Board. Sidewalks shall be at least four (4) inches thick, except at the point of vehicular crossing where they shall be at least six (6) inches thick, of Class C concrete, having a twenty-eight (28) day compression strength of four thousand (4,000) p.s.i. and shall be air-entrained.

(b) Finished sidewalks shall be true to specified lines, grades, and curvatures. Completed work shall be adequately protected from traffic and the elements.

(5) **Sight Triangles** - Sight triangles shall be required at each quadrant of an intersection of streets, and streets and driveways. The area within sight triangles shall be either dedicated as part of the street right-of-way or maintained as part of the lot adjoining the street and set aside on any subdivision or site plan as a sight triangle easement. Within a sight triangle, no grading, planting or structure shall be erected or maintained more than thirty (30) inches above the street centerline or lower than eight (8) feet above the street centerline except for street name signs and official traffic regulation signs. Where any street or driveway intersection involves earth banks or vegetation, including trees, the developer shall trim such vegetation and trees as well as establish proper excavation and grading to provide the sight triangle. The sight triangle is that area bounded by the intersection of street lines and a straight line which connects "sight" points: located on each of two (2) intersecting street lines the following distances away from the

intersection of street lines: arterial streets at one hundred thirty (130) feet; collector streets at sixty (60) feet; and local streets at thirty five (35) feet. Where the intersecting streets are both arterial, both collectors, or one arterial and one collector, two overlapping sight triangles shall have required formed by connecting the sight points noted above with a sight point thirty five (35) feet on the intersecting street. Any proposed development requiring site plan approval shall provide sight triangle easements at each driveway with the driveway classified as a local street for purposes of establishing distances. The classification of existing and proposed streets shall be those as defined in the adopted Master Plan or as designated by the Planning & Zoning Board at the time of the application for approval of the new street, not included in the Master Plan. Portions of a lot set aside for the sight triangle may be calculated in determining the lot area and may be included in establishing the minimum setback required by the zoning provisions.

(6) *Streets* - Development of streets and roads in Downe Township shall conform to the following standards, except in those cases where the State of New Jersey's Residential Site Planning Act standards shall apply, (See Section AD 6.1 of this Ordinance.)

(a) All development shall be served by improved streets with an all-weather base and pavement with an adequate crown. The arrangement of streets now shown on the Master Plan or Official Map shall be such as to provide for the appropriate extension of existing streets, conform with the topography as far as practical, and allow for continued extension into adjoining undeveloped tracts.

(b) When a development adjoins land capable of being developed or subdivided further, suitable provisions shall be made for optimum access from the adjoining tract to existing or proposed streets.

(c) Local streets shall be designed to discourage through traffic.

(d) To conserve energy and permit the greatest potential for buildings to have a Southern exposure, all new streets shall have an East/West orientation whenever possible considering topographic features and existing land use patterns.

(e) In all residential districts, the development bounded by an arterial or collector street shall control access to said streets by having all driveways intersect minor streets. Where the size, shape, location, or some other unique circumstance may dictate no other alternative than to have a driveway enter an arterial or collector street, the lot shall provide on-site turnaround facilities so it is not necessary to back any vehicle onto an arterial or collector road. Abutting lots requiring reverse frontage shall have an additional twenty five (25) feet of depth to allow for the establishment of the buffers outlined below unless such buffers are established in a reserve strip controlled by the Township or County.

That portion of the development abutting an arterial or collector street right-of-way shall either be planted with nursery grown trees to a depth of not more than twenty-five (25) feet as a buffer strip along the right-of-way line and for the full length of the development so that in a reasonable period of time a buffer area will exist between the development and the highway, or, where topography permits, earthen berms may be created at a sufficient height to establish a buffer between the development and the highway. Berms shall not be less than five (5) feet in height, they shall be planted with evergreens and deciduous trees according to a landscaping plan so as to be designed to have no adverse effect on nearby properties. All trees shall be of nursery stock having a caliper of not less than two and one-half (2 1/2) inches measured three (3) feet above ground level and be of an approved species as determined by the Township Shade Tree

Commission or Planning & Zoning Board. They shall be of symmetrical growth, free of insect pests and disease, suitable for street use, and durable under the maintenance contemplated.

(f) In all developments the minimum street right-of-way shall be measured from lot line to lot line and shall be in accordance with Diagram 1 through 3, "Typical Roadway Sections and Details", which is a part of this Ordinance; but in no case shall a new street that is a continuation of an existing street be continued at a width less than the existing street although a greater width may be required in accordance with the diagram details above referenced. Where an arterial or collector street intersects another arterial or collector street, the right-of-way and cartway requirements shall be increased by ten (10) feet on the right side of the street(s) approaching the intersection for a distance of three hundred (300) feet from the intersection of the centerlines.

(g) No development showing reserve strips controlling access to streets or another area, either developed or undeveloped, shall be approved except where the control and disposal of land comprising such strips has been given to the Township Committee under conditions imposed by the Planning & Zoning Board.

(h) In the event that a development adjoins or includes existing Township streets that do not conform to widths as shown on the Township Master Plan or Official Map or the street width requirements of this Ordinance, additional land along both sides of said street sufficient to conform to the right-of-way requirements shall be anticipated in the subdivision design by creating over-sized lots to accommodate the widening at some future date. The additional widening may be offered to the Township for the location, installation, repair and maintenance of streets, drainage facilities, utilities and other facilities customarily located on street right-of-way and shall be expressed on the plat or plan as follows: "Street right-of-way easement granted to the Township of Downe permitting the Township to enter upon these lands for the purposes provided for and expressed in the Development Regulations Ordinance of the Township of Downe." This state on an approved plat or plan shall in no way reduce the developer's responsibility to provide, install, dedicated by ordinance or as shown on the plat or plan, or as provided for by any maintenance or performance guarantee. If a development is along one (1) side only, one-half of the required extra width shall be anticipated.

(i) The actual design and construction of all streets or roads within the Township shall be subject to review and approval by the Township Engineer in accordance with the provisions of this Ordinance, any adopted Master Plan or Official Map and any other applicable ordinances of the Township of Downe or acceptable engineering standards.

(j) Where dead-end (cul-de-sac) streets are utilized, they shall conform to the following standards:

i. Dead-end streets of a permanent nature (where provisions for future extension of the street to the boundary of the adjoining property is impractical or impossible) or of a temporary nature (where provision is made for the future extension of the street to the boundary line of adjoining property) shall provided a turnaround at end with a right-of-way radius sufficient to permit the maneuvering and turning of emergency vehicles including fire trucks.

ii. If a dead-end street is of temporary nature, provisions shall be made for removal of the turnaround and reversion of excess right-of-way to the adjoining properties as off-tract responsibility of the developer creating the street extension when the street is extended.

iii. A dead-end street shall serve no more than fourteen (14) lots.

(k) No street shall have a name which will duplicate or so nearly duplicate in spelling or phonetic sound the names of existing streets so as to be confusing therewith. The continuation of

an existing street shall have the same name. The names of new streets must be approved by the Planning Board. This subsection shall apply to any street within the Township of Downe or surrounding municipalities.

(1) Streets shall be constructed in accordance with the standards as shown on Diagrams 1 through 3, "Typical Roadway Sections and Details", which are a part of this Ordinance and the standards contained in this Section.

(m) Longitudinal grades on all local streets shall not exceed ten percent (10%), nor four percent (4%) on arterial or collector streets. No street shall have a longitudinal grade of less than one-half of one percent ($1/2$ of 1%). Maximum grades within intersections shall be four percent (4%). The cross section of the roadway from the centerline to the curbline or edge of the paving shall be parabolic and shall not exceed a slope of two percent (2%). Where the roadway on a collector or arterial street is banked to facilitate a curve in the street alignment, the slope toward the curbline or shoulder shall conform to accepted engineering practice.

(n) Local streets should not be part of a four-way intersection. Intersecting street centerlines shall be as nearly at right angles as possible, and in no case shall they be less than seventy-five degrees at the point of the intersection. The curbline shall be parallel to the centerline. Approaches to all intersections shall follow a straight line for at least one hundred (100) feet measured from the curbline of the intersecting street to the beginning of the curve. No more than two (2) street centerlines shall meet or intersect at any one (1) point. Collector and arterial streets intersecting another street from opposite sides shall not be offset unless, measuring from the point of intersection of the street centerline, the two (2) intersections shall be spaced a sufficient distance to permit a minimum two (2) lot depths between two (2) street rights-of-way, but not less than two hundred fifty (250) feet between rights-of-way. Any development abutting an existing street which is classified as an arterial or collector street shall be permitted not more than one (1) new street every eight hundred (800) feet on the same side of the street within the boundaries of the tract being subdivided. In the spacing of streets, consideration will be given to the location of existing intersections on both sides of the development. Intersections shall be rounded on the curbline, with the street having the highest radius requirement as outlined below determining the minimum standard for all street lines:

- i. Arterial street at forty (40) feet.
- ii. Collector street at thirty (30) feet.
- iii. Local street at twenty (20) feet.

(o) The right-of-way for internal roads and alleys in commercial and industrial development shall be determined on an individual basis by the Planning & Zoning Board and shall in width and design to safely accommodate parking and loading needs of adjoining uses.

(p) A tangent at least two hundred (200) feet long shall be introduced between reverse curves on arterial and collector streets. When connecting street lines deflect in any direction they shall be connected by a curve with a radius conforming to standard engineering practice so that the minimum sight distance within the curbline shall be one hundred sixty (160) feet for a local street, three hundred (300) feet for a collector street, and five hundred (500) feet for an arterial street.

(q) All changes in grade where the difference in grade is one percent (1%) or greater shall be connected by a vertical curve having a length of at least fifty (50) feet for each two percent (2%) difference in grade, or portion thereof, and providing minimum sight distances of one hundred sixty (160) feet for a local street, three hundred (300) feet for a collector street and

five hundred (500) feet for an arterial street. Intersections shall be designed with as flat a grade as practical with the advice of the Township Engineer.

(r) In the case of local streets within a development where the Township Committee determines that the length of the street and the nature of adjacent uses warrant such reduction in the width of the paved surface, the width required in Subsection (f) of this Section may be reduced, but in no case shall the paved width of a local street be less than twenty-six (26) feet.

(s) Street signs shall be installed by the developer in a manner and of a material and design to be approved by the Planning & Zoning Board as recommended by the Township Engineer. All such signs shall be installed so as to not create any visual obstruction and to be free of visual obstruction.

(t) The developer of any subdivision or development shall provide for the installation of the underground service for and all poles and fixtures for street lighting. Street lighting standards of a type and number approved by the Planning & Zoning Board and the Township Engineer shall be installed at all street intersections and elsewhere as deemed necessary by the Planning & Zoning Board.

(u) Whenever a development abuts or crosses municipal boundaries, access to those lots within the Township shall be from within the Township as the general rule. Wherever access to a development is required across land in an adjoining municipality as the exception, the Planning & Zoning Board may require documentation that such access is legally established, and that the access road is adequately improved.

(6.1) New Jersey Residential Site Planning Act Standards. Where streets are proposed in a residential development, or in a mixed use development where residential uses constitute a portion of that development, the standards contained in N.J.A.C. 5-21 et.seq. shall apply.

AE. Traffic and Directional Signs. Each development requiring off street loading or parking areas, or where roadways are not dedicated and accepted by the Township, shall install and maintain all appropriate traffic and directional signs, markers or pavement markings as approved by the appropriate approval authority. In the case of parking and loading facilities, parking stalls and loading areas, traffic flow directions and areas where parking is for limited periods of time or prohibited shall be clearly marked. In the case of developments where access is provided by driveways or streets not dedicated and accepted by the Township, county or State, all traffic signs, directional signs and similar markings shall be installed and maintained in accordance with the requirements of the appropriate approval authority.

AF. Utilities. New utility distribution lines and telephone or other communication facility lines to locations not presently served by such utilities shall be placed underground, except in those cases where the Planning & Zoning Board finds that such placement underground would be detrimental to existing land uses such as, but not limited to, active agricultural operations.

AG. Vegetation. No development, site clearing or demolition activity shall be carried out unless it is designed to avoid irreversible adverse impacts on the survival of existing vegetation. The removal of vegetation shall be permitted when such removal is necessary to accommodate the development or maintenance of a permitted structure or to otherwise conduct a permitted use of the property; to eliminate a pedestrian or vehicular safety hazard or is necessary

to eliminate a hazard to a structure; specimen trees will not be cleared or removed; and the area cleared shall be landscaped in accordance with Section L of this Article.

AH. Visual Obstruction. In any district, nothing shall be erected, placed, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half (2 1/2) feet and ten (10) feet above the centerline grade of an abutting street or streets within thirty (30) feet of an intersection of street lines involving a State or County road, within twenty (20) feet of an intersection of street lines involved two (2) municipal streets or within fifteen (15) feet of an intersection involving boundary lines of a driveway and a street.

AI. Water Supply. The following standards shall apply in meeting the water supply needs of all development proposals in Downe Township, except in those cases where the New Jersey Residential Site Planning Act standards for water supply, N.J.A.C. 5:21-5 shall supercede these municipal requirements.

(1) Public Water. Where water is accessible from a servicing utility, the developer shall arrange for the construction of water mains in such a manner as to make adequate water service available to each lot, dwelling unit or use within the development. The entire system shall be designed in accordance with the requirements and standards of the Township County and/or State agency having approval authority and shall be subject to its approval. The system shall also be designed with adequate capacity and sustained pressure for present and probably future development. Minimum Township specifications shall be as follows:

(a) Water supply facilities and systems shall be provided and installed in accordance with the specifications of this Section and as required by the Township Engineer. Said water supply either immediate or future connection with a public or on-site community water supply facility or system approved by the New Jersey Department of Environmental Protection and the Township Committee of the Township of Downe. In areas where public water supply does not exist or is not expected to be provided within a reasonable period of time in the opinion of the Planning & Zoning Board, the Board may waive the requirement that water supply facilities be installed to connect with public water supply facilities or systems.

(b) In those cases where a public water supply facility or system is not presently available and the site of the proposed development is unsuitable and unsafe in terms of public health for individual on-site water supply facilities as determined by the New Jersey Department of Environmental Protection or Health, or other appropriate local agency, an on-site community water supply System approved by the New Jersey Department of Environmental Protection and the Township Committee of the Township of Downe shall be installed. Said on-site water supply system shall be provided in addition to the required installation of water supply facilities for those areas expected to be provided with public water supply facilities or systems within a reasonable period of time.

(c) All water supply and treatment facilities shall comply with the rules and regulations established by the New Jersey Department of Health, as amended and supplemented from time to time. Water mains shall be sized for adequate delivery of pressure and volume. In general, the size of water mains shall conform to the following: Lines whose primary function is and will be to serve adjacent property shall be six (6) inches, and lines that serve as feeder lines to several other streets in addition to the one in which they are located shall be eight (8) inches and shall be laid out to provide loops with other lines eight (8) inches or larger which enclose areas of not

more than one-fourth (1/4) square mile. Lines that provide the main feed from present or larger lines shall be laid out so as to form loops with other similar lines which enclose not more than one (1) square mile. The system shall be designed so that no more than one (1) hydrant is affected by shutting off any one (1) section; so that hydrants are located within six hundred (600) feet along street lines of any property development, so that not more than four (4) valves are necessary to shut off any one (1) section and so that the number of dwelling units affected by any shut-down is less than twenty-five (25).

(d) Cast-iron pipe and fittings shall conform to applicable requirements of the American Standards Association's specifications, as amended. Cast-iron pipe shall be thickness Class 22, and flanges shall be Class 125. Mechanical joints conforming to the American Standards Association Specifications A-21.11, as amended, or gasket-type joints of Tyton or approved requirements of the American Standards Association Specifications A-21.10, as amended and all cast-iron pipe or fittings shall be cement-lined in accordance with ASA A-21.4, as amended. Valves shall conform to the current American Waterworks Association standard for iron-body-disk gate valves with parallel seats. Unless otherwise specified by the Township Engineer, valves shall be operated by a two-inch-square operating nut of cast-iron and shall open counterclockwise direction. The direction of opening shall be marked by an arrow and the word "open". All cast-iron surfaces of valves and valve cover shall be of ample strength and dimension to fully sustain the shocks of vehicular traffic and to maintain the upper section and cover to proper grade under heavy traffic conditions. Fire hydrants shall be as required by Township specifications. Operating cap nuts shall be one-and-one-half inch pentagons. They shall be equipped with two (2) hose nozzles and one (1) steamer nozzle, size and treads to be in accordance with local fire company requirements. They shall have a provisions for fire company requirements. They shall have a provisions for a six-inch connection to the main. Valve opening for the hydrant shall be four (4) inches. Valves shall be installed between all fire hydrants and the supply main.

(e) Excavations and backfill shall conform to the requirements for subsurface structure excavations. Requirements relating to protection of the work from cave-ins and accumulation of water shall be as specified under Subsection AB, Stormwater Management.

(f) Water mains shall be laid in straight lines except when otherwise specifically directed by the Township Engineer. When deviation from a straight line is permitted, the deflection of each joint shall not exceed the manufacturer's recommended maximum for the type of joint and size of pipe being installed. Water pipes shall be laid with at least three and one-half (3 1/2) feet of cover over the top of the pipe to the existing or proposed finished grade or to the future finished grade when such is lower. Special care shall be exercised to remove all earth, stones and other materials from each pipe as it is laid and to prevent any such materials from entering the pipelines. The contractor is responsible for the line's being maintained in an absolutely clean condition on the inside and for seeing that all valves and hydrants are clean and in good working order when installed. Open pipe ends shall at all times be adequately protected and shall at all times be adequately protected and shall be securely sealed with dirt-proof plugs whenever work is stopped for any reason. After removing a plug, the interior of the pipeline shall be inspected before resuming pipe laying operations.

(g) All fittings and valves shall be set accurately, true to and square with pipelines. Valve stems shall be accurately plumbed. Fittings and valves shall be supported by approved blocking so as to ensure their remaining accurately in position during jointing and in such a

manner that their weight will not place undue strain on connection pipe or joints. Pipelines shall be thrust-blocked at all bends greater than ten degrees and at all %'s, plugs, valves and hydrants so as to prevent movement of the lines under pressure.

(h) Before new waterlines are put into service, the contractor shall provide necessary equipment for and shall perform a two-hour pressure test, during which time pressure will be maintained at one hundred twenty-five (125) pounds per square inch, and the amount of water that must be added to maintain this pressure will be measured. The maximum leakage which will be permitted for sections of the system up to and including five hundred (500) lineal feet will be one hundredth (0.01) gallon per inch of diameter per twenty-four (24) hours per foot of pipe. Where the length of pipe to be tested exceeds five hundred (500) lineal feet, the total amount of leakage allowed for any such section of pipe shall be the amount which would be allowed for five hundred (500) feet. In general, every section of pipe which can be isolated by existing or proposed valves shall be individually pressure-tested except where such sections are less than two hundred (200) feet in length, in which case they may be tested as part of another section.

(i) Before a new waterline is put into service or when any section of a pipeline is drained or emptied of water at any time, it shall be completely sterilized with chlorine according to the directions of the Municipal Engineer.

(2) *On Site Wells.* Where public water is not available, potable water supply shall be provided to each lot on an individual well basis. Such wells shall be designed in accordance with the requirements and standards of the Township and/or State agency having jurisdiction thereof.

5.3 Grants of Waivers or Adjustments

(a) Where, due to natural features or special conditions, a literal enforcement of the provisions of this Article will result in unnecessary hardship or be detrimental to the state goals and objectives of the Township's development policy as expressed in the adopted Township Master Plan, the Planning & Zoning Board may, by resolution, grant such waiver from or adjustment to the requirements thereof as will not be contrary to the public interest and will not subvert the objectives of the Township Master Plan and this Ordinance. Financial hardship or disadvantage shall not be sufficient cause or proof of hardship.

(b) All requests for waivers or adjustments to the design standards contained herein shall be submitted in writing to the approval authority and shall clearly set forth the reason why literal enforcement would cause hardship or be contrary to state planning objectives or goals.

(c) In reviewing such requests, the approving authority shall give consideration to the development size, anticipated or recognizable adverse impacts to be created or increased by it, natural and existing conditions at the development site or adjacent thereof, the purpose or reason of the development, and reasonable feasibility of design standard to the development proposed.

(d) Where a waiver is requested from the requirements of the New Jersey Residential Site Planning Act, N.J.A.C. 5-21 et.seq., the process for granting such waiver shall follow the procedures outlined in the State statute. Such a waiver may be requested by either the developer/applicant or the municipality. Where a request to exceed the State standards is requested, an agreement to exceed may be reached between the developer/applicant and the municipality. In such cases, the New Jersey Department of Community Affairs must be notified in conformance with N.J.A.C. 5-21 et.seq.

5.3 Inspection. All improvements to be installed as set forth in this Article, when required of a developer, shall be subject to inspection by the approval authority engineer or the Township Engineer, who shall be notified by the developer at least seven (7) days prior to the start of construction. No underground installation shall be covered until inspected and approved by the appropriate engineer.

ARTICLE VI GUARANTIES

6.1 Guaranties Required. No final plat or site plan shall be approved by the approval authority until completion of all required improvements, as shown on the approval preliminary plat or site plan or as set forth in the resolution granting preliminary approval, shall have been so certified to the Planning & Zoning Board by the Township a performance guaranty sufficient in amount to cover the costs of all such improvements of the uncompleted portions thereof as estimated by the Township Engineer, guaranteeing the installation of such uncompleted improvements on or before a date to be specified by the Planning & Zoning Board at the time for granting preliminary approval.

6.2 Performance Guaranties.

A. The performance guaranty required by 6.1 of this Ordinance shall be in one of the following forms:

(1) Corporate surety bond furnished by a bonding or surety company authorized to do business in the State of New Jersey.

(2) Certified or cashier's check made payable to the Township of Downe.

(3) Certificate or deposit in a recognized banking institution which can be withdrawn only after action by the Township Committee determining that all requirements of final approval have been fulfilled and which may be claimed by the Township in the event such requirements are not met

(4) Letter of credit from a recognized banking institution.

B. All such guaranties shall be drawn in favor of the Township of Downe and shall run for a period to be fixed by the Planning & Zoning Board, but in no case for a term of more than three (3) years. However, with the consent of the obligor and the surety, if there is none, the Township Committee may by resolution, extend the term of such performance guaranty for an additional period not to exceed three (3) years. The amount of the performance guaranty may be reduced by resolution of the Township Committee when portions of the required improvements have been installed to the satisfaction of Township Committee and one recommendation of the Township Engineer. All guaranties submitted shall make specific reference to the identify the resolution or other action taken by said authority for that purpose.

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

D. All performance guaranties shall be submitted to the Secretary of the Planning & Zoning Board. The Secretary of the Planning & Zoning Board shall forward one (1) copy of the

guaranty to the Township Engineer, who shall notify the Planning & Zoning Board and Township Attorney that the performance guaranty is in sufficient amount to assure the completion of all required improvements.

E. The Secretary of the Planning & Zoning Board shall forward a copy of the performance guarantee to the Township Attorney, who shall review and approve same as to form and execution. The Township Attorney shall notify the Planning & Zoning Board as to the acceptability of the performance guaranty in terms of its form and execution.

F. Upon the granting of final plat approval and after receipt of an approved final plat, the Secretary of the Planning & Zoning Board shall forward any performance guaranties posted with and accepted by the Planning & Zoning Board to the Township Clerk for filing. The Planning & Zoning Board Secretary shall maintain a record of all performance guaranties received by the Township in connection with subdivision or site plan review and approval, and shall, within ninety (90) days of the expiration date of any performance guaranty, notify the Township Clerk and City Commission of said pending guaranty expirations. Copies of said notices shall be sent to the Township Attorney and Township Engineer.

G. Reduction of a performance guaranty as provided in Subsection B above and release of any performance guaranties posted in connection with a development review and approval by the Downe Township Planning & Zoning Board shall be in accordance with the provisions of N.J.S.A. 40:55D-53, as amended.

6.3 Maintenance Guaranties. Whenever the approval authority requires a developer to pose a maintenance guaranty, it shall be in accordance with the following:

A. The developer shall execute a maintenance guaranty and post said guaranty with the Township of Downe in a sufficient amount for maintenance and repair of all improvements required to be installed by the developer. The maintenance guaranty shall be for a period of two (2) years from the date of final acceptance of the improvement(s) by resolution of the Township Committee after recommendation of acceptance by the Township Engineer, and its amount shall be equal to fifteen percent (15%) of the Township Engineer's estimate of the cost of construction of the required improvement(s). The maintenance guaranty shall apply to such repairs as may be necessitated by substandard original construction or by damage by the developer in the course of development.

B. The maintenance guaranty shall be in a form as provided for by Section 6.2A of this Article.

C. All maintenance guaranties shall be submitted to the Township Clerk. The Township Clerk shall forward one (1) copy of the guaranty to the Township Engineer, who shall notify the Township Committee and the Township Attorney that the maintenance guaranty is in sufficient amount to assure the completion of all required improvements.

D. The Township Clerk shall forward a copy of the maintenance guaranty to the Township Attorney, who shall review and approve same as to form and execution. The Township Attorney shall notify the Township Committee as to the acceptability of the maintenance guaranty in term of its form and execution.

E. Upon acceptance of a maintenance guaranty, the Township Clerk shall notify the Secretary of the Planning & Zoning Board, who shall maintain a record of all guaranties received by the Township in connection with developments in accordance with the provisions of Section 6.2F of this Article and make all notices accordingly.

F. Release of a maintenance guaranty shall be by resolution of the Township Commission, after recommendation of release of the guaranty by the Township Engineer.

ARTICLE VII - DEVELOPMENT REVIEW PROCEDURES

7.1 Subdivision and Site Plan Review

A. Review required.

(1) All subdivision and/or resubdivision of land within the Township of Downe, as defined in Township Ordinances, shall be reviewed and approved by the Planning & Zoning Board in accordance with the provisions of this Ordinance.

(2) Except as otherwise provided, no zoning or building or use or any enlargement or alteration of any building or use shall be permitted unless a site plan for said building or use is first submitted to and approved by the Downe Township Planning & Zoning Board, and no certificate of occupancy shall be given or remain valid unless all construction and site utilization conforms to an approved site plan. This requirement shall pertain to all uses and structures in all zoning districts, except that:

(a) Site plans shall not be required for any single-family dwelling; for permitted accessory uses to a single-family dwelling, such as private garage or swimming pool, but not including a home occupation; or permitted accessory uses to a farm, such as barns, silos, storage sheds or related structures.

(b) Site plan review and approval will not be required in connection with the alteration and repair of an existing structure or use when the Zoning Officer determines that said alteration and/or repair:

(i) Will not result in additional lot coverage;

(ii) Will conform to the maximum and minimum building standards as set forth in this Ordinance and the Schedules of District Regulations, a part hereof;

(iii) Will not increase the number of off-street parking or loading spaces as required by the Downe Township Zoning Ordinance.

iv. Is not in connection with a use subject to the provisions of the Downe Township Zoning Ordinance.

7.2 Application Procedure.

A. Any applicant for subdivision or site plan review and approval shall obtain all necessary forms from the Planning & Zoning Board Secretary. The Secretary shall inform the applicant of the steps to be taken in securing Planning & Zoning Board action and of the regular meeting dates of the Board. A developer seeking minor subdivision, major subdivision or site plan review and approval shall, with the knowledge of the zoning administrative officer, submit six (6) copies of all plans, together with a completed application form, to the Planning & Zoning Board Secretary at least ten (10) days prior to a regularly scheduled Planning & Zoning Board meeting.

B. The Planning & Zoning Board, at its next regularly scheduled meeting, shall determine, on the basis of advice from the Township Engineer, administrative officer and its professional staff, that the application is complete and properly submitted as of that date; or that the application is incomplete, in which latter case, the applicant shall be notified in writing of the deficiencies therein by the Board or the Board's designee for determination of completeness

within forty-five (45) days of the applicant's initial submission, as to the additional information or materials required. An amended application, together with any required revised site plan or subdivision plat, shall be submitted in the same manner as the original application.

7.3 Initial Approvals.

A. Minor subdivisions; site plans for conventional developments which involve ten (10) acres of land or less and ten (10) dwelling units or less. Applications for minor subdivision, as defined in this Ordinance, and for site plans for conventional developments of ten (10) acres or less shall not be subject to public hearing. Final approval in the case of minor subdivisions and preliminary approval in the case of site plans for ten (10) acres or less and ten (10) dwelling units or less shall be granted or denied within forty-five (45) days from the date an application is determined to be complete or within such further time as may be consented to by the applicant. Approval of a minor subdivision shall expire one hundred ninety (190) days from the date of Planning & Zoning Board approval unless within such period a plat in conformity with such approval and the provisions of the Map Filing Law, or a deed clearly describing the approved minor subdivision, is filed by the developer with the County Clerk, the Township Engineer and the Township Tax Assessor. Copies filed with the Township Engineer and Tax Assessor must show proof of filing with the County Clerk. Any such plat or deed must be signed by the Chairman and Secretary of the Downe Township Planning Board before it will be accepted for filing by the County Clerk.

~~B. Major subdivisions; site plans for conventional development which involves more than ten (10) acres or more than ten (10) dwelling units; and planned developments.~~

(1) Preliminary applications for major subdivision, site plans for conventional developments which involve more than ten (10) acres for more than ten (10) dwelling units or any planned development shall be subject to public hearing after notice properly given by the applicant as provided in Section 7.13 of this Ordinance, and preliminary approval shall be granted or denied within ninety-five (95) days from the date an application is determined to be complete 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 of the subdivision plat or site plan, 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.

(2) In the event that preliminary approval of such a subdivision or site plan is denied because of failure to comply with municipal or regional development regulations, a notation to that effect, together with the signature of the administrative officer of the Planning & Zoning Board, shall be placed on the plat, and reasons for the denial shall be stated in the denial resolution.

~~(3) Preliminary approval of a major subdivision, site plan or planned development shall be granted by resolution, which shall set forth any conditions that must be met, including required performance guaranties, and plat or plan changes which must be made precedent to final action. A notation indicating preliminary approval does not authorize recording nor the issuance of a building permit in the case of a site plan, together with the signature of the Chairman and Secretary of the Downe Township Planning & Zoning Board.~~

(4) Preliminary approval of a subdivision plat or site plan shall confer upon the developer the following rights:

(a) That the general terms and conditions on which approval were granted shall not be changed for a three (3) year period from the date of the preliminary approval, unless modified by ordinance with respect to public health or public safety objectives.

(b) That the developer may submit for final approval, on or before the expiration date of preliminary approval, the whole or a section or sections of the preliminary subdivision plat or site plan.

(c) That the developer may apply for and the Planning & Zoning Board may grant an extension of one (1) year or longer as provided in N.J.S.A. 40:55D-49 of the Municipal Land Use Law, as amended and supplemented.

7.4 Final Approvals of Site Plans, Major Subdivisions and Planned Developments.

A. A developer seeking final approval of a major subdivision, site plan or planned development shall, with the knowledge of the zoning administrative officer, submit six (6) paper prints of the final plan or plat, together with originals and processed tracings as required by the Map Filing Law in the case of subdivisions, along with a completed application form, to the Planning & Zoning Board Secretary at least ten (10) days prior to a regularly scheduled Planning Board meeting.

B. The Planning & Zoning Board, at its next regular meeting, shall determine, on the basis of advice from the Township Engineer and the Board Secretary and its professional staff, that the application is complete and properly submitted as of that date, or that the application is incomplete or in error, in which latter case the developer shall be advised, within forty-five (45) days of initial submission for final approval, as to the additional material or corrections required revised plans, shall be submitted.

C. Final approval of a major subdivision, site plan or planned development shall be granted only after all requirements and conditions imposed at the time of a preliminary approval have been complied with. A notation indicating approval shall be placed on each plat or plan, together with the signatures of the Chairman and Secretary of the Downe Township Planning & Zoning Board.

D. An application for final approval shall be granted or denied within forty-five (45) days from the date it is determined to be complete or within such further time as may be consented to by the applicant. Otherwise, the Planning & Zoning Board shall be deemed to have granted final approval, and certificate of the Planning & Zoning Board administrative officer as to the failure of the Planning & Zoning Board to act shall be issued on request of the applicant.

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

F. Final approval of a major subdivision, site plan or planned development shall confer upon the developer the following rights:

(1) Zoning requirements applicable to the preliminary approval first granted and all rights conferred upon the developer as set forth in Subsection 7.3B, whether conditionally or otherwise, shall not be changed for a period of two (2) years after the date of final approval, provided that in the case of a major subdivision the rights conferred by this section shall expire if the plat has not been duly recorded in accordance with the expiration provisions set forth in this

section. If the developer has followed the standards prescribed for final approval, and in the case of a major

subdivision has duly recorded the plat as required herein the Planning & Zoning Board may extend such period of protection for extensions of one (1) year, but not to exceed three (3) such extensions. Notwithstanding any other provisions of this Ordinance, the granting of final approval of a major subdivision or site plan terminates the time period of preliminary approval given pursuant to Subsection 7.3B for any portions granted final approval.

(2) In the case of a subdivision or site plan for a planned development or residential cluster of fifty (50) acres or more, or a conventional subdivision or site plan of one hundred fifty (150) acres or more, the Planning & Zoning Board may extend the period of protection granted under Subsection 7.4F(1) above, as provided in N.J.S.A. 40:55D-52.

7.5 Conditional Use.

A. Recognizing that certain uses, activities and structures are necessary to serve the needs and convenience of the Township and, at the same time, recognizing that such uses may be or may become harmful to the public health, safety and general welfare if located and operated surrounding properties, such uses are hereby designated "conditional uses" and listed as such under the appropriate zone district contained in the Downe Township Zoning Ordinance. In addition to other powers conferred by this Ordinance, the Planning & Zoning Board shall have power to authorize the granting of a permit for a conditional use after site plan approval, under other terms and conditions established by this Ordinance and in accordance with the following general stipulations and guidelines:

(1) The use for which application is being made is specifically authorized as a conditional use in the schedules of District Regulations for the zone district in which it is proposed.

(2) The design, arrangement and nature of the particular use is such that the public health, safety and welfare will be protected.

(3) That reasonable consideration is afforded the character of the neighborhood and the district, the conservation of property values, the avoidance of congestion of vehicular traffic and the avoidance of any unnecessary hazards.

B. Six (6) copies of an application for a conditional use permit, along with site plans of the proposed conditional use as required by Section 7.1 of this Ordinance, shall be submitted in accordance with the provisions of Section 7.2 of this Ordinance.

(1) Within ninety-five (95) days from the date said application is determined complete, the Planning & Zoning Board shall, by resolution, either approve or disapprove the application. Failure of the Planning & Zoning Board to act within the period prescribed shall constitute approval of the application, and a certificate of the administrative officer as to the failure of the Planning & 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 Clerk for purposes of filing subdivision plats.

(2) In reviewing an application for a conditional use permit, said review shall include site plan review as required in accordance with Section 7.1 of this Ordinance. The Planning & Zoning Board shall review applications, including site plans, in accordance with all standards and regulations of this Ordinance and as to conformity with the goals, objectives and policies of any adopted Township Master Plan.

(3) In approving an application, the Planning & Zoning Board may impose any modifications or conditions it deems necessary to carry out the intent of this Ordinance or to protect the health, safety or general welfare of the public.

(4) The Planning & Zoning Board shall notify the Zoning Officer in writing as to its decision and any special conditions imposed in connection with the approval action.

(5) The Zoning Officer shall approve or deny applications for conditional use permits in accordance with Planning & Zoning Board action. All conditional use permits shall be issued only in accordance with applicable conditions contained in this Ordinance or imposed by the Planning & Zoning Board. The Planning & Zoning Board administrative officer shall transmit one (1) copy of all approved and denied applications to the Township Tax Assessor, Zoning Officer, Construction Official and Township Engineer.

(6) In the case of a conditional use application which also involves an application for a use variance, the Planning & Zoning Board shall act on the application for conditional use pursuant to the provisions of N.J.S.A. 40:55D-76.

7.6 Zoning Appeals and Applications.

A. Appeals. Appeals to the Planning & Zoning Board may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the zoning administrative officer. Each appeal shall be taken within the sixty-five (65) day period prescribed by the Municipal Land Use Law by filing a notice of appeal with the officer from whom the appeal is taken, together with appeal with the officer from whom the appeal is taken shall for said appeal. The officer from whom the appeal is taken shall forthwith transmit to the Planning & Zoning Board all the papers constituting the record upon which the action appealed from was taken. Further appeal of any ruling of the Planning & Zoning Board shall be to the Superior Court of New Jersey.

B. Filing.

(1) Applications addressed to the original jurisdiction of the Planning & Zoning Board without prior application to an administrative officer shall be filed with the Secretary of the Planning & Zoning Board. Three (3) copies of the application shall be filed. At the time of filing the appeal or application, but in no event less than ten (10) days prior to the date set for the public hearing, the applicant shall also file all plot plans, maps or other papers required by virtue of any provision of this Ordinance or any rule of the Planning & Zoning Board. The applicant shall obtain all necessary forms from the Secretary of the Planning & Zoning Board. The Secretary of the Board shall inform the applicant of the steps to be taken to initiate proceedings and of the regular meeting dates of the Board.

(2) If the applicant is a corporation or partnership, said corporation or partnership shall list the names and addresses of all stockholders or individual partners owning at least ten percent (10%) of its stock of any class or at least ten percent (10%) of the interest in the partnership, as the case may be.

(3) If a corporation or partnership owns ten percent (10%) or more of the stock of a corporation or ten percent (10%) or greater interest in a partnership, subject to a disclosure as set forth above,

that corporation or partnership shall list the names and addresses of its stockholders holding ten percent (10%) or more of its stock or of ten percent (10%) or greater interest in the partnership, until the names and addresses of the noncorporate stockholders and individual partners, exceeding the ownership criterion of ten percent (10%) as set forth in the N.J.S.A. 40:55D-1 et seq., have been listed.

(4) An appeal stays all proceedings in furtherance of the action in respect to which the decision appealed from was made, unless the officer from whom the appeal is taken certifies to the Planning & Zoning Board after notice of the appeal shall have been filed with said officer, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceeding shall not be stayed otherwise than by an order of the Superior Court of New Jersey upon notice to the officer from whom the appeal is taken and on due cause shown.

(5) Time limit for decisions.

(a) The Planning & Zoning Board shall render its decision no later than one hundred twenty (120) days after the date:

(i) An appeal is taken from the decision of an administrative officer; or

(ii) A complete application for development is submitted to the Board pursuant to the provisions of N.J.S.A. 40:55D-72b.

(b) Failure of the Board to render a decision within such one hundred twenty-day period or within such further time as may be consented to by the applicant shall constitute a decision favorable to the applicant.

7.7 Applications for Sign Permits.

A. Applications for a sign permit shall be submitted to the Zoning Officer or other agency designated to receive sign permit applications when the sign to be erected or installed is for an existing use or structure and is not part of a development requiring a site plan review. The Zoning Officer or other agency designated shall review said application and plans submitted as required by this Section and shall, within two (2) weeks of receipt of the application:

(1) Issue a permit if said proposed sign(s) conforms to all provisions of the Downe Township Zoning Ordinance and of this Ordinance;

(2) Require full site plan review as per Section 7.1; or

(3) Deny the permit, in which case said officer or agency shall set forth, in writing, reasons for said denial.

B. In the case of signs which are to be erected or installed in connection with a proposed development requiring site plan review, said sign(s) shall be reviewed as part of the site plan with appropriate details of any proposed sign(s) submitted along with all other site plan information.

C. Applications for renewal of sign(s) permit(s) shall be submitted to the appropriate agency designated to receive such applications. Said agency shall review the application for renewal and within seven (7) days of receipt of said application.:

(1) Issue a renewal permit; or

(2) Deny a renewal permit, in which case the agency shall set forth in writing the reasons for said denial.

7.8 Applications for Planned Unit Developments.

A. Filing. An application for tentative approval of the plan for a planned unit development shall be filed by or on behalf of the landowner or any other entity having recognizable interest in all of the land to be included in the planned unit development.

B. Application. The application shall be made to the Secretary of the Planning & Zoning Board and shall be in such form as required by this Article and shall be accompanied by payment of reasonable fees to accordance with the fee schedule as set forth in Article VIII to cover the cost of review of the application by the Planning & Zoning Board and the Township Committee, payable to the Township of Downe. All notices required under this Article or the provisions of State law shall be given by the applicant, and an affidavit indicating that proper service has been accomplished shall be filed with the Secretary of the Planning & Zoning Board or other official designated by the Planning & Zoning Board prior to any hearing being held on the applicant's application.

C. The procedure for review and approval of an application for development of a planned unit development shall be in accordance with the procedures set forth in Section 7.3B.

D. If a Planned Unit Development is a use authorized in the Zoning Ordinance, the grant or denial of tentative approval by written resolution shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial, and said resolution shall set forth with a particularity in what respects the plan would or would not be in the public interest, including but not limited to findings of fact and conclusions based on the following:

(1) In what respects the plan is or is not consistent with the statement of objectives of a planned residential unit development project.

(2) The extent to which the plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest.

(3) The purpose, location and amount of open space in the planned residential unit development project, the reliability of the proposals for development, maintenance and conservation of the proposals for development, maintenance and conservation of the open space and the adequacy of the purposes of development of the open space as related to the proposed density and type of development.

(4) The physical design of the plan and the manner in which said design does or does not make provisions for public services, provide for adequate control over vehicular traffic and further the amenities of light and air, recreation and visual enjoyment.

(5) The relationship, beneficial or adverse, of the proposed planned residential unit development project to the area in which it is proposed to be established.

(6) In the case of a plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interest of the public and of the residents and owners of the planned residential unit development project in the integrity of the plan, including the performance guaranties.

E. Application For Final Approval.

(1) Procedure. An application for final approval may be for all the land included in a plan or for sections thereof. Said application shall be made to the Secretary of the Planning & Zoning Board within the time specified by the resolution granting preliminary approval. The application shall include such drawings, detailed landscaping, planting and screening plans, updated market analysis, updated fiscal impact study, report establishing basis for conformance to performance standards, specifications, covenants, easements, conditions and form of performance guaranties as were set forth by written resolution of the Planning & Zoning Board at the time of tentative approval and shall include fees in accordance with the fee schedule set forth in Section 8.1 et seq. of this Ordinance. Twelve (12) copies of the application for final approval shall be submitted to the Secretary of the Planning & Zoning Board or other designated Township official, who shall distribute copies to all persons and agencies in Section 7.3 for review to assure compliance with the conditions of tentative approval. Said final approval application and plans shall be reviewed and approved or disapproved in accordance with the procedures set forth in Section 7.4 of this Ordinance.

7.9 Informal Discussion.

A. At the request of the developer, the Planning & Zoning Board may grant an informal review of a concept plan for a development for which the developer intends to prepare and submit an application for development. The developer shall not be required to submit any fees for such an informal review. The developer shall not be bound by any concept plan for which review is requested, and the Planning & Zoning Board shall not be bound by any such review.

B. All sketch plats or plans containing proposals and/or designs for drainage, streets and subdivision layouts are only for discussion and informal classification. The data included on an informal submission of a site plan shall include sufficient basic data to enable the Planning & Zoning Board and the applicant to comment upon design concepts, such as building location, ingress and egress, parking and major natural features that will have to be recognized or may influence certain design criteria and the applicant's basic intent for water, sewerage and storm drainage facilities. Informal submissions are sketches to scale of possible plan(s) for the development of an area. They are not binding on the Township or upon the developer and do not necessitate accurate engineered drawings.

7.10 Plat and Plan Conformity. No development applications as defined in this Ordinance shall be accepted unless submitted in proper form, and no plat or plan shall be accepted for consideration unless it conforms to the requirements, as set forth herein, as to form, content and accompanying information, and complies with the provisions of N.J.S.A. 46:23-9 et seq. (Map Filing Law), as amended. All plats shall be drawn by a New Jersey licensed professional surveyor or architect. All drawings of improvements shall be signed and sealed by a professional engineer licensed to practice in the State of New Jersey.

7.11 Plat and Plan Details.

A. **Minor Subdivision Plat Details.** The plat shall be clearly and legibly drawn and shall be based on tax map information or some other similarly accurate base, at a suitable scale to enable the entire tract following information:

(1) A key map with North arrow showing the entire development and its relation to surrounding areas at a scale of not less than one (1) inch equals two thousand (2,000) feet.

(2) The Tax Map sheet, block and lot numbers for the tract and all adjacent lots, title, graphic scale, date of original drawing and the date and substance of each revision.

(3) Name and address of the owner, subdivider and person preparing the plat. If the owner is not the applicant, then the interest of the applicant and the owner's signed consent to the filing of the application.

(4) The names of all adjoining property owners as disclosed by the most recent Township tax records.

(5) The signature and seal of a licensed land surveyor.

(6) The classification of the zoning district in which the proposed subdivision is located and the minimum standards of that district. If the property lies in more than one (1) zoning district, the plat shall indicate all the zoning district boundary lines. All front, side and rear setback lines shall be shown conforming to this Ordinance.

(7) The legal description and street address, if any, of the subject property, its entire acreage and the acreage of the area(s) being subdivided.

(8) All existing and proposed lot lines and any existing lot lines to be eliminated with said lines certified by a New Jersey licensed land surveyor.

(9) All existing structures, uses and wooded areas within the portion to be subdivided and within two hundred (200) feet of the subject property; also, any isolated trees with a diameter of eight (8) inches or more measured three (3) above ground level on the property involved.

(10) All streams, lakes and drainage rights-of-way within the limits of the tract(s) being subdivided and within two hundred (200) feet thereof, including the location, width and direction of flow of all streams, brooks and drainage rights-of-way; the location and dimension of all drainage structures; existing features to be removed or relocated; flood hazard area and floodway lines, steep slopes, wetlands and swamps; and where necessary, an approved New Jersey DEP wetlands delineation.

(11) All existing and proposed streets, roads, easements and rights-of-way within and adjoining the proposal the proposed subdivision, with existing rights-of-way widths clearly indicated and as a proposed in the Township Master Plan. Existing driveways, street names, sight triangles and purpose of any easements shall be shown. Copies of the text of any deed restrictions shall be provided when requested by the approval authority.

(12) The location and width of all existing and proposed utility easements in the area to be subdivided.

(13) The shortest distance between any existing building and other structures or a proposed or existing lot line.

(14) The location of any existing building and other structures or a proposed or existing lot line.

B. Minor Site Plan

(1) For purposes of determining site plan details required to be shown, a site plan will be deemed a "minor site plan" when it involves any lots not abutting an arterial or collector road or street as shown on the Township Master Plan and where:

(a) A proposed building or use on a specific lot(s) which conforms to the maximum and minimum building standards as set forth in this Ordinance will not require more than five (5) off street parking spaces or propose eliminating more than five (5) existing required parking spaces.

(b) The proposed expansion or alteration of an existing building or use on a specific lot(s) will not result in additional lot coverage in excess of ten percent (10%) of the existing coverage, will conform to the maximum and minimum building standards as set forth in this Ordinance, and will not increase the number of off-street parking spaces by more than five (5) or eliminate existing required parking spaces and said building or use is not subject to the requirements of Article V of this Ordinance.

(2) Minor Site Plan Details. A minor site plan shall include the same data as required in Section 7.11A except that the graphic scale shall be not less than fifty (50) feet to the inch. All distances shall be in decimals of a foot, and all bearings shall be given to the nearest ten (10) seconds. The error of closure shall not exceed one (1) in ten thousand (10,000). In addition to the aforementioned data required, the site plan shall also show:

(a) Existing schools, special districts and areas proposed for dedication for public use.

(b) Location of all proposed buildings and all other structures, such as but not limited to walls, fences, culverts, bridges and sidewalks, with spot elevations of such structures.

(c) The proposed use or uses of land and buildings and the location of proposed buildings or individual sites, such as in the case of campgrounds, including proposed grades.

(d) The location and design of any off-street parking and loading areas showing size and locations of bays, aisles and barriers and the number of parking and loading spaces.

(e) All buffered and landscaped areas and means of vehicle access and egress existing and proposed for the site, showing the size and location of driveways and curb openings.

(f) The square footage of each building, total number of employees and of the employees in the largest working shift and where applicable, seating capacity of the structure(s).

(g) If a sign or signs are to be erected, attached or otherwise located on the site, the site plan shall be accompanied by additional details and information as provided in the Downe Township Zoning Ordinance.

(h) If the applicant is a corporation or partnership, a list of the names and addresses of all stockholders or individual partners owning at least ten percent (10%) of its stock of any class or at least ten percent (10%) of the interest in the partnership, as the case may be. If a corporation or partnership owns ten percent (10%) or more of the stock of a corporation or ten percent (10%) or greater interest in a partnership, subject to a disclosure as set forth above, the corporation or partnership, the corporation or partnership shall list the names and address of its stockholders holding ten percent (10%) or more of its stock or of ten percent (10%) or greater interest in the partnership, as the case may be, and this requirement shall be followed by every corporate stockholder or partner in a partnership, until the names and addresses of the noncorporate stockholders and individual partners, exceeding the ownership criterion of ten percent (10%) as set forth in N.J.S.A. 40:55D-1 et seq., have been listed.

(i) A New Jersey DEP wetlands delineation, if wetlands are located within two-hundred (200) feet of the site.

C. Preliminary Subdivision Plat. The preliminary plat shall be clearly and accurately drawn or reproduced at a suitable scale. Preliminary plats shall be designed in accordance with the provisions of this Ordinance and shall show or be accompanied by the following information:

(1) The plat shall have a graphic scale of not less than one (1) inch equals one hundred (100) feet and be based on a certified boundary survey and drawn by a land surveyor licensed in New Jersey with design and improvements drawn by a professional engineer also licensed to practice in New Jersey. Sheet size shall be of thirty by forty two (30 x 42) inches, twenty-four by thirty-six (24 x 36) inches, fifteen by twenty-one (15 x 21) inches, or eight and one half by thirteen (8 1/2 x 13) inches. If more than one (1) sheet is required to show the entire subdivision, a separate composite map shall be drawn showing the entire subdivision and the sheets on which the various sections thereof are shown.

(2) The plat shall have a key map with North arrow, showing the entire subdivision in relation to surrounding areas, including the names of principal roads, and a scale of not less than one (1) inch equal as two thousand (2,000) feet.

(3) Title block with the name of the subdivision; any development names previously associated with the application; the name of the municipality; Tax Map sheet, block and lot numbers; date of preparation and most recent revisions; meridian, graphic scale; the names, addresses, phone numbers and signatures of the owner, subdivider and person(s) who prepared the plat(s), including the seal(s) of the latter. If the subdivider is not the owner of the subject property, the plat shall be accompanied by a statement indicating the interest of the applicant. If the applicant is a corporation or partnership, said corporation or partnership shall list the names and addresses of all stockholders or individual partners owning at least ten percent (10%) of the interest in the partnership, as the case may be.

(4) The names of property owners within two hundred (200) feet of the extreme limits of the subdivision as disclosed on the most recent municipal tax records.

(5) Tract acreage to the nearest one-thousandth (0.001) of an acre; the number of new lots, each lot line dimension scaled to the nearest foot; and each lot area, to the nearest square foot.

(6) Existing and proposed contours at two-foot intervals. All elevations shall be related to a bench mark noted on the plan and wherever possible shall be based on USGS mean sea level datum or approved local datum. Contours should be shown existing ground elevations and proposed elevations in any areas to be regraded.

(7) Location of existing natural features, such as soil types, slopes exceeding five percent (5%), wooded areas, views with the development and the location of individual trees outside wooded areas having a diameter of six (6) inches or more measured five (5) feet above ground level. Soil types shall be based on United States Soil Conservation Service Categories from the Cumberland County Soil Survey.

(8) Existing and proposed streams, lakes, ponds, and marsh areas accompanied by the following data:

(a) When a running stream with a drainage area of one-half (1/2) square mile or greater is proposed from alteration, improvement or relocation, or when a structure of fill is proposed over, under, in or along such running stream, evidence of approval, required alteration, lack of jurisdiction or denial of the improvement by the New Jersey Division of Water Policy and Supply shall accompany the plat.

(b) Cross-sections and profiles of watercourses at any appropriate scale showing the extent of the flood fringe area, top of bank, normal water level and bottom elevations at the following locations:

(i) All watercourses within or adjacent to the development and at any point where a watercourse crosses a boundary of the development (profile and cross-section).

(ii) At fifty-foot intervals for a distance of three hundred (300) feet upstream and downstream of any existing or proposed culvert or bridge within the development (cross section).

(iii) At a maximum of one-hundred-foot-intervals, but at no less than two (2) locations, along each watercourse which runs through or adjacent to the development (cross section).

(iv) When ditches, streams, brooks or watercourses are to be altered, improved or relocated, the method of stabilizing slopes and measures to control erosion and siltation during construction as well as typical ditch sections and profiles shall be shown on the plan or accompany it.

(c) The total upstream acreage in the drainage basin of any watercourse running through or adjacent to a development. For flowing streams, small-scale watershed maps developed from the USGS sheets shall be submitted.

(d) The total acreage in the drainage basin to the nearest downstream drainage structure and the acreage in the portion of the development which drains to the structure.

(e) The location and extent of all existing and proposed drainage and conservation easements and flood hazard area and floodway lines.

(f) The location, extent and water level elevation of all existing or proposed lakes or ponds on or within three hundred (300) feet of the development.

(g) Plans and computations from any storm drainage systems, including the following:

(i) All existing and proposed stormwater sewer lines within or in lands or roads adjacent to the development and for all required off-site and off-tract drainage improvements showing size, profile and slope of liens, direction of flow and location of each catch basin, inlet, manhole, culvert and headwall.

(ii) The location and extent of any proposed dry wells, groundwater recharge basins, retention basins, flood control devices, sedimentation basins, or other water conservation devices.

(9) The names, locations and dimensions, including cartway and right-of-way widths, of all existing streets within a distance of two hundred (200) feet of the boundaries of the development, existing driveways and any connections from proposed streets, sidewalks and bike routes in the development to any adjoining street(s), sidewalk(s) or bike route(s) and what off-site extensions, if any, will be made to nearby arterial and collector streets as those streets are shown on the adopted Master Plan.

(10) Plans, cross-sections, centerline profiles, tentative grades and details of all proposed and existing streets in the tract and within three hundred (300) feet of the subdivision based on the United States Geological Survey datum, together with full information as to the disposal of surface runoff, including plans, cross-sections and profiles of streets, storm drains and drainage structures. Typical street cross-sections shall indicate the type and width of pavement and the location of curbs, sidewalks, bike routes, typical underground utilities and shade tree planting. At intersections, the sight triangles, radii of curblines, crosswalks and street sign locations shall be shown. Final street naming may be deferred. For streets where curbs and/or sidewalks are to be provided, separate curb and sidewalk profiles shall be required at street intersections.

(11) The names, locations, paved widths, right-of-way widths and purpose(s) of existing and proposed easements, driveways and other rights-of-way in the proposed subdivision. The text of any deed restrictions shall accompany the plat.

(12) The location and description of all easements, existing and tentatively proposed.

(13) All proposed lot lines, and all existing lot liens to remain and those to be eliminated. All setback lines required by this Ordinance with the dimensions thereof and any municipal boundary line where the boundary is within the tract or within two hundred (200) feet of the tract. Any lot(s) to be reserved or dedicated to public use shall be identified. Each block shall be numbered consecutively beginning with the number one (1).

(14) Locations of all existing structures and their use(s) in the tract and within two hundred (200) feet thereof, showing existing and proposed front, side and rear yard setback distances, structures or potential historic significance and an indication of all existing structures and uses to be retained and those to be removed.

(15) Plans and profiles of proposed improvements and utility layouts (sanitary sewers, storm sewers, erosion control, excavation, etc.) showing location, size, slope, pumping stations and other details as well as feasible connections to any existing or proposed utility systems. If private utilities are proposed, they shall comply fully with all municipal, county and state regulations. If service will be provided by an existing utility company, a letter from that company shall be submitted stating that the service will be available before occupancy of any proposed structures. When on lot water supply or sewage disposal is proposed, the proposed location of the well and the location and results of percolation tests shall be submitted.

(16) Zoning district(s) and zoning district lines in which the subdivision is located.

(17) Identification of an area to be reserved for public use and acceptable for Township recreational purposes, approved by the Planning & Zoning Board, comprising not less than fifteen percent (15%) of the land area to be developed. Such lands, when approved by the Planning & Zoning Board, constitute an amendment to the Master Plan of the Township of Downe and will be reserved for a period of one (1) year from the date of preliminary approval, during which time the Township may institute acquisition procedures.

(18) An itemization of all improvements to be made to the site, as required in this Ordinance and Downe Township Zoning Ordinance, improvements on-site, off-site and off-tract as the public interest may require, together with a list of the work and materials to be used in installing such improvements, including estimated quantities of necessary materials, sufficient to enable the Township Engineer to formulate a performance guaranty estimate.

(19) Details and information on any proposed signs to be erected, constructed or to be placed anywhere on the property involved in accordance with the provisions of this Ordinance.

(20) In the case of a cluster development, the preliminary plat shall be accompanied by a set of detailed development plans showing density patterns, site design, open land designations, building locations, utilities and other improvements and landscaping proposals.

(21) When required by the Planning & Zoning Board, an environmental impact statement which shall address the existing conditions at the site and the effect of the proposed development upon those conditions, applicant proposes to eliminate, reduce or offset such adverse impacts. The conditions to be addressed in the impact statement shall be determined by the Planning & Zoning Board and may include, but are not limited to: topography, geology, hydrology, vegetation, wildlife, soils, archaeological, historic, scenic and cultural areas, groundwater, surface water supply and quality, air quality and noise.

D. Preliminary Site Plan.

(1) Every preliminary site plan shall be at a minimum graphic scale of one (1) inch equals ten (10) feet, twenty (20) feet, thirty (30) feet, forty (40) feet or fifty (50) feet; certified by a New Jersey licensed architect or engineer, including accurate lot lines certified by a New Jersey licensed land surveyor, submitted on one (1) of four (4) of the following standard sheet sizes: eight and one-half by thirteen (8 1/2 x 13) inches, fifteen by twenty-one (15 x 21) inches, twenty-four by thirty-six (24 x 36) inches, or thirty by forty-two (30 x 42) inches. If one (1) sheet is not sufficient to contain the entire territory, a separate composite map shall be drawn showing the entire development and the sheets on which the various sections are shown. The site plan shall include the following data:

- (a) All lot lines and the exterior boundaries of the tract;
- (b) North arrow;
- (c) Zone district(s) in which the lot(s) is(are) located and minimum standards of that zone district.
- (d) Date of original drawing and each subsequent revision or amendment;
- (e) Existing and proposed street(s) and street name(s);
- (f) Existing and proposed contours at two (2) foot intervals throughout the tract and within one hundred (100) feet of any building or paved area under review;
- (g) Title of plan and development name;
- (h) Watercourses' location;
- (i) Total area to one (1) square foot;
- (j) Total number of parking spaces required and to be provided;
- (k) All dimensions, areas and distances needed to conform with the ordinance such as, but not limited to, building lengths, building coverage, lot lines, parking spaces loading spaces, setbacks and yard dimensions;
- (l) A small key map giving the general location of the parcel within the Township; and
- (m) A separate map showing the site in relation to all remaining lands in the present owner's ownership.

(2) Plan information for preliminary and final approval. Each site plan shall have the following information shown thereon or be annexed thereto and shall be designed to comply with the applicable provisions of this Ordinance:

(a) Building and Use Plan. The size, height, location, arrangement and use of all proposed buildings, structures, and signs, including an architect's sealed elevations of the front, side and rear of any structures and signs to be erected or modified, to the extent necessary to apprise the Planning & Zoning Board of the scope work, shall be shown. Any existing structures shall be identified either to remain or to be removed. A written description of the proposed use(s) and operation(s) of nonresidential building(s), including the number of shifts to be worked and the maximum number of employees on each shift; seating capacity; expected truck and tractor-trailer traffic; emission of noise, glare, vibration, heat, odor and air and water pollution; safety hazards; and anticipate expansion plans incorporated in the building design. Floor plans shall be submitted upon request of the Planning & Zoning Board.

(b) Circulation Plan. This plan shall access streets and street names, acceleration, deceleration lanes, curbs, aisles and lanes, access points to public streets, sight triangles, traffic channelization, easements, fire lanes, driveways, number and location of parking and loading spaces/loading berths and/or docks, pedestrian walks and all related facilities for the movement

and storage of goods, vehicles and persons on the site and including lights, lighting standards signs and driveways within the tract and within one hundred (100) feet of the tract. Sidewalks shall be shown from each entrance/exit along expected paths of pedestrian travel, such as but not limited to access to parking lots, driveways, other buildings on the site and across common yard areas between buildings. Plans shall be accompanied and sidewalks. Any expansion plans for the proposed use shall show feasible parking and loading expansion plans to accompany building expansion.

(c) Natural Resource Plan. This plan shall show existing and proposed wooded areas; buffer areas, including the intended screening devices and buffers; grading at two-foot contour intervals inside one tract and within fifty (50) feet of its boundaries; seeded and/or sodded areas; groundcover; retaining walls; fencing; signs; recreation areas; shrubbery; trees; and other landscaping features. These plans shall show the location and type of man-made improvements and the location, species and caliper of plant material and trees to be located on the tract. All portions of the property not utilized by building or paved surfaces shall be landscaped utilizing combinations such as landscaped fencing, shrubbery, lawn area, groundcover, rock formations, contours, existing foliage and the planting of coniferous and/or deciduous trees native to the area in order to maintain or re-establish the note of the vegetation in the area and lessen the visual impact of the structures and paved areas. The established grades and landscaping on any site shall be planned for aesthetic, drainage and erosion control purposes.

(d) Facilities Plan. This plan shall show the existing and proposed locations of all drainage and stormwater runoff; open space; common property; fire hydrants; gas, electric, telephone sewerage and water line locations; and solid waste collection and disposal methods, including proposed grades, sizes, capacities and materials and/or equipment to be used for facilities installed by the developer. Installation by utility companies need only show their locations on the plan. All easements acquired or required on the tract and across adjacent properties shall be shown, and copies of legal documentation that support the granting of an easement by an adjoining property owner shall be included. All proposed lighting shall be shown, including the

direction, angle, height and reflection of each source of light. All utilities shall be installed underground. All required state and federal approvals for environmental considerations shall be submitted prior to preliminary approval or shall be a condition of approval. Drainage facilities shall include facilities to comply with stormwater runoff provisions of this Ordinance. The method of sewage treatment and solid waste disposal or collection shall be shown, and percolation tests and soil borings from sufficient locations on the site to allow a determination of adequacy by the Cumberland County Board of Health shall be included where septic tanks and leaching fields are permitted and are proposed.

(e) Environmental Impact Statement. An environmental impact statement which shall address the existing conditions at the site and the effect of the proposed activity or development upon those conditions, including any adverse environmental impacts. The conditions to be addressed in the impact statement shall include topography, geology, hydrology, vegetation, wildlife, soils, archaeological, historical, cultural, or scenic sites, ground and surface water quantity and quality and air quality; and a New Jersey DEP approved wetlands delineation and/or letter of interpretation.

(f) In the case of multi-family and apartment developments, five (5) copies of a housing market analysis which shall describe and demonstrate the need from said proposed project in

terms of the regional housing market, shall be submitted. Said analysis shall include data and information on vacancy rates, cost, type and location of other housing facilities within the Township and the region. Such analysis shall clearly indicate how it will meet a need reasonably shown to exist for the type and cost of housing proposed and is in compliance with the Township Master Plan - Housing Element.

(g) In the case of residential development for which a home owners association is required, the site plan shall be accompanied by such information as will permit the approval authority to make detailed findings concerning the ability of the proposed association to adequately perform the function for which it is designed. Information to be submitted by the applicant in this regard and subject to approval or revision is as follows:

- (i) The time when the association is to be created in relation to the project's timetable.
- (ii) Mandatory or automatic nature of membership in the organization by a resident and his/her successor(s).
- (iii) Permanance of open space and recreational area protective covenants.
- (iv) Liability of organization for insurance, taxes and maintenance of all facilities.
- (v) Provisions made for pro rata sharing of costs and assessments.
- (vi) Capacity of the organization to administer common facilities and preserve the benefits of the open space and recreational areas.

(vii) The restrictions, covenants and other devices establishing automatic membership in the association and the responsibilities of that membership.

(h) An application form completed in full, accompanied by such other information or data as may be required by the Planning & Zoning Board in order to determine that the proposed development is in accordance with the Township Master Plan, the provisions of this Ordinance and all other applicable Township Ordinances. If the applicant is a corporation or partnership, said corporation or partnership shall list the names and addresses of all stockholders or individual partners owning at least ten percent (10%) of its stock of any class or at least ten percent (10%) of the interest in the partnership, as the case may be. Such listing shall be in accordance with the provisions of Section 7.11B (2) (h) of this Article.

(3) The Planning & Zoning Board, at its sole discretion, may waive or reduce the details and/or data required to be shown on a preliminary site plan, so long as such waiver or reduction will not unreasonably hamper or impede the Planning & Zoning Board's review of the proposed development in relation to the Township Master Plan and all applicable ordinances.

E. Final Subdivision Plat. The final plat shall be drawn in ink on tracing cloth or Mylar at a suitable scale and in compliance with all provisions of Chapter 141 of the Laws of 1960 (N.J.S.A. 46:23-9.9 et seq.). The final plat shall show or be accompanied by only the following information and those details as specified in the aforementioned New Jersey Map Filing Law and as follows:

- (1) Date, name and location of the subdivision; name of the owner, graphic scale; and referene meridian.
- (2) The purpose of any easement or land reserved or dedicated to public use shall be designated, and the proposed use of sites other than residential shall be noted.
- (3) Minimum building setback lines on all lots and other sites.
- (4) Names of owners and adjoining unsplit land.

(5) Signature blocks for the Planning & Zoning Board, Township Engineer and other endorsements required by law.

(6) Tract boundary lines; municipal boundary line if within two hundred (200) feet of the tract being subdivided; street names; all lot lines and other site lines with accurate dimensions, bearing or deflection angles and radii, arcs and chord bearings and distances of all curves based on an actual survey by a land surveyor licensed to practice in the State of New Jersey, with minimum building setback lines and the area of each lot shown to the nearest square foot. All dimensions, both linear and angular, of the exterior tract boundaries shall be based on and calculated from surveyed traversing which shall have an apparent error of field closure of one to ten thousand (1:10,000) or better and shall be corrected by accepted balancing methods to final errorless closure; all final exterior and lot boundaries shall be similarly balanced to final errorless closure. All dimensions, angles and bearings given on the map must be referred to by at least two (2) permanent monuments which shall be indicated on the map.

(7) Block and lot numbers in accordance with established standards and in conformity with the Municipal Tax Map, as approved by the Municipal Tax Assessor, and all street numbers where appropriate shall be designated as specified by the approval authority.

(8) Plans, cross-sections, profiles and established grades of all streets and easements as approved by the Township Engineer.

(9) Plans and centerline profiles of all storm and sanitary sewers and water mains as approved by the Township Engineer.

(10) Location and description of all monuments as required by this Ordinance and the Map Filing Law.

(11) By separate exhibits, information required improvements and detailing the stage of completion of installing aid improvements, including the following certifications:

(a) By a New Jersey licensed professional land surveyor as to the accuracy of the plat and of the surveyed dimensions.

(b) That the applicant is agent or owner of the land, or the owner has given consent under an option agreement or contract of sale.

(c) Approvals of the Township Engineer.

(d) Appropriate local, county and State approvals.

(e) By the municipal tax collector that all taxes are paid to date.

(f) Other certifications that may be required by law.

F. Final Site Plan. The final site plan shall include all data required on the preliminary site plan drawn to incorporate all changes required as a condition or preliminary approval and drawn by persons and to specifications as required for a preliminary plan. To the extent applicable, the final site plan shall be accompanied by the same certifications as required by Section 7.11E(11).

G. Site Plan for Signs. Unless otherwise provided by this Ordinance, an application for a sign permit shall be accompanied by a site plan of the proposed sign(s) which shall show the following:

(1) Name, address and telephone number of the applicant, the person preparing and/or constructing the sign(s) and the person erecting the sign(s).

(2) Location of the building, the structure and/or the lot to which the sign(s) is or is to be erected, attached or located.

(3) A scaled drawing showing the size of the existing or proposed sign; the location of the sign on the building to which it is to be attached or on the property on which it is to be placed (in which case setback dimensions shall be shown); the materials to be utilized in the construction of the sign, including whether or not the sign will be illuminated; and the message, lettering, artwork, illustrations, color and appurtenances to be placed or shown on the illustrations, color and appurtenances to be placed or shown on the sign(s).

(4) In the case of signs to be erected constructed or placed on property or attached to structures not belonging to or owned by the applicant, evidence of the property or structure owner's approval or permission for the locating of said sign(s).

(5) Such other information as required by the Planning & Zoning Board.

7.12 Hearings.

A. Rules. The Planning & Zoning Board shall 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 of this Ordinance.

B. Oaths. The officer presiding at the hearing or such person as he may designate shall have the 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 (N.J.S.A. 2A:67A-1 et seq.) shall apply.

C. Testimony. The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer, and the right to 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.

D. Evidence. Technical rules of evidence shall not be applicable to the hearing, but the Board may exclude irrelevant, immaterial or unduly repetitious evidence.

E. Records. Each Board shall provide for the verbatim recording of the proceedings by either stenographic, mechanical or electronic means. The Board shall furnish a transcript or duplicate recording in lieu thereof on request to any interested party at his/her expense.

7.13 Notice Requirements for Hearings. Whenever a hearing on an application for development pursuant to N.J.S.A.D-1 et seq. is required, the applicant shall give notice thereof as follows:

A. Public notice shall be given by publication in the official newspaper of the municipality at least ten (10) days prior to the date of the hearing.

B. Notice shall be given to the owners of all real property a shown on the current tax duplicate or duplicates located in the State and within two hundred (200) feet in all directions of

the property which is the subject of such hearing, provided that this requirement shall be deemed satisfied by notice to the condominium association in the case of any unit owner whose unit has a unit above or below it, or horizontal property regime, in the case of any co-owner whose apartment has an apartment above or below it.

(1) Such notice shall be given by serving a copy thereof on the owner as shown on the said current tax duplicate or his agent in charge of the property or by mailing a copy thereof by certified mail the property owner at his/her address as shown on the said current tax duplicate. A return receipt is not required.

(2) 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 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 areas located within two hundred (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.

C. Notice of hearings on applications for developments involving property located within two hundred (200) feet of an adjoining municipality shall be given by personal service or certified mail to the Clerk of such municipality, which notice shall be in addition to notice required to be given pursuant to Subsection B of this Section to the owners of land in such adjoining municipality which are located within two hundred (200) feet of the subject premises.

D. 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 two hundred (200) feet of the subject premises.

E. 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.

F. Notice shall be given by personal service or certified mail to the Director of the Division of State and Regional Planning in the Department of Community Affairs of a hearing on an application for development of property which exceeds one hundred fifty (150) acres or five hundred (500) dwelling units. Such notice shall include a copy of any maps or documents required to be on file with an administrative officer pursuant to N.J.S.A. 40:55D-10.

G. All notices hereinabove specified in this Section shall be given at least ten (10) days prior to the date fixed for the hearing, and the applicant shall file an affidavit or proof of service with the Board holding the hearing on the application of development.

H. Any notice made by certified mail as hereinabove required shall be deemed to be complete upon mailing in accordance with the provisions of N.J.S.A. 40:55D-14.

I. Form of Notice. All notices required to be given pursuant to the terms of this Ordinance shall state the date, time and place of the hearing; the nature of the matters to be considered; identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the Municipal Tax Assessor's Office; and the location and times at which any maps and documents for which approval is sought are available as required by law.

7.14 Date of Public Hearing. The approval authority shall set the date any public hearing required on an application for development review or approval after having declared said application to be complete. The approval authority may provide for the setting of a public hearing by a committee of the full approval authority or by an officer of the authority. All public hearings shall be held within the time period in which the approval authority has to act on an application for development as provided in N.J.S.A. 40:55D-1 et seq.

7.15 Furnishing List of Property Owners. Pursuant to the provisions of N.J.S.A. 40:55D-12c, the Downe Township Tax Assessor shall, within seven (7) days after receipt of a request therefor and upon receipt of payment of a fee of twenty-five cents (\$.25) per name or ten dollars (\$10.00), whichever is greater, make and certify a list from the current tax duplicate of names and addresses of owners to whom the applicant is required to give notice pursuant to Section 7.13 of this Article.

7.16 Forms of Decisions; Copies.

A. Each decision of any application for development shall be reduced to writing, as provided in his subsection, and shall include findings of facts and conclusions based thereon.

B. Failure of a motion to approve an application for development to receive the number of voted required for approval shall be deemed an action denying the application.

C. The municipal agency may provide such written decision and findings and conclusions either on the date of the meeting at which the municipal agency takes action to grant or deny approval or, if the meeting at which such action is taken occurs within the final forty-five (45) days of the applicable time period for rendering a decision on the application for development, within forty-five (45) days of such meeting by the adoption of a resolution of memorialization setting forth the decision and the findings and conclusions of the municipal agency thereon. An action resulting from the failure of a motion to approve an application shall be memorialized by resolution as provided above, notwithstanding, the time at which such action occurs within the applicable time period for rendering a decision on the application.

D. The adoption of a resolution of memorialization pursuant to this subsection shall not be construed to alter the applicable time period for rendering a decision on the application for development. Such resolution shall be adopted by a vote of a majority of the members of the approving authority who voted for the action previously taken, and no other member shall vote thereon. The vote on such resolution shall be deemed to be memorialization of an action of the municipal agency and not to be an action of the municipal agency.

E. Whenever a resolution of memorialization is adopted in accordance with this subsection, the date of such adoption shall constitute with this subsection, the date of such adoption shall constitute the date of the decision for purposes of the mailings, filings and publications.

F. A copy of the decision shall be mailed by the Planning & Zoning Board within ten (10) days of the date of decision to the applicant or, if represented, then to his attorney, without separate charge. A copy of the decision shall also be mailed to all persons who have requested it and who have paid the fee prescribed by the Board for the service. A copy of decision shall also be filed with the office of the Township Clerk, who shall make a copy of such filed decision

available to any interested party upon payment of the fee calculated in the same manner as those established for copies of other public documents in the municipality.

7.17. Publication of Decisions. A brief notice of every final decision shall be published in the official newspaper of the municipality. At a minimum, the notice shall clearly identify the property involved, the nature of the Board action requested; the public meeting or meetings at which the matter was heard and decided; and whether or not the application was granted. Such publication shall be arranged by the administrative officer of the Planning & Zoning Board without charge to the applicant. Said notice shall be sent to the official newspaper for publication within ten (10) days of the date of such decision.

7.18 Payment of Taxes. Pursuant to the provisions of N.J.S.A. 40:55D-39 and N.J.S.A. 40:55D-65, every application for development submitted to the Planning & Zoning Board shall be accompanied by proof that no taxes or assessments for local improvement 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 said property, at the discretion of the Board, any approvals or other relief granted by the Planning & Zoning Board shall be conditioned upon either the prompt payment of such taxes or assessments or the making of adequate provisions for the payment thereof in such manner that the municipality will be adequately protected.

ARTICLE VIII FEES

8.1 Schedule of Fees. Fees for all subdivision, site plan, and other land development applications in Downe Township shall be made according to the Fee Schedule attached to this Ordinance and revised from time to time by the Committee of Downe Township.

8.2 Modification of Fees. The Planning & Zoning Board may, upon advice from the Township Engineer, reduce or increase the application fee in connection with a major subdivision or site plan, where in its considered opinion the fee as computed according to the schedule outlined in Section 8.1 would result in fees unreasonable or inadequate in connection with the scope, type and/or intensity of the proposed development. Such reduction shall not exceed one third (1/3) of the fee as computed according to Section 8.1 and shall only be reduced upon written request of the applicant where in the applicant sets forth reasons for granting the request.

8.3 Improvements Defined. For purposes of this Article, "improvement" as used herein, shall mean all construction within the right-of-way of roadways or easements, or on the site, including paving, sidewalks, curbs and lighting; landscaping and tree planting; open spaces and recreational areas or facilities; school or public areas; municipal utilities; parking or loading areas; driveways and their improvements including sidewalks, curbs and paving; and any other improvements set forth in this Ordinance or as a condition or preliminary approval of a site plan or subdivision.

8.4 Collection of Fees. All application or permit fees received by the Zoning Officer, Secretary of the Planning & Zoning Board or other municipal officials designated to receive applications

from development review as required by this Ordinance, shall be duly recorded and reported to the Township Committee and deposited with the Municipal Treasurer on a monthly basis. The Municipal Treasurer shall deposit said fees in the General Fund of the Township or as may be directed by the provisions of this Ordinance or other applicable ordinance or State Law.

ARTICLE IX. ADMINISTRATION AND ENFORCEMENT

9.1 Enforcement Officer.

A. The Mayor shall appoint a Zoning Officer to administer and enforce the provisions of this Ordinance, except as otherwise provided by law or by this Ordinance. Said officer shall be appointed for a term of one (1) year, beginning on the first day of January, and shall receive such compensation for his service as shall be fixed by ordinance of the Township Committee from time to time.

B. The Zoning Officer shall perform the following duties:

(1) Issue permits for such construction and uses as are in accordance with the terms and provisions of this Ordinance or any lawful order of the Planning & Zoning Board or Township Committee.

(2) Record and file all applications for zoning permits together with the plans, documents and other papers accompanying such applications.

(3) Collect all fees that may be payable to the Township under the provisions of this Ordinance, unless otherwise specifically provided.

(4) Prepare a monthly report for the Township Committee and if so requested, provide a copy thereof to the Planning & Zoning Board, listing all zoning permits applied for and those granted, and all ordinance violations and actions taken by the officer consequent thereto. A copy of each report shall be filed with the Township Tax Assessor at the same time.

(5) Institute and conduct lawful proceedings to prevent threatened violation of this Ordinance and, in order to correct conditions resulting from the violation of this Ordinance, prosecute persons who shall have violated or who shall be engaged in violating any of the terms or provisions of this Ordinance, and the Zoning Officer shall have recourse to any and remedies, including injunction, restraining orders and proceedings in lieu of prerogative writs.

(6) At the direction and guidance of the Planning & Zoning Board, maintain a record of current land use and report any changes of land use to the Planning & Zoning Board every six (6) months. Said report shall include such information as required by the Planning & Zoning Board.

(7) Such other duties and responsibilities as from time to time are directed by the Mayor or Township Committee.

9.2 Zoning Permits.

A. No person shall hereafter erect, locate or alter any building or portion thereof or begin or change the use of land or a structure without first obtaining a zoning permit therefore from the Zoning Officer. No zoning permit shall be issued except in conformance with the provisions

of this Ordinance or where authorized, upon written order of the Planning & Zoning Board or Township Committee.

B. All requests for zoning permits shall be made in writing to the Zoning Officer on forms provided by the Zoning Officer and shall be signed by the Owner of the land and/or structure involved in the request, or by his/her authorized representative or agent. The applicant shall include a description of the use or intended use or uses of the building and/or land. Each application shall be accompanied by either a site plan as provided for in Article VII hereof this Ordinance or one drawn to scale, showing any existing or proposed building or open land uses and their exact relation to all lot line and street lines when a formal site plan as required by Article VII is not applicable. Accompanying the application also must be a written statement giving satisfactory evidence to the effect that the lines of the street boundaries have been accurately located and staked on the ground and that the said application is intended to comply with all provisions of this Ordinance or any lawful order of the Planning & Zoning Board or Township Committee.

C. Except as provided otherwise in Section 7.5 Conditional Uses, and Section 7.1 Subdivision and Site Plan Review, a zoning permit shall be granted or refused by the Zoning Officer within ten (10) days after said officer shall have received an application complete in all respects, together with any required fee. Any refusal or denial of a zoning permit shall be in writing detailing the reasons for refusal or denial of the permit.

9.3 Duration of Certain Permits. If after a zoning permit or conditional use permit has been authorized by the Planning & Zoning Board, the applicant has not obtained the permit within a period of six (6) months from the date of such authorization or as provided by N.J.S.A. 40:L55D-1 et seq., then such authorization shall be null and void, and no permit shall be issued thereunder unless the applicant shall have, prior to the expiration of the aforesaid six (6) month period, made written application for an extension. Such extension shall be granted by the appropriate approval authority, for a period not to exceed six (6) months, upon good cause having been shown by the applicant.

9.4 Appeals to the Planning & Zoning Board. An appeal to the Planning & Zoning Board may be taken by any interested party affected by any decision of the administrative officer of the municipality (the zoning officer) based on or made in the enforcement of this Ordinance or any adopted Official Map. Such appeal shall be taken within twenty (20) days by filing notice of appeal in the manner set forth in Article VII, Section 7.6 of this Ordinance and in accordance with the provisions of N.J.S.A. 40:55D-69 to 55D-76.

9.5 Appeals from Planning & Zoning Board. An appeal from any decision of the Planning & Zoning Board in connection with granting of a use variance or other decision pursuant to this Ordinance shall be made directly to the New Jersey Superior Court.

9.6 Violations and Penalties. Any person violating any of the provisions hereof this Ordinance shall, upon conviction, be subject to a penalty either by imprisonment for not more than ninety (90) days or by a fine not exceeding five hundred dollars (\$500.00), or both in the discretion of the court. Each and every day that any violation continues shall be considered a separate offense, punishable by a like fine or penalty.

ARTICLE X. INTERPRETATION AND AMENDMENT

10.1 Questions of Interpretation; Conflicting Provisions. It is the intent of this Ordinance that all questions or interpretation and enforcement shall be first presented to the Zoning Officer and that such questions shall be presented to the Planning & Zoning Board only as required by or on appeal from a decision of the Zoning Officer and that recourse from decisions for the Planning & Zoning Board shall be to the courts as provided by law. In case of a conflict between provisions of this Ordinance and any other Township, County or State requirement, the most stringent regulation shall apply.

10.2 Amendments and References to Statutes and other Regulations and Agencies.

A. The regulations, restrictions, and boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed or repealed in accordance with the procedures established in accordance with applicable New Jersey statutes.

B. In the case of reference to New Jersey statutes, it is the intent that current statutes as amended and revised shall be recognized as controlling, and said current statutes shall supercede the terms of provisions of this Ordinance whenever conflict occurs, but only to the extent of such conflict.

C. Notwithstanding any other provisions of this Ordinance, it is the intent of this Ordinance that, whenever reference is made to regulations of another agency or publication, the most recent edition of said publication or regulation with amendments or revisions thereto, shall apply.

D. In the case of reference made in this Ordinance to various governmental agencies, it is the intent of this Ordinance that such reference shall include any successor agency or a new agency to which duties of any given agency referenced herein have been transferred in accordance with law.

10.3 Pending Applications. All applications for development filed prior to the effective date of this Ordinance may be continued according to procedures and time schedules in effect at the time of filing said applications, but any decisions made on such applications shall be governed by the provisions of this Ordinance, as of its effective date.

10.4 Filing of Provisions with County. Immediately upon adoption of this Ordinance, the Township Clerk shall file a copy of this Ordinance with the Cumberland County Planning Board as required by N.J.S.A. 40:55D016.

10.5 Validity and Consistencies. The various parts of this Ordinance, including sections, subsections, sentences, clauses, phrases and words, are separate, and if any part is properly found to be invalid or unconstitutional by a court of competent jurisdiction, such finding(s) shall not affect the remaining Operations of this Ordinance. Any ordinance or portion thereof, inconsistent with the provisions of this Ordinance is hereby repealed, but only to the extent of such inconsistency.

10.6 Effective Date. This Ordinance shall take effect immediately upon passage according to the law.

APPENDICES

**APPENDIX I: HISTORIC PRESERVATION
GUIDELINES**

**APPENDIX II: TYPICAL CROSS-SECTION
REQUIREMENTS**

HISTORIC PRESERVATION STANDARDS
Proposed for Inclusion in the Downe Township
Subdivision & Site Plan Regulations

Goal. The Township, through its revised Master Plan, wants to encourage compatible development in the historic villages that are part of the community. Local officials, however, feel that to adopt very prescriptive, regulatory language as part of the zoning ordinance or land use ordinance, is not what is desired. Rather, they would like to encourage a voluntary, incentive-based approach to making this happen. Toward that end, the following general guidelines have been prepared and will be included as an appendix to the Land Development Ordinance.

Design Standards.

In order to qualify for the lot size reduction as outlined in the Zoning Ordinance, a two and one half story home is required to be constructed in the village conservation zone. The design of this structure shall be reviewed and approved by the Planning & Zoning Board and shall include as a minimum, the following characteristics.

A. Facade. A Victorian or Federal style facade as provided by the following examples.



B. Colors. A color scheme that is compatible with the neighborhood and the homes of the architectural period.

C. Siding and Construction Material. Siding material shall be one of the following.

Clapboard. Traditional wooden siding.

Aluminum Siding. To simulate a traditional clapboard pattern and appearance.

Vinyl Siding. To simulate a traditional clapboard pattern and appearance.

D. Setback. Setbacks, both in the front and side yards, shall conform with the requirements outlined in the Land Development Ordinance for the Village Conservation Zone. Setbacks shall mirror to the closest extent possible, the existing setbacks of neighboring houses on the street or road in question.

E. Accessory Buildings. All accessory buildings shall be located in the rear yard of the property.

F. Garages. Garages shall be designed for entry from the side or rear of the house. The garage doors shall not be visible from the front of the house and shall not face the street.

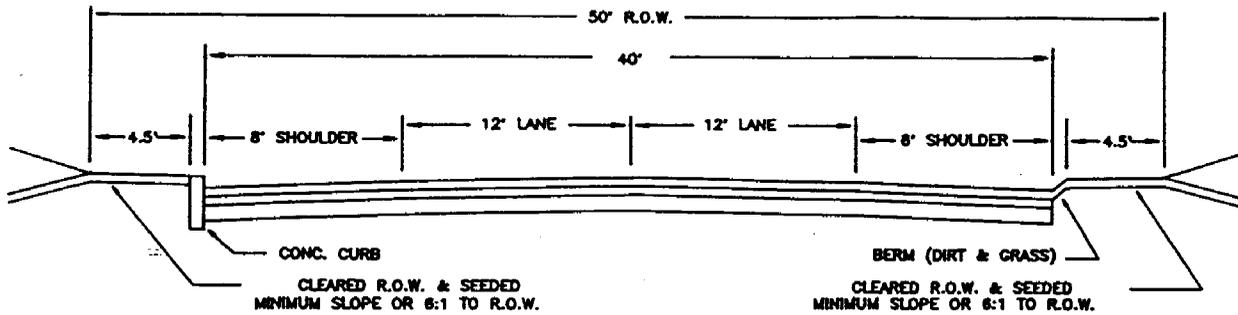
G. Fencing. Fencing around the property shall be wrought iron or wooden fencing that is compatible with the architectural style and period of the house and shall be approved by the Planning & Zoning Board prior to construction.

H. Position of the House on the Lot. The house shall be situated so the front of the house faces the street. Any departure from this requirement shall be approved by the Planning & Zoning Board.

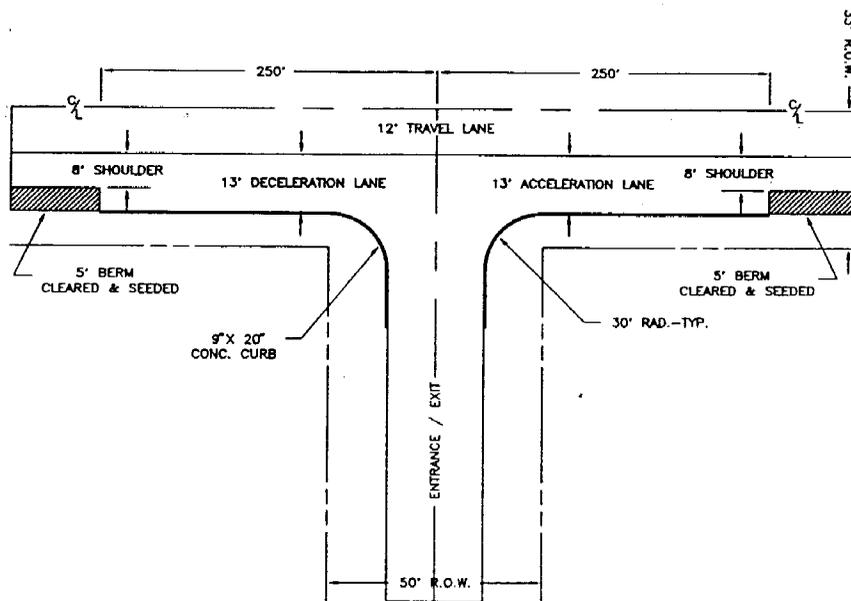
I. Window Treatments. Windows shall be designed to reflect the architectural style of the home.

**DIAGRAM I
TYPICAL ROAD CROSS SECTION
WITH 50' RIGHT-OF-WAY**

TYPICAL 50' R.O.W. DESIGN
(MINIMUM OF 250' FROM AN INTERSECTION)



**DIAGRAM II
TYPICAL INTERSECTION DETAIL**



NOTE: Disagreements regarding design and construction of roadways shall be referred to the New Jersey Department of Transportation Design Manual and recommended designs from that manual shall be utilized.

DIAGRAM III TYPICAL CURB AND PAVEMENT CROSS-SECTION

VERTICAL CURB & PAVEMENT DETAIL

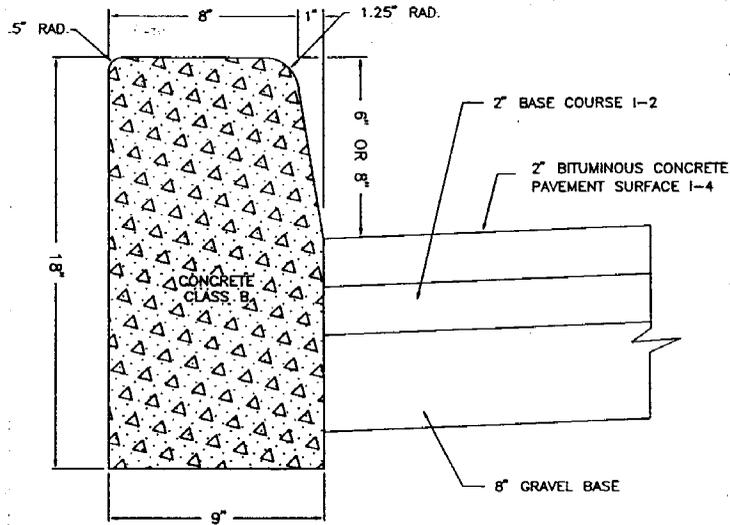
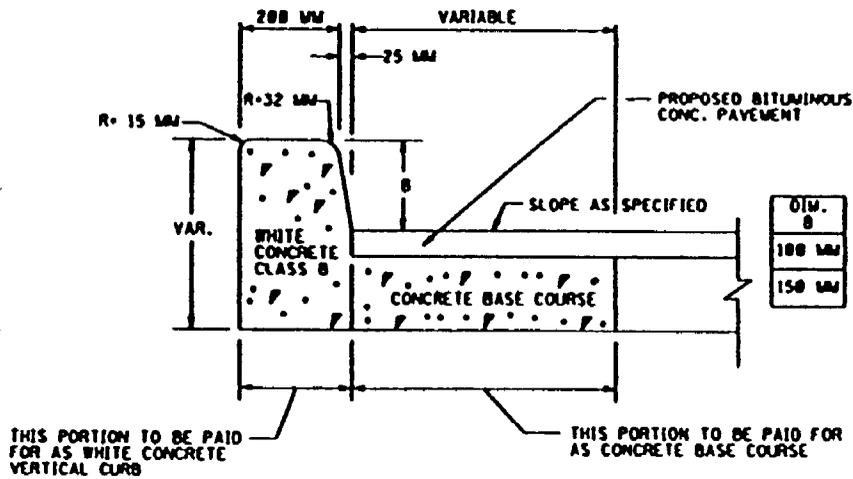


DIAGRAM IV CURBS AND GUTTERS



WHITE CONCRETE VERTICAL CURB MONOLITHIC WITH CONCRETE BASE COURSE

NOTES:

EXPANSION JOINTS 13 MM WIDE IN THE CURB, AND EXPANSION JOINTS TYPE A IN THE MONOLITHIC PAVEMENT STRIP SHALL BE DIRECTLY OPPOSITE EVERY TRANSVERSE JOINT IN THE CENTRAL PAVEMENT STRIPS.

JOINT MATERIAL IN THE CURB SHALL BE AS SPECIFIED FOR WHITE CONCRETE VERTICAL CURB. THE TRANSVERSE EXPANSION JOINT MATERIAL SHALL NOT EXTEND THRU THE CURB.

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CO-605-1.4

NOTE: Disagreements regarding design and construction of roadways shall be referred to the New Jersey Department of Transportation Design Manual and recommended designs from that manual shall be utilized.