

Chapter 97

SITE PLAN REVIEW

GENERAL REFERENCES

Land use procedures — See Ch. 25.

Subdivision of land — See Ch. 104.

Flood damage prevention — See Ch. 64.

Stormwater management — See Ch. 121.

Recycling — See Ch. 94.

Zoning — See Ch. 123.

§ 97-1. Short title.

This chapter shall be known as and may be cited as the "Site Plan Review Ordinance of the Borough of Branchville."

§ 97-2. Definitions.

As used in this chapter, the following terms shall have the following meanings, unless the context clearly indicates a different meaning:

APPLICANT — A developer submitting an application for site plan review.

FINAL SITE PLAN APPROVAL — The approval required prior to issuance of a building permit or other permit authorizing the development of land.

MAJOR DEVELOPMENT — Any development that provides for ultimately disturbing one or more acres of land. Disturbance for the purpose of this rule is the placement of impervious surface or exposure and/or movement of soil or bedrock or the clearing, cutting, or removing of vegetation. **[Added 3-15-2006 by Ord. No. 3-2006]**

MINOR SITE PLAN **[Added 5-21-1997 by Ord. No. 3-97]:** —

- A. A development plan of one or more lots, determined by the Planning Board to be minor in scope, and which does not involve:
- (1) A planned development, when permitted.
 - (2) Any new street.
 - (3) An installation or extension of any off-tract improvement which is to be prorated pursuant to N.J.S.A. 40:55D-42.
 - (4) Industrial uses.
 - (5) Soil removal uses.
 - (6) Garden apartments.
 - (7) Residential uses of more than three units.
 - (8) Service stations and public garages.

- (9) Cemeteries.
- (10) Mortuaries.
- (11) Public utilities.
- (12) Tourist homes.
- (13) Wholesale establishments.
- (14) Car washes.
- (15) Mental health and drug treatment facilities.
- (16) Juvenile and criminal supervision and correction facilities.
- (17) A plan with 10 or more off-street parking spaces, unless the structures, including the parking lot, are preexisting and the Planning Board specifically classifies the application as a minor site plan.
- (18) Community residences for the development of the mentally disabled, shelters for victims of domestic violence, group homes, family day-care homes and child-care centers, as defined in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.
- (19) Townhouses.
- (20) Auto repair shops.
- (21) Restaurants, where there is no existing sewage treatment plant serving the proposed use.
- (22) Lumberyards.
- (23) New and used car sales.
- (24) Supermarkets.
- (25) Indoor theaters.
- (26) Motels.

B. The within definition is adopted pursuant to the provisions of N.J.S.A. 40:55D-5 and N.J.S.A. 40:55D-46.1.

MUNICIPAL AGENCY — The Planning Board or Zoning Board of Adjustment, as the case may be, and is synonymous with "reviewing agency" or "reviewing board."

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

ON-TRACT — Located on the property which is the subject of a development application or on a contiguous portion of a street or right-of-way.

PERFORMANCE GUARANTY — Any security which may be accepted by a municipality, including cash; provided that a municipality shall not require more than 10% of the total performance guaranty in cash.

PRELIMINARY SITE PLAN APPROVAL — Indicates that the preliminary site plan as submitted meets all requirements of applicable municipal ordinances and confers upon the applicant all of the benefits provided for in N.J.S.A. 40:55D-49.

PUBLIC DRAINAGEWAY — The land reserved or dedicated for the installation of stormwater sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water to safeguard the public against flood damage, sedimentation and erosion.

SITE PLAN — A development plan of one or more lots on which is shown the items required by virtue of the provisions of § 97-9 of this chapter as a condition for the issuance of a permit for development.

SITE PLAN APPLICATION — An application to the reviewing agency requesting site plan review and approval accompanied by all of the information required by this chapter.

§ 97-3. When review required. [Amended 7-16-1980 by Ord. No. 4-80]

Prior to the issuance of a permit for any development other than for detached one- or two-dwelling-unit buildings and as a condition for the issuance of any such permit for development, a site plan shall be submitted to the Planning Board for its review and approval, except that the resolution of the Board of Adjustment shall substitute for that of the Planning Board whenever the Board of Adjustment has jurisdiction over a site plan pursuant to N.J.S.A. 40:55D-76(b). This requirement shall be applicable to any permit required for any new structure or for any addition to or alteration of an existing structure or of parking facilities related to any structure; to any change in use of a structure other than those hereinabove exempted; or to removal of vegetation or disturbance of soil in an area of over 5,000 square feet. At the request of the developer, the Planning Board shall grant an informal review of a concept plan. There shall be no fee for said review, and neither the developer nor the Planning Board shall be bound by the review.

§ 97-4. Preliminary site plan.

- A. The preliminary site plan and any engineering and architectural documents required shall be in tentative form for discussion purposes for preliminary approval. If the submission of the developer is found to be incomplete, the developer shall be notified in writing of the deficiencies by the Board or the Board's designee within 45 days of the submission of the application or it shall be deemed to be properly submitted. **[Amended 7-16-1980 by Ord. No. 4-80]**
- B. Time for decision.

- (1) Upon the submission to the Clerk of the respective Board of a complete application for a preliminary site plan for 10 acres of land or less and 10 dwelling units or less, the municipal agency shall grant or deny preliminary approval within 45 days of the date of such submission or within such further time as may be consented to by the applicant. **[Amended 7-16-1980 by Ord. No. 4-80]**
- (2) Upon the submission of a complete application for a preliminary site plan for more than 10 acres or more than 10 dwelling units, the municipal agency shall grant or deny preliminary approval within 95 days of the date of such submission or within such further time as may be consented to by the applicant. Otherwise, the municipal agency shall be deemed to have granted preliminary approval of the site plan. **[Amended 7-16-1980 by Ord. No. 4-80]**

C. Decision.

- (1) The municipal agency shall, if the proposed development complies with the requirements of this chapter, grant preliminary site plan approval.
- (2) The decision of the municipal agency shall be reduced to writing in accordance with the applicable provisions of Article III of the Land Use Procedures Ordinance of the Borough of Branchville.¹ **[Amended 7-16-1980 by Ord. No. 4-80]**
- (3) The municipal agency, when acting upon applications for preliminary site plan approval, shall have the power to grant such exceptions from the requirements for site plan approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and approval in this chapter if the literal enforcement of one or more provisions of the chapter is impractical or will exact undue hardship because of peculiar conditions pertaining to the land in question or relating to the proposed use. In any such case, the municipal agency shall, in its resolution, set forth its findings of fact and conclusions of law.
- (4) If the municipal agency acts favorably on the preliminary site plan, the Chairman and Secretary shall affix their signatures to the site plan.

§ 97-5. Effect of preliminary approval.

- A. Preliminary approval of a site plan shall confer upon the applicant the following rights for a three-year period from the date of preliminary approval:
- (1) That the general terms and conditions on which preliminary approval was granted shall not be changed except as otherwise permitted by N.J.S.A. 40:55D-49(a).

1. Editor's Note: See Ch. 25, Land Use Procedures, Art. III.

- (2) That the applicant may submit for final approval on or before the expiration date of preliminary approval the whole or a section or sections of the preliminary site plan.
 - (3) That the municipal agency may grant extensions of such preliminary approval for additional periods of at least one year but not to exceed a total extension of two years, provided that if the design standards have been revised by ordinance, such revised standards shall govern.
- B. The municipal agency may grant all of the above rights for a period of time longer than three years for a site plan with an area of 50 acres or more. Such length of time shall take into consideration the number of dwelling units, the economic conditions and the comprehensive development, among others. The municipal agency may grant an extension of preliminary approval for such additional periods of time as shall be determined by the municipal agency and for the same reasons as stated above.

§ 97-6. Filing of approved preliminary site plan.

The Secretary of the municipal agency approving a preliminary site plan shall certify two full sets, on each page, with an appropriate stamp showing date of approval, file number, Chairman's signature and Secretary's signature. One set shall be given to the applicant and one set shall be retained in the official files of the municipal agency.

§ 97-7. Submission requirements for preliminary plan.

An application for site plan review shall be submitted on forms supplied by the Clerk of the respective municipal agency for such purpose and shall be submitted in accordance with the requirements of the Land Use Procedures Ordinance of the Borough of Branchville.² An application for site plan review shall be made in conjunction with an application for a use variance and shall be filed simultaneously with the application to the Zoning Board of Adjustment.

§ 97-7.1. Submission requirements for minor site plans. [Added 5-21-1997 by Ord. No. 3-97]

An application for minor site plan approval shall be submitted on forms supplied by the Secretary of the Planning/Zoning Board of Adjustment. A complete application for a minor site plan shall contain the items set forth in the checklist adopted as part of the Land Use Procedures Ordinance of the Borough of Branchville. See § 25-26.

§ 97-8. Design standards and required improvements.

Each site plan shall provide for the following:

2. Editor's Note: See Ch. 25. Land Use Procedures.

- A. The layout of the land development shall be consistent with the Municipal Zoning Ordinance³ except in those cases where application is being made to the Zoning Board of Adjustment for a variance from the terms and provisions of said Zoning Ordinance.
- B. Safe and efficient vehicular and pedestrian circulation.
- C. Off-street parking and loading.
- D. Adequate screening and landscaping and appropriate location of structures.
- E. Exterior lighting for safety reasons in addition to adequate streetlighting.
- F. Streets within the land development shall be of sufficient width and suitable grade and suitably located to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings and shall be coordinated so as to compose a convenient system.
- G. Adequate water supply, drainage, shade trees, sewerage facilities and other utilities necessary for essential service to residents and occupants.
- H. Any area reserved for public use shall be of suitable size, shape and location to serve its intended purposes.
- I. No development shall take place in a delineated floodway area, and such development shall be permitted in a delineated flood-fringe area only where it is determined by the Municipal Engineer that the first-floor elevation will be above the flood level and that construction and landfilling will not significantly increase flooding in other areas.
- J. Adequate protection and conservation of soils through the submission of an erosion and sedimentation control plan approved by the appropriate authority for all site plans that will result in disturbance of 5,000 square feet of land or more.
- K. Standards for the grading, improvement and construction of streets or driveways and for any required walkways, curbs, gutters, streetlights, fire hydrants and water, drainage, sewerage facilities and other improvements found necessary shall be as provided to the developer by the Municipal Engineer. Where certain utilities to be installed are under other governmental authority or jurisdictions, the standards shall be provided by those jurisdictions and shall be adhered to by the developer. A letter approving the proposed installations and a statement as to who will carry out the construction shall be required.
- L. Any off-tract water, sewer, drainage or street improvements required as a result of land development shall be paid for by the developer on a pro

3. Editor's Note: See Ch. 123, Zoning.

rata basis as determined by the municipal agency. Said costs shall be determined by proportioning said benefit to the site in relation to the benefit of the entire area being served, as specified in the standards set forth in the Land Subdivision Ordinance.⁴

- M. All taxes and assessments against the site shall be paid prior to any preliminary approval.
- N. Recycling. All site plans shall be prepared to include an area for the storage and pickup of recyclable materials. All site plans for the construction of 25 or more units of multifamily residential housing and any commercial or industrial development proposal for the utilization of 1,000 square feet or more of land shall include separate specific facilities for the separation, collection and pickup of recyclable materials on or within the site. The provisions of the Branchville Borough Recycling Ordinance⁵ shall be complied with. **[Added 12-7-1988 by Ord. No. 9-88]**
- O. Compliance with the State Highway Access Management Code. Land adjacent to state highways shall be developed in conformity with the State Highway Access Management Code adopted by the Commissioner of Transportation, N.J.A.C. 16:47-1 et seq.; lands adjacent to County roads shall be developed in accordance with the County Access Management Code adopted pursuant to N.J.S.A. 27:16-1; and land abutting Borough roads shall comply with the requirements relating to access contained in Chapter 101 of the Branchville Borough Code. **[Added 12-2-1998 by Ord. No. 5-98]**
- P. Projects that meet the definition of "major development" as defined in Chapter 121, Stormwater Management, shall comply with all standards set forth in Chapter 121, Stormwater Management. **[Added 3-15-2006 by Ord. No. 3-2006]**
- Q. Hours of operation. The Branchville Borough Planning/Zoning Board of Adjustment shall have the power to regulate the hours of operation of a business, commercial, manufacturing or industrial use in order to promote and protect the public health, safety and welfare of the people and to protect against hazards and unreasonable use of property and to protect neighboring properties when reviewing any land use application for development. **[Added 9-3-2016 by Ord. No. 09-2016]**

§ 97-9. Preliminary site plan details.

- A. Site plan details are primarily for the use of the municipal agency to establish criteria required to make decisions and recommendations.
- B. The following documents and details shall be provided for a preliminary site plan review. In some circumstances, additional information beyond

4. Editor's Note: See Ch. 104, Subdivision of Land.

5. Editor's Note: See Ch. 94, Recycling.

these may be required of the applicant. If so, these should be carefully indicated by the municipal agency as early in the proceedings as possible for the orderly presentation of the application or approval. Surveys, the general plan, grading and utility plans, landscaping plans, architectural plans and elevations may be indicated on separate drawings and documents.

- (1) Title, key map location of development and the name and address of record owner and/or development applicant and of site planner preparing the site development plan.
- (2) Proposed use or uses of the land and buildings.
- (3) Site plans should be presented at a scale no smaller than one inch equals 100 feet nor larger than one inch equals 20 feet; size of sheets should not exceed 36 inches by 24 inches.
- (4) Scale and graphic scale.
- (5) North arrow, in same direction on all sheets.
- (6) Survey data of the property, prepared, certified and sealed by a licensed land surveyor of New Jersey, including boundaries of the property, proposed monuments, line of all existing streets and roads, easements, rights-of-way and areas dedicated to public use within 200 feet of the property.
- (7) Existing and proposed buildings, with dimensions, showing, with first-floor elevation, present and finished grade elevations at all corners and entrances. Present buildings and structures to be removed are to be indicated.
- (8) Topographic map delineating existing contours at two-foot intervals up to 30 feet beyond property lines, as well as proposed grading and contours, wooded areas, trees (where six inches or greater in diameter), floodplains, ponds, streams and drainage ditches, etc.
- (9) Location of all existing and proposed structures, i.e., walls, fences, culverts, bridges, roadways, etc., with grade elevations for each structure.
- (10) Existing zones of the development site and of any different zones within 200 feet of the property.
- (11) Distance of the property line to the nearest intersection, measured along the center line of existing streets abutting the property.
- (12) Boundaries of the property, building and setback lines, lines of existing streets, lots, reservations, easements and areas dedicated to public use.

- (13) Locations and details of all utility structures and lines, existing and proposed stormwater drainage on-site and on-tract and from buildings and structures, as well as telephone, power and light, water, hydrant locations, sewer, gas, etc., whether privately or publicly owned, with manholes, inlets, pipe sizes, grades, inverts and directions of flow.
- (14) Location, size and nature of the entire lot or lots in question and of contiguous lots owned by the applicant or owner of record or in which the applicant has a direct interest even though only a portion of the entire property is involved in site plan development. Provide on a key map, if necessary.
- (15) All proposed easements and public and community areas.
- (16) All means of vehicular ingress and egress to and from the site onto public streets, showing the size and location of driveways, curb cuts and curbing, sight lines and radii.
- (17) Location and design of off-street parking areas, showing their size and the location of internal circulation, traffic patterns, parking space, aisles, curbing, drainage and pavement construction, etc., all of which shall conform to the requirements of § 97-15 or as recommended by the Borough Engineer.
- (18) Location, arrangement and dimensions of truck loading and unloading platforms and docks.
- (19) Provisions for refuse and garbage disposal, ensuring that areas are not exposed to view, are unpolluting, are covered from weather and are secure from vandalism.
- (20) Provisions for screening storage of equipment, attached to or separate from buildings.
- (21) All existing or proposed exterior lighting, freestanding and/or on building, indicating size, nature of construction, heights, area and direction of illumination, footcandles produced, as well as time controls proposed for outdoor lighting and display.
- (22) All existing and proposed signs and their sizes, nature of construction and location, height and orientation, including all identification signs, traffic directional signs and arrows, freestanding and facade signs and time control for sign lighting, if any.
- (23) Locations, dimensions and construction of off-site sidewalks, on-site exits, walks and sidewalks. Provision should be made for pedestrian safety.
- (24) Proposed screening, green areas, landscaping and fencing. Landscaping shall be shown, including size, type and number of plants. A planting schedule with planting details shall be included.

- (25) Improvements to adjoining streets and roads, and traffic control devices necessary in streets or highways. Acceleration and deceleration lanes, paving, land dedication or acquisition for roads should be shown.
- (26) Copies of any covenants and deed restrictions intended to cover any of the development site.
- (27) Elevations, sketches, renderings or pictures of any new buildings or structures.
- (28) Preliminary architectural floor plans and elevations, with the name, address, professional number and seal of the architect.
- (29) Appropriate places for signatures and date of approval of the Chairman and Secretary of the municipal agency and the Municipal Engineer.
- (30) In fire prevention, consideration must be shown for service lines, hydrants, siamese connections, automatic sprinkler systems, fire zones, no-parking fire zones and pavement and wall signs.
- (31) Dimensions of all of the above on the site plan so that scaling will not be necessary.
- (32) Recycling. All site plans shall be prepared to include an area for the storage and pickup of recyclable materials. All site plans for the construction of 25 or more units of multifamily residential housing and any commercial or industrial development proposal for the utilization of 1,000 square feet or more of land shall include separate specific facilities for the separation, collection and pickup of recyclable materials on or within the site. The provisions of the Branchville Borough Recycling Ordinance⁶ shall be complied with. **[Added 12-7-1988 by Ord. No. 9-88]**
- (33) A site development stormwater plan meeting all the standards set forth in Chapter 121, Stormwater Management, shall be submitted for all projects that meet the definition of "major development" as defined by Chapter 121, Stormwater Management. **[Added 3-15-2006 by Ord. No. 3-2006]**

§ 97-10. Environmental impact statement.

In order that the municipal agency may assess the impact of a proposed development upon the natural environment, particularly with respect to potable water, pollution of all kinds, flooding and waste disposal, the application for site plan review shall be accompanied by an environmental impact statement, which shall contain information and analysis covering the items hereinafter set forth. The municipal agency, as part of its plan review procedures, shall take into consideration the effect of the applicant's

6. Editor's Note: See Ch. 94, Recycling.

proposal upon all aspects of the environment, including but not limited to sewage disposal, water quality, water supply, soil erosion, preservation of trees and vegetation, protection of watercourses, protection of air resources and protection of aquifers and the presence of any nuisance factors. The municipal agency shall not approve any submission hereunder unless it determines and finds that the proposed development will not result in appreciable harmful effects to the natural environment, has been designed and conceived with a view toward the protection of natural resources and will not place a disproportionate or excessive demand upon the total resources available for such proposal and for any future proposals. The municipal agency may, upon application and for good cause, waive the requirement for an environmental impact statement or for any of the specific requirements relating thereto as set forth in this section, except Subsection D, Drainage, which must be complied with at all times. The environmental impact statement shall cover the following:

- A. Description of development. The contours, buildings, roads, paved areas, proposed grading or regrading, existence of natural streams and the relationship of the premises to surrounding properties and existing utility lines shall be described.
- B. Sewerage facilities. It must be shown either that there will be no sewage runoff from the site of the proposed development or that sewage can be disposed of through facilities adequate to preclude water pollution.
 - (1) Compliance with state and Municipal Board of Health regulations.
 - (2) If disposal is on-site, data on underlying geology, soils analysis, percolation tests, topography, location of aquifers, depth and capacity of all wells within 500 feet of site and any other pertinent data.
- C. Water supply. It must be shown that an adequate potable water supply is available and not threatened by nearby use of other land.
 - (1) Compliance with state and local regulations.
 - (2) If supply is from public facilities off-site:
 - (a) Amount of diversion granted by the Division of Water Resources (maximum gallons of water pumped during any month).
 - (b) Present diversion (maximum gallons of water pumped during the past 24 months).
 - (c) Diversions expected from other approved subdivisions which are dependent upon the present diversion granted by the Division of Water Resources.
 - (3) If supply is from on-site sources:

- (a) Realty improvements (less than 50 dwelling units).
 - [1] Location and depth of all private and public water supplies within 500 feet of the realty improvement; location, depth and adequacy of proposed private or public water supplies to serve the proposed realty improvement.
 - [2] Geologic description of subsurface conditions, including expected groundwater yields, using published geologic reports or report by a geologist.
 - (b) Realty improvement (more than 50 dwelling units). No preliminary subdivision approval until the Division of Water Resources has determined that the proposed water supply and sewage disposal facilities are adequate.
- D. Drainage. It must be shown that stormwater runoff from the site is so controlled that on- and off-site erosion is neither caused nor worsened and that potential of downstream flooding is not increased.
- (1) Volume of stormwater runoff now existing from site and volume to be generated by new improvements.
 - (2) Data on landscaping, vegetation map, tree and ground cover existing on site compared with that proposed.
 - (3) Changes of runoff to be caused by change of such landscape and all roofs and paved surfaces.
 - (4) Plans for disposition of stormwater, whether by retention on site or by means of channeling so as to protect downstream property.
 - (5) Stream encroachments. In case of streams having a drainage area exceeding 1/2 square mile, an encroachment permit is required from the Division of Water Resources for fill or diversion of a water channel, alteration of a stream, repair or construction of a bridge, culvert, reservoir, dam, wall, pipeline or cable crossing.
 - (6) Floodplains. Description of potential flood damages, including a summary of flood stages from state and federal sources.
 - (7) Submission of a soil erosion and sediment control plan in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey as promulgated by the State Soil Conservation Committee.
 - (8) Drainage structure details must be shown on all plans.
 - (9) Projects that meet the definition of "major development" as defined in Chapter 121, Stormwater Management, shall comply with all standards set forth in Chapter 121, Stormwater Management.
[Added 3-15-2006 by Ord. No. 3-2006]

- E. Solid waste disposal. A plan for storage and disposal of solid wastes shall be submitted.
- F. Air pollution. It must be shown that no visible smoke or deleterious chemical changes are produced in the atmosphere by heating or incinerating devices nor by any processing of materials.
- G. Critical impact areas plans should include any area, condition or feature which is environmentally sensitive or which, if disturbed during construction, would adversely affect the environment.
 - (1) Critical impact areas include but are not limited to stream corridors, streams, wetlands, estuaries, slopes greater than 25%, highly acid or highly erodible soils, areas of high water table, mature stands of native vegetation and aquifer recharge and discharge areas.
 - (2) A statement of impact upon critical areas and of adverse impacts which cannot be avoided.
 - (3) Environmental protective measures, procedures and schedules to minimize damage to critical impact areas.
 - (4) A list of all licenses, permits and other approvals required by municipal, county or state law and the status of each.
 - (5) A listing of all adverse environmental impacts (especially irreversible damage) that cannot be avoided.
 - (6) An assessment of the environmental impact of the project.
 - (7) A listing of steps proposed to minimize environmental damage to the site and region during construction and operation.

§ 97-11. Submission of final site plan.

- A. Procedure.
 - (1) A final site plan and supporting drawings and documentation constitute the complete development of the site plan proposal and become the basis for the construction of the plan and inspection by the Borough.
 - (2) The final site plan shall be submitted in accordance with the requirements of the Land Use Procedures Ordinance of the Borough of Branchville.⁷
 - (3) The site plan and any engineering or architectural documents required shall be in final form and accurate for final approval and construction.

7. Editor's Note: See Ch. 25. Land Use Procedures, Art. III.

- (4) The developer may at his option submit a final site plan in stages, to include only a portion of the original preliminary site plan. Approval of the final site plan for a section shall not extend the time limit of preliminary approval for the remaining sections.
- B. The municipal agency shall ensure that any improvements required for the site plan as a whole which might have an adverse effect on an approved section if the remaining sections were not completed shall be installed as a condition of approval for any section. This shall include but not be limited to open space, recreation, soil and erosion control, drainage structures and similar improvements.

§ 97-12. Time for decision.

- A. The municipal agency shall grant final approval of the detailed drawings, specifications and estimates if the application for final approval conforms to the standards established by this chapter for final approval and the conditions of preliminary approval.
- B. Final approval shall be granted or denied within 45 days after submission of a complete application to the Clerk of the respective Board or within such further time as may be consented to by the applicant. A certificate of the failure of the municipal agency 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.

§ 97-13. Effect of final approval.

- A. Final approval of a site plan shall confer upon the applicant the following rights for a two-year period after the date of final approval:
 - (1) That the zoning requirements applicable to the preliminary approval first granted are complied with.
 - (2) That all other rights conferred upon the developer pursuant to preliminary approval, whether conditional or otherwise, shall not be changed.
- B. The municipal agency may extend such period of protections for good cause by extensions of one year but not to exceed three extensions.
- C. Notwithstanding any other provisions of this chapter, the granting of final approval terminates the time period of preliminary approval for the section granted final approval.

§ 97-14. Final site plan details.

- A. Final site plan details are primarily a refinement of the preliminary details by providing final engineering and architectural information which will be classified as site plan construction details.

B. Whereas preliminary site plan data may have been tentative, the final data shall be accurate. The following data shall be provided on the final site plan:

- (1) All the data required on the preliminary site plan with complete accuracy.
- (2) If any changes from the preliminary site plan have been made, an approved preliminary site plan shall be submitted showing those changes marked in red.

§ 97-15. Standards for improvements.

Standards pertaining to site plan improvements for roads, storm drainage, curbs, off-street parking, etc., shall be as required below:

A. Minor street, cul-de-sac or off-street parking area and aisles.

Aspect of Construction	Width, Slope or Other Requirement
Right-of-way width	50 feet
Pavement width	26 feet
Riding lane width	13 feet
Slope of pavement	2% from center line
Curbing (see Subsection C)	9-x-20-inch concrete curb or granite block curb on grades of 6% or more
Pavement	1 1/2 inches FABC-1
Base course	3-inch bituminous stabilized base
Subbase	4-inch gravel subbase, Type 2, Class A or B
Earth berm width	5 feet
Earth berm slope	2% toward curb
Cut slope in earth	2:1
Cut slope in rock	1:4
Fill slope 0-5 feet	4:1
Fill slope 5 feet and over	2:1
Topsoiling depth on berms and earth slopes	4 inches
Seeding type on slopes under 5 feet	Type A
Seeding type on slopes over 5 feet	Type E
Design speed	30 miles per hour
Maximum grade/minimum grade	12%/0.5%

B. Storm drainage.

- (1) A preliminary grading and drainage system plan, drainage calculations and drainage structure details shall be part of the preliminary site plan. The drainage improvements shall provide for an adequate system of drainage structures to carry off and store or discharge the stormwater runoff and natural drainage water which originates not only within the property boundaries. The storm frequency period shall be determined by the Borough Engineer.
- (2) Drainage structures which are located on state or County highway rights-of-way shall be approved by the State or County Highway Engineer's office, and a letter from that office indicating such approval shall be directed to the Chairman of the Board and shall be received prior to the final plat approval.
- (3) The public improvement and utility plans and profiles shall show the final drainage plan and street profiles. They shall be prepared and submitted with the final plat after the approval of the preliminary plat and drainage plan.
- (4) No stormwater runoff or natural drainage water shall be so diverted as to overload existing drainage systems or create flooding or the need for additional drainage structures on other private properties or public lands without proper and approved provisions being made for taking care of these conditions.
- (5) Storm sewers and culverts shall consist of sections of reinforced concrete pipe or bituminous-coated corrugated metal pipe. The minimum pipe size shall be fifteen-inch diameter. All pipe shall comply with the requirements of the New Jersey State Department of Transportation Standard Specifications for Road and Bridge Construction. Maximum distance between inlets shall be 400 feet.
- (6) Projects that meet the definition of "major development" as defined in Chapter 121, Stormwater Management, shall comply with all standards set forth in Chapter 121, Stormwater Management.
[Added 3-15-2006 by Ord. No. 3-2006]

C. Curbs, gutters and catch basins.

- (1) Curbs, gutters and catch basins shall be adequate to handle the maximum water runoff from tributary lands.
- (2) Concrete curbs and gutters shall be constructed in accordance with New Jersey State Highway Specifications for Curbs and Gutters, as amended or as modified by the Borough engineering standards.
- (3) The concrete to be used for curbs and gutters shall be Class B concrete as specified in the New Jersey State Highway Specifications for Curbs and Gutters.

- (4) The curb shall be laid in a workmanlike manner as directed by the Borough Engineer.
- (5) The curb at all delivery openings shall be depressed at the front of the curb to a point 1 1/2 inches above the finished pavement.
- (6) The rear top corner of this curb shall have a radius of 1/4 inch and the front top corner shall have a radius of 1 1/2 inches. The depth of the curb shall be 20 inches. The width of the curb shall be nine inches at the bottom and eight inches at the top.
- (7) Curb openings shall be in such width as shall be determined by the Borough Engineer.
- (8) Inlet structures and manholes shall conform to the County of Sussex design standards and shall be constructed in accordance with the latest edition of the New Jersey State Department of Transportation Standard Specifications for Road and Bridge Construction and amendments thereto.

D. Public utilities.

- (1) Easements shall be at least 15 feet wide and located in consultation with the companies and municipal departments concerned.
- (2) All public water, fire hydrant, storm sewer and sanitary sewer mains shall be converted to an approved system where one exists and installed in accordance with the specifications of the governmental authority or utility company which has jurisdiction in the area.
- (3) A letter approving such a proposed installation and containing a statement as to who will carry out the construction, signed by a responsible official of the utility company or governmental authority or district which has jurisdiction in the area, shall be directed to the Chairman of the Planning Board and shall be received prior to the final plat approval.

E. Sidewalks. Concrete sidewalks shall be at least four feet wide and shall be constructed in accordance with the New Jersey State Highway Department Standard Specifications for Road and Bridge Construction. Sidewalks shall be located within the street right-of-way or within sidewalk easements.

F. Off-street parking requirements.

- (1) The following off-street parking shall be provided for various uses:

Commercial

Retail commercial offices, banks and medical offices	1 space per 200 square feet of leasable area
Hotels and motels	1 space per sleeping room

Funeral homes	10 spaces per slumber room
Restaurants	1 space for each 3 seats or 1 space for each 50 square feet of eating area, whichever is greater
Highway commercial and wholesale stores	1 space per 300 square feet of leasable area

Industrial

Warehouses, light industrial	1 space per employee or 1 per 1,500 square feet
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Institutional

Churches, auditoriums, theaters, assembly halls	1 space per 3 seats
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- (2) Each such parking space shall have an area of not less than 180 square feet exclusive of access drives or aisles, shall be a minimum of nine feet in measured perpendicular to the axis of the length width and shall have adequate provision for ingress and egress.
- (3) Any building containing more than one use shall meet the combined parking space requirements for all uses in the building. Any change in use within a building shall be required to meet the minimum parking requirements for the new use.
- (4) Where appropriate, because of defined use schedule separation, parking requirements may be shared, in full or part, if specifically approved by the Planning Board.
- (5) If it can be clearly demonstrated that because of the peculiar nature of any use all of the required parking is not necessary, the Planning Board may permit a reduction in the amount of parking area to be paved; provided, however, that the entire required parking area shall be shown on the site plan so that it will be available in the event future conditions should so require.
- (6) All parking and loading areas shall be graded and equipped with adequate drainage facilities as approved by the Borough Engineer.
- (7) All parking and loading spaces shall be appropriately marked with painted lines.
- (8) Any lighting in connection with off-street parking shall be so arranged and shielded as to reflect the light downward away from adjoining streets or properties.
- (9) All parking areas shall provide for adequate ingress and egress and safe, convenient traffic circulation and the following minimum standards:
 - (a) Any off-street parking area with 40 or less parking spaces and not exceeding 200 feet in length from the remotest point to the

point of access to a public cartway and which has at least one hammerhead turnaround at or near the remotest point may have one means of ingress-egress.

- (b) All other conditions shall require as a minimum at least two separate means of ingress-egress, with one-way circulation loops preferred.
- (10) Off-street parking areas shall be used solely for the parking of passenger automobiles, and no commercial repair work or service of any kind shall be conducted on the parking lot nor shall such lots be used for the parking of disabled, dismantled, unoperable or unregistered vehicles.
- (11) No signs other than "entrance," "exit" or conditions-of-use signs shall be maintained, such signs not to exceed one square foot for each face.
- (12) Parking areas shall be enclosed by concrete curbing six inches above the paved surface or other suitable car stop or bollard as approved by the Planning Board and, unless otherwise required by this chapter, located at least five feet from any property line or nearest structural wall of a building, except that in the commercial zones, parking areas may be constructed up to the property line which abuts a parking area on property in the commercial zones, and further provided that proper access and circulation between the two parking areas is provided.
- (13) All parking areas shall be designed with service aisles to meet the following standards:

Type of Parking	Width of Aisle
Parallel	12
30° angle	11
45° angle	13
60° angle	18
90° angle	24

- (14) All portions of the property not used for off-street parking shall be attractively landscaped with grass lawns, trees and shrubs as approved by the Planning Board.

G. Off-street loading spaces.

- (1) In all zones, for every building or use requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided on the same property with such building or use off-street loading spaces in relation to floor area as follows:

Floor Area**(square feet)****Number of Spaces**

9,999 or less	1
10,000 to 19,999	2
20,000 to 49,999	3
50,000 to 100,000	4
Each additional 100,000 or part thereof	1

- (2) Each loading space shall be at least 12 feet in width, 30 feet in length and have a fourteen-foot clearance above grade; provided, however, that the Planning Board may require additional length of up to 55 feet depending on the length of vehicles using said space.
- (3) Such space shall be located in the side or rear yard only, but in no case in a side yard adjoining a street.

§ 97-16. Guaranties.

A. Prior to final site plan approval and as a condition thereof, the developer shall:

- (1) Furnish a performance guaranty in favor of the municipality in an amount not to exceed 120% of the cost of installation of improvements it may deem necessary or appropriate as shown on the final site plan and as authorized by N.J.S.A. 40:55D-53.
- (2) Provide for a maintenance guaranty to be posted with the governing body for a period not to exceed two years after final acceptance of the improvement, in an amount not to exceed 15% of the cost of the improvement.

In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guaranty to another governmental agency, no performance or maintenance guaranty, as the case may be, shall be required by the municipality for such utilities or improvements.

- B. The amount of any performance guaranty may be reduced by the governing body, by resolution, when portions of the improvements have been certified by the Municipal Engineer to have been completed. The time allowed for installation of the improvements for which the performance guaranty has been provided may be extended by said body by resolution.
- C. If the required improvements are not completed or corrected in accordance with the performance guaranty, the obligor and surety, if any, shall be liable thereon to the municipality for the reasonable cost of

the improvements not completed or corrected, and the municipality may, either prior to or after the receipt of the proceeds thereof, complete such improvements.

- D. When all of the required improvements have been completed, the obligor shall notify the governing body in writing, by certified mail addressed in care of the Municipal Clerk, of the completion of said improvements and shall send a copy thereof to the Municipal Engineer. Thereupon the Municipal Engineer shall inspect all of the improvements and shall file a detailed report, in writing, with the governing body, indicating either approval, partial approval or rejection of the improvements, with a statement of reasons for any rejection. If partial approval is indicated, the cost of the improvements rejected shall be set forth.
- E. The governing body shall either approve, partially approve or reject the improvements on the basis of the report of the Municipal Engineer and shall notify the obligor in writing, by certified mail, of the contents of said report and the action of said approving authority with relation thereto not later than 65 days after receipt of the notice from the obligor of the completion of the improvements. Where partial approval is granted, the obligor shall be released from all liability pursuant to its performance guaranty except for that portion adequately sufficient to secure provision of the improvements not yet approved. Failure of the governing body to send or provide such notification to the obligor within 65 days shall be deemed to constitute approval of the improvements, and the obligor and surety, if any, shall be released from all liability pursuant to such performance guaranty.
- F. If any portion of the required improvements is rejected, the approving authority may require the obligor to complete such improvements, and, upon completion, the same procedure of notification as set forth above in this section shall be followed.
- G. All improvements which will be subject to acceptance by the Borough Engineer per this section shall be subject to inspection by the Borough Engineer, who shall be notified by the subdivider at least 24 hours prior to the start of construction. No underground installation shall be covered until inspected and approved by the Borough Engineer. The obligor shall reimburse the municipality for all reasonable inspection fees paid to the Municipal Engineer for the foregoing inspection of improvements.

§ 97-17. Administration.

The regulations and standards set forth in this chapter are for the protection of the public health, safety and welfare of the citizens of this municipality. However, if an applicant can demonstrate that because of peculiar conditions relating to his application or to his land it would be unreasonable or impossible to enforce one or more of the regulations or requirements set forth herein or it would exact undue hardship upon said

applicant, the municipal agency may permit such relief as may be reasonable and within the general purpose and intent of the rules, regulations and standards herein established, in which event the municipal agency shall, in its resolution, set forth its findings of fact and legal conclusions supporting said action.

§ 97-18. Joint submission.

Nothing in this chapter precludes a developer from submitting his preliminary and final site plan as one submission, provided all requirements of the final site plan shall be adhered to.

§ 97-19. Deviation from final site plan.

The developer shall undertake construction in substantial conformance with the approved final site plan if caused by change of conditions beyond the control of the developer since the date of final approval and the deviation would not substantially alter the character of the development or substantially impair the intent and purpose of the Master Plan or Zoning Ordinance.⁸

§ 97-20. Filing of approved final site plan.

The Secretary of the municipal agency approving a final site plan shall certify three full sets, on each page, with an appropriate stamp showing date approved, file number, Chairman's signature and Secretary's signature. One set shall be given to the applicant, one to the Zoning Enforcement Officer for his use and one set shall be retained in the official files of the municipal agency.

§ 97-21. Fees. [Amended 11-18-1987 by Ord. No. 12-87]

The fees for site plan review are contained § 25-30 of the Branchville Borough Code, a section of the Land Use Procedures chapter.

§ 97-22. Revocation of approval.

Upon failure to comply with any of the conditions of site plan approval subsequent to the receipt of a building permit, zoning permit or certificate of occupancy, as the case may be, a written notice of revocation sent by certified mail by the Zoning Officer or Construction Official, as the case may be, shall specify the conditions of site plan approval which have been violated, and such revocation shall effectively terminate the validity of any building permit, zoning permit or certificate of occupancy theretofore issued.

8. Editor's Note: See Ch. 123, Zoning.

§ 97-23. Violations and penalties. [Amended 1-16-2008 by Ord. No. 01-2008]

Any person, firm or corporation violating any provision of this chapter shall, upon conviction thereof before a court of competent jurisdiction, be subject to the penalties provided by § 1-15 of this Code.

§ 97-24. Interpretation.

This chapter shall be construed in para materia with the Land Use Procedures Ordinance, the Land Subdivision Ordinance and the Zoning Ordinance of the Borough of Branchville,⁹ which ordinances together constitute the land use regulations of this municipality, and shall be liberally construed to effectuate the purposes thereof.

9. Editor's Note: See Ch. 25, Land Use Procedures; Ch. 104, Subdivision of Land; and Ch. 123, Zoning.